Committee on Economic, Social and Cultural Rights
Sixty-second session
Summary record of the 57th meeting
Held at the Palais des Nations, Geneva, on Friday, 22 September 2017, at 10 a.m.
Chair: Ms. Bras Gomes

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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 (continued) (E/C.12/MDA/3; E/C.12/MDA/Q/3 and Add.1)

1. Ms. Gherganova (Republic of Moldova) said that unemployment was a particular problem in the countryside, with 70 per cent of persons registered as unemployed living there. However, the number of jobs available in rural areas had increased in recent years, from 6 per cent of the 28,000 jobs advertised in the country in 2011 to 16 per cent of 42,000 in 2016. The authorities also offered opportunities such as vocational training, mobility incentives and public work projects for less skilled workers. Starting in 2018, grants would be made available in rural areas for self-employed persons, microenterprises and small businesses that created job opportunities, particularly for persons in vulnerable groups. Programmes to encourage rural businesses included a particularly successful example, aimed at migrant workers returning from employment abroad, under which the Government provided funding equal to the funds invested. A total of around 3,000 jobs had been created since the programme’s inception in 2010, including 900 jobs in 2016, 70 per cent of which were in rural areas. Another 70 jobs had been created in 2016 through the provision of guarantees for bank loans for small business development. In 2016, the National Employment Agency had provided training for 90 of its staff in supporting migrant workers who had returned from abroad; one third of the 3,000 returning migrants registered as unemployed had found jobs that year. In respect of emigration, the Agency had helped 3,500 persons to find legal employment under the country’s bilateral agreements with the Russian Federation, Ukraine, Belarus, Azerbaijan, Italy and Israel.

2. Ms. Dumbrăveanu (Republic of Moldova) said that statistics from the Labour Inspectorate showed that there had been 61 industrial accidents in 2016, of which 33 had led to the deaths of 36 persons, including 10 women, while 28 had resulted in serious injury to 39 persons, including 19 women. The Labour Inspectorate provided information and held consultations with both employers and workers to raise awareness of safety issues. It had an annual schedule for regular checks of premises and could also carry out unannounced visits at any time in response to reports from workers, employers or the authorities.

3. Ms. Pascal (Republic of Moldova) said that the national human rights action plan currently being drafted gave priority to preventing all types of discrimination and ensuring equality among all members of society, particularly vulnerable groups. It included provisions for a stronger legal framework and increased capacity, including investigative and punitive powers, for the Council for Preventing and Eliminating Discrimination and Ensuring Equality. Access to the Council’s services would be improved for all minority groups, as would physical access to its premises for persons with disabilities. Its main goal was to build social acceptance of vulnerable and marginalized groups by raising public awareness. Information on that issue had been included in training materials for journalism students and public servants, including police officers. A five-year action plan had been drawn up to combat discrimination against persons of Roma origin, and the school curriculum had been revised to reflect cultural and religious diversity and promote respect for minority religious groups.

4. A national mechanism to combat domestic violence had been set up in 2008 and the relevant legislation had since been amended twice to bring it into line with international standards, most recently in 2016 to ensure that complaints were properly investigated by the police, who were empowered to issue emergency restraining orders. Victims of domestic violence had access to free legal aid and could claim compensation from either the perpetrator or the State. A telephone hotline and web pages for professionals and victims were funded by the authorities, and the Government had recently signed the
Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). A 2011 study had identified unemployment, alcohol abuse and a lack of familiarity with non-violent forms of communication as factors contributing to violence against women. With the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other development partners, workshops and training sessions on the topic had been held in 2016 with the participation of survivors, local authorities, law enforcement agencies, health workers and members of the community. The national strategy for the period 2011-2023, which was pending adoption, was structured around the Istanbul Convention pillars of prevention, protection, prosecution and integrated policies, and included action to raise public awareness of the serious nature of the problem, to combat stereotypes, to introduce good practices and to build the capacities of those involved, such as the police and the judiciary. National legislation would be brought into line with the Convention prior to its ratification.

6. **Ms. Buzatu** (Republic of Moldova) said that the number of criminal cases involving domestic violence had risen from 63 in 2010 to a high of 2,270 in 2014, after which it had decreased to 1,679 in 2016. The reduction could be attributed to better training for public servants and greater public awareness. Information campaigns had been devised for schoolchildren, parents and the general public, to make them aware that domestic violence was not acceptable and to inform them of the authorities that could be contacted for help. The police had issued over 1,000 protection orders between March and August 2017, of which 35 had been contested through the appeal procedure, and 139 persons had been charged with violating such orders. Over 1,800 persons, of whom more than 100 were women, had been found guilty of domestic violence offences.

7. **Ms. Pascal** (Republic of Moldova) said that government measures to prevent trafficking in persons included not only the prosecution and appropriate sentencing of perpetrators, but also the provision of protection for victims and support for their recovery. The State party was a country of origin for human trafficking and so placed emphasis on providing assistance to victims and working proactively with persons who might become victims. A national coordination unit had been set up for the National Referral System for the identification and protection of such persons, with the help of the International Organization for Migration (IOM), and multidisciplinary teams worked locally in district-level operational units to ensure the safe return of trafficking victims and prevent revictimization. The Government had begun negotiations on assistance for returning victims with the two main countries of destination, the Russian Federation and Ukraine, in 2009 and 2013 respectively. Children were considered a vulnerable group and the relevant government agencies worked in partnership to ensure their rapid repatriation, taking account of their best interests. In 2016, 38 unaccompanied minors and 43 vulnerable adults with 10 children had been repatriated, as had 23 adults and 17 children in 2017. An international assessment of the National Referral System had been carried out by development partners in 2017, followed by a national assessment conducted with IOM support. The recommendations would be used to develop a new framework for the system for the coming decade.

8. **Ms. Dumbrăveanu** (Republic of Moldova) said that the minimum age for marriage in the Republic of Moldova was 18 years, but derogations of up to two years could be granted, for serious reasons only, by the guardianship authorities at the request of the persons concerned and with the approval of their parents. The reason generally cited was pregnancy. While the nearly 22,000 couples who had been married in the country in 2016 had included only 182 girls and 2 boys under the age of 18, the Government recognized that more needed to be done to improve the situation.

9. **Ms. Shin** (Country Task Force) said that she was concerned that the bilateral agreements signed with other countries might lead to the exclusion of some returned migrants from social benefits, given that some of the agreements provided for payments to the Government while others provided for payments directly to the individuals concerned. She asked the Government to ensure that people received the social benefits and assistance that they required. Moreover, considering that the late payment of wages might be a factor in encouraging migration and that a total of about 140 million Moldovan lei (MDL) was...
owed to almost 20,000 government and private-sector employees, she wished to know whether the State party intended to take measures to address the problem of salary arrears.

10. The Committee was concerned about reports that parents who took time off work to care for children with severe disabilities did not receive full retirement pensions. She asked whether the Government would consult with the relevant stakeholders with a view to developing a comprehensive policy.

11. Mr. De Schutter said that poverty rates remained extremely high in rural areas; he therefore wished to know whether minimum wage legislation applied to employment in the agricultural sector. With regard to the indication, on the website of the Moldova Investment and Export Promotion Organization, that low labour costs in the country created a competitive business environment for farming and food processing, he questioned whether low wages would attract investment and create employment, or would in fact cause mass migration. Furthermore, he wished to know what progress had been achieved towards ratifying the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

12. Concerning the right to social security, he noted that people who were able to work were required to meet eligibility criteria in order to receive social assistance. In that regard, he wondered whether conditions such as the refusal to accept unsuitable employment might lead to the exclusion of beneficiaries. He would also appreciate information on measures taken to ensure that social assistance was used to meet family needs.

13. Lastly, he expressed concern that, in addition to cheap labour and a reduced rate of corporate tax, investors in free economic zones were promised a 10-year freeze in the legislation applicable to such zones from the moment of their registration as a resident. Did that freeze also apply to minimum wage increases or legislation that might be required in response to emerging environmental risks? He also wondered why the Government had included, in a number of bilateral investment treaties, a guarantee against regulations leading to “indirect expropriation” of foreign investment except under certain conditions related to national security. Had the Government considered that such a provision might be too restrictive?

14. Mr. Sadi (Country Task Force) underscored that the right to food encompassed more than just its availability; States parties were also obliged to ensure that food was healthy and free of carcinogens and contaminants. He requested that clear information should be provided on the extent of child labour and the measures being taken to combat it.

15. Mr. Uprimny said that the Committee had received reports that at least 35 per cent of the general population was not covered by the compulsory health insurance system. The Committee was also concerned about the quality of health-care services, informal payments to health-care providers and shrinking public spending on health. He asked what steps the Government was taking to address those problems, improve the quality of health-care services and achieve universal access.

16. The State party was to be commended on the ratification of the Convention on the Rights of Persons with Disabilities and the passage of the Equality Act. The Committee was keen to learn about steps taken to eliminate discrimination against specific population groups, in view of reports that persons with disabilities encountered difficulties in accessing health services, that persons living with HIV infection and other conditions suffered discrimination and lack of confidentiality and that Roma people lacked access despite the fact that they generally suffered from poorer health than the general population.

17. Although a good law had been adopted on sexual and reproductive health, patchy implementation had led to the continuation of problems regarding access to contraception, unwanted pregnancies and access to abortion. How did the State party plan to ensure access to sexual and reproductive health care?

18. The Committee was concerned about reports that international funding for the harm reduction programmes adopted for illicit drug users had been withdrawn, resulting in fewer health services and higher rates of hepatitis and HIV infection among drug users. It would therefore appreciate an explanation of the State party’s plans to finance and maintain its
harm reduction programmes, as well as a comment on reports that drug users had been subjected to compulsory treatment and detention.

19. Lastly, he asked whether the Government intended to follow the recommendation of the Ombudsman’s Office that the draft Health Code should be developed in accordance with the Committee’s general comment No. 14 on the right to the highest attainable standard of health (E/C.12/2000/4) and general comment No. 22 on the right to reproductive health (E/C.12/GC/22).

20. Ms. Liebenberg asked whether there was a waiting list for the allocation of social housing to individuals whose income was below a certain subsistence level, and how long eligible individuals had to wait. The State party might also give details on the extent to which its social housing programme was specifically adapted to the needs of orphans, young people and persons with disabilities.

21. Recalling that both the Human Rights Committee and the Committee on the Elimination of Discrimination against Women had raised the issue of the forced sterilization of women with disabilities, rural women and Roma women, she asked the State party to explain its policy, including whether it incorporated a human rights-based approach. What measures were being applied to reduce smoking levels and to promote health among Roma women, considering the high incidence of lung disease in that population? Lastly, she asked why multidrug-resistant tuberculosis was on the rise and what countermeasures were being contemplated.

22. Ms. Crăciunean-Tatu, recalling that the Committee’s general comments Nos. 14 and 22 stipulated that the right to sexual and reproductive health entailed a right to education on sexuality and reproduction that was comprehensive, non-discriminatory, evidence-based, scientifically accurate and age-appropriate, asked whether the State party had implemented or planned to implement the Human Rights Committee’s recommendation that sex education and education on reproductive health should be included in school curricula. She was particularly interested in how the State party intended to address the sexual and reproductive health of Roma women, whose traditional attitude was that such matters should only be discussed with mothers and grandmothers. In that context, she wondered whether Roma mediators had proved useful, were sufficient in number and were properly funded.

23. She was concerned about reports that women with disabilities in residential institutions and psychiatric hospitals were subjected to abuse and ill-treatment and could not exercise their right to sexual and reproductive health. In particular, she wished to know whether the Government had implemented the recommendation of the Committee on the Rights of Persons with Disabilities that it should repeal legislation that allowed non-consensual termination of pregnancy on the grounds of psychological or intellectual impairment. What other measures did the State party envisage to ensure that women with disabilities could exercise their right to sexual and reproductive health?

24. The Chair said that, in referring to the new draft of the national human rights action plan, the delegation had mentioned only cultural and religious minorities, not sexual minorities. The Committee was likely to address the matter of sexual minorities in its concluding observations.

25. Regarding the “optimization” process, similar concepts had been deployed elsewhere and had resulted in the privatization and decentralization of the provision of goods and services. The Committee wished to learn how the State party would ensure access to health and education for people in vulnerable and low-income groups so as to comply with the principle of equal access and avoid a two-tier system consisting of underfunded public services and unaffordable private services.

26. Ms. Liebenberg said that she would appreciate information on measures to manage, monitor, collect and treat waste as an alternative to landfill methods, which had led to soil and groundwater pollution. Information should also be provided on the regulation of agricultural chemicals, in light of the environmental problems caused by persistent organic pollutants.

The meeting was suspended at 11.10 a.m. and resumed at 11.20 a.m.
27. **Ms. Dumbrăveanu** (Republic of Moldova) said that under the newly amended Social Assistance Act, beneficiaries of social assistance were asked to sign an agreement to use the allowance to meet needs such as food, housing, education and medical care. Local multidisciplinary commissions had been created and were empowered to prepare reports on household expenditures, which might result in a warning to the beneficiary family that it was obliged to use its allowance responsibly; purchases not envisaged in the agreement could lead to suspension of the allowance. The amendments to the Act were an important step in ensuring that social assistance was not misused and that it benefited the whole family. Those legislative changes had already produced positive results during the first six months of implementation.

28. The minimum wage, including in rural areas, stood at MDL 2,380 and was reviewed on a regular basis. The Republic of Moldova had ratified the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129) in 1997.

29. To address the delays in the payment of salaries, amendments to the Labour Code had been adopted by the Parliament. Upon enactment, they would significantly increase compensation for late payments; moreover, amendments to the Code of Offences would provide for penalties. In practical terms, companies, labour inspectorates and trade union representatives had signed agreements and were implementing plans to tackle the problem.

30. The Government had adopted several measures to combat child labour, including ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182); the introduction of amendments to the Criminal Code and legislation relating to child labour; and the creation of a list of the most hazardous and harmful types of work, which children under the age of 15 were not allowed to perform. The Government had also banned the involvement of schoolchildren in agricultural activities during the school year and had implemented measures to assist victims and potential victims. All government bodies that worked with children, including those in the areas of education, health, culture and social services, were obliged to inform the State Labour Inspectorate of cases in which there was a suspicion of violence against children or of their potential exploitation or involvement in unhealthy, harmful or hazardous work. As a result, the State Labour Inspectorate had identified 102 children in 2009 and 142 children in 2014 who had been illegally engaged in employment. No serious injuries to children in the workplace had been recorded in either 2009 or 2014.

31. Time devoted to caregiving by parents of children with disabilities had been recognized for the purposes of social security until 1999, when the Government had introduced a pension system based on individual contributions. Such parents had then received a special benefit from the State budget rather than the social security budget. The Government had recently reviewed and amended its legislation on the social protection of parents of children with disabilities. As from 1 January 2017, years spent caring for children under 18 with serious disabilities would count as pensionable years.

32. **Ms. Gherganova** (Republic of Moldova) said that social housing was provided in accordance with legislation passed in 2015. Persons wishing to apply for social housing needed to register with the local authorities. In order to be eligible, they had to fulfil certain conditions such as not possessing property of their own. Priority was given to persons living in unsanitary accommodation, persons with disabilities who were unable to work, carers of children with disabilities, large families and parentless children who reached the age of majority and did not live in State-provided housing. Payment of social benefits was also contingent upon certain factors: beneficiaries had to be registered with the National Employment Agency and to be actively seeking work. If they refused an offer of employment from the Agency they could be removed from the list of beneficiaries.

33. **Ms. Dumbrăveanu** (Republic of Moldova) said that, although decisions concerning social housing were generally taken by local authorities, national-level projects also existed. In all cases, however, the major constraint was the limited availability of financial resources, which meant that the coverage of social housing was necessarily limited.

34. **Ms. Zatîc** (Republic of Moldova) said that the Government had given priority to tackling poor nutrition, which was a major cause of disease. A national food and nutrition programme had been launched in 2014. It included measures to reduce the use of certain
pesticides and to address the issue of additives in processed foods. Mandatory labelling requirements had been introduced whereby additives and quantities of salt, sugar and other elements had to be clearly indicated on food packaging. Stricter advertising standards had been applied to unhealthy food products and the use of children in such advertisements had been banned. The sale of certain foods in the proximity of schools had also been prohibited.

35. Measures had been taken in recent years to develop and modernize medical services, improve access to them and provide ongoing training to medical staff. As a result of those efforts, there had been significant improvements in quality. One major focus was to reduce the social isolation of certain vulnerable groups such as persons with disabilities, rural and Roma communities and migrants. Through the Health Development Strategy 2008-2017 and other policies, the Government sought to provide those groups with the same level of care as the rest of the population, on the basis of the principles of respect, non-discrimination and gender equality. According to medical insurance authorities, 80 per cent of the population had access to medical services and the Government was taking action to extend coverage to the entire population by encouraging people to take out medical insurance and offering reduced premiums for certain categories. Persons with disabilities received support directly from the Government and enjoyed equal access to all the medical services covered under the national health insurance.

36. Studies had revealed that members of the Roma community were inadequately informed about the medical services available to them. The authorities were seeking to bridge that gap through information campaigns so that the Roma would have access to health care on an equal footing with the public at large. As medical data were not disaggregated on the basis of ethnicity, she was unable to provide specific information about higher levels of respiratory or other diseases among the Roma. However, the use of tobacco was regulated by a special national programme and there were laws banning smoking in public places and the sale of tobacco products to minors. Anti-smoking campaigns, some of which were aimed at the Roma population, were carried out on a regular basis.

37. In 2016, MDL 6 billion had been allocated to improve access to medical facilities. Primary medical services were provided free of charge and emergency assistance, which included testing for early signs of a wide range of diseases, was available to the entire population, regardless of medical insurance status. Although the Roma were also covered by those provisions, the fact that they often did not possess identity documents did effectively hinder the exercise of their right to medical assistance. Private data, including the medical records of HIV/AIDS sufferers, were protected under the law. Cases involving the unauthorized release of confidential personal information were reviewed and those responsible were prosecuted.

38. The Chair said that the delegation had informed her that replies to questions concerning environmental health would be provided in writing.

39. Mr. Kerdoun (Country Task Force) said that he was pleased to see that the authorities of the State party had highlighted the outstanding importance of education, which was also enshrined in the 1994 Constitution. The Republic of Moldova was a multi-ethnic State where minorities accounted for a large proportion of the population. The State had instituted the Inclusive Education Development Programme 2011-2020 and he understood that minority languages — including Russian, Ukrainian and Gagauz, as well as Bulgarian, Polish and German — were used as teaching languages or taught as subjects in school.

40. Nonetheless, he remained concerned that integration efforts did not seem to have been entirely successful and that certain groups in society still had limited access to education. For example, steps to integrate children with disabilities and/or special educational needs had apparently met with some resistance, including at an administrative level. Roma children also faced obstacles in exercising their right to education, and greater efforts needed to be made to tackle that issue and the social segregation that affected the Roma at a wider level. In that connection, he wished to know what results had been achieved by the State Action Plan for supporting the Roma population for 2011-2015.
41. Children in rural communities also had difficulties in gaining access to education. Many schools in rural areas had closed down and a lack of transport meant that children living in those areas were often compelled to abandon their education altogether. He wondered if the delegation could explain the reason for the school closures and, more generally, tell the Committee what measures the Government was contemplating to tackle that worrying state of affairs. The authorities should consider recruiting young teachers in rural areas as well as in Transnistria and the autonomous territorial unit of Gagauzia, where the State apparently had little influence, particularly in the field of education.

42. The authorities had recognized that the national education system was beset by many other problems. Education was underfunded and schools were poorly equipped, particularly with information technology resources. Although primary and secondary education were provided free of charge, and enrolment rates, particularly in primary education, were over 90 per cent, dropout rates were also high. Another major problem was the low social status of teachers. People did not want to go into teaching, as the profession was poorly paid. Salaries had fallen sharply with respect to the national average and scarcely reached the subsistence level.

43. He would be interested to hear the delegation’s views about the shortcomings of the national education system as a whole. The Committee would like to receive an update on the progress of the Inclusive Education Development Programme 2011-2020 and to hear about any government programmes or policies for the improvement of the system, inter alia through international cooperation.

44. Mr. Crudu (Republic of Moldova) said that 82 per cent of the students in the education system were taught in Romanian; students belonging to ethnic minorities were taught in their mother tongue. In each case, the language of instruction was chosen by the student’s family.

45. Segregation did not exist in the education system, as the same rules applied to all sectors of the population and all parts of the country. While the Government had seen some success in recent years as a result of its efforts to increase school enrolment among Roma children, including the construction of preschools and the provision of free textbooks, some Roma families simply did not want to send their children to school. In some areas with large Roma populations, the local ombudsman visited families each morning to remind them to get their children ready for school. The Ministry of Education was committed to exploring further options for improving school attendance among Roma children. With assistance from Romania, the Government had introduced transport services to enable vulnerable students and those who lived in remote areas to travel to school.

46. Funding for education currently stood at 7 per cent of the country’s gross domestic product (GDP), a slight decrease from previous years. In schools with fewer than 100 students, funding for teaching staff and technical equipment remained a challenge. The Government was striving to implement models from other European countries to improve conditions in those small schools. While education was compulsory from the age of 7, parents could choose to send their children to school at the age of 6, which had resulted in an additional 1,000 children attending school in 2017.

47. The Government’s strategy for inclusive education had achieved some results, notably a steep reduction in the number of students attending special schools, from 11,000 in 2007 to 1,100 in 2017. Approximately 900 of the 1,300 schools in the country had students with disabilities. Throughout the country, the parents of children with disabilities were provided with support to enable their children to attend school. Work remained to be done to further integrate children with disabilities and to educate parents who did not wish to send their children to school. The Government expected to see significant progress by 2020 in the integration of children with disabilities at the preschool level.

48. Steps were being taken to encourage more teachers to work in rural areas. In recent years, between 20 and 28 Roma students per year had continued into higher education. Schools did not record data on the ethnic or social background of students. Given that the funding earmarked by the Government for the education sector for 2018-2019 might prove insufficient, the Ministry of Education would endeavour to ensure that that funding was used efficiently. The Republic of Moldova had received assistance for its education system.
The Government had undertaken improvements to the country’s cultural infrastructure and had received support from European countries, including Romania, to develop museums and theatres. A number of festivals were held around the country, including an intercultural festival to celebrate the cultural heritage of the ethnic minorities present in the Republic of Moldova.

In 2016, a pilot project had been implemented to teach schoolchildren about anti-corruption legislation. The Government was focusing its efforts on ensuring that families understood the importance of stamping out corruption in the context of school examinations.

In 2015 and 2016, two districts had piloted sex education courses for students between the ages of 11 and 18. While society remained divided on the introduction of such courses, they had been made mandatory in some schools.

In the area of water and sanitation, in 2014 the Ministry of Education had adopted common minimum standards for schools in both urban and rural areas. With assistance from the World Bank, 21 schools in rural areas would be upgraded to meet those standards and to improve access for students who were wheelchair users.

Ms. Dumbrăveanu (Republic of Moldova) said that salary scales for public employees were reviewed on an annual basis. Average salaries in the education sector were on a par with those in other sectors.

Mr. Uprimny said that he would like to hear the delegation’s comments with regard to the alleged lack of integration of ethnic minorities in the education system. He was concerned at reports that the Government no longer allowed names to appear in Russian on identity documents. The Committee would welcome information on Internet access in the State party.

Ms. Shin said that she would be grateful for additional details of how the State party guaranteed the rights to education and cultural life for speakers of minority languages.

Mr. Crudu (Republic of Moldova) said that it was compulsory for students belonging to ethnic minorities to study their mother tongue and the history and culture of their ethnic group at all levels of schooling. It was important that those students should also learn Romanian in order to be able to fully integrate into society. Specialized education was also provided in Russian at all levels.

All schools in the Republic of Moldova were connected to the Internet and were able to use e-books and e-journals. Even in the most remote villages, parents could access information about their children’s studies and school attendance through dedicated online portals.

Identity cards were printed in Romanian and English and did not contain a reference to the holder’s ethnic background.

Mr. Chen (Country Rapporteur) said that he wished to extend his thanks to the delegation for the frank and constructive dialogue that had taken place.

The meeting rose at 12.55 p.m.