



**International covenant
on civil and
political rights**

HUMAN RIGHTS COMMITTEE
Ninety-fifth session
New York, 16 March-3 April 2009

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

**Constitutional and legal framework within which the Covenant
and the Optional Protocol are implemented (art. 2)**

1. Please cite examples of cases and if available, statistics in which the provisions of the Covenant have been invoked before and by the courts and to what effect.
2. Please provide detailed information on the legislation and policies adopted by the State party to fight corruption, and on progress made and difficulties encountered in implementing them. Please also comment on reports that anti-corruption law enforcement agencies have at times been used to harass political opponents. (CCPR/C/MDA/2, paras. 127, 272, 277-278)
3. Please provide detailed information on the mandate of, and the human and financial resources allocated to, Parliamentary Advocates and the Centre for Human Rights. Please also provide updated information on the number and nature of complaints addressed to these bodies over the past five years, the investigations undertaken by them and their outcome, as well as information on the measures taken by the relevant authorities by way of follow-up on their recommendations. (CCPR/C/MDA/2, paras. 143-147, 213, 219, 228-229, 233-234, 240, 248, 322, 375, 442, 453, 475, 483, 575-576, 619, 623-624) What steps has the State party taken to increase awareness about the existence and functions of these bodies among the general public?

Counter terrorism measures and respect for rights guaranteed in the Covenant

4. Please provide additional information on the counter-terrorism legislation and policies adopted by the State party. Is there a definition of terrorism, and are there any derogations from ordinary criminal law and procedure in the Law on Combating Terrorism (Law No. 539-XV of October 2001)? Does any part of this legislation amount to a derogation from rights guaranteed by the Covenant? (CCPR/C/MDA/2, paras. 127, 172-182)

Non-discrimination and equality (arts. 2 and 26)

5. Does the State party envisage reviewing the existing anti-discrimination legislative framework and adopting comprehensive anti-discrimination legislation prohibiting discrimination in all areas of life and on all grounds, including in particular, ethnic origin and sexual orientation?

6. Please provide detailed information on the effectiveness of the efforts undertaken by the State party to combat discrimination against persons belonging to ethnic and national minorities, including Roma and immigrants of African and Asian origin, in the fields of employment, housing, healthcare, education, social assistance and access to public services. Please also provide updated information on the measures - including training for judges, prosecutors and law enforcement officers - adopted by the State party to ensure that racially motivated offences are effectively investigated and perpetrators are prosecuted and punished.

7. Please comment on reports that discrimination based on sexual orientation appears to be widespread at all levels of society, and indicate what measures the State party intends to take to combat this form of discrimination, including training programmes for police officers and health-care professionals, as well as campaigns aimed at raising awareness among potential victims of their rights and the existing mechanisms for redress.

Equality between men and women (arts. 2, 3, 23, 25 and 26)

8. Please provide detailed information on the measures, including awareness-raising programmes, adopted by the State party to implement the Law on Equal Chances for Women and Men and the National Plan for the Promotion of Gender Equality in Society 2006-2009. Please also provide detailed information, including recent statistical data, on progress made in increasing (a) the political participation of women, including representation in Parliament, Government, and other public positions; (b) representation of women in managerial and high-ranking positions in the public service, including the judiciary, the police, and academia; and (c) representation of women in managerial and high-ranking positions in the private sector. (CCPR/C/MDA/2, paras. 160-168)

9. Does the State party intend to raise the minimum legal age of marriage for women to the same age as that for men, in line with articles 2, 3, 23 and 26 of the Covenant? (CCPR/C/MDA/2, paras. 678-680)

10. Please provide additional information, including recent statistical data, on the measures adopted by the State party pursuant to the Law on Protection of Reproductive Health and Family Planning to reduce the high abortion rates and to eliminate the use of abortion as a method of family planning. What measures does the State party intend to take to improve access to sexual and reproductive health services, including access to family planning and information about contraception and family planning methods, in particular for rural women? (CCPR/C/MDA/2, paras. 187-193)

Prohibition of torture and inhuman and degrading treatment and punishment (art. 7)

11. Please indicate what measures the State party intends to adopt to increase safeguards against torture and ill-treatment in police custody, and to ensure that allegations of torture and ill-treatment are promptly and thoroughly investigated and that perpetrators are prosecuted and punished. Please also provide detailed information on the number of complaints registered by the Courts and the Parliamentary Advocates concerning alleged acts of torture and ill-treatment perpetrated by law enforcement officials, on prosecutions launched and sanctions imposed on law enforcement officials, as well as information on reparation awarded to victims. (CCPR/C/MDA/2, paras. 23, 213-225, 331-334)

Prohibition of slavery or forced or compulsory labour (arts. 8 and 24)

12. Please provide detailed information on the implementation of the existing legal framework to combat trafficking in human beings, in particular women and children, and indicate what measures have been adopted to prosecute traffickers and to provide assistance and protection for victims. Please also provide updated statistical data on this phenomenon, disaggregated on the basis of gender, age and country of origin, as well as information on the number of prosecutions, convictions and sanctions imposed on perpetrators. (CCPR/C/MDA/2, paras. 272-290)

Liberty and security of the person (art. 9)

13. Please explain whether persons in police custody have access to a lawyer during the initial period of interrogation, as provided for in articles 9 and 14 of the Covenant. Please also comment on the reported excessive length of custody in police cells and pre-trial detention, and on the alleged lack of separation between detainees awaiting trial and convicted prisoners. (CCPR/C/MDA/2, paras. 298-322)

Treatment of persons deprived of liberty (art. 10)

14. Please provide detailed information on the measures adopted by the State party to reduce overcrowding and improve living conditions in police detention facilities and prisons, which reportedly remain harsh and sometimes life-threatening, especially for tuberculosis patients and prisoners serving life sentences. Please also provide detailed information on the mandate of, and the human and financial resources allocated to, the Committee for Complaints. (CCPR/C/MDA/2, paras. 30-37, 226-263, 323-386, 435)

Right to a fair trial before an independent and impartial tribunal (art. 14)

15. In addition to the information contained in the report, please provide further information on measures taken to ensure that the judiciary is independent from the executive branch, free from political pressure and protected from corruption. Please also provide information concerning the measures the State party intends to adopt to address effectively the main problems concerning the proper administration of justice, including (a) non-execution of court decisions; (b) inefficient and unprofessional administration of courts; (c) lack of adequate courtrooms; and (d) shortage of interpreters. (CCPR/C/MDA/2, paras. 128; 435-486)

Juvenile justice (arts. 9, 10, 14 and 24)

16. Please provide detailed information on the legal framework for the administration of juvenile justice. Please provide, in particular, information on the measures that the State party intends to adopt to avoid children being tried and sentenced as adults and detained in adult detention facilities, and to ensure that detention of children is limited to cases where it is strictly necessary.

**Violence against women and children and right of children
to be protected (arts. 3, 7, 8 and 24)**

17. Please provide further information on the legal framework existing in the State party to prevent and combat violence against women. Please include detailed information on the content and scope of the recently adopted law on preventing and combating domestic violence, and indicate (a) the means of redress and protection available to victims of domestic violence, and (b) the number of shelter facilities available in the State party for such persons as well as their capacity. Please also provide detailed information on the measures adopted by the State party to ensure that judges, prosecutors, law enforcement officers, health-care providers, social workers and the public at large are familiar with this legislative framework, as and to raise awareness among potential victims of their rights and of the existing mechanisms for redress. (CCPR/C/MDA/2, paras. 166-168, 688-692)

18. Please provide information on the implementation of the legislation adopted by the State party to prevent and punish all forms of violence and sexual and economic exploitation against children, including the worst forms of child labour. Please also provide recent disaggregated data on the number of children who are or were victims of sexual and economic exploitation over the last five years, including the rates of prosecution and conviction, as well as the average sentences, penalties and compensation granted to victims.

Freedom of religion (art. 18)

19. Please provide detailed information on the measures adopted by the State party to combat religious intolerance and harassment perpetrated by public authorities, particularly the police, against persons belonging to minority religious groups, especially Muslims. Please also provide information on the steps undertaken to improve the mechanism of registration of religious groups so as to avoid unnecessary bureaucracy and ensure that any refusals of registration are based on objective criteria and are subject to judicial review. (CCPR/C/MDA/2, paras. 545-551)

Freedom of opinion and expression (art. 19)

20. Please comment on reports that freedom of the press has deteriorated in recent years and that journalists are often intimidated into practicing self-censorship. Please provide detailed information, including specific examples, on measures taken by the State party to ensure that allegations of politically motivated intimidation or harassment of journalists are promptly and impartially investigated and perpetrators prosecuted and punished. (CCPR/C/MDA/2, paras. 552-597).

Rights of persons belonging to minorities (arts. 25, 26 and 27)

21. Please indicate what measures the State party has taken to promote the equitable representation of persons belonging to ethnic, national or linguistic minorities, in particular Roma, in Parliament, Government, the judiciary and other positions in the public service, including the police. Please provide recent statistical data, disaggregated on the basis of ethnic or national origin, language and gender regarding the participation of persons belonging to minorities in publicly-elected and appointed bodies, as well as in the judiciary and the public administration.

22. Please provide detailed information on the implementation of the 2007-2010 Plan of Action (Government Decision No. 1453 of 21 December 2006) to provide support for Roma and on the concrete outcome of measures taken to combat discrimination against Roma, in particular in the sphere of housing, employment, education, access to healthcare and social welfare. Please also indicate the extent to which Roma can participate effectively in the implementation and monitoring of the plan of action.

23. Please provide detailed information on progress made, and difficulties encountered, in implementing the legislation on the use of minority languages in contacts with public authorities, and indicate to what extent such languages are effectively used before the courts and administrative authorities of the State party. Please also provide additional information on the measures taken to enhance the opportunities for members of national minorities, including Roma, to receive instruction in their language and on their culture at the primary and secondary school levels. (CCPR/C/MDA/2, paras. 731; 740-761)

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

24. Please indicate what steps the State party has taken to disseminate information about the submission of the present report, its examination by the Committee and the Committee's previous concluding observations on the initial report. Please also provide information about the measures taken to raise public awareness of the Covenant and its Optional Protocol among judges, public officials, police and law enforcement officers, legal advisers and the public at large.
