

ASSESSMENT REPORT

on the Implementation of the National Human Rights Action Plan (2004-2008 and 2011 – 2014)

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Assessment Report on the Implementation of the National Human Rights Action Plan (2004 - 2008 and 2011 - 2014).

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Acronyms

CPA - Central Public Administration

LPA - Local Public Administration

BRI - Office for Interethnic Relations

CAJPD – Legal Aid Centre for Disabled Persons

CRPD – United Nations Convention on the Rights of Persons with Disabilities

CEDAW – UN Committee on the Elimination of Discrimination Against Women

ECHR – European Court of Human Rights

ECRML - European Charter for Regional or Minority Languages

HR – Human rights

MJ – Ministry of Justice

OHCHR – United Nations High Commissioner for Human Rights

WHO – World Health Organisation

NGO – Nongovernmental organisation

UN - United Nations

ICESCR – International Covenant on Economic, Social and Cultural Rights

NHRAP – National Human Rights Action Plan

UNDP – United Nations Development Programme

NGEAP - National Gender Equality Assurance Programme

SDC – Swiss Development and Cooperation Agency

UNICEF – The United Nations International Children's Fund

Introduction

Building a true society based on democratic principles, where human dignity, human rights and freedoms, the free development of human personality account for the utmost values, entails that the state should take constructive action with the aim to strengthen human rights protection for the wealth of the whole society. The National Human Rights Action Plan (hereafter referred to as NHRAP) claims to be such an instrument - a state policy meant to strengthen human rights protection.

In 2001, the Parliament of the Republic of Moldova established a Coordinating Committee to prepare and develop the NHRAP. The members of this Committee were representatives of the Parliament, of the Government and of the civil society. The United Nations Development Programme and the "Human Rights Strengthening" Global Programme (HURIST) have provided technical and financial assistance for the preparation of the document.

NHRAP assigns specific tasks for a defined timeframe. Simultaneously, the actions intended to strengthen human rights protection may not be deemed provisional measures, but components of an ongoing process featuring a coordinated approach. The document is meant to ensure the implementation of a single human rights policy by the state institutions in cooperation with the civil society representatives. The purpose of the NHRAP is to shed light on the human rights state of affairs by identifying issues and further spelling out the priorities.

The background for the preparation of both NHRAPs was different and they set out different priorities. The structure, objectives and activities are basically different. The application of each one of the policy documents has entailed the establishment of a regulatory framework for the ratification of certain relevant international and regional documents; the preparation and submission of regular reports to the international mechanisms to which the Republic of Moldova is a party; the establishment or strengthening of institutions responsible for promoting and safeguarding human rights a.s.o.

NHRAP 2004 - 2008 has been provided with more manifest political support. This was due to several circumstances: the presidency of the Parliamentary Commission for Human Rights and Interethnic Relations was held by the Opposition, the executive institutions reported to the Parliament during public hearings on the achievements and the employment of independent experts empowered by the Parliamentary Commission to prepare an independent assessment on the implementation of the NHRAP actions.

The purpose of this report is not to assess the quality of the legal acts prepared, instead it shall include statements based on the views of the Central Public Administration representatives and of other relevant institutions with regard to the achieved actions and their impact.

This report assesses the implementing stage of both NHRAPs (2004 - 2008 and 2011 - 2014). This report contains findings on the development of NHRAP and the analysis on the implementation of the specified actions by the time limit indicated in both documents, as they have been expressed. Based on the above, the report expresses recommendations for a mechanism to be developed in order to monitor the implementation of actions in the field of human rights.

During the period between October and December 2014, semi-structured qualitative interviews have been held with the representatives of the central authorities and other relevant institutions. The interviews concerned the implementation and assessment of both NHRAPs: the involvement in the development and implementation process, the communication with other institutions and the civil society organisations in the development of NHRAP, the major outputs and deficiencies identified, the awareness of public hearings, the involvement of the local public administration a.s.o. The findings and the interviewed persons' views are included in the descriptive part on the implementation of each NHRAP and have been useful in the formulation of conclusions and recommendations.

The National Human Rights Action Plan for the period 2004 – 2008 was approved by Parliamentary Decision No 415 of 24 October 2003. The Plan includes 342 actions classified into 98 objectives. In accordance with this Parliamentary Decision, the Parliamentary Permanent Human Rights Commission of the Republic of Moldova has been empowered to monitor the NHRAP implementation process and to inform the Parliament in this respect. The role of the Ombudsman was equally relevant in the implementation of NHRAP 2004 - 2008. At the same time, about 68 public officers from central and local public authorities have been designated as coordinators in the field of human rights. The NHRAP Development and Implementation Coordinating Committee attached to the Parliament of the Republic of Moldova approved the Recommendations on the activity of the human rights coordinator within the central and local public administration authorities by Decision No 8/2 of 7 July 2004¹. In the implementation process, the Parliament of the Republic of Moldova enjoyed the support of the United Nations Development Programme in Moldova "*Support for the Implementation of the National Human Rights Action Plan in the Republic of Moldova*"².

The priorities of NHRAP 2004 - 2008 were the ratification of the international and European documents regarding human rights, the development and adoption of the relevant regulatory framework in the field of human rights and fundamental freedoms, and the deployment of awareness campaigns. NHRAP 2004 - 2008 was amended by Parliamentary Decision No 49 of 9 March 2006³. The amendments were mainly aimed at properly identifying contractors, not at amending or supplementing certain relevant actions or objectives.

The provisions of NHRAP 2004 - 2008 clearly outline that the intention was to establish some essential changes and to improve the observance and promotion of human rights. **However, certain important deficiencies have been identified in the document: (1) progress and impact indicators are lacking, which renders monitoring and evaluation defective, (2) it contains wide human rights scopes, no priorities being defined, (3) there is no financial coverage or quantification of costs, (4) unreal priorities are defined in the context of the demand for preliminary reforms or the preparation of assessment studies.**

NHRAP 2004 - 2008 does not provide for impact indicators. The underlying information for comparison was the "*Fundamental Study on the Current State of Affairs in*

¹ The NHRAP Development and Implementation Coordinating Committee attached to the Parliament of the Republic of Moldova, *Recommendations on the activity of the human rights coordinator within the central and local public administration authorities*, available at <http://hr.un.md/images/upload/File/Coordonatori/Rec%20coord-DO-rom.doc>.

² For more details, visit <http://hr.un.md/resource/despre.html> and http://www.undp.md/projects/cards/pdf_eng/Drepturile%20omului%20rom-eng.pdf.

³ Parliamentary Decision No 49 of 9 March 2006 amending and supplementing Parliamentary Decision No 415 of 24 October 2003 approving the National Human Rights Action Plan for the period 2004-2008, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=315634>.

Human Rights in the Republic of Moldova conducted in 2002⁴. Progress was reviewed in the light of the three state obligations: (1) compliance obligation, (2) protection obligation, (3) performance obligation. Moreover, progress was also reviewed in the light of the overall comments of the UN specialised committees and of the regional institutions in the field of human rights.

NHRAP 2004 - 2008 has not been evaluated by independent experts to this date.

The National Human Rights Action Plan for the period 2011-2014 was approved by Parliamentary Decision No 90 of 12 May 2011. The document includes 282 actions classified into 89 objectives structured into four parts. The National Human Rights Action Plan Implementation Commission for 2011 - 2014 was established and the Commission's Rules of Procedure was approved by Government Decision No 70 of 5 February 2012⁵. This document was amended in December 2012⁶ and was produced based on the recommendations addressed to the Government of the Republic of Moldova in the framework of the Universal Periodic Review and in the framework of other relevant mechanisms in the field of human rights. Thus, two more chapters were added to the 16 chapters: (1) freedom of conscience, thought and religion and (2) rights of stateless persons, migrants, refugees and asylum seekers.

NHRAP 2011 - 2014 has been prepared in a spirit of an "umbrella" national strategy prepared on the basis of several current public documents and of the recommendations of relevant international institutions, including on the basis of the Universal Periodic Review⁷. The document was prepared in 2010 in other circumstances and incorporated new visions, after a political crisis that followed the events of April 2009, the early parliamentary elections on 29 July 2009, the Republican constitutional referendum on 5 September 2010 and the early parliamentary elections on 28 November 2010. Moreover, NHRAP 2011 - 2014 was prepared within a different external political context, namely the adoption of the Action Plan in the field of visa liberalisation⁸ and the dialogue on human rights between the Republic of Moldova and the European Union. The implementation of the second NHRAP was triggered by several circumstances: limited human resources for the implementation of the Plan, ineffective communication between the central and local public authorities, financial limitations, the limited active role of the civil society.

NHRAP 2011 - 2014 set forth a few implementation priorities: (1) Combating torture and ill-treatments; (2) Fostering tolerance and non-discrimination; (3) Preventing and fighting trafficking in human beings and (4) Reforming the national institution promoting and safeguarding human rights (the Ombudsman).

A separate chapter in NHRAP 2011 - 2014 was dedicated to promoting and ensuring human rights in the Trans-Dniester region of the Republic of Moldova. The first report concerning human rights in the Trans-Dniester region was prepared by the UN expert, Thomas HAMMARBERG. In the same context, the recommendations of the Council of Europe Commissioner, Nils MUIŽNIEKS, were prepared following his visit from March

⁴ UNDP Moldova, Fundamental Study on the Current State of Affairs in Human Rights in the Republic of Moldova, available at <http://www.hr.un.md/images/upload/File/Baseline%20Study%20Ro.zip>

⁵ Government Decision No 70 of 5 February 2012 concerning the establishment of the National Human Rights Action Plan Implementation Commission for 2011 - 2014, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=342121>.

⁶ NHRAP 2011 – 2014, Second Part, was amended by Parliamentary Decision No 327 of 27 December 2012, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=346972>.

⁷ The Republic of Moldova was subject to the Universal Periodic Review during the first evaluation cycle of March 2012. For more details visit <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/MDSession12.aspx>.

⁸ Government Decision No 122 of 4 March 2011 approving the National Action Plan Implementation Programme of the Republic of Moldova and the European Union in the field of visa liberalisation, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=337757>.

2013. Additional efforts are required to grant legal rights to the local inhabitants, to ensure the social - economic and procedural rights.

One of the main advantages of implementing and monitoring NHRAP 2011 - 2014 is that this document was revised after an interim implementation period and was specifically the result of the recommendations forwarded to the Government and of the ones accepted at the stage of the Universal Periodic Review. This document defined indicators for the implementing stage, provided for funding sources and progress indicators.

In the preparation of this document, the consultants have considered and have expressed their gratitude for the views and recommendations expressed by Corina Călugăru (Head of the Global Affairs and Human Rights Directorate, Ministry of Foreign Affairs and European Integration), Daniela Vidaicu (former Head of the Minister of Justice Office), Tatiana Moraru (Head of Directorate within the Ministry of Justice) Daniela Sorahmetov (Consultant, Ministry of Justice), Claude Cahn (Counsellor at the United Nations High Commissioner for Human Rights), Andrei Brighidin (Evaluation and Development Director within the Eastern-European Foundation in Moldova).

Executive Summary

This document reviews the implementing stage of the activities laid down in the National Human Rights Action Plan 2004–2008⁹ and 2011–2014¹⁰. The document provides findings on the achievement of the actions defined in these two documents against the time limit set, the financial resources allocated, the qualitative indicators and other criteria, if provided. Based on the findings, the report expresses relevant recommendations in the event that a new NHRAP is developed.

The development and implementation of national human rights action plans have certainly had a series of positive effects that cannot be ignored. **The first effect** consists in putting human rights high on the agenda of the Government of the Republic of Moldova. **The second effect** consists in strengthening the national capacities to understand the human rights regulatory content. **The third effect** consists in improving the national legal framework on the protection of human rights. **The fourth effect** consists in making human rights public and raising public awareness. Specific progress has been recorded in the assertion of specific rights, such as procedural rights, the right to health care, the right to engage in work, social security, the rights of the child, the rights of the prisoners. **Also, a series of deficiencies have occurred in the preparation and implementation of these policy documents in the field of human rights:** (1) Allocation of inadequate financial resources for the actions, (2) Superficial performance of many activities, quality requirements being disregarded, (3) Absence of any political will to achieve certain actions that required amendments of laws or the ratification of international or regional human rights protection instruments.

According to the report, a certain level of progress has been recorded in the reference period as regards acceding to international human rights instruments. Additional efforts are required for the ratification of the European Charter for Regional or Minority Languages, the European Convention on the Compensation of Victims of Violent Crimes, the Optional Protocols to the United Nations Conventions, Optional Protocol No 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention on the Adoption of Children and the Council of Europe's Convention on Contact concerning Children.

Considerable performance has also been achieved as regards ensuring the right to engage in work. The efforts of raising public awareness on labour demand and supply need to be further sustained by strengthening the capacity of the National Employment Agency (ANOFM). Moreover, ongoing promotion of the right to safe and propitious working conditions needs to be ensured by strengthening the capacity of the State Labour Inspectorate and introducing independent and effective mechanisms to follow up on the compliance with labour requirements for special employee status.

Although most of the actions pertaining to the right to a system of health protection have been implemented, more attention needs to be paid to the quality and accessibility of health care services, particularly focusing on vulnerable groups. Additional efforts are required to provide contraception and education regarding reproductive rights for disabled teenagers and women in residential care institutions. The level of ongoing education must

⁹ National Human Rights Action Plan 2004 – 2008, Parliamentary Decision No 415 of 24 October 2013, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=306857>.

¹⁰ National Human Rights Action Plan 2011 – 2014, Parliamentary Decision No 90 of 12 May 2011, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=339395>.

be raised for the healthcare workers in departmental, residential care and education institutions, as well as in prisons and within the health care system. Community alternatives must be developed for the treatment and assertive support of persons with mental and psychological - social disabilities.

Progress has also been recorded as regards ensuring the right to education. The most prominent actions have included the preparation and implementation of relevant policy documents, the updating of the curriculum. Efforts are required to ensure the right to education for children who are part of vulnerable groups. Efforts are required in order to integrate the principle of equality and non-discrimination in the field of education.

The activities carried out in order to promote the right to a healthy environment are welcome. Greater focus needs to be placed on adopting a legal framework for the protection of natural resources and on integrating education for sustainable development in the education system.

The most important achievements as regards ensuring the right to information, the freedom to hold opinions and the freedom of expression include the adoption of the Audiovisual Code and supplementing the legal framework with provisions relating to non-disclosure of information sources in accordance with Recommendation No 2000(7) of the Committee of Ministers of the Council of Europe. Additional efforts are required in order to strengthen the independence of mass-media, to enhance the decision-making transparency, the availability of information to persons with impaired hearing or eyesight and the transparency of owners of mass-media institutions.

In order to promote the freedom of assembly and of association, the authorities have trained the stakeholders in the justice sector, including police officers, judges, prosecutors and other categories. At the same time, there are still concerns in certain aspects as regards approving, ensuring the security and engaging liability for interference during the events involving meetings of discriminated groups.

Significant efforts have been put in also as regards ensuring the right to life and the right to the physical and mental integrity of the person. The most important achievements include the adoption of procedural guarantees for detained, arrested or convicted persons, capacity-building activities in the field of human rights for police officers and specialists in the legal institutions, the establishment of the Assistance and Protection Centre for Victims and Potential Victims of Trafficking in Human Beings. Additional efforts are required to reform the prosecutor's office, to combat violence among prisoners and to ensure the forensic doctors' access to detention places. The national legal framework needs to be revised and methodical guidelines need to be prepared in order to remove all forms of coercive treatment and to ensure the right to informed consent, including for mentally disabled persons. Last, but by no means least, the efficiency of timely response in domestic violence needs to be enhanced through urgent protection ordinances.

Significant progress has been recorded as regards ensuring the right to social security by the assistance granted to elderly people and disabled persons, the approval and implementation of national policies for social inclusion of disabled persons. These efforts need to be supplemented by a revision made in terms of human rights and the welfare and pensions system; the preparation and implementation of a national policy document regarding the social inclusion of disabled persons; the evaluation of the vocational training and career guidance system for disabled persons; the evaluation of the vocational training and career guidance system for disabled persons. The pension system must be subject to a smoothing process in order to remove favoured categories (e.g. judges).

Little progress has been recorded as regards ensuring the rights of national minorities. The European Charter for Regional or Minority Languages has not been ratified and the national legislation has not been adjusted to comply with its provisions. Sufficient efforts have not been made to promote the learning of the official language. Such actions must be supplemented with measures to ensure the right of persons belonging to national minorities to learn the native language.

Considerable progress has been achieved as regards ensuring the rights of the child. The law on the prevention and combating of trafficking in children, on justice for children, on social security and on the development of institutional capacities has been amended and supplemented. Additional measures are recommended by focusing on the children from risk groups and the strengthening and assurance of the sustainability of resource and information centres for families and children.

The authorities have taken measures to promote non-discrimination. The main achievements in the reference period were the preparation and adoption of Law No 121 of 25 May 2012 on ensuring equality. The Criminal Code, the Contravention Code and the Code of Criminal Procedure should be amended and supplemented in the light of the ECRI recommendations on the prevention and combating of offences motivated by prejudice. It is highly necessary to amend Law No 121 of 25 May 2012 in order to empower the Council to prevent and eliminate discrimination and to ensure equality with the duty to apply penalties. The capacities of authorities need to be strengthened in order to bring into effect the recommendations and decisions of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality.

The main achievements as regards ensuring women's rights is the adoption of Law No 5 of 9 February 2006 on ensuring equal opportunities for women and men and of Law No 45 of 1 March 2007 on preventing and combating domestic violence. Additional measures are required, including by strengthening the institutional framework for gender equality, by the adoption of special provisional measures to ensure gender equality within elective decision-making bodies, by the signing and ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Progress has also been recorded as regards ensuring the rights of military members. Law No 162 of 22 July 2005 on the status of military members was adopted and measures were taken to enhance their social security. Not enough action was carried out to prevent violence among the military members and to combat the psychological effect of aggression, phobia, environmental harmful factors, extreme situations on the military members.

The prisons' rights are one of the major concerns of the authorities under NHRAP 2004 - 2008 and NHRAP 2011 - 2014. Visible progress has been recorded as regards ensuring the detention conditions in accordance with the minimum rules for the treatment of prisoners; reduction of overcrowding in the prosecution detention facilities, preventive custody facilities and prisons; improvement of treatment conditions for people with tuberculosis and other diseases in prisons; enhanced responsibility and qualification of collaborators in the Department of Penitentiary Institutions. Additional efforts are required to prevent violence among prisoners and to ensure the convicted persons' social reintegration.

Several measures were taken in order to ensure the rights of migrants and refugees, including the establishment of an Automated Integrated Information System in migration; the rebuilding and equipment of the Accommodation Centre for Asylum Seekers and Refugees; the provision of consulting services to asylum seekers, refugees and

beneficiaries of humanitarian protection. Additional efforts are required in order to provide migrants, asylum seekers and refugees with opportunities of social integration. Although essential efforts have been put in, the national institution for the protection and promotion of human rights still remains a partially independent institution¹¹, and the activity of the National Mechanism for the Prevention of Torture is not enough and consistent with the provisions of the Optional Protocol to the UN Convention against Torture.

Sustained efforts have been made to improve the human rights protection system of public bodies. The key achievements include the approval of the Action Plan for the implementation of the Enforcement System Development Strategy for the period 2007 - 2011; the establishment of the National Justice Institute and the training of judges, prosecutors and lawyers in the ECHR case-law; raised public awareness of the current state of affairs in the field of human rights. Additional efforts are required to increase the liability of judges and prosecutors under disciplinary proceedings and the independence of the prosecutor's office. The chapter on the Ombudsman's mandate of the law on the Ombudsman, although adopted recently, and the law on the national mechanism for the prevention of torture are to be amended.

Human rights education must be supplemented by strengthening the efforts to identify and disseminate curriculum resources on human rights in schools; development of draft human rights education by social fields; the teaching staff practising human rights education must be reinstated as a matter of urgency.

¹¹ Chart of the status of National Institutions. Accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, available at <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/Chart%20of%20the%20Status%20of%20NHRIs%20%2823%20May%202014%29.pdf>.

Chapter I. Implementation of NHRAP 2004 - 2008

PART II. ACTIONS FOR THE IMPROVEMENT OF HUMAN RIGHTS LEGISLATION AND OF HUMAN RIGHTS PROTECTION MECHANISMS

Chapter 1. Accession to international instruments on human rights and compliance with the relevant international obligations

This chapter was mostly achieved and **most of the planned activities have been put into effect:**

- Ratification of international documents - The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the European Convention on the Legal Status of Migrant Workers, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the Optional Protocol to the International Covenant on Civil and Political Rights.
- Submission of reports to the specialised human rights committees of the United Nations and the Council of Europe: The Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on Economic, Social and Cultural Rights, the Advisory Committee on the Framework Convention for the Protection of National Minorities attached to the Committee of Ministers of the Council of Europe.

The following activities **have not been achieved:**

- Preparation for the ratification of the European Charter for Regional or Minority Languages. No study has been performed in order to review the feasibility of its ratification.
- A review of the possibility to accede to the European Convention on the Compensation of Victims of Violent Crimes.

Recommendations: to consider acceding to the following international and regional human rights protection instruments: (1) The Optional Protocol to the Convention on the Rights of Persons with Disabilities; (2) the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; (3) Optional Protocol No 12 to the European Convention on Human Rights and Fundamental Freedoms; (4) the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Chapter 2. As regards ensuring the right to engage in work and to favourable working conditions

a) the right to engage in work and unemployment impact reduction

The following main actions **have been achieved** in order to put into effect this subchapter:

- The Labour Market Information System has been implemented¹².
- Providing state-funded incentives to employers for the employment of higher education graduates¹³. In the period between 2005 and 2008, over 80 employers

¹² For example, www.jobmarket.gov.md, www.anofm.md, a.s.o. Government websites also include information on current vacancies.

received incentives from the state budget. Several amendments to Law No 547 of 21 July 1995 on education were made by Law No 418 of 16 December 2004, which included provisions for granting a residence for gratuitous use or for granting a single allowance from 6 000 to 30 000 MDL for graduates of tertiary and secondary specialised education who are employed, according to their allocation, in educational establishments from the rural area in their first three working years.

- Organising vocational training for job seekers according to the labour market requirements, including in undertakings. About 25 000 unemployed persons have been trained in about 40 jobs and employed.
- Fostering the engagement of the unemployed in public works. The unemployed persons engaged in such works are given an allowance from the Unemployment Fund, which equals 30% of the average wage across the economy for the previous year, in addition to the wage for the work performed, which is paid by the local public authority organising the works concerned.

b) the right to safe and favourable working conditions

The following main actions **have been achieved** in order to put into effect this subchapter:

- The list of production units, sections, professions and positions involving harmful working conditions has been amended with entitlement to additional leave and/or to a reduced working day, as well as the list of chemical substances the application of which is subject to the recommendation to ensure curative, prophylactic food.
- Legal acts have been prepared on (i) the performance of internal checks on the labour protection activity, (ii) the organisation and conduct of mandatory gratuitous medical examinations for persons employed in hazardous and harmful conditions, (iii) ensuring safe and favourable working conditions in transport and telecommunications companies, the zootechnical and phytotechnic sectors, constructions, extraction and production of construction materials.
- Enhancing social partnership in labour protection. The Government, employers' organisations and trade unions have concluded 8 national collective agreements.

Recommendations:

- 1) To include detailed information on the labour supply and demand in the country and abroad according to relevant information sources.
- 2) To consider and include particularly issues pertaining to international labour migration upon ensuring and complying with the right to engage in work, to prepare a coherent vision as regards the functioning of the system for career guidance and employment of disabled persons.
- 3) To strengthen the capacity of the National Employment Agency (ANOFM) to provide exhaustive information on vacancies and to ensure more efficient communication with employers.
- 4) To develop a sustainable mechanism of incentives granted to employers from the state budget for the employment of higher education graduates.
- 5) To involve local public authorities in the identification and organisation of remunerated public works by widening the range of remunerated public works, including for the unemployed with a higher qualification.

Chapter 3. Ensuring the right to the protection of health

¹³ Government Decision No 594 of 20 June 2005 approving the Procedure on providing incentives to employers from the state budget for the employment of higher education graduates, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=303274>.

The following main actions **have been achieved** in order to put into effect this chapter:

- Adoption of relevant laws - Law No 263 on the patient's rights and responsibilities and related legal acts, Law No 264 of 27 October 2006 on the pursuit of the profession of doctor, Law No 23 of 16 February 2007 on the prophylaxis to prevent HIV/AIDS infection a.s.o.
- Establishment of educational offices for pregnant women and their families in Family Doctor Centres provided with audio-visual equipment in 29 Moldovan districts.
- Approval of the "Rules of the Rehabilitation Centres for Drug Addicts". Government Decision No 314 of 17 March 2007 approved the Action Plan on combating drug addiction and drug business for the period 2007 - 2009.
- Increasing the penalties under the contravention code for persons who sell tobacco products to minors.

Unachieved actions:

- Law on private medicine,
- Legal provisions prohibiting smoking, with no exception, in all enclosed public areas and work places,

Recommendations:

- 1) To develop systemic activities to promote a healthy lifestyle in educational establishments, considering that merely sporadic efforts have been put in.
- 2) To ensure the confidentiality of information on the persons living with or being affected by HIV/AIDS. To prevent and combat stigmatisation of persons living with or being affected by HIV/AIDS through comprehensive information and educational activities.
- 3) To remove the additional barriers abetting smoking, namely: (1) To adopt efficient legal rules for tobacco control measures and to ensure an environment fostering sustained and considerable reduction of tobacco consumption and exposure to secondary tobacco smoke, (2) to prohibit smoking, with no exception, in all enclosed public areas and work places, (3) to provide for clear rules also on advertising, boosting sales and sponsoring tobacco, (4) to regulate the reduction of tobacco addiction and to foster renouncing the use of tobacco.

Chapter 4. Ensuring the right to education

The following main actions **have been achieved** in order to put into effect this chapter:

- Implementing the National Action Plan "Education for All".
- Implementing the internal credit transfer system in higher education based on the Guidelines for the Implementation of the National ECTS Study Credit System.
- Developing, approving and implementing the State Programme for Educational Literature Publication. The expenses amounted to MDL 2 850 000 – in 2004, MDL 2 421 800 - in 2005 and 4 928 800 thousand MDL in 2006. Between 2007 and 2008, the amount of 14 967 800 was allocated for this purpose.
- Funding the education system at a rate of at least 7% of GDP. The expenses for the "Education" branch in the budget for 2008 amounted to 8.67% of forecast GDP. In 2006, the expenses from the national public budget accounted for 8.33% of the achieved GDP. For 2007, the expenses were planned to amount to 8.57% of the forecast GDP.

Unachieved actions:

- Ensuring 100% enrolment in school of children aged between the age of 7 and 16 and organising food and transport of pupils in the 1st to 4th grade.
- Preparing and approving the Teaching Staff Regulations and establishing mechanisms for putting into effect these regulations. Although the action has not been achieved, its implementation is not reasonable because the legislation in force provides for such rules.

Recommendations:

- To prepare and implement the mechanism of access to preferential study credits.
- To ensure the implementation of the distance training and education system.

Chapter 5. Ensuring the right to a healthy environment

The following main actions have been achieved in order to put into effect this chapter:

- Building and/or refurbishing the water supply system and sewerage networks.
- The quality of soils and surface waters has been monitored by the State Hydrometeorological Service and the Land and Cadastre Agency. The quality of underground waters is monitored by the "AGeoM" Geology Agency at 175 observation wells. The State Hydrometeorological Service monitored the soil quality on the content of basic and specific pollutants in 10 Moldovan districts, keeping systematic records of levels of soil pollution with pesticides, heavy metals etc.
- Amendments to the legislation in force: Law No 213 of 13 July 2006 amending and supplementing the Undersoil Code; Law No 94 of 5 April 2007 on the national ecologic network; Rules on the transfer of use of mineral deposits used for industrial purposes, Law No 325 of 15 December 2005 on the Red Book of the Republic of Moldova; Law No 149 of 8 June 2006 on the fisheries fund, fishing and preservation of aquatic biological resources; Law No 94 of 5 April 2007 on the ecological network; a.s.o. The Strategy on the reduction and removal of persistent organic pollutants and the National Plan for the Implementation of the Stockholm Convention on Persistent Organic Pollutants was approved and implemented under Government Decision No 1155 of 20 October 2004.
- Implementing the State Programme for Forest Regeneration and Afforestation of Lands for the period 2003 - 2020.

Unachieved action:

- No legal act has been adopted with regard to the establishment of the "Nistrul de Jos" (Downstream Dniester) National Park.

Recommendations:

- To prepare the Action Plan for the Implementation of the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental issues in the EU.
- To develop and implement a national programme for the management of toxic chemicals.
- To promote the application of the Environmental Strategic Assessment (ESA) procedures at national level. To ratify the Protocol on ESA.

Chapter 6. Ensuring the right to information, the freedom to hold opinions and the freedom of expression

a) right to information, freedom to hold opinions and freedom of expression

The following main actions **have been achieved** in order to put into effect this subchapter:

- Adoption of the relevant legislation: Adoption of Law No 220 of 19 October 2007 on the public registration of legal persons and self-employed persons; Adoption of Law No 17 of 15 February 2007 on the protection of personal data; adoption of the Audio-Visual Code by Law No 260 of 27 July 2006 (prohibition to broadcast programmes containing any form of instigation to hatred on grounds of race, religious beliefs, nationality, sex and so on).
- Supplementing the legal framework with provisions pertaining to non-disclosure of information sources in accordance with Recommendation No 2000(7) of the Committee of Ministers of the Council of Europe.

Unachieved action:

- Amending Article 32 (3) of the Constitution in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Recommendations:

- 1) To assess the present state of the legislative amendments as regards ensuring the right to information, the freedom to hold opinions and the freedom of expression.
- 2) To develop and implement public programmes for facilitating access to information for the people in rural areas and other categories of people requiring special treatment by the society, including by promoting the use of sign language and of information available to disabled persons.
- 3) To amend the Law on the press to increase the journalists' responsibility for broadcasting unverified and inaccurate information.

b) protection of personal data

The following main actions **have been achieved** in order to put into effect this subchapter:

- Adopting Law No 17 of 15 February 2007 on the protection of personal data. The mechanisms for the protection of personal data have been developed during its automated processing, the procedure for access to the respective information has been established, the requirements for the protection of information during the transmission of personal data through public networks have been defined.

The following have not been achieved:

- The draft document on the protection of personal data in the Republic of Moldova.
- Development and implementation of public programmes for facilitating access to information for the people in rural areas and other categories of people requiring special treatment by the society

Recommendations:

- To prepare and establish criteria on: (i) distinguishing between the information pertaining to private life and the issues of a particular public concern, (ii) the protection of information on family and intimacy, (iii) restricted data, information in the framework of the legal provisions on access to information.
- To ensure the efficient implementation of the mechanisms prohibiting violence, pornography, gender discrimination propaganda in mass-media.
- To develop and implement the mechanism for facilitating access to information for the people in rural areas and other categories of people requiring special treatment by the society.

Chapter 7. Ensuring the right to life and the right to the physical and mental integrity of the person

a) right to freedom and personal integrity

The following main actions **have been achieved** in order to put into effect this subchapter:

- Providing for detention conditions as regards detained, arrested or convicted persons in accordance with the Minimum Detention Standards. On 29 May 2006, the Government of the Republic of Moldova has approved the Minimum Rules for the daily food supplied to prisoners and the release of detergents.
- Introducing the position of healthcare worker in the Police Commissioner's Offices to perform medical examination on the persons held into police custody. The position of healthcare worker has been introduced in all the provisional detention facilities of the Police Commissioner's Offices.
- Facilitating the civil society's access to information on the situation in the detention places in order to combat inhuman and degrading treatments.

Unachieved actions:

- Establishing the mechanism for mandatory submission to independent medical examination of persons brought into custody or enclosed in preventive detention facilities, in the prosecution detention facilities and in other detention places, and the mechanism for conducting medical expertise at the request of persons held into custody
- Transferring the preventive detention facilities from the Ministry of Internal Affairs to the Ministry of Justice and the Department of Penitentiary Institutions. This provision has not been put into effect by the adoption of Government Decision No 1624 of 31 December 2003 approving the Draft Document on the Penitentiary System Reform and the Action Plan for 2004 - 2020.

Recommendations:

- 1) To assess the opportunity to establish an independent healthcare unit within the penitentiary institutions in order to remove any subordinating relations in the penitentiary system.
- 2) To put into effect the transfer of the preventive detention facilities from the Ministry of Internal Affairs to the Ministry of Justice and the Department of Penitentiary Institutions.

b) preventing and fighting trafficking in human beings

The following main actions **have been achieved** in order to put into effect this subchapter:

- Adopting Law No 241 of 20 October 2005 on the prevention and combating of trafficking in human beings.
- Preparing programmes to ensure social assistance and the protection of victims, their social and economic reintegration: Government Decision No 817 of 11 July 2008 provided for the establishment of the Centre for Assistance and Protection of Victims and Potential Victims of Trafficking in Human Beings; approving the National Plan for Prevention and Combating of Trafficking in Human Beings and so on.

Recommendations:

- To put into effect Law No 241 of 20 October 2005 on the prevention and combating of trafficking in human beings and to ensure the functionality of programmes for social assistance and protection of victims and their social and economic reintegration.

c) right to defense

The following actions **have been achieved** in order to put into effect this subchapter:

- Amending and supplementing the law with rules providing expressly for the obligation of law enforcement bodies to inform immediately of the reason for the detention or arrest, to protect the life and health of the detained or arrested

persons, to prohibit torture and the infliction of physical or psychological pain in order to produce information or testimonies.

- Law No 198 on state-guaranteed legal aid was adopted on 26 July 2007.

Recommendations:

- The General Prosecutor's Office should ensure, within the limit of its managing powers, the conduct and supervision of criminal prosecution and the proper application of procedural rules and legal methods in the prosecution proceedings.
- To speed up the erection of arrest facilities in order to distinguish between the detention powers and the criminal prosecution powers.

Chapter 8. Ensuring the right to social security

a) General provisions

The following main actions **have been achieved** in order to put into effect this subchapter:

- On 13 June 2008, Law No 133 on social welfare was adopted in order to guarantee a minimum monthly income for less-favoured families by the social welfare granted as established in accordance with the estimation of the overall average monthly income of the family and the need for social assistance.
- Effective partnerships have been established and developed among the state structures and nongovernmental organisations in order to provide humanitarian aid as a priority to low-income persons.

The activities targeting at ensuring the subsistence level ***have not been actually achieved***. The reasons invoked have been explained by the fact that the concept of "subsistence" is not relevant provided that the social policy of the state is based on categories, not on family income testing and that it does not cover the people's subsistence level. A comprehensive follow-up on the observance of human rights in state institutions for socially vulnerable persons has not been performed.

Recommendations:

- The preparation of a draft law on the subsistence level should involve experts in various fields: economy, social protection, human rights to ensure compliance with the human and decent lifestyle rules.
- The activities intended to improve the living conditions in residential care institutions should be monitored.
- Partnerships should be established between state and private institutions in order to sort out the current issues in the Temporary Placement Centre for Homeless Persons.

b) the right of elderly people to social protection

The following main actions **have been achieved** in order to put into effect this subchapter:

- Granting the right to retirement upon reaching the retirement age after having completed a working period of at least 15 years in accordance with the regional and international rules;
- Efforts have been made to establish age-based pensions at least 40% from the insured income

Recommendations:

- The calculation method of age-based pensions should be revised taking into account the principle of subsistence, merit and equity.

c) right of physically, mentally and psychically disabled persons to social protection

The following main actions **have been achieved** in order to put into effect this subchapter:

- Approving the National Programme for Rehabilitation and Social Integration of Disabled Persons for 2007 - 2009 (Government Decision No 459 of 25 April 2007).
- Conducting scientific research and training specialists in the medical, professional and social rehabilitation of persons with special needs and the prevention of invalidity.
- Government Decision No 1421 of 18 December 2006 approved the Nomenclature of jobs for the training and instruction of staff in vocational secondary education.
- In order to ensure the integration of 3rd, 1st and 2nd degree invalids who are capable of carrying out certain works, a number of 273 persons have been provided with information and career guidance services, of which 38 have graduated from vocational training courses (15 persons - 1st and 2nd degree invalids, 23 persons - 3rd degree invalids).
- In accordance with the Law on the state budget for 2008, the Ministry of Social Protection, Family and Children has received annually financial resources to partially compensate the mandatory state social security contributions for the Society of Visually Impaired Persons and the Society of Invalid Persons.

No efforts have been made to assess the outputs of the Local Programmes for the Rehabilitation and Social Integration of Disabled Persons.

Recommendations:

- A comprehensive evaluation should be performed with regard to the implementation of national programmes for the rehabilitation and social integration of disabled persons.
- The National Employment Agency (ANOFM) should develop proactive programmes focused on disabled persons, not on vulnerable persons in general.
- The law on social entrepreneurship should be prepared and adopted to focus specifically on granting facilities to organisations that contribute to the employment of disabled persons.

Chapter 9. Ensuring the rights of national minorities

The following main actions **have been achieved** in order to put into effect this chapter:

- Ensuring the teaching of the official language in the specialised secondary and tertiary educational establishments in groups taught in the Russian language.
- Forming groups taught in the Russian language in all subject matters in the specialised secondary and tertiary educational establishments.

The following activities **have not been achieved**:

- Developing the legal framework on ensuring the rights of national minorities by (i) adjusting the law to the standards of the European Charter for Regional or Minority Languages and (ii) ratifying the CIS Convention of 21 October 1994 Guaranteeing the Rights of Persons Belonging to National Minorities.
- Preparing the curriculum and the Ukrainian, Bulgarian and Gagauz language and literature manuals for schools teaching in the official language
- Reviewing the issue of teaching the Romani language in some educational establishments.

Recommendations:

- To ratify the European Charter for Regional or Minority Languages and to adjust the national legislation to its provisions.

- To conduct the census in the light of human rights, paying more attention to several aspects, including the possibility to introduce several options envisaging the respondents' ethnic origin.
- To teach the Ukrainian, Bulgarian and Gagauz languages in the localities where the inhabitants having that nationality account for a significant share in the population.

Chapter 10. Ensuring the rights of the child

The following main actions **have been achieved** in order to put into effect this chapter:

- Amending the Family Code [the same minimum marriage age for teenage girls and boys; the right of the child to protection from corporal punishment; new forms of guardianship for children deprived of parental care (professional parental care); the efficient division of structures assigned with appropriate responsibilities at all management levels for a strengthened institutional framework and so on], Law No 241 of 20 October 2005 on the prevention and combating of trafficking in human beings, the National Plan for the Prevention and Combating of Trafficking in Human Beings for 2008 - 2009, the Code of Criminal Procedure in Title III Special Procedures Chapter I, Preparation of the minimum quality standards and of the Type Regulation for daycare centres for disabled children and so on.
- Adapting the general and professional education programmes, the psychosocial rehabilitation programmes in the work with children involved in the justice system and with children held into custody.
- Classifying the activity of one of the parents supporting one or several invalid children up to the age of 18 as remunerated useful social work.
- Considering the possibility of establishing the "Child Advocate" institution.
- Setting up alternative establishments to foster care institutions for the reintegration and rehabilitation of children at risk.
- Improving the system for the collection of statistical data on the child and the family and ensuring the systematic analysis of the aggregated data for all the fields covered by the Convention on the Rights of the Child.
- Preparing and implementing the programme for the protection of children from harmful information.

Unachieved actions:

- Classifying the activity of one of the parents supporting one or several invalid children up to the age of 18 as remunerated useful social work.

Recommendations:

- To grant the same powers to the Child Advocate as those of the other parliamentary advocates.
- Neither the minimum quality standards and the type regulation for foster care centres, nor the minimum quality standards and the type regulation for daycare centres for disabled persons have been approved by a Government Decision.

Chapter 11. Ensuring the women's rights

a) equal opportunities for women and men

The following main actions **have been achieved** in order to put into effect this subchapter:

- Adopting Law No 5 of 9 February 2006 on ensuring equal opportunities for women and men.
- Sustaining the accessibility of flexible work schedules for both men and women with minor children.

The following activities ***have not been achieved***:

- Establishing the Ombudsman's institution for equal opportunities.
- Setting up the mechanisms to ensure gender parity within the state authority structures and the executive bodies at all levels.
- Restoring the activity of the Parliamentary Subcommittee for Equal Opportunities.
- Preparing the methodology and mechanism to detect, identify and remove the cases of discriminatory conduct and attitude towards women and men in the family and the society.
- Conducting an expert review on the manuscripts of textbooks for general culture schools and on the teaching resources in terms of social gender equality.

Recommendations:

- To adopt the minimum participation ratio for both genders on the list of candidates in the Parliament and the Government.
- To establish a parliamentary commission with clearly defined responsibilities in order to ensure and promote gender equality, such a phrase or its equivalent to be included also in the name of the commission.
- To conduct an expert review of school textbooks in terms of gender equality.
- To prepare and approve a Female Entrepreneur Development Programme (Strategies) in Moldova. To create a revolving fund for granting loans to business women, particularly for start-ups and business development in rural areas.

b) Prevention of violence against women

The following main actions **have been achieved** in order to put into effect this subchapter:

- Enforcing Law 45 of 1 March 2007 on the prevention and combatting of domestic violence.
- Strengthening the regional law enforcement system engaged in combating domestic violence by providing training.
- Extending the network of social refugee centres for victims of domestic violence.

During the implementation of NHRAP 2004 - 2008, ***neither*** services to rehabilitate men who are aggressive in their own families, nor training programmes ***were established***.

Recommendations:

- To improve legislation by introducing the following provisions: (1) ensuring the possibility to issue the protection ordinance as a matter of urgency, (2) determining the method of compensation for victims of domestic violence, (3) funding Assistance and Protection Centres, (4) providing for much stricter measures for aggressors to be held liable under the criminal law.
- To sign and ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).
- To increase public allocations in order to extend the services and programmes designed for the victims of domestic violence and aggressors.

Chapter 12. Ensuring the right to freedom of not being discriminated on grounds of sexual orientation

The following main actions **have been achieved** in order to put into effect this chapter:

- Preparing the draft law on the prevention and combatting of discrimination.

Unachieved actions:

- Amending the legal framework to ensure respect for the rights of sexual minorities

Recommendations:

- To improve the legal framework on nondiscrimination, including: (i) amending and supplementing the Criminal Code, the Contravention Code and the Code of Criminal Procedure in the light of the ECRI recommendations on the prevention and combating of offences motivated by prejudice; (ii) amending the law on ensuring equality to grant powers to the Council for the Prevention and Removal of Discrimination and Assurance of Equality to include the duty to apply penalties.

Chapter 13. Ensuring the rights of military members

The following main actions **have been achieved** in order to put into effect this chapter:

- Adoption of the relevant legislation: Adopting Law No 162 of 22 July 2005 on the status of military members; Government Decision No 650 of 12 June 2006 on the remuneration of military members, the troop staff and command staff employed in the service of national defence bodies, national security and public order; Government Decision No 941 of 17 August 2006 approving the Rules on the means to perform military service in the Armed Forces; Government Decision No 1042 of 19 September 2007 approving the Rules on redeployment and social adaptation of military members completing military service under a contract and of reserve (retired) citizens; Government Decision No 1428 of 18 December 2007 on granting residences to the military members of the National Army; and so on.
- Establishing Internal Commissions to ensure respect for and to promote the rights of military members in the central body of the Department for Border Guard Troops and in subordinated the military units.
- Granting psychological assistance to the enrolled recruits and active military members in accordance with the Rules on the psychological training of military members in the National Army, as approved by an order of the Ministry of Defence.

The following have not been achieved:

- Preparing and implementing a programme to develop a system for safeguarding the rights of military members.
- Conducting practical studies on the psychological influence of aggressiveness, phobia, harmful environmental factors, extreme situations on military members.

Recommendations:

- To conduct practical studies on the psychological influence of aggressiveness, phobia, harmful environmental factors, extreme situations on military members.

Chapter 14. Ensuring the rights of prisoners

The following main actions **have been achieved** in order to put into effect this chapter:

- Making current repairs. Extensive repairs have been made in some special areas from certain prisons.
- On 16 August 2004, Law No 278 on amnesty was adopted in connection with the 10th anniversary of the Constitution of the Republic of Moldova. In connection with the year 2008 declared as the youth year, an amnesty law was adopted.
- Providing free healthcare services, procuring medicines and medical equipment. Concluding service contracts involving the investigation and provision of healthcare services with healthcare - sanitary establishments.
- Performing further the activities related to the application of the treatment with methadone and developing the programme for the antiretroviral treatment of persons with advanced HIV/AIDS. Providing the access of persons with pulmonary and extrapulmonary tuberculosis to the required medical examinations and providing them with antituberculosis medicine in a rate of 100%.

- Engaging convicted persons in work in the prisons from the localities of Lipcani (Edineț District), Rusca (Hîncești District), Brănești (Orhei District), Pruncul and Cricova Chișinău Municipality).
- Ensuring the education at “Ștefan cel Mare” Academy for the future collaborators of the Department of Prison Institutions (DIP).

Unachieved actions:

- Building a criminal prosecution detention facility in Chișinău and finishing the construction of the criminal prosecution detention facility in Bălți.
- Partially refurbishing the buildings to house convicted persons in cell-type rooms: Penitentiary No 6 from Soroca; Penitentiary No 4 from Cricova; Penitentiary No 15 from Taraclia; Penitentiary No 9 from Pruncul.
- Ensuring the distance instruction and education of teenagers who want to further their studies or pursue a profession other than that offered in prison.

Recommendations:

- To assess the need to build criminal prosecution detention facilities in Chișinău or Bălți. To consider building arrest facilities.
- To establish a sustainable cooperation policy with the economic operators to ensure the engagement of convicted men and women in work. To widen the range of products by adding similar products.
- To assess the need to maintain the penitentiary institutions in their current number, considering the need to ensure decent conditions and the increase of security for convicted persons and the staff.
- To conduct a security level assessment study in terms of convicted persons and the staff.
- To apply some methods to foster minors held into custody to attend study classes and gyms. To prepare and implement a distance learning process.

Chapter 15. Ensuring the rights of migrants and refugees

The following main actions **have been achieved** in order to put into effect this chapter:

- Adoption of the relevant legislation, among which: Law No 180 of 10 July 2018 on migration for work; Government Decision No 40 of 12 January 2007 on setting up the Automated Integrated Information System in Migration; signing of the Joint declaration between the European Union and Moldova on a Mobility Partnership on 5 June 2008.
- Preparing the draft protocols between the Republic of Moldova and other states in the field of labour, migration for work, the regulation of the workforce migrational flows, the work and social protection etc.
- Providing consulting services to asylum seekers, refugees and beneficiaries of humanitarian protection on job offers and facilitating their employment.

Recommendations:

- To ensure the effectiveness of the protocols signed by the Republic of Moldova and other states in the field of labour, migration for work, the regulation of the workforce migrational flows, the work and social protection etc.
- To prepare and implement programmes for the social adaptation and integration of persons having acquired the status of refugee.

PART III. ACTIONS FOR THE IMPROVEMENT OF HUMAN RIGHTS LEGISLATION AND OF HUMAN RIGHTS PROTECTION MECHANISMS

Chapter 1. Improving the human rights protection system of public bodies

a) the judiciary

The following main actions **have been achieved** in order to put into effect this subchapter:

- Including the summoning procedure in the Code of Criminal Procedure and the Code of Civil Procedure.
- The Computerised File Management Programme was introduced in 2006. In 2008 it was at the testing stage.
- Preparing new statistical forms in the respective fields and revising the statistical record sheets.
- Approving the National Strategy for Corruption Prevention and Fighting and the Action Plan for the development of the National Strategy for Corruption Prevention and Fighting of 16 December 2004.
- Establishing two public law offices under the Law on state-guaranteed legal aid.
- Founding the National Justice Institute by Law No 152 of 8 June 2006.

Unachieved actions:

- Considering the possibility to amend the Law on the Constitutional Court in order to grant citizens the right to refer to the Constitutional Court.
- Developing a single information network to keep the records of enforcements of judgments at a central and local level.
- Ensuring the protection of rights of victims of criminal actions, of witnesses and civil parties.

Recommendations:

- The statistical reports should be revised in accordance with the revisions occurring in the system. The statistical data should produce relevant data and analyses to understand the functioning of the court system.

b) the national institution for human rights protection and promotion

The following main actions **have been achieved** in order to put into effect this subchapter:

- Approving the Regulation on the activity of the human rights coordinator (Government Decision No 3 of 2 January 2007).
- Adopting the relevant legal acts - Law No 56 of 20 March 2008 amending and supplementing certain legal acts (in particular Law No 1349 of 17 October 1997 on ombudsmen) and Parliamentary Decision No 57 of 20 March 2008 approving the Regulation of the Human Rights Centre, the structure, the limit staff and the funding thereof.
- The Advisory Council of Nongovernmental Organisations attached to the Human Rights Centre was established in 2007.

Unachieved actions:

- Organising the permanent activity of the Nongovernmental Organisations Coordinating Council attached to the Human Rights Centre.
- Organising the permanent activity of the Council of Experts attached to the Human Rights Centre.

Recommendations:

- To consider the possibility to reinstate the human rights coordinator position. The coordinator position should involve clear duties and adequate remuneration.
- To remove obstacles in order to allow for the Ombudsman's report to be heard in the Parliament Plenary Session.
- To provide the Ombudsman's Office with the adequate financial resources in accordance with the provisions of the Paris Principles on the activity of national human rights protection institutions.

PART IV. ACTIONS FOR THE PROMOTION OF HUMAN RIGHTS

The following main actions **have been achieved** in order to put into effect this section of NHRAP 2004-2011:

- Implementing educational programmes on human rights, the rights of children, pupils and students. The curricular and human professional resources intended for the training of specialists with university studies in the field of human rights have been inventoried.
- Preparing the optional curriculum "Us and the Law". Introducing the human rights subject matter and curriculum in the law faculties.
- School budgets should include funds for the purchase of human rights information resources.

Unachieved actions:

- Initial and further training of teachers and professors in human rights education.
- Attesting all categories of specialists by the "human rights" criterion.

Recommendations:

- To prepare the Draft Document concerning human rights education in the Republic of Moldova
- To have every CPA prepare plans to integrate human rights in the corresponding sector both in terms of policies and by raising public awareness of human rights.
- To strengthen the civil capacity to monitor and perform relevant analyses on the effectiveness of human rights.
- To ensure the sustainability of mass awareness campaigns on respect for human rights, access to justice and other relevant fields.

PART V. MONITORING THE IMPLEMENTATION OF THE NATIONAL HUMAN RIGHTS ACTION PLAN

The body responsible for monitoring the implementation of the National Human Rights Action Plan is the Coordinating Committee for the Development and Implementation of the National Human Rights Action Plan, which was set up under Parliamentary Decision No 790 of 28 December 2001. The Coordinating Committee is empowered to propose to the Parliament, where applicable, to amend and supplement the National Plan.

In order to grant assistance in the implementation of NHRAP, the United Nations Development Programme in Moldova launched the Project "Support for the Implementation of NHRAP" (hereinafter referred to as "Project") in 2004, which was implemented in partnership with the Human Rights and Interethnic Relations Commission of the Parliament of the Republic of Moldova. The aim of the project was to help strengthen the capacities of the Parliament and of the Government of the Republic of Moldova to ensure better respect for, promotion and protection of human rights.

In 2005 and 2006, the Project granted assistance to 2nd level local public authorities in the organisation of 35 round tables at district level. During these events, central authorities and independent experts submitted reports on the implementation of NHRAP. In the 2006 - 2009 period, the Parliamentary Commission on Human Rights of the Republic of Moldova organised at least 13 public hearings. The reports of independent experts were submitted annually to the Government and the Parliamentary Commission on Human Rights.

One of the objectives defined in the UN Development Assistance Framework (2007-2011), which was signed by the Government of the Republic of Moldova and the UN Agencies, provides for the strengthening of monitoring and reporting capacities on respect for human rights. In order to achieve this objective, the UNDP Project held training workshops for the officials in the central and local public authorities responsible for the NHRAP coordination and implementation, the representatives of NGOs and the academic environment. Methodic materials were prepared and disseminated on the NHRAP monitoring and evaluation.

Chapter II. Implementation of NHRAP 2011 - 2014

Chapter 1. Acceding to the international legal instruments on human rights

As regards acceding to international legal instruments, neither the indicator “ratified conventions”, nor the indicator “draft laws prepared and adopted” was achieved. At the same time, feasibility studies have been developed to facilitate the ratification of conventions in the near future, as follows:

- In 2012, the Interethnic Relations Office (BRI) conducted a study on the opportunity of the Republic of Moldova to ratify the European Charter for Regional or Minority Languages and in its overall conclusion, it recommended the ratification of the European Charter for Regional or Minority Languages (ECRML) by the Parliament of the Republic of Moldova.
- At the same time, a feasibility study was conducted on the opportunity to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights with the support of the United Nations High Commissioner for Human Rights (OHCHR) at the request of the Ministry of Labour, Social Protection and Family. According to its preliminary findings, the ratification of the Optional Protocol is said to be feasible.
- The set of required materials for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance¹⁴.
- Following the examination of the Study on the need to relate the national legislation to the Agreement on Privileges and Immunities of the International Criminal Court, internal procedures shall be set up in view of acceding to the Agreement in order to ensure the enforcement of decisions of the UN conventional bodies.
- The Study on the practical application of the guardianship system in the Republic of Moldova was prepared with the financial support of the United Nations High Commissioner for Human Rights.¹⁵
- The same chapter included the action achieved on the preparation of the National Interim Report for the application of the recommendations of the Universal Periodic Review. The national interim report on the effectiveness of the recommendations in the Universal Periodic Review (UPR)¹⁶ has been prepared. There are also reports prepared by civil society organisations regarding the progress on the implementation of the recommendations in the Universal Periodic Review¹⁷.

Unachieved actions:

- Conducting a study on the opportunity to ratify the Council of Europe Convention on Contact concerning Children.
- Preparing the draft law on the ratification of the Agreement on Privileges and Immunities of the International Criminal Court.
- Not promoting the draft law for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

Recommendations:

¹⁴ Order No 344 of 6 December 2013 of the Ministry of Internal Affairs; action 1

¹⁵ <http://www.un.md/publicdocget/40/>

¹⁶ http://justice.gov.md/public/files/drepturile_omului/midterm_report_UPR_revazut.pdf.

¹⁷ FOLLOW-UP REPORTS on the progress achieved by the Republic of Moldova in the implementation of the recommendations submitted under the UN mechanism of Universal Periodic Review for October 2011 – December 2012 and January – October 2013 (<http://cido.org.md/attachments/article/106/UPR%20Report%20Oct%202013.pdf>)

- To ratify the European Charter for Regional or Minority Languages.
- To prepare the draft law on the ratification of the Council of Europe Convention on the Adoption of Children.
- To conduct a study on the opportunity to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.
- To review the opportunity to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in accordance with the international recommendations.

Chapter 2. Ensuring access to information, the freedom of expression, the freedom of assembly and of association

Achieved actions:

- The "equality march" organised on 23 May 2014 proved to be successful in ensuring freedom of peaceful assemblies and, in the opinion of the international experts, it marked the progress in the application of the law because, for the first time, the authorities "resisted the negative pressure and ensured all people's rights to equally share public spaces"¹⁸.
- The National Regulatory Agency for Electronic Communications and Information Technology of the Republic of Moldova (ANRCETI) posted on the webpage¹⁹ information on the procedure on ensuring and granting the constitutional right of access to information and on the process of ensuring transparency in the decision-making within ANRCETI and in its relations with the citizens, with the associations established under the law and with other stakeholders interested in being involved in the decision-making process.
- The follow-up reports on the implementation by CPA and LPA of the Law on transparency in decision-making are prepared and posted annually on the webpage of the State Chancellery.²⁰

Unachieved actions:

- Conducting a study on the exercise of the right to the freedom of assembly by disadvantaged groups.
- Preparing the digitisation programme for the acknowledged human rights materials from the National Library, the Academy of Sciences in Moldova, the State Archiving Service, the educational establishments and owned by legal bodies.
- Conducting a study on the quality of the effectiveness of the legal framework governing the media activity in terms of actual reflection.

Recommendations:

- To conduct a study on the exercise of the right to the freedom of assembly by disadvantaged groups.
- To initiate the procedure for supplementing the Constitution with provisions on the freedom of association.
- Conducting a study on the quality of the effectiveness of the legal framework governing the media activity in terms of the actual reflection of the broadcasting time reserved for programmes in the languages of national minorities.

¹⁸ Claude Cahn, the UN Human Rights Adviser in the Republic of Moldova.

<http://www.ohchr.org/EN/NewsEvents/Pages/LGBTIinMoldovamarchforequality.aspx>

¹⁹ <http://www.anrceti.md/node/26>

²⁰ <http://www.cancelaria.gov.md/public/files/noutati/2014/3martie/Raport.Transparenta.Decizionala.2013.pdf>.

Chapter 3. Strengthening justice and the institutions on the protection of human rights

Achieved actions:

- In 2014, the publication "System of Justice in the Republic of Moldova" was prepared.
- The Criminal Code was supplemented with Article 180¹ (intentional prevention of the media activity or intimidation for criticism) and Article 180² (censorship), in order to ensure the application of the provisions of Article 10 (freedom of expression) in the European Convention for the Protection of Human Rights and Fundamental Freedoms. Amendments and supplements to the Code of Criminal Procedure have been made.
- A study was conducted as an examination of the legislation, of the practice of other states (Romania, France, Portugal, Italy etc.) and of the case-law of the European Court of Human Rights in order to identify some similar regulations in terms of criminal history and to determine their effect on a person's status.
- With the financial support of OHCHR, the "Study on the practical application of the custody system in the Republic of Moldova: Human rights and vulnerability of the persons declared as lacking capacity. The study was conducted in order to support the reform as regards the right to equal legal capacity pursuant to Article 12 of the Convention on the Rights of Persons with Disabilities.
- An intersectoral working group has been established to reform the institution of legal capacity. The working group prepared the draft law on the support in the exercise of the legal capacity, which is to be promoted by the Ministry of Labour, Social Protection and Family. The working group amending and supplementing the Civil Code, which was established under Order No 519 of 3 December 2013 of the Ministry of Justice shall prepare amendments regarding the institution of guardianship.
- In the reference period, the General Prosecutor's Office increased its efforts to promote child-friendly justice, improving the hearing mechanism for minors taking part in the criminal trial by revising the wording of Article 110¹ of the Code of Criminal Procedure.
- Various information materials have been prepared and disseminated, as well as the video entitled "What is mediation and how it can help You"²¹ and the advertisement "Choose mediation!"²².
- A draft law was prepared to amend and supplement the Criminal Code, the Code of Criminal procedure and the Enforcement Code and remitted on 18 December 2014 under No 7/1144 to the Ministry of Justice for coordination and endorsement.
- With the support of UNDP Moldova, a report entitled "Current quality control mechanism for the state-guaranteed legal aid" was prepared.²³
- At the request of the National Legal Aid Council (CNAJGS), 2 national experts have prepared a "Study on the development of the quality control mechanism for the State-guaranteed legal aid".²⁴
- On 3 April 2014, the Parliament adopted the Law on the Ombudsman.

²¹ <http://mediere.gov.md/ro/content/ce-este-medierea-si-cum-va-poate-ajuta>

²² <https://www.youtube.com/watch?v=9jwFikZfQHA>

²³ http://www.cnajgs.md/uploads/asset/file/ro/374/1._Raport_MECANISMUL_ACTUAL_DE_MONITORIZARE_A_CALIT%C4%82%C5%A2II_ASISTEN%C5%A2EI_JURIDICE_GARANTATE_DE_STAT.pdf

²⁴ http://www.cnajgs.md/uploads/asset/file/ro/241/Studiu_privind_Elaborarea_mecanismului_de_monitorizare_a_calitati_i_asistentei_juridice_garantate_de_stat_3.1.2.2.pdf

Unachieved actions:

- Conducting a Study on the implementation of the State-guaranteed mediation in criminal cases;
- Bringing the national legislation in line with the provisions of Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks.

Recommendations:

- To prepare the draft law amending the law on court organisation
- To remove the discriminatory practices of arbitrary detention in psychiatric hospitals of arrested persons with mental disorders for the purposes of investigation by deleting Article 490 of the Code of Criminal Procedure (Winterwerp Principles, Article 5 of ECHR)
- To amend the Civil Code and the relevant legislation in order to exclude the plenary guardianship and to introduce the institution of support for decision-making in accordance with General Code No 1 of CRPD.
- To put into effect the law on the accessibility of disabled persons - to develop a control and authority mechanism for the effective implementation of the provisions of Law No 60 of 30 March 2012.
- To prepare a draft law amending the legislative framework on the working and case settlement procedures in cases involving children who have breached the law below the age of criminal responsibility in accordance with the European and international standards on the protection of children's rights.
- To amend the Criminal Code in order to improve criminal prosecution procedures for hate crimes.
- To amend the Criminal Code in order to exclude the discriminatory provisions, including in the proceedings initiated with regard to the groups protected from discrimination (LGBT, mental disabilities etc.).
- To include the section of "Hate Crimes" in the database of the Directorate for Operative Information and Records of the Ministry of Internal Affairs.
- To revise the opportunity to amend the law for the application of the Paris principles (according to Resolution No 48/134 of the General Assembly of the United Nations of 20 December 1993).

Chapter 4. Ensuring the right to life and the right to the physical and mental integrity of the person

Achieved actions:Ensuring the rights of persons deprived of liberty

- The imprisonment as a disciplinary penalty was excluded from Law No 146 of 14 June 2013 amending and supplementing the Enforcement Code of the Republic of Moldova No 443 of 24 December 2004.
- In 2014, proposals were submitted to amend the provisions of the Enforcement Code (as amended by LP82 of 29 May 2014, MO319-324/24 October 2014, Article 632) as regards the detention of convicted persons under the initial regime according to the type of the determined penitentiary.

Preventing and combating torture and other inhuman and degrading punishments and treatments

- In Law No 252 of 8 November 2012, Article 60 (8) of the Criminal Code was supplemented with the phrase "crimes of torture, inhuman or degrading

treatment". Thus, as from 21 December 2012, the limitation period shall not be applied anymore to the persons who have committed crimes of torture, inhuman or degrading treatment, which means that these persons shall be held liable irrespective of the period of time lapsed from the commitment of the offence.

- Some legal acts have been amended and supplemented by Law No 252 of 8 November 2012 for the purpose of increasing the efforts and the efficiency in fighting torture and other ill-treatments.
- In Article 274 (3) of the Code of Criminal Procedure, special provisions have been introduced for the swift and nondiscriminatory review of complaints involving torture or other ill-treatments as a matter of priority.
- A methodological guide has been prepared for health care and documentation of cases involving torture or other ill-treatments suffered by the persons deprived of liberty.
- As of February 2012, the institution of the "Ombudsman in Psychiatric Hospitals" has been included in mental institutions as a mechanism for reviewing complaints and safeguarding patients' rights, which was established with the support of UNDP.
- Law No 52 of 3 April 2014 on the Ombudsman includes a distinct chapter (Chapter V) providing for issues pertaining to the organisation of the activity for the prevention of torture. This chapter is contrary to the Optional Protocol to the UN Convention against Torture ratified by Moldova.

Preventing and combating domestic violence

- Training sessions, course materials and awareness campaigns have been promoted by various State institutions, NGOs and various UN agencies. They aimed at raising the awareness of various stakeholders and of the overall society with regard to violence against children, women and elderly persons.
- The efficiency of timely response in domestic violence needs has been enhanced through urgent protection ordinances.

Preventing and fighting trafficking in human beings

- Government Decision No 270 of 8 April 2014 approved the Guideline on the intersectoral cooperation mechanism for the identification, evaluation, reference, assistance and monitoring of children of victims and potential victims of violence, negligence, exploitation and traffic.
- The new nomenclature of works prescribed for minors was adopted by Government Decision No 541 of 7 July 2014.
- Order No 153/1043/1042/293 of 8 October 2014 of the Ministry of Labour, Social Protection and Family, the Ministry of Education and the Ministry of Internal Affairs approved the Referral Record Sheet for the suspected case of violence, negligence, exploitation and trafficking in children and it shall be filled in by the specialists from the educational, health care, sanitary and cultural establishments, as well as from the legal and social protection and assistance bodies.

Unachieved actions:

- Considering the opportunity to amend the criminal legislation in order to exclude the limitation period for torture offences or other ill-treatment.
- Amending the criminal law as regards combating torture to the international standards.

Recommendations:

- To consider the opportunity to remove distinct detention regimes within the same penitentiary, providing for rights, obligations and restrictions for prisoners depending on their conduct and observance of the punishment execution regime.

- To have competent bodies review complaints concerning acts of torture or other ill-treatment as a matter of priority.
- To integrate the Istanbul Protocol (UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) in the initial and further training programmes of the medical staff.
- The efficiency of timely response in domestic violence needs to be enhanced through urgent protection ordinances (CEDAW).

Chapter 5. Ensuring the right to education

Achieved actions:

- The Guidelines entitled Educational Inclusion of Disabled Children in Kindergartens has been prepared. It includes the chapter dedicated to education for diversity and nondiscrimination in the pre-school establishment. It has been taken over by the Psychological Teaching Assistance Service offices attached to the District/Municipal Directorates for Education, Youth and Sport in accordance with Government Decision No 732 of 16 September 2013 and by the higher education establishments. Students have been engaged in the managing staff of higher education establishments, such as the Students' Senate.

Unachieved actions:

- Developing the network of pre-school institutions and setting up alternative pre-school education centres.
- Integrating children deprived of parental care in the formal education system.
- Ensuring access of children from residential institutions to quality and practical education for life through: a) assisting them with career guidance and with choosing their jobs; b) their education on life skills.

Recommendations:

- To ensure the enrolment of the Roma children from the villages with mainly Roma population in the community schools in a nondiscriminatory and non-segregative manner, including at school.
- To make the required adjustments, including physical adjustments, the amendment of the curriculum and of the support resources to ensure the overall inclusive education of all disabled persons in accordance with CRPD.
- To revise the curriculum and the practice and to prepare a set of national guidelines in order to remove the discriminatory materials and practices from the overall education and to promote diversity (the paternalist approach of the roles of men and women, instigation to hatred, interpretation of the Holocaust, intolerance of religious minorities).
- To assess the curricula of higher education establishments from the viewpoint of human rights and to adapt them to the principles and standards on human rights education depending on the findings.

Chapter 6. Ensuring the right to engage in work and to favourable working conditions

Achieved actions:

- The National Employment Action Plan for 2013 and 2014 has been prepared and approved.

- The preparation and management of the "E-Trade Fair" website and content has been coordinated.
- During the 2013-2014 period, about 90 job fairs and small job fairs were organised, which resulted in the employment of about 20% of the number of participating people.
- The electronic information resources www.anofm.md, www.angajat.md provide a wide range of information related to the legislation and management in the country.

Recommendations:

- To prepare and implement the National Employment Action Plan, including also the engagement of disabled persons into working life.
- To prepare an efficient Mechanism for the control and monitoring of compliance with the principle of gender equality upon employment.

Chapter 7. Ensuring access to quality services

Achieved actions:

- Law No 174 of 25 July 2014 on the organisation and functioning of the National Single Service for Emergency Calls 112 was adopted.
- In accordance with the Law Harmonisation Plan for 2013, as approved by Government Decision No 1026 of 28 December 2013 and Ministerial Order No 16 of 1 February 2013 in the farming - food and health - veterinary field, 19 legal acts have been prepared.

Unachieved actions:

- Ensuring the access of disabled persons to consumer rights information.

Recommendations:

- To ensure the access of disabled persons to consumer rights information.
- To prepare and streamline the legal framework required for the organisation and functioning of the National Single System for Emergency Calls

Chapter 8. Ensuring the right to the protection of health

Achieved actions:

- A study has been conducted on the analysis of the practice and legislation of other states on forensic medical examination.
- A study has been conducted to assess the needs of beneficiaries from mental institutions in the Republic of Moldova in order to live in the community²⁵.
- Order No 1185 of 29 October 2014 of the Ministry of Health approved the Rules on the organisation and functioning of the Independent Service ensuring the protection of rights for the persons held in psychiatric institutions.
- With the support of the United Nations High Commissioner for Human Rights, an evaluation has been performed in respect of the access to health services for homeless persons, migrants and stateless persons, of persons lacking medical insurance and other categories of persons who are vulnerable to discrimination and stigmatization.

Unachieved actions:

- Developing the primary health care and the community health care.

²⁵ http://www.ombudsman.md/sites/default/files/rapoarte/psihiatricie_web.pdf

- Preparing a national programme to increase the number of persons having medical insurance.
- Improving the legal framework as regards mental health and creating alternatives to the hospitalisation of persons with mental disorders.
- Preparing a strategic plan to release adults from psychoneurological establishments.

Recommendations:

- To assess the access to health care services of persons with a subsistence way of life, of Roma people, of disabled persons, of persons infected with HIV/AIDS, of homeless persons, of migrants and stateless persons, of persons with no medical insurance etc.
- To prepare flexible procedural methods for the access of vulnerable groups to health care services (AMP and gratuitous services for homeless persons, persons with no residence permit, disabled persons, foreigners, stateless persons, Roma people, penitentiaries, residential institutions etc.).
- To provide contraception and education regarding reproductive rights for disabled teenagers and women in residential care institutions
- To review the psychiatric examination standards and to adjust them to the international standards

Chapter 9. Ensuring the right to social protection

This chapter lists a series of adopted legal acts, as follows:

- Government Decision No 65 of 23 January 2013 "On the determination of disability and of the ability to work".
- Order No 12/70 of 28 January 2013 of the Minister of Labour, Social Protection and Family and of the Minister of Health approving the criteria for the determination of disabilities and of the ability to work in adult persons.
- Government Decision No 314 of 23 May 2012 approving the Framework Regulation on the organisation and functioning of the "Personal Assistance" Social Service and the Minimum Quality Standards.
- Government Decision No 323 of 30 May 2013 approving the Framework Regulation on the organisation and functioning of the Elderly Placement Centre and the Minimum Quality Standards.
- Government Decision No 569 of 29 July 2013 approving the Framework Regulation on the organisation and functioning of the Elderly Daycare Centre and the Minimum Quality Standards.

Unachieved actions:

- Conducting a study on the impact of the application of the Law on subsistence on ensuring the right to decent living

Recommendations:

- To prepare a mechanism in order to ensure a direct contingent connection between the amount of social security contributions, the contributions paid up and the contributory period
- To prepare the specific mechanism for the access of disadvantaged persons and of their caregivers to the insurance and social security and assistance system (Roma people, disabled persons, mothers with disabled children, foreigners, stateless persons, others) pursuant to Article 9 of ICESCR

Chapter 10. Ensuring the right to a healthy environment

Achieved actions:

- The Ministry of the Environment collected data for the Geo-information System.
- The report on the reassessment of the exploitable underground water reserves in Chişinău Municipality has been prepared and completed. The identified underground water reserves have been examined and approved by the State Committee for Widely-Used Mineral Reserves.
- The project "Establishment of the Joint Environment Information System" has been implemented under the Programme "The European Neighbourhood and Partnership Instrument".

Recommendations:

- To create an environment control information system

Chapter 11. Preventing and combating discrimination

Achieved actions:

- The Council Regulation for the prevention and elimination of discrimination and assurance of equality was prepared in 2013.
- BRI has prepared a Methodology for the development of the National Minorities Integration Strategy and the Draft Strategy.
- Order No 120 of the Ministry of Information Technology and Communications on gender designation has been approved.

Unachieved actions:

- Conducting a study on discrimination events, evaluating practices for the examination of such cases.

Recommendations:

- To strengthen the capacities of authorities and national stakeholders in order to put into effect the recommendations and decisions of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality.
- Preparing communication guidelines for the promotion of equality, mutual respect and diversity.
- Revising and extending NGEAP in order to implement the recommendations of CEDAW and GL on the discrimination of women in the law and in practice.

Chapter 12. Ensuring the rights of the child

Achieved actions:

- Order No 77 of 22 February 2013 of the Minister of Education was approved in order to prevent violence and to regulate the identification, documentation and intervention in the cases of abuse committed against children in the education system.
- The Methodological Guidelines have been prepared under the Programme for Prevention of Violence against Children and copies thereof have been disseminated among secondary general, secondary vocational and medium-level specialised educational establishments.

- The Methodology for monitoring audiovisual programmes was approved by Decision No 74 of 12 June 2014 in order to assess their compliance with the laws of the Republic of Moldova on ensuring children's rights and protection.

Unachieved actions:

- Publishing and disseminating information materials on the prevention and combating of abuse against children.
- Organising regular meetings of children's councils at district level in order to engage children in debates and provide for opportunities of dialogue and involvement.

Recommendations:

- To continue the implementation of the Strategy for the release of children from foster care establishments, including disabled children from social and educational establishments.
- To apply and extend the protection and placement services based on the individual family model, including for children with severe disabilities.
- The Ombudsman's institution should set up the Children's Council, i.e. a forum engaging children, parents and the community in debates for the purpose of promoting and protecting the rights of the child.

Chapter 13. Promoting and ensuring human rights in the Trans-Dniester region of the Republic of Moldova

During the 2011-2014 period, the following have been prepared, implemented and reported:

- The Report of the UN Human Rights Expert, Mr. Thomas Hammerberg was remitted for coordination purposes to the relevant authorities in the Republic of Moldova, the alleged structures in Tiraspol and the civil society representatives on both banks of the Dniester River with the request to contribute to the improvement of the situation through joint projects.
- Four (annual) Action Plans of the Reintegration Office, defining and achieving the priority actions aimed at monitoring the respect for human rights in the Trans-Dniester region; the inhabitants in the region were granted the necessary permanent assistance.
- Sixteen reports on the implementation of the Government Action Plan, which listed the progress indicators according to the priorities established in respect of the internal and external support granted for the actions aimed at ensuring respect for human rights in the Trans-Dniester region.
- Eight reports on the effectiveness of the National Human Rights Action Plan for 2011-2014 according to the performance indicators listed in Chapter 13.
- For the 2013-2014 period, compliance checks were carried out and the necessary support was granted in 283 cases of violation of human rights in the Trans-Dniester region.
- On 17 October 2012, the representation office of CpDOM was opened in Varnița village, Anenii Noi district.
- In the framework of the negotiations in the "5+2" format for the Trans-Dniester regulation, the Protocol Decision was signed. It provided for the procedure for completing and submitting the required documents for the determination of pensions and the State allowance, the resuming of payment and the actual payment thereof to the persons switching their permanent address from the territory covered by the jurisdiction of the social security institution of one party to that covered by the jurisdiction of the other party's social security institution.

Unachieved actions:

- Establishing a joint mechanism (with the involvement of international bodies) for regularly monitoring the detention conditions in the detention institutions located in the Trans-Dniester region.
- Amending the Law on indexing the citizens' money deposits into the Savings Bank to include the inhabitants in the Trans-Dniester region.

Recommendations:

- To establish a joint mechanism (with the involvement of international bodies) for regularly monitoring the detention conditions in the detention institutions located in the Trans-Dniester region.
- To develop a social protection and security mechanism (with pensions, indemnities, welfare) for the inhabitants in the Trans-Dniester region.
- To amend the Law on indexing the citizens' money deposits into the Savings Bank to include the inhabitants in the Trans-Dniester region.

Chapter 14. Educating and raising awareness of human rights

Achieved actions:

- The Curriculum for Ongoing Vocational Development, as approved by Order No 27 of 19 February 2013 of the National Anti-Corruption Centre (CNA) Director, included special training activities in the field of human rights.
- The Audiovisual Coordinating Council (CCA), the National Anti-Corruption Centre (CNA) and the National Justice System (INJ) organised human rights training events in the period 2013-2014.

Recommendations:

- To further education and to raise the community awareness of human rights.

Chapter 15. Freedom of conscience, thought and religion

Achieved actions:

- In the period 2013 - 2014, the National Justice System (INJ) organised training events entitled "International law on the freedom of conscience, thought and religion" under a partnership with OHCHR.

Unachieved actions:

- Reviewing the pre-university education curriculum in terms of the freedom of religion and beliefs.
- Facilitating dialogue on the issue of right to property (on the lands belonging to the Catholic Church and the Orthodox Church).

Recommendations:

- To promote respect for religious minorities in schools and to ensure the de facto optionality for religious training courses.

Chapter 16. Rights of stateless persons, migrants, refugees and asylum seekers

Achieved actions:

- In Law No 20 of 1 March 2013, Article 362¹ of the Criminal Code No 985 of 18 April 2002 of the Republic of Moldova was supplemented with paragraph (4), which

provides for the exoneration of criminal liability of the victim of an illicit migration for that victim's action of entering, staying or transiting illegally the territory of the State, or exiting that territory, as well as of possessing and using false official documents for the purpose of organising his/her illicit migration.

- Government Decision No 197 of 19 March 2014 "Approving the quantum of the financial aid granted to the refugees and beneficiaries of humanitarian protection for 2014" set the quantum of the financial aid to MDL 633 and 75 bani, accounting for 15% of the average monthly wage across the economy.

Unachieved actions:

- Performing an analysis on the national provisions binding adults to procure the authenticated consent of both parents for emigration, at the notary's office, bringing these provisions in line with the international human rights standards.

Recommendations:

- To transfer the articles on the illicit State border crossing by irregular migrants from the Criminal Code to the Contravention Code.
- To revise the Law on citizenship of the Republic of Moldova in order to reduce the naturalization period for foreign citizens, stateless persons, refugees and beneficiaries of humanitarian protection.
- To supplement the Law on the asylum in the Republic of Moldova in order to bring it in line with Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

Conclusions

The development and implementation of the national human rights action plans have certainly had a series of positive effects that cannot be ignored. **The first effect** consists in putting human rights high on the agenda of the Government of the Republic of Moldova. **The second effect** consists in strengthening the national capacities to understand the human rights regulatory content. **The third effect** consists in improving the national legal framework on the protection of human rights. **The fourth effect** consists in making human rights public and raising public awareness. **Last, but not least,** tangible progress has been recorded in the assertion of specific rights, such as procedural rights, the right to health care, the right to engage in work, social security, the rights of the child, the rights of prisoners.

Also, a series of deficiencies have occurred in the preparation and implementation of these policy documents in the field of human rights: (1) allocation of inadequate financial resources for the actions, (2) superficial performance of many activities, quality requirements being disregarded, (3) absence of any political will to achieve certain actions that required amendments of laws or the ratification of international or regional human rights protection instruments.

The actions set out in the NHRAP 2004 - 2008 have been achieved in a rate of 60% and the actions in NHRAP 2011 - 2014 have been achieved in a rate of 80%. However, a series of objectives and actions do not have a defined time limit and they are to be implemented on a permanent basis. For example: Harmonising the national human rights laws with the international rules and standards; ensuring compliance with the obligations assumed by the ratification of human rights international conventions; ensuring respect for the patient's rights; increasing the quality of education; ensuring the people's right to quality drinking water; ensuring the independence of mass-media; etc. The partially achieved or unachieved actions are to be further implemented.

NHRAP 2004 – 2008 has had several advantages over NHRAP 2011 – 2014, among which:

- Technical assistance provided by UNDP Moldova. It was provided through a permanent secretariat established in this respect and through funds allocated for the implementation of several actions, including with the technical assistance of other donors.
- The proactive attitude of the Parliamentary Commission for Human Rights and Interethnic Relations and of the Ombudsman.
- Moreover, about 68 public officers from central and local public authorities have been designated as human rights coordinators.
- Development and application of a communication strategy.
- Organisation of 35 round table events with the 2nd level local public authorities, where reports were submitted on the local development of NHRAP.
- Organisation of at least 13 public hearings on the development of NHRAP by the Commission on Human Rights.

The actions set out in NHRAP for 2011 - 2014 have been achieved with the involvement of various national and international stakeholders, however none of the 16 fields above has reached the 100% achievement rate.

Thus, the most important achievements include:

- Preparation of the Draft Methodological Guidelines on the NHRAP 2011 - 2014 Monitoring Process by the local public authorities,

- Optimisation of the monitoring and evaluation mechanism for the performance of the objectives proposed in NHRAP 2011 - 2014 at central and local level,
- Granting of the required assistance to the central and local public authorities in the preparation of consolidated reports
- Improvement of the mechanism for financial estimation and planning at the level of local and central public authorities to ensure the required financial resources for the implementation of the planned actions.

The persons responsible for the implementation of NHRAP 2011 - 2014 have noticed considerable progress in the cooperation with the 1st and 2nd level local public authorities. In 2012, the number of district/municipal councils that submitted information on the implementing stage of NHRAP doubled.

The major outputs of NHRAP 2011 – 2014 are:

Amendments to the legal framework,

- Concrete actions for the protection of minorities and disabled persons,
- The action plan for the Roma people,
- The establishment of community mediators for the Roma people.

The strengths of this NHRAP according to the respondents have been the following:

- Specific objectives and concrete actions.
- Cooperation with the central public administration, local public administrations and the civil society (in particular, international organisations).
- The new Section on ensuring human rights in the Trans-Dniester region.
- Tangible progress indicators.

Public hearings have been an efficient monitoring method for the implementation of NHRAP and the activity of the Parliamentary Commission responsible for monitoring NHRAP was rated "GOOD". It is however noteworthy that all its interactions were conducted through the Ministry of Justice. At the same time, the coordination of the NHRAP implementing process was deemed successful.

The implementation of NHRAP 2011 – 2014 was contingent upon several factors indicated as deficiencies by most of the stakeholders involved, as follows:

- Lack of a distinct secretariat for NHRAP (the secretariat services were provided by the Ministry of Justice),
- Limited resources for the implementation of NHRAP (human and financial - missing),
- Frequent request for information pertaining to the implementation of NHRAP.
- Absence of actual control on the left bank of Dniester River.

The following have been indicated as good practices of NHRAP 2011 - 2014:

- Open dialogue (particularly with international organisations),
- Advertising of the implementation process,
- Involvement of local public authorities in the preparation and implementation of NHRAP,
- Interaction between the authorities.

The implementation of NHRAP 2011 - 2014 was also affected by certain hindrances, namely:

- Lack of funding for the planned actions,
- Tight deadlines for the implementation of certain actions, which made the

- achievement impossible,
- Lack of advanced knowledge in human rights in most of the stakeholders.

The major impact indicated by the stakeholders involved in the evaluation process was the legislative harmonisation. NHRAP was indicated as a necessary instrument for the promotion of human rights and it needs to be followed up. The need to maintain the current NHRAP monitoring mechanism was also noted.

Main recommendations

Acceding to the international human rights instruments:

- To ratify the European Charter for Regional or Minority Languages;
- To ratify the European Convention on the Compensation of Victims of Violent Crimes;
- To ratify the Optional Protocols to the UN Conventions;
- To ratify the Optional Protocol No 12 to the European Convention on Human Rights and Fundamental Freedoms;
- To ratify the Council of Europe Convention on the Adoption of Children;
- To ratify the Council of Europe Convention on Contact concerning Children.

Right to engage in work:

- To strengthen the capacity of the National Employment Agency (ANOFM) to provide information, career guidance for vulnerable groups, including for disabled persons;
- To introduce independent and efficient mechanisms to monitor compliance with the working conditions for special status employees.

Right to the protection of health:

- To pay more attention to the quality and accessibility of health care services, particularly focusing on vulnerable groups;
- To put in further efforts in order to provide contraception and education regarding reproductive rights for disabled teenagers and women in residential care institutions.
- To raise the level of ongoing education for the healthcare workers in departmental, residential care and education institutions, as well as in prisons and within the health care system;
- To develop community alternatives for the treatment and assertive support of persons with mental and psychological - social disabilities;
- To put in additional efforts for fighting smoking.

Right to education:

- To ensure the right to education for children who are part of vulnerable groups;
- To integrate the principle of equality and non-discrimination in education.

Right to a healthy environment:

- To adopt a legal framework for the protection of natural resources;
- To integrate sustainable development education in the education system.

Right to information, freedom to hold opinions and freedom of expression:

- To enhance the independence and transparency of the media;
- To improve the legal framework on the transparency of the decision-making process;
- To ensure the accessibility to information of persons with impaired hearing.

Right to life, physical and mental integrity:

- To reform the prosecutor's office in the light of the international standards and good practices;
- To strengthen the patient's Advocate Service in the health care and social mental institutions;
- To revise the national legal framework and to prepare methodical guidelines in order to remove all forms of coercive treatment and to ensure the right to informed consent, including for mentally disabled persons;
- To enhance the efficiency of timely response in domestic violence through urgent protection ordinances.

Right to social protection:

- To revise the welfare and pension system in terms of human rights;
- To prepare and put into effect a policy document at national level as regards social inclusion of disabled persons;
- To assess the training and career guidance system for disabled persons in the light of the UN Convention on the Rights of Persons with Disabilities.

Rights of the child

- To develop and put into effect measures targeting the children from risk groups and to strengthen and ensure the sustainability of the resource and information centres for families and children.

Preventing and combating discrimination:

- To amend and supplement the Criminal Code, the Contravention Code and the Code of Criminal Procedure in the light of the ECRI recommendations on the prevention and combating of offences motivated by prejudice;
- To amend the Law on equality in order to empower the Council to prevent and remove discrimination and to ensure equality with the duty to apply penalties;
- To strengthen the capacities of authorities and national stakeholders in order to put into effect the recommendations and decisions of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality;
- To strengthen the institutional framework in order to ensure gender equality, to adopt special provisional measures in order to ensure gender equality within the elective decision-making bodies;
- To sign and ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Prisoners' rights:

- To put in additional efforts to prevent violence among prisoners and to ensure the convicted persons' social reintegration.

Rights of migrants and refugees:

- To put in additional efforts in order to ensure the opportunity of migrants, asylum seekers and refugees for social integration.

Improving the human rights protection system of public bodies:

- To strengthen the system of liability under disciplinary proceedings for judges and prosecutors.

Promoting human rights:

- To supplement the human rights education by increasing the efforts to identify and disseminate the human rights curriculum resources in schools;
- To prepare draft documents on human rights education by social fields (education, culture, protection of health, public administration, army, law enforcement, welfare);
- To retrain as a matter of urgency the teaching staff pursuing their activity in the human rights education.

Human rights in the Trans-Dniester region of the Republic of Moldova:

- To grant legal powers, to ensure the social and economic rights and the procedural rights of persons living in the Trans-Dniester region.

Freedom of conscience, thought and religion:

- To promote respect for religious minorities in schools and to ensure the *de facto* optionality of religious training courses.

Options for preparing and putting into effect a human rights implementation and promotion mechanism

Considering the findings set out in the chapters above, which pertain to the actual evaluation of actions of both NHRAP (2004 - 2008 and 2011 - 2014), we hereby lay down the following options and recommendations:

I. To establish a national commission to put into effect the recommendations expressed in the framework of international mechanisms to which the Republic of Moldova is a party.

This option may be achieved by the model of the National Commission preparing the initial and regular reports on the implementation of the international conventions to which the Republic of Moldova is a party (hereinafter referred to as the Commission), which was established by Government Decision No 225 of 1 March 2006²⁶.

The Commission shall act on grounds of a regulation and its purpose shall be to monitor the national implementation of the international conventions to which the Republic of Moldova is a party and to formulate certain actions to ensure the application thereof within a four-year timeframe.

The activity of this mechanism shall be coordinated by the Prime Minister with the involvement of ministers, of the civil society representatives, of the local public administration, of trade unions and of employer's organisations. International human rights organisations with representation offices in the Republic of Moldova shall support and monitor the activity of this mechanism. The efficiency of the workflow shall be ensured by a permanent secretariat.

The activity of the national commission for the implementation of the recommendations set out in the mechanisms to which the Republic of Moldova is a party could operate by the model of the Coordinating Committee responsible for monitoring the implementation of the Funding Agreement between the Government of the Republic of Moldova and the European Union regarding the Judicial Reform Support Programme.²⁷

II. Development of a new NHRAP 2016 -2019

Having the experience of two human rights action plans developed, the Government is to decide on the development of a new NHRAP 2016 - 2019 having regard to the following recommendations:

1. Some priorities should be defined in the context of implementing several national human rights plans and strategies.

²⁶ Government Decision No 225 of 1 March 2006, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=315316>.

²⁷ Rules of procedure of the Coordinating Committee responsible for monitoring the implementation of the Funding Agreement between the Government of the Republic of Moldova and the European Union regarding the Judicial Reform Support Programme, available at <http://justice.gov.md/pageview.php?l=ro&idc=561>.

2. The adoption and implementation of the new NHRAP could start with the inclusion of the recommendations accepted by the Government of the Republic of Moldova during the Universal Periodic Review in 2016.
3. The representatives of the local public administration, of civil society organisations, of trade unions and of employer organisations should be involved in the development of the new NHRAP.
4. The provisions of the new NHRAP should include a chapter describing the state of affairs on the observance and promotion of human rights in the context of both NHRAPs (2004 – 2008 and 2011 – 2014) and of the policy documents prepared at national level by specific fields²⁸. This document should include relevant human rights provisions from Law No 112 of 2 July 2014 for the ratification of the Association Agreement between the Republic of Moldova, the European Union and the European Atomic Energy Community and their Member States²⁹.
5. The implementation of the new NHRAP could be monitored by following two models:
 - a) Asserting permanent control on the implementation of NHRAP by the Parliamentary Commission for Human Rights and National Minorities and a NHRAP Implementation Monitoring Commission, which comprises ministers, with the involvement of the civil society, of representatives of the local public administration, of trade unions, of employer organisations and of the donors' community.
 - b) Asserting permanent control on the implementation of NHRAP by a NHRAP Implementation Monitoring Commission, which is presided by the Prime Minister, with the participation of ministers, of representatives of the civil society, of the local public administration, of trade unions and of employer organisations. The donors' community may take part in the activities of this Commission as an observer.
6. Irrespective of the NHRAP implementation monitoring mechanism, the activity should be ensured by a permanent secretariat³⁰ and the NHRAP Implementation Monitoring Commission should meet and inform the Parliament regularly on the implementation of NHRAP.
7. In order to assess the implementing stage of the actions set out in NHRAP, the document should include:
 - a) specific objectives and activities based on the SMART particularities - specific, measurable, realistic, relevant and timely.

²⁸ For example, Law No 229 of 10 October 2013 approving the National Strategy for Personal Data Protection for 2013-2018 and its Implementing Action Plan, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=350516>; Law No 231 of 25 November 2011 approving the Justice Sector Reform Strategy for 2011–2016, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=341748>; Law No 169 of 9 July 2010 approving the Strategy for Social Inclusion of Disabled Persons (2010–2013), available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=336276>; Law No 398 of 2 December 2004 approving the Strategy for Economic Growth and Reduction of Poverty (2004-2006), available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313156>, ş.a.

²⁹ Law No 112 of 2 July 2014 ratifying the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353829>

³⁰ For example, the activity of the Permanent Secretariat of the National Committee on Combating Trafficking in Human Beings is supported through the implementation of a project funded by the OSCE Mission in Moldova. For more details, go to <http://antitrafic.gov.md/index.php?l=ro>; the activity of the Committee for Coordinating and Monitoring the Justice Sector Reform Strategy (2011- 2016) is ensured through the implementation of a project funded by the European Union.

- b) financial estimates for the implementation of the actions.
 - c) the implementation period.
 - d) the institutions responsible for implementation.
 - e) the qualitative and progress indicators to assess the implementing stage of the actions.
 - f) the expected results.
8. Assessment of the financial needs for the implementation of the new NHRAP.
 9. Prioritisation of the relevant human rights-related fields to be included in the new document. More attention is to be paid to human rights for vulnerable groups.
 10. Development of a communication strategy for the implementation of the new NHRAP.
 11. Creation of a webpage dedicated to the implementation of NHRAP. The page shall include progress indicators and relevant information on the implementation of the actions in NHRAP based on the reports of the State institutions, of the civil society and other relevant stakeholders.
 12. A mechanism should be defined in order to provide for funding sources for the State institutions for the implementation of the actions set out in NHRAP.
 13. Encouraging the civil society to monitor and assess the implementation of the new NHRAP.
 14. Involving the private sector, particularly as regards the exercise of the right to engage in work, discrimination and social and corporate responsibility.
 15. Revising NHRAP within a defined period of time following implementation. Revision should include a review of the actions achieved and the proposals for amendments to the document.
 16. Interim and final evaluation of NHRAP by the independent experts.
 17. Ensuring the ongoing implementation of the national human rights documents.
 18. Encouraging and involving *de facto* the authorities from the localities on the left bank of Dniester (Trans-Dniester) in the development and application of the provisions of NHRAP 2016 - 2019.

In order to strengthen the efforts to assert human rights, we recommend the following:

1. To reactivate the meetings of the Commission for the Implementation of NHRAP 2011 – 2014.
2. To identify the unachieved actions in both NHRAPs, to assess the need for further implementation. An assessment needs to be performed for the priority actions to be implemented in terms of the financial needs.
3. To define priorities for the achievement of the actions from NHRAP 2004 – 2008 and 2011 – 2014 not implemented yet.
4. To ensure more efficient communication with the public, the civil society organisations and the external partners for the implementation of NHRAP.
5. To establish a monitoring and coordinating mechanism for the implementation of NHRAP by LPA and CPA. To encourage the more active involvement of LPA.

6. To establish a coordinating mechanism (e.g. the NHRAP Implementation Monitoring Council) on the implementation of the actions and the identification of the actions that can be achieved by the development partners.
7. To strengthen the institutional capacities and to encourage the more active involvement of the national institution promoting and safeguarding human rights (the Ombudsman) in the implementation of the unachieved actions or of the actions requiring permanent implementation from NHRAP.
8. To prepare the State budget from the human rights perspective and to allocate resources for the priority fields.
9. To revise the relevant legal framework in order to ensure the activity of the relevant human rights institutions in accordance with the international documents to which the Republic of Moldova is a party.
10. To identify the opportunities for creating an electronic platform for the systematic organisation and the submission of reports on the implementation of NHRAP 2004 - 2008 and 2011 - 2014, as well as of information on the achievement of actions.