



**Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD  
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**WRITTEN REPLIES BY THE GOVERNMENT OF THE REPUBLIC OF  
MOLDOVA TO THE LIST OF ISSUES (CRC/C/MDA/Q/3) PREPARED  
BY THE COMMITTEE ON THE RIGHTS OF THE CHILD IN  
CONNECTION WITH THE CONSIDERATION OF THE THIRD  
PERIODIC REPORT OF THE REPUBLIC OF MOLDOVA  
(CRC/C/MDA/3)\***

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## PART I

1. According to Government Decisions No. 283 as of 14 March 2007 on the Approval of the Structure, Staffing and Regulations on the Organization and Function, the Ministry of Social Protection, Family and Child, the central specialized body of the public authority, subordinated to the Government, was commissioned with the basic functional competences in the area of protection of the family and children's rights, including the area of adoption, equality of chances between women and men, prevention and combating of domestic violence and human being traffic.

2. Among the attributions of the Ministry in the area of protection of the family and children's rights there are:

(a) Development and improvement of the legislative regulatory framework of protection of the family and children's rights, including orphans and those remained without parents' care;

(b) Conduct of studies and analyses of the social policies implemented in the area of protection of the family and children's rights, assessment of the outcomes of the implementation and drafting reports, suggestions and recommendations on the improvement of the corresponding situation;

(c) Ensuring the development of the mechanisms of social protection of the family with children, access of the child and the family to qualitative social assistance services;

(d) Methodological support of the development of the community actions focused on the prevention of the child's entrance in the system of residential care and maintaining him/her in the family environment;

(e) Development and monitoring of the application of the minimal quality standards by types of services directed to the child in need;

(f) Coordination of the activity of full guardianship and partial guardianship and of the protection of the rights of the orphan children and those remained without parents' care;

(g) Promotion of measures of prevention of the violence against the child;

(h) Coordination, together with the central and local public authorities, international bodies and non-governmental organizations, of the implementation of the social programs of protection of the family and child;

(i) Provision of methodological assistance for rayon, municipality and Gagauz Territorial Autonom Unit (Gagauz-Yeri) directorates for social assistance and protection of the family to social assistants under the mayor's offices and the social associations providing relevant services;

(j) Ensuring, together with the Ministry of Foreign Affairs and European Integration, the repatriation and protection of children abandoned by their parents outside the country;

(k) Drafting periodical reports on the application of the UNO Convention on the children's rights at the national level.

3. The staffing of the central office of the Ministry of Social Protection, Family and Child includes 74 units operating in the following structure: the Management, the Minister's Office (with the statute of a directorate), the Directorate for Policy Analysis, Monitoring and Assessment, the Directorate for Social Assistance, the Directorate for the Policies of Social Protection of the Disabled Persons, the Directorate for Social Insurances Policies, the Directorate for Family and Child Protection, the Directorate for Equal Opportunities and Violence Prevention, the Directorate for Economy and Finance, the Division for Adoptions, the Division for Human Resources and Secretariat, the Informational Technologies Service, the Legal Service.

4. For the financing of the activity of the Central Office of the Ministry in 2007 MDL 3,421.5 thousand were appropriated from the State Budget and in 2008 - MDL 4,640.9 thousand.

5. The Ministry cooperates with the Parliament as part of the parliamentary commissions and plenary meetings with the Ministry of Education and Youth, the Ministry of Health, the Ministry of Justice, the Ministry of Economy and Trade, the Ministry of Finance, the Ministry of Internal Affairs, the Ministry of Local Public Administration, the Ministry of Foreign Affairs and European Integration, the General Prosecutor's Office, the National Office of Statistics, as well as with the local public authorities, organizing and participating in the Collegiate Councils and Working Groups on the topics of the inter-sector competence.

6. To revitalize the activity of the National Council for the Protection of the Rights of the Child as a consulting body for the coordination of the activity in the area of protection of the children's rights within various authorities and institutions, the Ministry promoted a government decision through which the nominal structure of the Council was updated, so that on 13 November 2008 its first meeting with the new structure was carried out.

## **Family Code**

### ***The under-aged parents' right to live together with their child and to participate in his/her education:***

#### **Article 59.** Rights of the under-aged parents

(1) The under-aged parents shall have the right to live together with their child and to participate in his/her education.

### ***The right to adoption complemented with the right to ask for dissolution of the adoption***

#### **Article 137.** Right to ask for dissolution of the adoption

(1) The right to ask for the dissolution of the adoption of a child shall belong to: his/her parents; his/her adoptive parents; the spouse of the adoptive parent, in case the adoption was concluded without his/her consent, if this consent was required in accordance with the law; the adopted child who has reached the age of 14 years; the guardianship authority; the prosecutor.

(2) Individuals and legal entities other than those mentioned in para. (1) shall not have the right to ask for the dissolution of the adoption.

**Article 141.** Effects of the adoption cease

(1) Once the adoption is ceased, all personal non-patrimonial and patrimonial rights and obligations between the adopted person and his descendants on the one hand and the adoptive parents and their relatives on the other hand shall be annulled, and the rights and obligations between the adopted person and his/her descendants on the one hand and his/her parents and the natural relatives of the adopted person on the other hand shall be re-established.

(2) In case the adoption shall be dissolved, the court of law shall be able to oblige the adoptive parents to provide maintenance in the amount and in the manner stipulated in this code.

***Types of separation from parents: loss of the parent's rights and taking the child without the loss of the parent's rights***

**Article 67.** Loss of the parent's rights

Parents may lose their parent's rights if:

- (a) They evade from exercising of the parent's duties, including payment of the maintenance pension;
- (b) They refuse to take the child from the maternity hospital or from another health care, educational, social assistance institution or another similar to these;
- (c) They abuse of the parent's rights;
- (d) They behave cruelly with the children, applying physical or psychological violence, infringe on the child's sexual inviolability;
- (e) Through a immoral behaviour, they influence negatively the child;
- (f) They suffer from the chronic alcoholism or from drug addiction;
- (g) They committed premeditated crimes against the life and health of the children or of the spouse as well as;
- (h) In other cases when it is required by the child's interests.

**Article 68.** Modality of loss of the parent's rights

- (1) The loss of the parent's rights shall be applied only through a trial.

**Article 69.** Effects of the loss of the parent's rights

(1) The child whose parents (one of them) have lost the parent's rights shall keep the right of using the housing and all the patrimony rights founded on the relationship with his/her natural parents and relatives, including the right to succession.

**Article 71.** Taking the child without the loss of the parent's rights

(1) On the request of the guardianship authorities, the court can decide to take the child from the parents without their loss of parent's rights if the fact of the child staying with the parents presents dangers for his/her life and health and placing him/her under the guardianship authorities.

(2) In the exceptional cases, if there is an imminent danger for the life and health of the child, the guardianship authority can decide to take the child from his/her parents, communicating this fact to the prosecutor within at most 24 hours.

(3) In cases stipulated in para. (2), the guardianship authority shall commence a court proceedings within 7 days on the loss of the parent's rights or taking the child from his/her parents without them losing these rights. If this requirement is not fulfilled, the child shall be returned to his/her parents.

(4) The requirement of taking the child from the parents without them losing the parent's rights shall be examined with the obligatory participation of the guardianship authority.

**Civil Code**

***Legal capacity before reaching the age of 18 years through the emancipation***

**Article 20.** Full legal capacity of the individual

(1) The full legal capacity shall start once the individual shall reach the majority age, i.e. the age of 18 years.

(2) The under-aged shall obtain the full legal capacity through the marriage. The dissolution of the marriage shall not affect the full legal capacity of the under-aged. In case the marriage shall be declared invalid, the court of justice shall be able to take the full legal capacity from the under-aged spouse from the moment established by it.

(3) The under-aged, who reached the age of 16 years, may be considered to have full legal capacity, if he/she is working on the basis of an employment contract or carries out entrepreneurial activity with the consent of his parents, adopter or tutor. The full legal capacity (emancipation) shall be conferred to a minor through the decision of the guardianship authority, with the consent of both parents, adopter, or guardian. If such consent is lacking, then the full legal capacity shall be provided through a law court decision.

***The right of the children aged between 7 and 14 years and 14-16 years to conclude some legal acts without the participation of the legal representatives***

**Article 21.** Legal capacity of the under-aged who has reached the age of 14 years

(1) The under-aged who has reached the age of 14 years shall conclude the legal acts with the consent of his parents, adopters or tutor, and in cases provided by the law and with the consent of the guardianship authorities.

(2) The under-aged who has reached the age of 14 years shall have the right without the consent of his/her parents, adopters or tutor to:

- (a) Administer the salary, scholarship or other incomes resulted from his/her own activities;
- (b) Exercise the author's right over a scientific, literary or art work, over an invention or another result of the intellectual activity protected by the law;
- (c) To make deposits in the financial institutions and to administer these deposits in accordance with the law;
- (d) To conclude the legal acts provided in Article 22 para. (2).

(3) On the basis of the serious reasons the under-aged shall be liable to limitations of his/her rights stipulated in para. (2) letter a) and b) by the legal court, on the request of the parents, adopters or tutor or of the guardianship authority.

**Article 22.** Legal capacity of the under-aged who has reached the age of 14 years

(1) All legal acts for and on behalf of the under-aged until he/she shall reach the age of 14 years shall be concluded only by the parents, adopters or tutor, under the conditions provided by the law.

(2) The under-aged 17 to 14 years old shall have the right to conclude independently:

- (a) Current low-value legal acts which shall be executed at the moment of their conclusion;
- (b) Free-of-charge legal acts for some benefits which shall not need the notary's authorization or state registration of the rights generated by these;
- (c) Conserving acts.

***Right to inheritance of the child just conceived***

**Article 1433.** Successors

(1) The heirs shall be in case of:

(a) A testament succession, persons who were alive at the moment the person who left the testament died, as well as those who were conceived during the life of the person who left the inheritance and were born alive after his/her death, regardless of the fact whether they were his/her children or not, as well as the legal persons which shall have the civil legal capacity on the moment the person who left the inheritance died;

(b) Legal succession, persons who were alive at the moment when the person who left the inheritance died, as well as the children of the person who left the inheritance conceived during his/her life and born alive after his death.

7. According to the Decision of the Plenary Meeting of the Higher Court of Justice of the Republic of Moldova on the Legal Practice in Criminal Cases Relating to the Under-Aged No. 39 as of 22.11.2004, the criminal cases on the under-aged are judged by a court panel formed of highly experienced judges, specialized in this area and appointed to judge such cases through the order of the president of the legal court. It is preferable that these panels judge also the cases regarding the administrative offences committed by the under-aged.
8. During the criminal case, together with the circumstances stipulated in Article 96 of the Code of Criminal Procedure the following issues shall be established as well:
  - (a) The degree of intellectual, volition and psychological development of the under-aged;
  - (b) The particularities of the character and temperament of the under-aged;
  - (c) The interests and needs of the under-aged;
  - (d) The influence of the adults and other under-aged persons on the under-aged;
  - (e) The causes and conditions which have contributed to the commitment of the offence.
9. The establishment of the aforementioned circumstances shall be mandatory both for the criminal prosecution body, and for the legal court. To establish these circumstances a social enquiry is ordered in respect of the under-aged in accordance with Article 475 para. (2) the Code of Criminal Procedure.
10. Before hearing the under-aged, a teacher or a psychologist shall be entitled, with the consent of the legal court, to formulate questions to the defendant under-aged, and at the end to consider the answers and to lay down the observations in written form in respect to the fullness and correctitude of the records, mentioning about this in the minutes of the court hearing.
11. In case there shall be doubts as regards the state of responsibility or the ability of a just perception of the circumstances relevant for the criminal case, the medical legal examination shall be required: psychological or psychiatric or psychological psychiatric. In this respect, the legal court may hear an infant and adolescent psychology expert (psychologist, social assistant, teacher).
12. During the settlement of the claims against the actions of the criminal prosecution body, of the requests in respect of the authorization of the criminal prosecution actions and of the application of the procedural coercion actions against the under-aged, as well as during the settlement of the issues relating to the execution of the punishment by the under-aged, the investigating judges shall strictly check the application of the legal provisions regulating the rights and freedoms of the under-aged.
13. It is necessary that the legal courts study and generalize systematically the legal practice in the cases regarding the under-aged to obtain the improvement of the efficiency and the quality of the trial act in the respective proceedings.

14. At the same time, in 2006 there was developed an interactive training course in the area of juvenile justice, for the police officers, judges and prosecutors, with the participation of the international experts and specialists from the Higher Magistrate's Council, the Ministry of Home Affairs, the Higher Court of Justice, the General Prosecutor's Office.

15. According to the information of the Higher Court of Justice at the issuance of the adjudgement in respect of the under-aged, the judicial practice registered the antecedents of foundation of the decisions on the legal norms of the Convention on the Rights of the Child.

16. Through Government Decision No. 1219 as of 9 November 2001, the nominal structure of the National Committee for Combating the Human Beings Traffic and the National Action Plan for Combating the Human Beings Traffic 2005-2006 were approved, which, among the special actions for combating the children traffic, included:

(a) Improvement of the coordination of all actions of combating the traffic and efficient cooperation between all the subjects involved in the fight against the human beings traffic, especially the children traffic;

(b) Review and amendment of the legislation in accordance with the requirements of the international instruments, ratified in respect of the improvement of the protection of children that are the victims of the traffic;

(c) Organization of the conferences and trainings in the problem of the children traffic with a view to the consolidation of the capacities of the relevant institutions and staff to combat all the aspects of the children traffic;

(d) Provision of social, psychological, legal and medical assistance for children vulnerable to the traffic and their families as well as for the children victims of the traffic and their families;

(e) Establishment and support of the assistance centres for children victims of the traffic;

(f) Under Government Decision No. 472 as of 26.03.2008 the National Plan of prevention and combating the human beings traffic for 2008-2009, which was developed together with the relevant ministries and civil society, considering the regional standards and experience in the activity of prevention and combating the human beings traffic. In this context the protection of the children's rights is specifically reflected through the strategic aim relating to the improvement of the capacities of the government and non-government institutions to prevent and combat the children traffic.

17. In order to ensure the transparency in the activity of the Ministry of Social Protection, Family and Child and the coordination of the activities and programs of international bodies in the area of social protection, working sessions are organized once a week in the office of the Ministry, attended by their representatives.

18. At the same time, the Ministry of Social Protection, Family and Child signed:

(a) Cooperation Memorandum between the Ministry of Social Protection, Family and Child and the Social NGO Network;



(b) Tripartite Memorandum of Understanding between the Ministry of Social Protection, Family and Child, UNICEF representative office in Moldova and the Swiss Foundation “Terre des Hommes” in Moldova;

(c) Cooperation Agreement between the Ministry of Education and Youth, Ministry of Social Protection, Family and Child, Ministry of Health, Ministry of Local Public Administration, Ministry of Internal Affairs and the Children’s High Level Group (London).

19. Besides, the central public administration authorities with competence in promotion of child’s rights contributed to the organization of many conferences, seminars and thematic trainings on child’s rights protection, prevention of abandonment, reform of residential child’s care system, prevention and fighting of children trafficking, adoption, prevention and combating of juvenile delinquency, promotion of a healthy life style (prevention and fighting of drug addition, alcoholism, smoking, sexually transmitted diseases) etc.

20. For observance of best interests of the child principle, ensuring of child’s harmonious development and promotion of child’s fundamental rights, the activity of the Government now is focused on overcoming the following main problems children are facing: social abandonment of children by parents who left for employment abroad; school drop-out and low social-educational inclusion of disabled children; abuse and violence towards and among children; unsatisfactory development of primary and specialized social services for children in difficulty; access to qualitative health care services of pregnant women in prenatal period, during and after child delivery; irrational nutrition of children within family and in general, child’s health is not yet a major priority for parents; behavior disorders with high risk for health among adolescents and young people (smoking, alcohol, drugs, sexually transmitted diseases).

## **PART II**

21. In addition to the legal and regulatory acts stated in the first and second periodic report of the Republic of Moldova for 2000-2006, the following legal and regulatory acts, relevant for child’s rights protection, have been adopted/approved so far.

- Law No. 295 as of 21.12.2007 on the Approval of the National Development Strategy for 2008-2011.
- Government Decision No. 191 as of 25.02.2008 on the Approval of the Action Plan for Implementation of National Development Strategy for 2008-2011.
- National Health Policy, approved through Government Decision No. 886 as of 06.08.2007.
- Strategy for Health System Development for 2008-2017, approved through Government Decision No. 1471 as of 24.12.2007.
- National Program for Healthy Life Style Promotion for 2007-2015, approved through Government Decision No. 658 as of 12.06.2007.

- National Strategy of Reproductive Health, approved through Government Decision No. 913 as of 26.08.2005.
- National Immunization Program for 2006-2010, approved through Government Decision No. 523 as of 16.05.2006.
- National Mental Health Program for 2007-2011, approved through Government Decision No. 353 as of 30.03.2007.
- National Program for Eradication of Disturbances Caused by Iodine Deficit by 2010, approved through Government Decision No. 539 as of 17.05.2007.
- Law on HIV /AIDS Prevention No. 23-XVI as of 16.02.2007.
- National Program on Prevention and Control of Hepatitis B, C and D for 2007-2011, approved through Government Decision No. 1143 as of 19.10.2007.
- Law No. 120-XVI as of 29.05.2008 on Amendment and Addition to Family Code that comprises a range of important stipulations, both in terms of child's rights protection and ensuring of sustainability of child's protection system reform:
  - In order to strengthen the institutional framework, in particular as regards the work of guardianship authorities, there is regulated an efficient separation of the structures equipped with the corresponding responsibilities on all administration levels. This is the first step in revising and strengthening the work of guardianship authorities.
  - The right of the child to protection is expressly ensured not only against abuse but also against corporal punishment.
  - The priority of family protection forms or the similar for children left without parental care is established. It is stated against the current provisions when the children are rather placed in state residential institutions.
  - Provisions on new protection forms for children left without parental care (professional parental assistance/foster care) and at the same time, the number of children placed in family-type homes for children is aligned to the international minimum quality standards.
  - For the first time in the primary legislation on child and family protection, the state competent authorities are empowered to monitor and assess the situation of children for whom a certain form of protection was established with the purpose of reintegration in the family.
- Government Decision "On the Approval of the Amendments and Additions Made in Some Government Decisions", approved during Government session from November 5, this year. This Decision stipulates the amendments and additions to Government Decision No. 688 as of 10 June 2003 "On the Structure and Staffing of Mayor's Offices from Villages (Communes), Towns (Municipalities)" and to Government Decision

No. 689 as of 10 June 2003 “On the organigrams and staffing of the rayon chairperson’s office, divisions, sections and other sub-divisions of the Rayon Council” and includes the transfer of the position of main specialist for child’s rights (responsible inclusively for guardianship /trusteeship) from the General Division for education, youth, and sports to the Division for social assistance and family protection.

- Based on the amendments and additions made through the Law No. 56-XVI as of March 20, 2008 and Law No. 1349-XIII as of October 17, 1997 on Parliamentary Lawyers, and in compliance with Parliament Decision No. 57-XVI as of March 20, 2008, the institute of parliamentary lawyer for child’s rights protection was legislated (Child’s Lawyer); he/she performs his/her duties in order to guarantee the observance of child’s constitutional rights and freedoms.
- Under the streamlining of social assistance system and its orientation towards the neediest people, so that to provide them with guaranteed minimum monthly income through social support delivery established in line with the assessment of global average monthly income of the family and the need of its members for social assistance, the Law No. 133-XVI as of June 13, 2008 on Social Benefits was adopted.
- Law No. 45 as of 01.03.2007 on Prevention and Combating Domestic Violence.
- Government Decision No. 1167 as of 16.10.2008 on the Approval of the Regulation on the Manner of Establishment and Payment of Social Benefits.
- Government Decision No. 784 as of 09.07.2007 on the Approval of National Strategy and Action Plan on the Reform of the Child Residential Care System for 2007-2012.
- Government Decision No. 954 as of 20.08.2007 on the Approval of National Strategy on Community Actions for the Support of Children in Difficulty for 2007-2009.
- Government Decision No. 995 as of 03.09.2007 on the Approval of the National Community Action Plan for the Community Actions for the support of children in difficult situations for 2007-2009.
- Government Decision on the Approval of the National Action Plan in the area of prevention and combating the violence against the child for 2009-2011.
- Law No. 180-XVI as of 10.07.2008 on the Work Migration, containing the legal norms in respect of the protection actions for the children whose parents leave abroad for a long period.
- Government Decision No. 450 as of 28.04.2006 on the Approval of the Minimal Quality Standards of Care, Education and Socialization of the Child in the Temporary Shelters.
- Government Decision No. 823 as of 04.07.2008 on the Approval of the Minimal Quality Standards for Social Services Provided in the Shelters for Disabled Children.

- Government Decision No. 824 as of 04.07.2008 on the Approval of the Minimal Quality Standards for Social Services Provided in the Day Centres for Disabled Children.
- Government Decision No. 1019 as of 02.09.2008 on the Approval of the Minimal Quality Standards for the Social Services Provided by the Maternal Centres.
- Government Decision No. 1018 as of 13.09.2004 on the Approval of the Framework Regulations of the Temporary Shelter for Children.
- Government Decision No. 1361 as of 07.12.2007 on the Approval of the Framework Regulations on the Professional Parental Assistance Service (foster care).
- Government Decision No. 24 as of 10.01.2007 on the Approval of the Regulations on the Way of Employment of the Social Assistants.
- Government Decision No. 1064 as of 18.09.2008 on the Approval of the Amendments and Completions Introduced in Some Government Decisions, stipulates the introduction of the amendments and completions in Annex No. 3 of Government Decision No. 381 as of 13 April 2006 “On the Conditions of the Remuneration of the Staff from the budget units under the Single Tariff Network”, having as the legal effect the increase of the salaries of the community social assistants by about 50 per cent.
- Government Decision No. 460 as of 24.03.2008 on the Approval of the Amendments Introduced in the Government Decision No. 1478 as of 15 November 2002, regulates the way the indemnities for the families with children with their mothers detained in the penitentiary institutions are established and paid, which are established as from 01.01.2008.
- Government Decision No. 314 as of 17 March 2008 on the Approval of the Regulation on the Use of the Financial Means from the State Budget with a view to Organization of the Recreation and Rehabilitation of Children during the summer 2008, particularly of the children from the socially vulnerable families.
- Government Decision No. 948 as of 07.08.2008 on the Approval of the Regulations on the Procedure of the Repatriation of the Children and Adults Victims of the Human Beings Traffic, Illegal Migrants Traffic, As Well As of the Stray Children.
- Government Decision No. 1177 as of 31 October 2007 on the Establishment of the Commission for the Protection of the Child in the Difficult Situations (gate keeping) and the Approval of the Framework Regulations of its activity.
- Through Order of the Minister of Social Protection, Family and Child No. 45 as of 13.06.2008 there were approved the operation regulations for:
  - The Centre of Social Rehabilitation and Protection of the Children under the Risk
  - The Day Centre for Children with Special Educative Requirements

– The Boarding School for Children with Mental Disabilities

- Through Order of the Ministry of Social Protection, Family and Child No. 71 as of 03.10.2008 there was approved the instruction on the case management of the child in the difficult situation, which represents a guide for the social assistant and includes the practical methodology of identification, initial and complex assessment of the case, development and review of the individual assistance plan.
- In 2007 the Ministry of Social Protection, Family and Child together with Every Child Consortium developed and distributed to the territorial structures of social assistance the guide for practical application “Development of the Social Services Intended for the Child and the Family”, focused on the methodologies of prevention of the child institutionalization and family support and reintegration services.

22. At the same time, the following draft regulations and legislative acts were developed:

- (a) Draft Code of Education;
- (b) Draft Law on the Legal Statute of Adoption (passed by the Parliament after the I reading);
- (c) Draft Government Decision on the Minimal Quality Standards for Professional Parental Assistance Service (foster care);
- (d) Draft Government Decision on the Establishment of the Automated Informational System for the Protection of the Child. This informational system will be the basic tool for the national record keeping and monitoring of all children in difficult situations, as well as of the social services they need or already benefit;
- (e) Draft Strategy on the Establishment of the Continuous Professional Formation System for the Staff Employed within the Social Assistance System;
- (f) Draft Government Decision for the Approval of the Strategy on Establishment of an Integrated System of Social Services for 2008-2012;
- (g) Draft Government Decision on the Adoption of the Strategy on the Social Inclusion of the Disabled People;
- (h) Draft Law on the Amendment and Completion of the National Legal Framework (particularly of the Penal Code, the Code on the Administrative Offences, the Code on the Penal Procedure and the Civil Procedure) with a view to its harmonization with the provisions of the Law No. 45 as of 01.03.2007 on the Prevention and Combating of the Domestic Violence, as well as the Promotion of the Coercion Mechanisms for the Acts of Neglect, Molestation, Abuse or Discrimination Committed to Children etc.

23. At present the Republic of Moldova implements 2 projects in the secondary education.

*The project “Education for everybody - Quick Application Initiative”, supported with the Catalytic Fund and implemented in the early education sector*

24. With a view to the improvement of the activity of the preschool institutions, the Ministry of Education and Youth managed:

(a) To develop and to approve the Conception and the Curricula on the education and training of the children between 1-7 years;

(b) To increase considerably, through the contribution of the local public administration authorities, the number of children aged 5-7 years integrated in the compulsory school preparation (up to 85% against 42% in 2000);

(c) To increase the number of the operational preschool institutions: from 1.135 kindergartens with the number of children of 108.315 in 2000 to 1.334 kindergartens with the number of children of about 120.000 children in 2008;

(d) To assess over 100 rural settlements which do not have kindergarten, to revitalize 33 kindergartens in the rayon centres and to open 15 community centres for children and parents;

(e) To supply with the didactical materials and furniture 33 repaired kindergartens and 15 inaugurated community centres. Preschool institutions are being supplied with furniture, toys, and didactical materials amounting to other MDL 16 million;

(f) To prepare 120 professionals in order to implement the system of mapping the preschool institutions from the country, to endow with the special equipment all 35 general directorates for education, youth and sport.

*The project “Quality education in the rural environment from Moldova”, supported financially by the World Bank*

25. Laboratory equipment and didactical materials were also supplied to 1,190 educational institutions in the rural environment - high schools, general secondary schools, secondary schools of which about 300 thousand pupils benefited. At the same time, about 10 thousand didactical staff from the rural environment were trained.

### **PART III**

26. In the table below is presented the information about the dynamics and trends of the main indicators of financing of educational and health system during the period between 2006 and 2008.

**Table 1**  
**The main funding indicators of the education institutions**

	Unit of measurement	2006	2007	2008
Total per education	MDL thousand	3 605 798.9	4 269 439.9	4 931 675.8
Among which:				
Preschool education:	MDL thousand	526 893.0	735 871.0	942 981.6
• Nutrition norm (day/person)	MDL	6.0	7.0	7.0
Secondary education:	MDL thousand	1 937 144.0	2 275 252.8	2 759 576.7
(a) Primary, secondary, high-school (52, 53, 55, 337, 338)	MDL thousand	1 576 760.8	1 795 094.0	2 068 660.4
• Hot breakfast (I-IV forms) (day/person)	MDL	2.0	3.0	4.0
(b) Secondary vocational (59, 60, 61, 32)	MDL thousand	124 988	160 229.3	188 050.3
• Nutrition norm (day/person)	MDL	0.0	5.0	5.0
• Scholarship amount (month/person)	MDL	120.0	200.0	200.0
(c) Boarding schools (56, 57, 58)	MDL thousand	151 685.0	145 145.4	160 887.0
• Nutrition norm (day/person)	MDL	15.0	18.0	20.0
Specialized Secondary Education:	MDL thousand	188 863.3	208 553.5	218 382.0
• Scholarship amount (average monthly amount)	MDL	165.0	223.0	223.0
• Nutrition norm (day/person):	MDL			
• Orphans	MDL	16.0	19.0	19.0
• Children under guardianship	MDL	8.0	11.0	19.0
Higher education:	MDL thousand	594 691.8	646 346.5	642 447.7
• Scholarship amount (average monthly/person)	MDL	220.0	296.0	296.0
• Nutrition norm (day/person):	MDL			
• Orphans	MDL	16.0	19.0	19.0
• Children under guardianship	MDL	8.0	11.0	19.0
Post Graduate Education:	MDL thousand	56 854.2	63 462.7	63 655.5
• Scholarship amount (month/person):	MDL			
• Doctoral students (average monthly/person)	MDL	575.0	575.0	575.0

*Note:* The expenditures are presented by the state budget and budgets of the administrative-territorial units, including capital investments in construction.

**Table 2**  
**The dynamics of expenditures for health care from the State budget for 2006-2008**

	2006 executed		2007 executed		2008 specified	
	Million MDL	% in total	Million MDL	% in total	Million MDL	% in total
The Health Care State Budget, million MDL	1 541.7	100.0	1 836.9	100.0	2 086.5	100.0
of which:						
Service for Children Rehabilitation and Recovery	36.7	2.4	56.7	3.1	85.6	4.1

27. During the reference period, the law enforcement bodies received over 355 claims related to physical abuse of children. Thus, in 2005, 90 cases on child abuse were recorded, 137 in 2006, and 128 in 2007.

28. The parents' negligence causes in many cases violence, traumatism, and even death of children. According to the data of specialized health care institutions, 1500 cases of burns of children are registered every year and 99% are direct consequences of the lack of parents' supervision. In some case, children become victims of parents' aggression, cruelty, and criminal violence.

29. The services for the assistance of children victims of abuse and neglect are still poorly developed, being provided at an appropriate level only within "Amicul" Centre for psychological and social assistance of the child and the family, the beneficiaries of which are mainly children from Chisinau municipality.

30. According to the data provided by "Amicul" Centre the number of the children who benefited from the social, psychological, legal and re-socialization assistance services is: in 2005 - 62 children, 2006 - 52 children, 2007 - 65 children.

31. According to the statistics there were placed in 2007 - 1507 children, in 2006 - 1555 children, in 2005 - 1620 children, in the Minor Temporary Placement Centre of the Ministry of Internal Affairs.

32. Taking into account the importance of the problem, the status of juvenile criminality prevention and combating, the situation of children that need special protection of state and civil society, the promotion of the juvenile justice system, on 20 March 2006, the Prosecutor General signed the Order on the Prosecutor's activity in the area of child rights protection.

33. Through the abovementioned order, the territorial and specialized prosecutors were obliged to undertake additional measures in order to intensify the activity in the area of legislation execution and accurate observance with respect to child rights protection, to juvenile criminality prevention and combating. Through the same order, the territorial prosecutors appointed prosecutors responsible for the applying of the envisaged legislation in field, entitling them with special tasks in this area.

34. The weight of (legal) artificial interruption of pregnancies among adolescents aged between 15-19 countrywide in the reporting period (2005-2007) is decreasing and varies between 9.4 and 8.9%, while in municipalities it increased from 8.8 to 9.5%.



**Table 3**

**Data on abortions among adolescent women in the Republic of Moldova, 2005-2007**

Period	Total number of abortions in the country (abs. cases)	Out of them, total number of abortions, municipalities (abs. cases)	Including, artificial (legal) abortions (abs. cases)	The share of artificial (legal) abortions among adolescents aged between 15 and 19 (%)	Total number of artificial (legal) abortions in municipalities (abs. cases)	The share of artificial (legal) abortions among adolescents aged between 15 and 19 from municipalities (%)
2005	16 642	4 986	5 276	9.4	1 551	8.8
2006	15 742	5 124	4 749	9.0	1 514	9.3
2007	15 843	5 978	5 255	8.9	2 023	9.5

35. During 2005-2007, the rate of sexually transmitted diseases among adolescents showed a slow decrease for syphilis, gonorrhoea and genital herpes, both among boys and girls, while trichomonas and clamidiosis cases for both sexes is increasing.

**Table 4**

**Data on the rate of sexually transmitted diseases among teenagers (2005-2007)**

No.	Nosology forms	The share of teenagers of the total number of reported sick people (%)		
		2005	2006	2007
1.	All forms of syphilis, including in teenagers:	18.4	12.84	12.72
	Men	11.89	9.16	8.86
	Women	17.19	17.49	17.31
2.	Gonorrhoea, including in teenagers:	23.8	18.05	15.11
	Men	19.33	16.42	13.11
	Women	26.11	23.45	20.73
3.	Trichomoniasis, including in teenagers:	18.2	19.50	19.76
	Men	16.99	16.08	18.17
	Women	18.6	20.52	20.30
4.	Clamidiosis, including in teenagers:	7.16	8.7	9.43
	Men	5.71	4.88	8.87
	Women	8.05	10.88	9.68
5.	Genital herpes, including in teenagers:	23.67	22.97	17.73
	Men	18.42	17.13	16.55
	Women	25.79	25.57	18.31

36. According to the data provided by the Republican Narcology Center, in the country the number of adolescents suffering from alcoholism, drug addiction and use for whom a medical record is kept, remained at the same level during 2005-2007.

37. In the official records of the Republican Narcology Center there are no adolescents with tobacco hearts, but according to the data obtained from sociological surveys carried out by this institution during 2006-2007, among the pupils and students from Chisinau, it was found out that

approximately 53.5% of them smoke, and almost 61.9% of them started to smoke at the age of 14. The inquiries undertaken among the pupils from 9-11 grades demonstrated that almost 87.2% have knowledge about the harm from smoking, but it is superficial.

**Table 5**

**Data on the drug use, cases of drug and alcohol addiction registered among adolescents**

	2005					2006					2007				
	Total cases (abs)	Urban area		Rural area		Total cases (abs)	Urban area		Rural area		Total cases (abs)	Urban area		Rural area	
		F	M	F	M		F	M	F	M		F	M		
Drug addicts	14	-	11	-	3	15	-	10	-	5	12	-	9	-	3
Drug users	293	-	275	-	18	244	-	233	-	11	161	-	153	-	8
Alcohol addicts	1	-	-	1	-	1	-	-	1	-	1	-	-	1	-

38. The National Mental Health Program for 2007-2011, approved through Government Decision No 353 as of 30.03.2007, has been drafted in line with the Mental Health Action Plan for Europe and the Mental Health Declaration for Europe. Both of them were launched at the WHO Conference on Mental Health, Helsinki, on 12-15 January 2005.

39. According to the statistical data, in the last 3 years an increase of the incidence of mental and behavior disorders was noticed countrywide, both in the rural and urban environment (table 6). In the nosological structure, both in terms of incidence and prevalence, the first are the non-psychotic states (neurosis, cerebral organic disorders, behavior disorders etc.), that account for almost 70.0%. According to the National Mental Health Program for 2007-2011, for servicing this population of children in the future, multidisciplinary groups made of psychologists, psychotherapists, logopedists, psychiatrist pediatricians are planned, included in the structure of the municipal and rayon Community Mental Health Centers.

40. Most of the children suffering from mental and behavior disorders study in general schools, high schools, and those with psychic disturbances study in special schools or social recovery centers.

**Table 6**

**Data on the mental and behavioral disorders among children under the age of 18**

Name Indicator	Total urban area						Total rural area						Total Republic of Moldova					
	2005		2006		2007		2005		2006		2007		2005		2006		2007	
	Abs. case	Per 100,000	Abs. case	Per 100,000	Abs. case	Per 100,000	Abs. case	Per 100,000	Abs. case	Per 100,000	Abs. case	Per 100,000	Abs. case	Per 100,000	Abs. case	Per 100,000	Abs. case	Per 100,000
Incidence	634	328.6	974	538.1	1 283	730.22	3 800	527.63	4 100	616.4	3 977	622.8	4 434	485.60	5 102	602.86	5 261	646.08
Prevalence	4 073	2 111.5	4 586	2 533.7	4 872	2 772.9	16 198	2 249.1	15 723	2 364.0	15 013	2 351.3	20 306	2 223.8	20 347	2 404.2	19 891	2 442.7
Primary case dispensary group	351	181.9	319	176.24	244	138.87	1 192	165.5	1 207	181.48	1 115	174.6	1 543	168.9	1 529	180.67	1 359	166.9
Population dispensary group	3 031	1 571.3	2 941	1 624.9	2 686	1 528.7	9 954	1 382.1	9 708	1 459.6	9 096	1 424.6	12 988	1 422.4	12 650	1 494.7	11 782	1 446.9
Primary case consultative group	217	112.5	241	133.1	293	166.7	653	90.67	616	92.62	490	76.74	870	95.28	882	104.2	784	96.3
Population consultative group	943	488.9	979	540.88	1 053	599.3	3 877	538.32	3 562	535.56	3 296	516.21	4 822	528.09	4 549	537.5	4 353	534.6

41. The criteria for determining the poverty threshold are specified in Annex 2 to Law nr. 398-XV as of 02.12.2004 on the Approval of 2004-2006 Economic Growth and Poverty Reduction Strategy.
42. During the implementation period of the EGPRS, the poverty monitoring and assessment system was established and approved by means of Government Decision no 851 as of 15.08.2005. Thus, according to this system, the Ministry of Economy and Trade develops and publishes each year the Report on Poverty and Policy Impact, aimed at supplying some analytical information for poverty assessment and further policy development.
43. According to the data of the National Bureau of Statistics, in 2007, the poverty rates considerably decreased by 4.4 percentage points as compared to 2006. This is the conclusion of the Survey on basic indexes of poverty assessment in 2007, carried out by the Ministry of Economy and Trade in tandem with the National Bureau of Statistics. The survey is usually carried out in October-November each year.
44. Despite the fact 2007 was a hard year for the Republic of Moldova given the drought recorded on the territory of the country, the welfare level of the population of the country has generally risen. The material aid, provided by the Government and other States and international bodies, as well as the incomes obtained from the overseas workers were the basic factors to decrease the negative impact of the 2007 drought.
45. According to the survey, in 2007, the number of poor persons decreased by 16 thousand in comparison with 2006. Thus, last year, 25.8% of the total amount of the population recorded a lower level of consumption than the absolute poverty threshold estimated at MDL 839.3. The absolute poverty threshold means the amount of all expenditures for foodstuffs, non-food goods and services. In 2006, the absolute poverty threshold amounted to MDL 747.4, while the weight of persons under the level of this threshold was 30.2%.
46. Another basic index calculated under this survey is the extreme poverty threshold, which covers the monetary value of a food basket. In 2007, the extreme poverty threshold amounted to MDL 453.9, while in 2006, it summed up to MDL 404.2. The weight of persons under this threshold is very low in the Republic of Moldova and it covers only 2.8% of the total number of the population.
47. In 2007, the indicator under consideration decreased by 1.7 percentage points in comparison with 2006. In general, the factors to cause the decrease of poverty level in the country were as follows: the higher economic development potential, especially in urban area, growth of the level of work remuneration, retirement payments. Remittances had a significant role in maintaining the population's welfare.
48. The most vulnerable categories of the population subjected to poverty are numerous households and those with many children, households which live from incomes obtained from agricultural activities, old people. In this context, it is necessary to promote some social inclusion policies of most vulnerable categories of the population, develop some proper methods for the identification of the poor population, and direct social benefits mainly to the poor.

49. The results of the survey confirmed one more time that the poverty level in rural areas is higher than in urban localities. Thus, experts of the Ministry of Economy and Trade forecast an on-going decrease of extreme poverty rate. If the current rate of social-economic development of the country is the same during the following years, the problem of extreme poverty could become irrelevant for the Republic of Moldova.

50. The number of children is an important factor that determines the level of poverty. The poverty level increases together with the growth of the number of children in families. The highest poverty rates are recorded in households with 4 and more children. Poverty rate in such households is 2.4 times higher than in households with one single child and it accounts for 53%. Their weight in the total number of households is very low, of only 2.4%. It is worth mentioning that over 40% of families in the country have no children.

51. In 2006, 32.8% of the total number of children lived in absolute poverty conditions (27.4% - 2007). There is a higher incidence of poverty for children aged 5 to 9 years, with a rate of 35.7% in 2006 and for children aged 10 to 14 years old, with a rate of 29.2% in 2007 is higher. The risk of children to live in poverty is higher in the rural environment, where the absolute poverty threshold was by 11 percentage points higher than in cities in 2006 and by 15 percentage points in 2007. There is a high poverty level among children under 5 years of age - 34.3% in 2006 and 28.3% in 2007, especially of children from the rural environment - 46.1% and 35.4%, respectively. This is due to the fact that most young families from rural localities do not have equivalent land areas, their chances to employment are low, a great deal of them work on a day-by-day basis. Children belonging to other age categories are less subjected to poverty, even if its level remains high.

**Table 7**  
**Poverty level, %, 2006**

	Total		Urban		Rural	
	Absolute poverty	Extreme poverty	Absolute poverty	Extreme poverty	Absolute poverty	Extreme poverty
Population - total	30.2	4.5	24.8	4.1	34.1	4.7
Children	32.8	5.4	25.6	5.1	37.0	5.5
Under 5	34.3	6.6	19.1	4.2	46.1	8.5
5-9	35.7	5.9	29.2	5.6	39.0	6.1
10-14	29.9	4.2	26.5	4.6	31.7	3.9
15-17	32.6	5.5	27.9	6.2	35.4	5.0

Source: MET, based on HBS data.

**Table 8**  
**Poverty level, %, 2007**

	Total		Urban		Rural	
	Absolute poverty	Extreme poverty	Absolute poverty	Extreme poverty	Absolute poverty	Extreme poverty
Population, total	25.8	2.8	18.4	1.2	31.3	3.9
Children	27.4	3.2	18.2	2.0	33.2	4.0
Under 5	28.3	3.7	18.2	1.5	35.4	5.2
5-9	27.0	3.5	13.7	2.5	34.4	4.1
10-14	29.2	3.7	21.7	2.7	33.4	4.3
15-18	25.1	2.2	18.2	1.4	30.2	2.8

*Source:* MET, based on HBS data.

52. Data on crimes with sexual character committed against minors, during the last three years are presented in the following table.

**Table 9**

	Art. 171 (Penal Code) - rape	Art. 172 (Penal Code) - violent actions with sexual character	Art. 173 (Penal Code) - coercion to actions with sexual character	Art. 174 (Penal Code) - sexual rapport with a person under the age of 16 years old	Art. 175 (Penal Code) - perverse acts	Art. 201 (Penal Code) - incest
2005	62	29	-	14	16	-
2006	56	19	3	23	23	-
2007	43	19	1	32	27	2

53. During this year there were 2 registered cases of pandering of minors, namely obtaining benefits from prostitution practiced by a person (Art. 220 PC). Out of the total number of 458 documented cases of persons who practiced prostitution, in 178 cases the persons proved to be under-age (16-17 years old).

**Table 10**

**Crimes stipulated in Art. 206 (Penal Code) - (child trafficking),  
for the period 2005-2007**

	2005	2006	2007
Total registered crimes	42	57	41
Total number of victims	51	58	46
Victims girls	36	44	40
Sexually exploited girls	-	9	-
Boys exploited through labour	-	-	7
Girls exploited through labour	-	2	-
Boys begging	-	-	5
Girls begging	-	6	-

54. Most frequent cases of trafficking in human beings are directed toward the following countries: Turkey, Dubai (Arab Emirates), Cyprus and Italy, and less frequently: Yugoslavia, Croatia, Bosnia and Herzegovina, Kosovo, Austria, Russia and Ukraine.

**Table 11**

**Crimes stipulated in Art. 207 (illegal smuggling of children)  
Penal Code, for the period 2005-2007**

	2005	2006	2007
Total registered crimes	16	7	10
Total number of children	-	8	-
Girls victims	10	4	3

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