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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Republic of Moldova

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twelfth session from 3 to 14 October 2011. The review of the Republic of Moldova was held at the 16th meeting on 12 October. The delegation of the Republic of Moldova was headed by the Deputy Minister of Justice, Vladimir Grosu. At its 18th meeting, held on 14 October 2011, the Working Group adopted the report on the Republic of Moldova.
2. On 20 June 2011, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Republic of Moldova: Hungary, Kyrgyzstan and Mauritius.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the Republic of Moldova:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/12/MDA/1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/12/MDA/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/MDA/3).
4. A list of questions prepared in advance by Canada, the Czech Republic, Denmark, Finland, the Netherlands, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to the Republic of Moldova through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation expressed the Government's commitment to the universal periodic review process. It stated that the process of the preparation of the national report, which included the national human rights institutions and stakeholders, gave the country an opportunity to assess the human rights situation and would allow creating synergies between human rights policies and the lives of people.
6. The Republic of Moldova had extended a standing invitation to all mandate holders for special procedures. It had been continuously improving the normative and institutional framework for the promotion and protection of human rights in accordance with the international standards, national priorities and aspirations of the European integration. Furthermore, the international legal instruments were directly applicable in the national legal system. The Government had undertaken measures to ensure respect of all human rights and fundamental freedoms guaranteed to its citizens and in particular, it supported the existence of a strong, free and independent civil society, including the media.
7. Since the formation of the Government two years ago, new initiatives to implement the country's international human rights obligations had been undertaken. In particular, the European Union (EU)-Moldova dialogue on human rights had been launched and the Moldovan experts together with the regional organizations had been discussing the priorities for cooperation in the area of human rights and fundamental freedoms, and

democracy. The delegation explained that the perspective of the European integration had created a positive environment for the modernization and transformation, with significant achievements in the field of human rights. The criminal code and laws on peaceful assembly, access to legal assistance, domestic violence, human trafficking, juvenile justice and social assistance had each been improved.

8. However, a number of challenges and events, including post-election events in April 2009, tested the national capacities in human rights and supported new proactive approaches, especially in improving the implementation of legal norms in this area.

9. The delegation stated that as human rights were recognized a priority issue, a number of policies and programmes were adopted to enhance the human rights protection. The National Human Rights Action Plans of the Republic of Moldova for the period of 2011-2014 which represented the continuity of the previous national action plan included a mid-term evaluation of the document to be in line with UPR recommendations.

10. The draft law on preventing and combating discrimination was developed in order to strengthen existing rules and create mechanisms for the implementation of the principles of non-discrimination and equality. The draft law included, inter alia, an indicative list of criteria of discrimination and established a council for preventing and combating discrimination. However, as the consultations over the draft law revealed certain sensitivities within the society, the draft was withdrawn from the Parliament for further consideration. Following this, the Government embarked on a path of broad consultations aimed inter alia at ensuring that the law would be endorsed not only by the Government, but also by the entire society. Recently, the draft anti-discrimination law was submitted to the public authorities and civil society for coordination and comments before adopting this legislative act.

11. The delegation reported that in March 2011 the Ministry of Justice registered the Islamic League of the Republic of Moldova as a religious organization, enabling the organization to enjoy the full range of benefits deriving from its legal personality. At the same time, extensive consultations with the participation of the civil society and religious organizations were launched in order to start the amendment procedure of the existing law on the religious organizations. The country visit of the Special Rapporteur on freedom of religion or belief in September, made a positive contribution to this end.

12. The delegation reported on the Strategy for Justice Sector Reform for 2011-2016 which created the institutional framework necessary to coordinate reform in this area and to build an accessible, efficient, independent, transparent and professional justice sector. The importance of the justice sector reform was also reflected in the new Development Strategy "Moldova 2020". The delegation also noted the recently adopted Action Plan to support the Roma population for 2011-2015, which contained measures affecting key areas of social life.

13. A working group on amending the Ombudsman Law was established to bring the existing regulations in compliance with Paris Principles. The Centre for Human Rights of Moldova was accredited in 2009 with B status according to the Paris Principles.

14. The delegation noted the recent reform of the prison system which had the following major objectives: improving the legal criminal-executive framework, improving conditions of detention in accordance with international standards, increasing transparency in detention institutions and preventing torture and cases of ill-treatment, and building capacity of prison staff.

15. The delegation informed that the Republic of Moldova would start the ratification process of the Protocol 12 to the Convention on Human Rights and Fundamental Freedoms after the adoption of the legal framework on anti-discrimination. With regard to the

(lesbian, gay, bisexual and transgender (LGBT) issue, the delegation noted that homosexuality was no longer criminalized in the domestic legislation. However, the LGBT issue remained a sensitive topic with important cultural and religious implications and thus, a gradual approach, one that would strike a fair balance between the rights of all citizens and the particularities of the society would be adopted.

16. Human rights in the Transnistrian region of the Republic of Moldova represent a priority for the Government. Specialized ministries and institutions continued to follow up on the developments in the human rights field in the Eastern districts and provided with assistance to the population within their competences and possibilities. The current situation in the region created serious obstacles and difficulties in the enforcement of human rights throughout the country. The delegation noted that addressing human rights issues in this region did not rest exclusively with the Government and it should be part of discussions with the international partners involved in the settlement process.

B. Interactive dialogue and responses by the State under review

17. During the interactive dialogue, 37 delegations made statements. A number of countries welcomed the open and constructive participation of the Republic of Moldova in the universal periodic review. Several delegations thanked the Government for preparing a comprehensive national report for the UPR and expressed satisfaction at the involvement of civil society in the preparation of the national report. Recommendations made during the dialogue are to be found in section II of the present report.

18. Algeria noted that the institutional framework for the promotion and protection of human rights had been constantly improved. It welcomed the inclusion of Muslim religion into the national register of religious beliefs and inquired about the follow-up to the recommendation made by the Special Rapporteur on freedom of religion and belief regarding the formulation of a law against discrimination and investment in civic education. Algeria made recommendations.

19. Thailand commended the Republic of Moldova for its commitment to protecting human rights, especially in the areas of anti-discrimination, rights of minorities and human rights education through “Civic Education”. It also welcomed the dialogue with special-procedures mandate holders. Relating to the issue of combating human trafficking, Thailand would be interested in exchanging views on assistance and protection to victims of trafficking. It made recommendations.

20. Brazil noted with interest the Republic of Moldova’s cooperation with international human rights mechanisms. It commended the enactment of a law to prevent and combat domestic violence and the draft framework for the rehabilitation of victims. It referred to the programmes for social integration and political participation of ethnic minorities. Brazil was concerned at reports of discrimination, including anti-Semitism, and noted decreasing school enrolment rates. It made recommendations.

21. France noted that the Republic of Moldova did not have a law to combat and prevent discrimination. It referred to reports that ill-treatment during custody and pretrial detention had not disappeared and that there were no credible investigations on torture perpetrated by the police and penitentiary staff. France wished to know about planned improvements to juvenile justice. It made recommendations.

22. Austria commended the Republic of Moldova for its cooperation with the special procedures and treaty bodies. Austria wanted to know about the efforts to overcome the obstacles for the prosecution of trafficking cases and what measures had been taken to tackle discrimination. Finally, it asked how the Government was addressing the alleged

cases of torture perpetrated in police custody and by members of the armed forces. Austria made recommendations.

23. The Russian Federation stated that poverty, unemployment and the absence of social protection for vulnerable groups of the population were a reality in the Republic of Moldova. Of special concern were the restrictions on the rights of ethnic minorities to use their mother tongue. The authorities were attempting to limit the use of the Russian language in all spheres of life. Over the last two years, a number of schools teaching Russian were closed and Russian studies were removed from higher education. The Russian Federation made recommendations.

24. Nepal commended the Republic of Moldova's improvements to the human rights normative and institutional framework, including through the National Action Plan on Human Rights 2011-2013. Nepal noted the Government's initiatives in ensuing gender equality, preventing and combating violence against women and guaranteeing the rights of the child, electoral rights and the rights of persons with disabilities. The Republic of Moldova had made remarkable progress towards institutionalizing democracy. Nepal made three recommendations.

25. Canada noted remaining challenges in combating human trafficking and discrimination, particularly against the Roma. Canada encouraged the Republic of Moldova to continue pursuing reforms relating to the protection of religious minorities, gender equality, liberty and security of the person and administration of justice, including impunity and the rule of law. Canada was concerned at the numerous allegations of ill-treatment of arrested and detained persons by security forces in Transnistria and the excessive control exercised by the Transnistrian authorities over the media and civil society. Canada made recommendations.

26. Bulgaria commended the Government for the elaboration of the second National Human Rights Action Plan 2011-2014 and looked forward to its implementation. It noted with satisfaction the stated policy on non-discrimination, as well as the respect enjoyed by minorities. Bulgaria requested to be further informed about progress in the area of education and the measures to safeguard the right to choose the language of education. It asked about the reform of National Public Broadcasting Company. Bulgaria made a recommendation.

27. Estonia commended the Republic of Moldova for the increased efforts to protect children's rights by establishing the Ombudsman for Children, implementing the National Plan of Action on Protecting Children without Parental Care, reforming the juvenile justice system by introducing alternatives to detention and providing access to basic education to all children by 2015. Moldova was commended for being increasingly attentive to the issues of gender equality and non-discrimination and for recent efforts to improve freedom of expression. Estonia made a recommendation.

28. China commended the efforts of the Republic of Moldova in addressing human trafficking, in the progress made on gender equality, and in protection of the rights of women and children as well as of minorities. China noted with appreciation that Moldova had made the implementation of its strategy of social integration for persons with disability 2011-2013 a national priority. China encouraged the Republic of Moldova to further the measures to protect the equal rights of Roma and other minorities.

29. Qatar stated that the Republic of Moldova's Constitution gave priority to human rights and that human rights were at the heart of public policy. Despite the fact that the Republic of Moldova was going through a period of transition, as well as serious economic problems, there was progress in the sphere of human rights, which demonstrated Moldova commitment to improving the human rights situation. Qatar welcomed Moldova's efforts in

the area of human trafficking and the invitation it extended to the Special Rapporteur on human trafficking. It made recommendations.

30. Poland expressed appreciation for the efforts made by the Republic of Moldova in strengthening the human rights protection system. Poland welcomed Moldova's recent ratification of the Rome Statute of the International Criminal Court. Poland took account of positive developments, noted problems and stressed the need for further advancement in the promotion and protection of human rights. Poland made recommendations.

31. Norway referred to reports that journalists still faced a difficult situation and that freedom of expression was still not fully in place and self-censorship was common. Norway noted that trafficking in human beings was reported to be higher in the Republic of Moldova than other places in Europe. Norway referred to the reported documentation of violence and even torture of prisoners in Moldovan jails, to the reportedly high level of domestic violence against women and to women earning only three-quarters of men's wages for the same work. Norway made recommendations.

32. Australia commended the Republic of Moldova for the efforts to increase public awareness of domestic violence and the instructions given to public and law enforcement officials on addressing this problem, but expressed concern that the legal remedies for domestic violence were limited to fines and brief detentions. It welcomed the improvement in prison conditions the reduction of time of pretrial detentions and stated that prisons and pretrial facilities fell short of international standards. Australia urged the Republic of Moldova to encourage respect for people of all sexual orientations. It made recommendations.

33. Greece noted the Republic of Moldova's cooperation with treaty body and special procedures. Greece welcomed the efforts by the Government to promote gender equality and asked about any further measures intended to combat higher levels of unemployment of women and lower paid jobs filled by women. Greece welcomed the establishment of the Ombudsman for the Rights of the Child and asked how Moldova intended to address its lack of adequate funding in the current financial crisis. Greece made recommendations.

34. Italy stated that it would continue to support the ongoing process of reform in the Republic of Moldova and the strengthening of its relations with the European Union. Italy noted that domestic violence against women was a serious problem. The lack of proper facilities hampered access to education for children with disabilities, leading to their limited participation in social life. Italy welcomed Moldova's ratification of the Convention on the Rights of Persons with Disabilities and its strategy for social inclusion for 2010-2013. Italy made recommendations.

35. Germany expressed concern about the allegations of torture and ill-treatment in police custody. During post-election demonstrations in April 2009, law enforcement officers reacted with excessive force with acts of violence and ill-treatment of about 300 arrested persons and three unresolved deaths, which resulted in only a handful of prosecutions. While commending the Republic of Moldova for its judicial reforms, Germany stated that there remained widespread corruption among judges, prosecutors and police officers. Media organizations that denounced this corruption were intimidated and silenced by disproportionately high fines. Germany made recommendations.

36. Turkey welcomed the Republic of Moldova's zero-tolerance regarding torture and encouraged the more effective implementation and strengthening of related legislation. Turkey noted the link between the two countries through the Gagaouz community. Turkey stressed that the problem of Transnistria region should not erode the existing autonomous status of Gagauzia. Turkey encouraged the Republic of Moldova to pay special attention to the development of the Autonomous Territorial Unit of "Gagauz-Yeri" as well as its language and heritage. Turkey made a recommendation.

37. Romania noted the Government's successful organization of elections in 2010 and 2011. Romania referred to the comprehensive legal and institutional framework for the protection of the rights of persons belonging to national minorities, including ensuring teaching of and in minorities' languages. However, knowledge of the State language was problematic among certain sectors of society. Romania encouraged the Republic of Moldova to enhance the capacity of the Centre for Human Rights. Romania made recommendations.

38. Argentina welcomed the amendments that were introduced in the legislation with regard to the combating of domestic violence. It also welcomed the Government's establishment of an ombudsman dedicated to the defence of the rights of children. Argentina made recommendations.

39. The United Kingdom of Great Britain and Northern Ireland strongly supported the Republic of Moldova's efforts to create a viable mechanism for reinforcing the principles of non-discrimination, universality and equality of human rights. It welcomed the positive assessment of recent elections and acknowledged the ongoing liberalization of the media, while noting the challenges related to freedom of expression. It recognized the positive step being taken to eliminate torture. It made recommendations.

40. Hungary noted with satisfaction the Republic of Moldova's standing invitation to special procedures, its ratification of almost all core international human rights treaties and institutions with a human rights protection mandate. Hungary remained concerned about the representation of women in public life and employment and welcomed the enactment of the law on preventing and combating domestic violence. Hungary noted that conditions in many prisons and detention facilities were far from ideal. Hungary made recommendations.

41. Sweden noted that following a debate in Parliament, the anti-discrimination bill was withdrawn. The contentious issue related to the rights of lesbian, gay, bisexual and transgender people. The adoption of the bill was crucial to the visa liberalization process, as well as to protect groups and individuals who were discriminated against. The level of domestic violence was high. No one was brought to justice for the events of April 2009 where individuals were subjected to torture and ill-treatment by the police. Sweden made recommendations.

42. Uruguay noted the Republic of Moldova's amendment to the Criminal Code establishing domestic violence as a criminal offence and that there was insufficient enforcement of these new provisions. Uruguay was concerned that the principle of non-discrimination was not always fully respected for children from disadvantaged families, children with disabilities, children with HIV/AIDS and children from ethnic groups, especially Roma children who were victims of discrimination and had limited access to education, health and an adequate standard of living. Uruguay made recommendations.

43. Slovenia welcomed the efforts to protect children through the establishment of the Ombudsman for the rights of the child, but was concerned by reports of corporal punishment. It noted with appreciation the measures taken to ensure respect for the identity of persons from national minorities. Slovenia enquired about the steps taken to improve the implementation of the Action Plan for Roma for 2007-2010 and about the implementation of this plan for 2011 to 2015. Slovenia made recommendations.

44. Spain acknowledged the steps taken by the Republic of Moldova, notably through the national human rights programme 2004-2008 and the national plan of action 2005-2009, as well as the standing invitation extended to special procedures. Spain asked about the results from measures taken to combat human trafficking, in particular the assistance provided for minors and women victims of trafficking for the purposes of sexual exploitation. Spain made recommendations.

45. Latvia stated that promotion and protection of human rights and freedoms was a priority for the Republic of Moldova, as confirmed in the Government's policies and the framework programme of the National Human Rights Action Plan. It acknowledged that many challenges remained, but that measures for further improvements were already envisaged. Latvia welcomed the decision of the Republic of Moldova to extend a standing invitation to all special procedures. It noted the Government's commitment to combat human trafficking. Latvia made a recommendation.

46. Mexico acknowledged the Republic of Moldova's progress in ratifying and acceding to international and regional human rights instruments. Mexico congratulated the Republic of Moldova for its adoption of the National Action Plan on Human Rights and hoped that its implementation would contribute to the full enjoyment of human rights in the country. Mexico was pleased that the Republic of Moldova had extended a standing invitation to special procedures. Mexico made recommendations.

47. Slovakia stated that the Republic of Moldova has made remarkable progress in advancing its human rights record and took positive note of the appointment of four ombudspersons. It indicated that the second National Human Rights Action Plan for 2011-2014 as well as the national plans on migration and asylum, prevention and combating trafficking in human beings and domestic violence, and the national programme on gender equality were steps in the right direction. Slovakia made recommendations.

48. The United States of America commended the Republic of Moldova's participation in the "Democracy Partnership Challenge", its cooperation with non-governmental organizations to combat human trafficking and its decision to register a Muslim religious group. It was concerned about the rule of law and the need to ensure justice for individuals abused by security forces and reported trafficking-related judicial corruption. It expressed concern about discrimination against and police harassment of LGBT persons. It made recommendations.

49. The Democratic Republic of Congo welcomed the establishment of the Ombudsman on the rights of the child as well as the inter-ministerial committee on gender equality. It also stated that the political integration of ethnic minorities was of importance for national cohesion. In this regard, the situation of Roma deserved further attention. It was concerned about human rights violations, particularly in the Transnistria region. It made a recommendation.

50. Azerbaijan stated that the national priorities and initiatives mentioned in the national report would pave the way to overcoming challenges in the promotion and protection of human rights. It noted with interest, the appointment of the ombudsman for children. Azerbaijan asked about the measures taken by the Government for the implementation of strategies for human rights education. It made recommendations.

51. Ukraine commended the National Human Rights Action Plan and the establishment of the Centre for Human Rights of the Republic of Moldova. Ukraine encouraged the Republic of Moldova to take further measures to realize women's equality in all areas, addressing the root causes of domestic violence, especially related to children. Ukraine hoped that technical assistance from the United Nations and non-governmental organizations would help the Republic of Moldova to achieve concrete results in the aforementioned areas. Ukraine made a recommendation.

52. Morocco commended the progress made by the Republic of Moldova in legislation and institution development and noted existing challenges for different Ombudsmen in fulfilling their mandate. Morocco expressed its appreciation that Moldova had recognized Islam as one of the official religions of the country. Morocco shared the view that secessionism constituted an obstacle for the promotion and protection of human rights,

therefore it was important to respect national unity and territorial integrity of States. Morocco made recommendations.

53. Israel welcomed the second National Human Rights Action Plan for 2011-2014. Despite the serious economic and social challenges, Moldova has sought to ensure that national legislation granted its citizens access to their fundamental rights and freedoms. Israel commended the Republic of Moldova for its recent ratification of the United Convention on the Rights of Persons with Disabilities. Israel made recommendations.

54. Mauritius welcomed the progress made by the Republic of Moldova in the area of human rights, and that, despite its sometimes complex and painful history, the acceptance of diversity and openness has been a constant factor. Mauritius suggested that as Moldova was a small country with few natural resources investing in human capital was in the country's interest.

55. Regarding the questions on the issue of effectiveness and transparency of judiciary, the delegation stated that while being fully aware of the challenges in this area, the Government had initiated the relevant measures to address those challenges by, inter alia, the adoption of the strategy of reform of the judiciary. The plan of action had been in the process of the development based on the Strategy which would assist to adopt and improve relevant laws in line with the European and international standards.

56. In respect to questions on the human rights violations during the events of April 2009, the delegation informed that about half of the complaints submitted to the Prosecutor office by the victims had been under the investigation and 27 cases were already referred to the judiciary. The court judgements were issued in respect to two cases. As to the eight judgements rendered by the European Court of Human Rights regarding human rights violations of the April events, the Government had provided with compensations to the victims.

57. In the context of implementation of the prison reform, the Government was in the process of identifying solutions for building adequate detention facilities. In particular, a new prison would be built to replace prison No. 13 in Chisinau as a main priority. In this respect, the Government appealed to the Council of Europe Development Bank to secure the relevant funding. A number of other initiatives had been also launched to improve conditions in prisons, including renovation of sanitary facilities and medical units as well as the section of juvenile detainees in the prison No. 13.

58. In respect to the questions on human trafficking, the delegation reported that the number of identified victims had reportedly decreased greatly compared to 2007. Moldova was no longer a major source country for human trafficking. Nevertheless, the Government continued to intensify its counter-trafficking programmes. The National Referral System with a nationwide coverage included multi-disciplinary professional education for law enforcement officials, social and medical personnel. It was based on the "active prevention" approach and become a best practice in the region.

59. The Government had launched a programme to provide life-skills training to children in institutions who were considered to be more vulnerable to human trafficking. A new monitoring mechanism over the activities of law enforcement agencies and judiciary was in the process of formation to improve the prosecution and punishment of trafficking. The delegation informed about the invitation extended to the Special Rapporteur on human trafficking to visit the country.

60. The Ministry of Education launched a programme, "Friendly schools for all", in 2010, with a view to creating an environment favourable for the development of mutual respect and tolerance and free from violence and all forms of discriminations on the grounds of sex, ethnicity or health status. In 2011, the Government also approved the

programme on inclusive education with the objective of creating conditions for the inclusion of children who had not been in public school system as well as those studying in regular schools but in need of special education.

61. As shaping the existing traditions was required along with the development of legal framework to address the issue of child labour, the Government approved the National Plan for Combating the Child Labour and Exploitation to inter alia raise public awareness on the issue of child labour. The Government had also adopted the National Strategy to reform the residential care system and increased the State funding for this purpose. The number of children in the institutions had decreased by 40 per cent. At the same time, a large number of children remained without parental care as a result of migration of the population abroad in a search for jobs. To this end, the Government had started a nationwide study to assess and address the needs of such children.

62. To address a question on the status and use of the Russian language, the delegation stated that the legal framework, and specifically the law regarding the functioning of spoken languages on the territory of the Republic of Moldova, required the creation of the necessary conditions to guarantee access to education in Russian, Gagauz, Ukrainian, Bulgarian and other languages. Students were entitled with the right to choose the language of instruction at any level of education. Furthermore, the Russian language was legally recognized as a language of interethnic communication. There was a mandatory subject on Russian language and literature in the schools with education in the Romanian language. Domestic legislation and official communications were available in the Russian language. Every citizen had a right to request and to receive information from the public authorities in the State language or Russian.

63. Regarding to the issue of schools with education in Russian, the delegation reported that there were 280 Russian-language schools functioning nationwide. The information about the closure of 60 Russian schools in the past two years was incorrect. In the past years, only 14 of the 70 educational institutions which were reorganized or simply merged with others, were Russian-language schools. The delegation suggested that the decrease in the number of such schools should be explained keeping in mind the general demographic trend of the population and restructuring of the education system.

64. The delegation reported on a number of steps undertaken by the Government to ensure gender equality in line with the recommendations of the Special Rapporteur on violence against women, including training conducted for the gender focal points of all State agencies, the inclusion of special chapters on gender equality in the State Programme and Action Plan, and gender mainstreaming in the draft development strategy 'Moldova 2020'. It also mentioned that a recommendation on temporary special measures was initiated before the Parliament to introduce a 30 per cent quota in the election of the members of the Parliament.

65. Regarding the issue of domestic violence, the Government had co-sponsored several shelters for victims countrywide. The National Bureau of Statistics adopted a special module to its periodic surveys to track in official data incidence, frequency and profile of domestic violence. Additionally, Moldova, in 2010 recognized domestic violence as a criminal offence. The relevant legal provisions provided a definition and a mechanism for the enforcement including the mechanism for the protection orders. In less than two years, about 200 protection orders were enforced in respect to cases of domestic violence.

66. As the human rights situation in the Transnistrian region had been a source of serious concern, the Government had been monitoring the violations of human rights in the region. In this respect, the Government had regularly raised the cases of human rights violations before the relevant international actors and also sought for the cooperation with

the representatives of the civil society and mass media in order to improve the human rights situation in the region.

67. The Ministry of Foreign Affairs, in cooperation with line ministries, had launched internal consultations on the issue of lifting territorial reservations under the international treaties on human rights. At the same time, the fact that the Transnistrian region had been outside the control of the constitutional authorities of the Republic of Moldova made it extremely difficult to ensure proper respect of fundamental human rights and freedoms in the region. The Government offered, to the extent of its possibilities, assistance to persons whose rights were violated.

68. The delegation mentioned a number of specific human rights issues that the region faced: the status of Latin-script schools remained undefined and those schools encountered difficulties in their day-to-day operation, and the obstacles created for free movement of people and goods between the region and the rest of the country in spite of the requirements of international agreements and other decisions regulating the situation in the conflict zone. The delegation stated that the current leadership of the region did not provide positive response or solutions to the issues raised by the Government.

69. The delegation indicated that human rights activists and international organizations working in the human rights field in the region had been operating in a hostile environment and under permanent surveillance and pressure from the Transnistrian security services. With an interest in the development of civil society in the region, the delegation urged the international partners to contribute to the achievement of civil society development in Transnistrian region despite of existing difficulties.

70. The delegation noted the Government's efforts undertaken to promote the economic, social, and cultural and education polices in the region. The Government had also created legal mechanisms to guarantee the respect of the constitutional rights of its citizens such as property rights, free access to justice on the region. Furthermore, the Government had been striving to achieve a lasting political solution through negotiations with the final goal of granting a special legal status to the Transnistrian region within the Republic of Moldova based on the principles of the sovereignty and territorial integrity. The final resolution of the conflict should pave the way for building democratic institutions and development of a genuine civil society in the region, as well as the implementation of all international human rights commitments undertaken by the Republic of Moldova.

71. The delegation reported on the increased number of visits to detention places carried out by the national preventive mechanism in the past years. According to the draft 2012 budget, the national preventive mechanism would receive 25 percent more funding than last year, which in turn would allow the mechanism to increase the number of visits to the detention places.

72. In conclusion, the delegation stated that the universal periodic review had enabled the Government to compare its assessment of human rights situation with the views of other United Nations Member States and relevant stakeholders. It reaffirmed the Government's commitment to continue its engagement with civil society in the upcoming months while considering further recommendations put forward during the interactive dialogue.

II. Conclusions and/or recommendations**

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

- 73.1. Consider ratifying CED and ICRMW (Argentina);
- 73.2. Pursue the measures in favour of the reinforcement of harmony and tolerance between the different segments of the Moldovan society (Algeria);
- 73.3. Adopt further measures to foster inter-religious communication and public culture of promoting socio-cultural and religious diversity (Thailand);
- 73.4. Adopt socio-economic measures aimed at ensuring the social and labour integration of the Roma minority (Spain);
- 73.5. Adopt measures to combat and eradicate cases of xenophobia against this minority (Spain);
- 73.6. Adopt comprehensive legislation on the prohibition of racial discrimination and xenophobia¹ (Russian Federation);
- 73.7. Provide the national human rights institutions with necessary means so that they can fulfill their mandate and implement their decisions² (Morocco);
- 73.8. Adopt a specific policy to address the root causes of domestic violence, particularly violence against women and children, and conduct awareness campaigns, particularly in the rural areas (Canada);
- 73.9. Encourage awareness of the state language within the society as a whole (Romania);
- 73.10. Promote greater public appreciation for the importance of according equal rights for the Roma, including freedom from abuse and discrimination (Australia);
- 73.11. Strengthen its efforts in the prevention, punishment and eradication of all forms of violence against women and the adoption of comprehensive policies for the promotion and protection of the rights of the child, especially those relating to the prohibition of forced labour (Argentina);
- 73.12. Strengthen programmes of public awareness of the very serious problem of human trafficking and involve all stakeholders in the work (Qatar);
- 73.13. Further consider measures to clarify the events of April 2009 (Sweden);
- 73.14. Ensure greater policy and institutional control over the State Security Corps and Forces in order to avoid cases of excessive use of force and abuse against detainees (Spain);

** Conclusions and recommendations have not been edited.

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

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

- 73.15. **Ensure the respective participation of national and international NGOs in the follow-up of the universal periodic review process (Bulgaria);**
- 73.16. **Engage the civil society in the UPR follow-up process (Poland);**
- 73.17. **Enhance cooperation with international community for preventing and combating human trafficking (Nepal);**
- 73.18. **Continue promoting gender equality as a national priority which echoes the recommendation of SR on violence against women regarding the acceleration of the realization of women's equality with men in all areas (Turkey);**
- 73.19. **Eliminate discriminatory practices against persons with disabilities in the medical setting and ensure physical access of children with disabilities to educational and public institutions, as part of its implementation of the Strategy of social inclusion of persons with disabilities (Thailand);**
- 73.20. **Fully respect the rights of children, without any discrimination, and give necessary prerogatives to the ombudsman working in this area (Qatar);**
- 73.21. **Adopt more effective measures to ensure that all children in the Republic of Moldova enjoy all rights, without discrimination, in accordance with Article 2 of CRC (Uruguay);**
- 73.22. **Provide social services on health and access to education to children belonging to the most vulnerable groups (Uruguay);**
- 73.23. **Undertake efforts to prevent child labour, the segregation of children with disabilities in educational system and prevent the crimes committed against children, especially smuggling and sexual harassment³ (Poland);**
- 73.24. **Prevent discrimination of social minorities, such as Roma people and LGBT persons and adopt a comprehensive anti-discrimination law (Poland);**
- 73.25. **Adopt specific measures to combat discrimination against Roma (Slovenia);**
- 73.26. **Intensify its efforts to address discrimination against Lesbians, Gays, Bisexuals and Transsexuals (LGBT), and to investigate and prosecute crimes against LGBT-community members (Norway);**
- 73.27. **Redouble efforts to protect the rights of members of minority religious, ethnic and social groups and particularly focus on protecting members of the LGBT community from both official and societal discrimination (United States);**
- 73.28. **Action in order to build broad support for LGBT-rights in the new comprehensive anti-discrimination law (Sweden);**
- 73.29. **Take the measures aiming at reinforcing the fight against torture and the fight against impunity (France);**
- 73.30. **Further strengthen mechanisms to detect and investigate cases of domestic violence, train law enforcement officials to deal with such cases and provide legal and medical support to victims (Brazil);**

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

- 73.31. Consider measures in order to prevail the situation of the high level domestic violence (Sweden);
- 73.32. Effectively implement the current legislation on protection of women against domestic violence, ensure that the police effectively investigate complaints and increase the number, coverage and capacity of shelters for victims of domestic violence (Uruguay);
- 73.33. Address the root causes of domestic violence in order to carry out awareness campaigns on violence against women and their rights, especially in rural areas (Uruguay);
- 73.34. Continue to fight domestic violence against women, including by improving and strengthening the capacity of rehabilitation centers in the country, especially ensuring access to victims from rural areas⁴ (Italy);
- 73.35. Take additional and concrete efforts to eradicate human trafficking, prosecute traffickers under criminal law and protect and provide victims with adequate support throughout the criminal proceedings (Canada);
- 73.36. Intensify the fight against the perpetrators operating in the area of human trafficking (Norway);
- 73.37. Continue its efforts to combat trafficking in human beings (Romania);
- 73.38. Continue efforts in combating human trafficking and provide the necessary assistance to the victims of trafficking (Latvia);
- 73.39. Reinforce further its efforts in the area of prevention of trafficking in human beings, with particular focus on children (Slovakia);
- 73.40. Develop and implement efficient policies for child victims of abuse, neglect and trafficking, including ensuring redress and victims' reintegration (Slovakia);
- 73.41. Intensify campaigns to prevent human trafficking and to increase the protection offered to victims, including their right to legal redress (Mexico);
- 73.42. Ensure prosecution for trafficking and protection for victims of human trafficking in criminal proceedings, and adequate support for victims through recovery and counselling measures and improve the social and economic situation of women, in particular in rural areas, so as to eliminate their vulnerability to traffickers as recommended by CESCRC and CEDAW, respectively (Israel);
- 73.43. Give appropriate priority to the improvement of detention conditions in the draft justice reform Plan under adoption (Hungary);
- 73.44. Make a declaration within a frame of article 21 and 22 of Convention against Torture, to improve the conditions of detainees and to prevent maltreatment of prisoners in prisons belonging to the Ministry of Interior (Poland);

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

- 73.45. Investigate fully all allegations of torture and cruel, inhuman or degrading treatment impartially, thoroughly and within a timely manner; and ensure those responsible are brought to justice (United Kingdom);
- 73.46. Investigate and prosecute all allegations of ill-treatment of persons in police custody (Slovenia);
- 73.47. Transfer the responsibility for temporary detention facilities from the Ministry of the Interior to the Ministry of Justice (Austria);
- 73.48. Put an end to impunity whenever it occurs, investigate all complaints of torture and ill-treatment by law enforcement officers, prosecute and punish those responsible and ensure that information obtained under torture is not admissible in courts⁵ (Germany);
- 73.49. In accordance with the Convention on the Rights of the Child, create appropriate conditions for arrested juveniles and ensure that detention of juveniles is used only as a measure of last resort (Norway);
- 73.50. Reinforce its criminal prosecution system with a view towards ensuring accountability of all perpetrators related to human trafficking (Thailand);
- 73.51. Fully implement the reform of the residential care system for children, focusing especially on re-integration of children with disabilities (Israel);
- 73.52. Take further measures to promote inter-religious dialogue and cultural diversity (Morocco);
- 73.53. Make efforts to fully guarantee freedom of expression and information, in accordance with Moldova's international obligations (Norway);
- 73.54. Take steps to protect critical and independent media (Germany);
- 73.55. Allow members of the LGBT communities the right to freedom of expression and assembly (Australia);
- 73.56. Take concrete measures to raise public awareness about LGBT rights, including the guarantee of the right of assembly and association (Spain);
- 73.57. Ensure that public events planned by the LGBT, religious and other rights groups are permitted and adequately policed, according to the obligations of the Republic of Moldova under international human rights law (United Kingdom);
- 73.58. Enhance its efforts in order to promote women's participation especially in political life (Greece);
- 73.59. Consider ways and means to ensure the right to education of children with disabilities, also in collaboration with the relevant international organizations and agencies (Italy);
- 73.60. Guarantee the recognition of the rights of ethnic minorities to express their own culture and identity (Israel);

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

- 73.61. Address the socioeconomic issues facing Roma, including through effective implementation and adequate resourcing of the Action Plan for the Support of the Roma People for 2011-2015, as recommended by CERD (Israel);
- 73.62. Work towards addressing statelessness and protecting the rights of stateless persons (Brazil);
- 73.63. Actively support the non-governmental organizations that have effective programmes in promoting human rights and inter-ethnic tolerance in Transnistria (Canada).
74. The following recommendations enjoy the support of the Republic of Moldova, which considers that they are already implemented:
- 74.1. Continue public awareness campaigns on domestic violence and increase the penalties for this crime (Australia);
- 74.2. Formally prohibit corporal punishment in all settings (Slovenia).
75. The following recommendations enjoy the support of the Republic of Moldova, which considers that they are in the process of implementation:
- 75.1. Ratify as soon as possible the International Convention on the Protection of All Persons from Enforced Disappearances, major instrument in fighting impunity, and recognize the competence of the Committee on Enforced Disappearances (France);
- 75.2. Subscribe to article 14 of CERD in order to recognize the Committee's competence to receive and consider communications from individuals or groups of individuals alleging to be victims of violations of any of the rights established in the Convention (Uruguay);
- 75.3. Adopt the draft anti-discrimination law with provisions prohibiting sexual harassment as soon as possible (Norway);
- 75.4. Adopt a law on the fight against all forms of discrimination and clearly guarantee, in its domestic law, the freedom of expression and therefore the right for LGBT persons to peaceful demonstrations (France);
- 75.5. Adopt as soon as possible the Law on preventing and combating discrimination (Canada);
- 75.6. Take further steps on the adoption of the law on preventing and combating discrimination (Estonia);
- 75.7. Ensure that the draft Law on Preventing and Combatting Discrimination is adopted without delay (United Kingdom);
- 75.8. Enact into law the proposed Law on Combating and Preventing Discrimination (United States);
- 75.9. Adopt comprehensive anti-discrimination legislation in line with international and European standards (Romania);
- 75.10. Continue its efforts to adopt a comprehensive legislation in the area of anti-discrimination (Argentina);
- 75.11. Continue efforts to adopt and implement the legislative framework to prevent, punish and eliminate all forms of discrimination, with special attention to gender equality and discrimination based on sexual orientation and disability (Mexico);

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

- 75.28. Elaborate a Plan of Action for the implementation and monitoring of the Law on preventing and combating domestic violence, and allocate adequate budgetary resources for its implementation (Hungary);
- 75.29. Increase efforts to combat human trafficking, ensure accountability of those involved in trafficking, including any public official, and to prevent double victimization of victims through charges such as illegal migration or falsification of documents (Slovenia);
- 75.30. Ensure the prosecution of traffickers, particularly through improved training of law enforcement bodies, protection for victims of human trafficking during criminal proceedings and that victims have access to counselling and receive compensation (Austria);
- 75.31. Continue efforts taken at the legislative and executive level to put an end to the human trafficking and hold accountable those responsible (Qatar);
- 75.32. Strengthen the protection of minorities through a reform of its criminal code, incorporating offences punishing hate crimes and incitation to hatred as well as through ensuring the effective implementation and adequate resourcing of the Action Plan for the support of the Roma (Austria);
- 75.33. Further strengthen measures to prevent and combat discrimination and investigate allegations of hate crimes (Brazil);
- 75.34. Undertake effective investigation into complaints of torture or ill-treatment and hold all perpetrators accountable (Norway);
- 75.35. Increase the efforts to address ill-treatment and abuse of persons in detention (Canada);
- 75.36. Reform judicial system, so that the Moldavan courts and prosecution offices fulfill expectations pertaining to independence from political authorities, incorruptibility, length of procedures, and decent wages for law enforcement personnel (Poland);
- 75.37. Continue efforts to strengthen the rule of law by ensuring greater effectiveness and transparency in the judicial system, combating corruption, and investigating all reports of abuse and torture by police (United States);
- 75.38. Continue efforts to strengthen criminal justice system and judicial institutions (Nepal);
- 75.39. Continue efforts to improve conditions in prisons and pre-trial facilities (Australia);
- 75.40. Strengthen the capacity of the law enforcement agencies to combat the phenomenon of human trafficking (Morocco);
- 75.41. Continue to work on the promotion of human rights in the region of Transnistria, integral part of the territory of the Republic of Moldova. This commitment was undertaken upon accession to the Human Rights Council (Romania);
- 75.42. Further encourage the dialogue with the secessionists with a view to ending the situation, which endangers the rights and fundamental freedom of all citizens of the Republic of Moldova recognized by the Constitution of 29 July 1994 (Democratic Republic of the Congo).
76. The following recommendations will be examined by the Republic of Moldova which will provide responses in due time, but no later than the nineteenth session of

the Human Rights Council in March 2012. The response of the Republic of Moldova to these recommendations will be included in the outcome report adopted by the Human Rights Council at its nineteenth session in March 2012:

- 76.1. Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in accordance with the recommendation no. 1737 of 17 March 2006 made in that regard by the Council of Europe (Algeria);
- 76.2. Ratify or accede to, as appropriate, the Optional Protocol to ICESCR, CED, ICRMW, and the Optional Protocol to CRPD (Uruguay);
- 76.3. Sign and ratify the Optional Protocol to ICESCR and CRPD; and ratify CED (Spain);
- 76.4. Commit internationally to the rights of the LGBT community by signing the Joint Statement on LGBT human rights from the March 2011 session of the Human Rights Council (United States);
- 76.5. Further ensure that the Child's Advocate has sufficient resources to exercise his or her mandate effectively (Azerbaijan);
- 76.6. Ensure the representation of women in the state elective and administrative structures by establishing a minimum quota for women (Morocco);
- 76.7. Develop and implement a set of measures that will make it possible to fully implement economic and social human rights, especially the right to employment and the right to an adequate level of remuneration (Russian Federation);
- 76.8. Consider solving the problem of ownership of land belonging to the Catholic Church and the Orthodox Church (Poland);
- 76.9. Ensure the freedom of the mass media, particularly of those media outlets that function in the language of the national minorities, including Russian (Russian Federation);
- 76.10. Consider implementing school meals programs, especially in rural areas most affected by poverty (Brazil);
- 76.11. Support and develop education programmes and institutions for national minorities in their mother-tongue (Russian Federation);
- 76.12. Maintain the network of pre-university institutions with access to education in minority languages in line with the recommendation by the Committee on Economic, Social and Cultural Rights on the guarantees for the rights of ethnic minorities (Bulgaria);
- 76.13. Kindly consider the possibility of speeding up the internal procedures necessary for the entry into force of the bilateral Agreement between Ukraine and the Republic of Moldova on the rights of national minorities, signed in Chisinau on 17 December 2009 (Ukraine);
- 76.14. Remove the statute of limitations for the crime of torture and reduce the length of police custody subsequent to arrest to a maximum of 48 hours (Austria);
- 76.15. Establish legislation and the necessary measures to guarantee freedom of religion in the country, particularly in public education (Mexico).

77. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of the Republic of Moldova was headed by Mr. Vladimir Grosu, Deputy Minister of Justice and composed of the following members:

- Mr Victor LUTENCO, Counsellor of the Prime Minister;
 - Mrs Tatiana POTÂNG, Deputy Minister of Education;
 - Mr Vadim PISTRINCIUC, Deputy Minister of Labor, Social Protection and Family;
 - Mrs Tatiana LAPICUS, Ambassador, Permanent Representative of the Republic of Moldova to the UN Office in Geneva;
 - Mr Andrei GALBUR, Director, General Directorate for Multilateral Cooperation, Ministry of Foreign Affairs and European Integration;
 - Ms Corina CĂLUGĂRU, Head, Council of Europe and Human Rights Unit, General Directorate for Multilateral Cooperation, Ministry of Foreign Affairs and European Integration;
 - Ms Eugenia BERZAN, Director, International Relations and European Integration Department, Ministry of Health;
 - Mrs Inga FURTUNĂ, Prosecutor, Anti-torture branch, General Prosecutor's Office;
 - Mrs Ana DRUȚA, Director, Public Relations, Mass-Media and Secretariat Unit, Department of Penitentiary Institutions, Ministry of Justice;
 - Mr Vladimir CHIRINCIUC, Deputy Permanent Representative of the Republic of Moldova to the UN Office in Geneva.
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