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Subject: Non-paper from the Commission services on the accession of Moldova to the HCCH 1996 Convention on the Protection of Children

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**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (23.07.25)**

Delegations will find in the Annex a non-paper from the Commission services on the accession of Moldova to the HCCH 1996 Convention on the Protection of Children.

## **Non-paper from the Commission services on the accession of Moldova to the HCCH 1996 Convention on the Protection of Children**

On 11 March 2025 the Republic of Moldova deposited its instrument of accession to the *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children* (the 1996 Child Protection Convention).

In accordance with Article 61, second paragraph, sub-paragraph b, the 1996 Child Protection Convention will enter into force for Moldova on 1 January 2026. In accordance with Article 58, third paragraph, the accession will have effect only as regards the relations between the Republic of Moldova and those Contracting States which have not raised an objection to the accession in the six months after the receipt of the notification. This six-month period will end on 21 September 2025. In order to consider whether there are reasons to raise such objection, the analysis below contains a general assessment of a number of criteria (rule of law, judiciary, fundamental rights) and a specific part in relation to the implementation of the Convention.

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Moreover, it has to be taken into account that Moldova is a **candidate country** to the accession to the European Union. In this context, Moldova was encouraged by the EU to accede to the 1996 Convention.

The information contained in this paper has been gathered through the European External Action Service (EEAS), the EU Delegation to Moldova, the European Commission (DG ENEST), and the appointed Central Authority under the Convention.

### **In general**

The EU and the Republic of Moldova ties have been in place for over 20 years. Since 2014, relations have been based on the EU-Moldova Association Agreement, which provides the foundations for stronger political association and economic integration between the EU and Moldova. The EU's assistance and support for democratic reforms have delivered tangible benefits to Moldovan citizens.

Key benefits from this relationship include a Deep and Comprehensive Free Trade Area (DCFTA), which sets up a **free-trade area** between the EU and Moldova in line with the principles of the World Trade Organisation.

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The **Association Agreement**, fully entered into force on 1<sup>st</sup> July 2016 offers Moldova a framework for boosting trade and economic growth through improved access to the EU market for its products and services and by comprehensively approximating its trade-related laws and regulations to Union standards. **DELETED**

Under the Association Agreement, Moldova has committed to ambitious **structural reforms** in key areas, such as democracy, good governance, rule of law, human rights, foreign and security policy, trade and economic development.

The **Association Council** is a formal body established under the EU-Moldova association agreement to monitor and supervise the implementation of the agreement.

The **eighth meeting** of the EU-Moldova Association Council, which took place on 21 May 2024, focused on Moldova's EU accession process, political dialogue and reforms, cooperation and convergence in the field of foreign and security policy, and economic and sectoral cooperation.

The EU is the largest provider of **financial assistance** to Moldova. The EU supports socioeconomic development and reforms in Moldova, with financial and technical assistance through the Neighbourhood Development and Cooperation Instrument (NDICI). EU assistance is based on strict conditionality and is linked to satisfactory progress in reforms and the respect of the rule of law, effective democratic mechanisms and human rights.

Since 2021, the EU has strongly reaffirmed its support for, and solidarity with, Moldova by making available **€2.2 billion** in loans and grants. Funding is channelled through multiple financial instruments such as direct budget support, macro-financial assistance, EU programmes, and projects with international financial institutions guaranteed by the EU.

The EU cooperates with the Republic of Moldova also in the framework of the European Neighbourhood Policy and its eastern regional dimension, the Eastern Partnership, with the objective to bring Moldova closer to the EU. Launched in 2021, the **Economic and Investment Plan** (EIP) for the Eastern Partnership in Moldova helps translate policy priorities into tangible investment projects with high impact on the economy, communities and Moldova's citizens. Under the EIP for Moldova, in cooperation with international financial institutions, the EU has already mobilised **€1.6 billion** with investments in flagship projects identified together with the Moldovan authorities.

In the last quarter of 2023, the Commission disbursed EUR 142.5 million in budget support and macro-financial assistance.

The EU is Moldova's largest trading partner and biggest investor. In 2020, the EU accounted for approximately 67% of Moldova's total exports and 53% of its total trade.

The Republic of Moldova applied for **EU membership** in March 2022 and was granted **candidate status** in June 2022. Accession negotiations were formally opened in June 2024.

On 17 December 2024, the **Council conclusions on Enlargement** were approved by the Council of the European Union. The Council welcomed the formal opening of the accession negotiations with Moldova and the considerable reform progress made despite the significant challenges caused by Russia's war of aggression against Ukraine and hybrid attacks against Moldova itself.

## **Rule of Law**

The fundamental democratic principles, such as the rule of law, respect for and protection of fundamental rights and freedoms, human dignity, and political pluralism are enshrined in the Constitution of Moldova. Article 6 of the Constitution establishes the separation of legislative, executive, and judicial powers.

Moldova is a parliamentary Republic with a multi-party system. **Checks and balances** are in place. The **Constitutional Court** guarantees the supremacy of the Constitution and ascertains the enforcement of the principle of separation of state powers. The **Parliament** monitors the activity of the executive power, including through hearings, interpellations, and committees of

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Moldova is party to key international **anti-corruption** instruments. Moldova ratified the UN Convention against Corruption (UNCAC), the United Nations Convention against Transnational Organised Crime and the Civil and Criminal Law Conventions on Corruption of the Council of Europe.

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GRECO's Fifth Round Evaluation Report on Moldova acknowledged the progress achieved by Moldova in setting up an institutional and legal framework to promote integrity and prevent corruption in the top executive functions of the central government and its law enforcement agencies. Moldova needs to implement the remaining recommendations.

## Human rights

Moldova is a signatory to all main international human rights instruments related to civic and political rights, including freedom of expression. **DELETED**

Moldova's policy framework includes a **National Programme on Ensuring the Respect for Human Rights (2024-2027)**, as well as several sectorial strategies on gender equality, combating gender-based violence, child protection and Roma inclusion.

Regarding **gender equality**, Moldova is a party to the main international Conventions, including the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Istanbul Convention. Among other laws, Law no. 5/2006 on ensuring equal opportunities between men and women guides the country's efforts in the promotion on gender equality. Law no. 45/2007 on preventing and combating violence against women and domestic violence is the main legislative framework on combating gender-based violence, providing the definition of various forms of violence. **DELETED**

As regards the policy framework, the strategic objectives in this area are set out in the National Programme on enhancing gender equality for 2023-2027 and the National Programme for Preventing and Combating Violence against Women and Domestic Violence for 2023-2027.

Concerning the **rights of the child**, Moldova is a party to the main international agreements in this field, including the UN Convention on the Rights of the Child (and its three optional protocols) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). The legal framework in this area includes Law no. 370/2023 on child rights, which establishes key provisions (including the child's right to a decent standard of living, to education, to health, to a family and to be protected, and the rights of children with disabilities), and the definition of key principles, including the best interests of the child.

The policy framework includes the **National Child Protection Program for the Years 2022 – 2026** and the Action Plan for its implementation. These key documents establish the policy priorities in this field, including the strengthening of the child protection system, preventing and countering violence against children and ensuring that children grow up in a safe and protective family environment.

The main institutional body in charge of policy making and implementation in the area of rights of the child is the Ministry of Labour and Social Protection. Additionally, the National Council for the Protection of Child Rights, an advisory body of the Government, coordinates and monitors all activities related to the implementation of national policies and international treaties.

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Moldova is a party to the UN Convention on the **rights of persons with disabilities** (UN CRPD) and has ratified its Optional Protocol. The legal framework is composed of the Law no. 60/2012 on the social inclusion of people with disabilities, which is the main law in the area plus a set of other laws concerning specific sectors. To align with the EU Strategy for the Rights of Persons with Disabilities 2021-2030, the government adopted 77 a National Social Inclusion Programme of people with disabilities for 2017-2022, together with an Action Plan for its implementation, and it is currently preparing a new programme for 2024-2027. Moldova is also implementing its National Programme 2018-2026 for the deinstitutionalization of persons with intellectual disabilities and psychosocial disabilities in residential institutions, with an Action Plan.

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## Justice system

The justice system is based on Civil Law.

The administration of justice is ensured through the court system which is governed by the Constitution and organic laws. The technical aspects on the functioning of the courts are covered by decisions and regulations adopted by the Superior Council of Magistracy (SCM). The system is organised with 15 first instance courts, 4 courts of appeal and one Supreme Court.

The Constitutional Court is composed of six judges, appointed for six years by the Parliament, the Government, and the SCM. The Court is independent from any other public institution. Its competence includes the constitutionality control of legislation and governmental decisions and review of exceptions of unconstitutionality raised before ordinary courts. **DELETED**

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## **Implementation of the Child Protection Convention**

The EU Delegation has reached out to the relevant Moldovan institutions (Ministry of Justice and the Ministry of Labour and Social Protection) and the Ombudsman's office.

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The relevant contact information had been published on the HCCH website:

**Republic of Moldova - Central Authority (Art. 29)**

Ministry of Labour and Social Protection

Vasile Alecsandri Str. No. 1

MD-2009 CHISINAU

Republic of Moldova

Tel: +373 22 804 402

e-mail: [secretariat@social.gov.md](mailto:secretariat@social.gov.md)

Website: [www.social.gov.md](http://www.social.gov.md)

Language(s) of communication: Romanian, English

**Contact person:**

- Mr. Igor CHISCA
- Head of Family and Child Rights Protection Policies
- E-mail: [igor.chisca@social.gov.md](mailto:igor.chisca@social.gov.md)

Concerning the **reservations**, Moldova has made the following:

*“1. In accordance with article 54, paragraph 2 and article 60, paragraph 1 of the Convention any communication sent to the Central Authority of the Republic of Moldova shall be sent into Romanian or, if this is not possible, into English.*

*2. In accordance with Article 55, paragraph 1 and Article 60, paragraph 1 of the Convention, and, the Republic of Moldova reserves the jurisdiction to take measures for the protection of property of a child situated on its territory and do not to recognize any parental responsibility or measures in so far as it is incompatible with any measure taken by its authority in relation to that property.”*

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## Concluding remarks

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In view of the above, the Commission 's advice is that the **European Union should not raise objection against the accession of Moldova to the 1996 Child Protection Convention.**

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