



Promoting and strengthening
the Universal Periodic Review

Recommendations & Pledges

REPUBLIC OF MOLDOVA

First Review Session 12

Review in the Working Group: 12 October 2011
Adoption in the Plenary: 16 March 2012

Moldova's responses to recommendations (as of 07.06.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
107 recs. accepted (among which 2 were considered as already implemented and 42 in the process of implementation); 15 pending	Out of the 15 recs. pending, the delegation accepted 11 (including 6 considered being in the process of implementation: 76.7, 76.9, 76.10, 76.11, 76.12 and 76.15), accepted 4 in part (underlined in blue) and was "not ready yet to adopt" 1 (-> rejected) ¹	In its concluding remarks, the delegation stated having accepted all recs, which contradicts information provided in the addendum. We therefore keep the second part of rec. n°76.14 as rejected	Accepted: 122 Rejected: 1 No clear position: 0 Pending: 0

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/19/18:

73. The recommendations formulated during the interactive dialogue and listed below have been examined by the Republic of Moldova and enjoy the support of the Republic of Moldova:

¹ The total number of recommendations is now 123 as one was split.

- A - 73.1. Consider ratifying CED and ICRMW (Argentina);
- A - 73.2. Pursue the measures in favour of the reinforcement of harmony and tolerance between the different segments of the Moldovan society (Algeria);
- A - 73.3. Adopt further measures to foster inter-religious communication and public culture of promoting socio-cultural and religious diversity (Thailand);
- A - 73.4. Adopt socio-economic measures aimed at ensuring the social and labour integration of the Roma minority (Spain);
- A - 73.5. Adopt measures to combat and eradicate cases of xenophobia against this minority (Spain);
- A - 73.6. Adopt comprehensive legislation on the prohibition of racial discrimination and xenophobia (Russian Federation); 1
- A - 73.7. Provide the national human rights institutions with necessary means so that they can fulfill their mandate and implement their decisions (Morocco); 2
- A - 73.8. Adopt a specific policy to address the root causes of domestic violence, particularly violence against women and children, and conduct awareness campaigns, particularly in the rural areas (Canada);
- A - 73.9. Encourage awareness of the state language within the society as a whole (Romania);
- A - 73.10. Promote greater public appreciation for the importance of according equal rights for the Roma, including freedom from abuse and discrimination (Australia);
- A - 73.11. Strengthen its efforts in the prevention, punishment and eradication of all forms of violence against women and the adoption of comprehensive policies for the promotion and protection of the rights of the child, especially those relating to the prohibition of forced labour (Argentina);
- A - 73.12. Strengthen programmes of public awareness of the very serious problem of human trafficking and involve all stakeholders in the work (Qatar);
- A - 73.13. Further consider measures to clarify the events of April 2009 (Sweden);
- A - 73.14. Ensure greater policy and institutional control over the State Security Corps and Forces in order to avoid cases of excessive use of force and abuse against detainees (Spain);
- A - 73.15. Ensure the respective participation of national and international NGOs in the follow-up of the universal periodic review process (Bulgaria);
- A - 73.16. Engage the civil society in the UPR follow-up process (Poland);
- A - 73.17. Enhance cooperation with international community for preventing and combating human trafficking (Nepal);
- A - 73.18. Continue promoting gender equality as a national priority which echoes the recommendation of SR on violence against women regarding the acceleration of the realization of women's equality with men in all areas (Turkey);
- A - 73.19. Eliminate discriminatory practices against persons with disabilities in the medical setting and ensure physical access of children with disabilities to educational and public institutions, as part of its implementation of the Strategy of social inclusion of persons with disabilities (Thailand);
- A - 73.20. Fully respect the rights of children, without any discrimination, and give necessary prerogatives to the ombudsman working in this area (Qatar);

A - 73.21. Adopt more effective measures to ensure that all children in the Republic of Moldova enjoy all rights, without discrimination, in accordance with Article 2 of CRC (Uruguay);

A - 73.22. Provide social services on health and access to education to children belonging to the most vulnerable groups (Uruguay);

A - 73.23. Undertake efforts to prevent child labour, the segregation of children with disabilities in educational system and prevent the crimes committed against children, especially smuggling and sexual harassment (Poland); 3

A - 73.24. Prevent discrimination of social minorities, such as Roma people and LGBT persons and adopt a comprehensive anti-discrimination law (Poland);

A - 73.25. Adopt specific measures to combat discrimination against Roma (Slovenia);

A - 73.26. Intensify its efforts to address discrimination against Lesbians, Gays, Bisexuals and Transsexuals (LGBT), and to investigate and prosecute crimes against LGBT-community members (Norway);

A - 73.27. Redouble efforts to protect the rights of members of minority religious, ethnic and social groups and particularly focus on protecting members of the LGBT community from both official and societal discrimination (United States);

A - 73.28. Action in order to build broad support for LGBT-rights in the new comprehensive anti-discrimination law (Sweden);

A - 73.29. Take the measures aiming at reinforcing the fight against torture and the fight against impunity (France);

A - 73.30. Further strengthen mechanisms to detect and investigate cases of domestic violence, train law enforcement officials to deal with such cases and provide legal and medical support to victims (Brazil);

A - 73.31. Consider measures in order to prevail the situation of the high level domestic violence (Sweden);

A - 73.32. Effectively implement the current legislation on protection of women against domestic violence, ensure that the police effectively investigate complaints and increase the number, coverage and capacity of shelters for victims of domestic violence (Uruguay);

A - 73.33. Address the root causes of domestic violence in order to carry out awareness campaigns on violence against women and their rights, especially in rural areas (Uruguay);

A - 73.34. Continue to fight domestic violence against women, including by improving and strengthening the capacity of rehabilitation centers in the country, especially ensuring access to victims from rural areas (Italy); 4

A - 73.35. Take additional and concrete efforts to eradicate human trafficking, prosecute traffickers under criminal law and protect and provide victims with adequate support throughout the criminal proceedings (Canada);

A - 73.36. Intensify the fight against the perpetrators operating in the area of human trafficking (Norway);

A - 73.37. Continue its efforts to combat trafficking in human beings (Romania);

A - 73.38. Continue efforts in combating human trafficking and provide the necessary assistance to the victims of trafficking (Latvia);

A - 73.39. Reinforce further its efforts in the area of prevention of trafficking in human beings, with particular focus on children (Slovakia);

A - 73.40. Develop and implement efficient policies for child victims of abuse, neglect and trafficking, including ensuring redress and victims' reintegration (Slovakia);

A - 73.41. Intensify campaigns to prevent human trafficking and to increase the protection offered to victims, including their right to legal redress (Mexico);

A - 73.42. Ensure prosecution for trafficking and protection for victims of human trafficking in criminal proceedings, and adequate support for victims through recovery and counselling measures and improve the social and economic situation of women, in particular in rural areas, so as to eliminate their vulnerability to traffickers as recommended by CESCER and CEDAW, respectively (Israel);

A - 73.43. Give appropriate priority to the improvement of detention conditions in the draft justice reform Plan under adoption (Hungary);

A - 73.44. Make a declaration within a frame of article 21 and 22 of Convention against Torture, to improve the conditions of detainees and to prevent maltreatment of prisoners in prisons belonging to the Ministry of Interior (Poland);

A - 73.45. Investigate fully all allegations of torture and cruel, inhuman or degrading treatment impartially, thoroughly and within a timely manner; and ensure those responsible are brought to justice (United Kingdom);

A - 73.46. Investigate and prosecute all allegations of ill-treatment of persons in police custody (Slovenia);

A - 73.47. Transfer the responsibility for temporary detention facilities from the Ministry of the Interior to the Ministry of Justice (Austria);

A - 73.48. Put an end to impunity whenever it occurs, investigate all complaints of torture and ill-treatment by law enforcement officers, prosecute and punish those responsible and ensure that information obtained under torture is not admissible in courts (Germany); 5

A - 73.49. In accordance with the Convention on the Rights of the Child, create appropriate conditions for arrested juveniles and ensure that detention of juveniles is used only as a measure of last resort (Norway);

A - 73.50. Reinforce its criminal prosecution system with a view towards ensuring accountability of all perpetrators related to human trafficking (Thailand);

A - 73.51. Fully implement the reform of the residential care system for children, focusing especially on re-integration of children with disabilities (Israel);

A - 73.52. Take further measures to promote inter-religious dialogue and cultural diversity (Morocco);

A - 73.53. Make efforts to fully guarantee freedom of expression and information, in accordance with Moldova's international obligations (Norway);

A - 73.54. Take steps to protect critical and independent media (Germany);

A - 73.55. Allow members of the LGBT communities the right to freedom of expression and assembly (Australia);

A - 73.56. Take concrete measures to raise public awareness about LGBT rights, including the guarantee of the right of assembly and association (Spain);

A - 73.57. Ensure that public events planned by the LGBT, religious and other rights groups are permitted and adequately policed, according to the obligations of the Republic of Moldova under international human rights law (United Kingdom);

A - 73.58. Enhance its efforts in order to promote women's participation especially in political life (Greece);

A - 73.59. Consider ways and means to ensure the right to education of children with disabilities, also in collaboration with the relevant international organizations and agencies (Italy);

A - 73.60. Guarantee the recognition of the rights of ethnic minorities to express their own culture and identity (Israel);

A - 73.61. Address the socioeconomic issues facing Roma, including through effective implementation and adequate resourcing of the Action Plan for the Support of the Roma People for 2011-2015, as recommended by CERD (Israel);

A - 73.62. Work towards addressing statelessness and protecting the rights of stateless persons (Brazil);

A - 73.63. Actively support the non-governmental organizations that have effective programmes in promoting human rights and inter-ethnic tolerance in Transnistria (Canada).

74. The following recommendations enjoy the support of the Republic of Moldova, which considers that they are already implemented:

A - 74.1. Continue public awareness campaigns on domestic violence and increase the penalties for this crime (Australia);

A - 74.2. Formally prohibit corporal punishment in all settings (Slovenia).

75. The following recommendations enjoy the support of the Republic of Moldova, which considers that they are in the process of implementation:

A - 75.1. Ratify as soon as possible the International Convention on the Protection of All Persons from Enforced Disappearances, major instrument in fighting impunity, and recognize the competence of the Committee on Enforced Disappearances (France);

A - 75.2. Subscribe to article 14 of CERD in order to recognize the Committee's competence to receive and consider communications from individuals or groups of individuals alleging to be victims of violations of any of the rights established in the Convention (Uruguay);

A - 75.3. Adopt the draft anti-discrimination law with provisions prohibiting sexual harassment as soon as possible (Norway);

A - 75.4. Adopt a law on the fight against all forms of discrimination and clearly guarantee, in its domestic law, the freedom of expression and therefore the right for LGBT persons to peaceful demonstrations (France);

A - 75.5. Adopt as soon as possible the Law on preventing and combating discrimination (Canada);

A - 75.6. Take further steps on the adoption of the law on preventing and combating discrimination (Estonia);

A - 75.7. Ensure that the draft Law on Preventing and Combatting Discrimination is adopted without delay (United Kingdom);

A - 75.8. Enact into law the proposed Law on Combating and Preventing Discrimination (United States);

- A - 75.9. Adopt comprehensive anti-discrimination legislation in line with international and European standards (Romania);
- A - 75.10. Continue its efforts to adopt a comprehensive legislation in the area of anti-discrimination (Argentina);
- A - 75.11. Continue efforts to adopt and implement the legislative framework to prevent, punish and eliminate all forms of discrimination, with special attention to gender equality and discrimination based on sexual orientation and disability (Mexico);
- A - 75.12. Expedite the adoption of the law on preventing and combating discrimination with a view to strengthen existing rules and create a real and viable mechanism for prevention and prohibition of discrimination on different grounds (Slovakia);
- A - 75.13. Implement the Law on Social Protection of Disabled Persons as well as international obligations that Moldova has agreed regarding people who are disabled (Norway);
- A - 75.14. Develop, in compliance with CRPD, a legal framework that ensures an environment without barriers or obstacles, and includes access to goods and services (Spain);
- A - 75.15. Consider establishing an independent national human rights institution fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Greece);
- A - 75.16. Strengthen its Centre for Human Rights through increased funding and personnel, and specially by ensuring its compliance with the Paris Principles (Spain);
- A - 75.17. Enhance the transparency of the election of members of the Ombudsman Office based on professionalism (Morocco);
- A - 75.18. Further strengthen the national machinery for the advancement of women with financial and human capacity and political authority (Azerbaijan);
- A - 75.19. Reinforce its actions with further measures to promote the systematic integration of gender approach in the public policies and to provide relevant statistics on this aspect (Morocco);
- A - 75.20. Adopt awareness-raising programs to combat gender related stereotypes (Morocco);
- A - 75.21. Improve the levels of assistance provided to children , especially disabled children, children in vulnerable groups, orphans and street children, and ensure their full integration into society, and take all measures to put an end to child labour (Qatar);
- A - 75.22. Continue pursuing awareness raising campaigns aimed at eliminating stigmatisation of persons with disabilities, the difficulties they face at the labour market and in general, their exclusion from social life (Slovakia);
- A - 75.23. Continue efforts for the protection of the rights of marginalized and vulnerable segments of society including through legislative and institutional measures (Nepal);
- A - 75.24. Strengthen the training programmes on human rights for the benefit of law enforcement officials (Algeria);
- A - 75.25. Improve the social and economic situation of women especially in rural areas, in order to make them less vulnerable to traffickers (Austria);
- A - 75.26. Further improve the social and economic situation of women, in particular in rural areas, so as to eliminate their vulnerability to traffickers (Azerbaijan);

- A - 75.27. Develop, with the participation of civil society, a plan of action and establish a national mechanism to combat racism and discrimination (Russian Federation);
- A - 75.28. Elaborate a Plan of Action for the implementation and monitoring of the Law on preventing and combating domestic violence, and allocate adequate budgetary resources for its implementation (Hungary);
- A - 75.29. Increase efforts to combat human trafficking, ensure accountability of those involved in trafficking, including any public official, and to prevent double victimization of victims through charges such as illegal migration or falsification of documents (Slovenia);
- A - 75.30. Ensure the prosecution of traffickers, particularly through improved training of law enforcement bodies, protection for victims of human trafficking during criminal proceedings and that victims have access to counselling and receive compensation (Austria);
- A - 75.31. Continue efforts taken at the legislative and executive level to put an end to the human trafficking and hold accountable those responsible (Qatar);
- A - 75.32. Strengthen the protection of minorities through a reform of its criminal code, incorporating offences punishing hate crimes and incitation to hatred as well as through ensuring the effective implementation and adequate resourcing of the Action Plan for the support of the Roma (Austria);
- A - 75.33. Further strengthen measures to prevent and combat discrimination and investigate allegations of hate crimes (Brazil);
- A - 75.34. Undertake effective investigation into complaints of torture or ill-treatment and hold all perpetrators accountable (Norway);
- A - 75.35. Increase the efforts to address ill-treatment and abuse of persons in detention (Canada);
- A - 75.36. Reform judicial system, so that the Moldavan courts and prosecution offices fulfill expectations pertaining to independence from political authorities, incorruptibility, length of procedures, and decent wages for law enforcement personnel (Poland);
- A - 75.37. Continue efforts to strengthen the rule of law by ensuring greater effectiveness and transparency in the judicial system, combating corruption, and investigating all reports of abuse and torture by police (United States);
- A - 75.38. Continue efforts to strengthen criminal justice system and judicial institutions (Nepal);
- A - 75.39. Continue efforts to improve conditions in prisons and pre-trial facilities (Australia);
- A - 75.40. Strengthen the capacity of the law enforcement agencies to combat the phenomenon of human trafficking (Morocco);
- A - 75.41. Continue to work on the promotion of human rights in the region of Transnistria, integral part of the territory of the Republic of Moldova. This commitment was undertaken upon accession to the Human Rights Council (Romania);
- A - 75.42. Further encourage the dialogue with the secessionists with a view to ending the situation, which endangers the rights and fundamental freedom of all citizens of the Republic of Moldova recognized by the Constitution of 29 July 1994 (Democratic Republic of the Congo).

76. The following recommendations will be examined by the Republic of Moldova which will provide responses in due time, but no later than the nineteenth session of the Human Rights Council in March 2012. The response of the Republic of Moldova to these recommendations will be included in the outcome report adopted by the Human Rights Council at its nineteenth session in March 2012:

A - 76.1. Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in accordance with the recommendation no. 1737 of 17 March 2006 made in that regard by the Council of Europe (Algeria);

A - 76.2. Ratify or accede to, as appropriate, the Optional Protocol to ICESCR, CED, ICRMW, and the Optional Protocol to CRPD (Uruguay);

A - 76.3. Sign and ratify the Optional Protocol to ICESCR and CRPD; and ratify CED (Spain);

A - 76.4. Commit internationally to the rights of the LGBT community by signing the Joint Statement on LGBT human rights from the March 2011 session of the Human Rights Council (United States);

A - 76.5. Further ensure that the Child's Advocate has sufficient resources to exercise his or her mandate effectively (Azerbaijan);

A - 76.6. Ensure the representation of women in the state elective and administrative structures by establishing a minimum quota for women (Morocco);

A - 76.7. Develop and implement a set of measures that will make it possible to fully implement economic and social human rights, especially the right to employment and the right to an adequate level of remuneration (Russian Federation);

A - 76.8. Consider solving the problem of ownership of land belonging to the Catholic Church and the Orthodox Church (Poland);

A - 76.9. Ensure the freedom of the mass media, particularly of those media outlets that function in the language of the national minorities, including Russian (Russian Federation);

A - 76.10. Consider implementing school meals programs, especially in rural areas most affected by poverty (Brazil);

A - 76.11. Support and develop education programmes and institutions for national minorities in their mother-tongue (Russian Federation);

A - 76.12. Maintain the network of pre-university institutions with access to education in minority languages in line with the recommendation by the Committee on Economic, Social and Cultural Rights on the guarantees for the rights of ethnic minorities (Bulgaria);

A - 76.13. Kindly consider the possibility of speeding up the internal procedures necessary for the entry into force of the bilateral Agreement between Ukraine and the Republic of Moldova on the rights of national minorities, signed in Chisinau on 17 December 2009 (Ukraine);

A - 76.14. Remove the statute of limitations for the crime of torture
R - and reduce the length of police custody subsequent to arrest to a maximum of 48 hours (Austria);

A - 76.15. Establish legislation and the necessary measures to guarantee freedom of religion in the country, particularly in public education (Mexico).

Notes

1 The recommendation as read in the interactive dialogue: Adopt comprehensive legislation on the prohibition of racial discrimination and xenophobia, which includes the legal responsibility for statements of a racist nature.

2 The recommendation as read in the interactive dialogue: Provide the mediator institutions with necessary means so that they can fulfil their mandate and implement their decisions.

3 The recommendation as read in the interactive dialogue: Undertake efforts to prevent the children's labour, segregation of children with disabilities in educational system and prevent the increasing number of crimes committed against children, especially smuggling and sexual harassment.

4 The recommendation as read in the interactive dialogue: Continue to fight domestic violence against women, including by improving and increasing the number of rehabilitation centers in the country, especially in rural areas.

5 The recommendations as read in the interactive dialogue: Put an end to the climate of impunity, investigate all complaints of torture and ill-treatment by law enforcement officers, prosecute and punish those responsible and ensure that information obtained under torture is not admissible in courts.

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