



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-fourth session

### Summary record of the 1821st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 18 September 2013, at 3 p.m.

*Chairperson:* Ms. Sandberg

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** (*continued*)

*Initial report of the Republic of Moldova on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MDA/1, CRC/C/OPSC/MDA/Q/1, CRC/C/OPSC/MDA/Q/1/Add.1)*

1. *At the invitation of the Chairperson, the delegation of the Republic of Moldova took places at the Committee table.*
2. **Mr. Moraru** (Republic of Moldova) said that the Committee's recommendations made in 2009 after considering the second and third periodic reports on the implementation of the Convention had been taken into account in the formulation of the strategy on the protection of child and family for the period 2013-2020. The Act on special protection for children at risk and children separated from their parents, adopted in 2013, introduced such innovations as procedures to evaluate the circumstances of children, and the terms of cooperation among authorities. In addition, a comprehensive assessment of the situation of children in difficulty and children whose parents were abroad had been conducted in 2012. In December 2012, the Republic of Moldova had joined the Global Alliance against Online Child Sexual Abuse. Article 206 of the Criminal Code, on trafficking in children, had been amended in 2011 and 2012 to impose harsher penalties for child trafficking. Similarly, the Code of Criminal Procedure had recently been amended to guarantee greater protection for children up to age 14 who were witnesses in criminal cases of sexual offences or domestic violence.
3. In 2013, the Centre for Combating Cybercrime, responsible for fighting online sexual offences and associated with the General Inspectorate of Police, had been set up under the Ministry of the Interior.
4. On 8 August 2013, the President of La Strada Moldova International Centre and the Chief of the Police Inspectorate had signed a cooperation agreement on preventing and punishing child pornography and the sexual exploitation of children.
5. **Ms. Winter** (Country Rapporteur) commended the State party on the considerable measures it had taken to combat offences covered by the Optional Protocol, such as the amendments to the Criminal Code, adoption of the Act on preventing and combating human trafficking, ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, adoption of a national plan to implement the Optional Protocol and establishment of the Centre for Combating Cybercrime.
6. **Mr. Gurán** (Country Rapporteur) requested additional information on the status and authority of the inter-institutional working group on implementation of the Optional Protocol. Given that, according to the replies to the list of issues, no cases of child pornography had been reported in 2010, which conflicted with information in the Committee's possession, he would like information on the data-collection system for offences covered in the Optional Protocol.
7. He also wished to know whether the national strategy on the protection of children and families had been adopted, and would like information on services to which victims of sexual exploitation abroad were entitled upon repatriation to the Republic of Moldova, as well as additional details on the cooperation agreement between La Strada and the Police Inspectorate.
8. **Ms. Winter** asked whether the State party was taking steps to combat sex tourism and whether there were statistics on the topic. She also wished to know whether the

Criminal Code contained provisions on all the offences covered in the Optional Protocol, such as transferring child organs for profit, engaging children in forced labour, soliciting children aged between 16 and 18 via the Internet for sexual purposes, being an accessory to offences covered in the Optional Protocol and falsely obtaining consent to put a child up for adoption. She would like to know whether the Criminal Code or any international agreements provided for the extradition of Moldovans who committed an offence covered in the Optional Protocol while abroad. Lastly, the Committee was particularly concerned that child victims or witnesses of offences could be questioned over and over by police.

9. **Ms. Khazova** asked whether the State party had instituted sufficient guarantees regarding international adoption, especially in respect of post-adoption follow-up.

10. **Ms. Aidoo** requested information regarding the mandate of the National Children's Rights Council and the working group on the implementation of the Optional Protocol. Which body was ultimately responsible for overseeing the adequate coordination of implementation activities?

11. **Mr. Kotrane** asked whether all children under 18 were protected against all the offences covered in the Optional Protocol. Given that article 206 of the Criminal Code grouped under the concept of "trafficking" almost all the offences defined in the Optional Protocol, did the State party plan to explicitly include the sale of children in the Code? To what extent were laws enforced?

12. He also would be interested to learn whether the State party planned to extend the responsibility of legal entities not only to cases of child trafficking, child prostitution and child pornography, but also to those of the sale of children. Lastly, he wished to know whether, when the State party found out that an offence covered in the Optional Protocol had been committed abroad by a Moldovan or a habitual resident of the Republic of Moldova it applied the rule stipulated under article 4, paragraph 2, of the Optional Protocol and launched any criminal procedures against the accused aside from requesting extradition.

13. **Ms. Wijemanne** asked whether the State party had taken steps to limit the vulnerability of groups of particularly exposed children and to improve children's online safety. She also wished to know whether the telephone service for reporting offences covered in the Optional Protocol was accessible to all children; what training programmes on the Optional Protocol the State party had put in place for law enforcement personnel, prosecutors, social workers, teachers and other professionals working with children; and whether any codes of conduct had been devised for travel agencies and the hotel industry to prevent sex tourism.

14. **Mr. Gastaud** asked whether children were taught about the Optional Protocol and whether the effectiveness of training programmes on the Optional Protocol directed at professionals working with children had been assessed.

15. **Mr. Mezmur** asked what lessons the Government had learned from the case of the paedophile ring uncovered in Chisinau, in terms of implementing the Optional Protocol, and how it ensured that children were not revictimized during trials.

16. **Ms. Aldoseri** asked what measures were taken in respect of travel agencies convicted of facilitating sex tourism.

17. **Ms. Oviedo Fierro** asked what was being done to ensure that police and court personnel did not treat child victims of offences covered in the Optional Protocol as criminals and whether the institutions established to implement the Optional Protocol had the resources for the long-term fulfilment of their mandate.

18. **Ms. Winter** asked whether there were reintegration programmes for child victims and whether regional, bilateral or multilateral agreements had been reached with neighbouring countries to prevent and combat the sale of children, child prostitution and child pornography.

19. **Ms. Muhamad Shariff** requested additional information about awareness-raising programmes.

*The meeting was suspended at 3.55 p.m. and resumed at 4.25 p.m.*

20. **Ms. Mişcoi** (Republic of Moldova) said that implementation of the Optional Protocol was the responsibility of the Government, especially the Ministry of the Interior, in cooperation with the Office of the Prosecutor-General and all relevant national authorities. The National Children's Rights Council, established in 1998, was responsible for formulating and implementing child protection policies. The mission of the inter-institutional working group on the implementation of the Optional Protocol, which brought together representatives of various ministries, was to prepare the initial and periodic reports that the Republic of Moldova was required to submit, pursuant to the international human rights instruments it had ratified, and worked closely with the National Children's Rights Council and the national commission responsible for initial and periodic reports.

21. **Ms. Moraru** (Republic of Moldova) said that the draft national strategy on the protection of children and families, and the related action plan on preventing and combating violence against and exploitation of children had not yet been adopted.

22. **Mr. Moraru** (Republic of Moldova) said that the text of the cooperation agreement with La Strada, which had launched an emergency helpline to report sexual violence against children, could be accessed on La Strada's website and that of the General Inspectorate of Police.

23. In the aftermath of the paedophilia case in Chisinau, the Code of Criminal Procedure had been amended and the focus placed on fighting transnational crime.

24. Persons profiting from or involved in the organization of trafficking for the purpose of adoption or organ transplant were liable to the same penalty. Under one of the bills to amend the Criminal Code, child pornographers would be liable to up to 7 years' imprisonment instead of the current 3. Those who psychologically manipulated children for sexual purposes (grooming) were liable to no more than 5 years in prison.

25. The Cybercrime Act obliged Internet providers to block access to certain websites with unlawful content.

26. The Republic of Moldova had ratified the European Convention on Mutual Assistance in Criminal Matters and signed a number of regional agreements, especially with countries of the Commonwealth of Independent States. The Republic of Moldova did not extradite Moldovans who had committed an offence abroad, but could launch a criminal suit against them. It did, however, accept requests for judicial assistance.

27. **Ms. Moraru** (Republic of Moldova) said that the new law on adoption, which had entered into force in 2010, took account of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Organizations in the area of international adoption required accreditation by the Moldovan authorities in order to operate. Accreditation was valid for one year and was renewable by the Ministry of Labour upon review of progress reports on the situation of adopted children. In default of the report on a given child, the organization could be denied renewal of its accreditation.

28. **Mr. Gastaud** asked whether the State party had the means to ensure that all the information contained in those reports was factual.

29. **Ms. Moraru** (Republic of Moldova) replied that the national authorities and embassies were responsible for fact-checking.
30. **Ms. Mişcoi** (Republic of Moldova) said that many prevention and awareness-raising programmes had been carried out in recent years.
31. **Mr. Gastaud** asked whether children in rural or remote areas benefited from those programmes.
32. **Ms. Mişcoi** (Republic of Moldova) said that the Moldovan office of the United Nations Children's Fund (UNICEF) had just completed the first phase of a programme to train 115 instructors who would be responsible for preventing violence against children at the local level and for teaching potential victims how to identify and avoid the traps that criminals might lay. The National Institute of Justice also ran training courses on the principles enshrined in the various treaties to which the Republic of Moldova was a party. The National Centre for the Prevention of the Child Abuse had, in cooperation with the Ministry of Justice and the Ministry of the Interior, assessed the investigations conducted into offences against children. Other workshops and training courses for police officers and judges had addressed juvenile justice, how to father complaints and take witness statements from child victims of sexual violence and how to fight cybercrime, online child pornography and trafficking in humans. Police officers had also been trained to use Interpol's database with a view to enhanced international cooperation in those areas.
33. **Mr. Moraru** (Republic of Moldova) said that special rooms had been allocated inside prosecutors' offices to ensure that the hearing of child witnesses or victims under 14 were not traumatic. Such children were accompanied by their parents or legal guardians, educators and psychologists who put the judge's or opposing counsel's questions into simple terms. Similar rooms had also been allocated in two appellate courts, one in Chisinau and the other in the north of the country. Child-friendly police procedures had also been instituted in police stations. Police interrogations were sometimes held at La Strada international centre, which provided investigators with staff trained in working with children.
34. Children aged between 14 and 18 did not systematically benefit from those more flexible procedures, and judges decided on a case-by-case basis whether they were appropriate. The Office of the Prosecutor-General had issued guidelines on the hearing of child witnesses, victims or offenders, which applied to all children.
35. **Mr. Gurán** asked whether the privacy of those concerned was respected in interrogations.
36. **Mr. Moraru** (Republic of Moldova) replied that available technology even made it possible to modify children's voices to make them unrecognizable. The age of the child victim was an aggravating circumstance in sexual offences, affecting the severity of the penalty; for example, rape was punishable by 8 to 12 years in prison when the victim was aged 14 to 18 or by 15 to 20 years in prison when the victim was under 14.
37. The Republic of Moldova was a country of origin, not of destination, for trafficking and, therefore, exploitation of victims usually occurred abroad. The matter of victim compensation would be considered at a regional conference in November 2013. Currently, victims could claim compensation by bringing a civil action.
38. **Ms. Moraru** (Republic of Moldova) said that the National Reference System for the protection and assistance of victims and potential victims of human trafficking provided medical, psychological and social assistance to child victims of sexual violence, helped them reintegrate in school and ensured that the most vulnerable were temporarily placed in a group home or family. In-school psychological care was also available to children who needed it.

39. **Ms. Mişcoi** (Republic of Moldova) said that the secretariat of the National Committee for Preventing and Combating Trafficking in Human Beings had set up a national programme to collect data from all relevant institutions, making it possible to assess the scope of the problem, with a view to devising effective solutions and producing gender-disaggregated data on victims forced into prostitution, work or begging, both at home and abroad.

40. **Mr. Gurán**, welcoming the constructive dialogue with the Moldovan delegation, said that the Committee would shortly be issuing its concluding observations on the country's implementation of the Optional Protocol.

41. **Mr. Moraru** (Republic of Moldova) said that, as part of the ongoing reform of the legal system, the Moldovan Government would make sure and set up the necessary framework to prevent the offences covered in the Optional Protocol, make investigations more effective and improve victim protection mechanisms. The Government would assign a larger role to social workers, local authorities, schools and the various actors in preventing and combating all forms of violence against children.

*The meeting rose at 6 p.m.*