AVOCATUL POPORULUI
OMBUDSMAN

CHILD RIGHTS OMBUDSPERSON

THEMATIC STUDY

ANALYSIS OF THE CHILD PROTECTION SYSTEM

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ABBREVIATIONS

CAA	Court Administration Agency
SGLA	State-guaranteed legal aid
FC	Foster Care
CPA	Central Public Administration
LPA	Local Public Administration
NBS	National Bureau of Statistics
FTH	Family-Type Home
CRC	UN Convention on the Rights of the Child
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms
NLAC	National Legal Aid Council
CoCP	Code of Civil Procedure
CC	Criminal Code
CPC	Criminal Procedure Code
ECtHR	European Court of Human Rights
SCM	Superior Council of Magistracy
GD	Government Decision

BACKGROUND

According to the Law on the People's Advocate No 52/2014, the Parliament appoints two People's Advocates who are autonomous from each other, one of whom is specialised in the protection of children's rights and freedoms.

According to the procedures regulated by law, the Child Rights Ombudsperson exercises his/her powers to ensure observance of the rights and freedoms of the child; implementation, at national level, of the provisions of the UN Convention on the Rights of the Child by central and local public authorities, persons in managerial/responsible positions at all levels. In his/her work, the Child Rights Ombudsperson is assisted by a specialised subdivision within the People's Advocate Office.

The People's Advocate Institution is autonomous and independent from any public authority, legal entity or individual, with a mandate granted by the Parliament through Law No 164/2015 approving the Regulation on the organisation and operation of the People's Advocate Office.

The Child Rights Division, a specialised subdivision of the People's Advocate Office, is responsible for ensuring the efficient work of the Child Rights Ombudsperson, in particular for monitoring the implementation of the UN Convention on the Rights of the Child and the promotion of children's rights, as well as for providing assistance and protection to children in need or at risk, preparing the Annual Report on the observance of children's rights in the Republic of Moldova (Annual Report's chapter on the observance of human rights and freedoms in the Republic of Moldova), and participating in the performance of other tasks as assigned to the Child Rights Ombudsperson.

During the mandate, the Child Rights Ombudsperson has monitored the implementation of the previous recommendations. The process of monitoring the observance of children's rights in the Republic of Moldova under the aegis of the Child Rights Ombudsperson is carried out on an ongoing basis and as a result of a continuous process of analysis and synthesis, and in order to improve this segment, the thematic study ‘Analysis of the child protection system’ was developed.

This general study was carried out in the light of the mandate of the Child Rights Ombudsperson, and specifically in the context of the Ombudsperson's role in monitoring the national implementation of the UN Convention on the Rights of the Child.

In the process of carrying out the study, the provisions of the Law on the People's Advocate (Ombudsperson) No 52/2014, the Regulation on the organisation and operation of the Office of the People's Advocate, approved by Law No 164/2015, the Opinion of the Venice Commission on the Law on the People's Advocate (No 2015), as well as other international best practices were taken into account.

The final aim of the thematic study ‘Analysis of the child protection system‘ was to assess the strength of the child protection system and the set of actions taken to prevent and protect children from separation, violence, neglect and exploitation, which would increase children's chances of growing up physically and mentally healthy, confident and self-respecting.

I. RESEARCH FRAMEWORK

1.1. Purpose and objectives of the research

The purpose of the study is to assess the strength of the child protection system and the set of actions taken to prevent and protect children from separation, violence, neglect and exploitation, which would increase children's chances of growing up physically and mentally healthy, confident and self-respecting.

The specific objectives of the study:

- To analyse the regulatory framework in the field of children's rights;
- To analyse the policy documents in the field of children's rights and strengthening the child protection system;
- A holistic mapping of child protection services;
- To identify barriers to preventing and protecting children from separation, violence, neglect and exploitation that would increase children's chances of growing up physically and mentally healthy, confident and self-respecting;
- To formulate conclusions and recommendations for strengthening the child protection system.

1.2. Ethical and guiding principles

The guiding principles on which this study was based are as follows:

- the best interests of the child are paramount;
- supporting non-discrimination on the basis of race, colour, sex, language, religion, politics or other grounds (opinion, social origin, disability, birth);
- emphasising the right to life, survival and development;
- free expression of children's views – child participation;
- protecting the child's right to privacy and ensuring the confidentiality of proceedings.

1.3. Data collection and sampling methods

The following research methods were applied to achieve the aim and objectives of the study:

- analysis of the regulatory framework and existing policy documents in the field;
- quantitative survey;
- qualitative survey.

The general design of the study/report included the following steps:

1. Analysis of the framework governing the child protection system from a national and international perspective, as well as their interaction at different procedural stages.
2. Documentation and development of data collection tools *(development and consultation with the Child Rights Ombudsperson of the questionnaire and interview guide);*
3. Identification of the groups that will participate in the evaluation/survey;
4. Collection of quantitative data from groups that are part of the child protection system (social workers, representatives of the guardianship authority, representatives of academia, representatives of relevant NGOs, etc.);
5. Processing and analysis of qualitative and quantitative data collected from groups that are part of the child protection system;
6. Development of the study.

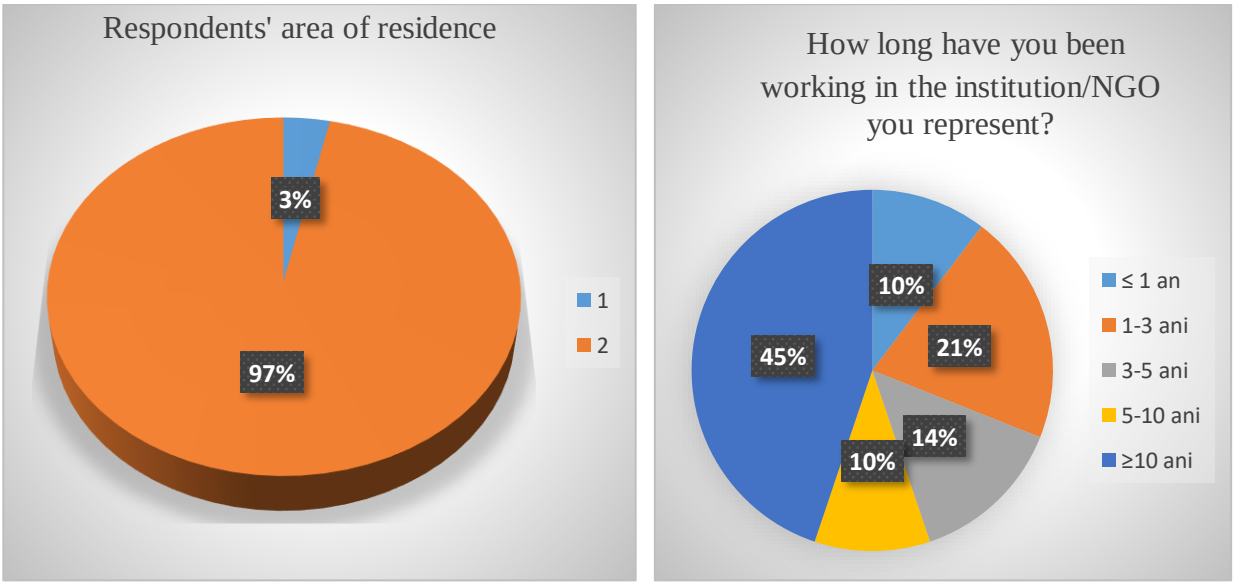
1.3.1. Quantitative survey

The first step was to collect quantitative data, using standard forms, from child protection professionals and beneficiaries (parents, children).

A questionnaire (structured survey questionnaire) was developed to collect data in the field, in particular to identify the opinion of professionals in the child protection system (social workers, representatives of the guardianship authority, probation counsellors, representatives of relevant NGOs, etc.). The questionnaire was subsequently tested, adapted and applied according to the methodology. The questionnaire is presented in Annex 1 and was distributed and collected between 5 and 15 September 2022.

The quantitative survey included 29 respondents working in the child protection system, **45%** of whom had more than 10 years' experience in the field. The profile of respondents is shown in Figure 1.

Figure 1. *Profile of respondents.*



In order to ensure representativeness, the following sample characteristics were taken into account: gender, area of residence, age and profession/position held in the child protection institution.

1.3.2. Qualitative survey

In order to identify participants' perceptions, opinions and reactions regarding the field of child protection: legislation, policies, practices, working mechanisms, intersectoral cooperation, etc., 3 focus groups were conducted as follows:

- a focus group with the participation of employees of the social assistance and family protection Departments (territorial guardianship authority);
- a focus group with the participation of professionals assisting children in contact with the justice system (lawyers, probation counsellors, academic representatives);
- a focus group with the participation of parents who have children in need of protection.

All focus groups were moderated by an expert contracted to conduct the survey, guided by a list of questions.

The qualitative research also included 12 in-depth interviews with child rights experts. Respondents were guaranteed confidentiality of their responses. The snowball method was used to recruit respondents for the focus group discussions, taking into account the following criteria: age, area of residence, education and other characteristics specific to each group interviewed.

1.4. Methodology limitations

The main limitations of the report were the unavailability of respondents to provide the information asked for in the questionnaire and the interview guide. As the research period coincided with the need to assist a large influx of refugees, which generated a large workload for child protection professionals, not all sampled respondents were able to answer questions or participate in focus groups or interviews.

In these circumstances, the information needed for the study was collected through other available channels, such as analysis of studies published during the reference period, websites of state institutions, NGOs included in the sample.

II. ANALYSIS OF THE DEVELOPMENT OF THE LEGAL FRAMEWORK IN THE FIELD OF CHILD PROTECTION

2.1. The Republic of Moldova's international commitments on the prevention and protection of children from separation, violence, neglect and exploitation

The UN Convention on the Rights of the Child requires signatory states to take all necessary legislative and other (administrative) measures to develop, adopt and promote effective measures against abuse, violence, neglect and exploitation of children covered by the Convention.

The establishment and consolidation of the Republic of Moldova as an independent and democratic state with the status of a subject of international law (1991) led to the internationalisation of national law, particularly *in the field of protection of human rights and fundamental freedoms* through the ratification of numerous universal human rights documents, paving the way for a system of international protection.

The right to life and the right of the child to physical and mental integrity are natural rights, inherent to every human being, and belong to the category of inviolable rights.

Article 24 of the Constitution enshrines that *'The State guarantees everyone the right to life and to physical and mental integrity'*, and according to Article 25 of the Supreme Law, *'Individual freedom and personal safety are inviolable'*. At the same time, according to Article 1 of the Universal Declaration of Human Rights, all human beings are born free and equal in dignity and rights.

Given these values, the Republic of Moldova has a continuing obligation to take the necessary measures to protect children from abuse, violence, neglect and exploitation, including by acceding to international instruments, and to bring its legislation into line with these instruments.

In the context of reforming Moldova's child protection system and aligning it with European and international standards and documents, a number of important achievements have been made in this segment in recent years. Increased efforts have also been made to protect children from abuse, violence, neglect and exploitation.

Thus, on 14 June 2013, the Parliament of the Republic of Moldova adopted Law No 140 of 14.06.2013 on the special protection of children at risk and children separated from their parents, which regulates situations of risk for children, as well as the algorithm for the identification, assessment, assistance, referral, monitoring and registration of children at risk and children separated from their parents, as well as the authorities and bodies responsible for implementing these procedures.

At the same time, in order to streamline the implementation of Law No 140 of 14 June 2013 on the special protection of children at risk and children separated from their parents and to

streamline the framework for child protection against abuse, violence, neglect and trafficking, GD No 270 of 08.04.2014 was adopted, approving the Instructions on the cross-sectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking. This Instruction establishes the cross-sectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking (hereinafter – cross-sectoral cooperation mechanism).

The interview participants indicated that the regulatory framework for child protection in the Republic of Moldova is largely in line with the international framework on children's rights. The child protection system is based on the Constitution of the Republic of Moldova, which proclaims the right of the family and the child to protection, including guaranteeing the right to life, physical and mental integrity, ensuring social assistance and protection, guaranteeing the right to health care and the right to live in a safe environment. At the same time, the respondents stated that the Law No 140/2013 on the special protection of children at risk and children separated from their parents provides clarity with regard to the duties of local and district guardianship authorities, child protection measures, as well as the modalities of cross-sectoral cooperation on child protection. However, the process of aligning the regulatory framework and practices in the field with the provisions of the UN Convention on the Rights of the Child and other international documents is still a work in progress, as Law No 338/1994 on the Rights of the Child needs to be revised, as do many of the current regulations that have become obsolete, with the subsequent adjustment of the regulatory framework.

In recent years, the challenges caused by the lack of regulation of measures and services for children with deviant behaviour, as well as those related to the protection of children online, have also been addressed in legislative terms. However, there is still no national mechanism to coordinate the implementation of the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), including framework guidelines for private ICT companies and hosting companies on the protection of children from illegal content, as well as the notification procedure and materials to be removed.

Regarding the remaining shortcomings in the part concerning the alignment of the legal framework with international standards, the respondents also specified that the Republic of Moldova has not yet acceded to the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and to the 2007 Hague Convention on the Law Applicable to Maintenance Obligations. The social realities brought about by the migration of families with children to other countries prompt the ratification of these two international acts. In this respect, the focus group participants from the legal professions noted that in recent years there has been an increasing trend in the number of civil cases involving child-related disputes with foreign elements. Most of these disputes concern the establishment of the children's domicile and the participation of the parents in the maintenance of the children, when both parents, being citizens of the Republic of Moldova, for a time, together with their children, resided in countries such as Italy, Germany, Spain, Portugal, Great Britain where there are large communities of Moldovan citizens. Then one of the parents, together with the children, returns to the Republic of Moldova and files an action for custody of the children. The indicated trends were also confirmed by the focus group participants from the guardianship authorities, who noted that following the amendment of the provisions of Article 64 of the Family Code, which provides for the possibility of scheduling visits through electronic or other means, as well as the possibility for the child to be visited by the other parent, the number of requests from parents living abroad has increased significantly. In view of the above trends, the respondents noted that the current measures and mechanisms for resolving disputes involving children living with their parents abroad are insufficiently strengthened and coordinated. Although Law 112/2020[1] made amendments to the

Civil Procedure Code of the Republic of Moldova No 225/2003 in the part regulating the procedure for examining applications for return to the habitual place of residence or the exercise of rights of visitation in accordance with the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, these were not sufficient. This calls for the need to develop mechanisms to implement the provisions of the 1980 Hague Convention on the Civil Aspects of International Child Abduction in order to ensure the immediate return of children wrongfully removed or retained in another country and that the rights of custody and access to children are observed in all countries.

2.2. Legislative framework: amendment and completion of the legal framework in the field of prevention and protection of children from separation, violence, neglect and exploitation

Significant progress has been made in the field of child protection in recent years, with reforms both in the regulatory framework and in the development of services. Thus, Law 112/2020 amended Law No 140/2013 on the special protection of children at risk and children separated from their parents concerning: a) the modification of the notions of child separated from parents, legal representative of the child, imminent danger and specialist in the protection of children's rights; b) the definition of the notion of a legally responsible person for a child; c) the supplementation of the duties of the territorial guardianship authorities concerning: – the legal representation of child victims or witnesses of crime; – the performance of duties relating to the establishment and payment of daily allowances for children temporarily left without parental care and children left without parental care; d) setting out the duties of the central authority for child protection; e) the planned placement in the guardianship/trusteeship service, the placement of the child of the minor parent, as well as the obligation to undertake measures to prepare the children in the placement services for independent living after leaving those services; f) the delimitation of the functions of representation and legal responsibility for children separated from their parents between the guardianship authorities and the children's carers; g) the establishment of the procedure for establishing custody of children whose parents/single parent are temporarily in another location in the country or abroad, as well as monitoring their situation.

Consequently, the Law No 99/2010 on the Legal Regime of Adoption was also amended accordingly, with reference to: a) the clarification of the notion of adopter; b) access to data on adoptable children, in particular with a view to facilitating and streamlining the adoption of children with special needs; c) the clarification of the procedure for the award and validity of the adopter's certificate; d) the optimisation of the consents of the persons involved in the adoption procedure; e) the optimisation of the time limits for matching, visiting and entrusting children for adoption, as well as the time limits for post-adoption monitoring of the child.

In order to ensure the child's right to family life, amendments were made to the Family Code No 1316/2000 with reference to: a) ensuring that children with the status of children temporarily without parental care have access to their parents who are in detention or in custody; b) the protection of the rights of children whose parents are minors; c) the partial delegation by the parents of the legal responsibility to the guardian of the children whose parents/single parent are temporarily in another locality in the country or abroad; d) the domicile of children whose parents live separately, as well as the establishment of the schedule of visits between the child and the parent who lives separately; e) the conflict of interest in disputes concerning the rights of the child between an interested party and the guardianship authority.

In order to ensure children's right of access to a court, amendments were made to Law No 198/2007 on State-Guaranteed Legal Aid concerning the possibility of qualified legal assistance without the consent of the parents or guardian/trustee at the request of the child or guardian authority. Nevertheless, the respondents claim that in practice children do not make use of this right due to insufficient knowledge of the application procedures. However, there has been an

increase in the number of requests received from guardianship authorities or courts requesting the Territorial Offices of the NLAC to appoint lawyers to defend the interests of children in civil cases, usually when the interests of parents or guardians/trustees conflict with the interests of children. This can be seen as a positive practice, but in order to ensure children's effective access to a court it is necessary to inform children of their right to have the assistance of a lawyer paid for by the state without the consent of their parents or guardian/custodian.

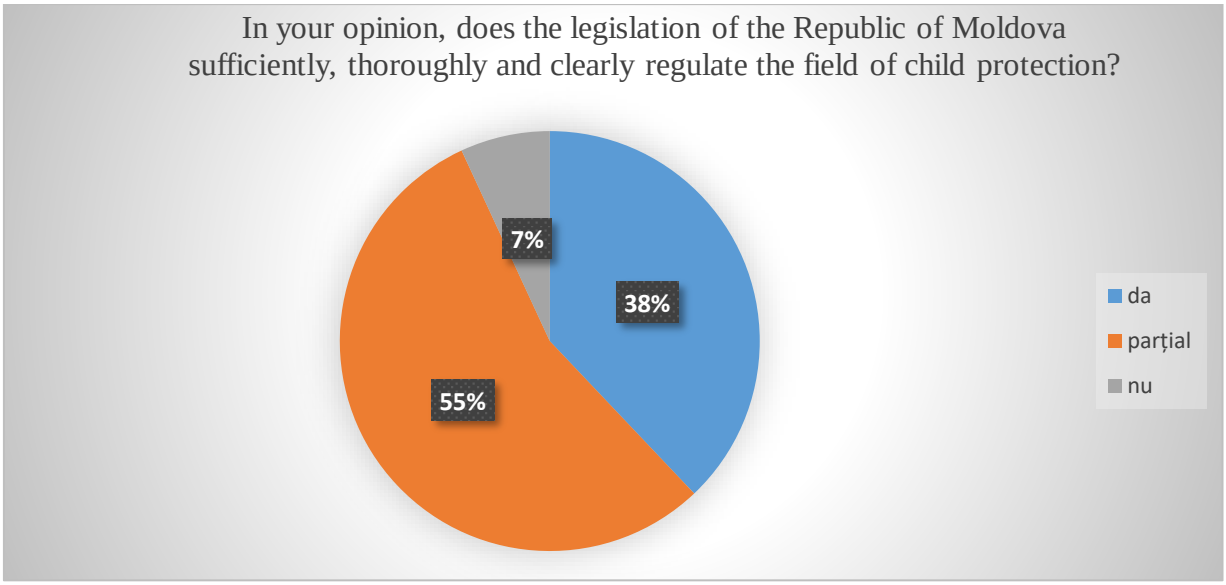
The right of children to express their views freely in all matters affecting them is one of the general principles of the Convention on the Rights of the Child. As it is a right, national courts are not always obliged to hear children in civil litigation, this question having to be assessed according to the specific circumstances of each case, taking into account the age and maturity of the child concerned. National legislation guarantees the rights of children to an opinion by granting them specific procedural rights in family proceedings before a judicial authority, in particular in proceedings involving the exercise of parental authority, such as establishing the child's domicile, disputes concerning the scheduling of visits, and termination of parental rights.

The quantitative survey also discussed the amendments made to Article 54 of the Family Code, which concerns the child's right to an opinion. Thus, in the current wording of Article 54 of the Family Code, children have the right to express their opinion on matters affecting their interests and to be heard during judicial or administrative proceedings. The child's views must be taken into account in accordance with his or her age and degree of maturity, provided they are not contrary to the child's interests. These changes were promoted by Law 112/2020, which excluded the age criterion of 10 years for the right to be heard in civil litigation. Even though, through the amendments made, the legislator brought the national legislation in line with international standards, guaranteeing the right to an opinion according to the degree of cognitive and emotional maturity of the child, the respondents noted that in practice there are difficulties in determining this aspect. Thus, justice professionals are of the opinion that the old wording of Article 54 of the Family Code was clearer from the point of view of its application, since the court would determine the age based on the civil status document and order a hearing. The current wording requires the conclusion of a specialist in developmental psychology to provide the court with information on the child's maturity, as the judge has no expertise in psychology. Given that most courts in the country do not employ a psychologist, this burden is placed on the court to identify and hire a psychologist.

The survey participants also mentioned the amendments to the Civil Code, which clarified or reworded the legal provisions on acts of disposal concerning the child's property, clarifying the requirement that parents must obtain the consent of the guardianship authority when concluding a contract on behalf of the child concerning a significant asset, such as the alienation or mortgage of a property belonging to the child. At the same time, the amendments to the Civil Code introduced a new concept of family council. Namely, it has been provided that the guardianship authority has the power to establish the child's guardianship with family council (consisting of relatives and close persons of the minor), which will take over certain supervisory functions relating to the child's guardianship instead of the guardianship authority. Although these provisions were implemented in 2018, to date no mechanisms have been put in place to implement the provisions on obtaining the consent of the guardianship authority when concluding a contract on behalf of the child concerning a significant asset, nor in the part of the functioning of family councils. Respondents also indicated that the amendments made to the Civil Code to modernise the institution of inheritance have caused difficulties in practice. In their view, it is desirable to keep the legal provisions that reserved heirs have the status of heirs, as they better protect children in matters of inheritance, but the changes made have generated multiple disputes in which the guardianship authority has to defend the rights of children and often has neither clearly established procedures nor human resources that could meet these challenges. One interview participant indicated that due to the modest salary, the territorial guardianship authorities employ inexperienced lawyers, while the opposing parties have two or three lawyers. In the absence of experienced professionals, it is difficult to defend children's property rights in court.

At the same time, although important steps have been taken in the area of legislation for the protection of children, the respondents are of the opinion that the legislation of the Republic of Moldova does not sufficiently, thoroughly and clearly regulate the field of child protection. According to the survey, **55%** of respondents believe that the legislation of the Republic of Moldova partially regulates the field of child protection, **38%** said that the regulatory framework is sufficient and clear and **7%** answered in the negative. (Figure 2).

Figure 2. *The respondents' answers regarding the clarity and sufficiency of the child protection regulatory framework.*



Asked what needs to be added to or changed in the legislation, the respondents indicated that it would be advisable to change the legislation regarding the establishment of the schedule of visits with children whose parents live separately, including when they are part of the diaspora, and the establishment of guardianship/trusteeship. Consistently, the respondents indicated difficulties in implementing some provisions of the current legislation due to the lack/insufficiency of instruments, guidelines, for example: the lack of a framework regulation on the issuance of authorisations on behalf of children to notary offices by the guardianship authority; the absence of a procedure for the preparation and submission to the court of the opinion when examining child-rearing disputes; lack of provisions establishing the responsibility of parents who go abroad and leave their children without custody.

In the context of the *above*, we stress that all the adjustments made to the regulatory framework, which is multi-sectoral in scope, derive from the need to continuously implement state policy in the field of protection of children against abuse, violence, neglect and exploitation.

2.3. Policy documents in the field of prevention and protection of children from separation, violence, neglect and exploitation

The UN Convention on the Rights of the Child requires signatory states to take all necessary legislative and other (administrative) measures to develop, adopt and promote effective measures against abuse, violence, neglect and exploitation of children covered by the Convention.

This obligation is placed on all public and private sector actors. Thus, the scope extends from the legislative to the executive branch and from central to local government. A distinct role

is given to the Ministry of Labour and Social Protection as the central specialised body empowered with the functions of developing and promoting child protection policies.

In the context of the State's obligation to develop and promote child protection policies, several policy documents (sectoral and national) have been developed, establishing several areas of strategic intervention in this sector and outlining actions to be taken, including:

The 2014-2020 National Strategy for the protection and promotion of the rights of the child, through which the State aimed to ensure an effective framework for the implementation of the main priorities in the field of children's policies of the Program of Government, designed to 'enable equal conditions for the development and training of children from birth to adulthood'. [11, p. 1]

This strategy was focused on 3 general objectives, one of which refers to preventing and combating violence, neglect and exploitation of children, promoting non-violent practices in the upbringing and education of children (General Objective 2). Important measures taken to prevent and combat violence against children include the approval of the Instructions on the cross-sectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking. In the process of implementing the Strategy, in order to prevent violence, neglect and exploitation of children, awareness-raising campaigns have been carried out in society; a Centre for the assistance of child victims and witnesses of crime (Barnahus type) has been created; the capacity of the education system has been increased to provide information on children's rights and skills training for the prevention of violence in schools and risk behaviours. [12]

In order to prevent risks in the educational and child-rearing process and to provide every child with the opportunity to have an appropriate family environment to reach their full developmental potential, the *2016-2022 Cross-Sectoral Strategy for the Development of Parenting Skills and Competencies* was adopted.

The strategy sets out a unified vision at institutional and sectoral level, so that a range of public and private services focusing on the following two strategic directions, which would ensure the training and development of parenting skills and competences, are developed in the long term and in a unified, coherent, flexible and cross-sectoral way. The strategic directions of this document aim at: [13]

- developing parenting skills of parents/legal representatives/carers;
- developing the parenting skills of young people (future parents).

The above strategy focuses on one general objective and three specific objectives. The general objective is to provide each child with the right family environment to reach their full developmental potential and become responsible adults. The specific objectives are:

- Establish and ensure the functionality of an integrated and coherent, cross-sectoral national system for the development of parenting skills and competencies;
- Develop and revise the regulatory framework on the development of parenting skills and competences and bring it in line with the international standards on the protection of children's rights;
- Develop and strengthen the parenting skills and competences of parents/legal representatives/carers and young people (future parents), including by increasing the quality of parenting education services.

The 2018-2022 National Human Rights Action Plan, approved by Parliament Decision No 89 of 24.05.2018, which also includes commitments of the State to protect children. The NHRAP incorporates actions to implement the recommendations of international human rights protection mechanisms, which found a number of shortcomings to be removed to ensure the realization of the rights of children and adolescents in the Republic of Moldova. These actions include: implementing measures to mitigate the effects of migration on the well-being of affected children, including through the provision of support at the local level; training caregivers and improving social and psychological support for affected children; creating effective mechanisms for complaints by children left in care and monitoring the quality of their care; urgently stepping up

measures to combat child labour, paying particular attention to the situation of girls, children from vulnerable families and those left without care.

The 2018-2023 National Strategy for preventing and combating violence against women and domestic violence, approved by Government Decision No 281 of 03.04.2018, aims to ensure a systemic approach to the phenomenon of domestic violence in order to reduce these phenomena and ensure an effective response by the relevant bodies to cases of violence. The strategy aims to achieve four general objectives: prevention, protection, investigation and prosecution, and integrated policies and data collection, each general objective being made up of specific objectives. By the same Government Decision, the 2018-2020 Action Plan for the implementation of the Strategy was also approved. [14]

At the same time, the *National Development Strategy 'Moldova 2030'* proposed to eradicate the scourge of domestic violence, which is a commitment of the state in the context of the Sustainable Development Goals adopted by 193 UN member states, including the Republic of Moldova, on 25 September 2015 at the Sustainable Development Summit. The vision and major strategic objective of the NDS 'Moldova 2030' is centered on the quality of life, which implies a clear definition of its dimensions, identification of the main determinants and actors of change and assignment of a set of statistical indicators to measure recent trends, the current situation, development prospects and relevant targets for strategic interventions that will improve the lives of children.

Combating violence, including violence against children, is also addressed in the *National Strategic Program for Demographic Security of the Republic of Moldova (2011-2025).* This regulatory document insists on the need to ensure the child's right to care and support from parents, family, society, to be protected from any form of mental or physical violence, lack of care, abuse or exploitation; on the need to develop social services for victims of violence, etc. [15].

Also, improving the procedures for investigating and resolving cases of children in conflict with the law under the age of criminal responsibility, including the establishment of educational measures in accordance with the European and international standards on child protection, is an objective reflected in the 2017-2019 National Action Plan for the implementation of the Republic of Moldova-European Union Association Agreement, approved by Government Decision No 1472 of 30 December 2016.

On 01.06.2022 the Government of the Republic of Moldova approved Decision No 347 on the approval of the *National Child Protection Program for 2022-2026* and the Action Plan for its implementation. The paradigm of change proposed in this National Program includes complex interventions on each priority issue at the level of: 1) regulatory framework; 2) mechanism of service delivery by categories of beneficiaries; 3) investment in training and motivating human resources to act effectively to protect every child in need; 4) social norms that contribute to the manifestation of the collective spirit of involvement in supporting every child at risk and that prescribe the behaviour of every member of the community that is intolerant of any form of child abuse and exploitation; 5) volume of financial resources invested in child protection; 6) new and effective approaches to monitoring and evaluation of child protection interventions. [16]

The following general and specific objectives have been established following an extensive consultation process to identify priority areas for intervention in the child protection sector: 1) good governance in the field of child protection; 2) preventing and combating violence in all settings and in all forms, where violence against children means all types of violence as defined in Article 2 of Law No 45/2007 on Preventing and Combating Domestic Violence, including child neglect, labour exploitation and child trafficking; 3) de-institutionalisation and alternative care/family support to prevent separation. The order of these priorities was based on the perceptions of the participants in the consultations. The children identified the same priorities, which they placed in the same order.

Through General Objective 2, the Government aims to ensure that adults and children have zero tolerance for any form of violence against children, so that the share of minors who have been subjected to any form of violence decreases from 1.6% in 2020 to 0.5% in 2026, and the share of

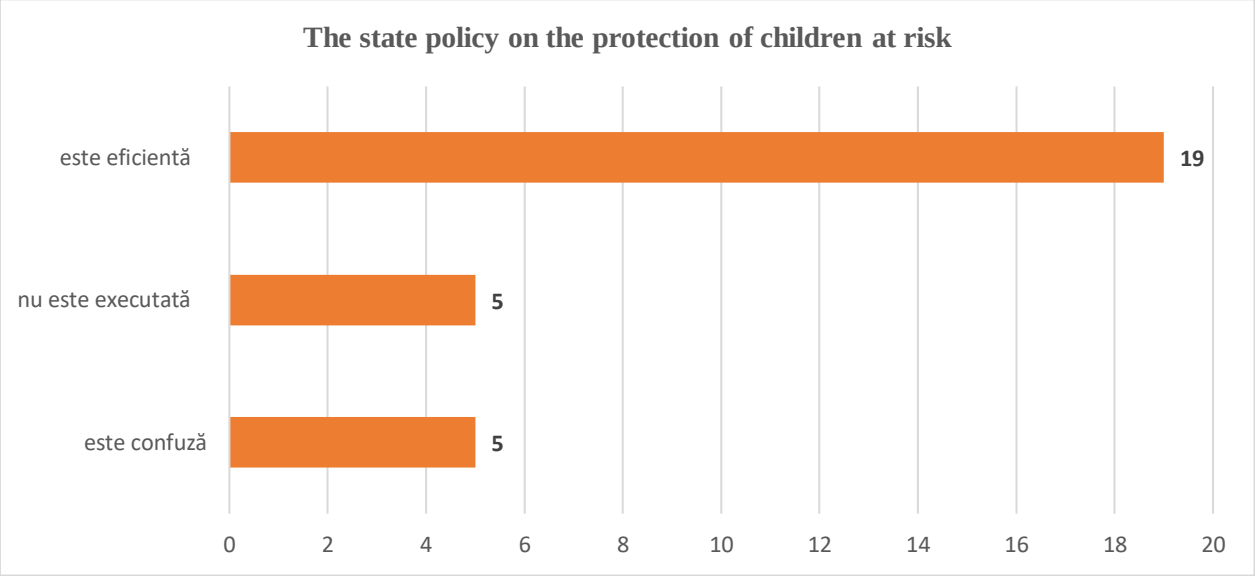
the population who believe that any act of violence against children should be reported to the authorities for intervention increases from 86.6% in 2018 to 100% in 2026. [5]

The above-mentioned strategic documents directly or indirectly mention the need for an adequate legal and institutional framework capable of providing effective protection for children already in difficult circumstances or at risk of becoming so as a result of abuse, violence or neglect in the family or community.

The policy framework described above is the platform for promoting reforms in the field of child rights protection, with a focus on preventing children from being separated from their family environment, providing care and support services for children and ensuring access to services at community level.

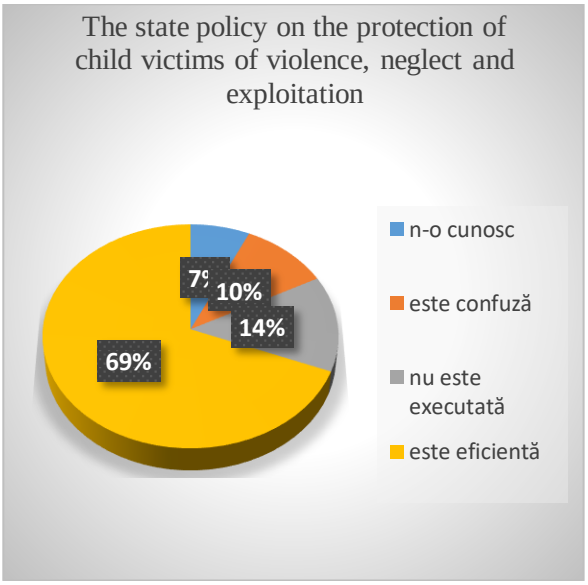
In the quantitative survey, respondents were asked whether the policy documents on the protection of children at risk contain clear approaches and are effective (Figure 3).

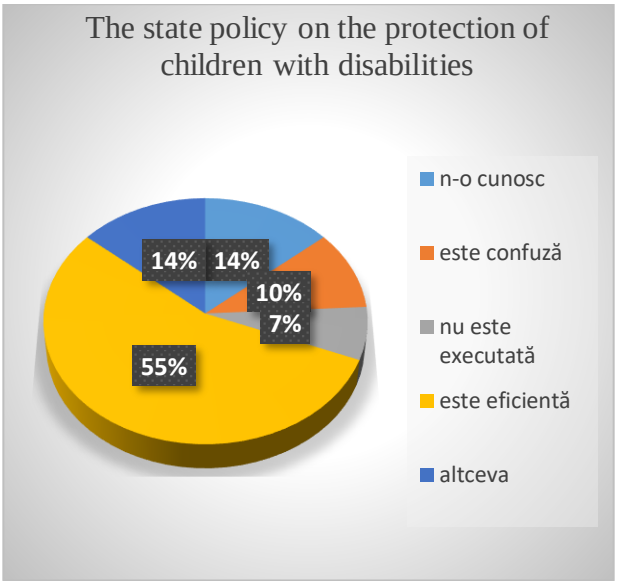
Figure 3. *The respondents' answers regarding the clarity and effectiveness of policy documents on the protection of children at risk*



Most respondents **(69%)** rated the clarity and effectiveness of policy documents on the protection of child victims of violence, neglect and exploitation, followed by **55%** who rated the state policy on the protection of children with disabilities as effective. (Figure 4)

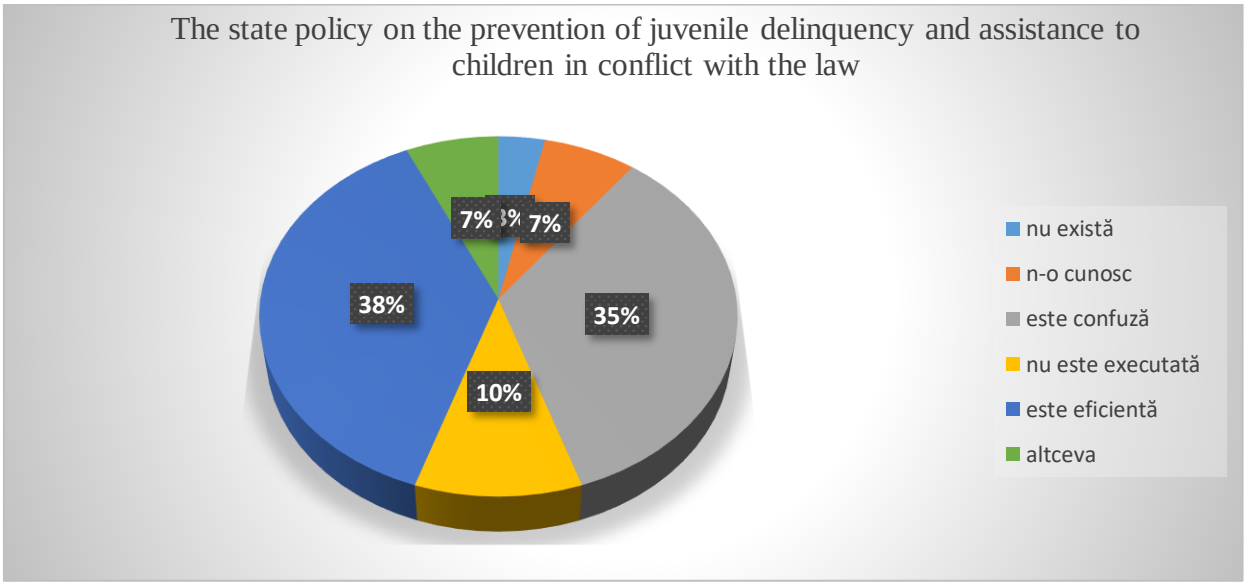
Figure 4. *Respondents' answers regarding the clarity and effectiveness of policy documents on the protection of child victims of violence, neglect and exploitation and the protection of children with disabilities*





However, the respondents reported shortcomings in the clarity and effectiveness of the policy documents targeting children in conflict with the law, with **35%** saying that it is confusing and **7%** indicating that it is not enforced (Figure 5). In their view, the policy documents in the field of prevention of juvenile delinquency and assistance to children with deviant behaviour and children in conflict with the law do not contain clear and concrete approaches for each institutional actor, as well as for each employee of these institutions.

Figure 5. *The respondents' answers regarding the clarity and effectiveness of policy documents on the prevention of juvenile delinquency and assistance to children in conflict with the law*



Despite the development of the policy framework, taking into account the provisions of the Convention on the Rights of the Child and other international treaties to which the Republic of Moldova is a party, the implementation of policies is often delayed or postponed, largely due to the multiple crises that our state has to face. The mid-term evaluation of the implementation of the 2014-2020 Child Protection Strategy, approved by Government Decision No 434/2014, and of the 2016-2020 Action Plan for the Strategy, approved by Government Decision No 835/2016, identified several main areas of intervention where progress has been less visible, including: institutional capacity building at the local level to prevent separation of the child from the family; expansion of the professional network of professional parenting support as a family-based

alternative to institutionalisation; coordination of the deinstitutionalisation process across the Government; development of locally available specialised services for children (including services for perpetrators). These and additional challenges are addressed in the 2022-2026 National Child Protection Program. [2. p. 9]

In addition to what was stated in the strategy evaluation papers, the survey participants also indicated that although all policy documents are based on the principle of the best interests of the child, this principle often has no practical application. For example, in rural communities children have little access to services because most of them are concentrated in cities and high transport costs prevent them from accessing them. Roma children also face problems in accessing services and do not receive social benefits based on individual needs because they are not documented. Self-discrimination and self-isolation of Roma people is a significant barrier to accessing all community services. [2. p. 9]

An important barrier in accessing social services by Roma families and children are also people's perceptions of Roma people which are dominated by negative attributes: 'thieves' (23% of the general population), 'liars' (22%), 'lazy' (12%), 'aggressive' (11%), 'beggars' (11%), etc. Nine percent treat Roma people just like other ordinary people, while the list of positive attributes has at least a few mentions such as 'nice' (6%), 'special' (6%), 'bold' (6%), etc [3].

Another respondent indicated that although the right of children to express their views freely in all matters affecting them is one of the general principles of the Convention on the Rights of the Child, in reality children are only formally consulted when their fate is decided and in the development of individual care plans. Children often have limited opportunities to express their views, lodge complaints and grievances.

The right to equality and non-discrimination is reflected in national law. Thus, the State has taken on the task of ensuring equality and combating discrimination through the regulation of international conventions and the adoption of the domestic regulatory framework on the prohibition of discrimination and ensuring equality. The adoption of Law No 121 on Ensuring Equality was an important step in preventing discrimination, but despite these regulations, progress in ending discrimination and ensuring equality has been slow.

Despite some progress, there are still a number of problems of discrimination against children with disabilities in the education system such as: the lack or insufficiency of support teachers and professionals (psychologists, educational psychologists, speech therapists); attitudinal barriers of teachers in the process of integrating children with special educational needs; the inefficient allocation of financial resources for inclusive education; the need for teachers to be continuously informed about how to interact with children with disabilities, especially those with Down's Syndrome and mental disabilities.[1. p. 146]

These trends are also confirmed by the Council for the Prevention of Discrimination and Ensuring Equality's Annual Report 2021 which found that one of the major problems remains inaccessibility of infrastructure and information for people with disabilities. In the field of education, problems hindering the inclusion of children with disabilities are related to non-compliance of methodologies on measures for reasonable accommodation of the needs of pupils with disabilities; the lack of teachers who know sign language; the obstruction of access to higher education for people with hearing disabilities. [4]

The right to various forms of assistance and support (financial, social assistance, health care, etc.) for children at risk and their families is recognised in national legislation and regulatory acts. However, in most cases the assistance and support offered is insufficient, either because in the Republic of Moldova the promotion and development of quality services for children depends largely on the possibilities of the state budget and the budget of the administrative-territorial units, which is austere, or because these services are not known. For example, although the number of at-risk children has been increasing, cash support under secondary family support has been provided to fewer and fewer children, i.e. to 8,099 children in 2018 and 7,534 children in 2019. At the same time, a total of 60,336 children benefited from this service in 2018 and 34,989 in 2019. [5]

III. INSTITUTIONS AND SERVICES RESPONSIBLE FOR CHILD PROTECTION AND ASSISTANCE

3.1. Ombudsperson for the protection of children's rights

The Ombudsperson for the protection of children's rights exercises his powers to ensure observance of the rights and freedoms of the child and the implementation, at national level, by central and local public authorities, by persons in positions of responsibility at all levels, of the provisions of the UN Convention on the Rights of the Child.

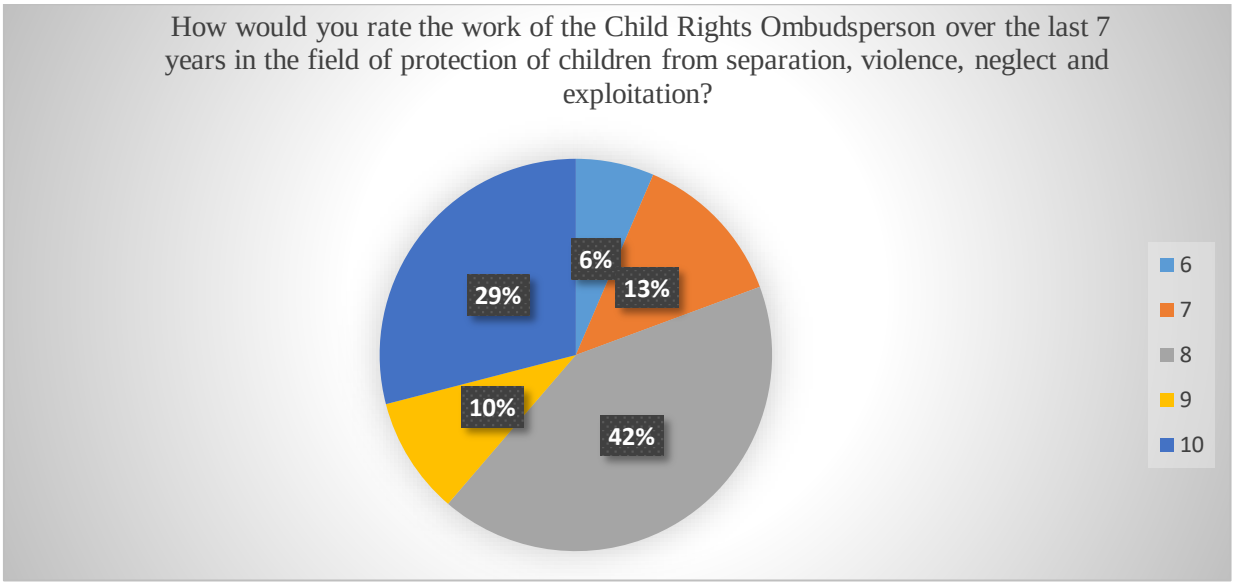
In order to ensure observance of the rights and freedoms of the child, the Child Rights Ombudsperson is entitled to act ex officio to assist children in difficulty or at risk, without seeking the consent of parents or legal representatives, and to cooperate with any person, non-commercial organisation, institution or public authority working in this field.

According to the Law No 52/2014 on the People's Advocate (Ombudsperson), the Child Rights Ombudsperson decides on petitions concerning violations of the rights and freedoms of children and in order to defend their rights and freedoms may refer the matter to the Constitutional Court and may file actions with the courts.

The establishment of the People's Advocate Institution for the protection of children's rights in 2016 was an important institutional achievement that needs to be further supported and improved. These institutions provide, including with the support of UNICEF, annual monitoring reports on the protection of children's rights in Moldova. The reports are well-founded in relation to the cases visited/documented by the institution. However, there is no clear link with the data collected at national level and disaggregated by different levels, even though this information could provide useful information on the implementation of child rights protection at national level. [2]

In the quantitative survey, the respondents were asked to rate on a scale of 1 to 10 (1 – bad, 10 – excellent) the work of the Child Rights Ombudsperson over the last 7 years in the area of child protection from separation, violence, neglect and exploitation. According to the answers obtained, **29%** of respondents rated the work of the Child Rights Ombudsperson with a mark of 10 over the last 7 years, **10%** gave a mark of 9 and **42%** gave a mark of 8. (Figure 6).

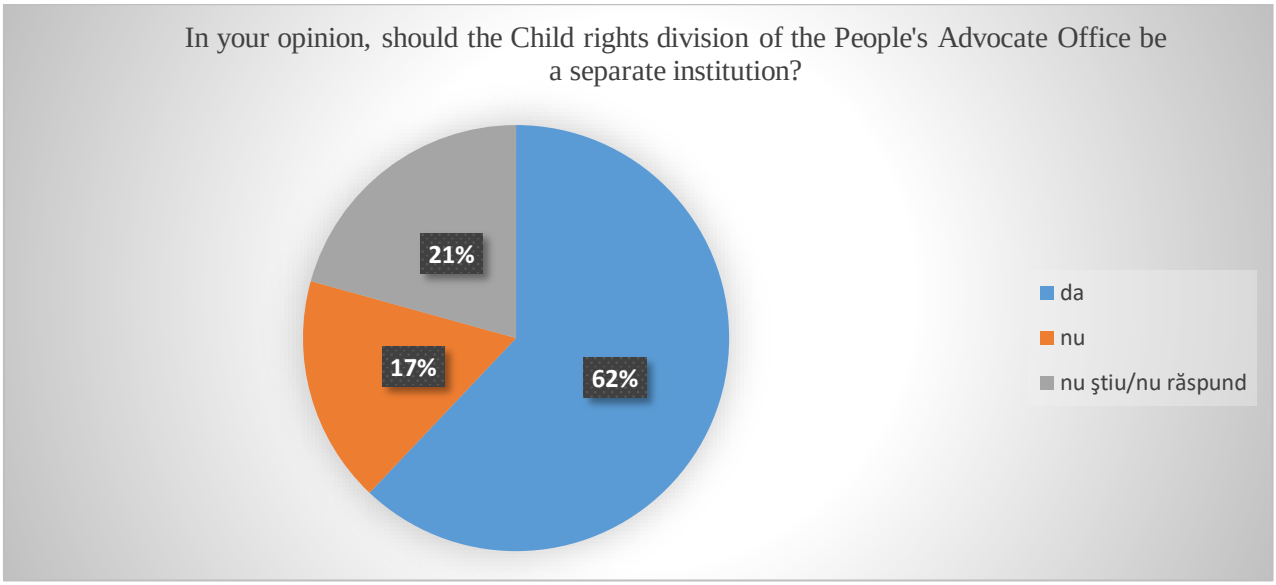
Figure 6. *The respondents' answers regarding the work of the Child Rights Ombudsperson over the last 7 years in the field of protection of children from separation, violence, neglect and exploitation*



To the question *'What do you think the Child Rights Ombudsperson has done in particular or most effectively over the last 7 years to protect children from separation, violence, neglect and exploitation?'*, the respondents pointed to the conduct and development of thematic studies in this area, which have highlighted the gaps and shortcomings of the system and mobilised the authorities to come up with solutions. Another respondent noted that *'The Child Rights Ombudsperson has carried out assessment reports on children in foster care, including residential care, and children in detention. These reports have revealed many shortcomings in the child protection system that those in government often try to hide for various reasons. This is precisely what the Child Rights Ombudsperson is meant to do – to protect children and their interests regardless of the interests of systems or political interests'* In addition to the thematic reports, the respondents also noted the unannounced visits to institutions, information and awareness-raising activities for children in day centers and placement centers. The respondents also noted the cooperation of the Child Rights Ombudsperson with representatives of the academic world both in the development of the regulatory framework and in the development of practical mechanisms, as well as the public opinions on various sensitive issues, such as observance of children's rights during the pandemic.

Beyond the fact that the work of the Child Rights Ombudsperson over the last 7 years has been appreciated positively by the respondents, **62%** are of the opinion that it should be a separate institution. (Figure 7).

Figure 7. *The respondents' answers on whether the Child rights division of the People's Advocate Office should be a separate institution*



The arguments put forward by the parties in support of the establishment of an independent institution were largely related to staff expansion and the possibility of having its own budget which would allow for more efficient implementation of activities.

3.2. Community social services for families with children

According to the Law No 123 of 18.06.2010 on Social Services, children from disadvantaged and vulnerable families (including children with disabilities) can have access to different types of social services: primary, specialised and highly specialised (with residential and non-residential component).

According to the data of the National Social Assistance Agency, during 2021, children up to 18 years of age benefited from *primary social services*: 537 children benefited from social assistance canteens (52.9% girls and 47.1% boys) and 101 children benefited from community social assistance centers (63.4% girls and 36.6% boys). [6] (Figure 7)

Figure 7. *Children aged under 18 receiving social services, by type of service and gender, in 2021*

		Total	Girls	Boys
Primary social services				
Social canteens		537	284	253
Community social assistance center		101	64	37
Specialised social services				
Centers providing specialised services		3 068	1 447	1 621
Highly specialised social services				
Centers providing highly specialised services		331	153	178
The minimum social services package				
Support for families with children		45 478	21 111	24 367
Personal assistance		1 431	545	886

Although the Republic of Moldova has taken important steps in regulating social services for children and families, the specialised social services are unevenly located, so that there are administrative-territorial units that do not have any type of specialised social services. There are

insufficient financial resources at both district and local level.The amount of resources available varies from district to district, but more than half of the territorial social assistance structures (TSAS) say that the insufficiency of funding is causing implementation difficulties. Even for the minimum package of social services regulated by GD No 800/2018, financial resources are not sufficient, with waiting lists for some services being reported in most districts. The funds available for the development of necessary services at local community level (other than the minimum package services) are even more scarce. Half of the professionals and representatives of local authorities (level 1 LPAs) report that there are no local budget funds for this purpose, and another 20% say that the existing funds are totally insufficient. [2. p. 36]

These trends are also confirmed by the interview participants who indicated that there are territorial structures of social assistance (TSAS) that have 5 services, while others – 12 developed services. This is because there is no national mechanism to coordinate the development of social services at the level of administrative-territorial units. Most specialised social services are developed in collaboration with non-governmental organisations from donor funding, and the sustainability of the functioning of some services is at major risk. Thus, the shortage of specialised services for children is due to issues with the sustainability of the funding mechanism for social services. The transfer of the financing of specialised services (placement centers, day centers, etc.) to LPAs creates major risks of closing services or changing their destination, in the context of austere local budgets and their dependence on the will of local councillors and the political vision of their party.

Under these circumstances, in order to ensure the continuity and sustainability of services, the respondents stressed the need to develop the regulatory framework to ensure the functionality and sustainability of services for children, which are currently provided by NGOs with donor funds, and to develop/implement the procurement mechanism for specialised social sector services. The interview participants indicated that the current formula of contacting and operating the Children's Helpline Service is an example of a positive practice that ensures the provision of a quality service and its sustainability and that it deserves to be extended to other services.

According to the data published by the MLSP, the number of children at risk has increased substantially in recent years, from 3,743 new cases in 2017 to 8,005 new cases in 2019. At the end of 2021, there were about 8.3 thousand children at risk on the register, of whom 3.8% were from rural areas. Of the children at risk, 172 children were children with disabilities.

Of the total number of children at risk, 6.3 thousand children were neglected children, 783 children were subjected to violence, 547 children had deceased parents/single parent, 294 children had both parents/single parent refusing to carry out their parental duties of care and upbringing, and the remaining 331 children were in other situations such as: vagrancy, begging, prostitution, lack of parental care and supervision due to absence from home for unknown reasons, children who ran away from home or were chased away, children abandoned by their parents, child victims of crime and children who have been granted legal protection from their parents/only parent. [6]

The MLSP data shows that family-based alternative care has made progress, with guardianship/trusteeship remaining the first choice of care. However, in terms of constraints, the survey participants indicated that the main difficulty in ensuring the functionality of this service is the lack of a framework regulation that would regulate the organisation of the guardianship/trusteeship service, the establishment of service staff, the determination of the exhaustive list of acts related to the proper organisation and operation of the service, the establishment of rights, obligations and impediments to the exercise of the function of guardian/trustee. Another difficulty mentioned by respondents concerns the poor cooperation between local and territorial guardianship authorities in different administrative-territorial units, including in the process of placing a child in the guardianship/trusteeship service. In this respect, the need was mentioned to clearly define in a regulation the powers of the territorial guardianship authority and the deadlines for all stages, including regulating the deadlines for monitoring the situation of a child in placement.

At the same time, it was noted that other types of family-type alternative care, such as professional parental care and family-type children's homes, have developed slowly or not at all in some districts. The focus group participants believe that the slow development of family-type alternative care services is caused by the low wages in professional parental care and family-type children's homes compared to the increased responsibility they take on. What's more, professional parental assistants and parent educators have no other facilities or benefits. One respondent noted that this service employs people who have retired or those who wish to adopt and, working as a professional parental assistant, they have priority. In terms of difficulties, the identification of professional parental assistants for the 15-18 year olds was also mentioned.

In the quantitative survey, it was also noted that there are still few services for children with divorcing parents or children whose parents committed criminal offences and are in detention, as well as little public funding for planned interventions.

3.3. Residential childcare system

The Republic of Moldova has taken important steps in regulating social services for children and families as well as alternative care social services. The mid-term evaluation of the implementation of the 2014-2020 Child Protection Strategy, approved by Government Decision No 434/2014, and of the 2016-2020 Action Plan related to the Strategy, found that during the reporting period significant progress was achieved regarding the deinstitutionalisation of children, with a significant decrease in the number of children placed in residential institutions, including those in the 0-3 age group. There are, however, cases of children under the age of 3 placed in residential care, especially among children with disabilities. The majority of children remaining in residential care – two out of three institutionalised children – are from rural areas.

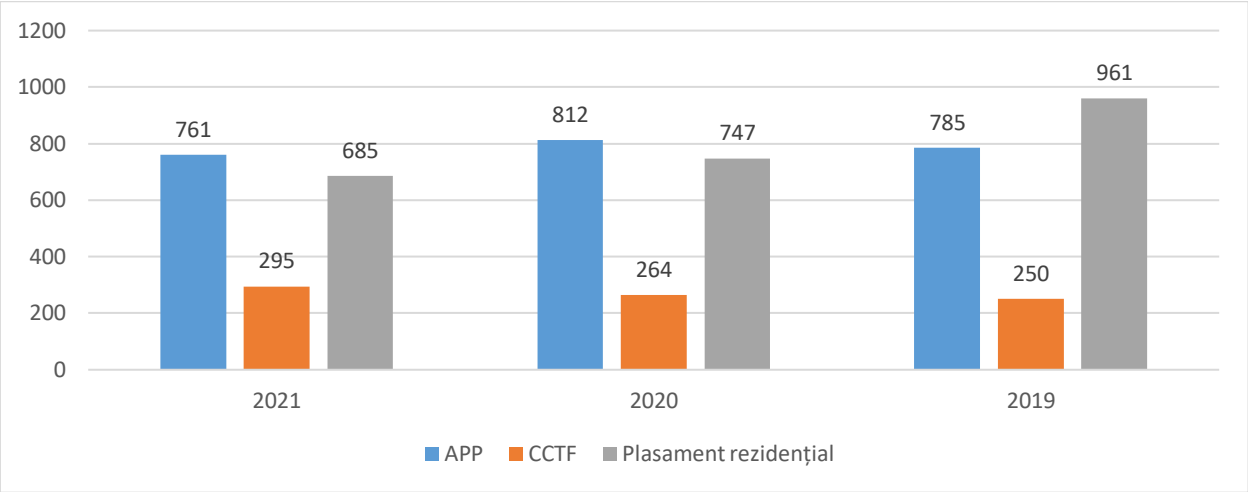
Despite this progress, the quantitative survey found a disproportionately high number of children with disabilities in the residential system, due to the underdevelopment of community-based services, particularly for children with disabilities and children with autism, together with modest support for young people leaving care. Despite the success of residential care reform, children with disabilities make up the majority of institutionalised children (69%) and spend longer than others in residential institutions. [2. p. 136]

Although the authorities are taking steps to deinstitutionalise children in the residential care system, children with deviant behaviour continue to be in the care of these institutions. The adoption in 2018 of the regulatory framework on the situation of children with deviant behaviour was not a viable solution, as its implementation is delayed due to the lack of a cross-sectoral cooperation mechanism. Insufficient services at local level and the lack of training programs for service providers for children with deviant behaviour lead to the encouragement of measures to place these children in residential care and, consequently, increase the risk of undermining the reform of the care system: on the one hand, the authorities undertake measures to deinstitutionalise children in the residential care system who do not have deviant behaviour, and on the other hand, if the institutions included in the deinstitutionalisation process do not have a moratorium on new admissions, they will accept children with deviant behaviour.

The respondents also noted that alternative services are not always accessible to children with deviant behaviour. Neither professional parental assistants nor parent educators are prepared to take in these children. What's more, there are no community-based programs to reduce deviant behaviour.

The aforementioned trends are also confirmed by the MLSP published data showing that in the last 3 years the number of children in residential care has decreased from 961 children in 2019 to 685 in 2021. (Figure 8)

Figure 8. *Number of children in residential care and family-based services*



3.4. Protection of children with disabilities

In recent years there has been a focus on the social inclusion of children with disabilities and children in the residential alternative care system, as well as the promotion of family-based alternative care. The regulatory framework and services for children with disabilities, including early intervention services for children, are constantly developing. In these efforts, the state has been supported by international organisations, external donors and NGOs. However, the supply of services is insufficient to meet the needs at national level.

In 2021, 1.5 thousand children aged 0-17 years were recognised as having primary disability (new case), 60% of them being from rural areas. Every fourth child diagnosed was aged 0-2 years, and every third was 3-6 years old. The predominant causes of primary disability remain mental and behavioural disorders (31.3%), congenital malformations, deformities and chromosomal abnormalities (21.9%) and diseases of the nervous system (13.1%).

The provision of quality early education services is a key element of adequate support for the inclusion of children with disabilities and the labour market integration of their parents. Access to education for children with disabilities has improved. According to the data presented by the National Bureau of Statistics, in 2021, the number of children with sensory, physical and behavioural disabilities enrolled in special purpose early education institutions was **547.** The majority of these children (**94.5%**) are in the age group of 3 years and above and are in pre-school education. At the same time, **175 children with disabilities** and **1,312 children with special educational needs** were integrated in general early education institutions. By type of need, children with speech, visual and intellectual impairments had higher shares (**34.2%, 29.4%** and **15.7%** respectively). However, children with Down Syndrome face a number of difficulties in accessing educational services. Thus, as the National Bureau of Statistics data show, the fewest children with disabilities who have been integrated into the early education system are those with intellectual disabilities (**15.7%**). Compared to the 2017-2018 academic year, the number of students with special educational needs in general education institutions decreased (by **13.7%**) and the number of students with disabilities increased (by **17.0%**).

Despite these successes, systemic problems persist: the lack or insufficiency of support teachers and professionals (psychologists, educational psychologists, speech therapists); attitudinal barriers of teachers in the process of integrating children with special educational needs; the inefficient allocation of financial resources for inclusive education; the need for teachers to be continuously informed on how to interact with children with disabilities, especially those with Down's syndrome and mental disabilities. [6]

However, the positive trends in education have also been considerably affected by the COVID-19 pandemic. Thus, children from families with disabilities, especially low-income families, children living in rural areas with poor infrastructure, children with sensory disabilities, who already faced significant barriers to participation in education were particularly affected by the pandemic, especially in terms of access to quality education.

The survey participants noted that the Republic of Moldova has a sufficient and comprehensive regulatory framework for the educational and social inclusion of children with disabilities, the problems being the low level of acceptance of children and insufficient services. In recent years there has been a diversification of services for children with disabilities, which are being developed with the support of civil society organisations providing social services and development partners. However, access to medico-social services for children and young people with autism spectrum disorders or at risk of developing them remains a challenge, even though the legal framework has been approved.

Another barrier to accessing available services for children with disabilities is the accessibility of services. In the respondents' opinion, access to early education or psychological support services for children with disabilities is affected by their reduced physical accessibility. For example, geographically, the institutions providing services for children with disabilities are located in Chișinău, Bălți or in district centers, and the barriers preventing access to these services are mainly related to difficulties in paying transport costs or inaccessible transport for people with disabilities. As confirmed by interview participants, this barrier is felt most acutely by children with disabilities living in rural areas. One way of delivering services (medical, social, etc.) in rural areas with poor transport is through mobile teams or state provision of transport units to families.

Another difficulty identified by the respondents is the lack of effective measures to reconcile family and work life for parents with children with disabilities, which is a barrier to the social inclusion of children and families. The respondents noted that limited access to childcare and nursery services is a major difficulty for parents caring for a child with a disability. The research data on the difficulties in finding available places in nurseries and kindergartens are also confirmed by national surveys, which show that in 2021 early education was organised in 1,483 institutions, of which 811crèches-kindergartens, 566 kindergartens, 88 nursery schools, 16 community centers and 2 nurseries. Compared to 2020, the network of early education institutions has changed insignificantly: in particular, the number of kindergartens and nursery schools has decreased (by 2 units) and the number of crèches-kindergartens has increased (by 3 units, of which 2 in rural areas). [7]

Private nursery services are not accessible because of the high costs, which exceed the income of families who have children with disabilities and face financial difficulties, and also because they are not quite sure how to train the teaching staff regarding the special needs of children. Social crèches could be a viable solution for families with disabled children. However, they are few in number, not all of them are adapted for children with disabilities, they are all located in cities and are not accessible to people living in villages. Nor does the Personal Assistance Service cover all the needs of disabled children and their families, with local authorities setting up waiting lists.

The mental health of children and young people continues to be a challenge, especially as the regulatory framework governing mental health has not been updated and acceptance in society is low. While the level of acceptance of people with physical disabilities is higher, people's perceptions of people with mental and intellectual disabilities are overwhelmingly dominated by negative attributes: ‘mentally ill/with mental problems’ (40% of the general population), ‘wretched’ (18%), ‘retarded’ (8%), etc., suggesting that our society is not yet ready for the integration of people with mental and intellectual disabilities. [3]

3.5. Protection of children in contact with the justice system

3.5.1. Protection of child victims of violence, neglect, exploitation and trafficking

Ensuring the protection of children from violence, neglect and exploitation is a challenge for the Republic of Moldova. Although in recent years the entire legal system of the Republic of Moldova has taken important steps to improve the state's response to violence against children, violence and child abuse is widespread in Moldova. Unfortunately, in our society violence is still sometimes perceived as a 'normality', a 'method' of penalizing and disciplining, including as a practice of educating children without being aware of the consequences of such behaviour. The prevalence of child abuse and violence is fuelled by social norms and attitudes.

In 2021, prosecutors prosecuted 987 criminal cases involving 1,087 child victims of crime, compared to 509 criminal cases in 2020 involving 558 child victims.

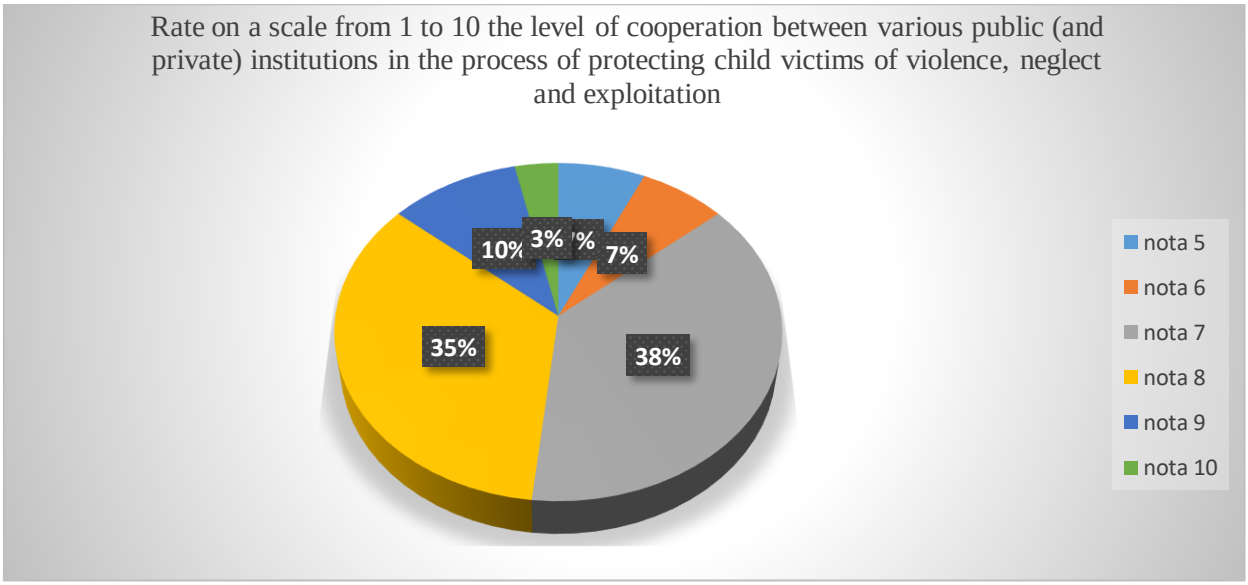
In 2021, the number of cases in which children became victims of sexual crimes and crimes against life and health increased: 370 children (212 children in 2020) became victims of sexual crimes, of which in 51 cases (69 children in 2020) children were abused in the family (by biological parents – 18, stepfather – 10, partner – 9, other relatives – 14), 51 children became victims of crimes against life and health.

Although official statistics show that compared to 2020 there were 9.6% fewer children subjected to violence and 21.9% fewer neglected children, this remains a problem for Moldova. The survey participants noted that these data refer only to reported cases. In reality, the number of cases of violence against children is much higher, but they are not reported because of a lack of knowledge of the procedures and also because of the prevailing myths about violence. [6] It has also been pointed out that the discrepancies in the statistical data are due to the fact that each legal institution has a specific methodology for recording and documenting cases of violence against children, which creates obstacles in presenting a single picture and making an objective comparison of national data with the situation in other countries. Even though the authorities made a commitment to create a single information system for data collection, this had not yet been implemented at the time of this survey.

In the opinion of the survey participants, the state's response to cases of violence against children is deficient due to ineffective collaboration between the guardianship authorities and the representatives of the prosecution or investigation authorities. Thus, one respondent stated that some care services do not consider themselves part of the cross-sectoral cooperation mechanism provided for by GD 270/2014, that professionals in the prosecution system invoke data protection issues in the context of reporting them to the guardianship authority responsible for the care of children, etc.

Asked to rate on a scale from 1 to 10 the level of cooperation between different public (and private) institutions in the process of protecting child victims of violence and neglect, the majority of respondents **(38%)** gave a score of 7. (Figure 9). In the interviewees' opinion, shortcomings in cooperation arise from lack of responsiveness on the part of the local guardianship authority, insufficient human resources, including a lack of child protection specialist, requiring an employee to perform multiple duties, staff turnover leading to loss of institutional memory, and lack of programs to prevent burnout and increase resilience to professional stress.

Figure 8. *The respondents' answers regarding the level of cooperation between various public (and private) institutions in the process of protecting child victims of violence, neglect and exploitation*



Violence against children with disabilities is a particular challenge of particular interest to the authorities responsible for child protection. The lack of systematic data and the difficulty (including due to ill health or dependence on adults) for children with disabilities who are victims of violence to report abuse does not allow for an overview of the situation which is absolutely necessary for the adoption of appropriate policies and measures to combat the phenomenon among children with disabilities.

3.5.2. Juvenile justice

Beyond the existence of a legal framework establishing the liability of children with deviant behaviour, the inefficiency of the instruments for implementing Law No 299/2018 on measures and services for children with deviant behaviour is evident. The existing gap fuels the social debate on the most appropriate mechanism to hold this category of minors accountable, given the ineffectiveness (unenforceability) of the current regulatory system. It is therefore not surprising that among the majority population, the idea of reducing the minimum age for criminal liability is gaining more and more supporters. Although it is commendable that the national legislator did not remain indifferent to the evolution of delinquency among children under 14 and tried to provide a legal tool for intervention, the survey has pointed out some deficiencies and shortcomings in the content of the aforementioned law. In this context, attention was drawn to the evasive nature of some of the provisions of Law No 299/2018. For example, the notion of 'child with deviant behaviour' is not defined, which causes inconsistencies in application, even though Article 2 of Law 299/2018 establishes the circle of subjects to which it applies. These terminological clarifications are also necessary because although children with deviant behaviour under the age of criminal responsibility are usually children at risk, they do not necessarily fall under the scope of Law No 140 of 14.06.2013 on the special protection of children at risk and children separated from their parents. Thus, the professionals participating in the focus groups noted that *'a number of provisions of the regulatory documents in the field duplicate and overlap, while not all institutions have methodological instructions or other internal documents that would detail the legal provisions, which leads to situations of inconsistency in the actions of the institutions in charge of child protection'.* Both 'placement in residential care' and 'placement in highly specialised residential care' raise questions in terms of guarantees for treatment in compliance with fundamental rights and freedoms. At the same time, the insufficiency of services at local level and the lack of training programs for service providers for children with deviant behaviour lead to the encouragement of measures to place these children in residential care.

Interviewees noted that there is a shift in the approach to juvenile justice that recognises the role of diversion of children in conflict with the law where possible and, in particular, that judges avoid custodial sentences for children. While this recent approach significantly reduces the number of children in detention and may help reduce juvenile delinquency, alternatives to dealing with juvenile delinquency are limited, as there is a lack of specialised services for this category of children. Few diversion programs address juvenile delinquency, and as a result recidivism remains a concern. One possibility is to widen the circle of beneficiaries of social services for children at risk, so that they can be provided to children with deviant behaviour who are not of legal age, and to further develop other services more specific to this category of children. [8]

Asked to identify the greatest constraints and difficulties in preventing juvenile delinquency at the community level and assisting children in conflict with the law, the respondents mentioned the passive involvement of law enforcement agencies in identifying children with deviant behaviour and the difficult collaboration with the institutions involved in the process of identifying, referring, record-keeping, assisting and monitoring children in conflict with the law. Another constraint identified concerns the lack of clear and effective procedures in working with child offenders, the lack of legislation to hold children in conflict with the law accountable, the lack of specialised centers for children, the lack of prevention services and programs focused on the needs of this category, the lack of qualified professionals, the lack of a clear intervention mechanism. At the same time, it was also mentioned that parents are not ready to cope with delinquent behaviour and the state should focus not only on the child but also on the family and develop programs to harmonise family relationships in order to prevent deviant behaviour.

The study also found that there is a need for early detection of problems related to deviant and delinquent behaviour, and for better services to address these conditions, particularly for children in conflict with the law who are at risk in their families. These should include: services to promote children's recovery, such as counselling or other forms of therapy, more intensive assessment and monitoring by social workers, support services for parents, including services aimed at promoting useful parenting skills, and alternative care options (including temporary placement centers). Most children often need services to meet their basic needs, such as food, clothing and shelter. Families need help to access financial support for which they are eligible, as well as certain forms of material support. The number of alternative care services for children at risk of offending, who cannot be cared for at home or who are without parental care should also be diversified. [9]

3.5.3. Protection of children in detention

Child detention is an exceptional measure. International standards indicate that detention and imprisonment of children should be applied as an exceptional measure of last resort for as short a time as possible. According to the Court Administration Agency data, at the end of 2021, the number of minors sentenced in the first instance was 330 children, with 59 convicted children per 100 thousand minors. The number of minors held in pre-trial detention was 15 children and the number of minors serving a prison sentence was 30 children. [10] (Figure 9)

Figure 9. *Number of children in pre-trial detention and custody*

Children sentenced at first instance by main sentence, 2017-2021

	2017	2018	2019	2020	2021
Total	**377**	**446**	**435**	**318**	**330**
Imprisonment	91	93	109	131	174
Fine	21	41	31	21	25
Suspended sentence	159	162	183	140	113

Unpaid community work	59	92	80	17	16
Other punishments	47	58	32	9	2

Children detained in penitentiary institutions at the end of the year, 2018-2021

	2018	2019	2020	2021	
Total juvenile prisoners in penitentiary institutions	**61**	**33**	**41**	**45**	
Preventive custody	24	10	13	15	
Convicted	37	23	28	30	

The operation of prisons and other places of detention, as well as the treatment of prisoners, including child prisoners, are regulated by national legislation (laws, regulations, orders, instructions), with specific variables for each state adapted to internationally and regionally established principles, standards and recommendations.

The instruments designed for the universal protection of all human beings and those designed specifically for the protection of children, prisoners and detainees ensure protection against all forms of torture, inhuman or degrading treatment. Moreover, additional instruments establish rules of conduct for prison staff, minimum acceptable standards for the design of detention facilities and detention conditions.

According to the Thematic Report on the monitoring the observance of the rights of children in penitentiary institutions, the conditions in which minors are detained are unsatisfactory, in Penitentiary No 10 the common areas (hallways) are not illuminated after 10 p.m. (curfew time), in Penitentiaries No 10, No 13 and No 11 there is a lack of personal hygiene products, the ventilation systems are not working, there are unpleasant smells due to poor sanitation, the plaster on the walls is falling off due to humidity, the doors of the sanitary units are damaged, the cells are overcrowded. [10]

The UN Convention on the Rights of the Child states that *'respect for the dignity of the child requires that all forms of violence in the treatment of children in conflict with the law shall be prohibited and prevented'.* It goes on to emphasise that restraint should be used in detention in very limited circumstances. In the context of the survey, the interview participants raised the issue of limiting the rights of children in detention to communicate with their families (sound) when disciplinary sanctions are imposed.

An interview participant with a background in psychology explained that, *'[...] imprisonment is a stressful experience with adverse effects – potentially damaging to health (physical, mental) and social well-being. It can seriously affect the physical and mental health of an adult, let alone a child. In these circumstances, once in detention, children often violate the detention regime and receive disciplinary sanctions, even though psychologically speaking, bold behaviour is the norm at this age. The child's (minor's) level of maturity and understanding of the rules, actions and their consequences, and the disciplinary measures to which they are subjected are all factors to be taken into account when applying disciplinary sanctions. However, the system of sanctions for children in detention is not age-appropriate, and limiting contact with the family does not encourage pro-social behaviour, but on the contrary, it may instil in them a negative attitude [...]'.* The prohibition of parcels and visits has a negative impact on the psycho-emotional well-being and behaviour of children in detention, and the state should identify appropriate tools and mechanisms for the protection of detainees in accordance with the UN Convention on the Rights of the Child.[2] In the respondent's view, in order to reduce the quantity and quality of negative behaviours of children in prison, given the ineffectiveness of interventions based on the 'punitive philosophy', it is necessary to apply interventions based on the 'philosophy of therapy' (with activities such as counselling and skills training).

[2] Available online: http://ombudsman.md/wp-content/uploads/2021/09/Raport-dr-penitenciare-red.-1.pdf

Another participant noted that the psychological particularities of children in detention were not taken into account in the drafting of the Law No 243 of 24 December 2021 on amnesty in connection with the 30th anniversary of the proclamation of independence of the Republic of Moldova, which entered into force on 31 December 2021. Under this law, persons with disciplinary sanctions cannot benefit from the amnesty act. In the respondents' view, both the law on amnesty and the instruments for assessing the risk of recidivism needed to be adapted to the specific age of children.

3.5.4. Protection of children in contact with the civil justice system

Free access to justice is a fundamental principle enshrined in the Constitution of the Republic of Moldova according to which any person may defend his or her rights, freedoms and legitimate interests by freely appealing to the competent courts. Free access to justice also implies a guarantee from the state that legal aid will be available to everyone, especially those without sufficient financial means. Children are entitled to full rights, including the right of access to justice in a child-friendly way.

In civil proceedings, children may themselves be subject to certain harm and/or their property and non-property rights may be disregarded, ignored or infringed, which creates a positive obligation for the state to ensure that children have free access to a specialised lawyer to defend their rights and interests. Although Law No 198/2007 on state-guaranteed legal aid offers the possibility for children to request the assistance of a state-paid lawyer without the consent of their parents or guardian/trustee, the survey participants claimed that this service is rarely used by children. In most civil cases children are not represented by a lawyer, and if a lawyer is hired he or she is chosen by the parents. The respondents expressed the opinion that this free service is not used because it is not well known: even many of the representatives of the guardianship authority admitted in the interview that they do not know the procedure for applying for state-guaranteed legal aid.

The study data show that children are mostly involved in civil litigation such as establishing the child's domicile, termination of parental rights, scheduling of visits, inheritance disputes or disputes concerning the application for protective measures. For the most part, children are invited to the court hearing in connection with the exercise of the right of opinion provided for in Article 54 of the Family Code. The respondents noted that in practice there is no consensus on how the child's right to an opinion is exercised in family disputes: some judges hear them as a witness and others consider them a party to the proceedings. Moreover, not all judges hear children in civil proceedings under Article 218(2) of the CoCP, in the deliberation room, in the absence of the parents, with the participation of the psychologist. One interview participant who is a psychologist indicated that, *'[...] civil litigation is just as stressful for children as criminal litigation. Due to their limited age and experience, children do not distinguish between the type of trial and their procedural status. In order to minimise the consequences of interacting with the justice system, judges should avoid asking children which parent they want to live with. For me as a psychologist, if the child responds that they want to live with one of the parents, it is an indication that something is wrong, because it is normal for children to want to live with both parents. Such questions confuse children and can even affect them emotionally, so when formulating questions, judges should be assisted by a psychologist, who will ask the questions to solicit the child's opinion as required by law, but in a harmless way'.*

As for identifying the psychologist or pedagogue who could participate in the child's hearing, this is largely a challenge because the courts do not have partnerships or have not contracted these specialists to assist children. Often representatives of the guardianship authority are invited to participate as pedagogues or psychologists, but this does not mean that this service is effective. The study noted that the Ungheni Court is an example of good practice: the infrastructure complies with the safety standards for children participating in court proceedings,

the courthouse has separate entrances and separate waiting areas for children, as well as a metal detector at the entrance to its premises. The Ungheni Court has a dedicated space for legal and psychological counselling of children in conditions of confidentiality, as well as waiting rooms for children, it employs a psychologist who prepares the child for the hearing, assists the child during and after the hearing. This positive practice should be extended nationally to prevent secondary victimisation and to ensure the protection of children interacting with the justice system.

CONCLUSIONS AND RECOMMENDATIONS

As a result of the research, the following **conclusions** were drawn:

1. Significant progress has been made in the field of child protection in recent years, with reforms both in the regulatory framework and in the development of services. Despite the efforts made, the process of aligning the regulatory framework and practices in the field with the UN Convention on the Rights of the Child and other international documents is not complete. Law No 338/1994 on the Rights of the Child needs to be revised as many of the current regulations have become obsolete, and the subsequent regulatory framework needs to be adjusted.
2. In order to ensure children's right of access to a court, amendments were made to Law No 198/2007 on State-Guaranteed Legal Aid concerning the possibility of qualified legal assistance without the consent of the parents or guardian/trustee at the request of the child or guardian authority. Nevertheless, in practice children do not make use of this right due to insufficient knowledge of the mechanism for obtaining state-guaranteed legal aid.
3. The results of the study found the following shortcomings in the alignment of the regulatory framework with the UN Convention on the Rights of the Child and international standards:
    - the lack/insufficiency of certain instruments, guidelines, such as: the lack of a cross-sectoral mechanism for cooperation in the process of establishing and implementing measures and services for children with deviant behaviour; the lack of a national coordination mechanism for the implementation of the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), including framework guidelines for private ICT companies and hosting companies on the protection of children from illegal content, as well as the notification procedure and materials to be removed; the lack of enforcement mechanisms for the provisions concerning the issuing of the guardianship authority's consent when concluding a contract on behalf of the child concerning a significant asset (such as the alienation or mortgage of a property belonging to the child); the lack of mechanisms for the functioning of family councils; the absence of a procedure for the preparation and submission to the court of the opinion when examining child-rearing disputes; lack of provisions establishing the responsibility of parents who go abroad and leave their children without custody.
4. The current measures and mechanisms for resolving disputes involving children living with their parents abroad are insufficiently strengthened and coordinated. Although Law 112/2020 made amendments to the Civil Procedure Code of the Republic of Moldova No 225/2003 in the part regulating the procedure for examining applications for return to the habitual place of residence or the exercise of rights of visitation in accordance with the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, these were not sufficient.
5. Despite the development of the policy framework, taking into account the provisions of the Convention on the Rights of the Child and other international treaties to which the Republic of Moldova is a party, the implementation of policies is often delayed or postponed, largely due to the multiple crises that our state has to face. The main gaps relate to the need to strengthen institutional capacity at local level to prevent separation of children from their families; the expansion of the professional network of professional parenting support as a family-based alternative to institutionalisation; the coordination of the deinstitutionalisation process across

the Government; the development of locally available specialised services for children (including services for perpetrators).

6. The policy documents in the field of prevention of juvenile delinquency and assistance to children with deviant behaviour and children in conflict with the law do not contain clear and concrete approaches for each institutional actor, as well as for each employee of these institutions.
7. The right to various forms of assistance and support (financial, social assistance, health care, etc.) for children at risk and their families is recognised in national legislation and regulatory acts. However, in most cases the assistance and support offered is insufficient, either because in the Republic of Moldova the promotion and development of quality services for children depends largely on the possibilities of the state budget and the budget of the administrative-territorial units, which is austere, or because these services are not known.
8. In rural communities, children have little access to services because most of them are concentrated in cities and high transport costs prevent them from accessing them. Roma children also face problems in accessing services and do not receive social benefits based on individual needs because they are not documented.
9. Although the right of children to express their views freely in all matters affecting them is one of the general principles of the Convention on the Rights of the Child, in reality children are only formally consulted when their fate is decided and in the development of individual care plans.
10. The work of the Child Rights Ombudsperson over the last 7 years was rated 10 **(29%)**, **10%** gave a rating of 9 and **42%** gave a rating of 8. Among the important achievements were the thematic studies that highlighted the gaps and shortcomings of the system and mobilised the authorities to come up with solutions, the unannounced visits to institutions, the information and awareness-raising activities for children in day centers and placement centers, the cooperation of the Child Rights Ombudsperson with representatives of the academic world both in the development of the regulatory framework and in the development of practical mechanisms, as well as the public opinions on various sensitive issues, such as observance of children's rights during the pandemic.
11. Beyond the fact that the work of the Child Rights Ombudsperson over the last 7 years has been appreciated positively by the respondents, **62%** are of the opinion that it should be a separate institution. The arguments put forward by the parties in support of the establishment of an independent institution were largely related to staff expansion and the possibility of having its own budget which would allow for more efficient implementation of activities.
12. The MLSP data shows that family-based alternative care has made progress, with guardianship/trusteeship remaining the first choice of care. However, the representatives of the guardianship authority encounter difficulties in placing the child in the guardianship service, because there is no framework regulation that would regulate the organisation of the guardianship/trusteeship service, the establishment of service staff, of the exhaustive list of acts related to the proper organisation and operation of the service, the establishment of rights, obligations and impediments to the exercise of the function of guardian/trustee. Another difficulty mentioned concerns the poor cooperation between local and territorial guardianship authorities in different administrative-territorial units, including in the process of placing a child in the guardianship/trusteeship service.
13. Although the Republic of Moldova has taken important steps in regulating social services for children and families, the specialised social services are unevenly located, so that there are administrative-territorial units that do not have any type of specialised social services. This is because there is no national mechanism to coordinate the development of social services at the level of administrative-territorial units.
14. The shortage of specialised services for children is due to issues with the sustainability of the funding mechanism for social services. The transfer of the financing of specialised services (placement centers, day centers, etc.) to LPAs creates major risks of closing services or

changing their destination, in the context of austere local budgets and their dependence on the will of local councillors and the political vision of their party.

15. Despite the success of residential care reform, children with disabilities make up the majority of institutionalised children (69%) and spend longer than others in residential institutions.

16. Alternative services are not always accessible to children with deviant behaviour. Neither professional parental assistants nor parent educators are prepared to take in these children. What's more, there are no community-based programs to reduce deviant behavior, meaning that children with deviant behavior continue to be in the care of the residential system.

17. The adoption in 2018 of the regulatory framework on the situation of children with deviant behaviour was not a viable solution, as its implementation is delayed due to the lack of a cross-sectoral cooperation mechanism.

18. Insufficient services at local level and the lack of training programs for service providers for children with deviant behaviour lead to the encouragement of measures to place these children in residential care and, consequently, increase the risk of undermining the reform of the care system: on the one hand, the authorities undertake measures to deinstitutionalise children in the residential care system who do not have deviant behaviour, and on the other hand, if the institutions included in the deinstitutionalisation process do not have a moratorium on new admissions, they will accept children with deviant behaviour.

19. The Republic of Moldova has a sufficient and comprehensive regulatory framework for the educational and social inclusion of children with disabilities, the problems being the low level of acceptance of children and insufficient services.

20. In recent years there has been a diversification of services for children with disabilities, which are being developed with the support of civil society organisations providing social services and development partners. However, access to medico-social services for children and young people with autism spectrum disorders or at risk of developing them remains a challenge, even though the legal framework has been approved. Barriers to accessing services by children with disabilities and their families relate to inaccessibility of services, difficulties in paying transport costs or inaccessible transport for people with disabilities.

21. The lack of effective measures to reconcile work and family life for parents of children with disabilities is a barrier to the social inclusion of children and families. The limited access to childcare and nursery services is a major difficulty for parents caring for a child with a disability. Private nursery services are not accessible because of the high costs, which exceed the income of families who have children with disabilities and face financial difficulties, and also because they are not quite sure how to train the teaching staff regarding the special needs of children. Social crèches could be a viable solution for families with disabled children. However, they are few in number, not all of them are adapted for children with disabilities, they are all located in cities and are not accessible to people living in villages. The Personal Assistance Service cover all the needs of disabled children and their families, with local authorities setting up waiting lists.

22. The mental health of children and young people continues to be a challenge, especially as the regulatory framework governing mental health has not been updated and acceptance in society is low.

23. The provision of quality early education services is a key element of adequate support for the inclusion of children with disabilities and the labour market integration of their parents. However, the positive trends in education have also been considerably affected by the COVID-19 pandemic. Thus, children with disabilities from low-income families, children living in rural areas with poor infrastructure, children with sensory disabilities, who already faced significant barriers to participation in education were particularly affected by the pandemic, especially in terms of access to quality education.

24. Ensuring the protection of children from violence, neglect and exploitation is a challenge for the Republic of Moldova. Although in recent years the entire legal system of the Republic of

Moldova has taken important steps to improve the state's response to violence against children, violence and child abuse is widespread in Moldova.

25. Violence against children with disabilities is a particular challenge of particular interest to the authorities responsible for child protection. The lack of systematic data and the difficulty for children with disabilities who are victims of violence to report abuse does not allow for an overview of the situation which is absolutely necessary for the adoption of appropriate policies and measures to combat the phenomenon among children with disabilities.

26. The state's response to cases of violence against children is deficient due to ineffective collaboration between the guardianship authorities and the representatives of the prosecution or investigation authorities. Deficiencies in cooperation arise due to a lack of responsiveness on the part of the local guardianship authority, insufficient human resources, including a lack of child protection specialist, requiring an employee to perform multiple duties, staff turnover leading to loss of institutional memory, and lack of programs to prevent burnout and increase resilience to professional stress.

27. There is a shift in the approach to juvenile justice which recognises the role of diversion of children in conflict with the law where possible and, in particular, that judges avoid custodial sentences for children. While this recent approach significantly reduces the number of children in detention and may help reduce juvenile delinquency, alternatives to dealing with juvenile delinquency are limited, as there is a lack of specialised services for this category of children.

RECOMMENDATIONS

Recommendations on completing and amending the regulatory framework

1. Revise the Law No 338/1994 on the Rights of the Child to adapt it to the new realities of children in the Republic of Moldova;
2. Review the regulatory framework by introducing provisions establishing the responsibility of parents who go abroad and leave their children behind without establishing custody.
3. Amend and supplement Law No 52/2014 on the People's Advocate (Ombudsperson)[3] so that the Child Rights Ombudsman is established as a separate institution.
4. Review the regulatory framework for disciplinary sanctions for children in detention so that they are not deprived of family contact.
5. Review the regulatory framework for children's mental health.

Recommendations on the development of working mechanisms and procedures

6. Develop and adopt the cross-sectoral mechanism for cooperation in the process of establishing and implementing measures and services for children with deviant behaviour;
7. Develop and adopt a national coordination mechanism for the implementation of the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), including framework guidelines for private ICT companies and hosting companies on the protection of children from illegal content, as well as the notification procedure and materials to be removed.
8. Develop and adopt mechanisms to implement the provisions on obtaining the consent of the guardianship authority when concluding a contract on behalf of the child concerning a significant asset (such as the alienation or mortgage of a property belonging to the child), as well as on the functioning of family councils;
9. Develop procedures/recommendations for the preparation and submission by the guardianship authority to the court of the final opinion when examining child-rearing disputes;

[3] Official Gazette No 110-114, Article 278

10. Develop and adopt a mechanism for the settlement of disputes concerning the upbringing and education of children living with their parents abroad.
11. Adopt a framework regulation that would regulate the organisation of the guardianship/trusteeship service, the establishment of service staff, of the exhaustive list of acts related to the proper organisation and operation of the service, the establishment of rights, obligations and impediments to the exercise of the function of guardian/trustee.
12. Develop and adopt mechanisms to ensure reconciliation of work and family life for parents of children with disabilities.
13. Develop programs to assist children in detention focusing on interventions based on the 'philosophy of therapy' (with activities such as counselling and skills training).
14. For guardianship authorities to develop and implement programs to harmonise family relationships in the context of resolving disputes concerning the upbringing and education of children.
15. Develop a clear and coherent mechanism for contracting by LPAs/CPAs of services provided by NGOs in child support.

Recommendations on the organisation of information, training and awareness-raising activities

16. In order to avoid labelling, stigmatisation and discrimination of children with disabilities, Roma children or children with deviant behaviour, it is recommended to:
    - Conduct regular information campaigns addressing the particularities of children with disabilities, Roma children or children with deviant behaviour, focusing on their needs and barriers faced by these children and their families.
    - Organise activities to raise awareness in society about the difficulties faced by children with disabilities, Roma children and children with deviant behaviour in accessing social and educational services, etc.
    - Media coverage of stories of success with a focus on valuing children with disabilities, Roma children, etc.
    - Organise awareness-raising activities for LPAs/CPAs on the needs of children at risk.
17. In order to ensure that children and their legal representatives are informed about the procedure for obtaining the assistance of a lawyer paid by the state, it is recommended to develop information materials on how to access the SGLA for children, so that they are accessible to people with basic education, as well as those with multiple vulnerabilities (e.g. children with sensory disabilities, children with low literacy skills, etc.). In this case, materials with diagrams and graphics can be used.
18. Raise awareness and train judges on how to accommodate the criminal process in the solemnity part of the trial according to the age of the child, as well as on informing children and their legal representatives about obligations, procedures and services using methods and means of communication adapted to the child's developmental particularities.
19. Train LPA/CPA representatives in assessing the needs of children's services development based on community needs.

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BIBLIOGRAPHIC RESOURCES

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ANNEXES

QUESTIONNAIRE

I. General information:

1. *Specify* ***the locality where you work*****_____**

a) Rural
b) Urban

2. *Gender of the respondent*

a) Female

b) Male

3. *How long have you been working in the **institution/NGO** you represent? Please tick the appropriate answer.*

a) ≤ 1 year
b) 1-3 y.o.
c) 3-5 y.o.
d) 5-10 y.o.
e) ≥10 years

4. *Please indicate the name of the **institution/NGO** you represent*

_____

II. Legislation and policies

5. *In your opinion, does the legislation of the Republic of Moldova **sufficiently, thoroughly and clearly regulate the field of child protection?***

a) yes
b) partially
c) no, *because*_____
d) I don't know

6. What needs to be changed_____

7. *In your opinion, **state policy in the field of protection of children at risk:***

a) does not exist
b) I am not familiar with it
c) is confusing
d) is not implemented
e) is effective
f) other_____
g) I don't know/no answer

8. *In your opinion, **state policy in the field of protection of child victims of violence, neglect and exploitation:***

a) does not exist
b) I am not familiar with it
c) is confusing
d) is not implemented
e) is effective
f) other_____
g) I don't know/no answer

9. *In your opinion, **state policy in the field of protection of children with disabilities:***

a) does not exist
b) I am not familiar with it
c) is confusing

d) is not implemented
e) is effective
f) other_____
g) I don't know/no answer

10. *In your opinion,* ***state policy on the prevention of juvenile delinquency and assistance to children in conflict with the law:***

a) does not exist
b) I am not familiar with it
c) is confusing
d) is not implemented
e) is effective
f) other_____
g) I don't know/no answer

III. The activity of the child protection system

11. *In your opinion, what are* ***the biggest constraints, difficulties*** *in protecting children at risk? please specify*

_____

12. *In your opinion, what are* ***the biggest constraints, difficulties*** *in protecting children with disabilities?*
please specify

_____

13. *In your opinion, what are* ***the biggest constraints, difficulties*** *in protecting child victims of violence, neglect and exploitation?*
please specify

_____

14. In your opinion, what are ***the biggest constraints, difficulties*** in preventing juvenile delinquency at the community level and assisting children in conflict with the law? *Please specify*_____

15. *In your opinion, what are* ***the best practices developed in the last 7 years*** *in the field of protection of children at risk?*
please specify

_____

16. *In your opinion, what are* ***the best practices developed in the last 7 years*** *in the field of protection of children with disabilities?*
please specify

_____

17. *In your opinion, what are* ***the best practices developed in the last 7 years*** *in the field of protection of child victims of violence, neglect and exploitation?*
please specify

_____

18. In your opinion, what are ***the best practices developed in the last 7 years*** in the prevention of juvenile delinquency at community level and assistance to children in conflict with the law?

*Please specify*_____

19. How would you rate ***the work of the Child Rights Ombudsperson over the last 7 years*** in the area of child protection from separation, violence, neglect and exploitation (please rate from 1 – bad to 10 – excellent):

1 2 3 4 5 6 7 8 9 10

*Please explain:*_____

20. ***What do you think the Child Rights Ombudsperson has done in particular or most effectively over the last 7 years*** to protect children from separation, violence, neglect and exploitation?

21. *please explain:*_____

22. In your opinion, the **Child Rights Ombudsperson** should be a separate institution:

a) Yes
b) no
c) I don't know
d) no answer

23. Rate on a scale from 1 to 10 ***the level of cooperation between various public (and private) institutions*** in the process of protecting child victims of violence, neglect and exploitation

1 2 3 4 5 6 7 8 9 10 *please explain:*_____

24. Rate on a scale from 1 to 10 ***the level of cooperation between various public (and private) institutions*** in the process of protecting child victims of violence, neglect and exploitation

1 2 3 4 5 6 7 8 9 10 *please explain:*_____

25. Rate on a scale from 1 to 10 ***the level of cooperation between various public (and private) institutions*** in preventing juvenile delinquency and assisting children in conflict with the law?

1 2 3 4 5 6 7 8 9 10 *please explain:*_____

26. Rate on a scale from 1 to 10 ***the level of cooperation between various public (and private) institutions*** in the process of protecting children with disabilities

1 2 3 4 5 6 7 8 9 10 *please explain:*_____

27. In the last 7 years, have there been any changes in ***the cooperation between different public (and private) institutions*** in the child protection process?

a) yes
b) partially
c) no
d) I don't know

*please explain:*_____

28. Any other ***comments, suggestions*** regarding the activity of child protection from separation, violence, neglect and exploitation (*please specify and explain):*

amendment of laws_____

change in procedures_____

change/establishment of institutions_____

parental responsibilisation_____

other_____

Thank you!