

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review:

2nd Cycle, 26th Session

REPUBLIC OF MOLDOVA

I. BACKGROUND INFORMATION

The Republic of Moldova (Moldova) acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*) in 2002. The State acceded to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) and the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*) in 2012.

Moldovan asylum legislation is largely in line with international standards, although certain areas for improvement are described in **Issue 2** below. The first *Law on the Status of Refugees* entered into force in 2003. In 2005, the *Law on the Status of Refugees* was amended to include a complementary form of protection, called “humanitarian protection”. The current *Law on Asylum*¹ entered into force in March 2009 and it was drafted with the participation of UNHCR and the civil society.

The Refugee Directorate (RD), part of the Bureau for Migration and Asylum (BMA) within the Ministry of Internal Affairs (MIA), is the refugee authority responsible for:

- Registering asylum-seekers and conducting refugee status determination (RSD) procedures;
- Granting, reviewing, and withdrawing protection; registering applicants for statelessness status and conducting statelessness determination procedure (SDP);
- Implementing integration programs; and
- Managing state financial assistance provided to beneficiaries.

The Border Police Department (BPD) under the MIA deals with integrated border management, preventing and combating irregular migration and cross-border crime. UNHCR

¹ *Law on Asylum in the Republic of Moldova* No. 270 of 18 December 2008, Monitorul Oficial No. 53-54 of 13 March 2009, available at: <http://lex.justice.md/md/330978/>.

does not hold records on BPD not granting access to the territory to asylum-seekers. Asylum-seekers would not be penalized for illegal entry or stay in the territory of the country. Asylum seekers' referral from the border to the RD is performed based on an *Agreement* between BPD and BMA.

The RD runs the Temporary Accommodation Centre (TAC), an open, temporary shelter for asylum-seekers and vulnerable refugees, with a 250 people capacity. All RD decisions, including those on asylum and statelessness, can be challenged in court. Free State-funded legal aid is provided by the National Legal Aid Council (NLAC) to all persons who do not have the means to cover the expenses of a private lawyer.

The Moldovan President has the prerogative to grant Moldovan citizenship. In case of citizenship applications submitted by refugees, beneficiaries of humanitarian protection and stateless persons, the RD provides reasons for granting or rejecting citizenship before a specialized Commission under the President.

In 2014, Moldova signed the *Association Agreement (AA)* with EU. According to Article 14 of the AA, the cooperation will be focused on “the development and implementation of national legislation and practices, with a view to satisfying the provisions of the [1951 Convention] and to ensuring the respect of the principle of non-refoulement. A *National Action Plan* has been approved in order to ensure Moldova's political association with and economic integration in the EU.

Since the ratification of the AA, the authorities have initiated the development of a *Contingency Plan*, establishing guidelines on interviewing vulnerable persons, and elaborating methodology tools on researching country of origin information. There is still room for improvement on the approximation of the *Law on Asylum* with EU law and best European practices; the approval of the *2015-2020 Action Plan on the implementation of the National Strategy on Migration and Asylum*; and the implementation of an *Inter-institutional Agreement on foreigners' integration*.

Refugees and asylum-seekers:

Moldova continues to be a country of origin, transit and destination of migrants and persons in need of international protection. The Moldovan law provides asylum-seekers with various types of protection, such as granting refugee status, international humanitarian protection and temporary protection (in cases of mass influx) and political asylum which can be granted by the Moldovan President. However, temporary protection has never been granted and no official figures on asylum granted by the Moldovan President are provided.

From 2000 to 1 January 2015, a total of 2,349 persons have applied for asylum in Moldova. The number of applications has varied from 167 in 2013 to 245 and 276 in 2014 and 2015, respectively. The main countries of origin are the Islamic Republic of Afghanistan, the Republic of Iraq, Ukraine, and Syrian Arab Republic. Specifically, out of the total 276 applications in 2015 (36.23 per cent female applicants), 123 were submitted by Ukrainians, 55 by Syrians, and 23 by Iraqis. On 31 December 2015, 68 asylum applications were pending, while 446 refugees and beneficiaries of humanitarian protection were in the country.

Generally, refugees and asylum-seekers are not detained and are granted access to the territory and RSD procedures. Thus far, all asylum-seekers who have filed an asylum

application at the border have been referred to the RD. All foreigners, who filed an asylum application in the Migrant Accommodation Centre (MAC) under BMA, have been released from custody by court decisions. Asylum-seekers receive temporary identity papers, valid for one month. Refugees receive quinquennial identity cards, while beneficiaries of humanitarian protection receive annual identity cards. In contrast to the 10 years' residence requirement applicable to foreigners, refugees are entitled to apply for Moldovan citizenship after eight years of legal and habitual residence in the country. Persons married to Moldovan citizens may apply for citizenship after three years of legal and habitual residence. Children, who have lived legally in Moldova for at least five years' prior to turning 18, are also entitled to apply for citizenship.

The security environment for refugees and asylum-seekers is relatively favourable. Racism and xenophobia are not widespread in the country, although sporadic incidents of violence against foreigners have been reported.

Stateless persons:

Official data indicate that, as of 1 January 2016, there were 2,028 stateless persons with valid IDs; 664 stateless persons with expired IDs; 2,322 persons with undetermined citizenship; and 10,486 USSR passport holders.

Both the principle of *jus soli* and *jus sanguinis* are applicable in Moldova, resulting in the prevention of statelessness at birth in the territory², while multiple citizenship is not prohibited. In 2014, the Moldovan 2000 *Law on Citizenship*³ was amended. It defines the term "stateless person" and adopts measures to prevent statelessness later in life, in line with the 1961 *Convention*. According to the 2010 *Law on Foreigners*, the RD is the authority responsible for the SDP.⁴ The state issues IDs and travel documents to stateless persons.

The Moldovan *Constitution*⁵ stipulates that foreigners and stateless persons have the same rights and duties (with limited exceptions, such as elective rights or the duty to serve the military) as Moldovan citizens.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 1st cycle UPR recommendations

² Article 11 of the 2000 *Law on Citizenship*, according to which:

(1) Citizen of the Republic of Moldova shall be the child:

- a) born to parents, both or one of whom is a citizen of the Republic of Moldova, upon his/her birth.
- b) born in the territory of the Republic of Moldova, whose parents are stateless persons.
- c) born in the territory of the Republic of Moldova, whose parents possess the citizenship of another state, or one of them is stateless and the other one is a foreign citizen.

(2) The foundling found in the territory of the Republic of Moldova shall be considered its citizen, unless otherwise proven, before the age of 18.

³ *Law on citizenship of the Republic of Moldova* No. 1024 of 02 June 2000, Monitorul Oficial no. 98 of 10.08.2000. Available in Romanian at: <http://lex.justice.md/md/311522/>.

⁴ *Law on Foreigners in the Republic of Moldova* No. 200 of 16 June 2010, Monitorul Oficial No. 179-181 of 24 December 2010, available at: <http://lex.justice.md/md/336056/>.

⁵ *Constitution of the Republic of Moldova*, 29 July 1994, Monitorul Oficial No. 1 of 12 August 1994, available at: http://lex.justice.md/document_rom.php?id=44B9F30E:7AC17731.

Linked to 1st cycle UPR recommendation no. 73.62: “Work towards addressing statelessness and protecting the rights of stateless persons (Brazil)”

Accession to the *1954 Convention* and the *1961 Convention* has led to the establishment and implementation of a sound national SDP. In addition, between January 2013 and June 2015, over 212,000 persons - one in 20 Moldovans – have exchanged their old Soviet passports for valid national IDs and have thus avoided statelessness. This turned out to be one of the largest campaigns to prevent and address statelessness in Europe since the turn of the century.

Additional achievements and positive developments

Phase I of the EU funded project “*Asylum Systems Quality Initiative in Eastern Europe*” (QIEE), implemented in 2013-2015, has had a positive impact on asylum procedures in the Republic of Moldova. The knowledge and skills of Government staff have improved, in particular, in the area of decision writing, country of origin information research, as well as the protection of unaccompanied or separated children (UASC), whose recognition rate has gradually increased from 60 per cent in 2012 to 71 per cent in 2015.

A *2013 Memorandum of Understanding (MoU)* signed by the BMA, the NLAC, and the Law Centre of Advocates, UNHCR’s legal implementing partner, established a mechanism to facilitate access to free legal aid and to synchronize the provision of legal services to asylum-seekers throughout RSD procedures.

The *2012 Law on the Integration of Foreigners*⁶ provides the rights to education, employment, and social security for refugees, beneficiaries of humanitarian protection and stateless persons under the same conditions as Moldovan citizens. Specifically, refugees, beneficiaries of humanitarian protection and asylum-seekers enjoy free access to primary and secondary education. As a result of RD and UNHCR joint advocacy in 2015, they pay the same tuition fees in higher education institutions as nationals. However, this good practice is not yet provided by law.

In 2013, the Moldovan Parliament also passed amendments to the *Law on Compulsory Medical Insurance*, according to which refugees and beneficiaries of humanitarian protection who are enrolled in state integration programs are entitled to free medical insurance during their participation in integration programs.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Convention Travel Documents issued to refugees and beneficiaries of humanitarian protection

In February 2016 the Moldovan authorities have issued a first lot of CTDs to ten refugees and have thus honoured a long standing commitment and a condition provided in the *EU-Moldova Visa Liberalization Action Plan*.

Recommendations:

⁶ *Law on Integration of Foreigners* No. 274 of 27 December 2011, Monitorul Oficial No. 48 of 01 June 2012, available at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=342438>.

UNHCR recommends that the Government of the Republic of Moldova:

- a. Continue to issue CTDs to all refugees and beneficiaries of international protection in Moldova; and
- b. Ensure that the fees for the issuance of CTDs do not exceed the lowest scale of charges for national passports⁷.

Issue 2: Amendments to the national legal framework on asylum

Despite being largely in compliance with international standards, the *2008 Law on Asylum* requires further amendments to its non-refoulement provisions⁸, such as reducing exceptions to its application, and adequately reflecting the provisions of Article 32(1) of the *1951 Convention*.

Currently proposed amendments to the *2008 Law on Asylum* contain several other important improvements, such as:

- Resettlement to Moldova as a protection tool;
- Provision of audio recordings during RSD interviews for greater transparency and reliability;
- Access of refugees and asylum-seekers to higher education under the same conditions as nationals;
- Extension of IDs' validity from one to three years for beneficiaries of humanitarian protection;
- The possibility of submitting asylum applications at the regional BMA offices.

UNHCR would also like to note that the Moldovan Parliament ratified international human rights treaties, including the *1951 Convention*,⁹ with a reservation in regard to the application of the provisions only in the territory under its jurisdiction, until the full restoration of the territorial integrity of the country. Moldovan citizens residing in the breakaway Transnistrian region are not always protected against persecution, since the region is not under the control

⁷ UN High Commissioner for Refugees (UNHCR), *Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons*, jointly published by UNHCR and the ICAO, October 2013, available at: <http://www.refworld.org/docid/52b166a34.html>.

⁸ Article 11 of the *2008 Law on Asylum*:

(1) No asylum-seeker shall be expelled or returned from the border or from the territory of the Republic of Moldova.

(2) No beneficiary of a form of protection shall be returned or expelled to the country or territory, where his/her life or freedom might be threatened or where he may be subjected to torture, inhuman or degrading treatment.

(3) Without prejudice to the provisions of para. (2) and without affecting automatically the form of protection from which he/she benefits, a person who has been recognized as a refugee or who has been granted humanitarian protection may be expelled or returned from the territory of the Republic of Moldova, if:

a) there are well-founded reasons to consider that the person poses a threat to the state security of the Republic of Moldova;

b) having been convicted by a final court judgment of a serious, particularly serious or exceptionally serious criminal offence, pursuant to the provisions of the *Criminal Code* of the Republic of Moldova, the person poses a threat to the public order in the Republic of Moldova.

(4) The Refugee Directorate shall coordinate with the competent authorities with a view to establishing the existence or absence of reasons to consider that a person poses a threat to the national security or public order.

(5) The refugee or beneficiary of humanitarian protection, with regard to whom a court judgment of expulsion has been issued, pursuant to the provisions of the *Criminal Code*, shall be granted a reasonable term to perform the necessary formalities in order to be admitted into another country.

⁹ UNHCR, *Reservations and declarations to the 1951 Refugee Convention*, 1 April 2011, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention>.

of the constitutional authorities. In recent years, there have been numerous instances, where persons claimed that their human rights have been violated by the *de facto* authorities in the Transnistrian region. In their pursuit for justice and protection before the Moldovan authorities, the lack of prerequisite legal means to remedy such situations and the impossibility to enforce Moldovan law in the region has resulted in failure to provide state protection. This reality places potential victims of persecution in a legal limbo. UNHCR figures also indicate that the number of refugees originating from the Republic of Moldova is on the rise from 2,207 in 2013, to 2,224 in 2014 and 2,242 in the first half of 2015.

Recommendations:

UNHCR recommends that the Government of the Republic of Moldova:

- a. Align the *2008 Law on Asylum* with international law and standards, including the *1951 Convention's* provisions on non-refoulement;
- b. Align the cessation and annulment protection standards with the *1951 Convention*;
- c. Adopt the necessary legal framework to improve the efficiency of local integration programs;
- d. Extend the validity of IDs for beneficiaries of humanitarian protection to at least three years;
- e. Guarantee the right to a fair trial and provide effective legal remedies against decisions on forcible removal under the *2010 Law on Foreigners*;
- f. Develop a contingency plan in the event of asylum-seekers' mass influx pertaining to access to territory, and establish reception conditions and RSD procedures, in compliance with international standards; and
- g. Develop a legal framework for upholding the rights of internally displaced persons.

Issue 3: Refugee status determination procedures

The fluctuating quality of RSD interviews and decisions impact on the RD's effectiveness. While some assessments are thorough and well-reasoned, others have odd logical structures, apply inconsistent standards when assessing applicant's credibility, or are unevenly brief in certain complex cases. RD also lacks an effective and efficient quality control mechanism with regard to RSD procedure.

In 2015, 314 cases involving trafficking in persons were registered, while, in 2014, 292 cases were registered. Although a number of asylum-seekers may have been victims of trafficking, no cases have been reported. An identification and referral system of potential victims of trafficking among asylum-seekers does not seem to be in place.

Despite the fact that Moldovan law guarantees that free State-funded legal aid is to be provided to asylum-seekers at both the administrative and judicial phases of the RSD procedure, only court assistance was provided in practice.

Additionally, several asylum seekers' applications have been rejected on the grounds of national security. Neither the applicants nor their lawyers have access to files based on which the decisions have been grounded. An inter-institutional mechanism, dealing with sensitive cases, including security issues, needs to be put in place, providing safeguards and excluding potential arbitrariness, in compliance with relevant international and regional human rights standards.

Governmental institutions, including RD, face numerous difficulties which are connected to a high level of staff turnover, impacting the institutions' overall performance and negatively affecting capacity building efforts funded by, *inter alia*, UNHCR.

Recommendations:

UNHCR recommends that the Government of the Republic of Moldova:

- a. Ensure that persons who may be in need of international protection are proactively identified and registered as asylum-seekers, including at border-crossing points and in detention centres, and are provided with information about the asylum procedure and referred to the RSD procedure without delay;
- b. Establish, within the asylum procedure, an identification and referral system for victims or potential victims of trafficking, who may be in need of international protection, in order to ensure that their cases will be assessed in line with *UNHCR Guidelines on International Protection* relating to victims of trafficking¹⁰;
- c. Ensure that the requisite procedural guarantees and safeguards, including access to effective legal remedies, are available to persons applying for asylum at border-crossing points, in order to prevent them from being denied admission to the territory and RSD procedures and thus being placed at risk of *refoulement*;
- d. Provide State-funded legal aid to asylum-seekers at both the administrative and judicial phases of the RSD procedure;
- e. Improve the quality of RSD interviews and decisions by recording interviews, ensuring adequate translation services are provided, using reliable country of origin information, fully assessing the credibility of all asylum seekers, and implementing a quality control mechanism for the RSD procedure;
- f. Ensure that, where decisions are made to reject asylum applications on the basis of national security concerns, these are being made on a legally sound basis, take into full account the merits of the applicant's claim, and include adequate safeguards, particularly in cases where refusal and/or removal may constitute a violation of the principle of non-refoulement; and
- g. Implement competence based employment strategies, sets up incentives and motivation schemes aimed at retaining the most qualified staff and develop relevant and continuous training programs on asylum for judges, lawyers and other state officials.

Issue 4: Local integration

Under Moldovan law, refugees and beneficiaries of humanitarian protection enjoy the same social and economic rights as citizens. However, Moldova's difficult economic situation does not always guarantee the full exercise of those rights, such as financial support to vulnerable groups, housing, employment, and language courses.

Overall, social services remain fragmented, under-financed and often inaccessible to vulnerable persons. Refugees, asylum-seekers and beneficiaries of humanitarian protection are not always aware of their entitlements, are not empowered to claim their rights or do not have the skills and knowledge to improve their quality of life.

¹⁰ UNHCR *Guidelines on International Protection* No.7: "The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked", HCR/GIP/06/07, 7 April 2006, available at: <http://www.unhcr.org/443b626b2.html>.

The *2012 Law on Integration of Foreigners* provides means of integration for foreigners, including refugees, beneficiaries of humanitarian protection and stateless persons, including granting them free access to the social security system, primary and secondary education, medical insurance system, socio-cultural adaptation sessions (training on values and national traditions, political and administrative organization system of the country), state language courses and information and counselling on ways to access the labour market. Refugees and beneficiaries of humanitarian protection may apply for a state allowance of approximately EUR 30 for a maximum period of six months.

Despite these positive State initiatives, employment and housing remain the most pressing issues preventing UNHCR's persons of concern from achieving greater self-reliance. The lack of a clear inter-institutional mechanism to address integration and housing needs coupled with an underfinanced social security and medical care system lead to dependency on UNHCR's assistance. Moreover, the TAC's accommodation capacity and services provision to asylum-seekers is also limited due to staff shortage, including social and medical workers.

Additionally, in general, Moldovan society has limited experience and exposure to foreign cultures. The presence of refugees leads to feelings of fear and insecurity among citizens. According to a recent study,¹¹ one third of migrants face unfriendly attitudes, usually by passers by and police officers. Every fourth respondent reported having experienced unequal treatment based on his/her ethnic origin and religion, predominantly when using public transport and when communicating with public officials. This negative opinion is expressed through views that foreigners would constitute a threat to national security, the local language and culture.

Recommendations:

UNHCR recommends that the Government of the Republic of Moldova:

- a. Secure adequate State funding for the Temporary Accommodation Centre's maintenance and staffing;
- b. Develop a mechanism to identify and address the needs of vulnerable persons and persons with specific needs;
- c. Assume greater responsibility for the local integration of refugees and beneficiaries of humanitarian protection, particularly in the areas of housing, medical care, employment and language training with the implementation of integration strategies and programmes;
- d. Improve the prospects of naturalization for refugees and beneficiaries' of humanitarian protection by reducing the number of years of residency required to apply for naturalization, in line with the *1951 Convention*¹²;
- e. Ensure the equal treatment of refugees and beneficiaries of humanitarian protection, by bringing the rights extended to beneficiaries of humanitarian protection into parity with the those afforded to refugees¹³;
- f. Reduce the fees required for the extension of identity documents; and,

¹¹ International Organization for Migration, *A study on integration, hate crimes and discrimination of different categories of migrants in Moldova and Ukraine*, 2015, available at: http://www.iom.org.ua/sites/default/files/iom_booklette-07_eng.pdf

¹² Article 34 of the *1951 Convention* stipulates that "States shall as far as possible facilitate the integration and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings".

¹³ E.g. The residency requirement for applying for citizenship as a refugee is 8 years versus 10 years for BHPs; IDs for refugees are issued for 5 years versus 1 year for BHPs.

- g. Implement public awareness campaigns to combat stereotypes and prejudices among the general public.

Issue 5: Identification and registration of stateless persons

In Moldova, statelessness concerns arose as a consequence of the dissolution of the Soviet Union. Although Moldova does have a statelessness identification mechanism, the exact number of stateless persons in the country remains unclear. The majority of registered stateless persons reside in the breakaway Transnistrian region of the country, where central authorities do not have access to relevant archives and are thus unable to facilitate the naturalization process. Moreover, stateless persons have to fulfil an eight year residence requirement in order to acquire citizenship through naturalization, which is extensive compared to other countries' in Europe and the region.¹⁴

Recommendations:

UNHCR recommends that the Government of Republic of Moldova:

- a. Conduct a countrywide campaign to identify and register all stateless persons in order to establish the exact number of stateless persons in the country and ensure their access to a nationality or identification and residence documents;
- b. Ensure that persons applying for statelessness status have, in law and practice, the right to valid identity documents; and
- c. Shorten the eight year residence requirement in order to facilitate the naturalization of stateless persons, in line with the *1954 Convention*.¹⁵

Human Rights Liaison Unit
Division of International Protection
UNHCR
March 2016

¹⁴ In Austria, a six 6 years' residence requirement is needed, in Bosnia and Herzegovina, Iceland, Italy, Slovenia, Spain a five years' residence requirement is needed, in Bulgaria, Greece, Hungary, Ukraine a three years' residence requirement is needed, in Finland, Romania, Slovakia, Sweden a four years' residence requirement is needed,, in Poland a two years' residence requirement is needed.. For more information, see *Comparing Citizenship Laws: Acquisition of Citizenship*, available at: <http://eudo-citizenship.eu/databases/modes-of-acquisition>.

¹⁵ Article 32 of the *1954 Convention* stipulates that "The Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings."

ANNEX

Excerpts¹⁶ of Concluding Observations from the 1st cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedure mandate holders

Republic of Moldova

We would like to bring your attention to the following excerpts from the 1st cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to [Republic of Moldova].

I. Universal Periodic Review

Recommendation ¹⁷	Recommending State/s	Position ¹⁸
Discrimination against Minorities		
73.3. Adopt further measures to foster inter-religious communication and public culture of promoting socio-cultural and religious diversity;	Thailand	Supported
73.4. Adopt socio-economic measures aimed at ensuring the social and labour integration of the Roma minority;	Spain	Supported
73.5. Adopt measures to combat and eradicate cases of xenophobia against this minority;	Spain	Supported
73.6. Adopt comprehensive legislation on the prohibition of racial discrimination and xenophobia;	Russian Federation	Supported
73.10. Promote greater public appreciation for the importance of according equal rights for the Roma, including freedom from abuse and discrimination;	Australia	Supported
73.25. Adopt specific measures to combat discrimination against Roma;	Slovenia	Supported
73.60. Guarantee the recognition of the rights of ethnic minorities to express their own culture and identity;	Israel	Supported
73.61. Address the socioeconomic issues facing Roma, including through effective implementation and adequate resourcing of the Action Plan for the Support of the Roma People for 2011-2015, as recommended by CERD;	Israel	Supported
75.32. Strengthen the protection of minorities through a reform of its criminal code, incorporating offences punishing hate crimes and incitation to hatred as well as through ensuring the effective	Austria	Supported

¹⁶ These excerpts have been provided by the Human Rights Liaison Unit as an attachment with the call for input and can be included in the submission as an annex.

¹⁷ All recommendations made to Moldova during its 1st cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Moldova" (14 December 2011) [A/HRC/19/18](#).

¹⁸ Moldova's views and replies can be found in: *Addendum* (6 March 2012) [A/HRC/19/17/Add.1](#).

implementation and adequate resourcing of the Action Plan for the support of the Roma;		
LGBTI		
73.24. Prevent discrimination of social minorities, such as Roma people and LGBT persons and adopt a comprehensive anti-discrimination law;	Poland	Supported
73.26. Intensify its efforts to address discrimination against Lesbians, Gays, Bisexuals and Transsexuals (LGBT), and to investigate and prosecute crimes against LGBT-community members;	Norway	Supported
73.27. Redouble efforts to protect the rights of members of minority religious, ethnic and social groups and particularly focus on protecting members of the LGBT community from both official and societal discrimination;	United States	Supported
73.28. Action in order to build broad support for LGBT -rights in the new comprehensive anti-discrimination law;	Sweden	Supported
73.55.Allow members of the LGBT communities the right to freedom of expression and assembly;	Australia	Supported
75.4. Adopt a law on the fight against all forms of discrimination and clearly guarantee, in its domestic law, the freedom of expression and therefore the right for LGBT persons to peaceful demonstrations;	France	Supported
76.4. Commit internationally to the rights of the LGBT community by signing the Joint Statement on LGBT human rights from the March 2011 session of the Human Rights Council;	United States	Partially supported ¹⁹
Gender Based Violence		
73.8. Adopt a specific policy to address the root causes of domestic violence, particularly violence against women and children, and conduct awareness campaigns, particularly in the rural areas;	Canada	Supported
73.11. Strengthen its efforts in the prevention, punishment and eradication of all forms of violence against women and the adoption of comprehensive policies for the promotion and protection of the rights of the child, especially those relating to the prohibition of forced labour;	Argentina	Supported

¹⁹ **Addendum:** “The national authorities are implementing continuous measures in order to ensure the respect of human rights for all. The principles of non-discrimination, universality and equality of rights are essential and represent the backbone of the Moldovan human rights protection system. In order to strengthen existing rules and create a real and viable mechanism for implementing these provisions, *the text of a Law on preventing and combating discrimination* was drafted. It was designed as a comprehensive legal act that includes, among other, an indicative list of discriminatory criteria, inclusively the prohibition of discrimination on the ground of sexual orientation and establishes the Council for preventing and combating discrimination.

As the consultations revealed certain sensitivities within the society, the Government has embarked on a path of broad consultations aimed at, among other, ensuring that this law is endorsed not only by the government, but also by the entire Moldovan society.

From this perspective, the immediate efforts will be oriented towards promoting the human rights principles, including the core principle of equality and non-discrimination on all grounds, tolerance and avoid artificial distortion of LGTB persons.”

73.18. Continue promoting gender equality as a national priority which echoes the recommendation of SR on violence against women regarding the acceleration of the realization of women's equality with men in all areas;	Turkey	Supported
Trafficking in persons		
73.12. Strengthen programmes of public awareness of the very serious problem of human trafficking and involve all stakeholders in the work;	Qatar	Supported
73.17. Enhance cooperation with international community for preventing and combating human trafficking;	Nepal	Supported
73.35. Take additional and concrete efforts to eradicate human trafficking, prosecute traffickers under criminal law and protect and provide victims with adequate support throughout the criminal proceedings;	Canada	Supported
73.36. Intensify the fight against the perpetrators operating in the area of human trafficking;	Norway	Supported
73.37. Continue its efforts to combat trafficking in human beings;	Romania	Supported
73.38. Continue efforts in combating human trafficking and provide the necessary assistance to the victims of trafficking;	Latvia	Supported
73.39. Reinforce further its efforts in the area of prevention of trafficking in human beings, with particular focus on children (Slovakia)	Slovakia	Supported
73.40. Develop and implement efficient policies for child victims of abuse, neglect and trafficking, including ensuring redress and victims' reintegration;	Slovakia	Supported
73.41. Intensify campaigns to prevent human trafficking and to increase the protection offered to victims, including their right to legal redress;	Mexico	Supported
73.42. Ensure prosecution for trafficking and protection for victims of human trafficking in criminal proceedings, and adequate support for victims through recovery and counselling measures and improve the social and economic situation of women, in particular in rural areas, so as to eliminate their vulnerability to traffickers as recommended by CESC and CEDAW, respectively;	Israel	Supported
73.50. Reinforce its criminal prosecution system with a view towards ensuring accountability of all perpetrators related to human trafficking;	Thailand	Supported
73.56. Take concrete measures to raise public awareness about LGBT rights, including the guarantee of the right of assembly and association;	Spain	Supported
73.57. Ensure that public events planned by the LGBT, religious and other rights groups are permitted and adequately policed, according to the obligations of the Republic of Moldova under international human rights law;	United Kingdom	Supported

75.26. Further improve the social and economic situation of women, in particular in rural areas, so as to eliminate their vulnerability to traffickers;	Azerbaijan	Supported
75.29. Increase efforts to combat human trafficking, ensure accountability of those involved in trafficking, including any public official, and to prevent double victimization of victims through charges such as illegal migration or falsification of documents;	Slovenia	Supported
75.30. Ensure the prosecution of traffickers, particularly through improved training of law enforcement bodies, protection for victims of human trafficking during criminal proceedings and that victims have access to counselling and receive compensation;	Austria	Supported
75.31. Continue efforts taken at the legislative and executive level to put an end to the human trafficking and hold accountable those responsible;	Qatar	Supported
Statelessness		
73.62. Work towards addressing statelessness and protecting the rights of stateless persons;	Brazil	Supported

II. Treaty Bodies

Committee on the Elimination of Discrimination against Women

Concluding Observations, (29 October 2013), [CEDAW/C/MDA/CO/4-5](#)

Violence against women

19. While welcoming the adoption in 2008 of Law No. 45-XVI on preventing and combating domestic violence, through which new protection measures were introduced, in addition to the amendment to the Criminal Code in 2010 to criminalize domestic violence and marital rape, the Committee reiterates its serious concern about the high prevalence of domestic violence, including against older women, which is coupled with a lack of a comprehensive data on the magnitude and forms of violence against women.

The Committee further expresses its concern at:

- (a) **The inconsistent application by courts, prosecutors and police officers of laws aimed at combating domestic violence, which undermines women's trust in the judicial system, in addition to the lack of awareness among women of existing legal remedies;**
- (b) **The failure of the police and prosecutors to pay attention to low-level injuries and the fact that it often takes repeated acts of violence to initiate criminal investigations, in addition to the reluctance of the police to intervene in cases of domestic violence within the Roma community;**
- (c) **The ineffectiveness of protection orders against alleged perpetrators, which are either not issued by courts or issued with delays; the failure of police officers to enforce such orders; the lack of sufficient services,**

including shelters, to support victims from rural areas and Transnistria; and the non-coverage by the State system of legal aid to victims of gender-based violence;

- (d) The low rate of reporting of cases of sexual violence, including rape, and ineffective investigation and prosecution in such cases;
- (e) Reports concerning some Moldovan migrant women who upon return to the State party are stigmatized and at risk of sexual violence.

20. Recalling its general recommendation No. 19 on violence against women, the Committee urges the State party:

- (a) To strengthen the enforcement of the Criminal Code, Law No. 45-XVI on preventing and combating domestic violence and other relevant national legislation; ensure that all women and girls, including in particular older women, Roma women and girls and women and girls with disabilities, are protected from violence and have access to immediate means of redress; and launch ex officio investigations into all such crimes and ensure that perpetrators are prosecuted and punished commensurate with the gravity of the crime;
- (b) To expedite its efforts to amend Law No. 45-XVI on preventing and combating domestic violence so as to supplement court-ordered protection with a system of police-ordered protection and enable the issuance of police emergency protection orders;
- (c) To remove any impediments faced by women in gaining access to justice; ensure that legal aid is made available to all victims of violence; encourage women to report incidents of domestic and sexual violence by raising awareness about the criminal nature of such acts; provide adequate assistance and protection to women victims of violence, including Roma women; and increase the number and funding of shelters and guarantee national coverage extending to women from rural areas and Transnistria;
- (d) To ensure that all investigations into acts of sexual violence, including those committed against Moldovan migrant women, are carried out in line with international standards of investigation, including by amending the existing guidelines on investigation of rape and other forms of sexual assault;
- (e) To enhance the system of data collection to ensure that data are disaggregated by type of violence and by relationship between the perpetrator and the victim, support research in this field and ensure that the information and data collected are made available to the public;
- (f) To ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Trafficking and exploitation of prostitution

21. While acknowledging the State party's efforts to combat trafficking, the Committee is concerned that the State party remains a country of origin for trafficking in persons for purposes of sexual and labour exploitation and that sentences handed down to trafficking offenders are lenient. The Committee is particularly concerned that

children whose parents have migrated abroad and women who have experienced domestic violence are especially vulnerable to trafficking. The Committee is further concerned about the insufficiency of rehabilitation and reintegration services for women and girls who are victims of trafficking, in particular in the Transnistrian region. Lastly, the Committee is concerned that, while prostitution is illegal in the State party according to the Administrative Offences Code, only women in prostitution and not their clients are subject to punishment.

22. The Committee calls upon the State party:

- (a) To ensure the timely prosecution and commensurate punishment of traffickers and review its sentencing policy in trafficking cases;**
- (b) To provide mandatory and gender-sensitive training for judges, prosecutors, police officers and other law enforcement officers on legal provisions relating to trafficking;**
- (c) To effectively implement the action plans of the Strategy of the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings, which are aimed at the early identification and referral of victims of trafficking, and take preventive measures such as raising the awareness of disadvantaged and marginalized groups of women of the risks of trafficking;**
- (d) To review its laws on prostitution in order to ensure that women in prostitution are not discriminated against or penalized by administrative fines; step up its efforts to support women who wish to leave prostitution; and implement measures to decrease demand for prostitution, including the potential introduction of sanctions for sex buyers.**

III. Special Procedures

Report of the Working Group on the issue of discrimination against women in law and in practice

Mission to the Republic of Moldova, (15 March 2013) [A/HRC/23/50/Add.1](#)

Recommendations:

Measures to improve the legal framework and implementation of legislation, policy and institutional commitments.

87. The Working Group recommends that the Government:

- (a) Ensure coherent and gender-responsive implementation of non-discrimination laws without delay, and undertake further efforts to incorporate the international human rights legal obligations of the Republic of Moldova into the domestic legal framework.**
- (i) Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and**

Cultural Rights, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, ILO Convention No. 189 Concerning Decent Work for Domestic Workers, Protocol 12 to the European Convention on Human Rights, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Measures to strengthen the effective protection of women's human rights and Empowerment of women

89. The Working Group recommends that the Government:

- (a) Initiate a national campaign to increase public understanding and support for the elimination of discrimination against women in all fields of life, including for women migrant workers, minorities, women, LBT women, and all other women in positions of vulnerability, and to promote public recognition and acceptance of women's leadership role in political and public life.**

- (f) Comprehensively address barriers to equality for Romani women by:**
 - (i) Developing an integrated database on the situation of Roma women, including in education, health, housing/land, and employment;**
 - (ii) Conducting gender analyses on how current policies impact Romani women, and on structural and cultural barriers to Romani women's access to and benefit from these policies;**
 - (iii) Supporting the development of qualitative research on the challenges faced by girls, single mothers, young mothers, divorced or widowed women, trafficked women, women in detention, women living with disabilities from the Romani community to inform policymaking;**

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Mission to the Republic of Moldova, (12 February 2009) [A/HRC/10/44/Add.3](#)

Recommendations

In the spirit of cooperation and partnership, the Special Rapporteur recommends that the Government of the Republic of Moldova take decisive steps to implement the following recommendations:

(e) Women

Ensure adequate funding for the existing infrastructure to support victims of domestic violence and trafficking and extend the network of centres providing psycho-social, legal and residential services to all parts of the country taking into account the increased vulnerability of women and girls in rural areas.