



KidsRights Report

No Place To Hide

**Physical Child Abuse in a global context,
with a focus on Moldova**

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Executive Summary

One in four children around the world suffer from severe and frequent physical abuse, much of it at the hands of their parents in the privacy of their own home. It can leave them with physical and emotional scars, disability or even death. It is a cycle which repeats itself from generation to generation.

Violence in the home is often seen by society as an acceptable form of discipline. Corporal punishment is, however, a clear violation of the Convention on the Rights of the Child. So far only 36 countries in the world have prohibited corporal punishment by law, and elsewhere it is condoned as a mainstream practice. Non-violent methods of child discipline are far from universal, and in many cases, unheard of.

Poverty and economic hardship are key factors in child abuse, creating tension within the family that leads to violence. Poverty undermines the support structures, both formal and informal, that might otherwise alleviate family stresses. However it has been shown that child abuse comes at a financial cost to society. Every €1 invested in preventing violence in Europe produces a social return of €87.60.

Moldova is an Eastern European country which gained its independence from Russia in 1991. Poverty is widespread and unemployment high. 23% of the country's income is generated by family members who work abroad and send money back home.

Despite a raft of laws and strategies against physical child abuse, including a ban on corporal punishment, UNICEF considers physical child abuse in Moldova to be "a major problem". The organisation has found that one third of the deaths of children under five are caused by violence and injuries. 48% of children aged 2-14 years old suffer physical violence at home (and 59% of 2-4 year olds), and hitting is considered an acceptable form of discipline.

Children in Moldova are made more vulnerable by a number of risk factors which include poverty, migration, alcohol use, limited economic opportunities, public tolerance of violence and a lack of knowledge about positive disciplining methods.

The government of Moldova is making good progress towards its goals of deinstitutionalisation, replacing large-scale community services with family-based individual care for children. It is in the early years of its Strategy for the Protection of the Child and the Family: 2013 to 2020, and in partnership with UNICEF, the government is currently distributing information about non-violent forms of discipline to 700,000 families.

There is a scarcity of data on physical child abuse in Moldova; this is a difficult field of research in general violence in the home is a private practice, and often goes unreported by its victims. More thorough and continuous data-collection is needed, both globally and in Moldova itself.

Globally, the factors, which lead to physical child abuse, must be addressed, and children empowered to stand up for their rights. States should strive to change attitudes towards "acceptable violence", and prohibit all forms of corporal punishment. The government of Moldova should make the prevention of child abuse a continuous priority, improving the child helpline, integrating reporting mechanisms, enhancing data collection, and training parents in non-violent methods of discipline. The Strategy for the Protection of the Child and the Family: 2013 to 2020 must be closely monitored and kept in line with developments in best practice.

Section 1: Introduction

Violence against children happens in every part of the world, with no boundaries of culture, class, education, income, ethnic origin or age. Globally, one in four children have experienced severe and frequent physical abuse (UNICEF, Strengthening Child Protection Systems, 2012: 5). It endangers the health and development of a child, and can result in lifelong consequences, or even death.

Child abuse is divided into various categories; these include physical, sexual and emotional abuse, neglect and exploitation. Neglect is the most common form, followed by physical abuse, the subject of this report. Physical child abuse is a major global problem with serious impact on the health, well-being and development of children. UNICEF defines it as:

- “that which results in actual or potential physical harm from an interaction or lack of an interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be a single or repeated incidents” (UNICEF, 2012: 4).

Children are exposed to abuse in schools, alternative care institutions and detention facilities, the workplace, community, and home (United Nations, World Report on Violence Against Children, 2006). This report will focus primarily on child abuse within the family.

“For most children, home is a place of nurture and security in which they can grow, play, learn and develop without fear. It is here that most young children begin to explore the world around them and bond with others” (SRSG Violence Against Children, 2013). It can be very confusing for children when their parent or guardian, who they depend on and love the most, hurts them deliberately. Domestic child abuse is a complex and sensitive issue, since the perpetrators are too often the ones responsible for raising and nurturing the child. ¹

Case: Leila (14) contacted the child helpline hysterically crying, whilst she was hiding in her bedroom closet. She was scared that her dad would find her and beat her. She said that her dad was drunk and on drugs and that she had previously been to the hospital due to his abuse. The counsellor immediately alerted the police whilst speaking to Leila, within 20 minutes the police rescued her, and informed the child helpline that they would follow up on the case (Child Helpline International, The Voices of Children and Young People, 2013).

In the words of Ban Ki-Moon, United Nations Secretary-General, “For countless girls and boys the world over, childhood is described by one word: fear” (SRSG Violence Against Children, 2013).

Signs of physical abuse on children include red marks, cuts, bruises, broken or sprained bones and stretch marks. Much domestic violence against children is intended as punishment. Actions include hitting, beating, shaking, biting, pinching, throwing and choking.² Children can be left feeling angry, helpless, powerless, hostile, guilty, or ashamed.

Children who have experienced abuse are at increased risk of depression, obesity, alcohol and drug misuse, and further violence either as perpetrator or victim.³ These can endure through adolescence and adulthood. Risks vary according to age; if the victim of child abuse is very young, the impact can be irreversible.

Domestic child abuse is one of the least visible forms of abuse, happening within the family home. Because it takes place in the most private of domains, it can be hard to intervene. The Special Representative of the UN Secretary-General on Violence against Children Marta Santos Pais reports that “the home presents significant obstacles in monitoring children’s well-being, implementing policy, applying legal measures of protection, and ensuring access for child

care professionals” (SRSG, *Toward a World Free From Violence*, 2013). “Once violence becomes a part of a child’s life,” the report continues, “it tends to recur in different settings and may even be passed from one generation to another”.

Physical child abuse is exacerbated by financial difficulties. “Poverty and economic hardship have a direct impact on family and community stress levels, leading, in turn, to higher incidences of violence, including domestic violence” (SRSG, *Toward a World Free From Violence*, 2013). The SRSG’s report also finds that poverty undermines support systems which would mitigate domestic violence, “whether these are the informal structures that would normally provide mutual support among community members in hard times, or formal structures such as economic safety nets and social services, especially where governments lack the capacity and resources to make these measures effective.” (SRSG, *Toward a World Free From Violence*, 2013).

Physical child abuse is often related to disciplinary practices. UNICEF acknowledges that child discipline is an integral part of parenting in all cultures, teaching self-control and acceptable behaviour.

Corporal punishment, however, is a matter of much debate.

The Committee on the Rights of the Child defines corporal punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. The Committee has consistently stated that persisting legal and social acceptance of corporal punishment is incompatible with the Convention on the Rights of the Child (Article 19).

This report focuses on Moldova, where one third of the deaths of children under five are violence and injuries,⁴ and half of children aged six and seven are subject to physical punishment at home, such as hitting or kicking.⁵

The report addresses physical child abuse in the global context of children’s rights. The first chapter takes a global perspective, outlining the legal framework, and key facts and figures. The second chapter addresses these with particular reference to Moldova. The report concludes with recommendations.

Section 2: Physical child abuse from a global perspective

2.1 Legal framework

In 1948 the Universal Declaration of Human Rights was adopted by the UN. In 30 articles, the declaration commits to protecting and promoting the human rights of every individual. That includes children, who are entitled to enjoy all the rights guaranteed by the various international human rights treaties which have since evolved from the original Declaration.

Article 15 of the Universal Declaration of Human Rights defines the right to a life without violence (United Nations, 1989).

Universal Declaration of Human Rights; Article 15
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 12 of the International Covenant on Economic, Social and Cultural Rights, 1966, addresses the right of all to “enjoyment of the highest attainable standard of physical and mental health”. States Parties should, among other measure, provide “for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child” (12.2).⁶

Although children are covered by these international treaties, the international community recognised the specific need for the protection and promotion of children’s rights in 1989, with the Convention on the Rights of the Child (CRC). The CRC defines a child as “every human being below the age of 18 years unless, under the law applicable, majority is attained earlier” (UNICEF, 2012). It contains 54 articles covering almost all aspects of the life of a child, grouped in the following three categories:

- Provision: these are the rights to the resources, the skills and services; the “inputs” that are necessary to ensure children’s survival, and the development of their full potential;
- Protection: these are the rights to protection from acts of exploitation or abuse, in the main by adults or institutions that threaten their dignity, their survival and their development;
- Participation: these are the rights that provide children with the means by which they can engage in those processes of change that will bring about the realisation of their rights, and prepare them for an active part in society and change.⁷

“Every child has the right to freedom from all forms of violence. This is not just common sense and basic morality; it is also an international legal obligation, as defined in the Convention on the Rights of the Child, the world’s most widely ratified human rights treaty”. Ban Ki-moon Secretary-General, United Nations (2013)

All States that have ratified the UN Convention on the Rights of the Child are bound to this convention by law. The only States that have not ratified the CRC are The United States of America and Somalia.

The right of the child to freedom from all forms of violence is enshrined in Article 19 of the CRC (United Nations, 1989).

Article 19, Convention on the Rights of the Child (CRC)

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to

provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Violence is described by the World Health Organisation as “the intentional use of physical force or power, threatened or actual, against oneself, another person or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal development or deprivation”.⁸ In every society, a large proportion of children suffer significant violence within their families. This abuse violates rights including:

- The right to be protected from all forms of physical or mental violence, injury or abuse, including sexual abuse (Article 19)
- The right to the enjoyment of the highest attainable standard of health (Article 24).
- The right to protection against all forms of exploitation affecting any aspect of the child’s welfare (Article 36).
- The right to development and the maximum extent of survival (Article 6)

Article 39 (United Nations, 1989) addresses the right of a child to receive special help in order to recover from violence. It recognises the need to support children who have experienced abuse to help them recover their health and wellbeing.

Article 39, Convention on the Rights of the Child (CRC)

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

In many states, national law makes allowances for parents, caretakers and teachers who use corporal punishment to discipline children, permitting ‘reasonable chastisement’ or ‘lawful correction’.⁹ The Committee on the Rights of the Child has always maintained that this is incompatible with the Convention (Article 19). The CRC recommends that all states should prohibit by law all forms of corporal punishment, and should conduct public education campaigns to promote positive, non-violent forms of discipline.¹⁰ The total number of States which has so far banned corporal punishment outright is 36.¹¹ This leaves the vast majority of the world’s children without legal protection from being hit and deliberately humiliated within their homes.

2.2 Context of physical child abuse

Globally, one in four children has experienced severe and frequent physical abuse (UNICEF, Strengthening Child Protection Systems, 2012: 5). Child abuse takes many forms, including physical, sexual and emotional abuse, neglect, and exploitation.

Although child abuse may occur in any setting, the Special Representative of the UN Secretary-General on Violence against Children Marta Santos Pais reports that a child who is exposed to violence in one particular context is more vulnerable to violence in other settings too, becoming ‘polyvictims’. Polyvictims can find themselves under attack in the family, at school, and in their community (SRSG, Toward a World Free From Violence, 2013).

“Violence...remains a harsh reality for millions of children around the world. The imperative to protect children from violence calls for urgent action. Violence takes place in all contexts, including where children are expected to enjoy a secure environment and special protection – in care institutions, in the school and within the home. Violence hurts when it happens and leaves dramatic scars and lifelong consequences, impairing children’s development, learning abilities and school performance”.

Marta Santos Pais, UN Special Representative on Violence against Children.

“Without the threat of violence, girls and boys are free to develop their talents and skills to their full potential and shape their future” (SRSG, Toward a World Free From Violence, 2013). Living with violence, children are more likely to become involved in criminal activities, alcohol and drugs abuse and abusive behaviour (Child Welfare Information Gateway, 2013).

“I am 14 years old, my parents beat me often. They smack me, call me names for no reason. I don't know what to do. I had to run away. I don't want to come back home. I want them to stop beating me.”

Child Helpline International, Connecting to Children, 2011

The Global Survey against Violence lists the following potential impacts of violence against children (SRSG, Toward a World Free From Violence, 2013: 8):

- Fatal or non-fatal injury (possibly leading to disability)
- Health problems (including failure to thrive, and lung, heart and liver disease)
- Cognitive impairment (including impaired school and work performance)
- Psychological and emotional consequences (feelings of rejection, impaired attachment, trauma, fear, anxiety, insecurity and shattered self-esteem)
- Mental health problems (anxiety and depression, hallucinations, memory disturbances and suicide attempts)
- Risky behaviours (substance abuse and early initiation of sexual activity)
- Developmental and behavioural consequences, such as non-attendance at school, and antisocial and destructive behaviour, leading to poor relationships, school exclusion and conflict with the law

The impact of violence varies according to the victim's age. Violence against very young children, for instance, may affect their development irreversibly, and even put their lives at risk. Shaken baby syndrome, for example, can cause major injuries because the neck muscles of babies are not fully

developed, and their brain tissue exceptionally fragile. Shaking a baby violently can cause blindness, development delays, brain damage and even death.¹²

Violence against children impacts the economy as well. The economic costs of physical violence against children include direct medical costs, lost earnings and tax revenue due to premature death, special education, psychological and welfare services, protective services, foster care, preventive services, and adult criminality and subsequent incarceration (WHO, Preventing Child Maltreatment, 2006: 11).

“If a government is investing in the protection of children it has a direct positive impact on a country's human capital and economic growth and reduces the burden of government spending on the long-term consequences of abuse” (UNICEF, Strengthening Child Protection Systems, 2012).

Recent findings show that the annual cost of child maltreatment in the United States is an estimated \$124 billion. According to the European Union (EU), every €1 invested in preventing violence produces a social return of €87.60 (SRSG, Toward a World Free From Violence, 2013).

Children at a greater risk of abuse include:

- Children with disabilities
- Children who migrate
- Children who are confined to institutions
- Children whose poverty and social exclusion expose them to deprivation, neglect and, at times, to the inherent danger of life in the streets (SRSG, Toward a World Free From Violence, 2013)

The World Health Organisation reported in 2012 that children with disabilities were “3.7 times more likely than non-disabled children to be victims of any sort of violence and 3.6 times more likely to be victims of physical violence”.¹³

Crucial to addressing child abuse is the determination of the causes behind it, the drivers and reasons that lead to the physical abuse of children. Money problems can cause stress and crises within families. Poverty and physical abuse

are interconnected, and stress and shocks in the family can increase the vulnerability of a child. The UN Special Representative stresses the importance of examining the contemporary context in which violence against children takes place, including “the impact of poverty and inequality, the global economic crisis, armed and community violence, organised crime, food insecurity, environmental degradation and natural disasters” (SRSG, Toward a World Free From Violence, 2013).

Some of the following factors contribute to child abuse:

- Lack of parenting skills
- Unrealistic expectations about children’s behaviour and capabilities
- Difficulty controlling feelings of anger and stress
- Frequent family crises
- Drug or alcohol abuse
- Parents abused as children
- Personal trauma¹⁴

According to the Council of Europe, positive parenting means nurturing, empowering and guiding children, recognizing them as individuals. Providing a non-violent environment is key (SRSG, Toward a World Free From Violence, 2013), but parents are not always aware of non-violent methods of discipline, such as dialogue, positive reinforcement and teaching by example.¹⁵

It is difficult to draw a line between discipline and abuse. UNICEF’s report, *Child Disciplinary Practice At Home*, describes child discipline as an integral part of child-rearing in all cultures, teaching self-control and acceptable behavior. But there is considerable debate about violent physical disciplinary practices; research has found that they can impact negatively on the mental and social development of children. Such practices also violate the right of all children to protection from all forms of violence while in the care of their parents or other caregivers, as laid out in the Convention on the Rights of the Child (UNICEF, 2006). Corporal punishment can also, according to The National Child Traumatic Stress Network, escalate gradually into more extreme behaviour, resulting in serious harm to a child.

The global network End All Corporate Punishment of Children states:

“Hitting children is... a dangerous practice, which can cause physical and psychological injury and even death. Corporal punishment is identified by research as a significant factor in the development of violent attitudes and actions, both in childhood and later life. It inhibits or prevents positive child development and positive forms of discipline. Promoting positive, non-violent forms of discipline empowers parents and reduces family stress” (The Global Initiative To End All Corporal Punishment, 2001).¹⁶

“Violence against children is a violation of their human rights, a disturbing reality of our societies. It can never be justified whether for disciplinary reasons or cultural tradition. No such thing as ‘reasonable’ levels of violence is acceptable. Legalized violence against children in one context risks tolerance of violence against children generally.”

Louise Arbour, United Nations High Commissioner for Human Rights (United Nations, 2012).

Violent discipline is a clear violation of the right of all children to protection from violence while in the care of their parents or caregivers, as set out in the Convention on the Rights of the Child.

2.3 Facts and figures

“Every year, between 500 million and 1.5 billion children worldwide endure some form of violence. Even by the most conservative of these estimates, a vast number of children suffer its physical, mental and emotional effects, and millions more are at risk” (SRSG, Toward a World Free From Violence, 2013: 1).

Worldwide, one in four children report that they have experienced severe and frequent physical abuse (UNICEF, *Strengthening Child Protection Systems*, 2012: 5). Physical child abuse is recognised internationally as a serious public health, human rights, legal and social issue, endangering the health and development of children, and in very severe cases, resulting in death.

Worldwide, one in four children report that they

have experienced severe and frequent physical abuse (UNICEF, Strengthening Child Protection Systems, 2012: 5). Physical child abuse is recognised internationally as a serious public health, human rights, legal and social issue, endangering the health and development of children, and in very severe cases, resulting in death.

In 2011, one in seven calls received by child helplines across the world related to violence against children, according to Child Helpline International. The five main forms of abuse recorded by the organisation were: physical abuse (29%), bullying (26%), sexual abuse (20%), neglect (14%) and emotional abuse (11%). All too often, callers were suffering at the hands of their own parents and carers. Family members are the most common perpetrator group of abuse and violence against children. Overall, nearly two thirds of abuse cases recorded by child helplines in 2011 involved a member of the child's family. In seven out of ten cases of neglect and physical abuse, a family member was identified as being responsible (Child Helpline International, 2011).

According to the Global Survey on Violence Against Children, "addressing violence against children in the home is, perhaps, the greatest challenge. Seen by many as the most 'private' of private spheres, the home presents significant obstacles in monitoring children's well-being, implementing policy, applying legal measures of protection, and ensuring access for child care professionals" (SRSG, Toward a World Free From Violence, 2013).

The vast majority of countries lack monitoring mechanisms to evaluate implementation. The Global Survey confirms that "information on violence against children remains scarce and fragmented, with limited data available on its extent and impact, and on the risk factors and underlying attitudes and social norms that perpetuate such violence. This makes it harder to mount an effective response to the cycle of violence that characterises the lives of too many" (SRSG, Toward a World Free From Violence, 2013).

The Global Survey on Violence Against Children

concludes that "it is difficult to obtain a holistic view of the incidence and impact of violence on children and to address neglected or emerging issues" (SRSG, Toward a World Free From Violence, 2013). Globally, there is an urgent need to standardise policies, processes and registrations to monitor the incidence and impact of child abuse, in order to make prevention responsive to the current incidence and features of child abuse.

2.4 Government and the role of NGOs

The CRC establishes the following duty-bearers for guaranteeing children the enjoyment of their rights:

1. The State (Article 2.2, 3.2 and 37)
2. Parents, legal guardians and individuals legally responsible for children (Article 3.2)
3. Institutions, services and facilities for the care and protection of the child (Article 3.2)

"Preventing and ending violence against children requires a global effort on an unprecedented scale - an effort that includes political leaders as well as ordinary citizens, and children as well as adults. The cost of inaction - for every child, and for nations' social progress - is simply too great to be tolerated."

Marta Santos Pais. Special Representative of the Secretary-General on Violence against Children, 2013¹⁷

National child protection systems are recognised as the most effective and sustainable way to protect children from violence. Governments bear primary responsibility for the elimination of child abuse by:

- strengthening policy frameworks to prevent and respond to violence against children
- establishing legal frameworks to ban violence against children, to safeguard children's freedom from violence (with the development of an effective, child-friendly reporting system), to ensure accountability and to end impunity.
- creating and consolidating a national data system and research on violence against children (SRSG Violence Against Children, 2013: 53).

The UN Study on Violence Against Children (2006) provides the following overarching recommendations

(SRSF Violence Against Children, 2013: 51):

1. Strengthen national and local commitment and action
2. Prohibit all violence against children
3. Prioritize prevention
4. Promote non-violent values and awareness-raising
5. Enhance the capacity of all who work with and for children
6. Provide recovery and social reintegration services
7. Ensure participation of children
8. Create accessible and child-friendly reporting systems and services
9. Ensure accountability
10. Address the gender dimension of violence against children
11. Develop and implement systematic national data collection and research
12. Strengthen international commitment

The prevention of violence should be prioritized by addressing immediate risk factors. The World Health Organisation (WHO) identifies four levels of action and suggests that the most effective prevention initiatives cut across all four of them:

- programmes that focus on individuals and encourage positive attitudes and behaviour in children and young people
- relationship approaches to influence interactions inside families and among peers.
- community-based efforts to stimulate community action or to focus on the care and support of victims.
- societal approaches that focus on economic conditions, cultural norms, and broad social influences such as the mass media (SRSF, Toward a World Free From Violence, 2013: 95).

If a case of abuse is reported, effective follow up is essential. In the words of the SRSF, “confidential, child-friendly counseling, complaint and reporting mechanisms or systems are an integral part of a comprehensive legal framework to address violence against children” (SRSF, Toward a World Free From Violence, 2013: 77). Facilities must be available which focus on the needs of the child. An SRSF survey of such facilities found that: “rehabilitation centres, victim assistance centres, social welfare centres, child protection units, family

support centres and interim shelters, recovery and reintegration services for physical or sexual violence are most common (over half of governments indicated that such services exist), while support for psychological violence, neglect, harmful practices and other forms of violence is less widespread” (SRSF, Toward a World Free From Violence, 2013: 107).

NGOs play a primary role in focusing communities, both national and international, on human rights issues. This includes the following activities:

- Advocacy/proposals; to improve legislation and secure adequate state budgets for countering the incidence of child abuse.
- Campaigns/protests; to provide sensitisation, education and information about the consequences of child abuse.
- Awareness raising; to make children aware of their rights, and of where to go for help.
- Research; to provide case studies and information about the scope of child abuse, and to identify best practices.

The World Day for Prevention of Child Abuse was launched by the Women’s World Summit Foundation (WWSF) in 2000, to be held on 19 November every year. Its objective was to stress the urgent need for effective prevention programmes on child abuse, and to mobilise and educate governments and societies to take preventative action.

Child Helpline International (CHI) is a global network of 178 independent child helplines in 143 countries. CHI supports toll-free national child helplines across the world, and uses data gleaned from those helplines to highlight gaps in child protection systems, and to advocate for the rights of children.

Other international organisations working to address child abuse include: American Professional Society on the Abuse of Children (APSAC), Child Abuse Prevention Association (CAPA), International NGO Council on Violence against Children, CRIN, The International Society for Prevention of Child Abuse (ISPAN), United Nations Children’s Fund (UNICEF), One Child International, Child Safe International and Child Abuse Watch.

Section 3: Physical child abuse from a country perspective: Moldova

3.1 Legal framework Moldova

The Republic of Moldova ratified the UN Convention on the Rights of the Child in 1990, and the ratification came into force in 1993.

The Law on Preventing and Combating Family Violence came into force in Moldova in 2008, identifying those authorities and institutions responsible for its implementation. These include the Ministry of Labour, Social Protection and Family; the Ministry of Education; the Ministry of Healthcare; the Ministry of the Interior; and the Ministry of Justice.

In Moldova, the Ministry of Labour, Social Affairs and Family, and the Ministry of Social Protection, Family and Child bear the main responsibility for child protection.

In 2008 the government of Moldova amended the Family Code, which obliges the Ministry of Internal Affairs to ensure that cases of family violence are identified, recorded and reported, and families with records of domestic violence are visited, to undertake preventative activities. The Family Code also recognises the right of children to protection from abuse and corporal punishment in all settings, and prohibits such punishment explicitly.

Corporal punishment defined by the Family Code, Article 53:

“The minor has the right to be protected against abuses, including corporal punishment by his parents or persons who replace them.”

Article 62 on the rights of parents prohibits corporal punishment in the home.

Corporal punishment prohibited in the home, Article 62:

“Methods to educate children, chosen by parents, will exclude abusive behaviour, insults and ill-treatments of all types, discrimination,

psychological and physical violence, corporal punishments”.¹⁸

The government of Moldova is committed to improving the living conditions of its children. Its Strategy for the Protection of the Child and the Family: 2013 to 2020 is designed to further develop a system of protection for families with children at risk.¹⁹

3.2 Context of Moldova

Moldova is located in Eastern Europe, between Romania and Ukraine. It gained its independence from Russia in 1991, and most of its population is Orthodox Christian. The country sees itself as part of Europe, but still has far to go to create living conditions and opportunities for children that meet the region’s norm.²⁰ Moldova ranks 51st out of 165 countries on the KidsRights Index overall score.²¹ The population of Moldova is 3.6 million; of which 17.7% are children under 15 years old.²² Primary school attendance in Moldova is almost universal; 98.7% of children are enrolled in primary education.

Moldova’s transition to a free market economy has been difficult. Although poverty has declined in recent years, it remains the poorest country in Europe. While the bigger cities have been targeted for economic growth, poverty remains widespread, and at its worst in rural areas. The United Nations Development Fund (UNDP) notes that “As 82% of the poor reside in rural areas and rural population faces other multiple deprivations such as access to safe water, sanitation, education and health services, the urban-rural divide has emerged as a key development challenge for Moldova”.²³

UNICEF’s Multiple Indicator Cluster Survey (MICS) is designed to help countries collect vital data on the situation of women and children through household surveys. The survey was conducted in Moldova in 2012 with a national sample of 12,000 households.

48% of children aged 2 to 14 years were found to have been subjected to physical punishment (UNICEF MICS: 2012: 24). UNICEF concluded that Moldova “shows many improvements in recent years, but disparities remain”.²⁴

Children in Moldova are made more vulnerable by a number of risk factors which include poverty, migration, alcohol use, limited economic opportunities, public tolerance of violence and a lack of knowledge about positive disciplining methods.

Poverty and high unemployment cause many to emigrate in search of better fortunes. According to the International Organisation for Migration, “over one fifth of households in Moldova benefit from remittances”.²⁵ In 2012 the foreign currency transfers made by individuals through banks, amounted to “USD 1.77 billion, a share of 23 % of the gross domestic product in Moldova”.²⁶ 21% of children have at least one parent living abroad, and 5% have both parents living abroad (UNICEF MICS, 2012: 27). Children in rural areas are more likely to live without one or both parents due to migration.

The UNICEF MICS study finds young people in Moldova less than happy. Only 50% of women aged 15 to 24 are satisfied with their life (including family life, friendships, school, current job, health, living environment, treatment by others and the current income), and 53% of young men (UNICEF MICS: 2012: 23). More than half of the population uses alcohol; 57% of women aged between 15 and 49, and 80% of men in the same age group, had at least one drink of alcohol on one or more days in the past month (UNICEF MICS: 2012: 16).

Moldova is one of the 36 countries of the world which protects children by law from corporal punishment,²⁷ but in practice, violent forms of discipline are widespread.²⁸ Violence against children, according to UNICEF, “is often caused by public tolerance to this phenomenon, the social norms that encourage beating and lack of positive communication skills of parents with children”.²⁹

“Every child has the right to live in a loving and safe environment. Parents should be supported to learn how to educate their children with care and without violence. Parental programmes and educational media programmes are extremely important in this regard. There is also a need to improve community services and referral mechanisms to identify and assist victims of violence so that every child in Moldova is protected from violence and has the best start in life.”
Nune Mangasaryan, UNICEF Representative in Moldova.³⁰

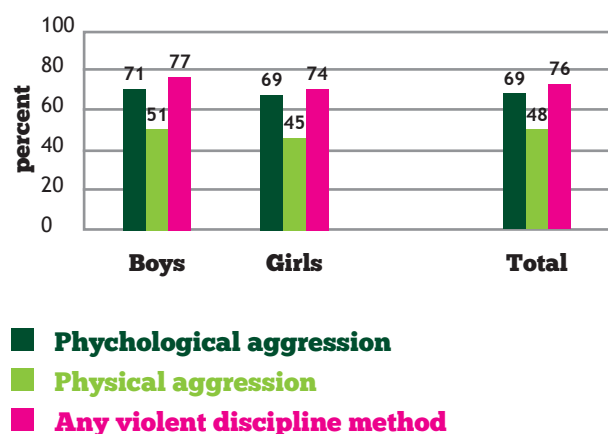
3.3 Facts and figures

UNICEF considers domestic violence against children in Moldova to be “a major problem”.³¹ Of those children under five years old who die, one third of them die as a result of violence and injuries.³²

The following statistics illustrate the scope of physical child abuse in Moldova:

- More than half of children aged 6 and 7 years suffer physical punishment, such as hitting or kicking, at home (UNICEF, 2013).³³
- 76% of children aged 2 to 14 experience violent discipline, including psychological aggression and physical punishment (UNICEF MICS:2012:24).
- 48% of children aged 2 to 14 are subjected to physical punishment (MICS: 2012: 24).
- More than 3,700 cases of violence against children took place between March and May 2013, including 1,448 cases of physical abuse and 1,460 cases of psychological abuse (Teleradio Moldova, 2013).³⁴

Figure 1: Percentage of children aged 2 to 14 years by violent discipline method used, Moldova (UNICEF MICS: 2012: 14)



The UNICEF MICS survey found in Moldova that the younger the child, the greater the likelihood of physical punishment. 59% of children aged 2-4 years suffer physical violence, compared with 52% aged 5-9 years, and 37% aged 10-14 years.

In the 2-14 age group, boys are slightly more likely to be physically punished (51%) than girls (45%). Those living in the poorest families are more at risk of violent discipline (82%) than children in the richest families (74%) (UNICEF MICS: 2012: 24).

Moldova has one general child helpline, which also deals with sexual exploitation. The Council of Europe report, *Child and Youth Participation in the Republic of Moldova*, shows that “more than a third of Moldovan children (34.3%) feel that child helplines do ‘rather little’ or ‘nothing’ to ensure that their voices are heard and taken seriously. Though a majority of Moldovan children are aware of the existence of a child helpline in Moldova, there is still a group (14.4%) who do not know what a child helpline is” (Council of Europe, 2013: 34).

3.4 Challenges and underlying causes

One of the big challenges in combating physical child abuse is its context in the family home. In the privacy of someone’s home, it is difficult to monitor the wellbeing of children, to implement policies to protect them, and to ensure access to professionals.

Hitting or kicking a child can be accepted as legitimate in the home, a behaviour passed down from generation to generation. This can be a difficult cycle for professionals to break. The same applies to children who are brought up to perceive beating as a normal part of life, and who are therefore less likely to report the abuse.

“Even though the practice of violent discipline is common, only 15 percent of adults believe that a child needs to be physically punished” (UNICEF MICS: 2012: 24). This is partly due to a general lack of knowledge about positive discipline techniques, such as dialogue, positive reinforcement and teaching by example.

The Moldovan authorities are making a continuous effort to improve the country’s child protection system, but its social and legal systems struggle to provide adequate protection and care.³⁵ Poverty undermines much of the battle against physical child abuse, and Nune Mangasarvan, UNICEF Representative in Moldova, argues that community services and referral systems must be improved, to identify and help victims of violence.³⁶

3.5 Government and the role of NGOs

The Parliament of Moldova adopted the Decentralisation Strategy in 2012, to strengthen local public authorities and to improve people’s access to basic services including education, health, water and sanitation.³⁷ Large scale community services are being replaced with services tailored to the individual needs of children.³⁸

Four ombudsmen work for The Centre for Human Rights of Moldova (CHRM), of which one is specialised in child rights protection.³⁹

In 2013, Moldova’s Ministry of Labour, Social Protection and Family, launched the campaign ‘Protect my childhood’ in partnership with UNICEF. The campaign aims to educate the population about non-violent methods of discipline, by distributing leaflets containing practical advice to 700,000 families.

NGOs working at grassroots level are well-placed to work directly with families in prevention, awareness-raising and monitoring of child abuse. In 2003, The National Centre for Child Abuse Prevention (NCCAP) established the Child Friendly Service for Abused Children (AMICUL) in Moldova. In its own centre, AMICUL offers multidisciplinary assistance to victims of child abuse, in the form of psychological counseling, social assistance and legal and medical consulting.

Canee.net, run by the Nobody’s Children Foundation in Poland, is a network for professionals working in prevention and intervention in child abuse and neglect in Eastern Europe. International conferences

allow participants to share best practice and advocate for the implementation of child friendly justice systems.

The non-profit organisation Partnership for Every Child works with local authorities in Moldova to implement foster care and gate keeping at local level, in order to ensure that children are

cared for in family environments rather than institutions. Family for Children also works to reduce institutionalisation, working to involve the extended families of children.⁴⁰ Other NGOs working on child abuse in Moldova include The Centre for Human Rights of Moldova, The National Center for Child Abuse Prevention (NCCAP) and Casa Marioarei.

Section 4: Conclusion and recommendations

“Every year, between 500 million and 1.5 billion children worldwide endure some form of violence. Even by the most conservative of these estimates, a vast number of children suffer its physical, mental and emotional effects, and millions more are at risk” (SRSG, *Toward a World Free From Violence*, 2013: 1). Action is urgently needed to protect children from violence across the world.

Exposure to physical abuse early in life can have serious long term health and emotional consequences for children, and in severe cases can lead to death. Worldwide, one in four children have experienced severe and frequent physical abuse (UNICEF, *Child Protection in Educational Settings*, 2012: 5).

More thorough and continuous data and research is badly needed, about the scope, risk factors and underlying attitudes of physical child abuse.

Corporal punishment remains a challenging area. It is a clear violation of the right of children to be protected from all forms of violence while in the care of their parents or other caregivers, but is still widely accepted as a legitimate form of child discipline in cultures across the world. Global awareness about positive, non-violent forms of discipline is a top priority.

In Moldova, one third of the causes of death among children under five years is violence and injuries. The government of Moldova has committed to improving the lives of children with its Strategy for the Protection of the Child and the Family: 2013 to 2020. However, the current social and legal systems of Moldova cannot provide adequate protection and care. Many families live with poverty and a lack of opportunity, making children vulnerable to the repercussions of domestic stress.

Global Recommendations:

- The protection of children from violence should be at the heart of the international development agenda beyond 2015 (SRSG, *Toward a World Free From Violence*, 2013)
- States are urged to develop and implement a national, child-centred, integrated, multidisciplinary and time bound strategy to prevent and address violence against children (SRSG, *Toward a World Free From Violence*, 2013)
- States should address immediate risk factors by influencing the broader socio-economic context in which violence occurs (SRSG, *Toward a World Free From Violence*, 2013)
- Reporting mechanisms or systems need to be an integral part of a comprehensive legal framework (SRSG, *Toward a World Free From Violence*, 2013)
- Children need to be empowered through schools and civil society organisations with knowledge about their right to protection from all forms of violence and abuse.
- Children who suffer abuse need access to

adequate treatment.

- States and civil society should strive to transform attitudes that condone or normalise violence against children (UNICEF, 2012).
- States should prohibit corporal punishment in all settings immediately.

Recommendations for Moldova:

- The Strategy for the Protection of the Child and the Family: 2013 to 2020 must be closely monitored and adapted to the latest developments in best practice.
- The prevention of physical child abuse should be a continuous priority in Moldova.
- A multi-disciplinary approach should be followed and improved in preventing, reporting and treating physical child abuse.
- The government of Moldova should enhance the collection of data from all regions about the scope and drivers of all violence, including physical child abuse.
- Reporting mechanisms and follow-up need to be

further integrated into the social and judicial system

- The national child helpline should be expanded to become a 24-hour, toll free helpline which takes all children seriously
- Parents and caretakers should receive training and support in non-violent methods of child discipline.

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This report has been prepared by the KidsRights Foundation (author Lydia van der Putten, MSc in International Development Studies) under the supervision of Prof. Ton Liefwaard and Prof. Julia Sloth-Nielsen Leiden University, Law School, Department of Child Law.

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