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APSCF opinion on Child Rights Issues

RE: EU-Moldova Human Rights Dialogue 2020

In the context of the Human Rights Dialogue, Alliance of Active NGOs in the field of Child and Family Social Protection (APSCF) raise the following issues with the Government of Moldova:

1. Respect for the right to family

Since 2010, the Republic of Moldova has a specific Law regulating the adoptions as a juridical form of giving a permanent family to an abandoned child (Law 99/2010 on the juridical status of the adoption). The law states very clearly each stakeholder's attributions and competencies in prospective adopters' information, training and accompanying on their way of becoming parents. On the other side, there are clear competencies on clearing the children's adoptability status. Still, there are too many children waiting for a permanent family through adoption and there are too many families waiting to become parents because of weak matching mechanisms (no unique matching list at national level) and poor preparation of the local guardianship authorities, judges and prosecutors in working with adoption cases, who are not always observing the principles of celerity and best child's interest.

Due to the political instability, important amendments to the Law 99/2010 proposed in 2018 still wait to be approved and implemented, to make the adoption process smoother and closer to the child's best interest.

Despite the growth of number of children placed in family type alternatives, the number of foster carers are not enough for children still residing in residential institutions (over 1000 children at the end of 2019). Foster parents need additional training, support and funding to be able to look after special groups of children: babies, severely disabled, children victims of abuse, children with behavioral challenges, large groups of siblings. Currently, the training, support and salaries for looking after special groups of children is the same as in case of children without special circumstances. Therefore, the current situation is not conducive to placement of most vulnerable children in foster care.

2. Violence against children

In Moldova, the 2019 VACS Study¹ clearly indicates that children suffer from substantial rates of sexual, physical and emotional violence; few children however seek services, especially for sexual

¹ The Republic of Moldova Violence Against Children Study, 2019 by IOM and IMAS, funded by USAID



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violence. It is worldwide ascertained that under the COVID-19 pandemic the violence against children increased considerably as a phenomenon and Moldova is no exception. Insufficiency of services for children victims of abuse and almost full dependence on Civil Society-based services has always been a problem. During the pandemic, access to state provided social services has furthermore decreased, public servants being places in lockdown without any means of distance assistance. The Government has to develop services and ensure their sustainability, by identifying and budgeting sufficient funds in order to become more independent from the assistance provided by the CSOs.

The Government has to pursue with the development and approve in due time the new and comprehensive Child Protection Strategy. The current one expires by the end of 2020.

On 27 December 2019 the Government adopted the General Framework Regulation and the Quality Standards for the establishment of the Regional Center for integrated assistance of child witnesses/victims of crime – the Barnahus-type service, which will provide legal and social welfare, medical assistance under one roof. The first Center was envisaged to be opened by mid-2020. During the next 12 months, the Government has to ensure the proper functioning of the first Center in the Norths of the country, budget the necessary amounts for service provision and present a roadmap for further development of the service in the Center and South regions in order to provide all children victims with quality services, irrespective of their place of living.

3. Ensuring the right for education for every child

Notwithstanding the many advances in the implementation of inclusive education in the Republic of Moldova, the vast majority of educational units remain inaccessible for children and young people with different disabilities and with special educational needs, including pre-school children. Regarding early education, there is no systemic approach yet implemented. There are some practices of including children with special educational needs (including disability), but they are sporadic. Early education institutions, with few exceptions, are not ready for a qualified approach addressed to children with special educational needs.

It is essential that the government find the necessary resources at national level according to needs and standard cost per pupil and to constantly monitor the effective access of children with SEN to inclusive education services in the country. LPA should be more involved in increasing the accessibility of children with motor disabilities (road repair, transport, ramp construction, adaptation of sanitary facilities etc.), as well as support for vulnerable families with children with SEN for the integration of these children. It is necessary to analyse the use of financial resources for inclusive education in the last two years and elaborate some measures to improve the use of the budget for inclusive education and to revise the calculation formula for ensuring the financial implementation of inclusive education in schools and kindergartens, so as to cover the needs for all children.

Children with sensory disabilities are not yet fully covered by inclusive education services, especially teachers using the sign language.



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4. Respect for the right to opinion and participation of children as established in the UN Convention on Child Rights

Republic of Moldova has ratified the UN Convention on Child Rights and has committed itself to guarantee the right for every child to express his or her views on any matter that concerns them. APSCF warns on importance of respecting the right to opinion and participation of children as stated in the UN Convention. This is a fundamental right and cannot be allowed any intimidations of citizens, parents, teachers and civil society organizations, who support children's right to participation.

5. Impact of COVID-19 on the child rights situation

The current state of emergency due to COVID-19 pandemic, impacted negatively children and their families. The home-based quarantine and isolation measures affected people at risk: children affected by poverty; children with special educational needs; children from residential institutions; children victims of domestic violence; children in street situations; refugee children; children in detention; children without parental care etc.

Although the efforts of civil society representatives to provide access to quality educational, medical and social services for every child and family are considerable, the results of the survey among APSCF members showed that many beneficiaries still remain outside the system, being severely affected by the effects of pandemic:

- Children with special educational needs are affected by the situation, they need individualised approaches adapted to their needs, and this is a very big challenge under the current conditions.
- Many families have experienced emotional and psychological crises due to misinformation and / or insufficient information about COVID-19;
- Many families have lost their source of income many parents being sent into "forced" unemployment;
- Due to the closure of educational institutions, especially preschool and extracurricular ones, many children were left unattended or under the supervision of inappropriate people (neighbors or very old grandparents etc.), which increased their exposure to risk situations, some cases being even fatal;
- Many beneficiaries (children and adults) did not have the opportunity to study online due to lack of technical means and internet connection, and in families with many children, this became impossible even due to the lack of separate space for each child;
- Beneficiaries with special needs need permanent services and therapies, and the lack of certain services means regress in their development and recovery;
- Many institutionalized children missed the chance to be reintegrated into the family and society, extending their stay in residential institutions;



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- In many families there was an acute insufficiency of food and hygiene products, caused by the considerable increase in prices for protection equipment etc.;
- The problems of domestic violence and mental health of parents have worsened, and the number of cases of abuse, violence and neglect of children is increasing.

The crisis and its consequences added pressure on the child protection system. The actions of the relevant authorities should be focused on providing the most effective protection of children from vulnerable groups in particular, under conditions of social isolation when the contact of the child with the surrounding world and with relevant persons/specialists who could help him is quite limited.

Based on above mentioned, APSCF makes the following recommendations to be brought to the attention of the EUD and the Government of Moldova:

- To speed up the process of approval of amendments to the Law 99 on adoption;
- To diversify foster care services through additional guidelines and recommendations, funding, training and support to services to ensure that most vulnerable children are placed in family type services;
- To develop services for children victims of abuse and ensure their sustainability, by identifying and budgeting sufficient funds in order to become more independent from the assistance provided by the CSOs;
- To take the necessary measures and ensure the right to education for all children;
- Local Public Authorities actively involve and consult Non-Governmental Organizations in the process of preparing the budget for the next period. Only with a clear vision of the real impact of the emergency on the population, the authorities will be able to foresee, for the future, real and justifiable expenses for other possible emergencies.

With respect,

On behalf of the 55 NGOs members

Carolina BUZDUGAN, Secretary General of APSCF²



² The Alliance of Active NGOs in the field of Child and Family Social Protection (APSCF) is a network of 66 non-governmental organizations throughout the Republic of Moldova, including the Transnistrian region. APSCF is working to create a coherent and functional development framework of the decision makers and of the implementation mechanisms and practices, while ensuring the respect and real protection of children and families.