



Universal-Periodic-Review (UPR)

40th Session

(Jan - Feb 2022)

Human Rights Situation in the Republic of Moldova

With focus on the rights of Child Human Rights Defenders

Joint Submission of:

Child Rights Information Centre

Alliance of Active NGOs in the field of Child and Family Social Protection

Amnesty International Moldova

Ave Copiii

National Centre for Child Abuse Prevention

Promo-LEX

Chisinau, July 2021

Introduction

1. The organisations listed below present this submission for consideration by the UPR Working Group at its 40th session, Jan-Feb 2022. The aim of this report is to draw attention to the rights of child human rights defenders (CHRDs) in Moldova. The following information has been informed by consultations with CHRDs that were conducted in the framework of the CRC Committee's DGD 2018 ([link](#)) and civil society consultations for the GC 37 on Peaceful assembly by the HRC in 2020 ([link](#)). The submission comes from a group of organisations that are currently working on implementation of the Guide ([link](#)) in Moldova in collaboration with the Ombuds for Children's Rights and CHRDs themselves.

Child Rights Information Centre (CRIC) is a non-governmental organisation founded in 1999 in Moldova. CRIC collaborates with children, families, public authorities and institutions as well as civil society to develop and implement rights-based solutions and inspire adults to listen to every child's voice.

Alliance of Active NGOs in the field of Child and Family Social Protection (APSCF) is a network of 58 non-governmental organizations throughout the Republic of Moldova, including the Transnistrian region. The Alliance was established as an informal network in 2002 and registered as a formal entity in 2014. APSCF is working to create a coherent and functional framework to support the development of decision makers and of the implementation mechanisms and practices, while ensuring the respect and real protection of children and families.

Amnesty International (AI) Moldova is a movement, founded on December 10th, 1993, with the purpose of upholding and strengthening Human Rights, and contributing to the formation of a world, in which every person can enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international standards.

Ave Copiii is a non-governmental organization founded in 1992 in Moldova to protect children from violence, including most vulnerable children, by providing quality services which aim at (re)integration into the family and society. It was the first organization to promote the UN Convention on the Rights of the Child in the Republic of Moldova.

National Centre for Child Abuse Prevention (NCCAP) is a non-governmental organisation from the Republic of Moldova which promotes the children's rights to be protected against any form of violence. Throughout its whole period of activity since it had been registered in the Ministry of Justice in 1998, NCCAP developed a large and complex spectrum of services, being a promoter of the most innovative practices for child abuse prevention, and for the assistance of child victims, also sharing its expertise with the child protection authorities.

Promo-LEX Association is a non-governmental organization founded in 2002 to advance democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring the democratic processes, and strengthening civil society.

2. CHRDs and their contribution to advancement of human rights in Moldova are particularly disregarded. CHRDs face many of the same challenges as adult human rights defenders (HRDs) – threats, attacks, intimidations etc. The consequences of these, however, are likely to be more harmful for children. Beside immediate negative consequences for children's relations, education, health, holistic development, it has long term negative effects both on children and their societies. In combination the additional barriers that CHRDs face due to their age, status in society and the dependence they

often have on adults for their empowerment and protection, this weakens and damage trust and confidence in established institutions and systems, as well as in their own capacities as citizens and rights holders in the long run.

Not only do children and young people lack information and support to engage for human rights in Moldova, but they face more barriers to their civil and political rights because of their age, and often without good or clear reasons.

This report has three main topics relating to the rights of CHRDs in Moldova:

- a. The risks of harm and lack of protection
- b. The disrespect and denial of civil and political rights
- c. The weak Human Rights Education in Moldova.

The previous UPR and CRC recommendations relevant for the main issues faced by child human rights defenders (CHRDs) in the Republic of Moldova

3. Second-cycle UPR Recommendations accepted by the Republic of Moldova

A - 121.135 Support the work of human rights defenders and other representatives of civil society, acknowledge their contribution to the advancement of human rights in the country, thoroughly and promptly investigate threats, attacks, harassment and intimidation against human rights defenders or independent journalists, and bring their perpetrators to justice in fair trials and ensure effective remedies to the victims (Poland);

A - 121.136 Recognize explicitly the legitimacy of the job done by human rights defenders and ensure that their work is carried out in a safe and enabling environment, without fear of reprisals, intimidations or acts of violence, which should be sanctioned, and those responsible be taken before justice (Uruguay);

A - 121.137 Create a safe, favourable environment for human rights defenders: a framework where human rights can be defended without fearing reprisals or intimidation in line with the international obligations of the Republic of Moldova, in particular as a State party to the International Covenant on Civil and Political Rights (Belgium);

4. Concluding Observation, CRC, 2017 - 36 Education, including vocational training and guidance

c) To conduct a holistic review of the school curricula at all levels in order to offer a quality curricula that meets the needs and interests of the child, including by integrating cultural diversity, and adapting the school environment to promote inclusiveness of ethnic minorities in the classroom and regarding extracurricular activities;

(d) To take measures to increase the overall quality of education, in particular with respect to schools in rural areas, increase the number of qualified teachers and provide teaching materials, books and teaching methodologies

Analysis of implementation of the Rights of CHRD from the perspective of the law/policy frame and practice

Risk of Harm and Lack of Protection

5. Rights at stake – Art. 19, 36, 37, 39 CRC and Art. 9, 10, 12 DHRD + but also Art. 2, 3, 5, 6, 12 etc. negative influence on many other children’s rights for example Art. 28 & 29 CRC

6. The risk of harm to CHRDs is widespread, and it can be serious, even when child and young human rights defenders are invited to take part in adult led public decision making. CHRDs have told us that adults in their immediate environment, including school staff, might resort to violence or punish children and young people, especially when they raise issues related to human rights and call authorities to account.
7. Child and young human rights defenders may experience violence or threats of violence - before, during and after their engagement for human rights - eg. peaceful protests. A recent example from Balti (2020 - [link 1](#), [link 2](#)) shows how children who were protesting for stronger environmental action were first attacked on the streets (including physically) and then online (including being humiliated, ridiculed etc.).
8. CHRDs have told us that the risk of reprisal is heightened in schools.

"Teachers punished the whole class, and this ruined my relationships with colleagues." (DGD Submission 2018)

"If you want to say something [critical] to the teacher, then your grades drop." (APSCF 2018 DGD -[link](#))

"After the strike, the administration of a school from which several students came to strike gathered everyone from the school to threaten to expel the students who participated in the strike during school. They threatened with expelling or not admitting to the final exam." (girl, 17yo; Submission to the HRC General Comment 37 - [link](#))

9. Typically, excluded children and youth, such as LGBTQ+, Roma, children and young people in care, children with disabilities, children on the move and from lower socio-economic families/communities might be at higher risks of harm when acting as CHRDs due to their generally weaker social positions (either related to their status of minority and/or lack of access to resources (information or connection)).
10. Children who are suffering negative consequences due to their activities as HRDs rarely seek any support or protection. CHRDs tell us that they are not aware of the existing mechanisms or do not have trust that they will get the support and protection they need. Protection mechanisms at local and national level specifically developed to keep children safe are also not functioning well – their capacities are weak, and they are lacking trust.

"If you go to the village psychologist, he passes the information to the teachers and then the whole village knows your problem. It happens in the city as well, but the privacy is less respected in the village." (Children's submission to the Lanzarote Committee 2018:5)

Recommendation:

11. Ensure that child human rights defenders are empowered to assess risks and access multiple, safe, child-appropriate mechanisms, including but not limited to schools, alternative care, and other child protection facilities etc. to report violations of their rights and receive appropriate support and care.

Disrespect and denial of civil and political rights

12. Rights at stake – CRC Art. 12, 13, 14, 15, 16, 17 CRC and DHDR Art. 5, 6, 7, 12, 12(2), 14(a), 16(1-2)

13. Children and young people in Moldova face numerous barriers in exercising their civil and political rights.

"Adults like to say I'm a human rights defender, but they don't like when it comes to criticism of their actions." (DGD 2018 Submission)

"I am not sure that they will listen to me, I know that my opinion will not be taken into account" (DGD 2018 Submission)

"Children who complain, when their rights are violated, are considered uneducated." (APSCF 2018 DGD)

14. CHRDs are considered incapable to understand and contribute to public affairs. Their priorities, concerns, and suggestions are usually ignored, belittled, or ridiculed. Some children and young people are not even allowed by adults in their immediate environment to take part in a policy process. Some adults might prevent children because they do not have trust in policy processes in general, but most have little confidence in capacities of CHRDs to contribute to such processes.

"Stereotypes that young people / teenagers are not able to understand and express themselves." (DGD 2018 submission)

15. For example, actions and issues faced by child and young environmental HRDs have drawn public attention to the lack of respect for the right to assemble peacefully.

"After the strike, the administration of a school from which several students came to strike gathered everyone from the school to threaten to expel the students who participated in the strike during school. They threatened with expelling or not admitting to the final exam." (girl, 17yo; submission to the HRC General Comment 37)

"I was outraged that we were very few live, compared to the huge number of people who announced on the [social] networks that they would come to protest. Many young people give up their ideas because they are not taken seriously, they do not receive any response from the authorities or the school administration." (girl, 18yo)

"Yes, colleagues were indifferent, but some got scared of the problems we could have if we skip lessons." (girl, 17 yo)

16. Environmental activism has provided a sort of a "crash course" in civil and political rights, especially for the child and young co-organisers. This has however not been recognised as an opportunity for a genuine human rights education by the schools; CHRDs were supported by NGOs with training and space to reflect and learn from the experience gained (for example Promo-LEX – see more details below; CRIC by facilitating CHRD participation in consultations for development of the General Comment 37 on peaceful assembly by HRC ([link](#))).
17. Although the Law on Assemblies Nr. 26-XVI from 22.02.2008 (last modified 2018) ([link](#) to the original text in Romanian) grants this right to everyone, it does not recognize children as rights holders explicitly. In the context of Moldova (characterised by weak awareness and recognition of children's rights), this lack of clarity gives too much room for interpretation to decision makers (authorities, and anybody else in power to influence children's lives) which can compromise the exercise of this right by children.

18. In addition, the right to organise assemblies is granted only to children over the age of 14 and, furthermore, only when accompanied with someone with full legal responsibility (see Art. 6).

Denying this right to children younger than 14 years of age and making it dependable on the support of an adult for children over 14 is problematic from the perspective of children's human rights, as set out in, for example, the UN Convention on the Rights of the Child, the International Covenant for Civil and Political Rights and the Declaration on Human Rights Defenders – it is also not in line with the position of the HRC in GC37¹ and the Special Rapporteur on Peaceful Assemblies². Protection of younger children comes to mind. However, child and young people who took part in an analysis of this Law point to the inconsistency of such reasoning:

"... maybe it's about child protection? But if an adult is there [as required by this Law], it does not really matter whether you are 13 or 14 ... in many cases this [age] doesn't make any difference. This barrier must be ruled out." (girl, 17yo)

"In a way I'm okay with the involvement of adults, but you might have a good initiative and no adult to help you ... this can become an obstacle. I think [that] it is possible [to carry on an assembly] without an adult, if it's about something peaceful [non-controversial], in accordance with the law ... why would we not be able to organize it? ...if it's peaceful, we could do that without adults ... Assembly is not always a protest, it could be any kind of gathering and you don't need an adult to sign on your behalf." (girl, 17yo)

19. To summarise, the Law on Peaceful assemblies does not consider children's rights and the specific context, interest and needs of CHRDs adequately.

Recommendation

20. Ensure that child human rights defender's civil and political rights are protected in law and that any restrictions on the exercise of these rights by children are lawful, necessary, proportionate, and non-discriminatory; and implement public awareness strategies (including parenting education) to support understanding of children's civil and political rights.

Weak Human Rights Education

21. Rights at stake - Art. 29 CRC and Art. 15-16 DHRD

22. The lack of human rights education in Moldova makes both duty bearers and rights holders less confident in their capacities and hence presents a crucial factor for the lack of safe and enabling environments for human rights defenders, including CHRDs.

¹ GC 37 of the CCPR para 25: States must ensure that laws and their interpretation and application do not result in discrimination in the enjoyment of the right of peaceful assembly, for example on the basis of race, colour, ethnicity, age, sex, language, property, religion or belief, political or other opinion, national or social origin, birth, minority, indigenous or other status, disability, sexual orientation or gender identity, or other status. 25 Particular efforts must be made to ensure the equal and effective facilitation and protection of the right of peaceful assembly of individuals who are members of groups that are or have been subjected to discrimination, or that may face particular challenges in participating in assemblies. 26 Moreover, States have a duty to protect participants from all forms of discriminatory abuse and attacks.²⁷

² Report of the Special Rapporteur on freedom of assembly and association <https://undocs.org/A/HRC/26/29> para 24 "a blanket ban on individuals of a certain age eliminates the right to participate in peaceful public assemblies for an entire portion of the population, without exception, contrary to article 15 of the Convention on the Rights of the Child"

CHRDs tell us that adults play important roles in enabling and protecting them when exercising their rights as defenders. Building on the CRC Committee recommendation quoted above (COB 2017), it calls for strong Human Rights Education both for children and adults, decision makers and practitioners.

"Many people think that children have no rights but obligations. It's hard to explain to someone who does not understand and does not support you that this is not the case." (DGD 2018 Submission)

23. It is clear that formal human rights education is lacking in Moldova. This can lead to the context in which many children's rights are not respected in schools due to lack of awareness and understanding (as shown by numerous examples related to issues in schools above).

"If they are wrong and we tell them this, teachers think we do not have this right... they reproach us, and a conflict starts, the professor's attitude towards us changes, they can hurt or offend us" (APSCF 2018)

"I would better abstain from doing things that can cause me inconvenience at school." (APSCF 2018).

24. In situations where children can learn about human rights, important components related to learning "through" and "for" human rights remain missing. (Article 2 of the UN Declaration on Human Rights Education 2011 - [link](#)).

"In school we talk about activism, civic involvement, but the school does not support us to participate ... On the contrary, they stop us, marginalize us, set limits..." (girl, 17yo)

"When they do not take us seriously and not inform us, they limit possibilities for action and expressing our opinions. If they would take us seriously, they would inform us and enable us to engage." (APSCF, 2018:5-6)

25. Changes at the level of the policy and some practices developed point into a good direction. The change of approach at the system level is especially promising – this started with curriculum and capacity building in 2018 with support of the Council of Europe ([link](#)). Some practices developed in collaboration with civil society, such as Human Rights as an optional class (with Amnesty International (AI) – [link](#)) or Forum for Human Rights (with Child Rights Information Centre (CRIC) & AI - [link](#)) are as well worth mentioning.
26. However, as the above shows, the education system has not been up to its role in the respect of children's awareness and engagement for human rights and understanding of their rights specifically as CHRDs. Children's rights have not been upheld in schools, and schools have been especially challenged by the Friday's for Future Strikes. Although there are some supportive school staff, many struggle to find a way to use this as an opportunity and a basis for human rights education.
27. Non-formal education, mainly provided by NGOs, is helping to address the gap. PromoTE, a 9-month training programme for children and young people from 16-25 years of age, is a good practice example of HRE, where children and young people learn not only "about" but also "for" and "through" human rights ([link](#)). Children and young people repeatedly tell us of their strong interest in HRE. However, NGO programmes can only offer the

opportunity for HRE to a limited number of children and young people.

28. There needs to be human rights education for all adults, ie. parents, decision makers and professionals working with and for children, which currently remains weak. The capacities of teachers/school staff and parents/family to support and guide children and young people's action as CHRDs hence remains critically limited.

Recommendation

29. Ensure that all children in school (as part of compulsory national curricula), and out of school, receive human rights education, including to learn about their rights as child human rights defenders and how to promote and claim their rights, understand the rule for breaches of human rights in school and elsewhere.
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