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## Committee on Economic, Social and Cultural Rights Sixty-second session

### Summary record of the 56th meeting

Held at the Palais des Nations, Geneva, on Thursday, 21 September 2017, at 3 p.m.

*Chair:* Ms. Bras Gomes

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*The meeting was called to order at 3.05 p.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Third periodic report of the Republic of Moldova (E/C.12/MDA/3; E/C.12/MDA/Q/3 and Add.1)*

1. *At the invitation of the Chair, the delegation of the Republic of Moldova took places at the Committee table.*
2. **Ms. Dumbrăveanu** (Republic of Moldova), introducing the third periodic report of the Republic of Moldova (E/C.12/MDA/3), said that her Government had formulated a plan of action for the implementation of the concluding observations issued by the Committee in 2011 (E/C.12/MDA/CO/2) and had made great strides in promoting economic, social and cultural rights as a result.
3. The adoption of the Equality Act in 2012 had been a significant step forward in the fight against discrimination. Gender equality was a fundamental human rights principle for her Government. A number of important laws and regulations in that regard had been adopted, including a law establishing a 40-per-cent quota for each sex in lists of candidates for parliamentary and local elections, as well as a 14-day period of paternity leave for new fathers.
4. Considerable efforts had been made to promote harmonious inter-ethnic relations under the national action plan for supporting the Roma population for the period 2011-2015. The new plan for the period 2016-2020 focused on the right of the Roma people to participate in public life and decision-making.
5. Among the measures taken to prevent child labour in recent years had been the adoption of legislation amending the Code of Offences in order to increase the penalties for violations of the law governing child labour. A new article had been added to the Criminal Code to criminalize the use of goods produced by children or trafficking victims. In order to promote formal employment, the authorities had taken steps to reduce the cost of doing business, simplify the regulatory framework for business activities and create a more attractive and predictable investment climate.
6. A significant share of the approximately 50,000 unemployed persons annually registered with the National Employment Agency had found work with the help of the services provided. A sizeable number of unemployed persons also benefited from the job fairs and professional training courses offered. A policy framework on a unified public sector remuneration system had been developed in 2017.
7. Turning to the right to social security, she pointed out that cash benefits during the cold-weather season had been introduced. A number of laws aimed at improving the quality of life of older persons and enhancing access to high-quality services through the development of new social services had also been adopted. The Government had begun to implement pension reforms in 2017 with a view to reducing inequalities.
8. The Parliament had passed a law on the protection of children who were separated from their parents or were otherwise at risk. The adoption of a child protection strategy for the period 2014-2020 was another important achievement in the area of the rights of the child.
9. With respect to the right to education, a programme for the development of inclusive education in the Republic of Moldova for the period 2011-2020 had been established. The Government had also adopted a multisectoral strategy for parenting skills training for the period 2016-2020. In an effort to modernize the educational system and provide the best possible education for every child, it had outlined a national school curriculum with a view to ensuring that the fundamental changes envisaged under the Education Code were implemented. A policy framework for the implementation of distance learning in primary

and lower secondary education for children with disabilities had also been developed in 2017.

10. **Mr. Chen** (Country Rapporteur) said that he wished to commend the Government of the Republic of Moldova on its comprehensive report and replies to the list of issues. While the Government had introduced an impressive array of laws, regulations and action plans for the implementation of the Covenant, the achievements to date were less satisfactory because operations on the ground to implement those instruments appeared relatively weak.

11. He would like more specific details of the measures taken to raise awareness among judicial officials, public servants and the general public about the Covenant and its justiciability. He asked whether the Office of the People's Advocate (Ombudsman) was mandated to deal with economic, social and cultural rights and what was being done to address the inadequacy of the Office's financial and human resources. There had been reports that implementation of the national human rights action plan had been undermined because responsibility for carrying it out had been delegated to local authorities as a result of the drive for decentralization. He wondered what measures were being taken to ensure that the plan was properly implemented, monitored and assessed.

12. He would be grateful for an explanation of the reasons for the low level of government spending on areas such as education, health care, social protection and housing as a share of gross domestic product (GDP), as shown in the data provided in response to the list of issues. He would also appreciate more specific information on the impact of the parliamentary decision to halt the implementation of the law on local public finance. He was concerned to note that, according to reports of the Human Rights Council and others, discrimination based on health status, wealth, social origin and sexual orientation and gender identity were not explicitly prohibited. He was also concerned about the staffing shortages and poor working conditions faced by the Council for Preventing and Eliminating Discrimination and Ensuring Equality. Could the delegation comment on the steps taken to tackle those problems? It would be interesting to learn more about the reform of the national disability determination system referred to in the replies to the list of issues (E/C.12/MDA/Q/3/Add.1). When would it be adopted and what substantial changes would it bring about?

13. Turning to the serious issue of the situation of the Roma communities, he asked whether the State party had conducted an assessment of the reasons for the failure of the relevant national action plan for the period 2011-2015, noting that some sources had indicated that only 15 of the 48 Roma community mediators called for under the plan had been appointed. What measures were being taken to ensure the success of the new plan for the period up to 2020?

14. **Ms. Shin** (Country Task Force), welcoming the 40-per-cent quota for women on lists of electoral candidates, said it was not clear whether male and female candidates were required to appear alternately in the lists. She would also like further information on women's representation in elected and appointed positions at the national and local levels of the executive, legislative and judicial branches of government. She asked whether the Government had been consulting with women's organizations on ways to challenge stereotypes. In particular, the prohibition of the dismissal of women employees while they were pregnant or on maternity leave actually worked against them. What was being done to remedy the adverse effects of such employment policies? She wondered why the retirement age in the country was lower for women than for men. She asked how much parental leave was actually taken by fathers.

*The meeting was suspended at 3.45 p.m. and resumed at 3.50 p.m.*

15. **Ms. Gherganova** (Republic of Moldova) said, with respect to awareness-raising about the Covenant, that the Government had issued a report on the status of implementation of the action plan to implement the Committee's recommendations. However, it did not gather statistics on the application by the courts of the provisions of the Covenant. The low level of government social spending as a share of GDP was due to the economic crisis experienced by the country.

16. **Ms. Pascal** (Republic of Moldova) said that the 2012 Equality Act specified the grounds on which discrimination was prohibited in all spheres of life and those on which it was prohibited in certain specific spheres, such as the labour market. Moreover, the Constitution and the Labour Code both contained provisions relating to discrimination.

17. In 2016, amendments to a range of legislative acts had been adopted in order to ensure gender equality. Under those amendments, political parties would be refused registration if the representation of either gender among its candidates was less than 40 per cent. The draft amendments submitted to the Parliament had contained specific provisions defining the mechanism for enforcing the quota, but those provisions had ultimately not been adopted. Further discussions regarding the most appropriate mechanism for enforcing the quota would be held within the framework of the Gender Equality Strategy for 2017-2021.

18. **Ms. Dumbrăveanu** (Republic of Moldova) said that, before the introduction of the new pension regime on 1 January 2017, the pension age had been set at 62 years for men and 57 years for women. However, the age discrepancy had been found to be discriminatory, and, under the new regime, the pension ages for men and women would be increased incrementally until they both reached 63 years.

19. The Parliament had adopted a law amending the provisions of the Labour Code that concerned unpaid parental leave. The unpaid parental leave to which mothers had previously been entitled had been reduced, as it had been found, *inter alia*, to discourage the employment of women. Both women and men were now entitled to paid parental leave of up to three years and unpaid parental leave of up to one further year.

20. The Office of the People's Advocate (Ombudsman) was mandated to ensure respect for human rights and freedoms by uncovering violations, conducting monitoring, presenting reports at the national level, improving legislation relating to human rights and engaging in international cooperation. It was possible that the Office lacked adequate funding, but the Government was taking measures to support its work and had recently increased the Ombudsman's wages.

21. **Ms. Pascal** (Republic of Moldova) said that women occupied 22 per cent of seats in the Parliament and four positions in the Government. At the local government level, women occupied between 20 and 30 per cent of high-ranking positions.

22. **Ms. Dumbrăveanu** (Republic of Moldova) said that territorial units received income from various sources, including special budget transfers. The Government was considering the possibility of using such transfers to finance social services at the local level. Owing to budgetary constraints, local authorities had not always been in a position to prioritize the valuable work of community mediators. However, there were plans to use special budget transfers to finance their work in the future.

23. **Ms. Istratii** (Republic of Moldova) said that progress was being made in combating corruption at the national level. The National Integrity and Anti-Corruption Strategy for 2017-2020, which had been adopted in December 2016, was the core policy document for coordinating the efforts of public bodies to combat corruption. The previous anti-corruption strategy had been implemented through three successive action plans, and its evaluation by independent experts had found that its implementation had been satisfactory. The efforts made to combat corruption had included the implementation of a national anti-corruption hotline, the enhancement of the regulatory framework governing public procurement, increased use of electronic systems and platforms in the public sector, the introduction of stricter oversight mechanisms in the education system and the strengthening of integrity standards for bodies involved in combating corruption.

24. The work of justice and anti-corruption authorities was one of the pillars of the National Integrity and Anti-Corruption Strategy for 2017-2020. The Strategy would improve the administration of justice, enhance the integrity of judges and raise awareness of judicial corruption. In addition, measures to increase transparency in the judiciary had been taken under the Justice Sector Reform Strategy for 2011-2016. For example, more severe sanctions had been introduced for judges implicated in acts of corruption, the regime of judicial immunities had been reviewed, and legislation on professional integrity had been

updated. The recently adopted legislation on professional integrity was applicable to both the public and the private sectors, and a bill improving the system of sanctions for corruption and money-laundering was under consideration.

25. **Ms. Dumbrăveanu** (Republic of Moldova) said that a reform of the social protection system for persons with disabilities had begun in 2010, the year in which the Republic of Moldova had ratified the Convention on the Rights of Persons with Disabilities. Subsequently, a national strategy to facilitate the social integration of persons with disabilities and a corresponding action plan had been adopted. The National Council for Determining Disability and Work Capacity had undergone a process of reform, which had involved a shift in emphasis from medical to social criteria, and its membership now included teachers and social workers. There were plans to reform the National Council further with a view to improving the quality of services offered to persons with disabilities and re-examining the criteria used to certify disability.

26. **Ms. Pascal** (Republic of Moldova) said that the Ministry of Justice had recently begun the process of developing a new national action plan on human rights, as part of which consideration would be given to the recommendations of civil society and international organizations, and adequate financial resources would be set aside for its implementation.

27. **Mr. Sadi** (Country Task Force) said that he would appreciate detailed information on the efforts made to combat corruption, for example statistics on the number of prosecutions conducted.

28. **Mr. Uprimny** said that it would be helpful if the delegation could comment on the lack of reliable data in the State party's report and in its replies to the Committee's list of issues. For example, the authorities had not provided a satisfactory response to the Committee's request for information on the representation of women in decision-making positions in political and public life (E/C.12/MDA/Q/3, para. 12). On a separate point, he wondered what steps were being taken to ensure that the problem of corruption was addressed from a human rights perspective.

29. **Ms. Shin** asked whether consideration had been given to the possibility of introducing procedures to ensure the effective participation of Roma women and women with disabilities in elected offices and appointed bodies, as recommended in the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined fourth and fifth periodic reports of the Republic of Moldova (CEDAW/C/MDA/CO/4-5, para. 24 (c)).

30. **Mr. Kerdoun** (Country Task Force) said that he would be grateful if the delegation could offer specific examples of corruption in the education system and provide more information on the State party's experience in that regard. In particular, he wished to know how acts of corruption were identified and whether pupils and teachers were complicit in their commission.

31. **Mr. Kedzia** said that he would be grateful if the delegation could clarify whether the Office of the People's Advocate (Ombudsman) was mandated to deal with economic, social and cultural rights and provide information on the financial and human resources allocated to the Office, as requested in the Committee's list of issues (E/C.12/MDA/Q/3, para. 3). In addition, clarification regarding the Office's structure and operations would be welcome.

32. **The Chair** said that the State party should take measures to mainstream human rights in public policy. In addition, she wished to know whether the State party planned to adopt comprehensive anti-discrimination legislation expressly identifying the prohibited grounds of discrimination.

33. **Mr. Chen** said that he would appreciate clarification as to how the Government intended to remedy the situation concerning Roma community mediators. He would be interested to hear more about the various actors involved in the development of the national action plan on human rights, whether implementation of the plan would be monitored and whether there was an assessment procedure for such plans.

34. **Ms. Istratii** (Republic of Moldova) said that, over the reporting period, 114 criminal corruption cases had been brought to court. The cases involved authorities such as prison and probation officials.

35. Because action plans and strategies alone were insufficient to combat corruption, one of the Government's priorities was to implement concrete measures, including preventive measures such as anti-corruption awareness-raising activities for the judiciary and the health and education sectors. As part of the effort to foster a culture of zero tolerance of corruption in schools, student exams were conducted under video surveillance.

36. Before their submission to the relevant authorities for approval, bills underwent an assessment to ensure that they complied with anti-corruption and integrity standards. Public officials, including those in the health sector, were subjected to professional integrity testing; statistics showed that as a result of such measures, people had become more intolerant of corruption and reporting of acts of corruption had increased.

37. **Ms. Pascal** (Republic of Moldova) said that there were two Ombudsmen, one for general human rights and one for children's rights. Each Ombudsman had two deputies, who helped to promote human rights. The Office of the Ombudsman, in conjunction with local and central authorities and civil society, prepared an annual report on human rights. Funding for the Office of the Ombudsman came from both the State and donors. Preparation of the 2018 budget was currently in progress.

38. **Ms. Gherganova** (Republic of Moldova) said that mainstreaming the rights of vulnerable groups was central to the activities of the Government. The Gender Equality Strategy for 2017-2021, which took a comprehensive approach to gender equality, addressed issues such as the gender pay gap and climate change. The corresponding action plan included capacity-building programmes for women with disabilities and Roma women. Since 2015, women from a variety of backgrounds had received training in the skills they needed in order to run for office; as a result, for the first time since the country had gained independence, two Roma women had been elected to town councils. As part of government efforts to involve the population sectors concerned in the development of public policy, victims' groups were being consulted in the process of drafting a strategy to combat violence against women.

39. **Ms. Dumbrăveanu** (Republic of Moldova) said that the institution of community ombudsman had been created as part of a series of efforts to support the Roma community. There were currently 13 such ombudsmen. An analysis of the situation had revealed that there were two main reasons for which not all areas originally slated to have a community ombudsman actually had one: a lack of local public funding and, perhaps most interestingly, a lack of individuals willing to take up the office. As a result, a request for State financing for the office of community ombudsman had recently been submitted to the Ministry of Finance. In addition, there were plans to work more closely with local Roma representatives in order to promote the active participation of the community and encourage individuals to serve as community ombudsmen.

40. Monitoring of and reporting on the implementation of national action plans were provided for under the plans themselves. Various ministries, as well as international and non-governmental organizations, could assess and report on the implementation of a given action plan. In most cases, the final reports were made available on ministry websites and were publicly discussed. Implementation problems were generally the result of a lack of financial resources.

41. **Ms. Shin** said that the State party had provided insufficient data in response to the questions raised in the list of issues (E/C.12/MDA/Q/3) concerning article 6 of the Covenant. As the Committee needed basic data in order to assess the progress made by the State party, it would appreciate up-to-date disaggregated data on such matters as employment rates in the country.

42. She would welcome information on the situation regarding the large number of Moldovans who had chosen to emigrate. What measures was the Government taking to provide jobs for its citizens so as to avoid "brain drain"?

43. She asked whether there was a mechanism for enforcing the 5-per-cent quota imposed to ensure the hiring of persons with disabilities and whether non-compliant employers were penalized. She would also like to hear about the policies implemented to make workplaces accessible to persons with disabilities. With regard to the underemployment of Roma persons, she would welcome information on the measures adopted to provide jobs for such persons, especially women.

44. She would appreciate details on how many people were paid minimum wage and whether the minimum wage was applicable to all sectors of the population, including Roma women and persons with disabilities. It would also be useful to learn about the measures taken to enforce payment of the minimum wage. With regard to the question raised in the list of issues (E/C.12/MDA/Q/3) concerning the so-called “envelope salary” (partially declared work), she would like more information on the phenomenon and on the measures taken to do away with that widespread practice.

45. The incidence of occupational accidents in the country was high. Given that the Labour Inspectorate visited workplaces only once a year, it would be interesting to learn how the Government ensured safe working conditions at places of employment.

46. The narrowing of the gender pay gap in the State party was commendable; as an example of good practice, she would appreciate an account of how it had been achieved. Nevertheless, women continued to be overrepresented in certain sectors, including education and the informal economy. She would like to hear more about efforts to address the matter of job segregation by sex.

47. She would welcome the delegation’s comments on reports that some legislation and policies on issues such as trade unions, labour relations and pensions were adopted without the requisite prior consultation, despite the mandatory nature of such consultation under the law.

48. She had a number of concerns related to the right to social security under article 9 of the Covenant. The coverage provided by the national pension system was insufficient to ensure minimum subsistence levels. In addition, access to social security benefits was difficult for many groups, including residents of rural areas and persons with disabilities. Lawyers, translators and other freelance workers suffered discrimination in access to social benefits such as sick leave and maternity leave.

49. **Ms. Gherganova** (Republic of Moldova) said that just over 40 per cent of the country’s approximately 3 million inhabitants were economically active. Some 1.2 million people were employed, while the unemployment rate was just under 5 per cent, or approximately 50,000 people. Most people were working in the service industry and agriculture. Unemployment among men was higher than among women, and the youth unemployment rate was higher than that of the population over 50 years of age.

50. The National Employment Strategy for 2017-2021, which was outlined in paragraph 46 of her country’s third periodic report, was funded by the State and by external development partners.

51. The 5-per-cent quota for the employment of persons with disabilities was not currently enforced. However, the bill on employment, which should be adopted in the coming months, provided for grants to incentivize companies to set aside posts and provide reasonable accommodation for persons with disabilities.

52. While underemployment among Roma people was indeed an issue, the number of Roma persons seeking assistance from local employment agencies had increased thanks to a number of measures, including cooperation agreements between such agencies and civil society organizations. In 2016, 800 Roma individuals had found employment through those agencies. The Roma community mediators had also helped to increase employment and school enrolment among Roma people.

53. Estimates for the last five years indicated that there were around 300,000 Moldovan migrants abroad. The Government focused on managing emigration rather than preventing it, and promoted legal migration through bilateral agreements with countries such as the Russian Federation and Italy. Six agreements of that kind had been signed and another six

were being drafted. A mechanism for the reintegration of returning migrants was being piloted and a related action plan for the period 2017-2021 was under way. Steps were being taken to assess the needs of local employers, in comparison to foreign employers, and to build workers' skills accordingly so as to develop a competitive workforce, push up salaries and reduce emigration. In order to create more employment opportunities, the Government had launched entrepreneurship programmes and was striving to make the business environment more attractive to foreign investors.

54. **Ms. Dumbrăveanu** (Republic of Moldova) said that lawyers paid a fixed annual contribution to the social insurance fund and were eligible for the minimum pension and some other benefits. The fixed sum for 2017 was 7,000 Moldovan lei (MDL). Under the general social insurance scheme, employees made monthly contributions, which were topped up by employer contributions, and had access to a wider range of benefits, including the childcare allowance. The Government was reviewing the social insurance scheme for lawyers, based on consultations held with lawyers' associations.

55. All bills relating to employment were reviewed by the National Commission for Consultations and Collective Bargaining. The Commission had raised objections to only one bill in 2017. More generally, all legislative proposals were reviewed by ministerial working groups that included trade union representatives.

56. The minimum wage of MDL 1,000 had not been reviewed since 2014. Various bills providing for wage indexation and an annual review of the minimum wage had been proposed without success. The Government had drafted a policy framework on a unified public sector remuneration system, which would serve as guidance for future legislation in that area.

57. In addition to the social assistance outlined in paragraphs 181 to 190 of her country's replies to the list of issues (E/C.12/MDA/Q/3/Add.1), one-off payments from the social support fund, ranging from MDL 300 to MDL 15,000, were available for families in need. The social assistance programme as a whole focused on the most vulnerable groups and had been the subject of an independent assessment by the World Bank.

58. **Ms. Pascal** (Republic of Moldova) said that steps were being taken to bring national legislation into line with European standards based on the principle of equal pay for equal work. In collaboration with non-governmental organizations and development partners, the Government had conducted two studies, the first on the shortcomings of the national legal framework in that area and the second on the extent of the gender pay gap. The findings of those studies had been discussed during public consultations with various stakeholders, including trade union representatives, and would be used to develop policies to promote equal pay for equal work.

59. There were plans to incorporate the gender dimension into initial and continuous training courses for teachers, in order to combat gender stereotyping. The Government had organized seminars on gender equality and stereotyping to encourage vocational schools to admit girls and boys on the basis of their skills and abilities rather than their gender and to encourage students of both sexes to consider non-traditional occupations. Strategies in that area were being developed at the interministerial level, with support from the Council for Preventing and Eliminating Discrimination and Ensuring Equality. Local employment agencies would be encouraged to distribute information on gender equality and non-traditional occupations to jobseekers.

60. **Mr. Sadi** said that he would welcome additional information on the extent and causes of domestic violence, the effectiveness of the mechanism that had been set up to ensure a prompt police response in cases of domestic violence, and the progress achieved as a result of the capacity-building seminars on domestic violence prevention and the efforts to align national legislation with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. In particular, he wondered whether the number of cases of domestic violence had fallen and what penalties had been imposed on perpetrators.

61. With regard to trafficking in persons, he would appreciate some specific examples of legal action taken against suspected perpetrators and more information on the impact of the



cooperation agreement that had been signed with Ukraine. He wondered whether the State party planned to sign bilateral agreements with any other countries, how the National Referral System mentioned in paragraph 23 of the State party's replies helped to combat human trafficking, what factors had been identified as contributing to the problem of human trafficking and how the State party was tackling the range of problems caused or exacerbated by emigration, such as high school dropout rates among children left behind by migrants.

62. He asked to what extent the minimum legal age for marriage was successfully enforced and why child marriage remained a problem within the Roma community. Lastly, noting that the poverty rate in rural areas was five times the rate in urban areas, he enquired what action was being taken on the ground to combat poverty and improve access to drinking water and sewerage systems in rural areas.

*The meeting rose at 5.55 p.m.*