

**Submission prepared by Moldovan NGOs for child rights protection  
for Universal Periodic Review 12<sup>th</sup> session**

**Child Rights in Republic of Moldova: Key issues of concern**

This collection of materials has been produced in February-March 2011 by a coalition of Moldovan NGOs and independent experts for submission to the United Nations Office of the High Commissioner for Human Rights in the course of preparation of Universal Periodic Review of implementation of international obligations by the Republic of Moldova in the UN Human Rights Council. The coalition is represented by the Alliance of Active NGOs in Social Protection of the Child and Family (ASPCF); and Tatiana Jalba, Elena Prohnitchi, Veaceslav Luca and Sergiu Rusanovschi, as independent experts.

The ASPCF was constituted on the 5<sup>th</sup> of March 2002 and it is a forum of national and local NGOs in the Republic of Moldova. The ASPCF is not institutionalised and it works on voluntary principles. Currently the ASPCF has 115 members.<sup>1</sup> The ASPCF mission is to strengthen the capacities of its member NGOs in the development, promotion of social practices and policies focussed on child and family. This desideratum is the basis for cooperation between ASPCF and the national and international partners.

**Contents**

Executive Summary .....	1
Legal and institutional framework .....	2
Children left behind by migrating parents .....	3
Residential care system for children .....	3
Children with disabilities .....	5
Right to education .....	6
Trafficking in children .....	7
Violence against children.....	7
Child Labour .....	8
Justice for Children .....	9

**Executive Summary**

1. On the issues related to the child rights, the Republic of Moldova has made few steps to improve the situation since the last revision on the 50<sup>th</sup> session of the Committee on the Rights of the Child from 2009. However, the most urgent issues raised by the Committee were not implemented in the domestic legislation. Despite the numerous criticisms of international and local human rights organizations, violations of the rights of the child remain to be a problem in Moldova.
2. In the recent years, poverty, unemployment and low salaries on existing job places forced people abandon their children and leave to different countries to work mainly illegally. These children are placed in institutional care in Moldova and are not only exempted from family care, but also have no chance to receive adequate education, have low adaptability after leaving residential institutions, thus being highly exposed to the risk of trafficking.
3. The deinstitutionalization process is running very slowly with no efficient preventive measures implemented. The underdeveloped system of alternative services hampers the reintegration of children. The educational institutions are not prepared to ensuring the access of children with disabilities in mainstream educational system. The issue of domestic violence is very urgent in Moldova, especially due to the attitude towards the phenomenon and the low level of awareness. The most compelling example is the discrepancy between the number of reported cases by children or parents and the

---

<sup>1</sup> The list of ASPCF member NGOs can be downloaded on the web page: [http://aliantacf.md/fileuri/LISTA\\_MEMBRILOR.doc](http://aliantacf.md/fileuri/LISTA_MEMBRILOR.doc)

incidence rate of cases known by parents/children in their proximity. Services on recovery of children victims are insufficient, and there is lack of specific procedures on investigating the cases of abuse.

4. In the education area, the Government failed to fully respect its commitments on ensuring the general compulsory education for all children and on increasing the gross enrolment rate for general compulsory education. The enrolment rate has constantly decreased during the last years mostly in the rural areas with constantly increasing abandonment and absenteeism rates. There is no statistical data about the school drop-out rate and about the enrollment rate for the children with disabilities.
5. Economic exploitation, including child labor is used in agricultural and hazardous works on the whole territory of Moldova. Hard economic conditions force parents to send their underage children to work on rather heavy jobs, working as day laborers.
6. Excessive use of pre-trial detention, lengthy sentences, and lack of proper legal assistance are still common for the juvenile justice system in Moldova. Once a child is accused of a crime, there are no alternatives to formal court proceedings, and violence against children in conflict with the law has also been reported.

### **Legal and institutional framework**

7. In Moldova, major developments have taken place in terms of the child rights protection. A series of international documents, including the ones on child rights protection, have been signed and ratified, the national legislation being adjusted to great extent thereto later on. The legislative and institutional frame has been developed and improved through adequate reforms in protecting different categories of children.
8. In Moldovan law, provisions on the rights of children can be found in the Constitution,<sup>2</sup> the Law on Child Rights<sup>3</sup>, the Family Code<sup>4</sup> and other organic laws. Despite the constant improvement of the legal and normative framework, it is of grave concern that a big part of these documents (mainly the Action Plans) are not fully supported financially. Another tendency is delay in promoting the legal framework on applying the laws and strategies, though for their development considerable human and financial resources are invested.
9. Moldova became a Party to the Convention on the Rights of the Child (CRC) in 1993. Its initial report on the implementation of the CRC was submitted to the Committee on the Rights of the Child (“the Committee”) in 2001; a combined second and third report was submitted in 2007. In its Concluding observations on the reports of Moldova (2009), the Committee expressed regrets that some of its prior concerns and recommendations, including those relating to issues such as the allocation of resources, child labor and juvenile justice, have not been adequately addressed or implemented<sup>5</sup>, and reiterated its previous recommendation.
10. The current social protection system of children is still centralized. Notably, during 2007-2009, as part of central public administration reform, the Ministry of Labour, Social Protection and Family (MLSPF) was reorganized twice, this had a significant impact on its institutional and political capacity. As a result of the last reorganization, MLSPF received additional powers in the field of adoption, but so far no clear policy has been implemented with regard to transfer of powers for guardianship authority from the Ministry of Education, which were transferred at the rayon level (in 2008) to the departments of Social Assistance and Family.<sup>6</sup>

---

<sup>2</sup> Constitution of the Republic of Moldova, adopted on 29 July 1994. Article 50 contains some provisions on the rights of children.

<sup>3</sup> Law on Child Rights, No. 338-XIII of 15 December 1994.

<sup>4</sup> Family Code, No. 1316-XIV from 26 October 2000.

<sup>5</sup> Committee on the Rights of the Child, Consideration of reports submitted by States parties under Article 44 of the Convention, Concluding observations: Republic of Moldova, CRC/C/MDA/CO/3, 2009, paras. 7 and 8.

<sup>6</sup> Institute for Development and Social Initiatives “Viitorul”, Study on social protection and social inclusion in Moldova, Chisinau, 2009, [http://www.viitorul.org/public/2591/en/Moldova\\_social\\_study\\_final\\_14\\_10\\_09.pdf](http://www.viitorul.org/public/2591/en/Moldova_social_study_final_14_10_09.pdf), p.55, [accessed 12.03.2011]

11. In 1998, the National Council for Child Rights Protection (NCCRP) has been established as a coordination structure of the policy in the area of child and family protection. However, the lack of financial and human resources of the Permanent Secretariat of NCCRP hampered its functionality<sup>7</sup>, consequently NCCRP has lost its significance. Only with the support of the United Nations Children's Fund in Moldova, the Permanent Secretariat has revived its activity and organized several sessions of the NCCRP. At the local level (rayon and rural mayoralities), similar Councils have been created, but their efficiency is hampered by the lack of clear regulations stating the responsibilities and functions of these structures.
12. In 2008, the Ombudsman for children (the Child's Advocate) has been appointed and a specialized service for child rights protection has been created within the Human Rights Center. Despite that the Committee underlined in its last concluding observations that the State Party should take the necessary measures to ensure that the Child's Advocate has adequate human and financial resources to exercise his or her mandate effectively, no visible improvements exist at the moment.

### **Children left behind by migrating parents**

13. A significant evidence of policy gap is the lack of understanding toward the magnitude of the migration issue and the impact it can have on children's development. Once a year, the Ministry of Education uses the school system to register the number of children left behind; apart from this, there is no system for gathering data on the number of children left behind and on those who migrated abroad.<sup>8</sup>
14. The Law on Social Assistance makes local public authorities responsible for analyzing social problems and providing social assistance at the local level. It also provides that local public authorities can, independently or in partnership with civil society, develop institutions and specialized agencies of social assistance. However, although it does assign responsibilities, this Law does not provide sufficient financial resources to adequately address the problems identified.
15. The framework regulating Moldova's policies on social protection outlines different types of social services for disadvantaged persons and families. However, it remains undeveloped, non inclusive, and inconsistent and it is not well enforced. In fact, the category of children left behind by migrant parents is not clearly defined in this framework and falls implicitly under the general category of children in difficulty.

#### *Recommendations:*

- The Government, in the context of its bilateral relations with host countries, should seek agreements to facilitate the reunification of children with their migrant parents.
- The Government should create social rehabilitation and reintegration programs for parents returning from abroad in order to prevent repeated migration.
- The Ministry of Labor, Social Protection and Family should provide parents' education in the field of communication and children's development, which would allow them to prepare children for independent life and provide them the emotional support necessary for the duration of their absence.

### **Residential care system for children**

16. The practice of placing children in institutions remains common in the Republic of Moldova. Traditionally, children with disabilities are the group which is most frequently placed into residential institutions, but during the last years the number of children from socially disadvantaged families and of children left without parental care, following migration, has also increased. According to data

---

<sup>7</sup> In 2007 and 2008, due to political reshufflings, the National Council for Child Rights Protection did not meet, though a new structure of the Council was approved by a Governmental Decision in 2007.

<sup>8</sup> UNICEF Moldova, The impact of Migration on Children in Moldova, Chisinau, 2008, [http://www.unicef.org/siteguide/files/The\\_Impacts\\_of\\_Migration\\_on\\_Children\\_in\\_Moldova\(1\).pdf](http://www.unicef.org/siteguide/files/The_Impacts_of_Migration_on_Children_in_Moldova(1).pdf), p.3, [accessed 7.03.2011].

provided by UNICEF Moldova for 2007, only 3% out of the institutionalized children were orphans, while 83% were “temporarily” placed in the institutions and have biological parents or extended families.<sup>9</sup> The current organization of the residential institutions for children with special needs offers reduced opportunities for the rehabilitation, socialization and development of children.<sup>10</sup> The segregated educational system also causes social exclusion of children with special needs and the breaking up of the relations with their family.

17. The procedure for assessing the children’s needs is carried out in a superficial and biased manner, thus allowing the healthy children to enter the residential system. The evaluation is done by medical-psycho-pedagogical commissions, subordinated to the Ministry of Education, which decide on the placement of children in auxiliary schools. The medical-psycho-pedagogical commissions are usually incomplete, because of human resources constraints. The commission doesn’t make recommendations on development of an Individual Educational Plan because of a lack of modern evaluation tests, as well as short time allocated for evaluation of one child. On the other hand, the commissions’ goal is not oriented on evaluation of children’s needs and providing recommendations for inclusion in mainstream educational system, but on integrating the children with special needs in residential institutions, even though the Strategy on Residential Care System Reform was adopted in 2007.
18. The residential care system for children in Moldova consists of 58 institutions, most of which are auxiliary boarding schools intended for children with special educational needs (SEN). The institutions are subordinated to different ministries, and include around 8 000 children, according to the last data provided by the Ministry of Education.<sup>11</sup> The statistical data on the number of children placed in the residential care system are fragmented and contradictory, being gathered separately by the Ministry of Education, Ministry of Health, and MLSPF.
19. The reform of residential care system, launched by the Government in 2007 and to be implemented by 2012, moves slowly. In the period 2007 – 2011, 8 residential institutions were closed and one boarding school for orphan and without parental care children from Cahul district was reorganized in a Complex of social services for children and youth in difficulty “Impreuna” (Together). The alternative services for children are insufficiently developed, including only 80 parental assistants and 66 family type homes (340 children) nationwide. The other difficult moment in the process of deinstitutionalization is related to the fact that the educational institutions are not prepared for ensuring the access of children in mainstream educational system, mainly because of the lack of basic facilities, while the teachers are not trained, informed and prepared on the specific of work with children with special education needs. Consequently the teaching staff has a reluctant attitude toward integration/reintegration of children with SEN. A most serious barrier to the deinstitutionalization reform is the general unwillingness of the population, parents, pupils and civil servants from the District and Ministry levels, to accept the children with SEN in mainstream education, considering they have to be educated in special segregated institutions. The family-school-community partnership in facilitating the reintegration of children with special needs is limited and sporadic. The social workers involve insufficiently or do not get involved at all in the process of reintegration of children with special needs in the family and community.

#### *Recommendations:*

- The Government should develop a centralised mechanism for collecting and publishing the data on the number of institutionalized children.
- The Ministry of Education should revise the procedures and methodology of assessing the children with special needs.

---

<sup>9</sup> UNICEF Moldova, “Growing up in the Republic of Moldova”, Chisinau 2008, p.12, [http://www.unicef.org/moldova/ro/GrowingUp\\_UNICEF\\_engl.pdf](http://www.unicef.org/moldova/ro/GrowingUp_UNICEF_engl.pdf), [accessed 15.03.2011].

<sup>10</sup> Ministry of Education, UNICEF, Rapid assessment of residential care institutions for children from the Republic of Moldova. General report. Auxiliary boarding-schools for children with mental disabilities, Chisinau 2007, p. 55, [accessed 7.03.2011].

<sup>11</sup> This number was made public during a conference held on January 18, 2011 and organized by the Ministry of Education together with “Lumos” Foundation, available at <http://www.info-prim.md/?x=24&y=36107>, [accessed 15.03.2011].

- The Ministry of Education should change the approach of medical-psycho-pedagogical commission from medical to social one, and strengthen the capacity of medical-psycho-pedagogical commission for multifunctional evaluation of children with SEN, using licensed evaluation tests; to offer recommendations for organizing the process of inclusive education; adaptation of the curricula; for elaboration of Individual Educational Plan and monitoring of the process of implementing it.
- The Ministry of Education in partnership with state institutions responsible for initial and on-going trainings for teachers should develop training programs in inclusive education for school teaching staff;
- The Ministry of Labour, Social Protection and Family should develop mechanism of creating and providing alternative care services for children with special needs.

### **Children with disabilities**

20. In Republic of Moldova, as for 01.01.2011 there are registered 176,253 persons with disabilities, 8.6% of which are children with disabilities,<sup>12</sup> this being one of the most vulnerable groups in the country. The vulnerability of children with disabilities is caused by the fact that Moldova still does not have a unified policy for persons with disabilities. The existing measures for social services policy do not ensure that social services reach all children and families in need according to their place of residency: there are only 30 rehabilitation centres for children established in the country and seven districts where approximately 1,800 children with disability live do not have any service providers.<sup>13</sup>
21. The education of children with disabilities is generally carried out in segregated educational settings. The current physical condition of special institutions offers reduced opportunities for the rehabilitation, socialization and development of children with special needs.<sup>14</sup> The segregated educational system also causes social exclusion of children with special needs and the breaking up of the relations with their family. The access of these children to mainstream education is limited by lack of comprehensive policies on inclusive education and practical mechanisms for their integration in mainstream educational institutions. The mainstream schools are not ready to accept children with special educational needs yet, because: the schools lack basic facilities; the teachers are not familiar with the process of inclusive education and lack abilities to work with children with special educational needs. At the same time, the administrative and teaching staffs do not welcome the idea of integrating the children with disabilities in the mainstream education, invoking potential discrimination of these children by their peers.<sup>15</sup>
22. There is no statistical data about the school drop-out rate and about the enrolment rate for the children with disabilities.

#### *Recommendations:*

- The Parliament is urged to amend art. 50 and art. 51 of the Constitution by removing the term “handicapped children” and “handicapped persons” and replacing them with “children with disabilities” and “persons with disabilities” in order to comply with the language and philosophy of the UN Convention on the Rights of Persons with Disabilities;
- The National Bureau of Statistics should collect statistical data on the school drop-out rate and on the enrolment rate for the children with disabilities;
- The Ministry of Labour, Social Protection and Family should establish the mechanism of developing and providing social and rehabilitative services for children with disabilities throughout the country;
- The Ministry of Education should adopt the Concept of Inclusive Education.

<sup>12</sup>Ministry of Labor, Social Protection and Family, News section: <http://www.mpsfc.gov.md/md/news/1211/1/4297/>, [accessed 28.02.2011].

<sup>13</sup>Alfredas Zabietas, Assessment and Recommendations on Child Disability Prevention and Care System in Moldova, Chisinau, 2009, p. 22, [accessed 28.02. 2011].

<sup>14</sup>Ministry of Education, UNICEF, Rapid assessment of residential care institutions for children from the Republic of Moldova. General report. Auxiliary boarding-schools for children with mental disabilities, Chisinau 2007, p. 55, [accessed 7.03.2011].

<sup>15</sup>Ministry of Education and Youth, UNICEF Moldova, Baseline Study on Basic Education in the Republic of Moldova from the perspective of Child-Friendly Schools, Chisinau 2008, [http://www.unicef.org/moldova/ro/educatia\\_de\\_baza\\_eng.pdf](http://www.unicef.org/moldova/ro/educatia_de_baza_eng.pdf), p. 29-30, [accessed 5.03. 2011].

## Right to education

23. Moldovan Constitution recognizes the right to education (art.35), but the wording on the nature of the right is ambiguous. The constitutional provisions do not state clearly about the equality in access to education for all children without discrimination<sup>16</sup>. The existing law on education lacks any provision on the inclusive education, as well as does not include its “anti-discrimination” provision any mention of the physical or mental health status. The draft Education Code that was brought in 2010 for public discussions has not been consulted with school managers and teachers. It also contains inadequacies concerning the equity and equality of education, especially as regards of children with disabilities, and lacks a comprehensive anti-discrimination provision.
24. The Government failed to fully respect the Millennium Development Goals commitment on ensuring the general compulsory education for all children and on increasing the gross enrolment rate for general compulsory education from 94.1% in 2002 up to 95% in 2010. The enrolment rate has constantly decreased during the last years: from 91.6% in 2007 to 90.7% in 2009,<sup>17</sup> mostly in the rural areas. Frequently, after the fulfilment of the general compulsory education, children face difficulties in accessing lyceums or polyvalent schools, thus remaining outside the education system and becoming potential victims of traffickers.
25. The rural schools are ill-equipped and understaffed to meet the existing educational standards. According to UNICEF Moldova, 15.5% of schools lack basic sanitation conditions.<sup>18</sup> Medical assistance units are available in 51.6% of primary schools and 66.4% of lower secondary schools.<sup>19</sup> During the last years, the Government has increased the budgetary allocations in education sector, mostly for wages and salaries, and less for the renovation of schools, trainings for teachers and extracurricular activities. In 2011, only 2% of budgetary allocations to education sector are directed toward the renovation of schools.
26. Although, according to the legislation, the primary and secondary education is free of charge, the practice of informal payments is widespread in the education system. As a result, the children from poor families are more prone to drop-out and to be subjected to discrimination from teachers and their peers because of these informal payments. Moreover, cases when children were subjects to expelling have been reported in several rural schools.

### *Recommendations:*

- The Ministry of Education should adopt the Concept of Inclusive Education and provide trainings programs for teaching staff;
- The Ministry of Education should establish real mechanisms for including children from socially disadvantaged families in the school system;
- The Government should adopt a new Education Code, including a comprehensive “anti-discrimination” and “inclusive education” provisions;
- The Parliament is urged to include in the art. 35 (on the Right to Education) of the Constitution the provision on the accessibility of education for all children;
- Through appropriate regulations, extend the mandatory education for all children till the age of 18.
- The Parliament is urged to adopt an anti-discrimination law including clear provisions regarding access to education and having an effective enforcement mechanism.

---

<sup>16</sup> Constitution of the Republic of Moldova, <http://www.e-democracy.md/en/legislation/constitution/ii/>.

<sup>17</sup> National Bureau of Statistics, Education in the Republic of Moldova in 2010, Chisinau, 2010, [http://www.statistica.md/public/files/publicatii\\_electronice/Educatia/Educatia\\_RM\\_2010.pdf](http://www.statistica.md/public/files/publicatii_electronice/Educatia/Educatia_RM_2010.pdf), [accessed 25.02.2011].

<sup>18</sup> UNICEF Moldova, Quality of water, sanitation and hygiene practices in the schools of Moldova, Chisinau 2010, [http://www.unicef.org/moldova/2010\\_005\\_Audit\\_Quality\\_of\\_Water\\_Sanitation\\_and\\_Hygiene\\_Practices\\_in\\_Schools\\_ENG.pdf](http://www.unicef.org/moldova/2010_005_Audit_Quality_of_Water_Sanitation_and_Hygiene_Practices_in_Schools_ENG.pdf) [accessed 28.02.2011].

<sup>19</sup> National Bureau of Statistics, Activity of primary and general secondary education institutions at the beginning of 2010/2011 school year, <http://www.statistica.md/newsview.php?l=en&id=3211&cid=168>, [accessed 7.03. 2011].

## Trafficking in children

27. The percentage of children victims of child trafficking is continuously growing with children in the age of 14-17 becoming victims of recruitment. The percentage of trafficked children grew from 15% in 2004 to 20% in 2009.<sup>20</sup> The recent report produced by International Center “La Strada” shows that 80% of victims of child trafficking are female. In recent years the percentage of boys in the total number of victims of trafficking in human beings grew. Most girls that became victims of child trafficking were exposed to sexual exploitation (around 60%), while boys were exploited in agriculture, construction and housework. Both boys and girls were exploited in begging.
28. A concern raises the treatment of children repatriated from abroad, who are seen by the authorities mainly as vagabonds and in conflict with the law. We would like to emphasize the failure to focus on the reasons of abandon (parental neglecting, etc.), as well as on the ways of crossing the borders, which in some cases are illegal.

### *Recommendations:*

- The Government must fully implement the National Plan to Prevent and Combat Trafficking in Human Beings (2010-2011), by promoting cooperation between national and international institutions, to coordinate the activity of concerned institutions and make available resources to the maximum extent possible;
- The Ministry of Justice, together with the Ministry of Internal Affairs, should strengthen measures by offering trainings to police officers, prosecutors, judges and rehabilitation services in their duties of prevention, protection and assistance towards children victims or potential victims of trafficking and of bringing perpetrators of sexual abuse and exploitation to justice;
- The Government should ensure capacity building of health care professionals and social workers to provide family education for better parenting, life skills education for preventing trafficking and youth unemployment (particularly in institutions for children without parental care), establishing youth friendly centres and developing and supporting community services for children victims of abuse, neglect and trafficking.

## Violence against children

29. Violence against children occurs in many forms. Both children and parents report cases of physical and psychological abuse within families and at school, as well as cases of neglect, child labour, and sexual abuse. The number of cases of child abuse and neglect that parents and children self-report is lower than the incidence rate of cases known by children/parents in their community/proximity, leading to the conclusion that abuse and neglect is probably under-reported by its victims and perpetrators. According to the UNICEF Moldova study, published in 2006<sup>21</sup> every tenth child from the general sample and three out of ten children consider that they are neglected and that nobody takes care of them; two out of ten children think that they are subject to verbal abuse in their families; 25% of children recognise they are beaten by their own parents, when disobedient; one third of children recognise to be verbally aggressed by professors, while 13% of children declared to be always or sometimes physically abused by these; each tenth child recognises to have been involved by adults in watching pornographic films; also each tenth child acknowledges to have been sexually abused. At the same time, three out of ten parents believe that beating is often used as an educational method in the Republic of Moldova. 45% of parents consider it is acceptable to slap the child at least

---

<sup>20</sup> International Center for Women Rights Protection and Promotion “La Strada”, Overview of the Child trafficking phenomenon in the Republic of Moldova 2010, Chisinau, 2010, p. 24, available at: [www.lastrada.md/publicatii/ebook/Child\\_Traffick\\_En\\_corr2.pdf](http://www.lastrada.md/publicatii/ebook/Child_Traffick_En_corr2.pdf) [accessed 25.02. 2011].

<sup>21</sup> UNICEF Moldova, Violence against children in the Republic of Moldova, Chisinau, 2006, [http://www.unicef.org/moldova/Violence\\_against\\_children\\_en.pdf](http://www.unicef.org/moldova/Violence_against_children_en.pdf), [accessed 27.02. 2011].

sometimes, while 48% consider that beating (even in the form of a slap) indicates the parents' incompetence in properly rearing their children. In addition, 39% of parents consider this method an effective way if correcting children's behaviour.

30. The assistance to abused children is provided specifically in medical, social protection, law enforcement institutions, whose efforts are dispersed and as a result, have no effect on children.
31. The problem of children-victims/witnesses of some crimes has not been solved yet. The system continues to repeatedly examine the cases in the offices of criminal officers, prosecutors and judges with a formal participation of a teacher or psychologist. As a result, the children are re-victimised and, often, refuse to make declarations about the abuse. The national legislation provides the possibility to examine the cases of children-victims or children-witnesses in other premises rather than the ones belonging to the Police Commissariat, Prosecutors and Judges Offices, as well as the active participation of qualified specialists in the interviewing process<sup>22</sup>. However, there is an insufficiency of premises and adequate equipments for children hearing as well as of trained professionals<sup>23</sup>.

#### *Recommendations:*

- The Government should guarantee the right to rehabilitation measures and secure abused children immediate psychological support and treatment;
- The Government should secure educated staff in all sectors dealing with children and include mandatory education about sexual abuse and violence in all vocational training and education of all professionals working with children.
- Ministry of Labour, Social Protection and Family should provide training to child protection professionals including on victim identification, and on the consequences of being abused for the production of child abuse images;
- The Government should revise the legal and regulatory framework concerning punishment of school employees for discrimination and abusive behaviour towards children in order to make these norms enforceable.

#### **Child Labour**

32. The child labour problem in Moldova is mostly generated by dangerous working conditions and their entry into the job market at a very early age. According to a research conducted by the National Bureau of Statistics in 2009<sup>24</sup>, the prevalence of work among children aged 5-17 is assessed to be 29.7%. Among children aged 12-14 and 15-17, this figure increases further to 43.3 and 42.3% correspondingly, but it drops to 13.8% among children aged 5-11. All these figures are very high in comparison with other developing and transition countries.
33. The prevalence of child labour – children who should be immediately removed from work because they face potential risks to their health and development – is also quite high; almost 60% of children are involved in an economic activity.
34. In examining the health status of working children, 10.9% of boys and 8.5% of girls were found to suffer from some sort of work-related illness or injury in the 12 months preceding the survey; however, in only a very few cases did the most serious illness/injury result in a child's leaving work or school permanently. The most common health complaint of working children is extreme fatigue. With regard to working conditions, 37.2% of working boys and 35.2% of working girls work under

---

<sup>22</sup> Nobody Children Foundation, OAK Foundation, The Hearing of a Child Victim of Abuse in a Criminal Process, Chisinau 2007

<sup>23</sup> The only one hearing room endowed with adequate equipment is within the "Amicul" Center (NCCAP and CMDCRP).

<sup>24</sup> International Labor Organization, National Bureau of Statistics, Working Children in the Republic of Moldova, Chisinau, 2009, [http://www.statistica.md/public/files/publicatii\\_electronice/piata\\_fortei\\_de\\_munca/Munca\\_copiiilor\\_raport\\_eng.zip](http://www.statistica.md/public/files/publicatii_electronice/piata_fortei_de_munca/Munca_copiiilor_raport_eng.zip), p.49, [accessed 7.03.2011].

unfavourable working conditions (mostly in extreme cold or heat, with dust/fumes, or with dangerous tools), and about 7.5% of both working boys and girls complain of being treated badly at work, with being constantly shouted at as the most common complaint. Given that the overwhelming majority of working children are unpaid family workers performing agricultural work within a household-based establishment, standard labour regulation and inspection methods are unlikely to be effective in improving their working conditions.

#### *Recommendations:*

- The Labour Inspection Office should withdraw licenses of employers who repeatedly neglect labour inspection recommendations;
- The Government should take immediate actions for elimination of child labour, giving priority to its worst forms by formulation policies and programmes with special attention to the girls, children in hidden work situations, and other groups of vulnerable children or children with special needs;
- The Government should ensure effective cooperation between all ministries and government institutions whose mandates are relevant to the elimination of child labour.

#### **Justice for Children**

35. In the Moldovan justice system there are no specialized juvenile or children's courts and connected services to ensure treatment according to the best interest of the child (including children victims and witnesses). The limited usage of already existing possibilities of re-qualifying and restorative justice practices lead to an aggravation of the situation of children in conflict with the law.<sup>25</sup>
36. The lack of policies and programmes designed to assist children at a higher risk of offending (secondary prevention) lead to the inefficiency of the prevention mechanism.
37. The legislation applicable to juvenile suspects and accused juveniles is now more compatible with international standards on child rights. However, at the national level no juvenile justice law and no global strategy for juvenile justice reform exist.
38. Police stations lack facilities that would allow them to detain juveniles separately from adults. Police authorities detain juvenile suspects for periods longer than those allowed of 24 hours, and do not always notify their families promptly.<sup>26</sup> Ill-treatment during the initial period of police custody has not been eliminated and is widespread as mentioned by the UN Special Rapporteur on Torture following his 2008 mission to Moldova.<sup>27</sup>
39. Conditions in the pre-trial detention facilities where most juveniles are detained are inhuman, as acknowledged by official reports. Although the maximum length of detention before trial is four months for accused juveniles, this limit does not apply to detention during trial and appeal, thus leading to excessive detention of accused juveniles. Moldovan legislation and practice are incompatible with international standards barring the use of isolation or solitary confinement as a disciplinary measure for juveniles.
40. Statistical data gathering and disaggregating on children in the justice system is in complete disarray, with insufficient and contradictory information<sup>28</sup>. Data continue to be compiled and published

---

<sup>25</sup> UNICEF Regional Office for Central and Eastern Europe/Commonwealth of Independent States, Assessment of juvenile justice reform achievements in Moldova, Chisinau, 2010, p.19, available at: [http://www.unicef.org/ceecis/UNICEF\\_JJ\\_Moldova2010.pdf](http://www.unicef.org/ceecis/UNICEF_JJ_Moldova2010.pdf) [accessed 28.02.2011].

<sup>26</sup> Center for Human Rights, Report on human rights observance in the Republic of Moldova in 2009, p. 156, available at: <http://www.ombudsman.md/file/Raport%202009%20redactat.doc> [accessed 28.02.2011].

<sup>27</sup> UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to the Republic of Moldova, A/HRC/10/44/Add.3, 12 February 2009, para. 26.

<sup>28</sup> NGOs Active in the Area of Child and Family Social Protection, Complementary Report on the Implementation of the UN Convention on the Rights of the Child in the Republic of Moldova, Chisinau, 2008, paras. 8, 22, available at: [http://www.crin.org/docs/Moldova\\_ASPCF\\_NGO\\_Report.doc](http://www.crin.org/docs/Moldova_ASPCF_NGO_Report.doc) [accessed 28.02.2011].

separately by the Ministry of the Interior, the Ministry of Justice and the Superior Council of the Magistracy, making impossible the establishment of a comprehensive computerized data management system.<sup>29</sup>

*Recommendations:*

- The Government should establish pilot programmes for secondary and tertiary prevention, directed at children involved in criminal conduct, minor crimes, and children involved in extra-judiciary measures;
- The Superior Council of Magistrates should create separate panels or specialization of judges for juveniles;
- The Department of Penitentiary should create conditions for keeping arrested juveniles separate from adults;
- The Ministry of Interior and the Prosecution service should take prompt administrative and, when appropriate, criminal action in response to violations of the rights of children by police officers;
- The prosecution service and the police authorities should reduce the usage of pre-trial arrest for children in conflict with the law and ensure that the total length of detention does not exceed six months;<sup>30</sup>
- The Ministry of Justice should prohibit the use of isolation cells as a disciplinary measure for juveniles;
- The Government should develop an effective mechanism for centralizing, sharing and publishing information.

---

<sup>29</sup>Malby Steven, Evaluation of UNICEF Project: Reform of the Juvenile Justice System in Moldova, Chisinau (Mimeo), 2006, p. 21.

<sup>30</sup> UN Committee on the Rights of the Child (CRC), *CRC General Comment No. 10 (2007): Children's Rights in Juvenile Justice*, 25 April 2007, CRC/C/GC/10, para.83, available at: <http://www.unhcr.org/refworld/docid/4670fca12.html> [accessed 25.02.2011].