

**REPUBLIC of MOLDOVA**

**Statement**

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Human Rights Council

*Moldova’s third evaluation cycle of the Universal Periodic Review*

*Geneva, 28 January 2022*

Mr. Chairperson,

Your Excellences,

Distinguished delegates,

The Government of the Republic of Moldova (RM) welcomes the 3rd cycle of the Universal Periodic Review (UPR), which provides to all of us a unique opportunity to scrutinize the progress of the country in protecting and promoting human rights by all relevant stakeholders.

The 3rd cycle Report comes as a continuation of the process, which started in 2011, when the Republic of Moldova submitted the 1st cycle Report. The present document/paper has been prepared by the Human Rights Secretariat under the State Chancellery in close cooperation with line institutions and relevant stakeholders, according to the guidelines of the UN Human Rights Council (HRC) Resolution and General Guidelines adopted by the HRC for the 3rd cycle of the UPR process.

**Major developments in the national legal framework**

As a nation based on the general principles of Human Rights (HR), equality before the law and respect for the dignity of each individual, RM remains firmly committed to the effective promotion of the supreme values ​​of the state.

Since its accession to the mechanism of the Universal Periodic Review and until now, the Republic of Moldova has developed and promoted both legal norms and institutions whose objective is the protection of human rights. The outcome of the current evaluation exercise is the result of joint efforts. At this stage, I would like to use the opportunity to express from the UN platform our appreciation for the assistance and contribution both development partners of the Republic of Moldova and of the civil society in promoting quality standards to increase the national product.

It should be noted that, following multiple recommendations received within the second evaluation cycle, the Government of the Republic of Moldova developed and approved a comprehensive *policy document in the field of human rights,* envisaged for the period between 2018 – 2022. The Plan included all the UPR recommendations as well as other international observations in the field of human rights made to the Republic of Moldova by the monitoring bodies of the UN, the Council of Europe, the OSCE and other international organizations.

Based on the significant number of recommendations received, we are pleased to acknowledge the establishment in 2018 of the National Human Rights Council and the Permanent Secretariat, both having the status of advisory bodies to coordinate and monitor the implementation of national policies in the field of human rights. The Council consists of representatives of public authorities and civil society; it ensures coordination from the central to the local level and has established 33 functional District Commissions for human rights protection.

The Republic of Moldova has deployed considerable efforts to strengthen the national human rights institutions. Thus, in 2017 the Constitution of the Republic of Moldova was completed with a separate chapter (IIIˡ) entitled “People's Advocate” which expressly regulates aspects related to the mission, immunities and guarantees of the People's Advocate, these being significant in order to ensure the protection and independence of the Ombudsman from political interference. In May 2018, the Office of the People's Advocate of the Republic of Moldova was accredited by the Office of the Global Alliance of National Institutions for the Protection of Human Rights (GANHRI) with the status “A”, which meets the Paris Principles.

Efficiency and impartiality of the Council for Preventing and Eliminating Discrimination and Ensuring Equality (Equality Council) has been justified over time, so that the number of complaints and rulings, their quality, issued by the Council has gradually increased in recent years. Nowadays the Council is actively involved in campaigns / measures to promote equality and non-discrimination in all sectors at national level. One of the current’s Governmental legislative priority is to extend the non-discrimination criteria regulated by the Law on Ensuring Equality and to broaden the functional competences of the Equality Council.

With respect to the standards on preventing and fighting torture, it is important to point the significant element brought by the amendments to the Criminal Code and Criminal Procedure Code which came into force in 2017. The so-called *humanization of criminal policy* was envisaged to reduce the number of detainees within the national penitentiary system, to implement functional mechanisms for the serving of the sentences, strengthen the role of the court in individualizing the sentence and streamlining the early conditional release mechanism. According to the European Court of Human Rights standards, an innovative mechanism to individualize the serving of the sentence by replacing the remaining part of the sentence with a milder sanction was introduced, a preventive and compensatory mechanism was created. In terms of legislation, this mechanism is being currently improved. Continuous efforts are undertaken in order to improve physical conditions for persons deprived of their liberty.

**International human rights instruments**

Between 2017 and 2021, the Republic of Moldova continued to accede and ratify various international instruments, *inter alia*: the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention); Optional Protocol to the UN Convention on the Rights of Persons with Disabilities; Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (CETS 189); the Agreement on the Privileges and Immunities of the International Criminal Court (adopted in New York on September 9, 2002); the Council of Europe Convention on Access to Official Documents (Tromso Convention) and signed the 16th Protocol to the European Convention on Human Rights.

The Republic of Moldova has continued to cooperate with international human rights mechanisms, including the special procedures of the UN HR Council. Our country has been visited by the UN Special Rapporteurs on the Rights of Persons with Disabilities, on Minorities and on Human Rights Defenders, and has cooperated with international human rights monitoring mechanisms on unrestricted access to the transnistrian region on the Republic of Moldova.

**Freedom of association and expression**

Touching upon the freedom of assembly and expression, it is worth mentioning that common normative framework promoted for the development of the civil society, increasing the social cohesion and the capitalization of the human potential was promoted under the umbrella of the *Strategy for the development of the civil society,* in the period 2018-2020. Guarantees of freedom of association have been enhanced by the adoption in 2020 of a new *Law on non-profit organizations*, which provides for a simplified procedure when registering NGOs and ensures additional guarantees to protect freedom of association.

The positive obligation to ensure freedom of expression was the target when the *new Code of Audiovisual Media Services* was adopted in 2018 in close cooperation with the Council of Europe. The novelty of the Code relates to the provisions prohibiting audiovisual programs that may propagate, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance or discrimination on the basis of various criteria.

Also in 2018, *the Concept of information security of the Republic of Moldova* was adopted, as well as the Program of measures for its implementation.

The Republic of Moldova joined the Open Government Partnership, launched at the UN General Assembly to promote transparency, fight corruption and use of new technologies. So far, the Moldovan Government has implemented four action plans materialized through measures so as to open public data, modernize public services, capitalize on technological potential and innovation, all aimed at encouraging constant dialogue between public institutions and civil society. A new document, expected for the next four years, is currently being promoted at the national level.

**Equality and non-discrimination; national minorities and migrants**

All public policies promoted at national level today are based on respecting the principle of equality and non-discrimination, on creating equal opportunities. Actions to promote anti-discrimination are reflected both in policy documents and practical measures, such as the capacity-building exercises for civil servants, police officers, prosecutors, judges in the field of equality, non-discrimination, these being ensured on a permanent basis.

As for the education system, the curricula nowadays include subjects such as: Personal development and Education for society, comprising topics on cultural diversity, pluralism, tolerance, harmonious relationships, stereotypes, assertive, non-conflict and non-violent communication etc.

*The Strategy for the consolidation of interethnic relations for the years 2017 – 2027* is being successfully implemented, conceived on four priority areas: Participation in public life; Language as a mean of integration; Intercultural dialogue and civic affiliation and Mass media.

Strengthening of social cohesion in the educational and social field is pursued to be achieved by endorsed actions under the umbrella of the *Action Plan for 2021-2024 in the field of promoting tolerance and fighting all forms of discrimination.*

In order to improve the condition of the Roma communities and ensure their active participation in the social and political life of the country, the *Action Plan on supporting the Roma population in the Republic of Moldova* was implemented between 2016 – 2020. A new program is currently being developed envisaged for the period 2022 – 2025.

Several international assessments undertaken, including in the context of visa liberalization regime with the EU, highlighted that Moldova’s legislation and practice in the field of asylum has significantly advanced.

**Access to justice**

Independent and impartial justice remains a key goal of the policies promoted by the Moldovan governments. Improving the justice sector is a major priority of utmost importance for the entire society and constitutes an essential condition for developing a genuine democratic society, where the rule of law and the respect for human rights and freedoms represent supremely guaranteed values. Upon the expiration of 6 (six) years of reform under the *2011-2016 Justice Sector Reform Strategy* umbrella, can be concluded that many of the planned actions have reached their expected result and many reforms, even if delayed, have been put in place. Amongst the most important achievements, it is worth mentioning: legislative and institutional reforms that strengthened the self-governance capacities of the judiciary, the Superior Council of Magistracy and its subordinate boards; launched reform of the court dislocation map; new mechanisms for selection, performance evaluation and disciplinary liability of judges including by strengthening the role and status of the Judicial Inspection; strengthened state guaranteed legal aid system; legislative basis for the rehabilitation of crime victims and strengthened the child-friendly justice system; new mechanisms for preventing corruption and guaranteeing integrity within the justice sector etc. Despite the efforts made so far, the state of affairs in the justice sector has not reached the desirable quality standards. The main reasons are the corrupt factors that affect the integrity of justice sector stakeholders, defective enforcement of regulatory framework, underdeveloped legal culture. Ensuring the society's trust in justice is the main target of the current reforming process, which will be promoted under the new *Strategy for ensuring the independence and integrity of justice sector for 2022 - 2025*. My country’s will is to ensure the integrity of justice sector stakeholders and their accountability, as declared through various international commitments.

**Preventing and fighting trafficking in human beings, women's rights and gender equality.**

In order to develop a sustainable national system for preventing and fighting trafficking in human beings, the *National Strategy for Preventing and Fighting Trafficking in Human Beings for the years 2018-2023* was approved and is being implemented through 2 Action Plans.

Preventing and fighting domestic violence represents an element of the national policy to protect and support the family. The systemic approach to reduce the phenomenon of violence against women and domestic violence is reflected in the *National Strategy on the prevention and fight against violence on women and domestic violence for 2018-2023*.

Measures to endorse equality between women and men are promoted under the *Strategy ensuring equality between women and men for the years 2017-2021*, as well as other policy documents in related fields. In 2019, the electoral legislation was amended, including the representation quota. According to current law, the lists of candidates for local elections are to be drawn up respecting the minimum quota of 40% for both men and women, and the positioning of candidates on the lists is done according to the formula: at least four candidates for each gender in each group of ten candidates.

The current Government Program provides, among other priority actions, promotion of the principle of equal pay for work of equal value between women and men.

**Economic and social rights**

Moldova has expressed its commitment to support the global efforts in implementing the 2030 Agenda and achieve the Sustainable Development Goals. Moldova’s *2030 National Development Strategy* is an inclusive and comprehensive national framework, developed on the basis of a participatory process and aligned with both the international commitments and the commitments made under the Association Agreement with the European Union. The main priorities are welfare and human rights, education and health, promoting circular economy, protecting environment and building an inclusive society.

In order to mobilize human and financial resources of migrant workers, stimulate migrants to open a business in Moldova, the *Program for Attracting Remittances in Economy “PARE 1 + 1*” for the years 2018-2020 has been implemented.

The *START Program for YOUNG PEOPLE* is currently being implemented: a sustainable home business, for the integration of young people from the Republic of Moldova in the economic ambit and the launch of sustainable businesses by them. The Network of Business Incubators in Moldova has been expanded in recent years.

Access to drinking water and sanitation for the population is another commitment of the national authorities. I will point at this stage the measures taken at legislative level, to harmonize the national regulatory framework with the EU Directives on the quality of water for human consumption. At the practical level, between 2016–2025 the *National Program on implementing the Protocol on water and health in the Republic of Moldova* is being continuously implemented.

The policy on ensuring access to the labor market is reflected in the *National Employment Strategy for 2017-2021* whose general objective is to increase the level of formal employment based on economic competitiveness, adequate skills and qualifications, in conditions of sustainable and inclusive development.

**Child rights**

The Republic of Moldova remains strongly committed to progress on the reform of the childcare system. The *Child Protection Strategy for 2014-2020*, allowed the development of alternative family-type services, ensure necessary conditions for raising and educating children in the family environment, prevent the separation of the child from the family, standardize and increase social benefits for children at risk. Similarly, the promotion of safety of children online and reduce illegal and harmful content on the Internet, inform children and parents about the risks of the online environment and how to avoid them have been undertaken. Various actions were taken via the *Action Plan to Promote Child Safety on the Internet for the years 2017-2020.*

The restraints imposed by Covid-19 pandemic, led to promotion of methodological tools which has been developed for the remote organization of the educational process in quarantine conditions as well as for the online safety and security of pupils in the distance learning process for primary, secondary and high school educational institutions. Following the implementation of the *Program for the Development of Inclusive Education in the Republic of Moldova for the years 2011-2020*, currently 932 Resource Centers for Inclusive Education operate within general educational institutions.

**The rights of people with disabilities**

We pay particular attention to the social inclusion of people with disabilities, which remains a cross-cutting priority among all national policies, pursued with the direct involvement of people with disabilities and the civil society organizations representing them and/or their rights. All pertinent measures to be promoted have been inserted in the *National Program* *for Social Inclusion of Persons with Disabilities for the years 2017-2022* and the Action Plan on its implementation and the *National Program for de-institutionalization of persons with intellectual and psychosocial disabilities in residential institutions for the years 2018-2026.* Both strategic documents are being continuously implemented.

In 2020, the piloting of the Inclusive Education Program in the Technical Vocational Education was initiated in 9 institutions, 10 excellence centers were rebuilt, taking into account the need to adapt them so as to ensure proper conditions and access to technical vocational education of students with special needs.

**Respect for human rights in the transnistrian region of the Republic of Moldova**

The red thread that goes through the promoted policies of the Moldova’s authorities is our commitment to take all necessary steps to ensure the protection and respect for human rights for the citizens living in the transnistrian region of the country. Human rights and free movement along the Dniester River is still the central issue promoted at all levels of the negotiation process. Human rights situation in the transnistrian region is constantly brought to the attention of external partners, 5 + 2 format actors, relevant international organizations, civil society etc. with the call to contribute to improving it. We are dedicated in bringing into legal framework the human rights situation in the transnistrian region and we urge for a prompt reaction in this regard from the international community. The national authorities with the support of international partners provided all necessary steps in terms of fighting and eliminating the risks posed by COVID-19 along the Nistru River. Despite constant support provided by Chisinau, the separatist transnistrian administration still breaches human rights and applies inadmissible limitations to businesses and citizens from the right bank. Observance of human rights in this region is a result that Moldova can achieve, but it requires joint efforts with partners in the 5+2 format and international community.

**Final statement**

As a final point, would like to mention that all the efforts of the national authorities in guaranteeing the essential values ​​in the last two years have been minimized due to COVID-19 pandemic. It has created an unprecedented crisis and one of the greatest challenges we have all been subjected to. The pandemic has shown how vulnerable we are and that global challenges require coordinated efforts at the international level. The COVID-19 pandemic had a major impact, including in the Republic of Moldova. Unfortunately, the pandemic situation has exacerbated the inequality and discrimination that have spread to vulnerable groups. Moldova has taken measures to respond to the situations created and continues to improve its mechanisms to respond as effectively as possible to this challenge.