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## Committee on Economic, Social and Cultural Rights

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

**Consideration of reports submitted by States parties in accordance with  
article 16 of the International Covenant on Economic, Social and  
Cultural Rights**

**Replies by the Government of the Republic of Moldova to the list of  
issues (E/C.12/MDA/Q/2) to be taken up in connection with the  
consideration of the second periodic reports of the Republic of Moldova  
(E/C.12/MDA/2)\* \*\***

[20 January 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annexes may be consulted in the files of the Secretariat.

## Peculiarities of the general provisions of the Covenant (articles 1–5)

### Article 2, paragraph 2

#### Reply to the issues raised in paragraph 4 of the list of issues (E/C.12/MDA/Q/2)

1. The Government of the Republic of Moldova outlined a series of measures to redress the development problems faced by the Roma people (including those in the field of education, health protection, cultural development and traditions, development of the associative sector of the Roma people. In December 2006, the Government approved the Decision No. 1453 on the “Action Plan for the Support of the Roma People from the Republic of Moldova for 2007-2010”. The Bureau of Interethnic Relations (BIR) was appointed as inter-ministerial coordinator, which collaborated with the local public administration from the territory on which live the Roma people, with the ministers stipulated in the Government Decision No. 1453 of December 21, 2006 on the Action Plan for the Support of the Roma People from the Republic of Moldova for 2007-2010, monitored and implemented the provisions of the mentioned Decision coming out from the annual action plans for the support of the Roma people from the Republic of Moldova in five thematic areas:

- **General actions** - actions related to the collaboration with ethno-cultural organizations of the Roma people, provision of legal aid to the presidents of public associations, organization of round tables, celebration of the International Day of the Roma People, collaboration with 36 ethno-cultural organizations of the Roma people from the Republic of Moldova, supporting their statutory activities, different projects implemented by them, as well as the collaboration with the structures of the Council of Europe (COE), in particular with the Migration and Roma Department of the Council of Europe, the support of the Roma people’s participation in the implementation of programs and projects, including the international ones.
- **Education and Science** - actions related to the education of the Roma children in pre-university institutions (gymnasiums and lyceums). Actions are taken in order to improve the education level and literacy among the Roma people. The Ministry of Education, in relation to the problems faced by the Roma people in the country, promotes actions aimed at including the Roma children and teenagers in the education system, including free access to libraries; provision of textbooks to the students receiving pre-university education, which is made entirely (100%) through the Textbook Rental Scheme managed by the Special Fund for Textbooks and for free for the students in the I-IV forms; provision of material aid for buying clothes, shoes and school supplies from the local mayoralities; organization of projects aimed at studying the Roma culture, arts, traditions, organization of folk and dancing circles, at their training in different sport departments, tourist-oriented circles, dancing circles, musical-choir circles, decorative art circles, puppet theatre circles, skilful hand circles; guarantee of access to higher education for the children of Roma origin. The Ministry of Education established a 15% percent quota from the total number of seats in the enrolment plan with budget financing for a number of categories, including the Roma children, registering the candidates in this quota at their request.

2. The scientific innovation and the theoretical value of the researches conducted by the Group „Ethnology of the Roma People” from the Institute of Cultural Heritage of the **Academy of Sciences of the Republic of Moldova**, consists in ensuring certain contents of varied and flexible scientific investigation at the ethnological request of the contemporary

society and in accordance with the comprehensive coverage of problems it faces permanently through different transformational risks.

- **Culture** - actions dedicated to the maintenance and development of the Roma culture and folklore, to the creation of republican Roma dance and musical assemblies, encouragement of participation in different cultural events. The Ministry of Culture awarded the honorary title „Model Team” to the Roma cultural groups („Amari”, „Romex”). Within the Centre of Culture and Arts „Ginta Latina” the Ensemble of Roma Songs and Dances „Enigma Romilor” was created. The National Centre for Popular Creation offers permanently methodical and logistic assistance to the popular craftsmen from Soroca city and Calarasi city, who participate in the republican creative workshops etc.

- **Health** - actions related to the improvement of the Roma people’s access to health services and to the promotion of a healthy life environment. The Ministry of Health promotes among population, including the Roma representatives, a healthy lifestyle, the prevention and prophylaxis of acute and chronic diseases, the control of habits harmful for the Roma people, ensuring their access to health services. The access of the Roma people to healthcare is provided in accordance with the legislation in force and the constitutional rights. Emergency, outpatient and inpatient healthcare, within the limits of the mandatory health insurance is granted equally to all the Moldovan citizens, irrespective of their ethnicity, gender, age, etc.

3. In order to increase the degree of access of the Roma population to services and information regarding the reproductive health, the Ministry of Health, jointly with the United Nations Population Fund (UNFPA) Office in Moldova, organized information campaigns in the localities populated mainly by the Roma people. Children under 18 years old, students enrolled in secondary vocational and middle schools, university students, residents of postgraduate education, pregnant and parturient women, childwives, mothers taking care of seven or more children, first degree disabled children, disabled persons, and other categories are included in the quota insured by the state.

4. All costs related to mother and child healthcare, at all levels of the healthcare system, are covered by the National Health Insurance Company. Through national programs and out of the volume of drugs centrally purchased by the Ministry of Health, the patients from the category suffering from such diseases like: diabetes mellitus, tuberculosis, oncological, endocrine and psychological diseases, asthma, etc., are provided with medicines.

- **Labour and social protection** – actions aimed at supporting the development of traditional skills and crafts, promotion of certain activation policies on the labour market, vocational training, retraining, stimulation of the Roma individual activities.

5. In accordance with the Law on Social Assistance No. 133-XVI of June 13, 2008, the disadvantaged families are offered social aid, which is provided in case of eligibility, that constitutes the difference between the guaranteed minimum monthly income and the total average monthly income of the family. By Decision No. 1512 of December 31, 2008, the National Programme on Creating an Integrated Social Service System for 2008-2012 was approved, which in providing social services, focuses on the principle of equal opportunities, guarantee of the right to social services to all persons in need, without gender, age, religion, culture and language discrimination.

6. By the Parliament Decision No. 257 of December 05, 2008, the Strategy and Action Plan of the National Reference System for the Protection and Assistance of Victims and Potential Victims of Trafficking of Human Beings was approved.

7. Employment and training services are provided through the Departments of Social Assistance and Family Protection and Employment Agencies from the districts throughout the country, in order to reduce unemployment, including among the Roma people. Roma families have received material assistance based on the assessments made by the social workers. In Edinet district, the Territorial Agency for Employment signed a contract-agreement with the Roma public associations from the district, in order to mark out the persons looking for a job. During 2009, 223 persons were registered at the Agency, 5 Roma persons receiving employment or re-employment benefits. The Roma who are on record, are trained in the „Work Club”, are invited to Employment Fairs organized by the Agencies.

- **Public order** - actions related to the creation and provision of certain training courses for the representatives of the public order institutions in the areas densely populated by the Roma, the information of the Roma people about the legislation on migration, additional measures for the registration of the Roma children of pre-school and school age by the Ministry of Information Development.

8. The Ministry of Internal Affairs is vested with powers to protect the citizen's life, health and freedom from criminal attacks, in this range of actions also being included the issues regarding anti-discrimination of national minorities, particularly of the Roma people. The Ministry of Internal Affairs, arising from the existing rigors, proposed to select staffs from the Roma people in order to train them actively in the law enforcement structures, in the areas densely populated by this ethnic group. The branch managers from the territory received orders regarding the necessity to establish productive partnership relationships with the people who defend the interests of the Roma persons from the served localities, in order to monitor the process of selection and classification of candidates within the national guard detachments out of the national minorities. The postmasters from the localities received the order to invite the representatives of the Roma communities to the meetings summarizing the activities of the local administration.

9. The local public administration and the representatives of the legislative bodies organized various meetings with the national minorities in order to familiarize them with the existing operational situation and possible ways of preventing anti-social misconduct. The Ministry of Internal Affairs ordered the organization of additional training courses for the Roma people employed in the process of maintaining the public order, paying particular attention to their security and familiarizing them with the functional obligations and rules of conduct they have to observe.

10. The financial assistance of the actions aimed at achieving the annual plans of the central specialized bodies of the public administration and of the Academy of Sciences of Moldova for the support of the Roma people from the Republic of Moldova is carried out within the limits of special funds, including funding from international organizations.

11. In 2010, the Interethnic Relations Bureau established the inter-ministerial technical working group that works upon a new Governmental Project "Action Plan for the Support of the Roma People from the Republic of Moldova for 2011-2015". A technical working group was also established by the Roma Non-governmental Organizations (NGOs). The received proposals will be discussed and included in the plan mentioned above.

**Reply to the issues raised in paragraph 5 of the list of issues.**

12. **The guarantee of protection and exclusion of discrimination and stigmatization of the people infected with HIV/AIDS** is stipulated in the legislative and normative acts (the Law of the Republic of Moldova on the Prophylaxis of HIV/AIDS Infection No. 23 of 16 February 2007, the Law on the Patient's Rights and Obligations No. 263 of October 27, 2005; the National Programme on Prevention and Control of HIV/AIDS and Sexually Transmitted Diseases (STDs) for 2006-2010, and other documents).

13. In accordance with the Law on the Prophylaxis of HIV/AIDS Infection (Article 25) No. 23 of February 16, 2007, discrimination is prohibited in the public medico-sanitary and balneal institutions and in the private departments. In accordance with the Article 26 of the above mentioned Law, discrimination regarding the access to insurance, credit and lending services is prohibited, and Article 27 provides liability for violating the rights of HIV positive people.

14. During the years 2009-2010, in collaboration with the United Nations Children's Fund (UNICEF), the Project on the Reduction in HIV-related Stigma and Discrimination and Increased Confidentiality in Health Sector by Evaluating the Knowledge and Attitude of the Medical Personnel towards People Infected with and Affected by HIV/AIDS was

conducted. There were organized and unfolded workshops with the managers and deputy managers of the Public Medico-Sanitary Institutions (PMSIs), district hospitals, Family Medical Centres (FMCS) and Preventive Medicine Centers (FMCs), and in four administrative areas (Causeni, Falesti, Balti, the Territorial Medical Association Buiucani in Chisinau) – with all the members of the medical personnel.

15. The Project on the Reduction in HIV-related Stigma and Discrimination and Increased Confidentiality in Health Sector by Evaluating the Knowledge and Attitude of the Medical Personnel towards the People Infected with and Affected by HIV/AIDS was conducted in the Chisinau and Balti municipalities, and in the Causeni and Falesti districts.

16. During conducting the National Programme on Prevention and Control of HIV/AIDS and STDs for the years 2006-2010, seven care projects in the community for the people infected with HIV/AIDS focused on providing support services, primary healthcare, access to ant-retroviral therapy, distribution of food packages, discrimination reduction and promotion of a healthy lifestyle, have been implemented. These projects are limited and require development with the help of increased state support. At present, in connection with the establishment of a palliative care ward for AIDS patients, the regulatory framework that will allow the development and operation of this new service in the Republic of Moldova is being elaborated.

17. In order to ensure the access to voluntary counselling and testing services to 100% of the population at request, including to pregnant women and persons aged between 15-24 years, the network of Cabinets of Voluntary Counselling and Testing for HIV and Hepatitis B and C Markers was established and operates; the regulation, methodological materials, forms of evidence and evaluation were approved, the medical staffs were trained. 56 cabinets operate, including five cabinets in the east territories of the country, and three cabinets in prisons. In 2009, 98071 consultations were given.

18. The legislative and normative acts were strengthened and adjusted to the requirements of the World Health Organization (WHO), the European Union (EU), that proves the political commitment of the country, which joined the UN Special Session Declaration 2001 on the Prohibition of Discrimination of the People Affected by and Infected with HIV or Vulnerable to Infection of July 21, 2001, based on the principle of observation of human rights and human dignity, and provides the normative basis for the implementation of comprehensive, multidisciplinary and inter-sectoral interventions necessary to minimize the consequences of HIV epidemic.

19. The following acts were elaborated and implemented: the Law on the Prophylaxis of HIV/AIDS Infection” (2007), the Standards on the “Epidemiological Surveillance of HIV/AIDS” (2007), „Palliative Care of Patients Infected with HIV/AIDS” (2008), the Rules of Medical Examination and Surveillance (2007), the Concept and Legislative Framework of the Voluntary Counselling and Testing (2006), the Guidelines on the Hospital Prophylaxis of HIV (2006), on the Prevention of HIV Infection in Case of Occupational Exposure (2006), on the Use of Rapid Tests (2006), on the Optimization of the Collection and Transportation of Blood Samples for HIV Testing and of the Results’ Release (2009), the Surveillance and Control Guidelines in the Nosocomial Infections (2008, 2009), the Reduction in HIV-related Stigma and Discrimination (2009), the Treatment and Care in Case of HIV and AIDS Infections (2005, 2009), in the Prophylaxis of the Maternal-fetal Transmission of HIV (2007, 2009).

20. In order to offer *effective protection against discrimination*, the Ministry of Justice elaborated the Draft Law on Preventing and Combating Discrimination, which is at the stage of coordination with the interested authorities, and will be finalized and submitted to the Government for examination. The aim of the Law is to prevent and combat discrimination based on the criteria of race, nationality, ethnic origin, language, religion,

colour, sex, age, health status, disability, sexual orientation, political opinion, social status, membership to a category of disadvantaged persons, as well as based on any other criteria. Also, the aim of this Law is to define the concept of *discrimination (direct and indirect discrimination)* and other concepts, such as *harassment, incitement to discrimination, victimization, affirmative actions*, etc., that are not defined in the current legislation.

21. The draft regulates the prevention and combating of discrimination in different activity sectors. Thus, it prohibits any distinction, exclusion or preference, which have the effect of limiting employment. The proposed rules complement and clarify the already existing rules in the Labour Code. The following actions of the employer are to be considered discriminatory: placement of employment ads indicating conditions favouring certain individuals, unjustified refusal of employment, unequal remuneration for the same type of work, victimization, harassment based on any criteria, etc. In order to ensure the observance of the non-discrimination principle in the workplace, the employer will post the main rules necessary to ensure this principle in places accessible to the public.

22. The prohibition of discrimination in the most important fields, including the right to work, education, health, goods and services available to public is stated in the Recommendation No. 7 of the European Commission against Racism and Intolerance on Combating Racism and Racial Discrimination of December 13, 2002.

23. Considering the promotion of policy in the field of preventing and combating discrimination, the establishment of a governmental commission is proposed through this draft.

24. In order to ensure the observance of the principle of non-discrimination, the guilty person will be subject to criminal, administrative, civil and disciplinary prosecution. The person considered to be a victim of discrimination has the right to file an action into court and request: the determination of the violation of his/her rights, the prohibition of further infringement, the repair of the caused material and moral damage, the invalidity of the act which led to discrimination. Also, the Draft in Article 24 sets the burden of appropriate proof, according to which, the person who files an action into court must prove the *facts alleged to have caused discrimination, material and moral damages*, while the *burden of proving that the facts do not constitute discrimination belongs to the defendant*.

25. In order to continue the task of observing and promoting the human rights by the Ministry of Justice, the Parliament Draft Decision was elaborated to approve the National Action Plan on Human Rights for 2010-2012, approved by the Government *Decision* No. 881 of September 23, 2010, which reserves a separate chapter to the problem of *preventing and combating discrimination and ensuring the rights of national minorities* (Cap. 11).

#### **Reply to the issues raised in paragraph 6 of the list of issues.**

26. The Law No. 200 of July 16, 2010 (Article 1), regulates the entry, presence and exit of foreigners in/from the Republic of Moldova, the granting and extension of the right of residence, the repatriation, their documentation, the Law also states *coercive* measures in case of non-observance of the residence regime and specific measures of immigration evidence, in accordance with obligations assumed by the Republic of Moldova under the international treaties it is part to.

27. In accordance to the Law on the Prophylaxis of HIV/AIDS Infection No. 23 of February 16, 2007, all the foreign citizens and stateless persons who reside permanently or temporarily in the Republic of Moldova have the right to free (also anonymous) medical examination for early detection of HIV virus and AIDS.

#### Chapter IV. Voluntary Counselling and Testing.

##### Article 11. Access to testing

(1) The citizens of the Republic of Moldova, the foreign citizens and stateless persons who reside permanently or temporarily in the Republic of Moldova have the right to free (also anonymous) medical examination for early detection of HIV virus and AIDS.

(2) HIV testing is performed at request, in accordance with the rules of medical examination and supervision elaborated and approved by the Ministry of Health in compliance with the present Law.

**Article 24. Restrictions on Travel and Habitation:**

(1) The residence in the Republic of Moldova, for a period longer than 3 months, is allowed only to the persons who present a medical certificate confirming a HIV negative test.

(2) A person who has not undergone HIV testing is required to present himself/herself, within 10 days after his/her arrival in the Republic of Moldova, at the concerned institution for making the HIV test. Persons who submitted a medical certificate confirming a HIV negative test or did this test in the Republic of Moldova, subsequently, have to undergo this test once a year.

(3) The head of the institution, the economic agent or the private person who invites a foreign citizen must be sure that that person holds a medical certificate of HIV testing, and in case the person does not hold one, the former has to require him/her on time to go to a medico-sanitary institution in order to get the recommended HIV test.

At request, in 2009, 4462 foreigners citizens were examined, and in eight months of 2010 – 2931 persons.

**Reply to the issues raised in paragraph 7 of the list of issues.**

28. The budgetary allocations for the social sector in 2009 constituted about 19191 thousand MDL, with an increase of 2090 million MDL (12.2%), the largest part of which – 9092.1 million MDL (47.4%) were allocated for the social insurance and assistance benefits; 5665.9 million MDL (29.5%) – for education; 3846.9 thousand MDL (20%) – for healthcare and 585.6 million MDL (3.1%) – for culture, art and sports.

**Million MDL**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<i>Social sphere, total</i>	<i>3137.3</i>	<i>3465.6</i>	<i>4833.7</i>	<i>5709.9</i>	<i>7034.9</i>	<i>8827.5</i>	<i>11360</i>	<i>14039</i>	<i>17101</i>	<i>19191</i>
Education	917.7	1144.7	1548.3	1841.1	2162.7	2696.9	3605.8	4248.6	5178.3	5665.9
Culture, art, sports	93.7	105.1	156	203.3	266.2	315.4	486.7	564.6	640.2	585.6
Healthcare	517.4	611.1	911.4	1095.7	1339.7	1572.4	2111.8	2628.6	3391.4	3846.9
Social insurance and assistance	1608.5	1604.7	2218	2569.8	3266.3	4242.8	5156	6596.9	7891.4	9092.1

29. **Budgetary financing of the social protection system.** The public social expenditures continued to grow and in 2007 accounted for 65.3% of GDP. Within these expenditures, the cost of social protection programs continued to increase, so that in 2007, it accounted for 12.8% of GDP, compared to 10.2% in 2004. For 2008, the state social insurance budget incomes increased by 0.75% over the expenditures. Towards the end of 2009, a budget deficit occurred, and the total expenditures exceeded the revenues by 25.5 million MDL, i.e. 0.34%. This trend is maintained until the present time, and in 2010 the incomes exceeded the expenditures by 209147.4 thousand MDL, i.e. 2.4%.

30. In 2009, out of the total incomes made to the State Social Insurance Budget (SSIB) – 73.3% were collected from the state social insurance contributions, the ratio of transfers

from the state budget accounted for 26.2%, the ratio of other incomes and interest rates constituted an insignificant ratio of 0.5%, respectively. The implementation of gradual redistribution policy of the insurance contribution from the employer to the employee is an important factor for the increase of participation in the system and the improvement of its financial stability. Thus, in 2009 the employee's contribution rate increased by 4% compared to 2004 and constituted 6% of the insured income, concomitantly, the employer's contribution was reduced from 28% to 23% in the same period. For 2010, the social insurance contribution rate remained at the same level as in 2009.

31. In 2009, the expenditures related to pensions and social benefits increased by 20.4% compared to 2008. Accordingly, 85.4% of them constituted payments from the State Social Insurance Budget, and 14.4% – transfers from the state budget.

32. By 1 January 2010, the average pension amounted to 775.54 MDL, i.e. 20% more compared to 2008. The average old age pension amounted to 800.82 MDL, increasing by 20.2% compared to the previous year, and by 41.5% compared to 2007.

33. In 2009, the expenditures related to pensions and social benefits increased by 20.26% compared to 2008. Accordingly, 85.5% of them constituted payments from the State Social Insurance Budget, and 14.3% – transfers from the state budget. In 2009, the average pension accounted for 775.54 MDL, i.e. 16.6% more compared to 2008, and 50.6% more compared 2005. The average old age pension amounted to 800.82 MDL, increasing by 16.8% compared to the previous year, and by 50.4% compared to 2005.

34. The efficiency of pension systems worldwide is estimated on the basis of the replacement rate (the percentage of the last income). The replacement ratio for old age pensions in 2009 accounted for 29.1% and increased by 2.8 percentage points, compared to 2008. These jumps in the replacement rate can be explained by the slow growth of the pension quantum compared to the wage increases registered during the last years. Thus, in 2009, the average old age pension amounted to 29.1% of the average monthly wage per national economy. The negative demographic trends and the situation on the labour market (the decrease in employment rate in national economy), combined with the effects of labour force migration, represent direct risks for the system's medium and long term financial sustainability. Thus, by 1 January 2010, the ratio of pensioners to employed population amounted to 52.5%, i.e. 1.9:1.

35. Budget allocations accounting for 158286.0 thousand MDL were provided in order to ensure the functioning of the institutions concerned with the assistance of adult persons and social support subordinate to the Ministry of Labour, Social Protection and Family (MLSPF) and to take relevant measures in the field for 2010.

36. **Healthcare budget.** In 2009, the quantum of financial resources, allocated to the healthcare system, amounted to 3846.8 million MDL, by 453.9 million MDL more compared to 2008 (the consumer price index in 2009 constituted 100%). In 2010, the amount of 4040.9 million MDL was approved for the healthcare system (the consumer price index is forecasted amounted to 109.3%), the quantum of healthcare allocations forecasted for 2011 amounts to 4256.5 million MDL (forecasted inflation rate is 6%).

37. The quantum of financial resources for primary healthcare was increased up to 1006535.2 MDL, i.e. 31.0% of the basic fund of the mandatory health insurances for 2010. This increase is significant being by 819990.4 higher, i.e. 8.9%, compared to 2009. Also, by the order of the Ministry of Health (MOH) and the National Insurance Company (NHIC) No. 459/117A of 1 July 2010 „About the completion of Order No. 545/215A of 30 December 2009 „On the medicines compensated from the funds of the mandatory health insurance”, the list of partially compensated medicines for providing treatment to patients under ambulatory conditions was expanded.



38. The allocations for partially/entirely compensated medicines were increased for 2010 by 51.2% (i.e. 37944.700 MDL) compared to 2009, and account for 112000.0 thousand MDL. The list of compensated medicines was extended from 53 international commercial names in 2009 (commercial 473 names) to 84 (608 commercial names) in 2010.

39. In order to increase the number of persons included in the compulsory health insurance system, in the Law on Compulsory Health Insurance Funds for 2010 No. 128-XVIII of December 23, 2009, the reduction of the compulsory health insurance premium set in fixed amount for certain categories of payers, paid within three months from the date of entry into force of the Law in question – accounting for 50%, is maintained. Additionally, the same Law provides a 75% reduction in the insurance premium for owners of agricultural land, paid within three months from the date of entry into force of the Law in question. In November-December 2009, premiums of compulsory health insurance paid by individuals totalling 721.1 thousand MDL were accumulated in the compulsory health insurance funds. The taken measures made it possible to increase the contribution of individually insured persons in January – September 2010, from 27.1 thousand MDL to 30.9 thousand MDL, compared to the same period 2009.

40. **Budgetary financing of the educational system.** The national public budget expenditures for education increased permanently. These expenditures, in relation to GDP, rose from 6.7% in 2003 to 9.9% in 2010. The ratio of expenditures for education constituted about 30% of the total social spending in 2009. The distribution of allocations at different levels of education in 2010 was as follows: over 44% of resources were allocated for general compulsory education, 19% – for pre-school education, about 13% – for higher education and only 5% – for tertiary education. The distribution of allocations at different levels of education for 2008-2010 is presented in the table below.

Name	Total public expenditures (thousand MDL)		
	2008 executed	2009 executed	2010 approved
Pres-school education	959 393.6	1 119 352.9	1 289 186.8
Secondary education	2 667 738.6	2 956 309.2	3 545 958.5
Tertiary education	256 740.4	284 646.7	307 126.8
Higher education	722 031.8	781 333.0	848 738.3
Postgraduate education	69 101.2	73 525.1	78 337.6
Perfectionarea cadrelor	14 443.2	15 158.4	16 551.4
Other education services	457 436.6	404 160.0	501 113.9
Administrative bodies	31 478.7	31 460.2	31 717.1
<b>Total</b>	<b>5 178 364.1</b>	<b>5 665 945.5</b>	<b>6 618 730.4</b>
<i>Financing from :</i>			
<b>State budget, including:</b>	<b>1 767 503.0</b>	<b>1 761 449.7</b>	<b>1 898 109.4</b>
Basic expenditures	1 173 263.3	1 240 978.7	1 357 106.5
Special funds and means	536 962.2	471 557.3	518 720.7
Investment projects financed from external resources	57 277.5	48 913.7	22 282.2
<b>Territorial Administrative Unit (TAU) Budgets</b>	<b>3 410 861.1</b>	<b>3 904 495.8</b>	<b>4 720 621.0</b>
<b>Ratio of total expenditure in GDP, %</b>	<b>8.2</b>	<b>9.4</b>	<b>9.9</b>

### Article 3

#### Reply to the issues raised in paragraph 8 of the list of issues.

##### (a) The increase in the number of women in decision-making positions in the public and private sectors

41. *The increase of women's political participation in the governance structures* is considered to be one of the basic ways of strengthening the gender balance in society. Actually, the representation of women in decision making positions is very uneven and depends on the administrative level and political events of each year.

42. At the level of local administrative authorities, women did not extend their representation in the governance structures. Thus, in 2008, the ratio of women acting in position of mayor constituted 17.4%, decreasing compared to 2007, when this ratio constituted 18% (before the local elections in June 2007). At the same time, compared to 2004, the number of women who held this position increased by 24 persons; in 2004 the ratio of women who held the position of mayor constituted 14.8%. The number of women acting in position of district president did not change in 2008 compared to 2004. Thus, only one woman (3.1% of the total) acts in position of district president. At the local level, the only position where women are more numerous than men is in the last hierarchical place, and mainly consultant/specialist (68.4% women). When considering heads of departments, the gender distribution is relatively balanced (47.3% women).

43. At the level of counsellors, the number of women increased. Thus, the number of women acting in position of district counsellor in 2008 increased and constituted 16.9% of the total district counsellors, compared to 13.2% in 2007. The situation is also better in the

local councils, where women's ratio in the total number of local counsellors constituted 28.7% in 2008, compared to 26.5% in 2007.

44. At the level of legislative power, the current situation is also very favourable for women. Thus the number of female deputies in the Parliament also increased from 22% in 2005 to 25.7% in 2009; 26 female deputies entered in the Legislature XVIII of the Parliament of the Republic of Moldova elected on 29 July 2009, and 25 female deputies entered the current Parliament. The leadership of the Parliament is made up exclusively of men (4 persons), while the Parliament's Standing Bureau (12 persons) includes only one woman. Only one of the five parliamentary factions had a woman as president, and another faction – as vice-president. There was a woman among the four independent deputies. The current Parliament has 9 committees in which 2 women act in the capacity of president and 4 women act in the capacity of vice-president. However, because of the recent changes and new appointments made within the Government, at the expiry of the six months in which the deputies have the right to combine the new function with the position of deputy, these figures may look different.

45. In Transnistria, there are also 4 women among the 42 deputies, they being also involved in the activity of 5 (out of 9 committees). The governing bodies of the Transnistrian Supreme Committee is composed exclusively of men, and the Apparatus of the Supreme Committee – of women. Out of 12 ministers, 3 are women, and out of the total number of 10 presidents of local administration, 3 are women. The leadership of the Supreme Court is composed of 4 persons: two women and two men, while the Council of the Supreme Court is composed of 5 members, including two women.

46. When considering women's representation in decision-making positions at the level of central government of the Republic of Moldova, the following trend was observed: although at the level of ministries and other central administrative authorities, there is a gender balance in the distribution of employees and even in decision-making positions, the number of women decreases compared to the number of men as the decision-making positions increase hierarchically. Thus, less than 20% of the persons acting in position of Vice-Minister/Vice-Director were women, and only 26.7% of the persons acting in position of Minister/Director, women represented only 26.7%. Although women's representation in the district and local councils and in the Parliament is growing, it cannot be anticipated that women will hold decision-making positions, this depending largely on how the issue of equal opportunities is perceived by each party.

#### **(b) Unemployment rate among women**

47. The employment measures carried out at national level are established by the Law on Employment and Social Protection of the People Looking for a Job No. 102-XV. The National Agency for Employment and its territorial structures take active and passive measures in order to increase the employment rate, reduce unemployment on the labour market and offer social protection to the unemployed.

#### **The implementation of the employment policy and measures taken for ensuring the right to work and reduce the impact of unemployment, including among women, are stipulated in Article 6, Paragraph 2.**

48. At the same time, we reveal that the number of unemployed women registered at the employment agencies in 2009 constituted 39,900 persons, i.e. 50.3% of the total number of 79,200 unemployed persons.

49. Mediation services were provided to 53,800 women, i.e. 51% of the total number of 105,500 people, beneficiaries of these services.

50. Out of the total number of 31,100 persons, about 17,900 women (57.7%) were provided with information and counselling services.

51. Due to the implementation of employment measures, 17,000 unemployed persons registered at the employment agencies were employed, the majority of them – 9,300 persons (54.1%) being women.

52. During the recent years, there has been a general tendency to reduce the main indicators of the labour market, which worsened due to the global economic crisis of 2008.

53. **The population's activity rate** constituted 42.8% in 2009, compared to 44.3% in 2008, reaching lower values among women – 39.7% in 2009, and 41.5% in 2008. The highest activity rate (63.0%) was registered among persons aged between 45-54 years, compared to 65.3% in 2008, the *female activity rate was also high and amounted to 63.5 %, compared to 63.9% in 2008.*

54. Out of the total number of employed persons in the following sectors:

- - agriculture – 43.7% were women in 2009, compared to 45.5% in 2008;
- - industry – 44.5% were women in 2009, compared to 45.8% in 2008;
- - trade and hotel activities – 56.9% were women in 2009, compared to 58.3% in 2008;
- - medical and social assistance and education – 69.2% were women in 2009, compared to 69.7% in 2008.

55. **The employment rate in 2009** of the workforce aged 15 years and over 15 years constituted – 40%, compared to 42.5% in 2008, the female employment rate constituted 37.7% in 2009 compared to 40.1% 2009.

56. **The number of unemployed persons**, according to the methodology of the International Labour Office, in 2008 constituted 51.7 thousand persons, out of whom 21,800 persons, i.e. 42.2%, were women. In 2009 the number of the unemployed amounted to 81,000 persons, out of whom 3,200 persons (37.3%) were women.

57. **The number of unemployed persons**, according to the methodology of the International Labour Office, in 2009 constituted 6.4 % at the national level, out of which 4.9% were women, compared to 3.4% in 2008, being lower than the number of unemployed men which amounted to 7.8% and 4.6%, respectively.

#### **( c ) Special measures adopted for addressing the persistence of a significant gender wage gap**

58. Starting from the general rule, the special normative acts governing the activity of different categories of employees include more detailed provisions in this regard. Thus, the Concept on Civil Service Personnel Policy, approved by the Parliament Decision No. 1227 of July 18, 2002, establishes the objectivity and transparency as the basic criteria that have to be considered when promoting employees to new positions. According to the Concept, the procedures of qualification advancement and promotion to new positions must ensure the non-discriminatory and fair treatment of each civil servant, in accordance with the results of the assessment of their work. In this context, the evaluation of work has to be done by human resource management committees, leaders at all levels within the public authorities and/or by independent external evaluators on the basis of certain clear, measurable, limited in number and applicable criteria, elaborated according to the description of the position.

59. The issue of gender wage gap remains unsolved. The gaps mentioned above are caused by the fact that the majority of women act in lower paid positions. At the same time,

in 2009 the average monthly wage of women accounted for 76.4% of the average monthly wage of men at the country level, increasing by 8.3 percentage points, compared to 2006.

60. An important step, made in 2010, aimed at reducing the wage gap was the introduction of new remuneration forms for teachers which led to the increase of their wages by 20% – the absolute majority being women.

61. Also, any direct types of discrimination based on gender among persons working in the same position are excluded. This fact, in its turn, becomes, an impediment in involving men in important, but also poorly paid social activities (education) and in involving women in paid, but inaccessible for women positions (constructions, transport, etc.). The average wages of women compared to those of men expressed in percentage terms are presented in the table below.

	2002	2003	2004	2005	2006	2007	2008	2009
<b>Total</b>	<b>75.7</b>	<b>71.9</b>	<b>71.3</b>	<b>72.6</b>	<b>68.1</b>	<b>72.8</b>	<b>73.3</b>	<b>76.4</b>
Agriculture, economy, hunting and forestry	86.8	85.7	83.1	83.7	82.3	84.3	83.3	82.3
Fishing, pisciculture	123.9	208.2	117.0	127.1	107.2	128.2	123.3	125.2
Industry	85.0	78.0	77.5	77.5	75.7	79.3	69.5	71.2
Constructions	73.8	70.9	74.1	78.2	74.1	80.2	82.1	80.1
Wholesale and retail trade	72.5	78.2	69.0	78.1	79.6	81.3	79.7	79.2
Hotels and restaurants	73.6	64.7	74.8	78.9	75.1	71.5	79.8	76.0
Transport and communications	89.9	88.1	87.8	86.7	82.5	89.3	91.0	89.5
Financial activities	70.7	82.5	68.9	72.4	85.6	76.1	70.0	76.0
Real transactions	105.6	93.0	97.2	92.0	86.1	93.6	90.2	89.3
Public administration	78.9	90.0	89.6	93.7	61.0	78.8	85.4	75.0
Education	77.9	70.9	75.5	81.8	86.1	82.0	80.2	81.6
Healthcare and social assistance	78.3	83.2	83.6	71.9	73.4	73.4	80.9	76.4
Other collective, social and personal services	70.8	69.8	68.8	67.7	74.0	74.3	76.0	73.9

Source: National Bureau of Statistics

62. *The gender wage gaps* are caused by several factors. One cause is the non-univocal horizontal and vertical professional distribution of population by sex. Thus, almost half of the employed women are employed in agriculture, but most women from this sector hold low qualified positions, and therefore, have a lower wage compared to men who hold jobs with special qualifications.

63. Another cause of the gender wage gap is that women are concentrated in specific activity sectors, where the average wage is lower than in the sectors where the proportion of men is higher. In addition to this, women are underrepresented at the top of the work pyramid. Thus, the wages of senior managers has recently increased. The number of women exceeds the number of men in the category of junior officials, such as technical staff, secretaries, etc.

#### **Reply to the issues raised in paragraph 9 of the list of issues**

64. In accordance with the Constitution of the Republic of Moldova, women have the same economic, political and social rights as men. The national legislation does not include clear provisions discriminatory for women or any prescriptions that could impede them to fully develop themselves.

65. The Law on Equal Opportunities for Men and Women No. 5-XVI of February 09 implies the guarantee of the exercise of equal rights for women and men in the political, economic, social, cultural and other life spheres.

66. There were established institutional structures with specific competencies in the country, such as: the Government Commission for Equality between Women and Men, the Department on Gender Equality and Violence Prevention Policies under the Ministry of Labour and Social Protection (the central public authority responsible for elaborating policies and promoting equality between women and men) and gender units within the ministries.

67. In the context of current socio-economic transformations at the international, regional and national levels, in accordance with the provisions of the Final Recommendations of the UN Committee on the Elimination of Discrimination against Women for the Republic of Moldova (August 2006), the Recommendations for Monitoring the Implementation of the Framework Law and of the National Plan for the “Promotion of Gender Equality in Society for the period 2006-2009” (Government Decision No. 984 of August 25, 2006), the *National Programme for Gender Equality for 2010-2015* was elaborated and approved by the Government Decision No. 933 of December 31, 2009. The program constitutes a strategic document that determines the objectives of the policy of ensuring gender equality in the Republic of Moldova until 2015 and sets out the priority actions in the field.

68. The program includes the following components: social and family protection, employment and migration, budgeting (as interdisciplinary field), education, health, *violence and human trafficking*, political participation, raising the level of awareness/mass media.

69. The program provides the fact that the financial resources necessary to achieve its objectives will be planned by each responsible ministry. Also, the financing of the National Program's implementation activities will be made not only from the budgetary means approved for the respective years for line ministries, but also with financial support from international organizations under the country partnership agreements. The implementation of the National Programme will be ensured by two medium-term Action Plans that will be implemented by the competent authorities for the periods 2010-2012 and 2013-2015. In 2012 the degree of implementation of the first action plan will be assessed, and its results will be used for the preparation of the second plan of action in the context of ensuring the full implementation of the strategic objectives of the program. The Program mentioned above was elaborated with the active involvement of the state structures, civil society, and academic community. The basic findings, objectives and identified issues, intervention areas and indicators were validated during numerous public discussions, national conferences, and roundtables.

## **Issues relating to the specific provisions of the Covenant (articles 6-15)**

### **Article 6**

Reply to the issues raised in paragraphs **10 and 11** of the list of issues.

70. The concrete measures of ensuring the access to employment and protection against unemployment are implemented in accordance with the Law on Employment and Social Protection of the Persons Looking for a Job (No. 102-XV of 13 March 2003), with its subsequent amendments, through the National Agency for Employment, currently carrying out its activity under the Ministry of Labour and Social Protection. The Agency keeps track of the persons who are looking for a job, provides help in choosing an appropriate job, offers jobs, grants unemployment benefits, employment or re-employment benefits,

organizes professional orientation and reintegration, qualification and re-qualification of the unemployed and of other jobless persons.

71. In accordance with Article 5 of the Law on Employment and Social Protection of the Persons Looking for a Job, there are the following categories of beneficiaries – individuals, looking for a job:

- 1) persons who do not hold an Employment Record Book and retirement contributions in the state social insurance system;
- 2) persons whose individual labour contract was terminated because of:
  - a) dismissal;
  - b) resignation;
  - c) circumstances that do not depend on the will of the parties;
  - d) expiry of the contract;
- 3) persons who ceased to work waiving their authorization (license) for performing an entrepreneurial or patent-based activity;
- 4) persons who ceased to work abroad under the preliminary conclusion of an individual contract of state social insurance;
- 5) persons who returned to the labour market:
  - a) after the expiry of the child care period;
  - b) after a period of care of a disabled family member of 1st category, a disabled child (aged under 16 years) or a old person (aged 75 years and above 75 years);
  - c) after the transfer in the reserve category after the release from the military service, short-term military service or alternative service;
  - d) after the expiry of the disability period that did not offer the opportunity to have a proper job;
  - e) after the release from prisons and social rehabilitation institutions.

72. The law in question provides that (Article 6), in the Republic of Moldova, each person has the right to freely choose her/his profession and job, as well as the right to insurance in case of unemployment. The labour market in the Republic of Moldova is free and constitutes the place of assertion of the right to employment and social protection of the persons able to work.

73. In Article 8 of the Law No. 102-XV of March 13, 2003, is provided that the application of this Law *excludes any discrimination based on race, nationality, ethnic origin, language, religion, sex, political affiliation, wealth or social origin.*

74. **The basic document** of promoting the policy on the labour market – is the National Strategy on Employment Policies for 2007-2015, approved by the Government Decision No. 605 of May 31, 2007, the elaboration of which was conditioned by the necessity of adjusting the national employment policy to the European standards, particularly to the provisions of the European Employment Strategy.

75. The main purpose of the National Strategy is to ensure full and sustainable employment, as well as to achieve a decent level of remuneration of the human resources, which will be achieved by implementing the following objectives:

- i) increase in the number of jobs;
- ii) improvement of the work quality and productivity;

iii) consolidation of social cohesion and inclusion, *particularly by combating all forms of discrimination on the labour market;*

iv) *reduction of gender disparities and of differences between regions in terms of employment.*

76. One of the specific guideline for employment from the National Strategy on Employment Policies for 2007-2015, is guideline 6:

**“6. Promotion of Equal Opportunities and Combating Discrimination on the Labour Market”**, which aims to prevent and eliminate all forms of discrimination on the labour market (by sex, age, nationality, etc.), to reduce the wage gap associated with such discrimination, to promote the integration of persons disadvantaged for different reasons or at risk of social exclusion through the labour market.

77. The policy directions:

- expansion and simplification of the system of incentives granted to employers for hiring young people or persons belonging to socially vulnerable categories or at risk of social exclusion;
- expansion of the network of regional and community centres providing counselling and guidance to teenagers and women who, after a certain motivated period of parental leave, return on the labour market and have the right to attend free training courses, as well as to the categories of disadvantaged persons;
- encouragement of the enrolment of people with disabilities in the professional educational institutions, provision of these institutions with technical equipment and facilities needed for providing access and training;
- broader inclusion of the disabled persons, of the persons released from prison, of former soldiers, of trafficked persons and of other socially vulnerable categories, in the programs of workforce training and retraining;
- review of the legislation in force in order to cancel the acts facilitating (or prohibiting) the access of women to work in certain production sectors and to adopt certain professions (occupations);
- encouragement of the promotion of women in management positions in the private and public sectors, insurance of the public monitoring of equal opportunities, extension of the types of possible specialties that can be adopted by women and entire levelling of the wage gap;
- support of female employment by providing childcare and care to other dependent persons, encouragement of the division of work and family responsibilities between women and men, facilitation of the professional reintegration after maternity leave;
- gradual levelling of the retirement age set for men and women.
- In accordance with the Strategy, the results expected from the implementation of the policy directions are: provision of a more effective connection between the young labour force supply and the demand on the labour market; reduction of the unemployment rate and duration among young people; continuous levelling of the gender wage gap; faster and more effective professional promotion of women; increase of the economic activity rate for the persons with disabilities, persons released from prisons and their more effective social inclusion.

78. The objectives set in the guidelines are implemented through the National Action Plan for Employment which is elaborated annually. Action plans for employment for the



years 2008, 2009 and 2010 have been elaborated and approved since the approval of the National Strategy on Employment Policies. The similar Draft Government Decision on the approval of the National Action Plan for Employment for 2011 is at the phase of completion.

79. According to statistical data of the International Labour Office, in 2009, the number of unemployed persons amounted to about 81 thousand, increasing by 30.7 thousand compared to the previous year. In 2009, men – 62.7% and the persons living in urban areas – 58.6% were more affected by unemployment. The unemployment rate among teenagers (aged between 15-24 years) accounted for 15.4%, i.e. by 4.2% less compared to 2008. At the same time, statistics does not provide disaggregated data regarding the *Roma people, persons with disabilities, persons released from prisons and social rehabilitation institutions*.

80. Considering the persons with disabilities, during 2009, **711 disabled persons** were registered at the employment agencies, out of whom, 81, including 36 women, were employed, compared to 398 disabled persons registered in 2008, out of whom 114 persons, including 58 women, were employed.

81. In order to enhance the employment opportunities for disabled people, during nine months of 2010, 404 disabled persons, out of whom 178 were women, applied to employment agencies. 51 disabled persons, out of whom 21 were women, were employed.

82. In order to be enrolled in vocational schools or to be employed, during 9 months of 2010, 276 people with disabilities received consultations for choosing a profession according to their abilities, out of whom 23 people received vocational education.

83. In accordance with the legislation in force, the disabled persons are trained, along with other unemployed persons, in paid public works by the local authorities, being stimulated by providing **monthly allowances equal to 30 percent of the average wage** for the previous year, on the date of determining the allowance, proportional to the effective period of work, for a term not exceeding 12 calendar months. During the first 9 months of 2010, 14 disabled persons were involved in public works.

#### **Reply to the issues raised in paragraph 12 of the list of issues.**

84. The National Strategy on Employment Policies for 2007-2015, approved by the Government Decision No. 605 of May 31, 2007, section VI provides a specific guideline for employment:

**“6.8. Transformation of undeclared work into formal employment”** aimed to include a greater number of employees in the formal economic process, both within the country and abroad, and eliminate illegal work practices.

#### **Policy Directions:**

- estimation and monitoring of the proportion of informal work, identification of the basic causes that impede formal employment in various production sectors and branches;
- further simplification of the business procedures and introduction of incentive instruments in order to encourage the transfer of businesses from the informal sphere into the formal sphere and to encourage legal employment, while promoting higher social responsibility of the private and public economic agents vis-à-vis the employees and their rights;
- appropriate regulation of the economic activity, observance of the legislation in force and of proper accounting evidence, particularly in the sectors with high proportion of informal employment (agriculture, trade, constructions), along with

the consolidation of the capacities of the public authorities empowered to impose the observance of the legislation in force.

85. The expected results are: awareness about illegal work and identification of certain sure policies in order to ensure the long-term recovery of this phenomenon, increase in the rate of formal employment and extension of the social protection system on a larger number of citizens; increase in the average wage per economy by providing transparency in wage payment; increase in the collection of social and medical insurance rates and of income taxes in the public budgets and financial consolidation of the public pension and healthcare systems; improvement of the health status and safety conditions at work.

86. According to the statistical data for the fourth trimester of 2009, the persons employed depending on the type of production unit, employment status, nature of job, sex and areas (the main activity, which includes all the economic activities), are presented in the table below, thousands of persons:

Type of the production unit, sex, areas	Total economy			Own-account worker, employer, member of a cooperative		Unpaid family aid	Employees	
	Total employment	Formal employment	Informal employment	Formal employment	Informal employment	Informal employment	Formal employment	Informal employment
<b>TOTAL</b>	<b>1184.4</b>	<b>829.0</b>	<b>355.4</b>	<b>96.0</b>	<b>221.5</b>	<b>30.3</b>	<b>733.0</b>	<b>103.6</b>
Formal sector enterprises	937.4	829.0	108.5	96.0	-	18.2	733.0	90.2
Informal sector enterprises	138.8	-	138.8	-	117.9	12.1	-	8.8
Households	108.2	-	108.2	-	103.6	-	-	4.6
<b>Men</b>	<b>597.7</b>	<b>400.7</b>	<b>197.0</b>	<b>57.1</b>	<b>131.6</b>	<b>10.5</b>	<b>343.6</b>	<b>54.9</b>
Formal sector enterprises	455.0	400.7	54.3	57.1	-	6.8	343.6	47.5
Informal sector enterprises	91.8	-	91.8	-	81.5	3.7	-	6.6
Households	50.8	-	50.8	-	50.1	-	-	*
<b>Women</b>	<b>586.7</b>	<b>428.3</b>	<b>158.4</b>	<b>38.9</b>	<b>89.9</b>	<b>19.8</b>	<b>389.4</b>	<b>48.7</b>
Formal sector enterprises	482.4	428.3	54.1	38.9	-	11.4	389.4	42.7
Informal sector enterprises	46.9	-	46.9	-	36.4	8.4	-	2.1
Households	57.3	-	57.3	-	53.5	-	-	3.9
<b>Urban</b>	<b>548.3</b>	<b>467.3</b>	<b>81.0</b>	<b>26.7</b>	<b>31.5</b>	<b>3.2</b>	<b>440.6</b>	<b>46.3</b>
Formal sector enterprises	512.5	467.3	45.2	26.7	-	2.7	440.6	42.5
Informal sector enterprises	32.7	-	32.7	-	30.5	*	-	1.7
Households	3.0	-	3.0	-	*	-	-	2.1
<b>Rural</b>	<b>636.1</b>	<b>361.7</b>	<b>274.5</b>	<b>69.3</b>	<b>190.0</b>	<b>27.1</b>	<b>292.3</b>	<b>57.3</b>
Formal sector enterprises	424.9	361.7	63.3	69.3	-	15.5	292.3	47.7
Informal sector enterprises	106.1	-	106.1	-	87.4	11.6	-	7.1
Households	105.1	-	105.1	-	102.6	-	-	2.5

87. According to the estimations, in the first semester of 2010, the elements of unobserved economy contributed to the formation of the gross domestic product and of the gross value added at a rate of 19.4% and 23.6% respectively, compared to 20.6% and 25.1% in the same period of 2009.

**Contribution of the elements of the unobserved economy to the formation of the gross domestic product**

*percent*

	January-June							
	Formal sector		Informal sector		Production of the households for own consumption		Total	
	2009	2010	2009	2010	2009	2010	2009	2010
Agriculture, economy, hunting , forestry, fishing, pisciculture			0.7	0.7	1.8	1.7	<b>2.5</b>	<b>2.4</b>
Industry	1.8	1.5	0.9	0.9	0.7	1.0	<b>3.4</b>	<b>3.4</b>
Constructions	0.5	0.3	1.9	1.6	0.2	0.1	<b>2.6</b>	<b>2.0</b>
Wholesale and retail trade; repair of motor vehicles	2.5	2.4	3.2	2.8			<b>5.7</b>	<b>5.2</b>
Hotels and restaurants	0.6	0.7	0.1	0.1			<b>0.7</b>	<b>0.8</b>
Transport and communications	1.0	0.7	0.5	0.5			<b>1.5</b>	<b>1.2</b>
Other service activities	1.3	1.3	0.3	0.5	2.6	2.6	<b>4.2</b>	<b>4.4</b>
<b>Total</b>	<b>7.7</b>	<b>6.9</b>	<b>7.6</b>	<b>7.1</b>	<b>5.3</b>	<b>5.4</b>	<b>20.6</b>	<b>19.4</b>

*Contribution of the elements of the unobserved economy to the formation of the gross value added (percent).*

	January-June							
	Formal sector		Informal sector		Production of the households for own consumption		Total	
	2009	2010	2009	2010	2009	2010	2009	2010
Agriculture, economy, hunting , forestry, fishing, pisciculture	0.3	0.4	10.6	9.9	24.6	23.2	<b>35.5</b>	<b>33.5</b>
Industry	14.1	11.2	6.6	6.3	5.7	8.1	<b>26.4</b>	<b>25.6</b>
Constructions	12.0	7.8	45.9	47.0	4.2	2.5	<b>62.1</b>	<b>57.3</b>
Wholesale and retail trade; repair of motor vehicles	16.6	16.0	21.4	18.9			<b>38.0</b>	<b>34.9</b>
Hotels and restaurants	36.6	45.5	6.2	6.9			<b>42.8</b>	<b>52.4</b>
Transport and communications	8.6	6.5	4.5	3.9			<b>13.1</b>	<b>10.4</b>
Other service activities	4.4	4.4	0.9	1.7	9.0	8.6	<b>14.3</b>	<b>14.7</b>
<b>Total</b>	<b>9.4</b>	<b>8.4</b>	<b>9.2</b>	<b>8.6</b>	<b>6.5</b>	<b>6.6</b>	<b>25.1</b>	<b>23.6</b>

88. The activity from the private sector and joint ventures contributed to the formation of the gross domestic product in proportion of 49.3% and 12.6% respectively, compared to 47.7% and 11.7% in the similar period of the last year.

89. This occurred in the detriment of the activity from the public sector, joint ventures (public and private) without foreign participation and of the foreign ownerships, the contribution of which to the formation of the gross domestic product decreased from 30.3%, 3.2% and 7.1% in January-June 2009 to 29.4%, 2.2% and 6.5% respectively in January-June 2010.

**Article 7****Reply to the issues raised in paragraph 13 of the list of issues.**

90. The Law on Remuneration No. 847-XV of February 14, 2002 constitutes the normative basis of the remuneration organization. The Law regulates the way of establishing the wages; the state regulation of the remuneration; the rights and protection of employees from the point of view of remuneration. In accordance with the Law, in the Republic of Moldova the wages are established by applying the tariff system of remuneration, and since 2009, the non-tariff systems of remuneration have been certified.

91. In the real sector, the tariff network is established by negotiation, at branch level – in case of collective agreement, and at unit level – in case of collective labour contract.

92. In the budgetary sector, the Unique Tariff Network is applied, established by law, which includes 25 remuneration categories, the tariff wage for the 1st remuneration category and the wage scales for each remuneration category.

93. The tariff network at branch or unit level is established for workers or for all categories of employees (workers, administrative officials, experts and personnel handling managerial positions) based on the qualification categories or other criteria.

94. The tariff network in force recommended by the Government for the real economic sector workers, which represents all the units with financial autonomy, irrespective of branch subordination, ownership type and form of legal organization, is presented as follows:

Qualification categories	I	II	III	IV	V	VI	VII	VIII
Tariff coefficients	1.0	1.10-1.26	1.20-1.59	1.30-1.81	1.40-2.07	1.50-2.36	1.60-2.69	1.70-3.07

95. The wages of more than 95 percent of employees are established according to tariff system of remuneration. The non-tariff systems of remuneration constitute ways of remuneration differentiation depending on the individual and/or collective performance and the position held by the employee.

96. The criteria and rules of assessing the employees' individual professional performances are established by the employer, through negotiations with the trade unions or the employees' representatives. The assessment of the employees' individual professional performances is made by the employer.

97. The non-tariff system of remuneration is established in the collective labour contract at unit level.

98. The wage quantum for each employee in the non-tariff system of remuneration is established by the employer. The guaranteed minimum wage quantum in the real sector constitutes the minimum state limit and guarantee.

99. In the tariff system of remuneration and in the non-tariff systems of remuneration the wage includes the basic wage (the tariff wage, the position wage), the additional wage (the additions and increments to the basic wage) and other incentive and compensation payments.

100. The basic wage is established as tariff wages for workers, and as position wages for officials, experts and managers for the work performed in accordance with the labour standards established based on their qualification, level of the employee's professional training and proficiency, quality, level of responsibility and complexity implied by the performed work.

101. The additional wage constitutes a reward for extra work, for effective work and intensity, and for special working conditions. It includes the additions and increments to the basic wage, other guaranteed payments and current awards, which are established in accordance with the obtained results, specific working conditions, and in some cases provided by law – taking into account the seniority.

102. Other incentives and compensations include the awards depending on the annual activity results, the premiums according to special regulations and systems, compensation payments, as well as other payments not provided by legislation, but that do not contravene it.

103. In the case of application of the tariff system of remuneration, the tariff wage for the 1st qualification (remuneration) category of the remuneration network is the main and mandatory component of the tariff system and constitutes the basis for the establishment of tariff wages and specific position wages in the collective and individual labour contracts.

104. The tariff wage for the 1st qualification (remuneration) category, as a normative that determines the employees' labour remuneration for a specific period of time, is established as follows:

- (a) in the budgetary sector – by law, in an amount equal to or exceeding the national minimum wage;
- (b) in certain branches of the real sector – through negotiation, in the collective agreements at branch level, in an amount equal to or exceeding the guaranteed minimum wage quantum in the real sector, but for the employees from the financially autonomous units in the respective branches – through negotiation, in the unit's collective labour contract, in an amount not lower than the quantum established by collective agreement at branch level.

105. The parties signing the collective agreement at branch level are invested with the right to rule the application of the tariff wage quantum for the 1st qualification category set in the agreement for all the employees and employers from the branch applying the tariff system or only for the employees and employers who authorized these parties to conclude the respective agreement.

106. The tariff wage for the 1st qualification (remuneration) category is reviewed annually, in accordance with the procedure established in the collective agreement at branch level or in the collective labour contract.

107. Thus, since the adoption of the Law on Remuneration No. 847-XV of February 14, 2002, the tariff wage for the 1st qualification category as minimum guarantee of the employees' remuneration has been amended seven times, and since June 1, 2007, in accordance with the National Collective Agreement No. July 18, 2007, a tariff wage of 900 MDL per month has been established. With the establishment by law of the new indicator – **the guaranteed minimum wage quantum in the real sector**, which constitutes the minimum mandatory value of the state guaranteed retribution for the employees in the real sector, the tariff wage for the 1st qualification category at branch level is established in an amount not lower than this guaranteed minimum quantum, which since February 1, 2010, through the National Collective Agreement No. 9 of January 28, 2010, subsequently certified through the respective Government Decision, constitutes 1100 MDL per month, i.e. 6.51 MDL per hour.

108. The method of establishing the wages of the employees from the institutions financed from the budget (the public sector) is regulated by the Law on the Remuneration System within the Budget Sector No. 355-XVI of December 23, 2005.

109. The wage scales by remuneration categories of the Unique Tariff Remuneration Network are calculated taking into account the tariff wage for the 1st remuneration category, at the national minimum wage level, which since January 1, 2009, constitutes 600 MDL per month.
110. The remuneration system for the employees in the budgetary sector also implies the payment of increments and additions for seniority, qualification categories, labour intensity and proficiency, etc., as well as the recompense for current activity results.
111. About 230 thousand personnel units are remunerated in accordance with the system in force.
112. The national minimum wage in force constitutes 600 MDL per month and is set by the Government Decision with effect from January 1, 2009.
113. At the level of the minimum wage quantum, the amount of the tariff wage for the 1st remuneration category of the employees in the budgetary sector is established, which serves as a calculation basis for the establishment of wage scales by the remuneration categories of the Unique Tariff Network for the employees in the budgetary sector in which work around 230 thousand of personnel units from education, healthcare, welfare, culture, arts, sports, science, and other budgetary institutions.
114. In this context we mention that, only 300 employees are tariffed as 1st remuneration category, and thus, receive a wage equal to 600 MDL. The minimum wage does not include the additions, increments and incentives provided by law, and thus, de facto, according to the investigation from September 2009, 251 (0.1%) persons in the budgetary sector received a wage of only 600 MDL, and in September 2010 – 226 (0.09%) persons.
115. The Unique Tariff Network for the employees in the budgetary sector is approved by law by the Parliament, but the attribution of the employees to the 1st remuneration category, as well as to other remuneration categories is regulated by the Government.
116. Another component of the system of minimum wages is the tariff wage for the 1st qualification category of the personnel employed in public medico-sanitary institutions included in the compulsory health insurance system. This indicator is established through collective negotiations between the Ministry of Health, the National Health Insurance Company and the branch trade union, and is certified by the Government.
117. Starting with March 1, 2009, the tariff wage for the 1st qualification category amounts to 750 MDL per month and serves as the basis for calculating the tariff and position wages for about 50 thousand employees, out of whom 1000 employees are paid 750 MDL.
118. The guaranteed minimum wage quantum in the real sector constitutes the mandatory minimum value of the state guaranteed remuneration for the work performed by the employees in the real sector.
119. The guaranteed minimum wage quantum in the real sector is established by the Government after consulting the social partners, and since February 1, 2010 it constitutes 1100 MDL per month.
120. The guaranteed minimum wage quantum in the real sector serves as a minimum limit for the establishment of the amount of the tariff wage for the 1st category of the Unique Tariff Network in the units' branch collective agreements and collective labour contracts. Thus, the real remuneration level in units and branches depends heavily on the financial options of the respective employers.
121. The guaranteed minimum wage quantum is a minimum guarantee in the remuneration of all employees in the financially autonomous units that does not exceed 66%.

122. The system of minimum remuneration guarantees, in the Republic of Moldova, de jure protects all the employees, except those from the eastern districts of the country (Transnistria), the territory of which is not controlled by the central authorities. De facto, the national minimum wage or the guaranteed minimum wage in the real sector is not insured for certain employees, who receive wages in case of failing to perform the labour standards and for those who have part-time jobs and receive a retribution proportional to the time spent working.

123. The minimum wage is protected by law against the reduction of the purchasing power. Thus, in accordance with Article 133 of the Labour Code, the guaranteed minimum wage is indexed annually depending on the changes in the consumer price index, in accordance with the law.

124. By Law No. 242-XVI of November 18, 2008, a clear mechanism of annual establishment and review of the minimum guaranteed wage in the real sector was established, which provides that, the minimum guaranteed wage in the real sector will be reviewed annually by the Government depending on the annual growth in the consumer price index and on the growth rate in labour productivity at the national level. The establishment of the new minimum guaranteed wage quantum in the real sector is followed by the adjustment of the tariff wage amounts for the 1st qualification categories through collective negotiations, which at branch level, are certified in the branch collective agreements, and at unit level – in the collective labour contracts.

125. Accordingly, in the budgetary (public) sector, the wage scales for all the remuneration categories of the Unique Tariff Network are recalculated after the establishment of a new national minimum wage amount, taking into account all the amendments to the Law 355-XVI of December 23, 2005.

126. The average nominal monthly wage in 2009 amounted to 2747.6 MDL, i.e. 5 times more compared to 2001. In the same period, the real wage index amounted to 291.5%, i.e. 3 times more compared to 2001. **The minimum wage in the reference period was changed four times and reached 600 MDL in 2009 compared to 100 MDL in 2001.** If in 2001 the average nominal monthly wage exceeded the minimum subsistence only by 16 percent, then in 2005 it was already by 72% higher, and in 2009 it amounted to more than 2.3 minimum subsistence.

127. The minimum wage quota in the average salary in the reference period did not increase significantly (from 18.4% in 2001 to 21.8% in 2009), which shows that, the minimum wage is a means of payment for a relatively low number of employees, and the remuneration categorization is quite obvious.

128. The lowest salaries are paid to the employees working in agriculture, forestry, fishing; and the highest salaries – to those working in finance, electricity and heat, gas and water, transport and communications.

129. At the same time, the excessive differentiation is gradually reduced due to the development of wage regulation through social partnership and dialogue; the process of remuneration homogenization and standardization becomes more pronounced. Thus, if in 2005 the proportion between the branch with the lowest wages and that with the highest wages was 1:4.6, then in 2009 this proportion was 1:3.8.

130. The correlation between the remuneration level for the employees in the public sector, provided from the national public budget and the real sector (private) is characterized by the following data: 2001 – 67.4%, 2005 – 66.7%, 2009 – 81.7%.

131. Thus, in the last five years the wage gap between the employees in the public sector and those in the real sector has been reduced by 15 percentage points, which is due to the real measures taken in order to implement the new remuneration system.



132. In accordance with Article 4 of the Law No. 140-XV of May 10, 2001, the Labour Inspectorate according to its responsibilities carries out controls regarding the observance of the labour remuneration and is entitled to request and receive information necessary to perform its duties from the central government and local authorities, from natural persons and legal entities, and apply, as established by legislation, administrative sanctions, including fines for violations of the provisions of the legislative acts and normative acts regarding the working conditions and the employees' protection in exercising their tasks.

**Reply to the issues raised in paragraph 14 of the list of issues.**

133. The Parliament of the Republic of Moldova adopted the Law on the Occupational Safety and Health No. **186-XVI** of July 10, 2008, in force since January 1, 2009. This law regulates the legal relationships regarding the imposition of measures aimed to ensure the employees' safety and health in the work place. According to the Law, the Government elaborates and reviews the policies regarding safety and health in the work place, after consulting the employers and trade unions.

134. The protection and prevention activities, as provided by abovementioned Law, is provided in accordance with the Regulation on the Organization of the Occupational Protection and Professional Risk Prevention of Activities, approved by the Government Decision No. 95 of 5 February 2009.

135. The working conditions should be ensured by applying the Government Decision on the Approval of the Minimum Occupational Safety and Health No. 353 of May 5, 2010.

136. According to the Law on Occupational Safety and Health, the Labour Inspectorate controls whether the employers observe it and other normative acts regarding occupational safety and health. The controls are carried out in accordance with the Law on Labour Inspection No. 140-XV of May 10, 2001.

137. During 2009 and January-September 2010, controlling the observance of the legislative and normative acts regarding labour, occupational safety and health, the Labour Inspectorate and its territorial subdivisions made 11000 control visits to units with more than 340 thousand employees, including more than 173000 women and 132 minors. Out of the total number of controls, 5083 were aimed at applying the legal framework regarding occupational safety and health.

138. Although there was attested the implementation of certain preventive measures, because of safety weaknesses, according to the statistics, more than 550 work accidents are registered annually, fact that determines a frequency index equal to 1.07 (the number of work accidents per one thousand employees).

139. **The Contravention Code No. 218-XVI of October 24, 2008** (in force since January 2009) provides punishments for the violation of the labour legislation and of the legislation on labour safety and hygiene, as follows:

**Article 55, Violation of Labour Protection Laws**

(1) The violation of labour legislation, of legislation on labour safety and hygiene, and of other labour protection rules is sanctioned with a fine. The fine imposed on natural persons amounts between 40 and 50 conventional units, the fine imposed on persons holding liable positions amounts between 50 and 75 conventional units, and the fine imposed on legal entities amounts between 80 and 120 conventional units.

(2) The same acts committed against minors are sanctioned with fines. The fine imposed on natural persons amounts between 50 and 80 conventional units, the fine imposed on persons holding liable positions amounts between 100 and 150

conventional units, and the fine imposed on legal entities amounts between 120 and 180 conventional units.

**Article 56. Violation of Legislation on Employment and Social Protection of the Persons Looking for a Job**

(1) The use of names of professions or positions that do not comply with the Classification of Occupations of the Republic Moldova, by persons holding liable positions, when filling out official documents, is sanctioned with a fine in the amount of 10 to 50 conventional units.

(2) The failure of the recipient of unemployment benefits and/or employment benefits or re-employment benefits, to announce the territorial employment agency at which he/she is registered about any changes in the conditions that led to the establishment of the beneficiary entitlement, within the period prescribed by law, is sanctioned with a fine in the amount of 3 to 10 conventional units.

**Article 57. Violation of the terms of payment of wages, pensions, scholarships, allowances and other permanent payments, established by law:**

(1) The deliberate violation, by more than 2 months, of the terms of payment of wages, of state compulsory social insurance contributions, of compulsory medical insurance premiums, as well as of other permanent payments, established by law, is punishable by a fine. The fine imposed on natural persons amounts between 50 and 100 conventional units, the fine imposed on persons holding liable positions amounts between 100 and 200 conventional units, and the fine imposed on legal entities amounts between 200 and 300 conventional units.

(2) The deliberate violation, by more than 2 months, of the terms of payment of pensions, of scholarships, of allowances, as well as of other permanent payments, established by law, is punishable by a fine. The fine imposed on natural persons amounts between 75 and 100 conventional units, the fine imposed on persons holding liable positions amounts between 110 and 220 conventional units, and the fine imposed on legal entities amounts between 200 and 300 conventional units.

**Reply to the issues raised in paragraph 15 of the list of issues.**

140. The Criminal Code of the Republic of Moldova (*amended by the Law No. 167 of 9 July 2010 the amendment and completion of certain legislative acts*) incriminates **sexual harassment** in Article 173, which is defined as a manifestation of physical, verbal or nonverbal behaviour, that violates a person's dignity or creates an unpleasant, hostile, degrading, humiliating or insulting environment, aimed at inducing the person to sexual intercourse or other unwanted sexual actions, committed by threat, coercion, extortion. One of the aims of the indictment of this crime is the prevention and combating of sexual harassment at work.

**Article 8**

**Reply to the issues raised in paragraph 16 of the list of issues.**

141. The employees' right to freedom of association in trade unions, including the establishment of trade unions and adherence to them for the protection of their rights to work, freedoms and legitimate interests is simultaneously enshrined in Article 42 of the *Constitution of July 29, 2004*, Articles 5 and 9 of the *Labour Code No. 154-XV of March 28, 2003*, as well as in Article 7 of the *Law on Trade Unions No. 1129-XIV of July 07, 2000*.

142. From this right, benefit both the Moldovan citizens from the country or abroad, as well as the foreign citizens and stateless persons who are legally in the country. The persons who are not employed or who have lost their jobs, as well as those who perform individual legal activities, at their discretion, may form a trade union, or join a trade union, in accordance with its statute, or may continue to be members of trade union of the enterprise, institution, organization they worked in.

143. The trade union membership or non-membership does not imply any restriction of the employees' rights guaranteed by law. Moreover, Article 8 of the Labour Code expressly prohibits any discrimination, be it direct or indirect, of the employee based on criteria unrelated to his/her professional qualities, including trade union membership and activity.

144. In accordance with Article 8 of the Law on Trade Unions, the trade union is formed voluntarily, based on common interests (profession, branch, etc.) and works in enterprises, in institutions and organizations, irrespective of their legal form of organization and type of ownership, departmental or branch membership.

145. The employers and the public authorities do not have the right to any interference which might restrict or suspend the exercise of trade union rights. At the same time, in case the trade unions' activity is in contradiction with the laws in force, it can be suspended for up to 6 months or prohibited by the Supreme Court of Justice Decision, at the indication of the Minister of Justice or of the Attorney General.

146. Article 10 of the Law on Trade Unions No. 1129-XIV of July 07, 2000, regarding the registration of the trade union as a legal entity, provides that (4) The failure to register it within the established terms or the refusal to register it for reasons which the founders consider to be illegitimate may be appealed into court by the competent administrative court as prescribed by law.

147. Law Article 11 of the Law on Trade Unions, regarding the termination, suspension, prohibition of the trade union's activity provides that (1) The trade union's activity may be terminated pursuant to the decision of its members, as established by statute, and (2) In case the trade union's activity is in contradiction with the Constitution and this Law, it can be suspended for up to 6 months or prohibited by the Supreme Court of Justice Decision, at the indication of the Minister of Justice or of the Attorney General. The prohibition of the trade union's activity based on the decisions of other bodies is not allowed.

148. The Constitution, the Labour Code and the Law on Trade Unions *ensure the most favourable conditions* for the formation and activity of the trade unions, both by providing the right of employees to associate and regulate the role of unions within the social partnership, as well as by investing them with a large number of rights in order to fulfil their statutory tasks provided by the Labour Code.

149. The observance of the Article 8 of the Covenant is ensured through ordinary mechanisms – state and public control (the Labour Inspection and the trade unions), guarantee of the access to justice and establishment of sanctions for the violation of internal rules adopted based on the international regulations.

150. In case of certain possible violations of the trade union rights, the respective facts are sanctioned in accordance with Article 61 of the Contravention Code, which stipulates fines in the amount of 40 to 50 conventional units for preventing the exercise of the employees' right to form and join trade unions in order to defend their professional, economic and social interests.

151. There is only a national-inter-sectoral trade union centre in the Republic of Moldova – the National Confederation of Trade Unions of Moldova (NCTUM) which, by voluntary principles, includes 29 national-sectoral trade union centres and the 8181 primary organizations with a staff of over 500 thousand trade union members. The National

Confederation of Trade Unions of Moldova CNSM is independent from the public authorities, parties and other socio-political organizations, employer associations and public organizations, it is not subject to their control and does not subordinate to them.

152. At the beginning of 2010, the social partners (the Government, the National Confederation of Trade Unions and the National Confederation of Employers) negotiated and concluded the National Collective Agreement No. 9 on the Minimum Guaranteed Wage in the real sector, by which a quantum in amount of 6.51 MDL per hour, i.e. 1100 MDL per month, calculated for a full-time working program of 169 hours per month, was established.

**Reply to the issues raised in paragraph 17 of the list of issues.**

153. *The right to strike* is stipulated in Chapter IV-*The strike* of the Labour Code, No. 154-XV of March 28, 2003 and in Article 22 „The right to organize and carry on meetings” of the Law on Trade Unions, No. 1129-XIV of July 07, 2000, elaborated in order to protect the rights of trade union members and of the trade union rights. The trade union, independently or at the decision of its members, has the right to organize and carry on reunions, as prescribed by law: meetings, demonstrations, rallies, processions, marches, pickets, *strikes* and other actions, using them as a form of fighting for better working conditions, wage growth, unemployment reduction, consolidation of the employee’s in the fight for their professional, economic, employment and social rights and interests.

154. Article 68 of the Contravention Code of the Republic of Moldova No. 218 of 24 October 2008, entered into force on May 31, 2009, and stipulates that the coercion or prevention to go on strike by threatening to apply force or by taking advantage of the coerced person’s dependency is punishable by a fine of 40 to 50 conventional units or by unpaid community work from 30 to 60 hours.

155. There were not registered criminal penalties imposed in cases of illegal strikes.

**Article 9**

**Reply to the issues raised in paragraphs 18 and 19 of the list of issues.**

156. In accordance with Article 47 of the Constitution of the Republic of Moldova, the State is obliged to take measures in order to be convinced that every citizen has a decent standard of living, which ensures his/her and his/her family’s health and welfare, including food, clothing, housing, healthcare and social services. The citizens have the right to insurance in case of: unemployment, sickness, disability, widowhood, old age or in other cases of lack of subsistence means, as a result of circumstances beyond their control (Article 47).

157. In general, for the execution of all the rights stipulated in the Constitution of the Republic of Moldova, in accordance with the legislation in force, all the disadvantaged and marginalized categories are covered by social assistance, including vulnerable households, Roma population, young people who have left a residential institution and persons who have been released from places of detention.

158. By Law No. 1585-XIII of February 27, 1998 the *right to compulsory health insurance* was established, which constitutes a state guaranteed system for defending the population’s interests in healthcare field by creating certain financial funds intended to cover the treatment costs caused by the occurrence of insured events (disease or affection), at the expense of insurance premiums.

159. In accordance with the *Law on Temporary Disability Benefits and other Social Insurance Benefits No. 289-XV of July 22, 2004* (Article 5), the insured persons from the public social insurance system have the right to the following benefits:

- (a) benefits for temporary disability caused by common illnesses or accidents unrelated to work;
- (b) labour conscription for preventing diseases (quarantine);
- (c) labour conscription for the recovery of work capacity;
- (d) maternity allowance;
- (e) unique maternity grant;
- (f) parental allowance until they are 3 years old;
- (g) sick childcare allowance;
- (h) death grant.

160. The unemployed have the right to the benefits provided at letters a), d) and h). The procedure of granting social insurance benefits is established by the Government.

161. **The labour conscriptions in case of occupational accidents and occupational diseases are granted** in accordance to the Law on Insurance against Occupational Accidents and Occupational diseases No. 756-XIV of December 24, 1999. The insurance for occupational injuries or occupational diseases is compulsory for all who use the labour force employed based on individual labour contracts.

162. In accordance to Article 9 of the Law, the ensured persons have the right to the following types of labour conscriptions and insurance benefits:

- (a) labour conscriptions for medical rehabilitation;
- (b) labour conscriptions for the recovery of work capacity;
- (c) labour conscriptions for professional rehabilitation;
- (d) benefits for temporary disability;
- (e) benefits for temporary transfer to other work;
- (f) disability benefits;
- (g) death grant.

163. The labour conscriptions for medical rehabilitation and the labour conscriptions for the recovery of work capacity have priority over benefits.

164. The legislation ensures to the insured women, unemployed women and wives at the maintenance of their husbands, the right to receive maternity leave, which includes the pre-natal leave with a duration of 70 calendar days and the post-natal leave with a duration of 56 calendar days starting 30th week of pregnancy, and the quantum of the maternity allowance amounts to 100% of the average monthly income for the last 6 months preceding the insured risk.

165. **Unique maternity grant.** In accordance with Article 17 of the Law mentioned above, the insured person benefits from unique maternity grant. Since 2005, the quantum of the unique maternity grant is established annually by the Law of the State Social Insurance Budget. Thus, in 2010, the amount of the unique maternity grant for a child born alive constitutes: 1700 MDL – for the first child, and 2000 MDL – for each next child.

166. **The monthly parental/child care allowance until they are 3/1.5 years old,** since 2005 are granted only to the persons who are on legal childcare leave. The right to such allowance may be got by one of the parents, grandfathers, grandmothers or other relatives who are directly involved in the childcare process, or by the custodian. During 2010, the

monthly quantum of this allowance constituted 30% of the average monthly income ensured for the last 6 months prior to the risk's occurrence, but not less than 300 MDL per child.

167. **Sick child care allowance.** The ensured persons covered by the public social insurance system have also the right to sick child care allowance until they are 7 years old, to allowance for care of children with disabilities or with inter-current affections – until they are 16 years old.

168. **Disability pensions.** *The disability* pensions are established for the insured persons (regardless of sex) in case of total or partial loss of working capacity following: a common disease, an occupational accident, an occupational disease. The disability pension following *an occupational accident* or *an occupational disease* is established *regardless* of the period of retirement contributions. The disability pensions are fully paid to all pensioners, including those who receive incomes liable to social insurance.

169. **Survivors' pensions.** The right to survivors' pension is granted if the deceased was a pensioner or met the conditions for obtaining a pension.

170. The Republic of Moldova signed 4 bilateral agreements *on social security* between the Republic of Moldova and the following states: (1) the Republic of Bulgaria, signed on 5 December 2008, in Sofia, which entered into force on 1 September 2009; (2) the Portuguese Republic, signed on 11 February 2009, in Lisbon, ratified by Law No. 188-XVIII of July 15, 2010; (3) Romania, signed on 27 April 2010, in Bucharest; (4) the Grand Duchy of Luxembourg, signed on June 14, 2010, in Luxembourg. At present, the Republic of Moldova is negotiating bilateral agreements on social security with the Czech Republic, the Republic of Poland, the Republic of Austria and the Republic of Estonia, and a number of countries expressed their willingness to negotiate bilateral agreements on social security with the Republic of Moldova, including the Kingdom of Belgium, the Republic of Turkey, the Italian Republic, the Republic of Hungary, the Republic of Greece.

171. **Unemployment benefits.** In accordance with the Law on Employment and Social Protection of the Persons Looking for a Job No. 102-XV of March 13, 2003, the national system of social protection of the unemployed includes the payment of cash allowances for limited and differentiated periods. Prior to benefit from unemployment benefits, it is necessary to pay the insurance contributions for this purpose. The quantum of the unemployment benefits (Article 32) is established differently, depending on the circumstances in which the person ceased to work.

172. **Social assistance.** The foundations of the social insurance system reform in the Republic of Moldova were set in 1999 by adopting the Reform Strategy on the Social Assistance System, approved by the Parliament Decision No. 416-XIV of May 28, 1999 and the Law on Social Assistance No. 547-XV of December 25, 2003, which were amended and completed by the Law No. 122 of June 18, 2010 in order to cover the gaps in the normative framework by strengthening the institutional framework for achieving social assistance at different administrative levels.

173. Through the Law No. 154-XVI of July 04, 2008, the quantum of care allowance for all categories of beneficiaries was increased – for accompany and care at home from the 250 MDL to 250 MDL.

174. By the Law No. 166-XVIII of July 09, 2010, the Republic of Moldova ratified the UN Convention on the Rights of Persons with Disabilities, in this way demonstrating political will to establish some clearly defined goals for the elaboration and promotion of the policies in the field in order to adjust the national legislation in force to the provisions of the international one. In order to adjust the normative acts on social protection of the disabled persons from the Republic of Moldova to the provisions of the mentioned

Convention, the Strategy on Social Inclusion of Persons with Disabilities (2010-2013) was elaborated and approved by the Law No. 169-XVIII of July 09, 2010.

175. The *Law on Social Services* No. 123 of June 18, 2010 was adopted, which establishes the general framework for the creation and operation of the integrated social service system including the duties and responsibilities of the central and local public authorities, and of other legal entities entitled to guarantee and provide social services, and to protect the rights of the beneficiaries of social services.

176. In order to improve the system of social benefits and to direct it to the poorest, on June 13, 2008, the Parliament adopted the Law on Social Aid No. 133-XVI, which aims to ensure a guaranteed minimum monthly income to the disadvantaged families, by providing the social aid, established in accordance with the evaluation of the average overall monthly family income and the need of social assistance.

177. Simultaneously, by the Government Decision No. 1167 of October 16, 2008, the Regulation on the Establishment and Payment of Social Aid was approved, which establishes the implementation mechanism of this Law.

### **Payment of compensations and allowances**

a) **The nominative compensations** constitute the most frequent transfers for social assistance, this program including 11 categories of beneficiaries, relevant to children's situation: children with disabilities aged under 18 years old; persons with childhood disabilities; families with four or more children under 18 years old, and in the case they continue their full-time studies in institutions of higher education – before graduating from that institution, but at most until the age of 23 years. More than half of the beneficiaries are persons with disabilities. The nominative compensations are designed to assist people in paying the utility bills, electricity, natural gas for heating, liquefied gas cylinders for cooking, coal and firewood. In case of increases in prices and tariffs for the above mentioned services, the nominative compensation quantum is recalculated. In accordance with the Government Decision on the Approval of Amendments and Completions No. 271 of April 13, 2010 that is operated in the Government Decision on the Normative Compensations for Certain Categories of Persons No. 761 of July 31, 2000, the establishment of nominative compensations is made until December 31, 2009.

b) **Compensations for urban, suburban and interurban public transport travel** (*the Law No. 821-XII of December 24, 1991 on Social Protection of Invalid Persons*) are granted to persons with 1st-degree and 2nd-degree disabilities, to children with disabilities and persons accompanying a person with 1st-degree disabilities a disabled child. These compensations is established by the territorial bodies of social assistance and family protection and are paid from the administrative-territorial units budgets.

c) The state social allowances are amounts paid monthly from the state budget through the state social insurance budget to the persons who are not eligible to obtain pension rights from the public social insurance system.

d) **The care allowances** are provided: to the persons who take care of a child with 1st-degree disabilities; to the persons with 1st-degree childhood disabilities, who are not at the state full maintenance, and to the persons with 1st-degree blindness.

178. By the Decision the Indexation of Social Insurances and of Certain State Benefits No. 197 of March 10, 2009 on, in 2009, the indexation coefficient of state social allowances was established and approved in accordance with the Law No. 499-XIV of July 14, 1999, except the care allowance and death grant, in an amount of 12.7% based on the average annual increase in the consumer price index for the previous year. In 2010, this type of benefit was not subject to indexation.

179. On 1 April 2010, in accordance with the Government Decision on the Indexation of Social Insurances and of Certain State Benefits No. 202 of March 19, 2010, the pensions established under the Law on Social Protection of the Citizens who Suffered from Chernobyl Disaster No. 909-XII of 30 January 1992 were indexed by 4.3%.

180. The public social expenditures continued to grow, and in 2007 they accounted for 65.3% of GDP, and in 2008 the state social insurance budget incomes increased by 0.75% over the expenditures. Towards the end of 2009, a deficit budget occurred, and the total expenditures exceeded the incomes by 25.5 million MDL or 0.34%. The trend is maintained until the present time, in 2010 the incomes exceeded the expenditures by 209147.4 thousand MDL, i.e. 2.4%.

181. In 2009, out of the total incomes executed to the State Social Insurance Budget (SSIB) – 73.3% were collected from the state social insurance contributions, the proportion of transfers from the state budget accounted for 26.2%, the proportion of other incomes and interest rates was insignificant accounting for 0.5%, respectively. The implementation of the redistribution policy of gradual insurance contribution from the employer to the employee, is an important factor in increasing the participation degree in the system and improving its financial stability.

182. Thus, in 2009, the employees' contribution tariff increased by 4% compared to 2004 and constituted 6% of the insured income, at the same time, the employers' contribution was reduced from 28% to 23%. The social insurance contribution tariff in 2010 was the same as in 2009.

**Reply to the issues raised in paragraph 20 of the list of issues.**

183. According to Law No. 1485-XV of 22.11.02 on amendments to Article 41 of Law No.156-XIV of 14.10.98 regarding the state social insurance pensions, retirement age has been "frozen" in 2002 and currently it is 62 years for men and 57 years - for women.

184. In 2009, expenditures on payment of pensions and social services have increased by 20.4% compared to 2008. By January 1, 2010 average pension amounted to 775.54 lei or 20% more than in 2008. The average pension for age limit was 800.82 lei, increasing by 20.2% compared to the previous year and by 41.5% compared to 2007.

185. The efficiency of pension systems worldwide is estimated on the basis of the replacement rate (payment amount by percentage of the last income). Replacement rate of old-age pensions for 2009 constituted 29.1% and increased by 2.8 percentage points compared to 2008. These jumps in the replacement rate can be explained by slow growth in recent years of the amounts of pensions compared to wage increase.

186. Despite the measures taken, we consider that the level of social assistance benefits, including targeted, especially pensions are not sufficient to ensure an adequate standard of living for all groups of beneficiaries and the members of their families.

**Article 10**

**Reply to the issues raised in paragraph 21 of the list of issues.**

187. According to Article 14 of the Family Code, amended by Law No.120-XVI of May 29, 2008 the minimum marriage age is 18 years for good reasons, may allow entering into a marriage by reducing the marriage age, but not more than two years. Reduction of the marriage age will be permitted by the local government in whose jurisdiction reside the persons who want to marry, based on their application and parental consent



**Reply to the issues raised in paragraph 22 of the list of issues**

188. Under Article 60 of the Family Code parents are entitled and obliged to educate their children according to their beliefs, regardless of whether they live together or separately. Parents are responsible for physical, intellectual and spiritual development of children and have priority to their education over all others.

189. Legal forms of protection that can be implemented to ensure legal representation of the rights and interests of child left without parental care are the following:

- (a) establishing guardianship / trusteeship;
- (b) temporary placement in a family service (Foster Care Service, family-type orphanage);
- (c) temporary placement in a residential institution. Placing children in a family or residential service applies if they are identified without parental care and the establishment of guardianship / trusteeship is not possible because of the vulnerability, incapacity or lack of extended family.

190. However, to ensure protection measures for children whose parents go to work abroad in accordance with Government Decision No. 290 of 15.04.2009 *for approval of the issuance of the certificate of registration for child that lives in the country, whose parent / tutor (curator), a citizen of the Republic of Moldova, temporarily working abroad*, the registration of individual labour contract with the National Agency for Employment, parents / tutors are required to submit a copy of the confirmation document on registration of the minor children that remain in the country, a document issued by the competent authority to protect children of the district / sector of residence of the parents.

191. According to the normative act concerned, the registration certificate of the child shall be issued by department / direction of social assistance and protection to the family in the district. In Chisinau, such certificates shall be issued by the Municipal Department for Protection of Child's Rights.

192. To the application for issuing the certificate, the child's parent attaches the following documents: ID card (copy) the ID of husband/wife (copy), marriage certificate / divorce / death of one of the parents of the child (copy); birth certificate of the child (copy); family members certificate, issued by the local public administration authority, exploitation service of housing stock or other institutions which are managed by housing.

193. If the certificate is requested by a tutor, he attaches to the application the ID (copy) and the child's birth certificate (copy).

194. However, if the child remains in the care of one parent, the applicant shall additionally attach a certificate to the application, confirming the ability of the parent, in whose care the child will remain, to exercise parental rights and obligations in accordance with the provisions of Family Code. Certificate is issued at his place of residence by the tutelary authority of administrative-territorial unit on the first level, that is to say, the mayoralty, and in Chisinau -by the sectorial departments for child protection.

195. If the child is to remain in the country without legal representative, section / district direction of social assistance and family protection (Municipal Department for Protection of Child's Rights) will specify in the certificate issued to the applicant the form of child protection that will be applied upon the child in the absence of father.

196. The procedure children registration is applied in case of temporary employment abroad of their parents or guardians under the individual labour contract, but problems are reflected in case of illegal migration abroad.

197. However, in order insure protection of children whose parents are working abroad, the Government approved the National Action Plan on protection of children without parental care for the years 2010-2011.

**Reply to the issues raised in paragraph 23 of the list of issues.**

198. In order to implement the Strategy and National Action Plan on Reform of the boarding school child care for 2007-2012, the Ministry of Labour, Social Protection and Family has established the following activities.

199. In the context of institutionalization prevention and streamlining the process of deinstitutionalization of children, special emphasis is placed on social services development.

200. To this end, the Ministry prepares drafts of framework regulations regarding the activities of: - day care centers for children with disabilities;

- the placement centers for disabled children;
- maternity centers;
- day care centers for children at risk.

201. Considering the standardization process of the system of social services, including those for children in difficulty, the Ministry has revised the regulation on the activity of family-type orphanages.

202. By Government Decision No.924 of 31.12.2009 regarding allocations for children placed in foster care service, the amounts of allocations for children in foster care service, depending on the duration and type of placement, in equivalent amounts of benefits provided to children placed in family-type orphanages.

203. It was presented to the Government the draft Decision to approve the Regulation on the way of setting and paying benefits to orphan pupils (students) or those left without parental care from secondary vocational schools, specialized middle school and higher institutions, boarding houses and orphanages and the amount of those benefits. This Regulation concerns the circumstances in which pupils (students) or those orphans left without parental care can receive benefits; types, amounts, conditions for establishment of allocations, the necessary documents, way of record and registration by the guardianship authorities, administration of educational institutions and authorities of central public administration of pupils (students) who receive benefits.

204. It is in the process of implementation the integrated social services system, which aims at solving social problems at community level, as well as specialised social services to beneficiaries according to their needs, avoid duplication in their provision.

205. In this context, it is finalized the draft Law on evaluation and accreditation of social service providers and by the social services Law, adopted on June 18, 2010, their types are regulated, classification of social service providers, rights and obligations of beneficiaries.

206. Currently in the country activate:

1. 76 family orphanages for children where 318 children are placed in;
2. 87 foster care assistants who care for 103 children;
3. 102 day care centers, 28 joint centers, two medical and social rehabilitation centers and 31 temporary foster care centers for families with children and children in distress.

207. In the program 'Development of integrated social services system at community and district level', implemented from the financial sources provided by the European

Commission, the Ministry in partnership with the Social Investment Fund of Moldova under the procedure of the contest has selected 10 districts of the Republic of Moldova to create multifunctional community centers in proximity to beneficiaries.

208. In partnership with Every Child Moldova the Ministry implemented in 12 districts of the country the project 'Development of public foster care at national level', whose objective is to strengthen the capacities of local government in developing the service concerned and the prevention system of child institutionalization. In 2010 the mentioned project expanded in nine more districts of the country.

209. According to the analysis conducted by the Minister, an increase in the effectiveness of Child Protection Committees activities is noticed, being in difficulty regarding the prevention of children institutionalization. Thus in 2009 there were 371 meetings in the result of which 835 children were prevented from the institutionalization, but unfortunately positively endorsed the institutionalization of 255 children, which is largely due to insufficiency or lack of family-type orphanages and foster care assistants.

210. To improve the Commission's work, the Ministry has completed and tested the mechanism for monitoring and evaluation of their activity, which will provide systematic collection of true information at community, regional and national level regarding the needs of developing social services for families with young children and children in a difficult situation, so that planning can become more effective concerning the necessary human and material resources needed to improve the quality of children in difficult situation.

211. However, for standardization of staff activity within the system of social assistance during 2009 were approved three Guides for practical implementation, on the system to prevent the separation of the child from family, community mobilization and mechanisms of reference within the social services system.

212. To strengthen prevention mechanisms and combating violence, child neglect and abuse, the Ministry finalized the draft Law on amending and supplementing certain legislative acts, which aims to prevent and combat abuse, child labour exploitation, negligence, violence against children and determining the accountability mechanisms of the parents or guardians of children in the context of respecting child rights.

213. Currently, it is in the process of finalization the Government decision draft to approve the criteria to identify cases of violence against the child and standard procedures of actions for foster care that identify such cases. Criteria concerned are to be piloted in two districts of the country and will be applied nationwide.

214. The Ministry also established Government Decision draft regarding the approval of the guardianship authority activity within the administrative-territorial units at local and district level, which will contain specific provisions with respect to identifying children in need and the establishment of appropriate legal forms of protection if necessary. The procedure of monitoring the situation of children registered at the guardianship authorities will be expanded and will be specifically defined the functional responsibilities of the guardianship authorities at district and community level, including by stringent quality control of actions mechanisms.

215. In order to ensure social protection of children with disabilities, the Ministry of Labour and Social Protection promoted Strategy on social inclusion of persons with disabilities (2010 - 2013), adopted by Parliament on July 9, 2010. The strategy will ensure the establishment and operation of a consistent system of protection of children with disabilities by achieving the following objectives:

- changing the current mechanism of disability establishment, by legislating a new model and methodology for determining the level of disability;

- developing early intervention services;
- developing a mechanism that will determine the procedure for granting special means of support, namely the technical resources, financial and specialized social services, as well.

216. In the context of strengthening the professional capacities of the personnel working in social assistance system, in 2009 the Ministry of Labour and Social Protection organized an initial training of 550 community social workers based on a curriculum that included modules on case management within the protection system including preventing and combating child abuse, violence, trafficking and child labour. In 2010 the Ministry conducted the initial training of about 200 managers of social services (including services for families with children and children in difficulty) being achieved at the present time the ongoing training of about 1200 community social workers specializing in child protection and family.

**Reply to the issues raised in paragraph 24 of the list of issues.**

217. The Law on Preventing and Combating Domestic Violence No. 45 of 01.03.2007, in force since September 18, 2008 is an important step to stop violence and it marks the recognition and implementation of Moldova's international commitments to respect human rights. The law contains important concepts on domestic violence and its forms, establishing an institutional framework with detailed responsibilities for the competent authorities, provides creation of support centers for victims of violence and an effective mechanism for dealing with complaints of violence by the possibility of submitting complaints, protection order application and aggressor isolation.

218. In the performance of Article 18 section 2 of the Law has been established the Compatibility Report of Republic of Moldova legislation with the provisions of Law on Preventing and Combating domestic violence, by a group of independent national experts, funded by UNFPA, UNIFEM, UNDP and OSCE Mission to Moldova. A working group was established with representatives of ministries with abilities and functions for preventing and combating domestic violence, representatives of civil society and academic environment, the donor community for examination and validation of the recommendations that established the Law draft regarding amendment and completion of legislative acts adopted by the Parliament on 09. 07. 2010 under No. 167, by which a number of normative acts were modified and completed.

219. In order to execute the Article 10 section 4 of the Law on Preventing and Combating Domestic Violence No.45-XVI of 01.03.2007, the Ministry of Labour, Social Protection and Family has developed a draft of regulatory framework for the organization and operation of centers for rehabilitation of domestic violence victims, approved by Government Decision No. 129 of 22.02.2010, which includes detailed provisions on: the purpose and objectives of the center, general activity principles, organization and functioning of the center, the placement of beneficiaries in the center, management of the center, the personnel and financing of the center, reflecting international commitments and alignment with international practice in the field of social protection by developing social services addressed to domestic violence victims.

220. The draft of Government Decision was set to approve the minimum quality standards regarding social services provided to victims of domestic violence, which is currently in the process of completion to be submitted to Government for approval.

221. By Government Decision No. 544 of 09.09.2009 the Concept of automated information system "State register of cases of domestic violence", released in two pilot districts: Drochia and Cahul. The functioning of the automated information system will

contribute significantly to the continuous monitoring of domestic violence and it will provide a consistent basis for developing effective policies to prevent and combat it.

222. In May 2008 a Steering Group was created to prevent and combat gender-based violence, including domestic violence, the responsibilities of which are developing, promoting policies to prevent and combat domestic violence, and coordinating all activities in this field in order to ensure the granting of integrated services to victims of violence at local level, including scientific research and collecting statistics on domestic violence. Under the Article IX of the Law No.167 of 09.07.2010 on amendment and completion of some laws, par. 1, (3) on the basis of the the nominated Group, it will be created the inter-ministerial coordinating council to prevent and combat domestic violence.

223. In 2008, the United Nations Development Programme (UNDP), UN Population Fund (UNFPA), Mission of International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE), in partnership with the Government of the Republic of Moldova and the civil society have launched the "Protection and Empowerment of Victims of Trafficking and Domestic Violence". The project is funded by the Japanese Government through the UN Fund for Human Security. The project goal is to ensure equitable access to qualitative basic services for people exposed to human trafficking and domestic violence, by strengthening protection system at central and local level and mobilizing communities to prevent and combat these phenomena.

224. There are several centers in the country that provide services for victims of domestic violence, including: Shelter "Casa Marioarei", mun. of Chisinau; Center for Psycho-Social Support for Child and Family "Amicul"(Chisinau); Center for Violence Victims Support and Protection (Balti); Municipal Advisory Centre for Families and Children (Balti); information and counseling center for victims of violence (Cahul); Maternal Center "Ariadna" (Drochia); Maternal Centre "Incredere"(Cahul); Center for temporary placement for children at risk "Drumul spre Casa" (Balti); the NGO La Strada; mediation service for children sexually abused by foreigners, etc.

225. Starting with 2008 the state finances the "Center for assistance and protection of human trafficking victims (Chisinau)"; starting with 2009: Family Crisis Center "SOTIS" (Balti) and Maternal Center "Pro Femina" (Hincesti), and from 2011 it will finance the Maternal Center "Incredere" Cahul, Public Association "Incredere"; Center for Assistance and Social Reintegration of Victims of Trafficking in human beings " Causeni Town; Maternal Center "Ariadna", Drochia Town, Public Association Artemida. Police Stations deal with aggressors. With the support of the "Protection and Empowerment of Victims of Trafficking and Domestic Violence", funded by the Government of Japan in Drochia a regional service will be created for offenders, a model for replication based on identified needs, which, since 2011 will be financed from State Budget as well.

226. In order to ensure the respect of child rights and their knowledge of national legislation, as well as international one, through the Ministry of Internal Affairs Order No. 6 / 633 of 17 March 2010 "On prevention of violence and sexual abuse cases", it is ensured the information displayed on panels in the pre-university institutions, the following provisions: Law 45-XVI of 01. 03. 2007 on preventing and combating domestic violence, Law 338-XIII of 15.12.1994 on the Rights of the Child, the Convention on the Rights of the Child, to be accessible for children. Based on assessments, it was found that the 29.295 vulnerable families who are educating 62.099 children. In addition, 96.882 children are without parental care, 31.874 children of which are without both parents care, the last being left to work abroad.

227. In nine months of 2010, in 421 criminal cases, victims of crime are minor-aged people, 128 of which are assigned to criminal cases like sexual crimes; the police were

notified about 78 cases of violence against children in the family environment and in 27 cases of violence against students in schools, educational institutions.

228. According to Government Decision No. 409 of 09.04.1998, in 903 municipalities are created 865 local councils for child protection, which, during 2010 received complaints on reflecting the local councils (district) activities for child protection, as well as juvenile crime situation in the localities mentioned.

**Reply to the issues raised in paragraph 25 of the list of issues.**

229. In order to organize the best protection and assistance to victims of human trafficking, carrying out measures to prevent human trafficking, strengthening the efforts of all actors involved in combating this phenomenon in Moldova, National Reference System (NRS) for protection and assistance to victims and potential victims of human trafficking, and an action plan for its implementation for 2009-2011, approved by the Parliament Decision No.257 of 05.12.2008 was established. The strategy's goals are to prevent human trafficking by providing social assistance to potential victims, as well as and developing transnational cooperation - complex particularity and important for the Republic of Moldova.

230. In all districts of the country according to Order No. 33 of 13.01.2006 the Minister of Health and Social Protection " On the implementation of Law No. 241-XVI of 20.10.2005 on preventing and combating trafficking in human beings" was created the district multidisciplinary Team, composed of representatives of decentralized public services. There are 27 consolidated teams identifying beneficiaries according to their needs and concerns, drafting their individual plan for rehabilitation and social reintegration and appointing a case manager for each beneficiary. Officer of multidisciplinary team works with both the territorial commission for combating trafficking in human beings, as well as with the Coordination Unit MLSPF. By Government Decision No.847 of 11.07.2008, the Centre for assistance and protection to victims and potential victims of human trafficking was created, which provides temporary refuge and a safe environment and a range of services: temporary housing, counselling, social support, medical assistance, legal counselling, educational programs, recreational activities, specialized services for children. Between the years 2006 - 2010 970 persons (314 victims and 656 prevention cases) have been assisted.

231. In order to prevent and combat human trafficking and illegal migration, the Ministry of Internal Affairs created on 25 April 2002 the Department to combat human trafficking in the General Directorate for Combating Organized Crime, the operational status of an investigation and criminal prosecution.

232. To prevent and combat trafficking and protect victims of trafficking, **the Government periodically for a period of two years, approves the National Plan for Preventing and Combating Trafficking in Human Beings, which provides for implementation of complex actions and achieving socio-economic initiatives aimed at preventing and combating trafficking in human beings** and at protecting victims of such trafficking. State institutions with attributions in preventing and combating trafficking in human beings take their own action plans to achieve the National Plan in their fields of activity. Coordination of activities to prevent and combat trafficking in human beings, the cooperation of government with international organizations, NGOs, other institutions and civil society representatives is done by the National Committee to Combat Human Trafficking, as an advisory authority of the Government since 2010, within the National Committee, the **Permanent Secretariat** was created.

233. In the *Criminal Code of the Republic of Moldova* to combat trafficking in persons are provided the following articles: Article 165. Trafficking in human beings, Article 206.

Trafficking in children, Article 207, which states that taking out the child from the country based on false documents or otherwise illegal, and abandoning him abroad for purposes other than those specified in Article 206, shall be punished with imprisonment from 2 to 6 years. In order to respect the rights of victims of trafficking, in particular their privacy, the Moldovan Criminal Code provides for penalties and sanctions (Article 315. Disclosure in criminal prosecution, Art. 316. Disclosure of information on security measures for the judge and participants in criminal proceedings; Art. 328. Excess of authority or exceeding job duties, Art. 329. Negligence in service).

234. During 2010, following the measures taken, we managed a 30% reduction in the number of cases of human trafficking. Internal affairs authorities have recorded the following indices:

- **human trafficking** (Article 165 Criminal Code) - started 123 criminal cases, or 26.6% less compared to the similar period of 2009 (165 cases);
- *child trafficking* (Article 206 Criminal Code) - started 15 criminal cases, or 11.8% less compared to the similar period of 2009 (17 cases);
- ***illegal removal of children from the country*** (Article 207 Criminal Code) - started 11 criminal cases, or 35.3% less compared to the similar period of 2009 (17 cases).

235. In order to exclude cases of trafficking and illegal migration organization, high attention is given to ***monitoring the economic agents*** that provide travel services and employment abroad, being started 22 criminal cases regarding 18 enterprises (2009-22 criminal cases; 2008- 4 criminal cases), were suspended and withdrawn ***licenses from 14 travel agencies*** and job placement (2009-9 licenses, 2008-5 licenses).

236. The current system for rehabilitation and reintegration of trafficking victims, including child victims is governed by the Parliament Decision No. 257 of 05.12.2008 regarding the approval of the National Reference System for the protection and assistance to victims and potential victims of human trafficking and ***Action Plan concerning the implementation of Strategy of National Reference System for the protection and assistance to victims and potential victims of human trafficking for the years 2009 - 2011***. The Ministry of Labour and Social Protection and Family has been handed the basic functional responsibilities in the field of ***family protection and child rights, including the repatriation of children, citizens of the Republic of Moldova***.

237. National repatriation procedure of children and adults - victims of human trafficking, illegal migrants trafficking and unaccompanied children is regulated by Government Decision No. 948 of 07.08.2008.

238. During 2007 - September 2010, 56 missions were organized by the Ministry of Labour and Social Protection and Family, being repatriated 148 children identified on the territories of other states, including in the period **January-September 2010** when 48 children repatriation missions were organized being identified in: Russian Federation (19 children), Ukraine (26 children), Romania (2 children) and Belgium (one child), a total of **48 repatriated children**. However, with the support of the International Organization for Migration Mission in Moldova it was held a repatriation mission in Moldova of two children, Ukrainian citizens. Out of the total number of repatriated children: 26 were reintegrated into biological or extended families, two children were adopted, two children were placed in family-type orphanages and 18 children were passed in temporary placement centers until the determination of the most appropriate form of protection.

## Article 11

### Reply to the issues raised in paragraph 26 of the list of issues.

239. The primary objective of any country is to reduce poverty and increase quality of life. In the Republic of Moldova, the National Development Strategy for 2008-2011 (Law No.295 of December 21, 2007 and Government Decision No.191 of 25.02.2008 to approve the Action Plan for National Development Strategy 2008-2011 implementation), constitutes the main internal document of medium-term strategic plan, which determines the development objectives of Moldova until 2011 and sets out measures and major actions to achieve these objectives.

240. The fundamental objective of the Strategy is to create conditions for improving quality of life by strengthening the foundation for strong economic growth, sustainable and inclusive.

241. In this context, the spirit and vision of Strategy aspires to Moldova getting closer to European standards and, thus to achieve the goal of European integration.

242. Poverty reduction can be achieved by increasing incomes of the population and improving their redistribution policies, by increasing employment and providing guaranteed access to education and health services, by ensuring better protection for disadvantaged people, by increasing participation of the poor to economic development.

243. However, only by providing a basis for sustainable economic growth, an inclusive social policy capable of ensuring a continued increase in welfare can be set.

244. Economic performance during the period of 2000-2008 allowed overcoming the continuous economic decline and increasing poverty and achieving economic growth and improving living standards.

245. Thus, during 2000-2008 the cumulative growth of GDP was 67.2%. Currency exchange rate remained stable, and National Bank reserves have risen considerably. Strong economic growth and prudent limits of external lending have led to constant growth in public revenues and to reduction in public debt and publicly guaranteed debt to GDP from 79% in 2000 to 15.8% in 2008. However, financial and economic crisis had an impact on the Moldovan economy as well. Therefore, in 2009 GDP fell by 6.5%, while public debt and publicly guaranteed debt had grown to 23.3% compared to GDP.

246. The evolution of poverty in the Republic of Moldova is not uniform.

247. Since 1998, poverty in Moldova has grown rapidly and achieved one of the highest levels (over 70%) recorded in the group of Community of Independent States.

248. Since 2000, poverty is back on a downward path, is diminishing rapidly.

249. In 2005, despite the economic growth, poverty level increased moderately, mainly due to its expansion in rural areas.

250. In 2006 (the year when it began to be applied a new methodology for estimating poverty rates), in the Republic of Moldova about 1 million people (30.2%) were in absolute poverty and around 150.000 people (4.5%) were in extreme poverty. In 2007 the number of the poor fell by about 16 thousand people. However, in 2008 the scenario of 2005 repeated - poverty rates have increased due to its expansion in rural areas as a result of low performance in agriculture.

251. In 2009, despite the global economic crisis, poverty in the country remained practically the same as in 2008, constituting 26.3%, compared to 26.4% of the previous year.



252. The "GDP per capita for the poorest 40% of the population" indicator is not calculated in Moldova.

253. To characterize the situation of poverty in the country and the main population groups, in the Republic of Moldova it is used a group of indicators FGT (Foster-Greer-Thorbecke) - incidence, depth and severity of poverty.

254. Indicators for measuring poverty are calculated based on the Household Budget Survey (HBS), conducted by the National Bureau of Statistics. Measuring poverty is based on the calculated **poverty threshold**, which serves as a standard of measurement for explaining various aspects of this phenomenon. Poverty threshold is calculated based on actual consumption expenditure of household. The same approach is used by the World Bank and therefore the same approach is submitted to this methodology<sup>1</sup> as well. (Annex 1)

255. In the Republic of Moldova exists and operates the system of poverty monitoring and evaluation, approved by Government Decision No. 851 of 15.08.2005. This system establishes the functions and powers of Central Public Administration bodies and Local Public Administration bodies in monitoring and evaluating poverty. At the same time, in accordance with this system, the Ministry of Economy prepares and publishes annually the Report on poverty and the impact of policies, whose aim is to provide analytical information for poverty assessment and further development of policies. Poverty indicators in the years 2000-2009 are reflected in Annex 1 of the Report.

#### **Reply to the issues raised in paragraph 27 of the list of issues**

256. According to the situation of 01.01.2010, Housing Fund of the Republic of Moldova constituted 78853.800.  $m^2$  or 1.32 million units. In the urban area 38% of the total housing stock is located and in rural areas 62% respectively.

257. Currently, at national level, the degree to ensure the population per capita with living space was 22.1  $m^2$ , in urban areas - 20.4  $m^2$ , rural area- 23.4  $m^2$  respectively compared to 2001 it increased by 8 and 5%.

258. Housing structure is characterized by ownership as follows: Public Property - 3.9%, private property - 96.0%, other forms of property (including mixed - public and private, foreign and joint enterprises with foreign participation) - 0.09%.

Preponderant share of housing is privately owned by citizens and legal persons, representing 96.0% of the total housing stock of the Republic of Moldova.

259. Number of individuals included in waiting lists to obtain housing constitutes, according to estimative data of local public authorities (listed in 2008) 63.000 people, including about 10.000 people from vulnerable social categories.

260. Legislation on housing does not indeed provide discrimination in any population groups in the country.

261. For the development of rental housing the draft Law was elaborated on housing, with the adoption of which will be repealed the Dwelling Code (1983).

1 - Figures are calculated and are nationally representative.

2-Poverty thresholds are calculated per adult equivalent per month, unless specified.

3 - Beginning with 2006, data are not comparable with previous years, because of the introduction of a new methodology in calculating poverty indicators

262. Based on the project an idea concerning the processes that occur in the housing sector was set, as well as the concern of the Government for socially vulnerable categories and to ensure them with homes. To obtain social housing the applicant is required to fulfil

two obligatory conditions, including (1) lack of house ownership, land for construction of housing, land with other purpose or house built among trees and leaving the house for in the last 10 years and (2) housing allocation if the applicant has not received credit for building the house. Additional conditions are stipulated, such as arrangement for each family member, the total housing area established under the minimum standard; living in a house that does not meet sanitary and technical requirements established for living. Only disabled persons (disabled persons in the 1st and 2nd degree, who are not employed because of health conditions, and persons who care for children with disabilities, who are disabled persons in the 1st and 2nd degree) and young married couples, aged up to 30 years are entitled to obtain housing under the conditions stipulated above.

263. Social housing will be assigned under rent like housing, service, handling and protocol housing, as well as family hostels. Besides those mentioned draft Law provides retirement housing to persons.

264. In order to meet stringent provision of housing needs for certain categories of persons, such as internally displaced persons from Moldova's Eastern districts, disabled persons in the 1st and 2nd degree, families with many children and young families, the Government has concluded an agreement with the Development Bank of Council of Europe on obtaining a loan for the construction of housing for these categories of people (ratified in October 2007). The project was launched in 2008 by creating the Project Implementation Unity for Construction of Housing under the Ministry for socially vulnerable categories (based on Government Decision No. 6 of 06.01.2008 and Government Decision No.326 of 19.03.2008).

265. In the first phase of the project were selected four objects (one in town Criuleni and Glodeni and two in Chisinau City, a total of 249 apartments), three of which were put into operation in 2009.

266. Dwellings built under the project are destined for the following categories:

- (a) internally displaced persons from the Eastern districts of Moldova whose status is officially confirmed, according to the Government Decision No. 376 of 06.06.1995 "On additional measures to achieve the national passport system";
- (b) institutionalized persons - orphans, pensioners, disabled etc.
- (c) families or individuals whose living conditions are unsatisfactory and do not meet sanitary requirements;
- (d) families or individuals with many children (not less than 3);
- (e) families or individuals who care for dependent elderly (2 or more), disabled, handicapped persons, etc.;
- (f) young families (families in which neither spouse has not attained the age of 35 years).

267. Housing allocation is performed by local public authorities.

268. So far, 371 people received housing, representing a total of 9568 m<sup>2</sup> of living area. By the end of the first phase of the project it is expected to be achieved a turnover of 12.035 m<sup>2</sup> of built living area.

269. Currently, the Ministry of Construction and Regional Development is developing the Phase II of the Project, which will include construction of social housing and housing obtained by mortgage loans for different categories of socially vulnerable population.

270. To this end, the Ministry of Construction and Regional Development has begun to select unfinished constructions and residential buildings across the country, which are managed by local public administration. The financial mechanism will be further specified.

271. By Government Decision No.836 of 13.09.2010 on awarding unique allowances for the construction or purchase of space housing, or restoring old houses of some categories of citizens, are entitled to receive benefits for:

1) building an individual house or a housing cooperative or purchase housing land or expenditures compensation for the construction of individual house or a housing cooperative, performed after being to C.A.E. Chernobyl (up to 82 thousand Lei):

2) construction of individual houses or a housing cooperative or purchasing housing land, amounting to 25 percent of the amount of compensation set for the construction of individual houses or a housing cooperative or purchasing residential space (up to 20.5 thousand Lei):

3) construction of individual houses or a housing cooperative or purchasing housing space, amounting to 50 percent of the amount of the benefit established for the construction of individual houses or a housing cooperative or housing space purchasing (up to 41 thousand Lei):

4) restoration of older houses, returned to victims of political repression in the localities where they were repressed, amounting to 50 percent of the amount of compensation set for the restoration of old houses (up to 12.500 Lei).

272. If the beneficiary is related to two or more categories of beneficiaries, one allowance is granted at the discretion of the beneficiary.

**Reply to the issues raised in paragraph 28 of the list of issues.**

273. Currently, half of Moldova's population has no access to drinking water and sewage systems. Moldova's population is supplied with drinking water primarily from local sources (mine wells, springs, fountains, etc.).

274. The water quality of these sources from year to year decreases or remains submerged, showing a potential threat to health of population. Thus, the average share of water sources, from those over 23.903 sources examined during 2007-2009, shows that about 60% of local water sources do not match the chemical indicators (nitrates), and water sources that identify microbial pollution (E. coli) constituted 26.6%.

275. A top priority of the Government is the development of water supply systems and sewerage, reasoned by the Strategy on water supply and sewerage of the localities in the Republic of Moldova approved by Government Decision No.662 of June 13, 2007, which provides the achievement of a number of actions as regards the phased settlements with water supply services and sewerage of the localities, reducing water-related diseases, insures access to information about water quality.

276. Currently, the Ministry of Environment is currently finalizing two draft Laws regulating the field in question: a new law on environmental protection and the Water Law draft, which was adopted to replace Law No.1515 of 16.06.1999 on environmental protection and Water Code. The purpose of establishing these bills was the approval of new regulations in the field of water resources, complying with the EU legislation in this field (Water Framework Directive 2000/60/CE of the European Parliament and the Council of 23 October 2000).

277. The Republic of Moldova is committed to achieve till 2015 targets 3 and 4 set out in Objective 7 "Ensuring environmental sustainability" of the Millennium Development Goals. To this end the Government approved a series of measures that relate to increasing the share

of population with access to safe water resources from 38.5% in 2002 to 59% in 2010 and 65% in 2015, as well as increasing share of population with access to improved sewage system from 31.1% in 2002 to 50.3% in 2010 and 65% in year 2015. In 2008 funds of about 375.5 million Lei were used for this purpose, carrying out the repair works of 62 km of water pipes and 29 km of sewage system.

278. The number of population with sustainable access to water supply services reached 52.4% (including 92.2% of urban population and 26.7% of rural population) and sewer services of 46.2%.

279. To achieve objectives 7.3. and 7.4. of the Millennium Development Goals, taking into account that the state budget allocations are insufficient, the main problem is attracting foreign funds needed to construct new water supply systems and sewage in order to ensure the country's population with qualitative and stable services and ensuring permanent access for the majority of the inhabitants of the republic to qualitative drinking water.

280. Moldovan Government has conducted a series of negotiations with potential sponsors to obtain external funding needed. As a result, the European Commission supported the Republic of Moldova allotting 45 million Euros to finance the Sector Policy Support Programme regarding water. Recently, the European Bank for Reconstruction and Development, European Investment Bank, as well as the Neighbourhood Investment Facility of the European Union have provided funding of 30 million Euro.

281. Collaboration is held with the World Bank, Global Environment Fund, the Turkish Government for Economic Cooperation and Development, Swiss Agency for Development and Cooperation, Austrian Development Agency, Kuwaiti Fund for Arab Economic Development, Government of the Czech Republic etc. However, the Ministry of Environment, under the National Environmental Fund during 2010, has allocated 8.1 million MDL. As a result of budget allocations and funding of NEF and international projects during 2010 were built, repaired and developed 103.1 km of water pipes connecting to it a total of 158.623 persons. About 44 km of sewer system was built and developed, connecting to it a number of 101.356 people.

282. To ensure adequate access to drinking water for prisons, their quality is checked regularly by the competent bodies. During 2005 and 2010 road networks were totally rebuilt, connected to aqueducts, waste metal pipes replaced with polyethylene pipes, artesian wells drilled or repaired with the installation of water storage towers. For a constant supply with drinking water of the prisons, permanent work is performed on prevention of equipment for water pumping, water supply networks and storage containers. In case of disconnection from water supply or production of any damage, prisons have containers for drinking water accumulation. Currently, all prisons have permanent access to drinking water source, except Penitentiary No.8- Bender, which in the context of the Transnistrian conflict has been disconnected from electricity supply services, water and sewage. Drinking water is delivered to the institution through tanks and the waste water is discharged by a truck.

## **Article 12**

### **Reply to the issues raised in paragraph 29 of the list of issues.**

283. One of the strategic directions for the health system continues to be strengthening primary health care. In order to strengthen this sector, a Strategy of Primary Health Care Development on medium term was developed, which includes a number of activities to strengthen this field.

284. The main tasks are focused on organizing prevention and treatment, health education and patient participation, mobilizing the entire community, including local and central public administration, which will ensure a positive impact upon population health indicators.

285. In order to attract family physicians in rural areas, measures have been taken to improve the living conditions of young professionals:

- Law on health protection No.411-XIII of March 28, 1995 stipulates facilities for medical sanitary and pharmaceutical workers, who get employed, according to the distribution, in towns and villages (communes), including the composition of Chisinau and Balti.
- Government Decision No. 1593 of December 29, 2003, subsequently amended, by which were established conditions of more attractive salaries for medical workers from Primary Health Care services, especially in rural areas.

286. Efforts are made to improve primary care offered to the population, year by year accessibility of population to medical services increases by increasing free package included in the Unique Program. The prescription of compensated drugs essentially increased and the possibility of outpatient treatment of patients as well, particularly chronic or those untransportable and providing them with needed medicines and supplies.

287. Thus, the financial burden of the population requiring treatment at home reduces as well as the amount of expensive hospital care. The proportion of preventive visits in primary care for adults is 20.9% (2006 - 21.0%) and 48.1 for children (2006 - 49.7%). This confirms the existence of untapped reserves regarding disease prevention and modest potential primary health care sector, which in reality is the main promoter in disease prevention.

288. The Ministry of Health has undertaken a series of measures to strengthen the primary healthcare sector, designed to help increase accessibility of the population, especially in rural areas, to medical services, increasing their quality and ensure continuity of healthcare, such as increasing the autonomy of Primary Health Care institutions.

289. Additional to the 25 existing Health Centers, have been founded other 20 autonomous Health Centers operating under contracts concluded with the National Health Insurance Company. In sub-component 1 "Development of Primary Health Care of Project of Health and Social Services, are scheduled to be rehabilitated 65 health centers. Contracts with construction companies for the renovation of 16 health centers are already signed and the work started in July 2010. For 4 Centres the assessment reports were sent to World Bank for approval.

290. The Ministry of Health has developed the Automated Information System Concept "Primary Health Care", being ranked the first subject of Care - Patient. Within the EU project "Health Reform: Strengthening Primary Health Care", software Automated Information System Medex 2.0, which aims to improve the programming process of collecting data about each patient and the efficiency of statistical data for decision making. The Ministry of Health, after this testing, has decided to implement the Automated Information System Medex 2.0, in the entire country. (Order No. 617 of 07.09.2010).

291. In order to maintain and improve the health of the population through continuous development and strengthening of family medicine, ensuring equitable access to qualitative primary health care and cost efficiency, the Ministry of Health has updated and approved the development Strategy of Primary Health Care for years 2010-2013 (Order No.460 of 01.07.2010).

292. Within the EU-TACIS project "Support to strengthen Primary Health Care" have been trained 52 trainers to strengthen capacities, knowledge and skills of primary care medical staff and 1101 healthcare workers.

293. To increase awareness of the population towards their own health, within the primary target group - FAMILY in Moldova, the Ministry of Health jointly with the

European Union funded project: Support for Health Reform: Strengthening Primary Health Care in Moldova, implemented by the consortium ICON / BBI / UNICON / IRIS, has launched an information campaign and public awareness on the topic: "If you want to be healthy, contribute to this fact every day!". In collaboration with the Office of Development and Cooperation of Switzerland in Moldova in 2009 a Memorandum of Cooperation was signed, which provides financial and technical assistance to develop community mental health services strategy, policies in this field.

**Reply to the issues raised in paragraph 30 of the list of issues.**

294. Measures have been taken in capacity building and expanding the activities of information, communication and education on HIV prevention, promoting healthy lifestyles, building and maintaining safe and responsible behaviour for the general public, youth, vulnerable groups.

295. In partnership with representatives of international organizations accredited in the country, the Ministry of Health, the Ministry of Education, local government, civil society have been organized social and informational events, activities devoted to World AIDS Day on December 1, to commemorate AIDS victims. There were developed, published 21 names of informative materials of 4.7 million copies distributed to the population through medical institutions, educational institutions, NGOs and mass- media.

296. Education institutions teach optional subject "Health Education", "Family Life Education", "Civic Education", "Healthy lifestyle". Prevention activities for HIV / AIDS among youth according to principle «peer to peer» are performed by 3000 trained trainers. The friendly Health Centres organized and spent 245 seminars and consulting and prevention services provided to 57.000 youth.

297. Documentary film festival took place dedicated to the International Day of Commemoration of persons who died of AIDS, auto-rally "Stop AIDS", Heart Connection Tours "Dance 4Life" etc.

298. The Centre AIDS has green helpline 080080808, which offers advisory services in the public six days each week, 12 hours daily. In furtherance of telephone lines were developed, published and distributed "Green Line" calendar (8000 ex.) and poster (3333ex.).

299. In collaboration with NGOs 49 prevention programs and projects are produced among: injecting drug users (with activities in 20 villages and suburbs: Chisinau, Balti, Ungheni, Falesti, Glodeni, Orhei, Rezina, Soldanesti, Causeni, Soroaca, Floresti, Drochia, Donduşeni, Rîşcani, Edinet, Otaci, Ocnita, Briceni, including Tiraspol and Slobozia - Transnistria) among prisoners in eight prisons (Cricova-2, Leova, Soroaca, Pruncul, Branesti, Rusca and Balti); replacement therapy projects with methadone(including the DRN, Balti Municipal Hospital and five prisons; migrants; long-haul drivers; commercial sex workers; care and support of people with HIV/AIDS, sexual minorities, the project to ensure compliance and increased social support of people with HIV / AIDS on ARV treatment; to protect the rights of HIV / AIDS in Moldova; project for drug users increased access to rehabilitation services and psychosocial assistance in the rehabilitation center.

300. Number of beneficiaries in December 31, 2009: 13.050 injecting drug users, commercial sex workers - 1116 persons, sexual minorities - 829 persons, persons with HIV / AIDS - 1896 persons, methadone substitution treatment - 270 patients in treatment on December 31, 2009. Total number of syringes distributed in 2009 of 1,779,443, the number of condoms distributed - 964,044 pieces. In accordance with Government Decision No.948 of 05.09.2005 "On implementation of the Program on Prevention and Control of HIV / AIDS and sexually transmitted infections", as well as the Government Decision No.820 of July 4, 2008 "On the National Programme on Prevention and Control of HIV / AIDS and sexually transmitted infections" on 2006-2010", and in conformity with the complex plan of

control and prevention of HIV / AIDS in prisons for years 2009-2010, for fully achieving the tackled approach to the prison system, measures have been taken regarding the following issues:

- detection of HIV / AIDS to prisoners;
- prevention and control of HIV to prisoners and prison staff
- record and monitor cases of HIV / AIDS
- treatment provided to HIV positive prisoners.

301. In this context, the prison system is developing the project "Combating HIV / AIDS in prisons", according to risk reduction strategy, which is done by the NGO "Innovative Projects in Prisons.

302. The main goal of this project is to prevent HIV / AIDS among prisoners by the implementation of harm reduction. Within its activities are carried out:

- - informational and educational, aimed at changing risky behaviour of prisoners, on different topics: HIV, STDs, viral hepatitis, drug overdose, prevention and treatment of postinjectional complications;
- - informational seminars for prison staff;
- - selecting volunteers (from prisoners) and implementing risk reduction activities under the principle of 'peer to peer';
- - distribution of information materials;
- - the exchange of syringes in 9 prisons of the country : No. 1-Taraclia No.4-Cricova No.3-Leova No.6-Soroca, No.7-Rusca, No.9 Pruncul, No.11-Balti, No.15-Cricova and No.18-Brănești;
- - distributing supplies for HIV and STI prevention (condoms, disinfectants, syringes, alcohol wipes, iodine).

303. In the context of adjusting the legal framework to international standards guaranteeing the rights of HIV positive people, under the conditions of imprisonment, in June 2004 it was issued the order DIP "Regulation on providing medical assistance to HIV-infected prisoners, that for the first time regulates the medical care for HIV infected prisoners, as a base having the 'World Health Organization Guidelines' that provides:

- ensuring the confidentiality of medical information regarding HIV-positive prisoners;
- ensuring the voluntary HIV antibody testing, with counselling "pre" and "post" testing, the presence of the notified agreement for testing prisoner, confidentiality of testing;
- prohibition of forced isolation of HIV positive prisoners under the charter. Isolation is performed only under medical indications;
- ensuring access of HIV-positive prisoners to treatment of HIV / AIDS.

304. Additionally, in 2008, within the prison system counselling and voluntary testing for HIV, hepatitis B and C was set up.

305. Methodological recommendations have been developed, which highlight problems of detection, treatment and prevention of tuberculosis in HIV infected persons, tuberculosis features on the background of HIV, HIV testing strategy for tuberculosis patients, tactics and methods of treatment and antiretroviral therapy for TB co-infection / HIV. The recommendations are intended for medical workers in the Ministry of Justice, preventive

medicine specialist of HIV / AIDS service, oncology specialists, infectionists, primary care professionals.

306. Antiretroviral treatment (ART) to HIV positive persons and having AIDS in the prisons was held in Prison No.16- Pruncul on March 2004, the second center in the country in establishing treatment. The total number of HIV positive prisoners on medical service record, on January 01, 2010 represents 120 prisoners. Currently 45 convicted receive antiretroviral treatment.

**Reply to the issues raised in paragraph 31 of the list of issues.**

307. Maternity activity in recent years has undergone significant changes, becoming closer to family. In 2005 a new concept was approved, the concept Friendly Maternity to Family (Order of the Minister of Health No. 327 of 04.10.2005). The principles promoted in maternity hospitals are maternal privacy, confidentiality, participation of women in decision making and care for healthy and sick newborn, mother staying with the baby, family visits to the maternity ward. Also technologies "Friendly hospital for the baby" are successfully implement, such as: early lactation, skin to skin contact, exclusive breastfeeding of the newborn in maternity hospitals, etc.

308. Since 2008 Moldova has implemented EU standards and criteria on registration in official statistics the births and newborns with weight of 500 gr. and from 22 weeks of gestation (the joint order of Ministry of Health, Ministry of Information, National Bureau of Statistics No. 455/137/131 of 10.12.2007).

309. In order to increase chances of survival of children who need emergency medical services and reduce the rate of preventable deaths, in the Moldovan-Swiss project "Regionalization of pediatric intensive care services and emergency in the Republic of Moldova", supported by the Swiss Agency for Development and Cooperation, it is planned to create a regionalized system in the pediatric intensive care and urgent by: creating and providing medical equipment to three centers / regional departments of resuscitation and intensive care and capacity strengthening of medical staff and provision with modern medical equipment of ambulances 4 for transportation of children in heavy conditions, as well as their resuscitation.

310. With support from UNICEF and the Swiss Cooperation Office in Chisinau have been created and equipped offices of antenatal education for pregnant women and their families in maternity hospitals and Family Medical Centers in all districts of the country.

311. Health system reform put a special emphasis on training family physician and nurses of the family physician, being developed:

- national guidelines in Perinatology A and B;
- C guide, which contains three volumes of protocols in obstetrics and neonatal field intended for doctors, containing (57 obstetric protocols, 78 neonatal protocols, 15 protocols and 14 algorithms for family doctors);
- prenatal care booklet (Form No. 113 / e);
- guide to the mother - antenatal training module of family doctor.

312. In order to ensure qualitative medical care and accessible to women in the country, evaluating of the quality of obstetric and neonatal medical service was approved and implemented the Concept of a Confidential Audit of each case of maternal mortality proximity, prenatal mortality and confidential investigation of cases of death analysis at national level. Their extensive implementation will allow determination of the real and exact causes of maternal and prenatal death, the utilization level of clinical protocols, decision making and proposals for improvement.



313. Despite the fact that the number of abortions notify a stabilization, with a decrease in 2009, reaching the figure of 13.6 per 1000 women of reproductive age, compared to 14.0 per 1000 women of reproductive age in 2008, however, share of pregnancy interruption in the age group 15-19 years is relatively constant in recent years, constituting about 10% of the total number of abortions among women of reproductive age. This phenomenon indicates low knowledge on family planning knowledge among the young generation.

Year	2004	2005	2006	2007	2008	2009
Pregnancy interruptions , total (true figures)	16070	15018	14385	14197	13976	13471
Interruptions of pregnancy to 1000 women of reproductive age	15,8	14,7	14,1	14,1	14,0	13,6
Share of pregnancy interruption to groups of age between 15-19 years (%)	9,5	9,7	9,2	9,5	8,3	10,8

314. A serious public health problem frequently caused by insufficient information of adolescents about contraception and offering free or at lower price contraceptives is the interruption of pregnancy up to 15 years old.

Year	2004	2005	2006	2007	2008	2009
Interruptions of pregnancy up to 15 years old ( true figures)	10	14	17	19	24	12

315. During several years UNFPA supports Moldova in procuring and providing contraceptives to the population of disadvantaged categories and risk groups, as well as supporting the establishment of information systems for their monitoring and evaluation (SICON).

316. However, within the mandatory health insurance, people in medical and social risk groups are provided with medical devices and contraceptives with prolonged effect.

317. In order to improve the reproductive health situation, ensure the access of population, mainly in rural areas, to health services, to reproductive health services for adolescents, preconception counselling, post-pregnancy and post-abortion counselling, in sexuality issues, diagnosis and infertility treatment, sexually transmitted diseases, ensuring vulnerable population groups with free or discounted contraceptives, it was drafted the National Reproductive Health Strategy for 2005-2015, approved by Government Decision No.913 of August 26, 2005. Based on health system reform, family planning became an integral part of primary health care service. Currently 3 Women's Health Centres operate in the country (Municipality of Chisinau, Drochia and Cahul), 47 reproductive health clinics of medical institutions with a broad spectrum of diagnostic and curative services.

318. In order to make efficient the investments in the health sector, the Ministry of Health has targeted its activities towards prevention measures, by maintaining and strengthening the conditions under which the growing generation is educated, detection and prevention of risk factors that determine health, promoting physical activity, as well as activities to cultivate a respectable behaviour towards the health values, the Ministry of Health has developed additional health services Classification for children, pupils and students in educational institutions (approved by Government Decision No.934 of 04.08.2008) whose membership includes three basic components, namely: prevention services, medical services, Health Education.

319. In order to implement additional health services Classification for children, pupils and students in educational institutions, the Ministry of Health, jointly with the ministries concerned, the drafted the Regulation project - frame work of medical workers in educational institutions. In order to train and strengthen capacities of medical workers related to health and development of children and adolescents, taking into account the peculiarities of age and sex, the adjustment process of university and postgraduate curricula began, particularly in the preparation of family physicians.

320. In order to prepare the child to appreciate and promote universal human and national qualities, building capacities to respect the fundamental values of democracy, for the academic year 2008 - 2009 "Civic Education" courses were proposed. Since the academic year 2009 - 2010 subject "Civic Education" is compulsory studied in classes I-XII.

321. In the context of achieving youth policy issues on health, the Ministry of Health approved the National Concept of Youth Friendly Health Services, which reflects the commitment and priorities of the Ministry of Health on health, development and protection of young people. As a mechanism for implementing the concept Volunteer Guide, Consultant Guide and Organizer Guide were approved.

322. Currently 12 Youth Friendly Health Centers are functioning in the country. Youth Friendly Health Centers operate as functional subdivisions of Public Medical Institutions, funded by the National Health Insurance Company.

323. In order to regulate the activity organization of Youth Friendly Health Centers, by order of the Ministry of Health No.100 of March 10, 2008 "On the norms of medical staff" were approved staff norms of the Youth Friendly Health Center, with the creation of a multidisciplinary team to solve complex problems of adolescents and the young. By order of the Ministry of Health No.168 of 12 June 2009 were approved the quality standards for youth friendly health services.

324. A Guide for the implementation of quality standards of youth friendly health services and the set of informational materials for beneficiaries is in preparation (one coupon booklet of youth friendly health services network and seven thematic booklets in compliance with the seven priority health issues of adolescents: STI / HIV / AIDS, unwanted pregnancy, mental health problems as a result of substances abuse (alcoholism, drug addiction), psycho-emotional disorders and personality, health problems as a result of violence, nutritional disorders, particularly malnutrition (I , Fe) pubertal development disorders.

325. Medical Assistance for women detainees throughout the imprisonment period, from the prosecution isolation room till the release from the execution of the sentence, is carried out in accordance with the fundamental right to health, and in accordance with individual rights regarding the respect, dignity and integrity of the women prisoners as human beings.

326. A medical examination is carried out in accordance with the principles of confidentiality, individually, in the absence of non-medical staff and without restraints.

327. Pregnant women prisoners receive enhanced care - gynaecologic care, therapeutic care, all necessary examinations are performed, in accordance with national standards, in the last trimester of pregnancy being transferred to Prison No.16 – Pruncul (prison hospital) under the supervision of obstetrician-gynaecologist. At the appropriate time, women detainees are hospitalized in maternity ward of Scientific Research Institute for Maternal and Child Health Care. In the period of confinement, they are under medical observation of obstetrician-gynaecologist, newborn children being supervised by pediatricist performing vaccinations required by the national immunization schedule. If necessary, all necessary medical investigations of both pregnant mothers and children under 3 years is made in the civilian medical institutions.

328. Based on the legislation in force in the penitentiary system mothers with children up to 3 years are convicted. In particular, they are held in Prison No.7-Rusca (prison for women) and No.16- Child (prison hospital).

329. During the years 2007-2010, the following birth rate to the prevented and convicted women was notified: 2007 - 5 children; 2008-1 child; 2009-1 child and six months 2010-2 children. Maximum number of children up to 3 years in the custody of the prison medical service during that period: 2007 - 11 children; 2008-9 children; 2009-7 children; 6 months 2010-5 children and a pregnant woman. It must be mentioned that in the context of creating adequate conditions of detention in achieving the project by Public Association "CARLUX" a building with two floors for mothers and children was built inside the prison No.16-Pruncul. It was put into service on August 4, 2009 and it is calculated to hold 12 women detainees. The block was built in compliance with all applicable national and international planning and construction of housing facilities for mothers and children held in prisons. To improve women's conditions of detention in prisons of Moldova in recent years, significant efforts have been made to improve living conditions and treatment for this vulnerable category of prisoners.

330. In the Medical Center a specially designed sector for detained mothers with children up to three years was opened and in March 2009 four women with children up to three years were placed. Detained mothers receive special food and hygiene items for children under 3 years. On the territory of each institution is installed a playground for children and properly required inventory.

331. Up till 01.01.2010 in Penitentiary No.7-Rusca (prison for women) are held eight condemned women, prosecuted for infanticide (art.147 of CC RM).

#### **Article 13 and 14**

##### **Reply to the issues raised in paragraph 32 of the list of issues.**

332. According to statistics, the gross enrollment rate in primary education in 2009 amounted to 93.5% compared to 96.7% in 2005. Gross enrollment rate in secondary education in 2009 was 88.8%, compared to the 93.0% achieved in 2005.

Indicators	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009*
Gross enrollment rate in primary education, %	99,4	99,5	99,5	99,8	97,9	96,7	94,4	94,0	93,6	93,5
Gross enrollment rate in secondary education, %	90,2	91,1	92,3	92,2	92,5	93,0	90,5	90,1	89,3	88,8

333. Statistical data on educational enrollment rates by education level and by age groups are shown in Annex 1 to the Report.

334. Statistical information on indicators of the preschool institutions for years 1998-2009 : number of institutions, places, children, teachers and number of children per one teacher in preschool institutions, including the appearance of forms of property is reflected in Annex to the 1 Report.

335. Also in the Annex 1 the statistics of educational institutions of primary and secondary schools by area of residence and ownership are presented.

336. However, official statistics do not have disaggregated information based on comparative education and dropout rates, among the marginalized and disadvantaged groups in particular, such as the Roma, children with disabilities etc.

**Reply to the issues raised in paragraph 33 of the list of issues.**

337. Education Law determines education as national priority in Moldova. State educational policy is based on the principles of humanitarization, accessibility, adaptability, creativity and diversity. Education is democratic and humanistic, open and flexible, formative and developing and is based on national and universal cultural values.

338. State education is secular, refractory to ideological, political, racial, national discrimination.

339. Improving the legal framework in accordance with the requirements of modern society, international law and European standards have highlighted the need for a new Education Code. Education Code Bill consists of 14 titles, 43 chapters and 166 articles. The project was subject to public debates, consultations have been held with representatives of the OSCE and at roundtable with the participation of the International Monetary Fund, World Bank, UNICEF etc. At the moment the bill of Education Code was endorsed to the central public authorities.

340. **Strengthen strategy of education for the years 2011-2015 and reinforced the Action Plan of the education sector for the years 2011 – 2015 was developed.**

341. *Major goal of education*, under education law in force, consists in free and harmonious development of **human** being and the formation of creative personality that can adapt to changing conditions of life.

342. By Article 6 of the Education Law, the right to education which is guaranteed is confirmed, regardless of nationality, sex, age, origin and social status, political or religious beliefs, criminal record. The state ensures equal access to state institutions of high school education, vocational, and higher education, according to abilities and capabilities.

343. Citizens' right to mother tongue education is ensured by creating the necessary number of educational institutions, classes, and their operating conditions. The level of participation to education, during the years 2000-2009, is determined mainly by the country's demographic situation.

344. The network of secondary education institutions in the country in the 2009-2010 academic year includes 1512 institutions (primary schools, secondary schools, general secondary schools, high schools) with a total of 415.462 pupils, including 413.657 students studying in day schools, 245.050 of which or 59.2% study in rural areas.
345. Beginning with 1992-1993 academic year, the Ministry of Education develops curricula for teaching in native official language, and curricula to study native languages as a subject of study.
346. Modernized school curriculum (2010) in all subjects was developed as well as for native language (Russian, Ukrainian, Gagauz, Bulgarian) for grades I-XII; implementation guide of the curriculum in the native languages for grades IV-XII; language and literature textbooks in Russian, Ukrainian, Gagauz, Bulgarian for classes I-IX.
347. *Solution of the problems that the Roma population faces* with is achievable by actions taken by the administrative structures to support Roma people in overcoming difficulties and the desire of Roma population to understand and tackle their own problems. Beginning with the 2000-2001 school year in classes V-IX, and in 2009-2010, in classes I to XII, is implemented the course "Civic education" as a compulsory subject, aimed at developing citizens in the construction of complex contemporary world: the acquisition of knowledge about human rights and fundamental obligations man and developing the skill to implement them in everyday life; education on the basis of the general and democratic human values; developing sense of responsibility for social actions; cultivation of civic sense.
348. Actions taken to improve education and literacy among Roma children, participation of Roma children and youth in education system are reflected in art. 2, paragraph 2, section 4, in the context of achieving the Action Plan to support Roma people in the Republic of Moldova for 2007-2010.
349. To ensure access to basic education of children who are in conflict with the law, especially achieving the right to general education and continuity of the training process, beginning with 2008 the process of general education in isolation rooms of prosecution started. Previously, training juveniles in detention was made exclusively in Penitentiary No.2- Lipcani (prison for minors).
350. Subsequently, in 2009, the joint order of the Ministry of Education and Youth (No.409 of 01.05.09), Ministry of Justice (No.217 04.05.2009), Ministry of Local Public Administration (No. 63 of 01.05.2009) and the Ministry of Finance (No.48 of 04.05.2009) was signed regarding the opening, from 01.09.2009 training classes of juvenile detainees in prisons, affiliated to schools, gymnasiums and lyceums close to prison.
351. Courses are conducted by teachers of the institutions, which are related to juvenile detainees training classes, being taught the following disciplines of the general education program: Romanian language, mathematics, geography, we and law, life skills. Taking into account the specifics of the activity of the detention institution, the curriculum is streamlined and connected to the particular category of students. Thus, according to the study program the number of hours varies from 20 hours per week in the Penitentiary No.2- Lipcani and 10 hours per week in the of rest mentioned prisons.
352. Since the beginning of the academic year 2010 - 2011, were enrolled and receive general training 61 juvenile prisoners and the total of them is 71 (5 - aged between 14 and 16; 66 - aged from 16 to 18. In the Penitentiary No. 2- Lipcani execute the sentence in juvenile prison conditions the youths aged from 19 to 23 years, qualified under the laws in force.
353. Since 2008, the prison system successfully implemented the literacy program for all categories of prisoners that are illiterate.

354. In order to carry out vocational education activities in prison, there operate six vocational schools and three vocational training classes. Currently detainees from nine prisons receive professional training and these courses are graduated each year by about 650 convicted.

**Reply to the issues raised in paragraph 34 of the list of issues.**

355. In the Republic of Moldova, the provisions of Article 14 of the Covenant are implemented under a number of national legislation: the Constitution of the Republic of Moldova from July 29 1994 and the Education Law No.547 of 21.07.1995.

356. Under Article 35 (1) of the Constitution: "The right to education is provided by general secondary education, by high school and vocational education, by higher education and other forms of education and training".

357. Education Law stipulates that education in the Republic of Moldova may be public and private (art. 13 (1)), the public one is free for everyone (art. 4 (5)).

358. In achieving the Legislative provisions in force their violation is found, by collecting monthly amounts of money from parents, a practice that runs against the principle of ensuring free primary education. To remove this phenomenon known in society recording of parental associations through which the money is collected was proposed, but to remove the negative impact the illicit money collecting has on the school community, action from the state authorities to improve material situation of teachers is required.

359. On the indication of the Government of the Republic of Moldova No.1107-1268 of 27 October 2010, the Ministry of Education develops the Draft Bill of Regulation on cooperation with parental associations, taking into account cooperation on use of unofficial funds obtained from parents, by educational institutions, including those in the rural sector. This Regulation will provide the mechanism for cooperation between the administration of educational institutions and associations of parents and it will specify voluntary and transparent nature of the specific contributions made by parents. In the project rights of members of associations to decide on goals and directions for use of funds collected, and their free and unconditional access to information on performance of respective funds will be stipulated.

360. Under the Draft Bill of Regulation concerned it will be established the status of public association of parents, and amount of contributions, frequency of payments, directions for their use, way to collect and record keeping, etc.

361. However, the mentioned funds represent voluntary contributions of parents and they have no status of public money and will not be managed by the Ministry of Finance Treasury System.

**Objections on paragraph 35 of the list of issues**

362. In the Republic of Moldova it is not made official statistical records on disaggregating enrollment rate of 15 percent available to persons belonging to marginalized and disadvantaged groups, in accordance with the regulations of both the higher education and secondary specialized and professional education. These regulations are strictly applied annually, only at the registration stage to studies in teacher training education system: higher, middle and secondary vocational education.

## Article 15

### Reply to the issues raised in paragraph 36 of the list of issues.

363. To ensure wide access of all citizens, including the most marginalized and disadvantaged groups, children from poor families, to the cultural life and National Cultural Heritage, despite the insufficient budgetary funding, the theatrical and concert institutions, including autonomous groups under the Ministry of Culture, permanently organize performances. In 2008 there were organized 2139 performances and concerts attended by 350.000 spectators; in 2009, respectively - 2454 of performances and concerts (187 - conducted in the country), attended by 343.000 spectators, and during 9 months of 2010 were held 1913 of such events (323 - in the country) which were attended by 314.400 spectators.

364. Among these cultural events of national and international importance were: ordinary editions: Annual International Festival of Opera and Ballet stars "Invites Maria Biesu" /annual festival/; Festival-International Pop Music Contest "Twin Hearts"; Eminesciana-2010; Festival "Steaua Chisinaului", etc. National Theatre Festival was held with participation of 16 theatrical institution of Moldova, including the Municipal Theater of Musical Drama of Comrat, Theatre "Mihail Ciakir" of Ciadar Lunga, Theatre of Bessarabian Bulgarians "Smeșen Petek"; International Gala of puppet theaters "Licurici" participated in the International Theatre Festivals. Republican Theatre "Luceafarul", Eugene Ionesco Theatre, State Russian Dramatic Theatre A. P. Chekhov participated in the International Theatre Festivals; Republican Puppet Theatre "Licurici" attended the International Festival for Children and Youth (Iasi), Romania, and the State Theatre for Youth "С улицы Роз" participated in the eighth edition of the Biennial International Festival of Theatre "Slavianski Bazaar" and in the International Theater Festival, Deniz, Turkey.

365. A special place in promoting the state policy on culture and ensuring wide access of citizens, including the most marginalized and disadvantaged groups, children from poor families, to cultural life is held by the cultural institutions from the area. A great part of the cultural activities of national importance which took place in the territory is held under the National Center of Popular Art. National Contest -Festival of young folk singers "Nicolae Sulac" was held; national contest-festival of young pop singers " Moldova-Patria mea"; national contest Festival of amateur theaters " Vasile Alecsandri", etc.

366. Cultural activities were held in the territory, including contest-Festival in memory of singer Angela Paduraru - Nemteni village, Hincesti. 16 artists participated; international Festival of folk music and dance "Nufarul Alb"; folk dance Festival in memory of choreographer Vasile Tanas Abaclia village, Basarabeasca; Shepherd Festival " Pe un picior de plai", Căinariii Vechi village, Soroca - pastoral traditions and customs with the participation of 14 amateur teams; Folk Festival „La umbra nucului bătrîn”, district Singerei, with the participation of amateur bands, which promote various types of creation.

367. Besides the main activity, libraries in the country organize dozens of cultural activities for the communication of collections, such as the International Book Fair for Children and Youth / National Children's Library "Ion Creanga"/International Book Fair / National Library; Republican literary contest "La izvoarele înțelepciunii" etc.

368. *National Chamber of Books*, including the Statistical Center of national publishing production and Legal Deposit recorded during 2009 the publishing of 2246 books: the 1429 in Romanian, 381 - in Russian, 436 in other languages.

369. The *network of museums* during the report organized 134 exhibitions, to which 168.844 of visitors have been registered. The Ministry of Culture, in collaboration with the

Union of Artists of Moldova and specialized institutions, has organized over 41 exhibitions of contemporary art and 3 contemporary workshops.

370. *The 252 craftsmen*, representatives of all generations, participate actively in the process of educating the younger generations, based on national traditions - one of the ways of developing cultural heritage.

371. Currently, 191 of public libraries are equipped with 828 computers, 76 are connected to the Internet, 50 libraries have web page. Some libraries started to establish local networks, the creation of bibliographic databases. SIBIMOL project (Integrated Library Information System of the Republic of Moldova) was meant to facilitate user access to the collections of libraries and databases, to avoid duplication of work processes of these institutions to cataloguing publications. The e-storage was created that has accumulated all kinds of documents in electronic form and was the foundation of the Virtual Library of the Republic of Moldova. The National Library launched its first Digital Library of Moldova - BND MOLDAVICA ([www.moldavica.bnrm.md](http://www.moldavica.bnrm.md)), as part of the European Digital Library (The European Library). The 1385 public libraries during 2009 have provided for services of virtual use of books, 870.000 of registered virtual visits, 8.900 of which are children up to 16 years.

372. In order to encourage participation in cultural life of children, including children from poor families, the migrants or refugees, the cultural institutions under the Ministry of Culture has established free access to cultural events they hold, in special days.

373. Thus, the National Museum of Archaeology and History of Moldova, beginning with June 2005, established a day in month (last Thursday of the month), with free entrance for all categories of audience.

374. A House-Museum A. Puskin offers quarterly free access during days related to remarkable data regarding Puskin.

375. National Museum of Arts and National Museum of Ethnography and Natural History provide, upon request, for disadvantaged categories of people free access to cultural events.

376. The State Russian Drama Theatre A.Chekhov offers discount tickets to various disadvantaged groups of people. Moldova-Film Studio S.A offers free access to Odeon cinema projections upon availability of seats.

377. The access to all cultural activities that the National Library of Moldova organizes is free. The cultural events held on the 30th of each month in museums, libraries, theater and concert institutions was set free access to youth, holders of European Youth Card.

378. In order to sensitize the people migrated abroad, to promote national values, through the Ministry of Foreign Affairs and European Integration, a set of promotional materials was sent to the Embassies of the Republic of Moldova abroad. The mentioned set includes: brochures "Wine Road in Moldova", "Moldova Tourism", CDs with movies "Welcome to Moldova", "Moldova today", "Wine Road in Moldova- a new tourist destination", leaflets with sightseeing places of Moldova.

379. Annually in countries of accreditation of Moldovan diplomatic missions cultural activities dedicated to traditional celebration of "Martisor" are organized. Expansion of Festival "Martisor", abroad represents an important contribution to strengthen the Moldovan Diaspora in all the countries of the world, to strengthen cultural relations between Moldova and the countries of accreditation of our diplomatic missions.

380. For the elderly and the disabled conditions to increase access to cultural services were created, including historical and cultural values, museum collections. All museums in the country offer to older people and disabled people free access to permanent exhibitions



and thematic ones. Every year, on 18 May on "International Museum Day" special free tours are organized for all persons with disabilities.

381. Institutions of theater and concert perform for disabled discounted tickets, provide free access to performances at the request of specialized agencies. The National Philharmonic "Serghei Lunchevici", for 6 consecutive years organized contest- festival "I want to be a star". The current edition was attended by over 100 children with disabilities in the country. The hall was put at the service of Association of the Blind, Society of disabled, educational institutions for children with disabilities. Among those mentioned were: House of Culture of Moldova Deaf Society, Children's creative center of Leova, Boarding school for children with mental deficiencies of Hincesti, Center for Temporary Placement of children at risk "Brîndușa" in Hincesti, Ensemble "Mandarin" in Belarus.

382. The Republican contest -festival of amateur groups and craft work of the members of the Society of the Blind of Moldova was organized under the generics "Native land - The Missing Piece". At regional stages that were held in different localities of the country 32 collectives from 29 districts of the country have participated that met over 400 people with visual deficiencies. For the final stage were selected about 70 works of art of approximately 500 and craft works. At the final stage of the competition about 300 people across the country attended the contest.

383. A third edition of Republican Festival for children with hearing and speech deficiency "Dance" was held. Within the charitable program "At the Christmas tree together with our best things", the Republican Musical Dramatic Theatre B.P.Hasdeu in Cahul presented a program of theatre performances to auxiliary boarding school children of Crihana Veche, Cahul district. The children were given presents. During winter holidays theatrical institutions under the Ministry presented for free 7 charity performances to children in boarding schools.

384. On the International Day of Persons with Disabilities was held the third edition of the exhibition and sales of works made by people with disabilities, held under the slogan "All different, but all equal". During the exhibition about 70 institutions and social centers for persons with disabilities across the country exhibited their works to be sold. In order to sensitize public opinion, the Ministry of Culture holds dialogue and partnership relations with:

- the Society of the Blind of Moldova;
- Society of persons with hearing and speech deficiency;
- administrates auxiliary boarding school of Crihana Veche, Cahul;
- Creative unions which have as members the former creative workers, now retired, veterans, disabled, etc.

385. The National Museum of Ethnography and Natural History organized exhibitions of works made by the elderly and persons with disabilities trained and prepared by professional craftsmen with the participation of people with disabilities from: Day Centre "Dorinta" Calarasi, Day Center "Paradis" from Orhei, Day Center "Casa pentru toți", Ungheni. At the arts education institutions under the Ministry are studying students and pupils with disabilities, as follows:

- Academy of Music, Theatre and Fine Arts - 3 persons;
- College of Fine Arts „A.Plămădeală” - 3 persons;
- College of Arts in Soroca - 3 persons.

386. The regulations of subordinate institutions, special provisions have been introduced to create privileged rates for people with disabilities in providing cultural services.

387. Jointly with the State Information Agency "Moldpres" and national public broadcasting institution "Teleradio-Moldova" Company were organized more materials on problems of people with disabilities who practice folk crafts and handicrafts , on the participation of disabled people to cultural and artistic activities etc.

388. Jointly with broadcasting institution "Teleradio-Moldova" Company and museums of the country a show about historical and cultural values with broadcasting for the deaf and dumb was launched. Also, the Philharmonic annually holds on Christmas holidays and on the International Music Festival "Martisor" charity concerts for people with disabilities. To all institutions of culture were built roads for people in wheelchairs. The national libraries have been special activity for people with disabilities. In the national libraries special place of activity for disable persons were created. The special places were equipped with computers.

389. In order to protect cultural diversity and promoting cultural heritage of ethnic communities, ethnic Festival which takes place annually, aims to promote the history, folk art of ethnic groups. Countrymen enjoy the services of six public libraries, such as: Public library of Russian culture and literature "M. Lomonosov", Public Library of Gagauz culture and literature "M. Ciachir", Public Library of Ukrainian culture and literature "L.Ukrainka", Public Library of Polish culture and literature "A. Mickiewici", Public Library of Hebrew culture and literature "I. Mangher", Public Library of the Bulgarian culture and literature "H.Botev". During the year within the institutions of culture and arts, libraries, educational institutions are organized seminars, round tables and conferences to promote the development of ethnic culture.

**Reply to the issues raised in paragraph 37 of the list of issues.**

390. The universal right to education guaranteed by the Constitution of the Republic of Moldova is provided for Roma population, which is integrated into society.

391. The Ministry of Education has taken action to improve education and literacy among Roma people.

392. The Ministry promotes, in relation to the problems that the Roma people are facing in the country, actions of supporting the participation of children and young Roma people in education. Providing textbooks to students in pre-university education is fully (100%) carried out through the Textbook Rental Scheme managed by the Special Fund for textbooks. Under Government Decision No.1040 of 05.10.2005, pupils of classes I-IV are provided with free textbooks. Pupils of first class I receive the first book for free - the ABC.

393. In pre-university education institutions, where Roma children are studying, at the expense of optional classes are held - the study of culture, art, Roma traditions, folk clubs, dances, etc. Children of Roma origin are involved in different sports clubs, clubs: tourist-oriented, dancing, music and choir, decorative art, puppet theatre, skilful hands, etc.

394. At the same time, to establish the school curriculum in Roma language, the Ministry of Education is currently looking for suitable people to initiate a working group to develop the curriculum.