

Violence Against Children in MOLDOVA

Relevant extracts from an NGO alternative report presented to the UN Committee on the Rights of the Child

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[...]

The Republic of Moldova adopted its Declaration of Sovereignty in 1990, while in 1991 the country proclaimed its independence. The Republic of Moldova ratified the UN Convention on the Rights of the Child in 1990 and was admitted to the United Nations Organization in 1992.

A decade later, however, we find that the main victims of transition in Moldova are the children. The Republic of Moldova does not have a comprehensive, well-structured and realistic strategy for child protection. At a time when the situation of children has become a worldwide priority, Moldova fails to get in line, by means of practical action, with the main concerns of mankind at the beginning of the third millennium.

The Constitution and legislation of the Republic of Moldova generally conform to the principle of non-discrimination, but the fundamental rights of the child are still being violated, because there are no mechanism for the implementation of the relevant legislation, there is a dramatic decrease in the income of families and the low pace at which the reforms are implemented in the domain of social protection.

[...]

A. Non-discrimination

The national legislation does not contain norms that are directly discriminatory in nature, but the complicated situation in the economy generates disadvantages for the development of several categories of children. Children with disabilities, children of the street, children with HIV/AIDS are the categories that are most frequently exposed to discrimination, because they have no or only limited access to education, health care and social integration. Urgent measures are needed to correct those realities.

[...]

C. The Right of the Child to Life, Survival and Development

The infant and child mortality rate in Moldova is twice as high as the European average, although the rate has stabilized of late, and in 2001 it was of 24 deaths per 1,000 live births per year.

The mortality rate among children with disabilities is ten times as high as the overall mortality rate. There are very few facilities and possibilities available for the treatment, rehabilitation and integration in the family of children with disabilities. After 1996, the number of children with disabilities increased by 1,300 or 13% over the same period, and the total number has now reached 14,000.

In order to secure the respect of the right to survival and development for all children, the state needs to formulate standards for the care, recovery and education of children, standards for the educational personnel or for the caretakers in the orphanages or similar institutions, and make sure that regular specialized medical assistance is granted free of charge by the pediatricians in the town or village where the child resides.

[...]

The economic conditions and the distortion of the social institution of the family are the primary causes for the increasing number of children who are left without parental care, neglected, abused, who are not enrolled into school, are affected by developmental deficiencies and health problems. At present, institutionalization continues to be the main means for providing protection to children in difficulty in the Republic of Moldova.

[...]

VI. HEALTH AND WELFARE

In Moldova, the poorest country in Europe, health services are in a state of near collapse given that, following a dramatic reduction of the financing in the sector, the access of the population to health care services and the quality of those services have decreased.

The protection of the mother and child in the Republic of Moldova is declared by law to be a priority in the activity of state bodies. Yet mothers and children do not appear to benefit from a very wide access to health services.

According to the data provided jointly by the Ministry of Health, the Ministry of Education, and the National Scientific and Practical Center for Preventive Medicine, the number of children considered to be at risk according to the health indicators has increased by 70.5% in the interval 2000-2002, while the number of children who have never been sick during the school year has decreased by 18.6%.

Lately, there has been a considerable increase in the number of disabled children, from 12,400 in 1995 to 14,000 in 1999, and the tendency continues to be on an upward slope. Calculated for every 1000 children, the disability rate today is of 12.9, as compared to 11.1 in 1996.

[...]

There is no system of juvenile justice in the Republic of Moldova. Although there are some provisions and recommendations in the national legislation on the administration of justice in the case of juveniles, many of them, for instance alternatives to sentencing, are not operational, in the absence of mechanisms for implementation.

National experts deem necessary the establishment of specialized courts of law for juveniles or the assignment of the cases involving juveniles to prosecutors or judges specializing in that field. One of the objectives of these courts for juvenile delinquents would also be the replacement of punitive measures by alternative solutions.

[...]

2. Children Deprived of Liberty, as well as any Form of Arrest, Detention or Imprisonment (Art. 37 (b)-(d))

After a case is examined and an adolescent is found to be guilty, the unique form of re-education applied in Moldova is deprivation of liberty. There is no system of probation or social assistance for the supervision or education of young people exhibiting deviant behavior.

3. Recovery and Social Reintegration of the Child (Art. 39)

The State does not provide protection, orientation and supervision, guidance, probation, and family placement services, or general and vocational education programs in order to ensure adequate treatment for the children included in the system of juvenile justice.

In the Republic of Moldova it is necessary to develop a legal framework for the supervision of juvenile delinquents and for all the forms of social reintegration that can be applied to them. The activity of socialization of these categories of children will be performed by social workers and educators who belong to a specialized protection service dedicated to children or young people, and not exclusively become the task of the law enforcement authorities (the police).

[...]

C. Children in Situations of Exploitation

1. Economic Exploitation of the Child, and of Child Labor (Art. 32)

According to the MICS survey, currently 37% of the children in Moldova perform some kind of work. Working children are less likely to attend school, and more likely to drop out of school. Because of that tendency, children may fall into a vicious circle of poverty and despondency.

2. Drug Abuse

Drug use and abuse is one of the main risks adolescents are exposed to. An increasing number of adolescents are using and are becoming addicted to drugs and alcohol. Young people account for 88% of the total number of drug users. The number of cases on the records of the relevant authorities increased four times in the interval 1995-1998, while the number of new cases increased 3.5 times. It was found, however, that the actual number of adolescents who are drug users and drug addicts is much higher.

3. Sexual Exploitation and Sexual Abuse

There are currently no credible studies or statistics concerning the sexual exploitation of children in Moldova, but there are various indirect data that confirm the existence of this phenomenon both inside the country, and in the traffic with human beings abroad.

In order to protect children from any form of sexual abuse, special legislative provisions need to be formulated to serve as a basis for punishing the use of minors for the distribution of pornographic images and materials, as well as for the commercial exploitation of children in the networks of sex tourism. The criminal procedures also need to be improved, by the addition of special norms that could protect children who have been the victims of sexual abuse.

The Republic of Moldova has already launched the procedure for signing the optional Protocol on the sale of children, child prostitution, and pornography involving children, an optional document added to the Convention on the Rights of the Child.

4. Sales, Trafficking and Abduction

During these last years, Moldova has been included in the international network of illegal trafficking with human beings, that has become a well organized and extensive phenomenon, most of the persons who are the victims of trafficking for prostitution being women.

The Report entitled “Victims of Trafficking in the Balkans” reveals that, in the year 2001, the offices located in the Balkans of the International Organization for Migration granted assistance to a number of 697 women who had been the victims of trafficking out of which 47% came from Moldova.¹ According to the IOM Office in Chişinău, 10 to 15% of these women are minors.

One of the emergencies for Moldova is the drafting of the *Law on Child Trafficking* and, subsequently, the establishment of the implementation mechanism for that law, based on prevention, the protection of victims and the punishment of the perpetrators. Non-governmental organizations have proposed a set of actions meant to reduce and eliminate the trafficking of women and children of Moldova.

[...]

The Constitution and legislation of the Republic of Moldova are generally in accordance with the principles of the Convention, but the fundamental rights of the child continue to be violated because there are no mechanisms for the implementation of the laws in the field, because of the decrease of family income and the low pace of implementation of the reforms in social protection.

[...]

¹ IOM. “Victims of Trafficking in the Balkans”, January 2002.

The Association “Youth for the Right to Live” (YRL) reports the case of two adolescents in the town of Bălți, who were thrown out of school when they were found to be suffering from HIV/SIDA. As a result of several intervention of YRL Bălți and of one of the teachers, the two students were allowed to attend classes, all subjects being taught by a single teacher – the only one who accepted to communicate and work with them. Soon after, because of the situation in their family (the parents were alcoholic), they dropped out of school and now they have to steal in order to be able to buy bread and drink for their parents, because otherwise they would be beaten up and chased away from home.

[...]

There are documented cases of a large number of children, including those belonging to the Rroma minority who, like their parents, do not possess identity documents. For instance, in Schinoasa, a Rroma village in the county of Călărași, the inhabitants were totally devoid of their right to own land – they only own the land that their houses stand on – because they did not possess official identity documents.²

While the births of 98% of the children in Moldova have been officially recorded,³ there are still a significant 2% of children who are not included in the official records.

One of the emergencies Moldova has to attend to is the drafting of the *Law on Child Trafficking* and, subsequently, the creation of the mechanism for its implementation, based on prevention, the protection of victims and the punishment of the offenders.

[...]

The mortality rate among children with disabilities is ten times higher than the general mortality rate. There are very few facilities and possibilities for the treatment, rehabilitation and integration in the family of children with disabilities. After 1996, the number of children with disabilities has increased by 1,300 or 13% over the same period, amounting to a total number of 14,000.

[...]

To the question “Can you express your views and position freely at school/in your family?”, only 17% of the respondents said they could express their views freely at school. For the family, the figure is almost twice as high – 30%. Considering that the respondents were pre-adolescents or adolescents, one may assume that the failure to observe the children’s right to freedom of expression results in manifestations of serious anti-social behavior. In this context, let us also mention the share of respondents who stated they could only satisfy their right to freedom of expression at times, seldom or never: at school - 51%, in the family - 37%.

These results can be correlated to the answers provided to the question “Do they ask you for your opinion when making a decision that affects you?”, which received the following responses: at school: in 24% of the cases, the children’s views are always sought; in 14% of the cases, the children’s views are never considered. In the family: in 48% of the cases, the child’s opinion is always sought; in 4.5 % of the cases, the child’s opinion is never taken into account.

The difference between the results scored at school and in the family, respectively, demonstrate the sometimes obsolete and stiff attitude of the school towards the children’s personality.

[...]

The fact that in Moldova the cases involving juveniles are examined in the courts of law along with all the other criminal cases, and the proceedings may last between several months and 2 or 3 years, while juveniles are held in preliminary detention, often not separated from the adults, fails to ensure the right of the children to be protected against torture or other cruel treatment.

[...]

After World War II, the countries in the ex-Soviet block, and among them the Republic of Moldova, developed a residential care system for children with disabilities and children from socially vulnerable

² “Vocea Civică”, 2001.

³ UNICEF. Multiple Indicator Cluster Survey (MICS), Chișinău, 2000.

families. The system used to be financed from the state budget, and included public units staffed by personnel that could provide the services stipulated in the regulations of these institutions.

Beginning with the '90s, the effort of the State directed towards child protection has been reduced. The continual economic crisis has led to a chronic under-financing of the system of residential care institutions. This led to a decrease in the quality of care, protection and education, which led to a failure in the respect given to the rights of institutionalized children.

In the current stage, institutionalization continues to be the main modality for granting care and protection to children in difficulty. The children in the residential care institutions are in a difficult situation that disadvantages them in their development.

Since there was an obvious need to identify the best ways for offering care and protection, rehabilitation and education to children in difficulty, UNICEF conducted a study on the "*Situation of Institutionalized Children*".

The study included an assessment of 45 institutions, representing 67.16% of the 67 institutions that currently exist, being subordinated to three different ministries that are responsible for providing care and education to children in difficulty: the Ministry of Education (41 institutions), the Ministry of Labor, Social Protection and Family (2 institutions) and the Ministry of Health (2 institutions), those institutions being representative for all the institutional types offering care and protection for children in difficulty.

The study was conducted in the interval February 1999-June 2000, and included 9,105 children aged between 0 – 19 years residing in the institutions surveyed, among whom only 14 were temporary residents.

Most of the children institutionalized in the interval 1999-2000 came from families – 80.19%, and the rest from other institutions – 12.41%, from tutor-families – 3.7%, and hospitals – 3.7%. Children aged 7-10 years represent the largest share among children who are institutionalized. The average length of a child's stay in a residential care institution is of 7.8 years.

The conditions for the protection, care and education of institutionalized children are precarious: the classrooms are cold, lighting is insufficient, the furniture is old and broken, the dormitories are overcrowded (10–18 persons), so there is no possibility for ensuring proper hygiene and privacy for the children, etc.

The nutrition of institutionalized children fails to meet the physiological needs of children in their growth.

Chronic malnutrition represents a risk factor for the subsequent physical and psychological development of children.

The health status of institutionalized children is determined by several factors: nutrition, the conditions of hygiene in the institution, environmental factors, the child's psychological condition, etc.

The results showed that 72.69% of the children suffer from various chronic somatic diseases.

Residential care and educational institutions are not adequately supplied with textbooks, educational materials, children's literature, etc.

In conclusion, institutionalized children represent a marginalized and socially disadvantaged category, that do not benefit from protection, care and education.

The residential care and educational institutions for children in difficulty are ineffective, they are huge in size considering the number of children they host, they require a large number of staff, as well as

enormous financial means for continuing operation. The existing residential care system is closed, rigid and ineffective.

The communities and comprehensive schools do not get involved in finding solutions for children in difficulty.

It is absolutely necessary to promote a reform of the existing institutional system. The complex character of the phenomenon requires the intervention of all the institutions responsible for the protection and education of children in difficulty, for re-evaluating the legislative and social protection system, for re-evaluating the organization and operation of the institutional system and the creation of alternative services.

[...]

At present, a large number of families are exposed to a severe degradation of their living standard, which generates isolation and destabilization, and as a consequence, induces violence, including violence exerted against minors. In this context, there can be identified various ways in which abuses are committed against children and young people: intentional beating, severe physical punishment, sexual abuse, emotional abuse, forced prostitution, educational neglect, etc. The factors causing this state of things include the following: severe poverty, high unemployment rate, high divorce rate, alcoholism, domestic violence, parents leaving their families in search for work abroad, etc.

[...]

A study for the evaluation of child abuse in Moldova, conducted by the National Center for the Prevention of Child Abuse (NCPCA) in 1999-2000, provides relevant data concerning the rate of abuse depending on a variety of factors. Therefore, out of the 298 children included in the survey, 201 (67.4%) have been exposed to at least one form of abuse. The figure appears to be high, but it is quite similar to rates recorded in countries such as the US or Chile.

[...]

At the end of 1997, it was calculated that almost one-quarter of the population lived below the food poverty line.⁴ The average daily consumption in 1998 was 1980 calories per person, which is 5% less than the Food Assistance Organization minimum for basic functioning, and less than 80% of the required daily intake of 2500 calories for normal functioning.⁵

[...]

In the Republic of Moldova there is no separate system for juvenile justice. Although the national legislation does provide some provisions and recommendations for the delivery of justice in the cases involving juveniles, many of them, for instance alternative sentencing, do not work, in lack of an implementation mechanism.

Previously there had been some practice to specialize judges in juvenile issues. In that context, before 1995, at the Supreme Court of Justice there used to be a panel of judges specializing in juvenile cases.

The current judicial system in the Republic of Moldova does not include specialized institutions for attending to cases involving juveniles – courts of law, panels of judges, specialist lawyers. For that reason, instead of being granted speedy access to judicial assistance and the right to a speedy decision in their cases, children have to go through the same procedure as any adult. Under the circumstances, procedures last between several months, up to 2 or 3 years. While their cases are being examined, juveniles are held in preliminary detention together with the adults, often repeat offenders.

[...]

According to the Multiple Indicator Cluster Survey (MICS), in the Republic of Moldova only 2% of the children between the ages of 5 and 14 are employed in paid jobs. Almost 10% perform unpaid jobs, usually for one of the members in the household.

⁴ World Bank, *Poverty Assessment*, Moldova, 2000.

⁵ UN Moldova, *Common Country Assessment*, 2000.

Children between the ages of 10 and 14 are more likely than children in the 5-9 group to perform paid, unpaid or odd jobs in the household for more than 4 hours a day. Regional variations are the highest when it comes to the share of children involved in unpaid jobs for somebody outside the family. This indicator ranges between 9% in the Western region and as much as 17% in the eastern region of Moldova.

Children who have performed some unpaid job for a member of their household, or who have done some other work in the family are considered to be children “who are currently working”. In total, 37% of the children are classified as currently working.

The social and economic status is closely associated with the share of children who are currently working. The share of working children ranges significantly from 20% in the case of children in the better off centile to 50% in the case of poor children. Doing work in the household for more than 4 hours a day is four times as frequent in the case of children in the poorest centile, as compared to children in the better off centile. One in every 3 children in the poorest centile, and only one in every 20 children in the better off centile are involved in farming activities.⁶

[...]

At present, there are no credible studies or statistics concerning the sexual exploitation of Moldovan children, but there are various indirect data available that confirm the existence of this phenomenon, both inside the country, and internationally.

Law enforcement authorities are identifying a growing number of cases of prostitution among minors. In its 2001 Report, the Chişinău Municipal Police Inspectorate stated that a number of 994 children had been brought in to the police precincts for their immoral conduct.

[...]

A recent addition to the national legislation is a new article concerning the trafficking of human beings, art.113/2. However, since this article fails to describe all the signs of the crime of trafficking, the provision has limited effectiveness.

[...]

The economic crisis and the recession in production, the high inflation rate, the increasing number of unemployed, the reduction of social expenses, the lack of opportunities for the younger generation, the absence of family support policies have all generated a disastrous migratory trend for Moldova. According to unofficial data, at present there are approximately 200,000 Moldovans wandering around Europe in search for work (there are sources who place that figure at 600,000 or even 800,000).

During these last years, Moldova has been included in the international network of illegal trafficking with human beings, that has become a well organized and extensive phenomenon, most of the persons who are the victims of trafficking for prostitution being women.

The persons who are exposed to the highest risk of becoming the victims of trafficking are young women and adolescent girls, who have been the victims of domestic violence and incest, have been orphaned, come from socially vulnerable families (girls whose parents are alcoholics or come from single-parent families). Most of them come from poor families, often with many children.

[...]

The Report entitled “Victims of Trafficking in the Balkans” reveals that, in the year 2001, the offices located in the Balkans of the International Organization for Migration granted assistance to a number of 697 women who had been the victims of trafficking out of which 47% came from Moldova.⁷ According to the IOM Office in Chişinău, 10 to 15% of these women are minors.

[...]

According to some sources, Moldovan children are torn away from their parents with promises of a comfortable life in the West or they are abducted to be turned into organ donors in clandestine clinics somewhere in Europe. A highly circulated Italian daily told the hallucinating story of a Moldovan

⁶ UNICEF. Multiple Indicator Cluster Survey. Republic of Moldova, 2000.

⁷ IOM. “Victims of Trafficking in the Balkans”, January 2002.

adolescent, Nicolae, who was meant to get into a Czech clinic to have his organs removed, but who managed to escape the people who were planning to kill him and managed to get to Padua in Italy, where he received support from the Community Social Services in the form of shelter, education and psychological therapy for recovery. "La Repubblica", 22 November 2001

[...]