



BUILDING A EUROPE FOR AND WITH CHILDREN



Child and youth participation in the Republic of Moldova

A Council of Europe policy review



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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Foreword

Adults believe I am not grown up enough to take my view into account. They underestimate my opinion and do not understand the advantages of participation.

If “actions speak louder than words”, these powerful words from Moldovan children who were consulted throughout the development of this Policy Review, are of fundamental value for our actions. The opinions, thoughts and feelings of children and young people should be made audible in all areas of life affecting them. We, as adults, whether parents, teachers, social workers, doctors or policy-makers, need to be reminded that we were children ourselves. We, as adults, should accept children as equal partners and walk with them hand in hand, in particular when taking decisions affecting them. We, as adults, have a responsibility to empower children to make their voices heard and ensure that they are taken seriously by offering them the best possible environment to do so.

At the heart of these key messages contained in the findings of this Policy Review carried out in the Republic of Moldova stands the need to increase the awareness of adults, children and young people on children’s rights and on their right to participate as laid down in the visionary provision of Article 12 of the United Nations’ Convention on the Rights of the Child, using a practical step-by-step process. I am convinced that this pragmatic model based on research among adults on participation, targeted awareness-raising campaigns, training of professionals, measures to ensure equal participation and the adoption of relevant legislation could be used as an excellent guide for leading us to tangible results and to positively change our current culture towards children’s participation.

I am proud to underline that children’s perspectives and experiences have enriched the drafting of our new recommendation on the participation of children and young people under the age of 18 as well as the findings of our two first policy reviews on Finland and the Republic of Slovakia. Various consultations with groups of children were carried out to nurture our work and ensure that we are better equipped to offer the best support to our member states in this area. The Council of Europe has successfully partnered with children to deliver these very practical tools which I am convinced will have a clear impact on the lives of our future generations, once shared and used.

I would like to thank all those who put so much hard work into this third and final policy review, and in particular the team at the Department of Family and Child Rights Protection within the Ministry of Labour, Social Affairs and Family of the Republic of Moldova. My thanks go also to the author of the report, Ms Mieke Schuurman and to all the other people who contributed to this process: the members of the European review team, the Moldovan in-country review team, including UNICEF Moldova, two national NGOs: the Child Rights Information Center and in particular Mr Cezar Gavriiliuc, and the National Resource Center,

as well as the children's reflection group and the children who participated in the focus-group meeting and the national survey. I am also grateful to Mr Andrey Ioffe and Mr Daniel Stoecklin, two members of the Ad hoc Advisory Group on Child and Youth Participation, for their presence and input at the national hearing on this policy review in Chisinau (14-15 December 2011).

Last but not least, I would like to thank Ms Victoria Lungu and Mr Robert Cincuic, two young Moldovan people who came to Strasbourg in June 2011 to advise the Council of Europe on its draft recommendation on the participation of children and young people under the age of 18. Like all other children who contributed to this process, they showed how "each child is an adventure into a better life, an opportunity to change the old pattern and make it new" (Hubert. H. Humphrey, 38th Vice-President of the United States). With this report, now is the time to become truly wise by trying to see the world through the eyes of children who are its most valuable resources and its best hope for the future..

Valentina Buliga
*Minister of Labour, Social Affairs and Family
of the Republic of Moldova*

Executive Summary

"We have to explain that every person, be they a child or adult, has the right to express freely their opinions and those have to be respected; to explain that if children's views are not taken into account, many problems will remain unresolved for a long time."

Quotation from Moldovan child in focus group meeting

This quotation illustrates the wishes of Moldovan children and young people to be able to participate and express their views on issues that concern them and to be listened to seriously. In the Republic of Moldova, there are several examples of good practices by which children and young people can have their voices heard, such as in alternative care procedures, civil law procedures, several local and regional children's councils and the Moldovan Working Group on Child Rights Monitoring. However, a change in culture is needed to ensure that child and youth participation becomes fully embedded in all the different settings of Moldovan society relevant for children and young people.

Child and youth participation as guaranteed in Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) means that children have the right to be heard and taken seriously. The UN Committee on the Rights of the Child has adopted a General Comment on the implementation of this article and gives detailed guidelines on the areas in which children have the right to participate. The Moldovan country review on child and youth participation was based on these guidelines.

The review was conducted with the support of a European review team, involving European experts and Council of Europe representatives, and an in-country review team, including a reflection group of seven children. The in-country team has in particular been supported by two non-governmental organisations (NGOs), the Child Rights Information Centre and the National Youth Resource Centre, as well as by UNICEF Moldova. Representatives of the reflection group of children took part in a meeting with the Council of Europe ad hoc advisory group on child participation in June 2011 in Strasbourg and the same representatives took part in the hearing on the draft review report on 15 December 2011 in Chi in u. In addition, an online survey was carried out among 1 286 children throughout the Republic of Moldova aged 7-17. A group of children who had no access to the Internet was able to fill in a paper survey, for example children living in residential care institutions. A discussion day with focus groups of children aged 11-17 was held in May 2011. During the focus group discussions the children talked about their own experiences and the everyday activities in which they are involved. They discussed whether adults listened to them in connection with these activities and in different situations, including their family, school, contacts with health care staff, in residential care institutions, in situations of violence, in leisure time and cultural activities,

and in public life. In those cases where adults failed to listen to them, they discussed the reasons why and came up with suggestions for improving the situation. In addition to the active consultation of children in the review, two municipal case studies were carried out: in the town of Criuleni, situated in the centre of the Republic of Moldova; and in Selemet, a village in the Cimişlia district. Group discussions were held with representatives from the municipality, local youth councils and schools.

In the Republic of Moldova, several laws are in place to ensure children are able to participate in family life, alternative care decisions and juvenile justice proceedings. However, regarding other settings in which children should be able to participate, no regulations are in place. There are cases where children are able to have their voice heard in schools, in health-care situations or in local, regional and national decision making, but these are not consistent patterns. The overall picture is that children indicate that they are not listened to and their views are not taken into account seriously. This conclusion comes across more strongly in the focus group discussions and the outcomes of the Moldovan Working Group on Child Rights Monitoring consultations than in the online survey. Children responded more positively to the survey questions than in the focus group discussions. Possible explanations could have been that most children filled in the survey in the presence of their teachers and they might therefore have filled in the “socially desirable” response; alternatively they perceived the filling in of the survey as a “school test”. By contrast, the children in the focus group discussions felt safer and more secure in voicing their own opinions and these answers should therefore be considered as more reliable than the survey outcomes. It is therefore recommended not only to adopt more regulations to ensure child and youth participation takes place, but also to ensure safe and secure environments for children.

Results from the children’s consultations show that many children felt that their voice was not being heard and indicated that their right to participate and other children’s rights, in areas such as child labour and violence against children, had been violated. Moreover, there is no culture of citizen’s and children’s participation in the Republic of Moldova. Adults and children are not aware of what children’s participation means and how to implement this right. The key conclusion that can be drawn from the Moldovan policy review is therefore that there is a need to increase the awareness of adults, children and young people about children’s rights and their right to participate as laid down in Article 12 of the UNCRC.

A change in culture has to be brought about among Moldovan citizens, including parents, professionals working with and for children, local, regional and national government representatives, and children and young people themselves. A step-by-step process to improve child and youth participation is proposed to bring about this change in culture.

It is recommended that this step-by-step process starts with research among adults on their perception of participation, similar to the survey carried out with the children for the policy review. The results of the survey could lead to a more targeted approach by the awareness-raising campaign.

The second step is the organisation of an awareness-raising campaign, including a clear definition of child participation and what it means in practice. The campaign needs to involve people who appeal to children and young people. It is important in such a campaign to show the positive outcomes and achievements made by children’s participation in overcoming existing prejudices in this area, and to focus in the first place at local level.

The third step is the training of professionals working with and for children in child participation. Capacity-building of professionals working with and for children needs to be improved, in particular, by providing pre-service and in-service training. At the same time the curriculum of professionals need to be revised with the aim of being more sensitive to child participation. Ideally, training should first target families and schools, as these are the places where children are likely to spend most of their time. In addition, legal, health care professionals and government representatives need to be better trained, given that the children contributing to the policy review found that they often do not communicate in a child-friendly way.

The fourth step is to ensure equal participation of all children. In practice children from minority groups and disadvantaged groups of children such as children with disabilities and Roma children, do not participate in the same way as other children. It is taken for granted that all children have equal chances to participate via the school system. However, there is no evidence that they are equally represented in existing participation structures, of course with some positive exceptions, such as the regional children’s consultative councils and the Working Group on Child Rights Monitoring. These examples of good practice need to be highlighted during the campaign. Human and financial resources are needed to ensure that these children have equal chances to participate.

The fifth step is the adoption of legal standards for setting up formal child and youth consultation bodies and for ensuring monitoring of these legal standards. Council of Europe standards could be used for this. Legal standards are the basis for enabling children and young people to participate in decision-making processes, including in all types of schools and residential care institutions, at local, regional and national government level. Alongside this top-down approach, support must be given for initiatives from children and young people, and adults working with them. Monitoring mechanisms to assess whether children’s rights are implemented need to be in place: in this area, co-operation between the state and NGOs is essential.

The forthcoming Action Plan on Children’s Rights is a welcome step in ensuring children participate in decisions affecting them in all different settings and situations in Moldovan society. It is recommended to involve children in its drafting and implementation process and to integrate the step-by-step awareness campaign on children’s participation.

Since its establishment in 2008, the Parliamentary Advocate (Ombudsperson) for Children’s Rights has aimed to promote and protect the rights and interests of children and young people under the age of 18. Though the mandate of the Parliamentary Advocate encourages her to play an active and positive role in promoting and protecting the rights of the child, she lacks sufficient human and financial resources to exercise her activities effectively.

Two specific issues need to be addressed in the Republic of Moldova. One of these issues is the phenomenon of children left behind by one or two parents who have migrated abroad to work, which is affecting 177 000 school-age Moldovan children. Even though these children have very limited contact with their parents, the survey results revealed that a larger group of children “left behind” felt that their views are always or most of the time listened to by their parents than for the average group of children consulted about this in the Republic of Moldova. A hypothesis to explain this difference, supported by evidence from children “left behind”, is that children are sad that their parents have left. For this reason they might “romanticise” their relationship with their parents and believe that their parents would always or most of the time listen to them. The outcome could also be the result of how children understand

the meaning of participation: “they receive what they ask for in terms of material goods and presents”. Whatever the reason may be, it is recommended that more research is done on how children left behind by migrant parents think about participation and how their views are taken into account.

Another issue is that a considerable group of children is involved in working activities, either in household activities or other activities aiming to contribute to their families’ financial security. In addition, many children have to take up their parent’s household and caring responsibilities for younger brothers and sisters due to their parents’ migration and work abroad. Among these children, many children are no longer able to attend or continue to attend school. It is recommended that children should be prevented from working and measures should be taken to ensure that all children are able to attend primary and secondary schools. The Action Plan on Child Labour 2011-2012 could be a useful tool for this.

Many of the recommendations in the policy review do need adequate resources to be implemented. Acknowledging the difficult current economic situation in the Republic of Moldova, there is a need for more human and financial resources to ensure Moldovan children have the opportunity to exercise their right to participate in all matters affecting them, as laid down in Article 12 of the UNCRC.

Conclusion

In the last 20 years, the Republic of Moldova and civil society therein have taken important steps towards the implementation of children’s right to be heard and listened to seriously, including their participation in this policy review. Now it is important for decision makers to take this forward and to implement the step-by-step process to ensure a change in culture and attitude among Moldovan citizens, adults and children.

Background to the review

The review is based on the Council of Europe policy review on child and youth participation 2010-2011: Framework for the policy review process.¹

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

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

Objectives of the review

The overall objective for the review is:

- to provide member states with an analysis of the extent to which legislation and policy in their country complies with the rights in the UN Convention on the Rights of the Child pertaining to children and young people’s participation and influence in decision making;
- to give member states advice and recommendations that will help them to implement international and national provisions on child and youth participation in practice;
- to work towards a comparative framework in the field of child and youth participation in different member states and to identify “parameters” of participation.

The outcomes of the review process will contribute towards:

- creating pan-European guidelines on how to mainstream child and youth participation at different levels of decision making;
- developing educational and training tools on child and youth participation.

1. See Council of Europe policy review on child and youth participation 2010-2011: Framework for the policy review process (final version March 2010).

Expected results

At member state level:

- independent recognition of positive developments and evidence of change;
- advice on how to strengthen the legislative and policy framework for children and young people's participation, using the framework of the Convention on the Rights of the Child and positive developments in other member states;
- increased awareness of children's and young people's right to be heard and taken seriously, contributing towards a broad culture of participation;
- a positive contribution to government's preparations for periodic reviews by the United Nations Committee on the Rights of the Child.

At Council of Europe level:

- development of quality indicators, based on the results of the reviews and existing provisions (conventions and recommendations);
- working methods which fully include children and young people in policy analysis at a national and European level;
- production of a comparative framework identifying different parameters of participation in the reviewed countries.

Focus areas

The review will focus on child and youth participation in the following areas:

- family;
- alternative care;
- health care;
- education (including kindergarten/early-childhood education);
- out-of-school activities (sports, arts, leisure, influence over public space);
- in situations of violence;
- judicial and administrative proceedings (including criminal justice and immigration);
- public life and civil society (political activities, engagement in the democratic process at local and national level, child and youth led organisations and activities);
- children in the workplace.

In the actual review the focus areas have been slightly adapted, which is based on the UN Committee's General Comment No 12 on the implementation of Article 12 of the UN Convention on the Rights of the Child (UNCRC) on the right of a child to participation.

The Republic of Moldova in brief

The Republic of Moldova (short form: Moldova) is a landlocked state in the eastern part of Europe, bordered by Romania in the west and Ukraine in the north, east and south. It declared itself an independent state with the same boundaries as the preceding Moldovan Soviet Socialist Republic in 1991, as part of the dissolution of the Soviet Union. A strip of Moldova's internationally recognised territory on the east bank of the river Dniester has been under the de facto control of the breakaway government of Transnistria since 1990.

The nation is a parliamentary republic and democracy with a president as head of state and a prime minister as head of government.

In 2009, the European Parliament described Moldova as the poorest country in Europe in terms of its gross domestic product (GDP).

Population

Moldova has an estimated population of 3 560 400², of whom 786 000 are children below the age of 18,³ which is 22% of the total population.

The official language spoken in Moldova is Romanian, which is the native language of 76.51% of the population. Other languages are Russian (11.26% of the population), Ukrainian (5.51%), Gagauz (4.07%) and Bulgarian (1.61%).

Moldova is divided into 32 districts, three municipalities and two autonomous regions (Gagauzia and Transnistria).

Emigration is a mass phenomenon in Moldova and has a major impact on the country's demographics and economy. The Moldovan Intelligence and Security Service has estimated that 600 000 to one million Moldovan citizens (almost 25% of the population) are working abroad, most of them illegally.⁴

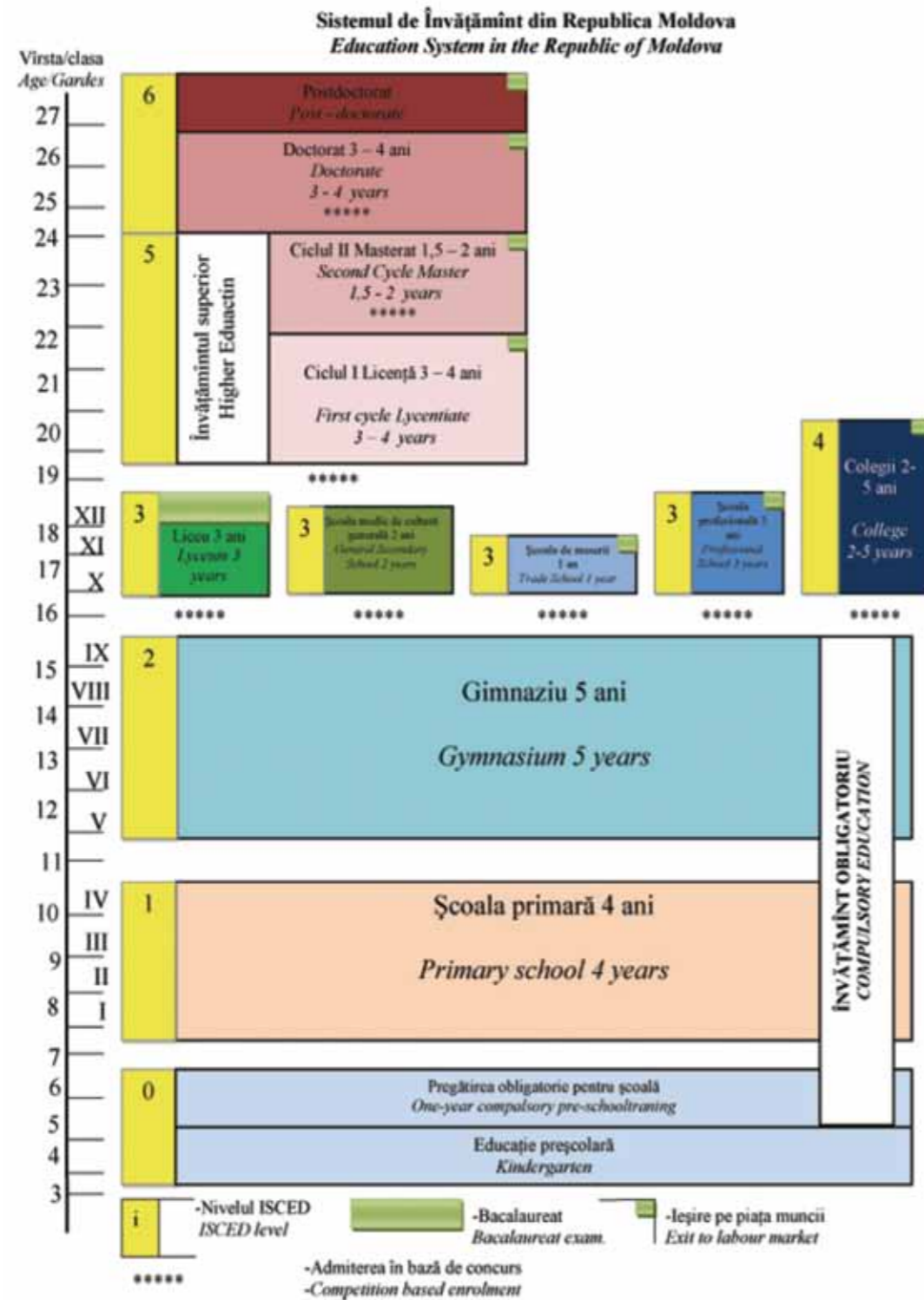
2. National Bureau of Statistics of Moldova.

3. UNICEF, "State of the world's children 2011: Adolescence: An age of opportunity", 2011.

4. College of Liberal Arts at the University of Texas at Austin, "Understanding migrations: Curriculum resources for the classroom", September 2007.

The Moldovan education system

The figure below gives an overview of the education system from the early years up to university in Moldova.



Explanatory notes on the Moldovan education system:⁵

- Masters studies last for 1.5-2 years.
- Doctoral studies last for 3-4 years.
- Post-doctoral studies last up to 2 years.
- The trade school has exit to the labour market only.
- Leaving examinations have to be passed after each level of education, excluding the kindergarten and compulsory one-year pre-school preparation.
- Education from 3 to 18 years is accompanied by special education and by complementary education.

5. Ministry of Education, Moldova.

Methodology used for the policy review on child and youth participation

(Appendix I contains the full text of the methodology used)

The policy review on child and youth participation to be carried out in Moldova was assigned by the Council of Europe and followed on from the pilot country study carried out by Finland, where the methodology to analyse child and youth participation was tested. A range of experts, children and young people have been involved in the review process. Whenever in the report “children” are referred to, this means children and young people as defined in the UN Convention on the Rights of the Child below the age of 18 years old.

A European review team was appointed by the Council of Europe and included a European consultant; three members of the ad hoc advisory group on child participation, including a representative of a youth non-governmental organisation (NGO); the Moldovan national co-ordination team, which involved a representative of the Moldovan Ministry of Labour, Social Protection and Family, and representatives of two other NGOs – the National Youth Resource Centre and the Child Rights Information Centre (CRIC); and two representatives from the Council of Europe Secretariat. The European review team supported the European consultant in providing advice on the review report.

An in-country review team was set up by the Moldovan national co-ordinator. The in-country team was composed of representatives of Moldovan ministries, children’s rights and youth NGOs, and UNICEF. The Moldovan Ministry of Labour, Social Protection and Family commissioned two Moldovan NGOs – the National Youth Resource Centre and the Child Rights Information Centre – to carry out the consultations with the children, including the organisation of the focus group meetings, the survey consulting with children and the municipal case studies. UNICEF Moldova agreed to fund this part of the review process. The group represented a range of different backgrounds and representations, and different interest areas and priority concerns in relation to children’s rights and children’s participation. This provided great strength and inspiration during the course of the review in that different members of the team contributed their expertise and knowledge regarding child and youth participation in all the different aspects of Moldovan society.

The process started with a meeting of a subgroup of the in-country team, including the Ministry of Labour, Social Protection and Family and the two above-mentioned NGOs on 11 April 2011. At this meeting the methodology was presented and explained in detail by the European consultant. A few country-specific questions were added to the methodology, notably on the situation of children of migrant parents and on child labour. The NGOs agreed

to take on the selection of the children for the reflection group and the focus group meeting and how to consult children for the survey.

On 12 April 2011 an in-country team meeting took place where the methodology was presented by the European consultant and discussed at the Ministry of Labour, Social Protection and Family in Chişinău. The methodology has been inspired by the UN Committee's General Comment No 12 on the implementation of Article 12 of the UNCRC on the right of a child to participation. Questions were answered and tasks were divided among the in-country team members, whereby the methodology served as a basis for the in-country team to collect information and answers to the questions raised in the methodology.

Apart from the in-country team, a reflection group of seven children was selected by an in-country team working group. The children were aged between 9 and 17 and came from various backgrounds, including children with a disadvantaged background, one child with a disability, two children of Roma origin and children from alternative care institutions. Though the group does not reflect all children in Moldova, they do represent as widely as possible different age groups, have a gender balance and represent a variety of backgrounds. They met once with nine other children during a discussion day with focus groups of children (see below). Two representatives took part in a meeting with the Council of Europe ad hoc advisory group on child participation in June 2011 in Strasbourg and the same representatives took part in the hearing on the draft review report on 15 December 2011 in Chişinău.

A discussion day with focus groups of children was organised on 19 and 20 May 2011, where 22 children and young people between the ages of 11 and 17, including the reflection group, took part. The format of the meeting was constructed around the "kaleidoscope of experience", a tool provided by one of members of the ad hoc advisory group on child participation, Daniel Stoecklin. Children came from different parts of Moldova and had different life experiences, including children from minority groups, such as the Roma, Russian and Gagauz groups, and children who had parents working abroad. The five Russian-speaking children worked in a separate subgroup, for language reasons. During the meeting, the children talked about their own life experiences and the activities they are involved in and in this way discussed whether child participation in the different aspects of these activities was possible and whether they felt they were listened to by the adult people involved in these activities. They were also asked to come up with suggestions for adults and for themselves on how to improve child and youth participation and how to have their voices taken seriously. After the general discussion, children discussed child participation in specific situations, what they thought contributed to participation in these areas and what, on the contrary, hindered participation. The children evaluated the focus group meeting as a very positive experience.

The whole process was co-ordinated by the national co-ordinator, who organised a second in-country team meeting on 4 July 2011 to discuss the outcomes of the in-country consultation and to agree on these. The second in-country team meeting adopted a similar format to the first meeting.

Two municipal case studies were carried out by a researcher commissioned by the NGOs. One case study was done in the town of Criuleni, situated in the centre of Moldova, and the other in Selemet, a village in the Cimi lia district. Questions from the methodology were raised by having a group discussion with representatives from the municipality, local youth councils and schools.

An online survey was carried out with 1 286 children during four weeks in May. The survey asked children and young people about their experience of participation in different settings and situations.

The draft review report was discussed at a hearing attended by the in-country review team, two representatives of the reflection group of children and the European Review Team on 15 December in Chişinău. In addition, a representative of the Working Group on Child Rights Monitoring in Moldova participated in the hearing. The hearing involved a discussion of the report in plenary in which all stakeholders, including children and young people, actively participated

Survey of children's views on their experience of participation in the Republic of Moldova

From 1 to 31 May 2011, an electronic survey of children throughout Moldova was carried out with the aim of contributing to the Council of Europe policy review on child and youth participation in Moldova. The survey questions were based on the surveys carried out in Finland and Slovakia for the Finnish and Slovakian policy reviews on child and youth participation (see Appendix II). However, a few questions were phrased differently to correspond more closely to the Moldovan situation. The aim of the survey was to examine the extent to which children in Moldova feel that their voice is heard and that they have an influence in matters affecting them.

The online survey was distributed through several channels: the Ministry of Education and Culture, the Mannerheim Child Welfare League (an NGO), the Children's Ombudsman, the National Coordination and Development Centre of Youth Information and Counselling Services, the Finnish Youth Research Network, youth councils and youth organisations. X3M Radio carried out an interview with a representative from the Ministry of Education and Culture on the survey. The text of the survey was translated into Finnish, Swedish and Sami to allow virtually all children in Finland to fill in the questionnaire. The majority of the children (96%) replied that Finnish was their mother tongue, only 0.7% that it was Swedish and only 0.3% that it was Sami.

The online survey was made available through schools and youth centres. Graduates of "boarding schools", which are Moldovan residential care institutions, were trained in Chi in u by the Child Rights Information Centre (CRIC) and the National Youth Resource Centre to help the children in their schools to fill in the questionnaire. Three or four "boarding schools" participated in the survey. In the boarding schools the children were first trained before they filled in the survey. The CRIC was pro-active in asking adults and teachers in the different Moldovan regions to ask children to fill in the survey. According to the CRIC and the National Youth Resource Centre, it has to be understood that in Moldova children have no confidence in filling in online surveys, so the survey was made as child-friendly as possible.

To ensure a minimum level of representativeness, the aim was for 0.25% of Moldovan children and young people (1 965 children) to respond to the survey. A total of 1 286 children aged 7-17 replied to the survey, while another 22 young people of 18 and older replied. The last group has been taken out of the survey results, since the review report focuses only on children below the age of 18, according to the UNCRC definition of a child. It has to be acknowledged that children participated in the survey on a random basis and can therefore not be regarded as totally representative of Moldova as a whole. However, several general questions regarding personal information showed that children came from all parts of Moldova, including from Transnistria. Two regions had a higher response: Calarasi county, with more than 40% of all

responses, and Ungheni county, with almost 13% of all responses. From other counties smaller numbers of children replied. The reason for this is that the regions with higher responses were more open to children's participation.

There was good balance between responses from rural areas and urban areas: 60.8% of responses came from villages and 39.2% of responses came from towns. Among the younger age groups – 7-9 and 10-11 year-olds – more children from urban areas replied than from rural areas, while for the older age groups (12-13, 14-15 and 16-17 year-olds) the opposite applied.

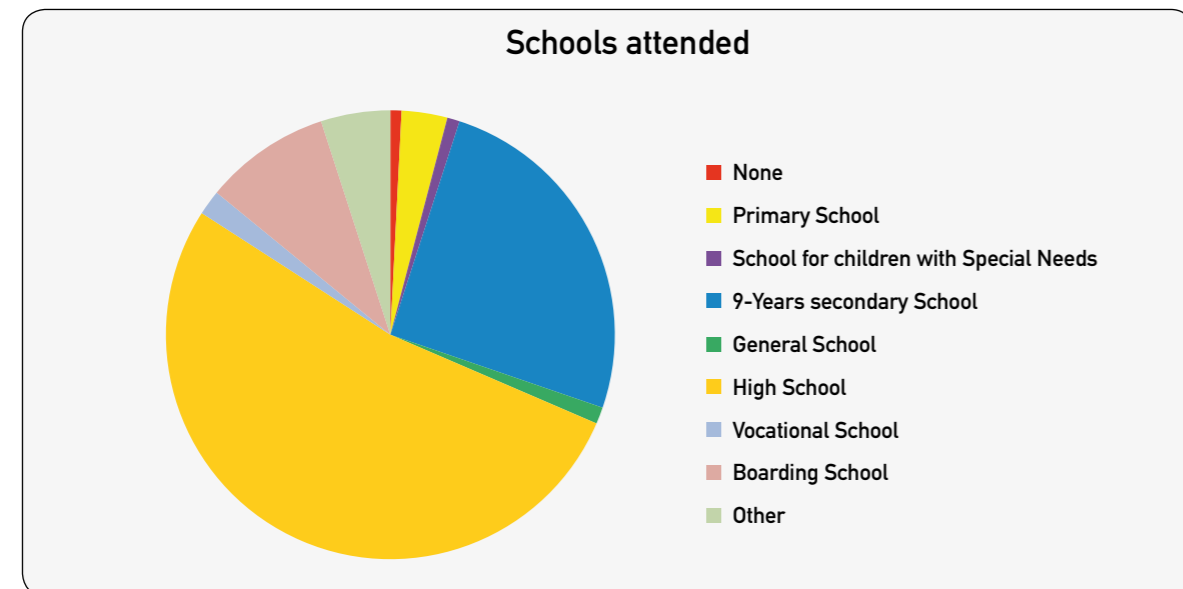
The survey ensured a gender balance, though slightly more girls than boys responded (60.5% as opposed to 39.5%). The total number of Moldovan children and young people aged 0-17 years old is 786 000. Statistics for the age group 0-15 show that 20.5% are boys and 18.1% are girls.⁶

No information was provided regarding the cultural background of the children. However, questions were asked about the employment of their fathers and mothers. Results showed that one in four fathers (25.4%) worked in another country and there was a slightly lower figure for mothers working abroad (22.6%). Moreover, 11.9% of the children replied that their fathers were unemployed and 14.9% that their mothers were unemployed. A considerable group of children was not sure about their father's (11.9%) or mother's (7.0%) place of employment.

Children and young people were also asked how they had learned about the survey. Most children had been made aware of the survey by their teachers at school (49.4%), but one in five children (19.8%) became aware of the survey through their friends on the Internet and 9.8% via friends at school.

The majority of children and young people were able to fill in the survey without any assistance (83.7%), while 16.3% of the children were assisted in completing the survey.

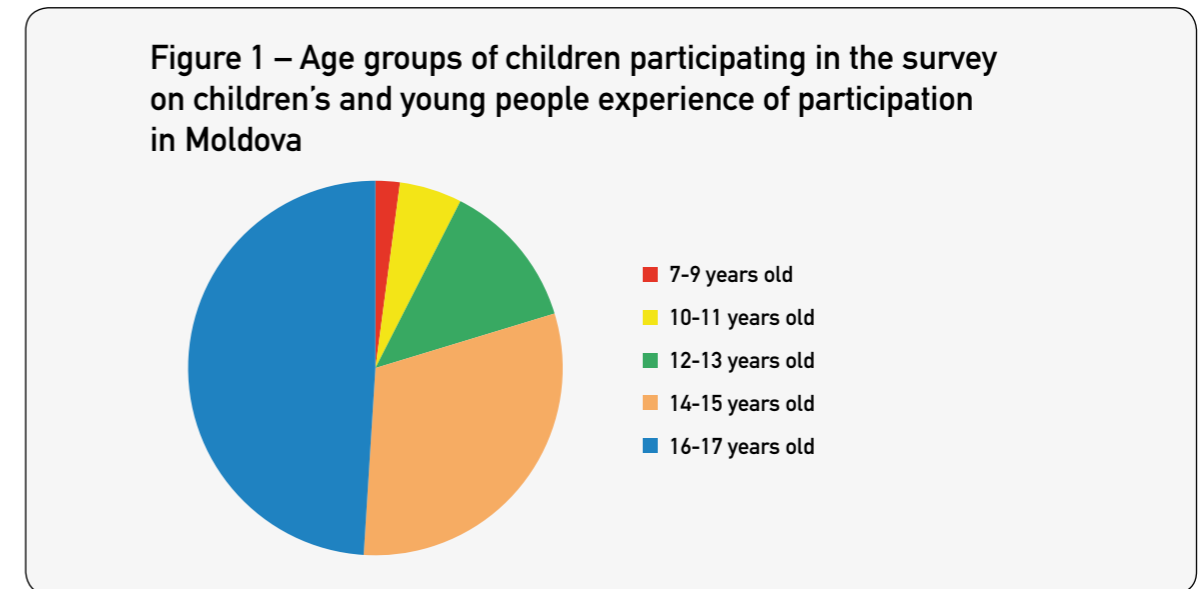
The respondents came from different types of schools (see the section on Moldova in brief):



6. Population structure by some age groups from a territorial aspect, as of 1 January 2008, National Bureau of Statistics of the Republic of Moldova, "Women and men in Moldova, a statistical compilation", Chişinău, 2008.

The difference between "children's homes" and "boarding schools" in Moldova is that "children's homes" are residential care homes for children below the age of 7 and "boarding schools" are residential care homes for school-age children above the age of 7.

With regard to the different age groups, Figure 1 shows that all age groups participated. However, the "older" age group was clearly overrepresented, with 49% of the children being 16-17 years old and only 2.1% of the children 7-9 years old and 5.4% 10-11 years old.



Do children think adults listen to them?

We asked children, "How often do you think adults listen to children's and young people's views and take them seriously?"

Almost half of the children (47.6%) stated that adults listened to what they had to say "sometimes" and 33.6% of the children responded that adults "most of the time" or "always" took their views on board. Only 15.1% thought that adults "hardly ever" listened to their views. In this respect there are no differences between the replies from boys and girls or between replies from children from urban and rural areas.

When looking at the disaggregated data for the age group 7-13 years old, the percentage of children that indicated that adults "always" or "most of the time" listen to them is 46% (compared to 33.6% for 7-17 year olds). This shows that younger children, below the age of 13, in Moldova believe that adults listen to them better than children aged between 7 and 17 do. The latter group included a large group of 14-17 year-olds.

Do children feel their views are taken seriously?

We asked children, "How often do you feel your views are heard and taken seriously by parents and carers, teachers, doctors and health workers, childcare workers in community centres, day centres and in alternative care, childcare workers in boarding schools, prosecutors, judges and lawyers, police officers, in the media (TV, radio, Internet and press. etc.), public servants in the City Hall and in the ministries, and social assistants?"

Figure 2.1 shows that the majority of the children (70%) felt their views are taken seriously “most of the time” or “always” by parents and carers. Almost half of the children felt that teachers take their views seriously “most of the time” or “always”. In contrast, children felt that local and national administrative authorities, police officers and legal officials are the least likely to take their views into account, or never took their views into account. Regarding doctors and health workers almost a third of the children believed that they “always” or “most of the time” listen to them and a third believed they “sometimes” listen to them.

When looking at the disaggregated data for the age group 7-13 years, the percentage of children that indicate that the different groups of adults “always” listen to them is higher for each of the different groups of adults. In particular, regarding parents and caregivers, 51.7% of the younger children (7-13 years old) believed that they take their views seriously, while “only” 34.2% of all children (7-17 years old) felt that their parents and carers listen to them seriously.

Figure 2.1 – How often do you think adults listen to your views and take them seriously?

	Always	Most of the time	Sometimes	Hardly ever	Never	I am not sure	I do not know who this is	This does not apply to me
Parents and carers	34.2%	35.1%	21.4%	4.4%	1.3%	0.9%	0.5%	2.3%
Teachers	15.2%	32.2%	35.4%	11.8%	2.6%	1.3%	0.3%	1.2%
Doctors and health workers	11.1%	19.2%	29.9%	17.0%	7.5%	6.1%	1.3%	7.9%
Childcare workers in community centres, day centres and alternative care	10.0%	16.1%	19.8%	10.7%	7.9%	6.0%	5.1%	24.9%
Childcare workers in boarding school	7.0%	11.6%	16.2%	10.1%	9.1%	4.5%	4.6%	36.9%
Prosecutors, judges and lawyers	7.9%	9.5%	10.3%	10.9%	12.4%	5.8%	3.3%	39.9%
Police officers	7.1%	10.0%	16.6%	7.9%	11.1%	5.2%	2.7%	33.9%
In the media (TV, radio, Internet, press, etc.)	10.3%	12.3%	16.6%	7.9%	11.1%	5.2%	2.7%	33.8%
Public servants in the City Hall	5.4%	12.4%	20.1%	16.7%	12.0%	6.1%	3.2%	24.2%
Public servants in the ministries	5.9%	10.1%	13.8%	13.2%	16.1%	7.5%	4.2%	29.2%
Social assistants ⁷	14.5%	16.7%	18.4%	10.3%	7.9%	6.0%	3.6%	22.6%

7. Social assistants are social workers.

With regard to childcare workers in community centres, alternative care institutions and boarding schools, prosecutors, lawyers, judges, police officers and the media, the table provides a slightly skewed picture since a relatively high percentage of children stated that the question did not apply to them: they had not been in contact with these people or the media. Children were all familiar with the people they were questioned about.

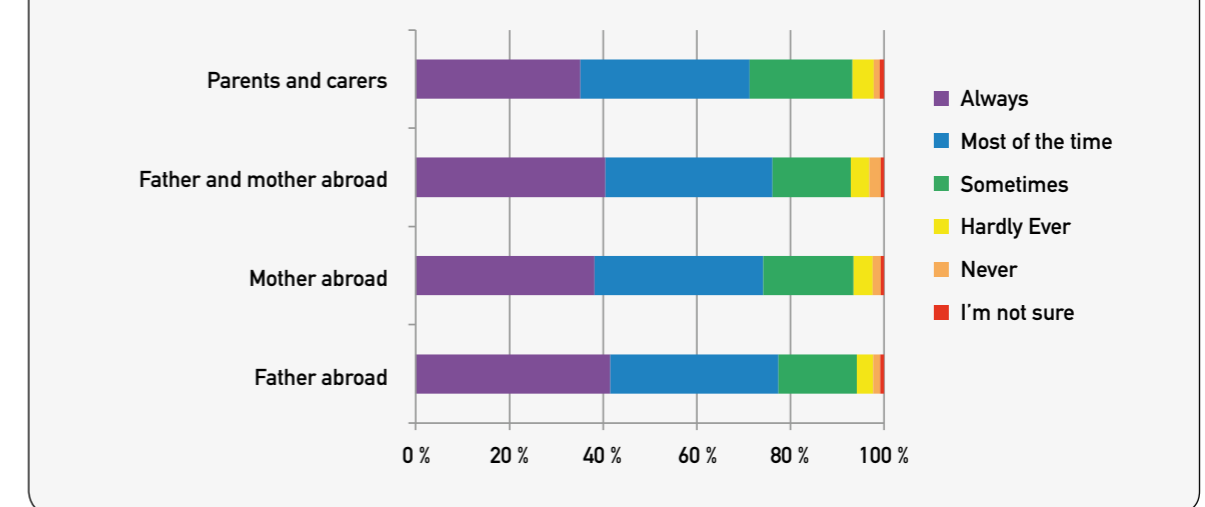
However, those who answered this question stated that almost 40% of the childcare workers in community centres, day centres and alternative care took their views seriously “most of the time” or “always”. The same question for childcare workers in boarding schools was answered by a slightly lower percentage. According to the children, the media took their views seriously “sometimes” or “hardly ever”, and with regard to lawyers, judges and police officers a very mixed response was given. Equal numbers of children responded that these legal officials took their views seriously “most of the time” or “sometimes” or “hardly ever”.

Views taken seriously by parents and carers

Figures 2.1 and 2.2 show that the majority of the children (69.3%) said that parents and carers took their views seriously “always” or “most of the time”. More than one in five children responded that their parents or carers only “sometimes” took their views seriously and only a small minority of the children answered “hardly ever” (4.4%) or “never” (1.3%). This means that within the family setting, which is normally the place where children feel safe and listened to, children’s views are taken seriously most of the time.

There are 177 000 school-age Moldavian children living with one or both parents abroad, of which 37% are 10-15 years old. Overall, 40% of rural children between the ages of 10 and 15 have parents working and living abroad compared to 33% of urban children.⁸

Figure 2.2 – How often do you feel your views are heard and taken seriously by parents and carers?



8. Camilla Azzini, “Countries of origin – Moldova”, *Children left behind* (www.childrenleftbehind.eu), February 2011.

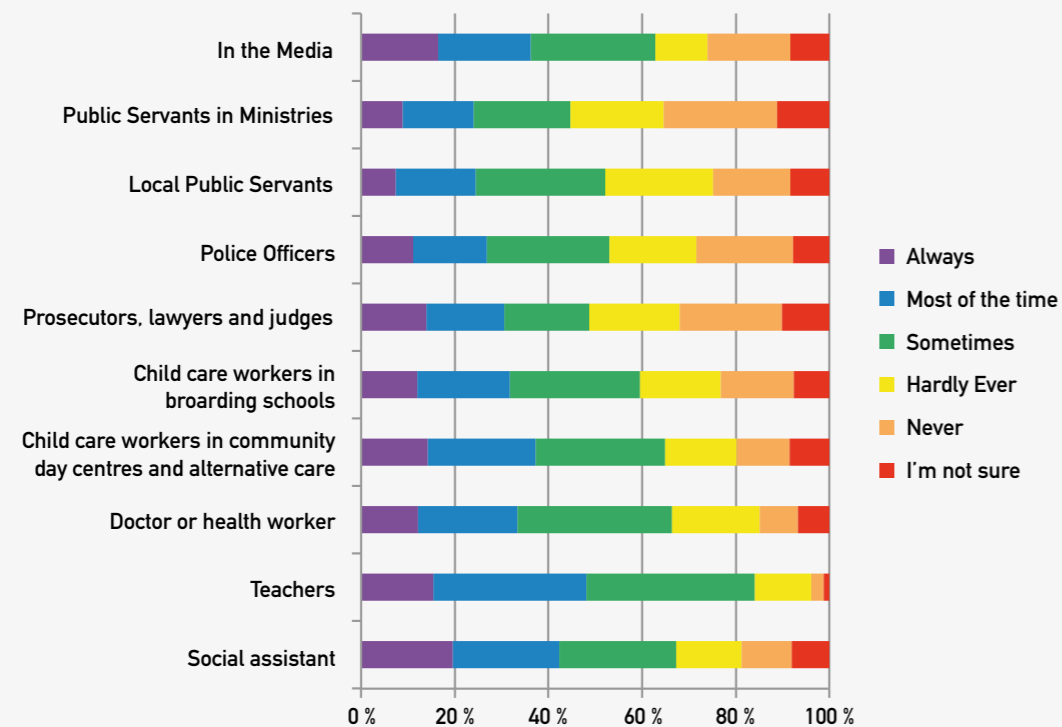
Figure 2.2 shows a remarkable outcome for children whose father or mother, or both parents migrated to work abroad. A larger group of these children feel that their views are listened to “always” or “most of the time” than for the average group of children that were questioned about this in Moldova. An explanation could be found in a report on “The situation of children left behind by migrating parents”,⁹ for which a group of 75 children aged 10-18 years had been consulted by workshops, questionnaires, focus groups and in-depth interviews. One of the outcomes of this report was that the children are very sad that their parents live abroad and they are not able to live together anymore as a family: “It’s like I lost a part of my soul”; “I am sad because I don’t feel her love anymore”; “Money is not important: I would like my parents to be always with me”.

A hypothesis is that children are sad not to be with their parents and for this reason they might “romanticise” and “idealise” their relationship with their parents and believe that their parents would listen to them “always” or “most of the time”. They want to protect the precious relationship they have with their parents and only give positive comments on their behaviour. The outcome could also be a result of how children understand the meaning of participation: “They receive what they ask for in terms of material goods and presents”.

Recommendation:

- It is recommended that more research is done on how children left behind by migrant parents think about participation and how their views are taken into account.

Figure 2.3 – How often do you feel your views are heard and taken seriously?



9. UNICEF/Child Rights Information Centre (CRIC), “The situation of children left behind by migrating parents”, Study report, Chişinău, Moldova, 2006.

Views taken seriously by teachers

Figure 2.3 shows that almost half of the children think that teachers take their views seriously “always” or “most of the time”. About a third believed that teachers listen to their views “sometimes”. Only 14.4% believe that teachers “hardly ever” or “never” take their views into account. Though there is a positive trend that children believe that the majority of the teachers take their views seriously, a considerable group feels that they are listened to only “sometimes” or “hardly ever”. It would appear to depend very much on individual teachers as to whether they listen to children and take their views seriously.

Recommendation:

- Provide more training and education to teachers about how to listen to children and take their views seriously.

Views taken seriously by doctors or health workers

Figures 2.1 and 2.3 show that about a third of doctors and health workers (30%) take the views of children seriously “always” or “most of the time”. About a third of the children believed that doctors or health workers only “sometimes” listen to the views of children and take them seriously and a quarter of the children (24.5%) felt that these professionals “hardly ever” or “never” listen to the views of children. These figures give a mixed outcome and it has to be noted that a considerable group of children still feel that they are only sometimes or never listened to by health practitioners. This question does not specify whether there is a difference between doctors in hospitals, health care workers in schools and institutions, or general practitioners.

Recommendation:

- Ensure that all doctors and health-care workers take the best interests of the child into account when providing medical care or health care to children by providing training for them, including on how to listen to children and take their views seriously.

Views taken seriously by the government

Figures 2.1 and 2.3 show that more than 40% of the children responded that their views are “never” or “hardly ever” taken seriously by public servants in the ministries; a slightly lower figure applies to children being listened to by local civil servants. Regarding local civil servants, about one fifth of the children indicated that they listened to them seriously “sometimes”. However, it should be noted that almost one in four children – 24.2% for local civil servants and 29.2% for national civil servants – said that these questions did not apply to them. Apparently they feel that the government is not a body that undertakes measures and adopts policies which have an effect on children. The results show a slightly more positive outcome for local government bodies compared to national governmental bodies.

Recommendation:

- The government, both at national and local level, has to inform children about its work and its impact on children and young people, and involve children in its decision-making processes.

Views taken seriously by childcare workers in community centres and alternative care

Figure 2.3 shows that a third of the children (about 35%) who were able to reply to this question believe that childcare workers in community centres, day-care institutions and alternative care take their views seriously “always” or “most of the time”. Also, a considerable number of those children who replied said their views were “sometimes” taken into account. A small group of children replied that their views were “hardly ever” or “never” taken seriously. The group of children that were unable to reply to this question (24.9%) shows that these children have no experience of such child care.

Views taken seriously by childcare workers in boarding schools

Regarding childcare workers in boarding schools, less than a third of the children questioned (about 30%) indicated that they were listened to seriously “always” or “most of the time”. A similar group (about 32%) of children indicated that they were “never” or “hardly ever” listened to seriously by childcare workers in boarding schools. Compared to those children that answered negatively regarding being listened to by child care workers in community centres and alternative care, the group of children who felt that they were never or hardly ever listened to by childcare workers in boarding schools is larger.

Recommendations:

- Share with other institutions for children best practice experiences of community and day centres, alternative care and boarding schools where children's views are listened to and taken seriously.
- Consider making legal provision for the setting up of child councils in boarding schools and community centres and alternative care institutions in Moldova, thereby enabling children and young people living or being taken care of in these institutions to have official channels for communicating their views on their living environment and on the policies of the institutions.

Views taken seriously by prosecutors, lawyers, judges and police officers

About a third of the children (33.9%) were unable to answer this question, which meant that they had not been in contact with prosecutors, judges and lawyers. Another 39.9% answered that this question did not apply to them with regard to police officers.

For both groups, legal officials and police officers, a considerable group (about 40%) of the children able to reply to the question replied that they were “never” or “hardly ever” listened to seriously by legal officials or police officers. Given the fact that it is not a daily occurrence for children and young people to come into contact with lawyers, judges and police officers, the number of responses of “hardly ever” or “never” is surprisingly high. These legal officials should at least know and be aware of children's rights, including the right of children to be heard and taken seriously.

In this respect, Article 12.2 of the UNCRC, which states that “the child shall in particular be provided the opportunity to be heard in judicial and administrative proceedings affecting the child ...”, needs to be better implemented. In this respect reference needs to be made to the Council of Europe's Guidelines on child-friendly justice, which are intended to enhance

children's access to and treatment in justice. They cover the child's position and views at all stages of both judicial and extrajudicial procedures and promote children's rights to information, representation and participation.

Recommendation:

- Implement the Council of Europe's guidelines on child friendly justice and ensure that prosecutors, judges, lawyers and police officers are given training on the rights of children, including their right to have their voice heard and their views taken seriously.

Views taken seriously in the media

Figure 2.1 indicates that a third of the children (33.8%) believe that the question whether the media, including television, radio, Internet and the press, takes their views seriously does not apply to them. Figure 2.3 shows that more than a third of the children who were able to reply said that the media took their views seriously “always” or “most of the time”. Moreover, a considerable group of children (about 25%) felt that the media “sometimes” listen to them. A third of the children felt that the media “never” or “hardly ever” listen to them.

Recommendation:

- More work needs to be done to ensure that the media present a positive image of children and to educate those working in and with the media on how to interview and present children and young people, and take their views seriously at the same time.

Views taken seriously by social assistants

Social assistants are social workers and they exist in every Moldovan community with more than 3 000 citizens. Figures 2.1 and 2.3 indicate that more than 40% of the children believe that social assistants “always” or “most of the time” take their views seriously. About one in five children (20%) said that their views are “sometimes” taken seriously and a similar group of children (about 20%) felt that their views were “never” or “hardly ever” taken seriously.

Social assistants are apparently close to children's living experience and therefore accessible and open to hear their views, given the outcome that a majority of the children questioned believed that their views are taken seriously by social assistants. However, one in five children still believe that their views are not being listened to.

Recommendation:

- Social assistants should be trained on how to listen to children and take their views seriously and it should be ensured that they take the best interests of children into account.

Do children feel they have influence over decisions made in different settings?

We asked children how much influence they felt they had over decisions taken by adults and to what extent they could influence and change these in their family, their school, the area where they live, by their doctor/health worker, at their boarding school, community centres,

day centres and alternative care, by prosecutors, lawyers, judges and police officers, by their local and national government.

Figure 3.1 – How much influence do you feel you have over decisions made in different settings?

	A lot of influence	Some influence	Little influence	No influence
In your family	37.3%	44.5%	10.8%	3.7%
In your school	16.6%	49.7%	24.6%	4.2%
In the area where you live	12.7%	34.2%	28.8%	12.1%
By your doctor or health worker	11.5%	23.6%	29.8%	14.2%
In your boarding school	10.5%	15.9%	15.6%	8.8%
In community or day-care centres and alternative care	8.3%	18.1%	16.7%	11.6%
By prosecutors, judges and lawyers	6.1%	13.4%	14.9%	14.2%
By police officers	6.0%	14.9%	16.4%	17.0%
By the City Hall	7.7%	16.3%	21.6%	16.9%
By the ministries	7.2%	14.9%	15.9%	19.3%

Figures 3.1 and 3.2 show that children were most likely to feel they have influence over decisions made in their family, at school and in the area where they live. With respect to doctors and health workers, about one in four children felt that they had “some influence” and almost 30% of the children (29.8%) believed they had “little influence” on decisions taken by their doctor or health worker. This shows that the large majority of children felt that, to some extent, they had their voice heard by their doctors and health workers, though according to them they do not have much influence on the decisions taken. By contrast, children feel they have “little” or “no influence” over decisions made by their national or local government or by police officers.

In the case of children who have been in community care, day-care centres, alternative care or boarding schools, about half of them felt they had “some influence” or “a little influence” over decisions taken at community centres or boarding schools. Of those children who had been in contact with prosecutors, judges and lawyers, more than a third felt they have “no influence” over decisions taken by them. For the last two groups it should be noted that a large group of children (around 40%) indicated that the question did not apply to them.

Figure 3.2 – How much influence do you feel you have over decisions in different settings (children aged 7-17 years)?

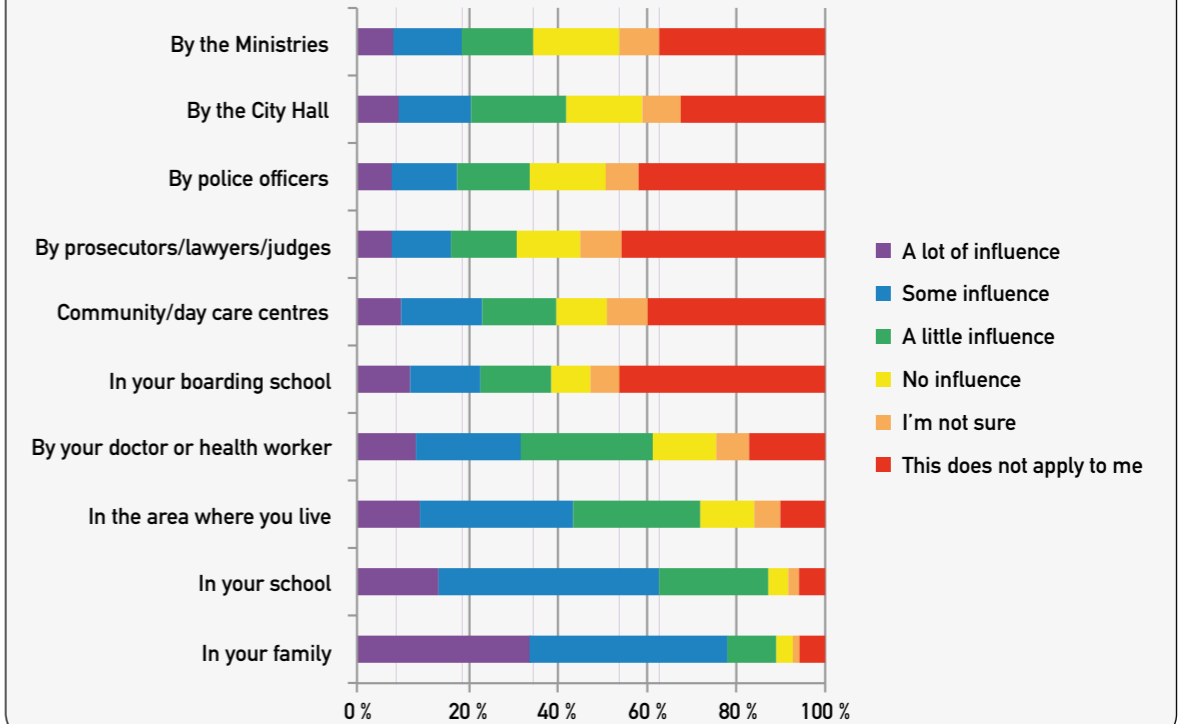
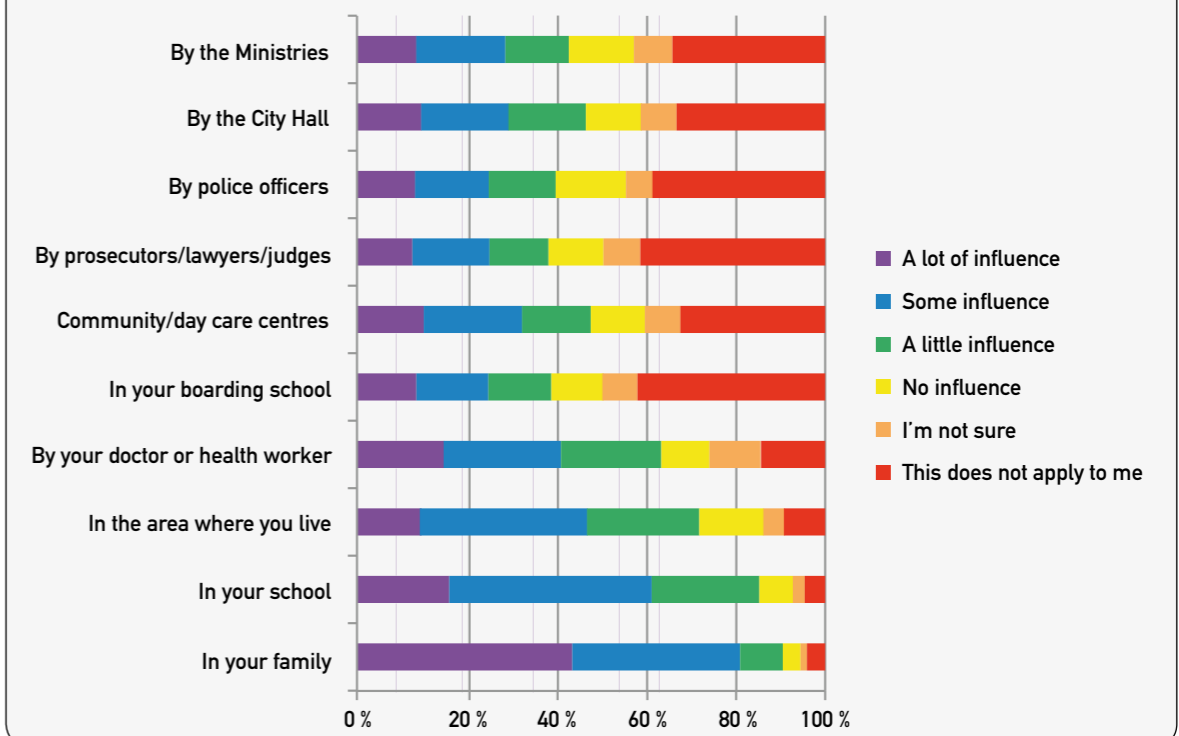


Figure 3.3 - How much influence do you feel you have over decisions in different settings (children aged 7-13 years)?

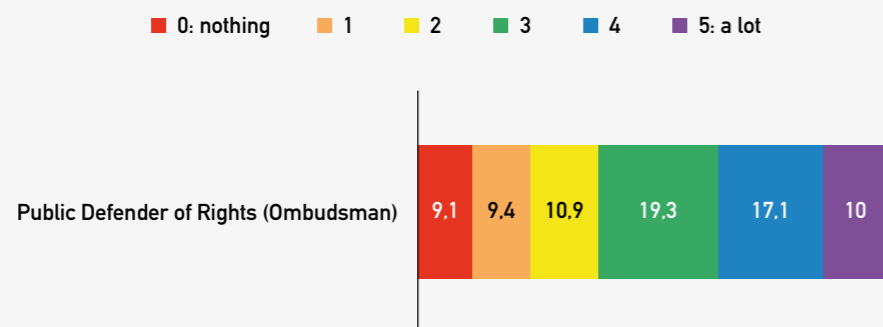


Figures 3.2 and 3.3 show that the group of younger children (aged 7-13) who felt that they had “a lot of influence” over decisions in different settings is larger compared to the group aged 7-17. Apparently, younger children feel that they have more influence on decisions taken than teenage children.

What bodies help to protect the right of children and young people to be heard and taken seriously?

We asked the children which of the specified bodies and institutions helped to protect their right to be heard and taken seriously. They were able to indicate this on a scale ranging from “nothing”, “very little”, “rather little”, “rather well” and “very well” to “really very well” whether the body protected their right to be heard. They could also indicate whether they were not sure or didn’t know who or what the body or institution was.

Figure 4.1 - To what extent does the Public Defender of Rights (Ombudsman) help to protect children’s right to be heard and taken seriously according to children?



- I’m not sure: 9.3%
- Do not know what/who this is: 14.9%

Figure 4.1 shows that about half of the children (46.4%) said that the Moldovan Ombudsman, the Public Defender of Rights, did “rather well” to “very well” and “really very well” (scale 3-5) in helping to protect the right of children and young people to be heard and taken seriously. However, there was also a considerable group of children who felt that the Ombudsman does “rather little”, “very little” or “nothing” to protect their right to be heard and their views taken seriously (scale 3-1). Almost 15% of the children do not know who the Public Defender of Rights is, which is quite a low percentage.

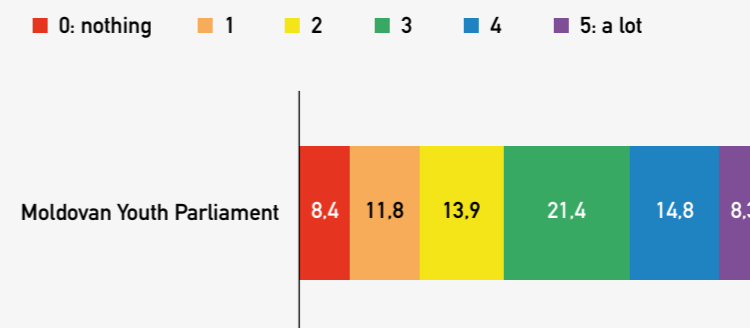
In Moldova, The Centre for Human Rights operates in a similar fashion to European and international ombuds institutions. It operates under the Law on the Parliamentary Advocates. In 2008 the Parliamentary Advocate (Ombudsman) for Children’s Rights was established. The organisation’s aims and activities are to monitor the actions of the government, and other actors, in the fulfilment of children’s rights; the promotion of these rights at national and local level and the creation of a “communication bridge” between children and the state.¹⁰

10. For further information on the Parliamentary Advocate (Ombudsman) for Children’s Rights see the section on Legal and policy analysis of child and youth participation.

Recommendations:

- Consideration should be given to provide more support to and strengthen the role of the parliamentary advocate for children, as well as ensuring effective ways of communicating with children.
- It is recommended that children are better informed about the work of the Ombudsman in the area of children’s rights.

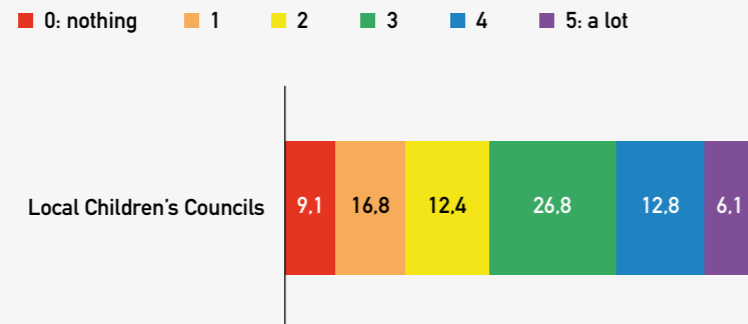
Figure 4.2 - To what extent does the Moldovan Youth Parliament help to protect children’s right to be heard and taken seriously according to children?



- I’m not sure: 8.3%
- Do not know what/who this is: 13.1%

Figure 4.2 shows that a considerable group of children and young people felt that the Moldovan Youth Parliament makes a considerable effort or very considerable effort to ensure that children are heard and their views taken seriously (44%). They indicated this on the upper part of the scale (3-5). However, a third of the children (34.2%) also indicated that the Youth Parliament does “rather little” to “nothing” to ensure children’s voices are heard and taken seriously. Quite a low percentage of children did not know what the Youth Parliament was (13.1%).

Figure 4.3 - To what extent do Local Children's Councils help to protect children's right to be heard and taken seriously according to children?



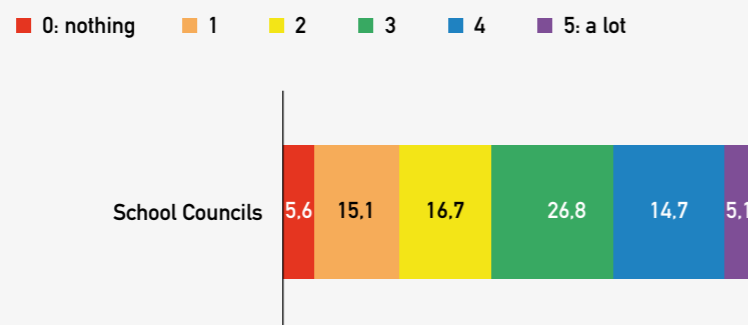
- I'm not sure: 7.1%
- Do not know what/who this is: 8.9%

Figure 4.3 shows that a considerable group of Moldovan children believed that local children's councils do "rather well" to "very well" to ensure children are heard and their views are taken seriously (45%). Again, more than a third felt that local children's councils do "rather little" or "nothing" for children. A positive outcome of the survey is that the majority of the Moldovan children do know what local children's councils are (more than 90%).

Recommendation:

- Local children's councils have to ensure that they are representing all children's interests, listening to their views and taking these seriously.

Figure 4.4 - To what extent do School Councils help to protect children's right to be heard and taken seriously according to children?



- I'm not sure: 8.2%
- Do not know what/who this is: 7.8%

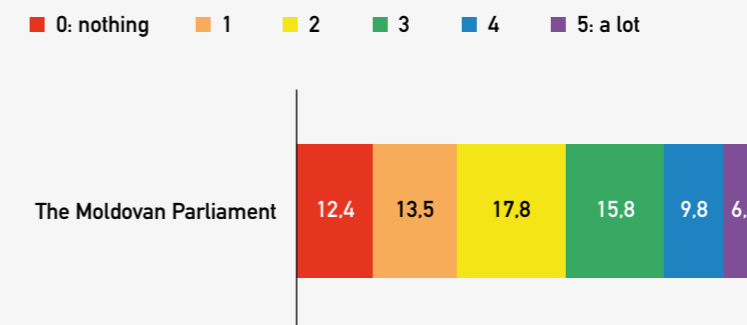
Figure 4.4 shows that almost half of all children responding to the survey (46.6%) indicated that they felt that school councils do "rather well" to "very well" to protect children's rights to be heard and taken seriously. However, a considerable group of children (37.4%) believed that school councils do "rather little" to "very little" to ensure that their right to be heard and listened to seriously is guaranteed. They indicated this on the lower part of the scale (0-2).

Recommendations:

Taking into account that school councils are well known among children and young people, it is recommended that the functioning of school councils be improved

- Examples of well-functioning school councils need to be shared with schools where these do not function properly, to ensure that children feel represented by democratically elected school bodies.
- In addition, training needs to be provided to children participating in school councils and school authorities.

Figure 4.5 - To what extent does the Moldovan Parliament help to protect children's right to be heard and taken seriously according to children?



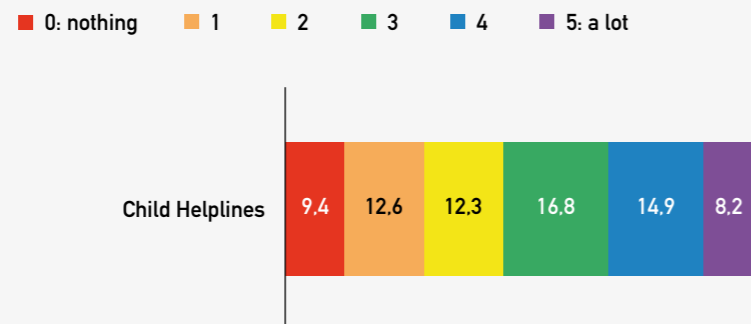
- I'm not sure: 13.3%
- Do not know what/who this is: 10.6%

Figure 4.5 shows that the children say that the Moldovan Parliament does some work to ensure children are heard and taken seriously. A third indicated this in the middle of the scale (2-3). However, about 25% consider the Moldovan Parliament does nothing or hardly anything to ensure children's voices are heard and taken seriously, while only a small group of about 16% said it does "very well" to "really very well" in listening to them seriously

Recommendation:

- The Moldovan Parliament does not seem to be very close to the day-to-day experiences of children and young people and it is recommended that more is done to inform children about its work and its impact on children's lives.

Figure 4.6 - To what extent do Child Helplines help to protect children's right to be heard and taken seriously according to children?



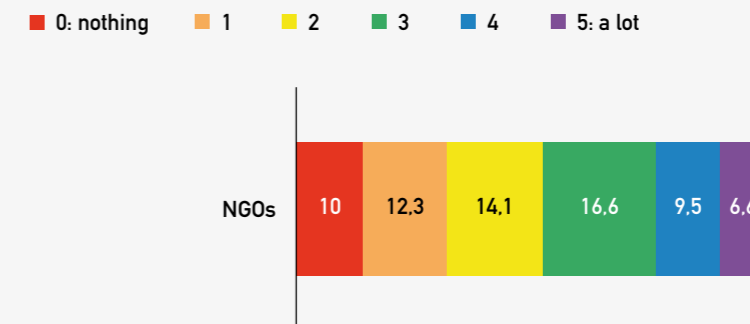
- I'm not sure: 11.4%
- Do not know what/who this is: 14.4%

In Moldova there is one general child helpline, which includes help in cases of sexual exploitation. The Parliamentary Advocate for Children's Rights intends to set up a helpline as well. Figure 4.6 shows that a considerable group of children believe that the Moldovan child helpline does "really very well" to "rather well" (39.9%) to ensure children are heard and taken seriously, which is indicated on the upper part of the scale (3-5). However, the results of the survey also show that more than a third of Moldovan children (34.3%) feel that child helplines do "rather little" or "nothing" to ensure that their voices are heard and taken seriously. Though a majority of Moldovan children are aware of the existence of a child helpline in Moldova, there is still a group (14.4%) who do not know what a child helpline is.

It is not clear from this question whether children have been involved in the development and design of the child helpline.

Recommendation: From these results one could conclude that the child helpline needs to improve its work of listening to children when they are called by them and giving them proper advice

Figure 4.7 - To what extent do NGOs help to protect children's right to be heard and taken seriously according to children?



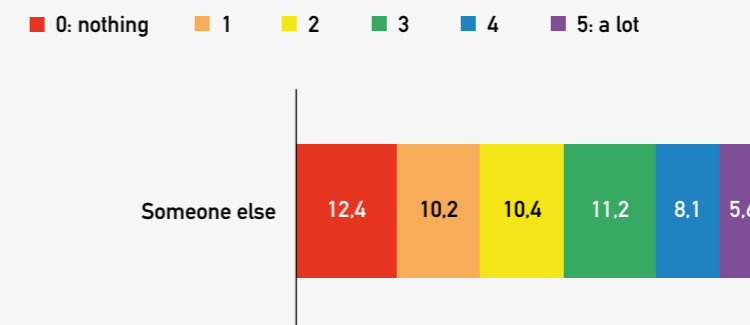
- I'm not sure: 15.7%
- Do not know what/who this is: 15.3%

Figure 4.7 shows that almost a third of the Moldovan children believed that NGOs make a considerable effort or do "really very well" to ensure that children's voices are heard and taken seriously. However, a similar group of children indicated that NGOs do "rather little" or "nothing" to listen to them seriously. Again a third of the children did not know what NGOs are or were not sure what to answer. Possibly this could be explained by the fact that children are not very familiar with the term NGO or are not in contact with NGOs.

Recommendation:

- It is recommended that NGOs that work for the rights and well-being of children ensure that children and young people are consulted in their work..

Figure 4.8 - To what extent does someone else help to protect children's right to be heard and taken seriously according to children?



- I'm not sure: 16.8%
- Do not know what/who this is: 25.3%

Figure 4.8 shows that a quarter of the children felt that someone other than those institutions listed in the survey did “rather well” to “really very well” to ensure their voices are heard and taken seriously. However, a large group of children (42%) was not able to answer the question.

Concluding remarks

When comparing the different bodies and organisations relevant for the promotion of a child's right to be heard and taken seriously, it can be concluded that there is not one particular body which does very well in promoting that right in Moldova. There are several bodies which score around 45% on the upper part of the scale (3-5) in doing “rather well” to “really very well” in promoting children's right to be heard and taken seriously. These include the Public Defender of Rights (Ombudsperson), school councils, the Youth Parliament and local children's councils. However, a considerable group of children felt that these bodies do “nothing” or “rather little” to promote their right to be heard

It is therefore recommended that examples of good practices of well-functioning school councils and local children's councils be shared with schools and local children's councils which do not function properly. Moreover, children participating in school councils, local children's councils and the youth parliament, but also school authorities, including teachers and local authorities, need to be given training on children's participation.

Regarding the Parliamentary Advocate for Children's Rights, consideration should be given to providing more support to and strengthening his/her role and to developing effective ways of communicating with children.

A positive result of the survey was that the overall majority of the children know the bodies they were questioned about.

Concerning the child helpline, mixed results came out of the survey: more than a third of the children felt that the child helpline listened to their views, but also a third felt they were listened to hardly or not at all. Since the existence of a child helpline should depend on its ability to listen to children and take their views seriously, more efforts need to be made to ensure they can act accordingly.

Similar results came out on the role of NGOs, though about a third of the children did not know the work of NGOs or were not sure what to answer regarding their role. It is therefore recommended that NGOs working for the rights and well-being of children ensure that children and young people are consulted in their activities.

According to the children who replied to the survey, the Moldovan Parliament came out at the middle of the scale. About a third of the children felt that the parliament made some efforts to listen to them, but also a quarter of the children felt that they did hardly anything or nothing to listen to them and take their views seriously. The Moldovan Parliament and its members need to ensure that they come into contact with young Moldovan citizens and inform them about their work and listen to their views.

Are children informed about their right to be heard and taken seriously?

Article 42 of the UN Convention on the Rights of the Child states that all children should be informed about their rights. This includes informing them that they have a right to express

their views freely and to have their views given due weight in all matters that affect their lives, as outlined in Article 12.

To determine the extent to which this right is being fulfilled, we asked children and young people, “Have any of the following people told you that you have a right to be heard and taken seriously?” The overall majority of children (98.6%) reported that they had been informed about their right to be heard. Children were able to tick more than one box.

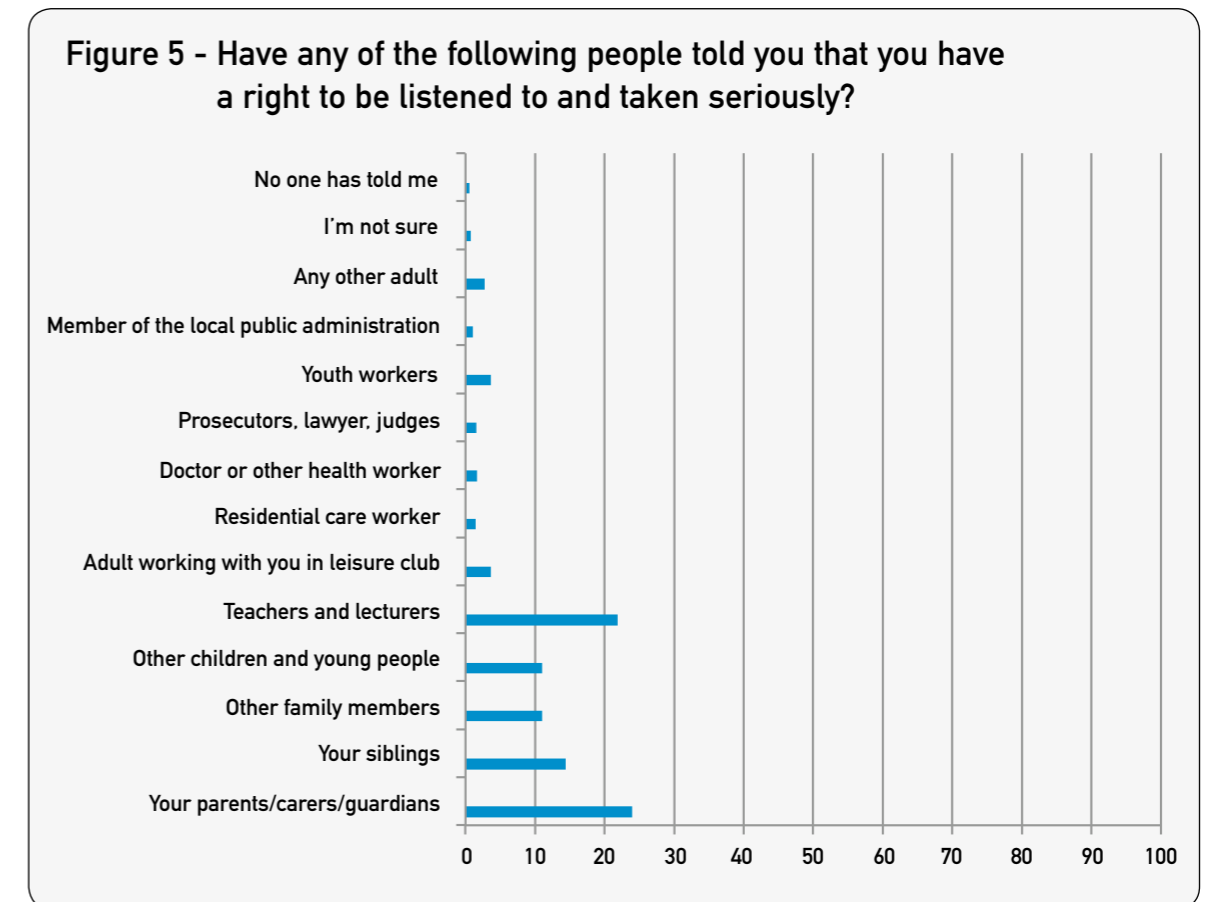


Figure 5 shows that children were most likely to be informed about their right to be listened to and taken seriously by their parents, guardians, carers, teachers or lecturers or by their siblings, family members and other children and young people.

“Truth voiced by children”: a good practice example of children monitoring their rights

In 2008 and 2009, a Working Group on Child Rights Monitoring was created by the Moldovan Child Rights Information Centre (CRIC).¹¹ This working group included 25 children, who

11. The creation of the Working Group on Child Rights Monitoring was supported by the Organization for Security and Co-operation in Europe (OSCE) Mission to Moldova, Save the Children Sweden, the Swedish International Development Cooperation Agency (Sida), the Soros Foundation Moldova, UNICEF and the United States Government.

were selected as a result of a national contest held by CRIC in 2008. In 2009 some more children joined. The group is a temporary group and included children representing 14 regions of the country. The children were aged between 12 and 17 and their experience of participation in school and community initiatives varies. At the request of children involved in the working group new small groups at local level have been created to ensure continuity and to make their work more permanent.

Between July 2008 and November 2009 the children from the Working Group on Child Rights Monitoring met in workshops to discuss different rights, including the right to education, the right to protection against violence, abuse and neglect, the right to participate, the right to protection against labour exploitation and the right to rest and leisure. In addition, the children carried out their own study in which they gathered opinions from their peers on their degree of knowledge on children's rights. The activity of this Working Group on Child Rights Monitoring from Moldova represents, according to some international experts, "a unique innovative initiative in Europe, worth being developed in other countries", because "the best experts in the field of child rights are children themselves".

The results of the Working Group on Child Rights Monitoring were published in a report, "Truth voiced by children: Children's report on the respect of the Convention on the Rights of the Child in the Republic of Moldova, 2009". Several results of the report complement the outcomes of the survey and the focus groups meeting carried out for the policy review on child and youth participation in Moldova.

Children participating in the Working Group on Child Rights Monitoring developed a questionnaire which asked their peers about the level of respect for the rights of the child. On the whole, 1 215 children (aged 9-18) answered the questionnaire. The Working Group on Child Rights Monitoring analysed the data, found the major tendencies and formulated conclusions and recommendations within a workshop.

The majority of the children answering the questionnaire felt that children's rights were positively respected in their home regions or were respected averagely. The report stated that "this proves the fact that many children do not realise that their rights are being violated, because they don't know them or they mistrust data confidentiality and they fear persecution by adults in case they dare express freely their opinion". The report also revealed that the older the children the larger their awareness about the infringement of their rights, while children aged between 9 and 14 are not aware of rights violations or they consider them insignificant, because they are influenced to a greater extent by adults.

A quarter of the respondents to the questionnaire mentioned that their rights are violated in the family environment and in its analysis the Working Group on Child Rights Monitoring found that it is traditionally considered as a sign of ingratitude if a child reproaches his/her parents for violating his/her rights. Numerous children connect their rights infringement in the family environment with parents' departures abroad in search of work.

Regarding the level of knowledge of Moldovan children about institutions they can address in cases of child rights violations, such as NGOs, the Parliamentary Advocate (Ombudsperson) for Children's Rights and international organisations such as UNICEF, most children do not contact these institutions for various reasons, including being unaware of their existence or not having confidence in people working in these institutions. Results from the questionnaire show that teachers and parents remain the people that children trust most of all and who are there for children most of the time.

The children therefore recommended that institutions responsible for child protection must inform children by all possible means about their existence, the services they provide and the way children can get in touch with them. The personnel from these institutions require special training in communicating with children according to their age, ensuring confidentiality and non-discrimination. Children need to be trained to be able to address institutions responsible for child protection.

"Every child's idea should be taken seriously."

Quotation from Moldovan children in "Truth voiced by children"

When children were asked about respect for their opinion by teachers, they said that on the whole teachers do not take into account children's opinions, interests and wishes. This concerns both school and extracurricular activities. In particular, small children are not given the opportunity by teachers to express their views freely in schools. When comparing this to the results of the policy review survey, almost half of the children felt that teachers do take their views seriously "most of the time" or "always". The children participating in the national hearing discussing the draft review report in Chişinău in December 2011 gave a possible explanation for this discrepancy in outcomes: "children might have been influenced by those sitting next to them when they were filling in the questionnaire" for the review report. Another explanation they gave is that children who filled in the questionnaire did not understand the right meaning of participation and would for example see their question to their teacher about homework as participation at school.

The report "Truth voiced by children" devoted one of its chapters to the right to participate. It stated that many children cannot tell authentic participation from false participation, due to the fact that they are not informed by adults, "fearing that, as a result, children will only know their rights and will forget about responsibilities". In many families children are not able to develop the ability to participate, since adults do not take into consideration children's opinions, skills and interests. In most schools there are no means or methods of collecting children's opinions on the educational process and the extracurricular activities. Children's participation is perceived as a game; plenty of teachers cannot tell freedom of expression from bad behaviour, especially when children and adults have contradictory opinions. Even if teachers do consult pupils, they usually do not take into account the expressed opinions. "Most adults have little or no understanding of the right to participate and, as a result, children's involvement becomes a perfunctory action."¹²

There are schools which have self-governing bodies, such as a school senate, council or parliament which represent the ideas and opinions of all the pupils. However, in most schools where these structures exist, children who are not members are not aware of their existence or they have little or no understanding of their role, the way they are organised and run, and the requirements for joining them. Apparently, the election of school council members and class representatives is not a transparent procedure and is often performed without children's participation. Often the election procedure is a simulation and the final decision

12. Igor Guzun (ed.), "Truth voiced by children: Children's report on the respect of the Convention on the Rights of the Child in the Republic of Moldova, 2009", with the support of UNICEF, Save the Children Sweden, Sida, Soros Moldova, OSCE, US Government, p. 41.

is taken by the form teacher alone. In many schools, the activity of the school council is orchestrated and manipulated by teachers. “Many teachers administer school discipline by threatening pupils with exclusion from school self-governing bodies.”¹³ A problem in creating more schools councils and local children’s and youth councils is the lack of financial resources to support children’s initiatives aimed at promoting child participation. Sometimes, youth resource centres supply children with material for certain activities.¹⁴

13. Ibid., p. 45.

14. Ibid., p. 46.

Outcomes of the child focus group meeting

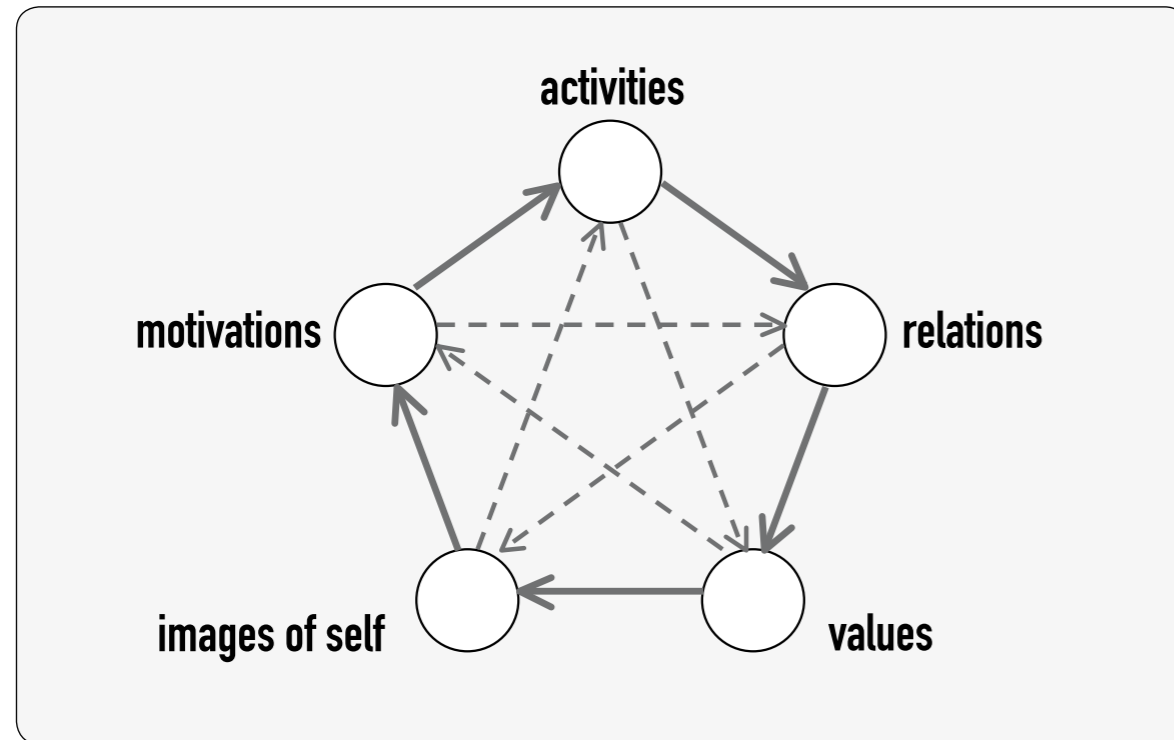
On Thursday 19 May 2011, 22 children – 14 girls and 8 boys – between the ages of 11 and 17 and from different regions of Moldova met in Chişinău to discuss what the participation of children and young people means for them in their daily lives. The group included children with different life experiences, including children with parents working abroad, a child living in a boarding school, a disabled child and children coming from poor families; some were involved in participation projects. Five of the children were Russian-speaking children, who met in a separate subgroup for language reasons. The majority of the children came from rural areas (16 children) and a few from Moldovan towns (6 children). The majority of the children were of Moldovan origin, and a few children from minority groups took part, including from Roma (3), Russian (2) and Gagauz¹⁵ (2) minorities. The group included the “reflection group of children”, which was taking part in the full consultation process for the Moldovan review on child and youth participation.

Guidelines and a programme had been prepared for the meeting (see Appendix III), along the lines of the pilot exercise in Finland with a focus group of children, based on the “kaleidoscope of experience” method and world café technique. The children had discussions in small groups working according to the “kaleidoscope of experience” method.

During Session 1, the children were asked to come up with any ideas corresponding with the five areas of the “kaleidoscope of experience”: the activities they find themselves involved in; the relations connected with those activities; the values which may explain why some people do not respect their opinions; the image of self which expresses children’s feelings about the situation referred to; and the motivations which represent children’s hope for changing the things which upset them when people fail to respect their opinions.

15. The Gagauz people are a Turkish ethnic group living mostly in southern Moldova (Gagauzia).

The Kaleidoscope of experience



During Sessions 2 and 3 the children discussed specific situations, including family; education; health services; games, leisure and cultural activities; public life; alternative care and situations of violence. They discussed factors that facilitate children's participation in the different settings and factors that hinder their right to be heard and listened to seriously.

Defining participation

The first task was for children to define the meaning of participation. An exercise was done with the children to ensure children would understand what participation means. It was a challenge for the facilitators to ensure children understood the right meaning of the term. The way children and young people described participation showed that they understand participation in a narrow meaning: most of them associate the term with their involvement in cultural and leisure activities while the idea of expressing opinions is more difficult to perceive. It turned out that the understanding of the meaning of Article 12 of the UNCRC is far removed from real-life experiences of children's and young people's participation: they are already very happy to be involved in an activity. According to the youth facilitators of the focus groups, this is the usual understanding among adults, including teachers, parents, cultural workers and other professionals. After the explanatory exercise the term "participation" was further discussed and the children mentioned "self-esteem"; "equal opportunities"; "rights and responsibilities"; "support from adults"; "groups of children, interaction, communication, new friends"; "all children have the right to participate"; "taking decisions"; and "taking one's opinion into account" to describe the meaning of participation.

"Children don't have specific and complete information about their rights."

Quotation from a Moldovan child participating in a focus group meeting

Activities: activities undertaken by the children and young people

Children were asked to brainstorm on the issues included in the kaleidoscope methodology and mentioned a range of activities in which they are engaged, including:

- school: attending school, English language courses, school contests and Olympiads, school parties;
- clubs/circles of interest within the school and community, which are leisure activities organised by the school or by separate community institutions: sports, music, chemistry, painting, debates club, puppet theatre, swimming;
- extracurricular activities: being a member of the peer educators' group or member of the School Council;
- circle of friends: communicating, fun/entertainment;
- public spaces: going out in town, going to the library, theatre or cinema;
- house/family: helping parents with the household, food preparation, decisions regarding holidays or leisure time activities;
- Internet social networks: communicating, online network games;
- public activity in the community: children's centre, volunteering in summer camps or other voluntary work, District Children's Advisory Council, seminars, radio, local NGO.

This exercise helped the children to reflect on a wide range of activities. Without it, the risk would have been to focus too quickly on the "participation activities". This would help in the next stage (relations) in which they discover a direct relationship between participation and proximity.

Relations: people who take children's opinions into account and those who do not listen to their views

The second task was to brainstorm on persons with whom the children and young people were in contact, with whom they chatted or connected during these activities.

In most of the cases the participants stated that the members of their families (parents, brothers, sisters, grandparents) ask them for their opinions and support them in different activities. However, there were also some children who stated that their parents and siblings do not always ask their opinion or do not take their opinion into account.

Within school, children interact with teachers, the cleaning staff, the cook, classmates, peers and adult co-ordinators for clubs and circles of interest. The children indicated that both among adults and peers there are people who take their views into account. In the majority of the children's descriptions the school's technical staff, for example the people working in the canteen, the cleaning staff and the caretaker, are appreciated more positively than the teaching staff. Children are not consulted about the school timetable, participation in Olympiads and

contests on different school subjects, the school programme and teaching methods. The children felt they were listened to best during leisure activities, clubs and circles of interest and by their friends. These results indicate a strong link between proximity (with friends and the school's technical staff) and participation. It recalls that confidence towards representatives of the state (teachers) is still a problem in post-communist societies.¹⁶ Deficits in citizenship foster confidence, and sometimes over-confidence, in people who are perceived as close enough to avoid any betrayal. The responses from children indicate that teachers in Moldova appear to be still placed beyond this boundary.

Values: children and young people identify different reasons why adults do not listen to their views

Children and young people were asked to think of reasons why certain people do not listen to their views. They identified reasons for adults and for peers not listening to them.

Regarding adults, the children and young people stated that the difference in age was a reason adults did not listen to them: "Adults believe I am not grown [up] enough to take my view into account"; "the teachers consider me too young" and "there is age-based discrimination". This stresses that adults do not see children and young people as equal partners in their debates.

Another reason for not listening to their views is that adults do not have trust in children's opinions or "they underestimate my opinion" and believe "they are more important than me", "teachers always want to be right". It seems that the pedagogy is still rather top-down and adult-centred. This gives rise to the hypothesis that adults may fear that emphasising the right of children to participate will erode their authority.

The children also stated that "adults do not understand the advantages of participation" and they lack specific information on the child's right to be heard. This leads to the conclusion that more efforts are needed to educate and raise awareness of the rights of children to participate, to be listened to and taken seriously.

"The principal, the teachers grew up in a different environment; they were educated differently, they have other visions and it is difficult for them to understand because they haven't gone through this."

Quotation from a Moldovan child participating in a focus group meeting

This quotation underlines a generational division between children and young people and adults.

The children and young people also gave reasons why their peers would not listen to their views, which included jealousy, competitiveness or a feeling of superiority. One child stated "every child has his/her own opinion and it's difficult for them to accept another one".

16. This has been shown for instance in Albania in Stoecklin, D., "Le trafic d'enfants albanais comme déficit de citoyenneté", *Nouvelles Pratiques Sociales*, Montréal, Québec, Vol. 2, No. 18, 2006, pp. 186-199.

Images of self: how do children and young people feel when someone fails to listen to them?

The children's next task was to describe how they feel when someone fails to listen to their views. They described a range of feelings: hurt, sad, humiliated, hate, angry, disregarded, upset, uncomfortable, unhappy, not respected, ignored, forgotten and losing self-confidence.

It is very important for these poor images of self to be taken into consideration when raising awareness of the need for children's views to be listened to and taken seriously.

Motivations: what can be done to ensure adults listen to children's opinions?

The children were asked to think about possible solutions which would result in adults listening to their opinions and taking these opinions seriously.

Many children suggested that adults and children should spend more time together to get to know each other better, and they also suggested the provision of training or classes for adults about children's rights, to inform and explain to them about children's right to participate. Several suggested sharing best practices and providing good examples of children's participation.

Several children suggested that adults had to be reminded that they had been children themselves: "Adults should be in our place at least for one day".

Some children suggested actions instead of words, but others wanted to prove the importance of their views by the "power of persuasion" or by expressing themselves in a clear way or by speaking and thinking as a grown up.

Factors that facilitate or hinder children's participation in different settings

After carrying out the tasks, the children discussed what factors contribute to or hinder their participation in different settings, including: the family; the school; health services; games, leisure, cultural activities; public life; alternative care; and situations of violence.

The family

The children felt that what contributed to their participation within the family were trustful relationships in the family, involvement in household chores, responsibilities given to children, treating children with respect and as equals, parents' open and communicative natures, deciding together on how to use savings. Some children also had positive experiences with their grandparents and caregivers.

On the other hand a long list of factors which hinder their active participation in family life came up from the children's discussion. These again included adults not listening to their opinions, mistrusting children, lack of communication, and lack of training/knowledge on how to communicate with children.

Children also said that parents have a lack of time to listen to children or "they do not communicate with children because they are working abroad ('we don't have anyone to consult with')". In families where parents abuse alcohol or drugs, children's opinions are not respected and children are neglected. Parents use force and violence against their children when they do not want to do something. Some adults force their children to work: "They

force me to work and don't allow me to go to school". Other adults have financial problems and cannot afford their child to be involved in different activities. Traditional values seem also to hinder children's participation and are transmitted from one generation to another. Sometimes participation is conditional on doing homework or household tasks.

The school

Several children felt that the things that contributed to their active participation at school were the school programme, helpful and sensitive teachers, peer support, school councils and supportive parents, both in praising their children for their achievements and by material support to have access to activities. The children also mentioned that training courses for teachers which teach them innovative teaching methods helped them to participate in school activities: "Young teachers who come to school and know new methods of activities discuss the schedule with pupils."

On the other hand, the list of factors that hinder children's participation in schools is much longer than the list of positive factors. Children felt that teachers lack information, have no trust in children or suspect them of being in forbidden activities at school, "make empty promises", "have too high expectations", treat children unequally, use out-dated methods and have a lack of interest regarding the child's complete development. Lack of confidence and discrimination appear in several responses. One child even mentioned that teachers pay more attention to children whose parents are rich. In addition, the pedagogy appears rather traditional: "Only teachers are encouraged to participate in classes and within the school" and "critical expression of pupil's opinion is punished by the teacher: lowering the marks, exclusion from the class, lack of communication". Some children mentioned that they lacked self-confidence, possibly caused by negative experiences, by not receiving support or by being rejected.

Health services

When discussing health services children felt that young medical staff were kinder than older doctors. Other factors contributing to their participation and positive relationships with medical staff identified by the children were confidentiality kept by medical staff, the open and communicative nature of medical staff, information provided by health services, encouragement by teachers, parents and peers to see a doctor and the possibility of choosing a doctor.

Another group of children raised additional complaints: lack of medical offices, medications and equipment as well as qualified medical staff; not all people are treated equally by medical staff, and many people do not know of the existence of doctors. The children also mentioned that some doctors do not use "language for children's age" or "shout at me, make fun of me and don't listen to me". Moreover, the environment where health services are provided is not child-friendly and children are sometimes blamed for the situation in which they find themselves, which results in many children not daring to see a doctor or their parents because of fear of punishment.

Games, leisure and cultural activities

Group discussions on the children's involvement and contribution to leisure time and cultural activities showed again children's positive and negative experiences. Some children felt that there was a diversity of playgrounds and they were offered a choice of activities according to their interests and capabilities. Several children were consulted about club schedules and felt that in out-of-school activities their thoughts are free and flexible.

There was also a considerable group of children who felt that there was a lack of equipped and modern places for spending free time for children in general or for children with disabilities. The children also complained about their overloaded programme with school activities, household chores or being sent to work. They felt that leisure time activities were not equally accessible for all children and were too expensive. Others felt that many places for children and young people were not safe for them to go to: "In many places there is violence, dirty language, children are forced to smoke and drink alcohol and are threatened". They also raised the lack of support from authorities for children and youth leisure time activities.

Public life

With regard to public life the children discussed their involvement in local youth councils. They felt that they can freely express their opinions and can participate in decision making in the Local Youth Council, the co-ordinators or facilitators of local youth councils are understanding and prepared to communicate with children and they support the children in their council work. The environment in which they participate is child-friendly and the children feel they are listened to.

Though the functioning of local youth councils is appreciated by participating children, there are several shortcomings that hinder all children's active participation in public life. The children stated that not all children are informed about the council's activities and do not know how to become involved. Their other complaint was that adults do not acknowledge the benefit of participating, they discourage them from participating or they do not listen to the opinions of the council. "The Mayor is not interested in children's opinions ... He/she is more interested in roads because this is what adults who elect him/her asked for". The children also felt that Roma children's opinions are almost never listened to; they feel isolated from the world. The children accused local policy makers of exploiting children and young people's trust for profitable goals such as elections.

Alternative care

The children had less to say about children's participation in alternative care situations, since most of them did not have experience of these situations. However, they made several general remarks and assumptions. Some felt that the child carers in the institutions pay more attention to the children's feelings than would happen in the family. The children receive information according to their age and abilities. Other children felt that boarding schools could not take everyone's opinion into account, since too many children live there. "Because in placement centres¹⁷ there are a big number of children, the principal thinks that caregivers' opinions represent children's opinions".

Situations of violence

Children discussed the meaning of violence by using descriptions such as "bad words, gossip" and the causes of violence were described as "lack of clear rules" and "children do not know other ways to express themselves". Several children indicated that there is a lack of information and training to prevent violence at schools. Several children mentioned poverty as a cause for violence: poor children use violence against those who have money or goods that they cannot buy. Several children mentioned that parents use violence against their children.

¹⁷ Placement centres can be residential care institutions, but could also be family-type homes for smaller groups of children without parental care.

The children indicated that there are specific groups of children who are particularly vulnerable to violence, including shy children, children from socially vulnerable families, Roma children, those who have been victims of violence before and children from residential care institutions.

When the children were asked about their knowledge of the existence of any laws prohibiting violence against children they indicated that there are laws, but these are not applied since adults are not aware of them.

The children were asked what is done in schools to prevent violence, and they responded that nothing is done: teachers use a lot of verbal violence and teachers defend themselves in front of parents by stating that the child had to be blamed for what happened and deserved it.

“Violence is one of the factors that hinders children’s participation.”

Quotation from a Moldovan child in a focus group meeting

Evaluation of the consultation day

The children’s facilitators received feedback from the children at the end of the consultation day on how they felt about the consultation and provided their own feedback based on their observations during the day. The facilitators indicated that the work in the subgroups (world café technique) worked very well and made the children feel free to speak. This was particularly important since several vulnerable children and children from disadvantaged backgrounds took part in the consultations. The whole process made the children feel more confident: “it was like therapy for them” and “they finally could speak about problems within their families”.

Children in the “reflection group” indicated that it was an extraordinary experience and they “felt proud” to be part of this process.

Conclusions based on the outcomes of the child focus group meeting

During the focus day consultation, the children and young people came up with a wide range of activities and spoke of the relations they had during these activities. They believed that the persons who were most tolerant of the opinions of children and young people when making decisions were family and relatives, the school’s technical staff and those working in schools (except for teachers). Those who were the least tolerant of their views and least likely to take these seriously included teachers; however, in addition, several children added that parents and peers did not listen to their views either.

The key reasons identified by the children for a failure to listen to their views included the age difference and the lack of trust of adults in children. Other reasons identified included that adults were simply not aware about the rights of children to participate and they would need further education on this. The children expressed their feelings about this by indicating they felt sad, humiliated, upset, neglected, rejected and less self-confident.

The solutions presented by the children to ensure that adults listened more effectively to their views and took them more seriously, included that adults and children should spend more time together to get to know each other better. They also suggested providing training or classes for adults about children’s rights and informing and explaining to them about children’s right to participate. Several children suggested sharing best practices and providing good examples of children’s participation.

When the involvement of children in decision making in different settings was discussed, children identified factors that hindered and factors that contributed to their participation in the different settings. For all the settings discussed they listed factors that hindered and contributed to their participation. Regarding the family and teachers, the children indicated that they had good experiences of being listened to by family members and teachers who had a trust in them and supported them. On the other side, their participation was hindered by a lack of equal treatment, a lack of knowledge about the right of children to participate and a lack of trust in the children. Financial arguments were also mentioned as a factor that hindered their participation in family life and the fact that parents were working abroad.

Regarding the participation of children within different settings such as family life, schools, health care, public life and leisure time activities, the participants felt that children were not treated equally: some children were listened to while others were not. They also said that services were not accessible to all children and were often not safe for children. In addition, overloaded programmes at school, or the fact that they had to work, prevented children from taking part in leisure-time activities or other out-of-school activities. However, several children felt that in out-of-school activities they could express themselves freely. With regard to local youth councils, children who did participate in local youth councils felt that they had been listened to, but many children did not know about the existence of local youth councils. The children felt that Roma children were never listened to in public life.

With regard to situations of violence the children were aware that there are laws to prevent violence but, according to them, adults were not aware of them and according to the children, violence was often used by parents, teachers and by their peers at school. Again the children indicated that poverty was a factor contributing to violence.

Recommendations based on the outcomes of the focus group consultations:

- Ensure that children and adults are made aware on the child’s right to participate.
- Ensure that children are informed about how to make their voice heard.
- Ensure training is provided to those working with and for children and young people on how to listen to children and take their views seriously, including parents, teachers, medical staff, civil servants, residential care staff, local and national decision makers.
- Exchange good practices of children’s participation.
- Ensure equal participation and equal access to services for all children.
- Combat child poverty to prevent violence and to promote children’s participation.
- Set up a campaign to combat corporal punishment of children.
- Ensure children are informed about local youth councils and their role; ensure that all municipalities set up local youth councils.

Comparing outcomes of the child focus group meeting and the children's survey

When comparing outcomes of the child focus group consultation with outcomes of the children's survey it has to be noted that there is a gap. The survey results show a more positive picture of how children perceive being listened to and taken seriously within different settings in Moldovan society. On the other hand, in the focus group consultations, children had strong opinions about often not being listened to at all, indicating that their right to participate and other children's rights had been violated, such violations taking the form of child labour and violence against children.

Explanations for this discrepancy in results were provided by the children's facilitators and by children participating in the national hearing. They felt that the outcomes of the focus groups should be trusted more than the outcomes of the survey, since many children filled in the survey with their teachers being present, while the children in the focus groups were feeling safe and secure to give their own opinions. This explains that the answers to the survey questions might not be considered as totally independent: "They filled in the socially desirable responses" and children believed they were being tested, like in school tests. This is a result of the Moldovan school system, in which children are tested on their knowledge and less on their opinions about subjects. Moreover, children are not used to filling in surveys voluntarily. This again is coherent with the proximity hypothesis, whereby teachers are felt to be beyond the boundary of confidence children place in closer relationships.

It is recommended that children be consulted in secure and safe surroundings, where they can freely and independently give their opinions and where their views are taken seriously.

Municipal case studies

Two municipal case studies in Criuleni, a small town, and Selemet, a village, were carried out by a journalist. The municipalities were geographically located in different parts of the Republic of Moldova. In both municipalities local youth councils are active, and children involved in these youth councils and local stakeholders, including local authorities who co-operate with the youth councils, have been interviewed separately and in joint interviews.

Case study of the municipality of Criuleni

Criuleni, is a town situated in the centre of Moldova and has 9 500 inhabitants.¹⁸ One in eight people is aged between 13 and 25 years. It is the capital and administrative centre of the Moldovan district Criuleni.

Criuleni Local Youth Council

For three years the city of Criuleni has had a Local Youth Council (LYC), which has been elected through democratic elections. Young people aged between 13 and 25 years can be elected for the LYC for a period of two years. The current council is the second one since its existence and its nine young councillors were elected in February 2011. Seven young people active in the Local Youth Council in Criuleni were interviewed. They all aim to leave Criuleni after they graduate from secondary school, since there is a lack of employment opportunities in Criuleni. Until that time they will remain active in the LYC.

Election process for the Local Youth Council

A general assembly of young people from the community took place before the electoral campaign. At this meeting information was provided on the LYC activities, an election commission was appointed and the number of councillors was agreed upon. The most active young people from the community were eager to put their candidacy forward for election in the LYC. No information was provided on whether this included disadvantaged or marginalised children.

The candidates had to campaign for their election by taking part in debates and drafting voting programmes. On election day, 17% of the young people gave their vote. Young people were urged via social networks to vote and posters were put up in town with information on the elections. Though the election commission had hoped for a higher turnout at the elections, the number of voters was twice as high as compared to two years earlier, when the first elections had taken place

¹⁸ Population rate on 1 January 2011.

Local Youth Council actions

After the elections the LYC acted on the basis of the councillors' electoral programmes. They came up with different platforms for discussion, including environmental projects, supporting the ideas of talented young people on how municipal infrastructure could be improved. Each councillor was responsible for a specific area of their election programme, such as education, social problems, culture, mass media, etc.

Partnership with public authorities

Young people involved in the LYC stated that it offers them the possibility to get involved in the decision-making processes and local policy monitoring of the city, although they have not managed to become influential yet and the local authorities have not yet become receptive to their ideas.

In general it has to be noted that child and youth participation is a new area for Moldova, which has not yet managed to make significant progress. Adults keep on believing that they know better what young people need and want in life without asking the young people themselves. Therefore, it turns out that all decision making related to children and young people is done without consulting them. Unfortunately, this is also the case in Criuleni, where the public authorities have not shown an interest in the opinions of the LYC. A few joint meetings of the LYC with the public authorities took place, but only at the initiative of the young people.

An example of good practice in Criuleni was provided by the Youth and Sport Department of Criuleni City Hall, which consulted young people when they organised concerts and discos or sport competitions.

The former mayor of Criuleni, Vladimir Paladi, stated that: "Young councillors represent an unexplored potential and their ideas ... could change the situation of things within the community".

After three years of LYC activity, both young people and local authorities noticed that they were not able to set up a clear co-operation mechanism. The fact that there is no legal provision regarding the activity of the LYC hinders its functioning and there is a lack of budget to fund youth participation.

Young people believe that the functioning of the LYC would improve if the local authorities approved the regulation on the activity of the LYC. This regulation would entail clear provisions for co-operation structures between the LYC and the local authorities.

One of the youth councillors in the first LYC said that her mission had been accomplished, she organised several debates and training sessions for pupils from Criuleni and from other communities in the district. Another member of the LYC stated that his participation gave him the opportunity to become more active in the community. Emil, the president of the LYC, stressed that the mandate of a youth representative is a double responsibility. He believed that in order for young people's voices to be heard they should organise a protest march in front of the mayoralty.

"We must show we are a power. Now, even though we are councillors elected through a democratic procedure, we do not have access to information which concerns us."

Emil, the president of the Local Youth Council in Criuleni

School support for Criuleni Local Youth Council initiatives

Mrs Ana Novic, the principal of the "Boris Dănga" high school and district councillor, stated that she welcomes each initiative coming from the pupils. For example, she supported the school pupils when they came up with the idea of mobilising schoolmates in order to collect funds for the poorest families from the community. She stated, "I would like them to be more active and to assert themselves more within the local council. I believe it would be good to organise a day in which the young people would fully take over the management of the community." Two young councillors supported this idea and stated that if they had decisional power they could change many things in their municipality. So far young people have only been able to participate actively in their community with the support of foreign donors. In the meantime the authorities are proud of the LYC successes, without making any effort to support even those proposals which would not require significant amounts of funding.

Case study of the municipality of Selemet

Selemet is a village in the south of Moldova in the Cimişlia district and has 4 300 inhabitants. It is one of the largest communities in the Cimişlia district. Twenty-five per cent of the population are young people under the age of 25.

An active Local Youth Council

The Local Youth Council (LYC) in Selemet has 19 members and was established in 2005 at the initiative of a group of pupils from the "Sergiu Coipan" High School. Since then, dozens of young people have been members of the LYC, all of them willing to make changes within the school and village. The local newspaper, The Essence, extensively reports on the LYC's activities.

The elections for the LYC take place every year at the beginning of the school year and pupils from the fifth grade or higher can participate. Elections are organised in each class. Councillors are usually pupils good at learning and taking initiatives, but children from poor families and with parents working abroad are also members of the council.

The activities of the LYC focus on five areas: education, culture and sports, hygiene, mass media and social assistance. Every two years a president is elected by all the council members. The current president, Sergiu, 18 years old, stated, "The Local Youth Council is an opportunity for those who want to get involved in the community and school life. I couldn't miss this possibility."

Other children active in the LYC stress the importance of becoming involved in solving community problems and they are very enthusiastic about getting involved in their local community.

The LYC in Selemet village managed to attract several community projects but also to mobilise the whole population for carrying out significant environmental actions. The opinions of the young councillors are taken into account when designing any project which concerns fellow villagers, in particular young people and children, for example their involvement in the development of a project to set up a shelter for the elderly in difficulty.

An example of a successful initiative from the Selemet LYC was an environmental activity. The young councillors mobilised other pupils and villagers to clear the Schinoasa riverbed.

In addition they organised discussions on maintaining clean public places and reminded villagers about this with posters put up around the village. A general conclusion of the young councillors is that one does not need a lot of money in order to do big things, but one needs initiative and the wish to make things change.

The children received training on various topics, including human trafficking, promotion of a healthy lifestyle and contribution to the resolution of conflicts among generations.

The young councillors managed to attract the attention of international donors in the village and at least four projects were funded from international grants over several years. One of these projects involved the paving of the alleys in the community park.

The activities of the LYC extend beyond the village of Selemet; for example, they made a donation for children suffering from tuberculosis in Chişinău.

The young councillors have become known and appreciated by the whole local community because of their actions and their unequivocal attitude towards community problems.

Local Youth Council co-operation with local administration

The LYC co-operates effectively with the local administration and adult councillors and they are being listened to and heard each time they address issues. The young people invited the Mayor, Tatiana Badan, to one of their first meetings.

“At the beginning I was surprised by the young people’s initiative to create their own council. After some discussions with them, I realised that they have an enormous potential which must be valued. ... Co-operation with them could only benefit the community.”

Tatiana Badan, Mayor of Selemet

The Mayor of Selemet believes that the existence of a legal regulation would contribute to the development of the LYC and to its better functioning and it would oblige the city council to allocate a certain percentage of its budget to activities organised by the children. An adult councillor from Selemet, a mathematics teacher, commented that she is very proud of the co-operation with the LYC and that they have developed shared projects.

Factors that hinder the participation of children in the Local Youth Council

However, the young people stated that they lack resources. Only international donors supported their activities, while the local administration has never set aside a budget for their activities.

Another factor that hinders the participation of the children in the LYC is the overloaded school programme and the life in the rural area, where children have less free time and are forced to work alongside their parents.

The young people managed up to now to do everything by themselves and they stated that this is a valuable investment in their future and in the future of the community.

Conclusions and recommendations for child and youth participation at municipal level

Although the two municipal case studies cannot be viewed as being representative for all municipalities in the Republic of Moldova, some tentative conclusions and recommendations can be drawn from their best practices involving children in local youth councils. Though Criuleni and Selemet both have local youth councils, they have a different impact on decisions taken in their municipalities. The LYC in Criuleni has not been able to establish a clear co-operation mechanism with the municipal authorities, though they did receive support from the local school. The LYC in Selemet has established a good relation with the local authorities and they have developed common projects. The reasons for these different outcomes could be that in Selemet there is political will to co-operate with the LYC and at the same time the LYC managed to mobilise the whole population in certain projects, which will give them support from the Selemet citizens. The mobilisation of the whole population is apparently easier to achieve in a relatively small community like Selemet. However, the lack of resources and lack of time, due to school and homework duties, prevents the LYC in Selemet from being even more active.

Recommendations based on the municipal case studies:

- Ensure the adoption of a legal regulation in all Moldovan municipalities to ensure the establishment of a Local Youth Council and an open and transparent process of co-operation between the Local Youth Council and the local authorities.
- Provide training for local authorities and adult councillors on how to listen to children’s opinions and how to involve them in local decision making.
- Ensure children are consulted on all issues affecting them in the local communities.
- Ensure an equal participation of children from different backgrounds in the local youth councils.
- Share examples of good practices with other municipalities in Moldova.
- Explore ways for children under 13 to participate at municipal level, either by involving them in the local youth councils or setting up a separate consultation mechanism for younger children.

Legal and policy analysis of child and youth participation in the Republic of Moldova

This section of the review provides an analysis of the legal and policy framework for child and youth participation in Moldova and seeks to respond to the issues raised in General Comment No. 12 of the UN Committee on the Rights of the Child concerning child participation. The section begins with a legal and policy analysis of child and youth participation in Moldova, including the child's right to information and the role of the media. The second part of the analysis focuses on the implementation of the right to be heard in different settings and situations, including the family; alternative care; health care; education and school; play, recreation, sports and cultural activities; situations of violence; judicial and administrative proceedings; public life and civil society; and in the workplace.

Introduction to the legal and policy framework for child and youth participation in Moldova

The Republic of Moldova has ratified the UN Convention on the Rights of the Child by Parliamentary Decision No. 408 of 12 December 1990 on the ratification of the International Convention on the Rights of the Child by the S.S.R. Moldova, which came into force on 25 February 1993.

Through the law ratification instruments in parliament, the Republic of Moldova is now fully in line with the provisions of UN Committee on the Rights of the Child. There were no reservations or restrictive declarations made to the UNCRC.

Although the Constitution of the Republic of Moldova of 29 July 1994 does not include an explicit provision regulating the children's right to freedom of expression and to information, it does provide for general norms assuring each person's right to freedom of opinion and expression.

Article 32 of the Constitution of the Republic of Moldova on the freedom of opinion and expression provides that any citizen is guaranteed the freedom of thought, opinion and expression in public through word, image or other possible means. The freedom of expression shall not be detrimental to the honour, dignity or the right of another person to his or her own view. Minors are by no means exceptions to this constitutional norm.

At the same time, Article 34 of the constitution, regulating the right to information, provides that the person's right to have access to any information of public interest shall not be restricted. The public authorities shall ensure citizens' access to correct information on public affairs and on issues of personal interest, within the limits of their responsibilities. Mass media, public or private, shall provide correct information on public opinion. Media are not subject to censorship.

People under the age of 18 also fall within these constitutional provisions, as in the case of the previously mentioned article.

Article 49 of the constitution, regulating the protection of family and orphans, provides for state protection of mothers, children and youth, encouraging the development of necessary institutions. All issues related to the care for, instruction and education of orphan children and children without parental protection are the responsibility of the state and society. The state encourages and supports charity events that benefit these children.

In addition, Article 50 of the constitution, concerning the protection of mothers, children and youth, stipulates that mother and child have the right to special help and care. All children, including children born outside marriage, enjoy the same social protection. The state grants necessary allocations for children and offers assistance for the care of sick children or children with disabilities. Public authorities have to ensure the conditions for young people's free participation in the social, economic, cultural and sporting life of the country.

Children are encouraged to express their opinions freely, not only in terms of the solution to concrete issues concerning them personally, but also in order to participate actively in the social life of their municipality or country.

The right of pupils and students freely to express their opinions, beliefs and ideas is guaranteed pursuant to the Law on Education.¹⁹ This law regulates the Republic of Moldova's educational policy and is aimed at reaching the objective of enabling the full development of the child's personality, capacities and skills.

Responsibility for the implementation of Article 12 of the UNCRC

At present, the Republic of Moldova does not have a specialised governmental department responsible for the implementation of Article 12 of the UNCRC. This responsibility has been allocated according to the different areas of competence and includes the "children's advocate" institution, with a parliamentary advocate (ombudsperson) dedicated to the protection of children's rights. Its mission is to promote and protect the rights and interests of children and young people under the age of 18. A more detailed description of the "children's advocate" institution is given below. At the same time, national and local public authorities ensure the observance of all children's rights.

Specific legal aspects regarding the implementation of Article 12 of the UNCRC

The Republic of Moldova does not have a national strategy or policy explicitly focused on the promotion of Article 12 of the UNCRC.

Nevertheless, the regulatory framework of the Republic of Moldova comprises laws, regulations, institutional codes and policy documents, stipulating that the child who is capable of forming his or her own views has the right to express freely his or her opinion on any issues concerning him or her. This right is developed in the Law on Child Rights²⁰ which provides that children's rights to freedom of thought, opinion and belief cannot be violated under any circumstance. Paragraph 2 of this Act provides that the state guarantees the child who is capable of forming his or her own views the right to express those views freely in all matters affecting that particular child. The opinion of children older than 10 shall be taken into account if this is not against their best interests.

19. The Law on Education, 547-XIII, 21 July 1995.

20. The Law on Child Rights, Article 8, paragraph (1), 338-XII, 15 December 1994.

According to the Family Code,²¹ the child has the right to express his or her own views when problems affecting his/her interests are solved within the family. Regarding family conflicts, the child has the right to be heard during judicial and administrative proceedings and the opinion of children older than 10 shall be taken into account if this is not against their best interests. Article 63 of the Family Code stipulates the right of the child to express his or her opinion regarding place of residence, when the parents live separately.

According to the Civil Procedure Code²² a minor aged 16 or over can exert procedural rights and perform procedural obligations on their own if they are granted full legal capacity or a marriage has been concluded. The legitimate rights, freedoms and interests of minors aged between 14 and 18 are defended in court by their parents, adoptive parents or trustees. The court must include the minors' opinions in such cases. The minors may defend their rights, freedoms and legitimate interests in court on their own, in situations stipulated by law, in cases arising from civic, matrimonial, family, work and other legal relationships, and the court establishes the necessity to include the minor's legal representative in the trial. The legal representatives of minors under 14 defend their legitimate rights, freedoms and interests in court.

The above legal procedures show that age restrictions exist for children to participate in court proceedings: children below the age of 10 are not able to be heard in judicial and administrative proceedings regarding family conflict and family law proceedings. The age of participation in Moldovan court proceedings is lower than in most other European countries. For example, in Finland children can only be heard in child welfare cases, such as in cases of child custody, foster care and adoption, above the age of 12.²³

The National Youth Strategy

The National Youth Strategy for 2009-2013²⁴ aims to ensure equal opportunities and appropriate conditions for young people to participate. This aims to allow them to develop knowledge and competences in the field of active participation in all aspects of life, through full involvement and access to quality information and education, health and leisure-time services. The National Youth Strategy is aimed at young people aged 16-30 years old.

The development of this strategy was based on the respect and provision of young people as citizens. Young people enjoy full citizenship rights, having the same powers and obligations as any other social group, including "the freedom of expression, opinion and association". It is not clear whether the development of this strategy involved children and young people. It is recommended that children and young people should be involved in the implementation of the National Youth Strategy.

For 2012 the Ministry of Labour, Social Protection and Family intends to adopt a Plan of Action on Children's Rights, which ought to include the participation of children and young people as well.

21. The Family Code, Article 54, 1316-XIV, 26 October 2000.

22. The Civil Procedure Code, Article 58, 225-XV, 30 May 2003.

23. "Child and youth participation in Finland: A Council of Europe policy review", Council of Europe, Strasbourg, 2011.

24. The National Youth Strategy for 2009-2013 was approved by Law 25-XVI, 3 February 2009.

Review and monitoring mechanisms to implement the UNCRC

At present, review, monitoring and evaluation mechanisms of national and sectorial policies are in the process of implementation in the Republic of Moldova. However, so far legislation to protect children's rights, including Article 12 of the UNCRC, cannot be assessed in terms of efficiency in the Republic of Moldova.

In co-operation with other authorities of the central government, international and non-governmental organisations, the Ministry of Labour, Social Protection and Family is developing a matrix to monitor the implementation of the UNCRC and its Concluding Observations. The development of an extensive Plan of Action for the implementation of the UNCRC and its Concluding Observations is planned subsequently. This is a positive development and it is also recommended that regular consultations with children and young people are undertaken regarding the implementation of the UNCRC in Moldova.

With regard to specific legal decisions, including court decisions on the need to implement the child's right to participate, no database is kept on these specific court cases and therefore no information is available.

It is recommended that records are kept of court cases with specific references to the implementation of the UNCRC in general and to the right of the child to be heard. This will contribute to monitoring the implementation of the UNCRC in Moldova.

The Parliamentary Advocate (Ombudsperson) for Children's Rights

The Centre for Human Rights of Moldova (CpDOM) is an institution similar to the European and international institutions of the ombudsperson. It was established and operates under the Law on the Parliamentary Advocates²⁵. It is an important non-judicial mechanism for defending human rights in the Republic of Moldova.

At the beginning of each year, the Centre for Human Rights presents a report to the parliament on the observance of human rights in the Republic of Moldova during the past year. The report includes a chapter on the implementation of the situation of children's rights.

In 2008 the Parliament of the Republic of Moldova adopted a decision by which the position of a parliamentary advocate (ombudsperson) for the protection of children's rights was established.

The mission of the Parliamentary Advocate for Children's Rights is to promote and protect the rights and interests of children and young people under the age of 18. The duties of the Parliamentary Advocate for Children's Rights are to ensure that local and central public authorities and people in positions of responsibility at all levels respect children's constitutional rights and freedoms and fulfil the provisions of the UNCRC at national level.

25. Law on the Parliamentary Advocates, 1349-XIII, 17 October 1997.

The basic duties of the Parliamentary Advocate for Children's Rights consist of:

- examining petitions, citizens' hearings, including those of children, and restoration of their rights;
- verifying information on mass or severe child's rights violation;
- delivering objections and proposals on ensuring citizens' rights to public authorities;
- solving complaints through reconciliation of parties.

The Parliamentary Advocate for Children's Rights is entitled:

- to have free access to all central and local public authorities, to attend their meetings, including the meetings of their collective bodies;
- to have free access to institutions, organisations and enterprises regardless of the type of property, including, amongst others, police stations and places of detention within them, penitentiaries, military units, placement centres for immigrants or asylum seekers, institutions which provide social, medical or psychiatric assistance, and special schools for minors with behavioural deviances;
- to have unlimited access to any information regarding the detainees' treatment and conditions of detention;
- to notify the appropriate state institutions in order to carry out expert investigations and to prepare reports on issues which are going to be examined;
- to have unlimited meetings and personal dialogues with the people staying in the places mentioned above, as well as with any other person who in his/her opinion could provide necessary information, and with the help of an interpreter if needed;
- to involve independent specialists and experts in different fields, including lawyers, doctors, psychologists and representatives of civil society in carrying out preventive visits in places of detention;
- to co-operate with mass media and civil society associations active in the field of child rights protection, both within and outside the country.

The UN Committee on the Rights of the Child in its Concluding Observations²⁶ recommended that the Republic of Moldova needs to ensure that the Parliamentary Advocate on Children's Rights had adequate resources to exercise his or her mandate effectively.

National and local councils for children monitoring the observance of children's rights

Within the Republic of Moldova various children's consultative councils have been established. The "oldest" forms of councils which exist are the local youth and children's councils (LYCs). These have been established by NGOs and are intended for secondary school children aged 10-18 years. They use the same model as the adult local councils. The youth councillors are elected by direct, secret and free voting. Any young person who would like to participate and who respects the local electoral law, can be elected by a majority vote and become councillor. Within the LYC a mayor and vice-mayor are elected and committees which work on different areas such as culture, the environment, tourism, social assistance, or mass media are chosen.

26. United Nations Committee on the Rights of the Child, "Concluding Observations on the Republic of Moldova", CRC/C/MDA/CO/3, 20 February 2009.

The LYC is open to ideas, proposals and projects from all young people living in the local community. The LYCs identify youth problems and develop solutions for these problems as well as developing action plans. Examples of LYC activities include helping socially vulnerable youth, organising information campaigns on youth rights and organising sports activities. The LYC is supported by an adult facilitator, who can also act as mediator between the community actors and the young people and who supports the young people in decision-making processes. According to a participant in an LYC, she has learned to become more responsible, and has developed analytical and problem-solving skills.²⁷ Local youth councils represent an instrument for children's empowerment and an instrument to interact with the local public authorities.

There exist 300 local youth councils in 24 districts, including in Transnistria; however the biggest concentration of LYCs is in the north and in the centre of Moldova. The LYCs have managed to build up 20 regional networks and in some regions the LYCs are co-operating intensely with the general district departments for education, youth and sport and regional youth centres. In addition a National LYC Network has been set up at the initiative of local youth councils. There are 200 LYCs that are members of the national network, which "offers a framework for co-operation and collaboration for LYCs from different regions; an opportunity to communicate and share experiences; and a way to make LYCs' voices important at local and national levels".²⁸

Next to the local youth and children's councils, the National Children's Advisory Council (NCAC) and local councils for children (LCCs) were established at the initiative of the Parliamentary Advocate for Children's Rights. The National Children's Advisory Council has been set up for children to advise the Parliamentary Advocate on Children's Rights. Children were selected by a national contest organised by the parliamentary advocate, but no co-operation with NGOs was sought in the selection process. The LCCs have been created by the Parliamentary Advocate for Children's Rights and function at district level.

The mission of the NCAC and LCCs is to monitor the observance of all children's rights and to take all the necessary measures to contribute to the establishment of a society fit for children, involving in this process central and local public authority administration, civil society, parents and children, alongside the Parliamentary Advocate for Children's Rights.

Both structures carry out their activity in compliance with the UNCRC, the Council of Europe European Charter on the Participation of Young People in Local and Regional Life, the Constitution of the Republic of Moldova, the Law on Children's Rights and other legislative acts in force. The NCAC and LCC organise their activity based on the following principles:

- independence – the right and the capacity of the councils to organise their own activity without authorities' and adults' interference;
- transparency – all council activities are made known to children from the community;

27. Leaflet produced by the Ministry of Education, Youth and Sports, UNICEF and the National Youth Resource Centre, "Have you heard about local youth councils?"

28. Ibid.

- non-discrimination – the councils involve all children without discrimination, regardless of race, colour, sex, language, religion, public opinion, national, ethnic or social origins, financial or other situation; this non-discrimination principle does not refer to discrimination on the grounds of disability and birth, which are included in Article 2 of the UNCRC regarding non-discrimination;
- encouragement of children's participation – the councils encourage activities carried out by children on a voluntary basis;
- partnerships development – the councils carry out their activities in co-operation and in partnership with NGOs active in the field of child rights protection, local and central public authorities and other social actors within and outside the community.

The activity of the NCAC and LCCs is oriented towards the achievement of the following objectives:

- establishment of a place where children are able to express themselves and enter into dialogue with each other and with decision makers on topics of their interest;
- children's accountability for the identification and resolution of their own problems through permanent consultation with their peers;
- offering children the possibility to learn best practices, communication, dialogue, negotiation, decision-taking and evaluation techniques, as well as to develop leadership and active citizenship skills, etc;
- encouraging children's participation in the process of identification and resolution of different problems;
- promotion of equal opportunities among their peers and elimination of any forms of discrimination.

The establishment of the NCAC and the LCCs are positive developments for children to be given the opportunity to participate in decisions that are affecting them at national as well as local level. In practice, according to children participating in the national hearing, children often do not know what the local youth and children's council can do for them.

It is recommended legal mechanisms be developed for local public administrations to support children and young people in local decision making.

Training for professionals working with and for children

Concerning training courses organised for different professionals working with and for children, these courses have not included a direct focus on Article 12 of the UNCRC. Nevertheless, the training courses are aimed at training in children's rights or human rights in general with a specific focus on the observance of children's rights, as described further.

The initial training of students in higher education institutions includes subjects such as "State and law" and "Civic education". These courses are based on a legal knowledge of children's rights and practical skills. Diverse active-participative methods and techniques concerning knowledge of children's rights that can be applied in school classes are studied as part of teacher training.

The curriculum of the "Ștefancel Mare" Academy and its Professional and Continuous Formation and Applied Scientific Research Institute includes the subject "human rights". It provides general knowledge regarding fundamental human rights and freedoms, and national and international mechanisms of protection and restoration of human rights.

Training for teachers, pupils and students on children's rights observance is organised in all educational institutions with round table discussions entitled "My rights – what should I do with them". These round-table discussions include psychologists and social pedagogues. At the same time, pupils are represented in teachers' councils and, correspondingly, representatives of students' teams are members of the Senates. In addition, teachers receive mandatory training on children's rights, including ensuring a child's right to have his/her opinion heard and freedom of expression, as part of their in-service training.

Health and medical studies include specific modules related to children's and adolescents' health, development and their medical assistance, for example in the State University of Medicine and Pharmacy "Nicolae Testemițanu" university curriculum. However, there is not a children's rights module in these studies to ensure that medical and health practitioners are well informed of the rights of children, including their right to participate, to be informed about medical treatment in a child-friendly manner and to be asked for their consent to medical treatment.

Training in the field of juvenile justice

In 2009 the Ministry of Justice started to implement reforms aimed at ensuring the rights of children in contact with the law, including child victims or witnesses in trials. Several activities providing child-friendly justice were initiated and implemented in this period, in order that child participation in legal proceedings should ensure that children's opinions and thoughts are heard in cases affecting them, according to their best interests.

The National Council for State Guaranteed Legal Aid (NCSGLA) and the National Institute for Justice were among the Ministry of Justice partners in implementing the aforementioned activities.

In the context of lawyer's specialisation in the field of juvenile justice and in order to contribute to children's information regarding their rights, as well as hearing their opinion in criminal procedures, the NCSGLA trained 60 lawyers from most districts of the Republic of Moldova within a project implemented by the Ministry of Justice and supported by UNICEF in 2009. The NCSGLA implemented activities targeting professional groups such as public lawyers who specialise in assisting children in contact with the law and lawyers at their request, as well as children in contact with the law.

During the training sessions topics of major interest in defending children in contact with justice were presented, including the lawyer's role in the different phases of legal procedures in which children were involved.

At the same time the lawyer's guide, "Guide for lawyers providing children in contact with law with legal assistance guaranteed by the state," and the parent's and minor's guide, "The Guide: What do you do when your child is in conflict with the law? Guide for parents and their children", were conceived as guidelines for lawyers, children in contact with the law and their parents and were published as part of the project.

Regarding training for professionals working with or for children, a series of in-service training sessions for judges and prosecutors in the field of child rights was carried out within the National Institute for Justice (NIJ) in the period 2007-2011. This included in 2008 a training

course, "Psychological aspects and interviewing skills for child victims of sexual exploitation", in which 65 judges, prosecutors, probation councillors, criminal investigation officers and NGO representatives participated. Another training session was given on "Legal medicine techniques and capacities", aspects related to the medico-legal examination of child-abuse cases, in which 55 legal professionals participated. A training course on "Online abuse and investigations" was provided to 70 legal professionals and NGO representatives from both Moldova and Romania.

During 2009, 2010 and 2011, further training was given to prosecutors and judges on the juvenile justice system, and sessions were organised on training of trainers in the field of juvenile justice and in hearing techniques of child witnesses.

In addition, the Ministry of Justice, together with other interested governmental and non-governmental bodies, has developed a set of proposals to change the Republic of Moldova Criminal Procedure Code in the context of the initiated reforms aimed at implementing the Republic of Moldova Government Activity Programme, "European integration: freedom, democracy, welfare", for the period 2011-2014. These strive to regulate efficient guarantees and to avoid child witnesses' exposure to psychological or emotional abuse during criminal procedures. Thus, the insertion of provisions regarding the hearing of children by the investigative judge in specially arranged rooms and in compliance with child victims' and witnesses' friendly hearing procedures was proposed.

A systematic training process for community social assistants and public servants started in 2007 in the context of professional capacity building of the social assistance system. Currently, all the community social assistants and specialists responsible for child protection have benefited from an initial training (about 1 400 people). Many of them benefited from different specific training in the field of child protection focused mainly on identification and protection of children at risk.

Thematic training in child participation is done sporadically but only by some non-governmental organisations active in the field. Data regarding the impact of training on the promotion of child participation is not available. A system of training new employees in the field of children's rights does not exist. The main reason for the lack of evaluation mechanisms for training in children's rights is rooted in the lack of financial resources allocated for this purpose.

Regarding volunteers' access to training programmes in the field of human rights, the Law on Volunteering has been recently adopted in the Republic of Moldova. It includes general regulations regarding volunteers' access to information in the field of their activity and other regulations based on minimal quality standards for voluntary work set by the government.

Concluding remarks and recommendations

Training for professionals working with and for children on children's rights and in particular on the right of children to be heard and listened to seriously has been provided particularly well to legal professionals, but courses are also given on civic and human rights in educational institutions.

Recommendations:

- It is recommended that good practices in training on children’s rights be duplicated in other professional areas, such as the medical and health sector, and for public servants at both national and local level. In particular, capacity building of professionals working with and for children needs to be improved by providing more pre-service and in-service training.
- It is recommended that the curriculum of training for professionals is revised, including the development of guides on implementing and ensuring children’s participation with the aim of greater sensitivity to child participation. The Moldovan government, together with civil society and children themselves, has to be involved in identifying the best method to strengthen the capacity of professionals.
- Though evaluation mechanisms to evaluate the impact of the training on children’s rights are not available due to financial constraints, it could be worth exploring whether the Parliamentary Advocate for Children’s Rights, the Centre for Human Rights in Moldova and the Working Group on Child Rights Monitoring could play a role in this. The children’s survey revealed that professionals working with and for children are particularly guilty of not seriously listening to children and taking their views into account

The right to information in relation to the right to participation

The right to information (Article 17) is extremely important in connection with Article 12 of the UNCRC. Children need access to information in formats appropriate to their age and capacities on all issues that concern them. This includes, for example, information on their rights, national legislation, policies, local services, and appeals and complaints procedures. Consistent with the convention, states parties should include children’s rights in the school curricula. The right to information is to a large extent a prerequisite for the effective realisation of the right to express views.

As was already stated before, the constitution guarantees the right to information in the Republic of Moldova. The publication of materials on children’s rights in accessible format and language has been achieved so far by the non-governmental sector using extra-budgetary funds, which is a positive development.

On the other hand, it has to be noted that children are no longer simple consumers of information and they demand more and more recognition as producers of information through publishing newspapers, informative newsletters and producing radio and television programmes. Newspapers and radio stations help children to express freely their opinions. Despite this positive development, the voice of children is still poorly echoed in media articles, as the child is considered as a “rather passive source of information, without rights or power”.²⁹

29. Association of Independent Press/UNICEF, “Media monitoring report on observance of the rights of the child”, 2010.

Currently, an extensive network of school newspapers and radio stations is in operation. About 80 school newspapers, whose beneficiaries are pupils, teachers, media professionals and representatives of non-governmental organisations, are issued.

The Youth Media Centre and the National Youth Media Network were created in 2003 with the help of UNICEF, in order to ensure good Internet functioning and the support of new initiatives of this kind. Multimedia activities are implemented within the Youth Video Centre, including photographs, movies, cartoons, etc.

The number of operational computer rooms connected to the Internet is limited in country districts. In some of them, the access speed is low. Many young people, especially from the rural area, remain outside the information activities carried out through the Internet. Around 80% of children from urban localities and about 70% from rural localities have access to the Internet. Around 75% of the children access the Internet at home, the rest at friends’ houses, school and Internet cafes.³⁰

The libraries in rural and urban communities represent other important sources of information for young people, but often lack resources to renew book funds and to install modern techniques.

Hence, the shortage of newspapers, radio and television broadcasts for young people, promoting information on children’s rights for all children and by children in a systematic and quality way, remains ongoing.

Recommendations:

- It is recommended that measures be adopted to renew the book funds for libraries and to equip libraries with modern techniques in order better to respond to children’s and young people’s demands.
- It is recommended that the production of specific children’s programmes is supported.

Regulations to ensure children receive appropriate information

The legislation of the Republic of Moldova provides for the general right of all persons, including minors, to be informed about their rights and to have access to information of general interest. Article 34 of the Republic of Moldova Constitution stipulates that the person’s right to access any information of public interest cannot be restricted. Public information means information that is not subjected to censorship.

In specific fields, for example in the field of health care, children should receive information adapted to their age, regarding the proposed medical treatments, its effects and results. They should also have the right to contribute to the planning and programming of the necessary services for their health and development. At present, regulations in this sense are not provided under the Republic of Moldova law.

30. Viorelia Rusu (for the International Centre for Women Rights Protection and Promotion “La Strada”), “Children in the Republic of Moldova: Alone online? Safe online? A study on children’s safety online”, Chişinău, 2011.

This illustrates that, in general, people, including children and young people, have the right to access to information about their rights. However, the results of the study carried out by and with children on their knowledge of the rights of the child, showed that the majority of children are not aware of their rights or do not have a full understanding of their rights.³¹ Therefore there is a need to regulate so that children and young people can be informed about their rights in relation to different settings and situations, including health care, legal proceedings, education, asylum-seeking procedures, public administrative procedures, etc.

Children's access to information in legal proceedings

The Republic of Moldova legislation guarantees minors' right to take part in legal proceedings (criminal, civil or administrative) that concern them, if not against their best interests. The authorities in charge shall inform the minors about their right to express their views in legal proceedings.

According to Article 479 of the Criminal Proceedings Code, the defender's or psychologist's participation is mandatory during the hearing of the suspected, accused or defendant minor. With the consent of the criminal prosecution body, the pedagogue or the psychologist is entitled to ask the minor questions and to be acquainted with the minutes or, where appropriate, the minor's written statements, at the end of the hearing and to make written notes regarding the completeness and the accuracy of their record. The pedagogue or the psychologist is required to explain these rights before the beginning of the minor's hearing; this explanation has to be included in the minutes.

Under Article 54 of the Family Code the child has the right to express his or her opinion when problems affecting his or her interests occur in the family and to be heard during legal or administrative proceedings. The opinion of any child who has reached the age of 10 shall be taken into account, if this is not against their best interests. The place of residence of a child who has not reached the age of 14 is established through parents' consent when parents live apart. If such consent is missing, the minor's place of residence will be established by the court taking into account the child's interests and opinion, if they have reached the age of 10.

The perception of the child's right to freedom of expression in society

The right to freedom of expression (Article 13 of the UNCRC) is important in connection with Article 12 of the UNCRC. By freedom of expression is meant the right to hold and express opinions and to seek and receive information through any media. These two articles taken in combination contribute to the development of children's abilities to exercise this right.

Given the lack of research/surveys on adults' perception of children's freedom of expression, it is hard to say whether the general attitude is favourable or not. Outcomes of the Working Group on Child Rights Monitoring indicate that information on children's rights, delivered by adults to children, is often selective and incomplete. Because of adults' wrong understanding of the essence of children's rights, the children are also deprived of full information in this field and, for example, mix up rights with obligations. The question of whether adults' perceptions of children's freedom of expression are favourable is therefore hard to answer, since the first step that needs to be taken is to inform adults about children's rights.

31. Igor Guzun (ed.), op.cit., including the results of a study on the level of knowledge and the respect for the rights of the child, carried out by the Working Group for Child Rights Monitoring in August-November 2009.

Attitude towards children's right to be heard in the Moldovan media

The protection of children's rights and their image in the media is not regulated by the Republic of Moldova legislation. These regulations can be found only in self-regulation journalistic documents and codes which set ethical and behaviour principles for media professionals. Some recommendations regarding children's rights can be found in the Republic of Moldova Journalist's Deontological Code.

In 2009, the Republic of Moldova Association of Independent Press (AIP) published the "Style guide with ethical norms for journalists", which contains a special chapter "Best practices guide – stories about children", developed based on the UNCRC provisions. Unfortunately, the observance of such codes remains a problem for Moldovan journalists. As a result, there are frequent articles and reports in the media presenting children in extreme and embarrassing situations and in this way violating ethical norms and professional behaviour.³² Often, wishing to make the journalistic material more appealing to the public and to increase their ratings, journalists neglect basic children's rights without taking into account the psychological and social effects these materials may have on children. AIP has monitored the way children appear as subjects of news and print media, including posts on informative sites, and has identified the situations where children's rights have been violated, directly or indirectly. AIP operators monitored 16 newspapers, magazines, press agencies and information portals for 6 months, starting on 1 July 2010. Monthly reports were drafted based on the results of the monitoring, including findings and examinations of the main problems in relation to children and including recommendations for strengthening journalistic standards in this field.

The result of monitoring child rights observance in mass media shows that, generally, media promote the image of a poor, helpless child. Priority is given to sensational news, presenting children as victims of physical and sexual violence, in conflict with the law or involved in tragedies, suffering or conflicts. The monitoring has shown that media institutions perceive the child as a passive source of information, without any rights and power. The children's voice is missing in most of the articles published by print media. Children are presented as silent victims of some adults' decisions concerning their life, education and security.³³ Children's freedom of expression is restricted to "crazy" and funny things they can say about some situations on the radio or television. There are very few original and positive news reports, including analyses of children which go beyond the narrow story of a concrete case and bring to the foreground the child's personality, achievements and opinions on issues and situations affecting them.

Concluding remarks and recommendations

The overall picture of children's right to be heard in the Moldovan media is not very promising. To transform this bleak picture several measures could be taken. These include regulating by law the key ethical norms to which journalism should adhere when reporting on and about issues involving children and young people.

32. UNICEF Moldova Country Office, "Situation analysis of vulnerable, excluded and discriminated children in Moldova", November 2011.

33. Association of Independent Press/UNICEF, op.cit.

Recommendations:

- It is recommended that the media change their editorial policies to ensure that they reflect in an adequate manner the child's image in the mass media, with full observance of professional and ethical requirements.
- Another proposed measure is to establish a youth media council in which children and young people themselves can enter into a dialogue with the media and a positive campaign could be launched on children and young people.

Age limits on children's rights to express their views

In the Republic of Moldova it is considered very important to explain the difference between two aspects regarding the right to expression, namely the child's right to opinion (including the parents' responsibility to become aware of it) and the child's right to take decisions (officially and independently). From the perspective of the UNCRC there is a distinction between the expression of the child's view and the determination of the child's best interests.

Following the difference between the child's right to opinion and the child's right to take decisions, age limits have been set for both forms of expression in Moldova.

1. The child's right to opinion (including the parents' responsibility to be aware of it):
 - The Republic of Moldova legislation does not set a minimum age limit to ascertain a child's opinion.
 - The person who has reached the age of 16 has the right to change his or her surname and/or first name. Any change of the surname and/or the first name of a person who has not reached adulthood is performed with the parents', adopters' or legal guardian's consent.
 - Mandatory school attendance finishes at the end of the school year in which the pupil reached the age of 16. After graduation of the mandatory general school level (secondary school, grades 5-9), the child is entitled to choose whether he or she wants to continue his/her education. At the same time, the legal guardian can choose the educational institution and the form of learning the child will follow, taking into account his or her opinion and being obliged to ensure the child's school attendance up to the end of the school year in which the child will have reached the age of 16.
 - The child who has reached the age of 10 can be placed in different alternative forms of care (guardianship/trusteeship, foster care, placement in a family-type home) only with his or her consent.
 - The consent of the child who has reached the age of 10 shall be expressed in court, for approval of adoption. Local authorities request the child's consent during the adoption process, taking into account his or her age, level of maturity and opinions, wishes and feelings. In the process of matching the adopter, the child who has reached the age of 10 shall express his or her consent in written form at the request of the local authority at his or her place of residence.
 - The opinion of a child who has reached the age of 10 shall be taken into account during the resolution of family disputes in court, if not against his/her best interest. The child has the right to be heard during legal or administrative proceedings.

- The place of residence of the child who has not reached the age of 14 shall be established through parents' consent, when parents live apart. If such a consent is missing, the minor's place of residence is established by the court taking into account the child's interests and opinion, if he or she has reached the age of 10.
 - Restoration of parental rights towards the child who has reached the age of 10 is admitted, taking into account the child's opinion.
2. The child's right to take decisions (officially and independently):
 - The Constitution of the Republic of Moldova states that Moldovan citizens who have reached the age of 18 by election day have the right to vote.
 - Full legal capacity begins when the natural person becomes adult, that is, when he or she reaches the age of 18. At the same time, the minor can acquire full legal capacity by concluding a marriage. The full legal capacity of the minor who has reached the age of 16 can be recognised if he or she is working under a contract of employment or is practising an entrepreneurial activity with the parents', adopters' or legal guardian's consent.
 - The minor who has reached the age of 14 can sign legal acts with the parents', adopters' or legal guardian's consent and with the consent of the guardianship authority, in cases provided by law.
 - The minor who has reached the age of 14 has the right to perform the following actions without having the parents', adopters' or legal guardian's consent:
 - to have a salary, scholarship or other incomes resulting from personal activities;
 - to exert the copyright on a scientific, literature or art paper, on an invention or on the result of an intellectual activity, subject to law;
 - to make deposits in financial institutions and to manage such deposits, according to the law;
 - to sign current legal acts of small value which are executed at the moment of their conclusion.
 - The minor who has reached the age of 16 can become member of a co-operative.
 - All the legal acts on behalf and in the name of the minor under 14 can be signed only by his or her parents, adopters or legal guardians, as provided by law.
 - The minor who has reached the age of 16 can personally exercise the proceeding rights and fulfil the proceeding obligations on their own, in the event that he or she has acquired full legal capacity (emancipation) or has concluded a marriage. Parents, adopters or legal guardians, or the management of educational, rehabilitation or social protection institutions defend in court the legal rights, freedoms and interests of minors between 14 and 18. As provided by law, minors can personally defend their legal rights, freedoms and interests in court, in cases arising from civic, matrimonial, family, working and other legal relationships.
 - The age of 18 is the minimum age for entering marriage. Where there are serious reasons the marriage age can be lowered by no more than two years.
 - The child can contact independently the guardianship authority to defend his or her legitimate rights and interests, and, from the age of 14, in a court of law, in cases of violation of his or her legitimate rights and interests, including a parent's or parents' failure or incapacity to perform adequately their obligations regarding the provision of education and instruction, or in the case of parental rights misuse.

- The responsible natural person, who has reached the age of 16 at the time of committing an offence, is criminally liable.

Compared to other European countries the age at which children in the Republic of Moldova are allowed to give consent or have the right to be heard and listened to in court cases is considerably lower than in many other countries. This is often true already at 10 years old, for example in civil law cases, while in other countries, such as Finland and the Netherlands, this is usually 12 years or older. In several cases the Moldovan law regulates that children's views are given due weight in accordance with their maturity, but it is also conditioned to the best interests of the child, which is a positive link. However, it is recommended that not only are children above a certain age allowed to give their opinion in court or other legal processes, but in particular also in family cases, such as separation of parents, adoption and placement in alternative care, they should be allowed, if they wish, to express their views and these should be taken into account.

Gaps in relation to the analysis of national legislation and policy

“Adults should listen to children’s needs and their concerns.”

Quotation from Moldovan children in “Truth voiced by children”

The UN Committee on the Rights of the Child, in its Concluding Observations for the Republic of Moldova of February 2009, welcomes the efforts by Moldova to promote respect for the views of the child, inter alia through the provision of the Family Code giving children the right to express their opinions in family matters affecting their interests, and to be heard during legal or administrative proceedings. The committee, however, remains concerned that this principle is not adequately respected in families, in schools and other child care institutions and within the community, and that it is not fully taken into account in administrative and judicial proceedings or in the development and implementation of policies and programmes.³⁴

For now, politicians’ and decision maker’s lack a culture of consulting children and young people on issues concerning their life in order to involve them in strategic planning, implementation, monitoring and evaluation of policies and services addressing children. This attitude is related to traditional approaches to participation, which, as a rule, attribute to the children roles of beneficiaries, objects of interventions and, to a lesser extent, roles of co-participants in a process.

The Republic of Moldova’s legal framework gives a general definition of the individual’s right to participate, without referring to their age. In some specific fields, which presuppose the direct involvement of the child, the legislation provides for some stipulations, recognising children’s right to freedom of expression, including children’s opinion regarding decisions concerning them, and to information. In this way the observance of a child’s right to participate is ensured.

34. United Nations Committee on the Rights of the Child, “Concluding Observations for the Republic of Moldova”, CRC/C/MDA/CO/3, 20 February 2009.

In order to change the social attitude towards youth participation and to promote new and coherent policies contributing to the achievement of young people’s aspirations, a series of actions was launched by adopting the Law on Approval of the National Youth Strategy for 2009-2013.³⁵ These aimed at ensuring equal opportunities and appropriate conditions for allowing young people to develop knowledge and competences for an active participation in all aspects of life, through full integration and involvement, through access to information and quality education, and health and leisure-time services.

The founding of a Parliamentary Advocate for Children’s Rights, the National Children’s Advisory Council and local councils for children are positive developments towards a more inclusive culture for children and young people’s participation. However, awareness around children’s rights and the right to participate needs to be increased to ensure that children can genuinely have their voices heard and listened to seriously. Attitudes have to be changed to alter the traditional values in Moldovan society towards children and young people.

More laws need to be in place and monitored to ensure that children can participate in all settings and situations which are relevant to them without age discrimination. For example, school councils and local youth councils need to be established in all schools and municipalities. A legal framework is necessary as a basis for establishing child participation mechanisms. In addition, the National Youth Strategy needs to be implemented and monitored. Monitoring of existing legal mechanisms needs to be improved to assess whether children’s rights are implemented and co-operation between the state and non-governmental organisations is essential in this respect. In cases where children’s rights, including the right to participate, are not properly implemented, appropriate measures need to be taken, including the strengthening of capacities of the different stakeholders.

In addition, training needs to be provided to professionals working with and for children, and to children themselves, on how children and young people can participate. Participation can take part in collective forms, such as school councils, and at individual level. A good example of individual participation is the organisation of focus groups.

No information is provided on whether the non-discrimination principles are implemented when children participate in Moldovan society. There is a need for more information on this and it needs to be ensured that all children, including disabled children, Roma children, children from minorities, children living in institutions, children without parental care, etc., can have their voice heard and be listened to.

Step-by-step process to improve child and youth participation in Moldova

A step-by-step process to improve child and youth participation is proposed to bring about a change in culture among Moldovan citizens, including parents, professionals working with and for children, local, regional and national government representatives, and children and young people themselves.

The different steps include recommendations covering the above-mentioned aspects: the need for improvements in legislation; the sharing of best practices in child and youth participation; the need for better training for professionals working with and for children;

35. Law on Approval of the National Youth Strategy for 2009-2013, 25-XVI, 3 February 2009.

the provision of child-friendly information to children; and the involvement of disadvantaged children, including migrant children, disabled children, children from minorities or other disadvantaged groups. It is necessary not only to have legislation in place to ensure a “top-down” approach, where activities are pre-planned, but also to involve children themselves in the development of participation methods, the so-called “bottom-up” approach.

1. It is recommended that this step-by-step process begins with research among adults on their perception of participation, similar to the survey carried out with children for the policy review. The results of the survey could lead to a more targeted approach by the awareness-raising campaign.
2. The second step is the organisation of an awareness-raising campaign. The campaign needs to involve people who appeal to children and young people, including the Parliamentary Advocate for Children’s Rights and other relevant institutions for the implementation of children’s rights in Moldova. It should appoint an ambassador for child participation, for example a celebrity who is well-known to the children. It is important in such a campaign to show the positive outcomes and achievements made in overcoming existing prejudices in this area by children’s participation. In addition, link the campaign to other national children’s rights events, involve the media and involve peer networks of children and young people. Focus the campaign on both individual and group participation.

When an awareness-raising campaign is devised, it needs to include a clear definition of child participation and what this means in practice. Participation needs to be clearly explained in an awareness-raising campaign: “Children have their voice heard and are listened to seriously and are able to influence decisions affecting them”. This will also help to overcome prejudices against child and youth participation. It should be acknowledged that participation might have different connotations for different people.

Another thing to bear in mind in devising an awareness-raising campaign is to focus the campaign in particular at local level, which is the closest to the day-to-day experiences of children and young people

3. The third step is the training of professionals working with and for children and young people on child participation, including teachers, legal professionals, health-care workers, police officers, social workers, NGO representatives and municipal, regional and national civil servants. A methodology needs to be developed to train trainers in child and youth participation. Ideally training should first target families and schools, as these are the places where children are likely to spend most of their time.

In addition, legal, health care professionals and government representatives need to be better trained, given that the children contributing to the policy review found that these professionals often fail to communicate in a child-friendly way. Capacity building of professionals working with and for children needs to be improved, in particular, by providing more pre-service and in-service training.

The curriculum of training for professionals should be revised, including the development of guides on implementing and ensuring children’s participation with the aim of greater sensitivity to child participation. The Moldovan Government, together with civil society and children themselves, has to be involved in identifying the best methods to strengthen the capacity of professionals.

4. The fourth step is to ensure equal participation of all children. In practice children from minority groups and disadvantaged groups of children such as children with disabilities and Roma children, do not participate in the same way as other children. It is taken for granted that all children have equal chances to participate via the school system. However, there is no evidence that they are equally represented in existing participation structures or are involved in surveys and hearings or other forms of participation. It is important to make these groups of children visible in the awareness-raising campaign, by finding examples of good practices which can be shown during the campaign. Human and financial resources are needed to ensure that these children have equal opportunities to participate.
5. The fifth step is the adoption of legal standards for setting up formal child and youth consultation bodies and for ensuring monitoring of these legal standards. Council of Europe standards could be used for this. Legal standards are the basis for enabling children and young people to participate in decision-making processes, including in all types of schools and residential care institutions, at local, regional and national government level. Alongside this top-down approach, support must be given for initiatives from children and young people and from adults working with them.

The implementation of the right to be heard in different settings and situations

The right to be heard has to be implemented in the diverse settings and situations in which children grow up, develop and learn. Various ways of influencing the implementation of the child's right to be heard are available for use by states parties to foster children's participation.

The family

The family is the primary place where children grow up, “where they can express their views freely and be taken seriously from the earliest age” (paragraph 90 of General Comment No. 12 of the UN Committee on the Rights of the Child). States parties should encourage, through legislation and policy, parents, guardians and child-minders to listen to children and to give due weight to their views in matters that concern them. The state party is also encouraged to promote parental education programmes that build on a relationship of mutual respect between parents and children, foster the involvement of children in decision making, consider the implication of giving due weight to the views of every family member, address the question of understanding, promoting and respecting children's evolving capacities and provide for ways of dealing with conflicts within the family. A crucial aspect of family relations is the focus on the child's right to be heard.

Legislation and policies encouraging parents to listen to children and take their views seriously

The Moldovan Family Code³⁶ stipulates the child's right to education performed by his or her parents, to the development of his or her intellectual capacities, to freedom of thought and conscience and to the defence of his or her honour and dignity.

Parents have the right and the obligation to educate their children according to their own convictions. They bear the responsibility for their children's physical, intellectual and spiritual development. Parents are obliged to ensure their child's school attendance up to the end of the school year when the child reaches the age of 16. Parents will choose the educational institution and the form of instruction taking into account the child's opinion.

36. The Moldovan Family Code, 1316-XIV, 26 October 2000.

Parents' rights cannot be exercised contrary to the interests of their child and they are not allowed to harm their child's physical and mental health. Children's education methods chosen by parents will exclude any kind of abusive behaviour, insults and maltreatment, discrimination, psychological and physical violence, corporal punishment, child involvement in criminal actions, initiation in alcohol, consumption of drugs and psychotropic substances, gambling, begging and other illegal acts.

All matters regarding the child's education and instruction will be solved by parents' common agreement, taking into account the child's opinion and interests.

Moreover, in solving family matters through the courts, the child has the right to be heard during legal or administrative procedures.

In the Republic of Moldova there are no official parental education policies or programmes, though these activities are occasionally undertaken by some non-governmental organisations. With regard to parental education, the Ministry of Labour, Social Protection and Family is currently preparing a legislative initiative to establish and implement a national institutional mechanism to promote the concept of "positive parenting", which will mainly be targeted at preventing and combating violence against children and improving the communication between children and parents within the family environment.

The promotion of the concept of "positive parenting" is an important development in Moldova and it is recommended to take into account the Council of Europe's recommendation regarding positive parenting (Recommendation Rec(2006)19 of the Committee of Ministers to member states on policy to support positive parenting).

Children left behind by migrant parents

Moldova is going through a transition period which is bringing about changes that are having a great impact on children and on their families. Emigration in search of a job is one of the aspects of these changes. 177 000 school-age Moldavian children live with one or both parents abroad, of which 37% are 10-15 years old. Overall, 40% of rural children between the ages of 10 and 15 have parents working and living abroad compared to 33% of urban children.³⁷ The World Bank estimated that 25% of Moldova's economically active population is working abroad.³⁸

The survey carried out by UNICEF and CRIC sought to assess to what extent children and their caregivers understand the significance of parental deprivation and to what extent they share an awareness of the levels of deprivation children face.³⁹ The survey also sought to clarify to what extent these children have a place in their communities and participate in decision making.

The survey found that children left behind by migrant parents lack emotional support and have difficulty overcoming parental separation, both socially and as individuals. These children tend to cut off relationships with their peers, and instead maintain preferential relationships with other children left without parental care.

37. Camilla Azzini, op.cit.

38. World Bank, "Moldova: Opportunities for accelerated growth", September 2005.

39. UNICEF Moldova/Child Rights Information Centre (CRIC), "The impact of parental deprivation on the development of children left behind by Moldovan migrants", Working paper, October 2008.

The survey showed that there are significant gaps between adults' views on these issues and children's expectations. This has a direct impact on the availability of social services, except for children considered to be in a highly vulnerable social situation.

Contact between migrant parents and children

The survey revealed that the most frequent form of communication between parents and children is the telephone (almost 86%), followed by the sending of parcels (almost 13%).

Some children consulted in the survey emphasised that it was unsatisfactory for them to talk over the phone with their parents because this communication is a poor substitute for real contact, which is more profound.

"We talk over the phone, but I want to feel her next to me; I can't see her."

Quotation from a child consulted in the UNICEF and CRIC Survey on the impact of migrant parents on children

More than a third of the children participating in the survey (36%) mentioned that their parents visited them once every 2-3 months; 17% said once in six months, and 10% once a year. A quarter of the children (26%) see their parents less than once a year. The frequency of visits depends directly on the distance between the foreign country where the parents have found a job and their homeland, as well as on their legal or illegal status. As a rule, parents working in Russia visit their children more frequently than those working in western Europe. The frequency of visits from parents in the second category depends on whether or not they possess a visa. Teachers expressed the opinion that it is easier for children to adapt to their parents' absence if it does not last for too long.

Most of the time parents postpone the discussion about going abroad until the last moment, as they do not feel ready for their children's disapproval. But children consider it important to be told beforehand about their parents' plans. The survey showed that children who were aware of their parents' motives for going abroad were better able to overcome difficult experiences.

"Nobody wants to leave his homeland and go abroad. The main reason is the need for money."

Quotation from a child consulted in the UNICEF and CRIC Survey on the impact of migrant parents on children

Almost all of the children involved in the study were cared for by relatives. Some lived with one of their parents, but most lived with grandparents or aunts. However, local public administration representatives mentioned that there are cases where children are left in the care of complete strangers and that situations have occurred where parents did not inform anybody from the community about their departure abroad, because it is illegal, and therefore their children were left without care.

In the UNICEF/CRIC study only one element of children's participation was tackled, which was whether or not children were able to express their opinion and whether or not it was taken into account by adults during the decision-making process that affected the child. Nevertheless, during the data collection, participants referred to other elements connected with children's opportunities to participate, as well as to their parents' readiness to support their participation.

The study revealed that the opinions of children between the ages of 10 and 14 who live with their parents influence family decisions to a greater extent than the opinions of those left without parental care.

The existence of certain models of children's participation in the community can help prevent children's vulnerability through the development of life skills. In some communities there is a greater tolerance and empathy, as well as solidarity, towards those who are disadvantaged. Thus, children left without parental care benefit from a supportive environment that favours communication with equals concerning any problem they face.

The level of children's involvement in the family and community decision-making processes depends on their age. Children of 15 to 17 years are consulted more frequently by their parents and other adults concerning matters affecting them. In their parents' absence, the opinion of the eldest child in the family counts the most, especially in relationships with relatives and the community.

After their parents' departure abroad, children enjoy more freedom, but paradoxically they also have less free time, with numerous household activities and insufficient support for involvement in extracurricular activities, including school councils or community activities.

The survey carried out for the policy review on child and youth participation showed (in Figure 2.2) that a larger group of the children whose parents had migrated to work abroad felt that their views are always or most of the time listened to than for the average group of children that were questioned about this in Moldova. The reasons for this could be various, such as the hypothesis that children are "romanticising" their relationship with their parents due to their absence, but the outcome could also be the result of their increase in material well-being provided by their parents: "they receive what they ask for" and consider this as being listened to.

Recommendations:

- Considering the size of the group of children left behind, it is recommended that more research is done on how children left behind by migrant parents think about participation and how their views are taken into account in their daily circumstances.
- Develop instructions for parents in the fields of communication and child development, which would allow them to prepare their children for independent life and provide them with the emotional support they will need for the duration of the parents' absence.
- Develop programmes that encourage children's participation in the family decision-making process and persuade parents of the necessity of consulting and taking into account their children's opinions, including negotiation of the duration of their absence.
- Promote various models of children's participation at the community and school level, depending on local needs, and encourage all children to take part in these.
- Consider the formulation of certain mechanisms to legalise work abroad that would allow migrant parents to visit their children regularly and maintain an effective connection with them without the risk of being fired.

Alternative care

In all Council of Europe member states, a number of children live in institutional care, for various reasons. This may be alternative care to replace (temporarily) the family, juvenile justice institutions or other institutions.

Legislative measures to ensure children's participation in alternative care

The existing system of protection of children temporarily separated from their parents and of children left without parental care is currently being reformed in the Republic of Moldova. The main objective of the reform is to reorganise the old residential care system and develop family-type alternatives as well as social assistance services for families with children in order to prevent institutionalisation and ensure that children are maintained in a family environment.

The Family Code mainly focuses on the establishment of family-type protection or other similar forms for children left without parental care. The guardianship authority shall ensure that a child left without parental care is kept within or reintegrated into his or her biological family or, in case it is not possible, into the extended family.

When the above-mentioned measures cannot be applied, the child who is left without parental care will benefit from various protection measures, including adoption, guardianship, foster care, family-type homes, residential placements and other forms of protection. When choosing from this list, family measures prevail over residential measures. In addition, the best interests of the child shall be taken into consideration as a priority, as well as the child's ethnic origins and his/her affiliation to a certain culture and religion. Language, physical condition and development will also be considered.

In 2007 the National Strategy and the Action Plan on the Reform of the Residential Care System for 2007-2012 was approved. One of the main principles of the strategy is the respect for the child's opinion. The Government Decision on the establishment of rayonal (district) commissions for the protection of children in difficulty and approval of the Standard Regulation⁴⁰ for their functioning provides that: "within the complex evaluation report of the situation of a child and a family, which is developed by the social worker, the child's opinion regarding the proposed measure of his/her protection shall be mandatorily mentioned, as well as data related to the child's age, the level of his/her degree of maturity and the capacity to articulate and express his/her views."

The priority shall be to keep or reintegrate the child into his/her own family or, if this is not possible, to place the child into an extended family or a family of friends with whom the child has a special relationship, based on mutual trust, respect and affection, and who are willing to take care of that particular child. The objectives of the individual plan will be developed in consultation with the child, the parents and the identified members of the extended family.

40. Government Decision on the establishment of rayonal (district) commissions for protection of children in difficulty and approval of the Standard Regulation, No. 1177 of 31 October 2007.

An example of consulting children in relation to the development, monitoring and evaluation of child policies is a project run by the NGO Every Child Moldova, “Protecting children in Moldova from family separation, violence, abuse, neglect and exploitation”. The project supports the Moldovan Government in implementing the UNCRC and other relevant international documents on protection and welfare of children without parental care or at risk of being separated from their families. It is expected that about 5 000 vulnerable children and their families in three Moldovan regions will have access to quality family support and substitute family care services. It is intended to support a reform in the residential child care and child protection system and transformation plans will be developed, depending on identified needs.⁴¹

Family-type homes

The right to information and expression is also recognised by the decision on the approval of standard regulation for family type homes.⁴² The family-type home represents an institution based on a complete family in which parent-educators are offering family-type care to a child who is orphaned or left without parental care. One of the principles which govern the functioning of family-type homes is respect for the child’s opinion. A child who has reached the age of 10 can be placed in a family-type home only by his/her consent, which shall be confirmed in writing by the guardianship authority.

The parent-educators are obliged to choose the educational institution for the child in their care, taking into account the child’s desires and abilities, as well as to motivate the child to continue his/her studies in high school institutions, vocational schools, colleges and universities based on each child’s views and capacities.

The child is regularly visited in accordance with his/her individual assistance plan but also at his/her demand, at the parent-educator’s demand, or at the demand of the guardianship authority. During each visit, the child is given the opportunity to have an individual meeting with the responsible social worker. Within the process of reviewing the individual assistance plan, as well as during the revision meetings, the territorial social assistance body involves the child.

The child who is placed in family-type home can file complaints, both in writing or orally, related to the activity of the family-type home or the parent-educator’s role. The complaint shall be submitted to the local social assistance body, to the commission, or to the local public authorities at the first or second level.

Specialists monitoring the family-type homes are obliged to take into account the child’s opinion about the placement when they carry out their regular monitoring visits.

41. EveryChild is an international development charity. The project “Protecting children in Moldova from family separation, violence, abuse, neglect and exploitation” will be carried out with the financial support of USAID, and foresees three-year technical assistance to central and local authorities, namely to the Ministry of Education, Ministry of Labour, Social Protection and Family and three rayon councils, 4 November 2010.

42. Government Decision on the approval of Standard Regulation for family type homes, No. 937 of 12 July 2002.

Foster care services

Another form of protection which offers family-type support to children who temporarily lack parental care is the Foster Care Service (FCS).⁴³ One of the main principles which regulates the Foster Care Service is respect for the child’s opinion.

The Standard Regulation provides that in the process of the annual evaluation of foster care parent performance the guardianship authorities shall seek and take into consideration the opinion of the foster care parent concerned and the opinion of the child who is placed in the foster family. This depends on his/her age and maturity, as well as on the opinion of the child’s biological family and the respective local public authority and other specialists who have any information regarding the foster care parent.

When a child is placed into foster care, the child will be informed about what foster care will imply for him/her, taking into account his/her understanding capacities and degree of maturity.

The respect for the child’s opinion represents one of the principles provided in the Minimum Standards for the Foster Care Service:⁴⁴ “the child participates in the decision-making process concerning his/her care and future plans, depending on his/her age, experience and understanding capacity and benefits from support and assistance in the fulfilment of this right”.

In the case of long-term placements, two years before reaching the age of 18, the child is informed regarding the assistance he/she will benefit from, possible arrangements to leave the care system and available support in moments of crisis.

Depending on his/her level of maturity, the child, as well as the members of his/her family and other people important to the child, will be consulted while planning the (re)integration of the child into his/her family. No (re)integration into the family shall be done without prior preparation of the child and without his/her consent.

The Foster Care Service has a procedure assuring the child, his/her family, foster care parent and other persons interested in the welfare of the child the right to submit complaints with regard to any aspect of the Foster Care Service. The Foster Care Service is responsible for supporting the child in submitting complaints.

Centres for disabled children

With regard to the placement of children with disabilities in institutions, minimum quality standards for social services provided within the placement centres for children with disabilities have been approved,⁴⁵ including an assurance that the child’s opinion is requested, as appropriate.

Every child placed in the centre for disabled children enjoys services based on an individual programme developed by the centre’s interdisciplinary team. The child and his/her legal representative participate in the development of an individual plan of services. The centre provides a leisure-time programme in accordance with the child’s free choice, as well as a recovery and rehabilitation programme which aims to develop the child’s personal autonomy.

43. Its Standard Regulation was approved by Government Decision No. 1361 of 7 December 2007.

44. Approved by Government Decision No. 1479 of 25 December 2008.

45. Approved by Government Decision No. 823 of 4 July 2008.

The centre ensures support to children with disabilities in order to (re)integrate them into their biological family, extended family or adoptive family, as well as to integrate them into the community. Children are encouraged and supported to keep a tight relationship with the family and the community for the sake of (re)integration. Within this context, the family and social (re)integration of the child is planned by a multidisciplinary team involving the child and/or his/her legal representative. The individual plan of services is improved or modified with the participation of the child or his/her legal representative.

The centre for disabled children ensures vocational training focusing on the child's capacities and taking into account the child's desires or the wishes of his/her legal representative.

The centre has to ensure that its personnel and the children and their legal representatives are informed of the existing procedures related to prevention, identification, reporting, evaluation and solving suspicions and accusations of abuse and neglect against children.

The centre uses procedures for initial evaluations of its beneficiaries. This process involves informing the child or his/her legal representative, in an accessible way, about the results of the evaluation.

The centre for disabled children ensures conditions for appropriate nourishment of children, both children and their legal representatives being consulted regarding the menu. Children are also consulted regarding leisure-time activities, holidays and community activities. The centre ensures that children and their families are informed about the beneficiaries' rights and obligations and about complaint procedures.

Quality standards guaranteeing the rights of the child in residential care institutions

Minimum quality standards for care, education and socialisation of children placed in residential institutions⁴⁶ have been regulated. These include requirements that children are informed and supported to understand why they are beneficiaries of a particular institution, what the role of the institution is and what services the institution provides. The interests of the child underpin the core values and objectives of the institution. Children placed in an institution benefit from six-monthly re-evaluations of their situation undertaken by a multidisciplinary team. Children are actively involved in these evaluations and the results are brought to their attention in accessible language, in accordance with their level of understanding. In addition, children's opinions are taken into consideration in the evaluation process. Residential care institutions encourage children to participate in community activities, in educational programmes taking place in the community, in decisions regarding the choice of their clothes and regarding school-related activities.

In addition, a socialisation process takes place within residential institutions, which encourages children to express their concerns and interests and, for example, leisure activities are planned together with the child. Children are aware of and have access to community-based services such as the post office, shops, public transportation, the City Hall, etc. Activities for "older" children (14-18 years) are oriented towards finding ways to continue their studies, learning a profession and participating in activities which contribute to their professional career. Within their studies and professional orientations children's opinions are taken into consideration, as well as the opinions of psychologists, teachers and social workers.

46. Approved by Government Decision No. 432 of 20 April 2007.

Minimum quality standards for care, education and socialisation of children placed in residential institutions include a special standard (No. 16) regarding the "child's right to information and documentation and the right to have an opinion". This standard ensures that children are supported to exercise their right freely to express their opinion in any given situation. The institution displays in a visible place a list with all the rights of the child, as laid down by the UN Convention on the Rights of the Child. In addition, the staff at the institution are aware of the provisions laid down in the UNCRC and ensure that the children and their families become familiar with these. Each institution has a mailbox, which the children can use to submit their proposals and suggestions regarding the quality of care within the institution and the improvement of the quality of their lives. Regarding complaints procedures, children are informed about their right to make complaints without being afraid of the consequences. The director of the institution is obliged to check the mailbox on a daily basis and to respond to the issues which are raised by children, informing children as soon as possible.

Trafficked children, migrants and unaccompanied minors

According to the Government Regulation on the repatriation procedure for children and adults – victims of trafficking in human beings, illegal trafficking of migrants, as well as unaccompanied children,⁴⁷ the repatriation of children in the Republic of Moldova is undertaken voluntarily based on a written agreement signed by the children, with the exception of children under 10 years old, or signed by the children's legal representative. Repatriation procedures are initiated only after competent authorities have assured themselves that the opinion of the person who needs to be repatriated is taken into consideration.

Taking into account the age and the level of maturity of the child, his/her opinion shall be taken into consideration in all decisions and actions which may affect him/her.

The repatriation of children takes account of the best interests of the child. The decision on the repatriation of a child is taken only in cases when a secured unification of the child with his/her own family could be arranged or an appropriate institution or service agrees to provide adequate protection and care immediately after the child's arrival in the Republic of Moldova.

In case the age of the person cannot be ascertained, but there are reasons to believe that the person is a child, the person shall be treated as a child and all special protection measures will be provided until the exact age has been established.

The person will be provided with all the relevant information about his/her rights and available services in his/her native language or another language which he/she knows, taking into consideration his/her level of understanding.

The survey carried out with the children in the Republic of Moldova showed that more than a third of the children believe that childcare workers in community and day-care institutions and alternative care institutions take their views seriously "always" or "most of the time". A considerable group indicated that their views are "sometimes" taken into account. Regarding the "boarding schools", the children were slightly less positive and a larger group of children felt that the childcare workers do not listen to their views.

47. Government Decision No. 948 of 7 August 2008.

Concluding remarks

The legislation to ensure the child's right to be listened to in relation to alternative care in the Republic of Moldova is developed according to the principles of the UNCRC. Children have the right to take part in decisions concerning their placement and their living conditions, including food, clothes, leisure-time activities and education. This is the case for all types of alternative care provisions for children, including residential care institutions for disabled children, foster care, family-type homes and "general" residential institutions. At the same time children are informed about their rights concerning their care decisions and the available complaints mechanisms, which can be used by children without any repercussions. Staff working in residential care institutions are informed about the rights of children and about the UNCRC and they are given the task of informing children and their families about those rights. Overall, the legal framework for children without parental care acknowledges the wording of Article 12 of the UNCRC.

Recommendations:

- Practice shows that children are not always listened to when they live in alternative care. It is therefore recommended to ensure that there is a legal obligation for professionals working with children in alternative care to be trained concerning the rights of the child, in how to communicate with children, in how to ensure that children can have their voices heard and about the quality standards in alternative care laid down by the Moldovan Government.
- Considering the positive set of legislations regulating children's participation in alternative care settings, measures should be considered for regulating the setting up of representative councils for children in residential care facilities with a mandate to participate in the development and implementation of the institution's policies and rules. This could firstly be a task for alternative care institutions themselves with the encouragement of the Moldovan Government.
- It is recommended that a monitoring system for the alternative care regulations be set up, to ensure that these are effectively implemented in practice.

Health care

A child should have the right to participate in individual health care decisions and to be involved in the development of health policy and services.

"Some doctors are not prepared to communicate with children: they shout at them, make fun of them, don't know how to behave with children, don't listen to them."

Quotation from a Moldovan child in a focus group meeting

Moldovan legislation includes a number of legal regulations regarding the right of children and young people to receive the necessary information concerning the medical services with which they are provided and to participate in individual decisions about their health care.

The Law on Reproductive Health Care and Family Planning⁴⁸ stipulates that minors have a right to reproductive health care and sexual education. The Ministry of Education, in co-operation with the Ministry of Health, ensures the development of programmes on sexual education, reproductive health care and minors' preparation for family life. At the same time, local public authorities have to establish the necessary conditions in order to offer reproductive health care and sexual education services to minors.

The National Strategy on Reproductive Health⁴⁹ is implemented by providing adolescents with information and education in the field of sexual-reproductive health, which is aimed at developing responsible and healthy behavioural skills. At the same time they are ensured free access to youth-friendly health services without discrimination, in order to satisfy their reproductive needs, taking into account the right to intimacy, confidentiality and informed consent.

Legislation on access to confidential medical counselling and consultancy

Youth-friendly health services⁵⁰ are services which meet young people's needs for correct and up-to-date information. They offer young people a full range of accessible services and quality care in a way which ensures the young people's intimacy and confidentiality. Professionals are trained to work with young people in a youth-friendly way in order to enable them to make free and informed decisions about their health and sexuality.

In order to enhance accessibility and to reduce the obstacles in the process of adolescents' and young people's access to health services, six quality standards for youth-friendly health services were developed according to World Health Organization (WHO) guidelines (fair, accessible, acceptable, appropriate, comprehensive, effective and efficient):

Standard 1. Young people know when and where to require health services.

Standard 2. Young people have easy access to health services which they need and when they need them.

Standard 3. Health-care service providers respect young people's confidentiality and intimacy.

Standard 4. Health services mobilise the community to promote youth-friendly health services.

Standard 5. Health-care service providers offer effective and comprehensive services according to young people's real needs.

Standard 6. All young people have equal access to health services.

Age of consent for children to medical treatment

According to General Comment No. 12 of the UN Committee on the Rights of the Child on children's participation, a state party must have legislation or regulations in place to ensure that children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age, where this is needed for the child's safety or well-being.

48. Law on Reproductive Health Care and Family Planning, No. 185-XV of 24 May 2001, Article 8.

49. The National Strategy on Reproductive Health was approved by Government Decision No. 913 of 26 August 2005.

50. The Youth Friendly Health Services Concept was approved by decision of the Ministry of Health College of the Republic of Moldova on 29 November 2005.

The Law on Health Care⁵¹ on the consent for medical services includes the requirement that the patient's consent is obtained for any medical service provided. If there is no opposition, the consent for any medical service not representing important risks for the patient or not being likely to harm his or her intimacy is presumed. If the patient is younger than 16, his or her legal representative will give the consent. In case of imminent danger of death or serious threat to his or her health, the medical service can be performed without the legal representative's consent. After having reached the age of 16, the patient has the right to consent to medical treatment.

Receipt of appropriate information on health-care treatment

The Law on Patient's Rights and Responsibilities⁵² provides that the patient is personally given medical information. The legal representatives (close relatives) receive the medical information for persons under 18 and those declared incapable or with diminished legal capacity. At the same time, the patient is informed based on their level of understanding.

The Government Decision on the nomenclature of additional health services delivered to children, pupils and students in educational institutions⁵³ aims to improve children's and young people's health and harmonious development by offering additional health services within educational institutions. It includes four basic components: prevention services; medical assistance services; education for health and building a supportive environment.

This document provides regulations related to "individual information and communication with each child, pupil and student, following their personal needs".

The National Health Policy for 2007-2021⁵⁴ provides that "the free access to information regarding sexual and reproductive health will be ensured and adolescents' and young people's participation in taking decisions concerning their own health will be encouraged".

Regarding child participation and consultation in planning and programming services for their health and development, no data are available. In relation to the participation of children in paediatric research similarly no data are available.

The survey carried out in Moldova indicates that a considerable group of children still feel that they are listened to by health practitioners "only sometimes" or "never". This outcome was reinforced by the outcomes of the focus group meeting, in which children mentioned that they are not listened to by doctors, that the environment in which health services are provided is not child-friendly and that children are not treated equally by medical staff.

Concluding remarks

Laws are in place to ensure that young people receive adequate information in relation to health services and in particular on reproductive and sexual health. In addition, Moldovan youth-friendly health services have to comply with WHO standards in relation to accessibility, confidentiality, equal access, appropriateness, comprehensiveness, effectiveness and efficiency.

51. Article 23 of the Law on Health Care, No. 411-XIII of 28 March 1995.

52. The Law on Patient's Rights and Responsibilities No. 263-XVI of 27 October 2005, Article 11.

53. Government Decision on the nomenclature of additional health services delivered to children, pupils and students in educational Institutions, No. 934 of 4 August 2008.

54. The National Health Policy for 2007-2021, approved by Governmental Decision No. 886 of 6 August 2007, paragraph 47.

However, no legislation is in place to ensure that all children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age. Children below the age of 16 are not allowed to give their consent to medical treatments and only legal representatives of children below the age of 18 are allowed to receive their medical information, though patients have the right to be informed on the basis of their level of understanding.

Recommendations:

- Consider lowering the age of consent for receiving medical services and for receiving medical information within the recommendations in General Comment No 12 in relation to medical counselling.
- Ensure more child-friendly information is provided to children of different ages.
- Have health-care and medical staff better trained with regard to children's participation.
- Guarantee that children, regardless of their age, are treated with confidentiality.

Education and school

Respect for the child's right to be heard in the educational context is fundamental for the implementation of the right to education.

The Republic of Moldova's educational system has undergone several reforms, aiming to modernise and democratise education and to create the conditions to reveal each child's potential, regardless of his/her family's financial status, place of residence, ethnic background, spoken language or parents' religious beliefs.

"They [teachers] allow us to express our opinion and apply it."

Quotation from a Moldovan child participating in a focus group meeting

Taking into account children's and parents' views in the planning of school curricula

In the Republic of Moldova, the Ministry of Education encourages children to express their opinions and takes their opinions into account in the process of modifying educational plans. Educational authorities study children's and parents' opinions periodically. The results are taken into account in the development of the school curricula.

In addition, the draft of the standard planning framework for primary, secondary and higher education was made accessible for public debates. In this way all interested parties who wanted to make suggestions and proposals, including children and parents, were able to do so.

The draft standard plan for primary, secondary and higher education for the 2011-2012 school year was made accessible for public discussion on the website of the Ministry of Education in April 2011. (A remark has to be made regarding the manner in which the public, including children, were consulted: many children have limited access to information and in many schools Internet surfing is impossible. ⁵⁵) Moreover, the discussion of the results of the

55. Igor Guzun (ed.), op.cit.

survey carried out in Moldova at the national hearing showed that children are not used to filling in surveys voluntarily, unless it is among their school tasks. The draft plan was completed during a round-table discussion in which decision makers and public authorities took part in May 2011.

Participation mechanisms at schools

According to the Law on Education,⁵⁶ pupils have the right freely to express their opinions, beliefs and ideas and to be elected to some administrative and consultative bodies of the educational institution.

“Teachers are not prepared to communicate with children, they don’t know our necessities and their training is outdated.”

Quotation from a Moldovan child participating in a focus group meeting

Pupils’ and parents’ representatives are members of the educational institution’s Administration Council. In addition, pupils and students establish councils and associations, which function under their own bylaws and co-operate constructively with the educational institution. By definition, pupils’ councils are not subordinate to the educational system and therefore there are no data collected on the activity of pupils’ associations.

According to the Moldovan Law on Public Associations, members of public youth associations can be persons who have reached the age of 14. The age of 10 is the minimal age for membership of children’s public associations. At the same time, children and youth public associations benefit from the state’s material and financial support. The state offers children’s organisations the right to use their rooms, palaces and houses of culture, sports grounds belonging to schools, high schools, colleges and extracurricular institutions free of charge or under preferential conditions.

School councils exist in many schools and are well known to Moldovan children. In the survey they were asked whether the school councils help to protect their right to be heard and taken seriously. A considerable group of children, more than a third, believed that school councils do “rather little” to “very little” to ensure that their right to be heard is guaranteed. This stresses the need for improvement in the functioning of the school councils.

A particular example where children were consulted by the Ministry of Education was regarding whether they were in favour or against a compulsory school uniform. The children were involved at the different stages of decision making. Due to a lack of funds, not many consultations with children can be organised by the Moldovan Government. At the national hearing it was suggested that the media could be involved and asked to produce specific children’s programmes in order to initiate discussions with them. At the same time it was acknowledged that the involvement of NGOs is crucial as well.

Human rights and children’s education at school

Human rights and child rights education, alongside education on democracy and active citizenship, is included in the modernised curriculum implementation process through the development of transversal and cross-disciplinary key competences. These competences are

56. The Law on Education No. 547-XIII of 21 July 1995, Article 57.

implemented indirectly, for example, in school subjects such as literature, history and foreign languages, and directly in special mandatory subjects such as “Moral-spiritual education” (in primary education) and “Civic education” (in secondary and higher education).

According to the National Curriculum for Civic Education, the subject “Democratic society” has been introduced within compulsory education at secondary level (the “gymnasium”). In addition, there are several modules taught on democracy and citizenship at different levels of the education system and for the school year 2011-2012, the subject “Education for human rights” is included in the list of recommended optional subjects for secondary and high school education.

According to children consulted on the teaching of children’s rights in school, this topic is only addressed occasionally, quite often superficially, as a theme within other subjects.⁵⁷

Children’s participation in their transition to the next school level

According to Article 9 of the Law on Education, the length of compulsory secondary education is nine years. Compulsory school attendance ends at the end of the school year in which the pupil has reached the age of 16. It is the free choice of children whether they would like to continue studies.

Regarding the “transition” from one school level to another, pupils are promoted on the grounds of developed competences criteria. The admission to high school (10th to 12th grades) is based on a competition. All graduates of secondary school can apply for the competition which the Ministry of Education provides.⁵⁸

At the same time, the Law on Education guarantees pupils and students the right freely to express their opinions when choosing the type of educational institution and the learning programmes.

Teacher training on children’s participation in education

Teachers were trained on the implementation of the modernised curriculum for all educational disciplines between July and August 2010. According to the modernised curriculum, it is important that learning activities are interactive in order to encourage pupils’ critical thinking by asking their opinions and views, by helping them to develop their discussion capacities and to contribute to their individual learning by suggesting, for example, topics for discussion and research.

However, the results of the focus group meeting with Moldovan children and the “Truth voiced by children” report show that on the whole, teachers do not take into account children’s opinions, interests and wishes. This concerns both school and extracurricular activities. “There are teachers not permitting pupils to express their views freely in all schools. The most effected ones, in this regard, are small children.”⁵⁹ A Moldovan child taking part in the focus group meeting said, “Only teachers are encouraged to participate at classes and within the school.”

57. Igor Guzun (ed.), op.cit.

58. Article 20 of the Law on Education No. 547-XIII of 21 July 1995.

59. Igor Guzun (ed.), op.cit.

Children's participation in extracurricular educational activities

Extracurricular institutions offer equal possibilities for multilateral development in the field of leisure time for all children without restriction or any discrimination or segregation on the basis of social and financial conditions, sex, race, nationality or religion.

Recommendations:

- An evaluation of children's rights and human rights education, and education on democracy and citizenship should be carried out to assess how these subjects are taught in practice and what level of knowledge children have acquired at different ages.
- Well-functioning school councils, which genuinely represent the interests of the pupils, need to share their experiences with other school councils. In addition, training needs to be provided to children participating in school councils and school authorities.
- Teachers need to receive training on the right of the child to have his/her voice heard and taken seriously and in how to communicate with children at school.
- Acknowledging the difficult economic situation in Moldova, there is a need for more financial and human resources to implement the right to participation of children.
- Consideration needs to be given on ways of involving the media in promoting and facilitating discussions with children on certain subjects, for example, in a specific children's programme.

Play, recreation, sports and cultural activities

Children are entitled to play: recreational and physical and cultural activities are essential for their development and socialisation.

The design of playgrounds and the accessibility of recreational facilities

The legislation of the Republic of Moldova does not include special provisions on children's involvement and consultation in playground design, accessibility and the matching of sport, cultural, recreational and play equipment with children's needs. However, there are opportunities for school pupils to participate in the organisation of extracurricular activities.

Mechanisms allowing younger children and children with special needs to express their wishes regarding sport, cultural, recreational and play activities are not in place. Access to special conditions is possible only within the centres and institutions providing day services or placement for groups of children with special needs. According to the children consulted for the report "Truth voiced by children": "Children with special needs are unwilling to get involved in free-time activities, due to the fact that the personnel working in these establishments ignore them and do not create an atmosphere favouring children's interaction."

However, with regard to disabled children, in 2010 the Republic of Moldova ratified the UN Convention on the Rights of Persons with Disabilities, followed by the adoption by the Moldovan Parliament of the Strategy on Social Inclusion of Persons with Disabilities for 2010-2013 to implement the convention provisions.

Consultation of children on local youth centre activities

In Moldova there is little tradition of youth participation in community life. Due to financial constraints, families give priority to survival and allocate little (if any) time and money to leisure activities. A survey carried out in 2008 showed that only 16% of young people aged 15-24 were willing to participate in solving community problems, while 33% said that they were not willing to do so and 42% said they could not participate because of "lack of time" or they "do not know how to get involved". In addition, there is no tradition in local public administration of adopting a participatory approach towards both adults and children.⁶⁰

The setting up of youth centres is positive development which encourages young people to participate. The youth centre is a non-profit organisation founded in compliance with Moldovan law. It represents a community-based service or complex of services for all groups of young people. The centres were created to facilitate children and young people's personal and social development, to help them fulfil their potential and, moreover, to gain knowledge, skills and attitudes necessary for their successful social and professional integration.

A range of institutions and organisations have entitled themselves "youth centres" during the past ten years, but in practice most of them did not meet the necessary criteria for such an institution. At present, there are about 15 active youth centres financed by the state.

Youth centres offer a very wide range of youth services. One important service that youth centres can deliver is professional counselling. The information service is another important service youth centres provide. It implies that each young person addressing the youth centre can benefit from general information on various subjects of personal interest (education, human rights and education for democracy, health, free time, professional integration, social protection, etc.). In addition, young people are offered health education service in order to improve their personal knowledge and attitudes towards their own health, to know and avoid risk behaviour and to overcome certain crisis situations endangering their health. Support groups are organised in accordance with young people's needs, usually moderated by a specialist such as a medical worker or psychologist, who respects confidentiality. One of the main services youth services traditionally offer is the education for democracy service. It is aimed at increasing the young people's level of education in and information concerning democratic values, in order to raise active citizens, involved in social life.

The youth centres' role is also to facilitate young peoples' involvement in various community activities, such as the promotion of voluntary work and freedom of expression. It contributes essentially to young people's development as active citizens.

One of the most attended services is the leisure-time service. The youth centre can organise various activities including cultural-artistic, sports and scientific clubs. It is recommended by the government that each centre should provide young people with at least one recreation room equipped with TV, video, computer, games, etc.

The centre delivers assistance for all young people from the community, but is targeting in particular young people in socio-economic difficulty; young people with special needs; orphans; young people lacking parental care or left behind; young people in conflict with the law; young people in any form of social protection; and other children and young people at risk.

60. UNICEF Moldova Country Office (2011), op.cit.

The Ministry of Youth and Sport has forwarded for notification the draft of a youth centre standard regulation and quality standards for delivering services for youth centres, which will be submitted to the government for approval.

The centres organise meetings to collect information about the topics children and young people want to discuss. At the same time, the centres provide information about the services they deliver. These meetings take place either at the centre's office or in schools, dormitories, etc.

Participation of children in cultural activities intended for minority groups

The Moldovan Bureau for Interethnic Relations aims to promote state policies in the field of interethnic relations, including the state's policies in relation to minority languages. Each year the Republican Ethnicities Festival takes place in the Republic of Moldova. As a rule, cultural activities organised for children ensure the involvement of children themselves. For example, children belonging to ethnic minorities living in Moldova, such as Russians, Ukrainians, Roma, Bulgarian, Gagauz and Jewish minorities actively participate within the activities organised on the occasion of International Children's Day.

Recommendations:

- The role of local youth centres is very positive in encouraging children to participate and to be listened to, focusing in particular on vulnerable children in communities, including children of ethnic minorities. It is recommended to set up more local youth centres covering the whole of the Republic of Moldova and it is recommended that not only young people be involved, but also “younger” children in local youth centres.
- It is recommended that legal provisions be put in place to involve children in the design of playgrounds and recreational activities. This could be implemented at local and community level.
- It is recommended that children with special needs be involved in recreational activities and that staff working in these establishments be trained in how to involve these children and how to communicate with them.

Public life and civil society

Much of children's participation takes place at local and community level, such as local and municipal youth councils. However, according to the UN Committee on the Rights of the Child, children should also be helped to establish their own youth-led organisations and initiatives, which will create space for meaningful participation and representation.

Youth-led organisations

Each year the Republic of Moldova Ministry of Youth and Sport launches a Grants Programme. Its aim is to support the development of non-governmental organisations, youth resource centres, local youth councils and youth initiative groups and to provide financial support for young people's social and economic development, to promote democratic principles, human

rights and social equity. In 2010 the Ministry of Youth and Sport allocated around 800 000 lei (47 000 euros) for the financial support of activities carried out by NGOs.

At the same time, the ministry receives ongoing requests from NGOs to support actions aiming to promote youth policies at national and international level, which are financed from the ministry's budget.

In 2010 more than 60 local and national organisations, initiative groups and youth resource centres were supported in the process of organising and carrying out activities. The organisations in receipt of this financial support developed more than 150 training courses focusing on diverse areas, such as the facilitation of young people's access to information and training opportunities; increasing youth participation in community development, encouraging regional partnerships development and promoting democracy, human rights and social equity.

The training courses were developed all over the country and around 1 000 young people attended these. In addition, two training courses targeting youth and sports professionals working within the local public administration and representatives of the most active youth resource centres were organised. They aimed at raising the efficiency of the implementation of youth policies at local level.

The Grants Programme has facilitated and encouraged youth participation, has strengthened local partnerships and has led to the diversification of youth-provided services. It has to be noted that the age of members of youth organisations is over 16 years.

Specific funds are allocated to finance the participation of young people in public life and to support youth-led activities.⁶¹ But no information is available on the level of existence of youth organisations.

Local children's and youth councils

In the Republic of Moldova, local children's and youth councils were established as a form of representation and empowerment of children and young people between 10 and 18 years of age, to stimulate their participation in decision-making processes at local level.

The objective of local children's and youth councils is to ensure that the needs and suggestions of youth regarding free time, sports, education, improvement of living conditions and playground design are made known to the entire community. Many local children's and youth councils publish school newspapers, which allow children to express directly their opinions regarding problems concerning them as well as to offer solutions.

Local children's and youth council activity has proved that these youth self-managed structures create favourable conditions for citizenship initiatives, the defence of child and youth rights and help young people develop responsible attitudes towards community events. The local children's and youth council offers young people practical experience in enhancing their speaking skills, communication skills with peers and adults, and their capacities to formulate and follow the implementation of personal and collective projects, to bring arguments and negotiate.

No data are kept regarding the number, structure and age groups involved in the local children's and youth councils, which makes it difficult to evaluate their effectiveness.

61. Government Decision No. 1213 of 27 December 2010 on the approval of measures to support youth activities.

The Local Youth Council is a form of youth representation at local level, established at the initiative of young people from the community and approved by a decision of the local public authorities council. The council intends to ensure young people's active participation in local and regional life, especially in the decision-making process on issues affecting them.

The council carries out its activity in compliance with the UNCRC, the Council of Europe European Charter on the Participation of Young People in Local and Regional Life, the Moldovan Constitution, the Law on Children's Rights, the Law on Youth, the youth strategy and the central and local public authority's decisions. The local youth councils organise their activities based on the non-discrimination principle.

Within the project "Ensuring children's right to family and protection against abuse, violence and neglect", financed by USAID, child participation was included as a special component. The concept of child participation in decision making was developed and approved through the District Council's decisions in the three districts where the project was running.

The establishment of the Children's Consultative Council (CCC) is one of the efficient mechanisms ensuring and optimising child participation. The CCC is supposed to act as a partner of the Direction for Social Assistance and Family Protection (DSAFP) of the Ministry of Labour, Social Protection and Family, in the process of developing, implementing, monitoring and evaluating local children's and youth-oriented policies, programmes and projects. These councils were established in three districts in 2011. A total of 55 children aged between 10 and 19 (36 girls and 19 boys) representing 28 localities from three districts are members of these councils. Among them, there are representatives of different social backgrounds, minority children, disabled children and children living in residential care institutions. The CCC aims to promote the implementation of children's rights at local and national level and will negotiate on the promotion of children's and youth policy programmes at local level with decision makers. At the same time, the CCC will contribute to the development and implementation at local level of the guidelines for the evaluation and monitoring of alternative care.

The CCC will co-operate closely with the representatives of the General Direction for Education, Youth and Sport, with social community assistants and with NGOs providing services for children in families at risk, community schools and residential institutions. The CCC will contribute to the evaluation of the situation of children taken care of by different services in order to determine which children's rights are violated most frequently, to establish the gaps in service provisions, to review the existent services and/or to identify the need for developing new services and to come up with the necessary recommendations. The CCC will ensure that the voice of children left behind, including children from residential institutions and other forms of alternative care, is heard and taken into account when decisions concerning them are taken.

In addition, a series of training programmes has been organised involving children from residential institutions and representatives of community schools where children from these institutions are integrated. These training programmes aim to raise children's self-esteem and enhance children's participation within the family, at school and in community life.

The local youth councils and the children's consultative councils are examples of good practices regarding the involvement of children in decision-making processes at local and regional level.

The Youth Parliament

In April 2008, the Governing Youth Institute launched the Youth Parliament National Programme, in partnership with the Parliament of the Republic of Moldova and with the support of different donors. The Youth Parliament consists of 101 young deputies aged 18-25, including young people from Transnistria and Gagauzia. The young deputies all have equal chances to be elected regardless of their sex, religion or political affiliation.

The Youth Parliament is the national youth consultative body, acting under its own self-governing regulation and is recognised by the Parliament of the Republic of Moldova, but not by each deputy member separately. They attend meetings within the Moldovan Parliament as well as parliamentary committees. In addition, they consult specific groups of deputies on different topics, debate law projects and write applications for small grants to raise funds.

The main objectives set for 2011 were to involve young people in the process of stimulating decision making within the Parliament of the Republic of Moldova; to acquire practical knowledge and experience regarding parliamentary activities; to maintain a permanent dialogue with young people from rural areas, including the Transnistria region; and to promote a participatory spirit and encourage young people's involvement in the country's public and political life.

The Youth Parliament is a positive initiative, but does not involve children below the age of 18.

Recommendations:

- Acknowledging the difficult economic situation, it is recommended that the level of funding and the activities of NGOs which focus on children below the age of 16 be increased.
- It is recommended that there be an exchange of experiences of the different local youth councils and the three children's consultative councils and attempts to encourage the establishment of local youth councils in all municipalities and children's consultative councils in all Moldovan regions.
- It is recommended that a Children's Parliament is established for children below the age of 18, similar to the Youth Parliament. Good practice examples exist in various other Council of Europe member states.

Children in the workplace

Children working at younger ages than permitted by laws and International Labour Organization Conventions 138 (1973) and 182 (1999) have to be heard in child-sensitive settings in order to understand their views of the situation and their best interests. Children should also be heard when policies are developed to eliminate the root causes of child labour, in particular educational policies. Children should also be heard when worksites and conditions of work are examined by inspectors investigating the implementation of labour laws.

“My parents send me to work.”

Quotation from a Moldovan child participating in a focus group meeting

In Moldova a great number of children work side by side with their parents to contribute to their families' financial security. This includes helping around the house, in the field or on construction sites. There are also situations in which parents are unemployed and children work and support all family members. There are children who work whose parents are abroad: they have to take up responsibilities that are not in accordance with their age, such as taking care of their younger brothers and sisters, looking after animals, working in the field and ensuring house repairs. Other children are forced to work by their parents.⁶² In all of these cases children have to miss school. In addition, there are many dropouts. The lack of family income forces many Roma children to work at the age of 9-10, which has a deleterious effect on their health as well as preventing them from going to school.

According to UNICEF statistics 43% of Roma children aged 7-15 do not attend school, in comparison with approximately 6% of non-Roma children.⁶³

Some children taking part in the focus group meeting stated that they lacked time to participate in leisure-time activities or youth council activities due to household chores they have to undertake and that they were sent to work by their parents. It therefore turns out that children who work are often not only excluded from education, but are also not able to take part in cultural and participatory activities within their community.

The Ministry of Labour, Social Protection and Family has adopted an Action Plan on Child Labour for 2011-2012, which aims to combat child labour in the Republic of Moldova.

Recommendation:

- The adoption of an Action Plan on Child Labour is a positive development. In addition, it is recommended to have laws in place which protect children against labour exploitation and which include a strict monitoring mechanism. The monitoring mechanisms should include direct consultation with working children, including asking their views on their working situations and conditions.

In situations of violence

The UNCRC establishes the right of the child to be protected from all forms of violence and the responsibility for states parties to ensure this right for every child. The UN Study on violence against children, by Paulo Sérgio Pinheiro, states in its conclusions that “children have the right to express their views, and to have these views taken into account in the implementation of policies and programmes” and “children’s organisations and child-led initiatives to address violence should be supported and encouraged”.

62. Igor Guzun (ed.), op.cit.

63. UNICEF Moldova Office (2010) op.cit.

Prohibiting all forms of violence against children

“Parents use violence against their child without reason, because they get annoyed either at work or at home and the child is like a toy of their parents’ mood.”

Quotation from a Moldovan child participating in a focus group meeting

According to Article 6 of the Law on the Rights of the Child,⁶⁴ “The State guarantees the child’s inviolability, by protecting him/her against all forms of exploitation, discrimination, physical or mental violence ...” Article 30 of this law stipulates that the state takes all the necessary measures to prevent any form of child kidnapping, sale and trafficking.

The Family Code⁶⁵ ensures the child’s right to protection against abuse, including corporal punishment, committed by his/her parents or by the persons *in loco parentis*. In the case of a violation of a child’s legitimate rights and interests, a child can directly address the guardianship authority and, starting at the age of 14, they can go to court for the defence of their legitimate rights and interests.

A draft law aimed at amending a series of existing legislative acts is currently in the process of examination and intends to strengthen the existing mechanisms aimed at the prevention and combating of child abuse, neglect, violence and child labour. The draft law includes provisions to make the guardianship authorities act more efficiently, especially concerning identification, recording, registration, assistance and monitoring the situation of children in difficulty and left without parental care.

The Republic of Moldova has a law⁶⁶ which aims to prevent and combat domestic violence. Another law,⁶⁷ which amends several legislative acts, was adopted in July 2010. This law includes several new articles relevant for the protection of children against violence, such as the inclusion of sexual harassment as a form of domestic violence and how protection measures should be applied to victims of violence. At the same time, a set of criteria for the identification of cases of violence against children has been developed; these include the standard procedures of actions for professionals identifying such cases and Inter-institutional Instructions on prevention and intervention in cases of violence, neglect and exploitation of children.

The government has approved minimum quality standards on social services provided to victims of domestic violence and the Standard Regulation on the organisation and functioning of rehabilitation centres for victims of domestic violence. Both documents include provisions regarding the development of individual assistance plans by the centres’ personnel together with the beneficiaries.

The National Action Plan regarding the prevention and combating of violence against children for the period 2009-2011 was approved by Government Decision. However, a considerable number of the provisions have not been implemented or have been implemented only partially due to the lack of financial resources. In this context, the government is going to develop a new policy document in the field of children’s rights promotion and protection, including activities on preventing and combating violence against children. The responsible ministry has ensured that children are consulted on the policy document.

64. Law on the Rights of the Child No. 338-XIII of 15 December 1994.

65. Family Code No. 1316-XIV of 26 October 2000.

66. Law No. 45 of 1 March 2007.

67. Law No. 167-XVIII of 9 July 2010.

Consulting children regarding the development of measures addressing violence

The public authority responsible for developing the draft decision shall ensure the consultation of citizens and associations. In this context, the direct consultation of children and young people, as well as their co-operation with the responsible authorities developing and implementing legislative measures in the field that concerns them directly, takes place through non-governmental organisations and/or youth councils.

The criteria for cases of violence against children, their identification, the standard procedures of action for professionals identifying such cases, and the inter-institutional instructions on prevention and intervention in cases of violence, neglect and exploitation against children are going to be piloted in three districts. The consultation of children's opinions regarding these normative acts is planned into the piloting process.

Child-friendly reporting mechanisms

The NGO International Centre for Protection and Promotion of Women Rights, "La Strada", administers the National Hotline 0800-777777, which provides assistance in cases of human trafficking, especially of women and children, including trafficking with the purpose of sexual exploitation. The hotline provides the possibility to report cases of abusive behaviour. In addition to the hotline, a counselling service via Skype has been created.

Since June 2010, the capacities of the hotline have been expanded to serve as a contact and assistance point on all forms of commercial sexual exploitation of children, child prostitution, trafficking in children, sexual tourism involving juveniles and grooming children through information technologies.

A similar service is provided by the National Centre for Child Abuse Prevention (NCCAP). Cases of violence against children, including sexual abuse, are reported through the centre's telephone number during working hours. In addition, child victims of sexual abuse benefit from a range of services, including social, legal and psychological assistance. Children are also assisted in legal hearings, which take place in specialised hearing rooms of the centre for psychosocial assistance of children and families – "Amicul". As a result of the government's initiative, a telephone line providing children with free assistance has been launched at the beginning of 2011 and aims to be in accordance with European standards.

Though the existence of telephone hotlines for children to report abuse and violence is a positive initiative in Moldova, the survey carried out among Moldovan children showed that a considerable group of children (14.4%) is still not aware of the existence of the child helplines and more than a third of the children who replied felt that child helplines do very little or nothing to ensure that their voices are heard and taken seriously.

Recommendations:

- It is recommended to secure sufficient financial resources to be able to implement the Moldovan Action Plan for preventing and combating violence against children and to carry out piloting schemes on consulting children on the development of violence prevention mechanisms.
- It is recommended that more publicity be given to the existence of hotlines for children, for example, at schools and in the media.

Judicial and administrative proceedings

States parties have specific obligations with regard to judicial and administrative proceedings:

- the child's right to be heard in civil judicial proceedings, including those involving divorce and separation, separation from parents, alternative care and adoption;
- the child's right to be heard in criminal proceedings, including the child offender, the child victim and child witnesses;
- the child's right to be heard in administrative proceedings, for example, children need to be able to express their views on discipline issues at schools and juvenile detention centres and on asylum requests from unaccompanied children.

The legal and policy analysis of this report and in particular its specific section on age limits on children's rights to express their views includes information on the age of children allowed to be heard in civil and criminal proceedings and on provisions for child-friendly information to children. In general children are already allowed to be heard in civil proceedings at the age of 10. The age of criminal liability in the Republic of Moldova is 16 years old.

The involvement of minors in administrative matters is regulated by the Contravention Code.⁶⁸ Although there is no special chapter regulating child participation in administrative trials, the Contravention Code includes several provisions regarding this topic.

For example, "if the victim is a minor or a person in a state of irresponsibility, his or her rights shall be exercised by his or her legal representatives as established by this Code." In addition, a "juvenile witness shall be assisted by his or her legal representative or by the representative of the responsible educational authority. Representatives of juvenile witnesses are entitled to know about [any] summons by the authority competent to solve the case of the minor they represent, to accompany him or her and to attend procedural actions. ... A juvenile witness shall be interrogated only in the presence of an educational specialist."

The hearing of children in migration and asylum cases

The Law on Asylum⁶⁹ regulates the request and granting of asylum. Article 14 of this law grants protection and assistance to minors requesting asylum. The decisions regarding minors are issued with due respect for the best interests of the child taking into account his or her age and development.

Within 15 days, the competent authority takes measures to ensure that unaccompanied minors benefiting from temporary protection are represented by their legal representative or by an organisation responsible for the child's care and welfare. In accommodating minor asylum seekers, the opinions of these asylum seekers are taken into consideration in accordance with their age and level of maturity.

In addition, the Law on Asylum lists the rights of asylum seekers and includes: the right to receive primary medical and emergency assistance; to have access, in the case of juvenile applicants, to mandatory general education in the same conditions as children citizens of the Republic of Moldova; to benefit, in the case of a family with children, as well as of unaccompanied minors, from all social assistance measures that are granted to children citizens of the Republic of Moldova, according to the current legislation.

68. The Republic of Moldova Contravention Code No. 218-XVI of 24 October 2008.

69. The Republic of Moldova Law on Asylum No. 270-XVI of 18 December 2008.

Further guarantees are provided for unaccompanied minors, such as that the asylum request submitted by an unaccompanied minor shall be examined with due priority. Competent authorities shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture, inhuman or degrading treatment or for those who have suffered from armed conflict. The opinion of the unaccompanied minor who seeks asylum shall be taken into consideration, being given due weight according to his or her age and level of maturity.

The Law on Asylum provides that the interests of the unaccompanied minor seeking asylum are protected by his or her legal representative. Unaccompanied minors below the age of 14 have to submit the asylum application through their legal representative, while the older minor can submit the application personally, being assisted mandatorily by his or her legal representative.

Regarding the interviews of unaccompanied minors, an eligibility counsellor with special training carries out the interview in the presence of the legal representative. Minors seeking asylum are interviewed in all cases when this is possible. The legal representative makes all the necessary arrangements in order to prepare the minor prior to the interview. The eligibility counsellor shall inform the minor about the aim of the interview and the possible consequences it may have. During the interview, the eligibility counsellor shall take into account the minor's level of maturity and intelligence.

Recommendations:

- The rights of asylum-seeking children to be prepared and informed of the procedures and their right to be heard in asylum applications are well guaranteed in Moldovan law. It is recommended that the Law on Asylum be well monitored.
- It is recommended that, in civil law cases, all children, regardless of their age, be given the opportunity to be heard according to their level of maturity and development.
- Legal provisions should be made to ensure that children are able to be heard in all administrative proceedings and are supported in doing so, according to the example of the hearing of asylum-seeking children

Conclusions

“To tell them [‘the adults’] that we have to be listened to because we, the new generation, will further build the world.”

Quotation from a Moldovan child in focus group meeting

The review contains specific conclusions and recommendations on the implementation of children's right to participate in different settings and situations and in Moldovan legislation and policies. In addition, there are more general conclusions and recommendations that can be drawn from it.

In general, child and youth participation was not really embedded in Moldovan culture until 1991, the year when the country became an independent state after the dissolution of the Soviet Union. Considering that the Republic of Moldova has only had 20 years of experience in raising awareness and promoting citizens' and children's participation, and taking into account the country's difficult economic situation, a range of legislative acts and positive good practice examples involving children's participation have already been developed.

The key conclusion which can be drawn from the Moldovan review is linked to the history of the country. Before 1991, there was no tradition of participation in political culture at all levels, and accordingly no child and youth participation. In order to bring a change in culture, citizens, including parents, professionals, local, regional and national government representatives and children have to be made aware of children's rights and of the child's right to be listened to and taken seriously. An awareness-raising campaign needs to be organised to achieve this. A step-by-step process to improve child and youth participation in the Republic of Moldova is therefore proposed.

This step-by-step process needs to involve research among adults on how they perceive participation; the development of an awareness-raising campaign, including a clear definition of child participation and what it means in practice; the training in child participation of professionals working with and for children and of children and young people themselves; an assurance that the campaign particularly focuses at local level, which is the closest to the day-to-day experiences of children and young people; an assurance of the equal participation of all children; and the passing of laws for setting up child and youth consultation mechanisms at different levels of decision making within Moldovan society.

The forthcoming Action Plan on Children's Rights is a welcome step in ensuring that children participate in decisions affecting them in all different settings and situations in Moldovan society. It is recommended that children and young people be involved in its drafting and implementation process and that the plan integrate a step-by-step awareness-raising campaign regarding children's participation.

Regarding the legal framework regulating children and young people's participation, in several areas good laws are in place, notably alternative care, asylum and immigration procedures and juvenile justice procedures. However, there are other areas where hardly any regulations are in place or where regulations exist only in some municipalities or regions but not across the country. In these areas, local and regional children's councils, consultative bodies for local, regional and national decision making, school councils and councils in alternative care institutions often do not exist at all or hardly at all. In cases where school councils exist these are often not seen by the pupils as representing their interests. Moreover, there are no regulations which ensure that children and young people have to be informed about their rights in relation to different settings and situations. The adoption of more national, regional and local regulations is therefore recommended, in order to ensure that children are able to participate in different settings and be informed in a child-friendly and accessible manner. Monitoring mechanisms for these regulations need to be in place. To this end, co-operation between the state and non-governmental organisations is crucial.

Good practice examples of local, regional and national children's councils exist, including the local youth and children's councils, the National Children's Advisory Council, the local councils for children and the regional children's consultative councils. However, the municipal case studies show that not all local children's councils are being listened to. Moreover, the different consultative councils do not exist in all municipalities and regions. It is therefore recommended that legal regulations be adopted to ensure the establishment of local and regional councils throughout the country and to ensure that good practice examples are shared.

An excellent good practice example is the Moldovan Working Group on Child Rights Monitoring, created in 2008. It recognises that "the best experts in the field of child rights are children themselves".⁷⁰ The working group is composed of children aged 14-17 from across Moldova, who collected opinions from their peers regarding their knowledge of children's rights and the implementation of children's rights in Moldova. The results of these consultations were published in a report. At the request of children involved in the working group, new small groups at local level have been created to ensure continuity and to make their work more permanent.

Since its establishment in 2008, the Parliamentary Advocate (Ombudsperson) for Children's Rights has aimed to promote and protect the rights and interests of children and young people under the age of 18. Though the Parliamentary Advocate for Children's Rights could play a positive role, according to her mandate, she lacks adequate human and financial resources to exercise her activities effectively.

During the review process, children gave as the reason for their inability to participate, their "lack of time" due to too many "school" and "work" activities, including child labour in household activities and in other activities aiming to contribute to their families' financial security. In addition, many children have to take up their parents' household and caring responsibilities for younger brothers and sisters due to their parents' migration and work abroad. Among these children, many children are no longer able to attend or continue school. It is recommended that children be prevented from working and that measures are taken to ensure that all children are able to attend primary and secondary schools. The Action Plan on Child Labour 2011-2012 could be a useful tool for this.

70. Igor Guzun (ed.), op.cit.

The migration of parents, which accounts for 25% of Moldova's economically active population, is having a great impact on the lives of children affected, including the contact between children and their parents: 177 000 school-age children are "left behind" by one or both parents. Survey results revealed that a larger group of children "left behind" felt that their views are always or most of the time listened to than the average group of children than were questioned about this in Moldova. As suggested earlier in this report, a hypothesis is that children are sad not to be with their parents and for this reason they might "romanticise" and "idealise" their relationship with their parents and believe that their parents would always or most of the time listen to them. The outcome could also be a result of how children understand the meaning of participation: "they receive what they ask for in terms of material goods and presents". Whatever the reasons, it is recommended that more research is carried out into how children left behind by migrant parents think about participation and how their views are taken into account.

An interesting outcome of the review was the difference in results of the survey carried out among Moldovan children and the focus group consultation. The survey results showed a more positive picture of how children perceive being listened to and taken seriously within different settings in Moldovan society, while in the focus group consultations, children had strong opinions about often not being listened to at all, indicating that their right to participate and other children's rights, such as those relating to child labour and violence against children, had been violated. This led to the tentative conclusion that the outcomes of the focus groups should be trusted more than the outcomes of the survey, since many children filled in the survey with their teachers being present, while the children in the focus groups felt safe and secure to give their own opinions. The answers to the survey questions might therefore not be considered as totally independent: "they filled in the socially desirable answer". It is recommended that children are consulted in secure and safe surroundings, where they can freely and independently give their opinions and where their views are taken seriously.

In cases where child participation mechanisms exist, equal participation is ensured on "paper". However, in practice, children from disadvantaged groups, including for example Roma children, are often not able to participate in organised participation activities. It is recommended that all children have equal chances to participate.

Training on children's rights, including children's right to participate, is included in teacher's education, and it is organised by the National Council for State Guaranteed Legal Aid and the National Institute for Justice for legal professionals working with children. It is recommended that these training programmes be extended to other professional areas, such as medical and health professions and public administration. Capacity building of professionals working with and for children needs to be improved, in particular by providing pre-service and in-service training. At the same time the curriculum of professionals needs to be revised with the aim of greater sensitivity to child participation.

Regarding age limits on children's right to express their views, taking into account the best interests of the child, the Republic of Moldova considers children above the age of 10 years able to have their voice heard in civil law cases. This includes placement into alternative care, including residential care homes, adoption and foster care, and in the evaluation of care decisions. Compared to other European countries this is quite low and it deserves to be applauded that children are able to have their say on decisions which impact significantly on their lives.

Many of the recommendations in this review do need adequate resources to be implemented. Acknowledging the difficult current economic situation in the Republic of Moldova, there is a need for more human and financial resources to ensure Moldovan children have the opportunity to exercise their right to participate in all matters affecting them, as laid down in Article 12 of the United Nations Convention on the Rights of the Child.

In conclusion, within 20 years the Republic of Moldova and civil society in Moldova have taken important steps towards the implementation of children's right to be heard and listened to seriously, including their participation in this policy review. Now it is important for decision makers to take this forward and to implement the step-by-step process to ensure a change in culture and attitude among Moldovan citizens, both adults and children.

Appendix I: Methodology for the policy review on child and youth participation

The review should be based on General Comment No. 12 (2009) of the UN Committee on the Rights of the Child, on the right of the child to be heard.⁷¹

General Comment No. 12 states that, “the child’s right to be heard imposes an obligation on States parties to review or amend their legislation in order to introduce mechanisms providing children with access to appropriate information, adequate support if necessary, feedback on the weight given to their views, and procedures for complaints, remedies or redress” (paragraph 48); and “State parties should carefully listen to children’s views wherever their perspective can enhance the quality of solutions” (paragraph 27).

Children and youth are those defined in the United Nations Convention on the Rights of the Child (UNCRC) as below the age of 18.

An in-country review team, led by a national co-ordinator, together with the European consultant will co-operate in:

1. gathering preliminary data, and
2. in-depth data on child and youth participation within the state party.

The in-country team is supported by a reflection group of children. This group will be involved in the in-country team throughout the review period.

Selection of the children (six in total) needs to be balanced (age/sex/background/interests, etc.). Selection will be carried out by the in-country group together and will ensure that two children are from a disadvantaged background, two children are below the age of 12 and two children are between 13 and 18 years old.

1. Gathering preliminary data on the state party:

Legal and policy analysis – desk review combined with face-to-face interviews

In order to fulfil the obligations of Article 12, states parties should adopt several strategies. These strategies need to be verified by desk research into national policies and legislation by the in-country review team.

⁷¹ United Nations Committee on the Rights of the Child, General Comment No. 12 (2009), CRC/C/GC/12, 1 July 2009.

Questions:

1. Are restrictive declarations and reservations to Article 12 made by the state party?
2. Is Article 12 of the UNCRC embedded in the country's constitution?
3. Does the state party have a government department or agency responsible for ensuring the implementation of Article 12 of the UNCRC?
4. Does the state party have a national strategy or policy promoting Article 12 of the UNCRC? If yes, is this specifically for promoting or for implementing Article 12?
5. Which (general) laws, regulations, institutional codes and policy documents are in place to ensure that appropriate conditions are ensured for children to be supported and encouraged to express their views? (Laws and regulations on specific focus areas to be requested separately and in more detail, see below.) Are these laws and regulations regularly evaluated with regard to their effectiveness?
6. Are there specific legal judgments, including court decisions, which refer to the need to implement the right of the child to be heard?
7. Is an independent human rights institution, such as a children's ombudsperson or commissioner with a broad children's rights mandate established?⁷² If yes, can a description of its mandate and activities be given? If not, why not?
8. Is training provided on Article 12, and its application in practice, for all professionals working with, and for, children, including lawyers, judges, police, social workers, community workers, psychologists, caregivers, residential and prison officers, teachers at all levels of the educational system, medical doctors, nurses and other health professionals, civil servants and public officials, public prosecutors and asylum officers?
9. If yes, what type of training is given and is the effect of the training on children's participation evaluated? (For example, is the training ongoing for any new staff working with and for children?) If not, why not?
10. Is training available to staff working in voluntary organisations?

Knowledge of right to information

The right of information (Article 17) is extremely important in connection with Article 12. Children need access to information in formats appropriate to their age and capacities on all issues that concern them. This includes, for example, information on their rights, national legislation, policies, local services, and appeals and complaints procedures. States parties should consistently include children's rights in school curricula. The right to information is to a large extent a prerequisite for the effective realisation of the right to express views.

Questions:

11. Is the state party ensuring that children and young people receive information concerning issues affecting them in a child-friendly language?

⁷² See the United Nations Committee on the Rights of the Child General Comment No. 2 (2002) on the role of independent human rights institutions.

12. Are there any laws and regulations ensuring that children are receiving the appropriate information to allow them to take decisions and express their views? For example, in health issues: children must be provided with information in formats appropriate for their age, about proposed treatments, their effects and outcomes, to be able to contribute to the planning and programming of services for their health and development. Ask children who have been through the health-care system if these laws and regulations are put into place.
13. Do children receive independent information, for example, in relation to legal proceedings, where advocates have to provide children with independent information? For example, how is this regulated in divorce and separation cases?

Knowledge of children's right to be heard and the role of the media

The right to freedom of expression (Article 13) is important in connection with Article 12. The freedom of expression relates to the right to hold and express opinions, and to seek and receive information through any media. The combination of these two articles contributes towards building children's capacities to exercise their right to freedom of expression.

Questions:

14. What is the general attitude towards the child's right to be heard in the state party's society? Are citizens generally positive towards children being able to give their views and do they listen to these seriously? In the event that there are negative attitudes towards a child's right to be heard, is the government undertaking any public campaigns, including opinion leaders and the media, to change widespread customary conceptions of the child?
15. What is the attitude towards a children's right to be heard in the media? Are children pictured in a positive or negative way in the media or in a balanced way? Give concrete examples of this.

Gaps in relation to national legal and policy analysis?*Questions:*

16. With regard to the outcomes of the previous review questions, what gaps exist to ensure the full implementation of the child's right to participate?
17. Is the state party making any distinction with regard to age limitation on the right of the child to express his/her views? (For example, in most countries children below 16 are not allowed to vote or there are age limitations to participate in medical decisions or legal proceedings.) If yes, in which settings?
18. Where child participation legislation and policies are in place, are the views of the children given due weight in accordance with their age and maturity? This means, are the children not only listened to, but are their views also carefully considered in measures affecting them? In relation to this, the question needs to be answered: are children actively participating in decision making about their lives and, if so, how? This also means that the "best interests" of the child (Article 3)⁷³ and the right not to be discriminated against (Article 2) have to be respected and taken into consideration where the state has a responsibility to listen to the child as laid down in Article 12.

⁷³ See Stoecklin, D., "Réflexivité, participation et capacité. Le droit des enfants de participer", in J. Zermatten & D. Stoecklin (eds), *Norme juridique et réalité pratique : contribution à un nouveau contrat social*, Sion: IUKB/IDE, 2009, pp. 75-109, in which the authors push further the analysis of how concrete tools do favour the consideration of the child's opinion in decisions taken in his/her best interests.

2. In-depth gathering of data

The implementation of the right to be heard in different settings and situations

The right to be heard has to be implemented in the diverse settings and situations in which children grow up, develop and learn. Various ways of influencing the implementation of the child's right to be heard are available: states parties can use these to foster children's participation.

The family

The family is the primary place where children grow up, "where they can express their views freely and be taken seriously from the earliest ages" (paragraph 90). Through legislation and policy, states parties should encourage parents, guardians and child-minders to listen to children and give due weight to their views in matters that concern them. The state party is also encouraged to promote parent educational programmes, which build on a relationship of mutual respect between parents and children; involvement of children in decision making; the implications of giving due weight to the views of every family member; understanding, promotion and respect for children's evolving capacities; ways of dealing with conflicts within the family. Crucial within family relations is the focus on the child's right to be heard.

Questions:

1. Does the state party have any legislation or policies encouraging parents to listen to children and to give due weight to their views in matters that concern them? Describe the existing legislation and policies and ask children whether they are consulted in family life and whether they believe that their points of view are taken seriously/listened to.
2. Does the state party have any parent educational programmes, including one or more of the above-described issues? If so, are there any statistics on how many parents do make use of these parent educational programmes?
3. Are children consulted by their parents when one or both of them decide to migrate to work abroad? If yes, are their views taken into account and listened to seriously by their parents? If children are not consulted, are they informed by their parent(s) that they will migrate for employment reasons? (Ask children.)
4. Do parents organise someone/some people to take care of or support children during their absence? If yes, are children consulted regarding the decision of who should support them or take care of them? (Ask children.)
5. If there is a person assuming the parental role/taking care/supporting children during their parents' absence, does this person listen to children and take their views into consideration when deciding about issues affecting those children? (Ask children.)
6. Has any research been carried out with children on how they feel and what their opinions are on the absence of their parent(s)? How do children communicate with their parents when one or both parents have migrated? (Ask children.)

Alternative care

In all Council of Europe member states a group of children live in institutional care, for different reasons. This can be alternative care to replace (temporarily) the family, juvenile justice institutions or other institutions.

Questions:

1. Does the state party have legislation or regulations in place to ensure children in all forms of alternative care, including in institutions, are able to express their views freely? If yes, which ones?
These should include:
 - legislation that provides the child with the right to information about any placement, care or treatment plan;
 - the right of the child to be heard and that his/her views are taken into account in the development of child-friendly care services;
 - a competent monitoring institution, such as a children's ombudsperson;
 - the establishment of mechanisms, such as a representative council of the children in the residential care facility, with the mandate to participate in the development and implementation of the policies and rules in the institution.
2. Where these regulations or legislation exists, are these implemented in practice? (Ask children.)

Health care

The child should have a right to participate in individual health care decisions as well as being involved in the development of health policy and services.

Questions:

1. Does the state party have legislation or regulations in place to ensure that children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age, where this is needed for the child's safety or well-being?
2. Does the state party have a fixed age for the right to consent of the child to medical treatment? If yes, is there an opportunity for younger children to express their informed view on his/her health/medical treatments, with this given due weight?
3. Are children and young people provided with clear and accessible information on their right to participation in paediatric research and clinical trials by physician and health care facilities? If yes, please describe what type of information.
4. Have children, who have been through the health-care system, received the appropriate information, according to their age, about proposed treatments, their effects and outcomes, to be able to take decisions on health treatments? (Ask children.)
5. Are children enabled to contribute their views and experiences to the planning and programming of services for their health and development? This information can be obtained via feedback systems for children using services or involved in research and consultative processes and can be transmitted to local or national children's councils or parliaments.

Education and school

Respect for the right of the child to be heard in education is fundamental to the realisation of the right to education.

Questions:

1. How are the educational authorities including the views of children and their parents in the planning of curricula and school programmes?
2. In what way are mechanisms set up to allow children to express their views on the development and implementation of school policies and codes of behaviour, such as school councils, pupils representation on school boards, class councils, etc? Are there any mechanisms in place to allow all children from the early years onwards to participate in their learning environment? If these mechanisms exist, how do these function in practice and how are these valued by children/young people participating?
3. Do children feel they can take part in decision making in schools? (Ask children.)
4. Is human rights and children's rights education part of the school curriculum (and if so at which school levels)?
5. Is education about democracy and active citizenship part of the school curriculum, and if so at which school levels?
6. Does the state party consult children at local and national level on all aspects of education policy? Is there a difference between consultations at the national and local level and if so can this be explained?
7. Is there an independent student or school pupil organisation? If yes, what percentage of the students/pupils – that is, young people understood to be below the age of 18 – are members of it?
8. Are children heard in decisions on their transition to the next school level, and if so how?
9. Is there any training for teachers on how to include child participation in education? Are teachers in practice involving children in education planning and activities? (Ask children.)
10. Can children take part in out-of-school education or activities when they drop out of school or when they leave school at 16?

Play, recreation, sports and cultural activities

Children are entitled to play, recreation and physical and cultural activities for their development and socialisation.

Questions:

1. Are children consulted on the design of playgrounds and the accessibility and appropriateness of play, recreational, sport and cultural facilities? If so, what type of participatory structures are used for this? Is the government making it a condition to consult children when play areas are built? If the government involves children in the decision-making process, at what stage of the process are children getting involved? Does this happen from the very start?
2. Are special mechanisms in place to allow very young children and children with specific needs (disabled children) to express their wishes in relation to play, recreation, sports and cultural activities and if so how?
3. Are children consulted on local youth work activities and are they provided with information on this? How is this consultation process taking place?
4. Are children consulted on the designing of new school clubs, including the programmes, the activities and the way activities are run and organised and if so how?
5. Are children consulted on "cultural" activities intended for minority groups in the country, for example Roma, Russian and Ukrainian children, and children with special needs? If this is the case, how are these children consulted?

In situations of violence

The UNCRC establishes the right of the child to be protected from all forms of violence and the responsibility for states parties to ensure this right for every child. The UN study on violence against children by Paulo Sérgio Pinheiro, states in its conclusions that "children have the right to express their views, and to have these views taken into account in the implementation of policies and programmes", and "children's organisations and child-led initiatives to address violence guided by the best interests of the child should be supported and encouraged".

Questions:

1. Is the state party prohibiting all forms of violence against children, in all settings? How?
2. Has the state party adopted a national strategy, policy or plan of action on violence against children with realistic and time-bound targets, co-ordinated by an agency with a capacity to involve multiple sectors, including children and young people themselves, in a broad-based implementation strategy?
3. Is the state party consulting with children in the development and implementation of legislative, policy, educational and other measures to address all forms of violence? If so, what participatory forms are used for this and to what extent are the most vulnerable and disadvantaged children involved in these consultation processes (e.g. street children, refugee children, exploited children)?
4. Which child-friendly reporting mechanisms are in place for children to report abusive behaviour against children, e.g. free telephone helplines or other places where they can report this in a safe and confidential way?

Judicial and administrative proceedings

States parties have specific obligations with regard to judicial and administrative proceedings:

- the child's right to be heard in civil judicial proceedings, including in divorce and separation cases; separation from parents and alternative care; adoption;
- the child's right to be heard in penal judicial proceedings, including the child offender; the child victim and child witness;
- the child's right to be heard in administrative proceedings; for example, are children able to address discipline issues in schools and juvenile detention centres, and asylum requests from unaccompanied children?

Questions:

1. Are there any laws and regulations in place to ensure that children are heard in all these different proceedings? If yes, are there any age limits for the children to be heard?
2. Are there any laws and regulations in place that ensure that children left behind without parental care, because their parents have migrated for employment reasons, are taken care of, for example by appointing a guardian? If yes, are children consulted about the appointment of the guardian? (Ask children.)
3. Is the guardian required by such laws and regulations to consult children? Do such people listen to children and take their views into account? (Ask children.)

Public life and civil society

Much of children's participation takes place at local and community level, such as local and municipal youth councils. However, according to the UN Committee on the Rights of the Child children should also be helped to form their own youth-led organisations and initiatives, which will create space for meaningful participation and representation.

Questions:

1. Does the state party support the establishment and maintenance of youth-led organisations? How is funding provided for these organisations and is this sufficient and sustainable? (This question might have different views/answers depending on whether youth-led organisations or other actors answer the question.)
2. If youth-led organisations are supported, how many of these organisations exist, what is the age-level involved in these organisations, is it a local, regional, national or thematic organisation and what has the impact been of its work?
3. Do there exist local, regional and/or national children's councils or parliaments? If yes, what age groups are involved? Are different groups of children involved without discrimination, e.g. boys/girls, disadvantaged children such as disabled children, street children, refugee children, school drop-outs, etc.? What is their mandate?
4. What is the role of NGOs, civil society and churches/religious institutions in developing practices to support children to participate, without making it tokenistic? How is the state party supporting NGOs and civil society in their child participation work?

Children in the workplace

Children working at younger ages than permitted by law and International Labour Organization Conventions Nos. 138 (1973) and 182 (1999) have to be heard in child-sensitive settings in order to understand their views of the situation and their best interests. Children should also be heard when policies are developed to eliminate the root causes of child labour, in particular regarding education. Children should also be heard when worksites and conditions of work are examined by inspectors investigating the implementation of labour laws.

Questions:

1. Are children who work, who could for example work at home in agriculture or domestic tasks, asked about their views on their working situations and conditions by their employers?
2. Are (working) children consulted on local, regional or national government policies that deal with working children, in particular regarding their education?
3. Does the state party have laws in place to protect working children against exploitation? If so, are these laws monitored and are conditions of work for children examined by inspectors? When inspectors examine working conditions for children, do they consult children on this?

Methodology to review the specific policy areas

The answers to the questions concerning the different policy areas need to be found by desk research, online survey, focus group meetings, municipal case studies and face-to-face interviews.

Desk-research

The desk research includes research into the state party's legislation, regulations and policy acts. Apart from this, academic research and existing consultation results/opinion polls will have to be reviewed.

Focus groups of children and face-to-face interviews

Face-to-face interviews will be carried out with the relevant stakeholders, including children, in the different fields described above. The stakeholders to be interviewed will be agreed in consultation with the in-country team.

Focus groups of children and young people will be set up to stimulate children and young people's ability to reflect on their own lives and therefore also on their participatory experiences.

The tool to be used for both face-to-face interviews and focus group discussions is the model developed by Daniel Stoecklin, the "kaleidoscope of experience", to be combined with the "world cafés" technique (<http://www.co-intelligence.org/P-worldcafe.html>), which is a living network of conversation around questions that matter.

The stakeholders to be interviewed are (adult) representatives from the national, regional and local authorities; schools, NGOs, youth workers, health workers, childcare workers, etc.; and children and young people (optional).

Focus groups of children and young people and individual interviews with children should be carried out with a representative group of children, involving different age groups and different backgrounds (boys, girls, migrant backgrounds, ethnic backgrounds, disabled children, children in care, etc.).

Selection of these children will be carried out by the in-country group, ensuring that disadvantaged children are also involved. The focus groups will particularly work with existing groups of children. A minimum of four focus groups will be set up, each including four children below the age of 18 and including the reflection group of six children.

The European consultant will draft guidelines and questions for the interviews to be held within the country.

Case studies of selected municipalities

A selection of (two or more) municipalities will be chosen as case studies for the review. These will include a bigger and smaller municipality, cities and municipalities located in rural areas, geographically equally distributed, to guarantee a representative selection of municipalities. Three key representatives within the municipalities will be identified and interviewed, including one young person/child. The in-country review team will be responsible for carrying out the interviews or delegating this responsibility to a competent expert.

The interviews will particularly focus on the areas with the least or no data available on the issues listed above.

Online survey

An online survey (target $\pm 0.25\%$ of the official national children/young people population) will be developed for children and young people (aged 7-18) and will include closed questions

(multiple choice). The survey will only include broad questions and the outcomes of the survey will be complementary to interviews and focus group discussions and the specific case studies of municipalities.

It needs to be ensured that the survey is tested with a pilot group of children before being placed on the Internet. This could be the focus group of children. The survey has been used in a previous country review.

Ensure a good marketing strategy to ensure that the widest possible group of children reply to the survey. Ensure that existing child and youth councils or groups both at national and municipal level are participating in the surveys.

Ensure that disadvantaged children – either without access to the Internet, or who, due to disabilities for example, are unable to fill in the Internet survey – are consulted through face-to-face interviews, in focus group meetings or with their parents or caregivers, to ensure an inclusive approach to all children, since children are not a homogeneous group.

The survey will be distributed via existing mechanisms: websites, child and youth organisations, and NGOs.

Assessment and in-depth survey

This will be done through evidence gathering and a national hearing/working seminar on the draft report prepared by the European consultant, including the results of the desk review, municipal case studies, the online survey, the interviews and group discussions.

In this meeting the reflection group of children, the in-country team and the European review team will be involved.

Appendix II: Children's survey

May 2011

Hi,

Did any adult ever tell you that you have a right to express your opinion?

Do you know that this right entitles you to take part in decision making on issues concerning your life? That given this right, you can influence decisions concerning you – be it in a family, at your school or in a close neighbourhood?

Do you know that your opinion should be heard and taken seriously into account by adults?

How do you feel about adults taking you seriously? Do they consider your views? Yes? No?

or

Do you feel that adults don't discuss matters with you and take decisions without seeking your opinion? Yes? No?

We do not know what your answers will be but we are interested in finding out!

... and since there are many children and young people in Moldova, we have prepared the following questionnaire to let you tell us. It should not take you more than 10 minutes to fill it in and in case you feel like it or you need it, you can even be assisted by an adult.

This questionnaire has already been answered by children and young people in Finland and Slovakia. Now it is up to you to tell us how you feel that the right of children and young people to be heard is being respected in Moldova. You can therefore share a link to this survey with your friends.

Your answers will help us to understand better your feeling and understanding of your right to be heard and taken seriously.

This questionnaire is anonymous. We therefore won't ask your name. However, it would be very helpful if you could also answer several introductory questions, because it will give us a better picture of the kind of children and young people who have answered our questionnaire: Were those children from all parts of Moldova or only from some regions? Were they children who were not born in Moldova but who are living here? You can answer by ticking the appropriate box or by writing your answer in the field provided.

1. Is someone assisting you by filling-in the questionnaire?

yes

no

2. How old are you?

- 7-9
- 10-11
- 12-13
- 14-15
- 16-17
- 18 and more

3. Are you a boy or a girl?

- boy
- girl

4. Where were you born?

- in a village
- in a town

5. Select the county in which you were born

6. Where does your father work?

- in Moldova
- in another country
- he is unemployed
- I'm not sure

7. Where does your mother work?

- in Moldova
- in another country
- she is unemployed
- I'm not sure

8. What type of school do you attend?

- none
- primary school
- school for children with special needs
- 9-years secondary school
- general school
- high school
- vocational school
- boarding school
- other (specify)

.....

9. What is the name of your hometown?

.....

10. How did you become aware of this questionnaire?

- via friends on Internet
- via friends at school
- via teachers at school
- otherwise (please specify the event, webpage, organisation or person)

.....

11. How often do you think adults listen to and seriously consider the views of children and young people?

- always
- most of the time
- sometimes
- hardly ever
- never
- I'm not sure

12. How often do you think the following adults listen to your views and take them seriously?

	Always	Most of the time	Sometimes	Hardly ever	Never	I'm not sure	Do not know what/who this is	This does not apply to me
Parents/ caregivers								
Teachers								
Doctors/health workers								
Childcare workers in community centres, day centres and alternative care								
Childcare workers in boarding school								
Prosecutors, judges and lawyers								
Police officers								
In the media (TV, radio, Internet, press...)								
Public servants in the City Hall								
Public servants in the ministries								
Social assistants								

13. How much influence do you feel you have over decisions taken by adults? To what extent can you influence and change them?

	A lot of influence	Some influence	A little influence	No influence	I'm not sure	This does not apply to me
In your family						
In your school						
In the area where you live						
By your doctor or health worker						
In your boarding school						
Community centres day-care centres and alternative care						
By prosecutors, judges and lawyers						
By police officers						
By the City Hall						
By the ministries						

14. How much do you believe that the following organisations and adults help to protect children's and young people's right to be heard and taken seriously?

	Not at all	Very little	Rather little	Rather well	Very well	Really very well	I am not sure	Do not what/ who this is
The Local Children's Council								
The School Council								
The Youth Parliament								
Public Defender of Rights (Ombuds-person)								

	Not at all	Very little	Rather little	Rather well	Very well	Really very well	I am not sure	Do not what/ who this is
The Parliament of the Republic of Moldova								
Child helplines								
NGOs								
Someone else								

15. In the past 12 months (in the last year), have any of the following people told you that you have a right to express your opinion, to be heard and taken seriously? (You can tick more than one box.)

- Your parents/caregivers/legal representatives
- Your siblings
- Other family members
- Other children and young people
- Teachers and lecturers
- An adult working with you in leisure-time clubs (sports, music, etc.)
- A residential care worker
- Doctor or other health worker
- Prosecutors, judges or lawyers
- Police officers
- Youth workers
- Members of the local public administration
- Other adult
- I am not sure
- No one has told me a child has a right to be heard and taken seriously

Appendix III: Programme of child focus group meeting

Workshop on the implementation of children's right to participation

19-20 May 2011, Institutul Muncii, Chişinău

Objectives of the workshop:

At the end of the workshop the participants will be able:

- To define what child participation is;
- To analyse their personal participation experience;
- To determine the factors which facilitate and those which hinder child participation;
- To formulate proposals for the realisation of children's right to participation in Moldova.

Thursday, 19 May 2011

Timetable	Activity
13:45 - 14:40	SESSION I <ul style="list-style-type: none"> • Welcome! • Introduction. Presentation of the workshop objectives and agenda. Establishing ground rules • Participants' and facilitators' presentation • Definition of participation. Child's right to be heard
14:40 - 15:00	Break
15:00 - 18:00	SESSION II <ul style="list-style-type: none"> • Personal participation experience • Activities. Relationships. Emotions and feelings

Friday, 20 May 2011

Timetable	Activity
08:45 - 10:30	<p>SESSION III</p> <ul style="list-style-type: none"> • Review of the first day • Factors which facilitate/encourage and factors which hinder children and youth participation in family, school, health care services (part 1)
10:40 - 11:00	Break
11:00 - 13:00	<p>SESSION IV</p> <ul style="list-style-type: none"> • Factors which facilitate/encourage and factors which hinder children and youth participation in childcare facilities, cultural and free-time facilities, community life (part II) • Participants' lessons learned • Final conclusions and comments. Next steps • Closing

Appendix IV: In-country review team and other resources

In-country review team

Ministry of Labour, Social Protection and Family, Department for Family and Child Rights Protection

– *Mr Corneliu Țăruș*, Deputy Chief

Ministry of Labour, Social Protection and Family, Section for Child Rights Protection

– *Ms Anastasia Gruzi*, Senior Consultant

Ministry of Labour, Social Protection and Family, Department for Child Rights Protection

– *Mr Andrei Leu*, Consultant

The Centre for Information and Documentation on Child Rights

– *Mr Cezar Gavriiliuc*

The Centre for Information and Documentation on Child Rights

– *Ms Smiljana Frick*

UNICEF Moldova, Adolescents Service

– *Mr Sergiu Tomsa*, Participation Officer

National Youth Resource Centre

– *Mr Iosif Moldovanu*

– *Mr Viorel Babii*

– *Ms Claudia Dania*

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- National Strategy on Reproductive Health, Government Decision No. 913 of 26 August 2005.
- National Youth Strategy for 2009-2013, 25-XVI, 3 February 2009.
- Youth Friendly Health Services Concept, Decision of the Ministry of Health College of the Republic of Moldova, 29 November 2005.

The report *“Child and youth participation in the Republic of Moldova – a Council of Europe policy review”* analyses in a comprehensive and innovative way how the right of children and young people to participate in matters affecting them is implemented in the Republic of Moldova.

Taking as a starting point the child’s right to be heard, as set out in Article 12 of the United Nations Convention on the Rights of the Child, the report undertakes a legal and policy analysis of child and youth participation in the Republic of Moldova, where important steps were taken over the last 20 years. Children’s and young people’s opportunities to participate in all relevant settings are examined: in the family, alternative care, health care, education, recreation and cultural life, in situations of violence, in judicial and administrative proceedings, and in public life and civil society.

The drafting process of this policy review alone is a good example of the positive outcomes of empowering children to make their voices heard concerning issues affecting them. Lessons were learnt and conclusions were drawn on the basis of the experience of children and young people in expressing themselves in their daily lives, and there are clearly remaining challenges preventing children and young people from being heard and their views taken into account concerning decisions affecting them.

A reflection group of children accompanied the process from the beginning to the end and empirical evidence on children’s views was collected through focus group discussions and a survey covering around 1,200 children aged between seven and 17.

While analysing in depth the challenges for children’s and young people’s participation in the Republic of Moldova, the report also showcases interesting examples of good practice and progressive legislation. The report concludes by proposing a step-by-step process for bringing about a change in culture and attitude regarding children’s right to have their views heard and taken seriously.



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