



consiliul pentru egalitate
совет по равенству
equality council

**Comments
submitted by Equality Council
of the Republic of Moldova
concerning the non-accepted provisions of the
Revised European Social Charter
by the state**

Chisinau 2026

Statement of Interest

The Equality Council is an autonomous public authority created in 2013 by the adoption of the Law No. 121/2012 on Ensuring Equality.

The Council's mission is to prevent and protect against discrimination, to ensure equality, to promote equal opportunities and diversity. The Council is one of the two independent National Human Rights Institutions of the Republic of Moldova.

The Equality Council has the power to promote equality and non-discrimination through information campaigns, awareness raising campaigns, campaigns for training different categories of stakeholders involved in the social, economic, cultural and other spheres.

The Equality Council examines complaints regarding discrimination and adjudicates there on by adopting decisions that are enforceable. It issues consultative opinions on the compliance of normative acts to the equality and non-discrimination standards.

The present information was drafted based on the Council's case-law and on the analysis of the legal norms, undertaken by the Council.

ARTICLE 13§4 - THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.

Opinion of the Committee as of 2021 Report

The Committee underlines that States must ensure emergency social and medical assistance (accommodation, food, medical care and clothing) for foreign nationals who are lawfully present on their territory but lack resources and do not have resident status, as well as access to an effective remedy. In the case of the Republic of Moldova, the lack of additional information prevented the Committee from expressing a position on the acceptance of Article 13§4, although it had previously considered that there were no obstacles to the acceptance of this provision.

Situation in the Republic of Moldova

The provisions of art. 13§4 apply to foreign nationals who are lawfully present in a particular country but don't have resident status. As it was explained by the Committee, States Parties are required to provide non-resident foreigners without resources – whether legally present or in an irregular situation - emergency social and medical assistance (accommodation, food, emergency care and clothing) to cope with an urgent and serious state of need (without interpreting too narrowly the “urgency” and “seriousness” criteria).

In regard to medical assistance, the state has taken important steps extending the amount of medical assistance granted to foreigners. In particular, the amendments operated to the Law no. 270/2008 on the asylum granted to asylum seekers with special needs emergency medical assistance and basic treatment for illnesses. Also, during 2026, the Government approved the mechanism for access to healthcare for asylum seekers.

Under art. 30 of the same law, asylum seekers may benefit from primary healthcare and emergency pre-hospital medical assistance in cases of acute conditions that pose a threat to life. Also, asylum seekers are guaranteed the right to a free medical examination (including anonymous testing) for the purpose of the early detection of HIV infection and AIDS. It is to be mentioned that the law expressly provides that children asylum seekers have access to healthcare under the same conditions as children who are citizens of the Republic of Moldova.

Also, in 2025 the Government amended the Mechanism regarding the provision of material reception conditions granted to asylum seekers, approved by Government Decision no. 720/2025, according to which the asylum seeker who does not have

sufficient means of subsistence may request and be provided accommodation in the Accommodation Center of the General Inspectorate for Migration, but also material support for food, clothing, as well as other material facilities, including expenses for public transport, expenses for personal hygiene products, within the established limits. During 2025, the Accommodation Centre recorded a total caseload of 114 persons (144 in 2024) who were asylum seekers or beneficiaries of international protection. Of these, 45 were accommodated during 2025, while the remaining 69 had been accommodated in previous years. As of 31 December 2025, 35 persons were accommodated at the Centre, including 23 adults and 12 children.

Also, the asylum seeker may benefit from material support for the duration of the procedure for examining the asylum application. The new amendments entered into force in January 2026.

Concerning other categories of foreigners, in the submitted report the state has confirmed that in accordance with the provisions of the Law on Compulsory Health Insurance No. 1585/1998, pre-hospital emergency medical care and primary healthcare services are provided free of charge to everyone, regardless of insurance status, as well as in cases of obstetric emergencies, including childbirth, threatened miscarriage or preterm labor, spontaneous miscarriage, and ectopic pregnancy (art. 5 par. (4)). In the case of socially determined diseases with a major impact on public health, such as tuberculosis, cancer, mental health conditions, and infectious diseases including HIV/AIDS, medical services, including specialized outpatient and inpatient care, are also guaranteed free of charge to both insured and uninsured persons.

According to data presented by the General Inspectorate for Migration, in the asylum system, as of 31 December 2025, 1,321 persons were registered, of whom 587 were asylum seekers, 208 were granted refugee status, and 526 were beneficiaries of humanitarian protection.

Also, during the reference period (2025), the following identity documents were issued:

- identity cards for refugees – 41;
- identity cards for beneficiaries of humanitarian protection – 99;
- identity cards for stateless persons – 101;
- travel documents for refugees – 26;
- travel documents for beneficiaries of humanitarian protection – 45;
- travel documents for stateless persons – 30;
- temporary identity documents for asylum seekers – 2,804;
- certificates confirming the status of applicants for statelessness – 181.

Another category of vulnerable persons are stateless persons. According to the provisions of art. 104 par. (1) c), e) of the Law no. 66/2026 that will enter into force starting with June 1st, 2027 during the procedure for recognizing stateless status, the applicant shall benefit from the following rights to receive urgent medical assistance at the pre-hospital stage, covered from the sources of the state budget and/or from income in the form of donations and/or grants, according to the mechanism approved by the Government and to benefit from social assistance measures in accordance with the legislation in the field.

In addition to the rights provided for in paragraph (1), families with children and unaccompanied children may benefit, during the procedure for recognizing stateless status, from all social assistance measures granted in accordance with the provisions of the regulatory framework in the field of child protection.

Furthermore, the Council notes that the issue of ensuring to nationals of other Parties lawfully within the territory of the state the effective exercise of the right to social and medical assistance on an equal footing with its own nationals falls under the provisions of the Law No. 121/2012 on ensuring equality, which aims to prevent and combat discrimination and to ensure equality for all persons under the jurisdiction of the Republic of Moldova in political, economic, social, cultural and other areas of life. The protection against discrimination is guaranteed including on grounds of citizenship, nationality, birth, race, color, ethnicity, social origin, social status or any other criteria.

According to the provisions of the Law No. 121/2012, any person under the jurisdiction of the Republic of Moldova who claims to have been a victim of discrimination may submit a complaint to the Equality Council or bring a claim before the court.

Conclusion

Those being said, The Council notes that the State, through the applicable national legal framework, provides non-resident foreigners without resources – whether legally present or in an irregular situation - emergency social and medical assistance, as required by the provisions of art. 13§4. For these reasons, the Council concludes that there are no obstacles to the acceptance of this provision.

ARTICLE 19§4 - THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

- a remuneration and other employment and working conditions;**
- b membership of trade unions and enjoyment of the benefits of collective bargaining;**
- c accommodation.**

Opinion of the Committee as of 2021 Report

In its second assessment (2012), the Committee considered that the Republic of Moldova could accept Article 19§4a and b, but the requirements of Article 19§4c were not satisfied.

In its first assessment (2021), the Committee, in the absence of additional information on conditions for accommodation of migrant workers, considers that the situation in the Republic of Moldova constitutes an obstacle to the acceptance of Article 19§4c of the Charter. It reiterates its opinion that there are no major obstacles to the acceptance by the Republic of Moldova of Article 19§4a and b.

Situation in the Republic of Moldova

Under Article 19§4(a), States Parties are obliged to eliminate all legal and de facto discrimination concerning remuneration and other employment and working conditions, including in-service training and promotion as well as vocational training. In this regard, article 7 of the Law No. 121/2012 prohibits discrimination in employment and in the exercise of a profession. In particular, par. (1) prohibits any distinction, exclusion, restriction or preference based on protected grounds which has the effect of impairing or undermining equality in access to employment and occupation, in the establishment, suspension, modification or termination of employment relationships, as well as in the performance of work and vocational training. Also, as the state has indicated in its report, the Labor Code establishes the principle of equal treatment in employment relationships, prohibiting discrimination on grounds of nationality or origin. That being said, there are no legal barriers for migrant workers legally employed to enjoy the same rights to remuneration, working conditions, social protection and legal safeguards as citizens of the Republic of Moldova. The official data presented by the General Inspectorate for Migration show that during 2025, the right of residence for work purposes was granted to 4063 foreigners, in 2024 to 3002 foreigners. There is a clear trend towards increased immigration for employment purposes.

Par. (1¹) of article 7 of the Law No. 121/2012 prohibits any distinction, exclusion, restriction or preference based on protected grounds which has the purpose or effect of limiting or impairing equality in membership of, or involvement in, an organization of workers or employers, or any organization whose members pursue a particular profession, including equality of access to the benefits afforded by such organization, as well as access to, or the pursuit of, a profession.

As it was already mentioned above, the Law No. 121/2012 protects against discrimination all persons under the jurisdiction of the Republic of Moldova, covering migrant workers and their families, who have the right to submit a complaint regarding any alleged breach of the principle of equality of treatment.

At the same time, Article 8 of Law No. 121/2012 prohibits any form of discrimination with regard to access to and the provision of the following services: a) services provided by public authorities; b) healthcare services and other health-related services; c) social protection services; d) banking and financial services; e) transport services; f) cultural and recreational services; g) other services and goods available to the public.

In 2025, the Law no. 200/2025 on the free movement and residence within the territory of the Republic of Moldova of citizens of the European Union and their family members was adopted. Art. 34 par. (1) of the law guarantees equal treatment to workers who are citizens of the European Union and to their family members exercising their right to free movement and residence within the territory of the Republic of Moldova with regard to:

(a) access to employment; (b) access to employment and working conditions, in particular with regard to remuneration, dismissal, occupational safety and health, and, in the event of loss of employment, access to vocational reintegration and re-employment; (c) membership in trade union organizations and the right to be elected to workers' representative bodies; (d) access to vocational training; (e) access to education, apprenticeship schemes and vocational training courses for the children of workers who are citizens of the European Union; (f) assistance provided by the territorial subdivisions of the National Employment Agency.

Conclusion

Given that the legislation of the Republic of Moldova recognizes the principle of non-discrimination in respect of all persons subject to their jurisdiction, and specifically that the Law no. 121/2012 protects every person under the jurisdiction of the Republic of Moldova against direct or indirect discrimination concerning remuneration and other employment and working conditions, membership of trade unions and enjoyment of the benefits of collective bargaining or accommodation, migrant workers and their families being no exception, the Council concludes that there are no obstacles to the acceptance of this provision.

ARTICLE 19§5 - THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons.

Opinion of the Committee as of 2021 Report

The Committee reiterates its opinion that there are no major obstacles to the acceptance by the Republic of Moldova of Article 19§5 of the Charter.

Situation in the Republic of Moldova

The principle of equal treatment concerning employment-related taxes and contributions is expressly enshrined, primarily, in the new framework law. Law No. 66/2026 establishes the foundational principle of equality between foreign nationals and citizens before the law and public authorities, as well as equality regarding taxation and working conditions. Specifically, Article 4 paragraph (1) guarantees that foreign nationals possess the same rights and duties as the citizens of the Republic of Moldova, ensuring absolute equality before the law and public authorities without any distinction based on race, nationality, ethnic origin, language, religion, sex, opinion, wealth, or social origin. The cross-cutting anti-discrimination guarantee is provided by Law No. 121/2012 on Ensuring Equality, to which Law No. 66/2026 makes explicit reference in Article 4 paragraph (7) letter (h).

Building upon this non-discrimination guarantee, Article 4 paragraph (15) secures equivalent working conditions for foreign nationals compared to Moldovan citizen workers occupying similar positions. Furthermore, the fiscal equivalence is explicitly codified in Article 6 paragraph (7), which mandates that foreign nationals are subject to taxes, duties, and other payments under the exact same conditions as citizens, unless international treaties to which the Republic of Moldova is a party or specific national legislation dictate otherwise.

According to this framework, migrant workers legally employed in the Republic of Moldova are subject to the same fiscal and social insurance regime as Moldovan citizens. This is expressly affirmed in the legislation in force: Article 84² (2) of Law No. 200/2010 provides that foreign nationals "are subject to taxes, duties and other payments on the same general basis as citizens of the Republic of Moldova," while Articles 84³ and 84⁴ guarantee them the same rights to social security and medical assistance. The fiscal regime includes: income tax on wages; contributions to the public social insurance system; and mandatory health insurance premiums.

There are no supplementary taxes or contributions applicable exclusively to migrant workers. The tax regime is strictly determined by fiscal residency status and the nature of the income, rather than by citizenship. The concept of a "fiscal resident" is defined within the Fiscal Code based on objective criteria - essentially, physical presence on the territory of the Republic of Moldova for a period exceeding 183 days within a fiscal year, or the establishment of a domicile. These criteria are applied identically to citizens and foreign nationals alike. Consequently, a migrant worker who becomes a fiscal resident is taxed exactly like a resident citizen, while a non-resident (whether a citizen or a foreign national) is subject to the identical non-resident regime. Any operational differences arise from this objective status (fiscal residency, independent activity, duration of stay) and apply generally to all individuals, not exclusively to migrants.

This architectural framework is decisive for full compliance with Article 19 § 5. Because the differentiating criterion in Moldovan legislation is fiscal residency - which is entirely neutral from the perspective of citizenship - the requirement of equal treatment is inherently satisfied by the structure of the tax system.

Additionally, the Republic of Moldova has concluded bilateral agreements for the avoidance of double taxation, directly preventing the double taxation of income earned by migrant workers. In practice, legally employed migrant workers contribute to the fiscal and social security systems under the exact same conditions as Moldovan citizens and benefit from the corresponding social and medical protection rights, proportional to the contributions made.

Statistical data illustrates a steady and continuous increase in the total number of foreign nationals holding valid identification documents:

- December 31, 2022: 19,560 individuals
- December 31, 2023: 20,763 individuals
- December 31, 2024: 21,596 individuals
- December 31, 2025: 21,667 individuals

The population subject to the employment taxation regime is represented by the number of legal migrant workers. The evolution of decisions granting temporary residence specifically for employment purposes highlights this dynamic:

- During 2024: 3,002 decisions were newly granted and 1,433 decisions were extended, resulting in a total of 4,435 decisions for temporary residence for employment.
- During 2025: 4,063 decisions were newly granted and 1,644 decisions were extended, resulting in a total of 5,707 decisions for temporary residence for employment.

Furthermore, the State itself, in the report submitted on unaccepted provisions, has acknowledged that the Republic of Moldova: (a) does not impose a discriminatory tax regime on migrant workers; (b) applies identical tax and contribution rules to all individuals lawfully in employment; (c) ensures access to social security and health insurance schemes on a contributory basis; and (d) prevents double taxation through international agreements.

Conclusion

Equal treatment is guaranteed both in law and in practice, thereby satisfying the dual requirement of the Committee's case-law. Compliance is doubly anchored: in the current framework (Articles 84²–84⁴ of Law No. 200/2010 and the Tax Code) and in the new framework law (Law No. 66/2026). There is accordingly no obstacle to ratification.

ARTICLE 19§6 - THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory.

Opinion of the Committee as of 2021 Report

In its third as well as in its fourth assessment, the Committee considered that there were no major obstacles to the acceptance by the Republic of Moldova of Article 19§6.

Situation in the Republic of Moldova

The current legal framework governing family reunion is established by Law No. 200/2010 on the regime of foreign nationals. As of June 1, 2027, this framework will be replaced by Law No. 66/2026 on the admission, stay, and supervision of foreign nationals in the Republic of Moldova, which expressly repeals Law No. 200/2010.

Under Law No. 200/2010, foreign nationals lawfully residing on the territory of the Republic (whether on a temporary or permanent basis) may apply for reunification in

respect of certain categories of family members: the spouse; unmarried minor children, whether born within or outside marriage, as well as those adopted by both spouses or by only one of them; children entrusted to both spouses or to only one of them by decision of a competent authority of the State of origin, provided that such children are effectively in the care of either spouse; unmarried adult children of the holder of the right of residence or of his or her spouse where they are unable to provide for themselves on medical grounds; dependent parents of the holder of the right of residence or of his or her spouse; and persons placed under guardianship or curatorship. In the case of family reunification with a citizen of the Republic of Moldova, in addition to the categories enumerated above, the notion of family member also encompasses the partner — an unmarried foreign national cohabiting with an unmarried citizen of the Republic of Moldova and with whom he or she has at least one child. The granting of the right of residence to family members is conditional upon:

- (a) the existence of a lawful right of residence on the territory of the Republic of Moldova;
- (b) proof of the family relationship;
- (c) the availability of sufficient means of subsistence;
- (d) proof of the availability of adequate accommodation;
- (e) the absence of grounds relating to public order or national security.

The legislation heavily regulates the modalities of family reunion, distinguishing between reunion with a foreign national (Articles 28¹ and 38 of Law 200/2010) and reunion with a Moldovan citizen (Articles 28² and 38¹ of Law 200/2010). For example, Article 38¹ stipulates that residence permits granted for reunion with a Moldovan citizen are initially issued for 3 years and subsequently renewed for 5-year periods, thereby ensuring the stability of the family's stay.

While Article 28¹ requires the sponsor to prove means of subsistence equivalent to at least one average monthly wage per economy for each family member and to provide proof of housing ownership or tenancy, these strict financial and housing requirements do not apply if the sponsor is a permanent resident of the Republic of Moldova or if the reunion is with a Moldovan citizen.

The framework also secures the durability of family life once established. Family members reunified with a Moldovan citizen receive residence for three years, renewable for successive five-year periods, ensuring continuity of stay (Article 38¹(5)–(6) of Law No. 200/2010). More significantly for the protection of the family unit, the family member acquires an autonomous right of residence — emancipated from the sponsor's status — upon attaining majority, after five years of residence, or in situations of vulnerability such as the sponsor's death, the dissolution of the marriage, or where the person is a victim of domestic violence (Article 39 of Law No. 200/2010).

The new framework law preserves and reinforces these guarantees. The notion of family member is retained in substantially equivalent terms, extending to spouses, biological and adopted children, children entrusted by a competent foreign authority, unmarried adult children subject to a judicial protection measure, and dependent parents (Article 3, point 31 of Law No. 66/2026). The qualifying period of lawful and continuous residence required of the sponsor is set at one year, and reunification may be applied for simultaneously with the residence application of a highly qualified worker,

an ICT worker or a researcher — a facilitation that spares families the prolonged separation that sequential procedures would otherwise impose (Article 89(3)–(4) of Law No. 66/2026).

The autonomous right of residence is likewise carried forward and is available upon majority, after five years of temporary residence for reunification, in the event of the sponsor's death, or upon divorce following a marriage of at least three years (Article 98 of Law No. 66/2026). A further safeguard in favor of family unity provides that serious illness or severe disability of the foreign national may not serve as a ground for refusing the extension of residence (Article 91(2) of Law No. 66/2026).

The accommodation requirement merits particular attention, since it operates differentially over time and does not impede the maintenance of family life. Upon first admission of the family member the condition applies, yet it may be satisfied flexibly - a tenancy agreement suffices, the law not requiring a right of ownership (Article 9(1)(i), by reference from Article 89(1)(b) of Law No. 66/2026). Decisively for the purposes of Article 19§6, the condition disappears upon extension of residence: a foreign national holding a valid residence card is expressly exempted (Article 9(4) of Law No. 66/2026). Since the reunified family member receives that card at the very point of admission - for three years in the case of reunification with a Moldovan citizen (Article 90 of Law No. 66/2026) - the requirement can operate at most once, at initial entry, and never disrupts the continuity of the family unit which the Committee protects. The requirement of means of subsistence is, in turn, waived altogether where reunification takes place with a citizen of the Republic of Moldova (Article 89(2) of Law No. 66/2026).

Finally, the grounds on which reunification may be refused are confined to objective and proportionate considerations: marriage of convenience, absence of a genuine relationship of kinship, or polygamy. Every refusal decision must be reasoned and remains subject to judicial remedy under Administrative Code No. 116/2018, read in conjunction with the relevant provisions of Law No. 66/2026 (Articles 34, 91 and 101).

Beyond the legislative guarantees, the operational implementation of these legal provisions confirms the State's commitment to preserving family unity. The empirical data strictly concerning the admission of family members underscores an accessible and functional procedural mechanism.

Family reunion approvals (a distinct administrative indicator) demonstrate a consistently upward trend over the past five years, directly reflecting the effective facilitation of this right in practice. The approval rate remains overwhelmingly high compared to the number of refusals, confirming that the objective criteria set by law are not applied arbitrarily and do not constitute a disproportionate barrier.

While the specific administrative indicator of 'family reunion approvals' shows a steady structural increase, the broader volume of actual temporary residence rights granted and extended for family purposes reflects a specific regional dynamic.

Dynamics of Family Reunion (2021–2025)

Indicator	2021	2022	2023	2024	2025
Applications for family reunion approval	174	163	214	253	303
Family reunion approvals issued	165	157	201	247	286
Refusals of family reunion approval	6	4	7	11	14

It is important to distinguish between the preliminary approval for family reunion and the actual decisions granting or extending temporary residence rights. The overall number of residence rights peaked significantly between 2022 and 2023, fundamentally driven by the massive external influx of displaced persons seeking refuge and family consolidation in the region. Specifically, decisions granting new temporary residence rights evolved from 1,969 in 2022 to a peak of 2,785 in 2023, before adjusting to 2,211 in 2024 and 1,893 in 2025. Similarly, decisions extending existing rights followed this exact curve: 1,894 in 2022; 2,574 in 2023; 2,485 in 2024; and 1,542 in 2025.

Consequently, the statistical decrease observed in 2024 and 2025 does not indicate any restrictive policy changes or administrative barriers. It strictly reflects a natural demographic normalization and the stabilization of migration flows following the exceptional peak generated by the 2022 influx.

Conclusion

The Republic of Moldova currently possesses a normative framework that permits and regulates family reunification (Articles 28¹, 28², 38 and 38¹ of Law No. 200/2010), including an autonomous right of residence for family members (Article 39). The Committee has already found the absence of obstacles in this regard.

Law No. 66/2026 consolidates this framework: sets the period of prior residence at one year (Article 89), exempts reunification with Moldovan citizens from the income condition (Article 89(2)), and preserves the autonomous right of residence (Article 98). Moreover, Article 9(4) exempts the holder of a residence card from the accommodation requirement upon extensions, thereby guaranteeing the continuity of the family unit - a central element of the Committee's case-law. Compliance is thus demonstrated on both temporal planes.

ARTICLE 19§10 - THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.

Opinion of the Committee as of 2021 Report

In its second assessment (2012), the Committee considered that, in the absence of any unjustified treatment in law or in practice amounting to discrimination between employed migrant workers and self-employed workers, or between self-employed migrant workers and self-employed nationals, the Republic of Moldova could accept Article 19§10 on grounds of principle. In the absence of new information, the Committee understands that the situation has remained unchanged and therefore reiterates its recommendation in its latest assessment.

Situation in the Republic of Moldova

Moldovan law guarantees equal treatment between employed and self-employed migrant workers at the level of legislative design, so that the protective regime extends to the self-employed by operation of law rather than by analogy. The new framework statute on the admission, residence and supervision of foreign nationals (Law no. 66/2026) integrates self-employment into the very definition of the migrant worker, who is described as a foreign national authorized to carry out salaried or self-employed work in accordance with labor legislation (Article 3, point 27), and it recognizes in parallel the right of foreign nationals to carry out remunerated work or to engage in self-employment (Article 4(7)(a)). This drafting choice gives direct domestic expression to the equality of treatment that Article 19§10 requires between migrants in self-employment and the State's own self-employed nationals, and it removes any distinction of treatment at the conceptual level.

The right of temporary residence is granted expressly for salaried or self-employed activity (Article 31(2)(a)), and the conditions and time-limits applicable to the migrant worker who pursues an independent economic activity are regulated distinctly: the application is supported by a service-provision contract where the foreign national pursues an independent economic activity (Article 35(1)(g)), and residence is granted for one year for the pursuit of such an activity (Article 36(d)). Because the self-employed worker is encompassed within the notion of migrant worker, the safeguards relied upon under Article 19 as a whole — equal fiscal treatment (Article 6(7)), equivalent working conditions (Article 4(15)), and access to integration measures and to family reunification (Article 4(6), in conjunction with Law no. 274/2011) — attach to this category as well.

Foreign nationals may pursue independent activities under a residence right granted for entrepreneurial or professional purposes and are, in that capacity, subject to the same fiscal and social-security obligations as Moldovan nationals carrying out comparable activities. As regards access to protection and assistance, self-employed migrant workers are entitled to integration services covering economic, social and cultural life, the relevant statute bringing within its scope holders of a temporary or permanent residence right without conditioning on whether the activity is salaried or independent (Law no. 274/2011, Article 2(1)); they are eligible for compulsory health-insurance coverage, paying contributions either as a fixed sum or as a percentage of

income; and they enjoy legal protection and access to the courts on a footing of equality with Moldovan nationals.

With effect from 1 January 2026, a favorable regime for the independent entrepreneur was introduced into the Fiscal Code (Law no. 228/2025), establishing a single tax of 15% that consolidates income tax, social-security contributions and health-insurance premiums (Article 69²⁵(3)) and applies across forty service-provision domains. This regime is highly relevant to Article 19§10 and warrants a point of precision concerning its personal scope, because the criterion governing access is fiscal residence rather than nationality, the independent entrepreneur being defined as a resident natural person (Article 5, point 36⁴). This does not amount to discrimination against migrants within the meaning of Article 19§10: a foreign national who becomes a fiscal resident accesses the regime on the same conditions as a resident national, while a Moldovan national who is not a fiscal resident would equally fall outside it. The distinguishing criterion is neutral as to nationality and mirrors exactly the pattern of conformity already established in respect of Article 19§5, the comparison undertaken by the Committee being one between self-employed migrants and self-employed nationals, both of whom are subject to the same objective criterion.

The resident independent entrepreneur is, moreover, not excluded from the social-security system but fully integrated into it, the corresponding amendments including this category expressly among the insured persons of the public system, with access to the full range of benefits, namely pensions and maternity, paternity and temporary-incapacity allowances (Law no. 489/1999, Article 4, point 3(d)), while the health-insurance premiums are secured as a component of the single tax (Law no. 1585/1998, as amended). A resident self-employed migrant therefore enjoys the same package of social and fiscal protection as a national in a comparable situation.

Administrative practice confirms that this category remains marginal. According to the Activity Note of the General Inspectorate for Migration for 2025, temporary-residence decisions taken on grounds of foreign investment numbered 89 in 2024 and 79 in 2025, and invitations issued for business purposes numbered 289 in 2024 and 285 in 2025 — figures that remain modest and stable, with no upward trend. The marginal character of migrant workers pursuing an independent economic activity, far from constituting an obstacle, activates the applicability clause contained in the text of Article 19§10, which extends the obligation only insofar as the relevant measures are applicable to this category.

Conclusion

Through the very definition of the migrant worker (Article 3, point 27) and the dedicated rules on residence for independent economic activity (Articles 35–37), Law no. 66/2026 extends the protective regime to the self-employed worker, while Law no. 228/2025 and the correlative amendments to Laws no. 489/1999 and no. 1585/1998 secure equal fiscal and social-security treatment on a residence-based, nationality-neutral criterion. Self-employment being a marginal category in practice, acceptance of Article 19§10 encounters no obstacle and corresponds to the Committee's express recommendation that the Republic of Moldova accept this provision as a matter of principle.

ARTICLE 27§1 - RIGHT OF WORKERS AND WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITY AND TREATMENT

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

to take appropriate measures:

- a to enable workers with family responsibilities to enter and remain in employment, as well as to reenter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;**
- b to take account of their needs in terms of conditions of employment and social security;**
- c to develop or promote services, public or private, in particular child daycare services and other childcare arrangements.**

Opinion of the Committee as of 2021 Report

Taking into account the additional information provided by the State, in its fourth assessment of the non-accepted provisions, the Committee reiterates its view that there are no major obstacles to the acceptance of Article 27§3 and encourages the Republic of Moldova to accept this provision.

Situation in the Republic of Moldova

The Republic of Moldova has developed a legislative and policy framework aimed at supporting the reconciliation of work and family life, including through the promotion of alternative childcare services (Law No. 367/2022 on Alternative Childcare Services), flexible working arrangements (Labor Code), and various child-raising allowance schemes adapted to different situations (Law No. 289/2004 on Temporary Incapacity for Work Benefits and Other Social Insurance Benefits).

These measures include the extension of paternity leave (Article 124¹ of the Labor Code), the recognition of periods spent caring for children with disabilities as contributory service for pension purposes (Article 5(2) of Law No. 156/1998 on the Public Pension System).

a. With regard to access to employment, retention in employment and re-entry into the labor market, in addition to the information provided by the State in its report, the Council notes that the Government has taken important steps to strengthen the legal framework concerning workers with family responsibilities.

In particular, the Government has adopted a draft law introducing the concept of an “employee with family responsibilities” into the Labor Code, following its adoption by Parliament. This amendment will ensure the alignment of the national legal framework with the provisions of International Labor Organization (ILO) Convention No. 156 of 1981 concerning Equal Opportunities and Equal Treatment for Men and Women

Workers: Workers with Family Responsibilities. Furthermore, on 17 June 2026, the Government adopted the draft law on the ratification of ILO Convention No. 156, adopted in Geneva on 3 June 1981.

The Council further notes that, pursuant to Article 76(a¹) of the Labor Code, the individual employment contract is suspended for the duration of child-care leave. Consequently, employees on maternity leave and child-care leave until the child reaches the age of three retain the same workplace and are entitled to resume work upon the expiry of the leave. Furthermore, pursuant to Article 124(6) of the Labor Code, an employee may return to work before the expiry of child-care leave by notifying the employer in advance. Irrespective of the option chosen for the duration of the allowance (one, two or three years), beneficiaries who resume employment, whether with their previous employer or with a new employer, continue to receive the child-care allowance in full in addition to their salary, as provided for in Article 18 of Law No. 289/2004.

Thus, according to the National Bureau of Statistics, the employment rate of women aged 25–49 with at least one child under the age of 16 has shown a steady upward trend between 2021 and 2024, increasing consistently from 48.3% to 60.8%, representing an overall increase of 12.5 percentage points over the four-year period.

Employment rate of women aged 25–49 with at least one child under the age of 16. (2021–2024)

Indicator	2021	2022	2023	2024
Employment rate (%)	48,3	50,4	55,6	60,8

Also, It is worth noting that, according to data published by the National Social Insurance House, as of 01.04.2026, the number of women receiving child-raising allowance for a period of 1, 2 or 3 years was 24,689, while the number of male beneficiaries was 7,924.

The State further guarantees, pursuant to Article 124 of the Labor Code read in conjunction with Article 19 of Law No. 289/2004 on Temporary Incapacity for Work Benefits and Other Social Insurance Benefits, the right of either parent (the mother or the father) to take leave to care for a sick child up to the age of 10 years. In the case of a child with disabilities, such leave may be granted without any age limit, in accordance with the conditions and procedures established by the aforementioned legal framework.

The Council also notes that, through Law No. 105/2018, the State implements employment promotion measures, including public employment services, active labor market measures, and programmes aimed at facilitating labor market integration. In this context, the Council notes that, according to data from the National Employment Agency, the employment rate of the population, particularly among persons aged 20–64, has shown a steady upward trend in recent years. Furthermore, in 2025, more than 20,000 persons were supported in entering the labor market through employment measures implemented by the authorities. For 2026, the authorities aim to support the labor market integration of 25,000 persons and provide a comprehensive package of

active labor market measures, including vocational training programmes. Moreover, according to data from the National Bureau of Statistics, the share of enterprises that provided continuing vocational training, by economic activity, during the period 2022–2024 amounted to 42%.

b. With regard to measures concerning the length and organization of working time, the Council notes that the Labor Code regulates part-time work and flexible forms of work organisation. Thus, pursuant to Articles 97–100, employees may request forms of work that facilitate the reconciliation of professional life with family responsibilities. Furthermore, certain categories of employees with family responsibilities may benefit from flexible working arrangements by agreement with the employer. These measures apply equally to women and men, as the Labor Code uses the term “employee” in a gender-neutral sense, covering both women and men.

The Council reiterates that the provisions of the Labor Code (Article 100¹) allow workers with family responsibilities to work part-time or to return to full-time employment, and that such measures must apply equally to women and men. According to par. (1) flexible working arrangements may be agreed between the employee and the employer, at the request of either party, both upon recruitment and after the individual employment contract has been concluded, for either a fixed or an indefinite period. Furthermore, par. (2) establishes that flexible working arrangements shall be stipulated in the individual employment contract or in a supplementary agreement to the individual employment contract. In this respect, the Council notes that the nature of these measures is not determined unilaterally by the employer, but depends on the agreement between the employee and the employer. Finally, par. (3) of art.100¹ of the Labor Code guarantees that work performed under flexible working arrangements shall not limit the employee’s rights and guarantees regarding the calculation of length of service, the duration of annual leave, or any other rights related to employment relationships provided for by the Code.

In the same context, the Council emphasizes that periods of unemployment due to family responsibilities are taken into account in the calculation of pension schemes or in the determination of pension entitlements.

c. As explained by the Committee, the aim of Article 27§1(c) is to develop or promote services, in particular child day-care services and other childcare arrangements, which are available and accessible to workers with family responsibilities, with a view to facilitating the reconciliation of work and family life and supporting their participation in the labor market.

In this regard, the Council notes that in the Republic of Moldova preschool education is provided free of charge for children starting from the age of three years, thereby ensuring broad access to early education services and supporting parents in remaining in or returning to employment. In this respect, art. 25 par. (1) of the Education Code establishes that the state shall cover the costs of early childhood education and care services provided by public institutions for all children, including children with special educational needs.

The Council further notes that childcare services for children under the age of three are available through private providers, as well as through alternative childcare arrangements regulated by the State. These services contribute to diversifying childcare options and increasing the availability of flexible solutions for families, in particular where both parents are active on the labour market or require adaptable care arrangements.

The Council also notes that childcare, upbringing, supervision and early development services for children under the age of three are regulated by Law No. 367/2022 on alternative childcare services. This law establishes the legal framework governing the organisation and provision of such services, including through qualified caregivers, at the workplace, at the child's home, or within family-type settings. The regulatory framework is designed to expand and diversify early childcare provision, thereby supporting the reconciliation of work and family responsibilities and promoting the well-being of the child.

Family-type childcare services are provided at the caregiver's home or temporary residence for groups of up to five children aged between 0 and 3 years. As of 25 August 2025, 22 family-type childcare centres were operating in various regions of the Republic of Moldova.

Conclusion

The Republic of Moldova currently possesses a comprehensive legal framework ensuring equal opportunities and equal treatment for workers with family responsibilities, notably through the Labor Code, Law No. 289/2004 on Temporary Incapacity for Work Benefits and Other Social Insurance Benefits, Law No. 367/2022 on Alternative Childcare Services and Law No. 105/2018 on Employment Promotion and Unemployment Insurance. The Committee has already found that there are no major obstacles to the acceptance of Article 27§1.

The legal framework has been further strengthened by the introduction of the concept of an "employee with family responsibilities" into the Labor Code, the Government's decision to ratify ILO Convention No. 156, the preservation of employment and social security rights during child-care leave, the possibility to return to work while retaining the child-care allowance in full, and the continued expansion of flexible working arrangements and alternative childcare services. Compliance is thus demonstrated both through the comprehensive legal framework and its progressive strengthening since the Committee's previous assessment.

ARTICLE 27§3 - RIGHT OF WORKERS AND WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITY AND TREATMENT

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Opinion of the Committee

In its second assessment (2012), the Committee considered that from the point of view of the situation in law and in practice there were no major obstacles for the Republic of Moldova to accept Article 27§3 of the Charter. Having received no new information from the Moldovan authorities, the Committee understands that the situation has remained unchanged and therefore reiterates its opinion that there are no major obstacles to the Republic of Moldova accepting Article 27§3 of the Charter.

Situation in the Republic of Moldova

Family responsibilities do not, in themselves, constitute a valid reason for termination of employment according to the legislation of the Republic of Moldova. For the purposes of this principle, the notion of “employee with family responsibilities”, according to the previously mentioned draft law that amends Labor Code in order to align the national legal framework with the provisions of International Labor Organization (ILO) Convention No. 156 of 1981, covers obligations in relation to dependent children, as well as other members of the immediate family requiring care and support, such as elderly parents or other dependents.

In this regard, Article 86 par. (4) of the Labor Code prohibits the dismissal of an employee during the period of maternity leave, paternity leave, partially paid parental leave for the care of a child up to the age of three, additional unpaid leave for the care of a child aged between three and four years, leave for the care of a sick family member, or leave for the care of a child with disabilities, except in cases of the liquidation of the unit.

The Council notes that the Labor Code of the Republic of Moldova, in particular Articles 8, 47 and 128, read in conjunction with Law No. 121/2012 on Ensuring Equality, in particular Articles 7, establishes a comprehensive framework of safeguards, including for employees with family responsibilities. This legal framework prohibits discrimination in employment and guarantees equal treatment with regard to access to employment, direct activity, vocational training, promotion, remuneration and termination of employment.

The Council further notes that the legislation provides for flexible forms of work, including part-time employment and other flexible working arrangements, aimed at facilitating the reconciliation of professional and family life. It also ensures specific entitlements linked to maternity and childcare, including maternity and childcare leave with the preservation of the right to return to the same position, as well as social insurance allowances governed by the relevant legislation.

In addition, the legal framework establishes a set of protective measures for employees with family responsibilities, including breastfeeding breaks, restrictions on overtime work, night work, and business travel, as well as requirements of employee consent in situations provided by law. Enhanced protection against dismissal applies, in particular, to pregnant employees and persons on maternity or childcare leave, subject only to strictly limited exceptions such as the liquidation of the employer.

The Council also notes that employees benefit from leave for family-related events and other forms of social leave, as well as reduced working time arrangements for certain categories of workers caring for children with disabilities or dependent family members. Occupational safety and health provisions further ensure protection through measures such as transfer to safer workplaces and the preservation of employment rights. The relevant articles have already been presented under Article 27§1.

Furthermore, the Council points out that Law no. 121/2012 on ensuring equality does not expressly include “family responsibilities” among the protected grounds; however, such situations may be addressed under related criteria such as sex, maternity, or birth, given the non-exhaustive nature of the list of protected grounds.

The Council also takes note that the Republic of Moldova has accepted Article 24 of the Charter, guaranteeing the right to protection in cases of termination of employment and to adequate compensation in cases of unjustified dismissal. In this respect, the Council highlights that the statutory ceiling previously applicable to compensation in cases of unlawful dismissal was declared unconstitutional by Constitutional Court Judgment No. 9 of 22 July 2025, thereby ensuring that employees, including those with family responsibilities, are entitled to full compensation without limitation.

Conclusion

The Republic of Moldova possesses a comprehensive legal framework ensuring equal opportunities and equal treatment for workers with family responsibilities. Within this framework, Articles 8, 47, 86 par. (4) and 128 of the Labor Code, read in conjunction with Law No. 121/2012 on ensuring equality, guarantee that family responsibilities do not constitute a valid ground for termination of employment. The Committee has already found that there are no major obstacles to the acceptance of Article 27§3. The Council is of the opinion that acceptance of the provisions of Article 27§3 may be considered by the state.