

SHADOW REPORT

on the implementation of the
Convention of the Rights of the
Child in the Republic of Moldova

Chişinău, 2017



The Alliance of Active NGO's in the Field of Social Protection of Family and Child from the Republic of Moldova - APSCF is a union of Moldovan civil society organisations that work for children and together advocate for the protection of child rights and the development of systems to support children. APSCF is a member organisation of ChildPact.

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WHAT MUST BE DONE?

by Mariana IANACHEVICI, APSCF President



The APSCF alternative report on child rights in Moldova shows clearly that state authorities are failing to protect Moldova's children to the best of their capacity and in line with international best practices. Scarce resources cannot serve as an excuse, as in most cases under-investing in the child protection sector leads to increases in both economic and social costs elsewhere. Inflexibility of state funding mechanisms and lack of structured and inclusive dialogue with civil society organisations serve as needless additional obstacles to a potentially fruitful cooperation that would benefit Moldova's children. Institutions should make the most of the human capacities and expertise developed by NGOs by involving them actively in service delivery and policy development.

This alternative report includes a detailed list of recommendations based on our own experience as practitioners, on research conducted by Unicef and other reputed international organisations, as well as on the Child Protection Index, a joint project by World Vision and ChildPact to which we have actively contributed. Before presenting our recommendations, however, I would like to present some of the key issues that need immediate attention from Moldova's state authorities, highlighting how alleged lack of resources cannot always be presented as an excuse for the state to fail to protect the rights of its younger citizens.



Hiding costs

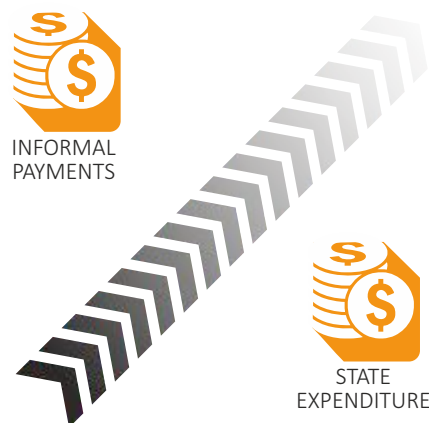
Children in institutions mostly belong to one of two groups: either they come from poor families who could not support them, or they had some form of disability. Institutionalisation, however, is not the answer, and if adequate structural support was effectively present, institutionalisation could be averted. In principle, the right to assistance is acknowledged by national legislation, but even in the cases where it is disbursed, it is not enough to cover for the real needs of beneficiaries.

A significant share of children keeps contact with family members while living in institutions, and almost 80 per cent of them returns to their immediate or extended family when they are discharged from institutions, mostly at age 16 or 17. These data leads to question the reason why they were institutionalised in the first place. Adequate financial support, accompanied by specialised assistance in the case of disability, may effectively prevent institutionalisation on the current scale, and be complemented by a foster care system when needed. Child institutionalisation is costly both in social and economic terms: there is no place for it in contemporary Moldova.

Another sector where costs are hidden is that of education. According to available data, formal and informal payments are made by almost all parents of schoolchildren. Total informal payments in education are comparable with state expenditure in the same sector. It emerges that we have a mechanism that is parallel to taxation for financing public education, that has become a socially accepted structural component of the education system, but creates the space for discrimination and undue pressures in a context that – by law – should be free for all. By under-financing education and by closing an eye of informal practices, the state is not reducing costs, it is simply hiding them. State authorities should take full responsibility of the education system. The declining number of children due to ongoing demographic trends and migration creates the space for structural reforms to enhance the effectiveness of education institutions and programmes. The motto "never let a crisis go to waste" may sound cynical, but it certainly applies to Moldova's education system in the current phase: the sharp decrease in student numbers, and the consequent programme of school closures, must become an opportunity to overhaul our education system.



A SIGNIFICANT SHARE OF CHILDREN KEEPS CONTACT WITH FAMILY MEMBERS WHILE LIVING IN INSTITUTIONS. ALMOST 80% OF THEM RETURNS TO THEIR IMMEDIATE OR EXTENDED FAMILY WHEN THEY ARE DISCHARGED FROM INSTITUTIONS.



THERE IS A PARALLEL MECHANISM FOR FINANCING PUBLIC EDUCATION - TOTAL INFORMAL PAYMENTS MADE BY THE PARENTS ARE COMPARABLE WITH STATE EXPENDITURE IN THE SAME SECTOR.

From legislation to implementation

Be it institutionalisation, education, child labour or juvenile justice, getting the right legislation in place is one important matter. But this is not enough. Indeed, in recent years, Moldova's government has introduced relevant child-related legislation, but without dedicating sufficient attention and resources for its implementation. Lack of funds is mentioned as an excuse, but under-investment in the child protection system of a country leads to much more significant economic and social costs in the long-term.

In ensuring thorough implementation of child protection legislation, two elements are particularly important: capacity building and quality standards. On the one hand, professionals in different state institutions should receive adequate training on how to deal with situations of child vulnerability. For example, teachers should receive training in inclusive education, on how to work with children with disability, on how to approach cases when there is reasonable suspect that a child is victim of domestic violence, child labour or other abuses.

But child-focused training of professionals should also involve state institutions that do not work exclusively with children, including in the police and justice system (e.g. prosecutors, criminal investigation officers, lawyers, etc.). NGOs do organise sporadic short-term trainings for professionals across different state institutions, but such capacity building activities should be structurally embedded across the state system.

Finally, to ensure that all state institutions work in the best interest of the child, relevant quality standards and control mechanisms must be in place. These are important also for ensuring an effective cooperation with the NGO sector.

Very often, state cooperation with civil society is limited to transferring responsibility: the state is simply relieved that someone is delivering services. However, the commitment of national and local authorities must not be weakened by the active presence of NGOs. On the contrary, authorities must continue to monitor, coordinate, and ensure coherence and quality of the services delivered. Accountability matters, and, fundamentally, the state must not abdicate its commitment to protect the rights of the children in the hope that someone else will take care of it.

THOROUGH IMPLEMENTATION OF CHILD PROTECTION LEGISLATION



QUALITY STANDARDS



CAPACITY BUILDING

Engaging civil society, keeping responsibility

The alternative report presents in detail many other issues, offering details, statistics and policy-relevant recommendation. The Republic of Moldova has to deal with many challenges in the child protection sector under difficult conditions. More than 50 per cent of Moldova's children are growing up without one or both of their parents. Almost 20 per cent of Moldova's children are engaged in child labour; one quarter of them is working when they are younger than 11 years of age. Hundreds of children are victims of sexual offences in Moldova every year. New guidelines as well as increased awareness have contributed to increased number of child abuse cases that are reported. Domestic violence represents a major issue for Moldova's children: civil society, as well as state and religious authorities must engage actively in public awareness campaigns aimed at making socially unacceptable any form of corporal punishments and psychological abuses on children.



CHILDREN GROWING UP WITHOUT ONE OR BOTH OF THEIR PARENTS



CHILDREN ENGAGED IN CHILD LABOUR

Much needs to be done. Active cooperation and engagement between civil society organisations and state authorities in both policy development and service delivery is needed. International partners should do all they can to support such cooperation dynamics. And finally, active engagement of Moldova's citizens is needed to keep demanding reforms on issues related to child rights that rarely obtain media attention and are too easily sidelined by elite infighting in our turbulent political environment. It's a long road, but we must walk it together, for the welfare and happiness of Moldova's children.

INTRODUCTION



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

The present report is a brief summary of the original report submitted on 20 November 2016 and covers the period from January 1, 2009 to December 31, 2014. For some aspects, information from 2015 and 2016 has also been considered. The Report covers almost all the clusters with focus on the implementation of Recommendations of the Committee for the Rights of the Child since January 30, 2009.

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

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

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



MAIN AREAS OF CONCERN AND RECOMMENDATIONS



General measures of implementation

ART. 4, 42 AND 44 (PARAGRAPH 6) OF THE UNCRC

The Republic of Moldova has significantly emphasized legislation over implementation: according to the Child Protection Index, Moldova scores 0.52 out of a possible score of 1.0 in terms of the implementation of its UNCRC commitments, and there is a large gap between policy and implementation. There is not a single comprehensive strategy for the CRC implementation. The National Action Plan of the EU-Moldova Association Agreement (AA) is the most comprehensive strategy from the perspective of children and their rights.

Other general measures are also lacking in implementation. Coordination among relevant authorities is still insufficient. There is a lack of comprehensive, disaggregated, ongoing and



GOVERNMENT COMMITMENTS TOWARDS THE IMPLEMENTATION OF THE CONVENTION - THE GAP BETWEEN POLICY AND IMPLEMENTATION

coordinated data collection on child rights.

Information and training on children's rights both for children and professionals is also fragmented, sporadic and mostly conducted by NGOs.

The Republic of Moldova has an Ombudsman for children since 2008, when the Law on the Ombudsman was amended. The appointment of the Ombudsman for children was always made by defectuos procedure: lack of transparency, politization of the whole selection process etc. As a result, the image of the Ombudsman for children suffered and lost the trust of the society and NGOs.

Finally, civil society organizations (CSOs) participate in dialogue platforms with the authorities, but their impact on policies remains limited. Yet, NGOs play an important role in terms of child protection, especially, in promoting and implementing reforms, including through consistent financial contributions. The funding of CSOs mainly comes from foreign sources, and few ministries provide small amounts of funds for projects of cooperation with CSOs.

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

RECOMMENDATIONS

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

and beneficiaries, of policy documents must be considered by the authorities to a larger extent.

- ☞ Improve inter-sector cooperation and disaggregated data collection. Ensure the ongoing comprehensive analysis of the situation in children's rights. Use rights-based indicators and seek the views of children, especially, the marginalised ones, on how they enjoy their rights.

General principles

ART. 2, 3, 6 AND 12 OF THE UNCRC

In the case of 4 principles of the Convention, situation is similar the progress that has been achieved at the legislative and policy level has not been translated into practice. This is mostly due to the resources (human, training, guides, tools, budget, etc.). Due to this in most sectors the principles remain either not applied or only ad-hoc and in a limited way; there is a lack of common approach in one sector and among sectors.

We'd like to highlight the issues related to the application of the Best Interest principle as particularly important. The concept of 'best interests of the child' is very often reduced exclusively to its right to live in family environment. Other rights of children are typically not taken into account when assessing and determining best interests of individual children e.g. children's opinions are not sought nor heard, their rights to protection from violence, education and development not considered etc.



BEST INTEREST OF THE CHILD PRINCIPLE

IN ALL ACTIONS CONCERNING CHILDREN, WHETHER UNDERTAKEN BY PUBLIC OR PRIVATE SOCIAL WELFARE INSTITUTIONS, COURTS OF LAW, ADMINISTRATIVE AUTHORITIES OR LEGISLATIVE BODIES, THE BEST INTERESTS OF THE CHILD SHALL BE A PRIMARY CONSIDERATION.

RECOMMENDATIONS

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

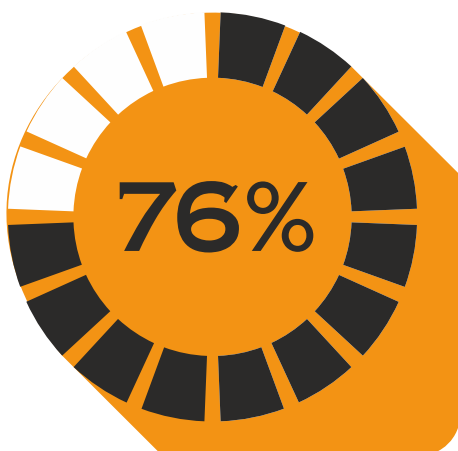
- ☞ Rights-based resources should be developed on how to apply the child participation principle in different settings, sectors and levels. These resources should include also practice standards (based on basic requirements) for ongoing planning, monitoring and mentoring of effective and ethical children’s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

Violence against children

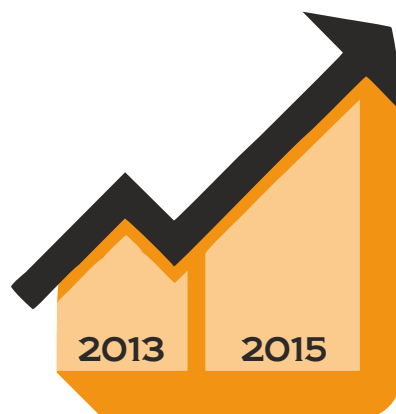
ART. 19 AND 39, 37 PARAGRAPH 1 AND ART. 28 PARAGRAPH 2 OF THE UNCRC

In 2012, it was found that 76% of all children aged 2-14 experienced violent discipline at home, which includes both psychological abuse and physical punishment. The statistics of the General Police Inspectorate shows an increase of notifications of cases of violence against children in the family from 138 in 2013 to 230 in 2015. However, in only 76 cases in 2013 and in 118 cases in 2015, criminal case files were opened on the basis of the elements of the crime of domestic violence. Children do not only experience, but also witness emotional abuse. A national survey undertaken in 2010 revealed that half of all children witness parental disputes and only every fifth child from rural areas was found not to be afraid of their parents. Children were found to be quite often (21%) or very often (6%) victims of bullying in educational institutions.

Between 2013 and 2015, the General Police Inspectorate indicated a 50% increase of criminal case files where children were victims of sexual offenses (from 166 to 332). In 33 cases in 2013 and in 39 cases in 2015, these offenses were committed in the family by the father or by the mother’s partner or other relatives. The increase in the numbers of reported cases of violence against children might be explained by the improved reporting by professionals as a result of the implementation of the Instructions on inter-agency cooperation mechanism for the identification,



CHILDREN AGED 2-14 EXPERIENCING VIOLENT DISCIPLINE AT HOME, WHICH INCLUDES BOTH PSYCHOLOGICAL ABUSE AND PHYSICAL PUNISHMENT



50% INCREASE OF NUMBER OF CHILDREN VICTIMS OF SEXUAL OFFENSES BETWEEN 2013 AND 2015, AS REGISTERED BY THE GENERAL POLICE INSPECTORATE (FROM 166 IN 2013 TO 332 IN 2015).

assessment, referral, assistance and monitoring of children victims and potential victims of violence, neglect, exploitation and trafficking, which started in April 2014. The actual numbers of any type of violence, abuse and neglect are likely to be much higher as not all the cases are systematically reported to the police for registration and action by education, health, social services, parents and children themselves.

Most parents have slapped their child at least once in their lifetime, and many consider there is a certain age period when physical punishment is “acceptable”. In 2012, it was found that only 22% of all children were disciplined through non-violent methods. In fact, a 2010 research revealed that 71% of adults agree that beating a child does not help to educate the child. Generally, parents who justify physical punishment are against punishments of their children by others. They consider that only mothers and fathers are allowed to apply violence when they think it is necessary.

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

RECOMMENDATIONS

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

Family environment and alternative care

ART. 5, 9-11, ART. 18, ART. 20-21, ART. 25, ART. 27 PARAGRAPH 4 OF THE UNCRC

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

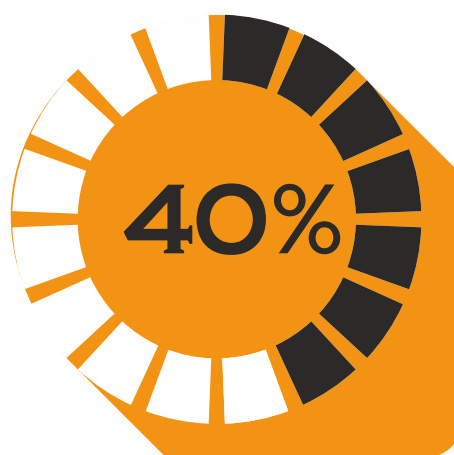
In general, the existing policies are mainly focussed on certain categories of beneficiaries and do not use a child-focused approach. In addition, the applied measures respond to situations of poverty and the consequent separation of children from their parents, and are not always aimed at risk prevention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

In the Republic of Moldova, migration is the main reason for children not being with their parents; for children officially registered as left without parental care this is the case for more than 50%.

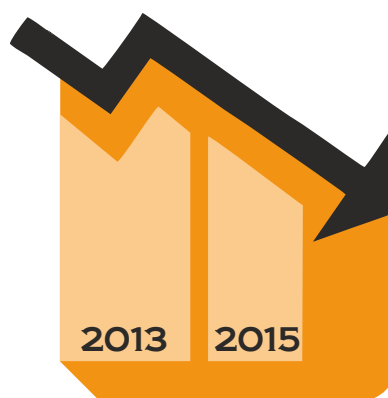
Nearly 40% of children in Moldova live with one parent and 11% do not live with either biological parent. More than 3,000 children are registered every year as being left without parental care. The number of children under two without parental care is increasing at a slower pace (from 270 new cases in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

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

Adoption procedures in Moldova include a 'best interests of the child' requirement and allocate



CHILDREN LIVING WITH ONE PARENT



50% DECREASE, OVER 2 YEARS, OF NUMBER OF INSTITUTIONALISED CHILDREN.

responsibility for the process to specific, competent authorities. Still, there are no quality standards for adoption services so that there can be consistency of process and outcome. Moldova has yet to scale adoption practices nationwide that align with international best practices. Not all raions have enough capacity to manage the process of recruitment and screening of potential adoptive parents, to counsel and train adoptive parents, and, finally, to ensure that adoptive family and adopted child are adequately matched. The delay in solving the adoption cases is being verified at all levels. Judges don't give priority to adoption cases, even they should have a special procedure. Presently, the average adoption case requires up to two years from start to finish.

RECOMMENDATIONS

Family environment

- ☞ Ensure sufficient state funding for 2014-2020 Child Protection Strategy implementation, including service development, workforce recruitment, training and remuneration.
- ☞ Creating a critical package of services at the community level and its funding by state.
- ☞ Primarily focus on prevention services, such as family strengthening, parenting skills development, children' empowerment, workforce improved practices, societal attitudes etc.;
- ☞ Families affected by migration.
- ☞ Monitoring children left behind and providing protection measures depending on their assessed needs.
- ☞ Information and awareness of parents about the risks can experience children left behind;
- ☞ Children deprived of family environmen.
- ☞ Continue the reform of residential care, including through set up a concrete date when the institutionalisation of children 0-3 will be actually banned.
- ☞ Constantly review and update regulations and standards for existing and new services, implement recommendations from Accreditation processes and adjust to clients' needs.
- ☞ Ensure that all categories of children more likely to be excluded such as Roma, poor or disabled children have same access, are prevented and protected in the same way as all children.
- ☞ Implementing training programs for independent living of all type of children who are leaving care. Using the experiences of NGOs involved in these processes

Adoption

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

Disability, basic health and welfare

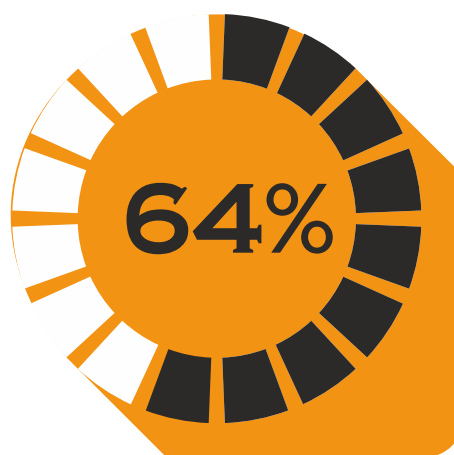
ART. 6 PARAGRAPH 2, ART. 24, ART. 26 AND 18 PARAGRAPH 3, ART. 27 PARAGRAPHS 1-3, ART. 33 FROM THE UNCRC

At the end of 2014, statistics estimated 184.8 thousand persons with disabilities (5.2% of the country's population), including 13.4 thousand children aged 0-17 (1.8% of the total number of children in Moldova). Although, in the last 5 years there is an apparent reduction in the number of children with disabilities by 7.9%, most professionals do not agree with these statistics and consider them malefic for the development of policies addressed to children with disabilities. Given that there is no unique system of data collection for children with disabilities who are beneficiaries of the health, education, social, etc. services, as well as data on children with disabilities who do not have ID documents, whose disability is not determined and, therefore, they are not beneficiaries of the social protection system, and some children with light disabilities are not identified until the school age this figure is much larger.

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

Residential care is still the most frequent option for children with disabilities. The authorities do not provide sufficient information and adequate support to parents who give birth to children with disabilities about the specific methods of care and upbringing of

such children in the family. Under these circumstances, parents opt for institutionalization, especially given the fact that they are supported by the professionals. At the end of 2014, at least 64% of the children placed in the residential institutions run by the Ministry of Education had disabilities, and at least 1/3 of the beneficiaries of the two institutions run by the Ministry of Labor, Social Protection and Family were children. The quantum (although indexed every year) of the social allowances addressed to children with disabilities and of benefits for families that look after children with disabilities is lower than the minimum existence level at national level and does not cover the real needs of the beneficiaries.



CHILDREN WITH DISABILITIES FROM TOTAL NUMBER OF CHILDREN PLACED IN THE RESIDENTIAL INSTITUTIONS RUN BY THE MINISTRY OF EDUCATION; DATA FROM 2014

RECOMMENDATIONS

Children with disabilities

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

Education, leisure and cultural activities

ART. 28-31 OF THE UNCRC

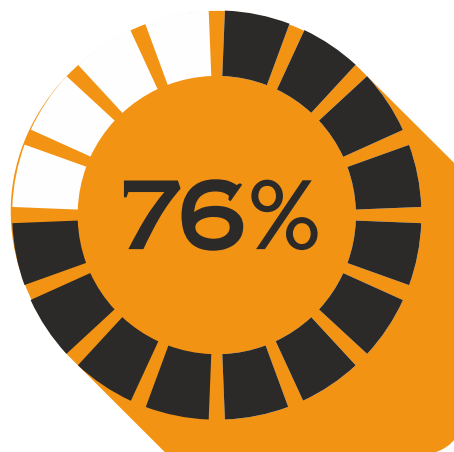
In the school year 2015/16, more than 10,000 children with special educational needs were enrolled in pre-primary up to upper secondary education (about 2,400 in pre-primary, and just over 10,000 in primary and secondary schools, including around 4,000 children with disabilities). At all levels, Roma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

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

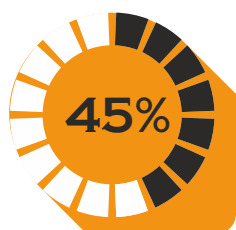
During the academic year 2015/16, the network of primary and general secondary education institutions comprised 1,323 institutions. In 2010, it was found that up to half of Moldova's rural schools may need to be reorganized in the following five years in order to respond to the sharp population decline that has taken place over the last 20 years. 20% of the entire primary and secondary school network has undergone changes due to the school network optimization reform. Nevertheless, these changes imply that no more than 2% of students in Grades 4, 9, and 12 were affected by school closure and a further 0.74 percent were affected by closure of their class.

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

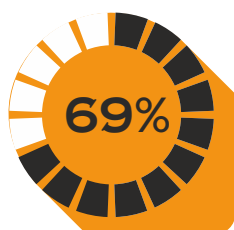
The pupil-teacher ratios for primary and secondary education remain at nearly 17 pupils per



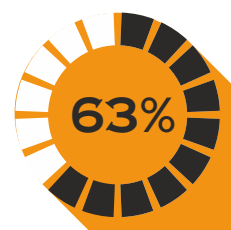
CHILDREN AGED 2-14 EXPERIENCING VIOLENT DISCIPLINE AT HOME, WHICH INCLUDES BOTH PSYCHOLOGICAL ABUSE AND PHYSICAL PUNISHMENT



RURAL SCHOOLS WITH NO TOILETS INSIDE THE BUILDING



RURAL SCHOOLS WITH NO RUNNING WATER



RURAL SCHOOLS WITH NO CENTRAL OR GAS-BASED HEATING SYSTEMS

teacher. The ratio for lower and upper secondary, however, continues to fall: 10 and 11 respectively.

There are shortages of teachers in certain subjects, in particular in Mathematics, Physics and Chemistry and Romanian language (in 10% of schools). Hence, more than 10% of teachers teach from three to five subjects, even if they are not fully qualified. Also, 15% of all teachers are past the retirement age. In addition, the lack of qualified and trained staff has impeded the setting up of crèche-groups in large number of kindergartens.

The Moldovan legislation stipulates that pre-primary, primary and secondary education is funded entirely by the State and the education in such institutions are free. Since March 2016, the Code of Ethics indicates that teachers cannot accept money from the parents. In practice, nearly all parents make formal and informal payments, mostly through Parents' Associations, without going into details and insist on the compliance with formalities. While they are different in size and nature and made at different intervals, such payments have become a socially accepted norm and constitute a substantial total contribution to the total national expenditures on education. The total contribution of parents through formal (MDL 2,058 million, an increase of 44% since 2012) and informal (MDL 309 million, an increase of 8% since 2012) payments is about equal to the total public expenditure for primary and secondary education. The total average annual amount per student was higher than the monthly salary of a teacher. Various studies over the years have found that if parents had the choice, about half of them would not pay.

The quality of education is still associated with a large amount of learned and acquired information. There are two main problems related to this.

First, this concept is very narrow. Its focus is on academic, cognitive. Putting knowledge into practice, development of skills and attitudes, social and emotional development of children is neglected in Moldovan education system. The main criticism of the curricula (in respect of its irrelevance) as specified by teachers, parents, pupils, NGOs include: high degree of theory, low degree of relevance and practical use, focusing on tests and exams and content reproduction instead of competence evaluation; limited training for entrepreneurial and life skills, communication, problem-solving, cooperation and team work, planning and managing own learning process, ICT use etc.; lack of vocational counselling.

Children's rights are also not integrated in the school program nor in the general school practices/environment. Management and teaching staff do not have resources, including training, to apply Child Friendly schools standards approved in 2013. While pupil's councils exist in many schools, a large share of pupils feels that these councils do rather little or nothing at all to help protect their right to be heard. In addition, in many schools, the activity of the school council is reportedly orchestrated and manipulated by teachers. The monitoring and evaluation system is not coherent with the declared principles of the curricula of competence development.

Second, due to overloaded school program, children have very little free time. This has further negative consequences. It leads to stress, fatigue, health issues and psychological disorders.

In addition to lack of time, there are limited opportunities for children of all ages to play, engage in extracurricular activities, sports and enjoy a pleasant environment for activities. Opportunities of children with disabilities are even more reduced, because playgrounds, public transportation, and concert halls are not a

RECOMMENDATIONS

Access to education

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

School infrastructure and resources

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

Quality of education

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



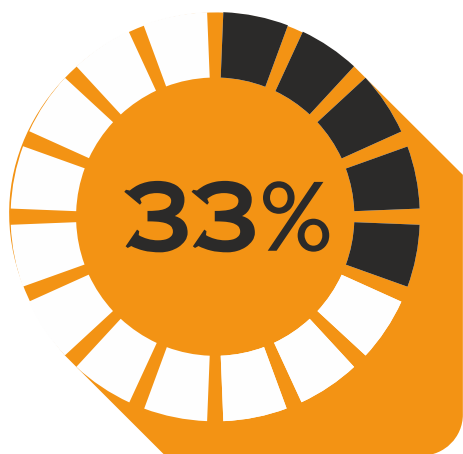
Special protection measures

ART. 22, 30, 32-36, ART. 37 PARAGRAPH 1, 2 AND 4, ART. 38-40 OF THE UNCRC

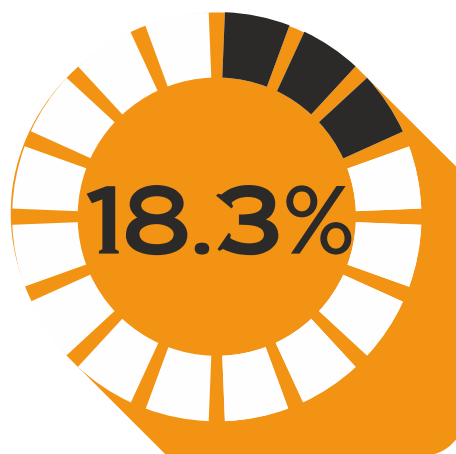
Given that over 60% of the country's population lives in rural areas and that at least 1/4 of adults labor force is employed in agricultural works, including own auxiliary household, the risk of involving children in labor is high.

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

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



EVERY THIRD CHILD (177,000) AGED 5-17 CONDUCTED AN INCOME-GENERATING ECONOMICACTIVITY.



18.3% (109,000) CHILDREN ENGAGED IN CHILD LABOUR OUT OF THE TOTAL NUMBER OF CHILDREN.

Moldova scores 0.568 out of a possible score of 1.0 and ranks the sixth out of the nine Child Protection Index countries in its actions to prevent the abduction and sale or trafficking in children. Even if Moldova's services and coordination scores are high, as well as the legal framework score, the country's capacity (0.250) and accountability (0.321) on preventing and fighting child trafficking are limited.

The share of offences committed by children in the total number of offences declined from 3.6% in 2011 to 2.5% in 2015. In 2015, 374 children were convicted, compared to 320 children in 2013 and 329 children in 2011. Every second child is convicted for theft, followed by hooliganism (11%) and robbery (9%).

The number of cases sent to courts with children as defendants increased from 819 cases to 1001 in 2015. In 2015, only about 40% of 1,166 offences were diverted. These point the limited enforcement of alternative measures at the criminal investigation phase.

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

RECOMMENDATIONS

Economic exploitation, including child labor

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

Street children

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

Trafficking in children

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

Administration of juvenile justice

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

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



RESOURCES

'Moldova 2016 - Measuring government efforts to protect girls and boys' by Jocelyn Penner Hall & Andy Guth, available for download here [↘](#) and following the link www.aliantacf.md/shadow-report-implementation-uncrc-republic-moldova

The Child Protection Index results and recommendations for Republic of Moldova available here [↘](#) and following the link www.childprotectionindex.org/country/moldova





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