



Global Initiative to
**End All Corporal Punishment
of Children**

REPUBLIC OF MOLDOVA – COUNTRY REPORT

Child population (0-19): 887,000 (World Population Prospects, 2010)

Summary of necessary legal reform to achieve full prohibition

Corporal punishment is prohibited in all settings, including the home.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is prohibited in the home. In 2008, the Family Code (2001) was amended to confirm the right of the child “to be protected against abuse, including corporal punishment by his parents or persons who replace them” (article 53). Article 62 of the Code states that the methods chosen by parents in educating their children “will exclude abusive behaviour, insults and ill-treatments of all types, discrimination, psychological and physical violence, corporal punishments [etc]”.

Schools

Corporal punishment is prohibited in schools in article 87(1)(b) of the Education Act adopted in 2008, which states (unofficial translation): “The application of corporal punishment and any other form of physical or psychological methods is prohibited.”

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted punishment under the Penal Code (2003) and the Criminal Procedure Code (amended 2006).

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions under the prohibition of its use by those in the place of parents in the amended Family Code (see above).

Alternative care

Corporal punishment is unlawful in alternative care settings under the prohibition of its use by those with parental authority in the amended Family Code (see above).

Prevalence research

In a 2009 survey of 206 teachers in primary schools in Chişinău, 68% said they believed corporal punishment is humiliating for the child and 58% believed it meant that “the parents are not good at rearing children”. One in two (51%) of respondents felt that the use of “spanking” as a punishment would justify intervention by a third party. In an identical survey of a similar sample in 2005, 40% believed this. In a 2009 nationwide study, 55% of respondents believed that corporal punishment should not be used, compared with 37% in 2005. In 2005, 11% said that corporal punishment “may be used if the parent believes it will be effective”; in 2009, 5% said this. (National Center for Child Abuse Prevention and Nobody’s Children Foundation (2009), *Chişinău teachers’ attitudes toward child abuse*. Part of the Childhood Without Abuse project, which includes studies carried out in Bulgaria, Lithuania, Latvia, Macedonia, Moldova, Poland, and Ukraine in 2005 and 2009)

According to statistics from UNICEF, of girls and women aged 15-49, 21% think that a husband is justified in hitting or beating his wife under certain circumstances; 23% of boys and men aged 15-49 believe this. (UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF)

A study in 2004 by the Government in cooperation with UNICEF found that one in five parents threatens his/her child with a beating and one in four beats the child. The same study showed that 86%

of parents believe that beating children makes them obey and respect them. (“Early Childhood Care and Development” study, reported in the second/third report to the Committee on the Rights of the Child, 2008, para. 215)

Research in 2005 and 2006 revealed that teachers in Moldova support the use of corporal punishment for children for a variety of reasons: petty theft (67% of respondents), drinking alcohol (60.9%), telling lies (49%), not coming home on time (49%), missing classes (49.7%), smoking (47.7%) and not obeying their parents (40.4%). (Regional study carried out in Bulgaria, Latvia, Lithuania, The former Yugoslav Republic of Macedonia, Poland, Ukraine and Moldova, reported in the second/third report by the Government of Moldova to the Committee on the Rights of the Child, 2008, para. 217)

In a public opinion poll in 2005, 97.6% of respondents thought that children are subjected to physical punishment. (Poll by the National Centre for Child Abuse Prevention, reported in the second/third report to the Committee on the Rights of the Child, 2008, para. 216)

In 2004, the Working Group on Development of Policies and Strategies in the Field of Small Children Care and Development, supported by UNICEF, carried out a national study on children’s health, education and experience of violence and abuse. Of the 4-7 year old children questioned, 58.4% reported being beaten at home. (Reported in Government Response to UN Study on Violence Against Children Questionnaire, September 2005)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(20 February 2009, CRC/C/MDA/CO/3, Concluding observations on second/third report, paras. 37 and 38)

“The Committee is concerned at reports that corporal punishment is a common phenomenon at home and is frequently used to discipline children at school. The Committee also regrets the absence of official statistics on corporal punishment of children by parents.

“In light of the Committee’s general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party enforce the legislative prohibition of corporal punishment in all settings, including through awareness-raising campaigns aimed at families, the school system and other educational settings.”

Committee on the Rights of the Child

(31 October 2002, CRC/C/15/Add.192, Concluding observations on initial report, paras. 31 and 32)

“The Committee notes the establishment of a National Centre for the Prevention of Child Abuse, but is nevertheless concerned about the extent of domestic violence, the absence of a legislative framework, the lack of standardized procedures for the identification, reporting, investigation and prosecution of cases of neglect, ill-treatment and abuse, the lack of a legal prohibition of corporal punishment in schools, institutions and at home, and the limited availability of skilled services for the support of victims.

“In light of article 19 of the Convention, the Committee recommends that the State party:

- a) undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, in order to assess the extent, scope and nature of these practices;
- b) take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;

- c) adopt and implement effectively adequate multidisciplinary measures and policies, including public campaigns, and contribute to changing attitudes;
- d) investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure, in order to ensure better protection of child victims, including the protection of their right to privacy....
- f) take into account the Committee's recommendations adopted at its day of general discussion on violence against children within the family and in schools (see CRC/C/111)."

European Committee of Social Rights

(March 2005, Conclusions 2005)

"The Committee recalls that Article 17 requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It considers that this prohibition must be combined with adequate sanctions in penal or civil law.

"The State guarantees any child the right to life and to physical and psychological integrity. No child shall be submitted to torture or to cruel, inhuman or degrading treatment or punishment (Law on Child Rights, No. 338-XIV of December 1994). The report does not state whether legislation prohibits all forms of corporal punishment of children. The Committee notes from another source that there is no legal prohibition of the corporal punishment of children. It therefore concludes that the situation is not in conformity with the Revised Charter.

...

"The Committee concludes that the situation in Moldova is not in conformity with Article 17.1 of the Revised Charter on the grounds that:

- corporal punishment of children is not prohibited...."

Universal Periodic Review

The Republic of Moldova was examined in the first cycle of the Universal Periodic Review in 2011. The Government accepted a recommendation to prohibit all corporal punishment of children, stating that this has already been achieved (A/HRC/19/18, Report of the Working Group, para. 74(2)). (Full prohibition of all corporal punishment of children was achieved in 2008.) Examination in the second cycle is scheduled for 2016.

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