



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

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**WRITTEN REPLIES BY THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA
CONCERNING THE LIST OF ISSUES (CRC/C/OPAC/MDA/Q/1) TO BE TAKEN UP IN
CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF
THE REPUBLIC OF MOLDOVA UNDER ARTICLE 8, PARAGRAPH 1 OF THE
OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD
ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT
(CRC/C/OPAC/MDA/1)**

[Replies received on 28 November 2008]

Additional and updated information to the initial report of the Republic of Moldova on the implementation of the Optional Protocol on the involvement of children in armed conflict

1. Article 2 of the Law No. 15-XV of 6 February 2004 "For ratification of the Optional Protocol on the involvement of children in armed conflict to the Convention on the Rights of the Child":

"In accordance with article 8 of the Optional Protocol, the Ministry of Defence is designated as the responsible authority for the implementation of the provisions of the Optional Protocol".

Taking into account the provisions of legislation in the field of national defence, the Republic of Moldova has declared that 18 years is the minimum age for enlistment on a conscript basis in the Republic of Moldova.

The implementation of the Optional Protocol is monitored by the subdivisions of the Ministry of Defence.

Based on normative acts governing the activities of the administrative and military organs, the organizational principles of military evidence ensure that, in the selection and recruitment of citizens for military service, whether for career service or short-term conscription, whether under the responsibility of the branches of the Armed Forces or those of other public authorities, all necessary actions are undertaken to prevent the recruitment of children..

2. Pursuant to the Law of the Republic of Moldova No. 1245-XV of 18 June 2002 on the Preparation of Citizens for Homeland Defence, the "military evidence" of citizens constitutes a central element in the assessment and organization, by the State, of the human and material resources necessary for the country's defence. Male citizens enter into military evidence at the age of 16 until issued a draftees certificate. Draftees stay in military evidence until they are enlisted in military or alternative services or in the reserves of the armed forces, until they reach the age limit for serving in the reserves or in otherwise as provided by this Law.

The citizens taken into military evidence awaiting conscription in military or civil service or until their transfer into reserves are given the status of "recruits."

Citizens taken into military evidence are subjected to a health examination financed from the budget of local authorities, in accordance with the requirements of the government Regulation on medical-military expertise in the Armed Forces .

The specialized organs in military evidence are military centres and recruitment, conscript and completion points. At the local level, military evidence of recruits and reserves is organized by town halls, public institutions and economic agents, regardless of the type of property, in accordance with the present Law.

Military centres can call up the recruits for clarifying their military situation at least three times per year. The General Staff of the National Army is responsible for the organization and maintenance of military evidence.

3. The Constitution of the Republic of Moldova and other laws guarantee children's rights in different areas. Thus, articles 49 and 50 of the Constitution contain provisions on the protection of children and youths. Article 4 stipulates that in cases where there is any discrepancy between the national legislation and international treaties regarding fundamental rights and freedoms, the international treaties prevail. This principle generates very favourable conditions for putting international humanitarian law into practice.

4. Citizens who are completing or have just finished their military service, have the right to be accepted in military institutes until the age of 25 years.

Citizens accepted in the military institutes are attributed the status of military students or other military ranks. As such they serve under military contract, and consequently they enjoy the rights provided by the Law No. 162- XVI of 22 July 2005 on Military Statute.

Young people accepted in the military institutes, are considered to have enlisted and are obliged to sign a military service contract starting from the moment of matriculation, which covers the period of study in the military institute and five years of military service after graduation.

Young people who refuse to sign this military service contract are not accepted in the military institutes. Students who are expelled from the military institutes because of poor grades, violation of discipline, or refusal to continue their education, are enlisted into obligatory military service in conformity with the relevant legislation. Those students who had completed obligatory military service at the time they were expelled are considered to have retired.

The period of military education in the military institutes is four years, for which the curriculum is divided into time devoted to general subjects, such as social sciences and humanities (58.5 per cent), and military training (41.2 per cent).

The age of persons who are enrolled into the military institutes of the Ministry of Defence is as follows:

Age	18	19	20	21	22	23	24	25
% from the total students' number	7,9	31,2	25,8	19,5	10,5	4,0	0,9	0,2

The number of students who live in the countryside and urban area is presented below:

LOCATIONS	Countryside area	Urban area
% from the total students' number	64,0	36,0

5. The commercialization of military assets is accomplished through a set of measures undertaken by the central public authorities for the release of surplus, used, old, and unused assets.

The order for the sale of military goods of the National Army Forces of the Republic of Moldova is established by the Regulation on the order of commercialization of military vehicles, armament and other military items that constitute the property of the National Army Forces as, approved by the Decision of the Parliament No. 283-XIV of 17 February 1999.

The assets included in the lists approved by the Parliament are commercialized on the basis of auctions carried out by the ministries and departments which are the owners, according to the decision of the Government. The auctions are organized in cooperation with the Public Property Agency and Ministry of Economics and Commerce. In certain cases, the Government may decide to sell assets directly to potential customers without competition.

According to government decision, responsibility for the execution of the above-mentioned Regulation especially with respect to the acquisition and transfer of the proceeds from sales of assets lies with body that organized the auction, negotiated with potential customers, and sold the assets.
