



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues prior to submission of the fourth periodic report of the Republic of Moldova\*

#### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations,<sup>1</sup> including any relevant statistical data. Please indicate which mechanisms are in place for the implementation of the Committee's Views under the Optional Protocol to the Covenant and provide information on measures taken to ensure full compliance with each of the Views adopted in respect of the State party.
2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts.

#### B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. In connection with the previous concluding observations (paras. 5 and 6), please provide information on measures taken or planned in order to ensure that individuals in the Transnistrian region can effectively enjoy their rights guaranteed under the Covenant. Please include information on any outreach to the de facto authorities in Transnistria regarding human rights issues. Please report on steps taken to guarantee access to effective remedies for residents of Transnistria.

4. In connection with the previous concluding observations (paras. 9 and 10) and the Committee's evaluation of the follow-up report thereon,<sup>2</sup> please provide information on the effective implementation of the National Human Rights Action Plan for 2018–2022, including information on the human and financial resources that have been allocated, and the measures undertaken or envisaged, to ensure an inclusive and participatory process for developing the next Plan. Please provide information on the monitoring and evaluation mechanism for the Plan under the responsibility of the National Human Rights Council

\* Adopted by the Committee at its 138th session (26 June–26 July 2023).

<sup>1</sup> CCPR/C/MDA/CO/3.

<sup>2</sup> See CCPR/C/131/2/Add.4.



established in 2019, including the role of Parliament and any other oversight mechanisms in place.

5. With reference to the previous concluding observations (paras. 7 and 8), please report on measures taken to ensure that the People's Advocate Office and the Equality Council are provided with adequate resources to carry out their mandates effectively, including on measures to strengthen their financial independence. Please provide information on measures taken to strengthen the mandate and legal authority of the Equality Council and to ensure prompt implementation of its recommendations by public authorities.

#### **Anti-corruption measures (arts. 2 and 25)**

6. Please report on measures taken to combat corruption effectively, including high-level corruption involving Members of Parliament, senior officials and members of the judiciary. Please include information on measures to ensure thorough, prompt, independent and impartial investigations and provide details of investigations undertaken into high-level corruption allegations, including any punishment imposed. Please provide information on the mechanisms in place to ensure transparency on the outcomes of corruption investigations, and measures taken to ensure the effective protection of whistle-blowers. Please outline the steps taken to strengthen the mandate, independence and operational capacity of the Anti-Corruption Prosecution Office, the National Anti-Corruption Centre and the National Integrity Authority.

#### **Non-discrimination (arts. 2, 20 and 26)**

7. With reference to the previous concluding observations (paras. 11 and 12), please report on measures taken and progress achieved towards addressing discriminatory attitudes, hate speech and hate crimes faced by minorities in the State party, including ethnic and religious minorities, refugees, persons with disabilities, and lesbian, gay, bisexual, transgender and intersex persons. Please include information on measures taken to ensure that hate speech and hate crimes towards minorities, including the Roma and Jewish communities, and lesbian, gay, bisexual, transgender and intersex persons, are adequately investigated, perpetrators are appropriately punished and victims are provided with effective remedies. Please report on steps taken to address misogynistic smear campaigns and hate speech targeted at female politicians, such as incidents reported in the context of national elections in 2020 and 2021. Please indicate what measures have been taken to ensure that transgender individuals have access to predictable and timely procedures to modify their sex in civil status and identity documents, in line with human rights standards.

#### **Gender equality (arts. 3, 25 and 26)**

8. With reference to the concluding observations of the Committee on the Elimination of Discrimination against Women<sup>3</sup> (paras. 18 and 19, and 26 and 27), and to the Human Rights Committee's previous concluding observations (para. 14), please report on measures taken and progress achieved in increasing the representation of women at the decision-making level, including in the Government, the foreign service, the civil service, and the security and defence forces. Please provide information on steps taken to address gender stereotypes concerning the role of women in the family and in society, and measures to facilitate women's access to the labour market, such as the provision of affordable childcare.

#### **States of emergency (art. 4)**

9. Please provide information on the legal framework governing public emergencies, including with regard to the mandate and accountability of the Commission for Emergency Situations, and the provisions in place for declaring and lifting a state of emergency. Please provide information on any derogations or restrictions to rights guaranteed under the Covenant made under the state of emergency declared on 24 February 2022, including with regard to how any such measures were strictly required by and proportional to the exigencies

<sup>3</sup> CEDAW/C/MDA/CO/6.

of the situation and whether they were limited in duration, geographical coverage and material scope.

**Violence against women, and domestic violence (arts. 2, 3, 6, 7 and 26)**

10. With reference to the Committee's previous concluding observations (para. 16), please report on progress made in preventing and combating violence against women including domestic and sexual violence, including in the context of the State party's response to the coronavirus disease (COVID-19) pandemic. Please include information on measures taken to address stereotypes which contribute to the high prevalence of psychological abuse and physical violence against women and the underreporting of cases involving such conduct, as well as on other barriers to reporting, including shame, fear, and distrust of the police and health-care professionals. Please report on steps taken to ensure that all allegations of domestic violence are promptly, thoroughly and effectively investigated and that perpetrators are punished with commensurate sanctions. Please provide information on measures taken to ensure that victims have access to effective remedies and means of protection, including specialized shelters and other support services, particularly in rural areas, and that victims are not revictimized in their interactions with the justice system. Please include information on training provided to law enforcement officials, judges and prosecutors to ensure they are able to respond promptly and effectively to cases of domestic violence.

**Sexual and reproductive rights (arts. 2, 6 and 7)**

11. With reference to the Committee's previous concluding observations (paras. 17 and 18), please provide information on measures taken and progress achieved towards raising awareness and providing education on sexual and reproductive health and ensuring access to affordable contraceptives, particularly among adolescents and in rural areas. Please comment on reports that sex workers and women who use drugs often face stigma and discrimination, breaches of confidentiality, and inadequate treatment when accessing sexual and reproductive health services.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)**

12. Please provide information on steps taken to ensure that all allegations of torture and ill-treatment are promptly, thoroughly and impartially investigated, that perpetrators are brought to justice and receive sanctions commensurate with the gravity of the offence, and that victims receive effective remedies and rehabilitation. Please report on steps taken to enable the Council for the Prevention of Torture to perform its function as the national preventive mechanism effectively. With reference to the Committee's previous concluding observations (para. 36) relating to abuse by law enforcement officials of protesters following the April 2009 elections, please provide detailed information on progress made in ensuring that those responsible are brought to justice, including those with command responsibility, and that sanctions handed down to perpetrators are commensurate with the gravity of the crimes committed. Please also provide detailed information on reparations provided to the victims, including compensation and rehabilitation.

13. With reference to the previous concluding observations (para. 24) and the Committee's evaluation of the follow-up report thereon,<sup>4</sup> please explain measures taken and progress achieved towards addressing abuse and ill-treatment of persons with psychosocial and/or intellectual disabilities in residential institutions and psychiatric hospitals. Please provide detailed information on legal and operational safeguards in place relating to involuntary detention and non-consensual treatment and clarify whether non-consensual termination of pregnancy is permitted under existing legislation. Please provide information on all allegations of abuse and ill-treatment of persons with disabilities within the reporting period, including the number and nature of complaints submitted, investigations undertaken and their outcomes, including details of any reparations made to victims.

<sup>4</sup> See CCPR/C/131/2/Add.4.

### **Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)**

14. With reference to the Committee's previous concluding observations (paras. 19 and 20), please report on measures taken during the reporting period to combat trafficking in persons, including trafficking of children. In particular, please describe the measures taken to: (a) improve the identification of victims, including through a strengthened labour inspection regime; (b) ensure effective prosecutions and convictions for trafficking, including, where appropriate, of complicit officials; and (c) provide protection to victims, including by preventing intimidation of them during and after investigations and court proceedings. Please report on progress in establishing an efficient and adequately funded system of assistance and support for all victims of trafficking, irrespective of their willingness to participate in criminal proceedings, including specialized shelters, legal and medical assistance and rehabilitation services. Please indicate the steps taken to ensure victims are made aware of their rights and the support available to them, including through the provision of information in different languages, and measures taken to facilitate victims' access to justice and remedies.

### **Treatment of persons deprived of their liberty (arts. 7 and 10)**

15. With reference to the previous concluding observations (paras. 27 and 28) and the Committee's evaluation of the follow-up report thereon,<sup>5</sup> please provide information on measures taken to improve conditions in prisons and detention facilities, with a particular focus on understaffing, overcrowding and inter-prisoner violence. Please include data on the construction of new prison and detention facilities and on the use of non-custodial sentences such as electronic monitoring, parole and community service. Please report on steps taken to provide access to an adequate level of health care for all persons deprived of their liberty, including in police custody and in psychiatric hospitals and institutional care settings. With regard to conditions in psychiatric hospitals and residential institutions, please report on steps taken (a) to reduce overcrowding; (b) to improve living conditions; and (c) to strengthen the capacities of personnel to act in cases of conflict or aggressive behaviour.

### **Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 7, 9, 13 and 24)**

16. Please provide information on steps taken (a) to strengthen the capacity of the asylum system to process applications; (b) to ensure effective access to asylum procedures for all who intend to seek asylum in the State party, including at Chisinau International Airport; and (c) to guarantee that asylum applications are assessed within a reasonable time frame and with full respect for due process. Please report on steps taken to ensure that vulnerable categories of asylum-seekers, including unaccompanied minors, mothers with children, persons with disabilities, and members of ethnic minorities, particularly Roma, are not subjected to discriminatory treatment, intimidation or abuse, including in temporary reception centres. Please report on the legal and policy framework for ensuring that all children born on Moldovan territory are issued with birth certification and that every child has a nationality, in accordance with article 24 (3) of the Covenant. Please include information on the status of the pending draft amendment of the citizenship law.

### **Access to justice, independence of the judiciary, and fair trial (arts. 2 and 14)**

17. Recalling the Committee's previous concluding observations (paras. 29 and 30), please report on measures taken to ensure the proper administration of justice in the State party. Please include information on measures taken to strengthen the integrity and independence of the judiciary and the public prosecution service, including measures to strengthen the independence of the Superior Council of Magistracy from political interference, clarifying, *inter alia*, whether objective criteria have been established for the appointment of judges. Please report on measures taken to improve the efficiency of the administration of justice, notably with regard to addressing the reported backlog of cases and delayed enforcement of court decisions. Please also explain how the State party ensures

<sup>5</sup> Ibid.

effective access to justice, including access to free legal aid, particularly for those in situations of vulnerability, without discrimination.

**Freedom of conscience and religious belief (arts. 2, 18 and 26)**

18. Please explain how requiring conscientious objectors to register with a religious or pacifist organisation in order to be recognized is compatible with article 18 of the Covenant. Please clarify whether alternative civilian service would remain available to conscientious objectors in a time of general mobilization or war.

**Right to privacy (art. 17)**

19. Please indicate the legal safeguards applied to the State party's surveillance regime, in particular as regards interception of mail, phone and Internet communications, and provide information on any independent mechanisms to oversee such surveillance. Please update the Committee on the content and status of the draft laws on the intelligence and security service and on counterintelligence and external intelligence activity, registered by Parliament on 17 November 2022. Please comment on allegations that the authorities engage in targeted surveillance of journalists and human rights defenders, and report on any investigations conducted into these cases, their outcomes, and remedies provided to the victims.

**Freedom of expression (arts. 19 and 20)**

20. With reference to the previous concluding observations (paras. 31 and 32), please report on progress made in addressing harassment and intimidation of journalists, including through the use of civil defamation laws, and threats made online and in the context of protests. Please indicate measures taken to strengthen the independence of the media, and to ensure that the amendments in 2021 to the Code of Audiovisual Media Services do not compromise media independence or encourage politicization of the media. Please report on measures taken to address hate speech and disinformation and provide detailed information regarding the blocking of a number of media websites and the suspension of a number of broadcasting licences in 2022, including details of the legal bases applied. Please provide information on steps taken to ensure access to publicly held information free of charge and without undue restrictions or delays.

**Right of peaceful assembly (art. 21)**

21. Recalling the Committee's previous concluding observations (para. 34), please provide information on the legal safeguards that ensure that restrictions to the right of peaceful assembly approved under Order 42 on 13 October 2022 by the Commission for Emergency Situations comply with the requirements of the Covenant and general comment No. 37 (2020) on the right of peaceful assembly. Please provide information on the content and status of the draft law amending Law No. 26/2008 on assemblies and explain how the amendment will effectively safeguard the right of peaceful assembly. Please provide information relating to the reporting period on (a) any protests which have not been allowed or which have been dispersed, in particular protests by the political opposition, including details of the legal basis; (b) detention of and judicial proceedings brought against protesters; and (c) information on any complaints received in relation to the disproportionate use of force by law enforcement officials during protests.

**Freedom of association (art. 22)**

22. Please indicate steps taken to ensure a safe and enabling environment for non-governmental organizations. Please provide information on measures taken to ensure that non-governmental organizations working to promote and defend human rights are not subject to threats and intimidation by public authorities, including smear campaigns against representatives of such organizations through the mass media and on the Internet, particularly if they criticize decisions taken by the Government.

**Rights of the child (arts. 23, 24 and 26)**

23. With reference to the Committee's previous concluding observations (paras. 39 and 40), please report on measures taken to develop a comprehensive and effective juvenile justice system, including by ensuring (a) that detention and incarceration are used only as a last resort and for the shortest possible period of time; (b) that adequate reintegration and rehabilitation services are available to children who come into conflict with the law; and (c) that children are able to access appropriate legal assistance. Please provide information on measures taken to protect children from all forms of violence, including domestic and sexual violence, as well as measures to protect children from neglect and exploitation, including forced begging. Please clarify the minimum age for marriage for women and men, and provide information on measures taken to address child marriage.

**Rights of minorities (art. 27)**

24. Please provide information on measures taken to ensure that ethnic, linguistic and religious minorities, including Roma, are adequately represented in elected bodies and public authorities, and are able to meaningfully participate in the conduct of public affairs. Please indicate steps taken to ensure that minorities are able to effectively access public services, including measures taken to strengthen access to education in minority languages and to ensure that language is not a barrier to accessing higher education. Please report on progress achieved in addressing the marginalization of the Roma community and guaranteeing the rights of all minorities, including through implementation of the National Programme of Support for the Roma Population 2022–2025 and the Programme on the Implementation of the Strategy for Consolidation of Inter-ethnic Relations in the Republic of Moldova 2017–2027.

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