



Republic of Moldova

**parliament**

**LAW No. 370  
of 30-11-2023**

**regarding the rights of the child**

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Parliament adopts this organic law.

### **Chapter I**

#### **GENERAL DISPOSITIONS**

##### **Article 1.** Object of the regulation

This law establishes the fundamental rights of the child, the principles and measures to ensure the rights of the child, the duties of the central and local public authorities and their interaction in the process of ensuring the observance of the rights of the child.

##### **Article 2.** Scope of the law

Under the terms of this law, children benefit from protection without any discrimination, regardless of race, color, sex, language, religion, political or other opinions, regardless of citizenship, ethnicity or social origin, status obtained by birth, the material situation, the degree and type of disability, the specific aspects of their upbringing and education, of their parents or of their legal representatives/legal guardians, regardless of where they are (family, educational institution, social service, medical institution, community etc.) or any other criterion.

##### **Article 3.** Main notions

For the purposes of this law, the main terms used have the following meanings:

*child* – person who has not reached the age of 18;

*the best interest of the child* – ensuring adequate conditions for the child's harmonious growth and development, taking into account the individual peculiarities of his personality and the concrete situation in which he finds himself;

*family* - parents and their children.

##### **Article 4.** The principles of ensuring the rights of the child

Respecting and guaranteeing the rights of the child is carried out according to the following principles:

- a) respecting and promoting with priority the best interests of the child;
- b) equal opportunities and non-discrimination;

- c) respecting the priority regarding the child's upbringing and education in the family;
- d) the priority right of parents to educate their children according to their own beliefs and the responsibility of parents regarding the exercise of rights and the fulfillment of parental obligations;
- e) individualized assistance for each child;
- f) respecting the dignity of the child;
- g) listening to the child's opinion and taking it into account, taking into account his age and degree of maturity;
- h) ensuring continuity in the care, upbringing and education of the child, taking into account his ethnic, religious, cultural and linguistic origin, in the case of taking a protective measure;
- i) promptness in making any decision regarding the child;
- j) ensuring protection against abuse, neglect, exploitation and any form of violence against the child.

**Article 5. Guarantee of the child's rights by the state**

(1) The state guarantees every child the right to a standard of living appropriate to his physical, intellectual, spiritual and social development.

(2) The state ensures children's right to a clean and healthy environment, by integrating it into all decisions related to children, including policies related to education, leisure, play, access to green spaces, child protection, health and children's migration.

(3) The state has the obligation to prevent and remedy the impact of environmental factors on the quality of life and rights of children, even when such dangers are beyond human control.

(4) The state has the obligation to allocate financial, human, technological, institutional and informational resources for the realization of children's rights in relation to the environment.

(5) The state supports the legal representatives/legal guardians of the children in order to ensure the harmonious growth, education and development of the children.

(6) The state ensures the protection of the child and guarantees the respect of all his rights through its institutions and the public authorities with attributions in this field.

(7) The state is responsible for developing and implementing the national normative framework regarding the protection of children's rights in accordance with the United Nations Convention on the Rights of the Child and this law. The state authorities, within the limits of their competences, implement the state policy regarding the protection of children's rights and promote an environment suitable for their development.

## **Chapter II**

### **THE FUNDAMENTAL RIGHTS OF THE CHILD**

**Article 6. The right to life, survival and development**

(1) The state guarantees the child's right to life and physical and mental inviolability.

(2) No child can be subjected to torture, punishment or cruel, inhuman or degrading treatment.

**Article 7. The child's right to a name and citizenship**

(1) Every child has the right to a name and is registered under the conditions provided by law.

(2) Every child has the right to citizenship. The basis and conditions for acquiring and changing the child's citizenship are established by legislation.

(3) The child has the right to keep his citizenship, name and family relations under the conditions provided by law, without any interference.

(4) If it is found that a child is deprived, illegally, of the constituent elements of his identity or of some of them, the authorities are obliged to urgently take all necessary measures in order to restore the identity of the child.

**Article 8.** The right of the child to the family

(1) Every child has the right to live in a family, to know his parents, to benefit from their care and to cohabit with them.

(2) The responsibility for raising the child and ensuring its development rests primarily with the parents or, as the case may be, their legal representatives/legal guardians. Both parents have a joint responsibility for the upbringing, education and maintenance of the child.

(3) The state undertakes the necessary measures to support the legal representatives/legal guardians of the children in the exercise of their obligations.

(4) The state ensures that no child is separated from his family against his will, except in cases where separation from one or both parents is necessary in the child's best interests.

(5) The child has the right to maintain personal relationships and direct contacts with parents, relatives and other persons with whom he has developed attachment ties, if this does not contradict the child's best interests.

(6) The child's legal representative/legal guardian cannot prevent the child's personal relationships with grandparents, brothers and sisters or other people close to the child, except in cases where the child's communication with relatives is against the child's best interest.

**Article 9.** The right of the child who lives separately  
by one or both parents

(1) The child separated from one or both parents has the right to maintain personal relationships and regular direct contacts with both of his parents, if this does not conflict with his interests.

(2) The state undertakes the necessary measures to combat the illegal actions of moving the child to another state and ensures the identification and return of the abducted child to the state of his or her habitual residence.

**Article 10.** The child's right to special protection  
from the state in the case of family separation

(1) Any child who is, temporarily or permanently, separated from his family environment or who, in his own interest, cannot be allowed to live in this environment has the right to special protection from the state.

(2) The state ensures the integration/reintegration of the child into his family, and if this goes against the best interests of the child, the state undertakes all measures to offer the child an alternative form of family protection, developing various types of placement services, according to the provisions legislation.

(3) The state ensures special social protection measures for children separated from their family environment and placed in various forms of foster care.

(4) The state promotes the national adoption of children with the status of an adoptable child by the citizens of the Republic of Moldova, regardless of their domicile, and if this cannot be achieved, the state undertakes the necessary measures for the international adoption of the child, ensuring continuity in his care and education, taking into account his ethnic, cultural and linguistic background.

**Article 11.** The child's right to a decent standard of living

(1) The child has the right to benefit from a standard of living that allows his physical, mental, spiritual, moral and social development.

(2) The parents or the legal representative/legal guardian of the child have the responsibility to ensure the best living conditions for his growth and development, guided primarily by the best interest of the child.

(3) The state grants, within the limits of the available financial means, financial support to the legal representatives/legal guardians of the children for their upbringing and education, and also guarantees the establishment and payment of benefits in the appropriate amount, so as to ensure the well-being of each child.

**Article 12.** The child's right to health

(1) The state ensures every child the right to benefit from methods of prophylaxis, treatment and recovery at the highest possible standards in order to achieve the best state of health, respecting the best interests of the child.

(2) Children's priority access to medical assistance at all levels is guaranteed by the state.

(3) The state, through its policies and in accordance with the law, ensures the adoption of all necessary measures for:

a) to prevent and reduce infant mortality and mortality of children up to 5 years of age;

b) to ensure and develop primary and community medical services for children;

c) to provide women in the antenatal, intra- and postnatal period with free medical assistance;

d) to protect the child's health through immunization programs;

e) to develop and implement actions to inform and assist parents regarding the child's growth and development.

**Article 13.** The rights of children with disabilities

(1) The state ensures children with disabilities, equally with other children, the right to social protection, to medical assistance, to rehabilitation, to education, to work, to access to the physical environment, to information and communication technologies and systems, as well as to

other utilities and services to which the general public has access, so that they can enjoy a decent life in conditions that facilitate their active participation in social life.

(2) The state encourages and ensures special attention to children with disabilities, their parents and legal representatives/legal guardians, offering them help adapted to their situation.

(3) The state undertakes the necessary measures to ensure the deinstitutionalization of children with disabilities, including through intersectoral activities to prevent the risks of placing children in residential institutions, as well as the development of services to support these children.

(4) The State promotes the exchange of information in the field of prevention and treatment, mental and physical development of children with disabilities, including by disseminating information on recovery methods, education and professional training services, and also ensures access to this information, in the purpose of strengthening the capacities of children with disabilities.

**Article 14.** The child's right to education

(1) Every child has the right to receive an education that allows him to develop his skills and personality in non-discriminatory conditions.

(2) Through the authorities and institutions in the field of education, the state guarantees the child's right to education, including through measures that:

a) ensures the organization of an effective inclusive education, oriented towards the individual needs of each child, including by supporting children with special educational requirements;

b) facilitates quality access of all children to pre-school education and compulsory and free general education;

c) encourages different forms of secondary education, both general and professional;

d) ensures the access of all children to higher education, depending on the capabilities of each one, by all appropriate means;

e) ensures the development of education programs for young parents, including with a view to preventing family violence;

f) allow the identification of children with problems of unmotivated school absenteeism, their reintegration into the educational process and the reduction of the school dropout rate;

g) provides special training courses for children who have dropped out of school, in order to reintegrate them into the national education system.

(3) Children with special educational requirements have the right to education on equal terms with all children, benefiting from additional assistance and reasonable accommodation in the educational process, according to the legislation.

(4) The state ensures every child's right to education in a way compatible with his dignity as a human being and in accordance with the standards of the international treaties to which the Republic of Moldova is a party.

**Article 15.** The child's right to an opinion

(1) The state guarantees the child the right to freely express his opinion on any issue that concerns him. The child's opinion will be taken into account obligatorily, taking into account his age and his level of maturity, if it does not contradict his interests.

(2) The state guarantees the child the opportunity to be heard during the judicial or administrative debates that concern him, either directly or through a duly authorized representative, in accordance with the legislation.

(3) No child can be forced to share one opinion or another.

(4) The child has the right to request the assistance of institutions or persons to whom his protection has been assigned in order to express his opinion freely.

(5) The state ensures that children's participation is systematic and inclusive, with a special focus on children in difficult situations.

(6) Through its initial and continuous training programs , through education and public awareness campaigns , the state supports the systematic development of capacities to promote the participation of children in all areas that target them.

(7) The state provides support to local authorities and civil society organizations in order to promote the participation of children in all areas that concern them.

(8) The State recognizes, supports and promotes the concept of children as defenders of human rights, effectively protecting them in the exercise of their rights and activity in the field of human rights, creating all the appropriate and necessary conditions to empower children who act or aspire to act as human rights defenders, to express their opinion, to be heard, to participate in decision-making and to exercise their liberties, civil and political rights.

**Article 16.** The child's right to free expression

(1) The right to freedom of expression includes the child's freedom to seek, receive and disseminate information and ideas of any nature in verbal, written or any other means, at the child's choice.

(2) The legal representative/legal guardian of the child has the obligation to provide him with information, explanations and advice according to his age and degree of understanding, as well as to allow him to express his point of view, ideas and opinions.

(3) The exercise of this right may be subject to restrictions if it is necessary to respect the rights of others or for the protection of national security, public order, health and public morals.

**Article 17.** The child's right to freedom of thought,  
of conscience and religion

(1) The child has the right to freedom of thought, conscience and religion.

(2) The state respects the child's right to freedom of thought, conscience and religion, which cannot be violated in any way.

(3) The parents, legal representatives/legal guardians of the child guide him, according to his own convictions, in choosing a religion, taking into account the child's opinion, age and degree of maturity, without being able to force him to adhere to a certain religion or a certain religious cult.

(4) No child can be forced to join a religion or another contrary to his beliefs. The child's freedom of conscience is guaranteed by the state, it must be manifested in the spirit of religious tolerance and mutual respect.

(5) The child's freedom to manifest his religion or beliefs can only be subject to restrictions that are necessary for the protection of public security, public order, public health and morals or for the protection of the freedoms and fundamental rights of other persons.

**Article 18.** The child's right to information

and to the development of intellectual capacities

(1) The state recognizes the importance of the mass media and ensures that the child has access to information and material sources that ensure his social, spiritual and moral well-being, as well as physical and mental health.

(2) The state ensures the development of mass media that present a social and cultural utility for the child.

(3) The state ensures, by approving the appropriate standards, that each child is protected from any information that goes against his or her best interests.

(4) The state provides all children with equal opportunities and conditions for acquiring cultural values, supports the establishment of various state institutions and non-commercial organizations that contribute to the development of children's creative capacities and ensures children's access to them.

**Article 19.** The child's right to association and peaceful assembly

(1) Children have the right to associate in non-commercial organizations in accordance with the provisions of the legislation.

(2) Children have the right to peaceful assembly.

(3) The involvement of children in the activity of political parties and their association in political parties is prohibited.

**Article 20.** The child's right to work

(1) The child has the right to independent work in accordance with the possibilities of his age, his state of health and his professional training, being remunerated in accordance with the labor legislation.

(2) Children are admitted to work, respecting their physical and mental condition and well-being. State authorities ensure special employment and work conditions for children in accordance with the provisions of the legislation.

(3) The state protects the child from economic exploitation and, through its measures, does not allow the coercion of the child to any work that involves any potential risk or that is likely to compromise his education or harm his health or his physical, mental, spiritual development, moral or social.

(4) The participation of children with disabilities in work is achieved by ensuring the necessary and appropriate working conditions, which will respect the fundamental rights of these children.

(5) Forced employment, in any form, of the child in the labor field is prohibited and is punished in accordance with the provisions of the legislation.

**Article 21.** The child's right to rest and free time

(1) Every child has the right to rest and free time, has the right to play and participate in recreational activities appropriate to his age, to freely participate in cultural and artistic life.

(2) The state promotes and ensures the development of extracurricular institutions – sports buildings, stadiums, clubs, rest camps, etc. - which contributes to the cultural, sports and entertainment education of children, establishes facilities for attending cultural institutions, sports, recreational ones and rest centers during the holidays.

**Article 22.** The child's right to the defense of honor and dignity

(1) Every child has the right to defend his honor and dignity.

(2) Any action/inaction that harms the honor and dignity of the child shall be punished in accordance with the law.

**Article 23.** The child's right to be protected

of any form of violence, abuse,  
neglect, exploitation or trafficking

(1) The State protects the inviolability of the child and undertakes all necessary measures to prevent and protect the child from any form of violence, abuse, neglect, exploitation or trafficking for any purpose and in any form.

(2) The state ensures the development of protective measures and social programs for the purpose of preventing and combating violence in the family and violence against children.

(3) The state ensures the development of qualified services addressed to children victims of any form of violence, neglect, exploitation or abuse and promotes their social reintegration.

(4) The child has the right to reparation for material and moral damage caused by injury to his bodily integrity or health, by violation of personal non-property rights as a result of violence, neglect, exploitation or evasion in any other way by the legal representative/legally responsible to-and exercising parental rights and obligations, a fact that harmed the life and health of the child, as well as through the non-fulfillment or improper fulfillment by a public authority or an institution of the obligation established by law regarding the protection against the risk of causing a certain harm.

**Article 24.** The child's right to be protected

in the case of the application of coercive measures

(1) The state defends the child's right to personal freedom.

(2) Detaining or arresting the child is applied only as an exceptional measure and only in the cases provided by the legislation. In case of detention or arrest of the child, the parents, the legal representative/legal guardian or the person under their care are informed immediately.

(3) Detained or arrested children are kept in custody separately from adults and convicted children.

(4) The State shall ensure that no child shall be punished with life imprisonment for the crimes he has committed.



(5) In the process of judicial debates in which children appear, the participation of a defense attorney, the legal representative of the child and his pedagogue/psychologist is mandatory.

**Article 25.** The child's right to be protected against torture, of cruel, inhuman punishments or treatments or degrading

(1) The state undertakes all necessary measures to protect the child against torture, cruel, inhuman or degrading punishments or treatments.

(2) Any child deprived of liberty shall be treated with humanity and with the respect due to the dignity of the human person and in a manner that takes into account the needs of persons of his age.

(3) The State undertakes the necessary measures to ensure the physical, mental and social reintegration of any child who has been the victim of torture or any form of cruel, inhuman or degrading treatment or punishment, or the victim of an armed conflict.

**Article 26.** The child's right to housing

(1) Children have the same rights as other family members to use the common living space, including the right to use and inherit an asset whose owner is one of the child's parents or legal representative.

(2) The authorities of the local public administration ensure the maintenance and repair of the homes of children who have the status of a child temporarily left without parental protection or a child left without parental protection until the age of majority.

(3) Children temporarily left without parental protection or left without parental protection are ensured compliance with the patrimonial right over the home previously owned by their parents or are given priority housing space, according to the provisions of the legislation.

**Article 27.** The child's right to property

Every child has the right to property. The child's right to property is guaranteed by the state. The child benefits from the right to property within the limits and in the manner established by the legislation.

**Article 28.** The rights of children in exceptional situations

(1) The state provides immediate and free assistance to children in exceptional situations (accidents, natural calamities, epidemics, war, etc.) and takes prompt measures for their evacuation from the danger zone and their integration/reintegration into the family environment.

(2) In case of loss of parents as a result of accidents, natural calamities, epidemics, wars, etc., children benefit from special protection according to the legislation.

**Article 29.** Prohibition of involvement of children in military actions

The involvement of children in military actions, as well as the propaganda of war and violence among children is prohibited.

**Article 30.** The child's right to asylum

(1) The state ensures the right of every child to asylum in accordance with Law no. 270/2008 regarding asylum in the Republic of Moldova.

(2) The state undertakes the necessary measures to ensure the appropriate protection and assistance for each child seeking asylum or beneficiary of international protection, temporary protection or political asylum, whether accompanied or unaccompanied by their legal representative.

### **Chapter III**

#### **RESPONSIBILITY, COLLABORATION BETWEEN AUTHORITIES AND CONTROL OVER THE LAW**

##### **Article 31.** Liability of the representative

legal/legal guardian for the child

(1) The legal representative/legal guardian of the child bears responsibility for the child's physical, intellectual, spiritual development and social integration, taking into account first and foremost the interests of the child, and is liable for legal liability for leaving the child in danger.

(2) The legal representative/legal guardian of the child has the obligation to collaborate with the medical assistance services to ensure the best state of health for the child and to prevent situations that endanger his life, growth and development.

(3) If the legal representative/legal guardian of the child refuses to provide him with medical assistance, it is granted against the will of the legal representative/legal guardian, especially in urgent cases, based on a decision of the board of doctors, in order to excluding any risk to the child's life and health, thus ensuring the best interest of the child, and his/her legal representative/responsible person can be held responsible according to para. (1).

(4) If the legal representative/responsible person does not fulfill his obligations towards the child or abuses his rights, the child has the right to notify the competent institutions to defend his rights and personal interests.

##### **Article 32.** Liability for violation of this law

Violation of the provisions of this law attracts disciplinary, civil, contraventional or criminal liability, in accordance with the legislation.

##### **Article 33.** Collaboration between authorities

(1) The state ensures an open and efficient collaboration between its authorities and institutions in order to respect the rights of each child, including through the application of intersectoral mechanisms approved for this purpose.

(2) The state ensures cooperation with international institutions in the field of child rights protection through state and non-state structures, in order to ensure respect for the rights of each child.

(3) If an international agreement to which the Republic of Moldova is a party contains more favorable provisions than those contained in this law, the norms of the international treaty shall apply.

##### **Article 34.** Control over the application of this law

Control over the application of this law is exercised by the central and local public authorities, empowered for this purpose by legislation.

### **Chapter IV**

## **FINAL AND TRANSITIONAL PROVISIONS**

### **Article 35.** Final provisions

(1) This law enters into force on the date of its publication in the Official Gazette of the Republic of Moldova.

(2) On the date of entry into force of this law, Law no. 338/1994 on the rights of the child (Official Gazette of the Republic of Moldova, 1995, no. 13, art. 127), with subsequent amendments.

**THE PRESIDENT OF PARLIAMENT Igor GROSU**

**No. 370. Chisinau, November 30, 2023.**