

REPUBLIC OF MOLDOVA

CESCR E/2004/22

291. The Committee considered the initial report of the Republic of Moldova on the implementation of the Covenant (E/1990/5/Add.52) at its 32nd to 34th meetings, held on 11 and 12 November 2003, and made public, at its 56th meeting, held on 28 November, the following concluding observations.

A. Introduction

292. The Committee welcomes the submission of the initial report of the State party, which was prepared in general conformity with the Committee's guidelines, as well as the information provided in the written replies to its list of issues (E/C.12/Q/MOL/1).

293. The Committee welcomes the open and constructive dialogue with the delegation of the State party. The Committee regrets that there were not enough experts in the delegation in the field of economic, social and cultural rights, who could provide more information to the Committee on the concrete measures taken by the State party to implement its obligations under the Covenant.

B. Positive aspects

294. The Committee welcomes the adoption in 1994 of the Constitution of the Republic of Moldova, which incorporates international principles of human rights, as well as the State party's accession to six of the seven main international human rights treaties.

295. The Committee welcomes the establishment in 1998 of the Centre for Human Rights of the Republic of Moldova, consisting primarily of three ombudspersons empowered to deal with cases of human rights violations.

296. The Committee welcomes the adoption on 24 October 2003 of the National Human Rights Action Plan (for the period 2004-2008), in conformity with the recommendations of the 1993 Vienna Declaration and Programme of Action.²⁵ The Committee also notes with appreciation the Baseline Study on the Human Rights Status in the Republic of Moldova carried out by the Coordinating Committee for the Development and Implementation of the National Human Rights Action Plan, with the support of UNDP and the Office of the United Nations High Commissioner for Human Rights, evaluating the compatibility of national legislation with international human rights standards.

297. The Committee welcomes the establishment of the Governmental Committee for Women's Issues in 1999 and the adoption of the National Plan for the Promotion of Gender Equality in Society in 2003.

298. The Committee welcomes the new Labour Code adopted on 28 March 2003 and the Law on Employment and Social Protection for Job Seekers of 13 March 2003.

299. The Committee welcomes the State party's ratification in 2002 of ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Factors and difficulties impeding the implementation of the Covenant

300. The Committee notes that the State party encountered difficulties in the implementation of the Covenant arising from the organization of its national economy as a newly independent State and from the transition to a market-oriented economy. The Committee also notes that the Transnistrian region, which is part of the State party's territory, is effectively outside the State party's control.

D. Principal subjects of concern

301. The Committee regrets that national courts have so far not made reference to the Covenant in any of their rulings.

302. The Committee notes with concern that the State party faces serious problems of corruption, which have a negative effect on the full exercise of the rights covered by the Covenant. The Committee is also concerned that low salaries of civil servants and judges may obstruct the effective implementation of measures to combat corruption.

303. The Committee is concerned about the extent to which gender inequality persists in the Republic of Moldova.

304. The Committee is concerned about the high rates of unemployment, particularly among young people, women and the Roma population. The Committee notes with great concern, in this regard, that the lack of employment opportunities and low salaries have prompted massive emigration of people in the active and working age, a majority of whom work abroad illegally without social insurance and legal protection.

305. The Committee is concerned about the persistent gap in wages between women and men despite Law No. 847-XV on Wages of 14 February 2002, which prohibits discrimination on the grounds of sex in determining remuneration.

306. The Committee is concerned that the minimum wage in the State party is not sufficient to provide workers with a decent living for themselves and their families in contravention of articles 7 and 11 of the Covenant.

307. The Committee expresses its concern that the current levels of social benefits and pensions are inadequate.

308. The Committee is concerned about the absence of adequate statistical data on social benefits since 1997 in the State party's report.

309. The Committee is alarmed about the extent of trafficking in persons, particularly women,

despite the various measures taken by the State party to prevent and combat this phenomenon, including the adoption in 2001 of the National Plan of Action to Combat Trafficking in Human Beings and the introduction of sanctions against crimes related to trafficking under the new Penal Code of 2002.

310. The Committee is concerned that violence against women remains widespread. The Committee notes with regret that existing legislation does not define domestic violence as a specific offence. Lack of crisis centres for victims of domestic violence is also a cause for concern.

311. The Committee is concerned about the large number of children placed in institutions, especially those with slight mental disabilities. The Committee is also concerned that children left in the care of relatives or other persons while their parents travel abroad in search of employment are at risk of abuse and neglect.

312. The Committee is concerned that an estimated 40 per cent of the population live in absolute poverty, and that extreme poverty is especially pronounced in rural areas and among children.

313. The Committee notes with concern that rising real-estate prices have negatively affected the accessibility and affordability of housing for a large part of the population and that the State party is not taking adequate measures to deal with this problem.

314. The Committee is concerned about the deterioration of the public health system and notes with regret that conditions in hospitals, especially psychiatric hospitals, are inadequate.

315. The Committee is alarmed about the rising incidence of tuberculosis in the State party and notes with particular concern the acuteness of this problem in prisons where the infection rate is more than 40 times higher than the national average, according to the “Baseline Study on the Human Rights Status in the Republic of Moldova”.

316. The Committee is concerned about the rising incidence of HIV/AIDS and sexually transmitted diseases in the State party. In this regard, it is also concerned that sex education classes held in urban areas are almost non-existent in rural areas.

317. The Committee is concerned about the continuing high level of infant and maternal mortality. It is also concerned that the number of abortions remains high (15.6 per 1,000 women of fertile age in 2002), notwithstanding the ongoing programmes in the area of reproductive health.

318. The Committee is concerned that drug abuse is a serious problem in the State party, with the number of drug addicts having more than doubled in the last five years despite the establishment of an interdepartmental commission to fight drug addiction in 2000 and the launching of a programme to fight drug addiction and the drugs business in the period 2003-2004.

319. The Committee is concerned about the high rates of non-attendance and high dropout rates in primary and secondary education. It notes with particular concern that the main reason for non-attendance is acute family poverty. The Committee is also concerned about the lack of pre-school education.

E. Suggestions and recommendations

320. The Committee requests the State party to clarify in its second periodic report whether individuals within the State party's territory may invoke the rights enshrined in the Covenant before the domestic courts and to provide relevant case law, if available. In this respect, the Committee draws the attention of the State party to its general comment No. 9 (1998) on domestic application of the Covenant. Moreover, the Committee recommends that the State party take measures to raise awareness of the Covenant and of the possibility of invoking its provisions before the courts, among the judiciary and the public at large.

321. The Committee recommends that the Centre for Human Rights give prominence to economic, social and cultural rights in its activities.

322. The Committee requests the State party to provide in its second periodic report detailed information on the implementation of the National Human Rights Action Plan.

323. The Committee urges the State party to strengthen its efforts to combat corruption, including by ensuring the effective functioning of the Anti-Corruption Committee and to work towards ensuring better remuneration for civil servants and judges.

324. The Committee urges the State party to continue to reinforce its efforts to promote inter-ethnic dialogue and tolerance among the different ethnic groups living within its jurisdiction with a view to eliminating discrimination.

325. The Committee recommends that the State party strengthen its efforts to promote gender equality in all spheres of life, including by ensuring the effective implementation of the National Plan for the Promotion of Gender Equality in Society.

326. The Committee recommends that the State party strengthen its efforts to improve job opportunities for young people, women and the Roma population. It also recommends that the State party seek to conclude international agreements with a view to ensuring the social protection of migrant workers and, in particular, to acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

327. The Committee recommends that the State party take effective measures to reduce inequality between men and women in the labour market, including by ensuring equal pay for work of equal value, and to report back on progress made in its next periodic report.

328. The Committee urges the State party to increase its efforts to establish a national minimum wage that would be sufficient to ensure an adequate standard of living for workers and their families according to articles 7 and 11 of the Covenant. Moreover, the State party should introduce a mechanism to determine and regularly adjust the minimum wage in proportion to the cost of living as envisaged in the draft legislation on the subsistence level.

329. The Committee urges the State party to ensure that the social security and pension systems under reform give special attention to the needs of the most disadvantaged and vulnerable groups

in society. The Committee requests the State party to provide detailed information on the results of the implementation of the reformed pension scheme in its next periodic report.

330. The Committee recommends that the State party develop a reliable database providing timely, disaggregated and comparative statistics on social security issues and include these statistics in its next periodic report.

331. The Committee urges the State party to reinforce its efforts to combat the phenomenon of trafficking in persons, including by ensuring the effective implementation of anti-trafficking legislation and programmes and by improving job possibilities and assistance to women living in poverty. In view of the cross-border character of crimes related to trafficking, the State party is encouraged to seek international assistance and strengthen regional cooperation with countries to which Moldovans are trafficked.

332. The Committee encourages the State party to consider defining domestic violence as a specific offence under the Penal Code. It also encourages the State party to give effect to the planned amendments of the Civil Procedure Code, which aim to protect victims of domestic violence. The Committee also recommends that the State party increase the number of crisis centres where victims of domestic violence could find safe lodging and counselling.

333. The Committee recommends that the State party strengthen its efforts to reduce the number of children living in institutions, including by strengthening family support measures and by developing alternative forms of family care. The State party should ensure that children in institutions as well as all other children deprived of their natural family environment grow up in an atmosphere of emotional and material security.

334. The Committee calls upon the State party to strengthen its efforts to combat poverty under the National Poverty Alleviation Programme and to give special attention to the most vulnerable groups, including children and people living in rural areas. It urges the State party to develop a mechanism for measuring the poverty level and to monitor it closely. The Committee requests that the State party provide in its next periodic report disaggregated and comparative data on the number of people living below the poverty line.

335. The Committee encourages the State party to ensure that resources are allocated for the provision of social housing, especially to the disadvantaged and vulnerable groups, including the Roma. The Committee also recommends that the State party undertake a study on the problem of homeless people and to report back on its findings in its next periodic report.

336. The Committee recommends that the State party take effective measures to ensure the quality, affordability and accessibility of health services, especially in rural areas. In this respect, the Committee draws the attention of the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant) and requests detailed information in the second periodic report, on a disaggregated and comparative basis, on progress made.

337. The Committee recommends that the State party intensify its efforts under the National

Programme of Tuberculosis Control to combat the spread of tuberculosis, including by ensuring the availability of medicines and adequate sanitary conditions in prisons.

338. The Committee recommends that the State party intensify its efforts to combat the spread of HIV/AIDS and other sexually transmitted diseases, including through public information campaigns and by ensuring that sex education is also introduced to schools in rural areas.

339. The Committee urges the State party to reinforce its efforts to reduce infant and maternal mortality by increasing health coverage for women and children. The Committee calls upon the State party to strengthen efforts to promote awareness of sexual and reproductive health, safe contraceptive methods and the health risk of using abortion as a method of birth control, and to report on the results of such measures in its next periodic report.

340. The Committee calls on the State party to ensure the effective implementation of programmes to prevent and combat drug abuse, especially among young people. It requests the State party to provide disaggregated and comparative data on this problem in its next periodic report.

341. The Committee urges the State party to reinforce its efforts to ensure that children are not prevented from attending school because of poverty in the family. It also recommends that the State party consider establishing new pre-school educational institutions. The Committee requests the State party to provide in its next periodic report disaggregated data on a comparative basis on enrolment and dropout rates among boys and girls, in particular from vulnerable groups. It refers the State party to its general comment No. 13 (1999) on the right to education (art. 13 of the Covenant) for guidance in this regard.

342. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its second periodic report.

343. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2008.

Notes

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²⁵ Adopted by the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part I), chap. III).
