# CONSOLIDATION OF THE CHILD PROTECTION SYSTEM IN THE REPUBLIC OF MOLDOVA

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**Abstract**

*The child protection system should promote, protect and fulfil the rights of all children. Thus, it is utmost important that the authorities are able to provide qualitative, coherent and sustainable social services in order to prevent and minimise abuse, neglect, exploitation and violence against children.*

*In this context, the right-based approach is applied to analyse the child protection system in the Republic of Moldova. An overview of legal and institution framework as well as the financing of the protection system is presented. Additionally, the protection of children's rights and the implementation of Strategy for child protection for the years 2014-2020 are analysed.*

**Keywords:** *human rights, children's rights, the child protection system, right-based approach*

## 1. INTRODUCTION

The UN Convention on the Rights of the Child (1989) maintains that the goal of child protection is to promote, protect and fulfil children's rights to protection from abuse, neglect, exploitation and violence.

Child protection is one of the priority areas for the Republic of Moldova, which requires a lot of investment, whether it is qualified human resources or financial resources. With the ratification of the UN Convention on the Rights of the Child, state authorities have pledged to ensure respect for the rights of all children, to promote policies that contribute to the well-being of children and families, and to ensure the continuity and sustainability of reforms in this area as well as a better quality of life for children.

The reconsideration and transformation of this system, in order to identify alternative solutions to outdated practices for the placement of children in residential institutions, which proved to be practices contrary to the principles of the UN Convention on the Rights of the Child, began in 2007. The National Strategy for the Reform of the Residential Child Care System for 2007-2012 and the Action Plan have contributed to a significant reduction in the number of institutionalized children through their reintegration into biological or extended families, placement in family substitution services. As a result of the reform, the number of residential institutions also decreased, but this did not mean that the reform was over.

In this context, the main goal of this research paper is analyzing the child protection system of the Republic of Moldova through a right-based approach. In our opinion, the right-based approach is the most appropriate way of analysing the child protection system, as from this perspective a child protection system is based on a government's obligations to respect, protect and fulfil the right to protection of all children. Such system is based on the following principles: everyone has the right to participation; non-discrimination and inclusion of all children, regardless of their or their parents' legal identity and residency status; every child is treated with dignity and respect; sensitivity to children's ages and their stage of development, recognizing children's individuality and differences, an absolute focus on the child and the promotion of the child's best interests is the primary consideration; the system builds on the strengths of children, families and communities; evidence of how children of different ages, gender and background are affected by violence, abuse, exploitation [12].

This research consists of three parts: the characterization of the child protection system of the Republic of Moldova, the analysis of normative framework and the protection of children's rights in the Republic of Moldova as well as evaluation of the implementation of the Republic of Moldova's strategy for child protection.

## 2. THE CHILD PROTECTION SYSTEM OF THE REPUBLIC OF MOLDOVA AS A MAIN TOOL OF PROMOTING CHILDREN'S RIGHTS

The national legal framework on child protection is based on international law on the rights of the child. The Republic of Moldova has ratified the main international conventions on the rights of children and persons with disabilities.

The Constitution of the Republic of Moldova is the fundamental document that regulates the right of family and child to protection, including guaranteeing the right to life and physical and mental integrity, ensuring social assistance and protection, protection of mothers, children, orphans and young people, protection of persons with disabilities, the right to health care and the right to live in a safe environment [2].

The current legislation stipulates that children acquire full exercise capacity when they reach the age of majority - 18 years. At the same time, the legislation provides for the acquisition by children of certain rights and responsibilities under this age, including: criminal liability - from 14 years, enrolment in compulsory education - up to 16 years, the right to be consulted on decisions concerning them - from 10 years old. The legislation of the Republic of Moldova contains general regulations on the protection of children's rights (Constitution of the Republic of Moldova, Family Code, Law on the Rights of the Child), as well as specific regulations on child protection and social services, addressed to them.

The Family Code emphasizes the prioritization of family or similar forms of protection for children left without parental care, so that the guardianship authority must ensure the maintenance or reintegration of the child left without parental care in the biological family or if this is not possible - in the extended family [3].

The Law on the Rights of the Child establishes the legal status of the child as an independent subject and provides for the provision of his physical and spiritual health. The law pays special attention to the social protection of children, who are deprived of their family environment or are in particularly difficult circumstances [5].

The adoption of a child is regulated by the Law on the Legal Regime of Adoption, which provides for procedures relating to the national and international adoption of children. The Law on the Special Protection of Children at Risk and Children Separated from Parents regulates the procedures for identifying, assessing, assisting, referring, monitoring and recording children at risk and children separated from their parents [8].

The Law on social assistance establishes legal relations within the social protection system, social integration through diversification and development of the network of social services, including for children and families: children and young people, whose health, development and physical, mental or moral integrity are impaired in the environment in which they live; families who do not properly fulfil their obligations regarding the care, maintenance and education of children; low-income families; families affected by domestic violence; families with three or more children; single-parent families with children; other people or families in difficulty [6].

The Law on Social Services establishes the general framework for the creation and operation of the integrated system of social services, determining the tasks and responsibilities of central and local public administration authorities, other legal entities and its ability to provide social services and protection, the rights of the beneficiaries of social services [9].

The Law on the accreditation of social services aims to improve the quality of social services provided to all categories of beneficiaries, including families and children [10].

The Law on Preventing and Combating Domestic Violence contains important provisions on domestic violence and its forms and establishes the institutional framework, assigning specific responsibilities to the competent authorities. The law provides for the creation of assistance centers for victims of violence, as well as an efficient mechanism for resolving cases of violence, complaint procedures, and enforcement of protection orders and isolation of the family aggressor [7].

In order to ensure the special protection of children at risk and children separated from their parents, the instructions on the intersectoral cooperation mechanism have been approved. It permits to identify, assess, assist and monitor child victims and potential victims of violence, neglect and exploitation. The instructions establish the cooperation mechanism and the responsibilities of the central and local public authorities, institutions and services within or subordinated to them, which work in the fields of social assistance, education, health care, in the process of identification, evaluation, assistance and cross-sectoral monitoring of cases of violence, neglect, exploitation, trafficking in children, as well as the prevention of these phenomena through social assistance, education, public order and medical services.

Strategy for child protection for the years 2014-2020 was approved in order to continue and improve reforms, ensure respect for and promotion of the rights of the child and achieve the best standards and practices in this area. The objective of the Child Protection Strategy is to develop and streamline the protection system for families with children at risk and for children in difficulty [4].

Currently, there are several sectoral strategies for children with disabilities, children in conflict with the law, child trafficking, child and family problems and children from ethnic minority groups.

In the Republic of Moldova, at the level of central public authorities, there are several institutions and structures, with direct attributions and competences regarding the protection of children's rights: Ministry of Health, Labour and Social Protection, Ministry of Education, Culture and Research and Ministry of Internal Affairs.

The Ministry of Health, Labour and Social Protection is the central authority for child protection, which exercises the function of central guardianship authority. This ministry has various responsibilities in the field of social assistance for children and families, including: it elaborates and improves the normative framework, monitors its implementation; ensures the access of children and families to quality social assistance services; Ensures the development of the social protection mechanisms of the family with children; coordinates and monitors adoption activities; promotes measures to prevent violence against children; coordinates, jointly with central and local public authorities, international bodies and NGOs, the implementation of social programs for the protection of the family and the child.

At territorial (district) level, the structure with direct responsibility for the social assistance of the child and the family (created within the local public authorities of the second level) is the Directorate / Section for social assistance and family protection / Municipal Directorate for the protection of children's rights (in mun. Chisinau), which acts as a territorial guardianship authority. These structures apply policies in the field of social assistance, consolidate, develop and provide social services for families with children at risk, coordinate and carry out interventions in the case of families and children in difficulty, monitor the situation of children placed in services, etc.

In some districts, specialized public services have been created - Child and Family Social Assistance Centres, within the Directorates of Social Assistance and Family Protection. These centres provide methodological and practical assistance in implementing policies at the local level and provide social assistance services to families with children and children at risk.

The mayors of villages (communes) and cities have the role of tutelary authority within the local public authorities of the first level. The responsibilities of the local guardianship authority are exercised directly or through the specialist in the protection of children's rights, employed within the mayor's office. The position of specialist in the protection of children's rights was established, starting with January 1, 2014, in accordance with the Law on Special Protection of Children at Risk and Children Separated from Parents. However, currently there are only a few specialists employed in this

position, the reason being the lack of financial resources, which were not provided in the budgets of the first level administrative-territorial units..

At the community level, social assistance to children and families at risk is provided by the community social assistance service. In order to address the intersectoral approach to the protection of children's rights, councils for the protection of children's rights have been created at all administrative-territorial levels:

- at the central level - the National Council for the Protection of the Rights of the Child, led by the Deputy Prime Minister, having as members Deputy Ministers of the Ministries with responsibilities in the field of child protection. This governmental body aims to ensure the development and implementation of policies for the protection of the rights of the child and the family;
- at district level - District / municipal councils for the protection of children's rights. These are bodies set up by the second level administrative-territorial units, in order to implement national strategies and programs, to elaborate local policies on child protection and to coordinate the activity of local structures in this field;
- At the local level - Local councils for the protection of children's rights. They are set up by local public authorities at the first level, in order to address the complex, multidisciplinary approach to the problems faced by children and to identify solutions for the protection of children in the community.

In the context of ensuring the upbringing and education of children in a family environment and preventing their institutionalization, in 2007 the Commission for the Protection of Children in Difficulty was created on district level, which is an independent body with an important role in preventing the separation of the child from the family. The Commission is empowered to analyse the situation of the child and to issue the opinion on the approval of measures for the protection of the child in difficulty, as well as their monitoring.

At the local level, other structures are active, which adopt decisions regarding: children at risk, children with disabilities, children with special educational needs, children left without parental care, children in conflict with the law. Members of these structures must have specific qualifications. There is also a Parliamentary Advocate for the Protection of the Rights of the Child in the country [11].

The formal system of social protection in Moldova has two major components: state social insurance and social assistance. Social insurance is the set of social insurance payments (pensions, allowances). Social assistance is provided through the delivery of social assistance payments and social assistance services. Most of the money is for social insurance - about 65% of total spending on social protection and social assistance is 35%. This share has remained constant in recent years.

The role of state social insurance is to guarantee an income in the situation when it cannot be obtained through work. The guaranteed risks are: unfit working age, unemployment, maternity and early childhood care, illness and disability. Every year, about 15 types of social security payments reach approximately 776 thousand people. Most of the money goes to pay pensions, about 85% of total social security expenditures.

The role of social assistance is to provide temporary support, eradicate poverty and promote social inclusion. Social assistance is provided when the person or family is exposed to a situation of risk or vulnerability. The nature of the vulnerabilities considered by the social assistance system varies from year to year. These may be related to: the financial condition of the person or family, physical and health status, family status (orphans or lonely people), occupational status, exposure to situations of violence, abuse and exploitation, people with addiction or deviant behavior. The set of measures offered to these people are of two types: social payments and social services.

The money for social assistance is mostly (94%) spent on social assistance payments, only 6% of the funds are for social services. Social assistance payments remain fragmented, the value of payments is small, respectively the impact on welfare is insignificant and the system is difficult to manage. Social

services are critically under-financed in Moldova, the responsibility for establishing, developing and financing social services lies with local public authorities. The way of financing social services is the transfer of funds from the State Budget to the Budgets of the Territorial Administrative Units (BUAT). The local public authority decides how these funds are distributed depending on local priorities. Delegated powers are funded differently, including social assistance payments and payments for education services. These costs are covered by special purpose transfers from the State Budget. The development of social services financed by general transfers is inhomogeneous and inconsistent.

The coherent, homogeneous, sustainable and relevant development of the social services network must be a priority for central public authorities. The state must make clear what commitments it makes to social services, what are the rules for the provision of services, to drive the development of the private sector in the provision of services. Today, the authorities make significant efforts to establish the network of social services by: developing operating regulations and quality standards, by establishing mechanisms and determining those responsible for accreditation and control, the methodology for calculating the cost of social services. But all these efforts are just a waste of resources if the money for the provision of these services is not allocated, and the provision of services by the private sector is discouraged [14].

## 3. ANALYSING NORMATIVE FRAMEWORK AND THE PROTECTION OF CHILDREN'S RIGHTS IN THE REPUBLIC OF MOLDOVA

The children's rights are protected in the Republic of Moldova by international and national laws. First of all, we should mention the Declaration of the Rights of the Child, adopted by the UN on November 20, 1959, which the Republic of Moldova joined in 1993. This international document plays a decisive role in the protection of the rights of the child.

The declaration proclaims that every child must benefit from a social protection, granted by law, capable of ensuring a healthy development, physically, intellectually, morally, spiritually and socially, in conditions of freedom and dignity. In addition, every child has the right to name and nationality, to social security, including food, housing, leisure and medical care, to a harmonious development of his personality. Moreover, every child has the right to free and compulsory elementary education, to protection from any form of cruelty and exploitation, the right to protection against racial, religious or other discrimination. Finally, the declaration stipulates the right of children with disabilities to treatment, education and care necessary for their condition.

Secondly, the main national laws of the Republic of Moldova that stipulates children's rights are the Constitution and the Family Code.

The Constitution's articles refer generally to human rights; still some of them stipulate particularly children rights.

Article 35, which refers to the right to education, is ensured through: compulsory general education, high school and vocational education, higher education and other forms of training. Additionally, it says that state education is free and all forms of education are equally accessible to all, on the basis of merit.

Article 48, which refers to "The family" specifies the rights of children for upbringing, education and training that should be ensured by parents.

Furthermore, Article 49 refers to the protection of the family and orphaned children. It stipulates that the state facilitates formation of the family; protects maternity, children and young people; ensures maintenance, training and education of orphans and those without parental care.

Finally, Article 50 provides that the mother, children and young people have the right to special help and protection. All children, including those born out of wedlock, enjoy the same social protection. Children and young people shall enjoy special assistance in the exercise of their rights. The state grants the necessary allowances for children and aid for the care of sick or disabled children. The public authorities ensure conditions for the free participation of young people in the social, economic,

cultural and sports life of the country [2].

From Family Code's point of view, children are all citizens under 18 years old. This national law supplements the Constitution with more specific context.

Article 51 specifies the child's right to housing and family education. It says that every child has the right to live in the family, to know his parents, to benefit from their care, to cohabit with them, except in cases when this is contrary to the interests of the child. Moreover, the child has the right to education on the part of the parents, to the development of the intellectual capacities, to the freedom of thought and conscience, to the defense of dignity and honor. In the case of children separated from their parents, the child's rights to care and education are ensured by the legal representative.

Article 52 refers to the child's right to communicate with parents and other relatives. The child has the right to communicate with both parents, grandparents, siblings and other relatives. The dissolution of the parents' marriage, its nullity or their separate living does not affect the rights of the child. If the parents have a separate home, the child has the right to communicate with each of them. In the case of children whose status as a child temporarily left without parental protection has been established, at the request of the child or parent (s) (with the child's consent), the territorial guardianship authority ensures the quarterly visit of the parent / parents by the child.

In the same context, article 53 from Family Code stipulates the right of the child to be protected. The child is guaranteed the protection of his / her legitimate rights and interests. The protection of the legitimate rights and interests of the child is ensured by the parents or the persons who replace them, and in the cases provided by law - by the local / territorial tutelary authority or by other competent bodies. The child has the right to protection against abuse, including against corporal punishment by the parents or persons replacing him / her. In case of violation of the rights and legitimate interests of the child, including by non-fulfilment or improper fulfilment by the parents (of one of them) of the obligations of maintenance, education and training, or in case of abuse of parental rights, the child may address independently of the local / territorial guardianship authority for the defence of its legitimate rights and interests, and from the age of 14 - of the court.

Additionally, article 54 guarantees the child's right to express an opinion. The child has the right to express his / her opinion when solving problems that affect his / her interests in the family and to be heard during judicial or administrative debates. The opinion of the child must be taken into account, according to his age and degree of maturity, if it does not contradict the interests of the child.

Furthermore, other articles of Family Code stipulate the children's rights to family name and surname (art.55), patrimonial rights (art.57) and right to reparation for material and moral damage (art.$57^1$). The child has the right to a family name and surname. The child acquires the family name of his parents. Moreover, the child is the owner of the income obtained, of the goods received as a gift, inherited or acquired in another way, and of all the goods procured from his means. The child has the right to compensation for material and moral damage caused by damage to bodily integrity or health, by violation of personal non-property rights as a result of violence, neglect, exploitation or evasion in any other way of parents to exercise their rights and obligations parents, who have harmed the life and health of the child, as well as by the non-fulfilment or improper fulfilment by a public authority or institution of the obligation established by the normative acts in order to protect against the risk of a certain harm [3].

Thirdly, the National Law of children's rights nr.338 (1994) guarantees in more detailed terms the protection of children's rights. Thus, the law specifies the fundamental rights of the child such as: the right to life, the right of the child to a name and citizenship, the right to the inviolability of the person, protection against physical and mental violence, the right to the defence of dignity and honour, the right to freedom of thought and conscience, the right to intellectual capacity, the right to education , the right to work, the right to rest and the right to association in public organizations.

Moreover, the third chapter of the law stipulates children's rights in the context of the family: the obligation of the parents to give birth to a healthy child, the right to housing in the family, the rights of the child living separately from the parents, the responsibility of the family for the child, the right to

living space and the right to property.

In addition, this law specifies the children's rights in unfavourable and extreme conditions. The entire chapter IV refers to the protection of orphans and children left without parental care, maintenance of children in state institutions for children, rights of children with disabilities, rights of children in exceptional situations, the right of the child to refugee status, protection of the rights of the child in case of liability, protection of children's rights in educational institutions especially protection of children from abduction, sale and trafficking. The main point of this chapter is that all children are equal in their rights and that the State is responsible for protection of the rights of orphans and of children without parental care [5].

In the same context, we consider it necessary to analyse the situation of children's rights protection in the Republic of Moldova.

**Children's right to life.** The analysis of the protection of children's right to life in the Republic of Moldova reveals an alarming situation, caused by the phenomenon of abandonment of new-borns by their parents in places that pose a danger to the life and health of children. This situation is caused by several factors, such as: the absence of a viable state policy for planning and supporting the family, which could guarantee new-borns a happy future with their parents; increasing number of "children giving birth to children"; public authorities have not created a policy in the field of sex education, which would aim to provide children with the necessary information on a healthy and beneficial relationship between children of different genders.

Another significant issue in this regard is the respect for the right to life of children in road traffic. Actions taken by national authorities to ensure the safety of children in traffic (installation of special traffic lights, lighting of pedestrian crossings, and installation of speed limiters) have failed to significantly change the situation.

Another issue reported in terms of guaranteeing the right to life and development of the child is the situation of children up to 3 years old who live with their mothers in detention institutions. Most institutions do not have a paediatrician, who could provide specialist consultations to children in prison. Also, the institution is not supplied with medicines suitable for children, the non-governmental and charitable organizations being the ones that offer them, at the request of the institution's administration. The administration of the penitentiary has confirmed the lack of budgetary allocations for the maintenance of children who are with their mothers in the detention institution until the age of 3.

Generalising, in the context of ensuring the right to life and development of the child, the following system deficiencies are noticed: the state does not fully assume the obligation to support families with children at risk; collaboration between local public authorities level I and level II is inefficient and poorly developed; local public authorities level I do not have the capacity to build partnerships with local and republican non-governmental organizations, economic agents and decentralised services in order to develop social services in line with people's needs; the number of local non-governmental organizations operating in the segment of providing social services is very small; the intersectoral collaboration mechanism does not work efficiently; collaboration mechanisms between public authorities and beneficiaries are poorly developed.

**The children's right to name and surname.** Despite the fact that in Moldova the registration of children at birth is an obligation of the parents or legal representatives of the child and the issuance of birth certificates is free, the issue of unnamed children remains a major one. Although there is a legal framework, the state authorities assigned with competences in this field do not intervene in time and with sufficient and effective measures to document the child, therefore, these children do not have the possibility to benefit from social, medical assistance, they are not employed in the educational system and cannot be employed, etc. According to the authorities, the reasons for not registering a born child in the Register of civil status documents, in most cases, are caused by the lack of identity documents of the parents or their irresponsibility. These data reconfirm the negligence of the guardianship authorities, who know that these children come from vulnerable families, where the parents ignore the rights and interests of the child, but do not intervene to document the child. The neglect of

competences allowed by those authorities is more evident in the case of undocumented children in foster care. It is certain that the child is in the spotlight of the authority; however, the authority does not take measures to document the child.

**Protection of children without families and the right not to be separated from their parents.** The analysis of the situation regarding the protection of the rights of children left without parental care reveals that the implementation of the child protection system is not successful and does not fully correspond to international standards. The reasons why children are deprived of parental care are various: emigrated parents, detained parents, divorced parents, deceased parents, abandoned children, unaccompanied immigrant children, children on the streets, etc. The national care and protection system must ensure that all these groups of children are treated without discrimination and that they cover the needs of each child left without parental care.

Some of the most vulnerable are children whose parents have committed criminal acts. In such cases, children are often stigmatised by society and are associated with parents who have committed crimes. Another problem in this segment is the situation of children whose parents have left the country for a long time and have not appointed a legal representative of the child during their absence. There are frequent cases in which children are left alone or at best at the expense of grandparents, relatives or acquaintances. This situation runs counter to the best interests of the child and poses an enormous risk to his or her life and development and leads to a violation of the rights of the child. We believe that the state must strengthen national mechanisms to hold parents accountable abroad, in order to avoid situations in which children, being without parental care, do not have a legal representative.

At the same time, the state does not have strategies and standards for working with children to prevent antisocial behaviour. There is also a lack of specialists in child protection provided in the Law on Special Protection of Children at Risk, which allows us to deduce that the child protection system is incomplete and harmful. The mayor, as the local guardianship authority, fails to keep in mind the segment of child rights protection, and the community social worker, who took over the responsibilities of the child rights specialist, is professionally trained to assist adults and not children. The lack of financial sources in the local budgets is the main reason invoked by the mayors to justify the non-employment of this specialist.

**The right to health.** A conclusion determined by the cases investigated by the Office of the People's Advocate indicates that there are enough shortcomings and reservations regarding the observance of the right to health, because the number of malpractice cases increases every year.

Another problem is the inadequate nutrition of children in educational institutions - nurseries, kindergartens and schools, as well as in other institutions where there are children, a deviant situation determined by several causes: the lack of a single menu adapted to the age of the child that would provide an increase in weight and healthy development, insufficient financial resources for feeding a child, poor quality of ingredients purchased for the preparation of food for children, lack of a quality control body of prepared food, low-quality and expired food, fraudulent public procurement process.

Another challenging topic for respecting children's right to health is vaccination. The actions taken by the Government of the Republic of Moldova, civil society and development partners of the Republic of Moldova did not result in noticeable success - the number of vaccinated children fell below the safety level of 95%, recommended by the World Health Organization. Even though all vaccines are free, some parents refuse to immunise their children because they are afraid of any side effects or have had the practice of such reactions.

**The right to education.** The analysis of the respect of children's right to education reveals a series of problems that compromise the protection of this right: overly loaded and theorised school curriculum, lack or insufficiency of teachers, lack of medical staff in educational institutions, non-compliance with sanitary norms in those institutions, lack of recreation spaces for children in educational institutions, the insufficiency of attractive extracurricular activities, out-of-school children, school dropouts, feeding children only from 1$^{st}$ to 4$^{th}$ grade, informal payments in school, transporting students without ensuring their safety.

Another sensitive topic for the whole society is the sexual education of children and young people. Reality shows that not enough efforts are being made in this area to provide children with a proper education. In this sense, there is a need for a sex education course with scientific approaches. Children need to be taught about the physiological and social aspects of sexual intercourse. They need to understand the health risks and responsibilities, including social ones, of sex life. All this would contribute to the recovery of the situation, would educate a healthy generation, which would avoid the consequences of ignorance in the field concerned.

Additionally, an important aspect in respecting the right to education is inclusive education, which in the Republic of Moldova is characterised by several problems: the imperfection of funding mechanisms, especially in the context of the allocation of financial means based on regulations per student, an individual assessment of each child with special needs is necessary and the amount allocated must meet their needs; the insufficiency of the intersectoral collaboration mechanism for the evaluation of the child with developmental problems; insufficient level of development of the competencies of teachers who did not benefit from training in the field of inclusive education, compared to those who attended training courses (the longer the training period, the more positive the attitude towards inclusion); stereotypes of society / community and reluctant attitude towards children with special needs; acute insufficiency of teaching materials and supplies for the smooth running of the inclusive education process; conditions and reduced accessibility in educational institutions for children with physical disabilities; insufficient provision of well-trained support teachers in the field of assistance to children with disabilities; reduced transparency in the management of financial resources allocated to the early education institution.

According to the national statistics, 48.3% of the total number of children with hearing disabilities and about 60.3% of the total number of children with visual impairments study in residential institutions. The lack of accessibility of the infrastructure of educational institutions and information restrict the access of children with sensory disabilities to education. In case of total hearing loss, as a rule, the cochlear implant is used, the cost of which is not included in the centralized budgetary sources of the Ministry of Health, Labour and Social Protection. For this intervention, the beneficiaries must pay at least 25 thousand euros (according to the estimates of some NGOs working in this field). A special problem in this regard is the limited access to the use of modern methods of working with children who have hearing problems. The specialists from the Psycho-pedagogical Assistance Services admit that they do not have high-performance work equipment and do not have enough knowledge in the field. Although in the Republic of Moldova the state language is Romanian, the sign language continues to be predominantly adapted to the Cyrillic script, due to historical circumstances. The specialists in the field mention that there is a difference in sign language from one locality to another, which imposes the need for concrete measures to improve the situation.

The situation of children with visual impairments is no better. Although the Law on Social Inclusion of Persons with Disabilities and the Law on Ensuring Equality guarantee the possibility of participation of persons with disabilities in all areas of life without discrimination, just as other members of society, de facto, the provisions are ignored. No visually impaired person was provided with technical means of optical correction and visual aids. The state does not provide such services for the visually impaired.

Another aspect is the public policy of reorganisation and optimisation of educational institutions. Due to the insufficiency of financial resources and the implementation of the public policy of deinstitutionalisation, during several years, various special schools for children with disabilities were closed. The situation in question would not have been to the detriment of the child if sufficient and effective conditions had been created in the community for those children.

**The right to an opinion and civil liberties.** Analysing the consistency of national legislation with international standards, the People's Advocate for the Protection of the Rights of the Child notes that children's potential is not widely exploited because the state recognises or invests insufficiently in measures to enjoy their civil rights and freedoms. Generic policies in the field of protection of the rights and civil liberties of children or young people often fail to address them in all their diversity and are insufficiently in line with the objective of ensuring the realisation of children's rights. The costs of

inaction and failure are high: the foundations established during childhood in terms of emotional security, expression of opinion, freedom of association, freedom of thought and religion, are important not only for optimal individual development, but also for the present and future social development and economic growth.

The state must ensure that adolescents are involved in the development, implementation and monitoring of all relevant policies, services and programs that affect their lives, at school and in the community, on a local, national and international levels. The online environment offers significant emerging opportunities for strengthening and expanding their engagement. Measures should be accompanied by the introduction of safe and accessible complaint and redress mechanisms so that national authorities can provide a comprehensive response to complaints from adolescents and access to subsidised or free legal services and other adequate assistance.

Regarding the right to express one's opinion, there is a violation of this right also in the situation when children are given medical treatment, without being given at least general information about their health and about the treatment administered.

The children also drew the attention of the People's Advocate for the Protection of the Rights of the Child to the fact that their right under Article 17 of the Convention on Access to Proper Information had been violated. The state must ensure the dissemination of information to children, according to their age and development. During the meetings, the children mentioned that there are no educational, developmental and cultural radios and television shows that would be appropriate for their age and that would aim to contribute to their development. The children spoke about the harmfulness of the information disseminated through the media, stating that it does not present a source of information and education.

**The rights of children with disabilities.** The protection of the rights of children with disabilities is compromised by the following problems: lack of reasonable adaptation for their situation and disability to all television stations broadcast in the country, lack of translation into sign language or headlines of news, development and entertainment programs, no adaptation for children's content, there are no books and other materials for children in Braille. This critical situation significantly diminishes the access of children with disabilities to information, creates conditions for their discrimination on the basis of disability, and diminishes their chances of social integration. As long as the state does not create conditions for reasonable accommodation for people with disabilities, we cannot talk about the success of the social integration of people with disabilities and children in particular.

**Protection against abuse and neglect.** Findings on the protection of children from abuse and neglect reveal the following: a large number of children are subjected to abuse and neglect, including psychological abuse, both at home, in institutions and at school; and the lack of care for child victims of abuse and neglect. There is also an increase in the incidence of sexual abuse and sexual exploitation of children, including in the family and especially among girls, as well as the inaction of law enforcement and case investigation specialists. All of these can seriously affect a child's well-being, personal development and social interaction. Replacing violent practices with positive educational methods, respecting the child instead of humiliating him, giving up indifference and acceptance of violence against children are just some of the practices that need to be rooted in society in order to remove this phenomenon. In this regard, the intersectoral mechanism whose task is to identify and protect the child at risk must be strengthened. Last but not least, the school has a major responsibility in educating and training non-violent attitudes and behaviours in students, including in mobilising parents and the local community for more active involvement in resolving acts of violence and reducing the causes that trigger them [1].

## 4. EVALUATING THE IMPLEMENTATION OF THE REPUBLIC OF MOLDOVA'S STRATEGY FOR CHILD PROTECTION

In order to implement the objectives of the Child Protection Strategy for 2014-2020 and the Action Plan for 2016-2020 on the implementation of the Strategy, efforts were made to reform the childcare system, develop the normative and institutional framework for the development of alternative childcare services of family type, ensuring the necessary conditions for raising and educating children in the family environment, preventing the separation of the child from the family, standardizing and increasing the benefits granted to children temporarily left without parental care and left without parental care placed in alternative family services, adjusting those that benefit the special needs of placed children, as well as the financial motivation of professional parental assistants / educating parents to ensure the placement of several children in a family, the placement of children under the age of 3 and children with disabilities.

Law 112/2020 was approved for the amendment of some normative acts, which among others include provisions regarding the identification and evaluation of children's situations, whose parents / only parent are temporarily in another locality in the country or abroad, as well as the obligation of provision of informal care for the children concerned, by establishing custody of them.

The Framework Regulation on the organisation and functioning of the Social Service Day Care Center for children aged 4 months – 3 years was approved. The nursery allows children to be in the care of educators all day, while their parents, especially single mothers or fathers, can work.

In 2018, the Social Support Service for Families with Children was included in the minimum package of social services. The minimum package of social services provides, inter alia, support for families with children and personal assistance for people with disabilities.

During the reference period, the process of deinstitutionalisation of children continued. Their number in residential institutions and special education institutions decreased by 26% from 1023 in 2018 to 747 in 2020, of which in residential placement 2.8 times from 438 to 156 children

The normative framework regulating alternative family-type placement services has been modified. Professional parental assistance and family-type children's home, in order to promote the placement in these services of new-born children, children with disabilities, pregnant minors, minor parents with children at risk of separation and their children.

For the purpose of preventing and combating violence, neglect and exploitation of children the Instruction on the cross-sectoral cooperation mechanism for the primary prevention of child welfare risks has been approved.

The central public authorities with responsibilities in the field carry out annual awareness actions on the prevention of child abuse in the online environment during the "Internet Safety Day" (February) and the „Cyber Security Month" (October), with several events being organised for students and parents. Discussions on child safety in the online environment provide information on the benefits and risks of the Internet and the possibility of installing content filtering applications on the Internet. During these over 4000 activities carried out during the period 2018-2020, 80% of the children participated; approximately 80,000 parents and approximately 85% of the teachers were involved in various activities.

In order to oblige Internet service providers to offer end-users the possibility to install Internet content filtering applications with a negative impact on children, as well as to introduce a compartment dedicated to information in the main menu of their official web pages. On Internet safety, new amendments have been introduced in Law no. 30/2013 on the protection of children against the negative impact of information.

In recent years, important progress has been made in the Republic of Moldova on strengthening the juvenile justice system. On January 1, 2020, Law no. 299 / 30.11.2018 on measures and services for children with deviant behaviour entered into force, which regulates the respective measures and

services, categories of beneficiaries, principles and purposes of establishing measures for children with deviant behaviour, as well as how to establish, extend, amend and repeal these measures.

Starting with 2018, efforts have been channelled to implement actions on specialisation and training of representatives of the professions involved in the juvenile justice system, implementation of non-custodial measures applied to minors in conflict with the law, strengthening juvenile probation.

Following the reorganisation of the judiciary, all courts (judges and courts of appeal) have specially arranged spaces for hearing child witnesses / victims of crime who are equipped with the necessary equipment and are arranged so as to ensure a child-friendly environment [13].

## 5. CONCLUSIONS

In the view of presented ideas, we conclude that the child protection system in the Republic of Moldova is in the process of harmonisation to international standards. Over the years, many strategic and operational activities have been carried out related to changing the legislative and institutional framework for the child protection system, but an analysis of the current situation regarding the respecting and protection of children's rights reveals that a number of children's rights are partially or fully not respected.

The Republic of Moldova is facing the phenomenon of "children give birth to children", which in itself brings a negative impact on society in general, but also on the situation of new-born children, whose health or even life is often endangered. We also find the existence of several cases when children are not registered, thus violating their right to first and last name, which then affects other rights such as: the right to education, work, social and medical protection, etc. In the same context, we find the situation less favourable for the rights of children with disabilities - limited access to special educational materials and information flows determines their discrimination on the basis of disability.

Finally, we believe that the child protection system in the Republic of Moldova needs to be further reformed, especially in the way of financing social assistance services for children. Our research reveals that the biggest problem in financing the protection system is the low financial capacity of local public authorities of level I, which often do not have sufficient financial resources to hire the necessary specialists and provide social assistance services required for benefits. In this regard, we conclude that financing the system of social assistance services for children at local level must be revised as soon as possible.

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