



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

**REPLIES TO THE LIST OF ISSUES (CCPR/C/MDA/Q/2) TO BE
TAKEN UP IN CONNECTION WITH THE CONSIDERATION
OF THE SECOND PERIODIC REPORT OF MOLDOVA
(CCPR/C/MDA/2)**

[8 October 2009]

***Constitutional and legal framework within which the Covenant
and the Optional Protocol are implemented***

Pt. 1: Regarding this point can be mentioned that any statistic information regarding the cases in which provisions of the Covenant have been invoked before and by the court could be achieved as a result of implementation of the ***Computerized Program of Cases Administration***, which is in process of being achieved.

Pt. 2: At the compartment of adoption and implementing the anti-corruption legislative framework the following should be mentioned.

Among the main policy documents in the domain of counteracting corruption in the Republic of Moldova are:

- the National Strategy for the Prevention and Combating of Corruption, (approved by Parliament Decision no.421-XV from 16.12.2004);
- the National Development Strategy for the years 2008-2011 (approved by Law no. 295-XVI from 21.12.2007).

An objective of the National Development Strategy for the years 2008-2011 is the ***prevention and combating of corruption***, that finds its priority in the new Government's activity program "Progress and Integrity" for the years 2008-2009. The key measures set out at this section are interpolating with the objectives of the National Strategy for Preventing and Combating Corruption.

Anti-corruption efforts have been substantially completed by the achievement of the action program for implementing the Country Preliminary Plan (approved by Government Decision no.32 from 11.01.2007). At this stage it is denoted a high level of achievement of the above mentioned Program. Quarterly the reports regarding the accomplishing of the Country Preliminary Plan are placed on official website of the Government of the Republic Moldova (www.mca.gov.md).

Transpose of the requirements of the international standards in the domain, especially the Council of Europe Criminal and Civil Law Conventions regarding corruption, United Nations Convention against corruption, was assured by adopting the Law no.90-XVI from 25.04.2008 "On prevention and combating corruption".

According to art. 26 of the Law on preventing and combating corruption, the Government elaborated proposals for bringing the legislation in line with the above mentioned law and international standards in the domain. Thus, with the purpose of adjusting national legislative framework to the provisions of Law no.90-XVI from 25.04.2008 "On prevention and combating corruption" and the UN Convention against Corruption (ratified by Law no.158-XVI from 06.07.2007), and the Criminal Law Convention on Corruption (ratified by Law no.428-XV from 30.10.2003), the draft law provides for amendments and additions to a number of regulatory legislative acts, namely:

- *Code on administrative contraventions;*
- *Code of conduct for public officials;*
- *Criminal Code;*
- *Criminal Procedure Code;*
- *Law on Centre for Combating Economic Crimes and Corruption;*
- *Law on declaration and control of income and property of the state officials, judges, prosecutors, civil servants and persons with office management;*
- *Law on the forcible execution system ;*

- *Law on public procurement.*

Taking into consideration the importance and vulnerability against economic crimes and corruption acts in the private sector, Criminal Code was supplemented with a new article that relates to establishing penalties for using false documents in accounting in order to conceal other crimes.

In the same context it was elaborated and delivered to the Government for approval a draft government decision on the approval of amendments and additions to some normative acts concerning public procurement, namely

- the Regulation regarding the way of creating and evidence of the ban list of economic operators (approved by Government Decision no.45 from 24.01.2008);
- Regulation on the activity of the Working Group for purchases (approved by Government Decision no.1380 from 10.12.2007).

Also, the draft Law on amending and supplementing the Criminal Code and Criminal Procedure Code was sent to the Parliament for adoption (recorded with no.3074 from 03.11.2008). The draft Law was elaborated in accordance with one of the GRECO recommendations, addressed to the Republic of Moldova under Second Evaluation Round, regarding the adjustment of the legislative provisions concerning special investigative means to the provisions of Criminal Law Convention on corruption.

Anti-corruption expertise of draft legislative and normative acts of the Government is the particularly important instrument in the domain of prevention of corruption. It was introduced as a compulsory measure at one time with the changes in art. 22 of the Law on legislative acts and art. 41 of the Law on normative acts of the Government and other central and local public administration authorities. The Regulation on organizing the process of performing the anti-corruption expertise of draft legislative and normative acts, approved by Government Decision no.977 from 23.08.2006, designates the Centre for Combating Economic Crimes and Corruption as a responsible body for carrying out anti-corruption expertise.

By Law no.136-XVI from 19.06.2008 the Criminal Code was completed with provisions regarding the confiscation of revenues and assets resulted from crimes and revenues emanated from the use of those assets.

Starting from the need to adjust domestic legislation to international standards and new criminal and criminal procedure codes, Law no.105-XVI from 16.05.2008 on the protection of witnesses and other participants in criminal proceedings was adopted in a new variant. The law provides effective mechanisms to ensure safety of participants in criminal proceedings, whose life, body integrity, liberty or property are threatened as a result of the fact they have data that they agreed to provide to the judicial bodies.

A draft Law that proposes to amend and supplement the Criminal Code, Criminal Procedure Code and Law on state secrets was elaborated and submitted to the Government for approval. Changes are based on the need to implement the requirements of the Law no.105-XVI from 16.05.2008 "On protection of witnesses and other participants in criminal proceedings."

By the indication of the Prime Minister of the Republic of Moldova, no.71-d from 04.07.08 it was created an interdepartmental working group which, together with experts from the "Millennium Challenges Account", elaborated the draft law on the protection of the integrity whistleblowers.

In order to increase transparency and integrity of public service, strengthen the public confidence, and prevent corruption practices it was important to regulate the ethical behaviour of public officials, elaborate strict behaviour standards in denouncing or avoiding a conflict of interests, to solve ethical dilemmas in public service. This conditioned the adoption of Law no.

158 on the public service and the status of a public servant, Law no.25 from 22.02.2008 "On the Code of conduct of public officials and Law no.16 from 15.02.2008" On the conflict of interests".

With the purpose to adjust the normative acts to the provisions of Law on conflict of interests and Code of conduct for public officials, there was drafted the Law on the establishment of the main ethical commission and the draft Government Decision regarding the establishment of special commissions on ethics.

On 18.12.2008 Law no. 271-XVI regarding checking of the holders and candidates for public office was adopted.

The Law no.239-XVI of 13.11.2008 "On the transparency in decision-making process" was adopted in order to establish the principles and procedures to ensure transparency in decision-making process within the public authorities, and to create a viable mechanism for the involvement of citizens in the elaboration and adoption of decisions.

By Government Decision no.906 from 28.07.2008 the Methodology for assessing the risks of corruption in public institutions was approved. According to this Government Decision, central bodies of public administration will self assess during 2008-2009 the risks of corruption, with the elaboration of the integrity plans.

By Government Decision no. 1461 of 19.12.2008 Regulation on the mechanism for reporting and monitoring the level of corruption in public authorities was adopted.

The Law no.179-XVI from 10.07. 2008 "On the public-private partnership" was adopted in order to attract private investment for projects of public interest, increase the efficiency and quality of services, public works and other activities of public interest, effective use of public property and public money.

Changes were made to the Law on the customs service by adopting the Law no.175-XVI from 10.07.2008, taking into account the risks of corruption specific to the customs system, including rules aimed at reducing them and increasing the confidence of the population in the customs service employees.

The Law nr. 294-XVI on the Prosecutor's Office was adopted on 25.12.2008 in order to ensure the impartiality and effectiveness of the prosecutor's office, and to strengthen its administrative capacity.

As for the harassment of the political opponents, in the context of fighting corruption, we should mention that the Centre for Combating Economic Crimes and Corruption, exercises its powers strictly in accordance with the laws and main principles stipulated by the Criminal Code and Criminal Procedure Code, that excludes the use of pressure and coercive force for purposes other than those provided by law.

Pt. 3: According to the Law on Parliamentary Advocates No. 1349-XIII from 17. 10. 1997, in Republic of Moldova was established the Institution of Parliamentary advocate, the activity of whom is aimed at guaranteeing the observance of constitutional human rights and freedoms by the central and local public authorities, institutions, organizations and enterprises, regardless of the type of ownership, by public associations and officials of all levels.

Parliamentary advocate can be any citizen of the Republic of Moldova, having a degree in law, a high professional competence, at least 5 years experience in practicing law or in higher legal education, and an irreproachable reputation, may be a parliamentary advocate.

According to the Law nr.1349-XIII from 17 October 1997, the Parliament appoints 4 parliamentary advocates having equal rights, one of them specializing in matters of protection of the rights of the child. The function of the Parliamentary Advocates for the protection of the

rights of the child was established as a result of amendments on 20.03.2008 operated by the Law on Parliamentary Advocates nr. 1349-XIII. The spheres of activity of parliamentary advocates (with the exception of the Parliamentary advocate for protecting child rights) are distributed under a resolution of them, adopted by common consent, and is approved by an order of the director of the Human Rights Centre.

Parliamentary advocates are appointed for a term of 5 years and no one may hold the office of parliamentary advocate for more than two terms successively.

While exercising their mandate, parliamentary advocates are independent of Parliamentary deputies, President of Republic of Moldova, of public associations and officials of all levels.

Parliamentary advocates examine claims of citizens of Moldova, foreigners and stateless persons who reside permanently or temporarily in the territory of country, rights of who were infringed in the Republic of Moldova. As consequence of mentioned, the parliamentary advocate for the protection of the rights of the child exercises his/her powers in order to secure the observance of the constitutional rights and freedoms of the child, and is entitled to act on its own initiative in the limits of competence. The parliamentary advocates examined, also, the complaints remitted from the Parliamentary deputies in the case when the subject is their competence.

Parliamentary advocates consider petitions regarding the resolutions or actions (or lack thereof) of the local and central public authorities, institutions, organisations or enterprises regardless of the type of ownership, of public organisations and officials of all levels, which, in the petitioner's opinion, infringed his/her constitutional rights and freedoms.

The petitions/complaints, for which the examination procedure is provided for in the criminal procedure legislation, civil procedure legislation, legislation on administrative infractions and labour legislation, do not constitute the subject-matter of activity of parliamentary advocates.

Parliamentary advocates are entitled to act on their own initiative and assume the appropriate measures within their competence, when they dispose of reliable information on a widespread or severe infringement of the citizens' constitutional rights or freedoms, in the event of an infringement of particular social significance, or when necessary to defend the interests of people unable to apply legal remedies on their own. Parliamentary advocates are entitled to initiate, on their own initiative, proceedings associated with the detected instances of infringing human rights and freedoms.

On 24 July 2006 for the Republic of Moldova entered into force Optional Protocol to the UN Convention against Torture and other cruel, inhuman or degrading treatments. In compliance with the protocol requirements, Parliament of Moldova on 26. 07. 2007 adopted the Law No.200-XVI amending and supplementing the Law on Parliamentary Advocates, empowered parliamentary advocates with the task of national mechanism to prevent torture. According to the amendments made, *“Centre for Human Rights establish an Advisory Council, with the purpose of providing advice and assistance in exercising of Parliamentary advocates as a national mechanism to prevent torture. In its composition, compulsory, must include representatives of public associations working in the field of human rights.”*

Composition and Rules of organization and functioning of the Advisory Board is approved by the director of the Centre for Human Rights, on the basis on the ground of the Commission for human rights of Parliament.

In the composition of advisory may include persons who have professional competence and good repute. In selecting them will be take the insurance of the balance of the gender and representation of ethnic groups and minority in society.

In order to exercise independent function to prevent torture, Advisory Council members enjoy certain rights, which have the parliamentary advocates.

In order to secure the protection of people against torture and other cruel, inhuman or degrading treatment or punishment, parliamentary advocates, members of advisory council and other people accompanying them shall make regular preventive visits to the facilities where persons deprived of liberty are or might be kept, being placed there under an order or directions of a state authority, or with the tacit consent thereof.

Officials of all levels must provide the parliamentary advocate with the requested materials and documents, any other information, required while exercising his/her powers.

Based on an analysis of the data on the infringement of constitutional rights and freedoms of the citizens the parliamentary advocate is entitled to submit to the Parliament proposals to amend the applicable legislation in the sphere of securing human rights and freedoms, to remit to the central and local public authorities his/her general objections and proposals as to securing the constitutional rights and freedoms of citizens and improving the operation of the administrative organizations. In the event that widespread or severe infringements of the constitutional human rights and freedoms are ascertained, the parliamentary advocate is entitled to make a report in a session of the Parliament as well as to propose the establishment of a parliamentary committee to investigate such instances.

Ombudsmen are entitled to notify the Constitutional Court for the purpose of verifying the constitutionality of the laws and resolutions adopted by the Parliament, decrees of the President of the Republic of Moldova, resolutions and orders of the Government, whether they are in accord with the generally accepted principles and the international legal acts on human rights.

At the beginning of every year, prior to March 15, the Human Rights Centre shall submit to the Parliament a report on the observance of human rights in the Republic of Moldova over the previous year. The report must contain a chapter dealing with the observance of the rights of the child.

Together with the staff, Parliamentary advocates forming an independent state, called the Centre for Human Rights. The Human Rights Centre is a legal entity and disposes of its own budget, which is a part of the state budget. The draft budget of the Human Rights Centre, with the endorsement of the Ministry of Finance, is approved by the Parliament along with the state budget.

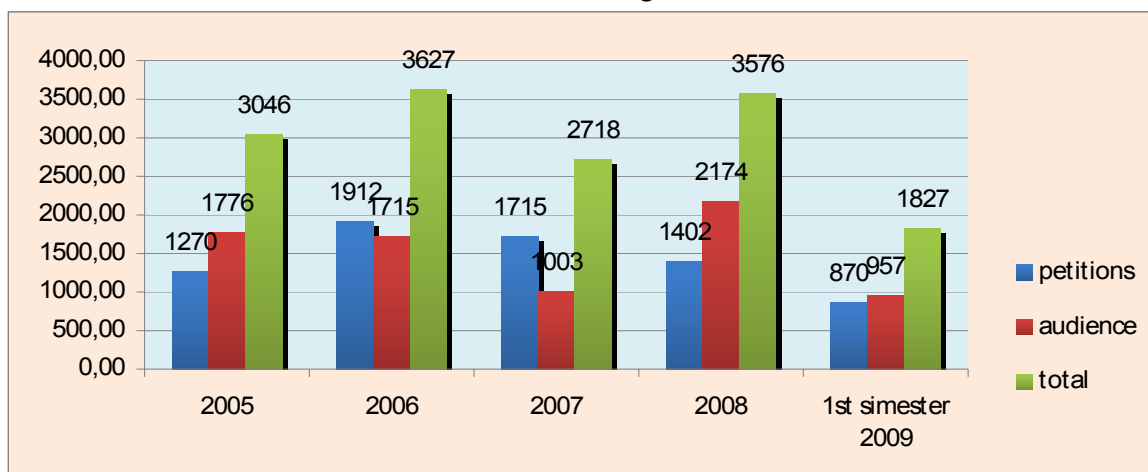
In 2007, to the Centre for Human Rights have been allocated funds in the amount of 1746. 60 lei (year total) for the year 2008 - 3050. 50 lei (year total) and for the first 6 months of 2009 (01. 01. 09-30. 06. 09) were allocated funds in the amount of 1761. 5 lei (total 6 months). In this connection it is important to mention that the actual procedure of approving the necessary financial resources for a better functioning of this institution does not comply with one of basic international principles specific to the institution of ombudsman – financial independence from the executive.

With reference to the staff of the Centre, this is in charge of providing organisational, informational, scientific, analytical and other kinds of support for the activity of ombudsmen. The ombudsmen are empowering their staff with some of their competence, according to the law.

Till 2008, the functions staff of the Centre for Human Rights included 37 units. By the Decision of Parliament nr.57 on 20.03.2008 on the approval of the Regulations on the Centre for Human Rights, of its structure, personnel arrangements and procedure of financing, member function was increased up to 55 units.

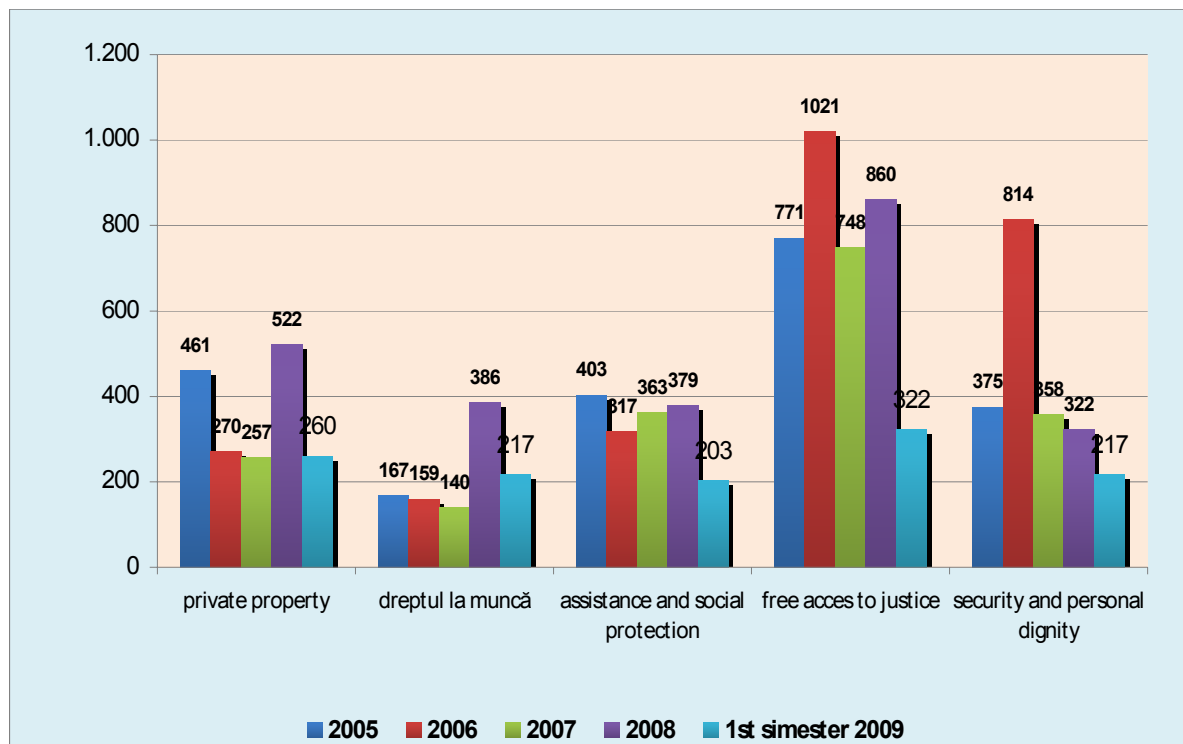
According to the art. 15 of Law on ombudsmen, examined the complaints on decisions or actions (inactions) of the local and central public authorities, institutions, organisations or enterprises regardless of the type of ownership, of public organisations and officials of all levels, which, in the petitioner's opinion, infringed his/her constitutional rights and freedoms.

Thus, citizens who allege that they violated the rights and freedoms guaranteed by the Constitution, are given the opportunity to seize the Centre for Human Rights, in writing and in verbal form, in the hearings conducted daily. During the year of 2008, at the Institution on Parliamentary Advocates were addressed for help about 3792 persons. From this number, which is the total of complaints recorded in the central office and representatives of territories (Balti, Cahul and Comrat), 1402 were in the writing form (petitions), signed by 1618 signers. In the daily hearings were received 2174 persons and explained to the petitioner the procedure that the latter is entitled to follow in order to defend his/her rights and freedoms.



It is necessary to mention, that during on all the activity of the ombudsmen, the topics referring to this kind of rights as are the right to the private property, free access to justice, rights to labour and its protection, right to the assistance and social protection remain to be the most sensible areas for all the complainers. From the number 1402 of complaints, received by the institution during the year of 2008, around 50 % are reported to the mentioned areas.

A challenge to a state that tends to be truly democratic is to ensure *free access of citizens to justice*, by ensuring the independence and impartial courts, ensure enforcement of judgments and combating the phenomenon of bureaucracy and delays in the judicial system.

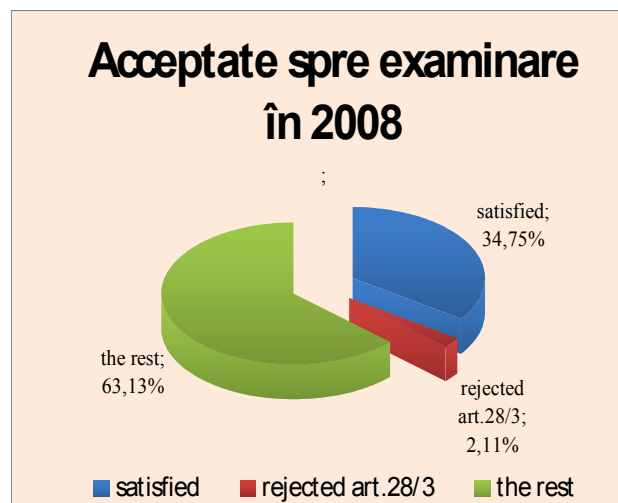
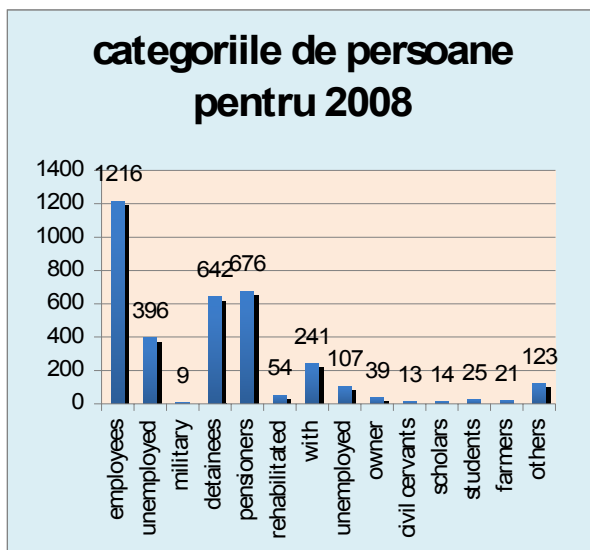


The most common violations cited by the call here, are illegal searches, torture or degrading treatment, precarious conditions of detention in prisons and institutions, which contrary to the efforts continued to exists.

Subjects	2005		2006		2007		2008		1st semester 2009	
	Petitions 2005	Audiences 2005	Petitions 2006	Audiences 2006	Petitions 2007	Audiences 2007	Petitions 2008	Audiences 2008	Petitions 2009	Audiences 2009
Private property	92	369	137	233	129	128	78	444	70	190
Right to work	35	132	58	101	51	89	73	313	50	167
Assistance and social protection rights	146	275	149	218	239	124	127	252	89	114
Right to a healthy enviroment	5	3	19	13	8	5	5	13	5	3
Free acces to information	178	352	254	269	241	207	131	255	58	98
Free acces to justice	432	339	585	436	475	273	401	459	193	129
Peronal security and dignity	264	111	481	333	321	37	264	58	196	21

Right to health care	25	17	49	15	70	38	44	30	22	26
Family life	24	41	13	17	13	40	27	74	47	45
Free movement	16	52	25	27	18	17	10	26	6	4
Right to citizenship	9	12	4	5	7	8	6	22	2	27
Right to administration	1	5	1	1	0	0	5	19	1	12
Right to petition	6	15	4	2	6	6	23	28	10	8
Personal freedoms	4	3	12	2	14	4	12	41	9	9
Right to education	2	7	8	0	8	6	2	14	3	3
Right to protection	18	12	16	19	13	6	12	37	29	21
Private and Intimate life	11	22	12	24	4	4	4	9	3	2
Other	0	0	86		89	11	178	80	75	56
Total nr of petitions	1271		1913		1725		1402	2174	870	957

Most of petitions came from the workers (34%), pensioners (19%), persons from detention places, no matter if they were condemned or are under prosecution (18%), persons with disabilities (7%), persons who does not work (11%), unemployed 3% from total number of complaints. Most active are the employees.



From total number of complaints – 236 were taken in the procedure and investigated, 82 has a positive result and 5 cases the invoked facts were not true and were not violation of the rights. In their activity, the ombudsmen used all their competence gave by law. There were fulfilled interpellations, were sent notifications, opinions, recommendations, proposals to restore violated rights of citizens and to make amendments of the legislative acts.

Reaction acts 2008	CpDOM
Intimations	8
Intimations to the Constitutional Court	2

References	13
Parliament Proposals	4
Govern Proposals	6
TOTAL	33

During the 2008 year twice were notified the Constitutional court and 4 times were notified the notify officials of all levels of the instances of neglect of duties, unprofessional conduct, procrastination and bureaucracy, according to the provisions of art.28 of Law on ombudsmen. Also was given 10 proposals to perform the legislation, according to the recognised standards in the human rights areas.

In the period of 2005-2007 were done following acts of reaction:

	2003	2004	2005	2006	2007	2008	1 st simester 2009
Opinions (according to the art. 27 of Law nr.1349)	35	24	27	25	14	13	37
Intimations (according to the art. 27 of Law nr.1349)	9	4	4	8	5	8	5
Intimations (Constitutional Court)	2	4	2	2	3	2	1
Actions in justice	2	2	2	5	1	0	0

In the last two years were asked some violations of constitutional rights and freedoms that were not previously raised - freedom of conscience, freedom of opinion and expression, freedom of assembly. The significance of the right of free assembly, as a condition of free expression of opinions and aspirations of achieving democratic members of parliament led the lawyers to monitor the state of things in this chapter. The information gathered was synthesized in the theme "freedom of assembly - Facts and suggestions". Therefore the theme of the Centre for Human Rights was one of the landmarks of the Ministry of Justice has led to the draft law on meetings, which was adopted by Parliament by Law nr. 26-XVI on 22 February in 2008. At the regulatory level, the new law is a very progressive; the rally is the best practice in ensuring freedom of assembly.

The most frequently invoked is the quality of judicial decisions, disagreement with the court decisions and the procedure for contesting them, the failure of parties to a fair trial and to resolve cases within a reasonable time, access to services of a qualified lawyer, the right to a effective remedy, the non-judicial decisions, etc.

Also, qualified legal assistance and access to legal services still remain problems which are invoked in addressing to Ombudsman. Legal assistance guaranteed by the State is part of man's fundamental right to a fair trial and is an essential component of the proper functioning of the judiciary in a state of law. Adoption of Law on legal assistance guaranteed by the state no. 198-XVI from 26 July 2007 is a favourable prerequisite for disadvantaged citizens. According to this law, now free legal assistance is provided only for criminal cases and others, in which the lawyer

is obligatory. For disadvantaged categories of citizens, free legal assistance on civil cases and / or administrative, because of financial reasons, will be guaranteed by the state from 1 January 2012.

Generalize the results of examining complaints in this chapter allows to ascertain the existence of objective reasons, which create impediments to the execution of judicial decisions, but more related to attitude towards the enforcement of their procedural obligations provided in the Code of enforcement of the Republic of Moldova.

In other cases investigated ombudsmen have noted the lack of impediment to the enforcement mechanism court decision on this matter which is the Republic of Moldova.

Ombudsmen were asked by the former deportees, who have invoked the same topic: the return of or recovery by the payment of compensation. Although the problem of this category of citizens was to the legislature for several years, the mechanism of property restitution or payment of compensation remained unfinished and has created additional impediments political repressions victims or their heirs. Thus, in the 2007-2008 ombudsmen have examined the state of the art office to see how to implement changes in legislation on the rehabilitation of victims of political repressions, particularly efficient mechanisms for property restitution or recovery by the payment of compensation determined in the Regulation on the return of goods by paying compensation to persons subject to political repressions and pay compensation for death as a result of political repressions, approved by Government No. 627 from 5 June 2007. The results of the study were brought to the Parliament and the Government of Moldova to request intervention in the skills.

Meanwhile, victims of political repressions continue to address the Centre for Human Rights, cited the impossibility of recovering the goods confiscated, nationalized or otherwise taken out of possession.

Settlement of the problems facing this category of persons presumed active and in good faith to the central and local, so avoiding the premise that it is subject to review international legal institutions.

Meanwhile, ombudsmen consider necessary changes in operation Art. II of Law No. 186 of 29.06. 2006 amending Law No. 1225-XII from 8 December 1992 on the rehabilitation of victims of political repressions, to extend the deadline for submission of application for refund of property or recovery of the amount of such compensation by redemption.

Regarding *Health Care* in connection with numerous applications that have reached the parliamentary advocates in the years 2007-2008 regarding the issue of transport to cover expenses incurred for the purpose of dialysis, Parliamentary Advocates have submitted proposals to operate the changes in legislation, which he has found the problem solving cover expenses of people who suffer from renal failure to move the round-trip Haemodialysis Centres.

The Ombudsmen notified the Dialysis Centres of the republic to identify the problems of the patients affected by renal failure in ensuring the appropriate treatment, remedies to address them, the number of dialysis available to institutions, the number of dialysis distributed by the Ministry of Health in 2007 and 2008, number of dialysis needed to ensure effective treatment of people affected by renal failure, reported to the institutions concerned.

One of the most common problems facing Dialysis Centres is providing patients with human Erythropoietin that, as stated, is able to dramatically improve quality of life of persons on treatment with haemodialysis. The solution proposed by the dialysis centres is centralized funding to purchase this product very necessary people who suffer from renal insufficiency.

Another problem detected in the conduct of investigations in this chapter, the overcrowding of wards and deficit places dialysis. The case could be improved by creating sections we modernize equipment and increase the existing polling.

Therefore, the investigation into the Centre for Human Rights has highlighted four categories of problems existing in this chapter- movement of patients in haemodialysis centres, ensuring Centres haemodialysis with dialysis, the provision of necessary medicines, overcrowding dialysis wards, which are known to the authorities responsible. Ministry of Health was receptive to the subject, the parliamentary advocate providing the necessary filing efforts, aimed at improving the situation of persons suffering from renal.

Referring to Chapter *assistance and social protection* complaints in this area relate, mostly, as in previous years, the amount of allowances and state social benefits, the manner of calculating the pensions of state social insurance, pensions review for pensioners who still work after the establishment of pension, increase in prices for housing-communal services, the granting of degrees in the area of disability, quality of assistance provided by state social institutions, etc.

Antiterrorist measures and respecting of rights guaranteed by the Covenant

Pt. 4: At present, the national legislation does not contain any discrepancies in terms of terrorism definition or stipulations that infringe upon the rights guaranteed by the International Pact on Civil and Political Rights. On August 8, 2008, the Law nr. 136-XVI from June 19, 2008 for the amendment of some legislative acts (Law on Counteracting Terrorism, the Criminal Code, the Criminal Practice Code, etc.) came into effect (Official Monitor, 2008, nr. 141/151, art. 591). It details the improvement of the national legislation in the sphere of prevention and counteracting of terrorism and the complete implementation of the provisions of the Council of Europe Convention on the Prevention of Terrorism from May 16, 2005, International Convention for the Suppression of Acts of Nuclear Terrorism from April 13, 2005, Security Council Resolutions nr. 1373 (2001), 1540 (2004), 1617 (2005) and 1624 (2005), as well as the implementation of those 12 universal acts in the sphere of counteracting terrorism and other international acts in this field.

For the project drafting framework laws on counteracting and financing of terrorism and the guides for the implementation of the universal acts against terrorism elaborated by the United Nations Office on Drugs and Crime were used, as well as: the results of the workshop that was organized in Chishinau, on September 27-28, 2006, by the Ministry of Foreign Affairs and European Integration of the Republic of Moldova for law experts from the public administration with the participation of the representatives of the United Nations Office on Drugs and Crime and of the Stability Pact for South-Eastern Europe for the Counteracting of Organized Crime, the Framework Decision of the Council of the European Union on prevention of terrorism (2002/475/JHA); criminal codes of Australia, Canada, France, Poland, Romania, Russian Federation, Ukraine and other states.

Thereby, at the moment, Art. 2 of the Law nr. 539-XV from October 2001 on Counteracting of Terrorism defines the notion of terrorism, according to which *terrorism is the ideology of violence and the practice of influencing through violence the decision making of the public authorities or international organizations, accompanied by the intimidation of the population and /or other illegal violent actions.*

It should be noted that the Criminal Law of the Republic of Moldova incriminates and determines the criminal penalties for the perpetration of *offences with terrorist tint* – offences

stipulated by art. 134¹¹ of the Criminal Code of the Republic of Moldova and, especially, *the terrorist act*.

In this aspect, we make a note of the fact that after the coming into effect of the abovementioned Law, the definition of the terrorist act does not attest discrepancies between the Law on Counteracting Terrorism (art. 2) and the provisions of the Criminal Code (art. 278), both acts defining it identically. According to these laws, *the terrorist act is the provocation of an explosion, of a fire or the perpetration of some other acts that create the threat of causing death or bodily or health injury, considerable damage to the property or environment or other grave consequences, if this act is committed for the intimidation of the population or a part of it, for the attraction of the society attention to the political, religious or other ideas of the doer or for the compulsion of a state, international organization, legal entity or natural person to commit or to abstain from committing some acts, as well as the threatening of committing this kind of acts with the same purposes*.

In this respect we have to mention that one of the amendments that was applied to the Criminal Code (to art. 278) had as a purpose the substitution of the definition of the components of the offence "Terrorism" with the name of "Terrorist Act" aimed at adjusting the terminology used in the national criminal law to the stipulations of the international treaties in the field of counteracting terrorism. As usual, terrorism means an ideology of violence and intimidation, while the terrorist act represents a determined harmful action.

At the same time, for the implementation of the aforementioned international treaties and the conviction of all its forms of manifestation, some existent components of the offences have been amended; also the number of offences with terrorist characteristics has been supplemented with new components of the offence, like:

- *Utilization, development, manufacturing, obtaining in another way, processing, possession, accumulation or preservation, direct or indirect transfer, storage, transportation of weapons of mass destruction (art. 140¹);*
- *Attack of a person, enjoying international protection (art.142);*
- *Violation of the regulations on circulation of radiological, bacteriological or toxic substances, materials and waste products (art.224);*
- *Stealing or capture of a rail transport, of an aircraft, seagoing craft or river boat (art. 275);*
- *Delivery, placement, activation or fulmination of an explosive or of another deadly device (art.278¹);*
- *Financing of terrorism (art. 279),*
- *Recruitment, training or rendering of other type of support for terrorist purposes (art.279¹);*
- *Instigation for terrorist purposes or public justification of terrorism (art. 279²);*
- *Taking of hostages (art. 280);*
- *Offences against the aeronautical security and the security of the airports (art. 289¹);*
- *Offences against the security of the water transport (art. 289²);*
- *Offences against the security of the stationary platforms (art. 289³);*
- *Manufacturing, acquisition, processing, storage, transportation, usage or disablement of explosive or radioactive materials (art. 292);*
- *Infringement of the regulations on record, storage, transportation and usage of volatile flammable or corrosive materials (art. 293);*
- *Theft, threat of committing the theft or the demand of transmitting the radioactive materials, devices or nuclear facilities (art. 295);*

- *Possession, manufacturing or usage of radioactive materials, devices or nuclear facilities* (art. 295¹);
- *Attack against a nuclear facility* (art. 295²), etc.

The amendments applied to the Law nr. 539-XV from October 12, 2001 on the counteracting of terrorism were aimed at adjusting the notions of “terrorism”, “terrorist activity”, “offences with terrorist characteristics”, etc. to the proposed amendments to the Criminal Code, as well as prohibiting the creation and the functioning of legal entities, non-governmental organizations, religious cults and other organizations, the purposes or actions of which are directed towards the advocacy, justification, financing or support of terrorism or the perpetration of offences with terrorist tint.

Non-discrimination and equality

Pt. 5: The Ministry of Justice drafted the Law regarding the prevention and fighting discrimination, which was sent for examination and approval to the Government of the Republic of Moldova by letter nr. 03/8089 from 30 September 2008. At the moment, the draft law is finished and was sent for repeated coordination to the interested institutions and representatives of civil society. This draft law is separated in 4 chapters: general provisions, special provisions, institutional frame for discrimination prevention and liability for discrimination deeds.

The first chapter of draft law emphasizes the goal of the law, which consists in prevention and fighting the discrimination on race, nationality, ethnic origin, language, religion, color, sex, age, health estate, disabilities, sexual orientation, political view, social status, affiliation to a group of disadvantaged persons and other criterions.

The provisions of the draft law (Art. 6) contain provisions that discrimination represents differentially treatments. A differentially treatment is discriminatory if it is not based on reasonable and objective criterions. To justify the differentially treatment there has to be followed a legal goal and must exist a reasonable relationship of proportionality between the used ways and the goal itself.

The second chapter of the draft law settles the discrimination prevention and fighting in different activity domains. In this way, it is forbidden any distinction, exclusion or preference, which has as a result the establishment of certain limitations during the hitting process.

The third chapter of the draft law settles the institutional frame. In this way, there was taken the decision to empower the ombudsmen with prerogatives for person’s protection against discrimination and assurance of equal chances. The fact of existence or inexistence of discrimination deed is established by the ombudsmen at their own decision or at the request of a person that considers him/her being discriminated.

Regarding the aspect of promoting the politics in the domain of discrimination prevention and fighting, by this draft law is proposed the creation of a governmental commission. This commission will have the following attributions:

- a) assurance of drafting and promotion of politics for protection against discrimination;
- b) initiation of proposals for support and amendment of legislation with the goal of implementation and improvement of protection against discrimination;
- c) delivery to central and local public authorities of objections and proposals of general character regarding the prevention and fighting the discrimination, etc.

Also, the institutional frame establishes the right of public associations to fulfil some attributions in the domain of prevention and fighting of discrimination (Art. 21). This provision

will offer to civil society the possibility to interfere in the domain of eradication of this negative phenomenon.

Having the goal of assuring the respect of non-discrimination principle, the person that was found guilty will support the criminal, administrative, civil and disciplinary liability. The person that considers himself/herself as victims in such cases has the right to sue at court and to ask: the establishment of the fact regarding the violation of his/her rights, interdiction of continuous violation, to make up for the caused material and moral damages, nullity of the act that lead to discrimination.

Also, there has to be mentioned that having the aim of increasing the rough circle of situations when the non-discrimination circle can be violated, there was drafted the Law regarding the amendment of Criminal Code of the Republic of Moldova, by which are amended Art. 176 and 346. According to Art. 176 of the draft Law, any difference, exclusion, restriction or preferences on the behalf of a person, group of persons or community, without any reasonable and objective justification are charged. Simultaneously, this article ensures the charge of discrimination on the base of sexual orientation. According to Art. 176 from the draft law any difference, exclusion, restriction or preference on he behalf of a person, group of persons or community will be charged if it are committed with the goal of constraint, avoidance of recognition, usage or exertion, in equality conditions, of fundamental rights and liberties. In such cases the subject of the offence will not be only natural persons, but also legal persons. In the same context, Art. 346 was amended with the aim of charging the public instigations, including by written or electronic mass-media, by which are abased, humiliated, instigated to discrimination or hate of a group on racial, national, ethnical origin, language, religion, color, sex, age, health estate, sexual orientation, political views, social status, underprivileged group affiliation, and also public instigations to violent actions against a certain group of persons. Offence subject in such cases may be natural persons as well as legal persons. The above mentioned draft law was approved by Government Decision nr. 1459 on 24 December 2007 and presented to the Parliament for examination.

Pt. 6: National legislation that relates to the field of social protection allows all citizens of the Republic of Moldova to receive social assistance in equal measure irrespective of race, ethnic origin, religion, affiliation to national minority.

In order to ensure social security of the problem families Law on social assistance no. 113-XVI from 13th June 2008 was approved. The Law spreads to the families, members of which are the citizens of the Republic of Moldova, citizens of other countries, stateless persons or refugees who reside in the Republic of Moldova, in accordance with the legislation in force.

The Government decision no. 1512 of December 31, 2008 about approbation of the **National program on creation of integrated system of social services for the period 2008-2012** was adopted with the purpose of improving the life quality of persons in difficulty. The program is based on the principle of assuring the rights to social services of all the people in difficulty regardless of gender, age, religion, culture, language, ethnic origin, etc.

In accordance with the national legislation (*Law on Health Care System no. 411-XIII of 28.03.1995, art. 20; Law on the Rights of the Child no. 338-XIII of 15.12. 2004; Law on Mandatory Medical Insurance no. 1585-XIII of February 27.02. 1998 modified through the Law no. 161-XV of 20.05.2004; Law on Reproductive Health Care and Family Planning no. 185-XV from 24.05.2001*) the citizens of the republic have the **right to health** care irrespective of nationality, race, gender, social affiliation and religion.

In the period 2007-2008, the new normative acts, which regulate the given domain, were adopted:

- a) **National Policy on Health** for the years 2007-2021 (the Government Decision no. 866 of August 6, 2007) which aims at fortification of population health and decrease of inequality between various social groups and regions of the country. The main goal of the National Policy on Health consists in assurance of fair and full access of all the citizens of the Republic of Moldova to medical care services;
- b) **Strategy for health care system development** for the years 2008-2017 (the Government Decision no. 1471 of February 24, 2007) which is oriented to the sole aim – continuous improvement of population health, reduction of inequality in distribution of medical care services;
- c) **National Strategy for Reproductive Health** for the years 2005-2015 (the Government Decision no. 913 of August 26, 2005), which is based on the principal that health represents the fundamental human right. Anyone has the right to the highest level of physical and mental health including sexual and reproductive health.

The principles of equality, tolerance and dialogue are reflected in a new Law on asylum no. 270-XVI of December 18, 2008. The given law has widened considerably the rights of the refugees. In particular, the refugees independently of ethnic origin are provided with the following rights: the families with the children as well as the waifs receive all forms of accepted social assistance on a level with the children of the citizens of the Republic of Moldova; have the right to the freedom of worship and religious education of the children equally with the citizens of the Republic of Moldova; enjoy the same rights as the citizens of the Republic of Moldova in the system of mandatory medical insurance; enjoy the right to participate in the program of social integration, etc.

On the territory of the Republic of Moldova there are granted the following forms of protection: refugee status, humanitarian protection, temporary protection and political asylum.

The beneficiaries of refugee status and humanitarian protection are provided with the rights stipulated for the foreign citizens and stateless persons, including the following special rights:

- to remain in the territory of the Republic of Moldova and to receive the documents necessary for confirmation of identity;
- to choose the place of residence and travel freely on terms established for the foreigners by the legislation. The foreigners under one of the forms of protection in the Republic of Moldova have the right to procure the domicile equally with the citizens of the Republic of Moldova. In compliance with the statistical data, 95,9% of the foreigners live in Chisinau, 1,5% - in rural areas, the rest – in other cities, 86% live in high-rising buildings, 10% - in one-storey houses, 4% - in the shelter;
- the foreigners who obtained one of the forms of protection have the right to access to labour-market, access to unemployment insurance system, to activities on unemployment prevention and stimulation of labour force equally with the citizens of the Republic of Moldova;
- the right to general compulsory education on terms established for the citizens of the Republic of Moldova by the legislation in force as well as to other forms of education on terms stipulated by the law for foreigners and stateless people;
- to enjoy the same rights as the citizens of the Republic of Moldova in the system of mandatory medical assistance on terms established by the legislation in force;
- the right to social assistance. The foreigners under one of the form of protection in the Republic of Moldova could receive monetary support from the Government of the Republic of Moldova for the period of 3 months with the possibility to prolongation for 6 months. The rate of the monetary support is approved annually by the Government on the basis of the Government Decision concerning prognostication of average monthly wage, every member of a family is

provided with the assistance after completion of a social questionnaire. In addition to pecuniary aid the foreigners could be provided with the social assistance, allocations for the children, supplementary allocations or allocations for one-parent families, assistance for handicapped people, following which they are registered by the Territorial House of Social Assistance.

- the right not to be deported;
- to have the free access to the judicial and the administrative assistance bodies, etc.

At the same time, the total number of protection beneficiaries is 142 persons (79 refugees and 63 beneficiaries of humanitarian protection).

Also, there has to be renewed the information regarding the protection beneficiaries, as it follows:

Afghanistan – 8 persons;

Egypt – 2 persons;

Nepal – 1 person;

Pakistan – 2 persons.

In the same context, there are 36 asylum seekers in the frame of examination procedure.

Under the Education Code adopted by the Parliament of the Republic of Moldova on the 20th of December, 2008 education is the fundamental right, essential for other human rights; the state ensures equal opportunities and equal access to education irrespective of social status, gender, race, nationality, language, ethnic origin, religion or political affiliation during their lives. The state policy in education is based on principles of non - discrimination and equity.

With the purpose of familiarization with **the legislation in the sphere of asylum and development of tolerant attitude towards the refugees, humanitarian protection beneficiaries, asylum seekers**, Refugees Direction of the Bureau of Migration and Asylum under the Ministry of Internal Affairs in collaboration with the United Nations High Commissioner for Refugees (UNHCR) organize periodically the workshops and round tables for the judges, law enforcement officers, frontiers and representatives of local authorities. In the framework of the given activities acquaintance with the legal foundation existed in the sphere of asylum, forms of protection granted in the territory of the Republic of Moldova, rights of the persons under the form of protection stated in the international covenants and national legislation as well as examination procedure of the asylum applications and status of persons during the examination procedure is taking place.

In order to prevent inappropriate behaviour of police officers towards the representatives of national minorities and to reform the police activity in accordance with the European standards in the sphere of human rights, the **Policemen's Ethics and Deontology Code** was approved by Government decision no. 481 of May 10, 2006. The Code defines the principles that govern the conduct of a policeman and the manner of behaviour in specific situations like.

The measures taken by MIA are focused on the strengthening, protection and support of ethnic groups to ensure compliance with the basic principles of law, on the exclusion of cases of discrimination against minorities, particularly Roma, equal opportunities for people in achieving the fundamental rights of people.

In order to improve the social situation through the activation of **the methodical and educational process** among national minorities, as to encourage them to participate more actively in public life, a wide range of measures have been developed. As a result, the organization of specialized training programs for law enforcement officers in the field of interethnic relations, who extend their activities in the areas populated mainly by persons belonging to national minorities, and the ensuring access to justice and development conditions

that would allow the use of minority language in relationships with law enforcement have been disposed.

In accordance with the Thematic **Plan of Professional training in the academic year 2008-2009**, the employees of internal affairs bodies have been studied various themes concerning the human and interethnic relations within the disciplines “*Human Rights*” and “*Police ethics and conduct*”, which relate to the field of the interethnic and human relations.

Particular attention is given to the measures taken in order not to admit the cases of violence or discrimination because of the ethnic identity among military carabineer troops. Ministry of Internal Affairs has elaborated “**The guidance on norms of conduct for the collaborators of the internal affairs bodies**” approved by MIA order no. 200 of 03.06.2009 which is distributed among all the subdivisions of the internal affairs bodies for study and implementation of the principles stipulated in the present guidance which presuppose elimination of all forms of racial discrimination, in particular discrimination on the ground of ethnicity, religion, national or social origin. In order to contribute actively to public order and tranquillity maintenance, it was decided to include Gypsy/Roma in public formations represented by popular guards who are to assist the operating and orderly officers in preventing and combating criminal phenomenon.

Pt. 7: Discrimination, an imminent factor that affects political, social, cultural and economical rights of national minorities, represents at the moment a major source of tension in many parts of the world.

The Republic of Moldova is not an exception. But the state took the responsibility to protect citizens’ rights from any violation, including rights regarding non-discrimination on sex basis, by becoming member with full powers of a number of important international organizations and by ratifying international covenants, especially in the domain of citizens’ rights protection.

The term "discrimination" means any distinction, exclusion, restriction or preference based on race, colour, language, religion, nationality, social origin, welfare, birth or other status, which has the goal of the destruction or impairment of the recognition, enjoyment or exercise by all persons, on an equal footing, all the rights and freedoms.

Prevention of discrimination means the suppression of any actions that deprive a person or group of persons of the desired equal treatment.

The legal system of the Republic of Moldova provides a specific prohibition of discrimination against citizens, including on sexual orientation.

Thus:

Art. 16 of the Constitution provide that "*respect for and protection of the individual is the foremost duty of the state. All citizens of the Republic of Moldova are equal before the law and public authorities, regardless of race, nationality, ethnic origin, language, religion, sex, political affiliation, wealth or social origin.* "

The Law on Assemblies no. 26-XVI from 22.02.2008 in:

- Article 4, let. b) provides the principle of non-discrimination, according to which the right of assembly is guaranteed to all persons regardless of race, nationality, ethnic origin, language, religion, sex, political affiliation, economic status, social origin or any other criterion.

- Art. 6 paragraph (1) specifies that "the organizers of meetings may be natural persons of full capacity, a group of individuals, as well as legal persons."

- Article 8, let. b) prohibits assemblies that are organized with the goal to incite discrimination.

Law nr. 25-XVI from 22 February 2008 regarding the Behaviour Code of civil servant:

- Art. 4, par. (1) provides that Law nr. 25-XVI from 22 February 2008 regarding the behaviour code of civil servant:

- Art. 4, par. (1) stipulates that civil servant in an impartial, non-discriminatory and equitable way, without offering any priority to some persons or groups depending on race, nationality, ethnic origin, language, religion, sex, opinion, political views and social origin is bound to take decisions and undertake actions;

- Art. 13, par. (2), letters a), b), c) establish that civil servant during the fulfilment of his/her duties have the following obligations:

- to ensure the equal chances and treatment regarding the carrier of subordinated civil servants;
- in case of eventual proposals or approval of promotions, transfers, appointments or dismissals or offers on material or moral stimulants without any discrimination and favouritism the cases will be examined and applied with objectivity the evaluation criterions of professional competences of the subordinated personnel;
- in cases if hiring or promotion in public functions to be avoided the discriminatory, relationship or other unusual criterions with the provisions of the Behaviour Code.

Labour Code (Law no. 154-XV of 28.03.2003):

Art. 5, let. b) and g) says that on the basis of international law and in accordance with the Constitution of the Republic of Moldova the basic principles of regulation of labour relations and other directly related relations are:

- the prohibition of forced (mandatory) employment and discrimination in employment;
- equality of workers, without any discrimination in promotions, taking into account the productivity, skills and working experience in the specialty, as well as training, retraining and upgrading skills.

In accordance with paragraph (1) of Art. 3091 of Criminal Code, "the intentional infliction to a person of severe pain or suffering, whether physical or moral, in particular with a view to obtain from him or from a third person information or a confession, punishing him for an act that he or a third person committed or is suspected of intimidating or coercing him or a third person, or for any other reason based on discrimination of any kind, when such pain or suffering is inflicted by an official or other person acting in an official capacity, or at the instigation of or with the consent or acquiescence, except for pain or suffering arising only as a result of legal sanctions, are inseparable from those caused by the sanctions, or caused by them accidentally " is punished by law.

Similar provisions are provided by other normative acts of national legislation, too. Based on the above mentioned, the state, by the means of laws, ensures equal protection of rights and freedoms of citizens, regardless of race, nationality, ethnic origin, language, religion, sex, political affiliation, wealth or social origin.

The police, as law enforcement body, that has the obligation to protect the life, health, rights and freedoms of citizens, the interests of society and the state from criminal and other illegal violations ensures compliance with these standards.

Equality between men and women

Pt. 8:

Main Policy Initiatives:

1. National Plan *“Promotion of gender equality in the society for 2006-2009”* approved by the Government in 2006;
2. Gender Focal Points were established in the ministries and government agencies as per Law nr. 5 from 9 February 2006 on ensuring equal opportunities for men and women;
3. Governmental Commission for equality between women and men was established as an Inter-ministerial coordination body led by the Deputy Prime Minister and functioning since 2006. The composition was renewed in March 2008 represented by the Deputy Ministers, officials from the Government agencies as well as Civil Society. The Department on Equal Opportunities and prevention of Violence of the Ministry of Social Protection, Family and Child functions as a secretariat of the Governmental Commission for equality between women and men;
4. The National Policy on Gender Equality (2009-2015), the first ever umbrella strategy was developed and submitted to the Government for approval in December 2008;

CEDAW concluding comments follow up /coordination at the national level

1. CEDAW concluding comments from 2000 and 2006 were taken as a basis for defining priority areas of the National Strategy on Gender Equality (2009-2015);
2. CEDAW Implementation Action Plan regarding the implementation of recommendations was developed in 2008;
3. CEDAW became the basis for the “Harmonized set of development indicators through gender lens in the context of the MDGs”, which were developed and approved at the national level and being adopted by the competent Ministries;

Main Legislative initiatives

1. The Law nr. 5-XVI din 09 February 2006 on ensuring equal opportunities for men and women;
2. The Law nr. 45-XVI din 01 March 2007 on Prevention and Combating family violence.

MDGs

MDGs were revised and reconsidered in 2007 putting a much stronger accent on concrete and numerical data and more ambitious targets in terms of gender equality and promotion of women’s participation in public life.

1. All Goals of national MDGs, including the MDG 3, were re-actualized and approved by the Parliament in December 2007 as part of the national process of development of the National Development Strategy (2008-2011). Thus, the NDS is aligned to the priorities under MDG Targets and Indicators;
2. MDGs were used as a framework for the development of the Harmonized set of development indicators through gender lens;
3. “Women and Men” Statistical Publication was fully reviewed and improved to better reflect all Targets and Indicators under the MDGs.

National Development Strategy

NDS 2008-2011 was significantly engendered through the joint efforts of major partners in promotion of gender equality – government, civil society, international organizations.

The following aspects in NDS are described through gender lens and establish gender-sensitive targets:

- Situation of rural women, especially elderly
- The life hope, gap between women and men

- Migration
- Rural women and men's poverty compared to those in urban area
- Preventing and combating family violence and trafficking in human beings
- Promotion of SMEs: Giving information, consultative and financial support in starting up a business, in particular for such categories of population as women and youth
- Developing Human Resources, Providing for employment opportunities and promoting social inclusion
- Promote women to LPA decision making positions
- Establish a strong participatory process to maximize the impact of investment in regional development on the poor, socially excluded and on women.

National Policy on Gender Equality

To ensure sustainable promotion of gender equality and women's empowerment in the Republic of Moldova at all levels of government with the support of all national stakeholders (local public administration, civil society, international organizations, media, academics, etc.) the Government of Moldova undertook elaboration of the ***National Policy on Gender Equality*** (2009-2015) (NPGE).

Completion of this task constitutes a crucial step forward towards increasing both governmental and societal sensitivity to gender issues. Also, it will promote a better understanding of different needs of women and men in society as well as advance governmental responsiveness in applying engendered approach to planning and implementation of national strategies and plans assuring observance of fundamental human rights of the citizens of Moldova. Additionally, an action plan for medium term for NPGE implementation was drafted.

NPGE and AP will be the two most important governmental documents together with the National Development Strategy (2008-2011) for addressing gender equality and mainstreaming of gender responsive policy in the Republic of Moldova.

In the process of elaboration of NPGE, were identified 8 priority areas for interventions in terms of gender responsive policy and assurance of gender equality in society. Priority areas were based on CEDAW concluding comments from 2000 and 2006, National Plan of Action for equality between women and men 2006-2009, Gender Equality Law, Domestic Violence Law, National Human Rights Action Plan and the National Development Strategy (2008-2011). Eight priority areas were selected and defined, which include:

- Employment and Labor Migration;
- Gender Responsive Budgeting;
- Women's participation in Decision Making, Social Protection and Family;
- Education;
- Health care;
- Violence and human trafficking and raising public awareness.

Budget and GRB

1. Division of Equal Opportunities (Ministry of Social, Family and Child Protection) functioning with five full time staff supported from the state budget;
2. Capacity building of academia and relevant government bodies on Gender Responsive Budgeting (GRB) is initiated since 2007;
3. Gender Responsive Budgeting course approved and under preparation with UNIFEM support for the masters level at the Academy of Economical Studies of Moldova;

Government Policy discussions/Parliamentary hearing debates.

Parliamentary hearing on Gender Equality chapter of the National Human Rights Action Plan was organized in December 2007. As per recommendation of the Parliament hearing, the following major achievements were made:

1. Developed and approved plan on prevention and combating violence against children;
2. CEDAW recommendation implementation plan developed and sent to the Ministries;
3. Information campaign was organized through mobile exhibition of gender cartoons directly reaching over 30.000 persons at the policy and decision making level.

Also, as a result of the Public discussion on the Labour Code and Employment, was initiated a gender review of the Labour Code.

Statistics

Gender or sex-disaggregated statistics represents a very important key area of attention since it provides input for all further actions – policy making, budgeting, monitoring, advocacy, education, awareness raising, etc.

Were prepared, printed and officially launched with simultaneous, continuous distribution to partners and stakeholders:

1. “Women and Men” comprehensive statistical publication with sex-disaggregated data,
2. Gender statistics User Guide,
3. Complete set of sex-disaggregated harmonized indicators.
4. Statistical bulletin “Women and Men”, Gender statistics User Guide and a complete set of sex-disaggregated harmonized indicators in electronic version on CDs.
5. Handy pocket book (short version) of “Women and Men”.

Political participation

As per MDG 3: Increase women’s representation in decision making positions. “Increase women’s representation at the decision making level from 26.5% in local councils in 2007 up to 40% in 2015, from 13.2% in rayon councils in 2007 up to 25% in 2015, from 18% women-mayors in 2007 up to 25% in 2015, and from 22% women-Parliament members in 2005 up to 30% in 2015.”

This is a domain, which is marked by particularly spectacular achievements, which are most expressly exhibited by the fact that women in Moldovan government are occupying key decision-making positions – Prime-Minister, Minister of Finance, Minister of Health, Minister of Social Protection and Minister of Education. Although women are still underrepresented at the level of the highest political structures, a series of improvements in this situation are noticed during last years:

1. for the first time the Republic of Moldova has a Government lead by a woman;
2. 29.4% is the share of women in the Cabinet;
3. public finance is lead by a woman - Minister of Finance;
4. women represent 21,8% of the Parliament members

Participation in the central power structures, as of 14 April, 2008

Source: “Women and men in RM”, 2008

	Persons		in % to the total	
	W	M	W	M
Country’s President	-	1	-	100
Presidential advisers	2	7	22.2	77,8

Cabinet of the President	7	10	41.2	58,8
Speaker of the Parliament	-	1	-	100
Cabinet of the Parliament	19	14	57.6	42,4
Members of the Parliament	22	79	21.8	78,2
Prime Minister	1	-	100	-
Vice Prime Ministers	-	2	-	100
Apparatus of the Government	3	7	30.0	70,0
Ministers	5	12	29.4	70,6
Vice Ministers	4	23	14.8	85,2
Directors of other central public administration bodies	2	9	27.3	72,7
Vice Directors	2	7	36.4	63,6
Chairman of the Constitutional Court	-	1	-	100
Chairman of the Supreme Court of Justice	-	1	-	100

It is considered that a group, in order to influence decisions, must represent at least 30%. In the table above we can see that only in 4 cases women represent at least 30%, but those are more executive, than decision making functions, therefore we can say that women are not represented enough in the central power decision making bodies.

Women exceed 40% or represent more than a half in support/consultative positions, executive within the Cabinet of the President (41,2% women) and within the Cabinet of the Parliament (57,6% women). Also, 36,4% women are vice directors of other central public administration bodies.

Public service representation

Structure of the leading staff of ministers and central public administration bodies, as of 14 April, 2008

Ministries/ central public administration bodies	Minister/ Director		Vice Minister/ Vice Director		Director/ head (of department/ division / service)		Deputy head of department/ division/ service	
	W	M	W	M	W	M	W	M
Total	7	21	6	30	168	266	82	61

Source: Women and Men 2008

Number of women working in law-enforcement bodies

Name of the subdivisions and subordinated institutions	Persons		%	
	W	M	W	M
Ministry of Justice	67	19	77.9	22.1
Subordinated institutions	133	107	55.4	44.6
Total	200	126	61.3	38.7

Source: Women and Men 2008

Even though women are better represented in Law-enforcement bodies than man, this is partly owing to the factor of lower paid jobs in this sector comparatively with the private one. At the same time lower representation of women in the Ministries exhibited in the previous table is less important since pay in public administration is significantly lower than in private sector.

Participation in local power structures

	As of 14.10.2005			As of 14.04.2008		
	Total	women		Total	women	
		pers ons	in % to the total		pers ons	in % to the total
Rayon presidents	32	1	3.1	32	1	3.1
Mayors of municipalities and towns and villages (communes)	898	133	14.8	898	157	17.5

Source: *Women and Men 2008*

Employed population in public administration (thousand persons)

	2006				2007			
	Urban		Rural		Urban		Rural	
	W	M	W	M	W	M	W	M
Public administration; education; health care and social assistance	84,0	48,2	89,7	34,8	86,2	39,9	89,9	34,4

Source: *Women and Men 2008*

As we can see from the table above an overall representation of women in public sector is far above that of the men. However, this is partly being downgraded by (i) lower salaries in public sector comparatively with private one and (ii) lower-rank, lower-paid positions held by women.

Even though there is a significant progress achieved in women participation comparatively with previous periods, there is still a lot yet need to be done not only in order to advance this cause but first of all in order to assure the sustainability of all results achieved so far.

Private sector representation

Statistics concerning women's role and position in private sector so far is significantly scarce. Women employed in private sector constitute. According to recent statistical publication "Women and Men" more men than women worked as self-employed workers (33.9% of men and 26.3% of women). At the same time what concerns percentage of employers in total population it is very low and almost equal both for female and for male population being about 1%. In private sector generally as we can see from the tables bellow women are less represented than men.

Employed population by ownership form (thousands persons)

	2006				2007			
	Urban		Rural		Urban		Rural	
	W	M	W	M	W	M	W	M
Employed population, total	271,8	289,1	356,9	339,4	277,7	271,0	348,0	350,6

Private (including other forms of ownership)	166,2	209,1	256,3	286,9	171,7	203,4	246,5	299,0
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Source: *Women and Men 2008*

Employed population by professional status (Thousand persons)

	2006				2007			
	Urban		Rural		Urban		Rural	
	W	M	W	M	W	M	W	M
Employed population, total	271,8	289,1	356,9	339,4	277,7	271,0	348,0	350,6
Self-employed workers	23,6	37,3	142,2	161,8	24,3	37,4	140,0	173,5

Source: *Women and Men 2008*

Pt. 9: The Law No.5-XVI dated 09.02.2006 on Ensuring Equal Opportunities between Women and Men and the “National Plan for promoting gender equality in society for 2006-2009” represents the national legal frameworks in the area of gender equality. In view of aligning the national legislation to the recommendations of the Committee on the Elimination of all forms of Discrimination against Women (CEDAW), the Ministry of Social Protection, Family and Child with the support from UNICEF and representatives of line ministries, LPAs, academia, civil society organizations developed the draft law on amending and completion of art.14 par.(1) and (2) of the Family Code on equalling the marriage age of men and women, adopted by the Parliament Law No. 120-XVI dated 29.05.2008.

Pt. 10: In view of implementing the National Strategy in the area of reproductive health, approved by the Government regulation No. 913 dated August 26, 2005, a series of measures were undertaken 2008, specifically:

In the area of services for pregnancy interruption:

There were elaborated the Guidelines on "Safe abortion", providing for creation of service, introduction of effective technologies in line with WHO recommendations, as well as post-abortion care services. Specialists from pilot centres in Chisinau and Balti tested the "Module of high-quality service in abortions". These modules will be introduced in curricula for training of professionals in this area.

In order to achieve one of Strategy’s goals: introduction of modern means of contraception in line with WHO recommendations,, in particular, medicinal abortion, a seminar for training of doctors on services for terminating pregnancy was undertaken in Chisinau Municipal Perinatal Centre, in partnership with Gynuity Health Projects (USA),, as well as initiated implementation of medical pregnancy termination in the second quarter. In December 2008, a group from Moldova participated in the Regional FIGO Seminar "Unsafe abortion", where the analysis of situation in the area of services for terminating pregnancy was presented.

There were Initiated activities for development of new indicators for monitoring and assessment of quality of services for pregnancy termination, in view of updating the statistical system.

In the area of family planning:

Taking into account the Reform of the public health system, family planning became an integral part of the primary medical department. At present, 3 Health Centres for Women (Chisinau, Cahul, and Drochia), 40 reproductive health offices in medical establishments operate in the country. In order to strengthen reproductive health protection, 8 reproductive health offices, provided with medical equipment and furniture (with support of UNFPA) were created in the Transnistrian region during 2008.

At the end of 2008, UNFPA donated a batch of modern contraceptives with a value of USD 1,666,381.58. Contraceptives are distributed free of charge in the reproductive health offices: to disabled persons of reproductive age, socially vulnerable groups, single mothers, mothers with many children, women from the obstetric risk group, women with extra genital pathology, women with risk of transmission of sexually-transmittable infections, teenagers and young persons of up to 24 years old, women rearing for disabled children.

In order to build capacities of family doctors and nurses in the area of reproductive health and modern means of contraception, 6 training courses taken by 250 specialists, including 75 in the Transnistrian region, were organized. Methodological guidelines (200 pcs) for reproductive health and family planning service providers were published (UNFPA). During this year conducted the seminar on assessing and aligning the normative and legal framework to WHO standards was conducted, aiming to increase the access of population to safe services in the area of reproductive health .

Prohibition of torture and inhuman and degrading treatment and punishment

Pt. 11: Although, as a special rule torture acts found reflection in national legislation only starting July 2005, the work of competent national authorities in corruption fighting was well established before, including the bordering of acts as excess power or exceeded duties.

Meanwhile, since 27 April 2007 these problems were generalized and valued in terms of ECHR practice with reference to the Republic of Moldova and to other countries, there were identified practical solutions in order to overcome situations that are generating risks of condemning the state for admission by agents of the prejudicial acts and conduct.

Also appeared the necessity of starting the medical evidence of persons placed in detention which was seen as necessary and effective measure to prevent cases of torture, being proposed at the central level by the Prosecutor's Office from October 2007 together with other solutions to prevent the phenomenon of torture. Also, in accordance with the Order of the Minister of Interior no. 384 of October 26, 2006, in order to exclude cases of torture and mistreatment of persons in temporary detention isolators of police stations was ordered the establishment of an infirmary in each police station. They will examine each person at the time of apprehension and the recorded data will be introduced in a specially designed form and register, their activity will be monitored by Medical Division of the Ministry of Internal Affairs.

However, given the situation regarding the compartment of ensuring impartiality of prosecutors in the investigation of cases of torture and excess of power by the Order of the Attorney General of November 19, 2007 on the organization of the investigation of cases of torture, degrading and inhuman treatment, territorial and specialized prosecutors were required to designate a prosecutor, who is responsible for documentation and examination of complaints regarding torture, ensuring the security of victims, etc. It should be mentioned that this person is

not involved in other activities, this way it is excluded that the prosecutor can favor somebody in investigating a case of torture.

According to this departmental act, in case that the intimation leads to reasonable suspicions regarding a committed crime of torture, the prosecutors must start immediately criminal prosecution in order to collect evidences, establish the circumstances of the case and identifying the suspects. After starting prosecution and after completing all the actions that should be immediately done, by a motivated order the prosecutors of Chisinau and UTA Gagauzia withdraw all the criminal cases from prosecution offices from these territorial units, disposing further investigation by a specialized prosecutor.

Also, according to the decisions of the General Prosecutor or its Deputies, Chisinau, Bălți and Cahul military prosecutor's offices are investigating cases of torture, inhuman and degrading treatment committed in central, northern and southern areas of the country, and the division of the General Prosecutor's Office for criminal prosecution regarding exceptional cases is investigating cases of torture, inhuman and degrading treatment in high profile cases.

This mechanism was appreciated and accepted by the representatives of the international forum as a mechanism which can ensure at the moment full and impartial examination of human rights violation cases.

In order to remove all deficiencies that could appear during investigation of cases of ill treatment and torture, were elaborated and applied the following:

1. The methodical guide regarding the prosecution procedure in cases of exceeding of one's authority or of official powers;

2. The indication regarding the ensuring of an effective investigation of cases of torture and regarding compliance with interpretative recommendations which results from ECHR jurisprudence regarding the respect of the 3rd article of the Convention;

3. The methodical recommendations regarding detecting, countering and combating cases of torture, inhuman or degrading treatment and punishment.

4. The General Prosecutor's Order from January 4, 2006 "Regarding the approval of priority activity directions in the domain of the respect of law when enforcing sentences and increasing the efficiency of penitentiary control", being established as prior activity direction the ensuring of fundamental rights of detainees, combating torture, inhuman and degrading treatment.

In the same time, there are encountered deficiencies, like the possibility of forensic experts to establish the consequence of torture actions when there are no visible injuries.

Taking into consideration the importance of this problem and the special attention that ECHR gives to those cases, by its intimation from November 28, 2008 the General Prosecutor's Office demanded from the Ministry of Health, which is responsible for forensic expertise offices, to take actions in order to bring the forensic examination reports and forensic examination methods in cases of torture and ill treatment in accordance with "*The principles of effective investigation and documentation of torture and other inhuman and degrading treatment cases and their punishment*", recommended in the resolution nr.44/89 from December 4, 2000 in the UN General Assembly.

As result of those institutional and procedural measures, the problem was solved and the risks of negative appreciation of the human rights respect on national and international level were diminished.

In the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CTP) was clearly stated that the improving the situation at this chapter is in direct relationship with the efforts.

Beside this measures, the main task of the Prosecutor's Office in this domain still remain criminal prosecution in cases of torture and ill treatment.

The Statistic is reflected in the table below:

Year	Complaints regarding ill treatment examined	Penal cases started		Sent to court with indictment	Persons convicted	Sentenced to prison
		art.309/1 Criminal Code (torture)	art.328 Criminal Code (excess of power)			
2007	1258	50	87	55	63	14
2008	1121	51	73	46	36	5
2009	399	22	17	7	16	1

Having the goal of improving the detention conditions and assurance of human's rights respect in detention institutions there was taken the decision of transferring the temporary isolation places from Ministry of Home Affairs to the Ministry of Justice. As a result an interministerial working group was created, which had the task to identify the possible ways for the fulfilment of this goal. During the examination process a number of objective facts were ascertained that don't make possible the transfer of isolation places, including the fact that from the technical point of view the dwellings of temporary detention that are in the custody of Ministry of Home Affairs do not correspond to the established criterions and there exist the lack of financial assistance from state budget that could improve this situation. Taking into account this situation the optimum solution is the construction of arrest houses. In this context, the Department of Penitentiary Institutions (DPI) from the Ministry of Justice of the Republic of Moldova organized a public auction. As a result of the auction INCP „Urbanproiect” drafted the type-project of an „arrest-house”. From March 2008 the above mentioned project is examined by the Testing and Expertise of construction projects Division from the Ministry of Construction and Territory Development.

Also, in order to join up the Concept of penitentiary system reform to the provisions of new enforcement legislative frame, on 29 June 2007 was approved the Government Decision nr. 738 „Regarding the approval of amendments to the Governments Decision nr. 1624 from 31 December 2003”. As a result there was inserted a new chapter – the arrest houses.

In the same context, there has to be mentioned that at present is in process of being drafted the documentation of type-project, which is checked by the Testing and Expertise of Construction Projects Division from the Ministry of Construction and Territory Development.

Regarding the assurance on a more proper selection and instruction of detention institution personnel in the domain of human rights respect and fighting the phenomenon of inhuman and degrading treatments, the selection of personnel in the frame of penitentiary system is made according to the provisions of Law nr. Nr.1036–XIII from 17 December 1996 regarding the penitentiary system and Regulation regarding the fulfilment of service by privets and command staff from penitentiary system of the Ministry of Justice, approved by Government Decision nr. 950 from 14 October 1997 and Order of Minister of Justice nr. 327 from 14 November 1997. During the selection process of persons for the vacant functions in penitentiary system are taken into account the professional, moral and personal qualities and also the aspect of ability to oppose to negative phenomenon and antisocial average. As a result, during 2008, in the frame of penitentiary system were hired 311 persons (66 officers, 182 petty officers and 63 civilians).

With the goal of increasing the professional level of the personnel on 23 January 2008 by DPI Order nr. 11 was approved the Program for professional instruction of the personnel from penitentiary system for 2008 and was issued DPI Order nr. 12 from 23 January 2008 regarding the initial instruction and retraining of the personnel in the frame of DPI Training Centre. As a result, at the training discipline in the domain of human rights in a compulsory way are studied the following topics:

- Minimal standards for detainees maintenance;
- Universal Declaration of Human Rights;
- National, Regional
- International Mechanism of Human Rights Protection”.

Also, during the period of 06 - 12 October 2008, in the frame of each subdivision of penitentiary system were organized training seminars on the topics: “*Study of the provisions of Universal Declaration of Human Rights*” and “*Study of the provisions of European Convention on torture prevention and punishments and other inhuman or degrading treatments*”.

In the same context, it should be mentioned that the number of complaints regarding inhuman or degrading treatment that arrived to the Center for Human Rights is the following:

- Year 2004 – 249 complaints and 54 signals from citizens;
- Year 2005 – 264 complaints and 111 signals from citizens;
- Year 2006 – 481 complaints and 333 signals from citizens;
- Year 2004 – 319 complaints and 37 signals from citizens;
- Year 2004 – 264 complaints and 58 signals from citizens.

Prohibition of slavery or forced or compulsory labour

Pt. 12: In conditions, when the Republic of Moldova continues to be a country of origin and transit in the main flow of migrants to EU countries, the Republic's leadership continues to strengthen measures to combat trafficking in persons and illegal migration, by signing international agreements on combating human trafficking, including severe penalties for such crimes.

Despite the fact that the methods of committing crimes related to trafficking in human beings are constantly changing, the ultimate goal remains unchanged, thereby contributing to mutual agreement on the definition of «trafficking in human beings».

Initial resistance to effective traffic was hindered by the lack, at the respective time of the relevant national legislation, which subsequently led to changes in the Criminal Code of the Republic of Moldova, by providing for the imposition of criminal penalties for human trafficking:

- April 1997, Article 1131 – “the sale and trafficking of children”;
- July 2001, Article 1132 / “trafficking in human beings”;
- 12 June 2003, the entry into force of the new Criminal Code, where the fight against these crimes a provided by the following articles:
 - a) Art. 165 – human trafficking;
 - b) Art. 206 – child trafficking;
 - c) Art. 207 – illegal removal of children from the country;
 - d) Art. 220 – pimping;
 - e) Art. 362¹ - the organization of illegal migration.

In order to strengthen the fight against trafficking in human beings, 20.10.2005, was adopted a special Law nr. 241-XVI «On Preventing and Combating Trafficking in Persons»,

which clearly defines the powers of competent authorities, whose activities directly or indirectly linked to the prevention and the intersection of trafficking in persons, non-governmental organizations active in the field of preventing and suppressing this type of crime, measures to protect victims of trafficking and assist them, the responsibility for human trafficking, as well as cooperation at the local and international level.

On 30 March 2006, the Parliament of the Republic of Moldova adopted the Law nr. 67-XVI on ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (signed by the Republic of Moldova at Warsaw on 16 May 2005), according to which the Moldovan legislation was adjusted with international standards, on which basis is the respect for human rights and assisting victims of trafficking and prosecution of criminals.

In order to bring to justice the persons involved in illegal migration, the Criminal Code was supplemented with the Art. 363¹ "The organization of illegal migration."

According to the Department of Information and Operative Records of Internal Affairs, during the first half of this year, by the employees of MIA in 124 cases has been initiated criminal investigations on trafficking in persons (Art.165 Criminal Code), from them – 98 according to Art. 289 Criminal Procedure Code were sent to the prosecutor's office, and 57 - according to Art. 297 Criminal Procedure Code.

It should be noted that from the total number of these crimes, 100 cases of trafficking victims were women.

At the same time under Art. 206 Criminal Code "trafficking in children" were initiated 13 criminal cases.

In September 2005, between the United States and the Government of the Republic of Moldova was signed the Agreement on the establishment of the Centre for Combating Trafficking in Human Beings.

The establishment of such a unit provides an opportunity not only to focus on operational delivery channels "human trafficking" and criminals, but also to quickly interact with all services, bypassing the bureaucratic procedures.

The Centre has been tasked to identify for the prosecution of corrupt officials related to trafficking and illegal migration.

Through joint action, law enforcement authorities of the Republic of Moldova have identified and eliminated 16 supply "human trafficking" channels in countries such as Russia - 4 (for the exploitation of forced labour), Turkey - 5 (for the purposes of sexual exploitation), United Arab Emirates - 3 (for the purpose of sexual exploitation), others - 4.

As a result of operational search activities, during the period of 5 months of 2008 year in the Republic of Moldova were discovered 216 crimes related to trafficking and illegal migration:

- 104 - crime - trafficking in human beings;
- 20 - Trafficking in children;
- 73 – pimping.

Since the introduction of a new article in the Criminal Code on the organization of illegal migration, there were revealed 19 such cases.

By virtue of geographic location, there has to be mentioned that it is registered a closer communication and cooperation with the operative services of neighboring countries - Ukraine and Romania.

Taking into account that the Republic of Moldova is a country of origin of traffic efficient may be deemed the cooperation with law enforcement authorities of SECI Centre member states in the frame of international operations «NISTRU», «URMA» («NEXT») and «MIRAGE» in particular with Romania, Austria, Hungary, which examine and investigate the

channels of trafficking in persons and illegal migration. In connection with the transnational nature of crimes related to trafficking in persons, international cooperation went beyond the regional level.

Due to the lack of any possibilities for the fulfillment of any legal control of the Transnistrian region, up to present continues to be present all necessary conditions for organized crime prosperity, especially, of trafficking in human beings. Taking into account the above mentioned facts, can be mentioned that even the holding of truthful operative information regarding the existence of channels for trafficking in human beings make difficult the appliance of the process on the annihilation of such channels. As example, can be mentioned the case of identification of a traffic channel of young girls from Moldova and Ukraine. This channel has been active for a period of 3 years and final destination was Russian Federation. The law enforcement agencies were in the possession of an operative information regarding the recently mentioned channel but its liquidation became possible only when the railway lines to Russia were changed (it is referred to the situation of opening new lines that do not pass through the Transnistrian region). Consequently, the interaction between law enforcement agencies of the Republic of Moldova and Ukraine represents an important fact in this domain, which has to be focused on the liquidation of trafficking in human beings channels and illegal migration that pass through the Transnistrian region.

Also, in the context of systematic protection and assistance of victims and potential victims of trafficking in human beings on 05 December 2008 the Parliament Decision nr. 257 regarding the approval of Strategy and Action Plan of National System referring to protection and assistance of victims and potential victims of trafficking in human beings were adopted. The present normative act represents a basis for cooperation between public authorities with competences in the domain and national and international organizations, which unfold their activity in prevention and fighting of trafficking of human beings.

By the Government Decision nr. 847 from 11 August 2008 in the frame of the Ministry of Social, Family and Child Protection a "Centre for assistance and protection of victims and potential victims of trafficking in human beings" was created. The Centre constitutes the first contact point for repatriated persons, offers temporary protection and different services: medical, psychological, social, legal, and educational. Also, the Centre offers assistance to potential victims of trafficking in human beings.

In 2009 at the Assistance and Protection Centre were accommodated 103 persons (53 victims, 31 victims' children and 31 potential victims).

On the ground of Government Decision nr. 948 from 07 August 2008 regarding the approval of repatriation procedure of children and adults - victims of trafficking in human beings, illegal trafficking of migrants and also single children, the Ministry of Social, Family and Child Protection was appointed as the responsible authority for the fulfilment of all necessary actions in the respect repatriation procedures of children and adults identified on the territories of foreign states. On the same context, on the basis of the above mentioned Government Decision, from 2007 until present the Ministry of Social, Family and Child Protection repatriated 80 children in the frame of 25 missions.

One of the most important factor is the cooperation with international and nongovernmental organizations like the OSCE, the International Organization for Migration, Center «La Strada» and the Center for Combating Trafficking in Women, which provide legal, psychological and social assistance to victims of trafficking.

Also, with their support were received positive results in the organizational and practical activity, and in the training of law enforcement officials of Moldova.

Liberty and security of the person

Pt. 13: Regarding the assurance of defence right for arrested persons, according to pt. 4, par. 2, Art. 64 Criminal Procedure Code, the suspect has the right and the representatives of the criminal prosecution body are obliged to assure the suspect a chosen or appointed defender and in case of arrest allow him to receive a legal assistance in confidential conditions, until the first hearing in the quality of suspect.

In the respect of detained persons, the Prosecutor's Office undertook a number of organizational-institutional measures, which has the goal to ensure the respect of citizens' rights and liberties that are in the custody of police and, also, to minimize the causes and conditions that infringe these rights.

In this way, by the Decision of Prosecutor's Office Board from 27 September 1996 prosecutors were obliged daily to make unforeseen controls in provisional detention places. Also, this fact results from the provisions of Law regarding the prosecutor's office and pt. 13, par. 1, Art. 52 of Criminal Procedure Code. These activity supposes a personal and direct control of legality for persons detention, interview with these persons and drawing up reports about the control results.

In penitentiary institutions, the accused person is detained on the base of court decision, and the convicted persons on the base of conviction sentence. The convicted persons can not be detained in penitentiary institutions more then the term provided in judicial decision – provisions contained in Art. 186 of the Criminal Procedure Code of the Republic of Moldova.

According to provisions of Art. 224, letter c) of Enforcement Code, in pre-trial detention facilities (so-called SIZO) the persons that are under preventive arrest are hold separately from convicted persons.

At present, all places of provisional detention (31) from the custody of the Ministry of Home Affairs according were adjusted to the requirements in force, with the goal of fulfilling reunions and measures of criminal investigation.

Especially, were created conditions for making meetings with the promoters of human rights in institutions of preventive detentions, which have a confidential character without any restrictions in the respect of number and duration of the meetings, etc.

According to Art. 329 Enforcement Code and Ministry of Home Affairs Order nr. 5 from 05 January 2004 in places of preventive arrest are separately hold:

- a) women – from men;
- b) minors – from adults;
- c) persons that for the first time are under preventive arrest – from persons that previously were detained in penitentiaries;
- d) suspected, accused or guilty persons for an offence commitment – from suspected, accused or guilty persons that took part at the same offence;
- e) suspected or accused persons for committing serious crimes, extremely serious crimes and heinous crimes – from other persons;
- f) persons that until the arrest had positions involving responsibilities in public authorities – from other persons;
- g) persons, that by virtue of the function previously hold, can be threatened – from other persons;
- h) persons ill with infectious diseases or requires a special medical supervision – from other persons;
- i) condemned persons or those that are under preventive arrest.

In case of illegality identification, prosecutors are bound to take the necessary measures for restoring the legality, including by ordering the releasing the person illegally detained in places of preventive arrest and to bring to account the decision factors that admitted such infringements.

In this way, there exist an evidence, control and monitoring mechanism for practical appliance of procedural constraint measures and, also, of detention conditions for persons that are in preventive arrest.

At the chapter on appliance of preventive measures there were undertaken a number of measures for the establishment of a uniform politics for the appliance of the measures with constraint character, for the promotion and protection of human rights:

Educational direction:

- introduction of programs for professional instruction for prosecutors in the domain of problems regarding the procedural constraint measures appliance, also at this chapter was studied the ECHR case law and making the prosecutors to pass a number of tests on the knowledge level of the norms of national and international legislation in this domain. In 2008, with the support of National Institute of Justice were organized 87 activities (seminars, round tables) on the topic: “*European Convention for the Protection of Human Rights and Fundamental Freedoms and ECHR case law*”. At this event took part 396 prosecutors. Also, in cooperation with the Norwegian Mission of Rule of Law Advisers to Moldova – “NORLAM” were organized 7 seminars. In this respect, at the seminar “Human Rights and Preventive Arrest” took part 70 prosecutors.

- organization by the General Prosecutor’s Office and Ministry of Home Affairs of instruction seminars for prosecutors and criminal prosecution officers, on the topic: appliance problems of apprehension and preventive arrest through ECHR case law.

- in order to prevent eventual infringements of human rights in the case of depriving the person of liberty in the frame of a criminal investigation there were drafted models of demarches regarding the appliance of preventive arrest measures and regarding the extension of person’s arrest time, which were sent to the head of Prosecutor’s Office subdivisions for its appliance in practical activity.

- prosecutors’ familiarization with Committee of Ministers Recommendation Rec(2006)13 of the Member States of Council of Europe regarding the provisional detention, applied conditions during detention and, also, guarantee appliance against abuse, adopted by the Committee of Ministers on 27 September 2006 during the 974-th reunion of Ministers Delegation. In order of preventing eventual infringements of human rights during the person’s apprehension in the frame of a criminal investigation, prosecutors were obliged to undertake adequate measures for respecting the rules (enclosure to the recommendation) during their activity.

- drafting and implementation in practice of the Guideline for prosecutors regarding the questions on apprehension and persons’ detention.

Legislative domain:

- there was drafted the Law on amendment of Criminal Procedure Code, which contains proposals for inserting provisions regarding the settlement of the procedure on suspect apprehension, on the basis of arrest mandate issued in his absence and, also, of situations when the arrest mandate is issued in his absence, so that the established in the mandate term to begin from the moment of apprehension and the arrested person, as a result of extradition, to be transferred to national authorities, and in a compulsory way

in a term of no more than 72 hours from the moment of apprehension and transfer to bring him/her before the court that issued the mandate, for offering the explanations and the arrest grounds and also the right to contest the legality of issuing the respective mandate.

Institutional domain:

- creation and achievement in the frame of Prosecutor's Office subdivisions an evidence, control and monitoring the appliance in practice of the constraint procedural measures – apprehension and preventive arrest;
- determination as a basic judgement index prosecutor's activity, legality and correctness of the decisions on apprehension and preventive arrest;
- reform of the state created at this compartment;
- development of a continuous adjustment process of Prosecutor's Office department norms to international standards;
- organization and fulfilment by the subdivision heads of the Prosecutor's Office of a total revision of criminal cases on which arrested chargeable persons were summoned, with the adoption of respective solutions;
- in March 2007, General Prosecutor's Office drafted a directive regarding the respect by prosecutors of the interpretative recommendations, which results from ECHR case law on liberty deprivation during criminal procedure. It was drafted with the goal of assuring the respect of apprehended and arrested persons during a criminal procedure and for exclusion of eventual sanctions of the Republic of Moldova by the ECHR for the forbiddance of rights liberty and security.

Treatment of persons deprived of liberty

Pt. 14: In order to reduce the over-population of detainees in penitentiaries a number of laws that have the goal to humanize the criminal punishments were adopted. It were promoted and adopted for decreasing the punishment terms or eliminating the offence character of the punishments (Law nr. 277/XVI from 04 November 2005, Law nr. 184-XVI from 29 June 2006, Law nr. 292/XVI from 21 December 2007, Law nr. 14-XVI from 15 February 2008, Law nr. 188-XVI from 10 August 2008, Law nr. 277-XVI from 18 December 2008, Law nr. 278-XVI from 18 December 2008).

In this way, the cases regarding the convicted persons that fall under the provisions of the above mentioned laws were re-examined or are in examination process at the Supreme Court of Justice.

The number of the convicted persons that can be conditionally released before the term will increase as a result of application the above mentioned laws.

According to statistic dates of the Department of Penitentiary Institutions (DPI) from the Ministry of Justice at the beginning of 2008 in penitentiaries from the republic were detained 7895 persons, and at the beginning of 2009 – 6830 persons. This constitutes a number of 100 persons less then precedent year. On 01 July in penitentiary institutions were detained 6739, with 91 persons less then at the beginning of 2009.

Regarding the invoked facts in the respect of persons ill of TBC and of detainees condemned for life, during the last years many actions for the improvement of detention conditions were achieved.

So, in 2007 a diagnosis and stationary block was reconstructed for TBC sick persons from Penitentiary nr. 17 - Rezina. Also during the period of 2007-2008, including the current year in institutions that detain person's ill of TBC were fulfilled usual repairs for the assurance of minimum hygiene and sanitary standards for these persons. In this way, if in 2006 a TBC ill person was assured with 3,3 square meters in tuberculosis departments penitentiary hospital, in 2008 – 4 square meters, then at present they are assured with 4,8 square meters.

There were registered the following achievements in penitentiary systems in order to ensure the improvement of living conditions:

- *Penitentiary nr. 1-Taraclia*

In 2008 reconstruction works of the regime block nr. 2 took place in Penitentiary nr. 1-Taraclia.

- *Penitentiary nr. 7- Rusca*

Regarding the rehabilitation detention block for women of the Penitentiary nr. 7 construction works were made in the respect of a boiler room the living block and installation works of warming system of the same block. These objectives were achieved in the context of cooperation with Swiss Agency for Development and Cooperation. The above mentioned detention block for women was opened in November 2007. Also in 2008, inside the Penitentiary nr. 7 was opened a Medical Centre of the penitentiary. It was supplied with necessary furniture, including for detained women that are detained with children. In the same context, there is in process of being finalised a playground for children that are together with their mothers detained in Penitentiary nr. 7.

Also, in the frame of cooperation between the Ministry of Justice and Swiss Agency for Development and Cooperation on 5 March 2008 was concluded a cooperation contract. At Penitentiary nr. 7 on the base of this contract were fulfilled reconstruction works of water supplying and sewerage systems and other technical works.

On 20 May 2008 at Penitentiary nr. 1-Taraclia was opened the regime block nr. 3. It was reconstructed for the detention of 100 detainees. Also, according to the established norms there were appropriated sanitary blocks. For further reconstruction of the Penitentiary nr. 1 there was initiated the re planning procedure of forth regime block, with the goal of creating a separate sector of maximum security for the persons that are condemned to detention for life. The respective sector will comprise two detention regimes (initial and common). In December 2008 the construction works of internal electric system of the penitentiary were finished.

Another achievement in the respect of the improvement of detainees' living conditions constitutes the reconstruction of disciplinary isolation in Penitentiary nr. 9 - Pruncul. It will be used for the detention of detainees with initial regime and it has a capacity of 60 places.

The Complaint Committee does not have a separate financing system. In this context, the human rights protection is achieved on the base of Article 5 Civil Procedure Code and Article 1, par. 2 of the Law on Administrative Court.

Daily data of persons in pre-trial custody reveal that the number of detained persons (data from 26.06.2009) does not exceed the existing content (1152 people).

In addition, in accordance with the Art. 338 of the Code of execution, nr. 25 from March 10, 2008 "On improvement of pre-trial detention facilities under the Ministry of Internal Affairs" the persons to whom were put the administrative and preliminary findings and are in detention facilities, and, after the court will be transferred in prison, thus the principle of separation of apprehension and prosecution is carried out and consequently, a significant decrease in the detention of persons in the Ministry of Internal Affairs. In addition, better optimal hygienic conditions have been restored, in order to provide medical services and to exclude the possible

acts of inhuman or degrading treatment. In particular, were created conditions for meetings of detainees and their defenders in confidence, without limiting the frequency and duration. In this regard, meeting rooms were organized in each IDP.

Right to a fair trial before an independent and impartial tribunal

Pct. 15: At this chapter can be mentioned that the Law nr. 198-XVI regarding the legal assistance guaranteed by the state was adopted on 26 July 2007. As a result of its entering into force, on 1 July 2008, until present the following achievements regarding the implementation of the present law were registered:

- by Minister of Justice Order on 24 January 2008 was approved the Regulation of National Council on Legal Assistance Guaranteed by the State (NCLAGS);
- in the frame of NCLAGS session on 20 May 2008 were approved Regulations of Territorial Offices – Bălți, Cahul, Comrat, Căușeni. Also, for above mentioned Territorial Offices were identified places for residence.
- the necessary normative frame Mediation Council and NCLAGS was adopted:
 - a) Regulation regarding the functioning of Territorial Offices of the National Council for the State-Guaranteed Legal Assistance.
 - b) Regulation regarding the procedure of application and assignment of lawyer for offering the urgent legal assistance.
 - c) Regulation regarding the selection contest of lawyers for offering qualified state-guaranteed legal assistance.
 - d) Provisional Regulation regarding the dimension and way of lawyers' remuneration for qualified state-guaranteed legal assistance.

Also, for continuous consolidation of judicial system, especially for the assurance of its independence on 9 November 2007, took place the inauguration of the **National Institute of Justice**. Mr. Terry Devis, General Secretary of the Council of Europe took part at this event.

In the same context, the Law nr. 185-XVI for modification and completion of Law nr. 947-XIII dated 19 July 1996 regarding the Superior Council of Magistrates was adopted on 26 July 2007, which provides the establishment of the Judiciary Inspection nearby the Superior Council of Magistrates. On 1 January 2008 the Judiciary Inspection began its activity. It has large competences in organizational activities of law courts, including for identification of criminal and civil cases that in the frame of law courts are in examination process for a long period of time and for undertaking the necessary measures that are provided by the legislation in force in this respect.

In order to adjust the national legislation to new provisions that establishes the creation of Judiciary Inspection the Law nr. 302-XVI for modification of the Law nr. 950-XIII dated 19 July 1996 regarding the disciplinary board and disciplinary liability of judges was adopted on 27 December 2007. Its primary goal is the establishment of an effective mechanism for implementing the provisions of the Law regarding the Superior Council of Magistrates and also the delimitation of competences between the institutions that examine the citizen's petitions in the problems regarding the judiciary ethics.

On 15 June 2007, the Government of the Republic of Moldova approved the Decision nr. 670 "Regarding the creation of the Department of Judiciary Administration". The Department began its activity on 1 January 2008.

Also, according to pt. 5 of the abovementioned Decision, the Ministry of Justice drafted the Regulation regarding the organization, functioning and structure of Department of Judiciary

Administration. The Government Decision nr. 1202 regarding the approval of Regulation and structure of Department of Judiciary Administration was approved on 6 November 2007. The present Decision entered into force on 1 January 2008. Now the Department of Judiciary Administration unfolds its activity according to its institutional competences.

The Law nr. 134-XIV regarding the mediation was adopted on 14 June 2007, which was promulgated by President of the Republic of Moldova Decree nr. 1399-IV from 29 November 2007.

Having the goal of implementing the present Law, there can be mentioned that on February 5th 2008, by the Order of the Ministry of Justice nr. 48 regarding the Commission for the selection of candidates for Mediation Council members, was instituted the mentioned Commission.

On 16 June 2008, the Mediation Council approved:

1. The Regulation regarding mediators' attestation;
2. The Regulation regarding the registration of mediation bureaus;
3. The Deontological Code of the mediator;
4. The Regulation of Mediation Council.

In the same context, there can be mentioned that during the periods of 06 October 2008 – 17 October 2008 and 20 October 2008 – 31 October 2008 instruction courses in the domain of mediation took place in the frame of National Institute of Justice.

On 14 February 2008 the Law nr. 8-XVI regarding the probation was adopted by the Parliament.

Regarding the improvement of alternative ways for litigation solving, on 22 February 2008, during the plenary session of the Parliament were adopted the following acts:

1. Law nr. 23-XVI regarding the arbitration;
2. Law nr. 24-XVI regarding the international commercial arbitration.

Also, the Government of the Republic of Moldova in order to ensure the independence of judicial branch and also the exclusion of any pressure on it undertook a number of measures in this respect. Therefore, in order to ensure the financial independence of judicial system there was drafted a *Financial Concept of Judicial System*, which implies an efficient financing of justice for assuring the functionality, transparency and independence of this domain.

With the aim of assuring the transparency of legal courts activity and also elimination of subjective and objective facts that contribute to the inefficiency of judicial system, with the support of "Millennium Challenge" USA Program was drafted the *Incorporated Program of Files Administration*, component part of *Legal Informational System*. This Program will fulfil the following important functions: assurance of a unique procedure for administration of all files of legal courts, automatically will assure a number to the file, as a result of introduction of information about participants there will be assured an aleatory distribution of files to the judges, will ensure the publication of judicial decisions on the courts web-site, electronic remittance of the files from one legal court to another, generalization of statistic information, etc. As a result of the fulfilment of the above mentioned attributions the activity of legal courts personnel will be simplified.

In the same time there was drafted the *Program of Audio Registration of Legal Sessions "Femida"*.

For the improvement of activity conditions for the personnel of legal courts all ccontracts for gratuitous use concluded by legal courts with lawyers, notaries, prosecutors, executors that were using the headquarters of legal courts were cancelled. In this way there were assured the necessary conditions for creating the court rooms that have the necessary equipment according to

European standards. At present, Ungheni, Rezina și Comrat law courts, renovated with the support of “Millennium Challenge” USA Program, correspond to all requirements imposed to a legal court. Finishing the process of headquarters evaluation, process initiated by the Ministry of Justice and fulfilled by “Millennium Challenge” Program, there will be established the necessities for courts renovation.

There also have to be mentioned that the judicial system have serious deficiencies in the respect of qualitative translation of procedural acts. In this way the Ministry of Justice drafted the Law regarding the authorization and payment of translators involved in the activity of the Superior Council of Magistrates, Ministry of Justice, prosecutors’ bodies, law enforcement bodies, legal courts, notaries, lawyers and executors. The above mentioned draft law was adopted by the Parliament of the Republic of Moldova, being published in Official Monitor nr. 51-7-58 from 20 March 2009 and entered into force on 20 September 2009.

The provisions of the above mentioned law have a considerable importance, because it establishes a new status for translators (including for deaf-and-dumb translators), and also defining their rights and duties taking into account their major importance in legal process and notary activity. The law was drafted in accordance with the European requirements and standards.

The Ministry of Justice, in order to enable the access to justice and also to improve the legal act, printed posters, which contain information regarding the party’s rights and obligations. These posters were distributed to all legal courts.

Also, in order to enable the activity of law courts presidents for 2009 in the list of personnel was included the function of counsellor of president. The counsellor of president took a number of organizational activities, earlier fulfilled by the president of the court. In the same time the counsellor will contribute to the administration of informational systems from law courts.

Juvenile Justice

Pt. 16: At this chapter can be mentioned, that Probation Division from the Enforcement Department (Ministry of Justice) carry on the probation activity in the domain of Juvenile Justice. This domain is settled by Art. 8, par. 3, Art. 13 Law regarding the probation; Art. 54, 90, 91, 93, 104 Criminal Code of the Republic of Moldova; art. 475 Criminal Procedure Code of the Republic of Moldova; Art. 311 Enforcement Code of the Republic of Moldova. According to the legal frame in the domain of Juvenile Justice, the involved personnel assist the legal courts in the process of penalty individualization by presenting the presentential report on psycho-social evaluation of minor’s personality that is in conflict with law. Also they supervise and assist the minors convicted to unpaid work for community, released of criminal responsibility (Art. 54 Criminal Code of the Republic of Moldova) and criminal punishment (Art. 90, 91, 93 Criminal Code of the Republic of Moldova). The probation activities in the respect of minors are fulfilled a specialized personnel al probation services from enforcement offices (43 persons). In this way, according to statistic dates for 2009 were registered the following results: from 77 requests of drawing up evaluation reports, 77 reports of psycho-social evaluation of minor’s personality that is in conflict with law were made, 4 reports in process of being finished, 65 supervised and assisted minors for performing the conviction of unpaid work for community and 14 minors released of criminal responsibility.

In the same context, there has to be mentioned that according to criminal legislation (Art. 21 Criminal Code of the Republic of Moldova) persons who, in the moment when a serious crime, extremely serious crime was committed were at least 14 years old, or, in the moment

when a minor offence or a less serious crime was committed were at least 16 years old can be criminally liable.

One of the adopted by the State measures for the reduction of detained minors' number on 10 July 2008 was adopted the Law nr. 188-XVI regarding amnesty. On 01 January 2008 in the penitentiaries of the republic were detained 446 minors, as a result of the implementation of the above mentioned Law at 01 January 2009 there were 32 minors in penitentiaries.

According to the legislation in force, in penitentiaries of the Republic of Moldova minor detainees are detained *separately* from adult ones.

In the same context, on 16 July 2008 by Decision of Ministry of Home Affairs, Ministry of Education and Youth, Ministry of Social Protection, Ministry of Health and Ministry of Justice Boards was approved the *Action Plan regarding the protection of child's rights and measures of prophylaxis and fighting the juvenile delinquency for 2008-2010*, which contains prophylaxis activities on formal and non-formal educational level, juvenile delinquency, and methodological activities in the domain of continuous training.

In order to achieve the actions inserted in the above mentioned Plan, the Ministry of Justice in collaboration with the Ministry of Education and UNICEF mission launched in 2008 the project "*Reform in Juvenile Justice System*". It has the goal of improving the educational, training process and further social reintegration of children that are in detention. In 2008 in Penitentiaries nr.5 – Cahul, nr.11-Bălți, nr.13-Chișinău and nr. 17- Rezina were repaired the cells for minors and opened classrooms for study for minors from these detention institutions.

There were 6 programs of liquidation of illiteracy of minors with low level of education. Also, in II-nd semester of 2008 for preceptors and psychologists from penitentiaries and teachers from local communities that implement these programs were organized training seminars. In September 2008 for the first time in the Republic of Moldova penitentiary system began the educational process for minors from temporary isolation institutions. As a result all minors from penitentiary system are beneficiaries of the right of basic education.

By Minister of Justice Order nr. 560 from 31 December 2008 were approved the Rules regarding the way of drawing up the personality evaluation report. Also, there were drafted type-models for requesting the presentential report of psychological evaluation and sent to all probation divisions from enforcement offices.

For assuring the assistance for child's resocialization and rehabilitation that are in conflict with law in the domain of creation the social network in the domain of protection the child's rights were organized working meetings. Also, at his events took part of representatives of local and central public administration, educational institutions and non-governmental organizations.

In the same context, at Penitentiaries nr.2-Lipcani and nr.7-Rusca were organized competitions on artistic creation for detained minors.

The Day of Juvenile Justice was organized with the participation of pupils from pre-university educational institutions. Regional Conferences on the topic "Probation – activity through criminal reform of Moldova" were organized in Chișinău – 19 September 2008, Cahul - 20 October 2008, Bălți - 24 October 2008. At this events was examined the Norwegian experience in the domain. In the same time by Enforcement offices of Bălți, Taraclia, Făleşti were organized specialized lessons on topic „We and the Law”.

Violence against women and children and right of children to be protected

Pt. 17: At this chapter can be mentioned that the Law No. 45-XVI dated 01.03.2007 on Preventing and Combating the Domestic Violence was published on 18.03.2008 and came into

effect on September 18, 2008. The law identifies the authorities and institutions vested with functions of preventing and combating the domestic violence, mechanism of finding and solving cases of violence. In accordance with the Law, the Ministry of Social Protection, Family and Child is the central public authority with functions of developing and promoting policies on preventing and combating the domestic violence and providing social assistance to victims and perpetrators.

In view of implementing the art. 18 p.2 of the Law no. 45-XVI dated 01.03.2007 on Preventing and Combating Domestic Violence, the Ministry of Social Protection, Family and Child initiated the process of harmonization of the effective national legislation to provisions of the above Law and, in this regard, a group of national experts, created by Government decision No.1136-2439 dated 01.12.2008, developed the *Report on Compatibility of the legislation of the Republic of Moldova with provisions of the Law on preventing and combating the domestic violence*.

Taking into account the recommendations of expert group a draft law regarding the legislation approximation to the provisions of the Law regarding the prevention and fighting the violence in family was drafted. The draft of the Government Decision on the approval of "Draft Law regarding the modification and completion of some legislative acts" by letter nr. 393 from 19 June 2009 for examination and eventual approval was sent to the Government.

On July 1, 2008, the Ministry of Social Protection, Family and Child in partnership with UNFPA Office in the Republic of Moldova, launched the project „*Development of an integrated system of data related to domestic violence as a part of an integrated management treatment of domestic violence in the Republic of Moldova*”. The Project is aimed at developing an Integrated Information System (IIS) related to cases of domestic violence in pilot regions, facilitation of an equitable and guaranteed access of vulnerable groups to quality services of social protection, including systems for preventing and protecting from violence, abuse, exploitation and discrimination. The final draft of the Government regulation „On approving the Concept of the automated Information System „Public Register of Cases of domestic violence” was submitted to the Government by letter No.283 dated 15.04.09.

Several centers, rendering services to victims of domestic violence, operate within the republic.

Among which are:

- ***Shelter „Casa Marioarei”***, mun. Chisinau, renders assistance and rehabilitation services to women victims of domestic violence;
- ***Center for Psycho-Social Assistance to Child and Family "Amicul"*** (Chisinau) renders consulting services to children victims of domestic violence;
- ***Center for Assistance and Protection of Victims of violence*** (Balti), day-center providing advice and support in solving problems of victims of domestic violence (financed from public budget);
- ***Municipal Consulting Center for Families and Children*** (Balti);
- ***Center for information and advice to victims of violence*** (Cahul), day center providing advice and support in solving problems of victims (financed from public budget);
- ***Maternal Center „Ariadna”*** (Drochia) – providing emergency sheltering services;
- ***Maternal Center „Incredere”*** (Cahul) provides temporary placement to the couple mother-child and provides consulting services to of victims of domestic violence;
- ***Maternal Center „Pro Familia”*** (Causeni) provides temporary placement to the couple mother-child and advice to victims of domestic violence.

Currently, the work with aggressors is carried out by police officers. They are responsible for monitoring of domestic yammerers and organization of prophylactic measures with aggressors/perpetrators.

Referring to public awareness raising on preventing and combating domestic violence, we would like to point out the International Campaign „*16 days of activism to combat violence against women*”. In 2008, the Campaign had the motto „Women Human Rights – Human Rights for All”. Campaign activities were planned and undertaken under the aegis of the Ministry of Social Protection, Family and Child, in partnership and with financial support from OSCE Mission in the Republic of Moldova, UNIFEM, UN, UNICEF, IOM Mission in Moldova, UNFPA, WINROCK International, Gender Center, Casa Marioarei, Institute of social formation and research ULIM, Amnesty International, ABA/ROLI, Forum of Women’s organizations, International Center for Protection and Promotion of Women Rights La Strada, Peace Corps, Red Cross, a range of local organizations and Authorities of local public administration. WINROCK International „New perspectives for women” coordinated the campaign. Campaign’s aim is mobilization of the society, Government and nongovernmental organizations for an active participation in preventing and combating gender-based violence and domestic violence. Campaign’s Objectives related to change in attitude and violent behavior, formation of culture of nonviolent relations between sexes and in family, information of the public on area-related international and national legislation.

On 15 of May 2009, the Ministry organized **the National Holiday** dedicated to the **International Family Day** . This event stresses the importance given by international community to family, as well as the changes the family institution undergo worldwide. The Family festival motto “Values create the family – the family creates values” was announced within the press conference.

Pt. 18: On 1 December 2008 by Government Decision nr. 1344 was approved the Action Plan in the domain of fighting and prevention the violence against children. Taking into account the above mentioned Government Decision the Ministry of Justice drafted and approved an Action Plan in the domain of fighting and prevention the violence against children for the period of 2009-2011.

One of the main objectives of this Plan is the “Consolidation of institutional structures for prevention and fighting the violence against children”. For its fulfilment were foreseen a number actions, like for children audience arranging a room with dark glasses in all legal courts. Also, for improving this action is planed to set up the necessary audio systems for children’s audience through psychologists and teachers and with the goal of avoiding the intimidation of children by the panel of judges. As a result, by letter nr. 01/11 from 14 January 2009the Ministry of Justice asked all legal courts to plan its financial resources for assuring the fulfilment of the above mentioned actions.

Social policies for family and child protection currently promoted by the Ministry are focused mainly on measures to prevent social problems, including the exploitation of children.

This context encompasses the prerogative of setting up an integrated system of social services to meet, through a complex and holistic approach, beneficiaries’ needs at the community level, referring them, upon need, to the services of a higher administrative level with a narrower specialization.

Thus, the Government Decision No. 1512, dated 31.12.2008, approved the National Plan for setting up the integrated social services system for 2008 – 2012, which provides for system

principles, operational mechanism, and responsibilities of each structure to create and ensure the functionality of social services.

During the last five years a significant increase of the number of centres that provide social services to families with children at community level was registered. According to the assessment of social services developed at local public administration levels I and II, in June 2009 100 centres for families with children were operating, as compared to 55 centres in 2004. Approximately 5,633 beneficiaries benefit from these services.

The range of social services provided by the community centres, depending on their type (day care, placement centres, or mixed centres) includes: information/communication, socio-cultural services, counselling/consultancy, mediation (social mediation of families, of conflicts), psycho-correction, psycho-therapy, occupational therapy/food protection workshops (food ratio per day), adjusted transportation, distribution of humanitarian assistance, rehabilitation (kinotherapy, physiotherapy, art-therapy, melotherapy), medical care, and emergency placement of short and long duration.

Their role is to create an active environment of communication, information and development of beneficiaries' skills to prevent certain risky situations or to overcome difficult situations.

There also can be mentioned that the last two years witnessed an obvious change in primary social services, due to the recruitment of community social assistants at the mayoralities level. They represent the primary link for referring people at social risk, including children at risk of exploitation, providing counselling, information, and case management services.

If in 2006 there were only 62 communities social assistants at country level, the current network of community social assistants has increased considerably, with 1,148 registered social assistants employed by mayoralities.

In 2009, financial means were approved for developing the network of community social assistants, increasing to 1,235 units.

In 2008, Government Decision No. 948, dated 07.08.2008, was approved for the Regulation on a repatriation procedure for children and adults who are victims of trafficking in human beings, illegal trafficking of migrants, as well as unaccompanied children. Based on the above-mentioned Decision, the Ministry of Social Protection, Family and Child is responsible for undertaking all actions related to the preparation and initiation of repatriation procedures for unaccompanied children identified on the territories of other states.

Thus, during 2008, the Ministry of Social Protection, Family and Child organized 12 repatriation missions of 44 children, of which:

- 6 repatriation missions of 33 children were identified in the Russian federation, of which 3 originated from the Transnistria region;

- 3 repatriation missions of 8 children were identified in Ukraine, of which 1 child originated from the Transnistria region, and 1 mission from each of the following countries: Czech Republic, Spain, Turkey, and Ireland, from which 4 children were repatriated.

From the beginning of 2009 year and until present by the Ministry of Social Protection, Family and Child were organized 10 repatriation missions of 22 children:

- 4 repatriation missions of 13 identified children in Russia;

- 4 repatriation missions of 7 identified children in Ukraine;

- 1 repatriation missions of a child identified in Sweden, repatriated by the competent Swedish authorities;

- 1 repatriation missions of a child identified in Romania.

According to statistical data presented by the International Organization for Migration, Mission to Moldova, through the National Coordination Unit of the National Referral System under the Ministry of Social Protection, Family and Child, during 2001 – 2008, 166 children benefited from assistance within the framework of the IOM assistance program for victims of trafficking in human beings.

Please find below the statistical data presented separately by year, according to the form of exploitation which was suffered, and the country where the child was exploited:

Exploitation	2001	2002	2003	2004	2005	2006	2007	2008	Total
Sexual	11	23	14	15	11	16	10	11	111
Begging				7	4	6	12	1	30
Labor			3	2		8	5	2	20
Sexual + labor			4						4
Sexual + begging					1				1
Total	11	23	21	24	16	30	27	14	166

Country of destination	2001	2002	2003	2004	2005	2006	2007	2008	Total 2001 - 2008
Country of destination	1	1	1	4	5	13	6	6	37
Moldova		4	13	8	6	12	8	5	56
Russia				6	3		2		11
Poland	4	4	2						10
Bosnia & Herzegovina		1		3	2	3	4	1	14
Turkey				3		1	6	1	11
Ukraine	3	1	1						5
Kosovo	1	4							5
Serbia & Montenegro	2	2							4
FRI Macedonia		2	1						3
Romania		2							2
Albania		1							1
Israel		1							1
Switzerland			1						1
Czech Republic			1				1		2
UAE			1						1
Belgium						1			1
Belorussia								1	1
United Arab Emirates	11	23	21	24	16	30	27	14	166

Thus, in line with the provisions of art. 206 of the Criminal Code (with the amendments from 24.05.2009) actions that imply child exploitation of any kind (sexual, labour, or other) are defined as offences of trafficking in children. According to the same legal norm, the sanction for

such offences provides for a punishment of 8-20 years of imprisonment or life detention (depending on the aggravating circumstances) in case of natural persons. At the same time, according to the same article from the Criminal Code, legal entities may be sanctioned with a fine of 3,000 conventional units to 9,000 conventional units or even liquidation of the entity, depending on the seriousness of the case.

Analyzing the **statistics** of the General Prosecutor's Office regarding the combating of trafficking in human beings, it may be noted that the statistical data include indicators regarding the discovery of offences attributed to the category of trafficking in human beings, the criminal proceedings, and prosecution of traffickers.

Thus, in **2006**, the law enforcement agencies discovered and registered 59 cases of trafficking in children; 52 cases from the above-mentioned category were sent to the court for preliminary examination. Seven persons were convicted by the courts for trafficking in children in 2006.

In 2007, law enforcement agencies discovered 43 cases of trafficking in children, and 26 cases were sent to the courts for evidentiary examination. Seven persons were convicted by the courts for trafficking in children in 2007.

In 2008, law enforcement agencies discovered and registered 31 cases of trafficking in children, and 12 cases were sent to the courts for evidentiary examination. Five persons were convicted by the courts for trafficking in human beings in 2008.

During the first five months of 2009, law enforcement agencies discovered and registered 20 cases of trafficking in children, and 8 cases were sent to the courts for evidentiary examination. One person was convicted by the courts for trafficking in children during the period of reference.

Also, it should be noted that the offences of trafficking in children discovered in 2008 and 2009 were not committed during this period of time, but during the previous years.

At the same time, it should be underlined that Labour Inspection covers only 4% of the total number of economic units registered in the Republic of Moldova.

One of the competences related to the activity of the Labour Inspection is the control of how the normative acts regarding the supervision of minor labour are observed:

- protection of work for persons under 18 years of age;
- legalization of labour relations;
- observance of legal norms regarding minors who are active in the labour market.

According to the statistical data, during 2007, 802 persons under 18 years of age were involved in work activities, of which 147 persons were in agriculture and forestry. Seven persons from the Chisinau municipality (4 in the transportation field and 3 in the health and social assistance field) worked under conditions that did not meet the hygienic-sanitary standards. They worked in places with dust and gas, the concentration of which exceeded the maximum admissible limits, as well as in conditions of high noise levels. Of the total number of persons under 18 years of age, 173 persons performed heavy physical work. And, 85 persons under 18 years old were involved in commercial activities using equipment that was not in compliance with the work health and security requirements. Four persons were involved in health and social assistance activities and were working in production premises with a high level of relative humidity.

During the inspection activities performed in 2007, the labour inspectors monitored the activity of 371 persons under 18 years of age who were identified during control visits in the

labour sector. Of the total, 176 persons were involved in agricultural activities and 29 of them were working without any legal employment forms. During on-the-job visits made by the labour inspectors in the context of child labour monitoring, 46 reports were concluded prescribing remediation of the identified violations within a limited period of time, withdrawal of persons less than 18 years of age from work with severe labour conditions, as well as assurance of their legal employment in the work field. On the basis of art. 41 par. 2 of the Administrative Offences during this period, 19 high-ranking persons were sanctioned with fines for violating the labour legislation and the norms for labour protection related to persons less than 18 years of age. The value of the prescribed fines amounted to 47,400 lei.

In 2008, on the basis of the Order of the State General Labour Inspectorate No. 136, dated June 13, 2008, as well as based on the Government Directive No. 1216-332, dated August 01, 2008, control visits were made jointly with representatives from the police offices to inspect businesses in the entertainment centres and clubs working during night time. One of the objectives for these monitoring visits was to pay attention to aspects that relate to persons less than 18 years of age.

During 2008, 300 persons under 18 years of age were identified as being employed within 48 controlled businesses. The majority of young persons were working side-by-side with adults (parents, siblings, and other relatives). Thus, 143 persons were working within 7 economic units dealing with agricultural work; 86 persons under 18 years of age were working within 15 units as tailors; at 6 economic units 8 persons were identified as sellers; and 4 persons were working within 4 economic units as waiters and barmen.

Minors were also discovered working as auxiliary personnel:

- 9 limited liability companies – 51 persons;
- 3 individual enterprises – 4 persons;
- 1 construction unit – 1 person;
- 2 internet-cafes – 2 persons;
- 1 employer-natural person – 1 person.

Cases of violation of legislation as related to the activity of 184 employees fewer than 18 years of age were discovered in 26 businesses.

A total of 89 persons with no legalized labour relations were discovered in 10 businesses. The young persons were working without concluding any individual labour contracts (74 persons were involved in seasonal agricultural work), without any reemployment order, with no labour record card, and with no record keeping of the working hours.

A number of other violations were discovered during the controls, such as: activity as sellers for commercializing alcoholic beverages and tobacco products; no medical examination when being recruited; non-observance of the reduced duration of the work program; nocturnal work; withholding of additional vacations; work performed during weekends and holidays; lack of training in the labour safety field; and, non-payment of compensations as provided by the legislation.

As a result of the controls, prescriptions for repairing the violations and conforming to the legal provisions within a limited period of time were issued, as well as for removing the persons under 18 years of age from working environments with heavy and harmful labour conditions. During 2008, on the basis of art. 41 par. 2 of the Administrative Offences Code, 18 high-ranking persons were sanctioned with fines for violating the labour legislation and labour protection norms related to persons less than 18 years of age. The value of the prescribed fines amounted to 42,400 lei.

According to the statistical data, during 2008, 423 persons under 18 years of age were involved in work activities, of which 223 persons were working in the processing industry, especially in manufacturing clothing items.

Two persons worked under conditions that did not correspond to the hygiene-sanitary norms in the transportation field (Chisinau municipality). They were exposed to gas and dust concentrations that exceed the maximum admissible limits at the working place.

A total of 25 persons under 18 years of age (Chisinau municipality) were involved in retail sales and were using equipment that did not conform with workplace health and security requirements.

At the same time, during 2008 four work accidents involving children were registered, of which one accident resulted in serious consequences and three cases with temporary work incapacity.

During the first six months of 2009, 11 businesses were visited in which 24 persons under 18 years of age were involved in work, of which 4 persons were working without any legal employment forms.

Violations of labour legislation and labour protection norms committed by employers in relation to 7 persons less than 18 years of age were discovered. These violations include the following:

- involvement in work activities without any health examination when being recruited;
- non-observance of a reduced working day;
- failure to grant vacation leave;
- involvement in heavy work activities;
- employment without written approval from parents;
- non-observance of the reduced duration of the work program;
- conclusion of a written contract regarding material liability;
- transportation and sale of alcoholic beverages and tobacco products;
- fees of 10 thousand lei for violating confidentiality clauses, etc.

Labour inspectors issued prescriptions to repair the violations within a limited period of time and to remove minors from heavy and harmful labour conditions in workplaces. For failure to address the violations discovered previously and to conform to the labour legislation provisions, labour inspectors concluded during January/May 2009 seven reports on administrative offences and sanctioned 7 high-ranking persons. The value of the prescribed fines amounted to 15,000 lei.

The monitoring of the work of persons less than 18 years of age represents a complex and continuous process which is permanently among the priority objectives of the labour inspectors. The actions undertaken by labour inspectors during 2007-2008 and the first five months of 2009 have led to positive effects in ensuring the enforcement of the legal framework that regulates the work of persons less than 18 years of age. These facts are also confirmed by the statistical data presented for the given period of time, according to which the number of persons under 18 years of age employed in labour activities contrary to legal provisions and in inadequate work conditions is decreasing. To maintain these trends, the Labour Inspection will continue to undertake all necessary measures and actions.

Freedom of religion

Pt. 19: Regarding the present chapter there has to be mentioned that on 11 May 2007 was adopted the Law nr. 125-XVI regarding the cults and its component parts.

As a result of 11 May 2007 when the Law nr. 125-XVI regarding the cults and its component parts entered into force, the competence of registering the religious cults and its component parts was transferred to the Ministry of Justice.

The implementation of the Law provisions became possible after the adoption on 16 October 2007 of the Government Decision nr. 1130 concerning dissolution of the State Service for Cults Problems of the Government of the Republic of Moldova. According to this Government Decision there was established that till 16 December 2007 the State Service for Cults Problems will transfer the Ministry of Justice the registration files of religious cults and its component parts, that are in its archives, and also the register of religious cults and its component parts.

With the goal of implementing the normative frame regarding the registration procedures of religious cults and its component parts, during the year of 2009 were registered: the Christian Apostolic Armenian Religious Cult from the Republic of Moldova and Christian Apostolic Armenian Religious Community. Additionally, in order to facilitate the registration procedures of the religious cults and its component parts there was drafted the “*Guideline regarding the registration of cults and its component parts*”.

Also, in order to ensure the liberty of religion the Ministry of Justice drafted and promoted the *draft Law for modification of Art. 54 Administrative Offences Code of the Republic of Moldova*, which was approved by Government Decision nr. 429 from 15 July 2009 and sent to the Parliament for re-examination. According to this draft Law there was proposed the exclusion of the appliance of the **expulsion from the country** of foreign citizens from the sanction of the provision from Art. 54, par. (4) for committing the offence – *the carrying on of religious activities by foreign citizens in public places without any preliminary announcement of the respective mayoralty*.

Also, there has to be mentioned that at National Institute of Justice continues a permanent training of judges and prosecutors in the domain of Art. 9 “Freedom of thought, consciousness and religion” from the ECHR.

Freedom of opinion and expression

Pt. 20: The Ministry of Justice on 16 February 2009 in co-operation with Human Rights Centre organized a round table with the goal of launching a dialogue between public authorities and civil society regarding the undertaken actions for assuring the right of meeting, and also the examination of legal frame in the domain. As a result of this event there were presented proposals for the improvement of this domain. At this event took part representatives of the Ministry of Home Affairs, General Prosecutor’s Office, Ministry of Foreign Affairs and European Integration, Superior Council of Magistrates and also public associations. In the frame of this round table, the Law nr. 26-XVI from 22 February 2008 regarding meetings was appreciated as being an advanced and liberal one, which correspond to the requests of present society. But also which implies a number of misunderstandings at its interpretation and implementation.

Regarding the actions undertaken by the institutions responsible of assuring the public order during the meetings, the representative of the Ministry of Home Affairs mentioned about the continuous training of police officers, the sanctions applied for actions that constituted

encroachment to the enjoyment of right to meeting, and about the fact that was drafted the Ethic and Deontological Code of the policeman and a brochure with passages from the Law regarding the meetings and Electoral Code, which were distributed to the policemen.

Rights of persons belonging to minorities

Pt. 21: Constitution of the Republic of Moldova and Election Code stipulate the right of the citizens to elect and to be elected regardless of ethnic affiliation and knowledge of the official language. The candidates for President and Bascan of Gagauzia represent an exception. In the first case, the knowledge of the Moldovan language is required and in the second case - the knowledge of the Gagauz language.

In conformity with **the Article 3** of a new **Law no. 294-XVI of 21 December 2007 on parties**, it is prohibited the creation and activity of political parties based on discrimination on grounds of race, nationality, ethnic origin, language, religion, sex, wealth or social origin. Under this law, political parties are organized by the principle of administrative-territorial organization of the Republic of Moldova. Citizens of the Republic of Moldova who, according to legal norms, have the right to vote could be members of political parties. Citizens of Moldova have the right to associate freely in political parties, to participate in the work of these parties and to leave them. No person can be forced to join or not join a political party.

The persons belonging to national minorities have the right to participate in political life of the country as well as in the process of decision-making. Among 101 members of the Parliament of the Republic of Moldova (years 2005-2008) 58 deputies are the Moldavians, 14 – the Ukrainians, 12 – the Russians, 8 – the Romanians, 6 – the Gagauzes, 2 - the Bulgarians, 1- the Georgian. Approximately 40% of the members of the Parliament of the Republic of Moldova (elected in April 2009) belong to the national minorities. In localities where minorities constitute the majority of the population, 60% of the nominal composition of the local authorities belongs to respective national minorities.

The persons belonging to national minorities are represented in district councils, local boards of the municipalities, cities, rural settlements; they are approximately proportionally represented in the offices of the district presidents what corresponds to art.24 of the **Law about the rights of the persons belonging to national minorities and legal status of their organizations** no. 382-XV of July 19, 2001. According to statistical data representation of the persons belonging to national minorities in the local government authorities of the municipalities and regions (cities, rural settlements) compactly populated by representatives of national minorities amounts to: in the municipality of Chisinau – 14,3%, in the municipality of Balti – 18,3%, in ATU Gagauzia – 95,1%, in Taraclia district – 80,2%, in Ocnita district – 37%, in Glodeni district – 23,5%, in Edinet district – 21,8%.

Pt. 22: According to the census of 2004, the number of Gypsy/Roma people constitutes 12271 people (0,4 % of the population of the Republic of Moldova).

The Government Decision of the Republic of Moldova no. 1453 of 21 December 2006 **“On the Approbation of the Action Plan to support the Gypsies/Roma in Moldova for the years 2007-2010”**, contains concrete actions in the education, scientific, culture, health care, child, social, employment, and public order fields. The working group composed of representatives of ministries and leaders of the Gypsy/Roma public organizations, the proposals of whom were taken into care and included in the final version of the plan, took part in the drawing up of the mentioned plan.

According to the Decision no. 1453 of 21 December 2006:

- responsible for carrying out the Action Plan are: Ministry of Health, Ministry of Economy and Trade, Ministry of Education and Youth, Ministry of Culture and Tourism, Ministry of Internal Affairs, Ministry of Information Development and Bureau of Interethnic Relations, Academy of Sciences of Moldova, which annually develop and approve plans for actions to support Gypsies/Roma;

- financial provisions of the actions regarding the realization of the annual above-mentioned plans, shall be carried out within the limits of budget allocated to institutions, and from special funds, including funding from international organizations;

- work coordination of the central public speciality administration and the Academy of Sciences of Moldova as regarding the realization of the annual plan of action is the responsibility of the **Bureau of Interethnic Relations**, which annually inform the government about the performance of the actions to support the Gypsies/Roma in Moldova for the years 2007-2010 and submit proposals for its improvement.

At present (1 January, 2009) under the Bureau of Interethnic Relations **11 ethno cultural Gypsy/Romany organizations**, which have a republican status, are accredited:

- Public Association of Roma Women “Juvlia Romani” created in 1997;
- Ethno-Socio-Cultural and Education Association “Bahtalo Rom” created in 1999;
- Social Movement of Roma in Moldova, created in 2001;
- Scientific and Cultural Association “Elita Romany” created in 2001;
- Union of Young Roma “Tarna-Rom” created in 2002;
- Social-Cultural Society “Romany Tradition” created in 2002;
- Association of Roma in Moldova “Rubin” created in 2002;
- Public Organization “Bare-Rom” created in 2003;
- Democratic Union of Roma in Moldova, created in 2004;
- United Alliance of Roma created in 2005;
- Public Association “Romany-Group” founded in 2005.

The ethno cultural Roma associations are registered with local public authorities in Chisinau, Balti, Cahul, Comrat, Soroca, Vulcănești, Ciadir-Lunga. The intensification of national and cultural movement among the Gypsies is due to the absence in the national legislation of restrictions on association according to the ethnic criterion and demonstrates a non-discriminatory attitude of the Moldovan authorities towards Gypsies initiatives. In general the Bureau collaborates with **36 ethno cultural Gypsy/Romany associations** in the republic, supporting their statutory activity and diverse projects implemented by them.

In the period 2007-2009, in order to fulfil the “Plan of Actions to support the Gypsies/Roma in Moldova for the years 2007-2010” **Bureau of Interethnic Relations** organized a number of actions:

- round table on “*The Plan of action to support the Gypsies/Roma in Moldova for the years 2007-2010*”, during which the possibilities of implementing the Government Decision nr. 1453 were discussed;

- training with the generic “*Training of health mediators in Roma communities in rural areas*”;

- the round table “*Roma in Moldova: history, culture, traditions*” organized in collaboration with the National Library for Children “Ion Creanga”;

- *International Romany Day* (annually, April);

- round tables: “*The implementation of the system of Roma socio-health mediators in the communities predominantly populated by Roma in Moldova*”, as a result of which the agreement was signed, namely “*The implementation of Roma socio-health mediators in communities*”

predominantly populated by Roma in Moldova”, which governs the relations of cooperation between the Bureau of Interethnic Relations, Ministry of Health and the Union of Young Roma from Moldova “Tarna/Rom”;

- support of Roma education project in partnership with non-governmental Romany organizations “Ograda Noastra” and “Tarna Rom”. The project aims to assess the situation of Roma in the Republic of Moldova as concerning their education;

- the training “*Techniques for identifying indicators, activities and implementation of the Action Plan to support the Gypsies/Roma*” was held in collaboration with the Council of Europe and the European Commission in Chisinau and in the north of Moldova (the Soroca town). The main objectives were:

- a) *presentation of the support system of Romany school assistants implemented in European countries;*

- b) *proposals on improving the education of Romany children in Moldova.*

- within the Office Days that took place in different localities of Moldova, in the districts of Ocnita and Taraclia the realization development of the Plan of action to support the Gypsies/Roma in Moldova was monitored. Representatives of all the local structures responsible for implementing the District Plan, including leaders of ethno cultural associations Gypsies/Roma took part in this action;

- the graduates of Roma ethnicity who wanted to prolong their studies were provided support: a person at the College of Medicine in Chisinau and a Roma-graduate from the University of Medicine who expressed her will to receive Master’s degree; briefcases, school supplies and clothes were handed to the pupils from Schinoasa village and the village of Tibrica, Calarash region, and on the occasion of Christmas Day they were invited to participate in the performance organized in the House of Nationalities.

In order to enforce the chapter “**Education and science**” (p. 7 - 19 of Plan) by **the Ministry of Education and Youth, the Academy of Sciences of Moldova** the following actions have been taken:

- the development of a program to boost school participation and reduce school drop out, especially in the poorer segments of Roma population;
- the analysis of the possibility to establish institutions of primary, secondary and vocational education, to educate school mediators and to improve the staff activity in the field of intercultural education;
- the provision of subsidized facilities and places for young Roma who want to attend colleges and universities;
- the development of actions at schools and district Directorate which organizes courses of school recovery for Roma, using all possible teaching forms approved, at the requests of individuals and Roma organizations in the Republic of Moldova;
- the elaboration of the curricula in the discipline “Language, history and culture of Gypsies/Roma”, the introduction of these disciplines to the educational plans of the establishments that are situated in localities densely inhabited by Gypsies/Roma;
- a close collaboration with educational institutions, scientific and educational centres in foreign countries for the development of the curricula in the discipline “Language, history and culture of Gypsies/Roma”;
- the co-participation in the International Conference “Education of Roma children in Europe”;
- the organisation of the Regional Conference “Education of Roma children in Moldova”;

- involvement of Gypsies/Roma children in university education and motivating parents to participate in their children's education.

In order to enforce the “**Culture**” chapter (p.15-18 of the Plan) by **the Ministry of Culture and Tourism** the following actions have been taken:

- For International Romany Day the National Library of the Republic of Moldova has organized a book exhibition “Origin of the Roma”. Within the International Book Salon the book “Maria Dragan” a singer of folk music has been launched, the author of this book being Ion Duminica of Romany ethnicity who works at the Centre of Ethnology of the Academy of Sciences of Moldova. The author of the book was awarded the prize “To support young talents of national minorities”;

- The Service “Moldavistica” of the National Library has developed a list of thematic literature about the history, language, culture and customs of the Gypsies/Roma in order to help the libraries in the Republic;

- The National Library for Children “Ion Creanga” decided to exempt from charges for processing permit entry to the library the Roma children from boarding sports school, auxiliary school no.7, boarding school no.2, special school no.8, boarding school no.3 during the year of reference;

- Development of the folk activity of Gypsies/Roma through assistance and support of the National Centre for Folk Creation: the Romany artistic band from the village of Slobozia, Orhei district, on the selection of repertoire; the Romany artistic band “Model” from the town of Sîngerei regarding the traditional costumes manufacturing, the study and development of choreographic and musical traditions, the improvement of the stage culture and the level of interpretation;

- Support of Mereuta Dynasty from the village of Ciocilteni, Orhei district, regarding the Gypsy repertoire selection and the promotion of the originality of instrumental music; the band from the village of Mîndreşti, the district of Telenesti; the fiddlers from the Cahul district, who have participated in the National Festival “Lăutarii Moldovei”; the blacksmiths craftsmen from the village of Otaci, the district of Ocnîța in order to promote the craft;

- Republican Centre of Culture and Art “Ginta Latina” worked with the purpose of the foundation of a Romany professional assembly, the elaboration of its status, the artists employment and the repertoire formation.

In order to enforce the chapter “**Health and Welfare**” (p.20-23 of the Plan), the **Ministry of Health** has developed institutional and territorial plans to support Gypsies/Roma, which were brought to the attention of all medical workers.

Activities of health education and promotion of healthy way of life, oriented towards maintaining and improving health, prevention of acute and chronic diseases, combating harmful habits are undertaken systematically. These activities are undertaken by doctors in collaboration with local authorities, public organizations, media sources. For these purposes the media - local and republican, television and radio are often involved. Among the population of Roma ethnic group many lectures, talks and speeches were conducted with the following themes:

- The harmful effects of the narcotic substances;
- Preventing sexually transmitted diseases and HIV/AIDS;
- Family planning and the contraceptive methods;
- Individual and collective hygiene in health maintenance and strengthening;
- Harmful influence of alcoholism and smoking on health, etc.

In order to increase access of the population of Roma ethnicity to health services in the medical surgery of the localities Huzun and Stejareni in the district of Straseni populated mainly

by Roma, major repairs have been made. A travel schedules of GP and nurses in the Health Centers of the villages of Micleuseni and Lozova, the district Straseni was planned in order to provide curative-prophylactic assistance to the people in these villages which includes immunization of children and the patronage of the babies who are one year of age, monitoring of pregnant women, performing medical procedures, in surgeries and at home.

In the village of Vulcanesti, the district of Nisporeni, in association with Roma students the reparation of the surgery has been done, people with medical disabilities and social disadvantage in the community have been offered medical insurance. Capital reparations and the arrangement of the procedures and vaccination rooms of the chemist's have been started at the surgery in the village of Bursuci, the district of Nisporeni. The children up to one year can have for free Hemofer and Vitamin D2 that prevent rachitis and anaemia. Children up to 5 years are given gratuitously medicines, according to the Program of Integrated Control of Children Disease in the country. Children aged 2 to 5 receive free prophylactic treatment of dehelminthization. Through national programs and the volume of drugs purchased centrally by the Ministry of Health, the patients who suffer from such diseases like diabetes, tuberculosis, cancer and mental diseases, asthma, etc. are provided with medicines.

The training of mediators of socio-health among Gypsies/Roma is being continued, a project supported by the Ministry of Health, the Ministry of Social Protection, Family and Child and the Bureau of Interethnic Relations in the quality of the governmental partners.

The organization and conduct of the actions for health education and the promotion of a healthy way of life among the Roma, meet some difficulties caused by the general culture, national traditions and cultural migration that have increased. For these reasons, in many cases women do not plan their pregnancy, they are not controlled during the period of pregnancy because they do not consult a doctor in due time, or they are hospitalized only when they are giving birth to the child. There are cases when children are not vaccinated in time and take under control because they do not go to kindergartens or schools. The high level of migration limits the early detection of different diseases, the hospitalization of the ill persons and their proper treatment.

Six (6) Roma children were repatriated from the Russian Federation by the **Ministry of Social Protection, Family and Child** in collaboration with Swiss Foundation Terre des Hommes in the context of social integration of the Roma people in the course of the years 2007-2008.

In order to enforce the “**Work**” chapter (p. 24-27 of the Plan) by the **Ministry of Economy and Commerce and the National Agency for Employment** the “Plan of action of supporting the Gypsies/Roma in Moldova” has been prepared. In accordance with the present plan, the Ministry's and the Agency's work has been oriented towards the implementation of the National Strategy for Employment for the years 2007-2015, approved by the Government Decision no. 605 of 31.05.2007

13 Roma people were engaged in public works, 82 Roma were registered with the territorial Agency for Employment and 6 people among them were offered a job. Under the existing legislation, 4 Roma people enjoy the benefits of integration training allocations, a person receives compensation paid to a mother with a child up to the age of 6, and 115 Roma have received professional and information advice. 8 persons have completed training courses (1 - accountant, 2 – hairdressers, 1 – cook, 2 – seamstresses, 2 – plasterer-painter). 9 Roma have been trained at the training-seminars “Labour Club”, 17 Roma have attended the training seminars on techniques and methods of job search, 82 people have benefited from mediation services, 7

people have benefited from electronic mediation. Roma informing on the organization of job fairs has been done with the help of ethno cultural Roma associations.

In order to enforce the “**Public Order**” chapter (pct. 28-31 of the Plan), the executive being the **Ministry of Internal Affairs (MIA)**, various organizational and practical actions have been undertaken, oriented towards the instruction of the officers of the internal affairs bodies in the field of interethnic relations, and the choose of a staff of Gypsies/Roma in accordance with the law in force for the structures of the rules of law protection in compact settlements populated by Roma.

The officials take marked examinations, the results being notified and registered into the record books of attending training classes. In the thematic plans and programs of study for the educational institutions of MIA, the Institute of Professional Training and Scientific-practical Researches of the Academy “Stefan cel Mare” under MIA themes of “Human rights, police ethics and deontology” are included.

In accordance with section 3 of the Regulation on the service in the bodies of internal affairs approved by the Government Decision no.334 of 08.07.1991, the staff employment done in accordance with the principle of racial non-discrimination is guaranteed, the right to be employed being provided to any person who meets the criteria established by legislation in force. For the purpose of filling vacancies, MIA as well as the territorial subdivisions collaborates with local authorities, civil society, carrying out agitation among communities of Gypsy/Roma people in order to engage graduates of institutions of higher and medium education specialist.

Following the existing requirements, it was decided to select staff from among the Gypsies/Roma for active involvement in the structures of the rules of law protection in villages populated mainly by this ethnicity. To contribute actively to the order of law maintenance, it have been agreed to include Gypsies in public structures represented by popular guards, who are to contribute to preventing and combating crime phenomenon.

In order to monitor the work and to assess the role of civil society in the progress of public order maintenance, it was proposed to carry out periodic review meetings with the participation of the representatives of local authorities, the Roma community and officials, in which the problems faced by national minorities in their relations with various members of law enforcement institutions will be reflected.

To improve the activities oriented to a better collaboration of the police with the civil society and to the improvement of the image of the organs of internal affairs in public opinion the Provision no. 6/2120 of September 11, 2007 “On organization and conduct improvement of the meetings with citizens, at enterprises and with young and industrious people” was issued, that had the purpose to organize meetings with people of Gypsy/Roma ethnicity for their familiarization with the situation in the country and the administrative sector. On this purpose some measures have been undertaken like: to reduce the criminality, to involve people in the popular guards which helps to combat crime and ensure public order, in this way helping the policemen.

To accomplish the **points 33-32** of the Plan, the responsible – **Ministry of Information Development**, official letters have been sent to the town halls of the localities inhabited mainly by Roma, to the Roma public associations with the purpose of information about the services offered by the Departments (Bureaus) of registration and documentation of population on documenting with identity cards of the National sistem of the passports. At the same time, there were held meetings with the representatives of 18 ethno cultural Roma organizations during which they were informed of the legislation concerning the entry and exit from the country, with

the requirements for foreign citizens, stateless persons in Moldova, issue of ID cards, foreign passports, etc.

Pt. 23: In compliance with the **Law on functioning of the languages in the territory of the Republic of Moldova**, no. 3465-XI of September 1 1989 and the **Law about the rights of the persons belonging to national minorities and legal status of their organizations** no. 382-XV of July 19 2001 in the territory of the Republic of Moldova the citizens have the right to appeal to public institutions in oral or written form in the Moldovan or Russian languages and to receive answer in that language in which the address was formulated (Moldovan or Russian). In the territory of Gagauzia (Gagauz Yeri) – autonomous territorial unit with special status, which represents the form of Gagauzes self-determination and is a component part of the Republic of Moldova – in the quality of the language of communication – oral or written - the Moldovan, Gagauz or Russian languages, can be used. In localities where persons belonging to national minorities constitute the majority of the population the Moldovan or Russian language can be used as the language of communication (oral or written). Other minority languages are used in the quality of languages of oral communication.

In accordance with the information presented by the **Ministry of Internal Affairs** the usage of languages in the process of persons belonging to national minorities communication with the prosecuting agencies is realized according to the principle embodied in the legislation in force, which presupposes that the persons, who don't know the official language, in the face of the bodies of legal prosecution have the possibility to speak the language they understand through the instrumentality of the interpreter, but in case if the majority of the process participants accept the use of other languages, criminal procedure may be carried out in a language accepted by them. The same principles are observed in the process of informing a person about the causes of his/her detention and arrest, about the accusations brought against the given person but if there appears a necessity in interpretation, the interpretation services are offered solely free. In case of prison placement of the persons detained or arrested, these persons are issued the written record, which reflects their rights in the language they know, countersigning the declaration that confirms the given fact. In the Republic of Moldova take place the cases of disrespect of linguistic legislation which the citizens and public organizations sometimes consider to be caused by discriminatory attitudes.

In compliance with the **Law no. 3465-XI of 1 September 1989 on functioning of the languages in the territory of the Republic of Moldova**, the Moldovan State takes measures to support the Russian, Ukrainian, Gagauz, Bulgarian and other languages spoken in the territory of the Republic of Moldova. The Russian language is used across the territory of the republic in the quality of the language of communication between the nations alongside with the Moldovan language; there are created the necessary conditions for realization of the citizens' right to education and learning of the Russian, Gagauz, Ukrainian, Bulgarian, Hebrew/Yiddish languages, etc.

At present a major objective in implementing the state policy of the Republic of Moldova on interethnic relations is to ensure the rights of national minorities **to study their mother tongue**.

The Ministry of Education and Youth, in accordance with the law in force, ensure the right to choose the language of education and training. The right of citizens to **education in mother tongue** is ensured by the creation of the necessary number of educational institutions, classes, groups, and the conditions of their operation. The network of pre-university educational institutions in the Republic includes 1561 establishments (primary schools, gymnasiums, general

schools, and lyceums); in 280 of them the language of instruction is Russian, and 82 institutions are mixed (Moldavian-Russian).

Three study models of the minority languages exist in the Republic of Moldova:

Model I - schools with teaching in Russian, in which, traditionally, the majority of the representatives of national minorities do their studies: 280 schools and lyceums (101,172 pupils);

Model II - schools teaching in Russian, where the Ukrainian, Gagauz, and Bulgarian languages are studied as a school subject 3 classes per week:

The studied language	The year of study: 2001-2002	The year of study: 2007-2008
Ukrainian	50 schools (7,011 students)	57 schools (6,311 students)
Gagauz	52 schools (2,456 students)	52 schools (24,004 students)
Bulgarian	30 schools (7,897 students)	32 schools (6,812 students)
Polish	1 school (65 students)	1 school (136 students)
Jewish	2 schools (345 students)	2 schools (667 students)
German	1 school (77 students)	1 school (118 students)

Model III - experimental schools and lyceums, where in specialized classes the primary education is made in the mother-tongue – in Ukrainian or Bulgarian (Theoretical Lyceum of Ungureni, the district of Ocnîța; Theoretical Lyceum “Vasil Levschi” in Chisinau, and Theoretical Lyceum “K. Popocivi” in Nicoreni, the district of Riscani); the state and Russian languages are taught beginning with the first grade, the foreign languages – beginning with the second grade, and at the secondary level a range of subjects taught in the state language are introduced.

In 21 classes (429 students) the instruction is done in **Ukrainian**, in 7 classes (114 students) - in **Bulgarian**; it has been created the basis for the gradual shift to training in the **Gagauz language**.

In the institutions of primary education 4 languages are studied: the state, Russian, native and one of the international languages.

The Ministry of Education and Youth has developed educational materials for the Russian, Ukrainian, Gagauz, and Bulgarian languages. For example:

- Standards for language and literature for grades 1-12 (all minority languages);
- Curriculum for language and literature for classes 1-12;
- Methodological guidelines for implementing curricula;
- Textbooks on language and literature for grades 1-9;
- Programs and tests for national testing for grades 1-9;
- Programs for language and literature for baccalaureate;
- Curricula for “History, culture and traditions of the Russian, Ukrainian, Bulgarian and Gagauz peoples” for grades 1-4.

At the educational institutions, in which pupils whose native language is not the state one study, at primary and secondary levels the course “History, traditions and culture of the people (Russian, Ukrainian, Gagauz, Bulgarian)” is taught. In 2007 the textbook “History, traditions and culture of the people (Russian, Ukrainian, Gagauz, and Bulgarian)” for grades I-II was compiled.

In the Republic of Moldova there are founded the educational establishments that prepare teachers for educational institutions with training in the languages of minorities:

- **Pedagogical College of Lipcani** – prepare teachers for kindergartens and primary schools with teaching in the Ukrainian language;

- Faculty of Philology at **the State University of Balti “A. Russo”** provides training for teachers of Ukrainian language and literature;
- Teacher preparation for teaching Gagauz literature and language is made at **the State University of Comrat, the State Pedagogical University of Chisinau “I. Creanga”, the Normal School “M. Ciachir” of Comrat;**
- Teacher preparation for the Bulgarian language is carried out at **Chisinau University “I. Creanga”, State University of Comrat, Pedagogical College of Taraclia** which prepare specialists for primary education, pre-education and music education;
- The teaching in the **State University of Taraclia** (inaugurated in 2004) is conducted in three languages - the state, Bulgarian and Russian. In 2007 the first specialists in number of 38 people graduated; in 2008 there were 114 university graduates in specialties: history, pedagogy, literature, music pedagogy, accounting, auditing work and in the field of social insurance. All graduates are placed in a job in the district of Taraclia densely populated by the Bulgarians and other southern districts of the Republic.

In recent years, the question of teachers of minority languages provision, in general, is resolved. During the years 1993-2007 there were instructed:

- In Ukrainian - 184 teachers;
- In Gagauz - 279 teachers;
- In Bulgarian - 282 teachers.
