

REPUBLIC OF MOLDOVA

CRC CRC/C/121 (2002)

372. The Committee considered the initial report of the Republic of Moldova (CRC/C/28/Add.19) submitted on 5 February 2001 at its 823rd and 824th meetings (see CRC/C/SR.823 and 824), held on 27 September 2002, and adopted, at its 833rd meeting (CRC/C/SR.833) held on 4 October 2002, the following concluding observations.

A. Introduction

373. The Committee welcomes the submission of the State party's initial report, which follows the Committee's reporting guidelines, and the written replies to its list of issues (CRC/C/RESP/MOL/1). The Committee also notes with appreciation the presence of a high-level delegation, which contributed to a constructive dialogue and a better understanding of the implementation of the Convention in the State party.

B. Positive aspects

374. The Committee notes with appreciation the adoption of Law No. 338-XII on Child Rights of 1994, the Law on Youth of 1999 and the various decisions of the Government of the Republic of Moldova on children's issues. It also notes with appreciation the approval in 2002 of a National Conception on the Protection of the Child and the Family with a view to harmonizing existing legislative framework.

375. The Committee notes the establishment in 1998 of the National Council for Child Rights Protection with the objective of coordinating and ensuring respect for the Convention and the creation of councils for child rights protection in the counties to ensure respect for child rights at the local level.

376. The Committee also welcomes the Preliminary Poverty Reduction Strategy, the governmental decrees for a programme of social protection and the amendment to the law with regard to children with disabilities.

C. Factors and difficulties impeding progress in the implementation of the Convention

377. The Committee acknowledges that the State party is facing many difficulties in the implementation of the Convention owing to its economic and political transition and to economic and social problems. In particular it notes that the high rates of poverty and migration, especially of women, have a great impact on children.

378. While the State party is responsible under the Convention for the implementation of the rights of all children under its jurisdiction, the Committee acknowledges that the difficult political situation with respect to the self-proclaimed Transnistrian Moldovan Republic may impede implementation for children living in this region.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

379. The Committee recognizes the efforts made by the State party to ensure that its national legislation complies with the Convention, but remains concerned at the absence of strategies and resources to enforce these laws effectively.

380. The Committee recommends that the State party:

(a) Develop a comprehensive approach to children's issues and formulate an integrated long-term strategy;

(b) Enforce effectively the National Conception on the Protection of the Child and the Family, and implement the Law on Child Rights (1994) and the Law on Youth (1999), including by allocating the necessary human and financial resources;

(c) Establish a mechanism for the implementation of the National Plan of Action;

(d) Continue to address the compatibility of national legislation on children with the principles and provisions of the Convention;

(e) Continue seeking assistance from the United Nations Children's Fund (UNICEF) in this regard.

Coordination/National Plan of Action

381. While acknowledging the efforts made by the State party to improve coordination by establishing the National Council for Child Rights Protection, its newly established secretariat and councils in the counties, the Committee nevertheless expresses its concern that the coordinating action of this body has limited effects owing to a fragmented approach to the implementation of the Convention at the ministerial level. It also expresses concern at the limited cooperation with non-governmental organizations in this regard. In addition, the Committee is concerned at the absence of mechanisms for the implementation of the National Plan of Action.

382. The Committee recommends that the State party:

(a) Strengthen the role of the National Council for Child Rights Protection in order that it may effectively coordinate activities between central and local authorities and cooperate with non-governmental organizations and other sectors of civil society;

(b) Provide adequate human and financial resources to the National Council, at both national and county levels, to enable it to carry out its tasks in an effective way.

Independent monitoring structures

383. The Committee notes the existence of a National Human Rights Centre and the information that an ombudsperson for children is part of the National Council for Child Rights Protection, but it is concerned at the effectiveness of these monitoring bodies given the lack of a clear statutory mandate to deal with complaints of violations of children's rights and the lack of transparent and child-sensitive procedures for addressing such complaints.

384. The Committee recommends that the State party appoint, within the National Human Rights Centre or independently, an ombudsperson or commissioner to monitor the implementation of the Convention at the national and local levels, in compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex) and taking into full account the Committee's General Comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

Resources for children

385. The Committee expresses its concern that budgetary allocations for children, in particular in the fields of health and education, are insufficient and that often the resources allocated do not correspond to the needs. It further notes that the decentralization process started in 1999 is held back by limited financial and human resources.

386. In light of article 4 of the Convention, the Committee encourages the State party:

- (a) To enforce effectively the Preliminary Poverty Reduction Strategy;
- (b) To identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated "to the maximum extent of ... available resources". The Committee fully supports the State party in seeking international cooperation for the full implementation of the economic, social and cultural rights of children, in particular children belonging to the most vulnerable groups in society;
- (c) To identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact of expenditures on children.

Data collection

387. The Committee expresses its concern that data collection is not sufficiently developed and is not disaggregated for all areas covered by the Convention. It further notes that data on children are not used in an adequate manner to assess progress and as a basis for policy-making in the field of children's rights.

388. The Committee recommends that the State party:

(a) Strengthen its mechanism for collecting and analysing systematically disaggregated data on all persons under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups, including children of economically disadvantaged households, children living in rural areas, children in institutions, children with disabilities, children affected by the consequences of the Chernobyl disaster, children living in Transnistria and children in need of special protection, such as street children;

(b) Use these indicators and data effectively for the formulation and evaluation of policies and programmes for the implementation and monitoring of the Convention;

(c) Seek technical assistance from UNICEF and the United Nations Population Fund (UNFPA) in this regard.

Dissemination and training

389. The Committee, while acknowledging the efforts that have been made to disseminate the Convention and to train professionals working with and for children, expresses its concern that these measures have not been effective to the extent desirable.

390. The Committee recommends that the State party:

(a) Develop more creative methods to promote the Convention, including through audio-visual aids such as picture books and posters, in particular at the local level, and through the media;

(b) Continue and strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights for professional groups working with and for children, such as judges, lawyers, law enforcement and health personnel, teachers, school and institution administrators and social workers;

(c) Seek technical assistance from, among others, UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

NGOs/civil society

391. The Committee is concerned at the lack of involvement of non-governmental organizations in the implementation of the Convention and at the limited cooperation between the Government and NGOs, in particular the human rights-based organizations.

392. The Committee recommends that the State party facilitate and support the work of national and international NGOs in the implementation of the Convention and strengthen cooperation with these organizations, in particular the human rights-based organizations.

2. Definition of the child

393. The Committee expresses its concern at the disparity in the age of marriage between girls (16 years) and boys (18 years).

394. The Committee recommends that the State party review its legislation with a view to increasing the minimum age of marriage of girls to that of boys.

3. General principles

395. The Committee is concerned that the principles of non-discrimination, the best interests of the child, the right to life, survival and development of the child and respect for the views of the child are not fully reflected either in the State party's legislation and administrative and judicial decisions, or in policies and programmes relevant to children at both national and local levels.

396. The Committee recommends that the State party:

(a) Appropriately integrate the general principles of the Convention, namely articles 2, 3, 6 and 12, in all relevant legislation concerning children;

(b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on children;

(c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social, health, welfare and educational institutions, courts of law and administrative authorities.

Non-discrimination

397. The Committee is concerned that the principle of non-discrimination is not fully implemented for children living in institutions, children with disabilities, street children, children with HIV/AIDS, children of Roma origin and other ethnic minorities, especially with regard to their access to adequate health care and educational facilities.

398. The Committee recommends that the State party:

(a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;

(b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.

399. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of

education).

4. Family environment and alternative care

Children deprived of a family environment

400. The Committee notes the development of the Child Care Reform and the establishment of the Working Group for Alternatives to Institutionalization, but expresses its serious concern at the large number of children who are placed in institutions as a measure of social protection. It further notes with concern that children, in those institutions, are neglected and ill-treated and, because of a lack of resources, are not provided with adequate housing and care and appropriate basic services.

401. In light of article 20 of the Convention, the Committee recommends that the State party:

(a) Fully implement the Child Care Reform by providing it with the necessary human and financial resources;

(b) Take effective measures to develop alternative measures to institutionalization, such as foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a measure of last resort;

(c) As preventive measures, improve social assistance and support to families to help them with their child-rearing responsibilities, including through education, counselling and community-based programmes for parents;

(d) Take all necessary measures to improve conditions in institutions (article 3, paragraph 3, of the Convention);

(e) Take all necessary measures to prevent neglect and ill-treatment of children in institutions and provide support and training for personnel in institutions, including social workers;

(f) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish regular periodic review of placement;

(g) Provide adequate follow-up and reintegration support and services for children who leave institutional care.

Abuse and neglect

402. The Committee notes the establishment of a National Centre for the Prevention of Child Abuse, but is nevertheless concerned about the extent of domestic violence, the absence of a legislative framework, the lack of standardized procedures for the identification, reporting, investigation and prosecution of cases of neglect, ill-treatment and abuse, the lack of a legal prohibition of corporal punishment in schools, institutions and at home, and the limited availability

of skilled services for the support of victims.

403. In light of article 19 of the Convention, the Committee recommends that the State party:

- (a) Undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, in order to assess the extent, scope and nature of these practices;
- (b) Take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;
- (c) Adopt and implement effectively adequate multidisciplinary measures and policies, including public campaigns, and contribute to changing attitudes;
- (d) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure, in order to ensure better protection of child victims, including the protection of their right to privacy;
- (e) Take measures to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention;
- (f) Take into account the Committee's recommendations adopted at its day of general discussion on violence against children within the family and in schools (see CRC/C/111).

5. Basic health and welfare

Health and health services

404. While noting efforts to reorganize maternity and childcare services and various programmes to improve children's health, the Committee remains concerned about the relatively high rates of infant and child mortality and, in particular, notes that approximately 80 per cent of under-5 deaths are due to preventable causes and that the State party has the highest rate in the region of accidents and poisoning. It further expresses its concern at the limited access to health-care services, especially for disadvantaged households. It also notes the high incidence of tuberculosis, alcohol consumption and drug abuse, as well as the high incidence of iodine deficiency disorders in schoolchildren.

405. The Committee recommends that the State party:

- (a) Implement the National Health Policy and enforce the Strategy on Promoting Effective Perinatal Care of the World Health Organization (WHO) in order to further reduce perinatal and infant mortality;
- (b) Define sustainable financing mechanisms for the health-care system, including adequate salaries for child health-care professionals, in order to ensure that all children, in particular

children from the most vulnerable groups, have access to free basic health care of good quality;

(c) In order to prevent childhood injuries, develop adequate legislation to protect children from accidents and injuries, include the prevention of injuries in national policy priorities and objectives and develop injury control programmes;

(d) Combat alcohol consumption and drug abuse;

(e) Iodize salt;

(f) Continue to seek technical assistance from, among others, WHO and UNICEF.

Adolescent health

406. The Committee, while welcoming the national programme to combat HIV/AIDS with the support of international organizations, notes with deep concern the increasing rates of sexually transmitted diseases (STDs) and HIV/AIDS among adolescents and the large number of teenage pregnancies and abortions. It further notes that the health services provided are not tailored to the needs of adolescents, thus reducing their willingness to avail themselves of primary health services.

407. The Committee recommends that the State party:

(a) Implement in an effective way the national programme for assistance in the planning and protection of reproductive health for 1999-2003 and increase its efforts to promote adolescent health policies;

(b) Further strengthen the programme of health education in schools;

(c) Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of STDs and HIV/AIDS, and continue to develop adequate policies and programmes;

(d) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child;

(e) Seek technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.

Children with disabilities

408. The Committee expresses its deep concern at the increasing number of children with disabilities and at the insufficient support provided to their families. It further notes that there are

few efforts to integrate these children in mainstream education and society, including in cultural and leisure activities. The Committee is also concerned at the terminology used in discussions about children with disabilities, such as “invalid”, which may lead to prejudice, stigmatization and negative psychological effects.

409. In light of article 23 of the Convention, the Committee recommends that the State party:

- (a) Undertake studies to determine the causes of and ways to prevent disabilities in children;
- (b) Undertake measures to ensure that the situation of children with disabilities is monitored in order to assess their situation and address their needs effectively;
- (c) Conduct public campaigns to raise awareness of the situation and the rights of children with disabilities;
- (d) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and strengthen community-based programmes to enable them to stay at home with their families;
- (e) Support the parents of children with disabilities with counselling and, when necessary, financial support;
- (f) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the Committee’s recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools and public facilities accessible;
- (g) Avoid terminology such as “invalid” and use the internationally accepted terminology such as “children with disabilities”.

Standard of living

410. The Committee welcomes the adoption of the Preliminary Poverty Reduction Strategy in April 2002 and other efforts to support families, but remains concerned at the deteriorating living standards affecting in particular families with children, the inadequate social security system and the large number of parents migrating abroad to find work.

411. The Committee recommends that the State party:

- (a) Undertake all necessary measures to support parents and families, including single-parent families, in their child-rearing responsibilities as part of its full implementation of the National Strategy for Children and Families;

(b) Fully implement the Preliminary Poverty Reduction Strategy, inter alia with a view to providing an adequate level of food security and social protection for children at risk and to improving and making transparent the payments of allowances to families with children.

6. Education, leisure and cultural activities

Education

412. The Committee notes with concern the declining expenditure on education, which affects in particular pre-school education, especially in rural areas. It further expresses concern for the drop in the quality and accessibility of education with a consequent decrease in enrolment across all levels of compulsory education and increase in of drop out rates.

413. In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:

(a) Develop a national strategy on education for all, and a clear plan of action, taking into account the Dakar Framework for Action;

(b) Ensure regular attendance at schools and the reduction of drop out rates;

(c) Improve the quality of education in order to achieve the goals mentioned in article 29, paragraph 1, in line with the Committee's General Comment No. 1 on the aims of education.

7. Special protection measures

Economic exploitation, including child labour

414. The Committee welcomes the recent ratification by the State party of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, but remains concerned at the high incidence of child labour in the State party and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

415. The Committee recommends that the State party:

(a) Combat and eradicate as effectively as possible all forms of child labour;

(b) Seek assistance from ILO with a view to participating in the International Programme on the Elimination of Child Labour (IPEC).

Sexual exploitation and trafficking

416. The Committee notes that some measures have been developed to combat trafficking, but is nevertheless deeply concerned about the serious proportions of trafficking of girls from Moldova. It notes with concern that there is no precise information about the real dimensions of this

phenomenon and that very little support in terms of rehabilitation and reintegration is provided to the victims of trafficking.

417. In light of articles 32 to 36 of the Convention, the Committee recommends that the State party:

(a) Undertake a study on the issue of trafficking in order to assess its scope and causes, and develop and implement effective monitoring and other measures to prevent it;

(b) Adopt legislative measures against trafficking and take all necessary measures to strengthen the National Committee against Trafficking, and further develop clear strategies and activities, including for prevention, protection and social reintegration;

(c) Include life-skills education in school curricula;

(d) Develop and adopt a national plan of action against sexual and commercial exploitation of children, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(e) Consider ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention.

Street children

418. While noting the amendment to the Penal Code regarding child beggars, the Committee notes that the negative effects of the current economic crisis and the consequent deterioration in the family environment have resulted in an increasing number of street children in Chi_in_u and other cities.

419. The Committee recommends that the State party:

(a) Take effective measures to ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;

(b) Ensure that street children who are victims of physical and sexual abuse and who are substance abusers are provided with recovery and reintegration services as well as with services for reconciliation with their families;

(c) Undertake further study on the causes and scope of the phenomenon and establish a comprehensive strategy in cooperation with civil society with the aim of preventing and reducing this phenomenon;

(d) Seek assistance from, among others, UNICEF.

Children belonging to minorities

420. The Committee is concerned that, despite pilot programmes aimed at improving the situation of the Roma in certain provinces, they still suffer from widespread discrimination which has in some instances curtailed Romani children's right to education, health and social welfare.

421. The Committee recommends that the State party:

(a) Initiate campaigns at all levels and in all provinces aimed at addressing the negative attitudes towards the Roma in society at large and in particular amongst authorities and professionals providing health, education and other social services;

(b) Develop and implement a plan aimed at integrating all Roma children into mainstream education and prohibiting their segregation in special classes, and which would include pre-school programmes for Romani children to learn the primary language of schooling in their community;

(c) Develop curriculum resources for all schools which include Romani history and culture in order to promote understanding, tolerance and respect of the Roma community in Moldovan society.

Administration of juvenile justice

422. While welcoming the adoption of the new Penal Code, the Committee expresses its concern that there is no separate system for juvenile justice or special juvenile personnel or trained judges, and that the special provisions for juveniles contained in the law have no implementation mechanism owing to lack of capacity and expertise. Furthermore, the Committee notes that there is no legal provision limiting the period of pre-trial detention, that conditions in juvenile detention centres are very poor and offer little possibility for rehabilitation, and that girls are detained in the same facilities as adult women.

423. The Committee recommends that the State party:

(a) Establish, as soon as possible, a specific system of juvenile justice;

(b) Continue reviewing laws and practices regarding the juvenile justice system in order to bring it, as soon as possible, into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(c) Take legislative measures to set limited and short periods for pre-trial detention, in accordance with the provisions and principles of the Convention;

(d) Use detention, including pre-trial detention, only as a measure of last resort, for as short a time

as possible and for no longer than the period prescribed by law, and ensure that children are always separated from adults;

(e) Use alternative measures to all forms of deprivation of liberty whenever possible and strengthen the role and capacities of the Commission for Minors at the municipal and district levels, while ensuring that they act in full compliance with the Convention;

(f) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction;

(g) Incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular to guarantee them access to effective complaint procedures covering all aspects of their treatment;

(h) Ensure access to education for girls and boys in detention;

(i) In light of article 39, take appropriate measures to promote the recovery and social reintegration of children involved in the juvenile justice system;

(j) Seek assistance from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF and through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

8. Optional Protocols and acceptance of the amendment to article 43 (2) of the Convention

424. The Committee notes that the State party has signed but not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. The Committee also notes that the State party has not yet accepted the amendment to article 43, paragraph 2, of the Convention enlarging the Committee from 10 to 18 members.

425. The Committee recommends that the State party ratify and implement the Optional Protocols to the Convention on the Rights of the Child and encourages the State party to accept the amendment to article 43, paragraph 2, of the Convention.

9. Dissemination of reports

426. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

10. Periodicity for submission of reports

427. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention is to ensure that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention the Committee invites the State party to submit its combined second and third periodic reports by 24 February 2005, the date on which the third periodic report is due.