**STATE UNIVERSITY OF MOLDOVA**

**LAW FACULTY**

**PUBLIC LAW DEPARTMENT**

**APPROVED**

**at the Faculty Council**

**on the „ \_\_\_\_” \_\_\_\_\_\_\_\_\_\_ 2023**

**The President of the Faculty Council \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CURRICULUM**

**to the discipline**

**European Standards and Institutional Practices of Family and Child’s Rights Protection**

**Cycle II, MASTER**

**Master's programs: Public Law and e-Government**

**Responsible for the discipline:**

**Lilia Chirtoacă,** PhD in Law

**Anastasia Catan,** PhD in Law

**Olga Baciu,** PhD candidate

**APPROVED**

**At the Department meeting**

**on the „ \_\_\_\_” \_\_\_\_\_\_\_\_\_\_ 2023**

**head of Department\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CHIŞINĂU 2023**

**PRELIMINARY**

***General presentation:***

Family and child’s rights protection represent a priority of the State as well as civil society, being a topic of basic relevance to ensure good governance. The subject should be approached properly not only by legal professionals, but also by students who can have access in the field. Also, family relationships are part of the lives of both teachers and students, master's students, who can share their life experience. Therefore, the proposed course offers an opportunity to synergically combine professional and personal life, through the lens of specialized knowledge in children’s rights in their theoretical as well as practical dimensions.

The International and European legal and policy frameworks represent the contextual pillars to promote and develop a culture of family and child’s rights protection.

Thus, the course firstly gives the opportunity to study the development of children’s rights under international human rights law, with a focus on the United Nations Convention on the Rights of the Child (UNCRC). This entails to consider the standards and mechanisms provided for in the UNCRC and its optional protocols, in order to determine the main strengths and weaknesses of this instrument and the major challenges to its implementation at the national level. Reflections are also made on how the UNCRC has impacted on the development of child rights protection at the regional and national levels. Accordingly, the course devotes specific attention to the European legal and policy frameworks that have developed in relation to children’s rights.

The Council of Europe and the European Union are considered in order to study the development of European law relating to children’s rights in pertinent areas of concern.

These include: equality and non-discrimination; personal identity; family life; alternative care to family care & adoption; civil rights and freedoms; economic, social and cultural rights; violence against children; migration and asylum; deprivation of liberty. Selected issues within these areas are addressed in different units of the course.

The course European Standards and Institutional Practices for the Protection of the Family and Children aims to deepen and expand Master students’ understanding of the aforementioned children’s rights.

The given field is oriented so that, through theoretical and practical activities, the master's students obtain in-depth practical skills regarding the European standards for the protection of the family and children based on both the regulations in the field of current interest, expert studies, and based on the analysis of judicial practice.

***The place and role of the discipline / the course*:**

The subject area included in the curricular content is intended to deepen the practical knowledge of the master's students on some essential elements regarding European standards and institutional practices for the protection of the family and children. Its study involves the creation of professional skills for analysis and evaluation of the vast issue in the field of family and child protection.

**Beneficiary:**

European standards and institutional practices for the protection of the family and children are addressed to the master's students of the Faculty of Law of the State University of Moldova, being developed within the Department of Public Law.

It is part of the study plan of the master's programs: Public Law and Electronic Government.

The course was developed based on the Project "Promoting Human and Children`s Rights Education at the State University of Moldova - January 2023-July 2024", implemented as a result of the conclusion of the Memorandum of Understanding between USM, Global Campus of Human Rights and Global Caucasus Campus. Dr. Chiara Altafin, international expert, Research Manager, Global Campus of Human Rights, had a substantial contribution in the configuration of the curriculum and the curricular support.

***Language of instruction:***

The language of teaching the module is English.

1. **ADMINISTRATION OF DISCIPLINE**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| The form of education | Discipline code | Name of the discipline | Responsible for discipline | semester | Total hours | | | | | evaluation | No. of credits |
| Total | C | S | L | TI |
| With frequency | S.02.A.12 | European Standards and Institutional Practices for the Protection of the Family and Children | Lilia Chirtoacă,  Anastasia Catan,  Olga Baciu | II | 150 | 20 | 20 |  | 110 | E | 5 |

1. TOPICS AND DISTRIBUTION OF HOURS

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| --- | --- | --- | --- | --- |
| **Nr.** | **Topics** | **Hours** | | |
| **c** | **s** | **l/i** |
| **1.** | **The international normative framework for children’s rights, with a focus on the UNCRC** | **2** | **2** | **10** |
| **2.** | **The Council of Europe legal and policy frameworks for children’s rights** | **2** | **2** | **10** |
| **3.** | **The European Union legal and policy frameworks for children’s rights** | **2** | **2** | **10** |
| **4.** | **Selected issues on equality and non-discrimination** | **2** | **2** | **10** |
| **5.** | **Selected issues on personal identity** | **2** | **2** | **10** |
| **6.** | **Selected issues on civil rights and freedoms** | **2** | **2** | **10** |
| **7.** | **Selected issues on family life** | **2** | **2** | **10** |
| **8.** | **Selected issues on alternative care to family care and adoption** | **2** | **2** | **10** |
| **9.** | **Selected issues on violence against children** | **2** | **2** | **10** |
| **10.** | **Selected issues on deprivation of liberty** | **2** | **2** | **20** |
| **TOTAL HOURS** | | **20** | **20** | **20** |

1. PROFESSIONAL COMPETENCES AND PURPOSES OF STUDY

|  |  |
| --- | --- |
| PROFESSIONAL COMPETENCES | PURPOSES OF STUDY |
| 1. In-depth knowledge and understanding of legal terminology and interpretation methodology specific to public law and e-governance | -to have thorough knowledge of the international normative framework on children's rights, with an emphasis on the UNCRC;  -to analyze the role and purpose of state responsibility in the researched field; |
| 2. The use of innovative methods, solutions, mechanisms and/or tools in the analysis, validation and interpretation of data and information in the field of public law and electronic governance | -to use data and tools for the interpretation of issues related to family and child’s rights protection;  -to assess advantages and risks provided by digitization in relation with the protection of family and child’s rights; |
| 3. The application of national, European, and international legal norms to solve newly emerging public law problems and in order to legally frame the social relations that have arisen as a result of the development and implementation of information technologies | -to apply the standards and mechanisms provided for in the UNCRC and its optional protocols, to ensure the guarantee of the exercise of the universal rights of children, in the context of the major challenges in the implementation process at the national level;  -to analyze and correctly apply the entire international and European normative framework related to the protection of children's rights;  -to evaluate the UNCRC enforcement mechanisms on the protection of children's rights;  -to apply the principles according to the jurisprudence of the European Court of Human Rights regarding the protection of the rights of minors; |
| 4. Responsible solving of new theoretical and practical problems through the integrated use of the conceptual and methodological apparatus accumulated through the study of the subjects within the master's program Public Law and Electronic Government | - to apply the international and European legal norms in order to solve practical cases on family and child protection;  -to apply the principles of ECtHR jurisprudence in the analysis and examination of the causes of violence against children and in family relationships;  -to evaluate practical situations, depending on concrete circumstances, regarding the need for alternative care / approval of adoption, in compliance with the procedure established by law;  -to evaluate practical situations, depending on concrete circumstances, regarding the need for alternative care / approval of adoption, in compliance with the procedure established by law;  -to develop proposals to change the national normative framework on family and children's rights;  -to propose legal solutions and good practices to exclude or diminish discriminatory practices against children; |
| 6. Appropriate use of specific language to explain and interpret standard/typical and/or new situations in different professional settings and broader contexts associated with the field | -to use specific terms and concepts related to legal approach on family and child rights, to international and national institutional protection mechanisms;  -to find out gaps in national legislation regulating family and child’s rights;  -to propose solutions for improving national mechanisms of family and child’s rights protection based on international and European standards and good practices; |
| 8. Self-management of the continuous professional training process by forecasting professional development needs based on the reflective analysis of one's own activity and contemporary developments | -to perceive methods of evaluation of professional training needs;  -to review professional skills in relation with new trends in the legal and social reality concerning family and child’s rights;  -to assess possibilities of continuous personal professional development. |

1. PROFESSIONAL COMPETENCES AND PURPOSES OF STUDY

**IV. UNITS**

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| --- | --- | --- |
| **UNIT 1.**  **THE INTERNATIONAL NORMATIVE FRAMEWORK FOR CHILDREN’S RIGHTS, WITH A FOCUS ON UNCRC** | | |
| **Reference objectives** | | **Topics to cover** |
| * to define the principle of the best interest of the child; * to analyze and evaluate the standards provided for in the UNCRC and its optional protocols; * to know the general principles of the UNCRC, * to report on qualifications and limitations of UNCRC rights; * to compare key sources of information on the UNCRC; * to determine and analyze UN monitoring bodies and procedures in relation to children's rights; * evaluate and recommend possible amendments or broader interpretations of the Convention. | | 1. The definition of the child according to art. 1 of the UNCRC. 2. The general principles of the UNCRC (Art. 2, Art. 3, Art. 6, Art. 12) and other provisions (Art. 5, etc.). 3. CRC-Comm's grouping of UNCRC articles into 9 groups (provided in reporting guidelines for states). 4. Qualifications and limitations of UNCRC rights. 5. Key obligations imposed on the states parties (Art. 4; GC no. 5 on general implementation measures for the UNCRC, paragraphs 5-7; GC no. 19 on the public budget for the realization of children's rights, paragraphs 25-28). 6. Strengths, perspectives and challenges regarding the application of the standards established in the UNCRC. 7. UNCRC enforcement mechanisms: CRC-Comm; Optional Protocols, in particular with regard to the third OP-CRC (OPIC). 8. Key sources of information on the UNCRC. 9. UN monitoring bodies and procedures related to the rights of the child.   *Key terms: limitations of rights, monitoring procedures, standards, children's rights.* |
| **UNIT 2.**  **THE COUNCIL OF EUROPE LEGAL AND POLICY FRAMEWORKS FOR CHILDREN’S RIGHTS** | | |
| **Reference objectives** | | **Topics to cover** |
| * to define the term of „child”; * to analyze the European legislation in the field of children's rights; * to analyze the ECHR field on children's rights; * to analyze the legal protection in the CoE framework; * to analyze the instruments adopted by the CoE’s Committee of Ministers; * to analyze the role of the European Court of Human Rights (ECtHR) in this field; * to analyze different resolutions regarding children's rights. | 1. UNCRC standing at the European level 2. Definition of ‘child’ under CoE frameworks; the child as a holder of rights 3. ECHR and its additional protocols: references or relevance to children’s rights 4. European Social Charter (ESC): references or relevance to children 5. Further scope of legal protection of children’s rights in the CoE:  * Lanzarote Convention; * Convention on the Exercise of Children’s Rights; * Convention on the Legal Status of Children Born out of Wedlock; * Convention on the Adoption of Children, revised in 2008; Convention on Contact concerning Children; * Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)  1. Soft-law instruments adopted by the CoE’s Committee of Ministers:  * Recommendation on integrated national strategies for the protection of children from violence; * Guidelines on child-friendly justice; * Guidelines on child-friendly healthcare; * Recommendation on children’s rights and social services friendly to children and families; * Recommendation on the participation of children and young people under the age of 18; * Recommendation concerning children with imprisoned parents; * Recommendation on effective guardianship for unaccompanied and separated children in the context of migration; * Recommendation on guidelines to respect, protect and fulfil the rights of the child in the digital environment  1. The role of the European Court of Human Rights (ECtHR) on child rights protection 2. The practice of the European Committee of Social Rights (ECSR) 3. Resolutions of the Council of Europe Parliamentary Assembly which promote the protection of children’s rights (Resolution 1099 (1996), on the sexual exploitation of children, 25 September 1996; 4. Resolution 1212 (2000) on rape in armed conflicts, 3 April 2000; 5. Resolution 1307 (2002) on sexual exploitation of children: zero tolerance, 27 September 2002).   *Key terms: child; rights; Convention; Resolution; European Court of Human Rights; protection* | |
| **UNIT 3.**  **THE EUROPEAN UNION LEGAL AND POLICY FRAMEWORKS FOR CHILDREN’S RIGHTS** | | |
| **Reference objectives** | | **Topics to cover** |
| * to analyze EU policies regarding asylum, combating human trafficking, especially children, humanitarian aid; * to know the rights enshrined in the CFR of the EU; * to characterize the principles of the UNCRC, the objectives and targets of the UN Sustainable Development Goals (SDGs); * to compare the rights of the child in the EU before and after the Treaty of Lisbon; * to apply the principles of organizational management in their own activity; * to analyze how the UNCRC had an impact on the development of the protection of children's rights at the regional and national level; * argue the importance and relevance of the CoE Convention for the Protection of Human Rights (ECHR) and fundamental freedoms regarding children's rights; * to analyze from the EU Strategy on the rights of the child 2021-2024 from its six areas for priority actions. | 1. EU development of children's rights and the scope of legal protection under the TEU, TFEU and the EU Charter of Fundamental Rights (CFR).  * Example: EU asylum and immigration policies at the border, combating human trafficking, especially women and children, humanitarian aid (TEU); * Rights enshrined in the CFR of the EU; * Children's rights in the EU before and after the Lisbon Treaty: promoting the integration of children's rights based on specific objectives, including children's access to justice, the eradication of all forms of violence against them, children's participation and influence in society, as well as a special focus on vulnerable children, such as children with disabilities or without parental care.  1. Correlation with the principles of the UNCRC and the goals and targets of the UN Sustainable Development Goals (SDGs), which are protected and promoted by the various components of the EU Strategy on the Rights of the Child. 2. The importance of the CoE Convention for the Protection of Human Rights (ECHR) and fundamental freedoms in the EU context regarding the rights of the child. 3. The policy instrument of the EU Strategy on the Rights of the Child 2021-2024 and its six areas for priority actions:  * Example: children's participation in political and democratic life; socio-economic inclusion, health and education; actions to combat poverty, promotion) . inclusive and child-friendly societies, health and education systems; combating violence against children and ensuring child protection; child-friendly justice; children's rights in the digital environment; EU actions to ensure that children can safely navigate the digital environment and take advantage of its opportunities; actions to support, protect and empower children globally, including during crises and conflicts.  1. The role of the Court of Justice of the European Union (CJEU) in the development of the legal protection of children's rights. 2. Resolutions and directives on the protection of children's rights, ranging from child trafficking and child soldiers, strategies to prevent trafficking in women and children; 3. Resolution of the European Parliament of 26 November 2019 on the rights of the child on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child (2019/2876(RSP); 4. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA.   *Key terms: resolutions, legal protection, combating human trafficking, socio-economic inclusion.* | |
| **UNIT 4.**  **SELECTED ISSUES ON EQUALITY AND NON-DISCRIMINATION** | | |
| **Reference objectives** | | **Topics to cover** |
| * to define the key terms in the non-discrimination provisions of the UNCRC, ECHR and other instruments of the CoE; * to analyze under comparative aspects the judicial standards and the protection mechanisms against discrimination; * to characterize the fundamental principles of equality and non-discrimination; * to analyze key aspects regarding non-discrimination in European and international law; * to distinguish between various criteria / reasons for discrimination, based on the analysis of judicial practice; * -to analyze and evaluate multiple discrimination based on ECtHR jurisprudence, the way in which several discrimination criteria interact; * - to recommend legal solutions regarding the exclusion of discriminatory practices against children. | 1. Fundamental principles of equality and non-discrimination, judicial standards and mechanisms of protection against discrimination. 2. Key aspects of non-discrimination in European and international law (according to UNCRC, ECHR and other CoE instruments). 3. Non-discrimination based on race or ethnic origin (eg EU Racial Equality Directive). 4. Non-discrimination based on nationality or immigration status (see TFEU - freedom of movement and residence; EU Charter of Fundamental Rights; ECHR CoE). 5. Non-discrimination based on disability (see EU Charter of Fundamental Rights; ECHR CoE and its Protocol No. 12). 6. Non-discrimination on other protected grounds (see EU Charter of Fundamental Rights; EU Gender Equality Directives; European Commission LGBTIQ Equality Strategy 2020–2025; also CoE ECtHR) 7. Protection of children against discrimination or punishment based on the status, activities, opinions or expressed beliefs of the child’s parents, guardians or family members.   *Key terms: non-discrimination, equality, disability, immigration status, discrimination criteria* | |
| **UNIT 5.**  **SELECTED ISSUES ON PERSONAL IDENTITY** | | |
| **Reference objectives** | | **Topics to cover** |
| * to analyze the European legislation in the field of children's personal identity; * to analyze the components of the child's right to personal identity; * to analyze ECtHR jurisprudence in the field of research; * to recommend ways to avoid the factors that generate the violation of the right to the personal identity of children. | 1. European legal regulation and elements of right to birth registration and right to a name. 2. The right to know one’s origins falls within the scope of a child’s private life. Establishing paternity. Establishing one’s origins (adoption). 3. The avoidance of statelessness - the key of the right to a citizenship. 4. Gender identity of children, ethnicity, nationality, social status, religion and culture identity - the components of the right of personal identity of children. 5. Factors that may affect the violation of personal identity of children.   *Key terms: personal identity, children, name, ethnicity, origin, citizenship, social status* | |
| **UNIT 6.**  **SELECTED ISSUES ON CIVIL RIGHTS AND FREEDOMS** | | |
| **Reference objectives** | | **Topics to cover** |
| * to defin the terms of ‘right’ and ‘freedom’; * to analyze the relevant articles of European Union Charter of Fundamental Rights (EU system); * to analyze the relevant articles of ECHR and its Protocols (CoE system); * to analyze ECtHR jurisprudence in the field of research. | | 1. Definitions of ‘right’ & ‘freedom’. 2. EU system - Relevant Articles of EU Charter of Fundamental Rights (Art. 10 - freedom of religion; Art. 11 - freedom of expression; Art. 12 - freedom of assembly and association; Art. 14 - right to education; Art. 24 - rights of the child).  * Brussels IIa Regulation (2019/1111/EU); * Procedural Safeguards Directive (2016/800/EU); * Child Sexual Abuse Directive (2011/93/EC);  1. CoE system - Relevant Articles of ECHR and its Protocols (Art. 9 - freedom of religion; Art. 14 - prohibition of discrimination; Art. 10 - freedom of expression; Art. 6 - fair trial). 2. CoE Lanzarote Convention (Articles 9 and 14). 3. Relevant case law of the EctHR.   *Key terms: right; freedom; case law; abuse; religion; education; expression; association; discrimination; fair trial* |
| **UNIT 7.**  **SELECTED ISSUES ON FAMILY LIFE** | | |
| **Reference objectives** | | **Topics to cover** |
| * to identify the right of children to know the identity of their parents; * to determine the risks that cause improper removal of children across borders (child abduction); * to evaluate the factors that can influence the violation of the right to family life; * to analyze the main challenges facing family life today; * to determine the main legal gaps in the field of family life. | | 1. The right of children to know the identity of their parents and the right to be cared for by them - two core components of children’s right to respect for family life. 2. The right of the child to maintain contact with both parents - the main rule which must be respected in all forms of parental separation. The right to maintain contact with grandparents and siblings. 3. Improper removal of children across borders (child abduction) - the risk of serious, possibly irremediable, damage to the relationship between the child and a parent. 4. European-level provisions which are focused on reuniting children safely with their parents (either in the host country or in their country of origin). 5. Factors that may affect the violation of the right of family life.   *Key terms: family life, parental identity, family reunification* |
| **UNIT 8.**  **SELECTED ISSUES ON ALTERNATIVE CARE TO FAMILY CARE & ADOPTION** | | |
| **Reference objectives** | | **Topics to cover** |
| * to know the general principles of alternative care; * to know the main rights of children when they are placed in alternative care; * to analyze criteria of the adoption process; * to evaluate the specific conditions of alternative care for children with disabilities; * evaluate issues related to same-sex parents and surrogacy agreements/contracts. | | 1. General principles of alternative care - temporary protective measures. A child’s right to information and to express their view with respect to their placement in alternative care. 2. Certain criteria of adoption process which of must adhere to ensure the best interests of the child (under EU law and CoE law).   *Key terms: adoption, alternative care, children, parents* |
| **UNIT 9.**  **SELECTED ISSUES ON VIOLENCE AGAINST CHILDREN** | | |
| **Reference objectives** | | **Topics to cover** |
| * to define the terme of ”violence”; * to analyze the protection against violence under the ECHR and the ECtHR jurisprudence; * to analyze the role and scope of state responsability in this field; * to define the terme of ”domestic violence”; * to define the terme of ”exploitation”; * to analyze the high-risks groups of children; * to define the terme of ”forced disappearence”; * to analyze the relevant case law of European Cout of Human Rights. | | 1. European Union system on violence against children. 2. CoE system: the protection under the ECHR and the ECtHR jurisprudence. 3. Violence at home, in schools, online or in other settings:  * scope of state responsibility; * abuse in school; * sexual abuse; * domestic violence and child neglect.  1. Child exploitation:  * forced labour; * child trafficking; * sexual exploitation.  1. High-risk groups: some children are particularly vulnerable, for example children belonging to ethnic minorities, children with disabilities, LGBTIQ children or children suffering from addictions 2. Missing children: child victims of forced disappearance. 3. Relevant case law of ECtHR.   *Key terms: child; violence; responsibility; abuse; exploitation; minorities; case law* |
| **UNIT 10.**  **SELECTED ISSUES ON DEPRIVATION OF LIBERTY** | | |
| **Reference objectives** | | **Topics to cover** |
| * to define alternative procedures; * to distinguish judicial procedures from alternative procedures; * to characterize the guarantees for ensuring a fair trial for children; * to determine practical aspects of protection of child witnesses and victims; * identify the objectives of criminal justice in the case of children; * to identify ways of social integration and prevention of recidivism; * to evaluate and recommend good practices regarding guarantees for the conduct of fair trials for children. | 1. Fair trial guarantees for children: rights to be treated fairly and in a child-friendly manner, tailored to the needs of children to ensure their effective participation in criminal proceedings. The right of children to have access to a lawyer from the initial stages of the criminal process and from the first questioning by the police. 2. The principles applied regarding the detention of young offenders (deprivation of liberty as a last resort and for the shortest appropriate period of time at any stage of the judicial procedure; to be treated in accordance with their age and with respect for their dignity; not to be detained together; with adults; alternatives to detention should always be considered); 3. The right of child victims and witnesses to be protected from further victimization, recovery, reintegration and to effective participation in criminal and alternative proceedings.   *Key terms: detention, dignity, criminal procedure, social integration, prevention of recidivism* | |

**V. THE INDIVIDUAL WORK OF MASTER STUDENTS**

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| --- | --- | --- | --- | --- |
| **Name of discipline** | **Tasks** | **Implementation strategy** | **Final product** | **Evaluation criteria** |
| **European standards and institutional practices of family and child protection**  **150 hours** | I.  Analysis and evaluation of European standards and institutional practices for family and child protection. | 1. Choosing a specific theme from the general theme of the course and selecting the necessary bibliography.  2. Elaboration of the research plan, purpose, objectives and tools.  3. Realization and analysis of the application part, submission of solutions | Report  Presentation of theoretical content  ppt  portfolio | Content requirements:  Clarity and correctness of the hypothesis, objectives, diversity of sources; the quality and veracity of own conclusions.  Presentation requirements: Argumentation of the presentation. The report will contain 7-10 pages Compliance with work requirements and criteria  Compliance with terms  The level of knowledge of the content of normative acts, the pertinent and solidly substantiated analysis. |
| II.  Report on the assessment of the practices of ensuring the protection of the family and children. | Choosing a field (e.g. guarantees for ensuring a fair trial for children; equality and non-discrimination) on which the expertise will be carried out in order to evaluate the guarantees; ensuring equality and non-discrimination. | Portfolio |
| III & IV  Study visit accompanied by report | 1.Participation in study visits,  2. Engaging in discussions, formulating questions, formulating conclusions, etc.  3. Comparative analysis of legislation; jurisprudence analysis.  4. Elaboration of proposals/recommendations regarding legislative changes in ensuring the protection of the family and children.  (working tool: Alessandri Model) | portfolio |

**Description of the way of carrying out the individual work**

The individual work involves 3 tasks that the master's students (of their choice) must present. For the presentation of the individual work, a calendar graph will be developed that indicates the period of time in which the results will be presented.

Task number I involves the evaluation of European standards and institutional practices of family and child protection. Based on the accumulated knowledge, the master's student will argue his/her opinion as a decision-maker.

Task number II will be an in-depth work on the practices for ensuring the protection of the family and children in a selected field and the elaboration of a strategy for its development in the short, medium and long term.

Task number III involves the evaluation and comparative analysis of legislation and jurisprudence.

Task number IV represents a legislative expertise report, in the sense of developing proposals / recommendations regarding legislative changes in order to ensure the protection of the family and children.

**VI. METHODOLOGICAL SUGGESTIONS FOR TEACHING-LEARNING ASSESSMENT**

The teacher can opt for one or another way of training the master's student in teaching-learning-evaluation activities: individual; in pairs; in small groups; in large groups.

The group activities have the role of satisfying the communication needs between the participants, representing at the same time a means of socialization, but also sources of training and framework for the affirmation of its members. Group training activities will be applied as one of the ways to combine individual and collective training.

Training techniques and methods: interactive lecture; modern lecture, brainstorming, case studies, discussions, debates, role play, problem solving, exercises, including experimental, individual research studies, etc.

Material resources: PPT, worksheets, posters, video projector, laptop, blackboard/chalk, etc.

The evaluation will be carried out by means of the evaluation instruments, in order to issue a value judgment on the results or to adopt some decisions, assuming:

* measurement: through measuring instruments;
* interpretation and appreciation of the results: according to criteria;
* adoption of the decision: through expert judgement.

Depending on the goal pursued, evaluation tools can be used to highlight:

* the volume of knowledge acquired by master's students;
* quality of learning;
* the state of mind of the master's students;
* clarified aspects and/or those that remained unclear;
* the impact of the course/seminar on the master's students;
* the master's students' perception of the quality of the course/seminar and the teacher's performance;
* degree of meeting the expectations of the master's students (expectations and needs left unmet and which can be taken into account for subsequent courses/seminars), etc.

Considering the specifics of the discipline, case studies, grid tests and cases are considered the most appropriate evaluation tools.

The assessment will consist of:

A. The half-yearly evaluation, which will be carried out by:

1) tests – 2 mandatory tests, which will contain tasks with objectives to measure knowledge, skills and professional competences;

2) current evaluation – the participation of master's students in practical classes; carrying out individual activities, in pairs and in groups; settlement of cases; solving grid tests; continuous feedback;

3) individual work - the preparation of reports and reports on a topic proposed for research as individual work; carrying out a case study on a certain concrete theme.

B. The final evaluation, which will consist of a formal exam (oral or written) at the end of the semester, with the purpose of presenting the answers to the subjects analyzed in the course hours and in the practical hours, as well as solving the practical cases.

The final grade is calculated based on the semester grade and the exam grade. The weighting of the semester grade is 60%, and the weighting of the exam grade is 40%.

**READING MATERIALS**

1. **LEGAL ACTS**
2. Charter of Fundamental Rights of the European Union (EUCFR) (online).
3. Council Decision 2010/48/EC on the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, OJ L 23, 27.1.2010, pp. 35–61.
4. EU, European Commission (2021), Equality Union: Disability Rights Strategy 2021–2030, COM(2021) 101 final.
5. 2011 EU Directive on combating the sexual abuse of children, the sexual exploitation of children and child pornography.
6. EU Directive, 2011 on preventing and combating trafficking in human beings and protecting its victims.
7. EU Directive, 2012 setting minimum standards on the rights, support and protection of victims of crime.
8. EU Directive, 2016 establishing procedural safeguards for children who are suspects or accused in criminal proceedings.
9. TEU (online)
10. TFEU (online)
11. The Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations Organization on December 10, 1948. The Republic of Moldova acceded to the Universal Declaration of Human Rights through Parliament Decision no. 217-XII of 28.07.90.
12. The International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on December 16, 1966. The Republic of Moldova ratified the International Covenant on Civil and Political Rights through Parliament Decision No. 217-XII of 28.07.90 .
13. The (European) Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome, November 4, 1950. The Republic of Moldova ratified the Convention for the Protection of Human Rights and Fundamental Freedoms through Parliament Decision No. 1298-XIII of 24.07.97.
14. The Council of Europe Convention on access to official documents, adopted in Tromsø on June 18, 2009. The Republic of Moldova ratified the Council of Europe Convention on access to official documents through Law no. 217 of 09/26/2013.
15. UN Convention on the Rights of the Child (CRC) (online)
16. UN, Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure (OPIC) (online)
17. UN, Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (online)
18. UN, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (online)
19. United Nations, Convention on the Rights of Persons with Disabilities, 13 December 2006
20. **POLICY DOCUMENTS**
21. Annex 1 to the EU Strategy on the Rights of the Child, "EU and International Frameworks" (g-drive)
22. Annex 2 to the EU Strategy on the Rights of the Child, "The EU acquis and policy documents on the rights of the child" (g-drive)
23. Conclusions on the EU strategy on the rights of the child, 9 June 2022 (g-drive).
24. Council of the European Union (2021), Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European child guarantee, ST/9106/2021/INIT, OJ 2021 L 223.
25. European Parliament Resolution of 11 March 2021 on the rights of the child, in view of the EU Strategy on the Rights of the Child (2021/2523(RSP)
26. FRA Handbook of European law on children's rights, ed. 2022, pp. 15-20, 21-24, 28-30, 31-32, 269-270 (g-drive).
27. Guidelines on the promotion and protection of children's rights, 2017
28. Other EU strategies, see <https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child_en>
29. Strategy 2021 on the rights of the child (RoC) 2021-2024 online (g-drive)
30. The 2022 European Strategy for a Better Internet for Kids (BIK+) online
31. **JURISPRUDENCE**
32. Council of Europe, Parliamentary Assembly (1996), Resolution 1099 (1996) on the sexual exploitation of children, 25 September 1996; Resolution 1212 (2000) on rape in armed conflict, 3 April 2000; Resolution 1307 (2002) on the sexual exploitation of children: zero tolerance, 27 September 2002).
33. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 laying down minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA.
34. Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys, OJ 2009 L 170, which requires safety measures for children's toys.
35. Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, OJ L 188, 12.7.2019 , pp. 79-93.
36. European Parliament Resolution of 11 March 2021 on the rights of the child, in view of the EU Strategy on the Rights of the Child (2021/2523(RSP).
37. European Parliament Resolution of 26 November 2019 on the rights of the child on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child (2019/2876(RSP).
38. ECtHR, T. v. United Kingdom [GC], no. 24724/94, 1999 (children in court).
39. ECHR, Panovits v. Cyprus, no. 4268/04, 2008 (access to a lawyer), ECtHR, Nart v. Turkey, no. 20817/04, 2008 (pre-trial detention).
40. ECHR, Blokhin v. Russia, no. 47152/06, 2016.
41. ECtHR, Bouamar v. Belgium, no. 9106/80, 1988 (detention for educational supervision).
42. ECtHR, D.G. v. Ireland, no. 39474/98, 2002 (detention for educational supervision).
43. ECtHR, Güveç v. Turkey, no. 70337/01, 2009 (conditions of detention).
44. ECtHR, Çoşelav v. Turkey, no. 1413/07, 2012.
45. ECtHR, Kovač v. Croatia, no. 503/05, 2007 (child witness).
46. ECHR, S.N. v. Sweden, no. 34209/96, no. 34209/96, 2002 (child witness) ECtHR, R.R. and others v. Hungary, no. 19400/11 and 36037/17, 2012 (exclusion of the family from the witness protection program).
47. ECtHR, X and others v. Bulgaria, no. 22457/16, 2021 (child witnesses and victims).
48. Notable decisions for the protection of children's rights, which illustrate the gradual progress of the evolutions of CJEU jurisprudence in the field: Case C-491/10 PPU, Aguirre Zarraga v Pelz 22 December 2010; Case C-34/09, Gerardo Ruiz Zambrano/Office national de l'emploi (ONEM), March 8, 2011; Case C-497/10 PPU, Wednesday/Chaffe, 2010; Case C-400/10 PPU, J.McB/L.E, October 5, 2010; Case C-211/10 PPU, Doris Povse v. Mauro Alpago; Case C-256/09, Purrucker v Pérez.
49. **NOTABLE DECISIONS RELEVANT TO THE PROTECTION OF THE RIGHTS OF THE CHILD IN SITUATIONS DEPRIVATED TO LIBERTY:**
50. ECtHR, T. v. United Kingdom [GC], no. 24724/94, 1999 (children in court).
51. ECHR, Panovits v. Cyprus, no. 4268/04, 2008 (access to a lawyer).
52. ECtHR, Nart v. Turkey, no. 20817/04, 2008 (pretrial detention).
53. ECHR, Blokhin v. Russia, no. 47152/06, 2016.
54. ECtHR, Bouamar v. Belgium, no. 9106/80, 1988 (detention for educational supervision).
55. ECtHR, D.G. v. Ireland, no. 39474/98, 2002 (detention for educational supervision).
56. ECtHR, Güveç v. Turkey, no. 70337/01, 2009 (conditions of detention).
57. ECtHR, Çoşelav v. Turkey, no. 1413/07, 2012, ECtHR, Kovač v. Croatia, no. 503/05, 2007 (child witness).
58. ECHR, S.N. v. Sweden, no. 34209/96, no. 34209/96, 2002 (child witness).
59. ECtHR, R.R. and others v. Hungary, no. 19400/11 and 36037/17, 2012 (exclusion of the family from the witness protection program).
60. ECtHR, X and others v. Bulgaria, no. 22457/16, 2021 (child witnesses and victims).
61. **AUDIO-VISUAL RESOURCES:**
62. Animated film for children on GSCDL, at <https://www.youtube.com/watch?v=-M-leMlXkHA&feature=emb_title>
63. GC MOOC Children Deprived of Freedom: Learning from the UN Global Study, which provides insights, learning and recommendations on GSCDL, with modules focusing on the overall framework of the Study, the cross-cutting themes, the six focus areas and GSCDL in practice.
64. GC MOOC Enacting Global Study Recommendations, which focuses on GSCDL recommendations and their implementation at the regional level. It draws extensively on the various releases and Global Classroom 2020 with its panel of high-level experts.
65. Human Rights Watch, 5-minute video illustrating deprivation of liberty in all 6 thematic settings, at <https://www.youtube.com/watch?v=pRj5jhO4uvs>
66. The media toolkit with a video, photos, social media posts and additional materials, at http://www.gchumanrights.org/mooc-GS-mediatoolkit.
67. **STUDIES**
68. A. Nolan, "Children's Economic and Social Rights" in T. Liefaard, U. Kilkelly & S. Hoadley (eds), International Law on the Rights of the Child (Amsterdam: Springer, 2018), pp. 239-258. (g-drive)
69. FRA (2014), Violence against women: An EU-wide survey – Main results, Luxembourg, Publications Office, 5 March 2014.
70. FRA (2014), Victims of crime in the EU: The extent and nature of support for victims, Luxembourg, Publications Office, 12 January 2015.
71. Jaap E. Doek, Report on Admissibility Commission Decisions: Summary and Commentary, October 2020. (g-drive)
72. Jaap E. Doek, Update Report on Admissibility Commission Decisions: Summary and Commentary, May 2022. (g-drive)
73. G. Van Bueren, "The Definition and Status of the Child in International Law" in The International Law on the Rights of the Child (Dordrecht: Martinus Nijhoff, 1995), pp. 32-51.
74. H. Steiner & P. ​​Alston, 'Children' in International Human Rights in Context (2nd ed., 2000), pp. 511-524.
75. Nolan & U. Kilkelly, "Children's Rights under Regional Human Rights Law – A Tale of Harmonisation?" in C. Buckley et al (eds), Harmonization of International Human Rights Law (The Hague: Martinus Nijhoff, 2016), pp. 296-322.
76. N. Peleg, "International Children's Rights Law: General Principles" in T. Liefaard, U. Kilkelly & S. Hoadley (eds), International Law on the Rights of the Child (Amsterdam: Springer, 2018), pp. 135- 153.
77. S. Egan, "The New Complaints Mechanism for the Convention on the Rights of the Child: A Mini Step Forward for Children" (2014) 22(1) International Journal of Children's Rights, pp. 205-225.
78. Vandenhole W. 'The Convention on the Rights of the Child' in F. Gomez Isa & K. de Feyter (eds) International Human Rights Law in a Global Context (Bilbao: University of Deusto 2009) pp. 451-472.
79. Varadan S. "The Principle of Evolving Capabilities under the UN Convention on the Rights of the Child" in 27 (2019) International Journal of Child Rights, pp. 93-116.
80. **USEFUL WEBSITES:**
81. Child Rights Information Network (CRIN): <http://www.crin.org>
82. Child Rights Connect (formerly NGO Group for CRC): <http://www.childrightsconnect.org>
83. UN Committee on the Rights of the Child: <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>
84. UNICEF: [www.unicef.org](http://www.unicef.org)
85. UNICEF Innocenti Research Center: http://www.unicef-irc.org/

**MOLDOVA STATE UNIVERSITY**

**LAW FACULTY**

**Department of Public Law**

**Approved by**

**Head of Department \_\_\_\_\_\_\_\_\_\_\_**

**Test no. 1**

**For the exam to the course:**

**European standards and institutional practices of family and child protection**

1st Year, group \_\_\_\_\_\_\_\_\_\_\_\_

I. **Judicial standards and protection mechanisms against discrimination**

1.1. Define key terms within the non-discrimination provisions of the UNCRC, ECHR and other CoE instruments (3p.)

1.2. Characterize the fundamental principles of equality and non-discrimination (5p.)

1.3. Assess multiple discrimination based on ECtHR jurisprudence, including how multiple criteria of discrimination interact (7p.)

II. **Guarantees to ensure a fair trial for children**

2.1. Set out the safeguards for ensuring a fair trial for children, arguing the practical importance of child-friendly justice (3p.)

2.2. Consider children's right to be protected from further victimization, reintegration and effective participation in criminal and alternative proceedings (5p.)

2.3. Highlight the most frequent violations of the guarantees in order to ensure a fair trial for children, explaining the reason for their violation, with the recommendation of good practices (7p.)

Grading scale

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Points | 30-29 | 28-26 | 25-19 | 18-12 | 11-9 | 8-6 | 5-4 | 3-2 | 1 | 0 |
| Grade | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 |

"\_\_\_\_\_"\_\_\_\_\_\_\_\_\_2023 Examiner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_