

CONCLUSIONS AND RECOMMENDATIONS

on the round table

“Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse: challenges and good practices”

February 20 -21, 2018

Session I - Coordination of implementation of the Lanzarote Convention in the Republic of Moldova

Main conclusions:

- The current public policy framework reflects in a segmentary and incomplete way the provisions of the Convention assumed by the Republic of Moldova;
- Collection of the data related to abuse and sexual exploitation of children remains a challenge, especially disaggregated data (in particular, abuse and sexual exploitation committed in the circle of trust, abuse and sexual exploitation committed with the use of ICT);
- Cross-sectoral cooperation aimed at assistance provided in cases of sexual abuse and exploitation is performed in a defective way, especially in the justice and social fields;
- The current coordination platforms in the field of child protection (e.g. the National Council for Child Rights Protection) address the issue of child sexual abuse and exploitation in general and on a case-by-case basis.

Main recommendations:

- Proactive coordination, within the existing platforms, of the public authorities and CSOs interventions (NGOs, initiative groups, churches, etc.) related to the effective and efficient implementation of the provisions of the Lanzarote Convention;
- Participatory development of the indicators and procedures for monitoring the process of implementation of the Lanzarote Convention, planning and arrangement of the participatory reporting to the Lanzarote Committee;
- Revision of the plans for professional training of the specialists in the field of social and legal domains on inter-sectoral collaboration in providing assistance in cases of child abuse and sexual exploitation aiming to improve the quality of the training in terms of knowledge, attitudes and practices of the new specialists.

Session II - Prevention of sexual abuse and sexual exploitation of the child and strengthening the capacities of the specialists in the field of contact with children

Main conclusions:

- Children have inadequate knowledge of skills and minor abilities on the safe use of the Internet, as well as scarce information on the reporting and protection tools referring to the risk of child sexual exploitation on-line;
- Parents do not have the necessary skills in the digital field;
- The programmes of training of the specialists in all fields, specifically in those of social and education, do not provide the future specialists the acquisition of the knowledge and skills sufficient to enable them to work with the children who are victims of sexual abuse and exploitation; serious disadvantages were recorded in the sphere of training the specialists in the field of the "digital security";
- The current school curricula approach in a very general or selective way the topics of interest in relation to the commitments taken, education on sexuality and on the risks of abuse and sexual exploitation, in particular the risks of certain behaviors, and the use of ICT;
- Few activities aimed at prevention of child sexual abuse and exploitation require better coordination while their impact must be monitored and assessed, as well as systematically integrated into country reports alongside other measures taken;
- The involvement of the children in the cycles of the public policies related to the abuse and sexual exploitation is still at an early stage and requires additional efforts, especially on the part of the State, in order to facilitate participation of children in a committed, professional and secure way;
- The coverage of the messages of social campaigns carried out by the CSO is carried out with difficulties, most of which required the payment of fees for placement in the media;

Main recommendations:

- Campaigns to prevent sexual abuse and exploitation need to be supplemented with specific actions, on a more specific areas – such as abuses committed in the "circle of trust" of a child;
- Continuous training of professionals referring to sexual abuse and exploitation requires an interdisciplinary approach, as well as targeting

- according to the skills of each professional, in terms of knowledge, attitudes and practices;
- Initial (basic) training programs need to provide future professionals (particularly in the the field of education, social protection, psychology and law), with a set of knowledge, skills and abilities in order to provide appropriate support to a child – victim of child abuse, depending on the powers offered by their position;
 - Shaping of a correct perception requires for investment in scientific research in the areas covered by the Lanzarote Convention, especially in case of the children who have committed acts of sexual abuse against other children; Besides, the psychological characteristics of child-victims and witnesses of such crimes must be studied;
 - Facilitating the dissemination of awareness-raising messages developed by CSOs and coordinating their inclusion in wider campaigns;
 - Proactive cross-sectoral coordination of the efforts aimed to prevention of child sexual abuse and exploitation among all actors (at all levels of public administration and CSOs);
 - Continuous education of the general public referring to this phenomenon and proactive information about the actions taken by the state and its partners in this field;
 - Revision of existing school curricula to include topics on sexuality, risks of sexual abuse and exploitation, issues related to digital education and their age adaptation;
 - Public information, awareness and education of the parents about the risks of online browsing, risk of the Internet behavior and how they can protect their children from potential online abuse, as well as other issues related to the sexual abuse and exploitation.

Session III - Criminalization and prosecution of crimes recognized by the Lanzarote Convention in the Republic of Moldova

Main conclusions:

Regarding the procedural aspects:

- There are no specialized services for children victims (especially for children who have to be separated from the family, if the abuser is part of the family);

- The procedure of involving the interviewers in the hearing of minors under special conditions and their activity is still rather vague;
- Hearing of minors over 14 years of age is typically practiced under general conditions, without the use of specially designated facilities;
- Victims often refuse to cooperate with the law enforcement authority, which prevents the effective implementation of the act of justice;
- There are no mechanisms for monitoring pornographic content on the Internet;
- The liquidation of the Agency for the Protection of Morality (the only institution competent to assess whether or not materials include child pornography) creates difficulties because its competencies have not been transferred to any other institution;
- Dependence of children victims on aggressors is often a reason for refusing to make statements against aggressors;
- The child's legal representative often acts to the detriment of the child, especially in cases of sexual abuse committed by the mother's husband/concubine;
- The existing hearing rooms, in most cases, do not comply with international standards and do not provide optimum conditions for hearing of the minor under special conditions.

Regarding the legal framework:

- Knowingly accessing child pornography is not incriminated;
- Investigation of the offense of child pornography is inefficient: as it is a minor offense, the legislation does not require the application of special investigative measures;
- There is no legal basis for cessation of access to webpages;
- There is a discrepancy between the provisions of Art. 175 and Art. 175/1 of the Criminal Code of the RM, which becomes more obvious especially when it comes to online discussions: it becomes problematic to prove planning the actions and implementing the intention to meet with the child offline; as a result, it is much easier to classify these actions under Art. 175 of the Criminal Code of the RM.

Regarding the judicial practice:

- Hearing of the minor under the provisions of Art. 110/1 of the Criminal Procedure Code of the RM results in a considerable limitation of the number of repeated hearings in the court sessions;
- The courts practice the specialization of judges (according to the recommendation of the SCM, judges who are supposed to specialize in examining cases with minors are elected on a yearly basis and subsequently participate in specialized trainings);

Main recommendations:

- Further efforts are needed to improve the cooperation between the social sector and justice;
- Approval of the Draft Law No 61 dated 2016;
- Interviewers' activity has to be regulated;
- Minimal quality standards are required for specially arranged premises for hearing child victims and witnesses, and an assessment of existing premises is required to adapt them to minimal standards;
- Allocating the necessary funding to the budget for training specialists, especially for investigating offenses that represent abuse and sexual exploitation, the commission of which has been facilitated by the use of ICT;
- Revision of the provisions of Art. 175/1 of the Criminal Code of the RM for the purpose of their application or the exclusion of the norm from the framework of the Criminal Code;
- Adopting a new explanatory decision of the SCJ Plenary on sexual offences, child pornography, and recourse to child prostitution;
- Reforming the justice system must also take into account the need and standards of placement of premises for interviewing minors in special circumstances;

Session IV. Child protection against sexual exploitation and sexual abuse facilitated by information and communication technologies

Main conclusions:

- The private sector in the Republic of Moldova suggests some initiatives to filter content harmful for children and digital education involvement of children and parents about online risks, yet its role remains limited;
- There are no major results in implementing the National Action Plan on promoting the safety of children and adolescents for 2017-2020;

- The process of reviewing the school curriculum in computer science is aimed at lowering the age at which children begin to study this subject in school, but this subject does not include online risk issues and does not respond to the goal of increasing resilience to sexual abuse online;
- For the first time, a continuous training course on investigation methods and tactics with the use of ICT will be launched in 2018;
- The private ICT sector could be involved either by deleting information and blocking websites containing child pornography, or by creating or making available content filtering services; blocking pornographic content is a complicated task and requires cooperation with either NGOs or law enforcement agencies that would also provide a list of potentially blockable sites.

Main recommendations:

- Implementing the National Action Plan on promoting the safety of children and adolescents on the Internet;
- Continuous training of prosecutors and judges on investigating and judging the causes of abuse and sexual exploitation facilitated by the use of ICT;
- Simultaneously with the launch of "digital education" classes for first grade children, teachers should be trained, and methodological guidelines should be developed to facilitate their work;
- Media coverage of private sector thematic activities related to online security.