



# General Assembly

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## Human Rights Council

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Agenda item 6

Universal Periodic Review

### Report of the Working Group on the Universal Periodic Review\*

#### Republic of Moldova

Addendum

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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\* The present document was not edited before being sent to the United Nations translation services.

1. The Government of the Republic of Moldova takes note of the Report of the Working Group on the Universal Periodic Review and further actions to be taken in order to improve the human rights situation in the country. The UPR recommendations were carefully examined and they will be taken into account during the amendment process of the National Human Rights Action Plan for 2011-2014 and/or other relevant normative acts. Earlier this year the Monitoring Commission for the implementation of the National Human Rights Action Plan was established under the Deputy Prime-minister's Office. This mechanism will be also applied to improve the observance and implementation of the concluding observations and recommendations addressed to the Republic of Moldova on behalf of UN, Council of Europe, EU and OSCE human rights bodies.

2. In regard to a series of recommendations the Government organized joint consultations with national institutions and relevant stakeholders. After extensive discussions and consideration, the Republic of Moldova presents the following response:

**Recommendations 76.1, 76.2, 76.3**

3. **Accepted-in-part:** The Moldovan Government will further study the relevant implications [in order to state the possibilities] of the eventual ratification of and/or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Optional Protocols to ICESCR, CED, ICRMW, CRPD.

4. In the context of the Optional Protocol to ICESCR, the Moldovan authorities have been consulted by the OHCHR experts. Recently, the Ministry of Labour, Social Protection and Family has developed the Action Plan for Addressing the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights. The document includes, *inter alia*, a Feasibility Study with the view to considering the possibility of ratifying the Optional Protocol to the ICESCR. The activity is to be conducted in 2012.

**Recommendation 76.4**

5. **Accepted-in-part:** The national authorities are implementing continuous measures in order to ensure the respect of human rights for all. The principles of non-discrimination, universality and equality of rights are essential and represent the backbone of the Moldovan human rights protection system. In order to strengthen existing rules and create a real and viable mechanism for implementing these provisions, *the text of a Law on preventing and combating discrimination* was drafted. It was designed as a comprehensive legal act that includes, among other, an indicative list of discriminatory criteria, inclusively the prohibition of discrimination on the ground of sexual orientation and establishes the Council for preventing and combating discrimination.

6. As the consultations revealed certain sensitivities within the society, the Government has embarked on a path of broad consultations aimed at, among other, ensuring that this law is endorsed not only by the government, but also by the entire Moldovan society.

7. From this perspective, the immediate efforts will be oriented towards promoting the human rights principles, including the core principle of equality and non-discrimination on all grounds, tolerance and avoid artificial distortion of LGTB persons.

**Recommendation 76.5**

8. **Accepted:** Reform of the National Human Rights Institution is a priority of the Government, reflected in the Justice Sector Reform Strategy 2011-2016. As of November 2011, a Working Group was set up by the Ministry of Justice to amend the Law on Parliamentary Advocates and strengthen functional and financial independence of the National Human Rights Institution that includes the Child's Ombudsman.

**Recommendation 76.6**

9. **Accepted:** The Moldovan Government will continue to support the representation of women in the state elective and administrative structures as stated throughout the Millennium Development Goals. Currently the Law on Equality of Opportunities for women and men is being assessed with the view to strengthening its implementation mechanism. Further legislative and administrative actions will be considered in this sense.

**Recommendation 76.7**

10. **Accepted/in the process of implementation:** The Moldovan Government is committed towards the progressive realisation of fundamental social and economic rights. Efforts are undertaken to better target most disadvantaged social categories, increase the minimum wages, pensions, social allowances. The Law on public budget of 2011 established a minimum guaranteed monthly income.

**Recommendation 76.8**

11. **Accepted:** The state is protecting the property of any person, the general legal provisions on property being applicable to religious communities as well. At the same time, the national authorities will initiate a consultation process in order to assess the problem of ownership of land belonging to churches.

**Recommendation 76.9**

12. **Accepted/in the process of implementation:** Since 2009 the Government undertook targeted actions to ensure the universal freedom of expression and avoid any limitations in journalist activities or interference within editorial policy. Local TV and radio stations broadcast programs in languages of national minorities, newspapers and magazines are disseminated also in minority languages. According to the Public Opinion Survey (November 2011) mass media was ranked 2<sup>nd</sup> among the most credible institutions. Moreover, freedoms of media and access to information are listed as the areas that registered significant progress.

**Recommendation 76.10**

13. **Accepted/in the process of implementation:** The Moldovan Government will continue to ensure school meals programs that are guaranteed for pupils from primary schools, including in rural areas and from socially vulnerable families.

**Recommendations 76.11, 76.12**

14. **Accepted/in the process of implementation:** The national legal framework foresees the creation of the necessary conditions to guarantee the respect of the right to education in minority languages. Pupils and students are provided with the right to choose the language of instruction at any level of education.

15. The structural reform was initiated in order to ensure the high quality of education process and to respond to the current demographic indicators. The streamlining of the pre-university institutions network is undertaken by the Public Local Administration with the consent of the Ministry of Education.

16. For 2011–2012 the network of pre-university institutions in the country includes 1456 institutions (schools, gymnasiums, high schools) of which 278 with access to education in Russian language and 81 mixed institutions.

**Recommendation 76.13**

17. **Accepted:** The Government is considering steps to advance the ratification process and ensure an efficient implementation.

**Recommendation 76.14**

18. **Accepted in part:** The Justice Sector Reform Strategy 2011-2016 provides for preventing and fighting torture and other forms of ill-treatment, fighting impunity, amending the criminal legislation in compliance with the international human rights standards. As recommended previously by the UN Human Rights Committee and the UN Committee against Torture, the criminal law will be amended with the view to removing the statute of limitations for crimes of torture.

19. Recently, with the support of the development partners, the Government launched a process of equipping all police stations and temporary detention facilities with video cameras and video surveillance systems for monitoring compliance of the detention regime and for fighting the torture phenomena and ill treatments.

20. With regard to reducing the length of custody to 48 hours, the law enforcement bodies and the judiciary are not ready yet to adopt this recommendation, taking into consideration the need to conduct comprehensive investigations.

**Recommendation 76.15**

21. **Accepted/in the process of implementation:** In 2011, the Law on religious cults and their components was amended with the view to ensuring its compliance with international human rights law. In this regard, the registration procedures were simplified; discriminatory provisions on the grounds of nationality were abrogated; barriers concerning adherence to more than one religious communities were removed; the possibility to undertake alternative military service on the ground of conscientious objection were introduced; provisions allowing all religious organizations to ensure burial in keeping with the particular religious practices and norms of the religious community at issue were introduced; the provisions regarding education in schools were clarified.

22. According to Government decision the religious instruction under the “Religion” course has been introduced in the curriculum education for primary and secondary schools. This course is optional and studied upon the request of the parents or legal guardians of the child. The Government is currently undertaking necessary steps to provide safeguards and ensure that no negative consequences flow from opting out of religious classes.

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