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STUDY

ASSESSING THE NEED TO ADJUST THE REGULATORY FRAMEWORK OF MECHANISMS FOR ENSURING THE PROTECTION OF CHILDREN AT RISK TO INTERNATIONAL STANDARDS IN ORDER TO ENSURE APPROPRIATE MONITORING OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD

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INTRODUCTION

Upon the entry into force of Law No. 52 of 03.04.2014 on the People's Advocate, a number of regulations ensuring the process of monitoring the observance of human rights by the national human rights institution have been clarified and elucidated. At the same time, in the substantive approach to the role of the Ombudsman institution there are still many aspects that need to be developed and improved.

The institution People's Advocate for Children's Rights is also regulated in the special law, but it is governed by certain legislative gaps that do not exhaustively describe the powers, rights and obligations of the institution in order to monitor the observance of children's rights distinctly and specifically.

This study aims, among its objectives, to identify legislative/tools solutions to clarify and establish the role of the People's Advocate for Children's Rights in accordance with international standards. Other objectives are directly related to the analysis of international regulations and their reflection in national laws, as well as the formulation/elaboration of recommendations on the necessary actions to increase the capacity of the People's Advocate Office Institution.

The problem of implementing tools to guarantee and ensure the observance of the children's rights in situations of risk has generated several legislative and institutional approaches. In order to establish the main directions for ensuring the protection of children's rights, national legislation has over time undergone major changes both in terms of content and in terms of application. Despite this, the situation of children in terms of guaranteeing and respecting fundamental rights is still in transition and often at worrying stages.

The role of the institution of the People's Advocate for Children's Rights is substantially enhanced when the authorities responsible for the protection of children's rights hesitate or deal superficially with specific issues.

The existence of a legislative framework in approximate accordance with international standards, although welcomed, is insufficient to ensure and guarantee de facto the fundamental rights of the child.

This study is structured in 3 chapters and presents a comprehensive research on the main legislative issues related to the protection of the child's rights.

In the first chapter, the author referred to the evolution of national regulations on the protection of children's rights. The main international legal documents that formed the basis of the construction of national legislation were analysed and presented, but the main national regulations referring to the protection of children at risk were also highlighted.

In the second chapter, a comprehensive analysis of national legislation was presented with regard to the work of the People's Advocate's Office in the segment of monitoring the observance of the child's rights and the compliance of national regulations with the Paris Principles. Another direction

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described in chapter two concerns monitoring and ensuring the implementation of strategies on the child's rights at national level.

Chapter three provides an overview of the benchmarks for monitoring the observance of the fundamental child rights in the light of the provisions of the Convention on the Rights of the Child. Practically, the main directions of monitoring and improving the monitoring tools were analysed according to each right but also to each specific regulation.

We believe that this study will contribute to the improvement of both the legal framework and the tools for monitoring the observance of children's rights. The structure of this document can serve as a guide containing both legal/theoretical and practical aspects, outlining the main directions for the implementation of the monitoring mechanisms deriving from the tasks of the People's Advocate for Children's Rights.

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1. DEVELOPMENT OF NATIONAL REGULATIONS ON THE PROTECTION OF CHILD'S RIGHTS

1.1. INTERNATIONAL LEGAL DOCUMENTS AS A BASIS FOR DOMESTIC LEGAL REGULATION

The first international document that was taken into account when drafting the legislation of the Republic of Moldova on the protection of children's rights was the Convention on the Rights of the Child (hereinafter CRC), adopted in 1989 by the United Nations General Assembly. This document was ratified by the Parliament of the Republic of Moldova by Resolution No. 408-XII of December 12, 1990. By ratifying the CRC, the States undertake to respect and ensure the rights set forth in the text of the Convention within their jurisdiction, regardless of the child's or his/ her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, financial situation, disability, birth or acquired status. A particular segment of the obligation of States that have ratified the CRC is found in the text of article 2, paragraph 2, which provides that the States Parties shall take all appropriate measures to protect the child from any form of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members.

A set of international regulations on the protection of the rights of the child taken into account in the drafting of domestic legislation sets out the basic priorities for ensuring the best interests of the child.

Among these international acts can be named:

The Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, concluded at the Hague Conference on International Law on May 29, 1993, ratified by the Republic of Moldova and in force since August 1, 1998 - this international act aims to establish a system of cooperation between the contracting states to ensure respect for the guarantees by which international adoptions are carried out in the best interests of the child and in respect for the fundamental rights recognized in international law.

The UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) of November 29, 1985 - by signing this document, States assume the responsibility to create conditions that ensure the full involvement of all existing resources in order to promote the welfare of the minor and reduce the need for law enforcement, so that the person concerned is treated effectively, equitably and humanely in his conflict with the law.

The United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) of December 14, 1990 - these principles should be explained and implemented in conjunction with the Universal Declaration of Human Rights, the Convention on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Declaration on the Rights of the Child and the Convention on the Rights of the Child and in the context of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, by tools and standards related to these rights, interests and welfare of children and young persons.

The UN Rules for the Protection of Juveniles Deprived of their Liberty of December 14, 1990 - these Rules aim to establish minimum standards accepted by the United Nations for the protection

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of juveniles deprived of their liberty in any form, according to the fundamental human rights and freedoms and in order to counter the negative effects of all forms of detention and to promote the integration of juveniles deprived of their liberty into society. The standards are designed and accepted to serve as suitable reference standards to encourage and assist professionals involved in the management of the juvenile justice system.

The I.L.O. Convention concerning Minimum Age for Admission to Employment of June 26, 1973 - the States which have ratified this document undertake to pursue a national policy to ensure the effective abolition of child labour and to raise progressively the minimum age of employment or to establish the appropriate level of work in accordance with the physical and mental development of adolescents.

The I.L.O. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour - aims to make States responsible for taking effective measures to ensure the prohibition and urgent elimination of the worst forms of child labour, each member must develop and implement programs of action to eliminate the worst forms of child labour as a matter of priority.

1.2. NATIONAL REGULATIONS ON THE PROTECTION OF CHILDREN AT RISK

The protection of children at risk was regulated in the first normative acts adopted by the legislative of the Republic of Moldova. The Law No. 338 of December 15, 1994 on the Child's Rights, in addition to presenting the general principles and describing the fundamental child's rights, devotes an entire chapter to unfavourable and extreme conditions. The article 22 establishes special state aid for orphans and children left without parental care. In article 23, the legislator referred to the support of children in state institutions in cases where it is not possible to place the child without a family in another family and the obligation of the state to create all conditions for the physical, intellectual and spiritual development of the child. With reference to the protection of children at risk, within the same law, we shall identify provisions aimed at: protection of the rights of children with disabilities, the rights of children in exceptional situations, prohibition of the involvement of children in military action, protection of the right of the child to refugee status, protection of the rights of the child in case of liability, protection of the child's rights in special educational institutions and protection of the child from abduction, sale and trafficking.

Based on the urgent need to regulate the protection of children at risk, highlighting the importance of establishing national principles for the protection of children at risk, the need and the desire to establish the basic tasks of the authorities responsible for the protection of children's rights, the legislator adopted the Law No. 140 of June 14, 2013 on the special protection of children at risk and of children separated from their parents. The object of the law is enshrined in art. 1 and concerns the establishment of procedures for identification, assessment, assistance, referral, monitoring and registration of children at risk and children separated from their parents, as well as the authorities and structures responsible for implementing these procedures. This law clarifies and defines the meaning of the core concepts and outlines the principles for the protection of children at risk, including: ensuring the best interests of the child as a priority (a principle also highlighted by the CRC), respecting the priority of raising and educating the child in the family, the priority right of parents to educate their children according to their own convictions, the obligation of the state to

provide families with the necessary assistance for raising and educating children (an obligation also highlighted by the text of art. 49 of the Constitution of the Republic of Moldova, protection of the family and orphaned children), equal opportunities and non-discrimination, inter-sectoral cooperation and multidisciplinary intervention, individualized assistance to each child, respect for the dignity of the child (the guarantee of respect for the dignity of the child is also strongly promoted by the provisions of the Convention on the Rights of the Child in art. 23, 28 and 39), ensuring the child's participation in decision-making that concerns him/her, taking into account age and maturity.

Another principle that is reflected in the provisions of the Law No. 140 of 2013 is to ensure continuity in the child rearing and education taking into account his/her ethnic, religious, cultural and linguistic identity, in case of taking a protection measure. The expedience of any decision regarding the child and the responsibility of the authorities to ensure protection against violence are two principles that are also found in international documents.

Hereinafter we will analyse which are the powers of the guardianship authority expressly provided for by the legislation and which could be the tools for monitoring the exercise of these powers.

Article 6 paragraph (1) letter (a) provides for the authority's task to receive and register complaints concerning violations of children's rights, cumulatively the same paragraph implies the self-notification of the authority in case of identification of children at risk. Corroborating the provisions of Article 6 paragraph (1) letter (a) with the text of art. 8, we will highlight the situations that are subject to registration and self-reporting, namely cases concerning: children subjected to violence, neglected children, children practicing vagrancy, begging and prostitution, children without parental care and supervision, parents of children who have died, children who live on the street, have run away or have been driven away from home, parents who refuse to exercise their parental obligations regarding the upbringing and care of their children, children who have been abandoned by their parents, one of the parents has a legal guardianship measure in place, etc. Referring to the categorization of children at risk, the legislator has analysed and provided for the main directions, but with reference to the promotion and information of children/representatives about the right to refer to the competent authority, we can mention one general provision (Art. 6 paragraph (1) letter (n) - *plans and decides on the implementation of measures to inform the population about the rights of the child*), or informing the public about the range of rights and the tools for making complaints is and should be essential. In this regard, we can stress the need to intensify the monitoring process of the exercise of the powers of the guardianship authorities in terms of informing the population and promoting the tools of referral.

One of the tutelary authority's powers enshrined in art. 6 paragraph (1) letter (c), which should be given particular attention, is to take the necessary action to prevent the child's separation from the family environment or to reintegrate the child into the family. We consider it imperative to perform an analysis on all cases of application of emergency placement in relation to the alternative measure of planned placement, or monitoring the implementation of effective measures to prevent separation of the child from the family is a premise for counteracting this phenomenon.

An important aspect that needs to be considered for the purposes of exercising the powers of the guardianship authorities is cooperation and communication between institutions. This is provided for in art. 6 paragraph (1) letter (p) and requires cooperation between territorial and central

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guardianship institutions for the protection of children at risk and children separated from their parents, including mutual information on issues of common interest. The legislator has devoted a separate chapter (Chapter VI - Cooperation in the field of protection) precisely in order to underline the importance of the tool of cooperation also in cross-sectoral aspects. When considering the obligation of employees of central and local public authorities, structures, institutions and services within or subordinated to them, working in the fields of social assistance, education, health care, law enforcement bodies in accordance with the mechanism of inter-sectoral cooperation approved by the Government, we emphasize the task of implementing measures to prevent risk situations for children, and this task must be considered a priority and must be taken into account when discussing monitoring tools.

The existence of a common database of institutions working in the field of child rights protection could be a first step that would facilitate effective communication. The importance of these collaborative relationships between the institutions concerned is of particular significance when we are addressing the processes of developing policies, projects and mechanisms for the protection of children's rights.

In order to ensure the observance of the legal provisions, we will also analyse the legal framework of liability for violation of the provisions of this law. According to art. 22 paragraph (1) of the Law No. 140 of 2013, violation of the provisions of this law entails disciplinary, civil, contravention or criminal liability, in accordance with the legislation in force. Paragraph 2 of the same article establishes the actions/inactions of the authorities that are subject to liability: non-compliance with the legal conditions for receiving and registering notifications regarding children at risk, unjustified violation of the deadline established by law for initiating or carrying out the initial assessment procedure of the child's situation, inadequate assistance of children at risk, delay without good reasons for submitting to the central authority for child protection information about children separated from their parents, failure to ensure strict control of the conditions of maintenance, education and family training of children at risk, unfounded placement or by violating the conditions established by law in the residential-type placement service of the child separated from the parents, failure of the parents or their substitutes to comply with the lawful provisions of the guardianship authority, evasion in any form of the parents or their substitutes from the process of reintegration of the child into the family, the child being in imminent danger due to lack of supervision by the parents, legal representatives or other persons in whose care the child is placed. Monitoring and systematization of cases of violation of the provisions of this law according to art. 22 is indispensable. Collecting data and comparing them over different periods of time could serve as an important criterion for assessing the performance of the authorities concerned. A large number of such violations could highlight certain shortcomings, the frequency of some violations in of some actors (parents and responsible persons) could suggest problems regarding information and the lack of violations of this law could show shortcomings in the documentation and recording of certain issues.

2. ANALYSIS OF DOMESTIC LEGISLATION CONCERNING THE WORK OF THE PEOPLE'S ADVOCATE OFFICE IN THE SEGMENT OF MONITORING THE OBSERVANCE OF THE CHILD'S RIGHTS

2.1. HARMONIZATION OF THE LAW ON THE PEOPLE'S ADVOCATE (NO 52 OF APRIL 3, 2014) WITH INTERNATIONAL REGULATIONS

Despite the comprehensive approval of the Paris Principles, the way these recommendations have been translated into practice has been very flexible. There are both pragmatic and political reasons for this. The Paris Principles provide only a general outline of the regulatory framework of the structure, mandate and powers of national institutions. Indeed, one could say that the standards are so broad that it is almost impossible to objectively assess whether a national institution is in full compliance with them.¹

Moreover, while the Paris Principles were originally intended to serve as minimum standards providing their new institutions with an "essential basis", it has been argued that in reality they constitute a "maximum agenda that is currently not yet met by any global national institution".²

While it was clear that there was a need for international guidelines, it was equally clear that developing guidelines that would fit all national contexts was virtually impossible. The authors of the principles therefore achieved their objectives when the principles were considered by compromise, endorsed and approved by several governments. This compromise materialized when governments endorsed the Paris Principles in various international fora and retained a certain margin of discretion for implementation. For example, the resolutions of UN policymaking bodies and the final resolutions of the Vienna World Conference encourage governments to establish national institutions that take into account the recommendations of the Paris Principles, and recognize the "Right of each state to choose the framework most appropriate to its specific needs"³ accordingly, the Office of the United Nations High Commissioner for Human Rights, which has been systematically present, has stressed the importance of national institutions development in accordance with the Paris Principles and also chose not to limit its support to a particular model of institution.⁴

The internal normative framework on regulating the activity of the People's Advocate Office in the Republic of Moldova provides an overview of the duties, competence and obligations of this institution. Next, we will analyse the Law on the People's Advocate No. 52 of April 3, 2014 in terms of its compliance with the Paris Principles.

¹ Anna-Elina Pohjola, *The Evolution of National Human Rights Institutions*, 2006

² International Council on Human Rights Policy (2000b), 2

³ Vienna Declaration and Program of Action Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, art. 36, the *World Conference on Human Rights reaffirms the important and constructive role that national institutions play in the promotion and protection of human rights, in particular in advising their capacity to the competent authorities, their role in remedying human rights violations, in disseminating information on human rights and in human rights education. The World Conference on Human Rights encourages the establishment and strengthening of national institutions, bearing in mind the "Principles relating to the Status of National Institutions" and recognizing that it is the right of each State to choose the framework best suited to its national needs.*

⁴ Fact Sheet No.19, National Institutions for the Promotion and Protection of Human Rights, Geneva April 1993

One of the first directions emphasised and promoted by international standards refers to the competence of national institutions to promote and protect human rights, a competence expressly provided for by art. 1 of Law No. 52.⁵

With regard to the mandate of the People's Advocate, we will take into account the principle that the mandate must be clearly set out in a constitutional or legislative text regulating both the composition and the competence of this institution. We note the general nature of this provision, and the massive degree of permissiveness for governments to establish their own models of institutions, but at the same time, we will also appreciate the obligation of states to adopt a special law in this regard. Law No. 52 on the People's Advocate regulates both the composition and the competence of this institution⁶, we will also identify legal texts on the mandate of the People's Advocate and on the conditions of eligibility. In this respect, we note that both People's Advocate (People's Advocate and People's Advocate for Children's Rights) are appointed for a 7 years mandate, which can't be renewed. In this respect, the Paris Principles also provided for the possibility of renewal, but insisted on ensuring the pluralism of the national institution.

With reference to the mandate of the People's Advocate, we recall the provisions of the Paris Principles suggesting that States should provide in their legislative or constitutional texts for as broad a mandate as possible. Although it is up to the states to assess the size of the mandate on a case-by-case basis, it should be noted that in some states the People's Advocate mandate is for five years, with the possibility of renewing it once⁷, while in others it is for four years.⁸

The responsibilities of a national institution are described in the Paris Principles and constitute a point of reference for national legislation. In point 3 of the Paris Principles, we see suggested the obligation of the national institution to submit opinions, recommendations, proposals and reports to the Government, Parliament and any competent body on any matter relating to the promotion and protection of human rights concerning:

- (I) any legislative or administrative provisions, as well as provisions relating to legal institutions designed to maintain and extend the protection of human rights;
- (II) any situation of human rights violations which it decides to adopt;
- (III) the preparation of reports on the national human rights situation in general and on more specific issues;

In relation to these directions provided for by international standards, we refer to the provisions of art. 22 paragraph (2) of the Law on the People's Advocate, which, among the grounds for ex officio intimation, also provides for the right to present special reports to the Parliament sittings, and the principle referred to implies the obligation of national institutions to intervene promptly whenever necessary to avoid any situation of human rights violations. This obligation to intervene with

⁵ Law No. 52 on the People's Advocate, art. 1 paragraph (1), *The People's Advocate ensures the observance of human rights and freedoms, paragraph (2) - The People's Advocate contributes to the protection of human rights and freedoms by promoting human rights and freedoms and their defense mechanisms.*

⁶ Law No. 52 on the People's Advocate, art. 11. Rights of the People's Advocate, art. 12. Obligations of the People's Advocate, art. 15. Deputies of the People's Advocate, art. 16. Powers of the People's Advocate, art. 17. Powers of the People's Advocate for the Child's Rights, etc.

⁷ Law on the People's Advocate of Romania, art. 6 (1) *The People's Advocate is appointed for a term of 5 years by the Chamber of Deputies and the Senate, in joint session. The mandate of the People's Advocate may be renewed once.*

⁸ The Ombudsman of Norway is elected for a term of 4 years (<https://www.sivilombudsmannen.no/en/about-the-parliamentary-ombudsman/>)

special reports to both Parliament and the Government is of the essence and nature of the independence of the national human rights institution, an obligation that must be expressly and distinctly provided for, including for the People's Advocate for Children's Rights.

Another tool described in the national legislation refers to the Annual Report of the People's Advocate. In order to achieve the objective of reporting to the Parliament on the situation of observance the human rights in the Republic of Moldova, we consider it appropriate and necessary to prepare and submit a separate report by the People's Advocate for Children's Rights, or the national law does not refer to this aspect. The inclusion of a chapter in the report submitted under the current legislation is not sufficient to present and describe the situation regarding the rights of the child, but also diminishes the importance of this area. Given the importance and stringent need to protect the rights of the child, taking into account the principle of the best interests of the child, pointing out that the protection of the child should be a primary national objective, it is necessary to draw particular attention by Parliament to the institution of the People's Advocate for Children's Rights.

Other important obligations suggested by the Paris Principles for national institutions to protect and ensure the observance of the human rights relate to:

- promoting and ensuring harmonization of national laws, regulations and practices with international human rights tools to which the State is party and their effective implementation;
- encouraging ratification of international tools and ensuring their implementation;
- contribution of national institutions to the preparation of reports which States are required to submit to the bodies and committees of the United Nations;
- cooperating with the United Nations and any other organization in the UN system, regional institutions and national institutions of other countries competent in the field of human rights protection and promotion;
- contribution of the national institution to the formulation of teaching and research programs in the field of human rights;
- promotion of human rights by raising public awareness, in particular through information, education and the use of all media bodies.

Improving the legislation in the field of human rights and freedoms is a direction suggested by the Paris Principles but also regulated by the Law on the People's Advocate.⁹ This tool for the protection of human rights must be analysed and highlighted also in relation to the work of the People's Advocate for Children's Rights, or prompt intervention both in the process of drafting legislation and in the process of working with legislative texts is indispensable.

With regard to the role of the People's Advocate in submitting proposals and recommendations for ratification of or accession to international human rights tools,¹⁰ it should be borne in mind that this aspect is essential in order to harmonize national legislation with international standards.

⁹ Law No. 52 on the People's Advocate, art. 27 - Improvement of legislation in the field of human rights and freedoms

¹⁰ Law No. 52 on the People's Advocate, art. 16 (e) *presents proposals and recommendations for ratification or accession to international tools in the field of human rights and freedoms and provides methodological support to ensure their implementation.*

Given the primary role of the People's Advocate for Children's Rights to contribute to the strengthening of education in the field of human rights and freedoms by participating in the elaboration of formal and non-formal educational training programs, we consider it necessary to emphasize this duty also at the legislative level, or currently this obligation is presented by the national law quite generally.¹¹

Promoting human rights is a very topical and effective way of ensuring the protection of human rights. National legislation provides several tools for promoting human rights: raising awareness in society through the media, publicizing cases of human rights violations, familiarizing society with human rights mechanisms, helping to strengthen human rights education, developing and disseminating information materials, etc.,¹² all of which support the government's efforts to protect human rights.

In order to emphasize the role of the People's Advocate for Children's Rights and to highlight the main tasks and competences, we consider it indispensable to formulate the texts of the law in such a way as to take into account both institutions: the People's Advocate and the People's Advocate for Children's Rights. In addition to the powers specified in art. 17 of Law no. 52 on the People's Advocate, we consider it necessary to present separate provisions on:

- undertaking measures to promote and monitor the observance of the children rights in the Republic of Moldova;
- promoting the improvement of legislation in the field of child protection and its harmonization with international principles and acts;
- promoting and informing children of their rights and methods of their defence;
- ensuring the strengthening of children's participation in the decision-making process;
- contributing to the reports that States are commit to submit to the United Nations;
- cooperating with UN, regional and national human rights organizations;

About the implementation of the above-mentioned provisions, it would be appropriate to describe some tools that are promoted including by the Paris Principles but which it is preferable to assign to the People's Advocate for Children's Rights.

One of the tools is the representation of the child in court when it is considered that the best interests of the child may be prejudiced.

The second tool that needs to be regulated separately relates to the drafting of separate annual reports to Parliament. In this respect, both the procedure and the structure of this report need to be described in the legislative text.

The third aspect also expressly provided for in the text of the Paris Principles concerns the role of national institutions in helping to implement education and research programs in the field of children's rights and in monitoring their implementation in schools, universities and among professionals.

¹¹ Law No 52 on the People's Advocate, art. 28(d) *contributes to strengthening education in the field of human rights and freedoms and participation in the development of formal and non-formal educational programs.*

¹² Law No. 52 on the People's Advocate, art. 28 - Promotion of human rights and freedoms, art. 16 (h) promotes human rights in society

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The fourth aspect that should be expressly provided for concerns the promotion of children's rights and efforts to combat discrimination by raising public awareness - particularly through information, education and the media.

2.2. IMPLEMENTATION OF THE STRATEGIES ON CHILD'S RIGHTS AT NATIONAL LEVEL

In order to ensure the observance of the children's rights by the People's Advocate Institution, the Action Plan for 2016-2020 on the implementation of the child protection strategy for 2014-2020 should be analysed and monitored in terms of implementation and effectiveness. This plan is practically intended to contribute to the achievement of several objectives, including: preventing the separation of children from their families, gradually stopping the institutionalization of children aged 0-3 years, continuously reducing the number of children in residential care, reducing the negative effects of parental migration on children left in the country, preventing violence, neglect and exploitation of children, combating violence, neglect and exploitation of children, etc.

We note that this action plan includes several steps regarding the revision of the regulatory framework. The revision of the regulatory framework concerns increasing the amount of social benefits/social aid, regulating the social service of parental assistance, the field of adoption, ensuring the establishment of guardianship, the organization and operation of the Social Service Day Centre for the care of children aged 4 months-1.5 years, the organization of social services for families with children, support services for children about to leave protective services, organization and operation of education services in general education for the schooling of severely disabled children, organization and operation of psycho-pedagogical support service for children, organization and operation of placement services for children with behavioural disorders and those who have committed crimes, acceptance as evidence of the psychological assessment report of the child victim, etc. By virtue of the provisions of the national legislation and international principles that provide the People's Advocate Institution with the task to contribute to the improvement of the legislation and its harmonization with international standards, we consider it indispensable to analyse all draft laws referring to the revision or elaboration of the normative framework with regard to the actions foreseen in the Action Plan for 2016-2020. The analysis will promote the principles of the UN Convention on the Rights of the Child, will present the degree of compliance of the provisions of the normative acts with international standards and principles and will formulate recommendations/completions in order to achieve the main objective - the best interest of the child.

Another direction promoted and provided for by the Action Plan for 2016-2020 refers to the information and training of specialists for the protection of children's rights but also of the population on the importance and significance of observance children's rights. In order to carry out the actions set out in this plan, the People's Advocate for Children's Rights is called upon to develop training programs aimed at: training specialists for the protection of children's rights, professional training of the staff of specialized subdivisions, strengthening the capacities of specialists with competence in the field of child protection, etc. Also with reference to the educational aspect, we establish the principle of cooperation between the People's Advocate and national organizations in order to achieve the objectives of informing the population on: the promotion of children's rights, cyber security regarding the safety of children, the way of appointing the person in whose care children remain during their absence, etc. The role of the People's

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Advocate in the revision of curricula in order to strengthen the knowledge of students in the field of social work, pedagogy, psychology, law, public administration, journalism, on preventing and combating violence against children, is significant.

Taking into account that the People's Advocate can request whenever necessary depending on the case information from the authorities on the implementation of certain actions, implementation of certain projects, etc., we consider it appropriate to monitor each action in the Action Plan for 2016-2020 with a subsequent request for information on the degree of implementation of the action, problems and reasons encountered, causes of postponement of implementation of certain actions. Obviously collaboration with certain institutions on the part of promoting human rights, promoting the implementation of certain actions is welcome.

A considerable aspect of the implementation of the action plan is the promotion of the free Hotline Service for children. In this regard, we will identify solutions for the support and promotion of this service by the People's Advocate for Children's Rights, which must be set up 24 hours a day, must have employees available on a permanent basis, and must be able to generate statistical data disaggregated by field.

An action that needs to be done according to the principle of cooperation is also the development and promotion of information and prevention materials in the field of online safety of children, provided through an online platform (opportunities for reporting child pornography content, training parents and guardians to secure access to such information), we consider it necessary not only to monitor the implementation of this action but also to contribute directly in collaboration with the Ministry of Internal Affairs, Ministry of Labour and Social Protection and Family and non-governmental organizations to the development and promotion of this action. With regard to children's safety from information with a negative impact, we also see it as a good idea for the institutions to cooperate in drawing up a set of mandatory minimum rules for Internet service providers and a set of recommendations on self-regulation mechanisms for limiting access to informational space with content with a potential negative impact on children's psyche.

3. SPECIFIC BENCHMARKS FOR MONITORING THE OBSERVANCE OF CHILD'S RIGHTS

3.1. GENERAL MEASURES, CIVIL RIGHTS, SPECIAL PROTECTION MEASURES

3.1.1. GENERAL PRINCIPLES

The best interests of the child - this principle is mandatory when drafting legislation in the field of child rights protection. Under art. 3 of the Convention on the Rights of the Child, States that have ratified the Convention undertake to ensure that the best interests of the child are a primary consideration in all actions concerning children undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. As regards the monitoring of observance of the children's right in the Republic of Moldova, the People's Advocate for Children's Rights is committed to demand that this principle be observed by the institutions concerned.

The principle of non-discrimination - in the text of the Convention on the Rights of the Child, this principle is enshrined in Article No. 2 (*States Parties undertake to observe and to ensure the rights set forth in the present Convention to all children within their jurisdiction, regardless of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability, birth or acquired status of the child or of the child's parents or legal guardians*). The People's Advocate Office (People's Advocate for Children's Rights), by virtue of its mandate, has the obligation to monitor the observance of this principle by the authorities working in particular with the protection of children's rights. Effective monitoring of this principle requires collaboration and cooperation with the Council for the Prevention and Elimination of Discrimination and the Promotion of Equality for Children. It is very important for the People's Advocate for Children's Rights to ask public institutions and to systematize information on the categories of children who do not have access to public services, the existence of discrimination in the educational and medical environment (monitoring as a priority cases of discrimination against pregnant teenagers or mothers who have not reached the age of 18). An unavoidable tool to counter non-discrimination is the organization of information campaigns on gender non-discrimination, the consequences of discrimination from a human rights point of view and training groups of public employees providing services including to children.

The principle of empowering parents to observe and guarantee parental rights and obligations - there is a strong need to increase the capacity of parents to care for their children. One way of preventing the separation of children from their parents is precisely to identify solutions for strengthening and reinforcing the observance of this principle by creating policies to support and inform parents, by identifying measures to make parents more responsible by organizing working groups with the participation of parents and children, and obviously by monitoring compliance with this principle by the People's Advocate Office, including by local, territorial and central guardianship institutions.

The principle of observance for the dignity of the child - observing this principle implies considering the child as a unique and unmistakable person, regardless of vulnerability related to age, maturity, disability, etc. This means that no child can be subjected to corporal punishment, inhuman or degrading treatment, their public image, their private, private and family life cannot be affected and they cannot be subjected to any form of labour or sexual exploitation.

3.1.2. NAME AND NATIONALITY

The right of the child to a name and nationality is regulated by the Convention¹³, by the Constitution of the Republic of Moldova¹⁴ and by the Law No 1024 of 2000 on the nationality of the Republic of Moldova, which establishes the conditions for acquiring nationality by birth, by adoption, the nationality of the child in case of nullity or annulment of the adoption, the nationality of the child on whom guardianship is established, etc.).¹⁵

In order to monitor compliance with this right, it is necessary to identify and compile all cases of children who do not have identity documents for various reasons (irresponsibility of parents, religious criteria, cumbersome procedure for recognition of certain unofficial documents, etc.) The lack of statistical data on the extent of the problem creates ambiguities and gaps in addressing this issue. This issue can be addressed by organizing discussions on the subject. A cooperation of the People's Advocate Office with the institutions that oversee the protection of children, the institutions of population records on the compilation of data and the identification of documentation solutions for any child, is indispensable.

The direct involvement of the People's Advocate for Children's Rights in cases of minors who do not have elaborated identity documents is encouraged. Persons without identity documents are at risk of becoming undocumented stateless persons, and a person who has neither stateless status nor citizenship of a state cannot enjoy any rights. This is particularly relevant when referring to minors, who, in addition to the vulnerability caused by their age, will not be able to be protected by state institutions (they will not have access to education, health and social care, etc.).

The role of monitoring the observance of this right must be complemented by the role of informing the population about the right to name and citizenship (identifying information solutions including irresponsible parents who are guilty of non-documentation of their children) but also the training of lawyers, judges on this sensitive subject. Encouraging cross-sectoral cooperation of public authorities in resolving child documentation issues should also be a priority of the People's Advocate Office Institution.

A particular cause that delays the observance of children's right to name and citizenship are the non-official documents in the Transnistrian region, a cause that is often invoked by the population registration authorities of the Republic of Moldova. We consider it important to identify solutions to inform the population of the Transnistrian region about the risks of not documenting children and the need to perfect official and authentic documents.

3.1.3. FREEDOM OF EXPRESSION AND ASSOCIATION

¹³ art. 7, CRC, *the child shall be registered immediately after birth and shall have, by birth, the right to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents*)

¹⁴ art. 17 of the Constitution of the Republic of Moldova - *Citizenship of the Republic of Moldova shall be acquired, retained or lost under the conditions laid down by organic law*

¹⁵ Law No. 1024 of 2000 on Citizenship of the Republic of Moldova, **Article 11**. Acquisition of citizenship by birth, **Article 13**. Acquisition of citizenship by descent, Article 14. Citizenship of the child in case of nullity or annulment of the inference, **Article 15**. Citizenship of a child for whom guardianship is established

The right to freedom of expression is provided for in art. 13 CRC¹⁶. In order to guarantee this right, several aspects should be taken into account with regard to the existing tools available and accessible to the child to promote ideas through the media, as well as the child's opportunity to formulate opinions/complaints to various state institutions. Obviously, monitoring the reaction of state institutions to complaints received from children and the action taken in relation to these complaints is worth considering.

In terms of ensuring the observance of freedom of expression, a detailed and comprehensive analysis of the functionality and results of child hotlines is necessary. The institution of the People's Advocate for Children's Rights should request and analyse concrete data on the use and the way institutions react to appeals from children or their representatives. A detailed analysis of the functioning of the institutions' hotlines could highlight several trends/problems in the field of protection of children at risk, which could contribute to a possible strategic planning of the People's Advocate Office for the development of certain projects. The establishment of a child hotline at the level of the institution of the People's Advocate Office is encouraged.

An important role in the effectiveness of the hotline is the nationwide promotion (including in the Transnistrian region) of the hotline and the appointment of a person exclusively responsible for maintaining the database and referring complaints/complaints.

Another tool that would facilitate and contribute to ensuring the observance for the right to freedom of expression would be the creation of a webpage dedicated to the People's Advocate for Children's Rights with a separate field dedicated to online complaints. This tool would require accessibility for children but also ways of storing and responding urgently. It is obviously essential to promote this tool to ensure its functionality among children, parents and other stakeholders.

Within the meaning of article 13 on freedom of expression enshrines children's right to disseminate information and ideas. In this connection, it would be interesting to monitor media institutions in particular to ensure that children have access to transmit/disseminate ideas, information, etc.

The right to freedom of association is described in Article 15 of the Convention on the Rights of the Child, which sets out the obligation of States to recognize the rights of the child to freedom of association and peaceful assembly. In national legislation, this right is enshrined in Law no. 837 of May 17, 1996 on public associations, which provides that the founder may be a natural person who has full legal capacity¹⁷, but art. 12 paragraph (5) regulates the age limit for members of public youth associations¹⁸ and art. 2 paragraph (6) regulates the age limit for members of public children's associations.¹⁹ In this context, it would be useful to monitor the application of the above paragraphs

¹⁶ Article 13, Convention on the Rights of the Child, *freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print or in the form of art, or through any other media of the child's choice.*

¹⁷ Law No. 837 of May 17, 1996 on public associations, art. 11 (2) - *Founders of public associations of youth and children can be natural persons with full capacity to exercise their rights.*

¹⁸ Law No. 837 of May 17, 1996 on public associations, art. 12 (5) - *Members of public youth associations may be persons who have reached the age of 14.*

¹⁹ Law No. 837 of May 17, 1996 on public associations, art. 12 (6) - *Members of children's public associations may be persons who have reached the age of 10.*

²⁰ CRC, art. 16 - *No child shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.*

²¹ Constitution of the Republic of Moldova, art. 28 - *The state respects and protects intimate, family and private life*

in order to analyse the extent of children's involvement in associations and whether their involvement is effective (active members) or passive (beneficiaries of projects).

3.1.4. PROTECTION OF PRIVACY

The Convention describes the right to privacy²⁰ and the Constitution of the Republic of Moldova regulates the protection and defend of the intimate, family and private life of the citizen²¹. In terms of monitoring compliance with this right, it would be necessary to analyse compliance with the provisions of the framework regulations with regard to the protection of the privacy of institutions operating with children, or for example: In Judgement no. 1018 of September 13, 2004 on the approval of the Framework Regulation of the Centre for Temporary Placement of Children, the provisions on the protection of privacy have been identified only in art. 39 of the Regulation, but it refers strictly to the obligation of the employees of the centre to keep confidential information about the private life of families and children, which they obtain during the performance of their duties. We consider it necessary to introduce in the framework regulations, express provisions on the protection of privacy in the sense of the Convention and on arbitrary or unlawful interference in private life.

3.1.5. PROHIBITION OF TORTURE AND DEPRIVATION OF LIBERTY

Article 37 at letter (a) of the Convention requires States to ensure that: no child shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; capital punishment or life imprisonment shall not be imposed for offences committed by persons under the age of 18. In point (b) of the same article, we identify the obligation of States to ensure that no child is deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child must be in accordance with the law and shall be only an extreme measure and as brief as possible.

The institution of the People's Advocate for Children's Rights will consider it necessary to monitor the observance of this right in terms of the frequency of cases of pre-trial detention (possibly analysing each case from the point of view of non-custodial detention or alternative detention), the duration of pre-trial detention, access to the right of defence in the case of preventive detention.

Another criterion that could be used in the monitoring process would be the analysis of the most frequent procedural measures taken in juvenile cases in order to see the trends and directions of the bodies involved. One measure that needs to be promoted and analysed is the hearing of the juvenile under preferential conditions (conditions of the hearing, persons present at the hearing if they are trained including for this procedural measure, existence of lawyers trained/specialized in juvenile cases etc.).

Although we have an amendment to the Law on State-guaranteed legal aid which provides for the right to qualified legal assistance free of charge regardless of the income level of child victims of crime, such an approach should be considered with reference to all children, or the right to defence, especially when it concerns children, should not be conditional on the existence or lack of income.

The conditions of detention of minors are important indicators for ensuring the rights of the child against degrading and inhuman treatment, and therefore this aspect should be monitored frequently

and analysed also in terms of the services available to minors in prisons. With reference to detention conditions, the aspect of the child's contact with the family needs to be monitored as a priority in order to facilitate and ensure continuous contact between children and their family members.

With reference to the detention of minors in temporary detention facilities, we consider it appropriate to persuade institutions to avoid the practice of detaining minors with adult prisoners. Another perception regarding the detention of minors including in temporary detention facilities that needs to be analysed is the right of the child to go for walks (at least 2 hours a day, according to art. 215 of the Enforcement Code of the Republic of Moldova).

As regards the conditions of detention of minors, we will emphasize the effect of monitoring and improving the aspects of food of juvenile detainees, or according to art. 228 of the Enforcement Code, minors are provided with an additional food ration. These provisions should be taken into account also when considering the treatment of minors in pre-trial detention conditions and in other places of detention.

The disciplinary segregation of juveniles is another criterion to be monitored. The analysis of situations where disciplinary segregation has been applied, as well as measures taken by the authorities to prevent possible violations committed by minors, should be considered. According to the internal regulations (art. 246¹ Enforcement Code - Individualization of disciplinary responsibility, in the case of minors, the application of the disciplinary isolation sanction is ordered only as an exceptional measure, if they have repeatedly committed, with intent, acts constituting offences referred to in art. 245 (1) and which are likely to cause significant harm to the order or safety of the prison or to the life or health of himself/herself or others)

Another criterion that should be monitored is the frequency of application of the provisions of art. 254 of the Enforcement Code, which refers to the appropriateness of continuing the execution of the sentence by a juvenile who has reached the age of 18 until the age of 23. An analysis of the frequency of the application of this regulation could describe the attitude of the authorities towards the protection of minors, since the age of committing a crime can be considered a vulnerability and therefore serving the sentence under the same conditions is encouraged even after reaching the age of majority.

In the process of criminal prosecution and trial of the child, it would be beneficial to monitor the possibility of children continuing their education (in this context, it is mandatory to analyse the period between the time of the offence and the time of conviction) during the criminal proceedings, and the right to education is guaranteed, including by the provisions of the Convention, which stipulate that states shall provide compulsory and free primary education for all children.

In order to standardize legal practice in criminal cases involving minors, it would be desirable to set up specialized courts to hear such cases. The role of the People's Advocate in ensuring and achieving this objective is described by organizing conferences with the participation of international experts, representatives of the Ministry of Justice, the Government and the Parliament in order to present the advantages of setting up specialized courts/committees for juvenile cases. Consequently, the co-facilitation of specialized training with judges who are to specialize in juvenile cases is also welcome.

3.1.6. CHILD LABOUR EXPLOITATION

The right of the child to be protected from labour exploitation is laid down in Article 32 of the Convention on the Rights of the Child. Under this provision, States are committed to fix a minimum age or minimum ages of employment, to adopt regulations concerning hours and conditions of work and to provide for appropriate penalties or other sanctions to ensure the full implementation of this article. In order to monitor compliance with this right, an analysis of the existence of data on children in employment at national level is required. The People's Advocate for Children's Rights has the power to request and suggest the establishment of a monitoring system on reported/identified cases of child labour exploitation.

When dealing with the subject of monitoring the observance of the child's rights to be protected from labour exploitation, it is mandatory to study the contravention cases concerning the admission of children to work places that are dangerous for their life and health, which has a destructive effect on the child's education and on his or her integrity and health.

Another criterion that needs to be taken into account is the analysis of vulnerable categories of children who are subject to labour exploitation. This analysis will lead to the identification of solutions that could be proposed to institutions to combat and counteract child labour exploitation.

Family work, although apparently very difficult to document, cannot be treated superficially. Organizing public information campaigns on avoiding child labour practices in conjunction with the promotion of hotlines and other methods of referral to the People's Advocate Office could be a first step in monitoring compliance with the right of the child to be protected from labour exploitation.

Another aspect of monitoring should highlight what the negative consequences on child's development and whether medical institutions should be involved, including in the prevention of such cases but also in referring cases to the competent bodies when there are suspicions of child labour exploitation after a medical investigation.

Another segment of child labour exploitation is begging. Although provided for as an offence in the Criminal Code of the Republic of Moldova in art. 302 - Organization of begging²², monitoring the cases of organizing begging is important but insufficient. In order to identify the causes that lead to begging and the actors that can intervene to prevent this phenomenon, cooperation is needed between the guardianship, health, educational and law enforcement institutions.

An information campaign on the harmful effects of begging on children's training and education and the inclusion of these issues in the school curriculum could help reduce the number of children involved in begging.

3.1.7. PROTECTION AGAINST SEXUAL EXPLOITATION

The CRC regulates this right of the child in Article 34 whereby States undertake to protect the child from all forms of sexual exploitation and sexual violence. To this end, States will, in particular, take all appropriate national, bilateral and multilateral measures to prevent: the inducement or coercion of children to engage in unlawful sexual activities; the exploitation of children in prostitution or

other unlawful sexual practices; and the exploitation of children in pornographic performances or materials.

The national regulations on offences aimed at infringing this right can be found in the Criminal Code of the Republic of Moldova in art. 175 - *Perverse actions (perverse actions committed against a person who is known with certainty to be under 16 years of age, consisting of exhibition, indecent touching, obscene or cynical discussions with the victim about sexual relations, inducing the victim to participate or attend pornographic performances, making pornographic materials available to the victim, and other actions of a sexual nature)* and art. 175¹ - *enticement of a minor for sexual purposes (proposing, persuading, manipulating, threatening, promising to offer advantages in any form, including by means of information technology or electronic communications, with a view to establish a meeting with a minor, for the purpose of committing against him/her any offence concerning sexual life, if these actions were followed by material facts leading to such a meeting).*

We consider it appropriate and necessary by virtue of art. 16 letter (d) of Law No. 52 of April 3, 2014 (which implies the duty of the People's Advocate to contribute to the improvement of legislation in the field of human rights and freedoms) to promote the increase of the minimum penalty of the aggravating circumstance in paragraph 2 of art. 175¹ of the Criminal Code, as the aggravating circumstance concerns the commission of the offence against minors in a situation of helplessness due to illness or disability, the commission of the offence by a member of the minor's family, a person living with the minor or the person in whose care the minor is, etc.

When addressing the issue of protection of children against sexual exploitation, it is mandatory to analyse the legal framework regarding child pornography. The regulation of the Criminal Code of the Republic of Moldova in art. 208¹ - *Child pornography (Production, distribution, dissemination, import, export, offering, sale, procurement, exchange, use or possession of images or other representations of one or more children engaged in real or simulated explicit sexual activities, or of images or other representations of the sexual organs of a child, depicted in a lewd or obscene manner, including in electronic form)* shows the concern of the legislator to prevent and punish such manifestations.

²²Criminal Code, Art. 302. Organization of begging (1) Organization of begging in order to obtain for himself or for another unjust material benefits, if the deed does not meet the elements of trafficking in human beings

However, it is proposed to analyse and summarize the cases of this offence in order to establish the mechanism for monitoring and combating child sexual exploitation. We consider the penalty provided for in this article (imprisonment of 1 to 3 years or a fine of 3 000 to 5 000 conventional units for a legal person, with the deprivation of the right to carry out a certain activity) to be too lenient, because the impact of committing this offence on the child and on society is harmful and cannot be treated superficially.

3.1.8. PREVENTION OF ABDUCTION, SALE AND TRAFFICKING OF CHILDREN

We will consider suggestive the wording of article 35 of the Convention which commits the States to take all necessary measures, nationally, bilaterally and multilaterally, to prevent the abduction, sale and traffic of children for any purpose and in any form.

In order to monitor the observance of this fundamental child's rights, it is necessary to analyse the effectiveness of measures and tools of the police and other authorities in preventing and combating child abduction.

The ECHR case *Tocarenco v. Republic of Moldova* should provide a benchmark for monitoring both the guardianship authorities, which currently have only a consultative and supervisory role, lacking any other power of direct intervention, and national legislation and practices which provide for the possibility of imposing only derisory fines on the parent who prevents the child from having contact with the other parent (Article 64 of the Contravention Code, unjustified prevention of one of the parents from communicating with the child or taking part in his or her upbringing is punishable by a fine of up to 20 conventional units). We consider it necessary to propose that the penalty in such cases, or the best interests of the child and observance of the child's private and family life must prevail.

The regulation and compliance with the regulations on children's access to various dangerous environments with a view to investigate the premises that may underlie the phenomenon of child abduction is of valuable significance. The article 63¹ of the Contravention Code of the Republic of Moldova provides for the sanctioning of the admission of persons under the age of 16 years to premises of agreement without an escort outside the established hours.²³ The monitoring of compliance with this provision should take into account two aspects: how frequent are the cases of sanctioning of economic agents and individuals in relation to the commission of this contravention and how frequent and scheduled are the controls/checks of the competent institutions of the premises of agreement: bars, cafes, discos, night clubs, saunas, internet rooms, etc.

The introduction of this text in the Contravention Code at the end of 2016 is welcome, but we consider it necessary to analyse the observance of this provision taking into account the age of the child given both by the Convention in art.1, *child means any human being under the age of 18*, and by Law 338 of December 15, 1994 in art. 1, *a person is considered a child from the moment of birth until the age of 18*.

²³Contravention Code, Article 631, admission of persons who have not reached the age of 16 in leisure facilities without accompaniment outside the established hours - Admission of persons who have not reached the age of 16 without the accompaniment of parents or persons replacing them in bars, cafes, restaurants, cinemas, discos, disco clubs, nightclubs, saunas, Internet rooms or other entertainment venues after 22.00

In addressing the notion of prevention of child trafficking, attention should be drawn to the role of the People's Advocate for Children's Rights in monitoring national institutions working with child victims of trafficking. A direct involvement (in accordance with article 17 paragraph (5), Law no. 52 of April 3, 2014) should be required, including in criminal cases involving the commission of the offence referred to in article 206 of the Criminal Code²⁴ as well as a proposal/recommendation to the authorities to make efforts to specialize and train employees who perform their duties in handling such cases. Authorities working with victims of child trafficking should be persuaded to submit regular reports to the People's Advocate Office containing detailed information on the psycho-emotional state of child victims of child trafficking and on the possibility of their social reintegration. The role of informing parents and identifying measures to make them responsible for protecting and educating their children is fundamental. Monitoring the introduction into the school curriculum and teaching in schools topics relating to trafficking in children and human beings in general is an effective and sustainable method of prevention.

3.2. FAMILY ENVIRONMENT AND ALTERNATIVE FORMS OF CARE

3.2.1. PARENTAL GUIDANCE AND DEVELOPMENT OF CHILDREN'S CAPACITIES

We shall examine this right in the light of article 5 of the Convention on the Rights of the Child which sets out the duty of States to observe the responsibilities, rights and duties of the child's natural parents or, where applicable and in accordance with local tradition, members of the extended family or community, guardians or other persons who have children in their care by law, to provide, in a manner consistent with the evolving capacities of the child, the necessary guidance and direction in the exercise by the child of the rights recognized in the present Convention.

In order to observe this right, the tools for informing the family about parental guidance and capacity-building should be considered. Parental guidance should start with the first medical investigation into the conception or birth of a child.

Ensuring that this right is observed is essential for empowering parents but also for counselling the child's capacities. In order to ensure effective monitoring, it would be useful to analyse the implementation of the parental guidance process in both the public and private sectors, from a medical, psychological and educational point of view.

Facilitating the process of guidance and information for parents should be a primary objective, including at parent meetings organized in schools, as these meetings are a good and accessible environment for both parents and children; parents and children should participate in such meetings voluntarily and regularly and propose topics for discussion, as parents are currently reluctant to participate in such meetings, as they are mainly concerned with academic success. By way of recommendation, we consider it appropriate to introduce into the academic activity plans the regular organization of meetings, working groups, seminars with the participation of parents and children.

²⁴ Criminal Code, art. 206 - Child trafficking.

3.2.2. SEPARATION FROM PARENTS

The obligation of States to ensure that no child shall be separated from his or her parents against their will, unless the competent authorities decide, subject to judicial review and in accordance with applicable laws and procedures, that such separation is in the best interests of the child, is laid down in art. 9 of the Convention. In order to monitor compliance with this obligation, it is necessary to identify the situations in which children are separated from their parents (child trafficking, children in conflict with the law, child abuse, migration, missing children, etc.).

One aspect that needs to be analysed in relation to observe of this right is the cause of abandonment of children by their parents. In maternity, abandonment is perpetrated by the mother, who often has family problems or has also been abandoned by the child's biological father. The role of the health care system in these situations is paramount (doctors, psychologists and other staff must do their utmost to prevent possible abandonment by putting up information/suggestion boards about the

Translated from Romanian into English language

negative effects of abandonment, by talking to and counselling potential mothers who are at risk of abandoning their child, but most importantly it is the responsibility of health care professionals to identify mothers who may be thinking about abandonment - research shows that the likelihood of child abandonment is higher in people who have grown up in vulnerable environments: people who have been abandoned by their parents, boarding school graduates, lone mothers, victims of abuse and violence, etc.) In this regard, we consider it important for the People's Advocate for Children's Rights to monitor the degree of intervention and involvement of the authorities in preventing and combating the phenomenon of abandonment, including through monitoring visits to maternity wards to analyse this issue.

With reference to the protection of children separated from their parents, we will identify specific regulations in wording of Law No 140 of June 14, 2013 on the special protection of children at risk and children separated from their parents. Article 11 presents alternatives to emergency residential placement, namely placement of the child with relatives or other persons with whom close relations have been established and family-type placement service. In article 12, we identify the institution of guardianship/trusteeship and the foster care service. In this context, an analysis of the development of these alternatives is necessary. The People's Advocate Office should be subject to monitoring, including family-type homes, but also direct involvement in the training of professional parental assistants.

Examining the picture of separation of children from their parents, it is imperative to monitor the case of children sentenced to custodial sentences and the existence of effective family reintegration programs. A special approach should be taken with regard to the regime of visits of family members and the monitoring of the observance of this aspect for all detained children (the criterion of the geographical location of the place of detention versus the possibility for parents/guardians to visit the child in detention deserves special consideration).

Identifying and providing minors serving their sentences in detention with other means of communication with their families (telephone, mail, etc.) should be a primary objective of preventive and monitoring visits carried out by the People's Advocate Office Institution. In this context, it is also necessary to analyse the provisions of Article 252 paragraph (2) letter (a) of the Enforcement Code, which provides for the right of the juvenile convict to benefit from an initial short-term meeting once a month and a long-term meeting once a quarter. It is imperative to understand that the initial regime period is very important and sometimes decisive when dealing with the juvenile's contact with the family and eventual reintegration into the family. Therefore, increasing the frequency of the juvenile's meetings with family members could also be an objective to facilitate the juvenile's integration after serving the sentence.

The practice of penalizing children in state custody by prohibiting them from meeting family members is not encouraged. In order to achieve the purpose of the criminal sanction (re-education) but also for the family reintegration of the juvenile prisoner, contact with the family should not be restricted.

3.2.3. FAMILY REUNIFICATION

Translated from Romanian into English language

Article 10 of the Convention describes the obligation of States to treat expeditiously and consider with goodwill, humanity and expeditiousness any application filed by a child or his or her parents to enter or leave a State Party for the purpose of family reunification.

Law No 200 of July 16, 2010 on the Regime of Foreigners in the Republic of Moldova regulates obtaining the permit for family reunification both for foreigners who have the right to reside in the Republic of Moldova and for the citizens of the Republic of Moldova.

It would be interesting to analyse the cases of application for family reunification under Art. 28² paragraph (2) letter (c) - Competent authority for foreigners may issue a notice for the reunification of the family of the citizen of the Republic of Moldova - for minor children, resulting from marriage or out of marriage, as well as for those adopted by both spouses or only by one of them, for children entrusted to both spouses or only one of them, by decision of a competent authority of the State of origin, provided that such children are effectively in the care of either spouse.

Another aspect which could suggest certain problems or achievements concerns the analysis of cases which are exceptions to the invitation procedure within the meaning of Law No. 200 of July 16, 2010, namely: art. 30 letter (a) *the minor whose parent, a foreign citizen, possesses a residence permit in the Republic of Moldova or identity card for stateless persons, provided that it is valid for at least 90 days from the date of granting the entry visa*, letter (d) *the minor whose parent is a foreign citizen married to a citizen of the Republic of Moldova*, letter (i) *the spouse, children and parents of the foreigner beneficiary of international protection*.

3.2.4. PARENTAL RESPONSIBILITY

The principle that both parents share responsibility for the upbringing and development of the child, that parents or, where applicable, their legal representatives are primarily responsible for the upbringing and development of the child and that they must act primarily in the best interests of the child, is enshrined in Article 18 of the Convention.

We will attempt to establish the mechanism for monitoring the degree of compliance with this international provision by analysing the provision by the State of appropriate assistance to parents and legal representatives of the child in the exercise of their child-rearing responsibilities.

In this respect, approaches to establishing parental responsibility in the case of children not recognized by their parents, in the case of abandoned children and in the case of teenage parents should be considered. Analysis of the causes leading to such situations, study of the procedural and systemic shortcomings that prevent parents from being informed and educated about such scenarios, monitoring of the institutions responsible for counselling and assisting young parents, are some of the directions that need to be considered.

Monitoring the institutions responsible for the management of measures and mechanisms for assisting and advising teenage parents and parents with disabilities must become a priority for the People's Advocate Office in order to ensure the observance for the principle of parental responsibility.

Translated from Romanian into English language

Another branch of this principle involves monitoring the existence of mechanisms for assessing how parents exercise their responsibilities. An institution that could make parents responsible for preventing and counteracting family abandonment is the criminal regulation of this action, or the parent who has a legal obligation to care for the child - leaves him or her without help, exposing him or her to physical or moral suffering by failing to fulfil his or her maintenance obligation, including by not paying the maintenance allowance set by the court in bad faith, is doing nothing more than committing a criminal act against the family.

National legislation on sanctioning parents for failing to properly fulfil their parental obligations to maintain, educate and train their child is very lenient (art. 63 of the Contravention Code punishes this action/inaction with a fine from 5 to 20 contravention units, and if the commission of this contravention resulted in the lack of supervision of the child, vagrancy, begging or the commission of a socially dangerous act, the parent may be punished with a fine from 9 to 18 conventional units or unpaid community service from 40 to 60 hours).

We consider it appropriate to criminalize the adverse treatment of a parent or other person to whom the child has been entrusted by applying any measure or treatment which seriously endangers the child's physical, intellectual or moral development. The seriousness of this criminal action is shaped precisely by the obligations and responsibilities of parents to ensure the upbringing and education of the child with the best interests of the child as a priority.

Monitoring parents' offences against their children should also be of considerable significance. The provision of Art. 88 para. (2) of the Contravention Code, sanctions parents or persons replacing the minor for causing the minor to be intoxicated by alcohol or other substances. Studying the frequency of application of this article could suggest active or passive involvement of the authorities in order to combat alcohol consumption by children but also to make parents responsible for discouraging alcohol consumption by children.

3.2.5. PROTECTING CHILDREN FROM ALL FORMS OF VIOLENCE, ABUSE AND NEGLIGENCE

Article 19 of the Convention on the Rights of the Child, obliges states to take all legislative, administrative, social and educational measures to protect the child against all forms of violence, harm or abuse, physical or mental, abandonment or neglect, ill-treatment or exploitation, including sexual abuse, while in the care of the parents or of one of them, of the legal representative or representatives or of any person to whom it has been entrusted. Paragraph 2 of the same article requires States to establish social procedures and programs to ensure the necessary support for the child and those responsible for his or her care and as well as for the establishment of other forms of prevention and for the identification, reporting, prosecution, investigation, treatment and prosecution of cases of ill-treatment of the child described in the first paragraph.

In order to ensure the protection of children against domestic violence, it is necessary to monitor the implementation of Law No 45 of March 1, 2007 on preventing and combating domestic violence. The legislator, by means of the provisions of this law, wanted to regulate which authorities and institutions are competent to prevent and combat domestic violence (Ministry of Labour, Social Protection and Family, Ministry of Education, Ministry of Health, Ministry of Internal Affairs and

Ministry of Justice) and which are the competences of central and local public administration authorities.

An important aspect is the creation of the Inter-Ministerial Coordination Council for the Prevention and Combating Domestic Violence under the Ministry of Labour, Social Protection and Family, which includes a representative of the central authorities, representatives of civil society and other stakeholders. We consider the role of the People's Advocate for Children's Rights to monitor the responsibility of the Council to ensure coordination and collaboration between ministries and other central administrative authorities with competences in the field of preventing and combating domestic violence to be appropriate and topical, as effective collaboration between institutions to combat and prevent domestic violence is crucial.

According to art. 8 (1¹) (a), Law no. 45 of March 1, 2007, the Ministry of Labour, Social Protection and Family as a central specialized body of the state, empowered with the functions of developing and promoting policies to prevent and combat domestic violence, will ensure the creation and maintenance of the official website on preventing and combating domestic violence in order to provide access to the population to information about the mechanism of solving acts of domestic violence, the infrastructure of social services for victims of domestic violence and perpetrators, as well as the results of studies, research in the field. In this context, it is necessary to analyse the implementation of this provision, in terms of the existence of this website, its promotion and obviously it's content in accordance with the main purpose and objective of its creation.

Another tool that needs to be analysed in terms of effectiveness is the establishment and maintenance of a free telephone helpline service offering 24/7 advice to callers on the prevention of domestic violence and on the services available to the subjects of domestic violence. This tool is the responsibility of the Ministry of Labour, Social Protection and Family, the role of the free helpline service is precisely to facilitate and ensure access for victims or potential victims to the service that allows them not only to report the commission of a crime, but also to receive professional advice that could prevent the commission of a crime.

The following criteria should be mentioned with regard to the importance of the existence and operation of the 24-hour hotline:

- Ensuring the confidentiality of counselling (in many cases victims or potential victims of domestic violence do not contact local authorities for fear of spreading information locally);
- This tool could systematize data on cases of domestic violence, including child victims;
- Through a functional telephone line, anonymity can also be ensured in situations where victims or potential victims do not want to reveal their identity;
- The basic aspect of the importance of the functionality of such a telephone line is perpetual (24 hours a day), during this period, other institutions except the police are not available and accessible.

Referring to the central institution responsible for preventing and combating domestic violence, it is necessary to monitor compliance with the Order of the Ministry of Health No. 445 of June 9, 2015 on the approval of the Methodical Instruction on the intervention of medical institutions in the identification, assessment, referral, assistance and monitoring of cases of violence, neglect, exploitation and trafficking of children. It is important to analyse cases of domestic violence registered and reported by medical institutions to the police and guardianship authorities, as this

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analysis would allow us to highlight the role of prevention and the effectiveness of the policies implemented by the responsible authorities.²⁵

With regard to the launch of the Training program in the field of child protection against violence with the aim of professional development of skills at local level in order to implement the inter-sectoral cooperation mechanism, the participation of the representatives of the People's Advocate's Office in the elaboration of the course concepts as well as the actual participation in the field of training would be indicated.

According to the report, Ministry of Labour, Social Protection and Family on domestic violence for 2016, the highest costs for mitigating cases of violence are borne by the health sector, in particular, for hospital treatment of victims, and at the opposite pole, with the lowest expenditure is the social sector. *Specialized services such as psychological counselling, legal counselling and childcare remain drastically underfunded.*²⁶ In this regard, we consider it urgent to promote the identification of solutions, including financial ones, for the urgent development of professional psychological, legal and childcare counselling services, as these services are real indicators of guaranteeing children's rights against violence, abuse and neglect.

Monitoring the role of the police in enforcing the right of the child against violence and abuse deserves a distinct approach. In this respect, we will examine whether there are separate mechanisms for intervention and response when the referral of domestic violence concerns child victims.

With regard to child abuse, we are interested in examining the study of protection mechanisms including children deprived of their liberty against abuse by adults or other employees.

With reference to the incidence of various forms of child abuse, we will analyse the role of the People's Advocate Institution for Children's Rights in preventing child neglect in the family, emotional/psychological abuse in the family, physical abuse (corporal punishment) in the family, sexual abuse and violence in school by teachers.

With regard to child neglect in the family, we must strengthen capacities to identify children who are malnourished and not in the effective care of their parents. The parental neglect can have serious consequences for a child's schoolwork, it can increase the risk of child abuse by teachers, but it can also increase the risk of becoming a victim of sexual abuse. With reference to this area, urgent intervention is recommended to identify and support children without parental care.

In dealing with emotional/psychological abuse in the family, we need to empower parents but also inform them about the negative consequences of verbal violence on the child's upbringing.

The physical abuse in the family is of particular interest for analysis, as parents frequently use corporal punishment for "educational" purposes. In this respect, a comprehensive analysis of cases of corporal punishment and the reasons behind these situations is required.

²⁵ See also the contents of the Notice Forms, according to: http://msmps.gov.md/sites/default/files/legislation/fisa_de_sesizare.pdf

²⁶ http://msmps.gov.md/sites/default/files/document/attachments/raportul_pentru_perioada_anului_2016_cu_privire_la_violenta_in_familie_si_violenta_fata_de_femei.pdf

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The sexual abuse of children should be analysed in particular in the light of the increased penalties provided for in the criminal legislation of the Republic of Moldova. The identification and promotion of measures to ban pornography online is noteworthy. In this regard, the People's Advocate Office should intervene with the Broadcasting Coordinating Council, the Ministry of Information Technology and the Ministry of Internal Affairs to restrict children's access to websites with obscene and pornographic content.

Although, in this regard, it is imperative to analyse the degree of compliance with the implementation of the Law No. 30 of April 7, 2013 on the protection of children against the negative impact of information, which establishes the basic principles on the protection and realization of the best interests of the child in the sphere of publicly accessible information, regulations on the prohibition of dissemination of information containing personal data with negative impact on children, who are the authorities empowered with the realization of the objectives of this law, etc., it is worth mentioning that the provisions of this law do not refer to the source of information - the Internet, which has the largest share in the multitude of media, the law refers only to the prohibition of broadcasting pornographic images on radio and television.

Another type of violence that cannot be overlooked is violence in schools by teachers. According to the Education Code of the Republic of Moldova, art. 135 paragraph (1) letter (i), among the obligations of the teaching staff are the non-admission of degrading treatment and punishment, discrimination in any form and the application of any form of physical or mental violence. Article 135 paragraph (1) letter (j) describes the obligation of teachers to inform pupils about all forms of violence and their behavioural manifestations, and about the persons and institutions they can contact when they are subjected to an act of abuse. Monitoring compliance with these provisions or analysing the mechanisms of the Ministry of Education in order to ensure compliance with and enforcement of these provisions is a real tool for preventing child violence.

3.2.6. PROTECTION OF CHILDREN WITHOUT FAMILY SUPPORT

The Convention on the Rights of the Child commits the States, under art. 20, to provide alternative protection for children who are temporarily or permanently deprived of a family environment or who, for the protection of their interests, cannot be left in that environment.

In order to protect children deprived of family support, the provisions of Law no. 140 of June 14, 2013 on the special protection of children at risk and children separated from their parents govern. As alternative forms of protection for children, the law provides for emergency placement and planned placement.

It is proposed to analyse the provisions of Decision No. 52 of January 17, 2013 on the approval of the Framework Regulation on the organization and functioning of the Social Service Community Home for Children at Risk.

Chapter II of this Regulation describes the purpose, objectives and principles of the service, including: providing conditions of care, maintenance, education and development of children in accordance with their age. Particular attention must be paid to the implementation and enforcement of the provisions of Chapter V of the Regulation that deals with protection against abuse and complaints. Article 64 outlines the application of a procedure for the protection of children from

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abuse, neglect, exploitation, discrimination and degrading or inhuman treatment. In this context, the existence of the procedure for the protection of children, the application and control of the application of this procedure, etc. should be analysed. Article 65 of the Regulation provides for informing children, their legal representatives/family members about the procedures for identifying, reporting suspicions or allegations of child abuse/neglect or exploitation - with reference to this provision, we conclude that there is a need for data research on cases of reporting abuse/neglect and reactions from the respective authority.

Special attention should be paid to the provision of art. 66 of the Regulation, *Community House Staff shall know and apply methods and measures to protect children from abuse, neglect and exploitation within the service, as well as procedures for mandatory reporting of given cases*. It is necessary to decipher whether the methods and measures for the protection of children are known and applied, what the degree of implementation of these measures is, and whether Community House Staff are sufficiently trained and empowered to apply certain measures.

Hereinafter we will analyse the procedure for filing and examining complaints/complaints within the meaning of this Regulation. In addition to the obligation to inform the child and his/her legal representative about the procedure for lodging and examining complaints, reference is also made to ensuring that the child is safe and not detained for lodging complaints. We consider it essential to monitor the application of the procedure for guaranteeing safe conditions and the non-punishment of children for lodging complaints, the existence of reaction mechanisms, the systematization and accounting of cases referred by children, the study of cases of referrals which have had consequences for children, and the sanctioning of employees who have violated these provisions. Examination of data on the sanctioning and frequency of sanctioning of employees for committing certain abuses could generate important directions.

3.2.7. PROTECTION OF CHILDREN WHO ARE ASYLUM SEEKERS, REFUGEES, BENEFICIARIES OF HUMANITARIAN PROTECTION AND STATELESS PERSONS

In order to investigate the protection of these categories of children, we will analyse the provisions of Law No. 270 of December 18, 2008 on asylum in the Republic of Moldova. We will point out that the principle of the best interests of the child is reflected in the text of this law; moreover, reference is also made to the observance of the provisions of the Convention on the Rights of the Child, in art. 14 paragraph (1) *The minor asylum seeker or beneficiary of international protection, temporary protection or political asylum, accompanied or unaccompanied, shall be protected and receive appropriate assistance to enjoy all the rights recognized by the UN Convention on the Rights of the Child and other international human rights tools to which the Republic of Moldova is party and (2) In all actions and decisions concerning minors, the interests of the minor shall prevail.*

When monitoring the protection of children in this category will be addressed, the important text is art. 24 of Law No. 270 - Guarantees for unaccompanied minors para. (1) *Unaccompanied minors shall be subject to protection measures for children at risk and children separated from their parents, in accordance with the legislation in force in the Republic of Moldova.*)With regard to the treatment of asylum-seeking children, refugees, beneficiaries of humanitarian protection, we will analyse the perspective of their treatment as in the case of children who are citizens of the Republic of Moldova. Next, we will study the guarantee of the right to education of refugee children (art. 29),

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access to health care (art. 30 paragraph (4), minor asylum seekers have access to health care under the same conditions as minors who are citizens of the Republic of Moldova).

The right to education of unaccompanied minors is also regulated in the Law No. 274 of December 27, 2011 on the integration of foreigners in the Republic of Moldova (art. 11 paragraph (2), Minors who have obtained international protection or political asylum in the Republic of Moldova shall benefit, during one school year, from a free initiation course in the state language with a view to their integration into the education system), with reference to this aspect, it is necessary to monitor the guarantee of this provision by analysing the cases of attendance of these courses, the existence of situations of refusal to attend the courses, the reasons for refusal, etc. Article 29 of Law No. 274 of December 27, 2011, provides for assistance to unaccompanied minors who have obtained international protection or political asylum in the Republic of Moldova, (2) *The Social Assistance and Family Protection Section/Directorate/Municipal Directorate for Child Rights Protection - Chisinau shall take the necessary measures to adapt the services offered to the specific needs of unaccompanied minors as follows: a) special training of the staff of specialized institutions; b) use of interpreters and experts in the activities carried out by specialized institutions; c) adaptation of accommodation conditions to the cultural specificity of unaccompanied minors who have obtained international protection or political asylum in the Republic of Moldova.* We consider it appropriate to analyse the degree of special training of staff in specialized institutions in terms of training and training courses, the method and mechanism for the involvement and identification of interpreters (if financial resources are foreseen for contracting interpreters), etc.

With a view to the protection of asylum-seeking children, it is proposed to monitor the access of unaccompanied minors to the asylum procedure (art. 66 paragraph (1) The application for asylum of an unaccompanied minor shall be examined as a matter of priority and shall not be subject to the accelerated procedure and paragraph (2). The competent authorities shall ensure access to rehabilitation services for minors who are victims of abuse, neglect, exploitation, torture, inhuman or degrading treatment or who have suffered from armed conflict and, where necessary, provide them with the necessary assistance and counselling).

Regarding the placement of unaccompanied minors, asylum seekers, we will monitor the observance of their rights within the meaning of art.71 paragraph (1) *Unaccompanied minors shall be subject to the measure of protection of the child separated from the parents, which ensures conditions for his upbringing and care in social placement services, in accordance with the legislation in force of the Republic of Moldova.*

3.2.8. CHILDREN DETAINED WITH THEIR MOTHERS

In order to analyse the phenomenon of imprisonment of mothers with young children up to 3 years old, we should pay special attention to two aspects: the existence and application of procedures for deferment of execution of sentence and the existence of separate resources in the budgets of penitentiary institutions to provide special conditions for the upbringing and education of children under 3 years old.

The provisions of art. 96 of the Criminal Code of the Republic of Moldova partially regulate the deferment of the execution of sentences for pregnant women and persons with children under 8 years of age. Paragraph (1), *convicted pregnant women and those who have children up to 8 years*

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of age, with the exception of those sentenced to imprisonment for a term exceeding 5 years for serious, particularly serious and exceptionally serious crimes against the person, the court may defer the execution of the sentence until the child reaches the age of 8 years.

However, it is necessary to monitor the frequency of application of this provision, as the application of such procedures to postpone the execution of the sentence would significantly reduce the incarceration of mothers with children up to 3 years.

In connection with the provision of preferential services in penitentiary institutions for raising and educating children, it is proposed to allocate in the budgets of the institutions concerned separate budget lines dedicated to adequate and special food for children, personal hygiene items for children, etc.

3.2.9. ADOPTION

Article 21 of the Convention on the Rights of the Child describes the obligation of States authorizing adoption to safeguard the best interests of the child and to ensure that the adoption of a child is authorized only by the competent authorities, to recognize inter-country adoption as an alternative means of ensuring the necessary care of the child, to take all measures to ensure that in the case of inter-country adoption, the placement of the child does not result in improper material gain for the persons involved, etc.

The institution of adoption is regulated by the provisions of Law No. 99 of May 28, 2010 on the legal regime of adoption. In order to monitor compliance with the Convention on adoption, we propose to analyse data on the share of adoption compared to other measures. Although expressly regulated by law, we will analyse de facto what is the duration of the adoption process over time.

The analysis of existence of cases on obtaining of benefits in the adoption process, both national and international, should be a priority, or the best interests of the child risk being harmed if the purpose of adoption is narrow.

It is also necessary to study the existence of failed adoption cases, the functioning of reintegration, rehabilitation and assistance programs for the child, as these situations are very sensitive and sometimes have long-lasting consequences for the child.

Although the Law No. 99 of May 28, 2010 provides in art. 26 paragraph (2) *that in the process of matching the adopter, the child who has reached the age of 10 years, upon the request of the territorial authority of his or her residence, must express his or her consent in writing, and para. (4) For the adoption, the consent of the child who has reached the age of 10 years shall be expressed in court*, we consider it important to analyse whether this consent is not vitiated, whether it is freely expressed, whether there are tools to determine, according to the child's psycho-emotional development, how conscious the consent is, etc.

In order to comply with art. 7 of the Convention, we will also examine the provisions of art. 43 paragraph (4), *which requires the consent of the adopted child who has reached the age of 10 to change his/her name and/or surname.*

A criminal prescription with reference to the institution of adoption should be analysed in terms of frequency of application and approach: art. 204, Criminal Code - *Disclosure of the secret of adoption, disclosure of the secret of adoption against the will of the adopter, committed by a person committed to keep the fact of adoption as a professional or service secret*. The analysis of the cases covered by this article could suggest which are the shortcomings with regard to the application of the provisions of Law No. 99 of 2010.

3.2.10. ALIMONY

Both the Convention on the Rights of the Child in art. 27 paragraph (4), *States Parties shall take all appropriate measures to recover the alimony for the child from the parents or from other persons who are financially responsible for the child, both in the territory of the State Party and abroad, and the domestic legislation in Article 74, Family Code describes: the obligation of parents to support their children (1) Parents are committed to support their minor children and adult children unfit for work who require material support. (2) The method of payment of alimony shall be determined on the basis of a contract concluded between parents or between the parents and the adult child incapable of work. (3) If there is no such contract and the parents do not participate in supporting the children, the support shall be paid through the courts at the request of one of the parents, the child's guardian or the territorial guardianship authority.*

Monitoring compliance with this right must start with an analysis of the legislative framework on the determination of support for a child requiring special treatment, but the Family Code does not refer to such a scenario.

A separate approach must be taken into account regarding the penalties provided for by law for parents who fail to fulfil their obligations to support under the legislation in force. We will mention some of the sanctions provided for by national law: art. 320 of the Criminal Code, paragraph (1) states: *Intentional non-enforcement or evasion of the execution of the court decision, if committed after the application of the misdemeanour sanction, is punishable by a fine in the amount of 550 to 650 conventional units or by unpaid community service of 150 to 200 hours, or by imprisonment for up to 2 years*. Other sanctions would be of a pecuniary nature and are directly linked to the enforcement procedure: prohibition to leave the country, seizure of accounts, etc. In this context, it is proposed to consider reintroducing the regulation in the Criminal Code on the offence of evading to pay child support alimony, as non-payment of support alimony is an offence against the family and can have substantial consequences.

Of course, social values relating to the relationship involving support obligations between family members are affected, with the consequence that the support creditor is harmed by the non-payment of court-ordered maintenance. However, as defined in the legal literature²⁷ the socially dangerous consequence consists of the change in the surrounding reality or the danger of such a change occurring due to the action or inaction provided for by the criminal law. This consequence takes the form of either a material result or a state of danger. In the present case, we are not in the presence of an offence of danger, but of an offence of result, consisting in causing harm to the injured parties - the minors entitled to support. This has been consistently stated in doctrine and judicial practice.²⁸

3.3. HEALTH AND WELL-BEING OF THE CHILD

3.3.1. HEALTH SERVICES

According to the Convention on the Rights of the Child, in article 24, we will find described several particularities with reference to the child's health care. Directly, the Convention commits States to recognize the right of the child to enjoy the highest attainable standard of health and to benefit from quality medical and rehabilitation services.

²⁷M. Basarab, Criminal Law, General Part, Vol. I, Lumina Lex Publishing House, Bucharest, 2001, p. 161; L.R. Popoviciu, Criminal Law, General Part, Pro Universitaria Publishing House, Bucharest, 2011, p.103.

²⁸Magazine Universul Juridic no. 6, June 2015, p. 66

This article also imposes certain direct objectives, including: reducing infant and child mortality; providing health care and health protection measures for children, with a focus on the development of malnutrition, including primary health care measures, inter alia, through the use of affordable technologies and the provision of nutritious food and safe drinking water; ensuring maternal health care in the pre- and post-natal period; providing preventive health care, counselling and family planning, etc.

The domestic regulatory framework on health services is presented by the Law No. 411 of March 28, 1995 on health protection, including the field of family, mother and child protection. In art. 47 of this law, we identify the obligation of parents to take care of the child's health including presenting the child for medical examination and application of prophylactic measures. In this context, there is a need to monitor the tools for informing parents about this obligation but also about the negative effects of failure to comply with this duty. Paragraph (3) of art. 47, provides for the sanctioning of parents who do not comply with the provisions of this article, in this regard, it is considered appropriate to study the cases of sanctioning parents in order to assess the degree of responsibility of parents for the health of the child.

With reference to state support for child care, art. 51 of Law No. 411 of March 28, 1995, stipulates that the main expenses for the maintenance of children in nurseries, kindergartens, schools and other institutions for children are covered by the state budget, as well as from the resources of economic units, trade unions, other public organizations and private individuals. We consider it necessary to monitor strict compliance with this provision in order to discourage financial contributions from parents who come to support state institutions - such practices are very dangerous and have negative consequences primarily on children. We will pay special attention to state support for the care of children with disabilities in mental or physical development. In accordance with art. 51 paragraph (2) *Children and adolescents with disabilities in mental or physical development shall be cared for by the state in children's homes and fosters, in other specialized institutions for children. and paragraph (4) States: In case of impossibility of hospitalization of the sick child or lack of indications for inpatient treatment, the right to the allowance for the care of the sick child shall be granted, as appropriate, to one of the parents: mother or father. If neither the mother nor the father, for good reasons, is able to care for the sick child, the allowance is granted to another insured person, as appropriate: guardian, another family member, grandparent or grandparents. Persons receiving this allowance are exempted from work in the prescribed manner.* With reference to this article, it is necessary to regularly monitor specialized institutions for children and to examine the extent to which the child's needs are covered

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by the allowance for the care of a sick child, as well as the mechanisms for determining the allowance to be applied in each individual case, taking into account the seriousness of the illness.

A very important role in ensuring the health of the child is played by the public health surveillance mechanism. The areas of public health supervision are laid down in Law No. 10 of February 3, 2009 on State supervision of public health. In this context, we consider it appropriate to request and analyse on a six-monthly basis data on the measures undertaken by the authorities for: surveillance, prevention and control of communicable diseases; health promotion, information and health education; health in relation to the environment; promotion and protection of maternal, child and youth health; prevention of drug addiction, alcohol abuse and smoking; supervision of hygiene conditions and infection control in health care institutions, etc.

In terms of the main directions for monitoring compliance with art. 24 of the Convention, we propose to consider the following:

- Infant feeding, the benefits of breastfeeding and malnutrition;
- Low birth weight infants;
- Vitamin A deficiencies;
- Access to safe drinking water for children;
- Immunization;
- Education and family planning services;
- HIV/AIDS information and prevention education;
- Traditional practices that damage health;

3.3.2. CHILDREN WITH DISABILITIES

According to article 23 (CRC) - States shall ensure "conditions which ensure dignity, encourage self-reliance and facilitate the child's active participation in the community" States recognize the right of children with disabilities to benefit from special services and shall encourage and provide, to the extent of available resources, upon request, to eligible children with disabilities and their caregivers, services appropriate to the situation of the child and the situation of the child's parents or caregivers. Recognizing the special needs of children with disabilities, States will support the provision of effective access of children with disabilities to education, vocational training, health services, rehabilitation, employment training, recreational activities, in a manner that ensures the full social integration and individual development of children, including their cultural and spiritual development.

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) also regulates access of children with disabilities to community living and quality services. Article 7 of the Convention refers directly to Children with Disabilities and states: "the States that have ratified the Convention shall take all necessary measures to ensure the enjoyment by children with disabilities, on an equal basis with other children, of all human rights and fundamental freedoms. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration. States shall ensure the right of children with disabilities to express their views freely on matters affecting them, their views being taken into account in accordance with their age and maturity on an

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equal basis with other children, and shall provide them with age- and disability-appropriate assistance in the exercise of this right.

In order to monitor the observance of the children's rights with disabilities, it is necessary to investigate the existence of mechanisms and tools for the integration/reintegration of children with disabilities into their family of origin/placement. In addition to the state's obligations to provide help and support for children with disabilities, a very important role is to provide opportunities for integration into society and access to public services for children with disabilities. We consider the intervention of the People's Advocate for Children's Rights to be essential in order to promote social inclusion projects, accessibility of public institutions for children with disabilities, information to stakeholders on the rights of children with disabilities under both the CRC and the CRPD, etc.

To this end, an efficient collaboration of the People's Advocate for Children's Rights with the profile NGOs is proposed in the sense of strategic planning of the child protection activity, in the sense of collaborating on the elaboration of certain information tools for the population and representatives of institutions, raising public awareness about the importance of ensuring the rights of children with disabilities, etc.

Another aspect that deserves to be promoted and considered with caution is providing access to public services for children with disabilities. We consider it essential, by virtue of the provisions of the CRC, to ensure equal opportunities for all children to benefit from public services: medical, educational, legal, social, etc. The People's Advocate Institution can take specific action at local level to promote the need to install access ramps in public institutions.

Another direction that can be addressed is to provide disabled people with a single office on the ground floor of state institutions, where every person, regardless of disability, can seek advice from a specialist who can refer the case to other professionals.

In order to observe the children's rights with disabilities, we will also look at access for children to play and leisure facilities. This is very important when we are talking about equal opportunities for all children. Promoting both at central and local level the need for the construction of playgrounds, including for children with disabilities, falls within the competence of the People's Advocate, but the right of the child to play is a privilege that cannot be restricted in any way.

With reference to the existence of cases of abuse or violence against children with disabilities, we consider it essential for the People's Advocate for Children's Rights to intervene directly in such cases and to monitor the development of such cases in stages; a study of all criminal cases of violence or abuse against children with disabilities would be a first step towards planning a prevention mechanism.

With reference to the existence of cases of abuse and violence against children with disabilities, it is necessary to monitor the assurance and observance of the right of these categories of children to lodge complaints and to refer such cases to the competent bodies. The study of all complaints from the point of view of the author of the complaint is the correct orientation, and the importance of providing opportunities for children with disabilities to report to the competent bodies is an important factor in ensuring the observance of their rights.

NOTE: The functionality of the Children's Helpline within the People's Advocate Office has the added advantage that it is available and can be used including by children with disabilities. Therefore, we repeatedly opine on promoting and providing this tool for both referral and advice.

3.3.3 DRUGS

In order to prevent minors' access to tobacco products, Law No. 278 of December 14, 2007, stipulates in art. 17⁷ the prohibition of trading tobacco products and related products to persons under 18 years of age. The paragraph (4) of this law states: *in order to ensure that the person who buys tobacco products and related products has reached the age of 18, sellers are committed to request from the buyer the presentation of the identity card or another official document with a photograph of the person, certifying his age. If the purchaser refuses to produce the identity document, the seller is not entitled to sell tobacco and tobacco-related products to him.*

The legal framework on preventing and combating minors' access to tobacco products is also in line with international principles and standards. The biggest problem in this case is the monitoring of the implementation of this law and the sanctioning of actors who violate these provisions. In this regard, we consider it important to involve the People's Advocate for Children's Rights in order to promote and implement these provisions by the institutions in charge. In the sense of prevention, we will strictly control the implementation of the provision: *the sellers are committed to require the buyer to present the identity card or another official document with the person's photo, certifying his/her age*, and to introduce severe sanctions for non-compliance with this provision. In addition to information campaigns on the harm of smoking for children, in addition to the presentation of the serious health consequences, even if certain institutions promote a healthy lifestyle, etc., if tobacco products are still accessible to minors, prevention efforts are substantially reduced.

Next we will analyse the rules for the retail sale of alcoholic products according to GD No. 212 of April 4, 1995, which in item 8, states: *the sale of alcoholic beverages is prohibited: to persons under 16 years; by persons under 18 years of age; in educational, medical, pre-school and other educational institutions, in hostels for pupils and students, at enterprises and construction and repair sites, in commercial enterprises in the vicinity of pre-school and educational institutions for children (within 50 m of them), in sports facilities and the area surrounding them, on sports fields, in dietary catering and children's cafeterias, in places of commerce for children and adolescents, etc.* In view of the People's Advocate's duty to contribute to the improvement of legislation, we believe it is imperative to intervene to amend item 8 of GD No. 212, regarding the age of persons who may purchase alcoholic beverages, the minimum age being 18 years. Obviously, the observance with the obligation for economic agents to request a document certifying the age of the person purchasing alcoholic beverages must be mandatory.

With reference to children who consume other types of drugs or psychotropic substances, monitoring these cases must be carried out primarily in the light of the provisions of the CRC and international principles and standards. The analysis of all cases that have been documented by the prosecution with reference to drug use and distribution by or to children is an important tool for planning and developing prevention strategies. A very important issue is the existence or lack of special treatment for child drug users, both from a medical, social and legal point of view.

Analysing and studying the existence of a monitoring system for deaths caused by substance abuse among children is a direction drawing up proposals and recommendations for the institutions concerned.

3.4. EDUCATION, RECREATION AND CULTURE

3.4.1. THE CHILD'S OPINION

Article 12 of the CRC requires the State to ensure that the child is capable of forming his or her own views freely on all matters affecting him or her, and that the views of the child are taken into account in accordance with his or her age and maturity. To this end, the child shall be given the opportunity to be heard either in any judicial or administrative proceedings affecting him or her, directly or through a representative or competent body, in accordance with the rules of procedure of national law.

Law No. 338 of 15.12.1994 on the rights of the child, in art. 8, describes that: paragraph (1) *The right of the child to freedom of thought, opinion and confession may not be violated in any form.* For the purposes of this paragraph, we will analyse the existence of cases of restriction of the child's freedom of thought, opinion and confession. What measures have been taken by the authorities in such cases. Paragraph (2) states: *The State guarantees the child, who is capable of expressing his or her views, the right to express those views freely on any matter affecting him or her. The views of a child who has reached the age of 10 shall be taken into account, provided that they are not contrary to his or her interests.* We consider it necessary to monitor this aspect also from the point of view of the child's development, or the child's opinion must be taken into account only with the child's best interests in mind. Paragraph (3) *To this end, the child shall be given the opportunity to be heard during judicial or administrative proceedings concerning him or her, either directly or through a representative or appropriate body, in accordance with the law.* In case of hearings, it is necessary to monitor the nature of the hearing, special treatment of the minor, qualified representation of minors, etc. Paragraph (4) *No child may be compelled to share one opinion or another, to adhere to one religion or another contrary to his or her convictions. The freedom of conscience of the child is guaranteed by the state, it must be manifested in the spirit of religious tolerance and mutual respect.* With reference to the freedom to adhere to a religion or conscience of the child, it is recommended to study in detail these phenomena concerning children without parental care, respect for the child's opinion in this regard in family-type institutions, etc.

With reference to respect for the child's opinion, it is recommended that the possibility of children's participation in the decision-making process, both at central and local level, be examined. When deciding on certain projects / programs for children, it is essential to consult them publicly with the participation of future beneficiaries - children. Monitoring and ensuring compliance with this provision will stipulate an increase in the level of children's involvement in decision-making.

3.4.2. ACCESS TO APPROPRIATE INFORMATION

The States Parties to the Convention undertake according to art. 17, to recognize the importance of the role of mass media and ensure the child's access to information and material from national and

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international sources, especially those aimed at promoting social, spiritual and moral well-being as well as physical and moral health.

In order to monitor compliance with this obligation, it is necessary to study whether all children have access to information sources, which information source is most available to children, whether information sources promote social, spiritual and moral well-being, which information sources are risky for children, etc.

In order to monitor children's access to information, an analysis of library reports on children's attendance, on the main areas of interest to children and on the main problems faced by these institutions is needed.

Given the fact that the Internet continues to be one of the most important sources of information, we consider it important to introduce legislative provisions specifically on certain restrictions in this medium.

Another niche that requires intervention by the People's Advocate institution concerns the promotion by national media institutions of programs that develop the child's personality, cultivate respect for human rights and fundamental freedoms and for the principles enshrined in the United Nations Charter, and educate the child in the spirit of respect for his or her parents, language, identity and cultural values, the country's national values and different civilizations (art. 29 CRC).

3.4.3. EDUCATION

The right to education is regulated both by the Convention on Human Rights, art. 28 (States recognize the right of the child to education), the Constitution of the Republic of Moldova, art. 35 (Right to education - the right to education is ensured through compulsory general education, secondary and vocational education, higher education and other forms of training and further education) and the Education Code of the Republic of Moldova.

In order to guarantee this right, it is imperative to analyse which categories of children have limited access to education and what the responsible authorities carry out in order to combat such situations. According to art. 25 of the Education Code, paragraph (1) *All children from the corresponding school district shall be enrolled in pre-school education institutions, upon request, on a compulsory basis, without competitive examinations*, paragraph (2) *the State shall bear the costs of pre-school education and care services in public institutions for all children, including children with special educational needs*. By virtue of these provisions, it is important to analyse the situations of children who do not have access to pre-school education, and by Law, the State is committed to ensure this right to all children. Although economic problems are cited, we insist that this area is a priority in guaranteeing human rights, which is why additional sources, including financial ones, must be granted to education to ensure this right.

Another direction is the correspondence of educational institutions, in this case, preschool, with national and international standards and norms, if there are policies regarding the support of teachers working in this field, etc. Promoting these criteria, must be a priority for the Institution of the People's Advocate.

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With reference to primary and secondary education, which is compulsory according to the legislation, it is necessary to analyse the attendance of children in these institutions. Monitoring the school drop-out in terms of reasons, consequences and responsibility of both parents and teachers.

In order to prevent school drop-out, priority should be given to analysing the degree of responsibility of parents and the tools used by teachers to prevent and reduce school drop-out, because schools must first and foremost be child-friendly.

In this context, we suggest cooperation between teachers, social workers and parents in order to identify solutions to prevent and combat school drop-out.

A very important perspective is related to the interference of the child's right to an opinion and the guarantee of the right to education. With reference to the management of general education, art. 49 of the Education Code, describes the structure and powers of the management bodies of the general education institution, at the level of *the general education institution there are: a) the board of directors of the education institution, with decision-making role in the administrative field, which consists of: the headmaster, a deputy headmaster, a representative delegated by the public administration of the first-level administrative-territorial unit in which the institution is located, three representatives of parents, delegated by the general assembly of parents, two representatives of teachers, delegated by the teachers' council, and one representative of pupils, delegated by the pupils' council of the institution.* We consider it effective to promote the involvement of pupils in the management process of the educational institution, as this tool guarantees both the right of children to their opinion and their representativeness, obviously, it is dictated to monitor the functionality and guarantee the consideration of the child's opinion in these management councils.

Another criterion that must be approached with caution is ensuring the purpose and objectives of education. An important area for monitoring is the analysis of compliance with the right to education in terms of the learning needs of the school curriculum and whether the assessment systems in both nurseries and schools correspond to the real potential of children.

Teacher training on the ability to support and develop the personality and potential of students, on the attitude towards students based on respect for the individuality of each student, on the promotion of education for values (tolerance, non-violence, respect for minorities,) must be a well-defined goal of the responsible authorities. In this respect, the participation of representatives of the People's Advocate Office in training sessions for teachers on these criteria and standards is encouraged.

3.4.4. LEISURE, RECREATION AND CULTURAL ACTIVITIES

In this sub-chapter, we will analyse compliance with Article 31 of the Convention on the Rights of the Child, which establishes the right of the child to rest, leisure and recreational activities of his or her own age and to participate in cultural and artistic life. The paragraph (2) of this article commits the States to respect and promote the right of the child to participate fully in cultural and artistic life and encourages the provision of appropriate means of leisure and recreational, artistic and cultural activities on an equal basis.

As a benchmark for monitoring compliance with this right, we will investigate which children's recreational activities are available and whether all children have access to them. To this end, research should be carried out into the situation of children from socially disadvantaged backgrounds (care institutions, rural areas, separated families, etc.).

Another direction concerns pupils' extracurricular activities. We will examine whether children's interests are respected in optional subjects and extra-curricular activities, whether there are tools used by teachers to identify children's interests, whether pupils are involved in drawing up the syllabus for optional subjects and whether the school curriculum avoids over-teaching of pupils.

Hereinafter we will insist on the importance of monitoring this right from the point of view of preventing children from taking drugs or engaging in criminal activities. In order to prevent children from being involved in anti-social activities, it is necessary to monitor the implementation of systems and tools to ensure children's free time. This is one of the classic methods of preventing crime and drug use.

3.5 CHILD-FRIENDLY JUSTICE

3.5.1 JUVENILE DELINQUENCY

Prevention and monitoring juvenile delinquency in the Republic of Moldova by the People's Advocate for Children's Rights is an important objective. Analysing the topicality and importance of this issue when dealing with the protection of children's rights, we can conclude that there is a need for increased participation of the national human rights institution in analysing and researching the degree of respect for rights, including those of children in conflict with the criminal law.

First, we consider it necessary to analyse the main causes leading to the commission of offences by minors under criminal law.

The crime among minors has many different causes than adult crime. Analysing this phenomenon, the following types of crimes were identified: The specific causes of juvenile delinquency are: the increase in school dropouts of pupils known to have deviant behaviour or anti-social concerns, lack of useful activity; - lack of permanent supervision by parents, supervisors, guardians, etc. disorganized families from which come some juvenile offenders whose parents are known to have a criminal record; - lack of continuity in the education of minors by schools, welfare units (children's homes, re-education schools, special schools) and other institutions with responsibilities in this area; - lack of early knowledge of the environment, places and environments frequented by minors; lack of a permanent link between family and school; - influence of major offenders in the minors' environment in determining them to commit anti-social acts; - use by some minors of hallucinogenic substances and alcohol to increase a euphoric state.²⁹

In order to prevent juvenile delinquency, according to the results of the study, The phenomenon of Juvenile Delinquency in the Republic of Moldova, experts support the need to make actions to prevent juvenile delinquency more effective.

In their opinion, they should be directed as a priority towards: the creation of various community services, especially for children from risk groups; the occupation of children's free time through

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cultural and educational activities; the formation of a legal culture among children and adults through the organization of specialized seminars; the involvement of the community in the development and implementation of program of a proactive social nature (cooperation, information, etc.); the development of a legal culture among children and adults through the organization of specialized seminars; the involvement of the community in the development and implementation of program of a proactive social nature (cooperation, information, etc.), raising public awareness on the issue of crime prevention by involving community volunteers in social assistance and counselling programs; organizing various campaigns to remove prejudices and labels towards minors in conflict with the law.³⁰

In this regard, we consider important the role of the People's Advocate for Children's Rights to promote actions and tools for the education of children and parents, to monitor the authorities responsible for the creation of community services for children at risk.

Contributing to the development of school curricula by promoting legal literacy among children is an important and effective step towards preventing juvenile delinquency.

Strict and insistent monitoring of school dropouts, but also of the causes of school dropouts, alcohol consumption and minors being in places that by law should be prohibited, should also be a priority for the national institution for the protection of child's rights.

With reference to the importance and role of the People's Advocate Annual Report, we consider it indispensable to refer to juvenile delinquency in a separate chapter. This will help to outline and underline the need to regulate the obligation of the People's Advocate for Children's Rights to draw up an Annual Report separate from the People's Advocate.

²⁹ <http://irp.md/news/519-ce-este-delicvena-juvenil-i-care-sunt-motivele-apariiei-ei.html>

³⁰ "The phenomenon of juvenile delinquency in the Republic of Moldova", Institute of Criminal Reforms, authors: Igor Dolea, Victor Zaharia, Valentina Pritcan and Mariana Buciuceanu-Vrabie

3.5.2. INTERNATIONAL TOOLS IN THE FIELD OF CHILD JUSTICE

The development of a well anchored child justice system in the Republic of Moldova, which has among its basic principles the best interests of the child, but also takes into account all international provisions, is a real and necessary achievement. National legislation in the field of protection of children's rights has largely taken over the main international regulations on the protection of children's rights.

The United Nations Principles for the Prevention of Juvenile Delinquency encourage the development of measures applicable to the population as a whole by recommending the development of social protection programs, particularly in the fields of education, work and health, and also encourage the adoption of specific legislation on juvenile justice.³¹ The basic principle is that it is imperative to involve the family and schools in order to prevent crime. The text of this document aims to integrate children through the family and through the active involvement of society.

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty are designed to counteract the negative effects of deprivation of liberty by ensuring respect for the rights of the child, and represent a comprehensive, internationally accepted framework within which countries can regulate the deprivation of liberty of all persons under the age of 18.

The United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules/1990) set out a number of fundamental principles to promote the use of non-custodial measures, as well as minimum guarantees for persons subject to measures that replace imprisonment.

The Guidelines for Action on Children Involved in the Criminal Justice System were developed as a result of a meeting of several experts held in Vienna in 1997, with the main objective of helping States to implement the provisions of the Convention on the Rights of the Child, the Beijing Rules, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Riyadh Guidelines. In principle, this international tool addresses the following issues: the importance of the principle of non-discrimination, the need for States to establish juvenile courts, the establishment of a wide range of alternative measures in the phases preceding pre-trial detention, etc.

We would stress that the establishment of juvenile courts can achieve the objectives of both preventing and combating juvenile delinquency, as recommended in international documents.

RECOMMENDATIONS

TO IMPROVE THE REGULATORY FRAMEWORK AND INTERNAL TOOLS:

1. Creating a dedicated webpage for the People's Advocate for Children's Rights with a separate field for online complaints and submissions;
2. Drafting and submitting an annual report of the People's Advocate for Children's Rights to Parliament;
3. Promoting and amending the Law No. 52 on the People's Advocate in order to unify the provisions regulating the work of the two national institutions of the same rank (People's Advocate and People's Advocate for Children's Rights);

³¹ Hamilton C.; Harvey R., *The Role of Public Opinion in the Implementation of International Juvenile Standards*, The International Journal of Children's rights, Martinus Nijhoff Publisher, 2004, vol.11, pp 369-390

4. Promoting a national hotline at national level (including in the Transnistrian region) and appoint a person (employee) exclusively responsible for maintaining the database and referring complaints/claims;
5. Urgently promoting the identification of solutions, including financial ones, for the urgent development of professional psychological, legal and childcare counselling services, which are real indicators of the guarantee of the child's right against violence, abuse and neglect.
6. Promote the introduction of express provisions in the Framework Rules of the Temporary Child Placement Centre on the protection of privacy within the meaning of the Convention with regard to arbitrary or unlawful interference in private life;
7. Promoting the identification and allocation of separate financial means for children detained with their mothers;
8. Monitoring the degree of intervention and involvement of the authorities in preventing and combating the phenomenon of abandonment by carrying out monitoring visits to maternity homes;
9. Collaboration between the People's Advocate for Children's Rights and the relevant NGOs in order to develop certain information tools for the population and representatives of institutions, with a view to raising public awareness of the importance of ensuring the rights of children with disabilities;
10. Promoting at both central and local level the need to build playgrounds including for children with disabilities;
11. Participation of representatives of the People's Advocate Office in training sessions for teachers on the ability to support and develop the personality and potential of pupils, on the attitude towards pupils based on respect for the individuality of each pupil, on the promotion of education for values (tolerance, non-violence, respect for minorities, etc.);
12. Intervention by the People's Advocate Office to the Audio-visual Coordinating Council, the Ministry of Information Technology, the Ministry of Internal Affairs, with a view to restricting children's access to websites with obscene and pornographic content.

TO IMPROVE THE LEGISLATIVE FRAMEWORK:

1. Promoting the amendment of the Contravention Code of the Republic of Moldova in order to strengthen the contravention sanction in cases of unjustified prevention of one of the parents to communicate with the child or to take part in his education;

2. Promoting the amendment of the Contravention Code of the Republic of Moldova in terms of amending the provisions of art. 63¹ of *sanctioning the admission of persons who have not reached the **age of 16** in the unaccompanied agreement premises outside the established hours, in the sense of increasing the age of the person who can be admitted in the unaccompanied agreement premises outside the established hours from **18 years**.*
3. Promoting the criminal regulation of the unfavourable treatment of a parent or other person to whom the child has been entrusted through the application of any measure or treatment that seriously endangers the child's physical, intellectual or moral development.
4. Promoting the introduction in the wording of the Law No. 30 of April 7, 2013 on the protection of children against the negative impact of information of the source of information - the Internet, in the sense of prohibiting the dissemination of pornographic images on Internet services;
5. Proposing to amend the Criminal Code on postponement of execution of sentence for pregnant women and persons with children up to 8 years of age in the sense of omitting the restriction of 5 years;
6. Promoting the reintroduction of the regulation in the Criminal Code on the offence of evading child support alimony;
7. Promoting the amendment of paragraph 8 of GD no. 212 of April 4, 1995 regarding the age of persons who may purchase alcoholic beverages, the minimum age being 18 years instead of 16 years as in the current wording;

GENERAL

1. Encouraging and promoting the sanctioning of children in state custody with the prohibition of having meetings with family members;
2. Monitoring the respect of the child's right to walk (at least 2 hours per day, as provided for in art. 215 of the Enforcement Code of the Republic of Moldova) in places of temporary detention;
3. Monitoring and improving the issues related to the feeding of juvenile detainees in state custody in terms of supplementary food ration;
4. Monitoring contravention cases concerning the admission of children to places of work that are dangerous to their life and health;
5. Promoting the prevention of cases of child labour exploitation, including at the level of health institutions in terms of reporting cases of labour exploitation to the competent authorities;
6. Promoting more frequent meetings between minors and their family members, including during the initial period;
7. Monitoring/proposing tools for the promotion by national media institutions of programs aimed at developing the child's personality, cultivating respect for human rights and fundamental freedoms and for the principles enshrined in the United Nations Charter, educating the child in the spirit of respect for his or her parents, language, cultural identity and values, the country's national values and different civilizations;
8. Monitoring the functioning and ensure that the views of the child are taken into account in the boards of educational institutions;
9. Contributing to the development of school curricula by promoting the formation of legal culture among children in order to prevent juvenile delinquency;

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10. Monitoring the extent to which children are involved in associations, whether their involvement is effective (are active members) or passive (beneficiaries of projects);