

# Moldova

## Mid-term Implementation Assessment



Promoting and strengthening  
the Universal Periodic Review  
<http://www.upr-info.org>



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by *UPR Info* to collect data and to calculate the index is described at the end of this document.

Geneva, 7 August 2014

## Follow-up Outcomes

### 1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/moldova>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

15 stakeholders' reports were submitted for the UPR. 15 NGOs were contacted. 3 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

9 NGOs responded to our enquiry. 1 UN agency responded. The State under Review did not respond to our enquiry. The NHRI did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **UN Agency:** United Nations High Commissioner for Refugees (UNHCR)
2. **NGOs:** (1) Association for Supporting Children with Special Needs (ASCSN) (2) Association of Social and Cultural Development 'Delfin' (DELFIN) (3) Centre of Legal Assistance for People with Disabilities (CLAPD) (4) Equal Rights Trust (ERT) (5) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (6) HelpAge International (HAI) (7) Human Rights Information Center (CIDO) (8) Informational Centre GENDERDOC-M Moldova (GENDERDOC-M) (9) The National Roma Centre (NRM)

*IRI:* 17 recommendations are not implemented, 28 recommendations are partially implemented, and 12 recommendations are fully implemented. No answer was received for 63 out of 123 recommendations and voluntary pledges.

## 2. Index

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Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
2	Algeria	General	partially impl.	page 31
11	Argentina	Labour,Rights of the Child,Women's rights	partially impl.	page 22
75	Argentina	Other	fully impl.	page 34
10	Australia	Minorities,Racial discrimination	not impl.	page 10
55	Australia	Freedom of association and peaceful assembly,Freedom of opinion and expression,Sexual Orientation and Gender Identity	partially impl.	page 19
64	Australia	Human rights education and training,Rights of the Child,Women's rights	partially impl.	page 29
83	Azerbaijan	Women's rights	not impl.	page 30
30	Brazil	Justice,Right to health,Rights of the Child,Women's rights	partially impl.	page 15
62	Brazil	Other	fully impl.	page 32
117	Brazil	Poverty,Right to education,Right to food	fully impl.	page 10
119	Bulgaria	Minorities,Right to education,Treaty bodies	partially impl.	page 14
8	Canada	Human rights education and training,Rights of the Child,Women's rights	partially impl.	page 21
71	Estonia	Other	fully impl.	page 33
69	France	Freedom of association and peaceful assembly,Freedom of opinion and expression,Sexual Orientation and Gender Identity	partially impl.	page 7
58	Greece	Women's rights	partially impl.	page 28
80	Greece	NHRI	partially impl.	page 34
60	Israel	Minorities	not impl.	page 13
34	Italy	Rights of the Child,Women's rights	partially impl.	page 27
59	Italy	Disabilities,Right to education,Rights of the Child	-	page 29
76	Mexico	Disabilities,Sexual Orientation and Gender Identity,Women's rights	partially impl.	page 34
123	Mexico	Freedom of religion and belief,Right to education	not impl.	page 8
7	Morocco	NHRI	partially impl.	page 31
52	Morocco	Freedom of religion and belief	partially impl.	page 6
82	Morocco	NHRI	-	page 35
26	Norway	Sexual Orientation and Gender Identity	partially impl.	page 16
68	Norway	Women's rights	partially impl.	page 29
78	Norway	Disabilities	partially impl.	page 13
16	Poland	Civil society,UPR process	fully impl.	page 7
23	Poland	Disabilities,Labour,Rights of the Child	partially impl.	page 26
24	Poland	Minorities,Racial discrimination,Sexual Orientation and Gender Identity	partially impl.	page 12
20	Qatar	NHRI,Rights of the Child	not impl.	page 24
86	Qatar	Disabilities,Labour,Rights of the Child	partially impl.	page 30
9	Romania	Other	not impl.	page 32
74	Romania	Other	partially impl.	page 34
6	Russian Federation	Racial discrimination	fully impl.	page 9



rec. n°	Rec. State	Issue	IRI	page
114	Russian Federation	ESC rights - general, Labour	partially impl.	page 9
118	Russian Federation	Minorities, Right to education	partially impl.	page 14
77	Slovakia	Other	fully impl.	page 34
87	Slovakia	Disabilities, Human rights education and training	partially impl.	page 14
65	Slovenia	Torture and other CID treatment	fully impl.	page 16
4	Spain	Minorities	not impl.	page 10
5	Spain	Minorities, Racial discrimination	not impl.	page 10
56	Spain	Freedom of association and peaceful assembly, Human rights education and training, Sexual Orientation and Gender Identity	not impl.	page 20
79	Spain	Disabilities, International instruments	partially impl.	page 13
81	Spain	NHRI	partially impl.	page 35
110	Spain	Disabilities, Enforced disappearances, ESC rights - general, International instruments	not impl.	page 15
28	Sweden	Sexual Orientation and Gender Identity	not impl.	page 19
31	Sweden	Rights of the Child, Women's rights	-	page 27
3	Thailand	Freedom of religion and belief	partially impl.	page 6
19	Thailand	Disabilities, Right to education, Right to health	not impl.	page 11
18	Turkey	Special procedures, Women's rights	fully impl.	page 23
57	United Kingdom	Sexual Orientation and Gender Identity	fully impl.	page 20
72	United Kingdom	Other	fully impl.	page 34
27	United States	Freedom of religion and belief, Minorities, Racial discrimination, Sexual Orientation and Gender Identity	partially impl.	page 13
73	United States	Other	fully impl.	page 34
21	Uruguay	International instruments, Rights of the Child	not impl.	page 24
22	Uruguay	Right to education, Right to health, Rights of the Child	not impl.	page 25
32	Uruguay	Rights of the Child, Women's rights	not impl.	page 27
33	Uruguay	Human rights education and training, Rights of the Child, Women's rights	not impl.	page 27
109	Uruguay	Disabilities, Enforced disappearances, ESC rights - general, International instruments, Labour, Migrants	not impl.	page 15



### 3. Feedback on recommendations

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## CP Rights

Recommendation n°3: *Adopt further measures to foster inter-religious communication and public culture of promoting socio-cultural and religious diversity* (Recommended by Thailand)

IRI: *partially implemented*

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Recommendation n°52: *Take further measures to promote inter-religious dialogue and cultural diversity* (Recommended by Morocco)

IRI: *partially implemented*

#### Human Rights Information Center (CIDO) response:

The legal framework is mostly adjusted to the international standards regarding the freedom of religion and religious equality. However, various religious and non-religious minorities very often suffer discrimination in different fields of social life. Issues appear in the field of freedom of assembly, during the process of the registration of NGOs with certain religious or cultural background (Falun Dafa case), or religious cults at the Ministry of Justice. And also while trying to organize public manifestations — the priority is being given by authorities to the dominant Christian Orthodox Church and it also manages to manipulate the authorities to prohibit the public manifestations of religious minorities. In public schools — Christian Orthodox religion is a part of the «moral-spiritual education» course taught to all the children in primary school. The procedure regarding the registration for the course is implemented differently in various schools, affecting the freedom of thought and religion of children. Other religious and non-religious groups, besides Christian Orthodox Church, do not have access into schools. The dominant position and the privileges provided to the Christian Orthodox Church, such as financing from the state budget and supporting it by other institutional resources, discriminates the existing religious and non-religious minorities in Moldova. The Government did not undertake any considerable measure to contribute to the promotion of the socio-cultural and religious diversity. As an improvement, it is worth to mention that the Jewish community was finally guaranteed with protection during one of their public events. Police managed to separate them from aggressive counter-protesters.

Recommendation n°16: *Engage the civil society in the UPR follow-up process* (Recommended by *Poland*)

IRI: *fully implemented*

CIDO response:

With the support of UNDP Moldova and the OHCHR, CIDO provided technical support to the Ministry of Justice (the institution in charge of the drafting of the UPR and the follow-up report). The expert hired by CIDO for a period of 5 months, elaborated a series of recommendations and provided daily support to improve the implementation process of the human rights recommendations and, finally, the reporting process as well. The consultations regarding the implementation of the human rights recommendations occurred within the Governmental Commission for the implementation of the National Human Rights Action Plan, that is supposed to take place every trimester, but was held only 2 times in 2013. This approach demotivates the civil society and diminishes the role and capacity of the Commission.

HelpAge International (HAI) response:

Moldova needs to encourage civil society to participate in UPR monitoring process through organizing public meetings and consultations through internet.

Recommendation n°69: *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* (Recommended by *France*)

IRI: *partially implemented*

Centre GENDERDOC-M Moldova (GENDERDOC-M) response:

The Law on Ensuring Equality (no. 121) adopted in 2012 entered into force in January 2013, explicitly outlawing discrimination on ground of sexual orientation in the field of employment. The law had been a prerequisite to sign an association agreement with the European Union. The EU had initially pressed for an anti-discrimination law extending to all areas of life, but Moldovan authorities insisted on limiting the coverage to employment only. The law does not cover gender identity.

Equal Rights Trust (ERT) response:

As noted above, The Law on Ensuring Equality does not provide protection from discrimination on the basis of sexual orientation on an equal basis with other recognised grounds of discrimination. In addition, gender identity is entirely omitted from the explicit list of protected grounds in article 1(1). Nevertheless, discrimination on the basis of these characteristics is prohibited in practice, through the use of the words "or other factors" at the



end of the list of explicitly protected characteristics. The exclusion of all areas of law connected to family and adoption, and the use of discriminatory language in this provision, limits the scope of protection from discrimination which LGBT persons enjoy in these areas of life.

In May 2013, the national legislature adopted a law prohibiting "homosexual propaganda" which prohibited the dissemination of information on lesbian, gay, bisexual and transgender issues. This law was overturned later the same year, in October.

*Recommendation n°123: Establish legislation and the necessary measures to guarantee freedom of religion in the country, particularly in public education (Recommended by Mexico)*

*IRI: not implemented*

CIDO response:

The Constitution guarantees that the education system in Moldova is secular and that all the religious cults are equal. In public schools — Christian Orthodox religion is a part of the «moral-spiritual education» course taught to all the children in primary school. The procedure regarding the registration for the course is implemented differently in various schools, affecting the freedom of thought and religion of children. Other religious and non-religious groups, besides Christian Orthodox Church, do not have access into schools. CIDO conducted a series of interviews in many schools in Moldova, questioning parents, children and teachers regarding the religious education in their schools. The conclusion of the research was that most of the schools neglect the freedom of thought and religion of children. The procedures and policies regarding the religious education in public schools are often misinterpreted by the administration, such as signing a declaration to join the course (as a rule), instead sometimes a declaration to refuse the participation is required from the parents (which in certain situations can be challenging for minorities, leading to intimidation and exclusion of the child). Two thirds of schools have the presence of Christian Orthodox religious symbols in the halls and classrooms, while the religious symbols of other groups are missing. The schools do not ensure the religious diversity, the promotion of inter-cultural and inter-religious tolerance among children. Christian Orthodox education in schools leads to the exclusion and discrimination of religious minorities, but also affects the freedom of thought of children without any particular religious beliefs, if the parents feel themselves intimidated to expressly refuse the participation of their child to this course.





## ESC Rights

Recommendation n°6: *Adopt comprehensive legislation on the prohibition of racial discrimination and xenophobia (Recommended by Russian Federation)*

IRI: *fully implemented*

### ERT response:

On May 25 2012, Moldova enacted the Law on Ensuring Equality. The stated purpose of the law is "to prevent and fight against discrimination and ensure equal rights in political, economic, social, cultural, and other aspects of life for persons residing in Moldova, regardless of their race, skin color, nationality, ethnicity, language, religion, sex, age, limited abilities, political views, or any other factors". The Law prohibits direct and indirect discrimination, harassment, segregation and incitement to discrimination on the basis of inter alia race, color, nationality, ethnic origin and language. The Law prohibits discrimination by public or private actors and contains special provisions prohibiting discrimination in the areas of employment, education and the delivery of goods and services.

The Law establishes a Council on Equality with a mandate to prevent discrimination and promote equality. The Council has a wide range of functions, including considering complaints of discrimination and making recommendations, issuing advisory opinions on the draft laws in the field of non-discrimination, monitoring the implementation of relevant legislation, and awareness-raising. However, the Council is not able to issue sanctions, being required to file any complaint with the local courts to ensure sanctions are applied.

In 2013, Moldova made a declaration under Article 14(1) of CERD to recognize the competence of the CERD Committee to receive and consider communications.

Recommendation n°114: *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 (Recommended by Russian Federation)*

IRI: *partially implemented*

### HAI response:

In Moldova, pensions are the only source of income for the majority of older women and dependents in their care. Under the current contributory pension system, pensions are paid quite reliably, but their level is



inadequate and consistently below the subsistence income. For those living on non-contributory, social assistance benefits the situation is even bleaker. The average pension covers only 70% of the minimum subsistence level. A survey of HelpAge conducted in 2009 with participation of older people from 10 regions of Moldova, demonstrated that 87 per cent of pension of an older person is spent on consumption. According to the same analysis most pensioners, approximately two thirds, have no supplementary income. Increasing the level of pensions to reach the minimum subsistence level would reduce vulnerability of older women in Moldova. The government needs to increase the level of pensions to reach the minimum subsistence and especially for pensioners in the agricultural sector. (This is the most painful issue and it has not been resolved despite an ongoing pension system reform.)

Association of Social and Cultural Development 'Delfin' (DELFIN) response:  
There are no jobs for the majority of the population.

Recommendation n°117: *Consider implementing school meals programs, especially in rural areas most affected by poverty* (Recommended by Brazil)

IRI: *fully implemented*

CIDO response:

There are some school meal programs, but the estimation of poverty level is made inaccurately, so that a small number of children are covered by these programs, however the necessity is much higher.

## Minorities

Recommendation n°4: *Adopt socio-economic measures aimed at ensuring the social and labour integration of the Roma minority* (Recommended by Spain)

IRI: *not implemented*

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Recommendation n°5: *Adopt measures to combat and eradicate cases of xenophobia against the Roma minority* (Recommended by Spain)

IRI: *not implemented*

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Recommendation n°10: *Promote greater public appreciation for the importance of according equal rights for the Roma, including freedom from abuse and discrimination* (Recommended by Australia)

IRI: *not implemented*

CIDO response:

Not implemented, no considerable measures to improve the living conditions and integration of the Roma minority.

Recommendation n°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 (Recommended by Thailand)*

**IRI: not implemented**

CIDO response:

Availability, accessibility and quality of medical services for persons with disabilities and other people, still remains a big concern as it does not improve with time. The main issues still remain the infrastructure of the hospitals, lack of modern medical equipment, insufficiency of essential drugs that are covered by the medical insurance, insufficiency of medical personnel etc. All this leads to unavailability of adequate diagnosis, as well as further treatment, for persons with disabilities. A considerable part of medical procedures and drugs covered by the medical insurance are unavailable due to inadequate financial planning, general insufficiency of funds in the public budget, as well as delays in public procurement and inadequate estimations of the real needs of the persons with disabilities, but also of the other categories of people covered by the national medical insurance system.

Centre of Legal Assistance for People with Disabilities (CLAPD) response:

The state has to undertake more concrete actions to ensure minimal accessibility standards to medical institutions and public institutions in general. The hospitals and the majority of public institutions do not have accessibility. The state does not have a policy for inclusion of people with mental disabilities in community. At least 20% of persons from the mental health hospitals could live in the community.

Association for Supporting Children with Special Needs (ASCSN) response:

Epilepsy is still considered a mental disease rather than a neurological disease. This results in discriminatory practices because children with epilepsy are treated in Psychiatric Hospitals rather than being treated in neurological wards of hospitals and by neuropediatric physicians. Children benefit partly of free antiepileptic treatment and investigations only if they are hospitalized, according to the General conditions of the compulsory medical insurance. This is done according to the age of children and not according to their situation. In this sense there have not yet been issued any changes in this respect. No action has been taken by medical



authorities to monitor the observance of physical and mental integrity of children in medical institutions. Employees that have applied torture, inhuman or degrading treatment have not faced consequences. Children with autism are re-examined every two years, rather than conferred the degree of disability for life. Children with autism continue to be recommended by psychiatrists for hospitalization, investigations and treatment in psychiatric hospitals. Severe medication treatments for children with Autism have continued.

Within the Research Institute for Mother and Child Health Care, a center of epileptology was opened. However this center does not officially work.

DELFIN response:

People with disabilities still do not have access to many public institutions.

*Recommendation n°24: Prevent discrimination of social minorities, such as Roma people and LGBT persons and adopt a comprehensive anti-discrimination law (Recommended by Poland)*

*IRI: partially implemented*

ERT response:

As noted above, on May 25 2012, Moldova enacted the Law on Ensuring Equality. Civil society organisations, including The Equal Rights Trust (ERT) provided comments and made recommendations on the draft Law during the legislative process. A number of drafts of the Law were produced, some of which addressed concerns raised by civil society, including, for example, in respect of reasonable accommodation. However, the Law as adopted retained a number of weaknesses, including: (1) the omission, from the list of explicitly protected characteristics, of grounds such as health status, sexual orientation, gender identity and social origin; (2) the exclusion, in section 1(2), of all aspects of law governing the family or adoption from the application of the Law; (3) the use of discriminatory language in article 1(2), which defines marriage as a union between a man and a woman. While previous drafts of the Law had included sexual orientation among the list of protected characteristics, the final draft removed this characteristic from the list, instead including a special provision in the article prohibiting discrimination in the area of employment, thus creating a hierarchy between protected characteristics which is inconsistent with the principles of equality and non-discrimination. Nevertheless, it should be noted that the Law provides protection on the basis of an open-ended list of characteristics, through the use of the words "or other factors" at the end of the provision in article 1(1). Using this provision, the Council on Equality has found discrimination on the basis of sexual orientation in areas of life other than employment.



Recommendation n°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 (Recommended by United States)*

IRI: *partially implemented*

ERT response:

The Law on Ensuring Equality prohibits discrimination on grounds including race, color, nationality, ethnic origin, language and religion or belief, thus providing protection in law for minority religious, ethnic and social groups. As noted above, the Law does not provide protection from discrimination on the basis of sexual orientation and gender identity on an equal basis with other recognised grounds, though protection is provided through the use of the open-ended list of protected grounds in article 1(1).

Recommendation n°60: *Guarantee the recognition of the rights of ethnic minorities to express their own culture and identity (Recommended by Israel)*

IRI: *not implemented*

DELFIN response:

There is not enough support in terms of identity of the Gagauz.

Recommendation n°78: *Implement the Law on Social Protection of Disabled Persons as well as international obligations that Moldova has agreed regarding people who are disabled (Recommended by Norway)*

IRI: *partially implemented*

CLAPD response:

In 2012 the state adopted a new law "The Law on Social Inclusion of People with Disabilities" which is fairly good, but its great deficiency is the lack of implementation mechanisms in various areas. The law has provisions related to accessibility of public spaces and buildings, employment of disabled people, accessibility of public transport etc., which are in compliance with CRPD, but because there is no implementation mechanisms, there is no advancement in these areas or at best is a very small one.

Recommendation n°79: *Develop, in compliance with CRPD, a legal framework that ensures an environment without barriers or obstacles, and includes access to goods and services (Recommended by Spain)*

IRI: *partially implemented*

CLAPD response:

In 2012 the state adopted a new law "The Law on Social Inclusion of People with Disabilities" which contains provisions related to goods and



services of disabled people, but due to the lack of regulation mechanisms, it is not implemented. The accessibility of service and goods for people with disabilities is solely placed at the goodwill of the companies and it is largely shaped by the scarcity of budget allocated for this issue and knowledge about accessibility standards.

*Recommendation n°87: 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 (Recommended by Slovakia)*

*IRI: partially implemented*

CLAPD response:

Due to the lack of funds the state very rarely runs awareness 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. Some campaigns run in this area were done jointly by the state and international agencies and local NGOs.

ASCSN response:

The Government has not taken any action to raise awareness at the national level that epilepsy is a neurological disease and not a mental one. Annually, the Association for Supporting Children with Special Needs organize campaigns about Epilepsy to raise awareness at the social level.

*Recommendation n°118: Support and develop education programmes and institutions for national minorities in their mother-tongue (Recommended by Russian Federation)*

*IRI: partially implemented*

CIDO response:

Most of the ethnic and linguistic minorities, have to choose the education language for the children between Romanian and Russian. Education in other languages is not available even in the primary schools, which affects drastically the adaptability and integration of Roma children and of other communities. There are some additional classes of Gagauz, Bulgarian and Ukrainian languages in certain regions, while the other classes are conducted in Russian or Romanian.

DELFIN response:

Programs and support for education in the mother tongue of the Gagauz are not developed.

*Recommendation n°119: 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 (Recommended by Bulgaria)*

IRI: *partially implemented*

CIDO response:

Most of the ethnic and linguistic minorities, have to choose the education language for the children between Romanian and Russian. Education in other languages is not available even in the primary schools, which affects drastically the adaptability and integration of Roma children and of other communities. There are some additional classes of Gagauz, Bulgarian and Ukrainian languages in certain regions, while the other classes are conducted in Russian or Romanian.

DELFIN response:

No pre-university institutions teaching in Gagauz.

## International Instruments

*Recommendation n°109: Ratify or accede to, as appropriate, the Optional Protocol to ICESCR, CED, ICRMW, and the Optional Protocol to CRPD (Recommended by Uruguay)*

IRI: *not implemented*

CLAPD response:

The Optional Protocol of CRPD has not been signed and ratified yet

*Recommendation n°110: Sign and ratify the Optional Protocol to ICESCR and CRPD and ratify CED (Recommended by Spain)*

IRI: *not implemented*

CLAPD response:

The Optional Protocol of CRPD has not been signed and ratified yet.

## Justice

*Recommendation n°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 (Recommended by Brazil)*

IRI: *partially implemented*



HAI response:

- The Ministry of Internal Affairs needs to improve the implementation of the Law on Preventing and Combating Domestic Violence 2008 and the Law on Gender Equality of 2006 by law enforcement structures such as police authorities and review the mechanism of functionality of protection orders in cases of domestic violence, particularly with a focus on older women. (The functionality of protection orders is being reviewed at the moment)
- Strengthen the capacities of specialists on domestic violence (police bodies, social assistance, health specialists), services providers working to assist victims of abuse including older women. (There are trainings conducted by IOM and the Ministry of labour, Social Protection and Family for the Multidisciplinary Team of the National Referral System ongoing. However, these trainings do not include any topic on dealing with elder abuse.)
- Promote respect for older women and facilitate intergenerational dialogue, educational programmes and public awareness campaigns on creating a positive image of the role of older women in society and improving intergenerational solidarity. (This is done systematically, there are only sporadic actions organised by civil society as HelpAge.)

Recommendation n°65: *Formally prohibit corporal punishment in all settings* (Recommended by *Slovenia*)

IRI: *fully implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

Corporal punishment has been prohibited in all settings in Moldova since 2008, when the Family Code was amended to confirm the right of the child "to be protected against abuse, including corporal punishment by parents or persons who replace them" (art. 53).

## SOGI

Recommendation n°26: *Intensify its efforts to address discrimination against Lesbians, Gays, Bisexuals and Transsexuals (LGBT), and to investigate and prosecute crimes against LGBT-community members* (Recommended by *Norway*)

IRI: *partially implemented*

GENDERDOC-M response:

The Criminal Code of the Republic of Moldova contains a number of provisions relating to hatred- or bias-motivated crimes. While this approach





would be welcome, unfortunately, very often it is not applied properly in practice due to the lack of clarity of those provisions, the lack of knowledge, or the unwillingness to take into account bias as a motive when qualifying an offence where the evidence indicates the bias exists. On 26 December 2012, new amendments were introduced to the Criminal Code to harmonise domestic legislation after the adoption of the Law on Ensuring Equality. The amendments became effective on 8 February 2013. The Criminal Code was completed with Article 176 titled “Violation of Citizens’ Equality.” Paragraph 1 of the article includes in its scope: “Any distinction, exclusion, restriction or preference in rights and freedoms of a person or a group of people, any support for discriminatory behaviour in political, economic, social, cultural and other spheres of life on the grounds of race, nationality, ethnicity, language, religion or beliefs, sex, age, disability, opinion, political affiliation, and on any other criterion.” It means that Article 176 of the Criminal Code punishes any violation of human rights and freedoms on the aforementioned grounds and other criterion. The extensive list of grounds contained in the Article 176, without the wording “any other similar criterion”, would be more appropriately mentioned in the Article 77 (d) of the Criminal Code titled “Aggravating circumstances”.

Article 77 (d) already stipulates that the motivation of criminal offences by social, national, racial or religious hatred constitutes an aggravating circumstance and, once proven in court, allows the judiciary to apply the maximum penalty provided for the respective offence. There are other provisions that require increased penalties for cases in which specific crimes (premeditated murder (Article 145), intentional infliction of serious bodily injury or other serious bodily harm (Article 151), intentional infliction of medium bodily injury or other medium bodily harm (Article 152), deliberate destruction or damage to property (Article 197), or desecration of graves (Article 222)) were committed on grounds of social, racial, national or religious hatred. These specific provisions represent the *lex specialis* that require no special reference to the Article 77 of the Criminal Code.

The wording of Article 77 also suggests that Criminal Law obliges the prosecutor and the judiciary to take into account any evidence that demonstrates, beyond any reasonable data, that, *inter alia*, there was a preconceived motivation in committing the offence. Currently, Article 77 (d) includes only four criteria: social status, nationality, race and religion. However, none of these is accompanied by a definition to clarify the meaning. For example, it is unclear whether the term “social status” refers to the stability of one’s income (rich/poor), social origin, social behaviour or the set of criteria which gives the person a certain status in society. Neither does the term include such criteria as sexual orientation or gender identity.



Although, still being imperfect, the fact that the Criminal Code of Moldova treats bias-motivated crimes as serious criminal offences shows the state's clear understanding of these offences' special character and the necessity to differentiate them from others. It is important to note that, on the contrary, police, other law enforcement authorities such as the Prosecutor's Office, and the judiciary are reluctant to consider sexual orientation or gender identity as aggravating circumstances for offences that are already enlisted in the current Criminal Code of Moldova.

Article 346 of the Criminal Code prohibits "deliberate actions, public exhortations, including through the mass media, in written and electronic form aimed at inciting to the national enmity or discord, racial or religious hatred, at humiliating national honour and dignity, as well as at directly or indirectly limiting rights or determining direct or indirect benefits of citizens on the grounds of their nationality, race or religion." However, the wording of the Article 346 also contains unclear terminology, e.g. "humiliation of national honour and dignity", "direct or indirect limitation of rights" or "determination of direct and indirect benefits of citizens". Article 346 criminalises hate speech; however, this provision does not provide sanctions for hate speech towards people on grounds of sexual orientation or gender identity. In 2012 and 2013, all GENDERDOC-M's formal complaints to the Prosecutor's Offices regarding public hate speech towards the LGBT population were rejected due to the absence of a discernible crime since sexual orientation or gender identity are not mentioned in the Criminal Code as grounds protected from such offences.

Neither Article 176 nor Article 346 represent hate crimes provisions, nor are they applied by the police and law enforcement authorities in instances of bias motivated crimes and incidents committed against LGBT people in Moldova. The only legal provision applied in protection of LGBT individuals and groups from hate speech is mentioned in the Article 3 (5) of the Law on Freedom of Expression, stating that the "guarantees of freedom of expression do not extend over speeches that incite to hatred and violence." The penalty for perpetrators of homophobic and transphobic speeches is usually disproportionate to the gravity of offence and are often sanctioned with the minimum penalty, e.g. small fines and formal apology to plaintiffs.

#### ERT response:

As noted above, The Law on Ensuring Equality does not provide protection from discrimination on the basis of sexual orientation on an equal basis with other recognised grounds of discrimination. In addition, gender identity is entirely omitted from the explicit list of protected grounds in article 1(1). Nevertheless, discrimination on the basis of these characteristics is



prohibited in practice, through the use of the words "or other factors" at the end of the list of explicitly protected characteristics. The exclusion of all areas of law connected to family and adoption, and the use of discriminatory language in this provision, limits the scope of protection from discrimination which LGBT persons enjoy in these areas of life.

In May 2013, the national legislature adopted a law prohibiting "homosexual propaganda" which prohibited the dissemination of information on lesbian, gay, bisexual and transgender issues. This law was overturned later the same year, in October.

*Recommendation n°28: Action in order to build broad support for LGBT-rights in the new comprehensive anti-discrimination law (Recommended by Sweden)*

*IRI: not implemented*

ERT response:

Despite the efforts of civil society, a number of regressive amendments were made to the final draft of the Law on Ensuring Equality which reflected a failure to achieve consensus on the need to prevent discrimination on the basis of sexual orientation and gender identity. These changes included the removal of sexual orientation from the list of explicitly protected characteristics and the definition of marriage as a union between a man and a woman.

*Recommendation n°55: Allow members of the LGBT communities the right to freedom of expression and assembly (Recommended by Australia)*

*IRI: partially implemented*

GENDERDOC-M response:

In May 2013, the Pride march took place in Chişinău but in a different location than initially requested by organisers, and after various legal challenges. GENDERDOC-M had notified the municipality of their intention to hold the march in advance. On 15 May (four days before the event), the mayor filed a claim against organisers before the Central District Court of Chişinău, seeking to move the Pride march to a different location. On the same day, two other organisations notified the municipality of their intention to hold protest rallies against GENDERDOC-M on 19 May, the same day as the Pride, and at the same location. The case Mayor of Chişinău v. GENDERDOC-M was heard on 18 May, when the mayor argued that he had received numerous complaints against the Pride march, and would therefore prefer relocating the event to a remote location. The district court ruled in favour of the mayor, stating that "a number of counter-protesters are going to be present at the scene [of the Pride] and generate serious conflicts". On 19 May, the two groups could hold their anti-Pride rallies in



the city centre, as requested. The Pride march had to be held at the Green Theatre, a fenced venue far from the city centre and isolated from any passers-by. No violence took place on the day, and about 100 people took part in the event. The rally saw the participation of a Member of the European Parliament, four European and US embassies, representatives from the United Nations, OSCE, Council of Europe and European Union, as well as a brief visit by EU Commissioner for Enlargement Štefan Füle.

*Recommendation n°56: Take concrete measures to raise public awareness about LGBT rights, including the guarantee of the right of assembly and association (Recommended by Spain)*

*IRI: not implemented*

GENDERDOC-M response:

The state TV channel refuses to broadcast a documentary on LGBT rights while three other documentaries within the same series “Human Rights on Screen” have been broadcast. On 26 Chişinău Court of Appeals upheld the judgment recognizing groundlessness of the claim submitted by representatives of Moldovan Orthodox Church who demanded prohibition to broadcast one of the four documentaries on human rights, namely the fourth film “Human Rights on Screen: Rights of Sexual Minorities”, on the state-owned TV channel Moldova-1. GENDERDOC-M sent a letter to the Moldova-1 TV channel management asking about the exact date and time the documentary would be broadcast. The TV channel management replied that the film had been already broadcast on 16 June 2012 at 00:40 o’clock. GENDERDOC-M obtained testimonies from people confirming that the broadcast of this documentary was included in the TV program for that day. However, a different documentary on caves was shown instead. The discriminatory factor constitutes the fact that the time for broadcast was set at 00:40 o’clock, while the three previous films were shown at 20:10 (“Police and Justice”) and 22:40 (“Civil Society” and “People with Disabilities”).

ERT response:

In May 2013, the national legislature adopted a law prohibiting "homosexual propaganda" which prohibited the dissemination of information on lesbian, gay, bisexual and transgender issues. This law was overturned later the same year, in October. In April 2014, the UN Deputy High Commissioner for Human Rights praised Moldova for its efforts in ensuring "the right to peaceful public assembly for lesbian, gay, bisexual and transgender individuals and groups, in particular the actions of the Ministry of Interior in providing protection to Chisinau’s first ever Pride event in 2013”.

*Recommendation n°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 (Recommended by United Kingdom)*

IRI: *fully implemented*

ERT response:

In May 2013, the national legislature adopted a law prohibiting "homosexual propaganda" which prohibited the dissemination of information on lesbian, gay, bisexual and transgender issues. This law was overturned later the same year, in October. In April 2014, the UN Deputy High Commissioner for Human Rights praised Moldova for its efforts in ensuring "the right to peaceful public assembly for lesbian, gay, bisexual and transgender individuals and groups, in particular the actions of the Ministry of Interior in providing protection to Chisinau's first ever Pride event in 2013".

## Women & Children

*Recommendation n°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 (Recommended by Canada)*

IRI: *partially implemented*

CIDO response:

Domestic violence still remains a concern as the number of registered complaints and criminal investigations grows. More awareness raising among the police officers, social workers and other officials, should be done by the authorities, as their response in many cases is inadequate and late (when the victims are severely injured or die). More public services regarding the prevention of domestic violence, as well as rehabilitation of the victims should be created. At the moment, these are mostly covered and supported at the initiative of NGOs with some input from the local authorities. It is worth to mention that the justice system has produced a number of decisions in criminal cases convicting the abusers.

HAI response:

- Formally recognise age as prohibited grounds for discrimination. The Government should also recognise the intersection between age and gender-related discrimination in all national policies and speed up operationalisation of the Road Map for Mainstreaming Ageing and allocating resources for its implementation as soon as possible.
- Adopt a draft Law on adjusting the national legislation to Law No. 5-XVI on ensuring Equal Opportunities for Women and Men to improve the



mechanism of monitoring and resolving cases of gender based discrimination. (This is in the process of revision by the government)

- Ensure the implementation of Law No.121 on Ensuring Equality, including the cases of gender and age based discrimination through, inter alia, secondary legislation.
- Ensure that national surveys and censuses collect, analyse and disseminate data disaggregated by age and sex including data on domestic violence, including over the age of 49. (The national census was held in May 2014, however the results are not yet public.)

DELFIN response:

It was not done enough to inform women in villages.

*Recommendation n°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 (Recommended by Argentina)*

*IRI: partially implemented*

CIDO response:

[See response to recommendation n°8]

HAI response:

- The Ministry of Internal Affairs needs to improve the implementation of the Law on Preventing and Combating Domestic Violence 2008 and the Law on Gender Equality of 2006 by law enforcement structures such as police authorities and review the mechanism of functionality of protection orders in cases of domestic violence, particularly with a focus on older women. (The functionality of protection orders is being reviewed at the moment)
- Strengthen the capacities of specialists on domestic violence (police bodies, social assistance, health specialists), services providers working to assist victims of abuse including older women. (There are trainings conducted by IOM and the Ministry of labour, Social Protection and Family for the Multidisciplinary Team of the National Referral System ongoing. However, these trainings do not include any topic on dealing with elder abuse.)
- Promote respect for older women and facilitate intergenerational dialogue, educational programmes and public awareness campaigns on creating a positive image of the role of older women in society and improving intergenerational solidarity. (This is done systematically, there are only sporadic actions organised by civil society as HelpAge.)



Recommendation n°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 (Recommended by Turkey)*

IRI: *fully implemented*

ERT response:

As noted above, on May 25 2012, Moldova enacted the Law on Ensuring Equality, which prohibits discrimination on grounds including sex. The law prohibits direct and indirect discrimination, harassment and incitement to discriminate, by both public and private actors, and contains special provisions on discrimination in employment, education and access to goods and services. The Law establishes the Council on Preventing and Combating Discrimination and Ensuring Equality, which began operations in 2013.

The Republic of Moldova adopted the National Programme on Ensuring Gender Equality for 2010-2015 and its associated action plans for implementation. On March 27, 2013, the draft concept of gender sensitive budgeting was presented at the meeting of the Governmental Commission for Equality between women and men.

To ensure the promotion of women to decision-making positions, and balanced representation of women and men in the political sphere, the new draft law on harmonization of the national legislation with provisions of the Law No. 5-XVI, includes an affirmative action providing for a minimum participation rate of 40% for both sexes. It provides for the establishment of gender units.

HAI response:

Women and men experience ageing differently in Moldova. Women retire at 57 and men at 62. Women and men cannot work after pension age because they can't [find] a suitable place. According to the focus group discussions held by HelpAge and the Gender Centre in 2013 every second woman mentioned that she would want to continue working after retirement age if the retirement age was not compulsory. In addition to this, as mentioned above, older women have no job places, particularly in rural areas or there are jobs for which the women need training or re-qualification courses. Putting in place measures to enable older women to access opportunities for continuous education and re-qualification programmes and create specialised training programmes especially related to entrepreneurship and business programmes would provide older women with additional income in old age. To enable this, Moldova needs to create a conducive environment to enable women's entrepreneurship; develop



special programmes (micro-finance, credits, grant programmes, etc.) to support women's businesses to offer opportunities to older women to continue their work activities as long as they choose.

Recommendation n°20: *Fully respect the rights of children, without any discrimination, and give necessary prerogatives to the ombudsman working in this area* (Recommended by Qatar)

*IRI: not implemented*

DELFIN response:

The children's right to live in a family is not respected - there are not created all necessary conditions for children to be taken in a family from orphanage.

Recommendation n°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* (Recommended by Uruguay)

*IRI: not implemented*

ASCSN response:

The hospitalization of children with autism is required, sections for children to be enhanced with: salons for a single patient and his personal assistant with adequate sanitation and hygiene- the recommendations are not implemented.

The National Roma Centre (NRM) response:

Roma National Center believes that since the last UPR review of Moldova, the situation in Moldova towards the Roma children did not change. We have reported several cases of discrimination against Roma children in education, during enrolment processes in higher education institutions and also the treatment applied by law enforcement bodies towards them but also the lack of policies or actions the state should undertake to protect children belonging to Roma minority.

To the date, the state did not undertake any action to work with the body of teachers and professors on educating them about anti-discrimination policies in schools. Furthermore, last year there was identified a case of class segregation in a northern city in Moldova, where the Roma children have been segregated in separated classes from the non-Roma. When Roma National Center together with other organizations approached the Ministry of Education and the school administration in regard to this matter, the ministry representative even did not consider it a problem and tried to justify it. So, there is definitely a need to work on the educative aspect and understanding the existent problems in Moldova towards Roma and how this affects the entire society.





Another recommendation made by our organization in 2011 was that the government needs to support the enrollment in schools of all children of Roma origin and to act to reduce drop-out rates, in particular among Roma girls, and, for these purposes, to cooperate actively with Roma parents, associations and local communities. To the date, there has been done nothing in this respect and there is still a big rate of Roma children who do not attend school or simply drop-out.

The next issue that needs to be addressed is the birth registration of all Roma children. Moldovan government is doing quite well in this area concerning the general population. However, when it comes to Roma community, there are still reported cases when the Roma children are not registered and lack identification documents.

Regarding the Roma women, the authorities should design methods of facilitating access to health insurances for Roma that are in a vulnerable position and don't fulfill the requirements to obtain free medical insurance, especially the Roma women. The government should also design programs for Roma women's empowerment (economic, political, social) and help them civically and socially engage.

*Recommendation n°22: Provide social services on health and access to education to children belonging to the most vulnerable groups (Recommended by Uruguay)*

*IRI: not implemented*

ASCSN response:

The recommendations for to confer the degree of disability to children with autism for life and to remove the periodic medical review procedure every 2 years, to assess the degree of disability for autistic children was taken into governmental attention, the Ministry of Labour, Social Protection and Family has determined that the unlimited degree of disability is offered to children with mental and behavioral problems which is established in the "List of diseases and pathological conditions accompanied by irreversible functional deficiencies, which serve as the basis for establishing the unlimited degree of disability without re-examination of disability in adults and children" approved with common order by the Ministry of Labor, Social Protection and Family and the Ministry of Health nr.89/576 from 17.05.2013.

The proposal of the Association for Supporting Children with Special Needs to include the Autism as nosology in the list of diseases with unlimited term of re-examination will be analyzed together with the development of



national Criteria for determining the handicap of people aged up to 18 years in accordance with the decision of the Government. nr.65 from 23.01. 2013

The Government Orders and Decisions mentioned above, are still not implemented and in this respect the recommendation is not considered fulfilled.

From unofficial sources and parents of children with Autism interview is known that psychiatric hospital provides paid Psychotherapy using ABA method.

There is a Centre of Rehabilitation for children with Autism opened by "SOS Autism" which offers psychotherapy for children with Autism. It's a try to integrate children with Autism in kindergartens, schools, but up to the present the integration process is done only with logistics and material support provided by the civil society and parents. The Association for Supporting Children with Special Needs also offers medical consultations, advocacy, special education and psychotherapy for children with Epilepsy and Autism.

NRM response:

[See response to recommendation n°21]

Recommendation n°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 (Recommended by Poland)*

IRI: *partially implemented*

CLAPD response:

The state is working at closing the special schools for children with disabilities. There are some projects at the moment, implemented by UNDP Moldova and some local NGOs, aimed at promoting inclusive education and elimination of stigma in the schools towards children with disabilities and Roma children, as well as helping the parents of children with disabilities to advocate for the rights of their children.

ASCSN response:

In fact, children with Autism are not recommended for medicine treatment. Medicine is prescribed in case of severe behavioral disorder that put in danger the child's life, self aggression or sleep disorders. Children with Autism are recommended to follow a behavioral and educational therapy. These new provisions are part of a clinical procedure concerning the



conduct of autism (official document) and is coming up. This national standard is to be developed in the near future.

From parents questionnaire is deducted that medical treatment continue to be recommended for children with Autism by doctors. The employees that applied torture, inhuman or degrading treatment to children with autism in psychiatric hospital were not attracted to criminal liability. The Government hasn't taken any actions.

Recommendation n°31: *Consider measures in order to prevail the situation of the high level domestic violence (Recommended by Sweden)*

IRI: -

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Recommendation n°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 (Recommended by Uruguay)*

IRI: *not implemented*

HAI response:

As in #11 and 8.

Recommendation n°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 (Recommended by Uruguay)*

IRI: *not implemented*

HAI response:

Elder abuse in Moldova is an extremely sensitive topic. There is low media coverage of elder abuse and limited capacity of media agencies to highlight the issue. Very often, older people themselves, and the wider public, lack awareness of what constitutes abuse, and thus do not appropriately address cases of maltreatment. Government authorities and policy makers also commonly have a limited understanding on the problem of elder abuse. This has resulted in a lack of specialised age sensitive policies to address the issues of older people. The government, the medial and civil society need to work together to raise awareness about DV and elder abuse.

DELFIN response:

Informing in the villages is rare and insufficient.

Recommendation n°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 (Recommended by Italy)*

IRI: *partially implemented*

CIDO response:

[See response to recommendation n°8]

HAI response:

A review of specialised Centres for Prevention and Assistance conducted by HelpAge in 2011 demonstrated that existing services target women of childbearing age or are designed to assist women with children and not specifically for older people. Professionals lack awareness of elder abuse; health and social assistance workers do not consider domestic violence as an issue for older people. (This is being partially addressed by the government as more shelters for victims are being created, however, there they target women of child-bearing age.)

DELFIN response:

There are not appropriate centres for the rehabilitation of women being violated, especially in rural areas.

*Recommendation n°58: Enhance its efforts in order to promote women's participation especially in political life (Recommended by Greece)*

IRI: *partially implemented*

ERT response:

In May 2014, it was [reported](#) that "The Government committed itself to increase the female representation in Government and Parliament. Amendments to a range of laws were approved to this effect. Thus, according to amendments on the Law on Executive and the Law on adopting the Parliament's Regulation, a minimum 40% representation electoral quota is established both for men and women.

HAI response:

In Moldova older people remain some of the poorest and most neglected categories of the population, lacking equal access to healthcare, social services and economic and physical security or participation in political life of the country. Older women in particular are very rarely included into local development planning, their voice is unheard and their needs and perspectives remain unaddressed. Widespread discriminative stereotypes contribute to social exclusion of older women. According to a Soros Foundation Survey (2011), 58 per cent of people in Moldova share the view that older women and men are helpless, don't recognise or support the vital contribution that they make to their families and communities. The same survey showed that about 65 per cent of respondents think that older



people have an old fashioned mentality and that they have reduced mental abilities (34%). Focus group discussions organised by HelpAge and the Gender Centre in 2013 with groups of women, indicated that negative stereotypes towards old age and discrimination of older women in society persist and it is extremely important that the government promote the respect for older women and facilitate intergenerational dialogue and educational programmes and public awareness campaigns.

Recommendation n°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 (Recommended by Italy)*

IRI: -

CIDO response:

For many children with mental or physical disabilities schools are inaccessible due to the lack of infrastructure: in schools, in other public spaces, as well as due to the lack of adequate public transportation for people with disabilities. The school buses that were recently procured or rented for schools all over the country, do not provide the possibility to transport a person in a wheel chair for instance. The school system is being reorganized (students from smaller schools transferred to bigger institutions). The new schools are being renovated, however accessibility for children with disabilities is not taken into account. As a result, many children have to be home schooled.

Recommendation n°64: *Continue public awareness campaigns on domestic violence and increase the penalties for this crime (Recommended by Australia)*

IRI: *partially implemented*

CIDO response:

[See response to recommendation n°8]

HAI response:

[See response to recommendation n°33]

Recommendation n°68: *Adopt the draft anti-discrimination law with provisions prohibiting sexual harassment as soon as possible (Recommended by Norway)*

IRI: *partially implemented*

CIDO response:

Sexual harassment is a crime under the Moldovan criminal code, however awareness should be raised among the general public and law enforcement about this crime.

ERT response:

Law on Ensuring Equality, 2012. Art 1 states that the purpose of the Law is to prevent discrimination and ensure equality "regardless of ... sex". Art 2 defines harassment as: "any unwanted behavior that leads to an intimidating, hostile, degrading, humiliating or offensive environment, with the purpose or effect of violating the dignity of a person based on the criteria stipulated in this Law". Art 7(1)(f) specifically prohibits harassment in the workplace. Moreover Art 6 states that "any form of discrimination is prohibited". The Committee on the Elimination of Discrimination Against Women, in its General Recommendation 19, recognises that sexual harassment is a form of gender-based violence, and that gender-based violence is itself a form of discrimination within the meaning of the Convention. Nevertheless, the Law on Ensuring Equality could be improved by amendments providing explicitly for protection from sexual harassment in all areas of life governed by law.

Recommendation n°83: *Further strengthen the national machinery for the advancement of women with financial and human capacity and political authority* (Recommended by Azerbaijan)

IRI: *not implemented*

CIDO response:

The minimum quota for women's participation in the political parties was not adopted. The Labour Inspection has a very passive role regarding the process of ensuring the respect of women's rights in the employment field, mostly trying to solve the complaints by mediation. There are constantly published a great amount of job offers discriminatory towards women. Sexist advertising is also not sanctioned by the authorities and is not recognized as a violation in courts. Women in Moldova still are paid less than men, are poorer than men and more vulnerable due to discrimination.

Recommendation n°86: *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* (Recommended by Qatar)

IRI: *partially implemented*

CLAPD response:

The state has started to implement deinstitutionalization programmes for children with disabilities. In the same time the state has launched a few inclusion programmes for children with disabilities - Support teachers for children with disabilities, the housing service for children with mental disabilities "Casa Comunitara" (The Community House), Community Centres for disabled children etc.



On 28 July 2014, the Government has approved a new Educational Law, which promotes inclusive education for children with disabilities and other vulnerable groups. The law will be active when it is voted by the Parliament.

The state does not have any transition and inclusion service for children who leave or graduate the orphanage schools. When the children graduate the orphanage school, the state offers them 5000 Lei (MDL). The local authorities do not have any community services for children in conflict with law, street children, children addicted to alcohol and drugs.

## Other

*Recommendation n°2: Pursue the measures in favour of the reinforcement of harmony and tolerance between the different segments of the Moldovan society (Recommended by Algeria)*

IRI: *partially implemented*

HAI response:

Moldova should strive for promoting intergenerational solidarity (young and old) as is stipulated in the Madrid International Plan of Action on Ageing (MIPAA).

*Recommendation n°7: Provide the national human rights institutions with necessary means so that they can fulfill their mandate and implement their decisions (Recommended by Morocco)*

IRI: *partially implemented*

HAI response:

In terms of human resources, Moldova needs to build the capacity of duty bearers in relation to protection of the human rights of older people (the right to decent living, the right to social security and the right to freedom from discrimination). Budget wise, Moldova needs to continue decentralization reform to allow every institution collect and monitor their funds as per the needs of the population they serve. The Ministry of Labour, Social Protection and Family (MLSPF) in partnership with the International Organisation for Migration (IOM) launched the National Referral System (NRS) in 2006 to assist victims of human trafficking and other at-risk groups. However, the capacity of MDTs has been primarily built around support to victims of trafficking and the teams lack professionalism and



capacity to identify, counsel and care for victims of domestic violence and namely elder abuse.

Recommendation n°9: *Encourage awareness of the state language within the society as a whole* (Recommended by *Romania*)

IRI: *not implemented*

HAI response:

Older people have been educated in the Soviet Union when they spoke and wrote in the Russian language, using Cyrillic alphabet. They even wrote in Romanian language using Cyrillic. In 1989 the official language of Moldova became Romanian and the alphabet changed to using Latin alphabet not Cyrillic. Many older people have not been able to learn to write and read in Latin alphabet.

Moldova needs to provide free reading and writing courses to such older people who mostly come from rural areas of Moldova.

Recommendation n°62: *Work towards addressing statelessness and protecting the rights of stateless persons* (Recommended by *Brazil*)

IRI: *fully implemented*

United Nations High Commissioner for Refugees (UNHCR) response:

The Republic of Moldova acceded to the 1954 and 1961 Conventions on 19 April 2012. Both Conventions entered into force for Moldova on 18 July 2012. Moldova is also a party to the European Convention on Nationality and the Council of Europe Convention on the avoidance of statelessness in relation to State succession. The current nationality legislation is in full compliance with the international standards for prevention of statelessness. Nationality is granted to children born in Moldova whose parents are stateless or foreign nationals who are unable to transmit their nationality to the child. Deprivation (other than as a result of fraud, false information and concealment of relevant facts) and renunciation of nationality are conditioned on possession or acquisition of another nationality. Moreover, the law does not provide for automatic loss of citizenship from prolonged residence abroad, for loss of nationality due to a person's marriage to an alien or due to a change in nationality of a spouse during marriage; or for deprivation of nationality on discriminatory grounds. However, UNHCR continues to advocate for the reduction of the current term of eight years of legal and habitual residence in the Law on Citizenship, which is the highest in the region, as a precondition for applying for Moldovan nationality which, combined with less strict interpretation of the 'legal and habitual residence' notion by the state authorities and judiciary, prevents many stateless persons from acquiring Moldovan nationality sooner rather than later. In this regard, UNHCR submitted its recommendations on the draft amendments





to the Law on Citizenship which, however, were only partially reflected in the version passed by the Cabinet of Ministers.

In February 2012, Moldova established a statelessness determination procedure in line with international standards by introducing relevant provisions in the Law on the regime of Foreigners. The legal provisions were drafted in close cooperation with UNHCR, take into account its recommendations, as well as best practices from the Hungarian, French and Spanish procedures. Although a specialized unit responsible for examining applications for stateless status was established, there is still a lack in harmonization between the statelessness determination procedure, conducted by the Ministry of Interior, and the procedure for documenting nationals, foreigners and stateless persons, conducted by the Ministry of Information Technology and Communications. As a result, the latter frequently refused to document certain individuals in whose regard it had been established that, under Moldovan law, they were not stateless because they either already were Moldovan nationals or were eligible for Moldovan nationality and, therefore, needed to be properly documented. The exact number of stateless persons in Moldova remains unclear as there is conflicting information about the figure. The situation, however, may improve following the announcement of the 2014 national census results. The pledge of the Government to map and gather information on stateless persons in Moldova with a view to finding a solution for them, is still pending implementation. So far, proposals to hold a migration amnesty which would inter alia lead to a significant reduction in the number of stateless persons in the country have not borne any fruit. State budget allocations for foreigners and stateless persons remain to be far below real needs, including due to the low priority of this area on government's agenda.

ERT response:

Moldova ratified the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness in 2012. In the same year, Moldova established a statelessness determination procedure.

**Recommendation n°71: *Take further steps on the adoption of the law on preventing and combating discrimination* (Recommended by Estonia)**

*IRI: fully implemented*

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Recommendation n°72: *Ensure that the draft Law on Preventing and Combatting Discrimination is adopted without delay* (Recommended by United Kingdom)

IRI: *fully implemented*

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Recommendation n°73: *Enact into law the proposed Law on Combating and Preventing Discrimination* (Recommended by United States)

IRI: *fully implemented*

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Recommendation n°74: *Adopt comprehensive anti-discrimination legislation in line with international and European standards* (Recommended by Romania)

IRI: *partially implemented*

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Recommendation n°75: *Continue its efforts to adopt a comprehensive legislation in the area of anti-discrimination* (Recommended by Argentina)

IRI: *fully implemented*

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Recommendation n°76: *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* (Recommended by Mexico)

IRI: *partially implemented*

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Recommendation n°77: *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* (Recommended by Slovakia)

IRI: *fully implemented*

#### ERT response:

On May 25 2012, Moldova enacted the Law on Ensuring Equality. As noted elsewhere in this document, the Law has a number of shortcomings, notably in the lack of explicit protection from discrimination on the basis of sexual orientation and gender identity, the limitation of the Law such that it does not apply in areas of law related to family and adoption, and the lack of explicit protection from sexual harassment in areas of life other than employment.

Recommendation n°80: *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* (Recommended by Greece)

IRI: *partially implemented*



CIDO response:

The National Council for the Prevention and Elimination of Discrimination is finally active and issuing decisions on discrimination cases. The authorities delayed the process of selection of candidates and the initiation of the Council for almost 6 months. Even though the decisions of the Council are based on progressive international human rights standards, in some of the cases the courts do not tend to agree with its findings and dismiss the case. This is a serious concern, especially if the case involves public officials who discriminate, and, as a result, victims do not get compensated for their damages. The process of appointing the new Ombudsmen is also considerably delayed. The Parliament initiated the reform of the Ombudsmen's institutions. Some of the provisions in the new law are strongly criticized by the civil society for creating the premises to affect the independence of the candidates. The pre-selected candidates for the position of the Ombudsman (general specialization) were selected three men, while for the position of Ombudsman for children's rights three women were selected. A gender-balanced perspective was not taken into account by the authorities in this process.

Recommendation n°81: *Strengthen its Centre for Human Rights through increased funding and personnel, and specially by ensuring its compliance with the Paris Principles* (Recommended by Spain)

IRI: *partially implemented*

+

Recommendation n°82: *Enhance the transparency of the election of members of the Ombudsman Office based on professionalism* (Recommended by Morocco)

IRI: -

CIDO response:

The Parliament initiated the reform of the Ombudsmen's institutions. Some of the provisions in the new law are strongly criticized by the civil society for creating the premises to affect the independence of the candidates. The pre-selected candidates for the position of the Ombudsman (general specialization) were selected three men, while for the position of Ombudsman for children's rights three women were selected. A gender-balanced perspective was not taken into account by the authorities in this process.



## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

### B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

*UPR Info* retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

### **Disclaimer**

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*

## Contact

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