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## **Moldova's Alternative Report for the Committee on Economic, Social and Cultural Rights**

*Human Rights Information Center is a non-governmental organization from Moldova, non-political and non-religious association, for public benefit, based on voluntary participation of its members associated for the promotion of the fundamental human rights, democracy and state of law, as the supreme values of the Republic of Moldova and the entire world.*

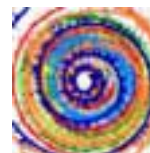
This submission has been written in consultation with the following NGOs: "Delfin" from ATU Gagauzia, public association "Refugiul Casa Marioarei", Association for the Support of Children with Convulsive Syndrome.

### **Comments with regard to Article 10. Institutionalized children and their adoption.**

1. According to the information provided by a local organization "Delfin" from Autonomous Territorial Unit of Gagauzia, the economic and social conditions in this region lead to the situation when many children are placed in institutions like boarding schools and orphanages. In 2007 in the Autonomous Territorial Unit of Gagauzia, there were registered 2448 children without parents' care, from which 2237 have parents, they are not deprived of parent's rights, but they don't have the possibility to raise their own children. In 2008 there were registered 2075 children without parents' care. Due to different circumstances, including the ones below, many families cannot raise their children. As a result, they prefer or have to place their children in boarding schools. The authorities should elaborate strategies and programmes to prevent this phenomenon, to keep the children in their original families and support them in any possible way. There are several reasons for this situation:

- Poor economic situation in the region, lack of working places, low salaries;
- Death of the parents, either one or both of them. There is registered a growth of number of such cases, 231 cases during 2007-2008 in ATU Gagauzia;
- Deprivation of parent's rights, also a growth of average 27% each year during 2007-2008 – 178 children in ATU Gagauzia;
- Newly born children abandoned in hospitals, 54 children in ATU Gagauzia during 2007-2008;
- Parents that can't raise their children due to poverty and poor economic situation of the family;
- Migration, 5467 children with one migrant parent and 1448 children with both parents migrated for work, registered in 2008 in ATU Gagauzia;
- Disappeared parents and deprived of liberty in prisons, 20 persons during 2007-2008 in ATU Gagauzia.

2. Although there is a growth of the number of children that cannot be raised by their own parents and the authorities are developing an individual analysis and plan for each child regarding their situation and further actions (according to the official information from the local authorities), a very small percent of children are adopted or leave in families under guardianship in the Autonomous Territorial Unit of Gagauzia, only 21 children adopted in 2007-2008 in this region. Many children remain in boarding schools and orphanages and are never adopted, don't leave in families and don't have a better and easier integration in the society. There



are several circumstances that could influence that, and as a result have a small number of adoptions in the region and in the whole country.

One of the impediments to adoption is that foreigners and stateless persons, which are residents, can adopt a child from Moldova only if they lived on the territory of Moldova for at least three years before requesting the adoption. International adoptions are allowed only if a child wasn't adopted for 2 years on the national level, which is a considerable period of time in the life of a child. Our recommendation is that this term should be reduced to 6 – 9 months or be excluded.

3. The Law on juridical regime of adoption since 2010 stipulates that the difference between the persons that want to adopt and the child should not exceed 48 years, which means that people after 66 years are not allowed to adopt. This law also doesn't mention any exact requirements regarding the financial situation of the person that has an intention to adopt. As a result this point is analyzed very subjectively.

4. According to the decision of the Government nr 512 adopted on 25.04.2003, persons with hepatitis B, C, D cannot adopt. In many other countries, including USA, all the children that are eligible for adoption are vaccinated, including from hepatitis. Which means they can be protected from any potential contamination with hepatitis.

#### **Recommendations:**

- The Law on the juridical regime of adoption should be amended in order to eliminate formal provisions and to let more children to be adopted as a result. This doesn't exclude the necessity to verify if the persons are eligible to adopt.
- As long as on the national level there may not be the necessary capacity to adopt all the children or a big part of them, international adoptions should be supported. Two years is a very big term in the life of any child and should be reduced or excluded.
- Public officers involved in the process of adoptions should be more open and supportive with the persons that are initiating the adoption process. These public officers should maintain a professional approach, avoiding to influence the persons that would like to adopt by their personal views or conceptions, and aiming to protect the interest of the child first of all.
- Persons with hepatitis should be allowed to adopt, as the disease can be prevented in children by vaccination.
- Parents should be supported by the Government to be able to raise their children and not send them to boarding schools. This includes working places, stable economy, social assistance to vulnerable families etc. This support should result into a smaller number of children in boarding schools and orphanages, but raised in their original families.

#### **Comments with regard to Article 10**

##### **Poor implementation of the mechanism for protection against domestic violence.**

5. Domestic violence is a serious issue that affects many families in Moldova. Women and children are often exposed to physical and/or psychological violence in their families and society in general. It is hard to estimate the exact number of victims, but it is a widely spread phenomenon. This problem is even more noticeable in the rural areas. Women usually are not informed about their rights. Many men are considering



violence an ordinary behavior, but the main issue is the lack of effective mechanisms of protection for the victims of domestic violence. Police doesn't always respond effectively to the calls regarding domestic violence and rarely get involved in the solution of the issue, its further prevention and the punishment of the abuser. Domestic violence is usually treated as family internal relationships that are not affecting the public and they don't want to get involved. A recent complaint to the European Court of Human Rights communicated to the Government of Moldova regarding the domestic violence is *Eremia and others against Moldova*. According to her lawyer Doina Ioana Straisteanu, Mrs Eremia was systematically beaten by her ex-husband. The violence continued even after numerous claims addressed to police, prosecution and Ministry of Internal Affairs. The protection order was violated several times by her ex-husband, he continued to beat his ex-wife and her minor daughters. The Government should present its position until the 16<sup>th</sup> of May 2011.

6. A law for preventing and combating domestic violence was adopted in 2007. The main mechanism of prevention was the protection order, which is a protection measure for violence victims against the abuser, established by the judge. The victim is addressing a claim to the court and the judge may decide which exact provision to apply to every particular case, in accordance with the art 15 of the law.

7. An issue is that once there is a restrictive order against the abuser, the victims are still not protected usually, because it is the responsibility of the local public authorities to do that. Due to different reasons they don't always follow the provisions of the law mentioned above. This information is also confirmed by the public association "Refugiu Casa Marioarei", which is working on the strategic litigation of domestic violence cases and the rehabilitation of the victims.

8. According to the 2010 Report of the Prosecution, for the combating of the domestic violence, in 2010 there were initiated 20 criminal investigations and transmitted to the Court and 34 claims to establish the protection order.

9. In 2009, there were registered 459 children as domestic violence victims, but in 2010, there were already 550. There real number of victims is very hard to estimate, because not all of them inform the public authorities or NGOs.

#### **Recommendations:**

- Local public authorities should elaborate strategies, plan their budgets and follow their obligations in conformity with the law nr 45 and other relevant legislation.
- Local public authorities should have an active role, prevent domestic violence and support the victims of domestic violence.
- As a big number of women and children are victims of domestic violence, the Government should create shelters in every district of Moldova and make sure there exists a specialist on domestic violence in every mayor's office. At this moment this function is realized mostly by NGOs.
- The Government should set a special institution that would monitor and investigate the implementation of the law nr 45 and other relevant legislation on domestic violence. This institution can be the Ombudsmen's office, supported by a strong administrative apparatus; qualified personnel and financial resources.

#### **Comments with regard to Article 12.**



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### Issues related to the health right of children with epilepsy and autism.

10. In Republic of Moldova, according to the national medical practice epilepsy is treated like mental diseases, however, according to the World Health Organization, epilepsy is a neurological disease. According to the Association for the Support of Children with Convulsive Syndrome, medical practice in Moldova is that children living with epilepsy are treated by psychiatrists starting with the age of 2-3 years, sometimes they are also treated in the Republican Psychiatric hospital “Codru”, Chisinau municipality. There is a lack of adequate medical treatment for such children and social programmes to support their parents.

11. Autistic children in Moldova are considered to be seriously ill. The medical system does not take into account the particularities and needs of such a child, which is treated only from the medical perspective of a mental illness in Moldova, recommending a treatment for reducing aggression by drugs leading to the inhibition of behavior and mental development. Subsequently this leads to mental retardation of these children.

There are no special programmes for supporting autistic children and their families. Autistic children are awarded the degree of disability, to be reviewed by the Medical Commission of Vitality Expertise every two years, although it is scientifically proven that autism is a disability for the rest of life and will never be treated.

### Recommendations:

- To exclude epilepsy from the classification of mental diseases and to include it only in the category neurological diseases.
- Anti-convulsants and anti-epileptic treatment for children to be carried out only by Neuropediatric physicians.
- The anti-convulsant, anti-epileptic treatment and investigations necessary for children between 0-5 years old to be provided by the state free of charge.
- To sensitize the society on the fact that the epilepsy is a neurological disease and not a mental one. This should prevent cases of intolerant treatment in society of such children.
- The degree of disability should be conferred for life to children with autism and shouldn't be reviewed every two years.
- To exclude medication treatment for children with autism and provide psychological treatment and assistance in conformity with international practice.
- The Government should elaborate social policies and programmes of inclusion of children with epilepsy of autism, especially what concerns their education.

### Comments with regard to Article 12

#### Sexual education.

12. During 2005, Ministry of Education in collaboration with UNICEF elaborated and introduced a special course in public schools, named “Life skills”. The programme was elaborated based on the similar programme from Great Britain. This manual and the entire course was about different issues, including sexuality, sexual and reproductive rights, prevention of HIV/AIDS, sexually transmissible diseases, teenage pregnancies, sexual violence, drugs etc. Under the pressure of religious groups, including the main Moldovan



Eparchy of the Russian Orthodox Church, this educational course was excluded from the curriculum. A lot of the teachers refused to return the manuals, as they were very supportive of this course and wanted to continue following it. The specific number was never estimated, but several NGOs that monitored the situation confirm that the majority of teachers, parents and children were very supportive of the programme (according to the National Coordinating Council of HIV/AIDS and TB). For example, in the district Falesti, village Navaret, from 470 parents, 390 confirmed their permission to study the programme, including the “sexuality” topic.

13. At this moment, there is no sexual education and life skills education in public schools in Moldova. The preventive mechanisms for teenage pregnancy, for HIV/AIDS and other issues are resumed to the rare discussions with class master about some of the problems and sometimes with the school psychologist. This communication between school and children on sensible issues doesn't have a permanent character. There is a lack of information and qualified personnel in public schools that could somehow cover this problem. More attention should be brought to school programmes on sexual and reproductive rights, especially in the situation when many parents have to migrate for work, children are supervised by their relatives, sometimes even leave alone by themselves. In such a difficult situation, they don't get the necessary education, information and care, including those ones needed to prevent teenage pregnancies, HIV/AIDS etc.

14. Human Rights Information Center has serious concerns regarding the negative impact of the religious groups in Moldova that interfere into the public policies and political decisions, with no objection from public authorities, contrary to Moldovan Constitution. The exclusion of the “Life skills” programme is not the only one case when the decision was made under the pressure of the religious groups and the main Moldovan Eparchy of the Russian Orthodox Church. Since 2010, the Government introduced an optional course in schools called “Basics of Orthodoxy”, which was financially supported by the public budget. However, issues like sexual education are still not discussed with children, even those 16-19 years old in the final years of the general secondary education.

#### **Recommendations:**

- The Ministry of Education should introduce as an obligatory mandatory course “Life skills” containing sexual and reproductive rights education, especially when there already exist the elaborated programme and manuals. But there should be also a possibility to refuse to study the course, for those that consider it incompatible with their views.
- Class masters and school psychologists should be well trained to be able to hold an adequate discussion with children regarding sexuality, HIV/AIDS, teenage pregnancies and protection etc.
- The Government should have a strong and human rights based position and resist the numerous cases of pressure from the religious groups in Moldova on different issues, especially the pressure that comes from Moldovan Eparchy of the Russian Orthodox Church.
- The separation of state and church principle, Moldova as a secular state and non-discrimination of other religious cults should be respected.

#### **Comments with regard to Article 15**

##### **Education in other languages than the official language.**





15. According to a comprehensive national population census of 2004 and the Ministry of Education Republic of Moldova, nearly 400,000 inhabitants of Moldova do not have conditions for studying in their native language. These inhabitants are those for which their first language is Ukrainian, Gagauz, Bulgarian, Romani. Children whose native language is other than the Russian or the State language, are forced to study in a foreign language. This affects both the quality of education of such children, as well as preserving their ethno-cultural and linguistic identity. In addition, the level of the state language taught to these groups in the schools is often poor, which leads to difficulties in integrating them into society, and to further discrimination in employment and participation in political life.

16. The most vulnerable group are the Roma. They are often facing the risk of social exclusion and marginalization. This is due to their poverty, the dire social conditions, high rates of illiteracy, high unemployment, exclusion from the decision-making process, stigmatization and negative stereotypes.

17. Only 4% of Roma hold University degree (the national average is 38%). Every fifth Roma child cannot read or write. Children do not attend school for various reasons:

- Romani children are not admitted to school if they have no documents;
- Romani children taken to school, do not attend it due to the fact that their parents cannot afford to buy them the necessary school supplies, textbooks and clothing;
- Romani children are being offended, stigmatized and discriminated in schools by teachers and other children.

**Recommendations:**

- The Government of Moldova should respect the provision of the art 8, of the Education Law, which says that: "(1) The State ensures, basing on the Constitution, in accordance with the articles 18,19 and 20 of the Law regarding the functionality of languages on the territory of Republic of Moldova, the right to choose the language of education and training on all the levels and stages of education. (2) The right of the citizens to education and training in their native language is ensured by creation of the necessary number of institutions education, classes, groups and the conditions of their functioning."
- To ratify the European Charter for Regional or Minority Languages;
- To guarantee the right to native language.

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