



# **Toolkit for Children's Participation in Law-Making in Moldova**

**The Toolkit for Children’s Participation in Lawmaking in Moldova** was developed as part of the project "Advancing the rights, empowerment and protection of child human rights defenders (CHRDs) in promoting human rights in Moldova," implemented by the Child Rights Information Center (CRIC) and Child Rights Connect, in partnership with the Ombudsman for Child Rights, with the support of the Ville de Genève.

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## Aims, scope and the process of development of this toolkit

Laws have a profound influence on our lives, they shape our relationships and societies. The quality of laws depends on the way they were created. As it is widely acknowledged, public participation that is broad and includes interested and affected groups can increase the quality of laws (see [OSCE/ODIHR](#), 2023)<sup>1</sup>. Transparency and public participation are recognized as an integral part of the law-making process in Moldova, too (see Law No. 100/2017 on Normative Acts and Law No. 239/2008 on Transparency in Decision-Making).

However, the practice of law-making around the world is lagging. Law-making processes “often appear distant, inaccessible, complex or monopolized by politicians or technocrats.” ([OSCE/ODIHR](#) 2023:1; [GRECO](#), 2024:22-25) This is especially true from the point of view of children.

Despite growing awareness of children’s rights to take part in public decision-making (see for example [OSCE/ODIHR](#) 2023:106), examples of children’s participation in law-making around the world remain scattered ([Save the Children](#), 2020).

Moldova is not an exception. Awareness and support for children’s rights, and their interest and capacities to contribute to public decision-making is growing. However, although children were consulted, they were not informed afterwards how their views were considered in development of the National Action Programme for Child Protection ([link](#)). Building on these developments, this toolkit aims to advance support for meaningful child participation in law-making in Moldova.

Meaningful child participation meets the basic requirements for child participation as defined by the Committee on the Rights of the Child in their General Comment 12: informed and transparent, respectful, relevant, inclusive, safe, child friendly and accountable. Moreover, adults involved in this process are well prepared for their particular roles in this process - for example to design child-friendly processes and materials and/or to communicate with children directly (CRC Committee, [GC12](#)).

“Truly democratic societies cannot be built unless we listen to children (those under the age of 18). Child participation in political decision making strengthens their understanding of democracy and their skills in dialogue, their understanding of their rights and their capability to resolve conflicts without violence. It enables them to respect themselves and others and increases confidence and self-esteem. It is also an essential building block of democratic security and the stability of our societies.” (CoE 2414 Resolution [here](#) para 6)

<sup>1</sup> “Laws have an immense, although often unforeseen, influence on our daily lives, shaping our societies, our rights, our obligations and personal freedoms. The quality of laws that impact our lives is a direct consequence of the manner in which they were developed and consulted.” OSCE/ODIHR, 2023:3.

This toolkit was initiated in the framework of the [Ombudsperson's call](#) for a comprehensive law on human rights defenders in Moldova. Its scope is however broader, and it can be used to support child participation in any law-making process. Based on international and national standards and existing and emerging practices, building on and complementing existing guides (such as [CNTM, 2022](#)), this toolkit aims to provide practical advice to all actors involved in law-making according to their roles.

The focus of this toolkit is on child participation in the development of organic and ordinary laws. Although organic laws require a higher level of procedural rigour, their law-making procedures share common key stages. Any significant differences between the two will be explicitly specified as needed.

This toolkit has been developed collaboratively. The Child Rights Information Center (CRIC) Moldova has led and coordinated its development with support and guidance from Child Rights Connect and in consultations and collaboration with a variety of national stakeholders such as:

- a group of child human rights defenders
- civil society organizations with expertise in children's rights specifically or broader human rights, including in public participation in decision-making processes
- the Ombudsperson for Children's Rights and
- representatives of the public authorities.

The toolkit has the following structure:

- A short introduction into children's rights to participate in public decision-making followed with an overview of the key stages in the law-making process in Moldova with possible entry points for children.
- Specific and practical advice is provided to public authorities and the Ombudsperson for Children's Rights in accordance with their roles in the law-making process.
- A separate, child friendly summary of this document to make sure that children can understand and engage in this process meaningfully.

## Children's rights to take part in law-making

Child participation in law-making is grounded in international and national legal standards.

Based on article 1 of the UN Convention of the Rights of the Child ([CRC](#)), children are defined as any person under the age of 18 years.<sup>2</sup>

According to article 12(1) CRC , States Parties must ensure that children capable of forming their own views have the right to express those views freely in all matters affecting them, and that due weight should be given to these views in accordance with their age and maturity.

Article 12 imposes an obligation on the State to introduce active measures to enable children to be heard and to take their views seriously in any decision-making that affects children. This applies to public-decision making (CRC Committee [GC12](#), 2009 para. 12, para. 127-129). To make sure that children are heard in public decision making, States are required to establish/institutionalize child participation mechanisms and create an enabling and safe environment for child- and youth-led organizations. (CRC Committee [GC12](#), 2009 para. 127-129)

For any decision-making process that affects children, including in relation to law and policy, **Article 12 requires that decision-makers**

### 1) actively seek children's views

- Following the CRC Committee's guidance as included in the General Comment 12 decision-makers should presume that children have the capacity to form their own views and recognize children's right to be heard both in law and practice without any age restrictions. All children, including children who may experience difficulties in expressing themselves and making their views heard, should be given the opportunity to be heard. Finally, decision-makers should provide adequate guidance, enabling and safe space for children to form their own views and express their views freely. (CRC Committee [GC12](#), para. 20-22). In Moldova, there are a number of children's councils and associations active on various human rights topics in different ways, including through monitoring, reporting and providing recommendations for improvement ([link](#)). Both children from councils and associations are keen to engage in a continuous and systematic way with decision-makers.

### 2) seriously consider these views

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<sup>2</sup> Taking into account related and sometimes overlapping groups and their (varying) definitions, adolescents and youth are considered by this toolkit as long as they are under 18. However, to make children visible as a distinct group of rights-holders and for the sake of clarity this toolkit will use the term of child/children throughout, except where it is important to highlight their diversity. (See also 2023 UN Secretary General Guidance Note for Child Rights Mainstreaming ([GNCRC](#)), page 4)

- In their guidance, the CRC Committee emphasizes that children’s views should be given ‘due weight’ - serious consideration by decision-makers. This applies both to children’s views received in consultations organized by decision-makers and those received from a group of children on their own initiative (with or without support of adult-led organizations). Decision-makers should inform children how their views were considered, including providing explanation to what was not included in the final decisions (as part of their accountability) (CRC Committee [GC12](#), para. 28-31). Children in Moldova are asking for such feedback. They too are interested to find out the results of decision-making processes in which they were involved, and what was the impact of their involvement.

### **3) in all matters affecting children**

- The CRC Committee promotes a broad understanding of ‘issues affecting children’ including those that might not be explicitly mentioned in the Convention (CRC Committee, 2009 para. 26-27). This clause was also included to strengthen child participation and make sure children’s views are heard and taken into account in *all* matters affecting children. To ensure this, the CRC Committee recommends that for any proposed policy, legislation, regulation, budget, or other administrative decision a child rights impact assessment (CRIA) should be carried out (CRC Committee [GC13](#), 2013 para. 99). The European Network of Ombuds for Children’s Rights (ENOC) has elaborated a guide for CRIA ([ENOC](#), 2020).<sup>3</sup>

### **4) applying standards for child participation**

- Last but equally important, General Comment No. 12 provides advice related to basic requirements for children’s participation in any context, settings and or level, including in respect of law-making (CRC Committee [GC12](#), 2009 para 132-134). These have been promoted in Moldova by a variety of actors, including the Ombudsperson on Children’s Rights and civil society organizations ([link](#)).

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<sup>3</sup> This guide has already been applied in Moldova by the Ombudsperson for Children’s Rights although in a different context - to assess the impact of COVID-19 measures implemented by the government ([ENOC et al](#), 2021). However, CRIA remains less known in Moldova.

To make child participation in public decision making possible, meaningful and sustainable, in conjunction with other CRC provisions Article 12 requires that children's right to be heard and have their views considered, should be

- Recognized by law (included in domestic/national legislation), including specifically in respect of legislative reform.
  - a. Legal recognition also extends to children's rights to freedom of expression, including freedom to seek, receive and impart information (see article 13 [CRC](#)) on legislative reform process; and the rights to freedom of peaceful assembly and to freedom of association to make their views heard on the need for reform and what it should include (see article 15 [CRC](#));
  - b. Moreover, these laws and policies should be specific and provide guidance on the format, structure, operation and evaluation of the child participation mechanisms used during the legislative reform.
  - c. Adequate resources should be made available to ensure sustainable and effective implementation of these laws and policies, including in respect of child participation mechanisms.
- Strengthen children's agency, capacity and knowledge to participate in legislative reform
- Create a political, social and cultural environment conducive to participation in legislative reform
- Build quality spaces and processes for child participation in legislative reform
- Build inclusive structures, involving vulnerable and marginalized children
- Ensure accountability, feedback and follow-up.

Article 24 of the Charter of Fundamental Rights of the European Union states that children “may express their views freely” and that their “views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

In line with Article 12 of the CRC, Article 15 of the recently adopted **Moldova Law on Children's Rights**, Law No. 370/2023, recognizes children's rights to have their opinion heard on any issue affecting them. It goes a step further to recognize, empower and protect children as human rights defenders. The respective paragraph of the Moldovan Law on Children's Rights reads as follow:

[Law No. 270/2023, Article 15] (8) The State recognizes, supports and promotes the concept of children as defenders of human rights, effectively protecting them in the exercise of their rights and activity in the field of human rights, creating all the appropriate and necessary conditions to empower children who *act* or *aspire* to act as human rights defenders, to express their opinion, to be heard, to participate in decision-making and to exercise their liberties, civil and political rights.

The UN Declaration on Human Rights Defenders ([UNDHRD](#)) does not create any new/additional human rights, but articulates existing rights in international law in a way that makes it easier to apply them to the practical role and situation of human rights defenders. It can enhance the



implementation of the CRC at the national level, particularly in relation to children's right to be heard, including in respect of issues that might not affect children and children's civil and political rights more broadly. (CRCT, 2020:1-2, 19, 23-24) Recognition of children as potential or acting human rights defenders might have a particularly empowering effect on children and strengthen their position and participation in law-making processes in Moldova. This toolkit aims to make a contribution in this respect.

## Law-Making in Moldova and Entry Points for Children

In Moldova, laws are characterized by their public, coercive, general, and impersonal nature. They must adhere to principles of legality, accessibility, and precision to be enforceable and applicable to all legal subjects (Law No. 100/2017, Article 4). Compliance with the Constitution, international treaties, and the European Union's legislation is mandatory (Law No. 100/2017, Article 3(3)). Laws are classified into three categories: constitutional, organic, and ordinary (Constitution, Article 72; Law No. 100/2017, Article 8(2)).

The law-making process in Moldova is carried out by democratically elected bodies, ensuring adherence to the rule of law and human rights obligations. Public participation is recognised as an essential component that should be facilitated through transparent and accessible processes to engage citizens meaningfully (see Law No. 100/2017 and Law No. 239/2008).

The main stages in law-making are established by the Constitution (Article 73-76) and Law No. 100/2017.

**Public participation** is an integral part of the law-making process and a cross-cutting topic at each stage. It is however most developed for stage 2: Law-drafting. Respective provisions of the Law on Normative Act (Law No. 100/2017) are detailed by the Law on Transparency in Decision-Making (Law No. 239/2008).

To ensure transparency and enable meaningful (informed, effective etc) public participation in law-making, adequate information should be made available, and accessible using various channels, including through the e-Legislation Information system by the public authorities in charge of the law-making process (Law No. 100/2017, Article 22). This is in line with the **principles of the Law on Transparency**.

- Informing citizens and their organisations as well as other interested parties is included as a principle in the Law on Transparency (Law No. 239/2008, Article 5(a)) and integrated/elaborated further throughout this Law. For example, this Law stipulates that interested parties have the right to request and obtain information related to the decision-making process, including receiving draft-laws accompanied by related materials, under the conditions of the Law on access to information; (Law No 239/2008, Article 6(b)). Interested parties include parties who might be affected by the laws/law-making process (Law No 239/2008, Article 2).
- The second principle is: ensuring equal opportunities for participation in law-making (Law No. 239/2008 Article 5 (b)). This principle has not been integrated as fully as the first one in the provisions of the Law. For example, public authorities are required to use various channels to increase the availability and accessibility of information, but there is no

explicit requirement to adapt the text of announcements, draft-law etc to make it more accessible to different groups of citizens. (See [OHCHR Guidelines](#) for States on the effective implementation of the right to participate in public affairs, 2018, para 68-69)

## Key stages, Public Participation and Entry Points for Children

### Stage 1: Initiation of the law-making process

The law-making process in Moldova starts with a legislative initiative. Members of Parliament (MPs), President of the Republic of Moldova, Government, People's Assembly of Gagauzia: The autonomous territorial unit of Gagauzia have the right to initiate drafting of a piece of legislation (Constitution of the Republic of Moldova, Article 73; Law No. 100/2017 Article 23(1-2)). These also have the right to elaborate draft-laws (Law No. 100/2017 Article 23(1-2)) and the obligation to make sure that the public has opportunities to participate in this process (Law No. 239/2008, Article 7). These will be referred to as public authorities further in this text.

The initiation of a law proposal is preceded by its preparation and a public announcement (Law No. 100/2017 Article 21(1.a)). Preparation might be more or/less comprehensive and depends on the changes proposed. In case of more substantive changes, various analyses might be conducted (and commissioned) by the public authorities which are making the proposal/initiative already at this stage and if this is the case, the results of such analysis must be made public along with a note that explains the need for the proposed legislative reform.

### Public participation and entry points for children:

- As any other citizen, children can propose to the public authorities to initiate a legislative reform and make/submit recommendations to influence/shape the framework and content of a law-proposal (Law No. 239/2008 Article 6). Children can do this on their own, through their representative bodies and associations, as well as through the Ombuds on Children's Rights or adult-led civil society organisations.
- Moreover, public authorities, especially those who are working for children (i.e. in sectors which affect children's lives directly) should actively seek, establish and maintain contact and partnership with children's representative bodies and/or associations such as initiative groups. When considering and making a law-initiative, public authorities should inform such bodies and associations and actively seek and take into account input received from them (e.g. through informal or formal hearings; reviewing existing (monitoring) reports and studies conducted by or with children)) (Law 239/2008 Articles 7 - 9)
- Finally, to make sure equal opportunities for children in law-making process, public authorities should actively seek and consider input from children in all their diversity, both in respect of the content and in respect of modalities for child participation in law-making/drafting (Law No. 239/2008 Article 5(b) There is a variety of modalities that public authorities can use to ensure public participation (Law No. 239/2008, Article 11(1)) and children can provide best advice which of these can make their participation more meaningful. This should be done early in the process (see CRC Committee GC12 para. 132-134)
- Once the decision about the initialization of a law-proposal is made, especially when this proposal affect children, the public authority should inform children, their representative

bodies and associations using child friendly materials and channels, including directly through e-mail and/or in collaboration with the Ombuds on Children’s Rights and civil society organisations working with and for children. (Law No. 239/100, Article 9)

**Stage 2: Drafting – Preparing the initial draft of the law and supporting materials**

Law-drafting starts with organisational arrangements such as by designation of the person responsible or creation of a working group by the authority responsible to elaborate the draft-law. (Law No. 100/2027, Article 21). The working group is made up of specialists from the public authorities, practitioners in the field and representatives of civil society; at least one member of the group must have a law-degree. External experts can also be contracted to support this working group. (Law No. 100/2017, Article 27)

Drafting of more complex laws should be supported/substantiated by various analyses, including in relation to socio-economic impact of the proposed law, comparative analysis especially with EU members etc. (Law No. 100/2017, Article 27\*)

Based on initial proposals, results of the analysis, consultations with interested parties and other available materials, the public authority/working group will prepare the initial draft as well as an explanatory note to substantiate the draft (and enable public participation) (Law No. 100/2017, Article 28-30)

The draft law and the explanatory note are then submitted for approval of the public authorities and institutions (those which will implement the proposed law), expert reviews as well as for public consultation. (Law No. 100/2017, Article 32-38)

While there are already regulations in place regarding public participation at this stage of the law-making process, additional action is required to enable meaningful participation by children.

Public participation	Entry points for children
<ul style="list-style-type: none"> <li>● Public consultations are conducted in parallel or before expert-reviews and approval by responsible and interested parties, including civil society organisations. (Law No.100/2017, Article 32(3); Law No. 239/2008, Article 10-11)</li> <li>● Opinions and recommendations submitted must be motivated (Law No. 100/2017, Article 5*)</li> <li>● The announcement/notice on the organisation of public consultation with a set of supporting materials should be made public including on <a href="https://particip.gov.md/ro">https://particip.gov.md/ro</a> at least 15 working days prior to finalisation of the draft-law.</li> <li>● The notice on the organisation of public consultation is accompanied by the draft-law,</li> </ul>	<p>While children can participate in the public consultation process using the dedicated channels, there are inherent challenges and limitations to their meaningful engagement. The information available on <a href="https://particip.gov.md">particip.gov.md</a> is not (easily) accessible for children, and the short deadlines hinder meaningful consultations in general (see <a href="#">GRECO 2024:62</a>).</p> <p>However, the legal framework does offer possibilities that could enable more meaningful child participation:</p>

<p>explanatory note etc. (Law No. 100/2017 Article 22, Article 32; Law No. 239/2008 Article 10 -11;)</p> <ul style="list-style-type: none"> <li>● The time-limit for submission of comments and recommendations will be at least 10 working days and it can be extended on request of the interested parties (Law No. 239/2008, Article 12(2))</li> <li>● In addition to a request for [written] opinions from civil society public authorities can use additional modalities to consult with the public [stakeholders - interested or affected groups] such as by: <ul style="list-style-type: none"> <li>○ establishing permanent or ad-hoc working groups;</li> <li>○ public debates;</li> <li>○ public hearings;</li> <li>○ public surveys etc</li> </ul> </li> </ul> <p>(Law No. 239/2008, Article 11(1), Government Decision No. 967/2016, Article 23)</p> <ul style="list-style-type: none"> <li>● Moreover, citizens themselves can request/propose consultations and the public authority responsible for the law-drafting process cannot refuse. (Law No. 239/2008, Article 11 (2.c and 2*))</li> </ul>	<p>Public authorities can be requested, especially in case of law-drafts that affect children, to</p> <ul style="list-style-type: none"> <li>● inform children, their representative bodies and associations using child friendly materials and channels, including directly through e-mail and/or in collaboration with the Ombuds on Children's Rights and civil society organisations working with and for children. (Law No. 239/100, Article 9 in conjunction with Article 5 - equal opportunities: child friendly language)</li> <li>● organise separate consultations to ensure children's equal participation in the law-making process (Law No. 239/2008, Article 5). Separate consultations would be more inclusive - sensitive and responsive - to the needs of children in all their diversity. They could be designed (together with children) and conducted respecting participation standards (CRC Committee, <a href="#">GC12</a> 2009 para 132-134).</li> </ul> <p>NOTE: If this happens, make sure to announce this through <a href="#">particip.gov.md</a>, to inform border groups of children and to make sure that interested children do not go through the citizens channel for consultations.</p>
<ul style="list-style-type: none"> <li>● The public authority/working group examines all comments and recommendations received as a result of public consultation, expert reviews and approvals. The final version of law is developed by integrating the recommendations of the public authorities and civil society representatives. It is then submitted to the parliament for further scrutiny and adoption.</li> </ul> <p>Note: A summary of recommendations received with the motivated response will be made public using different channels (see annex for summary Law No. 100/2017, Article 32(6); Law No. 239/2008, Article 12(3-6))</p> <p>Note: However, if the revised version of the draft-law has more than 30% of the text modified (in comparison to the initial draft), it must be</p>	<p>Children should receive updates about the process and feedback about the result of their involvement - how their input was considered. This can be provided in different formats for example a letter or an online briefing. It doesn't have to be as official as engagement with other actors in the process, but it should ideally be full, friendly, fast and follow-up (Lundy, 2018)</p>

resubmitted for approval and public consultation (Law No. 100/2017, Article 32 (7)).

### **Stage 3 - Adoption and publication of the law**

The Parliament can pass constitutional, organic and ordinary laws (Constitution, Article 72(1)). Organic laws need to be passed with the majority vote of the elected members of Parliament, after at least two hearings, while ordinary laws and decisions should be passed with the majority vote of the members present in the Parliament (Constitution, Article 74 (1-2). "The draft laws submitted by the Government, as well as the legislative initiatives brought forward by the Parliament members accepted by the latter, shall be examined by the Parliament in the manner and following the priorities fixed by the Government, including within the emergency procedure." (Constitution, Article 74 (3)).

Legislation adopted by the Parliament is sent to the President for promulgation (Constitution, Article 74 (4)), then it is published in the "Monitorul Oficial" of the Republic of Moldova. If the President has certain objections regarding the law, he has to submit it within two weeks to the Parliament for reconsideration. If the Parliament reiterates the legislation, the President has to promulgate it. It comes into force either at the date of their publication or the date specified in their wording, however, if it never gets published, it should be deemed non-existent (Constitution, Article 76).

### **Public participation and entry points for children**

- Children, members of children's representative bodies and associations can take part in the public meetings (Law 239/2008, Article 13) and or target the Parliament (as such) or any members of the Parliament with their advocacy while the draft law is discussed. Following the adoption of the law, they can engage with the President depending on whether they want to support the promulgation of the law or encourage the President to veto it. Once the law is published, children can prepare or contribute to a child-friendly version of the text to disseminate it among their peers.

Note: Given the current regulations and practice, most children would need additional support and guidance to be able to navigate and engage in this process meaningfully. Children can be supported and guided either by public authorities, the Ombuds for Children Rights or civil society organisations.

- Public authorities should keep children informed using various channels about the progress in decision-making process (Law 239/2008, Article 13) and its results (Law 239/2008, Article 15) using materials/language accessible to children child-friendly language (Law 239/2008, Article 5).

- Public authorities should consider any (additional, oral or written) input from children, children's representative bodies and associations during the process of adoption; and inform children how their input has been considered.

### **Stage 4 - Review of laws**

There is a possibility to amend (to modify or add new provisions) or repeal laws by a legislative act of the same level or higher (Law No. 100/2017, Article 62-69).

Implementation of laws is monitored to identify the extent of their application, the extent to which their objectives have been achieved, identify any unforeseen negative consequences and develop solutions and recommendations to improve. (Law No.100/2017, Article 75(1). It is carried out by the institution responsible for the implementation of the laws and according to the mechanism established by the Government. It can be initiated after at least 2 years of their implementation or earlier, in the cases determined by the Government. (Law No. 100/2017, Article 75(2)).

### **Public participation and entry points for children**

- Children can monitor human rights situation/implementation as is recommended by the Committee on the Rights of the Child (CRC Committee 2009, para. 131) and practiced in Moldova (CRIC, 2012) and share these reports with the relevant public authorities and the broader public as well with the CRC Committee, other treaty bodies and/or using other regional and international human rights protection mechanisms.
- Public authorities should establish contact with children's representative and initiative groups and follow their work, including monitoring and using such children's input in their own work while responding to any recommendation related to legislative reforms that might arise.
- Public authorities should involve children and their groups in their own monitoring including by seeking children's input etc.
- Moreover, public authorities should keep children informed about their own monitoring work and involve children and their groups in this process including by seeking and considering children's input (for example by asking children's feedback about how they experience implementation of the laws in their day to day lives etc).
- Finally, public authorities should monitor implementation of the Law on Transparency in respect of children, including by seeking and considering children's feedback in this respect.

## Role of the Ombudsperson

The Ombudsperson (People's Advocate) plays an important role in law-making process, in each stage, due to their mandate to improve the legislation in the field of human rights and freedoms (Law No. 52/2014, Article 27; see also Article 11(d) and 16(d) of the same Law).

- Ombudsperson can submit proposals and recommendations to improve legislation to the public authorities who can initiate such a law-making process. One example of such intervention by the Ombudsperson is the public call to develop a law on human rights defenders from 2019 (December).
- Ombudsperson can issue opinions on the draft legislation and review the compatibility of national legislation with international legal instruments in the field of human rights and freedoms.
- Monitoring and reporting on human rights is also part of the Ombudsperson's mandate (Law No. 52.2014, Article 1). This includes monitoring the implementation of the laws, identification of challenges and gaps as well as provision of recommendations.

At the same time, the Ombudsperson for Children's Rights plays an important role in advancing child participation including in law-making. It has established a children's advisory body since 2022 to make sure that its work is informed by children of different identities and backgrounds. In line with CRC Committee's basic requirements for child participation, Children's Consultative/Advisory Council next to the Ombuds for Children's Rights aims to create a child-friendly, inclusive, safe and enabling platform for children to express their opinions and make sure that these are heard in decision-making processes related to children's rights, including in the law-making processes. Its more specific objectives read as follows:

- To give the possibility to each child, according to his capabilities, to be able to express their opinion in a convenient/suitable form in all the processes that concern them;
- To make children's opinion heard as active members of society about all the themes/problems that affect their lives;
- To facilitate children's access to information about their rights and freedoms, including in the process of developing the legal framework and their role in this process;
- To consult children in identifying the themes and problems that children face in respect of their rights, including of a legislative nature;
- To involve children directly in the process of consultation and initiation of the elaboration/modification/adjustment of the legal framework;
- To make children's voices heard, by conducting various activities, such as discussions and consultations with children and submitting/presenting children's positions and recommendations in the framework of the elaboration/modification/adjustment of the legal framework. (see Regulations, para 5 and para 25)

In addition, together with children or in consultations with children and civil society, the Ombudsperson can monitor and assess children's participation in law-making process, keep



public authorities accountable and submit recommendations for improvement (Law No. 239/2008, Article 16) This information should be included in communications with the CRC Committee as part of the reporting process.

## Practical Advice

<p><a href="#">link</a></p>	<p><a href="#">link</a></p>



## References

### National Legislation

- Constitution of the Republic of Moldova [CRM1/1994 \(legis.md\)](#)
- Law on Children's Rights, Law No. 370/2023 (last accessed on 24. 07. 2024 [LP370/2023 \(legis.md\)](#))
- Law No. 100/2017 on Normative Acts (last accessed on 24. 07. 2024 [https://www.legis.md/cautare/getResults?doc\\_id=142658&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=142658&lang=ro#) )
- Law No. 239/2008 on Transparency in Decision-Making (last accessed on 24. 07. 2024 [https://www.legis.md/cautare/getResults?doc\\_id=142655&lang=ro](https://www.legis.md/cautare/getResults?doc_id=142655&lang=ro) )
- Government Decision No. 967/2016 on the consultation mechanism with civil society in the decision-making process (last accessed on 24. 07. 2024 [https://www.legis.md/cautare/getResults?doc\\_id=137925&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137925&lang=ro) )
- Law No. 52/2014, Article 27 on the People's Advocate (last accessed on 24. 07. 2024 [https://www.legis.md/cautare/getResults?doc\\_id=141519&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=141519&lang=ro#) )
- Regulations of the Children's Consultative/Advisory Council to the Ombuds for Children's Rights from 2022 (last accessed on 25. 07. 2024 <https://ombudsman.md/wp-content/uploads/2022/05/RegulamentRO-RED.pdf> )

### International Standards

- UN Convention on the Rights of the Child (CRC) <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- UN Declaration on Human Rights Defenders (UNDHRD) <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders>
- 2009 UN Committee on the Rights of the Child: General Comment No. 12: The right of the child to be heard [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FC%2FC%2F12&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FC%2FC%2F12&Lang=en)
- 2013 UN Committee on the Rights of the Child: General Comment No. 13: on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) [https://www2.ohchr.org/english/bodies/crc/docs/gc/crc\\_c\\_gc\\_14\\_eng.pdf](https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf)
- 2022 CoE Resolution 2414 The right to be heard – Child participation: a foundation for democratic societies <https://pace.coe.int/en/files/29686>
- 2023 UN Secretary General Guidance Note for Child Rights Mainstreaming (GNCRC) <https://www.ohchr.org/sites/default/files/2023-09/Guidance-Note-Secretary-General-Child-Rights-Mainstreaming-July-2023.pdf>

## Guides and Reports

- 2012 Centrul de Informare și Documentare privind Drepturile Copilului (CIDDC) - Ghid de Monitorizare a Drepturilor Copilului  
[https://www.drepturilecopilului.md/files/Ghid\\_de\\_Monitorizare\\_a\\_Drepturilor\\_Copilului.pdf](https://www.drepturilecopilului.md/files/Ghid_de_Monitorizare_a_Drepturilor_Copilului.pdf)
- 2018 Lundy, L. In defense of tokenism? Children's right to participate in collective decision-making. <https://pure.qub.ac.uk/portal/files/148759327/Tokenismfin.pdf>
- 2018 OHCHR Guidelines for States on the effective implementation of the right to participate in public affairs  
<https://www.ohchr.org/en/documents/tools-and-resources/guidelines-effective-implementation-right-participate-public-affairs>
- 2020 Child Rights Connect the Rights: of Child Human Rights Defenders - Implementation Guide  
<https://childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf>
- 2020 European Network of Ombudspersons for Children: Common Framework of Reference on Child Rights Impact Assessment. A Guide on How to carry out CRIA  
<https://enoc.eu/wp-content/uploads/2020/12/ENOC-Common-Framework-of-Reference-FV.pdf>
- 2020 Save the Children International: The Right of Children to Participate in Public Decision-Making Processes  
[https://resourcecentre.savethechildren.net/pdf/the\\_right\\_of\\_children\\_to\\_participate\\_in\\_public\\_decision-making\\_processes-save\\_the\\_children\\_0.pdf](https://resourcecentre.savethechildren.net/pdf/the_right_of_children_to_participate_in_public_decision-making_processes-save_the_children_0.pdf)
- 2021 ENOC, Moldova Ombudsperson for Children and UNICEF: Moldova: Child Rights Impact Assessment in the Context of the COVID-19 Pandemic  
[moldova-2021-cria-report en-fin-1.pdf \(ombudsman.md\)](https://www.enoc.europa.eu/wp-content/uploads/2021/12/moldova-2021-cria-report-en-fin-1.pdf)
- 2022 CNTM Ghid privind participarea tinerilor în procesele decizionale prin intermediul Comisiilor de Co-management  
<https://cntm.md/wp-content/uploads/2022/08/CNTM-rom-Ghid-comanagement.pdf>
- 2023 OSCE/ODIHR: Guidelines on Democratic Lawmaking for Better Laws  
[https://www.osce.org/files/f/documents/a/3/558321\\_3.pdf](https://www.osce.org/files/f/documents/a/3/558321_3.pdf)
- 2024 Council of Europe's Group of States against Corruption (GRECO): FIFTH EVALUATION ROUND Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies. Evaluation Report. Republic of Moldova (page 22-25)  
<https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680aec9a5>
- <https://www.childrensrightsreform.org/>