



# **Convention on the Rights of the Child**

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## **Committee on the Rights of the Child**

### **Sixty-fourth session**

16 September–4 October 2013

Item 4 of the provisional agenda

**Consideration of reports of States parties**

## **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

### **List of issues in relation to the initial report of Moldova (CRC/C/OPSC/MDA/1)**

#### **Addendum**

#### **Written replies of Moldova\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

## Introduction

1. The Republic of Moldova ratified by Law No. 29-XVI of 22 February 2007 the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the United Nations General Assembly on 25 May 2000 (signed by Moldova on 8 February 2002).
2. According to article 2 of the Law No. 29-XVI of 22 February 2007, the Government, in cooperation with the General Prosecutor's Office, shall undertake the necessary measures in view of implementing the provisions of the said Protocol and shall submit to the Committee on the Rights of the Child reports and other additional information on its enforcement.
3. In view of implementing the commitments undertaken through the ratification by Moldova of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and namely of article 12 of the treaty mentioned above, an inter-institutional working group has been created that is composed of representatives of the central public authorities (Ministry of Justice, Ministry of Education, Ministry of Information Technologies and Communication, Ministry of Internal Affairs, National Anticorruption Center, General Prosecutor's Office), which have been entrusted to prepare and finalize the initial report of Moldova.
4. The United Nations Children's Fund (UNICEF) provided considerable support in preparing, analyzing and finalizing the report, for which the Moldovan Government expresses its high appreciation.
5. An important role and significant contribution to the report was made by specialized national and international non-governmental organizations (NGOs) such as the National Center for Preventing Child Abuse (Amicul Center), the International Center for Women's Rights Protection and Promotion "La Strada", and the International Organization for Migration.

## Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPSC/MDA/Q/1)

6. The current electronic program administrated by the Permanent Secretariat (PS) of the National Committee for combating trafficking in human beings, is functional and collects data on trafficking in human beings (THB) and trafficking in children (TC) from legal authorities and institutions which offer assistance to the victims of TC. Currently, the PS is improving the electronic program, which involves upgrading to a new automated version (the transition from manual to electronic process of fill in). This transition is considered to be a long-time decision of the authorities in order to improve the process of collecting data regarding THB and TC.
7. It should be noted that every institution has to bring its contribution in order to ensure a functional procedure of collecting data on THB and TC; thus the Ministry of Internal Affairs has undertaken the following measures:
8. In regard of collecting information on crimes of trafficking in human beings and trafficking in children:
  - (a) There was carried out a review regarding the informational necessities in order to estimate the proportions and the profile of the TFU phenomenon;
  - (b) There was elaborated a study on the existing mechanisms of collecting data in the field and the methods of improving the system of collection, stocking and analysis of

the information. In this context, the integrated informational system (IIS) of the Ministry of Internal Affairs was identified as the national platform for collection and stock of data;

(c) There was reviewed the compatibility of the database “Register of criminalistic and criminological information” of IIS with the current analysis indices for TFU and TC with the further update of the index list;

(d) At present, the IIS database is being adjusted to correspond to the indicators relevant to THB; the operation of the adjusted database is scheduled for the IV trimester of 2013;

(e) Currently, a specialized subdivision of the Ministry of Internal Affairs is in charge of the record and systematization of the crimes stipulated by the Optional Protocol, including the substance of the crime.

## **Replies to the issues raised in paragraph 2 of the list of issues**

### **Reply to the issues raised in paragraph 2(a) of the list of issues**

9. Article 208/1 of the Criminal Code of the Republic of Moldova provides stipulations regarding the combat of child pornography on the territory of the Republic of Moldova.

10. Thus, it should be noticed that:

- In 2010 there were registered no cases of child pornography.
- In 2011 there were registered 3 cases of child pornography according to the provisions of the above-mentioned article, among them 1 case of production of child pornography; 2 cases of distribution in the networks of pictures and videos with illegal content;
- In 2012 there were registered 6 cases of child pornography, among them 2 cases of pornography production in urban environment, 3 female infants aged 8-14 years being abused and 4 cases of distribution in the networks of pictures and videos with illegal content;
- In 2013 (Jan-Aug) there were registered 2 cases of pornography production, the victims being aged 10 and 17 years, both from urban environment.
- At the same time, there were opened 13 criminal cases; in this framework there were documented multiple criminals who distributed in the networks images and videos with child pornography.

### **Reply to the issues raised in paragraphs 2(b) and (c) of the list of issues**

11. According to the information provided by the Transplant Agency, there were registered no cases of organ transplant among children aged 0-18 years.

12. The Criminal Code of the Republic of Moldova defines trafficking in children as recruitment, transportation, transfer, harboring, or receipt of a child, as well as giving or receiving payments or benefits to obtain the consent of the person who exerts control over the child for the purpose of commercial or non-commercial sexual exploitation in prostitution or a pornographic industry, exploitation by forced labour or services, practicing begging or other base purposes, exploitation in slavery or in conditions similar to slavery including illegal adoption, participating in armed conflicts, participating in criminal activities, removing human organs or tissues, abandonment abroad, sale or purchase.

	2010	2011	2012	2013 ( sem. I )
Criminal cases (CC) art. 206 TC	23	24	20	14
CC forwarded to the prosecutor	14	16	13	4
Closed CC, sent to court	10	14	5	2
Persons held criminally liable for TC	12	4	3	1
Persons sentenced for TC	9	2	10	7
Identified victims of TC	27	23	24	19
Among them:				
Gender	-	7-f, 16-m	18-f, 6-m	15-f, 4-m
Victims within RM	-	15	13	15
Victims abroad	-	8	11	4
Sexual exploitation	-	17	14	14
Labour exploitation	-	5	9	4
Begging exploitation	-	1	1	1

13. The statistical data regarding crimes of trafficking in children, child pornography and child prostitution for 2010-2013 (I semester) was offered by the institutions of the Integrated Informational System (prosecuting authorities, judicial authorities and executive bodies of incarceration) by Law nr. 216 of 29.05.2013 regarding the Integrated Informational System of record of crimes, criminal cases and offenders.

#### **Reply to the issues raised in paragraphs 2(d) of the list of issues**

14. In 2012, 12 children out of 24 victims of TC received social assistance within the National Referral System.

15. In 2011, 11 children out of 23 victims of TC received social assistance within the National Referral System.

#### **Reply to the issues raised in paragraph 3 of the list of issues**

16. The Criminal Code of the Republic of Moldova stipulates the following crimes in correspondence with the Protocol:

##### **Article 175. Perverted actions**

17. Committing pervert actions against a person, about whom it was certainly known that hadn't reached the age of 16 years, indecent exposure, indecent touches, obscene or cynic discussions with the victim on the sexual intercourse, causing the participation or the assistance of the victim to pornographic performances, providing the victims with pornographic material, as well as other actions with sexual character, shall be punished with jail sentence of between 3 and 7 years.

##### **Article 175<sup>1</sup>. Children accosted for sexual purposes**

18. Proposal, including by the information technology means, of a meeting with a child with the purpose of performing against the said child of any sexual infraction, if the

proposal was pursued with material events that resulted in such a meeting, shall be punished with jail sentence of between 1 to 5 years.

#### **Article 206. Trafficking in children**

19. The recruitment, transportation, transfer, harbouring, or receipt of a child, as well as giving or receiving payments or benefits to obtain the consent of the person who exerts control over the child for the purpose of commercial or non-commercial sexual exploitation in prostitution or a pornographic industry, exploitation by forced labour or services, practicing begging or other base purposes, exploitation in slavery or in conditions similar to slavery including illegal adoption, participating in armed conflicts, participating in criminal activities, removing human organs or tissues, abandonment abroad, sale or purchase; shall be punished by imprisonment for 8 to 12 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

2. The same actions involving:

- (a) physical or mental violence, the use of weapons or the threat of their use
- (b) sexual abuse and violence
- (c) the abuse of authority or the child's vulnerability, the threat of disclosure of confidential information to the child's family or to other persons
- (d) the removal of human organs or tissues

shall be punished by imprisonment for 10 to 15 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in amount of 5000 to 7000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

3. The actions set forth in par. (1) or (2):

- (a) committed by a person who has previously committed the same actions;
- (b) committed against two or more children
- (c) committed by an official or by a high-ranking official
- (d) committed by an organized criminal group or a criminal organization
- (e) causing severe bodily injury or mental disorder of the child or his/her death or suicide
- (f) committed against a child aged under 14

shall be punished by imprisonment for 15 to 20 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years or with life imprisonment, whereas a legal entity shall be punished by a fine in the amount of 7,000 to 9,000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

#### **A victim of trafficking in children shall be exempted from criminal liability for any crimes committed by him/her in relation to this procedural status**

20. Trafficking in children is stipulated in article 206 of the Criminal Code of the Republic of Moldova, which refers to different forms and purposes of TC that include commercial and non-commercial sexual exploitation, involvement of children in prostitution or pornographic industry.

21. In 2011 and 2012 the article was modified by introducing sanctions for actions (a) committed by a person who has previously committed the same actions; (b) committed against two or more children; (c) committed by an official or by a high-ranking official; (d) committed against the child who was taken care of, being protected or educated by the offender.

22. At the same time, Law nr. 43 from 22.03.2013 forbid pardon, amnesty and reconciliation of persons who committed crimes against infants.

23. Also, Law nr. 73 from 12.04.2012, incriminates actions of children accosted for sexual purposes (art. 175<sup>1</sup> Criminal Code) and recourse to child prostitution (art. 208<sup>2</sup> Criminal Code).

24. Preparation for crime and attempt of crime are liable to criminal liability.

25. According to article 25 of the Criminal Code, liability for preparation of crime and for attempt are regulated with reference to article 26 and article 27 of the Criminal Code.

26. Complicity and participation to the crime are liable to criminal liability according to the corresponding article of the Special Part of the Criminal Code. If the participation was not promised in advance, the person is criminally liable for supporting the crime as according to article 323 CC.

#### **Article 208<sup>1</sup>. Infantile pornography**

27. The production, distribution, broadcasting, import, export, offering, sale, exchange, use, or holding of pictures or of other images of one or more children involved in explicit, real, or simulated sexual activities or pictures or other images of genital organs of a child represented in a lustful or indecent manner including in a soft version shall be punished by imprisonment for 1 to 3 years whereas a legal entity shall be punished by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities.

#### **Article 208<sup>2</sup> Criminal Code. Recourse to child prostitution**

28. Benefit of sexual services offered by a person about whom it was certainly known that he/she had not reached the age of 18 against any material benefits, shall be punished with jail sentence of between 3 to 7 years.

#### **Article 174. Sexual intercourse with a person under the age of 16**

29. Sexual intercourse other than rape as well as any other acts of vaginal, anal or oral penetration committed with a person certainly known to be under the age of 16 shall be punished by imprisonment for 3 to 5 years.

#### **Article 175. Perverted actions**

30. Committing pervert actions against a person, about whom it was certainly known that he/she had not reached the age of 16 years, indecent exposure, indecent touches, obscene or cynic discussions with the victim on the sexual intercourse, causing the participation or the assistance of the victim to pornographic performances, providing the victims with pornographic material, as well as other actions with sexual character, shall be punished with jail sentence of between 3 and 7 years.

#### **Article 175<sup>1</sup>. Children accosted for sexual purposes**

31. Proposal, including by the information technology means, of a meeting with a child with the purpose of performing against the said child of any sexual infraction, if the

proposal was pursued with material events that resulted in such a meeting, shall be punished with jail sentence of between 1 to 5 years.

#### **Article 207. Illegally taking children out of the country**

32. Taking a child out of the country based on false documents or any other illegal means and his/her abandonment abroad for purposes other than those specified in article 206 shall be punished by imprisonment for 2 to 6 years.

#### **Article 208<sup>1</sup> Infantile pornography**

33. The production, distribution, broadcasting, import, export, offering, sale, exchange, use, or holding of pictures or of other images of one or more children involved in explicit, real, or simulated sexual activities or pictures or other images of genital organs of a child represented in a lustful or indecent manner including in a soft version shall be punished by imprisonment for 1 to 3 years whereas a legal entity shall be punished by a fine in the amount of 2,000 to 4,000 conventional units with the deprivation of the right to practice certain activities.

#### **Article 208<sup>2</sup> Recourse to child prostitution**

34. Benefit of sexual services offered by a person about whom it was certainly known that he/she had not reached the age of 18 against any material benefits, shall be punished with jail sentence of between 3 to 7 years.

35. At the same time, was elaborated a draft bill with amendments to the Criminal Code, precisely to incriminate the benefit of sexual services offered by victims of trafficking in human beings and children, as shows the following article.

#### **Article 165<sup>1</sup> The use of labour or services of a person who is a victim of trafficking in human beings**

36. The use of products and/or services which are object of exploitation in crimes of trafficking in human beings or trafficking in children, offered by a person about whom it was certainly known that he/she is victim of such infraction, if this crime does not unite the elements of trafficking in human beings or trafficking in children, shall be punished with jail sentence of between 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1,000 to 3,000 conventional units with the deprivation of the right to practice certain activities.

37. The person who committed an action stipulated in para. (1) is released from criminal liability in case he declared voluntarily about the fact of trafficking in human beings or trafficking in children by other persons, helped solving the case or investigating the crime.

38. The national legislation regulates and sanctions aggressive behaviour towards children. According to the Criminal Code of the Republic of Moldova, "sexual abuse" is regulated in the context of rape committed knowingly against a juvenile (art. 171, para. (2) b)). "Violent actions of a sexual character" committed knowingly against a juvenile are incriminated in article 172, para. (2) b) of the Criminal Code of the Republic of Moldova.

39. The Republic of Moldova ratified on 19 December 2011 by Law Nor. 263 the Council of Europe Convention on the Protection of Children against sexual exploitation and sexual abuse.

40. It is proven that sexual abuse against children negatively affects the physical, emotional, spiritual, intellectual and sexual development of a child and influences his abilities of interpersonal communication and social interest, while the persistence of this phenomenon undermines the fundamental values of the society.

41. Most frequently, children become victims of sexual abuse because of their vulnerability and fragile age. By Law No. 73 of 12.04.2012, was elaborated a draft bill regarding the modification and completion of the legislation, precisely the Criminal Code, the Criminal Procedure Code and the Family Code, in cooperation with the competent public authorities, specialized in the protection of children rights and national NGOs. Consequently, article 174 of the Criminal Code was modified in order to ensure clarity to the legal norm and to incriminate all actions of a sexual character against children, as follows:

42. “Sexual intercourse other than rape as well as any other acts of vaginal, anal or oral penetration, as well as other actions, committed with a person certainly known to be under the age of 16 shall be punished by imprisonment for 3 to 7 years.”

43. According to article 23 of the Convention “Solicitation of children for sexual purposes”, the Criminal Code was modified by adding article 1751 “Children accosted for sexual purposes”.

44. “Proposal, including by the information technology means, of a meeting with a child with the purpose of performing against the said child of any sexual infraction, if the proposal was pursued with material events that resulted in such a meeting.”

45. Article 2081 of the Criminal Code “Infantile pornography” incriminates mostly actions stipulated in article 20 of the Convention “Offences concerning child pornography”. Additionally, it should be noted the action stipulated in article 20, d) of the Convention “procuring child pornography for oneself or for another person”, thus it is proposed to complete article 2081 of the Criminal Code by adding “procurement” after the word “sale”.

46. According to paragraph 1 article 19 c) of the Convention, the Criminal Code was completed with article 2082 “Recourse to child prostitution”.

47. In order to implement the provisions of article 28 of the Convention, the competent authorities will modify the national legislation according to the aggravating circumstances stipulated in article 28, d) of the Convention “the offence was committed by a member of the family, a person cohabiting with the child or a person having abused his or her authority”.

48. In this context, article 206, para (3) of the Criminal Code was modified by adding the aggravating circumstance “committed against the child under the childcare, protection, education or treatment of the performer”.

49. According to §1, article 30 of the Convention, was modified and completed article 10, para (6) of the Criminal Procedure Code by adding “if an infant is victim or witness, any action should respect his interests at any phase of the criminal process.”

50. These amendments have the purpose to extend the applicability of the legal norm on entire the criminal process. At the same time, article 71, para (2) of the Family Code was adjusted according to the provisions of article 14 of the Convention, having the purpose to ensure protection to children who are victims of sexual abuse in a family environment.

51. Thus, “in exceptional cases if there is imminent danger for life, health and sexual inviolability of the child, the tutelary authority can decide to take/remove the child from the family environment, communicating this fact to the prosecutor within 24 hours”. It should be noted that children’s vulnerability, their psychological and emotional state require special protection in all fields, especially within the framework of the legal process.

52. By Law nr. 66 from 05.04.2012 and in conformity with article 35 of the Convention, the Criminal Procedure Code was completed with article 1101 “Special cases of hearing of a child witness”, stipulating the audition of infant victims/witnesses of crimes with sexual character, trafficking in children or family violence.



53. At the same time, the Ministry of Internal Affairs coordinated the drafting of the Study “Assessment of the situation regarding children’s victimization through abuse and sexual exploitation”, in order to estimate the situation of children’s victimization through abuse and sexual exploitation, to identify the legal and institutional deficiencies, but also to prevent and combat sexual abuse against children.

54. In January 2012, the Ministry of Internal Affairs signed the Memorandum of cooperation between the Ministry of Labour, Social Protection and Family, the Ministry of Education, the Ministry of Health, the Leova and Orhei City Councils, the Child Rights Information and Documentation Centre and the National Centre for Child Abuse Prevention, having the purpose to ensure an efficient protection for children.

55. In the framework of this Memorandum, the related institutions will elaborate, promote and develop the intersectoral mechanism of identification, monitoring, prevention and assistance to vulnerable children or children victims of violence, trafficking and other social risks.

56. In this context, the Ministry of Internal Affairs offered assistance to the National Centre for Prevention of Child Abuse in order to elaborate the intersectoral mechanism of cooperation for the assistance and monitoring of children victims and potential victims of abuse, neglect, exploitation and trafficking.

57. On April 18, 2012 within the public consultations on the draft it was decided to launch the program in 10 districts from Leova, Orhei, Calarasi, Falesti and Ungheni.

58. Beginning with June 2012, the intersectoral mechanism is to be launched in 10 districts from Leova and Orhei.

59. During the operation of the program, were organized instructions for the members of the multidisciplinary teams, including MIA employees, in order to ensure efficient implementation of the intersectoral mechanism of collaboration for the assistance and monitoring of children victims and potential victims of abuse, neglect, and exploitation and trafficking.

#### **Reply to the issues raised in paragraph 4 of the list of issues**

60. In 2011, the Ministry of Labour, Social Protection and Family started the reform on child protection, which involves the elaboration of the Strategy and National Action Plan for child and family protection.

61. The Ministry of Labour, Social Protection and Family, in cooperation with the civil society, the United Nations Children’s Fund (UNICEF) and the Resource Centre of NGOs for Human Rights, organized regional consultations on the project of the Strategy for child and family protection in the North, Centre and South. The consultations gathered representatives of the public authorities specialized in social assistance, employment, education, health, public order, prosecutor’s office, as well as relevant NGOs. At the same time, there were organized focus-groups with parents and children. The project of the strategy was also discussed with the non-governmental sector from the Transnistrian region of the Republic of Moldova and Diaspora communities representatives.

62. The main objective of the Strategy is to prevent and combat child abuse, violence, neglect and exploitation and promotion of non-violent practices in the educational process. Among the vectors of activity, we note:

- The elaboration and implementation of a National Development Program for non-violent parental abilities and support;

- To ensure child protection against harmful information for psychical and moral integrity of the child;
- Development of services for psychological and emotional support for vulnerable children;
- To ensure efficient implementation of the legal framework regarding domestic violence;
- Efficient personal data protection and prevention of re-victimization of children victims of abuse, neglect and exploitation;

63. It should be noted that the project was elaborated according to the international treaties on human rights and child rights protection standards, including the Council of Europe Strategy for the rights of the child 2012-2015. The Strategy is expected to be adopted in mid time.

64. At the same time, by the end of 2013 it should be drafted the National Action Plan (mid-term) for the implementation of the Council of Europe Strategy for the rights of the child 2012-2015.

### Reply to the issues raised in paragraph 5 of the list of issues

**The following table indicates the activities of prevention and/or consolidation of the capacities in the I semester of 2013**

		<i>Nr of instructions</i>	<i>102</i>
1.	Capacity building	Nr of beneficiaries	3050
2.	Awareness activities	Nr of activities	280
		Nr of beneficiaries	10000
3.	Publications	Nr of publications	11

**The following table indicates the activities of prevention and consolidation of the capacities in 2012**

<i>Nr of seminars / workshops / instructions</i>	<i>95</i>
Nr of beneficiaries	1671
- Prosecutors	149
- Judges	82
- Police officers	236
- Members of the coordination group of PS	32
- Teachers / Psychologists	29
- Members of multidisciplinary teams	697
- Doctors	433
- Embassy and Consular Office representatives	13

65. In order to raise child awareness and eradicate victimization and promote partnerships with civil society, the Ministry of Internal Affairs in cooperation with the representatives of the International Centre for Women Rights Protection and Promotion “La Strada”, the National Federation of Fight “VOIEVOD” and Civil Organization “Viata Noua” during the summer of 2012, has conducted the campaign of promoting healthy

lifestyles, preventing and combating social vices and violence. In this context, it was organized youth and health recovery camps within the 19 centres. The informational and educational activities were attended by 2,838 children.

66. The police staff carried out 11,988 (2012), respectively 1,1431 (in 2011) activities of information and education in middle and high schools, through which children were familiarized with the situation regarding crimes involving infants, the provisions of criminal and administrative legislation in this regard and also the victimization risks they are exposed to, providing them recommendations of how to avoid such actions.

67. In order to raise the public awareness on issues such as children at risk, and to familiarize civil society with the situation around juvenile delinquency, police employees have used 486 media sources, including 133 TV programs, 119 radio reports and 234 publications in the press.

68. Children were familiarized with the social behaviour norms, the risks they are exposed to during their summer vacations, providing them with advice on how to avoid the abovementioned risks.

69. In May - June 2013, the Ministry of Internal Affairs jointly with the representatives of the International Centre for Women Rights Protection and Promotion "La Strada" and the Civil Organization "Mamele pentru Viață" has initiated 2 awareness campaigns "An informed child – a protected child" and "Together children for safety". The propose of the project was to promote a healthy life style and to prevent and combat societal vices and violence

70. During the first 7 month of 2013 the police staff carried out in middle and high schools 3,940 informational-educational activities through which children were familiarized with the situation regarding crimes involving minors, the provisions of criminal and administrative legislation in this regard and also the victimization risks they are exposed to, providing them recommendations of how to avoid such actions.

71. In order to raise public awareness on issues such as children at risk, and to familiarize the civil society with the situation around the juvenile delinquency, police employees have used 486 media sources, including 29 TV programs, 18 radio reports and 58 publications in the press.

72. For the celebration of the "International Child Protection Day" – on June 1 2013, the Ministry of Internal Affairs has performed a number of activities. On this occasion a sport program was presented at the Dinamo central sport Club. The event was attended by 600 children of the employees of the Ministry of Internal Affairs subordinated departments.

73. During the aforementioned periods, in 45 territorial units were held over 102 events with the generic theme "Father, Mother and Me", "Asphalt painting", child art exhibitions, flash-mobs, other games which involved 27 106 children of the employees of the Ministry of Internal Affairs. In order to celebrate the "International day of Children-victims of aggression" – 4 June 4, the Ministry of Internal Affairs organized the "Open doors days" during the period 3-4 June 2013, allowing children and their parents to visit the field offices of the Police Departments.

74. The purpose of these activities is to change the perception of the youth generation regarding the police and to overcome the stereotype that the police is not a repressive body, but is a specialized public institution that has the mission of protecting the fundamental freedoms and rights of the person, through activities of maintaining, ensuring and restoring of public order and security, of preventing, investigating, solving crimes and contraventions, thus boosting the societal level of trust, and promoting a positive image amongst citizen.

75. In this context in the 42 Police inspectorates were conducted 52 visits, being attended by 1965 children and parents that were informed with the way of receiving, registering the calls of the citizen to the emergency unit, organizing, directing and reaction process of the quick response teams, as well as demonstrations of the equipment used by the teams.

76. The children were informed about the competences of the Police in the field of ensuring protection of the rights of children victims of aggression, receiving recommendations on avoiding risk situations.

77. On 8 August 2013, the President of the international centre “La Strada” – Moldova and the Chief of the Police Inspectorate has signed a Memorandum of Cooperation between the law enforcement body and the civil society. One of the objectives of the document is mutual collaboration of the parties in the field of preventing and combating child pornography and sexual exploitation of children.

78. The Memorandum specifies the areas of responsibility of the two parties. The General Police Inspectorate assumes a number of tasks, amongst which: to guarantee the access of beneficiaries to the information regarding their rights, the authorities and organizations charged with protecting them, to ensure all the necessary legal measures of warranting their protection, to ensure the supremacy of the child interests by applying special measures of child hearings, in case of children victims of sexual exploitation in the Chamber of Enquiry of the Child of the International Centre “La Strada” which is especially equipped thus allowing the recording of the hearing; to inform the Centre regarding the dangers to which the beneficiaries of the programmes of assistance are exposing themselves, as well as providing them protection in case the need arises, and to provide at the request of the Centre necessary measures for protecting beneficiaries, to provide information of common interest regarding the monitoring of current information of the beneficiaries involved in penal trial cases and long term assistance, also to manage the information received from the Centre in maximum security conditions.

79. On the other hand, “La Strada” – Moldova takes on the responsibility of monitoring at a national level the situation regarding the phenomena described in the Memorandum and the tendencies by performing a number of studies, field researches, to provide the received information to the partners, to contribute to the development of projects and normative acts/standards in the field of combating such types of contraventions, to perform activities aimed at the consolidation of professional capacities of the legal specialists involved in such actions (by ways of professional development seminars, workshops, roundtables, etc.). According to the Memorandum, “La Strada” will inform the GPI about the cases of sexual exploitation of children received by the means of the Centres’ National Hotline as well as a virtual portal.

### **Reply to the issues raised in paragraph 6 of the list of issues**

80. During the first 8 months of 2013, the employees of the Ministry of Internal Affairs participated at a number of workshops, roundtables for the mentioned topics, including:

- May 28, 2013 the National Centre on preventing Abuses regarding Children in cooperation with the Ministry of Justice and the Social Development Centre “MOVISIE” from the Netherlands organized an event of launching the Report regarding the appraisal of the legal system in the field of investigating cases of infractions against children in the Republic of Moldova;
- April 24, 2013, the National Centre on preventing child abuse in cooperation with the Centre for Investigation and Consultancy SOCIOPOLIS organized

an event for launching the Study Report Children victims of infractions and legal procedures; the Ministry of Justice in its role of Coordinator of the implementation of the strategy for reforming the justice sector in the years 2011-2016, in order to accomplish the optimal results described in the p. 6.3.2 p2 of the Action Plan for the Implementation of the strategy approved by the Parliament Decision nr 6 from February 6, 2012 “equipping court houses, prosecution offices and police commissariats with special spaces provided for assisting and hearings of children”

- MIA has organized a roundtable with the representatives of the institutions involved in the implementation process from the field of justice, the NGO sector and development partners; took part in the study seminar “Justice for children” which took place at the “Stefan cel Mare” Police Academy
- 1-2 July 2013 according to the Disposition of the Ministry of Internal Affairs nr. 10/1066 dated 17 June 2013 in partnership with UNICEF and general Penal Prosecution Directorate of the General Police Inspectorate, it was designated a trainer for the aforementioned topic
- 6 August 2013 MIA participated at the consultative meeting regarding identification of a possible solution for recording cases of children accosted for sexual purposes from the perspective of excluding them from the documentation process.

81. During a course for 8 months the Ministry of Internal Affairs employees (Centre for Combating Informatics Crimes - CCIC) specialized in prevention and combating child pornography, abuse and on-line sexual exploitation participated in multiple trainings, study visits and workshops, specifically:

82. In Fairfax, VA, (USA) during January 2013 2 CCIC officers participated together with colleagues from US law enforcement agency – FBI, at a training course conducted by the US Department of Defence entitled “Investigation of on-line exploitation of children” The participants were familiarized with methods and tactics of documenting, as well as with the experience in the area of preventing and combating the sexual exploitation of children in the online dimension at the international level.

83. In February 2013 three officers of CCIC were trained in Chisinau by international experts from the ICPO-INTERPOL General Secretariat. After the training, user licenses were obtained, as well as the connection to the ICSE international database.

84. Four officers of the CCIC attended the training course organized by the International Training Centre of Resources in the field of Migration and combating human trafficking of the Belarus Ministry of Internal Affairs Academy, (Minsk) with the title “Combating child pornography on the internet”. The training course was presented by the experts of the Great Britain Police Training Centre.

85. Three CCIC officers participated at a training organized with the support of the Council of Europe TAIEX instrument. Moderators of the event were law enforcement experts from Belgium, Ireland, Estonia and Romania. As a result, European Union experience in the field of application of specialized investigation software for the investigating of such crimes was shared.

86. In the period of 19-24 May 2013, in Madrid, Spain, a study visit was performed regarding the transfer of knowledge in the field of combating child pornography via the Internet, organized with TAIEX instruments of the European Commission, which was attended by two CCIC officers.

87. During 2011 International Centre for Women Rights Protection and Promotion “La Strada”, organized 2 modules of trainings entitled “Interdisciplinary approach of cases of sexual exploitation of children” with the purpose of promoting the special hearings procedure of the child whiteness or child victim of sexual exploitation, which were attended by 150 employees of penal investigation services and child safety sections of the police field offices.

88. During 2012 the Moldavian office of the Swiss foundation Terres des Hommes organized 4 workshops for the employees of the minors’ temporary placement centre of the Ministry of Internal Affairs, with the purpose of developing the skills of dialogue with children and strategies of promoting the positive behaviour of the centres’ beneficiaries.

89. During the implementation of the project “Free, Strong and Protected – towards a better child protection system in Moldova” carried out in the Leova and Orhei districts jointly with the National Child Abuse Prevention Centre, on 14 November 2012, 27 employees of law enforcing agencies were trained in using efficiently the interdisciplinary mechanism, cooperating for assisting and monitoring victims and potential victims of abuse and neglect, exploitation and trafficking.

90. Also, in the period of 28-30 March 2012, the Civil Organization “Partnerships for every child” in cooperation with the Ministry of Education, Ministry of Health and Ministry of Labour, Social Protection and Family the project “Ensuring child rights to a family and protecting him from violence, abuse and neglect”, financed by USAID. Through the project assistance is offered to the Republic of Moldova in consolidating the child protection system.

91. Also in the period of 20-31 May 2013, 45 employees of the Child security department were trained in regards to the best practices of child communication. The training course was organized with the support of the Terres des Hommes Foundation, Lausanne, Switzerland (Moldavan office). The officers that received training will share the practices in the police field offices, in order to prevent and combat all types of abuse, negligence, exploitation and increasing the level of safety and protection of children.

**Participation of General Prosecutors’ Office representatives at workshops, seminars regarding child rights protection, victims of exploitation and sexual abuses.**

92. During the process of executing its constitutional functions, special attention is dedicated by the Prosecutor to the task of child protection, activity determined by the obligation of the State to ensure a special assistance regime in the fulfilment of children’s rights.

93. In order to raise the efficiency of prosecutors on a constant basis seminars to improve professional skills are organized. Referring to recent years in 2011 a series of training activities were organized, including regional seminars. Also in the period of May-June 2011, with the support of the National Institute of Justice and UNICEF Moldova, three training courses of 3 days each were conducted for 75 specialized prosecutors. During this event also was required to provide the feedback of the territorial prosecution offices.

94. Thus, on 25 April 2012, was conducted with the support of the National Centre for Prevention of Child Abuse, supervision session in the hearing of child victims / witnesses of abuse, exploitation and neglect. The seminar was attended by 25 prosecutors specializing in children’s issues in different districts. On 7 April 2012 officers of the General Prosecutor office elaborated presentations for the seminar “Statutory hearing of child victims/witnesses of trafficking in persons, organized for the police officers.

95. Subsequently, on 29-30 November 2012, was held the seminar “The hearing of child victims of abuse/sexual exploitation” involving prosecutors specializing in children’s issues.

96. By the Order of General Prosecutor specialized prosecutors from prosecutor offices in Balti, Orhei, Ungheni, Căușeni, Leova are involved in working groups to strengthen the referral mechanism for children in conflict with the law to the community services at the local level. Working groups are operating during November 2012-December 2014, engaging in assessment activities applicability of the legal framework in the area of justice for children.

97. In 2013, the prosecutors attended a series of seminars in the process of continuous learning at the National Institute of Justice, including at the seminar “The hearing of child victims/witnesses of sexual abuse and exploitation.”, which was held in the period 1-2 April and, respectively, 8-9 April 2013. During the 27-28 June 2013 at the National Institute of Justice was held the seminar for trainers on “Justice for Children”, which will be later incorporated in the peer training system. Apart from this, prosecutors are given permanently methodological assistance in their activity. Therefore, methodical recommendations and guidance on the investigation of crimes that threaten the life / sexual inviolability of minors, investigating cases of suicide and attempted suicide of children have been dispatched to the prosecutors. Currently under development is the Instruction on conducting a hearing under special child victim/witness sexual offences, child trafficking, and domestic violence.

98. In this context, a number of measures were taken:

(a) Instructions on – medical institutions intervention in cases of domestic violence were printed and distributed to all medical institutions (2,000 copies) including placed on the Ministry of Health website;

(b) During 2011-2012 were conducted 19 training courses attended by 400 medical and paramedical workers on victim protection and assistance (United Nations Population Fund (UNFPA), Civil Association Doctors of the World);

(c) In 2012 were organized three training courses - Training of Trainers within the U.S. Government project “Strengthening Multidisciplinary Approach on Achieving and ensuring life without Violence”, implemented by the ILO (75 specialists).

99. Within the Project, supported by the Oak Foundation and UNICEF Moldova and implemented by the National Centre for Child Abuse Prevention, Centre for Information and Documentation on Children’s Rights “Free, strong and protected - towards a better system of child protection Moldova “, about 100 professionals, including health workers were trained to implement intersectoral cooperation mechanism and to monitor the assistance of child victims and potential victims of abuse, neglect, exploitation, trafficking, focusing on cross-cutting procedures.

100. Currently, the Ministry of Labour, Social Protection and Family carry out a training course that comes to strengthen the institutional and operational capacities of local authorities in the field of child rights protection.

101. It would thereby result in training all mayors, community social workers and child protection specialists from the Departments/Directorates for Social Assistance and Family Protection in the country - about 2,150 people.

**Reply to the issues raised in paragraph 7 of the list of issues**

102. The general part of the Criminal Code contains provisions which relate to cases where legal persons are subject to criminal punishment. They can be punished both for action and for failure to act under the provisions of the General Part, legal entities shall be sanctioned if the articles of the Special Part of the Criminal Code provided penalties for these.

103. Currently, under the Penal Code in force, are provided penalties of legal persons for committing child trafficking.

104. Within the Ministry of Internal Affairs (CCIC)) are working three officers specialized in preventing and combating child pornography, sexual exploitation and abuse of children online.

**Reply to the issues raised in paragraph 8 of the list of issues**

105. In order to improve the protection of minors in legal proceedings, changes were made to the Criminal Procedure Code of the Republic of Moldova by which were stipulated special conditions for hearing of child victims of sexual violence, domestic violence, child trafficking. According to these children are heard in special places by a special education teacher to avoid their re-victimization.

**Article 1101. Special cases hearing of the minor witness**

(a) Hearing as the witness a minor under the age of 14 years in criminal cases on crimes of sexual nature of child trafficking or domestic violence in terms of article 109 para (5) shall be made by the judge in specially equipped rooms with audiovisual recording media through a psycho pedagogue;

(b) The juvenile witness and psycho pedagogue are in a separate room from the investigating judge and the other parties involved in this trial action;

(c) The suspect, accused, their counsel, the injured party and the prosecutor addresses questions of the instructing judge who by audiovisual means, forward them to psycho pedagogue;

(d) If necessary, educational psychologist reserves the right to rephrase the question, if they were formulated in the way that may traumatize the minor witness;

(e) Hearing the child witness should avoid causing any adverse effect on the mental state thereof;

(f) The witness minor who at the date of the hearing has not reached the age of 14 years is cautioned that is about to tell the truth;

(g) The witness statements of a minor questioned under this Article shall be recorded by audiovisual means and shall be entered entirely in a report prepared in accordance with article 260 and 261;

(h) The court shall seal the information medium that was used for the recording of the witness statement and shall keep an original with a copy of the Minutes of the hearing.

[Art.1101 in effect since 27.10.12]



**According to Article 75 para. (2) Criminal Procedure Code. Legal competence in the criminal proceedings:**

106. “In the criminal proceedings are deemed incapable the injured party, civil party, who has not attained the age of 14”.

107. Thus, for child victims the complaint will be filed by the statutory representative who will then represent their interests in the criminal trial. Criminal Procedure Code provides for commencement of Ex OUP office or prosecution in all cases where there is a reasonable suspicion on violence against children and special examination procedures governing criminal cases involving juveniles, while being willing to examine them necessarily according to article 274 of the Criminal Procedure Code.

108. Child victims of crime in question may call upon law enforcement both directly, as well as through National Hotline and a virtual portal, both managed by the International Centre “La Strada”.

**Reply to the issues raised in paragraph 9 of the list of issues**

109. With the purpose of providing for, caring and development of children in need under the age particularities, activates the child’s Temporary Placement Centre, which is arranged according to the quality standards necessary to ensure children with an environment close to a family. The centre provides educational services, health and (re) integration child in the family being subordinated to the local public administration.

110. At the country level, from 2011, the intersectoral cooperation mechanism is implemented in the medical-social field to prevent and reduce infant mortality and of children aged up to 5 years at home – including the development of intersectoral partnership within the public and civil society institutions in solving the problems of children and families at risk.

111. Within cross-sectoral medico-social mechanism for preventing and reduce the rate of infant mortality and of children aged up to 5 years at home, one of the duties of health workers is:

- Immediate notification of law enforcement and guardianship authorities of the administrative and territorial unit on cases identified of abuse, violence or neglect of children.

112. In order to implement the Law. 45-XVI dated 01 March 2007 on the prevention and combating domestic violence, the Ministry of Health developed and adopted in 2012 “Instruction on medical institutions intervention in cases of domestic violence,” which includes the following sections:

- (a) Duties of medical institutions in cases of domestic violence.
- (b) Instructions for identifying cases of domestic violence related to:
  - i. Psychological violence.
  - ii. Physical violence.
  - iii. Sexual violence.
  - iv. Violence directed at children.
  - v. Violence directed at pregnant women.
- (c) Instructions for filling medical documentation;

- (d) Instructions on counselling victims of domestic violence;
- (e) Attributions of forensic medicine in cases of domestic violence.

113. In this context, was approved the intervention procedure for medical institutions workers in cases of violence, comprising intersectoral collaboration mechanism with social assistance and police bodies, including on reporting cases of violence.

114. Among the paramount rights of the child are the right to survival, full health and access to health and medical services with a particular emphasis on primary and preventive medicine, the health education on rational nutrition. Therefore, the Republic of Moldova, by implementing the compulsory health insurance (2004), created the conditions that no child shall be deprived of accessibility to health system. Currently all children (0-18 years) are guaranteed with health insurances by the State.

115. According to the international standards on protection of patients' rights and dignity the reform of the psychiatric care system started to be implemented, towards the diversification of specialized services provided, increased accessibility to diagnosis and treatment, the introduction of psychosocial rehabilitation component as an essential part of curative process, including among children and teenagers.

116. In this regard were:

- (a) Set up the mental health services through the creation of the National Centre for Mental Health;
- (b) Created and developed community mental health services (five community mental health centres), providing not only the necessary assistance but creates conditions for rehabilitation and social family integration of people experiencing mental illness;
- (c) Established an "ombudsman in psychiatric institutions";
- (d) Initiated the process of reorganization of the psychiatric hospital service.

117. For providing comprehensive services with the integration in the supervision process and development of children from birth until the age of 3 years, and social services and education, has been determined the need to establish Early Intervention Services for Children. The respective Service will ensure the possibility for proper development of the child with special needs and increase parents' capacity of adaptation and childcare for a higher quality of family life.

118. In 2012 were approved the new standards for childcare in ambulatory conditions that were optimized in the context of healthy child and centred on children at risk with the elaboration of an individualized plan of supervision.

119. In order to ensure protection measures and monitoring of children without parental care the Ministry of Labour, Social Protection and Family elaborated the draft law on special protection of children at risk and children separated from parents. The draft law defines a number of basic terms used in the child protection system, reviews the activity of guardianship authority proposes empowering the tutelary powers of mayors and regional structures of social assistance and family protection governing the self-notification and registration of complaints about children at risk, time, specialists and authorities responsible for issuing provisions on children's situation assessment, allocation and placement status of children separated from parents. The Law was adopted by Parliament by Law No. 140 on 14 June 2013 and will enter into force on 1 January 2014.

## Reply to the issues raised in paragraph 10 of the list of issues

120. The General Part of the Criminal Code contains provisions which relate to cases where legal persons are subject to criminal punishment. They can be punished both for actions and for failure to act under the provisions of the General Part; legal entities shall be sanctioned if the articles of the Special Part of the Criminal Code set out penalties for those.

121. Currently, under the Penal Code in force, are laid down corporate penalties for committing child trafficking.

122. Article 2081 (Child Pornography) of the Penal Code provides sanction against a legal person in the form of deprivation of the right to practice certain activities.

123. According to Article 21 of the Criminal Code of the Republic of Moldova, legal entity, except public authorities is subject to criminal liability for an offence under criminal law if there persist one of the following conditions:

- (a) The legal person is guilty of failure or improper performance of the direct provisions of the law establishing obligations or prohibitions for carrying out a given activity;
- (b) The legal person is guilty of failure to fulfil or improper fulfilment of the direct provisions of the law establishing obligations or prohibitions for carrying out a given activity;
- (c) The act that causes or creates a risk of causing considerable damage to the person, society or State was committed for the benefit of that legal person has been admitted or sanctioned, approved, used by the body or person authorized by a senior legal person.

124. Legal persons, except for public authorities, are criminally liable for infractions which are stipulated in the Special Part of the Criminal Code. Criminal liability of legal persons does not exclude liability of the physical person for committed crime.

125. Legal persons are criminally liable for trafficking in children (art. 206 of the Criminal Code of the Republic of Moldova), which include actions of child sale and prostitution, as well as infantile pornography (art. 2081 of the Criminal Code).

126. According to Criminal Law nr. 245 of 2 December 2011,

- Article 205 of the Criminal Code was modified by adding para (4) c) actions committed by a high-ranking official;
- Article 206 of the Criminal Code was modified by adding para (3) c) actions committed by a high-ranking official; e) actions committed against the child under the childcare, protection, education or treatment of the performer.

127. Please provide information on measures taken by the State party to provide assistance to victims of the offences covered by the Optional Protocol. In particular, please provide information on measures taken to ensure the rehabilitation, reintegration and compensation of child victims of sale of children, child prostitution and child pornography. Furthermore, please indicate what programmes are in place for the treatment of perpetrators of crimes covered under the Optional Protocol.

128. In order to improve the protection of minors in legal proceedings, changes were made to the Criminal Procedure Code of the Republic of Moldova, which were stipulated special conditions for hearing of child victims of sexual violence, domestic violence and child trafficking.

129. According to these, children are interviewed in special places by a psycho pedagogue in order avoid victimization.

**Article 110. Special methods for hearing the minor witness.**

(a) The hearing of minor witness under the age of 14 years, in criminal cases concerning offences of sexual nature of child trafficking or domestic violence in terms of article 109 para. (5) shall be made by the judge in specially equipped rooms with audiovisual recording media through a psycho pedagogue.

(b) The minor witness and the psycho pedagogue are in a separate room by the investigating judge and the other parties involved in this action proceedings.

(c) The suspect, accused, their lawyer, the victim and the prosecutor address questions to the judge, who by audiovisual means, send them to the psycho pedagogue.

(d) If necessary, the psycho pedagogue reserves the right to rephrase the question, if they were formulated in the way that they can traumatize the minor witness.

(e) The hearing of the minor witness should avoid causing any adverse effect on his mental state.

(f) The minor witness, under the age of 14 years, is warned to tell the truth.

(g) The minor witness statements, questioned under this Article shall be recorded by audiovisual means and recorded entirely in a report prepared in accordance with articles 260 and 261. The court seals the information support that was recorded the witness statement and keep it original with a copy of the Minutes of Evidence.

[Art. 1101 introduced by LP66 din 05.04.12, MO155-159/27.07.12 art. 510; in force 27.10.12]

130. The Ministry of Internal Affairs collaborates on the daily basis with the International Center “La Strada”, which organizes and provides social assistance to restore mental balance and physical health, of the victims of sexual exploitation and abuse.

131. The social assistance types provided are the following:

(a) Identifying the cases, determining the status of the victim and associated actions (risk assessment and needs, maintaining the contact, including through the organizations-partners);

(b) Assistance for recovery from the operation place;

(c) Assistance in the process of pre repatriation of the child (immediate accommodation, medical and emergency counselling, food, clothing.);

(d) Assistance in the process of repatriation (organization of documents, accompaniment on during the journey to the country of origin);

(e) Assistance in the process of after-repatriation (social accompanying, the organization of temporary accommodation, medical, psychological, material, psychosocial support, family reintegration, counselling and legal assistance);

(f) Informational assistance via Hot Line;

(g) The assistance is realized through a mechanism reference profile partnership with different organizations, both nationally and internationally.

132. Title VII, Chapter I “Civil action in a criminal proceeding” of the Criminal Procedure Code, provides that all victims of crime are entitled to claim compensation for moral and material damages.

133. Also article 58 para. (5) of the Criminal Procedure Code provides that “the victim, once identified, benefits under the law of the right to protection and compensation, and the right to submit a request for protection measures.”

134. The criminal procedure legislation of the Republic of Moldova provides guarantees to an accessible justice according to age, adapted to and focused on the needs and rights of children, including the rights to a fair trial, to participate and understand the procedures, right to privacy and family and the integrity and dignity.

135. Article 10 para. (6) of the Criminal Procedure Code emphasizes the importance of ensuring the best interests of the child in decision taking process, including when involved in criminal proceedings. Article 10 para. (6) of the Criminal Procedure Code guarantees the interests of the child victim/witness at any stage of the criminal process.

136. To protect the privacy, identity and image of child victims Article 18 para. (21) the Criminal Procedure Code provides that the court will hear the statements of a minor involved in a process as a victim or witness in a closed meeting.

137. Moreover, given to the provisions of Article 4 of the Law on the protection of children against the negative impact of information is prohibited to publish the information containing personal data of a child victim of a crime or contravention, of a child who cause himself injuries or attempted to do so, either committed suicide or made a suicide attempt and children presenting photos or videos about them in the context of negative social phenomena, which allows identification of children.

138. Article 481/1 of the Criminal Procedure Code of the Republic of Moldova guarantees the rights of the witness/minor victim, including: to be represented at all stages by a legal representative and lawyer, to be confidential in all stages of criminal proceedings, to be quiet and not incriminate himself or his relatives, to have other procedural rights of the witness referred to in Article 90 of the Criminal Procedure Code.

139. According to article 481 par. (3) of the Criminal Procedure Code, the legal representative of the minor witness is involved in the hearing process, minor witnesses' entitlement to be represented at all stages of a legal representative is guaranteed by article 4811 CPP.

140. It cannot be admitted in criminal proceedings as legal representative of the victim's, person which is causing borne by crime, moral injury, physical or material.

141. If children were not represented in the process by legal persons referred to in Article 77 paragraph row. (1) of the Criminal Procedure Code, the prosecuting authority/prosecutor will call the office as legal representative the guardianship authority. Guardianship authority must be represented by a person with knowledge and training in child protection issues, focusing on the rights and needs of the child victim/witness in criminal proceedings.

142. The legal representative of the victim has no right to act against the interests of the person he represents, as provided for by Article 78 para. (5) of the Criminal Procedure Code.

143. If there are grounds to believe that the legal representative actions prejudice the interests of the child, the legal representative may be removed from the criminal and replaced by another, when it is possible, either with the guardianship authority. Replacing the legal representative is by reasoned order by the criminal prosecution body/prosecutor, both to carry out the hearing, and after hearing of the child.

144. The minor witness is entitled to be represented at the hearing by a lawyer, according to article 4811 of the Criminal Procedure Code, which will represent the interests benefiting from the status of procedural rights and obligations under article 92 of the Criminal Procedure Code of the Republic of Moldova.

145. According to article 58 par. (3) article 60. (1) point 18) of the Criminal Procedure Code, the child victim/injured party has the right to be represented by a lawyer of his choice, and if the victim does not have the means to pay the lawyer, he/she must be assisted

by a lawyer who provides legal assistance guaranteed by the State, under the law (Law on State guaranteed Legal Aid).

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