

THEMATIC REPORT

**Respect for the children's right
to express their views and to
involve in decision-making**

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I. ABBREVIATIONS

LPA	Local Public Authorities
CHRD	Child Human Rights Defenders
SSC	School Students' Council
LYC	Local Youth Council
NSSC	National School Students' Council
NCVTES	National Council of Vocational and Technical Education Students
GDPCR	General Directorate for the Protection of Children's Rights
MER	Ministry of Education and Research
MLSP	Ministry of Labour and Social Protection
OPA	Office of the People's Advocate
NGO	Non-governmental organizations
UNO	United Nations Organisation
NNLYCM	National Network of Local Youth Councils from Moldova
UNICEF	United Nations International Children's Emergency Fund
ATU	Autonomous Territorial Unit

II. CONTEXT

The People's Advocate for Child's Rights monitors the respect for children's rights and ensures nationwide implementation, by persons holding responsible positions at all levels, of the provisions of the UN Convention on the Rights of the Child and other relevant international treaties to which the Republic of Moldova is a party.

In accordance with the Action Plan of the Office of the People's Advocate for Child's Rights for 2024 and the Partnership Agreement between the Office of the People's Advocate for Child's Rights and UNICEF for 2023-2024, the People's Advocate for Child's Rights prepared this Thematic Report: 'Respect for the children's right to express their views and to involve in decision-making'.

The purpose of the Report is to analyze, including from the perspective of the OPA case study, the level of compliance in the Republic of Moldova with international standards related to the exercise of the child's right to opinion and involvement in decision-making processes, as well as the level at which the state creates the conditions required for full exercise of this right, aiming to contribute to the elimination of barriers and deficiencies in the listening, consulting and taking into account the opinion of children by state institutions, persons holding responsible positions, and society as a whole.

III. INTRODUCTION

Children are subjects, rather than objects of their rights. Children have the right to be heard in all matters affecting them, including access to adequate information, freedom of expression, association and peaceful assembly.

Consulting and involving children in decision-making is first and foremost an obligation for adults, through which they exercise their rights, then an opportunity to contribute to the development of children's communication, negotiation and problem-solving skills, and then a way to develop civic activism, active citizenship or public participation.

Article 12 of the UN Convention on the Rights of the Child (the Convention) is a unique provision in a human rights treaty; it addresses the legal and social status of children, who, on the one hand, lack the full autonomy of adults, but, on the other hand, are subjects of law.

Child participation, as described in Article 12, is a fundamental principle of the Convention, which highlights the fact that this Article establishes not only a right in itself, but that it should be taken into account in the interpretation and implementation of all other rights.

The starting point of many existing studies on child participation in the Republic of Moldova focuses on children's capacities to organize themselves and to make their voice heard, and less on the conditions created by duty-bearers, which are necessary for the exercise of this right, as well as on their capacities to support children in this process.

In this context, the thematic report 'Respect for the children's right to express their views and to involve in decision-making' aims to also analyze what are the factors that contribute to the genuine participation of children in decision-making.

Since any child can exercise his or her rights to participation both individually and as part of a (formal or informal) structure, the study addresses both perspectives, especially at the stage of data collection from children. Although they were invited to participate in the study as members of the structure they are part of, it was taken into account that they also have individual experiences of participation, and questions were prepared to reveal these experiences.

Acknowledging that other structures for children's participation may exist, the study analyzed the functioning and impact of a number of representative structures created within state institutions – duty bearers, which are responsible for the implementation of the UN Convention on the Rights of the Child.

IV. METHODOLOGY

To define the right to an opinion and involvement in decision-making, the study was carried out based on the provisions of Article 12 of the Convention and General Comment No. 12 (2009) of the UN Committee on the Rights of the Child (the Committee).

This report aimed:

- To analyse the national legislation in terms of respecting the child's rights to participation, according to the provisions of Article 12 of the UN Convention on the Rights of the Child;
- To identify children's perceptions and experiences regarding the respect for their right to participate in decision-making;
- To identify the attitudes and competencies of professionals working with and for children regarding the child's right to participation and their experiences of supporting children in these processes;
- To develop recommendations for the improvement of legislation, strengthening of existing mechanisms and of the activity of relevant authorities in order to respect the child's right to an opinion and involvement in decision-making in the Republic of Moldova.

The report is exploratory in nature and involved the use of qualitative and quantitative methods, such as: documentary research, questionnaire, interview and case study. Also, during the documentation, information was requested from the Ministry of Labour and Social Protection (MLSP), the Ministry of Education and Research (MER), the National Agency for the Development of Youth Programmes and Activities (Youth Agency).

Documentary research

At this stage, international resources explaining key approaches and concepts related to child participation, national documents stipulating the child's rights to participation, through the provisions of Article 12, and reports published by authorities and civil society in the last 5 years, were analyzed.

Quantitative data collection

This method was used to collect information about children's perceptions and experiences of participation. For this purpose, a standard online questionnaire was developed and applied to groups of children who are members of consultation structures within public institutions at various levels: School Students' Council, District School Students' Council, National Council of Vocational and Technical Education Students (the 2023-2024 term), National Council of General Education Students (2023-2024 term), Children's Consultative Council attached to the People's

Advocate for Child's Rights, National Network of Youth Councils from Moldova, Youth Centres.

The institutions, within which the structures were established or which provide support to these groups, were invited to delegate a group of at least 4 members: girls and boys aged between 11 and 17, from both urban and rural areas, as diverse as possible in terms of ethnicity, migration status, disability, etc.

Even though the participants of the consultation were invited as representatives of the structures they belong to, their individual participation experience was assessed through questions distinct from those targeting participation experience as members of the structure.

Before filling out the questionnaire, an online information session was held for the children to provide them with details about the context and purpose of the questionnaire.

The research questionnaire included a demographic section that allows interpreting the results according to at least the following disaggregation criteria: living environment, age, sex, ethnicity, migration status, disability.

Qualitative data collection

This method was used to assess the level of awareness of the right to participation among duty-holders, their perceptions of their role in ensuring the right to participation and their needs in this regard. The data collection tool was the semi-structured interview.

In total, eight interviews were conducted with professionals:

- from the education system, both general and vocational one - 1 representative of the MER, 1 principal, 3 coordinators of the Student School Council;
- from the social protection system - 2 social workers;
- from the youth sector - 1 youth worker.

Case study

The National Agency for the Development of Youth Programmes and Activities is an administrative authority reporting to the Ministry of Education and Research, and has the mission to ensure implementation of state policy in the field of youth work, youth programmes and services, human resources, working methodologies and research in the field, subject to the limits provided for by the normative framework.

In this case study, the Agency's response to the following 3 questions was analyzed:

1. Measures/actions taken for the initial and continuous training of employees of the Agency and Youth Centres in ensuring the right of young people to have an opinion and participation in decision-making;

2. With reference to the provisions of the Framework Activity Regulation of the Youth Centre, Article 10: *'To implement its mission, the Centre exercises the following basic functions: facilitates participation of young people and youth structures in various community processes'*, examples and data on the community decision-making processes in which the Youth Centres facilitated participation of young people during the last 12 months;
3. With reference to the provisions of the Framework Activity Regulation of the Youth Centre, Article 11: *'In accordance with the field of activity and the specific basic functions set, the Centre fulfils the following duties: consults young people and their representative structures in the community'*, examples and data on the consultations carried out by the Centres among children during the last 12 months.

V. KEY CONCEPTS AND CONCEPTUAL APPROACHES

Article 12 of the UN Convention on the Rights of the Child provides:

- ‘1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative procedures affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.’

In 2006, the UN Committee on the Rights of the Child held a day of general discussions on the right of the child to be heard to explore the meaning and substance of Article 12 of the Convention, its links with other articles, as well as gaps, good practices and priority issues that need to be addressed to ensure the exercise of this right.

Following those discussions and based on the experience gained by the Committee after reviewing reports submitted by States Parties, as well as based on the significant experience and expertise of governments, non-governmental organizations (NGOs), development agencies and children themselves in the practical implementation of the right under Article 12, the Committee issued General Comment No. 12. This document provides a legal and literal analysis of the two paragraphs of Article 12 and explains the requirements for full exercise of this right.

General Comment No. 12 emphasizes that the child’s right to be heard is not merely a theoretical principle, but a legal obligation that requires respect for it in all aspects of the child’s life, whether judicial, administrative, educational or social one. By issuing this Comment, the Committee once again reiterated that this right imposes a legal obligation on States Parties to recognize and ensure its implementation by listening to the child’s opinions and taking them into account. This obligation requires States Parties, with regard to their judicial systems, either to guarantee this right directly, or to adopt or revise laws so that the child can fully benefit from this right, as well as to train professionals working with and for children so that they respect and value the child’s opinion.

The Committee emphasizes that Article 12 is closely linked to the articles on civil rights and freedoms.

Article 13 emphasizes the right to have and express views, as well as the right to seek and receive information through various media. In this context, governments must refrain from any interference with the expression of opinions or access to information, while protecting the right to access the means of communications and to participate in public dialogue. However, governments must promote an environment in which children’s opinions are respected and protected from any form of manipulation, discrimination or retaliation. The right to speak freely, without fear of retaliation, is essential for active participation.

Likewise, Articles 14 and 15 guarantee freedom of thought, conscience and religion, as well as the right to freedom of assembly, protecting them from any interference or control by the state.

It is worth noting that in all 3 Articles mentioned above, the exercise of rights may be subject to restrictions, but only those that are provided for by law and are necessary: for the respect for the rights or reputation of others, or (a) for the protection of national security, order, health or public morals (b).

Returning to the obligations of the state, for adolescents to be able to exercise their freedoms of expression and association, it must create the necessary conditions to help children from their opinions, meet friends and other peoples with whom they share the same values, establish their own associations, etc. Also, in order to be able to participate actively, children need access to information about their rights, as well as to knowledge and skills that enable them to understand and act on the issues that concern them.

Children's participation must be inclusive, ensuring involvement of the most vulnerable and marginalized, such as children with disabilities or ethnic minorities. Furthermore, Article 12 is linked to all other articles of the Convention, which cannot be fully implemented if the child is not respected as a subject with his or her own views on the rights enshrined in the respective articles and their implementation.

The Committee strongly recommends that States Parties avoid approaches that are reduced to symbolic measures and limit children's right to express their views, or that allow children to express themselves, but do not give much weight to their opinions.

The General Comment also stipulates that all processes, in which the opinions or participation of one or more children are sought, should be:

- Transparent and informative – children must be provided with full, accessible, diversity-sensitive and age-appropriate information about their right to express their views freely and their views to be given due weight, and how this participation will take place, its scope, purpose and potential impact;
- Voluntary – children should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage;
- Respectful – children's views have to be treated with respect and they should be provided with opportunities to initiate ideas and activities. Adults working with children should acknowledge, respect and build on good examples of children's participation, for instance, in their contributions to the family, school, culture and the work environment. They also need an understanding of the socio-economic, environmental and cultural context of children's lives;
- Relevant – the issues on which children have the right to express their views must be of real relevance to their lives and enable them to draw on their knowledge, skills and abilities;
- Child-friendly – environments and working methods should be adapted to children's capacities. Adequate time and resources should be made available to ensure that children are adequately prepared and have the confidence and opportunity to contribute their views. Consideration needs to be given to the fact that children will need differing levels of support and forms of involvement according to their age and evolving capacities;

- Inclusive – participation must be inclusive, avoid existing patterns of discrimination, and encourage opportunities for marginalized children, including both girls and boys, to be involved. Programmes also need to ensure that they are culturally sensitive to children from all communities;
- Supported by training – adults need preparation, skills and support to facilitate children’s participation effectively, to provide them, for example, with skills in listening, working jointly with children and engaging children effectively in accordance with their evolving capacities. Children themselves can be involved as trainers and facilitators on how to promote effective participation; they require capacity-building to strengthen their skills in, for example, effective participation awareness of their rights, and training in organizing meetings, raising funds, dealing with the media, public speaking and advocacy;
- Safe and sensitive to risk – adults have a responsibility towards the children with whom they work and must take every precaution to minimize the risk to children of violence, exploitation or any other negative consequence of their participation. Children must be aware of their right to be protected from harm and know where to go for help if needed. Investment in working with families and communities is important in order to build understanding of the value and implications of participation, and to minimize the risks to which children may otherwise be exposed;
- Accountable – a commitment to follow-up and evaluation is essential. For example, in any research or consultative process, children must be informed as to how their views have been interpreted and used and, where necessary, provided with the opportunity to challenge and influence the analysis of the findings. Monitoring and evaluation of children’s participation needs to be undertaken, where possible, with children themselves.

These minimum requirements described by the Committee are referred to in other resources as Nine Basic Requirements for Meaningful and Ethical Child Participation. Since all articles of the Convention are recognized by the state and it undertook, through all the institutions created and officials employed, to implement the rights provided for in the Convention, the implementation of the requirements is a task for adults, rather than for children.

The Committee highlights in this document that since the adoption of the Convention in 1989, considerable progress has been made at the local, national, regional and global levels in developing legislation, policies and methodologies to promote implementation of Article 12. The Committee acknowledges that a widespread practice has emerged in recent years, being conceptualized as ‘**participation**’, although this term itself does not appear in Article 12. This term has evolved and is now widely used to describe **ongoing processes, which include the exchange of information and dialogue between children and adults** based on mutual respect, and in which children can learn how their views and those of adults are taken into account and can influence the outcome of such processes.

This excerpt from the Comment states that child participation is in fact a form of putting into practice the content of Article 12, showing that a child can express his or her views or that his or her views can be consulted systematically and continuously and that the exchange of information

between adults and children has a purpose – the decisions made by decision-makers take into account the views expressed by children.

The concept of participation emphasizes that inclusion of children should not be just a momentary act, but the starting point for an intensive exchange of ideas between children and adults on the development of policies, programmes and measures in all relevant contexts of children's lives.

Another essential aspect of participation refers to the concept of *evolving capacities* of the child. As children grow, they develop their skills to listen, gather information, express their views and make increasingly complex decisions. This concept of '**evolving capacities**' is explained in Article 5 of the Convention, which states that parents or caregivers have the duty and the right to provide guidance, but having due regard to the evolving capacities of the child and his or her rights as set out in the Convention. This guidance must be flexible and adapted to the needs of the child, recognizing that the level of maturity differs from one child to another, depending on his or her experiences and the specific context. Both parents and any person who by law is responsible for the child's development must take into account the specifics of the child's age and his or her evolving capacities.

VI. ANALYSIS OF THE LEGAL FRAMEWORK

The Republic of Moldova ratified the UN Convention on the Rights of the Child in 1990, which entered into force on 25 February 1993.

The Republic of Moldova defines the child in the same way as the Convention, so a child means any person who did not reach the age of 18 (Art. 3 of Law No. 370/2023 on the Rights of the Child). Any consultation and representation structure that (also) includes children must be established and operate based on the provisions of the Convention and the General Comments of the Committee.

The Supreme Law of the Republic of Moldova, i.e. the Constitution, does not explicitly regulate the child's right to opinion and involvement in decision-making, i.e. the right to participation, but it provides general rules that ensure the right of every citizen to freedom of opinion, other civil rights, persons under 18 years old being in no way exempt from these constitutional rules.

According to another law on the decision-making transparency, the opinion of citizens and children must be consulted by public authorities at any level every time normative, administrative acts are developed or amended that may have a social, economic, environmental impact (on the way of life and human rights, on culture, health and social protection, on local communities, and public services).

Since 2023, the Republic of Moldova has a new law on the rights of the child¹. The previous law did not meet international standards and was outdated by social realities that evolved considerably since its adoption. Development of the new law derived from the obligation assumed by the Government in the Action Plan for the implementation of the National Programme for Child Protection 2022-2026, as well as in the Government Action Plan 2023.

The child's right to opinion and involvement in decision-making is enshrined in Article 15, called the Right of the Child to Opinion, which provides for the right to freely express his or her opinion on any issue that concerns him or her. The child's opinion must be necessarily taken into account, giving due consideration to his or her age and degree of maturity, unless this is contrary to his or her interests, the law says.

The same law stipulates that the state recognizes, supports and promotes the concept of **children as defenders of human rights**, effectively protecting them in the exercise of their rights and in human rights activities. It should be remembered that the state undertakes to create all appropriate and necessary conditions to empower children who act or aspire to act as human rights defenders, to express their view, to be heard, to participate in decision-making and to exercise their freedoms, civil and political rights.

The Republic of Moldova transposed the child's right to opinion and involvement in decision-making explicitly in matters related to private life as well. Thus, according to the Family Code, the child has the right to express his or her view in cases of resolution of family issues that affect his or her interests and to be heard during judicial or administrative debates. The child's opinion is necessarily taken into account, having due regard to his or her age and degree of maturity, unless this is contrary to the interests of the child.

¹ https://www.legis.md/cautare/getResults?doc_id=140710&lang=ro

Children under guardianship (trusteeship) have the right to express their view in resolving issues that affect their legitimate rights and interests. Parents deprived of parental rights may meet with their child subject only to the permission of the territorial guardianship authority, and the child's view shall be taken into account, taking into account his or her age and degree of maturity. When restoring parental rights, the child's view shall be taken into account considering his or her age and degree of maturity.

In cases of violation of the child's rights and legitimate interests, including by failure or improper fulfilment by parents (one of them) of the obligations of maintenance, upbringing and education, or in cases of abuse of parental rights, the child may independently apply to the local/territorial guardianship authority seeking protection of his or her legitimate rights and interests, and from the age of 14 – to the court.

Explicitly, as regards the child's right to opinion, in the Republic of Moldova we do not have restrictive legal provisions regarding the child's age, that is, there is no minimum required age from which the child's right to be heard with reference to any subject that concerns him or her begins to be applied, except those set out in the Family Code, in cases of establishing the place of residence for families in which the child's parents live separately. Thus, until 14 years old, the child will live where the parents will decide by mutual agreement, and after 14 years old, the child may choose which parent he or she wants to live with. In such cases, the court is obliged to ask the opinion of the child aged over 14, which is decisive, but the parents are also obliged to ask the opinion of their child, even if the child is under 14 years of age.

Moreover, according to the international framework, the UN Committee on the Rights of the Child emphasizes that Article 12 does not insist on an age limit for the child's right to express his or her views and even discourages States Parties from adopting certain age restrictions, either by law or in practice, that would limit the child's right to be heard.

The phrase 'capable of forming his or her own views' in Article 12 of the Convention should not be perceived as a restriction but rather as an obligation for States Parties to assess the child's capacity to form an opinion independently. Therefore, States Parties should not proceed from the widespread idea that a child is not capable of expressing his or her own views. On the contrary, States must assume that a child is able to form his or her own views and recognize the child's right to express them; the child should not be required to demonstrate this capacity in advance.

The provisions of the Convention on the child's view and involvement in decision-making have been transposed to a greater extent in the national legislation on education and youth.

The Youth Law aims to ensure creation of opportunities for participation and multilateral development of young people with a view to their active participation in all aspects of life through integration and full involvement, through access to information and quality services in education, health and the socio-economic field. According to this Law, this category of young people includes persons aged between 14 and 35. Accordingly, this law also covers children aged between 14 and 17.

Adopted in 2016, the Youth Law² declares the principle of participation as one of the basic pillars of youth policies. According to this Law, this principle consists of active involvement of young people in decision-making, holding public consultations, performance of activities that occur in society and that directly or indirectly target young people.

The Law also states that implementation of youth policy is based on the principles of:

- participation – active involvement of young people in decision-making, public consultations, activities that occur in society and that directly or indirectly target them;
- parity – making decisions by mutual agreement between public authorities and young people through equal distribution of responsibilities based on trust and mutual respect.

Through this Law, the state undertook to ensure participation of young people in decision-making and shall therefore:

- support creation of youth participation structures at national and local levels, their financing subject to available budgets;
- involve young people in developing, making and implementing decisions.

It is worth mentioning that the following actions are also considered by the state as relevant for ensuring the right to participation:

- financial support for youth initiatives through grant programmes, carried out at central and local levels, subject to available budgets;
- recognition and validation of volunteer activities and their contribution to the development of the country;
- development of a network of peer educators in various fields targeting young people.

Here are some concepts to remember from this Law:

- *youth activity* – any activity with and for young people, of a social, cultural, educational or civic nature, based on non-formal learning and voluntary participation, coordinated by a youth worker;
- *youth worker* – a person who, through youth activity, provides support to young people in their personal, social and educational development in order to ensure their better integration into society;
- *youth policies* – a set of principles, objectives and activities carried out by public authorities, which aim to improve the conditions of well-being, active and inclusive participation of young people in the life of society, personal and professional development for young people.

These concepts provide for the delegation and empowerment of a youth worker to provide support to young people and coordinate activities with or for them, as well as implementation by authorities of actions aimed at participation of young people. Therefore, authorities and persons designated by them are obliged to create opportunities and conditions for participation.

The youth policy of the state is developed and promoted by the Ministry of Education and Research. This is the central specialized body of public administration that also establishes strategic guidelines for continuous development and modernization of the institutional system in

² https://www.legis.md/cautare/getResults?doc_id=138532&lang=ro#

the field, creates conditions for participation and development of young people. The Central Specialized Body of the state also fulfils a series of duties, including: consults youth organizations, institutions working with young people, other targeted structures in order to develop, implement and evaluate youth policies.

The National Agency for the Development of Youth Programmes and Activities reports to the Ministry of Education and Research. It is established for the purpose of continuous training and improvement of youth staff, programmes, activities and services, as well as for their implementation, accreditation, monitoring and evaluation.

Just like the Law on Decision-Making Transparency, which covers the duty of authorities to consult citizens, the Youth Law also assigns to the public administration the duty to consult and involve young people and the structure of youth participation in the administered territory in developing and implementing youth policies. Moreover, this law states that local public administration shall *develop tools to develop skills for youth participation*.

Thus, the law provides for the creation of representative structures and consultation bodies at each level.

Central and local public authorities may establish commissions for youth policies, which:

- are created based on the principle of parity between representatives of public authorities and the non-governmental youth sector;
- have permanent status within central and local public authorities and meet from time to time (at least twice a year) or whenever a problem arises that requires resolution;
- have an advisory role in the development, implementation, monitoring and evaluation of policies at central or local level;
- adopt decisions of a recommendatory nature on issues falling within their competence;
- operate on the basis of a framework regulation approved by the central specialized body of the state.

Also, creation of the National Youth Council is planned **at the national level**, which:

- is a representative body that promotes the interests of young people in developing, implementing and evaluating youth policies;
- is involved by the Central Specialized Body of the state in developing, consulting, implementing, monitoring and evaluating public policies with an impact on young people.

Local public administration authorities of the second level establish local specialized bodies in the field of youth in the organizational form of internal subdivisions, subordinated to district/municipal councils. In the Gagauzia ATU, these bodies are created by the Executive Committee and report to it. The title, structure and operating regulations of local specialized bodies in the field of youth are determined by the district/municipal councils, and in the Gagauzia ATU – by the Executive Committee, based on a standard structure and a standard regulation approved by the central specialized body of the state.

At the local level, as previously mentioned, local public authorities may establish committees for youth policies. Local and regional authorities may also establish a Youth Centre aimed at ensuring information, professional guidance, counselling, education, organization and spending

of free time of young people, contributing to the preparation of their social and professional integration.

To implement its mission and perform its functions under the *Framework Activity Regulation of the Youth Centre*, the Centre may provide several types of services/programmes for youth, including:

- *Youth information service/programme* – ensuring equal access, free of charge, to quality information for young people on the challenges, rights and opportunities for information and participation in various activities;
- *Youth participation service/programme* – encouraging and supporting participation of young people in decision-making and democratic processes that concern them, as well as supporting various forms and structures of their participation;
- *Youth volunteer service/programme* – coordinating participation of young people in volunteering activities by ensuring all stages of integration, orientation, stimulation and recognition of the results achieved both individually and in groups by young volunteers.

The law also empowers young people to create another structure: the Local Youth Council. Such councils are informal structures representing young people at local level, which are created upon the initiative of young people in the community or region; they are intended to ensure active participation of young people in local and regional life, especially in the decision-making process that concerns them.

Local youth councils have the right:

- to represent young people at local and regional level;
- to identify the interests, needs and problems of young people at local and regional level;
- to submit proposals to local public authorities in all areas that concern young people;
- to participate in the development, implementation, monitoring and evaluation of youth programmes and activities at local level;
- to participate in representative consultation structures at local level in parity basis;
- to encourage and promote active participation of young people in community life;
- to promote and carry out non-formal education activities for young people and volunteer activities;
- to intervene to draw the attention of the authorities, as well as other young people, to the quality of certain services or to propose their improvement;
- to develop and approve its own plan of activities and estimate the costs for its implementation.

Additionally, the Framework Regulation on the Organization and Functioning of the Local Youth Council recommends that local public administration authorities recognize the Councils that are established and operate under this Framework Regulation as structures for representation, consultation and empowerment of young people, in order to ensure their participation in decision-making at local level.

The Regulation provides for the establishment and the activity of a General Youth Assembly, which is a representative forum of children and young people in the community. This Assembly has the authority to decide on the creation or liquidation of the Local Youth Council in the community.

Although the Youth Law does not mention the National Network of Local Youth Councils from Moldova (NNLYCM), an overview of another youth representation body can still be found on the website of the National Youth Agency: the National Network of Local Youth Councils from Moldova is a platform made up of district/municipal Local Youth Councils ensuring communication between young people and Central Public Authorities, as well as providing methodological assistance and institutional support to youth representative structures at the local level.

Another reference document in the field of youth is the Strategy for Youth Sector Development 'Youth 2030', which is the fourth public policy document in the field. Through this document, the Republic of Moldova emphasizes the role of young people and youth organizations in the construction of participatory democracy and modern society. The 'Youth 2030' Strategy operationalizes the objectives undertaken through the National Development Strategy 'European Moldova 2030' by promoting civic participation of young people and strengthening participatory democracy among young people through dedicated and focused programmes.

One of the three strategic directions is focused on creating a culture of civic and decision-making participation among young people. For this purpose, the state sets the goal of increasing the level of civic participation and involvement through training, capacity-building and empowerment programmes for young people, and some of the priority directions of action are: making public authorities and institutions working with young people accountable for involving young people and youth organizations in decision-making processes that concern them (1) and creating methodological benchmarks and conducting a continuous training course for local public authorities on youth involvement (2).

The education system is another area in which the Republic of Moldova transposed the child's right to opinion and participation into several acts. In the Education Code, the right to opinion or participation is not found among the basic concepts of the Code. It is found in the educational ideal 'development of a personality with initiative, capable of self-development, who has not only a system of knowledge and skills necessary for employment in the labour market, but also independence of opinion and action, being open to intercultural dialogue in the context of assumed national and universal values', the educational purposes: *'the main purpose of the education is building and developing a system of skills, which includes knowledge, abilities, attitudes and values, which enable active participation of the individual in social and economic life'* and in one of the principles of the Code: the principle of respect for the right to opinion of the student as a direct beneficiary of the education system.

The right of school students to freely express their views, beliefs and ideas is also stipulated in Article 136. The same Article provides that the management of the institution is ensured by the administrative board, including a member of the school students' council; that school students have the right to be elected to the management bodies of the educational institution and to participate in the evaluation and promotion of the quality of education, under the conditions set out in this Code and in the regulations of the institution; and that self-governance bodies of school students are established within educational institutions, which shall be organized and operate in accordance with the framework regulation approved by the Ministry of Education and Research and with institutional regulations.

These mechanisms provide school students with the opportunity to participate in: the evaluation of the head of the educational institution; approval of the institution's budget and management of funds from sources other than the state budget; approval of the institution's development plan and management of funds from sources other than the state budget; approval of the school component of the Framework Plan at school level; approval of the rules for recruitment of school students for classes, the number of classes and the teaching staff classification scheme; evaluation of internal recruitment of teachers.

The Regulation on the Organization and Functioning of School Students' Councils, approved in 2023 by the MER, also establishes other areas of influence for school students. The objectives of the School Students' Council also include consulting the opinion of school students with reference to all aspects they are concerned about, including the quality of the teaching-learning-evaluation process, the development and operational plan of the institution, internships, living conditions in the dormitory, hygienic and sanitary conditions, protection against all forms of violence, etc. and submitting recommendations to the institution and specialized personnel with responsibilities in the field regarding the identified problems.

Any School Students' Council, regardless of level, shall benefit from methodological support, which involves training, guidance, representation in dialogue with the authorities, etc.

The new regulation also provides a conceptual reorganization of the school students' representation structure at the national level. Thus, from the 2024 academic year, there is a single national body for consultation and representation of school students, which brings together both general education students and vocational and technical education students. The membership of the council is formed through delegation by students from the Regional School Students' Councils, for general education, and from among the members of the General Assembly of Students from vocational and technical education. This formation procedure is different from the previous one, which involved appointing members through a committee created by the MER for each selection process.

Another strategic document in the field of education is the Education 2030 Strategy. Reforming the management at all levels of the education system from the perspective of strategic, efficient and transparent management, school student self-governance, public accountability, and (i) developing the system for collecting feedback on the functioning and quality of education (ii) are two of the key actions set in Section 9: Good Governance and Modern Infrastructure for Quality Education.

In this context, the Methodology for the Evaluation of Educational Institutions can be mentioned, which was suspended in January 2024 and a new one had to be proposed instead by the beginning of the new academic year.

Also at the end of 2023, the MER approved the Methodological Guide on Democratic School Governance. This resource can be used by educational institutions to advance democratic governance in 9 areas, i.e. participation in decision-making of all stakeholders from the school community, including children: Administrative Board; Teachers' Council; Parents' Representative Council; School Students' Council; Framework Curriculum; Class Design,

Teaching, Learning and Assessment; School-wide Initiatives; Extracurricular Activities; Cooperation with School Partners.

By approving the guide, the MER confirmed that it is the responsibility of the management to strengthen trust between stakeholders and ensure that their diverse interests are recognized in the school's decision-making process. The quality of governance is primarily the responsibility of the school management, and namely the school principal and the Administrative Board.

Consulting the child's opinion in decision-making is also provided for in the National Plan for Child Protection 2022-2026. Action No.2 of the Plan explicitly states that the Ministry of Labour and Social Protection (MLSP) shall develop a mechanism for consulting the child's opinion in decision-making that directly or indirectly affects the child and approve instructions for consulting the child's opinion in policy documents and in case management.

During the study, the MLSP representatives reported that *'the social protection system is reorganized by launching the 'RESTART' Reform, currently the Ministry's priorities are focused on strengthening the territorial social assistance structures by hiring a larger number of child protection specialists, with about 150 specialists, during 2024, training these specialists, as well as strengthening the capacities of specialists to ensure prompt interventions in cases of children at risk'*.

Also, to implement this action, in 2023 the Ministry approved the Case Management in the field of Child Protection and the Support Guide for its practical implementation.

According to the Ministry, *'Case Management in the field of Child Protection is the main tool of employees of the territorial social assistance structures in implementing the provisions of Law No. 140/2013 on Special Protection of Children at Risk and Children Separated from Their Parents. In accordance with the provisions of the aforementioned normative act, throughout the Case Management in the field of Child Protection, from initial assessment to case closure, the child's opinion about his or her situation, the actions to be taken to ensure his or her protection, the impact of the actions taken, etc. is consulted. The Support Guide for practical implementation of the Case Management in the field of Child Protection also includes Section 1.2 Principles underpinning the application of Case Management, which describes the procedure for participation of the child and the family in decision-making.'*

The Ministry representatives also note that *'in accordance with Art. 15 of Law No. 370/2023 on the Rights of the Child, as well as in accordance with the Case Management in the field of Child Protection, the child's opinion will be necessarily taken into account, having due regard to his or her age and degree of maturity, unless this is contrary to his or her interests. The case manager is responsible for informing the child about his or her right to participation, including the right not to answer uncomfortable questions, as well as to request compliance with this right throughout the Case Management process'*.

Additionally, the Ministry representatives reported that the draft normative act on the approval of the Framework Regulation on the Organization and Functioning of the Children's Consultative Council attached to the Territorial Social Assistance Structures within the Territorial Social Assistance Agencies was developed, which is to be submitted for consultation procedure.

In 2024, the General Directorate for the Protection of Children's Rights (GDPCR), in partnership with UNICEF, created the Children's Council, a representative structure that ensures the voice of children in social services. This Council offers children the opportunity to share their views on the respect, protection and assurance of their rights in decision-making, in particular regarding the creation and development of social services adapted to their needs.

The Council has the following objectives:

- To provide each child with the opportunity, according to his or her capacities, to express his or her view in a form appropriate to him or her and to make his or her voice heard regarding all the challenges that affect his or her life.
- To facilitate children's access to information that promotes their social, spiritual, moral, emotional and physical health and well-being.
- To consult children's opinions regarding living conditions and protection against any form of violence.
- To propose to the General Directorate issues and subjects in the field of children's rights to be integrated into the activity plans of the services.
- To enhance children's participation in decision-making that impact their lives.
- To strengthen the understanding and assumption of active citizenship and volunteering among children and young people, both at the level of their own community and at the national level.

VII. SITUATION ANALYSIS

As regards the progress made and the existing challenges in implementing the provisions of Article 12 and the national legislation in force prior to the approval of the Youth 2030 Strategy, the authorities note that international and national reports, which assess the presence of young people (including children aged 14-17) in civic and decision-making activities, show a low level of participation. The 2020 Youth Index of the Republic of Moldova suggests that the level of participation of young people in political and decision-making processes at the local level is much lower than that of adults, reaching 0.69 points (on a scale from 0 to 1, where 0 indicates no gaps between the comparison groups, and 1 indicates that the gap is maximum).

According to the ‘Impact of the Pandemic on Youth Participation’ study conducted by the Partnership for Development Centre, only 10% of young people demonstrate a high level of civic and decision-making engagement, most of them being young people with low participation (50%), followed by those with medium participation (40%). The low participation of young people is caused by: (i) low trust in the authorities and the perception that they are receptive to the opinions and needs of young people.

In fact, the authorities perceive low civic and decision-making participation among young people, especially among those from vulnerable groups, as well as those who are regionally disadvantaged, particularly those from rural areas, as one of the most significant challenges.

The same document states that, in the presence of a historical culture of simulating participatory decision-making processes, a low trust among young people in state institutions was generated, which affects their willingness to engage in decision-making processes.

The lack of direct support instruments, including financial support, to increase the level of civic participation reduces interventions to the educational component, without promoting learning through practice. Limited participation of young people with disabilities is explained by the fact that, where efforts to mobilize and empower young people exist, they are not enough inclusive and do not provide reasonable adaptation to meet the specific needs of these young people. On the other hand, young Roma people also do not enjoy broad participation in decision-making processes either, largely due to discrimination, as well as the lack of knowledge necessary for effective participation.

The Children's Platform also covers discrimination of some children in participatory processes in the report ‘The Right to Opinion: As Learned and Practiced at School’³. According to the group, school students’ councils are most often composed of school students with high grades, ‘exemplary’ behaviour or those who participate in various activities/clubs within or outside the school, as well as in academic competitions. This leads to creation of a non-representative council, thus violating the right to participation and to opinion of other school students – those with low grades, those who have a different religion than the majority, those from low-income families, those whose parents are abroad or those who have ‘non-exemplary’ behaviour (e.g., they run in the hallway/in the classroom, shout, (regularly) fail to do their homework, are late for classes, have a different opinion than the majority of school students or teachers, and are not afraid to share it).

³ https://drepturilecopilului.md/files/Raportul_CIDDC.pdf

Some school students report that they also know cases in which one of their classmates did not have the courage to run for the school students' council or was told that he or she could not be a council member for the following reasons: age, grades, sex, family financial situation, religion affiliation, and ethnicity.

Selective practices, which focus on the most active and motivated young people, the lack of support mechanisms to encourage participation of vulnerable youth, inadequate infrastructure and insufficient number of specialists trained to work with these categories, as well as poor information provided to young people about relevant activities, make difficult their integration into programmes intended for them.

Another identified challenge is not only the shortage of staff, but also their low level of competencies in working with youth, as well as the high turnover of human resources in the youth sector (due to unattractive salaries, insecurity and uncertainty regarding the sustainability of the profession of youth worker/specialist, etc.), which undermine the efficiency of youth work. The low level of competencies is due to the fact that a significant part of specialists and youth workers come from different fields, lacking specialized training and the necessary qualifications.

Between 2016 and 2022, with the support of the Ministry of Education and Research, the National Network of Local Youth Councils (NNLYCM) was established and developed, with the aim to strengthen the organizational and operational capacities of district/municipal youth councils at local and regional levels.

The NNLYCM has a coverage of 65.7% at local public authorities of the second level (23 districts and municipalities) and a lower representativeness at local public authorities of the first level (14.9%, 134 local/community councils).

However, according to the authorities, many of these structures at the local level limited their activities to organizing only two events per year, and namely the Forum and the Post-Forum.

Although there is a constant dynamic in the growth and development of the network of local youth councils, they remain highly dependent on the Assistance Programme of the Ministry of Education and Research for strengthening and developing district/municipal youth councils, as well as on the resources allocated within this programme, thus lacking financial and institutional independence and being dependent on the continuous financial and methodological support provided by the Ministry of Education and Research and having limited or even no support and resources at the local level.

Also, since its establishment, the NNLYCM failed to capitalize on its potential to represent young people, remaining a structure that does not actively engage in representation and advocacy activities for young people.

According to a report by civil society representatives submitted within the Universal Periodic Review, child human rights defenders (CHRDs) are considered incapable of understanding and contributing to public affairs. Their priorities, concerns and suggestions are usually ignored, minimized or ridiculed. Some children and young people are even prevented by adults in their immediate environment from participating in certain public policy processes. Some adults may

prevent children from participating because they do not trust participatory processes in general; however most have little confidence in the capacities of CHRDs to contribute to such processes.

The report of the National Youth Council from Moldova on youth participation in decision-making processes notes that most youth organizations interviewed as part of the study acknowledged that they are generally consulted by public authorities, yet many youth participation problems remain unresolved. First, consultation processes are rarely meaningful and often become a box-ticking exercise in consultative processes, as youth recommendations are rarely taken into account. Moreover, although youth participation mechanisms exist at both national and local levels, they do not function as intended due to a lack of initiative and a low level of cooperation in the advocacy component.

The same report notes that youth participation in decision-making processes is not protected against negative consequences from decision-makers. Consequently, it remains at the discretion of decision-makers whether to resort to threats or harassment or, in cases of decision-makers at the school level, to consequences affecting the academic performance and physical and psychological safety of young people. In most cases, young people or youth structures do not have the necessary resources or the necessary information to use the tools provided for by the legislation of the Republic of Moldova.

VIII. OPINIONS AND EXPERIENCES OF PRACTITIONERS REGARDING THE RESPECT FOR THE CHILDREN'S RIGHTS TO EXPRESS THEIR VIEWS AND INVOLVE IN DECISION-MAKING

General information about participants

In the context of the documentation, semi-structured interviews were conducted with 8 adults representing the education system, both general and vocational and technical education (5), the social protection system, and (2) the youth sector (1). Specifically, the interviewed participants included coordinators of school students' councils (4), a principal (1), a representative of the Ministry of Education and Research (1), a social worker (1), a manager of a youth centre (1).

To ensure the confidentiality of the discussions, the answers provided by the interviewed participants were coded as follows: representative of the education system 1, 2, 3, 4 and 5; representative of the social protection system 1 and 2; and representative of the youth sector.

Presentation of results

Most practitioners and professionals working with and for children believe that the children's right to express their views and involve in decision-making processes is a way for **any child to express his or her view on a situation**. Some practitioners consider that **there is no single moment** when a child may share his or her opinion and that he or she can do so *'whenever he or she feels that he or she has an opinion'*, **while others** use phrases such as *'when the child is asked and listened to'*, which may indicate an understanding of this right as a child's reaction to an adult's action.

Some practitioners also note that an opinion expressed by a child **may or may not be accepted by an adult**. Moreover, there were views suggesting that although adults should encourage expression of opinions, it is not necessarily to take them into account.

- *'The right to make certain decisions is cultivated at the age of 1-2, when the child is just beginning to understand, and the parents in the family can ask the child's opinion in any situation. The child's opinion must be taken into account. Anyway, I think that parents are the ones who make decisions, but it is important at this point to at least initiate this skill, to encourage the child to show interest, for him or her to feel that he or she may have an opinion, that he or she may express it, and that someone listens to it.'* (representative of the education system 2)

In addition, some adults believe that the respect for the right to express an opinion **depends on the child's qualities and skills**, and that **it is up to the child** whether and when he or she can exercise this right.

- *'The right to express a view, as I've said, is related to the self-confidence to express own view without the fear of being judged. It is simply self-confidence and the understanding that the child has this right and can exercise it.'* (representative of the education system 2)

- *'I don't know if no one would have the courage to go to the mayor's office, for example. Maybe after the age of 20 it would be easier, because someone is already a student at university or has a specialty, is already better informed or more self-confident.'* (representative of the youth sector)

As regards the **child's participation**, most participants consider it a **right distinct from the right to express a view**, as they associate this right with being involved in a process or an activity, some emphasizing that genuine participation is voluntary. The process or activity referred to by the participants are most often related to community activism, volunteering or extracurricular activities within the school.

- *'If we talk about the right to express an opinion, then it's about free expression. But if it's about the right to participate, then it is involvement.'* (representative of the education system 3)
- *'Someone focus on opinion, someone on participation.'* (representative of the education system 1)

There are participants who **acknowledge the existence of confusion** related to this term, saying that *'the same concept is used for two different moments'*, meaning both to be part of something and to *'assume the responsibility of representing peers before someone else'*.

- *„Yes, but when we talk about participation in decision-making, then it's not clear. Am I there, do I just attend or do I have a say there?'* (representative of the education system 2)

The responses of the interviewed participants confirm what children said regarding **their areas of influence**, especially in the school environment. Most often, the decisions children make are related to **the type and manner of organizing** extracurricular, volunteering or community activism **activities**.

- *'Usually, when we have extracurricular activities, we always convene the school students' council, and they come up with suggestions, for example: what stages to include in those activities, how to arrange the festive hall.'* (representative of education system 4)
- *'We also had students involved in volunteer activities. Once, we had a little girl in the National Council and from there she took the idea of volunteering and shared it at school, and the students even went one day, collected money themselves, distributed food packages to people they saw here, in the commune, to be more in need.'* (representative of education system 4)
- *'We have a number of volunteers with whom we hold periodic organizational and planning meetings, where even they are involved and, for example, have their own areas, which they practically organize, but with our help.'* (representative of the youth sector)
- *'Sometimes we even consult with them outside the Administration Board. We needed Teacher's Day, for example, to do something. I, as the Deputy Principal, needed some more creative idea.'* (representative of the education system 1)

In the school environment, **children have representatives** in the Administration Board and in the Teachers' Council, interviewees from the education system say. School students do not attend all meetings of these bodies, but are invited *'where needed. For example, if it is necessary to find out what needs to be improved in the workshops'*. Also, in some institutions, school students have a representative in the internal evaluation committee of the institution.

Social protection professionals say that **the child's opinion is taken into account** when they report cases of abuse, when decisions are made about child custody, and at various stages of case management, such as evaluation or development of an intervention plan.

- *'Just recently, we've had a case where a child was asked who he wanted to live with: with the grandmother in a northern district or with the aunt in the locality. There, the child's right to choose was strictly accepted.'* (representative of the social protection system 2)
- *'The mother said she wanted to buy some food. The child thought about it and chose that she wanted us to buy her a bed because she now sleeps on a bed with her mother and grandmother. And we bought a bed.'* (representative of the social protection system 1)
- *'If we receive a complaint, we have to examine the real situation and if, for example, the children are of kindergarten age, we ask the psychologist to talk with them and find out gently and carefully what the real situation is.'* (representative of the social protection system 2)

While many interviewed professionals in the education system **reduce** child participation in activities and events or their organization, those in the youth and social protection sectors **link** the child's right to express his or her opinion with education about children's rights or with child protection.

- *'We had a very interesting activity in the spring, which was related to children's rights. Based on practical activities and team building activities, we touched on this subject a little, and they somehow understood what children's rights are.'* (representative of the youth sector)
- *'Nowadays, a lot of work is really being put into it, namely into child protection. I mean, quite a lot of work is being done regarding the issue of children, to prevent bullying in schools and kindergartens, to prevent problems of different kinds. Now there are many cases of pedophilia, of all kinds.'* (representative of the social protection system 2)
- *'I haven't faced it, but I know a case where the mother forbade the child from using the phone for a week, and the child called 112 and said that the mother had beaten him. In such cases, I say that children know their rights very well and know their right to an opinion.'* (representative of the social protection system 1)

Few participants shared experiences in which the institution consulted children's opinions about the institution's activity plan, the teaching methods applied by teachers and improvement of the lesson teaching process, the physical conditions in the institutions, in the dormitory, etc. Instead, they more often mentioned that school students were encouraged to *'identify the most relevant*

negative points happening in the institution and come up with solutions to remove obstacles. When they provided details of these experiences, it was noticed that the **'obstacles' discussed were related to problematic behaviours of school students**, such as smoking, conflicts among themselves, and other issues.

- *'They often went to the canteen, and there were jokers who skipped the line or made a lot of noise. And then they themselves decided that every day, one or two of them would go to the canteen attendant or the duty teacher and do the duty in the canteen too.'* (representative of education system 5)
- *'The School Students' Council recorded videos of those who smoked on school grounds. We have our own group and a Council group, and they uploaded videos there themselves. This issue was already discussed in the classroom; sometimes we gave warnings, other times written explanations.'* (representative of education system 5)
- *'Very often we ask students how we would solve some existing problems in the institution, such as absenteeism, how to work with students at risk of dropping out of school.'* (representative of the education system 4)
- *'Our students were intervened when we needed changes to the institution's regulation. These points, for example, were about students who are late for classes, about students who receive scholarships, and maybe sometimes such students should be deprived of the scholarship due to violations by them of the institution's regulation.'* (representative of the education system 5)

Representatives of the education system spoke about experiences of *'participatory budgeting'*, where the educational institution co-finances a development project implemented by school students, after they receive a grant from a foreign organization. This is seen by some adults as **the most successful and important experience of involving children in decision-making**.

- *'It is a support programme that funds the best project ideas in the school, such as: debate competitions, arranging a space for school students, arranging a space for the school students' council, etc.'* (representative of the education system 3)
- *'There was a project specifically about decision-making. This project taught school students to organize elections, write projects, promote them among their peers, who have to vote for the one to be co-financed – in our case, the first 3 were the winners.'* (representative of the education system 1)

In the same context, the lack of funds to organize a consultation activity with children or to implement a solution thought up by children regarding a problem is one of the biggest obstacles to children's participation in decision-making, some participants say.

- *'But volunteering and the interest in volunteering probably ends when you have to pay out of your own pocket. And that is why we considered that there should be a purpose in this process. Here we promote participatory budgeting.'* (representative of the education system 2)

However, some participants say that often children express their views or ‘wishes’, but **decisions are delayed**. It is often noticed that some adults hold children responsible for the successful implementation of a solution proposed by them.

- *‘We conduct surveys. OK, very well. We communicate with students – it’s perfect, excellent, but after that everything must be formulated in a coherent message, correctly and shall be achievable. The entire process must reach the educational institution, the principal of the institution, the teacher in an optimal form.’* (representative of the education system 2)

Some of the representatives of the education system, on the one hand, feel burdened by having supported children in expressing their opinion on a certain subject **without seeing a purpose** of this experience, on the other hand, there are other people who think that the lack of purpose is a problem, but this is part of the natural course of life.

- *‘The obstacle is always in people. Sometimes it’s bad intention, sometimes interpersonal relationships that affect this decision in favour of the idea of other students. It’s a reality, it’s normal. It is something that happens in adult life and disappointments are always part of the process.’* (representative of the education system 2)

Some professionals in the education system mention that **another difficulty** they encounter in supporting children’s participation is that most of the work in this regard is done after school, and school students very often do not want to stay longer at school because they are tired, have other extracurricular activities, do not have transport to go home after a certain time. School students have to stay after classes because, as participants say, *‘each teacher is focused on his or her lesson, and naturally I can’t take the student from his or her lesson to hold a council meeting’*.

Representatives of the social protection system say that, often, the social assistance provided to families **consists of purchasing goods, not consumables**, even if families, including children, say that they would like to allocate a part of the budget for consumables. This is determined by the monitoring mechanisms in the system, through which indicators of the offered assistance are the number and type of goods purchased for the household and existing there at the time of the commission’s visit.

- *‘We go to purchase a good in order to keep records and when the commission comes, I can show how the money was used. For example, there was a case where a child opted for treatment products for dermatitis, and because there were other cases when commissions came and asked about things purchased that couldn’t be proven as they finished. I negotiated with the parents and the child, so a wardrobe was purchased.’* (representative of the social protection system 2)

Professionals consider that **parents give children few opportunities** to practice expressing their opinions and influencing decisions, which is the most important factor in children's understanding this right and developing their abilities to make their voices heard. Social protection workers also note that in many cases they observe that **parents ‘instruct children’ what to say** and what to hide from the social worker during visits.

- *'I work with various families. For example, in those where alcohol is consumed, I rarely see that a child has the right to express his or her opinion. There, even if parents knew or didn't know that we were going to visit them at their home, instructed the children so they don't say a word. In families where the only problem is low income, they somehow have the right to express their opinion, and there is some interaction with parents. In cases of domestic violence, respect and opinion are generally not discussed.'* (representative of the social protection system 1)
- *'Students come from backgrounds where they haven't been given a voice so far, they haven't shared their opinion; they come from backgrounds where if mom or dad said something, that's a rule.'* (representative of the education system 4)
- *'Children are not encouraged from a young age to have their own opinion.'* (representative of the youth sector)
- *'We inform parents by phone about our visits, and I think they instruct children what to say. We cannot talk with them without the presence of the parents.'* (representative of the social protection system 1)

In the opinion of both children and many adults, the School Students' Councils are not the most representative, but school students say that some children are rejected, while adults claim that some groups of school students do not show interest in participating.

Furthermore, there are people who say that school students can stop any discrimination during elections or interference by teachers in the elections for the School Students' Council, namely by failing to nominate candidates or telling the children which of the candidates is more suitable to be member of the council.

- *'Every student has the right to participate and to be part of the School Students' Council. We want to raise the awareness of teachers and empower students to prevent such things in each class.'* (representative of the education system 2)

At the same time, in some educational institutions, teachers took actions to allow more children to become members of the council:

- *'Last year the council included children of grades 8-12; this year grades 5-12. We had some restrictions from the Education Directorate, let's say, not to involve grades 12 and 9, but we still involve them if they are interested.'* (representative of the education system 1)

Some professionals shared their experiences of participation in training activities related to child participation or children's rights. Educational staff attended training on formation and functions of the council. Some of them said that these activities brought them more clarity, while others said that the training took place too close to the day when institutions were encouraged to hold elections: *'this was on the fourth of October, but elections were held on the tenth of October'*.

Based on their experiences, several participants said they needed training on how to consult children's opinions and how to support them in doing so in relation to other children, while some of them emphasized that everyone, not just council coordinators, should be trained.

- *'From this viewpoint, it's difficult for me, you should know. I've been practicing some techniques that I've been using for a few years, and sometimes I even want to try something new, but I don't know how. It would be useful to participate in seminars on this topic at least once a year.'* (representative of the education system 3)
- *'Honestly speaking, I've never had seminars. Even, for example, it would be useful to explain to us how we talk with the child, especially when we see that he or she has something to say. If there's a psychologist at school, it's easier. But when we notice something, we don't know how to proceed because we don't know how to speak with the child.'* (representative of the education system 2)
- *'Everyone should be trained because this year I am coordinator, but next year it could be someone else who just started his or her activity in the field. Training should also be about how School Students' Councils, departments, an activity plan should work.'* (representative of the education system 1)

Some people believe that training should be aimed at children/youth first, not just professionals:

- *'I think that training is very motivating. Namely, not simply coming for an hour and explaining to us what our rights are, read an article or give a hotline to call if we need, etc. It would have a greater impact if specialists trained 20-25 young people.'* (representative of the youth sector)

Also, some participants suggest that training be organized on topics related to age peculiarities, assertive communication, and not only for teachers, but also for school auxiliary staff and parents.

- *'Many parents don't know essential aspects of children's development stages and ask too much, holding children back instead of motivating them to move forward, but they leave them as they are considering that it's good.'* (representative of the education system 3)
- *'For example, I would start with auxiliary staff; they should be involved in some training on language, how to speak with children, how to react in some situations when children are more angry.'* (representative of the education system 4)
- *'I think that every member of the interdisciplinary commission, even a family doctor, should know how to approach children, make them share their opinions openly, be more free'* (representative of the social protection system 2)

Some professionals identified several changes that they consider necessary in their institution to advance respect for the rights of the child.

- *'For example, I would once again review all children's rights policies and discuss them together with the staff, maybe even with children.'* (representative of the education system 4)
- *'I'd like more clarity on who can be coordinator – only the Deputy Principal or not, and if not, let's think how any other employee could take over this position.'* (representative of the education system 1)

- *'At the level of internal regulation, we also need to work on the issues addressed in social education lessons – more practical exercises could be added there, and I would introduce more hours, specifically dedicated to this topic, where children can express their views freely.'* (representative of the education system 3)

Regarding the modification of certain procedures and practices at regional or national level, education professionals mentioned creation of a training and experience sharing platform for council coordinators and improvement of communication between the National School Students' Council and institutions that do not have representatives in the council.

- *'I think that training will soon begin for us too, the responsible staff. Not frequently, just once a semester or once every three months to meet, to discuss practices in other institutions'* (representative of the education system 5)
- *'They can hold a meeting with representatives of the National School Students' Council and institutions. There are so many online opportunities now. When we have a school student in the national council, we can feel it, when we don't have a representative, we don't really feel this connection.'* (representative of the education system 4)
- *'For example, I know that there is a National Council. I have read a few things, but from the perspective of the institution, I didn't feel anything at the level of the National Council.'* (representative of the education system 3)

Education professionals also often mention different interpretation of the same document issued by the Ministry, by people at different levels. In this context, teachers and managers talk about situations where local bodies specialized in the field of education require schools to carry out several parallel activities, although these are not required by the central authority, or require more information than necessary.

- *'Recently, I've received a questionnaire from the national level, where the educational institution didn't have to be indicated. Shortly after, a similar questionnaire came from the directorate, but this time the institution already had to be indicated. Which child would honestly fill out such a questionnaire? I considered it a violation and didn't give that questionnaire to the children.'* (representative of the education system 1)

In the youth sector, one recommendation is to increase the number staff members and specialists, as this hinders development of the portfolio of programmes that the centre can implement and, very often, the participation programme is one of those that is not fully developed.

- *'We don't have this service at the centre, because there aren't many youth workers at the centre. I'd say that it's a pretty extensive, interesting and even useful service for young people. But, unfortunately, I can't say when we'll have it. Maybe other centres have it, but I know only few.'* (representative of the youth sector)

IX. CASE STUDY

The National Agency for the Development of Youth Programmes and Activities (hereinafter referred to as the Agency) is an administrative authority subordinated to the Ministry of Education and Research and has the mission of ensuring implementation of state policy in the field of youth work, youth programmes and services, human resources, working methodologies and research in the field, within the limits set by the regulatory framework.

In this case study, the Agency's response to the following 3 questions was analyzed:

1. Measures/actions undertaken for initial and continuous training related to ensuring the right of young people to express their opinions and participation in the decision-making process of employees of the Agency and Youth Centres;
2. With reference to the provisions of the Framework Activity Regulation of the Youth Centre, Article 10: *'In order to fulfil its mission, the Centre exercises the following basic functions: facilitates participation of young people and youth structures in various community processes'*, examples and data on community decision-making processes in which the Youth Centres facilitated participation of young people during the last 12 months;
3. With reference to the provisions of the Framework Activity Regulation of the Youth Centre, Article 11: *'In accordance with the field of activity and the established specific basic functions, the Centre fulfils the following duties: consults young people and their representative structures in the community'*, examples and data on the consultations carried out by the Centres among children during the last 12 months.

In its response, the Agency reports that, regarding the measures/actions undertaken for initial and continuous training to ensure the right of young people to express their opinions and participation in decision-making of employees of the Agency and Youth Centres, the following activities were carried out:

- A training workshop with participation of youth workers on the topic: 'Prevention of gender-based violence and protection against sexual exploitation and abuse in the context of youth activity'. The event took place in September 2023.
- The training workshop 'Strengthening cooperation between Local Public Authorities and Youth Centres. Outcomes and common priorities of national and local youth policy'. The workshop activities highlighted the importance of cooperation between local public authorities and Youth Centres, as well as the importance of involving young people in decision-making processes. The activity was organized and held in December 2023.
- A training workshop for youth workers on involving young people in democratic and decision-making processes. The training activity that took place in September 2024 was attended by representatives of 35 Youth Centres, who mobilized to urge young people to exercise their right to vote in the presidential elections of October 20 and the constitutional referendum.

Additionally, the Agency reports that, from 2024 it has been implementing the National Assistance Programme for Strengthening School Students' Councils, one of its main objectives

being to increase participation of school students/youth in decision-making processes at the institution and, respectively, community level, including budgetary participatory processes.

According to the Statistical Report on the 'Activity of Youth Centers', in the 1st semester of 2024, Youth Centres carried out a total of 440 activities within the Participation Service. The Agency notes that 137 of these activities were carried out in collaboration with District Youth Councils.

Also, according to the information provided by the Agency, Youth Centres have and implement, within the above-mentioned service, initiatives to involve young people, as follows:

- Literary Club activities, fundraising, etc.;
- Youth involvement in the 'YouCreate' Project; Democratic Debates Project;
- Peer-to-peer training workshops;
- Mobile personal development programmes, creation of socialization clubs, leadership programmes for empowering women;
- Organization of district competitions; social theatre;
- Organization of charity events, etc.

As regards the facilitation of youth participation in community decision-making processes, the Agency reports that, in the 1st semester of 2024, 18 out of 32 District Youth Centres provided support to youth and/or initiative groups in the process of writing and submitting various civic projects/initiatives, facilitating development of 156 civic initiatives.

The civic initiatives covered a wide range of activities, as follows: informing young people about the Participatory Budgeting Programme and organizing the 'EU4 Marathon'; discussion, analysis, debate and dialogue activities on specific topics; socialization, volunteering and promotion activities; as well as cultural, sports and environmental activities.

X. CHILDREN'S PERCEPTIONS AND EXPERIENCES REGARDING THE RESPECT FOR THE CHILDREN'S RIGHT TO EXPRESS THEIR VIEWS AND INVOLVE IN DECISION-MAKING

Demographic data about survey participants

In total 314 children filled out the questionnaire; their age ranged between 11 and 18 years old (*Figure 1*), 32% were male, 65% were female, and 2.5% did not want to report their sex.

Ce vârstă ai?
314 răspunsuri

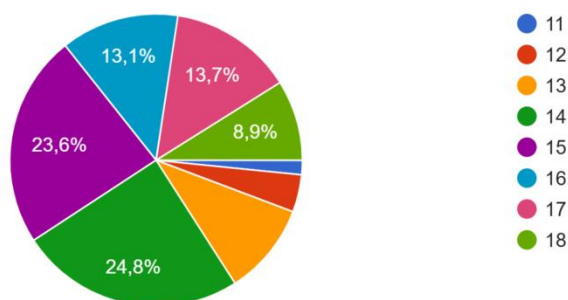


Figure 1: Age of surveyed children

How old you are?
314 responses

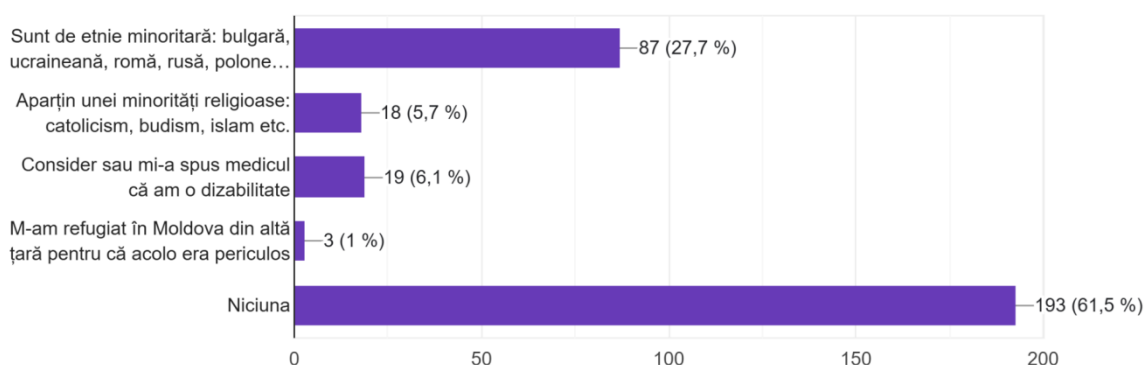
The respondents represent structures from 20 regions: Anenii Noi (4), Balti (26), Ceadir Lunga (1), Cahul (6), Causeni (56), Chisinau (33), Cimislia (4), Edinet (56), Glodeni (5), Ialoveni (8), Nisporeni (3), Ocnita (3), Riscani (5), Singerei (1), Soroca (4), Stefan Voda (63), Taraclia (5), Tiraspol (1), Ungheni (4). Also, 18 children represent structures that operate at the national level.

Most of the children (75.5%) study in a gymnasium or a lyceum, and 24.5% in a vocational school, college or centre of excellence.

In addition to the general characteristics of the children known to us, the data provided by them show that the respondents also include children who represent a minority ethnic group, a minority religious denomination, have a disability or are refugees (*Figure 2*).

Care dintre următoarele afirmații sunt adevărate despre tine? (poți selecta mai multe opțiuni)

314 răspunsuri



Which of the following statements are true about you? (multiple options can be selected)

314 answers

I am of representative of an ethnic minority: Bulgarian, Ukrainian, Roma, Russian, Polish...

I am of representative of a religious minority: Catholicism, Buddhism, Islam, etc.

I consider or I was told by a doctor that I have a disability

I took refuge in Moldova from another country because of danger there

None

Figure 2: Additional data about the profile of the surveyed children

Also, the respondents represent various groups and structures of children from the education system and the youth sector: Youth Centres (18), National Network of Local Youth Councils from Moldova (1), Children's Consultative Council attached to the People's Advocate for Child's Rights (9), District Youth Council (6), National School Students' Council of general education, 2023-2024 term (3), National School Students' Council of vocational and technical education, 2023-2024 term (2), School Students' Council (275).

Presentation of results

For most children (42%), the children's' right to express their opinion and involve in decision-making means, first of all, sharing an opinion about a situation, an event or anything that concerns them. For another 22%, this right means, first of all, the opportunity to participate in activities and events organized at school, in the community. 18% reported that influencing the decisions that adults make about things that concern them is exercising the right to express their views and involve in decision-making, and 15% consider that this right refers to making decisions independently with reference to things that concern them.

Boys and girls have divided opinions about the meaning of this right. Thus, boys rather consider that the right to express their opinions and involve in decision-making refers to participation in activities (29% compared to 19%), and girls say that this right refers to expressing an opinion about issues that concern them (46% compared to 36%).

When it comes to the children's right to participation, the number of those who consider that this right refers to participation in activities doubles (48%) largely due to children who, being asked the previous question, said that the right to express their opinions and involve in decision-making

refers to sharing their views. Students of vocational schools, colleges and centres of excellence are even more likely to have chosen the option that refers to participation in activities (51% compared to 46%). In contrast, another 17% of children studying in the vocational and technical education system (compared to 11% in the general education system) believe that child participation refers to independent decision-making.

Also, for both questions, influencing the decisions that adults make about things that concern me and children is a response given more often by children aged 16-18, compared to those aged 11-15: 23% compared to 15% for the first question and 15% compared to 9% for the second one.

The responses to closed-ended questions are also confirmed by those in which children described in their own words the meaning of rights.

Explaining through a statement what the right to express views and involve in decision-making means, most mentioned expressing an opinion on topics that concern children, some also added that influencing the decisions that are made is equally important:

- *'The children's right to express their views is when they say what they think.'*
- *'Children have the right to share their opinions freely.'*
- *'A child's opinion also matters in decision-making.'*
- *'Admitting the options of the child in resolving a conflict.'*
- *'It's about the child having the right to be listened to and having his or her opinion taken into account.'*

Many of the children emphasized that the right to express an opinion and involve in decision-making refers to forming an independent opinion, listening to and accepting all opinions, without judging the person based on his or her opinion:

- *'For me, the child's right to express his or her own view is the right of the child to share it and not be judged for it.'*
- *'To be able to have an independent opinion.'*
- *'The child can express his or her personal opinions without being subjected to pressure from other children or adults.'*
- *'When a child expresses his or her opinion and no one judges his or her decisions.'*

The analysis of the responses reveals that when they say that the right to participation refers to the opportunity to be part of activities, children also specify some aspects related to: the possibility of choosing independently which activities to participate in, of deciding whether or not to get involved and of being accepted, welcomed into these activities:

- *'To be allowed to participate in both school and extracurricular activities.'*
- *'The child's right to participation means the child's involvement in various events organized for children.'*
- *'The child should be informed about the activities that are taking place and be allowed to participate in them.'*
- *'The possibility to participate in something.'*
- *'The child's right to participation is the right to get involved, to do something with everyone, not to be left out.'*

A large number of definitions provided by children, as can be seen in the closed-ended questions, refer to expressing an opinion. These explain children's understanding of this aspect. In addition to expressing an opinion about things that concern them, we observe from the answers that for some children, expressing an opinion must be free from judgment, while others believe that the right to participation implies expressing an opinion about the activities that take place at school:

- *'The right of the child is to express him or her own views without being judged.'*
- *'The right of the child to participate means that he or she has the opportunity to express his or her views freely and without doubts.'*
- *'The child has the right to his or her own opinion and is active in activities.'*
- *'Free expression of opinion and his or her involvement in various activities.'*

Half of the children (50%) believe that adults take children's opinions into account when making decisions fairly and respectfully. 36% say that in these processes, there are things that could be done better by adults, and 19% say that adults are rarely or never fair and respectful when it comes to taking children's opinions into account when making decisions.

When asked what an adult should do to respect a child's right to participation, 78% of the children say that the most important aspect is to consult their opinion. Taking their opinion into account is important for 57% of the children. A large number of children (62%) say that it is equally important for the adult to help the child understand the subject they are being consulted about, if they do not understand.

When asked how much the suggestions offered by the council/group they are part of influence the activity of the institution that created/established this council/group, 83% say that this happens to a very large or large extent. The number of boys who share this opinion is lower than that of girls (77% compared to 89%). They also, more often than girls (13% compared to 6%), say that they do not know to what extent the suggestions of the group they are part of influence the activity of the institution.

Information and awareness-raising activities, as well as festive and cultural activities, are among the most important activities carried out by children over the past 12 months:

- *'Activity related to the topic: 'Combating human trafficking.'*
- *'Halloween for the first time, the freshmen's ball also for the first time at school.'*
- *'Activities to inform young people about changes during this period.'*
- *'The most important activity was the organization of the Career Fair.'*
- *'Teacher's Day.'*
- *'Involvement and organization of students to participate in various extracurricular activities.'*

These are followed by charity and volunteer activities in and outside the school environment.:

- *'The charity activity "From Heart to Heart".'*
- *'Mostly sanitation activities (at the cemetery) and Christmas caravans where we brought joy to families on Christmas Eve.'*
- *'Organization of a fundraising campaign to support a social cause.'*

For some children, the very process of establishing the School Students' Council is the most important activity, whether it is election of members or voting for the chairperson.

Representatives of some councils also mentioned activities aimed at consulting their peers' opinions, which they shared with duty bearers, although it is not clear whether this happened in all cases:

- *'Questionnaires to solve school problems.'*
- *'Development of a questionnaire on the topic 'Student-Teacher Relationship' that we sent to various schools in various regions of Moldova, thus we obtained around 1,000 responses, after which we made a report and presented it to the authorities.'*
- *'The national survey on the phenomenon of bullying in schools, after which this issue was analyzed and presented in the NSSC report and the opinion of 22,010 students from schools across the Republic of Moldova on the seriousness of the situation was brought to the attention of the Parliament and the Ministry of Education.'*

A large number of children could not recall any important activity from the past 12 months or considered that none were important.

- *'I don't know.'*
- *'I can't recall one at the moment.'*
- *'There were no activities that I could say were important.'*

There are cases where children mentioned activities that should only be carried out by adults because they involve a number of risks if left to children, such as: *'The greatest achievement was organizing and disciplining children during classes'* or they should not have been carried out under any circumstances, because they lead to discrimination against a group of children: *'Participation in a hackathon to arrange a reading room for minorities'*.

The decision to carry out these activities is made, for the most part, with children's participation. 87% of the children reported that their opinion was taken into account, a general opinion for other situations as well, in which children express their views.

However, the children reported that they were aware of cases where some children were rejected or not elected to the council/group for various reasons, such as: age (19%), grades (15%), family financial status (6%), sex (4%), health status, including the presence of a disability (4%), religion (3%), ethnicity (2%), migration status (1%).

Children also experienced or observed situations (at school, in the community or in other settings) where children's opinions were not listened to, clearly due to one or more of the following reasons: age (23%), grades (17%), family financial status (13%), sex (8%), health status, including the presence of a disability (8%), religion (7%), ethnicity (5%), migration status (3.5%).

To improve the respect for the right to express an opinion and involve in decision-making, children say that, first and foremost, children's views must be taken seriously (66%), being preceded by timely information about opportunities to express an opinion (40%) and providing more opportunities to express an opinion (36%). Children also consider adult guidance in this process to be important (33%), as well as the use of child-friendly language (29%) and clearer explanations of how children can contribute (28%).

XI. CONCLUSIONS

Legal framework

At present, the national legislation contains many regulations that reflect the provisions of Article 12 of the Convention, and in each of the three analyzed areas: education, youth, social protection, at least one form of child participation is regulated.

In the documents related to education, there is a more complex vision of child participation: from individual participation at class level to group participation at national level. Also in this area, there is a greater experience in facilitating the establishment of children's representation structures.

The youth sector is guided by documents containing key elements of Article 12 and has a separate entity established to ensure implementation of national policies, capacity-building of professionals in the field, and monitoring.

In social protection, several manners and structures for child participation have been identified. At present, specialists in the system are encouraged to consult the child's opinion at each stage of Case Management and are 'equipped' with a methodological guide for this purpose. The response of the Ministry of Labour and Social Protection makes clear that there are intentions to regulate certain consultation and representation structures at local and regional levels, but the intentions of the authorities for the revitalization of the national structure are not clear. Apart from the Case Management in the field of Child Protection and the Support Guide for its practical implementation, no other documents related to the legislation could be analyzed.

Transposition of Article 12 into legislation under different concepts: the right express an opinion, participation, participation in decision-making processes, participation in democratic processes, etc., leads to a different and often wrong understanding of its essence among both professionals and children. As a result, adults are not aware of all the conditions necessary for exercising this right and its purposes, and children cannot fully enjoy their right.

Although the Law on the Rights of the Child commits the state 'to create all appropriate and necessary conditions to empower children who act or aspire to act as human rights defenders' (through participation, including children acting as human rights defenders), not all sectoral policies fully transpose the provisions of Article 12, as detailed by the Committee in General Comment No. 12, in particular those concerning risk-sensitive participation, training-based participation, responsible participation.

In the youth sector, which includes children aged 14-17, neither the Youth Law, nor the regulations analyzed in this report, contain provisions on the training and education of children, which is one of the actions necessary to ensure participation of young people/children in the decision-making process.

The same Law defines several key actions and roles in the youth sector, including: youth activity, youth worker and youth policies. Although 'youth policies' are 'a set of principles, objectives and activities carried out by public authorities to improve the conditions of well-being and active participation of young people...', and the concept of 'youth activity' would cover, to some extent, participation of children through the phrase 'activity of a... civic nature', the youth

worker ‘provides support to young people in their personal, social and educational development in order to ensure their better integration into society’, the youth worker is not responsible for supporting children to promote their opinions related to their needs in dialogue with the authorities, to advocate for their rights, to request information, in other words to participate in decision-making.

For instance, in the education sector, (only) the regulation on the creation and functioning of the School Students’ Council includes a provision obliging the entity within which the council is created to appoint a methodological coordinator. This coordinator has the role to inform and guide the council during its establishment phase and then throughout its term. His or her duties are clearly described in the regulation. This is crucial taking into account the evolving capacities of the child, his or her position in relation to decision-makers.

It should be noted that the Youth Law states that the local public administration must develop tools that build participation skills of young people, but subsequently, this competency attributed to the (local) public administration is not operationalized in any other document.

Instead, the Youth Law also stipulates the key actions that the state has committed in order to ensure participation of young people in decision-making by: ‘recognition and validation of volunteer activities and their contribution to the development of the country’; ‘development of the network of peer educators in different areas concerning young people’. Inclusion of these actions as means to increase participation of children/youth, reflects a deficient understanding of Article 12 and the Comment. Participation, as defined by the Committee, refers to continuous dialogue between children and adults on any aspect that affects children and contributes to making a decision based on children’s opinions. Volunteer and peer activities are important, but they are different in nature and cannot be considered forms of participation, much less actions that contribute to children’s participation in decision-making, as this right is explained by the Committee.

There is no provision in sectoral policies about risk-sensitive participation and responsible participation. Consequently, no adults is held accountable for ensuring that children feel safe during participatory processes or that children will not experience negative consequences as a result of participation. Also, in the absence of regulations, institutions and professionals involving children in participatory processes are not responsible for informing children about how and to what extent their opinions influenced the decisions made. This lack, on the one hand, leaves room for tokenism on the part of adults, and on the other hand, discourages children from getting involved in other settings. Even when a decision is influenced by children, given the evolving capacities, children need support to monitor the impact of the opinion expressed. It is all the more important that those who consulted and listened to the opinion of children inform them if and/or why their opinions were not taken into account.

At the national level, two entities operating in the youth sector are to be established: the Youth Policy Commission and the National Youth Council. Both entities have a consultative role in the development, implementation, monitoring and evaluation of youth policies. More details are known about the Commission: it operates on the basis of a framework regulation approved by the central specialized body of the state. In fact, the local public administration can establish such a commission as well. As for the Council, it is not clear who establishes it, what its

composition is, how it is created and how it functions. According to the MER, it is a formalization of the collaboration between the Ministry and the National Youth Council from Moldova – a public association. According to the MER, this is a widespread practice in other countries.

The Youth Law also empowers young people to create a structure: the Local Youth Council. Such councils are informal structures representing young people at local level, and are established at the initiative of young people in the community or region. They are intended to ensure active participation of young people in local and regional life, especially in the decision-making process that concerns them.

The analyzed information shows that many members of the Local Councils are children and adolescents under the age of 19. Under these circumstances, unless local public authorities are proactive in forming the council, their establishment is often delayed. Given this fact, it is necessary to provide children with support and guidance, which must be foreseen and planned.

Also, based even on the Agency's response, many of activities of the Youth Centres are carried out in collaboration with Local Youth Councils. This means that either the same children/young people are involved in organization activities, or the same children/young people are beneficiaries of these activities, or both. Accordingly, there is an overlap of actions, although the role of these entities differs, and the activities are carried out by and/or for the same group of children.

Representativeness could also be discussed in the context of the National School Students' Council, which from 2024 will be a single body and will be established under to a new methodology: in general education, the School Students' Council delegates one member to the Regional Council, which in turn delegates one member to the National Council; while in vocational and technical education, the General Assembly of Students delegates students to the National Council. This methodology is described in details in the regulation and is promoted as one that empowers students to elect their representatives to the national structure.

However, the Ministry does not mention the mechanisms for ensuring the representativeness of groups of school students, which are often excluded from self-governance bodies of school students. Also, given that the age difference of the future members could be large (the youngest member could be 11 years old, and the oldest could be around 20, if he or she will represent vocational and technical education), there is a risk that there will be no fair opportunities for participation for elected members.

Moreover, the regulations governing the establishment of participatory structures across all analyzed areas do not include specific actions that explicitly encourage participation of marginalized groups.

Also, no clear mechanisms were identified for monitoring and evaluation of children's participation. The legal framework is focused more on the creation of participatory structures than on evaluating their functioning and impact.

Perceptions and capabilities of duty bearers

There are various opinions among practitioners and professionals regarding the children's right to express their opinion and involve in decision-making. While some believe that this right should be exercised whenever the child feels the need, others consider that the child's opinion is relevant only when it is asked by an adult. There is also a perception that, although children should be encouraged to express their views, adults are not necessarily obliged to take them into account. Some adults make children accountable for implementing solutions, which is conditional on the quality of the reasons presented by children.

Such views indicate that many adults who work with and for children have a limited and tokenistic understanding of the children's right to be involved in decision-making. However, the children's opinion is relevant whenever it is expressed by them, not only when the adult initiates the consultation; moreover, once a child was encouraged to express his or her opinion, the adult is obliged to provide feedback. The lack of such feedback can lead to the child losing confidence in decision-making processes, thereby reducing his or her motivation to get involved in the future.

Encouraging expression of views for the sake of '*developing this skill*' and simulating participatory processes for future situations in which decisions might be influenced only reinforces children's understanding that their voices have no value, which will discourage them from proposing initiatives or sharing their opinions when asked. Also, there is no specific age or situation from which a child's right to express his or her opinion can be respected, and until then this right is only exercised. At any age and in any context, there can be decisions that children can be encouraged to make or influence: from choosing what clothes to wear, to what a law concerning children should contain.

Adults should understand that participation is not just a symbolic exercise or a learning opportunity for children, but also a way for adults to benefit from authentic and relevant perspectives for solving community problems. In many cases, ignoring children's views leads to incomplete or inadequate solutions that fail to respond to their realities and needs.

Although, in explaining the provisions of Article 12, the Committee notes that the term of participation refers to ongoing processes, which include information exchange and dialogue between children and adults. Most professionals consider that the children's right to participation is distinct from the right to express their views, associating it with involvement in events or activities. This confusion may derive from the meaning of the verb 'to participate' (*Ro: a participa*) and the noun 'participation' (*Ro: participare*).

However, the existence of this confusion in a context where provisions of the national legal framework use the word 'participation' and related phrases with the same meaning like in the General Comment, suggests that these provisions are not understood by professionals. Consequently, limited understanding leads to limited actions, which affect the way in which adults comply with the provisions of Article 12 when it is transposed into the legal framework through the term 'participation'.

This is one of the factors that results in the situation in which the areas of influence of children are most often related to the type and manner of organizing an extracurricular activity, volunteer

activity, peer education or community activism. Few situations were identified in which adults listened/consulted and took into account children's opinions on how educational, social, health services could be improved, on solving specific problems already reported by children: the environmental crisis, waste management, sex education, bullying, public security, gender equality, nutrition, protection from discrimination, etc.

While many professionals in the education system reduce child participation in activities and events or their organization, professionals in the youth and social protection sectors overlap the children's right to express their opinions with education about the children's rights or child protection.

Also, involvement of school students in managing problematic behaviours of school students, such as smoking, conflicts between them and others, in addition to limited understanding of the right to participation, also implies that these professionals poorly assess the risks to which they expose children and they do not have all the skills required to play their role arising from their function.

According to the 'Guide of Good Practices of Good Governance and Participatory Budgeting at Local Level', participatory budgeting involves consulting citizens, organizing public meetings and using online platforms to collect proposals, and allows citizens to decide, by voting, which projects will be implemented with local budget funding.

In the context of child participation, the respondents shared another model of participatory budgeting. Typically, the school is a participant in a project implemented by the non-governmental sector, within which the initiative group/school students' council develops one or several project proposals that require funds to purchase goods or improve a space. The winning idea(s) is (are) implemented (by school students), while funds are usually provided according to the following formula: 50% from the project grant, and 50% from the school budget.

Participatory budgeting activities are perceived as the most successful and important experience of involving children in decision-making. The belief that significant participation can only occur when there are (external or own) funds available for children to manage in solving a problem, and that the problems addressed can be solved only through equipment and procurement, limits the range of problems that children can report and the exercise of the right to participation accordingly.

First, children have the right to express their opinions about a situation or a problem when it affects their quality of life and development, rather when money is available. Identification of funds should follow the identification of the problem, not the other way around. Second, there are problems that cannot be solved through procurement and equipment, because they relate to attitudes, behaviours of adults and institutional practices. Additionally, this model of participatory budgeting places the burden of solving the identified problems on the shoulders of children and discourages adults from fulfilling their roles and involving children in complex and systemic decision-making processes.

Employees in the social protection system also report that the social assistance they provide to families often consists of purchasing goods rather than consumables, even when families, including children, say that they would like to allocate a part of the budget for consumables. This

is determined by the monitoring mechanisms in the system, as indicators of provided assistance are the number and type of goods purchased for the household and their existence at the time of the commission's visit.

Although most professionals acknowledge that there are many situations in which decision-makers either do not take into account children's opinions, or do not listen to them at all, there are opinions that this situation is a 'disappointment, which is part of the process'. Such attitudes create the impression that the right to participation is seen as an option or as a whim of children to come up with requests not based on needs. This state of affairs is not surprising, given previous findings regarding wrong perceptions and knowledge of professionals regarding the right to participation.

Among all the surveyed professionals, only some from the education system reported having followed training on the right to participation, but which was limited to the ways of establishing school students' councils. Even so, there are people who said that the training took place too shortly before institutions were encouraged to hold elections, preventing proper organization of the process.

None of the professionals was informed or trained on the children's right to participation: what it consists of, what conditions adults must ensure for genuine participation, methods and tools for consulting children, how to support children in making their voices heard, etc. The fact that some people consider that training should be carried out primarily for children rather than professionals indicates that these professionals do not understand their role in ensuring this right.

The response of the National Youth Agency also does not reflect training for youth workers on this issue, even though, in its response, the Agency listed several training workshops. The Agency's response confirms that there is no clear distinction among professionals between the essence and value of the children's right to express their opinion and involve in decision-making in relation to other children's rights and/or the concept of children's rights. However, training on prevention of gender-based violence relates to children's rights to non-discrimination and protection from any form of violence, but it does not build any competency necessary for adults to create opportunities for children to participate and to support them in enjoying this right.

According to the same response of the Agency, the Training Workshop on Cooperation between Local Public Authorities (LPAs) and Youth Centres appears to aim at developing skills among youth workers and LPA representatives related to child participation, but, although the name of the activity contains the phrase 'Common Results and Priorities', 'the workshop activities highlighted the importance of cooperation between local public authorities and Youth Centers'. Accordingly, it is not clear whether specific examples of youth/children's participation in decision-making related to their community were shared, whether specific priorities were set in the short, medium or long term and what the continuity of this workshop was.

Between December 2023 and October 2024, additional training activities on this topic took place. The right to participation was again subject of discussions in the context of national electoral processes. This reduces practical implementation of the right to participation to electoral conditions - processes that take place every few years and are politicized. However, participation in decision-making must be systematic and based on the current needs identified by

young people/children. If the children's right to opinion and involvement in decision-making is addressed mainly in the context of electoral processes, this reinforces the belief that in the period between elections citizens have no opportunities to exercise their right, which is, among other things, contrary to the intentions of the authorities stated in the analyzed policies – to promote active citizenship.

The activity of the Youth Centres during the first part of the current year is rich in figures. Various activities are presented as part of the Participation Service/Programme. However they contribute to the development of certain skills among children, rather than to the exercise of the right to participation, as provided for in Article 12 of the Convention and not even as provided for in the Framework Activity Regulation of the Youth Centre, which defines the Participation Service/Programme in the light of Article 12 as: ‘encouraging and supporting the participation of young people in decision-making and democratic processes that concern them, as well as supporting various forms and structures of their participation’.

The listed activities are important, but they do not contribute to the understanding and exercise of the right to participation. Moreover, these activities do not contribute to achieving the objective of the Participation Service/Programme, as defined in the Framework Activity Regulation of the Youth Centre: ‘Youth Participation Service/Programme – encouraging and supporting the participation of young people in decision-making and democratic processes that concern them, as well as supporting various forms and structures of their participation’.

Perceptions and experiences of rights holders

Children themselves largely do not know what the right to express their views and involvement in decision-making consists of. Only 18% mentioned that in their opinion, this right refers to influencing the decisions made by adults on matters that concern children as well. This understanding is more comprehensive than that of the 42% of respondents, according to which children only have the right to express their views, without it being taken into account in decision-making. Likewise, similarly to adults, children consider that the right to participation is distinct from the right to express an opinion.

Regardless of how well children understand what this right consists of: whether it refers to children expressing their opinion, participating in events or in decision-making processes, they want to emphasize that acceptance of all children and their opinions, as well as the voluntary nature of participation, are essential characteristics of these processes.

When asked to what extent the suggestions provided by the council/group they are part of influence the activity of the institution that created/founded this council/group, 83% stated that this happens to a very large or large extent. However, given that information and awareness-raising activities, as well as festive and cultural activities, are among the most important activities carried out by children over the past 12 months, we can conclude that the opinions that children report as having been consulted and taken into account mainly relate to these type of activities.

Like adults, children also share, as examples of participation, activities, such as disciplining school students, in which they should not have participated.

Furthermore, there are discriminatory practices, whereby some children are not accepted as members of representative structures or their opinions are not taken into account due to one or more reasons such as age, academic performance, family financial status, sex, health status, including existence of a disability, religion, ethnicity, migration status. Children say that these criteria play a greater role when it comes to expressing an opinion than when it comes to forming a group. In fact, this confirms a pattern: a person or a group of people whose opinion are rejected on discriminatory grounds are less likely to access formal structures, thereby reducing the number of cases of non-election or rejection. This situation perpetuates a vicious circle of exclusion, in which marginalized children are not only deprived of the opportunity to express their opinions, but also are not regarded as equal partners in decision-making processes.

XII. RECOMMENDATIONS

To the Ministry of Education and Research

- Integrate into policy documents all standards of ethical and genuine child participation, as set out in General Comment No. 12 of the UN Committee on the Rights of the Child.
- Explicitly distinguish in policy documents the concepts of participation in decision-making from volunteering, community activism, peer education and others.
- Ensure initial and continuous training for management and teaching staff on child participation, methods of consulting children's opinions and their involvement in the school decision-making process.
- Ensure initial and continuous training for management and teaching staff on the 'evolving capacities' of the child and ensure child protection in participatory processes, as well as in others in which children are encouraged to engage – volunteering, peer education, etc.
- Review and strengthen school student participation mechanisms in school students' councils and school decision-making structures to avoid selection based on academic performance.
- Assign a pro-active role to the LPA in initiating establishment of the LYC and in ensuring the functioning of this structure, taking into account that some LYC members are children and they need additional support to participate, compared to older young people.
- Develop monitoring tools for the functioning of the NNLYCM and its efficiency in supporting LYC to participate in local decision-making processes.
- Empower LYC to represent the interests of young people in decision-making processes that affect the community.
- Clearly delineate the services/programmes provided by Youth Centres in order to avoid duplication of activities between them and Local Youth Councils.
- Ensure fair access for children with disabilities, children from ethnic minority groups or children with disadvantaged backgrounds to participatory structures in school and community.
- Introduce a monitoring and evaluation system to assess the level of children's participation in decision-making processes in the educational institution and community.
- Organize and promote information campaigns among children, parents and the general public on the right to, and importance of, children's participation in decision-making processes.

To the Ministry of Labour and Social Protection

- Operationalize the mechanism for consulting children's opinions at the national level in decision-making processes that concern them, according to the provisions of the National Plan for Child Protection 2022-2026.
- Train child protection specialists on methods of consulting and integrating children's opinions into case management processes.
- Approve and ensure implementation of the Framework Regulation on the organization and functioning of the Children's Consultative Council attached to the Territorial Social Assistance Structures.

- Strengthen protection mechanisms for child human rights defenders, preventing discrimination of, and negative consequences for them.
- Organize and promote information campaigns among children, parents and the general public on the right and importance of children's participation in decision-making processes.

To Local Public Authorities

- Support the establishment and functioning of Local Youth Councils by allocating financial and human resources to guarantee their effective functioning.
- Develop and apply tools for consulting children's opinions in local decision-making processes, including through direct consultations and surveys.
- Ensure transparency and regularly publish reports on how children's opinions were taken into account and how they influenced local decisions.

To the National Agency for the Development of Youth Programmes and Activities

- Ensure training for youth workers on child participation, evolving capacities of the child, methods for consulting children's opinions, their involvement in decision-making processes, as well as ensuring child protection in this process.
- Ensure children's participation in the youth sector based on the concept of 'evolving capacities of the child', respectively ensuring guidance and facilitation of children's participation by trained adults.
- Organize and promote information campaigns among children, parents and the general public on the right to, and importance of, children's participation in decision-making processes.

ANNEXES

Annex No. 1: Questionnaire for consulting children's opinions

Hi! Thank you for choosing to complete this questionnaire. Please, read the information below to understand who is inviting you to complete it, for what purpose, and where its results will appear.

This questionnaire is addressed to children who are members of councils and other groups where they can express their opinions. The questionnaire is part of a study initiated by the People's Advocate for Child's Rights (the Ombudsman). Your answers will help us find out what children think and know about their right to participate and how this right is respected.

In addition to children, adults who work with or for children also participate in the study. We developed other questions for them separately to find out what they think about how they support children to express their opinions and be heard.

All responses received will be analyzed to understand what works well and what needs to be improved so that respect for the children's right to participation is improved. The results of the study will be made public after 30 October and will be available on the website of the People's Advocate for Child's Rights: ombudsman.md

Thank you for your contribution!

How old are you? _____ (dropdown with options 11-17 years old)

What is your sex? (one option)

- Female
- Male
- Other
- I don't want to answer

What type of educational institution do you attend?

- Gymnasium / Lyceum
- Vocational School / College / Centre of Excellence

Which of the following statements are true about you? (multiple options can be selected)

- I belong to an ethnic minority: Bulgarian, Ukrainian, Roma, Russian, Polish, etc.
- I belong to a religious minority: Catholicism, Buddhism, Islam, etc.
- I consider or have been told by a doctor that I have a disability
- I sought refuge in Moldova from another country because it was dangerous there

Which council/group are you member of? (one option)

- School Students' Council
- District Youth Council
- Youth Centre

- National Network of Local Youth Councils from Moldova (NNLYCM)
- Children's Consultative Council attached to the People's Advocate for Child's Rights
- NSSC in general education
- NSSC in vocational and technical education
- Youth Klinik

In which district does the council/group you are member of operate? _____
(dropdown with district names + 'national' option)

What does the children's right to participation mean to you? (multiple options can be selected)

- Participation in an activity/event at school, in the community or elsewhere
- Expressing my opinion about a situation, an event or anything that concerns me
- Being able to influence decisions made by adults about issues that concern me
- Making decisions independently about things that concern me
- I don't know
- Other _____

How would you describe, in a few words, what the children's right to participation means?

What do you think about the way adults take children's opinions into account when making decisions about matters that concern them? (one option only)

- They do it correctly and respectfully
- It could be improved
- They rarely do it correctly and respectfully
- I don't think they do it correctly and respectfully

What do you think an adult should do to respect your right to participate? (multiple options can be selected)

- Ask for my opinion
- Make the decision without involving me
- Explain only the final decision to me
- Help me understand the issue I am asked about, if it is unclear to me
- Take my opinion into account
- I don't know
- Other _____

To what extent do you think that the suggestions offered by the council/group you are a member of influence the activity of the institution that created/founded it? (one option only)

- To a very large extent
- To a large extent
- To a small extent
- Not at all
- I don't know

Over the past 12 months, what was the most important activity carried out by the council/group you are a member of? (1 statement)

Over the past 12 months, what issue did your council/group discuss with adults or ask other children's opinions? (1 statement)

If a decision has already been made about the above issue, to what extent do you think children's opinions were taken into account? (one option only)

- To a very large extent
- To a large extent
- To a small extent
- Not at all
- I don't know

Have you ever felt that your opinion made a difference in the decisions that were made? (one option only)

- Yes, several times
- Yes, once
- No, never
- I don't know

Do you know cases where students were rejected/not elected to the council you represent because of: (multiple options can be selected)

- Grades (academic performance)
- Age
- Sex
- Family financial status
- Migration status (refugee)
- Health status (including disability)
- Religion
- Ethnicity
- I don't know
- Other reason _____

Do you know any cases where (at school, in the community or in other setting) children's opinions were not listened to because of: (multiple options can be selected)

- Grades (academic performance)
- Age
- Sex
- Family financial status
- Migration status (refugee)
- Health status (including disability)
- Religion
- Ethnicity

- I don't know
- Other reason _____

How do you think children's involvement in decision-making processes could be improved?
(multiple options can be selected)

- By taking our opinions seriously
- By providing timely information about opportunities to express our opinion
- By guidance from an adult
- By providing more opportunities to express our opinion
- By explaining more clearly how we can contribute
- By using child-friendly methods and language
- Other suggestions _____

How do you think children's right to express their views and participate in decision-making is respected in other places where you spend time, besides school? (for example, at home, within extracurricular activities, in the community) (one option only)

- It is very well respected
- It is respected, but could be better
- It is rarely respected
- It is not respected at all

Annex No. 2: Semi-structured interview for consultation with duty bearers

1. How do you define the children's right to participation? Which aspects of this right do you consider the most important?
2. In 2019, a report by a group of children from the Children's Platform 'The Right to Opinion: As Learned and Practiced at School' stated: 'most frequently, students associate the SSC with the following phrases or words: solving problems in the institution, the opinion of all school students, moral and physical development activities, games, advice, team, communication. For most school students, the most representative activity of their council is a festive event: themed evening, dance evening, concert, etc. In the few cases where the SSC consults the opinion of school students about what can be improved at school, the subject of discussions include tree planting and other sanitation and environmental care activities, school students' dress code at school, leisure activities or nutrition for students in middle school classes.'

What are the areas of influence of the council/group you coordinate?/ In which decisions can children from the council/group you coordinate be involved? How much did the situation change compared to 2019?

3. What are the main challenges you encounter when trying to include children in decision-making processes? How do you manage these challenges?
4. The same children's report states that 'most often, school student councils are composed of students with high grades, 'exemplary' behaviour, or who participate in various activities/circles within or outside school and in academic competitions. Usually, these are class leaders, responsible for maintaining discipline, for transmitting the class teacher's messages to classmates; they are also called the 'right hand' of the teacher. Compared to the total number of students, only a few have high grades/are top performers, which means that many students have no chance to become council members.'

What is the current profile of School Students' Council members? How much did it change compared to 2019?

5. Which children are less represented in the council/structure you coordinate? What do you think are the reasons? What do you do to increase representativeness?
6. The same children's report indicates that 'some school students know situations where one of their classmates did not have the courage to run for council or was told that he or she could not be a council member for the following reasons: low grades, young age and another reason, such as sex, family financial status, religion, ethnicity.'

Who and what should do to reduce discrimination and increase the representativeness of all school students in self-governance bodies? What does your institution do in this regard?

7. Can you describe an experience in which you supported the council/group in making an important decision? What went well? What did you find difficult? What was missing?
8. Can you give us an example of an action carried out or a decision made by the institution you represent that took into account the suggestions of the council/group you coordinate?
9. How do you perceive the general attitude of your classmates and other professionals you work with towards the children's right to participation? Is there support or resistance in implementing this right?
10. Which of your classmates supports you in coordinating/guiding the council/group?
11. What type of training or resources do you consider necessary to improve your competencies in supporting the children's right to participation? Did you attend such training? If so, what aspects were the most useful?
12. To what extent do you think the children you work with understand their right to participation? What steps did you take to increase their awareness?
13. What changes would you like to see in your institution's policies or practices to improve the real involvement of children in decision-making?
14. What changes would you like to see in regional and national policies or practices to improve the real involvement of children in decision-making?
15. What was the most important issue consulted with the general NSSC and NCVTES in the previous year? How did this consultation influence any decision made by the MER?
16. What do you think needs to be changed at the policy or practice level regarding the participation of the NSSC in the decision-making processes of the MER?