

BASELINE STUDY on systemic issues affecting the child protection system's response to child sexual exploitation and abuse in the Republic of Moldova



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In the preparation of this Study, the relevant national legal framework and international standards, as well as other relevant materials and documents were used. The findings of the Study are based on contributions of the relevant stakeholders, international organisations and nongovernmental organisations collected during a fact-finding mission carried out in May 2019 and a workshop for the presentation of the first draft of the Study organized in October 2020 in Chisinau.

The Study was carried out by **Mr Jean Claude Legrand**, an international consultant with extensive expertise and experience in improving child protection systems, aimed at supporting children victims of violence, including sexual violence, based on the contribution of the national consultant **Ms Tatiana Danilescu**, a lawyer with experience in the field of child-friendly justice, as well as Council of Europe project team.

Executive summary

This study, commissioned as part of the Council of Europe's project on Protecting children from sexual exploitation and sexual abuse in the Republic of Moldova aims at identifying some of the key systemic issues affecting the child protection system's response to child sexual exploitation and abuse in the Republic of Moldova, in order to identify next steps in the effective implementation of Lanzarote Convention in the country, including inter-agency coordination aspects.

The set of laws, policies, regulations and services needed across all sectors – especially social welfare, education, health, security and justice – to support prevention and response to the sexual exploitation and abuse of children has been analysed through the 4 Ps approach promoted by the Lanzarote Convention: – Prevent and combat sexual exploitation and sexual abuse of children; – Protect the rights of child victims of sexual exploitation and sexual abuse; – Prosecute the perpetrators; – Promote appropriate policies and national and international co-operation against this phenomenon.

This report proposes an analysis of a contrasted picture of where the Republic of Moldova stands regarding the implementation of the Lanzarote Convention and the type of support and services provided to children who have been victims of sexual exploitation and abuse.

It acknowledges the huge efforts carried out over the last 15 years to upgrade child protection in the country, identify some of the gaps as directly related to the level of poverty in the country, the limited resources of local authorities and the underdevelopment of services.

This report requests the government of the Republic of Moldova to take urgent action to address some critical issues related to the protection of children to ensure that the best interests of children are placed at the centre of the child protection response in the country. It calls for:

- 1) Implementing a more coordinated and effective approach to awareness raising in order to break the wall of silence to prevent and combat sexual exploitation and sexual abuse of children, with an attention to adolescents;
- 2) Revising current investigation and judicial procedures to avoid subjecting child victims of sexual abuse to repeated interviews and, as such, to secondary victimisation;
- 3) Ensuring that all child victims of sexual exploitation and abuse are granted the same rights for protection regardless of their age or place of domicile;
- 4) Creating a legal space to allow social services and non-governmental organisations (NGOs) to provide psychological and psychosocial support to child victims from the time of the complaint and during the whole process;
- 5) Making provision of free legal assistance to all children who have been victims of sexual exploitation and abuse mandatory and accessible at the earliest stage of the investigation process;
- 6) Putting in place guidance for local authorities to ensure that alternative emergency sheltering for child victims of sexual abuse is systematically organised when this is in the best interests of the child;
- 7) Developing accessible and child-friendly complaint mechanisms to allow children in all forms of residential and alternative care to call for help in case of serious risks of sexual exploitation and abuse;

- 8) Enforcing the national legislation to ensure that when a child victim of sexual abuse withdraws his or her statements, the prosecution of the offender is systematically continued;
- 9) Setting up a mechanism for ensuring the development of a strategy and related action plan for the implementation of the Lanzarote Convention with appropriate coordination and follow-up mechanisms, including indicators and monitoring accountabilities;
- 10) Defining the types of data required to ensure follow-up of issues related to sexual exploitation and abuse and define accountabilities of the different ministries in compiling and analysing such data in order to prepare the publication of annual analytical reports;
- 11) Developing a strategy, as part of the forthcoming revision of the action plan of the Child Protection Strategy, for capacity development of professionals working at local level;
- 12) Ensuring a stronger participation of children in the development and implementation of policies for preventing sexual exploitation and abuse.

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Abbreviations

ICT	Information and communication technologies
Government Decision no. 270	Government Decision no. 270 on the approval of the Instructions on the cross-sectoral cooperation mechanism for identifying, evaluating, referring, assisting and monitoring the children victims and potential victims of violence, neglect, exploitation and trafficking
Lanzarote Committee	Committee of the Parties of the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse.
Lanzarote Convention	Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse.
La Strada	International Centre for the Protection and Promotion of Women's Rights "La Strada"
Law no. 140	Law no. 140 regarding the special protection of children at risk
MoITC	Ministry of Information Technology and Communications
MoHLSP	Ministry of Health, Labour and Social Protection
MoIA	Ministry of Internal Affairs
MoECR	Ministry of Education, Culture and Research
NCCRP	National Council for Child Rights Protection
NGOs	Non-governmental organisations
Study	Baseline Study on systemic issues affecting the child protection system's response to child sexual exploitation and abuse in the Republic of Moldova
UN	United Nation

Introduction

This mapping study aims at identifying some of the key systemic issues affecting the child protection system's response to child sexual exploitation and abuse in the Republic of Moldova in order to identify next steps in the effective implementation of Lanzarote Convention in the country, including inter-agency coordination aspects.

This exercise has been commissioned as part of the Council of Europe's project on Protecting children from sexual exploitation and sexual abuse in the Republic of Moldova¹, which is implemented in the framework of the Council of Europe Action Plan for the Republic of Moldova (2017–2020)². The Project provides support to strengthen the state response to child sexual exploitation and sexual abuse through more effective implementation of the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse (the Lanzarote Convention)³ in the Republic of Moldova. In particular, the study contributes towards achieving the Project's immediate outcome 1.2 "to strengthen the child protection system's capacity to design and implement measures and responses in cases of child sexual abuse and exploitation".

The objective is to contribute towards providing key stakeholders with an analytical review of the structure and functions of the current child protection system, including key policies, legal framework, services put in place, coordination and monitoring mechanisms in order to identify achieved milestones, as well as gaps in the implementation of the Lanzarote Convention in the Republic of Moldova⁴. The idea of a system approach does not prescribe the scope on a given setting such as the prevention and response to the sexual exploitation and abuse of children. Key focus will be placed on the response to child sexual exploitation and abuse. Drawing from promising practices from Parties to the Lanzarote Convention, it will review how, within the current framework in the Republic of Moldova the child protection system has been able to address the sexual exploitation and abuse of children and make recommendations to improve the implementation of the Lanzarote Convention in the Republic of Moldova.

Mapping a child protection system requires analysing "the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks" (UNICEF's definition agreed-upon with a set of partners). Responsibilities are often spread across government agencies, with services delivered by local authorities, non-state providers, and community groups, making coordination between sectors and levels, including routine referral systems, a necessary component of effective child protection systems. Coordination ensures that all essential actors and systems – education, health, welfare, justice, civil society, community and family – work in concert to prevent abuse, exploitation, neglect and other forms of violence against children and to protect and assist children in these situations.

The Lanzarote Convention promotes a **4 Ps** approach: – **Prevent** and combat sexual exploitation and sexual abuse of children; – **Protect** the rights of child victims of sexual exploitation and sexual abuse; – **Prosecute** the perpetrators; and – **Promote** appropriate policies and national and international co-operation against this phenomenon.

To further strengthen the message conveyed in the recommendations already put forward by the Lanzarote Committee⁵, this report is structured in line with the 4 Ps approach:

After an introduction to the mapping exercise, we will proceed with a brief analysis of the socio-economic situation of children in relation to sexual exploitation and abuse in Moldova. In the Chapter on **Prosecution**,

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1. See more information of the project at <https://www.coe.int/en/web/chisinau/protecting-children>
 2. *Council of Europe Action Plan for the Republic of Moldova (2017–2020)*, approved by the Committee of Ministers of the Council of the Europe on 01 February 2017 (CM/Del/Dec(2017)1276/2.1bisa), available at: <https://rm.coe.int/16807023ee>
 3. See more information about the Lanzarote Convention (25.10.2007) at: <https://www.coe.int/en/web/children/lanzarote-convention>
 4. Republic of Moldova ratified the Lanzarote Convention by the Law no. 263 of 19.12.2011, the Law is available in Romanian version at: http://www.legis.md/cautare/getResults?doc_id=13045&lang=ro
 5. See more information on the Lanzarote Committee, its mandate, opinions and published reports at: <https://www.coe.int/en/web/children/lanzarote-committee> and adopted monitoring reports at: <https://www.coe.int/en/web/children/monitoring1>

a review of the current legal and policy framework of relevance to child sexual exploitation and abuse and the judiciary practices affecting children is conducted to frame the overall analysis of the Study. In the Chapter on **Protection**, child protection policies and services with a focus on the identification and referral of suspected cases, case management and sheltering children for their protection is reviewed in the context of child sexual exploitation and abuse. In the Chapter on **Prevention**, a variety of prevention strategies are examined, including notably professional training and awareness raising among persons working with children, selection and employment of persons in activities implying regular contacts with children, education measures for children during primary and secondary education, online safety for children, assistance and counselling services on the phone/internet, as well as preventive intervention programmes and measures for potential aggressors. **Promotion** of appropriate policies in order to address coordination issues, data collection and monitoring will be examined in the fourth Chapter.

Many of the issues to be improved mentioned in this Study are already known by professionals working on these issues. Therefore, it has been our choice to focus solely on 12 critical recommendations to conclude this report. The final Chapter will identify these key areas where recommendations for the government of the Republic of Moldova to take urgent action are presented to address critical issues for ensuring that the best interests of children are placed at the centre of the child protection response in the country.

This report should not be considered as an end itself, but a building block contributing further to the on-going reform process in the Republic of Moldova. As such, the objective is to instigate action towards sustainable reform as a result of which children that are victims, witnesses or at risk of sexual violence in the Republic of Moldova would benefit from a strengthened state response with more effective and proactively coordinated effort to prevent, protect and prosecute child sexual exploitation and abuse.

Efforts have been made to consult a wide variety of stakeholders throughout the process. The timeline and political context of the country did not allow for a more in-depth consultation of frontline professionals and local level actors, which will eventually limit the scope of the Study and the scope of its recommendations. Many documents were consulted during the preparation of this study; they were not systematically mentioned to make reading easier and we invite readers to consult the bibliography at the end of the document.

Elements of analysis of the situation of children in relation to sexual abuse and exploitation in the Republic of Moldova

According to the last population census, at the beginning of 2016, the Republic of Moldova had a population of 3,553,100 people, about 7,000 people (0.2 per cent) less compared with 2011. The number of children aged under 18 years decreased much faster than the total population – i.e. 669,600 children at 01.01.2019 or 21,300 fewer children than in 2015, representing a reduction of 3 per cent in just five years. As a result, the overall share of children in the total population has decreased to 18.9 per cent in 2019, compared with 19.4 per cent in 2015. The share of children living in rural areas is significantly higher (64 per cent in 2017), partially due to growing difference in birth rates for rural and urban areas.⁶

Moldova ranks low in terms of commonly used living standards and human development indicators in comparison with other transition economies. The need for social services is self-evident as poverty, material deprivation and social exclusion are widespread. Poverty is mainly concentrated in the rural areas and the rural-urban poverty gap is increasing.

Official data indicate that more than 330,000 people are working abroad but the unofficial number of those who left the country is believed to be up to 1 million individuals. It is estimated that 36,200 children are not living in families with both parents, mainly due to the migration of one or both parents. A large proportion of them are living with their grandparents in rural areas, where deprivations are more common.

The migration of parents may have positive effects on children from the perspective of increased access to resources, but it erodes family structures and relationships, and affects the social and psychological development of left-behind children. The changed relationship with their parents and caregivers also increases the danger of risky behaviour and contact with the law.

Despite encouraging developments in the last few years with regard to the child protection and education systems of the Republic of Moldova⁷, the rights of several groups of children are still breached and suffer from persistent deprivations and inequities: these are children from poor families, children with disabilities, Roma children, children 'left behind' as a result of migration, and most at-risk adolescents.

Adolescents' reproductive health is poor, with a high level of sexually transmitted infections prevalent among youth, in part due to the low use of modern contraception methods compared with their peers from East European countries. In general, comprehensive knowledge about HIV prevention among young people aged 15–24 years is low. The consumption of alcohol by adolescents at least once in their lives ranges from 28 per cent for 11-year-olds to 82 per cent for 17-year-olds. In addition to low awareness on preventive health practices and limited access to youth-friendly health centres, adolescents' participation in social life and decision-making processes, both at home and in society, remains very low.

Violence and emotional abuse are a daily fact of life for many children in the Republic of Moldova, at home and at school. An exceptionally high proportion of children aged 2–14 years (76 per cent) experience violent

6. Official data of the National Bureau of Statistics available in Romanian version at: www.statistica.gov.md

7. According to UNICEF, some remarkable results have been achieved in the Republic in Moldova in reducing mortality and morbidity. Since the mid-1990s, under-five mortality has dropped by nearly half and infant mortality rates have fallen by more than half. The country has rather low levels of chronic malnutrition among children. In education, there has been strong growth in the enrolment of children of kindergarten age. At the same time, the country made progress in the inclusion of children with disabilities and special educational needs in mainstream education. Reforms in the child protection sector resulted in a threefold reduction of the number of children living in residential care since 2010, in parallel with a significant increase in the number of children being placed in alternative care.

discipline at home, including psychological abuse and physical punishment. The situation is slightly better for girls compared to boys. Bullying and other types of violence are widespread not only at home, but also quite common in schools. According to reports on adolescents' development and health, almost every second adolescent from the Republic of Moldova is aware of a peer who suffers from bullying at school. Children are increasingly becoming victims of crimes committed within their family. According to data of the National Bureau of Statistics, 1,500 children were victims of a crime in 2018, 33.8% more compared to 2014, of these 9.3% are sexual relations with persons who have not reached the age of 16, 7.3% are rapes and 6.1% acts of hooliganism. The number of reported sexual offences involving children in the Republic of Moldova is increasing: between 2014 and 2018, the number of criminal case files where children were victims of sexual offences increased by 45 per cent (from 219 to 398 according to reports of the General Police Inspectorate).

In many cases, victims of sexual violence face multiple legal, social, cultural and economic obstacles, including during accessing the justice system. Collaboration between the justice sector and social services for assisting victims of sexual exploitation and abuse is still underdeveloped, while social assistance and services for reintegration of victims into the community are almost non-available. Even if provided by law, victims rarely have access to quality psychological counselling or to qualified and free legal assistance from the state institutions.

The path of the victims of sexual violence through the justice system is difficult and discouraging. They are often further harmed by the professionals who are in contact with them – police officers, criminal investigation officers, forensic examiners, prosecutors and judges. Contacts with their aggressor are not limited as they should, and victims are exposed to threats and offers for mediation from the perpetrator and a general lack of empathy from the justice system. This is reflected in the number of legal cases abandoned by the victims before their conclusion, in the small number of sentencing combined with mild sentences.

The degree of Internet penetration in Moldovan households significantly increased. The data for 2016, published by the National Regulatory Agency for Electronic Communications and Information Technology, show that the number of clients using Internet services increased by 39.4%, compared to the number of clients in the same period the previous year. According to the study "Child Safety Online" many children take risky actions on the Internet⁸. The research data also shows that specific knowledge about risky behaviour online is limited, or teenagers know about it, but do not follow the safety rules online.

The profile of 40 children who had been victims of sexual abuse or sexual violence and assisted in the first half of 2018 by the Public Association International Center for Women Rights Protection and Promotion "La Strada" (La Strada) reveals several worrying trends related to online communication among children. Children, mainly girls, who become victims of sexual abuse and/or trafficking in human beings via internet are getting younger. Lack of nurturing parental care is another factor of vulnerability related to trafficking and sexual exploitation and abuse: more than half of the children victims were living in institutional care or with their grandparents. Deprivation as well as the lack of communication and relationships based on trust and sense of security in their own family get those children vulnerable to predators. The psychological assessments of these children have shown serious miscommunication and complicated relationships with their parents. Only 30% of children who have been abused have reported the abuse on their own initiative.

The current territorial-administrative structure of the Republic of Moldova is very fragmented. There are 898 administrative constituencies (first-level settlements) with their own mayor. Only 14 per cent of them have a population of more than 5,000 people, and one third have fewer inhabitants than the minimum provided by law, i.e., 1,500. They are predominantly rural (94 per cent or 844 units). Regardless of their size and administrative capacity, their responsibilities include water supply, waste management, road construction, local transport, sports and youth activities, building of social housing and child protection services. The fragmentation and underfinancing of many of the local public authorities seriously reduce their capacity to deliver services for children. The fiscal decentralization put at risk the availability, quality and sustainability of child protection services provided by local authorities and financed from local budgets. The current service provision is fragmented, services are not equally spread across the country, and many of them depend on donor support and political will rather than being based on needs assessments (e.g., social services for children and families are all affected by underestimated financial standards).

8. The International Center for Protection and Promotion of Women's Rights "La Strada" (Moldova) *Study Summary Child Safety Online*, 2018. According to the study, only 9% of the children who had received indecent proposals via internet told their parents or another adult and asked for advice. The research data show a tendency among children aged 12–15 to meet the people met online. Such actions were taken by 35.9% of them. More than half of these children got into situations they regretted when they met that person. 80% of the children said they are aware of online safety. Study available at: http://lastrada.md/pic/uploaded/Child_Safety_online_ENG.pdf

While social reforms are underway, several social justice laws are poorly implemented. This was initially due to inadequate funding: in 2016, it has been estimated that the Republic of Moldova allocated eight Euros per person to its justice system, ranking last among the member countries of the Council of Europe; in 2018, this allocation has almost doubled to reach 14.3 Euros per person; this allocation remains 4.5 times lower than the average of the Council of Europe countries. But it must be noted that in 2018, the allocation made to the justice system in the State budget is high, accounting to 1.3% of all public expenses when the average for Council of Europe countries is 0.9%. Education, Public Health and Social Protection are the sectors that consume most public spending. Proficiency gains in education and increased healthcare could be made through reforms but the initial costs for the modernization of the education and hospital systems are high. While there is a series of benefits and services for families with children, these mainly aim at addressing risks once they have already materialized; the root causes of family separation, neglect, abuse and violence against children are not systematically tackled. The reform of the residential care launched in 2007 has not been complemented by sufficient development of alternative services. With regard to social protection, the challenge remains to direct social assistance to the neediest. The system of social services, including social work and child protection, remains fragmented.

1. Prosecuting the perpetrators: The national legislative and regulatory framework and some observations regarding practices in their implementation.

1.1 INTRODUCTION

The Lanzarote Convention requires states to prosecute the perpetrators through substantive criminal law in order to address all forms of sexual abuse and exploitation, such as abuse from a position of trust⁹, abuse of vulnerable children, child sexual exploitation through prostitution and child sexual abuse material, grooming, solicitation and corruption of children for sexual purposes, aiding or abetting attempts to commit an offence. The Convention defines the jurisdictional requirements for initiating proceedings and punishing offences and defines standards for investigation, prosecution and procedural law; it puts obligations on the states to put in place general measures of protection for children and appropriate modalities for child-friendly investigations and interviews with the child.

In particular, the Convention requires:

- ▶ The existence of key legal instruments to criminalise offenses such as engaging in sexual activities with a child below the legal age, child sexual exploitation through prostitution and child sexual abuse material and the criminalisation of the use of new technologies such as internet to sexually harm or abuse children (Art. 18–23 Lanzarote Convention).
- ▶ The existence of a main legal instrument to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child (Art 30–36 Lanzarote Convention).

1.2 OVERVIEW OF THE LEGAL AND POLICY FRAMEWORK IN PLACE

An important work has been done in order to ensure the compliance of the national legislation with the requirements of the Lanzarote Convention.

Before the ratification of the Lanzarote Convention, several legislative acts were amended in order to harmonize the national regulatory framework with the provisions of the Convention. The Inter-agencies working groups identified gaps to be addressed (e.g. grooming; infantile prostitution). This specific exercise was conducted within the broader process of reforming the child protection system by approving policy documents and a series of legislative and procedural changes. The process of reforming the child protection system is on-going.

There is no roadmap or separate action plan for the implementation of the Lanzarote Convention at national level, but several national policy documents include certain actions or activities which contribute to the implementation of the Convention at national level, most relevant being:

9. A child's "cycle of trust" is defined as encompassing the extended family members and persons close to the child who exercise influence over the child. The notion of the circle of trust is interpreted by the Committee of the Parties (Lanzarote Committee) of the Lanzarote Convention to cover: members of immediate and extended family, persons with care-taking functions or exercising control over the child, and persons with which the child has relations and who have influence over him or her, including their peers.

— **The National Development Strategy “Moldova 2030”¹⁰**: Following the process of nationalization of the United Nation (UN) Sustainable Development Goals, the draft of the National Development Strategy “Moldova 2030” was developed by the Government. It sets out long-term sectorial development priorities, contributing to the strategic distribution of budgetary and institutional resources. The following objectives are considered in the draft of this strategy: end abuse, exploitation, trafficking and all forms of violence against children, including torture (16.2); significantly reduce all forms of violence (16.1).

— **The National Human Rights Action Plan for 2018–2022**¹¹: The National Human Rights Action Plan is the instrument materialising state policy on strengthening human rights protection. One of its targets refers to respect for the rights of child victims of crime with a target of increasing the guarantees for child victims of crime through ensuring forensic interview in special conditions. It should be noted that this is the third public policy document aimed at the implementation and promotion of human rights in the Republic of Moldova. It was preceded by two similar documents for the periods of 2004–2008¹² and 2011–2014¹³, which also included relevant actions for the implementation of Lanzarote Convention, such as the cross-sectorial mechanism of collaboration and the Child Hotline Service have been developed and approved, the unconditional access to legal assistance for children victims has been ensured and the capacities of the justice system specialists working with and for children have been strengthened.

— **The National Strategy for Preventing and Combating Trafficking in Human Beings for 2018–2023 and the Action Plan for 2018–2020**¹⁴: The Strategy identifies gaps within the system and provides measures to avoid repeated forensic interviews of child victims, including qualified legal aid provided for child victims, standards for interviewing rooms for children to be developed, and a better cooperation between the National Referral System and the Cross-sectoral cooperation mechanism.

— **The National Strategy for Preventing and Combating Violence against Women and Domestic Violence for 2018–2023 and the Action Plan for 2018–2020**¹⁵: This strategy is in line with the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).¹⁶ The Strategy stipulates the development of protection and assistance services for victims of sexual offenses as well as effective measures of assistance and access to justice for victims of domestic violence, including child victims of sexual violence.

— **The Child Protection Strategy for 2014–2020 and the Action plan for 2016–2020**¹⁷: One of the three main areas of child protection policy development outlined in the Strategy is violence against children. The Action Plan foresees the development of Integrated Regional Assistance Services for child victims and witnesses of crime, based on the Icelandic Barnahus model¹⁸.

10. National Development Strategy “Moldova 2030” approved by the Government decision no. 1083 of 08.11.2018. Available in Romanian at: https://gov.md/sites/default/files/document/attachments/intr40_12_0.pdf
11. National Human Rights Action Plan for 2018–2022 approved by the Parliament Decision no. 89 of 24.05.2018, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376768>
12. National Human Rights Action Plan for 2004–2008 approved by the Parliament Decision no. 415 of 24.10.2003, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=306857>
13. National Human Rights Action Plan for 2011–2014 approved by the Parliament Decision no. 90 din 12.05.2011, available in Romanian at: <http://lex.justice.md/md/339395/>
14. National Strategy for Preventing and Combating Trafficking in Human Beings for the years 2018–2023 and the Action Plan for the years 2018–2020 approved by the Government Decision no. 461 of 22.05.2018, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=375580>
15. National Strategy for Preventing and Combating Violence against Women and Domestic Violence for the years 2018–2023 and the Action Plan for the years 2018–2020 approved by the Government Decision no. 281 of 03.04.2018, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=374992>
16. The Republic of Moldova has signed the Istanbul Convention on 6 February 2017, but has not yet ratified it.
17. Child Protection Strategy for 2014–2020 and the Action plan for 2016–2020 approved by the Government Decision no. 434 of 10.06.2014, available in Romanian at: <http://lex.justice.md/md/353459/>, <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=365755&lang=1>
18. Developed in Iceland in 1998, Barnahus (Icelandic for a house of children) is currently acknowledged as one of the leading models in Europe for a coordinated, child-friendly, multidisciplinary and interagency response to child victims and witnesses of sexual violence. The model offers a one-stop-shop approach in one child-friendly premise, coordinating the parallel criminal and child welfare investigations on child sexual abuse cases and providing for all supporting services under one roof. In its first implementation report, the Lanzarote Committee recognised the Barnahus model as an example of a promising practice. For more information, see Council of Europe, Implementation report, Protection of children against sexual abuse in the circle of trust: The framework, adopted by the Lanzarote Committee on 4 December 2015. See more information on: <https://rm.coe.int/1st-implementation-report-protection-of-children-against-sexual-abuse-/16808ae53f>

— **The Action Plan on promoting the internet safety of children and adolescents for 2017–2020**¹⁹: This Action Plan was approved in order to increase the Internet safety of children and adolescents. It includes actions aimed at reducing illegal content on the internet and behaviour with negative impact online, promotion of a more secure digital environment for children and adolescents, the awareness raising and informing parties concerned, on the risks of the online environment, as well as the Action Plan regulates the development of methodical instructions regarding the investigation of sexual offenses committed against children using information technologies and communication (ITC) (action 4.4).

— **The National Cyber Security Programme of the Republic of Moldova for 2016–2020**²⁰: It should be mentioned that this programme includes adjustment of the national legislation to the provisions of the Lanzarote Convention (4.5) in the field of prevention and fight against cybercrime. The Ministry of Internal Affairs (MoIA) in partnership with Prosecutor General's Office are responsible for implementing this Programme.

— **The National Youth Development Strategy 2020 and the Action Plan**²¹ (2015–2020): The goal of the Strategy is to develop and strengthen the youth sector by contributing to the creation of an adequate environment to ensure the development of each young person, on a personal and professional level, including those from disadvantaged groups. The priorities are youth participation, the development of services for youth and economic empowerment of young people.

— **Justice Sector Reform Strategy for 2011–2016**²²: Strategic direction 6.3 of the Strategy emphasised justice for children as a priority for the Republic of Moldova. The main achievements following the implementation of the Strategy include: mandatory forensic interview of child victims and witnesses of crimes to be conducted in special conditions, access to unconditioned legal aid for child victims of crimes, setting up special premises for interviewing child victims and witnesses of crimes.

Considering the socio-economic conditions as well as the commitments assumed by the Republic of Moldova on the international and national levels, the child protection system was improved at legislative level.

In 2012, the **Criminal Code** and its sections related to offenses against children, including sexual offences, were amended several times. New provisions incriminating grooming and making use of prostitution practiced by a child were introduced and related penalties were revised and increased²³.

Even if “sex chatting”²⁴ and “revenge porn”²⁵ are not expressly regulated by criminal legislation, they can be addressed within the Criminal Code norms. No articles of the Criminal Code specifically include “sex-tortion” or “sexual blackmail”²⁶, but they could be potential qualified according to the provisions of Art. 189 Criminal Code, if there is a request of a material nature.

The legislation of the Republic of Moldova does not incriminate the act of sharing images of sexual content between children under the age of 16 years. In case an adult has and/or shares such images in the online space, his/her actions could be qualified as ownership and/or distribution of child pornography materials, which are punishable under Art. 208¹ of the Criminal Code. This Art. 208¹ can also be applied in cases when an image with pornographic content is distributed by a child aged 16 or above.

The Ministry of Justice (MoJ) has confirmed²⁷ that an initiative on adjustment of the legislation on sex crimes is under preparation.

19. Action Plan on promoting the safety of children and adolescents for the years 2017–2020 approved by the Government Decision no. 212 of 05.04.2017. Available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=369782>
20. National Cyber Security Programme of the Republic of Moldova for the years 2016–2020 approved by the Government Decision no. 811 of 29.10.2015a available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=361818>
21. National Youth Development Strategy 2020 and the Action Plan approved by the Government Decision no. 1006 of 10.12.2014, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=356215>
22. Justice Sector Reform Strategy for 2011–2016 approved by the Parliament Law no. 231 of 25.11.2011. Available in Romanian at: <http://lex.justice.md/md/341748/> and the Action Plan approved by the Parliament Decision no. 6 of 16.02.2012, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=343439>
23. Law for amending and supplementing certain acts no. 73 of 12.04.2012, available in Romanian at: <http://lex.justice.md/md/343277/>
24. The action of “sex-chatting” is provided by Art. 206 of the Criminal Code as a form of commercial sexual exploitation of a child. In cases where a child receives images of sexual nature from an adult, the actions of the adult should be qualified as “holding discussions of an obscene nature” with a child and be punishable in accordance with Art. 175 of the Criminal Code. However, Art. 175 of the Criminal Code incriminates discussions of sexual nature only with a person under the age of 16 years old. This means that in all the other cases such actions will not be criminalized.
25. The action of “revenge porn” is provided by Art. 208¹ on child sexual abuse materials. Thus, any person over 16 years old, who distributes or uploads a video with sexual content featuring a child, can be held accountable in accordance with the provisions of Art. 208¹ of the Criminal Code.
26. “Sex-tortion” and “sexual blackmailing” are commonly used terms for the action of soliciting sexual favours or money in exchange for not publishing information or images of sexual nature of a person.
27. A meeting was held with the MoJ on 28 May 2019 during the fact finding mission.

According to the Art. 109 of the Criminal Code the reconciliation (the act of removing criminal liability as the result of peaceful settlement) should not be applied to persons who have committed specific crimes against minors, including sexual offences, child trafficking, child pornography, involving children in criminal activity or determination to commit immoral acts, and recourse to prostitution practiced by a child. Crimes committed against a child are provided by the Criminal Code as an aggravating factor, which leads to more severe sentencing²⁸.

The **Criminal Procedure Code** was amended twice in 2012 and 2014. It is now mandatory to conduct the forensic interviewing of children under the age of 14 who are victims and/or witnesses of domestic violence, sexual abuse and trafficking, in special premises equipped with a video recording system.²⁹ The presence of the suspected perpetrator in the viewing room is forbidden to avoid victimization of the child. The law foresees a trained specialist to interview the child. However, the legislation does not specify the status of the interviewer, its employer, remuneration and training, or the competent authority empowered to monitor and evaluate the interviewer's performance.

The judicial expertise procedure, including forensic expertise and medical examination has been improved and additional guarantees have been introduced to ensure the independence and impartiality of the judicial expert³⁰. However, the legislation does not include specific requirements for the professional performing forensic medical examinations of child victims of crimes.

The normative framework for the protection of victims of domestic violence has been improved in recent years. A **restriction order** was introduced, as a measure of immediate removal of the aggressor³¹. Another major amendment is the new provisions of the Criminal Code that incriminate the acts of intentional non-compliance or refusal to comply with the measures established by the court in the **protection order** for victims of domestic violence³².

The state has assumed commitments and information costs, psychological rehabilitation, qualified legal assistance, financial compensation for injury for victims of crime, including child victims³³. This mechanism is not yet operational, as there is no practical guidelines and experience on it yet. The **rehabilitation of the victims of crimes** is achieved through the provision of support services, public or private services, to the victims of abuse, physical, psychological or sexual violence. The Regulation of the interdepartmental commission for the financial compensation by the state of the damage caused by the offense³⁴ was approved, but data regarding the applicability are missing.

The Law on **special protection of children at risk and children separated from parents**³⁵ (Law No. 140) was approved to provide protection and assistance for children at risk, including children who are subjected to violence, victims of crimes and who practice prostitution³⁶.

28. Criminal Code, Art. 77 (1) e) available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=109495&lang=ro

29. Law on amending and supplementing the Criminal Procedure Code No. 66 of 05.04.2012, available in Romanian at: <http://lex.justice.md/md/344151/>. The revised law of 2012 provided that forensic interviews could be conducted in special premises equipped with video recording system by a psycho-pedagogue. However, this was not made mandatory and depended on the resources available. The forensic interview of children under the age of 14 who are victims and/or witnesses of domestic violence, sexual abuse and trafficking in special premises became mandatory according to the 2014 revision of the law.

30. Law on Judicial Expertise and Judicial Expert No. 68 of 14 April 2016. Available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=110463&lang=ro#

31. The restriction order is issued immediately by the police in order to protect the victim through removing the aggressor for a period of 10 days. If during this period the situation has not changed, the victim can address a request in court asking a protection order to be issued. The protection order is issued by the court for a period of maximum 3 months setting prohibitions for the abuser. Law on preventing and combating domestic violence No 196 of 28.07.16, available in Romanian at: <http://lex.justice.md/md/%20327246/>

32. Law for the amendment and completion of some legislative acts No. 196 of 28 July 2016, available in Romanian at: <http://lex.justice.md/md/366648/>

33. Law on the Rehabilitation of Victims of Crime No. 137 of 29 July 2016, available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=110484&lang=ro

34. Government Decision on the approval of the Regulation of the interdepartmental commission for the financial compensation by the state of the damage caused by the offense, No. 965 of 14 November 2017, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=372535>

35. Law on special protection of children at risk and children separated from parents No. 140 of 14.06.2013, available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=110518&lang=ro

36. Law No. 140 establishes procedures for the identification, assessment, assistance, referral, monitoring and evidence of children at risk and of children separated from their parents, as well as the authorities and structures responsible for the implementation of those procedures, and the responsibilities of the local and territorial guardianship authority in this regard.

Cross-sectorial cooperation in the field of child protection is provided by the same Law No. 140.³⁷ In order to implement these provisions, the Government has approved the **Instructions on the cross-sectorial cooperation mechanism for identifying, evaluating, referring, assisting and monitoring child victims and potential victims of violence, neglect, exploitation and trafficking**³⁸. The Instructions target the employees of central and local public authorities, which are active in the areas of social assistance, education, health care and public order. They must cooperate to prevent and combat violence, neglect, exploitation, trafficking in children through social, educational, public health and medical assistance services.

For the victims of trafficking, including children, the **National Referral System** for the Protection and Assistance of Victims and Potential Victims of Trafficking in Human Beings has been put in place. It represents a special framework for the cooperation and coordination of state institutions' efforts in strategic partnership with civil society and other actors to protect the rights of victims and potential victims of trafficking in human beings.

The interaction between the National Referral System and the Cross-sectorial Cooperation Mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking is insufficient. The category of child victims of trafficking is regulated twice. Neither Law No. 140 nor Law No. 241 on Preventing and Combating Trafficking in Human Beings specifically refer to child victims or potential victims of trafficking³⁹. However, the existing normative acts establishing the mechanisms for implementing the above-mentioned laws⁴⁰ refer in both cases to child victims or potential victims of trafficking. As a result, there is a non-uniform approach and disparity of the procedures applied to children victims or potential victims of trafficking at the legislative, normative and practical levels.

At national level, there are regulations and quality standards in place for services for victims of domestic violence⁴¹ and for the provision of assistance and protection to victims of trafficking.⁴² However, in practice these services are not substantially developed and do not cover the existing needs of child victims and witnesses of trafficking. MoHLSP promotes plans to develop a **Regional service for integrated assistance for child victims and/or witnesses** of crimes of domestic violence, sexual abuse and trafficking as well as other situations when the interests of children or of the justice demand it⁴³. According to the plan three services will be created (North, Centre, South) by 2024. The first service will be located in Balti (second city by size in the country) by 2020.

The regulation and quality standards of the **Child Hot Line service**⁴⁴ are equally in place. This service is functional and provides direct and free access to psycho-emotional counselling and information about children's rights and how they can be achieved and protected.

1.3 OVERVIEW OF JUDICIAL PRACTICES AFFECTING CHILDREN

An important work has been done to ensure compliance of the national legislation with the requirements of international standards. Some issues remain to be addressed but generally the Republic of Moldova has reached international standards in terms of putting into place a legislative framework to address the sexual exploitation and abuse of children. Nevertheless, implementation of such conducive legal framework remains problematic.

37. According to the Law no. 140, representatives of central and local public authorities, structures, institutions and services within or subordinated to them, active in the fields of social assistance, education, health care, justice, are obliged to participate in the activity of the multidisciplinary teams in the process of initial and complex assessment of the child's situation at the request of the local guardianship authority, as well as in the development and implementation of the individualized assistance plan and to carry out risk prevention measures for children.
38. Government Decision on the approval of the Instructions on the cross-sectorial cooperation mechanism for identifying, evaluating, referring, assisting and monitoring child victims and potential victims of violence, neglect, exploitation and trafficking No. 270 of 08.04.2014, available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=18619&lang=ro
39. Law on Preventing and Combating Trafficking in Human Beings No. 241 of 20 October 2005. Available in Romanian at: <http://lex.justice.md/md/313051/>
40. Ibid. 38 and Government Decision on the approval of the Regulation on the activity of the territorial multidisciplinary teams within the National Referral System No. 228 of 28.03.2014, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=352498>
41. Government Decision on the approval of the Minimum quality standards on the social services provided to victims of domestic violence No. 1200 of 23 December 2010, available in Romanian at: <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=337208&lang=1>
42. Government Decision on the approval of the Framework Regulation on the organization and operation of the Centers for the assistance and protection of victims of trafficking in human beings No. 1362 of 29 November 2006, available in Romanian at: <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=327581&lang=1>
43. The MoHLSP is in charge for the process of development and promotion of the service which will be financed from the state budget. The draft of the framework regulation and the quality standards of the service have been developed in partnership with National Centre for Child Abuse Prevention.
44. See more information about the Child Hot Line at: <https://telefonulcopilului.md/>

Even if most forms of sexual abuse and sexual exploitation can be framed within Criminal Code of the Republic of Moldova, in practice, no sentences have been issued on certain categories of offenses. In addition, some situations of sexual abuse resulting from abuse of a position of trust barely concern the circle of family⁴⁵. The Lanzarote Committee invited Parties to review their legislation to address all serious harm to the sexual integrity of children by not limiting their criminal offences to sexual intercourse or equivalent acts⁴⁶ and considered that the Moldovan legislation should clearly state that the offence of sexual abuse in the circle of trust is constituted even when the perpetrator does not use coercion, force or threats.⁴⁷

The action of “grooming” or luring the minor for sexual purposes (art. 175¹, Criminal Code) is also criminalized by the law. In practice, this Article is seldom or not at all applied, because the act of online communication with a minor that aims at setting up a meeting with him/her and planning to commit a sexual crime is most commonly absorbed by an actual sexual crime (rape, sexual intercourse with a minor aged under 16, etc.).

More importantly, some judges continue to verify the level of consent of the child to a sexual act, even though the law doesn’t provide a notion of consent in case of a child victim. In order to address such misapplication of the law, the Public Prosecution Service has developed internal regulatory provisions to determine what constitutes the consent. In order to resolve such a misapplication of the law, the Public Prosecution Service has drafted internal regulations to determine what the consent is.

The Republic of Moldova does not have specialised courts for children. Instead there is a tendency for professionals who work on child-related cases to specialise on child rights. According to the Report of the Prosecutor’s Office activity for 2018, there are prosecutors specialised in investigation of cases involving children, and continuous training is provided for them⁴⁸. The Superior Court of Magistrate periodically approves and annually updates the list of judges specialised in examining of cases involving children (defendants, victims, witnesses)⁴⁹. It should be noted that these specialised professionals do not only handle cases involving children, but also work on cases involving adults. In this respect, the practice of randomly assigning cases through an electronic system remains a challenge.

The principle of giving priority to cases involving children in criminal proceedings appears to be well enforced. The obligation to apply this principle derives from the provisions of Art. 20 of the Criminal Procedure Code. The Methodological Guide on the investigation of cases with child victims and/or witnesses of crimes⁵⁰ approved by the General Prosecutor’s Office stipulates that professionals and other participants involved in interviewing the child victims and/or witnesses of crimes will be guided by the principle of celerity. The interview of a child victim and/or witness must take place as soon as possible after the crime has been reported. The Methodological Guide recommends holding the interview within 2 weeks from the time the case was reported, and in the case of a younger child (4–5 years) within one week at the latest.

There is no mechanism of assistance provided to the child at the time of the complaint. As a result, generally the child faces the police without support. Support is provided solely at the time of investigation. There are no special procedures adopted to provide guidance for professionals investigating cases involving child victims. The Criminal Procedure Code stipulates special conditions in conducting some procedural actions (prohibited confrontations, forensic interview in special premises, reduced interview length).

It is mandatory to apply special procedures when interviewing child victims and/or witnesses of domestic violence, trafficking and sexual abuse for children below the age of 14. The law also allows for interviewing other categories of children (e.g. older than 14 years old or victims, witnesses of other crimes) in special conditions when the interests of the justice or the child require it⁵¹. However, it is left to the prosecutor to decide whether

45. In its first implementation report in 2015, the Lanzarote Committee noted that in the case of the Republic of Moldova, there is no guarantee that the offence of sexual abuse in the circle of trust is constituted also when the perpetrator does not use coercion, force or threats. Art. 171 of the Criminal Code in fact refers to “sexual intercourse committed by the physical or mental coercion of the person”. There is no reference to coercion, force or threats in Art. 201 of the Criminal Code, which relates to incest.

46. *First Implementation Report, Protection of children against sexual abuse in the circle of trust: The framework*, adopted by the Lanzarote Committee on 04.12.2015, Recommendation 9, available at: <https://rm.coe.int/1st-implementation-report-protection-of-children-against-sexual-abuse-/16808ae53f>

47. *First Implementation Report, Protection of children against sexual abuse in the circle of trust: The framework*, adopted by the Lanzarote Committee on 04.12.2015, Recommendation 8, available at: <https://rm.coe.int/1st-implementation-report-protection-of-children-against-sexual-abuse-/16808ae53f>

48. Report available in Romanian at: http://procuratura.md/file/2019-03-05_Raportul%20Public%20activitatea%20Procuraturii%20Generale%20anul%202018.pdf

49. The last list of specialized judges examining cases involving minors was approved in 2017 and updated in 2018 and 2019, available in Romanian at: <https://www.csm.md/files/Hotaririle/2017/13/279-13.pdf>

50. The Methodological Guide on the investigation of cases with child victims and/or witnesses of crimes is available in Romanian at: http://www.cnajgs.md/uploads/asset/file/ro/710/2015-08-03_Ghid_de_audiere_Proiect_definitivat.pdf

51. Criminal Procedure Code, Art. 1101. available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=113967&lang=ro

such special procedures should be applied. This does not comply with the spirit of the Lanzarote Convention, according to which such procedures should apply to all children below the age of 18 years.⁵²

With the introduction of the forensic interview of a child victim and/or witness in special conditions in 2012 and 2014, it was expected to minimize the interaction of the child with the criminal justice system to avoid secondary victimisation. However, multiple interviews of children below the age of 14 continue to be carried out in practice.

In addition to the formal forensic interview, the current practice also often subjects children to multiple informal interviews during the criminal investigation on circumstances of crimes. It results from the fact that the child-friendly interview is not carried out at the initial stage of criminal investigation when the abuse is first reported, but at the stage when a criminal case is already initiated.

At practical level there is a confusion about the differences between the forensic interview to be conducted in special conditions and the protection interview stipulated by the Cross-sectorial mechanism. During the forensic interview, in contrast to protection interview, the child describes the circumstances of the crime. The protection interview is the first discussion with the child in which the specialist must determine the immediate needs to ensure the safety of the child, and not discuss the details of the crime.

Another concern relates to the location of the child-friendly interview rooms and mechanisms and measures put in place for ensuring that a multisectoral interview can take place as foreseen by the law. The rooms for interviewing children are currently located mainly within prosecutors' offices and there are some premises also available in courts of law and specialised NGOs. The investigation judges tend to prefer interviewing the child in rooms located in courts, even if the conditions and location would not be appropriate.⁵³

There are also difficulties in systematically securing professionals to conduct interviews who are specially-trained for this purpose. As mentioned, there is no framework that regulates their status and training required. Interviewers are often trained by NGOs and practice this activity on a voluntary basis without remuneration. The majority of the trained interviewers are female. This is an issue when the victim or witness requests for a specialist of the same sex.

The Lanzarote Committee emphasises the obligation of creating procedures aiming at not aggravating the trauma experienced by the child during investigations and criminal proceedings. The Convention requests Parties to adopt a protective approach to child victims and thus leaves it to their discretion to choose the means of achieving this. But the Committee stresses that the obligation arising from the Lanzarote Convention in this respect is an obligation of result. The above examples demonstrate that the principle of preventing further harm to the child victim or witness has not been fully integrated in the judicial practice of the Republic of Moldova. Each institution continues to conduct its own interviews regardless of the law in force.

Regarding the prevention of further harm during criminal procedures, the development of the Regional service for integrated assistance for children victims and/or witnesses of crime has the potential of improving interagency coordination for the collection of evidence and, as such, avoid secondary victimisation of child victim and witnesses. The Service aims at creating conditions and developing modalities for interviewing child victims and/or witnesses in premises located away from criminal justice institutions and ensuring multisectoral participation to such interviews to prevent multiple interviews of children by each relevant institution (police, justice, social sector, etc.).

During the field mission conducted in May 2019 by the expert team, several interlocutors stressed the need for defining by law the actors who could be allowed to provide support for children during the interviews and other proceedings. Psychologists, lawyers, persons of reference, NGO advisors and social workers were mentioned. Article 31 of the Lanzarote Convention provides the ground for such support, under specific conditions, as it requires Parties to provide for the possibility for the judicial authorities to appoint a special representative for the victim when, by internal law, he or she may have the status of a party to the criminal

52. Art. 3 a. of the Lanzarote Convention defines a "child" as a person under the age of 18 years.

53. For example, the interviewing room of the Chisinau court is located in the basement, in the immediate vicinity of the room where the arrested persons are waiting for the examination of their cases. Nevertheless, these rooms continue to be used for interviewing child victims and/or witnesses.

proceedings and where the holders of parental responsibility are precluded from representing the child in such proceedings as a result of a conflict of interest between them and the victim.⁵⁴

Adopting a protective approach to child victims of sexual exploitation and abuse in judicial process – contributes to fulfilment of the principle of the child's best interests stated in Article 30 of the Lanzarote Convention⁵⁵. As mentioned above, in the Republic of Moldova, qualified legal aid is granted to child victims of crimes and victims of domestic violence according to the law⁵⁶. However, the way in which a child victim and its representatives are informed about this right does not encourage them to fully benefit from this support. The Report on the activity of the Public Prosecution Service⁵⁷ mention that during the reporting period of 2018, 170 child victims of crimes have been interviewed in special conditions. According to the National Legal Aid Council statistical data for the same year⁵⁸, the Council has appointed lawyers only for 13 child victims of crimes during the same period. These data confirm the fact that in most cases child victims of crimes are not assisted by an *ex-officio* lawyer.

In order to ensure the quality of the legal aid offered to child victims and/or witnesses of crimes, in 2015 the National Legal Aid Council developed and approved Quality standards for lawyers involved in cases with child victims of crimes⁵⁹, Quality standards for lawyers involved in cases with child witnesses of crimes⁶⁰ and a Curriculum for continuous training for lawyers offering legal aid to child victims/witnesses of crimes.⁶¹

According to a research conducted in 2017, victims of sexual crimes continue to face a bureaucratic system, which is not prepared to accept victims of these crimes and provide them protection, assistance and a possibility to express their right to a fair trial. From the moment the crime is committed until the conviction of the culprit, the victims of crimes related to sexual violence face many violations of their procedural rights, biased behaviour, stereotypes and procedural actions that intimidate them, discriminate them in relation with the crime, although they are the victims, and bear no responsibility for the crimes that were committed against them. These violations not only discriminate the victims, but also discourage them from informing the competent authorities or holding on their statements till the end. In most cases, they feel forced to back off, withdraw their statements. Even though the research does not focus solely on children, its conclusions remain extremely relevant for child victims of sexual abuse.

Once the criminal investigation is initiated, victims of sexual violence may be pressured by the offender and his/her relatives to withdraw the statements. Victims and their families are often emotionally vulnerable and can be easily influenced. If not encouraged, the majority refuse to continue the criminal investigation initiated to prosecute the suspected perpetrator. For the time being, the legislation in the Republic of Moldova allows for the victims to withdraw their statements without further action from the prosecutor. Technically, the national law does not provide any mechanism for withdrawing a complaint placed by the victim; Instead, the victim has the possibility to drop previous statements made to the police or a judge. In this context, the prosecutors face the challenge to determine whether the statement of the child is reliable or whether there has been any pressure exerted on the child. In addition, victims who have withdrawn their previous statements due to high emotional pressure can be charged of "false statements", even though evidence of sexual offence committed against them is available.

Most victims who decided to go to justice complained about the long period for collecting evidence and conducting the trial. They do not consider that the process allows them to get justice for what has been done to them. As a result, most victims tend to give up and only few are determined to fight until the court finally sentences the offender. Only a minority of victims initiate a case for compensation of financial and moral

54. As specified in the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice (English version available at: <https://rm.coe.int/16804b2cf3>), the function of a special representative (usually named "guardian") differs from the functions of a legal counsel. The guardian is appointed by a court, not by a 'client' per se, to assist the child during the criminal proceeding and to make sure investigation and procedures do not violate the child's interests. As to the question of accompanying the child in the interview room by a support person, the Lanzarote Committee noted that authorisation should be granted on a case by case basis, after hearing the opinion of the child concerned. The Committee identified as a promising practice the fact that, in France, national law provides that NGOs may assist the child throughout his or her hearings.

55. Art. 30 of the Lanzarote Convention has two specific obligations for the victim's protection: not to aggravate the trauma experienced by the child during criminal proceedings, and to provide for assistance to the child accompanying the criminal justice response, where appropriate.

56. Art. 19 (11) Law on legal aid No. 198 of 26.07.2007, available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=110632&lang=ro

57. Ibid. 48.

58. Statistical data available in Romanian at: <https://statistica.cnajgs.md/>

59. See more information available in Romanian at: http://www.cnajgs.md/uploads/asset/file/ro/721/Standarte_copii_victime.pdf

60. See more information available in Romanian at: http://www.cnajgs.md/uploads/asset/file/ro/720/Standarte_copii_martori.pdf

61. See more information available in Romanian at: http://www.cnajgs.md/uploads/asset/file/ro/723/Curriculum_V1.pdf

prejudice. According to the interviewed professionals, in many cases perpetrators are not brought to courts due to lack of evidence, gaps in criminal investigations, corruption, and other reasons. This occurs particularly in rural areas where victims have limited access to legal counselling.

1.4 CONCLUSIONS AND RECOMMENDATIONS

Even if some issues remain to be addressed, an important work has been done in the Republic of Moldova in order to ensure the compliance of the national legislation with the requirements of European and international standards. This applies, in particular, the obligations deriving from the ratification of the Lanzarote Convention.

However, the implementation of such conducive legal framework remains highly problematic and the spirit of the concerned laws gets too often lost.

One key objective of the Lanzarote Convention is to ensure that legal procedures that apply to child sexual exploitation and abuse allow these children to claim their rights to justice and not to be further harmed during the investigations and criminal proceedings. The Lanzarote Committee emphasises that Parties are free to choose the means for putting into place such protective environment as long as child victims and witnesses are fully protected from further harm. It appears that preventing further harm to the child victim or witness has not been fully integrated in the judicial practice of the Republic of Moldova and this situation needs to be corrected.

The legal space exists for providing adequate support and legal assistance to child victims of sexual exploitation and abuse, but it remains too restrictive (mandatorily applying solely for children below 14) or only optional and, as such, is optimised.

The **Criminal Code** has been modified several times and considerably improved regarding the sexual exploitation and abuse of children. However, the Criminal Code does not make a clear delimitation of all the components of offenses relevant to the Convention.

The **Criminal Procedure Code** has been adjusted to contain provisions regarding the interviewing of child victims/witnesses of crimes under special conditions. These provisions refer only to the child victims/witnesses of crimes under the age of 14 and do not include all the categories of crimes which potentially have a serious impact on a child's mental and physical integrity. Multiple interviewing of child victims, which makes them vulnerable to secondary victimisation, remains a current problem to be addressed. Rather than interviewing the child already at the identification stage, the practical application of the Code has resulted in conducting the forensic interview under special conditions only at an advanced stage of case investigation.

Victims, including child victims of sexual exploitation and abuse continue to face a bureaucratic system providing them with insufficient assistance and protection. Combined with long delays of procedure, this leads too often to situations where victims feel forced to withdraw their initial statements. Many loopholes continue to exist in the judicial system which allow perpetrators to avoid a firm condemnation.

It should be considered to amend the Criminal Code in order to fully align it with the provisions of the Lanzarote Convention. Key legal principles need to be fully enforced, including notably the fact that consent cannot be considered when dealing with sexual exploitation and abuse of minors.

It is recommended to improve the forensic interviewing process of child victims and witnesses of sexual exploitation and abuse, so that multiple and repeated interviews can be avoided and to advocate for an extension of the applicability of the provisions of art. 110¹ of the Code of Criminal Procedure for children up to 18 years old and on all categories of offenses with serious impact on physical and mental integrity of the child. Authorities have informed the Council of Europe that a new amendment to the provisions of the Criminal Procedure Code referring to the interviewing of child victims or witnesses of crimes of sexual abuse/violence character will be initiated by the end of 2019 by the MoJ aiming to simplify the procedure; the opinion of relevant international organisations and civil society organisations will be consulted on the draft amendment of the law.

There is a need to further develop the capacities of specialists that are working with child victims or potential victims and to promote the collaboration between specialists from the social field and those from the legal field.

It is strongly recommended to improve the judicial proceedings against perpetrators of sexual exploitation and abuse in order to ensure that the procedures remain as short as possible and to continue the prosecution in all cases, including when the child victim has dropped previous statements.

2. Protecting the rights of child victims of sexual exploitation and sexual abuse: Identification, case management and placement of the child

2.1 INTRODUCTION

Many child victims of violence, including child victims of sexual exploitation and abuse, are never identified as such and consequently do not benefit from appropriate support and services to ensure their recovery. When violence against children remains hidden, no progress is to improve the protection of children from the worst forms of abuse and exploitation. Consequently, improving the capacity to identify, report, and refer children in need of protection from sexual exploitation and sexual abuse are of paramount importance.

Careful consideration needs to be given to develop dedicated complaint mechanisms accessible to children and allowing them to be identified as potential victims and receive required support and protection. In most communities in Europe and elsewhere there is a lack of mechanisms, which children could use to report if they feel at risk or are victims of violence, including sexual exploitation and sexual abuse. Within the school framework these tools either do not exist or are not efficient.

Art. 12, par. (1) and par. (2) of the Lanzarote Convention stipulates the need to ensure that the confidentiality rules imposed by law to certain professionals do not constitute an obstacle to the possibility to report to the services responsible for child protection any situation where there are reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse.

The Lanzarote Convention also requires the Parties to:

- ▶ Develop social, medical and psychological short and long-term assistance programmes and structures for victims, their parents, their close relatives and for any person who is responsible for their care. These measures shall take due account of the child's views, needs and concerns (Art. 11 and 14).
- ▶ Regulate the intervention procedures when parents or persons who take care of the child are involved in his or her sexual exploitation or sexual abuse, specifically the possibility of removing the alleged perpetrator and the possibility of removing the victim from his or her family environment. The conditions and duration of such removal shall be determined in accordance with the best interests of the child (Art. 14, par. 2).

2.2 IDENTIFICATION AND REFERRAL OF SUSPECT CASES

2.2.1 Overview of the legal framework

The Lanzarote Convention requires creating the legal space allowing all professionals to report cases of children at risk. The Republic of Moldova went far beyond such obligation when defining by law a mandatory obligation for reporting suspected cases of children at risk.

The **Law No. 140** provides the national legal basis that establishes the obligation of local and central public authorities, structures, institutions and services, within or subordinated to them, working in social assistance, education, health, protection, law enforcement bodies, to report to the competent guardianship authority notifications on children at risk, as well as cases of abuse, neglect or exploitation of children, including sexual abuse and sexual exploitation. The adoption of Law No. 140 was an important step forward in the development

of a comprehensive legal and policy framework that protects children and a critical step towards a systems-based approach to child protection able to respond to changing risks and developments.

In order to implement the Law No. 140, guidelines on intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence which target the professionals for child protection (social workers, teachers, doctors, police officers) were approved by the Government Decision No. 270⁶². The joint order of Ministry of Labour, Social protection and Family⁶³, Ministry of Education⁶⁴, Ministry of Internal Affairs approved the notification sheet of suspected cases of violence, neglect, exploitation and trafficking of children with a standardised list of indicators on signs of neglect and violence. Such a joint instrument shared among professionals from different ministries can be considered as a major development to be shared with other member states of the Council of Europe as a promising practice.

A notable investment has been made by the concerned ministries in training of professionals on identifying and assisting vulnerable children, including child victims of sexual exploitation and abuse. In a country where capacity-building of professionals is supported financially by donors to a large extent and jeopardised by a lack of planning due to many ad-hoc training sessions supported by civil society or external aid programmes, most ministries nevertheless managed to put in place specific training sessions reaching a critical mass of concerned professionals. Nuances can be mentioned: the MoECR and MoIA have trained a majority of professionals in regular contact with children according to information collected during meetings in May 2019⁶⁵. In the health sector, however, similar investment does not seem to have been made.

Starting in 2013, local, district and municipal coordinators were appointed in the education sector at the level of each school and at the level of local administration. Their role is to share information, organise trainings; and do referral work when deemed necessary. The coordinators report every trimester. According to information provided by the MoECR, one-fifth of cases are referred to specialised interventions; other cases are dealt directly by school authorities. The trend is quite stable.

2.2.3 Practices

By the adoption of the Law 140 and the guidelines to implement it, the Republic of Moldova has put into place high standards in terms of identifying and reporting children victims of sexual exploitation and abuse. Such advance measures should have brought a radical change in the number of identified child victims. Despite some improvements, this has generally not been the case.

Reporting cases of sexual abuse to social services or to the police remains a locked issue in Moldova. People tend not to report abuse when they witness it due to fear of the abuser (in 50 per cent of cases) and mistrust in the authorities' capacity to solve the case (39 per cent) followed by the embarrassment to report cases of abuse or violence (33 per cent) and the lack of knowledge about the entities responsible for receiving complaints (28 per cent). The main perception remains that the nuclear or extended family is responsible for protecting the child and for intervening in cases of child abuse.⁶⁶

Such reluctance in the general population has been extended to professionals working with children and has been addressed through the mandatory obligation put on them to report cases. Although the government instruction clarified to a certain extent the procedure for the identification, registration and assessment of cases involving child victims, there continues to be a lack of communication and cooperation between specialists, producing delays and even absence of decision and action, including the follow-up of cases. In this context, the term "mandatory" remains quite relative as only few professionals have been prosecuted for not reporting a case brought to his/her knowledge) and in most cases, they were not held responsible. Procedures are in place, but files get "buried" due to several reasons, including pressures exerted on stakeholders. Several mayors have resisted implementing the law on mandatory reporting of suspected cases and the MHLSP identified the need for further training and sensitisation at local level.

The main behaviour change has been observed in the education sector, most probably as a direct consequence of the critical mass of training put into place on identification and reporting. Significant growth in the number of reported cases was initially noticed. A total of 13,230 cases of child abuse or violence were reported

62. Ibid. 38.

63. It was restructured into the current Ministry of Health, Labor and Social Protection.

64. It was restructured into the current Ministry of Education, Culture and Research.

65. On-site field research conducted in 28–31 May 2019.

66. *Sociological study within the OMNIBUS research, Opinions and perceptions regarding domestic violence and child abuse*, 2018, available in Romanian at: <http://cnpac.org.md/uploaded/Amicel/Studii/Studiul%20Omnibus.pdf>

by teaching staff, parents and children during the academic year 2014–2015, considerably more than in the previous reporting years. Since, the number of cases reported by schools has remained constant: on average every school calendar year, there are 5,500 cases of physical violence, 2,500 cases of emotional violence, 2,500 cases of neglect, 200 to 300 cases of exploitation and 50 to 60 cases of sexual exploitation and abuse.⁶⁷

It has not been possible to identify any assessment of the impact of the nomination of school coordinators. According to the Children's report for the UN Committee on the Rights of the Child for 2016⁶⁸, children do not consider this practice reliable since previous experiences showed that teachers did not intervene, refused to believe pupils or even blamed them for provoking the abuse. It appears that the procedures selected for the identification and reporting in schools creates a space for arbitrary decisions as headmasters will decide how to address the case: generally, either by identifying a solution within the school or referring the case to local guardianship authorities.

The increase in the number of cases reported in the education sector has not been matched by an increase of cases reported in the health sector. Family doctors play a critical role in the health system in Moldova; they are well placed for advising families about the risks and impact of violence against children; but their involvement in identifying victims of sexual abuse and sexual exploitation has been limited to a point which can be qualified as a denial or a rejection. According to information provided by the MoHLSP, in 2017, 25 cases of sexual abuse were reported nationally through the health sector, mainly by family doctors and emergency doctors; there is no evidence that nurses, assistants to family doctors and health workers have been involved in reporting cases.⁶⁹ This could be explained by the limited number of people trained on the issue in the health sector but could reflect as well a resistance to behaviour change.

It shows how difficult it has been to change attitudes on such a complex issue and how much easier it is for a professional working with children to avoid reporting a case when conflicting interests are involved.

Little efforts have been made for better protecting children placed in institutional care against violence, including sexual exploitation and abuse through the development of self-reporting mechanisms. The lack of regular monitoring of the situation of the children placed in alternative care by independent human rights monitoring organizations makes it even worse. The MoHLSP does not report about the number of cases of violence against children, including sexual abuse and sexual exploitation occurring in institutional care or foster care. The alternative care system remains a grey zone in the Republic of Moldova where no or limited monitoring of the situation of children placed under the protection of the government is done. Complaint mechanisms for children in institutions exist but have not been reviewed; corporatist behaviours continue to prevail over access to justice.

Particular attention has been paid in the law to the situation of children at risk defined to include children who are victims of violence or neglect, including those engaged in vagrancy, begging and prostitution; children without parental care and supervision because of parents who have left the country for work; children who have been orphaned; children living on the streets, runaways or children expelled from their homes; children whose parents refuse responsibility, have abandoned them or have been deprived of the legal capacity by court decision; children removed from the care of parents due to the existence of imminent danger to life or health; and children with established status "temporarily without parental care." In that regard, the law aimed at addressing sexual exploitation and abuse beyond the circle of trust to tackle the sexual exploitation and abuse of adolescents deprived of direct parental protection. Based on an analysis of available data, it appears that, for reasons still to be explored these children did not benefit from this protection law and most children who have been identified through this mechanism have been children sexually exploited and abused in the circle of trust.

The Lanzarote Committee identified some promising practices which could be relevant for the Republic of Moldova: In **Albania**, a study on child sexual abuse in the circle of trust shed light on the cultural and systemic barriers which undermine the reporting of these cases and the need for adequate treatment and support to children and their families. In **Italy**, the "Paediatric Network Against Child Abuse" project supported by the Italian Federation of Paediatric Physicians, the Italian Society of Paediatrics and the Italian Paediatric Hospitals Association developed a network of 15,000 paediatricians and basic "sentinel" doctors who are trained to recognise the unspeakable signs of abuse of children and serve as reference point of other local colleagues to inform and provide qualified advice. In **Austria**, the brochure "No safe place", available online, provides information about sexual violence against children and aims at encouraging the reporting of sexual abuse of

67. Statistical data available in Romanian at: <https://mecc.gov.md/ro/content/astazi-este-marcata-ziua-internationala-nonviolentei-scoala>

68. The Report is available in Romanian at: https://drepturilecopilului.md/files/Raport_DC_ONU_FINAL_for%20WEB.pdf

69. Information collected during the on-site research mission conducted on 28–31 May 2019.

children in the circle of trust to the competent authorities. And **the Netherlands** created a specific body for advice and reporting in situations of child abuse, neglect and domestic violence, called “Safe at Home organisation”. Accessible 24/7, this body advises the reporting person on possible actions, adopts urgent measures if needed to protect the child, and reports to the law enforcement institutions.⁷⁰

2.3 CASE MANAGEMENT

Available evidence, together with some promising and pioneering practices provide good principles for guiding the development of services. Responding to child sexual abuse and sexual exploitation systematically demands a multisectoral and comprehensive approach as victims have a range of different needs for safety, health care, psychological counselling, psycho-social support, access to justice, education and reintegration. It requires good coordination and working together across different sectors, including social welfare, health, education, justice and security system, community services, ICT, travel and tourism. Coordination and integrated efforts should be put in place at the level of direct provision of services to each child and family, as well as at the more strategic level of needs analysis, national planning and strategy development and implementation.

Case management is a structured method for providing support to a child victim of sexual exploitation and sexual abuse. It involves social services actors, taking responsibility for making sure that the victims are informed regarding all the options available to them, that issues and problems faced by a victim and her/his family are identified and followed up in a coordinated way, and providing the concerned child with emotional support through the process. It has also become the primary entry point for victims to receive crisis and longer-term support.

Considerable investments in human resources have been made over the last 15 years in Moldova to address the lack of social workers and 1,200 community social assistants now cover the whole country (the post was created in 2007). However, only a few of them are qualified in social work and there is no systematic in-service training to upgrade their knowledge and skills. Combined with difficult working conditions, including a large caseload, unattractive salaries and poor professional development opportunities influence the high turnover of community social assistants. Part of their tasks is to facilitate the application process to social benefit schemes and many of them are not equipped and do not have the time to assess the situation of victims of sexual violence and to prepare a plan for approval of local guardianship authorities.

To remedy this situation, the Law No. 140 introduces additional implementation support for the Mayor through the establishment of the position of Child Rights Protection Specialist. The deployment of child protection specialists aims at improving the identification of potential victims, to conduct a proper assessment of their situation and the preparation of an inter-sectoral management plan to be approved by the local committee for child protection within 10 days. They are also supposed to ensure a proper articulation with the district Social Assistance and Family Protection Directorates. However, there are only few such child rights protection specialists appointed by Mayor’s Offices, due to financial limitations to set up more positions.⁷¹ Their job description remains unclear and their mandate confused with the one of social assistants; some stakeholders consider that the child protection specialist under the mayor’s responsibility should have been placed under the district authorities with a salary from the state budget.

The case management teams are confronted with an impossible task: providing a wide range of services facilitating the social reintegration of victims (all victims of sexual abuse and sexual exploitation require a multisectoral response) where there are so few services available. In May 2019, many examples were provided to us of children who left this rehabilitation phase with only half of the support provided as defined by their assessment exercise. In addition to the lack of services, some interlocutors mentioned that the type of support varies a lot from one location to another due to the lack of established protocol in place for ensuring that all the needs of the concerned child have been covered.

The Republic of Moldova is characterised by the scarcity of services, particularly in rural areas. This is particularly the case in the social sector, due to a lack of proper investment over the last 70 years and the low process of transformation of obsolete services into new ones, as properly illustrated by the reform of the child-care system. There is no mechanism for implementing a minimum package of services to respond to children’s needs and this report highlights some of the challenges for mobilising appropriate human and financial

70. *Second Implementation report, Protection of children against sexual abuse in the circle of trust: The strategies*, adopted by the Lanzarote Committee on 31.01.2018, available at: <https://rm.coe.int/2nd-implementation-report-protection-of-children-against-sexual-abuse-/16808d9c85>

71. Information collected from stakeholders during the on-site research mission conducted on 28–31 May 2019.

resources at the local level. The Republic of Moldova suffers from a deficit of specific services and mechanisms to respond to the needs of children and their parents and kin in situations of vulnerability. Specialised psychological counselling and support services to families and children confronted with crisis or situations of risk are missing in the whole country and this has been mentioned by several interlocutors as a core issue during the field mission in May 2019.

The Lanzarote Committee identified some promising practices of management of child abuse cases. The main one is the model of Children's Houses inspired from the Barnahus in **Iceland**. They represent a child-friendly, interdisciplinary and multiagency child-friendly centres where different professionals work under one roof and investigate suspected child sexual abuse cases and provide appropriate support for child victims. In Iceland the activities are based on a partnership between the State Police, the State Prosecution, the University Hospital and local child protection services as well as the Government Agency for Child Protection which is responsible for its operation. The basic concept of the Children's House is to avoid subjecting the child to repeated interviews by many agencies in different locations. It allows professionals as well to exchange information in relation to the case regarding private matters concerning the child's personal and family circumstances whenever the exchange is considered necessary for the child's health and development and it coordinates the parallel criminal and child welfare investigations of child sexual abuse cases.

As mentioned above⁷², the MoHLSP promotes the development of a Regional service for integrated assistance for child victims/witnesses of crimes, which is based on the Barnahus model that puts the child at the centre of the proceedings to prevent secondary victimisation of the child. To ensure sustainable and quality operation of Barnahus or similar interagency coordination models in line with European standards, the Council of Europe strongly recommends that the service be formally embedded in a national or local structure; that interagency collaboration within the service be governed by national procedures and formal interagency agreements; and that the service be financed with public funding in the long run.

2.4 SHELTERING CHILDREN FOR THEIR PROTECTION

Both Law No. 140⁷³ and the Family Code⁷⁴ regulate the situations in which public authorities must intervene to protect the interests, physical integrity or even the life of the child at risk. Generally, this will happen if the child is left without parental care or in cases where remaining in the family is a threat to his/her life and health. In those cases the task of representing the interests of the child is attributed to the territorial or local guardianship authority who decides the placement of the child (emergency or planned placement). Thus, in such cases, the local guardianship authority orders to immediately take the child from the parents or caregivers and refer the case to the prosecutor to bring an action into court on taking the child from the parents.

The Law No. 140 outlines a last resort principle, namely in accordance with Art. 5 of the Law, guardianship authorities must take all necessary measures to assist and support children and their families to prevent family separation or, where appropriate, to reintegrate them into the family. When this is not possible, various forms of placement are possible in the best interests of children, as provided by the Law No. 140. Emergency placement applies in case of removal of the child from his/her parents or until caregivers are identified. It involves placement by the local guardianship authority for up to 72 hours, with possibility of extension of placement up to 45 days. A placement can include: a) family relatives or other persons with whom the child has an established close relationship; b) family-type placement service; and c) residential care placement.

The Regulation on the organisation and functioning of the Professional Parental Assistance Service and the minimum quality standards⁷⁵ defines that the priority for the placement under guardianship should be with the extended family rather than other types of placement, and where this is not possible, the priority of placement should be given to family-type services rather than residential services. Residential placement services may take the form of community housing, a temporary placement centre, and other residential facilities. The law prioritizes family-based care over residential placement in cases of separation from parents. But challenges remain, namely there is a lack of preparation for identifying alternative forms of placement allowing to provide immediate protection to the child, and a lack of crisis intervention services at night, at weekends, as well as mobile services (even if such multidisciplinary services have been developed by NGOs); there is an acute lack

72. See Chapter 1 Prosecution of perpetrators: the national legislative and regulatory framework and some observations regarding practices in their implementation; 1.2 Overview of the legal and policy framework in place.

73. Ibid. 35, art. 10.

74. Family Code No. 1316 of 26.10.2000, art. 71, available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=112685&lang=ro

75. The Government Decision on the approval of the Framework Regulation on the organization and functioning of the Professional Parental Assistance Service and the minimum quality standards No. 760 of 17.09.2014, available in Romanian at: <http://lex.justice.md/md/354816/>

of psychological support services; and there are no comprehensive and long-term rehabilitation and reintegration programmes for children who have suffered from sexual exploitation and abuse.

The inefficient identification process for alternative forms of placement leads to the separation of victims from their nurturing environment (extended family members, friends, supportive peers, etc.) as children are sent to main cities of the country where shelters are available; such disconnection is not always in the best interests of these children.

The Lanzarote Committee identified some promising practices. In **Bosnia and Herzegovina**, Safe Houses/ Medica Zenica are structures for victims of violence in general, accommodating as well child victims of sexual abuse.⁷⁶ Children in the safe house are provided therapy and assisted in making contacts with relevant government agencies (police, social service centre, judiciary, prosecutor's office, municipality administration and other institutions) and other NGOs for comprehensively exercising their rights and fulfilling their needs. During their stay in the houses they are also involved in education and upbringing processes.

The Lanzarote Committee has identified as well several promising procedures: It concerns developing age specific types of placement for child victims (**Romania**); providing various time frames for removal according to the situation of the child as qualified by the assessment (**Croatia**); the possibility to remove a child victim of sexual violence from his or her family environment, without having to obtain the consent of the parent or legal guardian who has been indicted or suspected of having committed such a crime against the child (**Portugal**); the non-separation of siblings and their placement together in foster-care (**Romania**). The Lanzarote Committee also invites Parties to support the exchange of good practices developed by civil society to ensure that the best interests of the child principle is respected while determining the most appropriate assistance to children who have been sexually abused within the circle of trust. The Committee considers as well that before resorting to the removal of the victim, the removal of the perpetrator should be preferred as it better corresponds to the child's best interest as children tend to perceive their removal from their family environment as a punishment for having disclosed their abuse.⁷⁷

2.5 CONCLUSIONS AND RECOMMENDATIONS

The Law No. 140 on mandatory reporting of potential cases of neglect, abuse, violence and exploitation of children has represented a major milestone in the fight against violence against children. But it has not produced all anticipated effects. In some sectors, in particular in the health sector, no change has been observed as to the professional behaviour of distance and denial of the issue. The critical mass of training required for bringing change, according to the concerned sector, has not occurred or is at risk not to be maintained. There was an increase in the number of cases reported notably in the education sector, but such numbers show that many cases of violence, sexual abuse, sexual exploitation and trafficking of children remain unnoticed and the incidence of violence against children does not seem to be declining.

There has been a tremendous effort over the last 15 years to deploy social workers in the country. Social assistants and child protection specialists fulfil an important task and are most of the time overwhelmed with different tasks they have to accomplish. Capacity in case management is currently being developed. Such efforts are undermined by the lack of community-based services to prevent situations of abuse, neglect and exploitation, support families in need and refer cases of victims for appropriate and holistic care. It will take years to get to the level where a minimum package of services will be available in each district.

The development and the impact of joint instruments on intersectoral cooperation mechanisms for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence need to be documented in order to be shared with other parties to the Lanzarote Convention as a promising practice of regulatory measures put in place.

However, the training on the use of such instruments should be further developed, especially in the health sector to allow nurses, health workers and assistants to family doctors to be familiarised and use such instruments for reporting potential cases of sexual exploitation and abuse. Support is also needed to improve the communication and cooperation between different professionals at local level in order to prevent potential delays in response, absence of decision and follow-up regarding case management.

76. *First Implementation report, Protection of children against sexual abuse in the circle of trust: The framework*, adopted by the Lanzarote Committee on 04.12.2015, available at: <https://rm.coe.int/1st-implementation-report-protection-of-children-against-sexual-abuse-/16808ae53f>

77. *Ibid.* 75.

Credible mechanisms for self-reporting by children, in particular for children placed in alternative care, should be further developed. The number of suspected cases of violence against children, including sexual exploitation and abuse, and the responses provided to remedy such situations should be systematically and regularly reported by the MoHLSP.

Strategies should be explored to ensure the effective enforcement of current national legislation to guarantee that proper mechanisms, including financial mechanisms, can be put in place for the nomination of child protection specialists in all localities that exceed 1,500 persons.

There is a need to facilitate the creation of specialised psychological counselling services and support services for families and children who have been victims of sexual exploitation and abuse. In addition, the lack of a minimum package of services to respond to children's needs must be addressed.

Finally, there is a need to further develop emergency community housing for children who need to be separated from their households for their own protection in order to maintain these children in their community when considered in their best interests.

3. Preventing child sexual exploitation and abuse: Professional qualification, informing children, online safety, awareness campaigns and follow-up of perpetrators

3.1 INTRODUCTION

Prevention is about addressing child sexual abuse and exploitation before it occurs, and it is assumed that it cannot be achieved without changing social norms, attitudes and behaviour towards children and adolescents. In its second implementation report, the Lanzarote Committee recommends organisation of preventive measures that would focus on peculiarities of sexual exploitation and abuse of children and on the development of specific training on sexual abuse and sexual exploitation.⁷⁸

Attitudes towards child sexual abuse and exploitation are generally hostile, disbelieving and victim blaming. Children are too frequently not believed when they disclose experiences of child sexual exploitation and abuse or may be criminalised rather than being treated as victims. Discrimination and poor access to resources and services make children in disadvantaged groups who are socially excluded more vulnerable.

Training and awareness-raising programmes for professionals who have regular contacts with children in the education, health, social protection, judicial and law enforcement sectors, and in areas relating to sport, culture and leisure activities contribute to the prevention of sexual abuse and sexual exploitation and allow to build adequate knowledge of the means to identify and report such cases.

Public education programmes using the media and increasingly social media are widely regarded as being a key component of prevention. Prevention efforts have increasingly recognised the importance of involving men and boys in efforts to change attitudes and behaviour about sexual abuse and exploitation and gender-based violence in general.

Schools are often the best places where to deliver prevention-focused education targeting children and young people. Evaluation of programmes delivered in schools and focusing mostly on safe and unsafe touching show a number of positive results such as improvements in children's awareness, increased disclosure, less self-blame by concerned children and less victimisation in later life. Prevention programmes can cover the whole school including teacher attitudes and behaviour on gender-based violence.

3.2 PROFESSIONAL TRAINING AND AWARENESS RAISING AMONG PERSONS WORKING WITH CHILDREN

The Lanzarote Convention requires Parties to organise professional training and awareness raising among persons working with children in the education, health, social protection, judicial and law enforcement sectors, and in areas relating to sport, culture and leisure activities in order to make them have adequate knowledge of child rights as a general concept, as well as of sexual abuse and exploitation of children and of the means to identify and report such cases (art. 5, par. 1 and 2).

78. Ibid. 69.

The **Republic of Moldova, Government Decision No. 270**⁷⁹ defines the core accountability of the different government institutions regarding the implementation of prevention activities, including sexual abuse and sexual exploitation. It has been reinforced by the **Instruction on the mechanism of intersectoral cooperation for the primary prevention of child welfare risks**⁸⁰ which has not yet been implemented. Many training activities have been and continue to be put in place in the education, health, social protection, judicial and law enforcement sectors, and in areas relating to sport, culture and leisure. Providing a long and incomplete list of trainings sessions conducted over the last five years does not qualify as a contribution of different ministries to the implementation of the Lanzarote Convention as it would fail to inform if a critical mass of professionals has been trained for bringing change on the issue.

A lot of efforts have been made by the concerned ministries, with the support of external donors and civil society actors to provide adequate training to professionals in regular contact with children after the promulgation of new laws and key Government Decisions, such as the **Government Decision No. 270**. As concluded during the fact-finding mission of May 2019, the training sessions were usually of good quality and involved a significant number of professionals in the concerned sectors. In some sectors, being education, justice and social protection, it appears that participation to such training sessions was mandatory for some categories of staff and may have covered almost all professionals in specific professions (such as prosecutors for example).

But it appears as well that many gaps remain, this is mainly due to the fact that these activities of prevention are not structured within a clear strategy or action plan and accountabilities are poorly defined. This is why many training sessions require support of external partners who often have their own agenda and focus on specific issues or programmes. This leads to a situation which can be described as the “glass half-full or half-empty”, particularly many subjects get covered but only a fraction of concerned professionals participate in these trainings. Gaps appear in numbers – of trained professionals and sometimes in specific target groups, as well as in the topics addressed. This leads to a lack of coherent approach to in-the-job training (no priorities defined for continuous learning; duplication in the different modules proposed, etc.).

There is consequently a need to better define the core competencies required from professionals working with children: for example, social workers have been trained on primary risk assessment whereas training has not been extended to health workers. Beyond technical knowledge, there is as well a need for training professionals working with children on attitudinal issues (e.g. on deconstructing the belief that children are partly responsible for what happened to them and have initially consented to it). Some training sessions have targeted an overly narrow audience and need to reach more categories of professionals; this is in particular the case for disseminating guidance on online sexual abuse.

Several of these trainings have not been systematically mainstreamed as part of the core induction training for these professionals. Consequently, vast investments in human and financial resources have not produced sustainable results in improving the core competencies of key professionals in relation to child protection.

Apart from some organised by NGOs, the training sessions were usually organised for professionals in specific sectors (such as police officers or teachers or prosecutors) and did not allow building multisectoral teams working together on a same issue where the training could have represented a unique opportunity to improve coordination among local actors. This is mainly due to the mandate and accountabilities of different ministries dissociated from the local level due to the decentralisation process delegating core functions, including training of staff, to local bodies.

It must be acknowledged as well that training of professionals is affected by a structural problem: professionals at local level have usually poor level of qualifications limiting de facto the impact of training session. This combined with high turn-over (in particular social assistants and police officers) creates a never-ending need for renewal of investment in training.

According to the Government Decision No. 270, the local and territorial guardianship authorities have an important role to play in carrying out prevention and early identification of children at risk of abuse, neglect, exploitation and trafficking. Their mandate is complex and cannot be conducted without solid training. There is a lack of clarity regarding the obligations to train staff from the local guardianship authorities, the ones hired and paid by local authorities. Some of the professionals involved have been trained but others may not have been involved in training sessions as local authorities lack the means and the skills for conducting such

79. Ibid. 38.

80. Government Decision on the approval of the Instruction on the mechanism of intersectoral cooperation for the primary prevention of child welfare risks No. 143 of 12.02.2018, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=374294>

training sessions. This is particularly critical in the case of child protection specialists as low salary proposed leads to recruiting of unqualified staff.

For the staff from the sport, culture and leisure governmental sectors, a curriculum has been developed focusing on training of animators who facilitate extra-curricular activities at schools such as art, handicraft, sport, music and theatre. It was extended to members of NGOs working with children with the aim of developing the capacity of adults in regular contact with children to organise psychosocial activities with children. This curriculum was not institutionalised, and currently training activities on child protection issues have a sporadic nature and are organized and conducted by NGOs.

In fact, very few training sessions have been organised for people engaged in such types of activities with children when these areas are known for being conducive for sexual abuse and sexual exploitation. This means that a limited number of animators working with children have been trained on children's issues (communicating with children, child development, etc.) and on child protection issues including awareness on child sexual abuse and sexual exploitation.

3.3 SELECTION AND EMPLOYMENT OF PERSONS IN ACTIVITIES IMPLYING REGULAR CONTACTS WITH CHILDREN

The Lanzarote Convention requires Parties to regulate selection of employment of persons in activities implying regular contacts with children through conditions to accede to those professions if guaranteed that the candidates to these profession have not been convicted of acts of sexual exploitation or sexual abuse of children (art 5, par 3).

In the Republic of Moldova, like in other states in Europe, the law defines an obligation to check the criminal record of people to be recruited in professions which imply regular contacts with children. In addition, medical records are usually also checked. The Labour Code⁸¹ includes general regulations on the conditions that persons who want to practice didactic activity should comply with. Art. 296, par. (2) of the Labour Code, it stipulates the following: "Persons deprived of this right by court decision or by relevant medical certificate, as well as persons with criminal record for particular crimes will not be accepted to embrace pedagogic (didactic) activity. The lists of medical contraindications and crimes that do not allow practicing pedagogic (didactic) activity are defined by law". There are no other obligations in the health and social sectors.

Stricter rules apply in the law enforcement and justice sectors, where one of the conditions to fill the position of a judge or a prosecutor is the absence of a criminal record as provided in the Law on the statute of the judge⁸² and the Law on public prosecution service⁸³. In the police system candidates for joining the police forces are required to have no criminal record, and not be under criminal investigation for committing crimes as stipulated in the Law on the civil servant with special status within the MoIA.⁸⁴

According to the law on volunteer activities⁸⁵ the medical records of candidates are required to be reviewed, but there are limited means to verify that this is implemented. In addition, the MoHLSP does not have appropriate mechanisms to monitor the situation of children involved in these activities.

These obligations existed before the ratification of the Lanzarote Convention and no new obligations have been created to reinforce the screening of candidates in public administration working with children, such as psychological profiling.

In addition, it must be noted that another obligation of the Lanzarote Convention has not been put in place: currently no database exists where a list of sexual aggressors can be consulted by potential employers.

The Lanzarote Committee identified as a promising practice the fact that in the **Netherlands** a certificate for good conduct is needed for almost all occupations where professionals work with children, for example teachers, youth workers and day care workers; such a certificate is required also from volunteers working with children.⁸⁶

81. Labour Code No. 154 of 28.03.2003, available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

82. Law on the statute of judge No.544 of 20.07.1995, art. 6 (1) d), available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=346404>

83. Law on public prosecution service No. 3 of 25.02.2016, art. 20 (1) g), available in Romanian at: <http://lex.justice.md/md/363882/>

84. Law on the civil servant with special status within the Ministry of Internal Affairs No. 288 of 16.12.2016, art. 13 f), available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=110602&lang=ro

85. Law on volunteer activities no. 121 of 18.06.2010, available in Romanian at: <http://artico.md/wp-content/uploads/2017/01/Legea-nr.-121-cu-privire-la-voluntariat.pdf>

86. Ibid. 69.

3.4 EDUCATION MEASURES FOR CHILDREN DURING PRIMARY AND SECONDARY EDUCATION

The Lanzarote Convention requires Parties to take preventive actions against sexual exploitation and abuse of children and put in place education measures for children during primary and secondary education, including information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of new ICT (art. 6).

The MoECR is engaged in the mandatory requirement to include subjects that refer to risks of sexual exploitation and abuse of children in school curricula. This is quite challenging as such awareness-raising fits within the broader agenda of developing the sexual education of adolescents. Such type of teaching meets political resistance and some lobby groups are very active on the subject and see attempts of perverting young people when the aim is to better equip them to manage risks. In order to identify the space for sexual education, the topic has been integrated into a training module on personal development.⁸⁷ But such a strategic choice has also some negative implications: on one side a fragmented approach to sexual education where some subjects are treated and others are not; on the other side, it does not cover all age groups of children.

Since 2005, integration of sexual education in the education system has been given due consideration in policy documents, such as the National Strategy for Reproductive Health⁸⁸. Even though sexual education in schools is compulsory in accordance with the law on reproductive health, health education, including sexual education, is often limited to sporadic and ad hoc lessons taught by parents who are physicians. The Final Evaluation of the National Strategy for Reproductive Health concludes that the Republic of Moldova has not yet introduced mandatory health promotion education programmes in schools, despite the fact that legal provisions for it have been developed. Some important topics in relation to preventing sexual exploitation and sexual abuse against children have also been ignored: for example, the school curricula exclude the subject of risks related to sexual exploitation and sexual abuse associated with the use of ICT; this subject is only discussed during several seminars organised with the support of civil society. The recently adopted new school curriculum includes subjects under which safety of children online and sexuality education could be covered. However, child sexual exploitation and abuse is not sufficiently emphasised as a mandatory area for teachers to cover in the school curriculum. There is a need for more activities and training for teachers on this subject in order to enhance their knowledge and capacities to train children accordingly, as well as to report the child abuse cases. Many teachers feel uncomfortable and lack skills required for carrying out sessions on such sensitive issues.

In this context, the Lanzarote Committee identified some promising practices relevant for the Republic of Moldova.⁸⁹ In **Albania**, the Ministry of Education and Sport in cooperation with the United Nations Population Fund developed the curriculum package “Life Skills and Sex Education” for primary education and the didactical package on “Life Skills and Sex Education” for secondary education (for students aged 12–16 years old). The Package is aimed at informing and equipping teachers and students with the knowledge on basic education and appropriate skills for their age to avoid situations that carry sexual violence and to become aware of their sexuality. It also includes information on HIV and other diseases transmitted sexually. In **Malta**, children are taught about sexual abuse within their circle of trust from a very young age. During primary school, Agency Sedqqa Prevention Team and the Child Safety Services of the Education Department deliver lessons to children to educate them about a number of matters including sexual abuse. Children receive information about privacy of their bodies, appropriate behaviour and skills on what to do if the behaviour of those around them becomes inappropriate or abusive in a child-friendly way through kits, games, discussions and stories. In **Lithuania**, the Ministry of Education and Science approved the Programme of Preparation for a Family and Sex Education with the purpose to prepare young people for life and marriage, provide knowledge about family, gender differences and similarities. The pre-school curricula integrate topics on personal safety when dealing with strangers such as refusing invitations and proposals, avoiding touching and other actions, teach how to search for support and help in the event of worry and danger. The topic of physical, emotional and sexual abuse as well as assistance in the event of abuse is integrated in the primary curriculum. Secondary

87. This module integrates many issues, such as civic education, personal identity and harmonious relationships, adolescence and sexuality, pregnancies, sexual behaviour, cyber security elements, gender relationships in real life and online, sexually transmitted diseases, etc; and allows to safeguard a space for such type of information sharing and awareness-raising.

88. Government Decision on the approval of the National Strategy for Reproductive Health No. 913 of 26.08.2005, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=305468>

89. Ibid. 69.

education addresses issues such as personal limits, difficulties in making a free choice – external and internal factors, the ability to resist negative influences. Information about sexual exploitation and trafficking in human beings together with child abuse material is integrated in the basic curriculum.

3.5 ONLINE SAFETY FOR CHILDREN

The speed of the ICT development requires constant education of children about risks, tendencies and safe behaviour online. Information on ways to use the internet in safe conditions and without exposing private life needs to be made available for children in an accessible language for their age. A great number of children in the Republic of Moldova have a risky behaviour online, mostly because they don't know about the consequences that might result from such behaviour.

In order to achieve the goals of the Child Protection Strategy 2014–2020, the Government approved the Action Plan on the Promotion of Internet Safety of children and adolescents for the years 2017–2020. The implementation oversight is the responsibility of the Ministry of Information Technology and Communications (MoITC). The Plan priorities are to inform children and youth about the risks of online environment, to train them on safe browsing on the Internet, and to make them more responsible for the contents they place online (it. 9, Chapter III). The plan includes the adaptation and dissemination of an electronic training course on safety online and distributing the "Guidelines on human rights for Internet users" within education institutions.

But as seen before the school curriculum has a very narrow and segmented approach towards the topic of the safe use of ICT and includes only some specific age categories. The informatics curriculum for the 5th-6th grades includes subjects related to safety online, such as interpersonal communication on the Internet, behaviour on the Internet, code of conduct, browsing security. The subject of risks of sexual exploitation and abuse online is totally absent.

3.6 ASSISTANCE AND COUNSELLING SERVICES ON THE PHONE/INTERNET.

The Lanzarote Convention requires Parties to create assistance and counselling services on the phone or on the internet to provide advice to callers, even confidentially or with due regard for their anonymity (Art. 13).

The Republic of Moldova has a **Child Helpline** financed by the government and managed by the NGO which wins the tender organised by MoHLSP. Children and adults call for getting emotional support, information and advice. In 2018, the Child Helpline registered 5853 calls, 3751 of them from children. 401 cases have been reported to the guardianship authority being considered as serious forms of violence, 10 of which refer to sexual abuse.⁹⁰

This Child Helpline provides a solid example of solid articulation with social services. During the year 2017, 589 referral sheets of presumed cases of neglect, abuse, exploitation, trafficking and violence against children were referred to the child protection authorities. La Strada noted that in the follow-up of calls revealing suspected cases by its staff, they noticed an improvement in the quality of the assessments and primary interventions conducted by the child protection authorities; they have noticed, as well, a stronger involvement of mayors in the follow-up of cases. It is, however, observed that sexual violence against adolescents is still approached through the prism of gender stereotypes, namely girls are considered to be the ones who induce the abuse, therefore it is their own fault. Physical and psychological violence against children in pre-school and school institutions underline the deficiency of teachers in applying positive methods of education. In addition to the Child Hotline, there is a website service centre <http://siguronline.md>, a web platform, which facilitates the reporting of cases of online sexual abuse to the Police, created in 2016 and managed by the La Strada.

It can be considered that the requirements from the Lanzarote Convention regarding the availability of assistance and counselling services on the phone have been met.

3.7 PREVENTIVE INTERVENTION PROGRAMMES AND MEASURES FOR POTENTIAL AGGRESSORS

Art. 7 of the Lanzarote Convention stipulates that Parties to the Convention should take actions for developing effective intervention programmes or measures designed to evaluate and prevent the risk of offences being

90. *Annual Report on the Child Helpline*, 2018, available in Romanian at: http://lastrada.md/pic/uploaded/Telefonul%20Copilului_raport%20anual%202018.pdf

committed. The Explanatory Report of the Lanzarote Convention⁹¹ defines two categories of individuals who may benefit from these measures: persons who fear that they might commit offences of sexual nature towards a child and persons who committed such offences, but were not identified by the authorities. Art. 15 and 16 state that Parties need to assess the risk of relapse among the persons who committed crimes related to sexual exploitation and abuse against children with a view to preventing and minimising the risks of repeated offenses of a sexual nature.

Before addressing these obligations defined by the Lanzarote Convention, it is important to mention that services of rehabilitation for sexual offenders remain poorly developed in the Republic of Moldova. There is almost a total lack of assistance programmes for suspects, defendants or culprits of sexual crimes, including during the investigation phase and during the trial. There is a clear deficit in performing the re-socialisation of sexual aggressors in detention or in probation. Staff engaged in such activities lack appropriate means for performing their work.

The under-development of such capacities for identified perpetrators has not permitted the appropriate development of services made available for persons requesting preventive support. Consequently, in the Republic of Moldova, there are no specialised services for persons who fear that they might commit the offences established in accordance with the Convention. Although there is a possibility to benefit from private psychological assistance mainly from NGOs, such services remain as well underdeveloped.

Particularly relevant in the case of the Republic of Moldova, in its 2nd implementation report⁹² the Lanzarote Committee invites Parties to envisage taking steps to monitor or supervise the persons convicted of child sexual abuse in the child's circle of trust. In addition, the Lanzarote Committee urged Parties, such as the Republic of Moldova, to put in place effective intervention programmes or measures for persons, including children, who fear they may offend to prevent the risk of offences being committed; and urges the Parties which have not yet done it, such as the Republic of Moldova, to put in place a tool or procedure to make an assessment of dangerousness and possible risks of repetition of sexual offences against children.

In order to address these gaps in services, the Republic of Moldova could build from the experience of other Parties to the Lanzarote Convention.⁹³ For example, in **Austria**, the Federal Ministry of Economy, Family and Youth provides funding for "Men counselling centres", offering advice and therapy (such as screening, single therapy, group setting, etc.) to any man who fears that he might commit one of the offences mentioned in the Convention. In **Belgium** (Flemish community), "Stop it Now!" is a helpline/website established in May 2017 for anyone experiencing paedophile feelings or who is worried about his/her sexual feelings or behaviour towards children below the age of consent to engage in sexual activities. In **Croatia**, following discussions on this issue within the Lanzarote Committee, an initiative was launched in December 2017 to develop and introduce intervention programmes through professional associations such as the Croatian Psychiatric Association, the Croatian Medical Association, etc. The Lanzarote Committee identified the "**Dunkelfeld Prevention Project**" as a promising practice, set up by a University Clinic in Berlin, offering therapeutic assistance to those who feel sexually attracted to children with the aim of preventing them from committing an offence. The patients learn to control their impulses through work sessions in groups of five to eight patients.

3.8 CONCLUSIONS AND RECOMMENDATIONS

The implementation of the Lanzarote Convention addresses many issues covered by different trainings in the Republic of Moldova; but no specific training curricula has been developed to address in one training all issues related to sexual exploitation and abuse of children. The curricula for initial and continuous training of specialists in the education, health, social protection, police, justice, sport, culture and leisure sectors do not include the subject of sexual exploitation and sexual abuse against children.

Multisectoral training of professionals working at local level where it could have a major impact on improving coordination and teambuilding and on the quality of services provided remains problematic. The delegation of the training of professionals to the local authorities may not be moving in the right direction.

Information provided to children in the national education system does not match key requirements from the Lanzarote Convention due to the lack of a comprehensive module on sexual education for children and mainly due to a failure to address key issues related to prevention, such as the risks related to sexual abuse and sexual

91. *Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, Lanzarote, 25.10.2007, available at: <https://rm.coe.int/16800d3832>

92. *Ibid.* 69.

93. *Ibid.* 69.

exploitation of children associated with the use of ITC. Children are not equipped to protect themselves and lack information on whom to address their complaint in case of risk or an aggression and what would be the implications of such a decision.

The Republic of Moldova is moving in the right direction regarding some of the requirements for the implementation of the Lanzarote Convention. Requirements for providing assistance and counselling services on the phone and on internet have been met. Further efforts are required regarding the strategic planning for training of professionals, reinforcing the screening of professionals working with children, as well as training and screening of volunteers working with children and on online safety for children. Reviewing the education measures for children to prevent sexual exploitation and abuse requires a nurturing political environment for overcoming some of the deadlocks in order to cover all issues for all children in an age-appropriate approach.

Hence, there is a need to develop a strategy and action plan regarding the prevention of sexual exploitation and abuse with clear accountabilities defined for the different ministries and stakeholders involved.

There is also a need to develop a comprehensive training module related to all aspects of sexual exploitation and abuse, including online safety. Such a core training module should be integrated into the initial training and on-the-job-training for all professionals working with children.

The MoJ and MoIA should develop a database of sexual aggressors to be made accessible for consultation to the sectors recruiting professionals working with children.

Finally, services of rehabilitation for sexual offenders need to be further developed in the country. The Republic of Moldova has been urged by the Lanzarote Committee to develop specialised services for potential aggressors, including children, requiring support.

4. Promoting appropriate policies and national co-operation against child sexual exploitation and abuse: Coordination mechanisms, data collection and monitoring of impact

4.1 INTRODUCTION

A multisectoral national strategy or national action plan for preventing and responding to the sexual abuse and exploitation of children that builds on the framework of the Lanzarote Convention represents a key component of an integrated child protection system setting out specific goals, targeted implementation measures and budget allocations. Cross-sectoral coordination between all relevant government central authorities and NGOs is at the heart of such mechanism. A national unit has usually the mandate to promote and ensure coordination among central government departments, different provinces and regions, central and other levels of government, civil society and the private sector; to cooperate with national and local agencies working to ensure that children's rights are effectively implemented; and to monitor the effective implementation of laws and policies.

In decentralised systems the need for cooperation and coordination is even more vital: the central authority needs to cooperate with national and local agencies working with cases of child sexual exploitation and abuse. Some crucial issues in the field of child protection may come under the remit of regions, such as regulation and organisation of welfare, social and health services and adoption of specific measures and structures to prevent and protect children from sexual exploitation and abuse.

The Lanzarote Convention requires from its parties to:

- ▶ Develop and implement policies concerning the fight against sexual abuse and sexual exploitation of children (Art. 9 par. 1);
- ▶ Ensure coordination of actions at national or local level between stakeholders, including civil society actors, in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children (Art. 10);
- ▶ Set up or designate particular independent national or local institutions for the promotion and protection of the rights of the child and ensure they are provided with specific resources and responsibilities (Art. 10).
- ▶ Create specific mechanisms for data collection or focal points, at the national or local level and in collaboration with civil society (Art. 10, paragraph 2).

4.2 NATIONAL COORDINATION OPTIONS

When looking at the implementation of the Lanzarote Convention in the Republic of Moldova, it appears that no strategy has been developed as such; no action plan has been put in place specifically addressing the Lanzarote Convention. The MolA and MolTC have developed activities focusing solely on some aspects of online sexual exploitation and abuse. A specific coordination mechanism does not exist either. In addition, there is a lack of a common vision about what should be done by state institutions in order to fulfil their obligations deriving from the ratification of the Lanzarote Convention; they remain poorly understood by many stakeholders who consider that it is limited to online protection and should be the sole responsibility

of the MoIA. As a result, no related policy document and only limited efforts have been made to coordinate the different actors and stakeholders in this field.

Such a situation reflects existing challenges in the social sector regarding the implementation of action plans, effective and sustainable coordination mechanisms and monitoring of the situation of children and responses brought to abuse, exploitation and violence against children. The problem is not new, for example, the Child Protection Index for Moldova (2015)⁹⁴ has already emphasised the need for improving formal cross-sector coordination and cooperation mechanisms within the social sector.

Being aware of remaining gaps in the implementation of the Lanzarote Convention, the Government of Moldova requested to have a roundtable on the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It was organised in February 2018 by the Council of Europe, La Strada and the Government of Moldova. The conclusions of the roundtable recommended to put in place a proactive coordination, within the existing platforms, of public authorities and NGO representatives with regard to efficient implementation of the provisions of the Lanzarote Convention; and to launch a participatory development of the indicators and procedures for monitoring the implementation of the Lanzarote Convention, as well as to prepare feed-back to the Lanzarote Committee⁹⁵. Efforts were made by the MoIA to convene a working group on the implementation of the Lanzarote Convention, but these efforts were not successful due to the difficulty to bring together all key stakeholders.

When looking at the situation in the Republic of Moldova and the limited number of actors involved in many action plans and strategies, it would be recommended to avoid as much as possible creating a new interagency coordination mechanism for the implementation of the Lanzarote Convention; instead an integration such a follow-up into existing coordination mechanisms could be considered. Consequently, several options have been explored as part of this exercise.

4.2.1 Coordination by one ministry

Currently the MoIA coordinates the implementation of the Lanzarote Convention, despite the fact that according to the Law on the ratification of the Council of Europe Convention for the protection of children against sexual exploitation and sexual abuse⁹⁶, the Ministry of Internal Affairs is designated as national authority responsible only for the implementation of the provisions of article 37 paragraph 1 of the Convention. In this context, the Ministry is active in addressing issues related to its core mandate, in particular online sexual exploitation and abuse, but does not consider its position as ideal to be in charge of a new coordination mechanism. This is based on previous experiences of coordination in the country when horizontal coordination was put in place without a coordinator mandated to call for specific actions or priorities, and on current reluctance from different ministries, in particular the MoHLSP, to see the development of new mechanisms of coordination on specific issues.

The MoHLSP could as well be in charge of coordinating the implementation of the Lanzarote Convention. It would give more weight in the action plan to be developed for the assistance of victims (in particular, appropriate sheltering, psychological support and social reintegration, including access to justice). However, there is a risk that the specific obligations related to the implementation of the Lanzarote Convention could be diluted in forums addressing broader issues, such as the anti-trafficking activities, the response to violence against children, the Child Protection Strategy, etc.

At least such a coordination mechanism under one ministry would offer a space for dialogue in between the different stakeholders on a specific issue, allow the development of a strategy and the correlated action plan, and facilitate regular exchange among different partners.

94. *Child Protection Index*, Moldova 2015, available at: https://cnpdc.gov.md/sites/default/files/document/attachments/cpi_brief_moldova.pdf

95. Conclusions and recommendations on the round table *"Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse: challenges and good practices"*, La Strada, 20–21.02.2018, available at: http://lastrada.md/pic/uploaded/Conclusions%20and%20recommendations_round%20table%20COESA%20022018.pdf

96. Law on the ratification of the Council of Europe Convention for the protection of children against sexual exploitation and sexual abuse No. 263 of 19.12.2011, available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=13045&lang=ro

4.2.2 The Child Protection Strategy

The **Strategy for Child Protection** (2014–2020)⁹⁷ is an ambitious document that aims at ensuring that children in the Republic of Moldova grow up in a safe and protected environment, both in their homes and within wider society.

The Action Plan on the implementation of the Strategy for Child Protection (Action Plan)⁹⁸ tackles several important topics including the development of services for vulnerable children and families, the development of legislative and normative framework, and the necessary human resources required within the system of protecting children's rights.⁹⁹

The MoHLSP has been requested to “ensure the coordination of the elaboration and promotion of the Action Plan, in liaison with relevant authorities, organisations and institutions.” The Government Decision for approval of the Action Plan also defines that “the monitoring of the implementation of the Strategy on child protection for 2014–2020 shall be conducted by the Ministry of Labour, Social Protection and Family, which shall annually present a report on the implementation of the Strategy to the Government” (Art. 4).

It appears, however, that this strategy, which is implemented through an ambitious multisectoral plan, does not have an operational coordination mechanism, such as a committee bringing together the different stakeholders on a regular basis to review its implementation. It appears as well that no monitoring and assessment exercises have been conducted to measure progress on implementation of the Strategy and its action plan. Without regular meetings, without monitoring and assessment mechanisms in place, the action plan for the Child Protection Strategy seems to have been poorly implemented. During discussions with the civil society in May 2019 it was estimated that roughly 10% of the Action Plan has currently been achieved.

The Action Plan does not cover all the actions required for implementing the Lanzarote Convention, but it could be possible to integrate a work plan for the implementation of the Lanzarote Convention in a potential next Action Plan of the Child Protection Strategy. UNICEF and the MoHLSP are currently conducting a mid-term review of this plan, which would, in principle, lead to the development of a revised Action Plan of the Child Protection Strategy. The revision process would represent a good opportunity to integrate the implementation of the Lanzarote Convention into a multisectoral Action Plan elevated at the level of a national strategy. In addition, the Child Protection Strategy develops an approach similar to the one recommended for the implementation of the Lanzarote Convention (legislative reform, focus on prevention and development of services for children at risk or victims of abuse, violence and exploitation). The Strategy promotes as well a multisectoral approach to address key child protection issues. However, the main challenge with this approach lies with the capacity to coordinate and monitor the implementation of such a multisectoral plan. If an operational coordination mechanism is not put in place, integration of specific actions and measures for the implementation of the Lanzarote Convention into the Child Protection Strategy would remain inefficient in practice.

4.2.3 The National Council for Child Rights Protection

The National Council for Child Rights Protection (NCCRP)¹⁰⁰ is a governmental political body giving visibility to the development and implementation of policies to protect the rights of children and families. The NCCRP is chaired by the Prime Minister and the Minister of Health, Labour and Social Protection is the deputy chair. Its membership includes high-level representation of line ministries, the justice sector, the ombudsperson's office, representatives from the civil society and the UN. Children and young people have no direct representation or participation; they are mainly perceived as beneficiaries represented by member organizations.

97. Ibid. 17.

98. Ibid. 17.

99. In particular, the Action Plan aims at: 1) Creating specialized subdivisions within the territorial structures of Social Assistance; their capacities will be consolidated through the professionalization of staff and implementation of IT modules on “child protection”, for a better management of each case and efficient monitoring of tutelary activity; 2) Creating different services including psychosocial services for families and child victims of abuse and neglect, maternity centres for mothers and their children, and youth-friendly health care centres to be coordinated at local or regional level; 3) Creating national programmes for the development of parental skills, aiming at promoting non-violent child-rearing practices; 4) Creating an information and support platform for children with parents living abroad; 5) Creating of day centres for early care (0.4–1.5 years old), and special services of early intervention for children (0–3 years old), support services for children with behaviour problems, for street children, recuperation services for children victims of violence, trafficking and exploitation; 6) The organization of education and specialized support services for children with disabilities.

100. National Council for Child Rights Protection was established by Government Decision No. 1001 of 30.09.2005. Available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=104274&lang=ro

The NCCRP is considered as “the main national mechanism for coordinating the elaboration and implementation of policy documents in the field of child rights” in the Republic of Moldova¹⁰¹. The chairmanship of the Council by the Prime Minister allows for a better inter-sectoral approach to the protection of child rights and gives the right weight to the decisions of the Council to be implemented by concerned ministries; such a relative advantage has also its cost and in period of political instability the Council can be paralysed.

The Council is not an implementing agency and does not have a mandate for monitoring the situation of children in the country¹⁰². The role of the Council is to organize meetings on children’s rights, to coordinate the preparation of policy documents on children related issues. It positions itself as a platform for discussion between government structures and non-government organizations on children issues with the aim of reinforcing professional partnerships. In addition, the Secretariat of the Council keeps track of services available at local level and information on municipality plans.

In this context, the Council is also facing serious challenges in terms of coordination. Its meetings are not organized on a regular basis (the Council had three meetings in 2014 with focus on minors left without parental care, child mortality rate and violence against children, one meeting in 2015, 2016 and 2017 and two meetings in 2018). They serve as a platform to highlight the main axis of the government policies related to the care and protection of children but do not allow the coordination of the actors on the ground and build consensus on a comprehensive review of the situation of children in the country and related responses.

The rules governing the activities of the Council are 20 years old and have, for the most part, become obsolete. A process of consultation has been launched for reviewing this national mechanism both at the national level (NCCRP) and at local level (Local Council for Child Rights Protection) and is currently near completion with a draft Regulation made available to its members.

This draft Regulation defines the main attributes of the Council as the coordination and supervision of the implementation of the provisions of the UN Convention on the Rights of the Child, other international treaties in the field of child rights to which the Republic of Moldova is a party (such as the Lanzarote Convention) and the national child rights protection policies, identification of priority directions of intervention in this field and coordination of the activities in the implementation of the national policies. New responsibilities have been defined if compared with the Government Decision approving the Regulation of activity of the National Council for Child Rights Protection. These include coordinating the activity for drafting reports on the implementation of international treaties to which the Republic of Moldova is a party in the field of protection of children’s rights; ensuring the interaction with related international mechanisms; conducting, as necessary, joint sessions with specialised NGOs, in order to promote national policies on the protection of children’s rights; ensuring the general public is informed with regards to the current problems of children. The Council will regularly convene in sessions “as necessary, but not less than once a semester” and a technical working group for resolving children’s rights protection issues as well as other permanent or temporary thematic groups will be created.

The creation of a thematic group on the implementation of the Lanzarote Convention within this new mechanism could be considered as an option as long as such an intersectoral thematic group would meet at technical level. This would allow the dynamic functioning of a coordination group with the capacity to develop and monitor the implementation of an action plan. Integration within such structure could allow the publication of an annual report, on the basis of the information provided by central public authorities, providing a situation analysis on issues affecting the protection of children and on the type of responses put in place, compiling relevant data (trends in the identification of children, types of responses provided, etc.), measuring progress in achieving time-bound specific goals, targeted implementation measures and allocation of financial and human resources and identifying remaining challenges to be addressed.

4.2.4 A Parliamentary Commission

In some countries of the region, a parliamentary commission dedicated to children gives visibility to children’s issues, builds political consensus around issues related to the protection of children and monitors the quality

101. Information note to the draft Government Decision on the NCCRP, 2019.

102. Based on the Regulation of activity of the National Council for Child Rights Protection (approved by the Government Decision No. 409 of 09.04.98, available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=44198&lang=ro), the Council has the following objectives: to ensure compliance with the UN Convention on the Rights of the Child, other relevant international documents to which Moldova is a party and national legislation on child and family protection; to identify priority directions of intervention in the field of child and family protection; to promote national policies and coordinate the development of strategies and government programmes on child and family protection; and to strengthen social partnership in the field of child and family protection.

of services; it usually attracts media's attention. Applying such a model in the Republic of Moldova would present an advantage to overcome problems linked to horizontal coordination and bringing the legitimacy of elected representatives. According to the Child Protection Index (2015), there was no parliamentary body with a clear mandate to assess, investigate and solve children's rights and child protection issues; the shut-down of the Parliament during the field mission in May 2019 has not allowed us to meet with the Parliamentary Commission "Social Protection, Health and Family". Lessons learned from other countries have shown that such a parliamentary commission for children should come in addition to the coordination mechanism, not in substitution of it.

4.3 COORDINATION AT LOCAL LEVEL

At local level, the professionals working with and for children, such as police officers, social assistants and child protection specialists are coordinated by the local guardianship authorities, being the mayors of villages (communes) and cities, as defined in the previous Chapters on Protection and Prevention.

There are different views regarding the functioning of these local committees. On one side, the mechanism allows optimizing limited resources and develop multisectoral level interventions at the level of the child, family and community. On the other side, some challenges have been identified, namely confusion of roles in between the social assistants and the child protection specialists; low level of qualifications of the concerned professionals, such as child protection specialists to be funded from municipal budget and recruited locally.

The draft Government Decision related to the NCCRP plans to transform these mechanisms at local authority level into Local Councils for the Protection of Children's Rights. The draft Government Decision foresees several functions and responsibilities for these Local Councils. In particular, the Local Councils would:

- ▶ exercise responsibilities specific to the NCCRP at the local level, examining systemic problems related to the protection of children's rights in the territorial administrative unit;
- ▶ ensure coordination and participation of all local structures in the protection and promotion of children's rights in the community;
- ▶ develop and implement local plans and programmes; and monitor the functioning of the national referral system, and the observance of children and adolescents' rights at local level;
- ▶ examine systemic cases of violations of children's rights by individuals and/or legal entities;
- ▶ present proposals on the annual budget planning of the district/municipal Council and develop the professional capacities of the personnel in the institutions competent in the field of children's rights protection at local level.

The creation of the Local Councils would allow for a coherent linkage of the national strategy with sector-specific, local strategies, in particular regarding the role of municipalities in developing national policies locally. The creation of these local councils would have as well the relative advantage to systematise the coordination of key stakeholders at local level and institute responsibilities for monitoring the prevention and responses to neglect, abuse, exploitation and violence against children. However, at present local authorities do not necessarily have the capacities for conducting such monitoring functions.

Mechanisms of coordination exist as well at the district (raion) level. This is in particular the case with the anti-trafficking committees. With the support of UNICEF, the National Council for Child Rights Protection is currently working on developing the capacity of the raion committees chaired by the head of district. Their relative advantage lies with their capacity to bring together different sectors at technical level.

4.3.1 Budget allocations

In the process of decentralisation, budget allocations made by the central government to local authorities are critical for ensuring the delivery for children. Subnational expenditures represent about 25 per cent of general government expenditures. They account for more than two thirds of expenditures in the education sector, about half in the recreation and culture sector and less than 10 per cent in health care. Due to the limited tax collection capacity and the narrow tax base at the local level, only 10 per cent of the local units are financially viable and can invest in local development, including services for children.

There is currently a tendency in the Republic of Moldova to delegate more responsibilities to the local authorities in terms of providing services for children at risk and child victims of violence, including sexual exploitation and abuse, in terms of recruiting new staff such as the child protection specialist, to develop case management plans and to monitor the quality of response. The delegation of responsibilities to local authorities raises

the issue of equity in terms of access to and quality of services provided to child victims. It usually requires a specific budgetary mechanism to support poor localities in order to ensure that all children, being from rich or poor communities, have access to equal quality of services. It has not been possible in this exercise to conduct an assessment of budgetary allocations made in the social sector in the Republic of Moldova as periodic budgetary analysis at both the national and local or regional levels have not yet been established. In addition to providing the proportion of overall budgets and expenditures devoted to children, such an exercise would have allowed to better understand disparities between regions, and to monitor the additional attention paid to the most disadvantaged groups of children.

The decentralization started in 2014 and is now implemented in the whole country. It should be coupled with the territorial administrative organisation reform to address the fragmentation of the country in small villages; such a territorial reform is politically sensitive and has been delayed now for four years. Currently, as part of the decentralisation reform, most primary and specialised social protection services must be financed from local budgets; in many cases, this has been just been impossible for the smallest localities (their own revenues represent on average only 13% of their budget and transfers from the state budget represent on average 67% of their budget). As stated by Viorel Roscovan, "The majority of local governments have merely a representation function rather than a service provision function".¹⁰³ The limited local budgets especially in the case of the country's poorest districts, jeopardise the existing social protection services as it diminishes their capacity to plan and allocate resources for ensuring the sustainability of social services and support measures for the poor. In addition, there is no coherent method in place for social services cost and gap analysis to inform decision-makers and engage private actors in the funding mechanism. For the time being, it is not possible to assess if the delegation of more key responsibilities to the local levels will be followed by appropriate financial allocations for developing services, coordinating the different stakeholders, monitoring the quality of response and training staff involved in the response. In particular, due to delays in the territorial reform, the lack of a proper financial mechanism for supporting poorest localities in the development of services means that geographical equity in availability and quality of and/or access to services is not granted in the Republic of Moldova.

The Republic of Moldova could benefit from the good practice put in place through the Social Innovation Fund in the **Republic of Serbia**. It provides funding for local projects that are social protection-related, follow the pathways of the strategic reform directions defined by the Ministry, and also provide creative solutions to local priorities and concerns. On one side the Social Innovation Fund provides grants to local projects that implement innovative social services, builds capacities of local stakeholders and manages the knowledge obtained in these processes. On the other side, the Fund promotes partnership, primarily between NGOs and other partners such as local authorities. Through the Social Innovation Fund, local projects introduce innovations in the area of social services, by testing out new types of working with specific groups of beneficiaries, by bringing about changes in specific organisational environment or by simply offering new solutions to particular local community concerns. The lessons learnt are later on brought back to the system, serving as an input to the policy making. One of the fundamental goals of SIF is to encourage the reform of the social protection system and its institutions. Having that goal in mind, statutory social agencies were included in all project partnerships. This concept enables a "smooth" transfer of both practice and knowledge obtained through local projects to the system, and its inclusion into regular activities. The assumption here is that the project teams will create new and better social services, and that its staff will develop new skills and thereby strengthen their own capacities. SIF also provides technical support during the implementation of local projects through consultancy, problem solving support, provision of relevant information, training, etc.

4.4 MONITORING

In many countries, the roles of the ombudsperson's office as well as independent human rights institutions are vital in monitoring a state's compliance with and progress towards the implementation of children's rights and child protection laws and policies. They complement effective government monitoring structures and accountability mechanisms.

After a three-year hiatus, the Children's Ombudsperson was appointed on April 8, 2016 based on the new Law on People's Advocate (Ombudsman).¹⁰⁴ The office operates with limited resources, which reduces the scope of its activities and responsibilities. The Ombudsman Office of the Republic of Moldova does not fully

103. *Local government System and Finances in the Republic of Moldova*, May 2015.

104. Law on People's Advocate Office (Ombudsman) No. 52 of 03.04.2014, available in Romanian at: http://www.legis.md/cautare/getResults?doc_id=112525&lang=ro

comply with the Paris Principles on the status of national human rights institutions¹⁰⁵, in particular regarding independent monitoring of services provided to children. According to the ombudsperson for children's rights, the Law on People's Advocate defining the mandate of their office, the monitoring must be conducted by the institutions of origin. The role of the ombudsperson is to intervene whenever considered necessary, defining solely a subsidiary role in monitoring for the ombudsperson's office. However, during the field mission in May 2019, no situations could be identified where such a subsidiary role had been exercised.

Monitoring the quality of services provided to children and families, the impact of training and the relevance of policies, including child protection policies is globally quite poor in the Republic of Moldova. There are many reasons for this: technical ministries have limited means to conduct in-depth monitoring of their own services; decentralisation has created a complex system where decentralised services are not placed anymore under the direct responsibility of their ministry of origin (this is for example the case with the directorates for child and family protection); social inspection is limited to the control of the distribution of cash assistance; the ombudsperson's office does not conduct independent monitoring of the services for children; independent human rights institutions have limited capacity and lack the political space for conducting such exercises. The lack of independent monitoring mechanisms associated with gaps in adequate procedures and standards reduces the ability of stakeholders to be accountable in their mandate to protect children.

The Republic of Moldova should review the mandate of the Ombudsperson for children and the resources allocated to its office in order to increase its effectiveness. Stronger partnership should be developed with the European Network of Ombudspersons for Children¹⁰⁶ and other ombudspersons' offices in Europe in order to upgrade its capacity to identify and analyse children's rights violations (including through child-accessible complaint mechanisms); to formulate and advocate recommendations; to communicate concerns; and to mediate, convene and build bridges between other public institutions and between government and wider society on children's rights issues.

This office could take a systematic approach, such as the one developed by Scotland's Commissioner for Children and Young People (**United Kingdom**) who has developed a methodology for carrying out children's rights impact assessments of proposed policy. Several independent institutions and related organisations in other parts of the world have since adopted this framework for their own purposes. It could as well build from the promising practice such as carrying out enquiries and producing reports based on hearings and investigations (e.g., the work of the Children's Commissioner for England, United Kingdom) or conduct research to examine the root causes of children's problems as done by many of these institutions in Europe.

4.5 DATA COLLECTION

Despite recent efforts been made for collecting and publishing data, data collection and management of statistics, as a core activity for improved monitoring and accountability, remains fairly underdeveloped in the Republic of Moldova, particularly in the social sector. Each ministry collects data related to their sector of activity based on different criteria. For example, in the identification of potential victims each ministry publishes the number of cases referred to guardianship authorities. These numbers do not match the statistics collected by the MolA regarding the number of potential victims of sexual exploitation and sexual abuse referred to police stations. The justice sector organises its statistics without considering the age of victims as they are organised according to the type of crimes committed. This leads to a difficulty to collect disaggregated data on the number of children involved. For example, in 2017, 176 cases of rape were brought to the attention of the justice sector as well as 55 other sex crimes; but it remains impossible to know the number of children who were victims of such acts. Statistics on the number of cases identified does not capture the reality on the ground when only few cases lead to judicial condemnation.

There is no mechanism to centralise, compile and analyse data on child protection issues from different ministries. As stated in the La Strada study on the implementation of the Lanzarote Convention¹⁰⁷, sectoral data are currently not qualitatively analysed for identifying key risk factors or new trends in sexual abuse and sexual exploitation of children.

105. Principles relating to the Status of National Institutions (The Paris Principles), adopted by General Assembly resolution 48/134 of 20 December 1993, available at: <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>

106. See more on the European Network of Ombudspersons for Children at: <http://enoc.eu/>

107. *Sexual exploitation and sexual abuse against children. Implementation of the Lanzarote Convention by the Republic of Moldova*, La Strada, 2017. Study available at: http://lastrada.md/files/resources/3/raport_en__1_.pdf

Consequently, such a fragmented system of information does not match the requirements from the Lanzarote Convention, in particular regarding the need for an overall understanding of prevention, protection and prosecution of child sexual abuse.

In its first implementation report¹⁰⁸, the Lanzarote Committee “found that in the majority of Parties, there are no specific data collection mechanisms or focal points tasked with collecting data on child sexual abuse generally, including with regard to sexual abuse committed in the circle of trust. Data is collected in a piecemeal manner within the broader context of all types of child abuse and neglect. Specific data on sexual abuse, including in the circle of trust, is, however, essential to develop, adjust and assess policies to protect children in this field. The Committee reiterates that the Convention does not demand the setting up of specific mechanisms. Accordingly, general mechanisms may suffice, but these general mechanisms must make it possible to produce accurate and reliable data on the phenomenon of child sexual abuse. This equates, therefore, for the Parties to an obligation of result, not of means. Where, as in most Parties, the aggregated data on child victims that exist do not make it possible to produce accurate and reliable data on the phenomenon of child sexual abuse committed in the circle of trust, the situation is not in compliance with the requirements of the Convention.

The Lanzarote Committee developed a set of recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention in its 1st implementation report. Regarding data collection, the Lanzarote Committee recommends, in particular, that Parties take the necessary measures to ensure that existing general data collection mechanisms are able to produce accurate and reliable data on the phenomenon of child sexual abuse committed in the circle of trust by means of specific sub-totals extrapolated from overall data on abuse¹⁰⁹; to set up a national or local system for recording case-based data for child sexual abuse in the circle of trust cases in the various sectors liable to come into contact with children victims in such instances; such administrative data collection systems should be implemented allowing to compare and cross-check the data thus collected at national level and avoid duplication¹¹⁰; invites Parties to appoint a national or local agency tasked with providing periodic reports on aggregated data or recording information on child sexual abuse committed in the circle of trust¹¹¹; and to ensure ongoing evaluation of the effectiveness of their mechanisms or focal points with regard to their ability to depict the actual situation on the ground and produce accurate and reliable data.¹¹²

The Republic of Moldova could build as well from promising practices from France and Spain identified by the Lanzarote Committee¹¹³: In **France**, the National Observatory for Children at Risk (Observatoire national de l'enfance en danger) is mandated to collect from all country's Departments case-based data of child abuse and neglect cases in all its forms thus including child sexual abuse committed in the circle of trust. In **Spain**, the social services, schools, healthcare services and the police in each region report cases of child sexual abuse to the social health centres and public bodies responsible for the protection of minors (the information recorded covers age, sex, type of abuse, seriousness of abuse, source of the report and the nationality of the victim). The Ministry of Health, Social Services and Equality, in conjunction with the autonomous communities, manages a national online database containing the transferred data (Unified Child Abuse Register – Registro Unificado de Maltrato Infantil – RUMI). All protection services can access this register.

As well, the Directorate General of Justice of the European Commission, under **the European Union DAPHNE III programme**, supported the development of a minimum set of variables and practicable procedures to collect data on registered cases of child abuse which could be adapted to the situation in Moldova. This Child Abuse and Neglect Minimum Data Set (CAN MDS) system was presented to stakeholders in Chisinau in the first Steering Committee meeting of the Council of Europe project Protecting children from sexual exploitation and sexual abuse in the Republic of Moldova in January 2019. Despite high interest, the coordinating MoLHSP has indicated that it is not in a position to support the adaptation and implementation of the CAN MDS system in the Republic of Moldova. Instead sector-based development of data collection continues under different ministries.

4.6 CONCLUSIONS AND RECOMMENDATIONS

There is currently no strategy and no action plan to move ahead with the implementation of the Lanzarote Convention. This is partly the consequence of the fact the MoIA has not fully endorsed its role, defined by

108. Ibid. 76.

109. Ibid. 76, Recommendation 14.

110. Ibid. 76, Recommendation 15.

111. Ibid. 76, Recommendation 20.

112. Ibid. 76, Recommendation 21.

113. Ibid. 76.

the government, as a coordinator for the implementation of the Lanzarote Convention. This situation needs to be corrected and a proper coordination mechanism put in place. Weak coordination mechanisms extend beyond the implementation of the Lanzarote Convention and concern the whole child protection sector. There is as well a real deficit in the capacity to monitor the situation of children and the quality of response to the violations of their rights.

Several options could be considered. It is recommended to avoid as much as possible the creation of a new specific coordination mechanism. Instead, strengthening existing mechanisms should be further explored. This could include building on the capacity of one ministry to develop a technical working group, or from arising opportunities such as a new Action Plan for the Child Protection Strategy, or the new set-up of the NCCRP to develop and integrate a work plan for the implementation of the Lanzarote Convention.

The Republic of Moldova is not alone in the challenge of ensuring effective coordination of the Lanzarote Convention at national level. Several countries would benefit from further guidance in this regard. Thus, it would be useful for the Lanzarote Committee to develop a set of recommendations to move beyond ad-hoc coordination models and identify promising practices regarding the coordination of the implementation of the Lanzarote Convention through established structures.

The decentralisation process has transferred key responsibilities in the social sector to the local authorities. The smallest ones face major challenges in terms of human and financial capacities. There is no evidence that up-to-scale programmes have been put in place to build the capacity in child protection of these local authorities. In addition, there seems to be no mechanism providing additional financial support to the poorest localities to help them meet their obligations in child protection. This raises concerns regarding equal access to services and equity in the quality of care and protection provided to children victims of sexual exploitation and abuse.

Independent monitoring of the quality and relevance of services provided to child victims of sexual exploitation and abuse needs to be reinforced in the Republic of Moldova, based on agreed-upon procedures and standards. Such monitoring needs to be extended to the whole child protection sector.

Major gaps remain in data collection, which should be addressed in order to get a clear sense of the situation of child victims of sexual exploitation and abuse.

Final conclusions and recommendations

A mapping exercise is not limited to the production of a comprehensive picture of what exists on the ground but encompasses an analysis of the child protection system. It requires analysing where a country stands in progressively putting in place the building blocks of a protective environment focusing on the inclusion of the most disadvantaged children and the development of a culture of prevention and responses to children's rights violations supported by relevant budget allocations at all levels.

The Republic of Moldova offers a contrasted picture regarding the implementation of the Lanzarote Convention and the type of support and services provided to children who have been victims of sexual exploitation and abuse.

The huge efforts being made in the country over the last 15 years must be acknowledged. The number of professionals working with children for their protection have increased; new services have been put in place by the government and by NGOs and some key innovative practices have been developed with a particular accent on the mandatory obligation to report suspected cases of abuse, exploitation and violence against children. Such efforts are going to be continued in the future. Most probably the investment of public funding in the social sector has drastically increased during the same period, but solid advocacy needs to be put in place in order to maintain and further increase and prioritise investments.

Some of the gaps mentioned in this report are directly related to the level of poverty in the country, the limited resources of local authorities and the underdevelopment of services. There is no magic bullet in this regard, and it will take several years before services for victims of sexual exploitation and abuse are available for all concerned children everywhere in the country.

Some gaps could be addressed without additional resources and, in some cases, it has been rather difficult to understand why action has not been taken to remedy some of these gaps. Let's mention putting in place dynamic mechanisms of collaboration and coordination to ensure that the whole response is superior to the sum of its parts and the absence of a strategy and of a correlated action plan for ensuring the implementation of the Lanzarote Convention.

Some critical issues related to the protection of children need to be imperatively addressed and the government of the Republic of Moldova is urged to address them to ensure that the best interests of children are placed at the centre of the child protection response in the country:

— **On preventing and combating sexual exploitation and sexual abuse of children.**

1. There is an urgent need to break the wall of silence around child sexual exploitation and abuse. It will be the only way to introduce radical changes in attitudes allowing the under-reporting of potential cases of abuse, violence and exploitation against children, with a particular attention paid to the situations of adolescents. The National Council for Child Rights Protection and the Council of Europe should join forces for developing a mobilisation campaign to break the wall of silence on sexual violence against children. It should not focus on disseminating information on the issue as it is usually done but should aim at mobilising influential people and well-known artists to take a position on the issue. It could take the form of TV shows and aim at changing and eliminating stereotypes and prejudgements of the population concerning sexual violence and the situation of child victims.

— **On protecting the rights of child victims of sexual exploitation and sexual abuse**

2. The MoJ, the MoHLSP, the Prosecution Service and the judiciary should revise current investigation and judicial procedures to stop subjecting child victims to repeated interviews by many agencies in different locations.
3. The MoJ and the MoIA, the Prosecution Service and the judiciary should ensure that all child victims of sexual exploitation and abuse should be granted the same rights for protection, including during their

hearing, during the judicial procedure involving specially trained lawyers, prosecutors and judges. This requires abolishing the artificial limit granting special protection to children below 14 and guaranteeing in the future such special protection to all victims below 18.

4. The MoJ and the MoIA, the Prosecution Service and the judiciary are required to ensure that the judicial procedures do not further harm children who have been victims of sexual exploitation and abuse and to create legal space for allowing social services and civil society organisations to provide psychological and psychosocial support to child victims from the time of the complaint and during the whole process, including, when required by the child, during interviews and auditions.
5. The MoJ and the MoIA are required to ensure that all children who have been victims of sexual exploitation and abuse are provided with free legal assistance at the earliest stage of the investigation process. Such legal assistance should be mandatory rather than optional.
6. The National Council for Child Rights Protection should issue a recommendation for the local authorities, supported by the local councils for children's rights protection, to systematically organise alternative emergency sheltering for child victims to allow these children to be maintained in their community when considered in the best interests of the child.
7. The MoHLSP is required to develop accessible and child-friendly complaint mechanisms allowing children in all forms of residential and alternative care to call for help in case of serious risks of sexual exploitation and abuse. Such mechanisms should be developed with the direct contribution of children placed in residential care to build the necessary trust in such mechanisms.

— **On prosecuting the perpetrators**

8. The MoJ is requested to enforce its own national legislation and ensure that when a child victim withdraws his or her statements, the prosecution of the offender is systematically continued.

— **On promoting appropriate policies and national cooperation against this phenomenon**

9. The MoHLSP, the MoIA, the MoJ and the MoITC, in coordination with the National Council for Child Rights Protection need to set up a mechanism for ensuring the development of a strategy and a correlated action plan for the implementation of the Lanzarote Convention with appropriate coordination and follow-up mechanisms, including indicators and monitoring accountabilities.
10. These ministries, in coordination with the National Council for Child Rights Protection, need to agree on the types of data required for ensuring proper follow-up of issues related to child sexual exploitation and abuse and define accountabilities of the different ministries in compiling and analysing such data in order to prepare publications of annual analytical reports.
11. As part of the development of a potential new Action Plan of the Child Protection Strategy, all concerned ministries and NGOs need to develop a strategy for enhancing the capacities of professionals working at local level, encompassing training on key issues around sexual exploitation and abuse (e.g. identification of potential victims, development of management plans) and developing efficient methods to work together and coordinate their interventions.
12. All stakeholders are required to take action for ensuring a stronger participation of children in the development and implementation of policies for preventing sexual exploitation and abuse. It requires in particular contributing to development of capacities of youth councils and youth volunteer groups in informing and raising awareness of their peers about the risk of sexual exploitation and abuse, including on the internet.

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