



# Economic and Social Council

Distr.: General  
17 March 2017

Original: English  
English, French and Spanish only

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the third periodic report of the Republic of Moldova\*

#### I. General information

1. Please provide information on the cases, if any, in which the Covenant has been invoked before or applied by domestic courts. Please also provide information on the measures taken to raise awareness of the Covenant and its justiciability among judicial officials and other relevant public officials, as well as the general public.
2. Please provide updated statistical data, based on the 2014 Population and Housing Census, on the composition of the population, disaggregated by sex, ethnicity, mother tongue and disability. Please also provide disaggregated data relating to employment, housing, living standards, health and education.
3. Please clarify whether the Office of the People's Advocate (Ombudsman) is mandated to deal with economic, social and cultural rights, including complaints about violation of those rights. Please provide information on the financial and human resources allocated to the Office, including its regional offices, over the past four years.
4. Please provide detailed information on the impact of the implementation of the national human rights action plan (2011-2014), which incorporated a number of the Committee's previous recommendations. Please include information on the achievements resulting from the plan and the challenges encountered in its implementation, particularly in relation to the rights protected under the Covenant. Please indicate when a new action plan will be adopted and provide information on the measures envisaged to ensure its full implementation.

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

##### Maximum available resources (art. 2 (1))

5. Please provide information on annual public spending in the areas of social protection, housing, water and sanitation, health and education, in terms of percentages of the national budget and of gross domestic product during the reporting period.
6. Please provide information on the impact of the decision of Parliament to halt the implementation of Law No. 397-XV on Local Public Finance of October 2003 and subsequent amendments thereto on the provision by local governments of social services,

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\* Adopted by the pre-sessional working group at its sixtieth session (27 February-3 March 2017).



including social protection, health care and education. Please also provide information on the measures taken to mitigate the impact of that decision.

7. Please provide information on the measures taken to enforce the anti-corruption laws adopted in 2014 and on the steps taken to strengthen the national anti-corruption mechanisms. Please also provide information on the number of corruption cases reported and investigated and the number of perpetrators prosecuted in the past four years, including cases involving members of the judiciary and high-level public officials. Please further provide information on the measures taken to address the practice of paying bribes in order to obtain public services, particularly in the health and education sectors.

#### **Non-discrimination (art. 2 (2))**

8. Please provide information on the steps taken to ensure that the national anti-discrimination legislation, including the Constitution and the Law on Ensuring Equality (2012), effectively prohibit discrimination on any ground, including health status, wealth, social origin and sexual orientation and gender identity, in all aspects of life.

9. Please provide information on the complaints that have been handled by the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, including the number of cases filed and the decisions made thereon, as well as the main areas of discrimination identified. Please also provide information on the number of cases that the Council has referred to courts and the decisions made by the courts in those cases. Please further provide information on the annual budget allocated to the Council and the number of staff it has employed since its establishment.

10. Please provide updated information on the steps taken by the State party to reform the disability certification system and the achievements made to date in that regard. Please also provide updated information on the measures taken to improve the accessibility of buildings and public transport, as well as information, for persons with disabilities.

11. Please provide information on the implementation of the national action plan for supporting the Roma population 2011-2015, including the achievements and challenges faced, and indicate how those challenges are addressed in the new action plan for 2015-2020. Please also provide information on funding allocated for the implementation of the new plan. Please further provide information on the number of Roma community mediators that have been appointed to date and on the steps taken to fill the remaining community mediator positions.

#### **Equal rights of men and women (art. 3)**

12. Please provide information on the measures taken to increase the representation of women, including Roma women and women with disabilities, in decision-making positions in political and public life, including in the national and municipal parliaments, the judiciary and senior civil service positions, as well as in the private sector. Please provide relevant statistical data.

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

#### **Right to work (art. 6)**

13. Please provide statistical data for the reporting period on: (a) labour force participation; (b) employment rates; (c) the proportion of employment in the formal economy and in the informal economy; (d) underemployment rates; and (e) unemployment rates, disaggregated by sex, age, ethnicity and disability.

14. Please provide information on the measures taken to improve the overall low level of employment and to tackle the reportedly high level of unemployment among young people, women, persons with disabilities and Roma. Please also provide information on the implementation of the regulation requiring companies with 20 employees or more to hire persons with disabilities as 5 per cent of their workforce.

15. Please provide information on the measures taken to address the root causes of the continuing brain drain, particularly among young people and people who have completed higher education and professional training, and the decreasing trend in labour force participation in the State party.

**Right to just and favourable conditions of work (art. 7)**

16. Please provide information on the measures taken to regularize employment in the informal economy, including the progress made to date. Please also provide information on the measures taken by the State party to provide labour and social protection to those in the informal economy. Please further provide information on the measures taken to address the prevalent practice of the so-called “envelope salary” (partially declared work), indicating whether labour inspections have been systematically carried out in that regard and if so, the outcome.

17. Please provide information on the steps taken to raise the level of the minimum wage, which is currently insufficient to cover minimum subsistence, in order to ensure that workers and their families earn a decent living. Please also provide information on compliance with the minimum wage, including compliance rates and sanctions imposed on employers found guilty of non-compliance. Furthermore, please provide information on the number of the working poor and their families and the measures taken by the State party to improve their living conditions.

18. Please provide information on the steps taken to review Law No. 131 on State Control over Entrepreneurship Activities of June 2012, particularly articles 14, 15, 18 and 19, with a view to enhancing the effectiveness of labour inspections. Please also provide information on the measures taken by the State party to strengthen labour inspection in terms of training for labour inspectors and allocation of financial and human resources to labour inspection. Please further provide information on the main areas of violation identified through labour inspections and the measures taken to address them, as well as on the measures taken to reduce the number of occupational accidents.

19. Please provide information on the measures taken to protect the rights of Moldovan migrant workers abroad, particularly their right to just and favourable conditions of work, in destination countries. Please also provide information on the measures taken to ensure that those workers have access to social security entitlements acquired abroad when they return home.

**Trade union rights (art. 8)**

20. Please provide information on the consultation process with the National Commission for Consultations and Collective Bargaining in adopting labour laws and policies. Please also provide information on any cases of violation of trade union rights during the reporting period, including the number of cases reported and investigated each year and the sanctions imposed.

**Right to social security (art. 9)**

21. Please provide information on the current social security system, including both contributory and non-contributory programmes, particularly in terms of public spending allocated to each programme as well as the eligibility, coverage and level of benefits of each programme. Please also provide detailed information on the measures taken or planned to reform the pension system and on how those measures address the challenges facing the current pension system. Please indicate what measures the State party is taking to ensure that pensioners, whose minimum monthly pension is below MDL 1,000, enjoy an adequate standard of living.

22. Please provide information on the implementation of the Ajutor Social Programme, including the eligibility criteria, the number of eligible households, the number of households actually receiving the benefit and the amount of the benefits received. Please also indicate the steps taken to minimize the targeting errors of the Programme and to ensure that all the eligible households, particularly those of Roma and people living in rural areas, can claim their entitlements without administrative and financial burdens.

**Protection of the family and children (art. 10)**

23. Please provide information on the measures taken to promote the equitable division of family responsibilities between men and women. Please also provide information on the steps taken to increase childcare services, including relevant statistical data.

24. Please provide information on the measures taken to support migrant workers' children who are left behind in the State party, particularly in terms of their education, health and physical and psychological development.

25. Please provide information on the outcome of the measures taken to eliminate child labour, including the National Action Plan on prevention and elimination of the worst forms of child labour (2011-2015) and Ministry of Education Order No. 393 of September 2014 prohibiting pupils' involvement in agricultural work during the school year.

**Right to an adequate standard of living (art. 11)**

26. Please provide information on the specific measures taken by the State party to alleviate poverty, particularly in rural areas, where most disadvantaged and marginalized individuals are living. Please also provide information on the measures taken to address the situation of malnourished and stunted children, particularly those under 5 years of age. Please further provide information on the measures taken to improve living conditions in rural areas, including by ensuring access to safe drinking water and sanitation facilities.

27. Please provide information on the outcome of the measures taken to provide social housing to disadvantaged and marginalized families and individuals. Please include disaggregated data on the number of social housing units provided annually over the reporting period. Please indicate the measures taken to address the protection gap for children without parental care, including graduates of boarding schools, and enable them to access social housing under the Law No. 75 on Housing. Please clarify the steps taken to increase the provision of protected housing arrangements and personal assistance to persons with disabilities, instead of institutionalization, and include information on the annual budget allocated to such measures and institution-based services, respectively, for the reporting period.

**Right to physical and mental health (art. 12)**

28. Please provide information on the coverage of the compulsory health insurance, including with regard to persons with disabilities, Roma, families of Moldovan migrant workers abroad and people living in rural areas, and on the steps taken to ensure full coverage. Please also provide information on the measures taken to improve the quality of health services in terms of securing a sufficient number of qualified medical professionals and the proximity of health facilities, and include relevant statistical data.

29. Please provide information on the measures taken to ensure that sexual and reproductive health information and education are provided in schools and are available to the public. In particular, please provide information on the measures taken to ensure that all women have access to sexual and reproductive health services, including contraceptives. Please indicate what measures have been taken by the State party to eradicate the practice of coercive sterilization and any steps taken to review the legislation that allows for non-consensual termination of a pregnancy on the grounds of psychosocial or intellectual impairment.

30. Please provide information on the measures taken to address the discrimination experienced by disadvantaged and marginalized individuals, including Roma, persons with disabilities, persons living with HIV/AIDS and persons with tuberculosis, in accessing health services. Please clarify whether the State party has repealed Ministry of Health Order No. 100 and the regulation on forced temporary hospitalization in specialized medical anti-tuberculosis institutions of people with contagious forms of tuberculosis who refuse treatment. Please also provide information on the specific measures taken to reduce the incidence of and improve treatment for HIV/AIDS, hepatitis C virus and tuberculosis, particularly multidrug-resistant tuberculosis.

**Right to education (arts. 13-14)**

31. Please provide information on the steps taken by the State party to address the consistently low level of enrolment in preschool, primary and secondary education, particularly among Roma children and children living in rural areas. Please also provide information on the steps taken by the State party to remove all the informal costs that preclude many disadvantaged and marginalized children from going to school.

32. Please provide detailed information on the school optimization measures, including their impact on children's access to education, the challenges faced in implementation and the measures taken to address them. Please also provide information on the number of schools that have been closed and the number of students affected by the measures.

33. Please provide information on the implementation of the inclusive education programme for children with disabilities at all levels in all public and private educational settings, provided for in the 2014 Education Code. Please clarify whether the provisions in the Code allowing for segregated schooling have been repealed. Please provide information on the implementation of the 15 per cent quota set for persons with disabilities in professional schools and universities.

**Cultural rights (art. 15)**

34. Please provide information on the steps taken to provide education in both the official and mother tongues in the regions where languages other than the official language are spoken. Please also provide information on the measures taken to protect and preserve minority languages, particularly the Gagauz language. Please further provide information on the measures taken to ensure that persons belonging to linguistic and ethnic minority groups take part in cultural life, taking into consideration of the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.

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