



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

Pre-sessional working group

25-28 May 2010

### Implementation of the International Covenant on Economic, Social and Cultural Rights

**List of issues to be taken up in connection with the consideration of the second periodic reports of the Republic of Moldova concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/MDA/2)**

#### I. General information

1. Please provide any additional and updated information on the specific measures, legislative or otherwise, that the State party has undertaken to implement the suggestions and recommendations contained in the Committee's previous concluding observations.
2. Please clarify whether individuals within the State party's territory may invoke the rights enshrined in the Covenant before the domestic courts, and provide examples of relevant case law if available.
3. Please explain why a number of International Labour Organization conventions, including Convention No. 2 concerning Unemployment, Convention No. 102 concerning Minimum Standards of Social Security, Convention No. 118 on Equality of Treatment Nationals and Non-Nationals in Social Security, Convention No. 160 concerning Labour Statistics, Convention No. 174 concerning the Prevention of Major Industrial Accidents and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, have not been ratified yet?

#### II. Issues relating to the general provisions of the Covenant (arts. 1–5)

##### Article 2, paragraph 2

4. Please provide detailed information on the Action Plan to support the Roma community of the Republic of Moldova for the years 2007–2010, including the areas covered, the funding allocated to it, annual plans and its implementation and impact measured so far.

5. Please provide information on measures taken to ensure effective protection against discrimination faced by persons living with HIV/AIDS, especially in the fields of education, employment, housing and health care.
6. Please provide details on the submission of foreign citizens and stateless persons to HIV/AIDS testing, as provided for by law, and on measures taken in case of non-compliance or a positive test result.
7. Please provide information (from 2008 onwards) on the allocation and sufficiency of the financial resources for social protection and health-care sector policies, as well as the funding allocated to the different levels of education.

### **Article 3**

8. Please provide information on specific measures taken to (a) increase the number of women in decision-making positions in the public and private sectors; (b) address the high female unemployment rate; and (c) address the persistence of a significant gender wage gap.
9. Please provide information on the implementation of the Equal Opportunities for Men and Women Act (No. 5-XVI of February 2006), including the financial resources allocated for this purpose, and whether plans exist for its amendment to include enforcement mechanisms and refer to domestic violence.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

### **Article 6**

10. Please provide detailed and up-to-date information on the composition of the unemployed population by groups considered particularly disadvantaged, including women, Roma people, persons with disabilities, persons released from penitentiary and social rehabilitation institutions, and people in rural areas. Please elaborate whether the National Employment Strategy 2007–2015 focuses on achieving full and productive employment among these groups, in particular Roma and disabled persons, the funding allocated to it and the impact measured so far.
11. Please provide information on measures taken to stimulate inclusion of persons with disabilities in the labour market and their active rehabilitation, the impact of measures to date and the monitoring system in place.
12. Please inform the Committee of steps taken to reduce the size of the informal economy and ensure that persons working in it enjoy legal protection and social security coverage.

### **Article 7**

13. Please provide information on whether the “minimal country salary” of 400 lei per month, effective as of 1 April 2007, ensures an adequate standard of living for workers and their families and is at such a level to guarantee full protection against poverty. Please explain why different levels of minimum wages apply to different categories of workers. Please also provide information on whether a system is in place to provide regular adjustment of the national minimum wage in proportion to the cost of living.

14. Please provide information on the work carried out by the Labour Inspectorate, including on controls effectuated in accordance with article 4 of Act No. 140-XV of May 2001, and on whether the Labour Inspectorate has imposed any administrative sanctions based on discrimination in remuneration between men and women.

15. Please specify whether measures are in place to prevent and combat sexual harassment in the workplace.

## **Article 8**

16. Please provide information on the conditions laid down in the Constitution, the Labour Code (No. 154-XV of 28 March 2003) or the Law on Trade Unions (No.1129-XIV of 7 July 2000) regarding the right to form or join a trade union, as well as conditions for the suspension or prohibition of a trade union.

17. Please provide information on particular conditions and restrictions imposed on the right to strike by the Labour Code (No. 154-XV of 28 March 2003) and the Trade Unions Act (No. 1129-XIV of 7 July 2000), and please clarify whether penal sanctions have been imposed in cases of unlawful strikes, as provided for in the Criminal Code.

## **Article 9**

18. Please provide information on whether all categories of disadvantaged and marginalized individuals are covered by targeted social assistance, including vulnerable households, the Roma population, young persons who have left a residential institution and persons who have been released from places of detention.

19. Please provide detailed information on whether the level of social assistance benefits, especially pensions, is sufficient to ensure an adequate standard of living for all groups of recipients and members of their families.

20. Please provide information on the impact of the identical employment experience period required for a pension for men and women (30 years, as per Regulation No. 417 of 3 May 2000) on the actual enjoyment by women of a full pension, given that the pension age for women is set at 57 years and for men at 62 years.

## **Article 10**

21. Please clarify whether steps have been taken to raise the legal minimum age of marriage for women to match the minimum age for men, in line with international human rights standards.

22. Please provide information on whether measures have been taken to mitigate the effects of migration on the welfare of affected children, including by social and psychological assistance. Please clarify whether there are plans to ensure that each child benefits from legal protection and has an instituted tutor or curator, especially in cases when both parents migrate for work.

23. According to information before the Committee, orphans and/or children left without parental care, children with tuberculosis or bronchial diseases, children with (supposedly) mild or severe disabilities, children from vulnerable families and abandoned children are often placed in caretaking institutions, and are at risk of long-term institutionalization and deprivation of a family environment and quality education. Please comment on specific steps taken to diminish the excessive reliance on institutional care for children, including

the Residential System Reform Strategy and its Action Plan, and its impact measured so far. Please also clarify whether plans exist to amend the 1991 law on assessment criteria. Please also provide detailed information on the system in place to monitor the quality of care in caretaking institutions.

24. Please provide information on steps taken to (a) improve access to and availability of shelters for victims of domestic violence; (b) raise awareness on violence against women and children and women's rights targeted at women; and (c) encourage victims of domestic violence to benefit from the legal aid provided by the public authorities. Please also provide an update on the status of the draft law defining domestic violence as a criminal offence, and explain the near absence of protection orders issued under Law No. 45 on the prevention and combating of domestic violence.

25. Please provide information on the enforcement of the Prevention and Fight against Human Trafficking Act (No. 241-XVI of October 2005), the number of reported trafficking cases, prosecutions of traffickers and sentences passed and sanctions provided for when confidentiality of victims is infringed upon. Please also provide information on the system in place for the rehabilitation or reintegration of victims of trafficking, including child victims, and whether plans exist to create a special victims fund.

## **Article 11**

26. Please provide disaggregated data on the implementation of the National Development Strategy 2008–2011, in particular steps taken to improve the situation of the most vulnerable groups, including Roma and people living in rural areas, and the impact so far upon the reduction of poverty levels, especially in rural areas.

27. Please provide information on whether a national housing strategy has been adopted and on steps taken to improve the housing situation of Roma, including the provision of culturally acceptable social housing. Please also clarify what measures the State party is taking to ensure that public housing is provided, particularly for those in situations of poverty, exclusion or other states of extreme need.

28. Please provide information on steps taken to increase the access of rural households and rural schools to adequate and properly maintained water and sanitation facilities, in line with the Committee's general comment No. 15.

## **Article 12**

29. Please provide information on whether the National Health-Care Policy 2007–2021 provides for universal access to primary health care, in law and in fact, especially for the most vulnerable groups, such as young adults, the Roma and agricultural workers.

30. Please provide specific information on public information campaigns to combat the spread of HIV/AIDS and other sexually or through injections transmitted diseases.

31. Please provide information on (a) teenage pregnancies, abortion rates and the number of women who underwent abortions and for that reason have been prosecuted for murder or infanticide (please also clarify the penalties applied); (b) measures taken to guarantee access to sexual and reproductive health-care services and on educational programmes in this area; and (c) steps taken to increase perinatal and postnatal care (safe motherhood technologies) in maternity hospitals in rural areas.

**Articles 13 and 14**

32. Please provide disaggregated data on a comparative basis on primary and secondary education enrolment and dropout rates, among children in general, and marginalized and disadvantaged groups and individuals in particular, such as Roma, children with disabilities and children affected by HIV/AIDS.

33. Please elaborate upon measures taken to improve access to basic education for children living in rural areas and children with special needs, including children with disabilities, children in conflict with law, HIV/AIDS-affected children, children left without parental care and Roma children.

34. Please provide information on steps taken to counter the negative impact of indirect and informal costs on the access to free and compulsory education, especially within primary schools in rural areas.

35. Please provide the breakdown, on an annual basis, since 2006, of the 15 per cent enrolment quota allocated to persons belonging to marginalized and disadvantaged groups and individuals, in accordance with the regulation for higher education.

**Article 15**

36. Please provide disaggregated data, on an annual basis, on additional steps taken to encourage participation in and access to cultural goods, institutions and activities by the population, including the most marginalized and disadvantaged groups and individuals, including children from poorer families, in line with the Committee's general comment No. 21.

37. Please clarify whether school curricula include teaching of the Roma language and culture.

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