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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under
articles 16 and 17 of the Covenant**

Addendum

REPUBLIC OF MOLDOVA*

[28 February 2003]

* The information submitted by Moldova in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.114).

The annexes referred to in the report are available for consultation with the secretariat.

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I. GENERAL DATA

1. In accordance with the provisions of article 40 of the International Covenant on Economic, Social and Cultural Rights and to the directives regarding the form and substance of States parties' initial reports, the present combined report on the steps taken by the Republic of Moldova to implement the Convention and on the progress accomplished between 25 February 1993 and 1 January 2000 is submitted to the Committee on Economic, Social and Cultural Rights.

2. The Republic of Moldova ratified the International Covenant on Economic, Social and Cultural Rights on 28 July 1990, through the Parliament's Decision No. 217-XII, which came into force on 26 April 1993.

3. The following statistical data pertain to the Republic of Moldova:

Official name of the country: Republic of Moldova;

Geographic position: Republic of Moldova is situated in the south-east of Europe, between Romania and Ukraine, in the basin of the Prut and Nistru rivers;

Area: 33,800 km²;

Population: 4,264,000 (on 1 January 2001);

Population density: 126 inhabitants/km²;

Capital: Chişinău City (approximately 780,000 inhabitants on 1 January 2001);

National day: Independence Day (27 August);

The State flag: three vertical, equal stripes: red, yellow and blue, with the arms of the Republic of Moldova in the middle;

Form of governance: Parliamentary Republic;

National legislative body: a one-chamber Parliament, composed of 101 members, directly elected through proportional representation;

Head of State: President;

Administrative divisions: 10 counties, 1 Administrative Territorial Unit, 15 municipalities, 43 towns, 663 communes and 1,679 localities;

Date of admission to the United Nations: 2 March 1992;

Distribution of the population:

Urban Area	45 per cent
Rural Area	55 per cent

Table 1**Urban population and population increase**

Urban population (% of the total)			Population increase rate (%)	
1960	1997	2000	1960-1997	1997-2000
23	46	46	2.95	-0.35

External debt: US\$ 1.3 billion in 1998. External debt administered by the Government on 1 April 2000 was US\$ 749.9 million;

In 1999 GDP was 12,322 million Moldavan lei, constituting approximately 96.6 per cent (in comparative prices) of GDP for 1998;

The unemployment rate was 7.3 per cent in 2000 according to the classification of the International Labour Organization (ILO). The economically active population constituted 46.1 per cent of the country's total population. The employed population constituted 41.0 per cent of the total population and 54.5 per cent of the population over the age of 15. On 1 January 2000, 34,900 persons were officially registered as unemployed, 187,000 according to the ILO classification;

Inflation rate: 18.4 per cent for 2000;

Percentage of the population attending school: 71 per cent;

Adult education rate: 96.4 per cent.

Table 2**Human development indicators**

Life expectancy at birth (years), 1999	67.8
Adult literacy rate (%), 1998	96.4
Net enrolment for all levels of education (%), 1998	2 042
Education indicator, 1998	0.880
GDP indicator, 1998	0.507
Human Development Index, 1998	0.698

4. Human development indicators include three basic elements: longevity, education level and living standards. Longevity is measured by life expectancy at birth. Level of education is calculated as a combined arithmetical mean of the literacy rate of the population (with a two-thirds share) and net enrolment rate at all levels of education (with a one-third share). GDP/per capita, calculated to the parity of purchasing power in United States dollars is used as a measure of living standards.

5. Each component of table 2 is compared to fixed maximum and minimum values established by the United Nations Development Programme (UNDP), as follows: 25 and 85 years for life expectancy at birth; 0 and 100 per cent for the literacy rate; 0 and 100 per cent for net enrolment at all levels of education; US\$ 100 and \$ 40,000 for GDP/per capita. For the first three components, the difference between the maximum and the minimum value results in an indicator as follows:

$$\text{Life expectancy at birth: } (67.4 - 25)/(85 - 25) = 0.707$$

$$\text{Literacy rate: } (96.4 - 0.0)/(100.0 - 0.0) = 0.964$$

$$\text{Net enrolment at all levels of education: } (71.2 - 0.0)/(100.0 - 0.0) = 0.712$$

Education level, calculated from the two previous indices:

$$(2 \times 0.964 + 0.712)/3 = 0.880$$

$$\text{GDP/per capita: } (\log 2033 - \log 100)/(\log 40000 - \log 100) = 0.507$$

Human development index, calculated as an average of the three basic elements, which are given equal shares: $(0.707 + 0.880 + 0.507)/3 = 0.698$

Table 3
Human development - general data

Life expectancy at birth (years), 1999	Population having access to:			Daily consumption of calories per capita, 1998	Adult literacy rate (%), 1989	Gross enrolment at all levels of education (%), 1998	Publications (copies/person), 1998	TV sets (per 100 persons), 1998	GDP/per capita (\$PPP), 1998	GDP/per capita (\$US), 1998
	Medical service (%), 1999	Clean potable water (%), 1998	Sanitary facilities* (%), 1998							
67.4	...	51.9	46.0	1 775	96.4	71.2	136	15	2 042	474

* Access to running water.

Table 4
Demographic profile

Population (millions)			Annual population increase rate (%)		Rural population (% of the total), 2000	General birth rate, 1999	General mortality rate, 1999	General fertility rate, 1999	Rate of use of any contraceptive methods (%), 1999
1960	1998	2000	1960-1998	1998-2000					
3.0	4.3	4.3	0.85	(-) 0.45	55	10.1	11.4	1.37	28*

* Including women registered as using intrauterine and oral contraceptive methods; per cent of the number of women between 15 and 49 years old.

Table 5
Human development indicators

Life expectancy at birth (years)		Infant mortality rate (per 1,000 live-born babies)		Adult literacy rate (%), 1989	Net enrolment at all levels of education (% for the population between 7 and 22 years old), 1998	Adult illiterates (15 years old and over), millions, 1989	Illiterate women (15 years old and over) millions, 1989	Children not in primary school, (thousands) 1998	Deceased children under the age of 5 (thousands), 1999
1959	1999	1960	1999						
68.1	67.4	48.2	19.1	96.4	71	0.1	0.09	17.5	0.9

Source (tables 2-5): United Nations Development Programme in the Republic of Moldova - Report 1999.

Table 6**Main demographic indicators**

	1990	1995	1996	1997	1998	1999
Total population	4 366.3	4 334.4	4 320.0	4 304.7	4 293.0	4 281.5
Males (thousands)	2 082.0	2 071.0	2 064.5	2 057.5	2 052.0	2 046.5
% of the total	47.7	47.8	47.8	47.8	47.8	47.8
Urban population (thousands)	2 073.6	2 004.1	1 995.3	1 987.7	1 976.3	1 968.5
% of the total	47.5	46.2	46.2	46.2	46.0	46.0
Structure of the population according to age:						
Under employment age (%)	29.7	28.6	28.2	27.6	26.7	25.7
Of employment age (%)	54.9	55.6	56.0	56.4	57.2	58.3
Of retirement age (55 for women; 60 for men)	15.4	15.8	15.8	16.0	16.1	16.0
Population natural increase rate	8.0	0.8	0.5	0.0	-0.2	-1.3
Birth rate	17.7	13.0	12.0	11.9	10.9	10.1
Mortality rate	9.7	12.2	11.5	11.9	11.1	11.4
Marriage rate	9.4	7.5	6.0	6.1	6.0	6.5
Divorce rate	3.0	3.4	3.1	3.1	3.0	2.7
Infant mortality rate (per 1 000 live-born infants)	19.0	21.2	20.2	19.9	17.8	19.1

II. POLITICAL STRUCTURE AND GENERAL LEGISLATIVE SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS

A. Brief history. General presentation

6. By adopting the Declaration of Sovereignty of the Soviet Socialist Moldavian Republic on 23 June 1990 and the Declaration of Independence of the Republic of Moldova on 27 August 1991, the Republic of Moldova became a sovereign and independent State, which allowed its presence in the international arena.

7. As a part of the USSR, Soviet Moldova suffered from the horror of the political genocide, manifested by mass deportations, organized starvation and forced denationalization. Russian language was imposed as the official language.

8. In the last decade, the Republic of Moldova started its political and cultural activities in order to democratize the social and political life and emancipate the population. The Republic of Moldova adopted the Law Concerning the Return to the Latin Alphabet (No. 362-XI), the Official Language Law (No. 3464-XI) and the Law Concerning the Usage of Spoken Languages in the Republic of Moldova (No. 3465-XI on 31 August 1989), the Decision of the Parliament on "The Approval of the Regulation regarding the State Flag of the Moldavian Soviet Socialist Republic", the Law Concerning the National Anthem of the Republic of Moldova. It instituted the position of President of the country (3 September 1990). It also selected the ancient symbols - the eagle and the head of the aurochs as the State Escutcheon (3 November 1990). It changed the name of the country from the Moldavian Soviet Socialist Republic to the Republic of Moldova (23 May 1991). So far, the Republic of Moldova has established diplomatic relations with about 140 States.

9. At the same time, the process of State consolidation was seriously affected by the separatist actions of certain forces in the eastern part of the country. During the centuries, the population became multinational and some of the nations were concentrated in the southern part of the country (Gagauzian (Orthodox Turks) and Bulgarians, about 3.2 per cent). In order to prevent the separation of the Republic of Moldova from the Soviet sphere, those forces decided to use national separatism as a means of blackmail. As a result of the coordinated policy of the separatist leaders in the districts on the left bank of the river Nistru, Bender town and Gagauz region became parts of a new unitary and independent State. Its purpose was to preserve the old ideological, political and economic orientations. Consequently, the deputies elected in the eastern districts of the Republic of Moldova (Transnistria) held a meeting on 2 September 1990 in Parcani village. The meeting adopted the Constitution of "The Moldovian Soviet Socialist Republic of Transnistria as a component of the USSR".

10. That act was the basis of political struggle for the sovereignty of the Republic of Moldova. As a result, the political forces of the proclaimed republic took the initiative and used tough methods in order to accomplish their goals.

11. More and more of those 64 deputies, either on their own initiative, or under the pressure of the Transnistrian extremist forces, did not participate in the working meetings of the Parliament of the Republic of Moldova. Political extremism became a "norm" in Transnistria and started to prejudice the pluralism of opinion and dialogue.

12. As a consequence of implementation the anticonstitutional political procedures, determined and favoured to a great extent by the political forces of Moscow, which pleaded for maintaining the Soviet Union, violations of the fundamental human rights appeared in the eastern districts of the Republic of Moldova.

13. There is a clearly defined tendency in the Republic of Moldova to create mechanisms and key factors to implement a system of promotion and respect for human rights, which is particularly based on international legal procedures. Title II of the Constitution of the Republic of Moldova entitled "Fundamental Rights, Liberties and Duties" is devoted to them, taking into consideration their importance and essence.

14. The reform of the national legal system started in the Republic of Moldova since independence was obtained in January 1993. Ratifying several laws modifying the Criminal Procedure Code and the Criminal Code, the Republic of Moldova got the opportunity to be closer to international standards, especially the European ones.

15. The Republic of Moldova has signed and ratified a set of international documents such as: Universal Declaration of Human Rights; European Convention for the Protection of Human Rights and Fundamental Freedoms; United Nations Declaration of the Rights of National or Ethnic, Religious and Linguistic Minorities (resolution 47/135, adopted by the General Assembly on 18 December 1992); decisions of the Organization for Security and Cooperation in Europe (OSCE) that imply commitments regarding the protection of ethnic minorities: the Final Act adopted at the Madrid and Vienna meetings and the Act of the Copenhagen Conference on the Human Dimension; Paris Charter for a New Europe; Framework Convention for the Protection of National Minorities, which was ratified by the Parliament of the Republic of Moldova on 22 October 1996.

16. The European Committee for Legal Democracy (Venice Committee) examined several drafts of the Constitution and the text of the new Constitution, adopted on 29 July 1994.

17. The contribution of the international experts was important. They made necessary specifications and corrections, and thus a modern constitution was elaborated in accordance with the condition of guaranteeing a legal system which should correspond to the current exigencies in the field of human rights protection.

18. Article 1 stipulates that the Republic of Moldova, governed by the rule of law, is a democratic State, in which the dignity of the people, their rights and freedoms, the open development of the human personality, justice and political pluralism represent supreme values that shall be guaranteed:

“Democracy in the Republic of Moldova is exercised under conditions of political pluralism, which is incompatible with dictatorship or totalitarianism, and no ideology may be pronounced as an official ideology of the State” (art. 5).

The national unity “constitutes the foundation of the State”, which is “the common and indivisible motherland of all its citizens” (art. 10).

The constitutional provisions regarding human rights and freedoms are interpreted and executed according to the Universal Declaration of Human Rights, with covenants and other treaties to which the Republic of Moldova is a party (art. 4, para. 1).

In accordance with the new principles, the Constitution regulates issues on economic relations in society, ensures the right to property and provides for the better use of it in order to eliminate the encroachment upon property or damage to people’s rights, freedoms and dignity (art. 9).

19. In summary, we could say that the main provisions contained in the Constitution are the following: political pluralism, separation of and collaboration among legislative, executive and judicial powers, the right of all citizens to protection, developing and expressing their ethnic, cultural, linguistic and religious identity.

20. There is no doubt that constitutional law is the only one that can determine the way of enforcing international treaties in the domestic legal system. It is here that, taking into account the importance of respecting fundamental rights and freedoms, the legislator emphasized the supremacy of the international law of human rights, and, in article 8 of the Constitution, the Republic of Moldova pledges itself to respect the Charter of the United Nations and the international treaties to which it is a party.

21. The priority of international treaties was recognized also by the Supreme Court of Justice, which, after studying the practice of enforcing these constitutional provisions, adopted on 30 January 1996 the Decision “on the Practice of the Courts of Law in Enforcing Some Provisions of the Constitution of the Republic of Moldova” (No. 2 of 30 January 1996). Paragraph 3 puts the Court under the obligation, “... in cases when domestic legislation is contrary to international documents, to apply provisions of the international instrument to which the Republic of Moldova is a party”.

22. Following the constitutional provisions, most of the legislative documents of the Republic of Moldova stipulate the supremacy of international law: the Civil Code, the Civil Procedure Code, the Criminal Code, the Criminal Procedure Code, the Marriage and Family Code, etc.
23. The Constitutional Court has a special role in this field: on notification, the Court monitors the constitutionality of international treaties to which the Republic of Moldova is a party. In this context, it should be mentioned that the Constitutional Court applies the provisions of article 4, paragraph 2, of the Constitution, which stipulates the following: "Whenever disagreements appear between covenants and treaties regarding fundamental human rights signed by the Republic of Moldova and its own national laws, priority shall be given to international regulations."
24. The Constitution of the Republic of Moldova reproduce, to a great extent, the rights and freedoms proclaimed in the Universal Declaration of Human Rights and the rights provided by the European Convention on Human Rights, reaffirming that "in accordance with the Universal Declaration of Human Rights, the ideal of the free human being, as enjoying civil and political freedoms and released from fear and poverty, cannot be accomplished unless conditions which allow any person to enjoy his civil and political rights, as well as his economic, social and cultural rights, are created".
25. Economic, social and political rights are the basis of the multifaceted and full development of a human being. They are not less important than civil and political rights, but their exercise depends also on the resources that society possesses. Yet, this does not mean that the State has no responsibility for their guarantee, by progressively ensuring their exercise. For this reason, we consider that it is necessary for international bodies to lay stress on the right to development. The notion of development itself needs to be enriched and made more complex.
26. Non-abusive application of these provisions is included in the commitments made by the Republic of Moldova at the moment of its accession, as a full member, to the Council of Europe. National authorities assumed the responsibility for applying restrictions on certain rights or freedoms and exercising the rights and obligations provided by articles 54 and 55 of the Constitution of the Republic of Moldova only in cases strictly specified by law, such as defending the national security and order, preventing calamities and catastrophes, etc. In such cases, the restrictions enforced must not affect the existence of that right or freedom (Constitution, art. 54, para. 2).
27. When provisions of the legislation are in contradiction with the Constitution or with the international conventions on human rights, courts apply directly the provisions of the latter acts.
28. We should mention that the Universal Declaration of Human Rights, the two International Covenants on Human Rights, as well as the European Convention on Human Rights admit, under certain circumstances, the existence of certain limitations and restrictions, which are not specified separately, but are formulated as certain rights and freedoms, depending on their content. This means that they may be applied only if they are expressly provided by law. They are necessary in a democratic society for protecting national security, public order, public health and morals, the rights and freedoms of others, etc. and they must be proportionate with the cause that has determined them.

29. In accordance with article 15 of the Constitution, foreign and stateless persons shall enjoy the same rights and obligations as the citizens of the Republic of Moldova and, except in cases provided by law (art. 19), are recognized as holders of constitutional rights, freedoms and obligations.
30. When the States parties adhered to the International Covenants on Human Rights, they pledged themselves to respect and to ensure to all individuals within their territory and subject to their jurisdiction the rights recognized by the Covenants, without discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (ICCPR, art. 2, para. 2).
31. From the moment of accession to the European Convention on Human Rights, in accordance with article 1 of this Convention, "any individual" being "under the jurisdiction" of the signatory parties will be recognized as a holder of the rights and freedoms recognized by the Convention. This principle is equally valid for rights and freedoms recognized by Protocols Nos. 1, 4, 6 and 7. The Republic of Moldova, like all States parties to the Convention, recognizes these rights and freedoms not only for its citizens, but also for the citizens of other signatory States, and also for citizens of one State but under the jurisdiction of another State which is not a party to the Convention, as well as for stateless people (European Commission on Human Rights, Decision No. 788/60, of 11 January 1961).
32. The general rule formulated by article 29 of the Vienna Convention on the Law of Treaties (1969) stipulates that an international treaty will be applied on the whole territory of a signatory State. Considering the fact that the European Convention on Human Rights sets forth that rights and freedoms shall be recognized to all individuals "being under the jurisdiction" of the signatory parties, it is evident that a State, as is the case of the Republic of Moldova, cannot be responsible for violations of human rights committed on the territory of a State which does not exercise a real jurisdiction. Article 63 of the Convention allows the exclusion of a certain part of the signatory State from the application area of the Convention.
33. In view of the situation on the territory on the left bank of the river Nistru (eastern region of the Republic of Moldova), as well as the provisions of point 11 of notification 188 (195) of the Parliamentary Assembly of the Council of Europe, the Parliament of the Republic of Moldova, when ratifying the European Convention on Human Rights, considered it necessary to formulate a declaration by which the Republic of Moldova denied its responsibility for acts committed on the territory of the self-proclaimed Nistran Republic, and that this situation would be maintained until the conflict in this region is finally solved.
34. The World Conference on Human Rights, held in Vienna in 1993, declared itself in favour of the creation and consolidation of human rights institutions. It is mentioned in documents adopted by the Conference that every State is entitled to establish those structures which will fully correspond to its needs.
35. In the last two years, legislative and executive bodies of the Republic of Moldova have paid special attention to issues related to the respect of the constitutional human rights and freedoms, and also to their protection by the State in case of violation. We can certainly state that the carrying out of the legal and judicial reforms in the country are aimed first of all at improving human rights protection by the courts.

36. The change of judicial structures and the way of constituting them and of the prosecutor's role and functions confirm this. Also, a new Law on Notary was adopted, and a bill for a new Law on Advocacy has been drafted.

37. At the Parliament's sessions of the last and penultimate legislature, the commission for human rights, ethnic minorities, cults and other external communities has worked together with the other permanent commissions.

38. Ever since 1991, the Department of National Relations and Languages Usage (art. 27) has been working within the Government. The basic functions of this Department are the following:

- (a) Promoting the State policy regarding national problems;
- (b) Representing the interests of major ethnic groups and also of the co-inhabiting ethnic minority groups within the State administration bodies;
- (c) Ensuring, on the basis of valid linguistic legislation, the usage of the official language and other languages spoken on the territory of the country;
- (d) Supporting the activity concerning the status of ethnic and cultural structures of the country;
- (e) Facilitating the implementation of programmes concerning the national culture of persons who were born in the Republic of Moldova but who live outside the Republic, by helping them to set up connections with their historical motherland.

39. In the spring of 1996, the Second International Conference of Ombudsmen and Human Rights Institutions was held in Chisinau city. The problems of creating institutions for human rights protection in various countries were discussed at this conference. The fact that such a prestigious forum was held in the Republic of Moldova accelerated the elaboration of a draft on human rights protection in our country. During the elaboration of that draft, the experience of several European countries in the field was taken into consideration.

40. In October 1997, the Parliament passed the Law on Ombudsmen. In accordance with that law, the Parliament assigned three Ombudsmen who, together with the staff, constituted an independent legal institution - the Centre for Human Rights, that can have affiliates in different localities of the country. The Ombudsmen's activity guarantees the respect of constitutional rights and freedoms by the central and local public administration, institutions, organizations and companies with different forms of property ownership, as well as by non-governmental organizations. The Ombudsmen contribute to the restoration of citizens' rights, improvement of legislation in the field of human rights and the improvement of the population's legal culture.

41. In their activity, they follow the Constitution and other laws of the Republic of Moldova, the Universal Declaration of Human Rights and other international instruments to which the Republic of Moldova is a party. The Ombudsmen examine petitions sent to them by citizens of the Republic of Moldova, by foreigners who live temporarily or permanently in the country, as well as by stateless persons, regarding the violation of their legitimate rights and interests in the Republic of Moldova. The Ombudsmen may start, on their own initiative, an investigation to

identify the cases of violation of the human rights and freedoms. In cases when the violation of the plaintiff's rights is established, the Ombudsman will submit his conclusion to the appropriate decision-making body or actor, with recommendations for the immediate restoration of the plaintiff's rights. Also, he may appeal to the court, asking for the defence of the citizen's interests.

42. On the basis of the conclusion made after the examination of the citizen's petition, the Ombudsman may submit his proposal concerning the improvement of the current legislation to the Parliament and if serious violations of the constitutional rights and freedoms are identified, he has the right to submit a report to the Parliament during its session and to propose the establishment of a parliamentary committee to examine the case.

43. Ombudsmen have the right to address requests to the Constitutional Court to rule on the constitutionality of the normative rules adopted by the Parliament, the President or the Government, on the basis of their conformity with the general principles and international documents concerning human rights.

44. Every year, the Centre for Human Rights submits to the Parliament a report on the respect of human rights in the Republic of Moldova. The report refers to fields of social relations in which the most serious violations of human rights and freedoms were identified, their causes, as well as measures taken for their elimination; to the improvement of legislation; and to the legal education of population. The report is made known to the citizens by its publication in the *Monitorul Oficial (Official Gazette)* of the Republic of Moldova.

45. According to article 39 of the Law on Ombudsmen, an Expert Council, composed of specialists in the field of constitutional human rights and freedoms, was created within the Centre for Human Rights, aimed at providing expert advice. The Council elaborates recommendations on the drafts regarding the improvement of the legislation in the field of human rights and on their conformity with international legal acts ratified by the Republic of Moldova. The Council initiates and elaborates drafts regarding collaboration with international organizations acting in the field of human rights protection, working actively with mass media and non-governmental organizations.

46. In accordance with the above-mentioned Law, affiliates of the Centre were opened in Baltsi and Comrat towns.

47. In order to fulfil its obligations as a State party to the United Nations conventions and to other international conventions on human rights, a National Commission responsible for Social Problems, headed by one of the Vice-Prime Ministers, was constituted. This Commission has as its objective the elaboration of the initial and periodic reports of the Republic of Moldova. As a State party to the United Nations conventions and other international conventions on human rights, the Republic of Moldova must submit reports to the authorized international bodies and in the terms established by these conventions. Also, the Commission has the task of coordinating activities of legal education and to train the population in the field of human rights.

48. Regarding this issue, we inform the United Nations of the fact that the above-mentioned Commission does not receive any funding from external sources. In the context of a deep economic crisis that our country faces at this stage of transition to market economy, the financial

support of international bodies for such activities would greatly contribute to the effectiveness of the implementation of the international conventions and of the reporting process, and it would be highly appreciated by the Government of the Republic of Moldova.

49. We would also like to mention that, on 18 June 1998, the first National Conference for Human Rights was held in Chisinau, under the aegis of the Ministry of Foreign Affairs of the Republic of Moldova, the National Centre for Human Rights and of the Chisinau Office of the United Nations Development Programme. Representatives of Government, Parliament, the President's Office, non-governmental organizations, universities, international organizations, as well as representatives of diplomatic missions accredited in Chisinau, participated in the Conference. Within the four working groups of the Conference, the National Report of the Republic of Moldova, "Human Rights: for a Sustainable Development" was concluded, and was afterwards presented at the international conference in Yalta (1-4 September 1998).

B. Information and publicity

General aspects

50. The information market of the Republic of Moldova is diverse and pluralist, according to the role and position that mass media should have in a State ruled by law. The mass media are required to cover a whole set of functions related to the creation of an efficient public system of control of State authorities.

51. Press, television and radio are the main beneficiaries of the right to information. These public functions impose on the mass media an equal responsibility to that of the State to honour and guarantee the respect of the fundamental human rights and freedoms. The right of a citizen to be informed, to have free access to public information, is an indispensable right of the democratic ideals. Nowadays, citizens of the Republic of Moldova do not feel isolated and manipulated as they were during the Soviet regime.

52. The right to information is a fundamental human right, which determines a person's social, economic and political ability to exercise the freedoms provided by the Constitution, including the freedom to think, to have an opinion, to create, to speak freely and in public, and so on. This supposes also the possibility of receiving information about social, political, economic, scientific and cultural life, etc.

53. There is no doubt that one cannot separate mass media and the debate on access to information. Formulas such as "free access to information" or "the right to information" become more and more understandable for citizens.

54. We also need to admit that, in the Republic of Moldova, the mentality of certain social segments is not emancipated enough to stimulate courage and insistence in getting public information. And it is difficult to encourage them to use this information for the purpose of interfering with public activities, because their existence depends on these activities. This is a process of permanent change. In this context, we can certainly state that the capacity of the society to control the State institutions, depending on the extent to which public opinion is aware of the substance of their activities and of their decisions, has been continuously increasing after the Declaration of Independence was passed.

55. In the period after the ratification of the International Covenant on Civil and Political Rights, the texts of the international conventions and treaties on human rights signed by the Republic of Moldova, including the International Covenant on Civil and Political Rights, were published. The Ministry of Justice and the Ministry of External Affairs made official their complete edition in 26 volumes, coordinated by experts from the Law Centre.

56. Abolition of the distorted doctrine that dominated the masses' conscience all through the period of communist dictatorship, according to which the State was regarded as a "donor" and not as a "protector" of human rights, is of great significance.

57. Accurate, detailed and accessible information on the tendencies and realities of the modern information society, characteristic to all consolidated democracies, cannot but be greeted by the whole society. Currently, one can certainly state that the Republic of Moldova includes itself, with more confidence, in a space focused on the principles of free provision, circulation, receiving of and access to information, in conditions of respect of other fundamental values.

58. Unfortunately, in the eastern region of the Republic of Moldova, controlled by the Tiraspol separatist regime, the functioning of the mass media essentially differs from the rest of the territory. The right of expression and access to information is in a more precarious situation there. Anticonstitutional authorities of this region largely suppress the mass media which are inconvenient for the policy of the separatist regime. There is no political party or newspaper that openly opposes the regime of this region. Circulation of national publications is very low. Free circulation of information will be possible in this region only when the Transnistrian conflict is definitely solved, the Russian Federation withdraws its troops and weapons, and when the independence and sovereignty of our State is consolidated.

Existing legal background and its evolution

59. On 11 February 1999, the Parliament of the Republic of Moldova adopted Decision No. 277-XIV "Concerning the Concept of Support and Promotion of the Mass Media by the State, during 1999-2003", submitted as a draft by the Union of Journalists of the Republic of Moldova, and considered it as a step forward in the intention of the State to consolidate the freedom and independence of the mass press in the country. In accordance with the paragraph "Legislation" of the Concept, the Parliament, the Government and civil society, among which we can mention the Union of Journalists, established a mutual agreement and are invited to draft and adopt a set of normative rules, aimed at promoting essential national policy in the field.

60. Currently, the Law on the Press, enforced in 1995, is being re-examined in the Parliament. Also, the Law on Access to Information No. 982-XIV of 15 May 2000 (*Monitorul Oficial* of the Republic of Moldova, 2000, No. 88-90, article 664) was adopted. As for the Law on the Organization and Functioning of Broadcasting in the Republic of Moldova, a draft is already being discussed in the Parliament. The Law "On the public institution of audio-visual media" will be included as a distinct paragraph of the above-mentioned law.

III. IMPLEMENTATION OF SPECIFIC ARTICLES OF THE COVENANT

Article 1

61. On 23 June 1990 under the circumstances of the disintegration of the Soviet Union, the legislative body of the Moldavian Soviet Socialist Republic, the Supreme Soviet adopted a declaration concerning the sovereignty of the Union of Soviet Socialist Republics. Expressing the people's will, the Supreme Soviet admitted that all people are equal and have an inalienable right to life, freedom and prosperity, it pledged itself to respect the right to sovereignty of all peoples. Sovereignty was declared with a view to setting up justice, lawfulness, protection and social stability, it being stated that the source and carrier of sovereignty are the people and that this sovereignty is exercised in the entire nation's interest by the supreme representative body of State power. To assure the socio-economic, political and legal security of sovereignty, the Supreme Soviet established full State power in resolving all problems of State and public life, and the supremacy of the Constitution and of other laws of the Republic on its entire territory.

62. Assuring equal legal possibilities for taking part in the exercise of State and public functions to all citizens, political parties, public organizations, social movements and religious organizations, the Declaration stipulated that "no part of the population, no citizen's group, no political party or public organization or any other organization, or private person is allowed to assume the right to exercise sovereignty". The Declaration also guaranteed the rights and freedoms to foreign and stateless persons living on the territory of the country, as stipulated by the Constitution and other internal laws, as well as rules in unanimously recognized provisions of international law.

63. The Decrees of the Moldavian SSR Supreme Soviet regarding the flag of the State (27 April 1990), regarding the escutcheon of the State (3 November 1990) and State power (27 July 1990) also served to consolidate sovereignty. In accordance with the last-stated judicial act, the entire power in the Republic was offered to the people, it being realized directly with the help of the people's representative bodies. It was the first time State power was separated into legislative, executive and juridical branches, it being declared that "all citizens are equal before the law and court".

64. Of special importance in the consolidation of self-government at that time was the Parliament's decision of 28 July 1990 regarding the accession of the Republic of Moldova to the Universal Declaration of Human Rights and its ratification of the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights.

65. On 23 May 1991 the Supreme Soviet of the Soviet Socialist Republic of Moldova enacted a Law to change the name of the sovereign State of the Soviet Socialist Republic of Moldova to the Republic of Moldova and the Supreme Soviet to the Parliament of the Republic of Moldova.

66. The first phase of the self-government process culminated in the 27 August Law concerning the Declaration of Independence of the Republic of Moldova. It is important to mention that the Declaration of Independence was enacted by a Parliament called for the first time by free and democratic elections. In its activities, the Parliament proceeds on the basis of the democratic movement of national liberation of people, which reaffirmed the aspiration to

freedom, independence and national integrity, at the same time recognizing the equal rights of people and their right to self-government, according to the Charter of the United Nations, the Final Act of Helsinki and the norms of international law. The Declaration reaffirmed the basic principles of the State and it was proclaimed in the name of the entire population that “the Republic of Moldova is a sovereign, independent, democratic State, free to decide its present and future, without any interference from outside, according to the ideals and holy aspirations of the people within the historical and ethnical space of its national evolution”.

67. The Declaration of sovereignty of 23 June 1990, the Declaration of Independence of 27 August 1991 as well as other domestic legislation served as the basis for the adoption of the Republic of Moldova Constitution in 1994.

68. The first article of the Constitution stipulates that the Republic of Moldova is a sovereign and independent State, integrated and indivisible, its form of government being a republic, which is “a democratic State by law, where human dignity, rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values and are guaranteed”. It is emphasized that national sovereignty belongs to the people and that no part of the population and no social group, political party or private person has the right to exercise the State power in their own name.

69. Moldova is a parliamentary republic. The one-chamber Parliament is the supreme representative body of the people of the Republic of Moldova and the only State legislative authority (Constitution, art. 60). It is composed of 101 deputies. The deputies are elected from party lists, by universal, equal, direct, secret and freely expressed vote. Since the amendment of the Constitution (Parliamentary Law No. 1115 of 5 July 2000), the President of the Republic of Moldova is elected by the Parliament.

70. According to the Republic of Moldova Constitution, the market, free economic initiative and loyal competition are the fundamental elements of the economy (art. 9). At the basis of a lasting human development is placed a market economy with a social orientation, based on private and public property, with free competition (art. 126). To achieve this, it was necessary to create a legislative basis corresponding to international judicial acts, as well as to undertake structural reform of the economic and social spheres. The Constitution regulates economic relations in society, establishes the right to own property and states that property cannot be used to the detriment of human rights, freedoms and dignity.

71. Ten years after the Declaration of Independence the territorial, social and economic integrity of the Republic of Moldova has not been settled. On 2 September 1990 the region situated on the left bank of the river Nistru was self-proclaimed “the Moldavian Nistran Soviet Socialist Republic” with the city of Tiraspol as its capital, under the pressure from some local separatist leaders and with the direct support of the central power of Moscow. In the long run, the words “Soviet Socialist” disappeared from its denomination, but the essence remained the same. From that time the political fight over the problem of the sovereignty of the Republic of Moldova has been taken out of the legal, constitutional bounds.

72. Thus, at present, there are two executive, legislative, judicial, administrative, economic, social and educational systems, one constitutional, the other not, in the Republic of Moldova. On the right bank of the river Nistru the democratization of socio-political life is underway and

efforts are being made for the promotion and real protection of human rights and freedoms, while on the left side the process of establishing an authoritarian system continues, with means from the arsenal of the totalitarian past.

73. The authorities of the Republic of Moldova do not hold control over Transnistria and do not influence it. That is why, at the moment of ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms (which came into force in the Republic of Moldova on 1 February 1998), the Parliament of the Republic of Moldova stated that the provisions of the Convention could not be assured with respect to "missions and acts committed by bodies of the self-proclaimed Nistrian Republic on territory controlled by such bodies up to the time of a definitive resolving of the conflict in the region". This remark is also valid for other international treaties and conventions to which the Republic of Moldova is a party.

74. The authorities of Chisinau have undertaken concrete action to resolve the problem, and to ensure the independence and territorial integrity of the country. Continuous direct contacts and dialogue of a political nature are undertaken with the administration in Tiraspol. Since 1992, both sides have signed many documents meant to create an adequate political environment for a peaceful settlement of the conflict. There was established a working device (the Unified Committee for Control, groups of experts for elaborating Transnistria's status, etc.), which has as a purpose the practical realization of the signed agreements.

75. The international community encourages the measures undertaken by the Republic of Moldova. The Organization for Security and Cooperation in Europe (OSCE) and two mediator States, Russia and Ukraine, are involved in the process of conflict settlement. On 21 July 1992 the Presidents of the Republic of Moldova and the Russian Federation signed in Moscow an important agreement, meant to move the conflict settlement out of the deadlock. The separatist leaders of Tiraspol also signed the agreement, but then, the administrative body of Tiraspol openly obstructed the agreed arrangements.

76. On 20 March 1998, the Agreement on Means of Trust and Development of Contacts between the Republic of Moldova and Transnistria was signed in Odessa. It stipulated in particular the demilitarization of the security area, diminution of the number of frontier guard stations, the provision of favourable conditions for the movement of people and trade in goods and services. Since then, the separatists have continued the flagrant violation of the Agreement's stipulations.

77. Elaboration of the special status of the Transnistrian region constitutes the main objective of the conflict settlement. The authorities from Chisinau have many times expressed their consent for giving the population of the left bank of the river Nistru, consisting in its majority of Moldavians and Ukrainians, autonomous status, on the basis of a settlement regarding the sovereignty and territorial integrity of the country. Many projects have been elaborated and proposed for this reason, but each time the separatists have rejected them.

78. On 6 April 2000, experts from Chisinau submitted a new project concerning special status for Tiraspol, which provides for broad autonomy for this region. The main condition, however, remains the same: respect for the sovereignty and territorial integrity of the Republic of Moldova. The new project is considered by the mediator States - Russia and Ukraine, as well as by the OSCE Mission, suitable for negotiations on the whole. The project is in accordance

with the documents of the high-level meeting held in Kiev in July 1999, which tried to define the fundamental elements of the notion of the "common State". There are five basic principles: common economic, juridical, defence and social spaces, as well as the same borders. By this solution the Republic of Moldova refers to the observance of the sovereignty and territorial integrity of the country on the basis of a legislative environment and of some unique State institutions.

79. The Transnistrian conflict settlement, in the vision of Chisinau, has to include the following three distinct elements, to be adopted "as a package": special status for this region within the Republic of Moldova; elaboration of measures for the implementation of the settlement and for the observance of its provisions; the setting-up of new forces for the maintenance of peace with an OSCE mandate. The separatists, however, long for a union of two sovereign States, bound by a series of bilateral agreements. In the vision of the separatist leaders "the common State" is to be composed of two equal and sovereign State entities. The draft agreement proposed by the Transnistrian party is a typical document for governing relations between two subjects of international law and obviously cannot be accepted by the authorities of the Republic of Moldova.

80. The Declaration of the OSCE Istanbul Summit gave as an option the elaboration of the Transnistrian region's status on the basis of the sovereignty and respect for the territorial integrity of the Republic of Moldova. It reiterated the appeal to the parties and especially the Tiraspol administration to prove their political will during negotiations for the definitive elimination of the conflict's consequences.

81. During the negotiations the Republic of Moldova authorities made sufficient concessions. But the flexible policy, good will and conciliatory spirit demonstrated by Chisinau clashed every time with the intransigence of the separatist leaders. The presence of Russian military troops in the Transnistrian region constitutes decisive support for the extremist behaviour of the leaders from Tiraspol. This is in opposition to the Constitution of the Republic of Moldova, which "... does not allow the location of military troops of other States on the territory of the Republic of Moldova" (art. 11 (2)). According to the documents of the OSCE Istanbul Summit and the Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, the Russian Federation pledges to withdraw and destroy its conventional armaments and equipment, which are restricted by the Treaty, by the end of 2001, with complete withdrawal of Russian troops from the territory of the Republic of Moldova by the end of 2002. It is important to mention the fact that the Istanbul Summit decisions regarding complete withdrawal of Russian troops and armaments from the territory of the Republic of Moldova were not conditioned upon the political settlement of the conflict. Despite the commitments assumed, this process dragged on without result because of the absence of strong political will on the part of the Russian Federation. Moreover, influential Russian political and economic forces, especially the State Duma of the Russian Federation, permanently fuel the extremism of the Tiraspol leaders. Officials from Moscow emphasized the condition of "synchronization" of the Russian troops' withdrawal with that of the settlement of the Transnistrian conflict. This official position was published within the Declaration of the State Duma of 20 November 1999, as well as Declaration of 21 December 1999 with the official representative of the Ministry of External Affairs of the Russian Federation.

82. On 10 December 2000 elections of the Supreme Soviet took place in the self-proclaimed Moldavian Nistriian Republic. Five deputies of the State Duma of the Russian Federation arrived in Tiraspol in the quality of observers. Deputy Gheorghi Tihonov declared during a press conference that the State Duma has created a committee for the settlement of the Transnistrian conflict. The positions of this committee differed from those of the committee of President Putin. He declared that the decision of the OSCE Istanbul Summit about the withdrawal of Russian troops and armaments from Transnistria by the end of 2002 "does not have judicial power, because they were not ratified by the State Duma".

83. Also, it is to be mentioned that on 19 December 2000, for the third year in succession, the General Assembly of the United Nations adopted a resolution entitled "Cooperation between the United Nations and the Organization for Security and Cooperation in Europe" (55/179) that included a paragraph referring to the Republic of Moldova: "The General Assembly ... fully supports the efforts of the Organization for Security and Cooperation in Europe aimed at achieving a settlement of the problems in the Transnistrian region of the Republic of Moldova, recalls the commitment by the Russian Federation to complete the withdrawal of the Russian forces from the territory of the Republic of Moldova by the end of 2002, as agreed at the Istanbul Summit, and welcomes the willingness of the Organization for Security and Cooperation in Europe together with the Republic of Moldova to facilitate this process, within their respective abilities, by the agreed deadline" (para. 19).

84. Actually, the reality proves abundantly that the agreements concluded between the Republic of Moldova and the Transnistrian party, as well as the non-fulfilment of the international commitments undertaken by the Russian Federation regarding the withdrawal of its military forces from this zone of the Republic of Moldova, are being used by the separatists from Tiraspol to gain time for the consolidation of the situation. Their policy is directed against the formation of a unitary and independent State, determined to keeping old ideological, judicial and economic orientations.

85. The Republic of Moldova is available to continue dialogue and direct contacts with the administration of Tiraspol, but the intransigent position of the separatists has led in practice to the unilateral suspension of negotiations. The activity of the expert groups in elaborating the special status of this region (in whose meeting representatives of mediator States as well as the OSCE Mission take part) is deadlocked. The Unified Control Commission is not fulfilling its tasks (set out in the signed documents) and cannot, in fact, control and influence the situation in the security zone. In the absence of the necessary transparency, the military observers have no access to military objects controlled by the separatists. Because of the tolerance demonstrated by the so-called Peace Maintenance Forces, under the Unified Military Command, the Tiraspol authorities insistently continue to strengthen their military presence in the security zone. The Peace Maintenance Forces in the region are called so conventionally, because they do not correspond to the general criteria accepted by the international community, do not have a relevant/pertinent mandate of the United Nations or the OSCE, and they cannot be impartial.

86. In this situation, the Republic of Moldova considers that a more active and efficient involvement of the relevant international bodies in the process of ensuring the sovereignty and re-establishing the territorial integrity of the country is necessary. In the meantime, on the left bank of the river Nistru mass and flagrant violations are taking place of the citizens' rights and freedoms: the right to life, physical and psychological integrity; the right to free access to justice

and equitable, impartial trial; the right to be elected and to elect; the right to information; freedom of opinion and expression; freedom of religion; the right to free movement; freedom of association; the right to work; the right to own property; the right to education; and other rights and freedoms.

87. The judicial provisions for the use of natural resources are according to the Constitution: the Natural Resources Law, the Environment Protection Act, the Fund for the Natural Areas Protected by the State, the Law on Property, the Water Code, the Subsoil Code, the Land Code, the Forest Code, the Penal Code, the Administrative Code and others. Overall, the problems of the environment and the use of natural resources are addressed by about 35 normative acts.

88. Property in the Republic of Moldova is public and private, it being constituted of material and intellectual property. The market, free economic initiative and loyal competition are the base factors of the economy. The right to own property may not be exercised contrary to human rights, freedoms and dignity (Constitution, art. 9).

89. The State has the obligation to provide freedom of trade and business activity, to protect loyal competition, to create a favourable environment for production and stimulate scientific research, the reasonable exploitation of land and of other natural resources, the restoration and protection of the environment, inviolability of natural persons' and legal bodies' investments (ibid., art. 126). Article 127, paragraph (3), of the Constitution stipulates that private property belongs to the State or to administrative-territorial bodies. Subsoil wealth of any kind, aerial space, waters and forests used in the public interest, natural resources of the economic zone and continental plateau are exclusively public property.

90. The natural resources that can be privately owned belong to natural or legal persons with right of possession, utilization and disposal. According to the Law on Property, land, subsoil, water, flora and fauna can be privately owned. The Legislation limits the right to own a property over natural resources. Within the terms of the law, the natural resources can be leased or granted under concession for a certain or unlimited period, the subleasing or mortgaging of natural resources, as public property, being forbidden.

91. Based on the principle of mutual interest and the provisions of international law, only the Parliament is entitled to approve the main directives of external economic activity (Constitution, art. 129). The national legislation governing the use of national resources (Law on Environmental Protection (art. 95), Law on Natural Resources (art. 32 (2))) establish the procedures for the utilization, protection and reproduction of natural resources, with a view to providing for the sustainable development of the country. The Law on Natural Resources states that they can be used as means of work, sources of power and raw materials, or directly as consumer and recreation goods, as a gene-pool bank or as a source of information about the world (art. 1, para. 2).

92. Natural resources are classified as follows: renewable and non-renewable; national and local; intended for exploitation; spare; protected; curative; trans-frontier. The respective laws incorporate the basic principles of financial administration of natural resources. The administration's aim is:

To provide for a non-debasing utilization of the natural resources;

To sustain activities directed towards their rational utilization;

To prevent the negative effects of economic activity;

To guarantee the priority of international law in the field of trans-frontier utilization of natural resources.

93. According to article 4 (2) of the Environmental Protection Law, the right of administration of all natural resources is exercised by the Parliament. This law establishes the rights and obligations of natural and legal persons with respect to the utilization and protection of the environment and natural resources and the conservation of biodiversity, water resources and aquatic ecosystems, and regulates the management of waste products, toxic substances, mineral fertilizers and pesticides, and responsibility for violations of legislation in that domain.

94. The State Inspector on Ecology (arts. 26-29) was appointed to exercise State control over respect for laws and other normative acts with respect to environmental problems and the utilization of natural resources.

95. Settlement of property and utilization of public natural resources remain the competence of the Government and are accomplished through the responsible bodies and local public administrative authorities. To maintain the natural resources potential at an appropriate level, the State fixes a minimum percentage of the gross domestic product, which is invested in the regeneration and protection of the environment.

Table 7

The main indicators of natural resource development and environmental protection for 1999

Indicators	Measure	1998	1999
Capital investments for environmental protection (including from the budget)	Thousand lei	4 289	5 893
	Thousand lei	3 617	4 265
Payment for subsoil and natural resources	Thousand lei	10 338	10 330
Exploitation including:			
For water	Thousand lei	10 000	10 000
For mineral resources	Thousand lei	338	330
Payment for prevention of environmental pollution	Thousand lei	338	1 000
Construction of anti-erosion installations	Thousand lei	1 742	2 700
Consolidation of subsiding of land	Ha	3.8	4
Re-tillage of land	Ha	20.5	21
Water consumption	Million m ³	1 176	920
including for productive purposes	Million m ³	767	590
Insufficiently cleaned residual polluting water	Million m ³	12	10
Volume of injurious substances emitted into the atmosphere from stationary sources	Thousand tonnes	30.5	20.4
Forest plantation	Ha	1 100	1 000
Plantation of forest strips for protection of plains	Ha	400	300

96. The Legislation of the Republic of Moldova establishes the civil, administrative or penal responsibility of persons found guilty of violating the laws on natural resources or environmental protection.

97. According to article 2 of the Civil Code, codes, laws or other normative acts in this domain set up land, forest or water protection. The Code of Administrative Contravention establishes responsibility for pollution of land meant for agriculture and other land; destruction of fertile soil and failure to take measures to prevent soil erosion; the placement, construction and exploitation of objects that pollute the soil; and violation of the rules for the maintaining, storage and use of radioactive, biological, chemical or other substances (arts. 52 and 53).

98. The Penal Code was adopted by the law of 24 March 1961. The sixth chapter, "Economic offences" (arts. 166-171 and 173), establishes diverse punishments for intentional damage or damage caused by imprudence to forests, illegal hunting, fishing businesses or other water exploitation, violation of the rules for plant pest control.

99. According to the legislation in force the Ecological State Inspectorate is a body of the Ministry of Environment and Territory Management, whose purpose is to apply the laws and to prevent and trace infractions in this domain. During 1999 it inspected 14,017 diverse enterprises and elaborated 5,393 reports, imposed penalties in the amount of 29,703 lei and issued orders for damage recovery in the amount of 782,049 lei.

100. Soil has a special economic value in the Republic of Moldova. The most widespread soils are chernozems, which account for 70 per cent of the land surface. During the last three decades the area devoted to agriculture has decreased substantially owing to population growth, building, urbanization, etc. Arable land, hay fields and pastureland have been reduced.

101. The natural ecosystems make up only 20 per cent of the territory, being broken up and degraded. Forests cover only 9.8 per cent of the territory. Approximately one-third of the forests were planted during the last 40-50 years. According to the statistical data, about one-fifth of the forests are attacked by pests every year. The Republic of Moldova does have mineral resources that could be exploited industrially. Some non-metal ore deposits are being recorded and explored. Earthquakes, floods, massive soil erosion and the rising water level in the urbanized areas present a great danger in the Republic of Moldova.

102. The State guarantees the participation of people in decision-making regarding the utilization of natural resources, as well as in the exercise of public control over the way natural and legal persons respect the legislation in relation to the protection of nature, on the basis of ample informing of the population and providing access to information of public interest (Constitution, arts. 34, 37; Law on Natural Resources, art. 29, Access to Information Law of 11 May 2000). The Republic of Moldova has ratified the Aarhus Convention on Access to Information, Public Participation in Decision-Making and access to Justice on Environmental Issues.

103. Efficient utilization and maintenance of natural resources, environmental protection and the consequent application of environmental management tools are very difficult to achieve in the absence of the conditions required for territorial, judicial and economic integrity.

104. The Republic of Moldova does not have responsibility for the administration of self-governing territories or those under trusteeship.

Article 2

105. bases for the full and varied development of the human being, the Constitution of the Republic of Moldova incorporates a series of State guarantees regarding:

The right to work (art. 43);

The right to private property and its protection (art. 46);

The right to collective bargaining (art. 43 (4));

The right to just and favourable conditions of work (art. 43 (1));

The right to work security and hygiene (art. 43 (2));

The right to remuneration (art. 43 (2));

The right to strike (art. 45);

The right to inherit (art. 46 (6));

The right to assistance and social protection (art. 47);

The right to a decent standard of living (art. 47 (1));

The right of the family to social, legal and economic protection (arts. 48 and 49);

The right of orphan children to protection (art. 49);

The right of mothers, children and young people to protection (art. 50);

The right to special protection of handicapped persons (art. 51);

The right to establish and join trade unions (art. 42);

The right to medical care (art. 36);

The right to a healthy environment (art. 37);

The right to education (art. 35);

The right to freedom of artistic and scientific creation (art. 33 (1));

The right to intellectual property (art. 33 (2));

The right to development and the propagation of cultural and scientific achievements (art. 33 (3));

The right to choose the language of instruction (art. 35 (2)).

106. According to article 47 of the Constitution, the State pledges itself to take measures to assure to everyone a decent standard of living that provides for the individual and his/her family's health and welfare, including goods, clothes, medical assistance and necessary social services (see also article 11 below).

107. Since the Declaration of Independence, the Republic of Moldova has managed to create a legislative environment that to a great extent meets universally accepted standards for the economic, social and cultural development of the country. Among the first judicial acts that laid down the basis for the transformation of the national economy in the spirit of market relations could be mentioned the Parliament's Decision "on the concept of transition towards a market economy" (1990) and the Programme for Transition to a market economy in Moldova (1991). The Supreme Legislative Body soon adopted the Law on Property, the Law on Privatization, the Land Code and other juridical acts. This contributed to reform in many fields, priority being given to the commercial agrarian and agricultural and industrial sectors, with the aim of macroeconomic stabilization and improving the living standards of the population.

108. Mass privatization is taking place. The process of appropriating land to farmers has begun. A national currency was introduced. Liberalization of market and trade is taking place and contractors' business is developing. The Government, in collaboration with the International Monetary Fund and the World Bank, elaborated the first substantial programme of stabilization of an economy in transition, directed towards acceleration of business activities, incorporating all the necessary conditions for: macroeconomic stabilization; liberalization of prices and trade; adoption of a lasting and credible legal cadre in the domain; transfer of assets from the public to the private sector, giving an impulse to the creation of a financial sector. Then, resulting from the necessity of applying a long-term strategy for the development of the country, the Government of the Republic of Moldova adopted "Strategic orientations for the socio-economic development of the Republic of Moldova until 2005" (November 1998).

109. In December 1998, the Council for National Security, taking into consideration the critical circumstances, raised the problem of the economic and social security of the country. It evoked the dangers posed by the internal conditions, such as the consequences of the economy in transition, the consolidation of the Government, the lack of social equilibrium, the creation of a civil society, and by the external situation - the accumulation of large external debts and electric power dependence, inter alia. As a result, with the support of the United Nations Development Programme in Moldova, a "National strategy for the lasting development of the Republic of Moldova" was elaborated. This document focused on the principles of the Rio Declaration, the main accent being on the consolidation of efforts to improve the quality of life of the present generation, without compromising the chance of future generations to meet their personal needs. The objectives of the strategy are:

(a) To provide welfare, health and education in accordance with the needs for the conservation and regeneration of natural resources, as well as with the security need of future generations;

(b) To create the competitive potential for relaunching and stabilizing economic growth and lasting human development;

- (c) To attain decent living standards;
- (d) To establish human capital corresponding to scientific, technological, informational and moral exigencies;
- (e) Structural strengthening of the socio-economic system on durable bases, in accordance with the criteria for integration into the European Union;
- (f) Renewal of the social security system;
- (g) Continued monitoring and adjustment of the development indicators to the performances of the economic and social sectors and those in the domain of environmental protection.

110. The project will be implemented in two phases. The first phase covers the period 2000-2005. During this period it is proposed to overcome the socio-economic and political crisis; to make the transition to a phase of economic growth; to improve the quality of life; to achieve government stabilization, and then to accomplish structural and macroeconomic reforms, complete the creation of legislative support for the transition to a market economy and assure the functioning of economic mechanisms. The second phase covers the period 2006-2020. It involves: attaining economic security; increasing the national wealth in conditions of the normal functioning of a market economy; rational utilization of the environment; restoration of capacity for natural resource regeneration; conservation of the basic ecosystems; improving living standards, medical care, access to education and social protection; providing a healthy environment for work, living and rest; and consolidating an open civil society.

111. The Republic of Moldova is confronting a series of problems, although it has taken all the necessary measures to promote and provide economic, food and public security and to protect the environment.

112. The country's economy continues to be in a state of acute crisis, illustrated by the decline of production and productivity in all branches of the economy, by the disparity between demand and supply and by chronic insufficiency of internal and external investments, which strongly affect production. There are also deficiencies in the financial system; the population's real income is diminishing. The financial imbalance is generating a crisis of solvency and the blocking of payments. Financial resources are not being delivered for agricultural production, a fact that is diminishing the possibilities for the development and modernization of this sector.

113. The structural indicators of the national economy remain deficient. The economy continues to involve different branches and is directed primarily towards the export of raw materials. Gross domestic product (GDP) decreased during 1999 by 34 per cent in real terms (during 1998 the decrease was 6.5 per cent). Analysis of the component parts of GDP shows a continued substantial decrease in added value of agriculture and industry and an increase of that

of other activities (commerce, social sphere, etc.), as well as of taxes on imported products, this leading to the deindustrialization of the economy. The structure of the economy does not correspond to actual needs - it is missing competitiveness and profitability.

114. The decrease of production volume in agriculture is influenced by the insufficient financial resources for purchasing fuel, chemical fertilizer, means of protecting plants, spare parts, etc. At the same time, the agrarian sector does not have the infrastructure necessary for efficient activity in the conditions of a market economy. At present, agriculture is a very important sector within the national economy. Forty-two per cent of the economically active population are involved in this sector and it accounts for about 30 per cent of GDP. And it can be described as follows: one economically active person feeds another 1.5 persons. A certain progress in establishing the private agrarian sector was registered due to the agrarian and land reform. Because of the implementation of the "Land" programme with financial and human support of the United States of America, about 90 per cent of the former collective farms and sovkhazes were transformed into other forms of enterprises, based on the private property. But they are not efficient yet. Owners do not have the necessary technical equipment and the State does not have the possibility to grant essential subventions or loans, which will give an impulse to accelerate their activity.

115. In 1996, the Republic of Moldova adopted an industrial policy for the reorganization and readjustment of industrial enterprises. Because of the general crisis, the majority of the industrial enterprises became or will soon become bankrupt. GDP decreased vertiginously, to 16.2 per cent in 1999 compared to 38.9 per cent in 1990. The results of this decrease were the continued prevalence of old technologies and the redundancy of experienced labour. The rate of inflation continues to increase. Consumer prices are going up due to a major rising of the tariffs for energy resources. The Republic of Moldova imports 98 per cent of its electric power and fuel. The financial crisis strongly affected the national currency, depreciating it more than 200 per cent. The structure of services changed due to the high prices and taxes. The population's income is decreasing. The number of employed persons is also decreasing. This economic indicator is proportional to the reduction of the volume of production. The unemployment rate, officially 37,000 people in 1998, was caused by redundancy in enterprises, reducing their activity or bankrupting them. Indirect taxes constitute about 60 per cent and direct taxes one-third of the budget income and 50 per cent of them are used in sociocultural purposes. Imports and exports are being reduced.

116. Despite this situation, the democratic transformations are irreversible; however, they have not reached the decisive stage that will ensure the self-development of the country. At present, more than 80 per cent of the population live on an income of 1 dollar, or even less. As compared to 1999, the Gini coefficient, which indicates the degree of differentiation in distribution of citizens' available income, doubled, thus approaching the critical limit of 0.8.

117. The decline of GDP implies substantial social costs that continue to go up. The entire population of the country senses the negative consequences of these costs, but they affect mostly the disadvantaged social classes: children, the old and handicapped persons. According to a public opinion poll, undertaken by the Center of Strategic Investigations and Reforms and the Soros Foundation in Moldova, just 5 per cent of the population of the Republic consider that the

reforms influenced their lives positively. Social differentiation among citizens generated the phenomenon of societal polarization against the background of the discrepancy between the State's social commitments and its real financial possibilities.

118. There is a substantial discrepancy between the declared intentions and real life, and although the Parliament has adopted a set of laws, others are in the initial stage (concerning obligatory medical insurance, State pensions, minimum medical services guaranteed by the State, private pension funds, social insurance and others) and the Government has elaborated many normative acts on social insurance for diverse social categories. Despite the measures under the legislation, the health of the population of the Republic of Moldova has been worsening. The persistent economic crisis, which substantially diminished the living standard, amplified social insecurity and stress.

119. The birth rate has decreased and the mortality rate has increased. Between 1990 and 1999 the mortality rate increased by 17.5 per cent, being higher in the rural areas (40-45 per cent), while the birth rate decreased by 42.9 per cent. Men's mortality is higher than that of women.

120. The health of women, especially pregnant women, has taken a turn for the worse. The health of children, especially of those younger than 14 years, is in continuous decline. Although the proportion of population to doctors is 10,000 to 39.6, which covers the population sufficiently, basic medical services calculated per inhabitant are decreasing. Because of insufficient financial means, medical assistance in rural areas is very poor. Every year the number of hospital beds is reduced. The lack of equipment, diagnostic devices and necessary medicines has become chronic. All these have negative long-term effects on the population and endanger the human capital of our country.

121. The insufficiency of budgetary resources negatively influences the activity of State cultural institutions. On the one hand, the access to cultural services has decreased and, on the other hand, changes have occurred in the market for cultural activities, depending on the social position of the population. By reducing the access to cultural property, against a background of cultural degradation, a decrease of cultural value in the social community is clearly evidenced.

Table 8
The main indicators of social development

Indicators	Units of measure	1998	1999
Number of population (yearly average)	thousand persons	3 652.7	3 647.0
Number of employees (yearly average)	thousand persons	1 033	845
Registered unemployed persons (yearly average)	thousand persons	34	35
Monthly average salary compared to the previous year	lei	250.4	304.6
In fact	%	114	122
Work Payment Fund	%	106	88
Population's income	thousand lei	2 507	2 507
compared to the previous year	monthly average per capita, lei	119.7	132.7
In fact	%	93.2	110.9
Population's expenses	%	86.3	79.8
Volume of goods in trade	thousand lei	6 731	7 281
Volume of paid services offered to population	thousand lei	3 679	3 602
		1 299	1 897
<u>Education</u>			
Number of children: in kindergartens	thousand children	126	101.0
in primary, secondary and high schools	thousand pupils	650.7	643.1
in high schools	thousand pupils	106.5	112.9
Enrolment at educational institutions (with budgetary financing):			
university	persons	68 376	5 211
including day courses	persons	253	4 751
Colleges	persons	42 694	33 293
Including day courses	persons	256	329
Secondary vocation	persons	16 279	15 309
<u>Health care</u>			
Hospital beds	thousand beds	48.3	35.1
Capacity of dispensaries	thousand visits per shift	69.6	72
Number of doctors	thousand persons	16.3	15.7
Average number of medical staff	thousand persons	40.7	35.9
<u>Culture and sport</u>			
Public libraries	units	1 551	1 439
Book fund	minimum copies	20.8	19.9
Theatres and musical institutions	units	20	20
Visits to these	thousand	578	402
Cinema installations	units	512	353
Visits to the cinema	minimum	0.16	0.06
Athletes, participants in world championships and Olympiads	persons	250	220

Source: Ministry of Health, Ministry of Science and Education, and Department of Statistical and Sociological Analyses.

122. During recent years the Republic of Moldova has managed to integrate itself in diverse international, European and regional organizations, such as: the Council of Europe, the OSCE, the United States Project for South-Eastern Europe, the Black Sea Economic Cooperation Pact, the Danube Commission, the Working Community of the Danube Region, the Community of Independent States, the United Nations Economic Commission for Europe, etc.

123. On 28 July 1990 the Republic of Moldova ratified the International Covenant on Economic, Social and Cultural Rights (in force in the Republic of Moldova from 26 April 1993). According to its provisions, the State undertakes to adopt laws and rules to guarantee the rights stipulated in the Covenant; the Parliament therefore set out to elaborate and adopt the respective normative acts. About 20 laws on diverse aspects of human rights and freedoms, including those of an economic, social and cultural nature, came into force. The following laws (enumerated in the order of their adoption) have a distinct significance for the security of the rights stipulated in the Covenant: the Law on the Juridical System of Exceptional Circumstances and Special Forms of Government in the Republic of Moldova (1 October 1990); the Law on Citizenship of the Republic of Moldova (5 June 1991); in a new interpretation - the Law on Citizenship (from 2 June 2000); the Law on Cults (24 March 1992); the Law on Solving Collective Work Conflicts (24 February 1993); the Law on Salaries, (25 February 1993); the Law on Consumer Protection (25 May 1993); the Law on the Juridical Status of Foreign and Stateless Persons in the Republic of Moldova (10 November 1994); the Law on the Rights of the Child (25 December 1994); the Law on Education (21 July 1995) and other normative acts. A pivotal event was the adoption of the Constitution on 29 July 1994.

124. The Supreme Law of the Republic of Moldova states that "... one's dignity, rights and freedoms, free development of human personality, justice and political pluralism represent the supreme values and they are guaranteed" (art. 1., sect. 3). To assure that this is achieved, the Constitution stipulates that all people are equal before the law and public authorities, "... without distinction of any kind such as race, national or ethnical origin, language, religion, sex, political or other opinion, property or social provenience" (art. 16, sect. 2). Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him/her by the Constitution or by the law. "No law shall restrict the access to justice" (art. 20).

125. Exercising the rights stipulated in the Covenant without distinction of any kind such as race, nationality, ethnical origin, language, religion, sex, political opinion, property, social origin, citizenship or residence is determined by a set of other normative acts of the Republic of Moldova such as: the Law on Judicial Organization; the Civil Procedure Code; the Penal Procedure Code; the Law on Salaries; the Law on Property Ownership; the Law on Health Care; the Law on Education; the Law on Culture; the Law on Cults; the Law on the Rights of the Child and other laws.

126. The citizens of the Republic of Moldova enjoy equally all economic, social and cultural rights, stipulated and secured by the Constitution and other laws of the country, irrespective of the method of acquiring citizenship: "... the citizens of the Republic of Moldova are equal before the law and public authorities, enjoy equally all economic, social and cultural rights and freedoms stipulated by the Constitution and other laws, by international agreement, to which the

Republic of Moldova is a party” (art. 6). Foreign and stateless persons enjoy the same rights and freedoms, with exceptions stipulated by the law (Constitution, art. 19, sect. (1); the Law on Citizenship, art. 6).

127. According to the Law on the Juridical Status of Foreign and Stateless Persons in the Republic of Moldova (art. 1, (3)), foreign and stateless persons are equal before the law and public authorities, “... without distinction of any kind such as race, national or ethnical origin, language, religion, sex, political or other opinion, property or social provenience”. The law includes a set of rights for foreign and stateless persons similar to those of the citizens of the Republic of Moldova, such as:

The right to safe working conditions (art. 7);

The right to leisure and medical care (art. 8);

The right to receive indemnities, pensions and other forms of social insurance (art. 9);

The right to a place to live and to own a property (art. 11);

The right to inherit (art. 11);

The copyright of literary, artistic and scientific activity (art. 11);

The right to education (art. 12);

The right to become a partner in diverse societies, including cooperative organizations and production associations (art. 13);

The right to an effective remedy by the competent national tribunals and other public authorities (art. 17).

128. The rights of foreign and stateless persons are also provided by article 4, paragraph (2), of the Constitution, which stipulates that if there is any discrepancy between the covenants and treaties on fundamental human rights to which the Republic of Moldova is a party and its internal laws, international instruments have priority. This constitutional norm was directly introduced in the Law on the Juridical Status of Foreign and Stateless Persons of the Republic of Moldova (art. 26).

129. The Constitution guarantees to everyone the right to an effective remedy for acts violating their fundamental rights and interests (art. 20). The injured person is justified in claiming that right (art. 53).

130. According to the Law, the State is responsible for damages that may arise as a result of errors during penal processes committed by the investigation bodies or courts. Article 6 of the Penal Procedure Code stipulates that everyone who is a victim of an illegal arrest or detention has the right to compensation under conditions of law. This is determined according to the Law on the Compensation for Damages caused by illicit actions of penal investigatory bodies, during exploratory investigations, by prosecutor’s offices and by the courts. According to the Law, the damages are compensated in the following cases (art. 1):

- (a) Illegal holding of an official inquiry or arrest, or illegal dismissal;
- (b) Illegal seizure of property and charging of fines;
- (c) Illegal confiscation of accounts or other documents, money, stamps, as well as illegal locking up of accounts.

131. The Civil Procedure Code also stipulates an effective remedy for acts violating citizens' rights (art. 4). The remedies are (art. 6):

- (a) To recognize these rights;
- (b) To restore the situation existing before the rights' infringement and to cease the acts that infringe the rights;
- (c) To compel the person concerned to make reparation in kind;
- (d) To cease or amend a legal report;
- (e) To compel the person responsible for the infringement to pay for damages and, in the cases provided by law or agreement, to pay for legal costs (fines, delay penalties), as well as other measures provided by law.

132. The establishment of the Institution of Parliamentary Attorneys and the Centre for Human Rights increased substantially the respect for citizens' rights and those of foreign and stateless persons.

133. Moldavian Ombudsmen are endowed with the right to examine notifications from foreign and stateless persons who live permanently or temporarily on the territory of the Republic of Moldova and whose rights were infringed on its territory (the Law on Parliamentary Attorneys, art. 13). This law gives the right to parliamentary attorneys to apply directly the norms of international treaties to which the Republic of Moldova is a party, if the internal laws have a different sense from that of the treaties (art. 10 (2)). During its activity, the Center for Human Rights of Moldova received only a few petitions from foreign and stateless persons, which were solved by mutual agreement with the local public authorities.

Article 3

134. The Supreme Law of the Republic of Moldova stipulates that all citizens have equal rights before the law and public authorities, without any distinction, such as race, nationality, ethnical origin, language, religion, sex, political opinion or other opinion, property or social provenience (art. 16 (2)). These rights are included in the Constitution under Title II, thus quoting the rights stipulated in the International Covenant on Economic, Social and Cultural Rights (see also article 2 above). The constitutional norm stipulates that "a family is based on mutual union between a man and a woman, gives them equal rights, and the right and duty of parents to assure the education of their children" (art. 48 (2)).

135. The Marriage and Family Code of the Republic of Moldova contains more provisions securing the equal rights of men and women. Article 3 of the Code stipulates that "in accordance

with equality of rights, women and men have equal personal and patrimonial rights within a family". Article 4 stipulates that "any kind of direct or indirect restriction of stipulated rights, any direct or indirect advantage with respect to marriage and family, depending on origin, social and material status, race and nationality, sex, education, language, religion, kind and nature of occupation, residence and other circumstances is not allowed" in the Republic of Moldova.

136. To exclude any pressure and to secure the durability of families, the Marriage and Family Code (art. 15) envisages that "to conclude a marriage, the mutual consent of two people of the minimum age of marriage is needed". The spouses enjoy equal rights and have common obligations. Spouses resolve together the problems that are related to the education of children and other family problems. Each of the spouses is free to choose his/her occupation, vocation and residence (art. 20).

137. The Marriage and Family Code enunciates the spouses' rights and obligations with respect to their children. According to article 57, father and mother have equal rights and obligations in that regard, even if the marriage is dissolved (see also article 10 below).

138. Article 6 of the Law on Education stipulates that the right to education is assured to anyone without discrimination of any kind, such as nationality, sex, race, age, origin and social status, political opinion and penal antecedents.

139. Through article 19 of the Constitution, the State commits itself to assuring equal rights for men and women, as well as the equal rights of foreign and stateless persons.

140. The legislative framework of the Republic of Moldova provides equal rights to men and women in court proceedings. Justice is done according to the principle of the equality of all citizens before the law, without any distinction as to race, nationality, ethnical origin, language, religion, sex, political or other opinion, property or social origin and other circumstances (Civil Procedure Code, art. 6; Law on Judicial Organization, art. 8).

141. To exclude discrimination against women in employment, the Penal Code of the Republic of Moldova provides penalties for refusing to employ or for firing a pregnant woman or a breastfeeding mother (art. 140).

142. The Penal Code also envisages penalties for direct or indirect restriction of rights or providing direct or indirect advantages to citizens on the basis of their national or racial affiliation (art. 71): deprivation of liberty for a period up to three years or a fine of up to 50 minimum salaries. The same actions done with violence, deception or threats or committed by a person in a high position, are punished with deprivation of liberty of up to five years, or with a fine in an amount of up to 80 minimum salaries. The above-mentioned actions committed by a group of persons or with a result of loss of human lives are punished with deprivation of liberty for up to 10 years. (These amendments were introduced in the Penal Code by the Parliamentary Law of 23 February 1993.)

143. Measures of a legislative order have also been taken concerning the promotion of women in the sphere of social activity. According to article 9 of the Law on Socio-Political Parties and Organizations, those organizations shall promote the principle of equality of men and women at all levels.

144. In the last three to four years, the purpose of the national legislation on women's rights and freedoms has been to implement and realize gender equality and to prevent discrimination against women. An important step in achieving this purpose is the elaboration of the Bill for Fundamental Actions in Improving the Condition of Women and Increasing their Contribution to Society (Government Decision No. 39 of 15 January 1998). This bill has the aim of promoting a unique policy which would provide and secure the equality of rights of men and women. The Department for Social Protection of the Family and Child, with responsibility for protecting and improving the social status of women, was created under the aegis of the Government. Another decision of the Government (No. 74 of 2 February 1999) instituted the Governmental Committee concerning Women's Problems, whose members are representatives of the diverse State structures and which coordinates decisions and makes proposals concerning the status of women.

145. Effective equality of women and men is not a satisfactory reality. During 1999 about 39 per cent of the total number of petitions addressed to the Centre for Human Rights in Moldova came from women and addressed many problems relating to the exercise of their rights and freedoms; over 80 per cent dealt with problems directly related to economic and social rights.

146. Women's situation in the Republic of Moldova is determined to a great extent by the transition to an economy market. The lasting economic decline, amplified by the vertiginous decrease of living standards, has enormously affected the situation of women in society. Women make up 52 per cent of the population of the country and 51 per cent of the labour force and generate 50 per cent of the national income, but are only 9 per cent of Parliament. Women are not sufficiently represented at the executive level of the Republic of Moldova.

147. According to the latest available statistical data, the number of employed women is higher than that of men, but in the business sphere they constitute only about 5 per cent. Among businesswomen, approximately 2 per cent head large enterprises, 10 per cent head medium enterprises, 40 per cent head small enterprises and 48 per cent head microenterprises. The salaries of women are between 70 and 80 per cent those of men.

148. Unemployment among women is very high. Unpaid leaves, temporary work or partial workdays at the initiative of the administration of the economic units are the factors that increase the unemployment rate of women.

149. Because of low salaries and indemnities for childcare, many families have no possibility to exercise their right to parenthood, which leads to a low birth rate. Because of insufficient jobs on the internal market, women are forced to go abroad in order to find a job where they can become victims of the trade in human beings which took on major proportions between 1998 and 2000, prompting a reaction from the State. The Penal Code provides for the deprivation of liberty for 5-12 years for taking a child out of the country by illegal means, as well as for abandoning him/her abroad (art. 112, para. 3). (The respective amendment was made by the Parliamentary Law of 6 February 1996.) A bill to amend the Penal Code of 24 March 1961 is proposed (until the adoption of the New Penal Code). It contains a distinct article (105, para. 3) "Illicit trade in human beings", that reads: "Recruiting persons for transferring them abroad, with or without their consent, with or without a further purpose of sale or other form of delivery to a third person for sexual exploitation, the pornography industry, slavery, armed conflicts, exploitation of their labour, or delivering them under any other form to someone's servitude" is

punished with deprivation of liberty for 3-7 years, or with a fine of 1,500-3,000 minimum salaries. The same offences committed against a minor, or committed continuously, or after a previous agreement with a group of people, or by a person who is the victim's tutor, are punished with deprivation of liberty for 5-10 years. The New Penal Code, enacted by the Parliament at second reading, contains similar provisions.

150. The phenomenon of violence against women in the family and society, especially physical, economic, psychological and sexual violence, is being thoroughly studied. That is why the Government suggested the adoption of more laws that will improve this situation, will prevent the extension of this process, and will complete and amend a series of normative acts in this domain. It is suggested to amend the Civil Procedure Code of 26 December 1964 with a new article (art. 33, para. 2), that is entirely devoted to violence in the family, according to which each member of the family, including a concubine, tutor or caregiver, has the right to ask for help in the court in cases of family violence. If the petition is recognized to be motivated, the court will adopt a decision to protect the victim by:

- (a) Forbidding further committing of violent actions;
- (b) Removing the culprit from the plaintiff's dwelling;
- (c) Fixing a temporary schedule for short visits;
- (d) Removing the culprit to a reasonable distance from the dwelling, the distance being set by the judge;
- (e) Forbidding the culprit appearing at the spouse's place of work and children's place of education;
- (f) Prescribing treatment for the culprit;
- (g) Granting other kinds of help necessary for the protection of family members, including minors.

151. The implementation of the court's decision is the responsibility of the police, in accordance with the legislation in force. The decision is valid for one year, but in cases of continuous and cruel behaviour in the family, the plaintiff can appeal to the court to prolong the term. It is suggested to amend paragraphs 6 and 24 of article 12 of the Law on the Police (18 December 1990) with concrete stipulations which will stop violence in families, will implement decisions of the court and will offer protection in cases of violence in the family. It is also suggested to complete and amend the Marriage and Family Code of 26 December 1969. Article 6, point 1, is completed with paragraph 4 which reads: "Violence is not allowed between members of the family and persons who live together. Applying coercion or threatening to maintain control over the other members of the family incurs responsibility in accordance with the legislation in force." Paragraph 2 of article 36 is amended by a provision according to which the court may take the necessary means to protect family members against violence, when it registers cases of violence in the family, in accordance with the Civil Procedure Code, up to the moment of drawing up the divorce decision.

Article 4

152. The Constitution of the Republic of Moldova (art. 54, paras. (1) and (2)) stipulates that exercising some rights and freedoms shall be restricted only by law and only if the restriction is imposed for the protection of national security, public order, public health or morality, the rights and freedoms of the citizens, the development of a criminal investigation, the prevention of the consequences of natural calamities, or injury. "The restrictions have to be proportional to the situation that caused it and shall not affect the existence of right or freedom."

153. According to the Law on the Legal System of Exceptional Circumstances and Special Forms of Government in the Republic of Moldova (art. 1), an exceptional situation is considered temporary, decreed by the Parliament or the President of the Republic of Moldova in accordance with the Constitution and the stated law, in the interests of assuring security, legality and the legal order to citizens of the Republic of Moldova, in cases of natural calamities, major accidents and catastrophes, epidemics, mass disturbance and other exceptional circumstances. The restrictions fixed by the law (temporary interdiction of strikes, mass cultural manifestations, special work schedules) are admitted in the system with the rights and obligations stipulated in article 55 (2) of the Constitution, according to which "... respect for the legitimate rights and interests and the dignity of other citizens is compulsory". Neither the Constitution nor the Law on the Legal System of Exceptional Circumstances and Special Forms of Government in the Republic of Moldova, nor any other laws or other internal normative acts, can restrict the rights set out by the Covenant.

154. Since 26 April 1993, when the International Covenant on Economic, Social and Cultural Rights entered into force in the Republic of Moldova, the legal system of exceptional circumstances has never been invoked.

Article 5

155. According to the Constitution of the Republic of Moldova (art. 4), constitutional provisions on human rights and freedoms are interpreted and applied according to the Universal Declaration of Human Rights, covenants and other treaties to which the Republic of Moldova is a party. If there is a discrepancy between the international covenants and treaties on fundamental human rights to which the Republic of Moldova is a party and its internal laws, then the international instruments have priority.

156. According to article 8 of the Constitution, the Republic of Moldova pledged to respect the Charter of the United Nations and the treaties to which it is a party. The enforcement of an international treaty which has provisions that infringe the Constitution has to be preceded by its revision: "... No law or any other juridical act that infringes the provisions of the Constitution has juridical power" (art. 7).

157. The Constitutional Court has an important role in respecting the provisions of article 5 of the Covenant. It ensures the supremacy of the Constitution and exercises control over the constitutionality of laws, agreements, regulations and decisions of the Parliament, decrees of the President, decisions and actions of the Government, as well as international treaties to which the Republic of Moldova is a party (art. 135 (a); decisions of the Constitutional Court are irrevocable and cannot be appealed).

158. Parliament's attorneys have the authorization to apply directly, within their activity, the norms of international law, if domestic juridical acts infringe the former (the Law on Parliamentary Attorneys, art. 10 (2)). Parliamentary attorneys, in accordance with the stated law (art. 31), are entitled to inform the Constitutional Court about the matters in its competence and have done so several times.

Article 6

159. The Republic of Moldova is a party to the ILO Employment Policy Convention, 1964 (No. 122), ratified by the Parliament on 26 September 1995 under No. 593-XIII, in force since 12 August 1997. Moldova is also a party to the Discrimination (Employment and Occupation) Convention, (No. 111), 1958, ratified by the Parliament on 26 September 1995 under No. 593-XIII, in force since 12 August 1997. The Republic of Moldova is also a party to the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by the Parliament on 10 September 1991 under No. 707-XII, in force since 25 February 1993. The Convention on the Elimination of All Forms of Discrimination against Women was ratified by Parliament on 24 August 1994 under No. 87-XIII and has been in force since 31 July 1994. The reports were presented on 25 January 1999, in accordance with article 22 of the Statute of the International Labour Organization.

160. The labour market has an important place in the hierarchy of the different markets that operate within the national economic system. The relationship between available labour and vacancies is determined by numerous factors. The most important ones are the situation of the economy, technological and structural transformations, the level of labour training and its mobility.

161. Unemployment appears, first of all, to be due to the decline of the economy, the reorganization of economic units in accordance with market principles, the rapid evolution of technology, as well as backward professional training. Optimal and qualitative employment is an element of the lasting development of the society. The absence of full employment generates loss of human resources, which causes the reducing of the pace of development of the economy. Employment is a national problem. The structure of employment in the Republic of Moldova between 1995 and 1998 is annexed (appendix 1).

162. Methods of research recommended by the ILO are used in order to study the labour market. One of them is the investigation of household labour, which was studied for the first time in the Republic of Moldova in 1998.

163. According to the information obtained as a result of research carried out in the year 2000, the employed population represented 41.5 per cent of the entire population and 91.5 per cent of the active population. The employment rate (number of employed persons of the total population) of men (42.8 per cent) was higher than that of women (40.4 per cent). Employed persons 15 years old and over were 54.8 per cent of the population. The number of women was larger within this category, but their rate of employment (52.2 per cent) was lower than that of men (57.7 per cent). The gap in the employment rate between urban (38.2 per cent) and rural areas (43.9 per cent) is remarkable. Adult persons made up 77.9 per cent of the employed population. There is no distinct difference in the employment rate in that year compared to the previous year (40.9 per cent).

164. Distribution of the employed population by occupation points out that wage earners are in the greatest number: 62.8 per cent. Of the total number of employed persons, 55.6 per cent work in commerce and only 10.2 per cent in industry.

165. According to the form of property ownership, the employed population is distributed as follows: 68.4 per cent work in the private sector; 25.6 per cent work in the public sector; and 72.2 per cent of the population employed in the private sector live in rural areas. Agriculture is an important segment of the private sector and accounts for 69.2 per cent of the employed persons of this sector. According to the activities of the national economy, the employed population is mostly concentrated in agriculture (50.9 per cent) and 44.0 per cent of these are people between 35 and 49 years.

166. Unemployment continues to be a major problem in the Republic. According to the ILO, the number of unemployed persons was over 187,000 in 1999. The unemployment rate was 11.1 per cent, being higher in the urban area. In 2000, according to the ILO, the number of unemployed persons exceeded 140,000 (8.5 per cent). By sex, the unemployment rate of men was 9.7 per cent and of women, 7.2 per cent. The highest unemployment rate was registered among young people (from 15 to 24 years old) - 15.8 per cent. The official unemployment rate is only 2 per cent. The number of unemployed people listed with the Labour Exchanges was 50,800 in 2000. The unemployment dynamics in the Republic of Moldova during 1991-1999 is annexed (appendix 2).

167. The labour market is also very tense because of the latent unemployment. In 2000, 99,800 persons became unemployed as a result of forced lay-offs and 22,400 persons as a result of a reduced working schedule. At the beginning of the first semester of the current year, there was less unemployment than there is now (85,800 persons and 22,100 persons respectively).

168. Radical transformations within social and economic life cause an increase of unemployment through the redistribution of the labour force between different sectors of human activity, the disappearance of some forms of activity and the appearance of new ones, redistribution between branches, etc. (appendix 3). In 1996, 43.4 per cent of the people were employed in the agricultural sector but in 1999, only 31.1 per cent. The statistical analyses of 1996-1999 show that the percentage of employees in some branches did not change considerably, but at the same time, it changed in industry (from 14.8 per cent to 16.3 per cent), public administration and protection (from 2.6 per cent to 6.0 per cent), property transactions (from 2.7 per cent to 3.4 per cent), education (from 12.4 per cent to 16.3 per cent), and health and medical assistance (from 7.7 per cent to 9.2 per cent).

169. It is necessary to provide conditions of employment that become an exclusive function of the demand developing in accordance with the economic criteria. The State should interfere in order to catalyse the actions undertaken by the agents of the labour force, in order to provide a balance between supply and demand. For a good correlation between supply and demand, trade unions and employers, the State should recognize the role of employment policy; more than that, it should establish and exercise this policy and should cooperate permanently with interested actors.

170. State service for employment has a great place in exercising involvement and a social protection policy in the labour market. The Department for Labour Utilization represents the

State service. There are 12 Labour Exchanges on the territory of the Republic of Moldova. At the request of the economic agents, 22,100 persons were selected and employed during the year 2000 (12,100 women). This was 43.4 per cent of the unemployed people registered at the beginning of the year (50,800). The Labour Exchanges found jobs for 18,100 persons in 2000 (9,500 women, 2,800 young people between 25 and 29 years old and 1,800 persons between 50 and 59 years old).

171. The legislation on vacancies in economic units (the Law on Employment, art. 10) does not function. Insufficient information about available vacancies generates difficulties for the Labour Exchanges in hiring unemployed people. Working together with economic agents, the Labour Exchanges can obtain complete information about vacancies and thus can make its activity efficient. Lack of control by State institutions over respect for the labour legislation, employment, and evidence of job places at enterprises makes the situation on the labour market more difficult. The number of vacancies in enterprises with more than 20 employees on 1 January 2000 was 8,200, which is 3.8 times bigger than that registered by the Labour Exchanges. It is still hard to find vacancies in enterprises with less than 20 employees. The number of vacancies registered by the Labour Exchanges on 1 October 2000 was 2,331, 1,923 of which were for workers, mostly unskilled workers who are not paid well. Information about the number of vacancies registered at the Labour Exchanges during January-December 2000 is annexed (appendix 4).

172. The information about vacancies is also available for persons who have no status as unemployed (persons who have been laid off or had their work schedule reduced, persons who possess agricultural land, persons younger than 16 years, pensioners and others).

173. To select the necessary personnel for economic agents, new methods were introduced: the organization of job fairs and psychological support to unemployed persons in order to facilitate their access to vacancies by the Unemployed Persons Club. For example, during 1999 the Labour Exchanges of Chisinau City organized nine job fairs. The result of these fairs was the employment of 53 persons. The Labour Exchanges of Chisinau City and Orhei County organized about nine job fairs during January-September 2000.

174. To improve the situation on the market of unskilled workers who are unemployed for a long period, public paid works are organized. At the same time, unemployed persons refuse these jobs, because of an inadequate level of payment. During 1999, these actions offered jobs to about 900 persons and during 2000 to 1,127 unemployed persons.

175. Against the background of the decreasing level of living standards, the situation of young people, especially under the age of 16 years old, invalids, women and pre-pensioners is very alarming. There is no demand for these persons on the labour market. The Labour Exchanges face difficulties in convincing employers to employ them. The existent mechanism of vacancy evaluation for the respective category of persons does not function (because it is rather formal) and does not solve the problem of these persons. Some Labour Exchanges have done the impossible: found jobs for 3,774 persons by the decisions of the local councils (including for 1,963 young persons, 989 invalids, 822 persons younger than 16 years). In the first semester of 2000 measures were undertaken to employ 1,272 persons or 33.7 per cent of the unemployed population (1,111 young persons, 87 invalids, 74 persons younger than 16).

176. The State's policy on employment is directed towards increasing the level of employment and providing support for the qualification and requalification of the personnel. An objective of a high importance is to do everything possible to implement the international norms, including the ILO conventions ratified by the Parliament of the Republic of Moldova (Nos. 29, 47, 81, 88, 95, 100, 111, 117, 122, 129, 144 and others).

177. At present there is a more active intervention on behalf of the State which is relaunching an economic policy that shall promote the mobilization of internal and foreign funds, shall create jobs, shall stimulate demand through macroeconomic mechanisms and shall support small producers. All of these will absorb a great part of the labour force.

178. For an active promotion on the labour market, the following were undertaken:

(a) Regulations concerning the financial support of economic agents for creating new jobs were enacted;

(b) The following laws and decisions were elaborated and presented for examination: the Law on Unemployed Persons, the Law on Establishing the National Agency for Employment and Occupation, the Decision concerning the Means of Stimulating the Economic Agents to Employ the Graduates of Educational Institutions, the Decision concerning the Financial Support for Unemployed Persons in Organizing Contractor Activity and the Bills of the Government. Adopting the normative acts mentioned above will generate improvements on the labour market.

179. The appearance of the private sector made conceptions about labour outdated. The Ministry of Labour undertakes efforts to modernize the legislation. Developing a market economy, creating conditions for the development of enterprises, reforming the pension system, and creating possibilities to increase living standards require the application of some modern, flexible and simple norms and procedures. The bill on the Labour Code, the bill on the Law on Labour Inspection and others were elaborated and presented for examination and adoption to the superior bodies.

180. By executing the Law on Employment (from 1 July 1992), labour was declared free in the Republic of Moldova. When people are employed, they enjoy free services from the State Service for Employment. According to the Law, no one may be compelled to work. Citizens' voluntary unemployment cannot serve as a basis for administrative or penal responsibility. According to article 5, the Law applies to all citizens of the Republic of Moldova, foreigners and stateless persons, with the exception of the cases provided in the inter-State agreements. The citizens of the Republic of Moldova employed temporarily abroad shall respect the legislation of those States, with the exception of the cases provided in the inter-State agreements.

181. In order to increase employment, to attenuate the consequences of unemployment and the social insecurity of the population affected by unemployment, State and local programmes on employment are elaborated in the Republic. Thus, by Government Decision No. 317 of 20 March 1998, the State Programme for Employment for 1998-2000 was enacted. The Ministry of Labour, Social Protection and the Family elaborated this programme. It envisages the organization of the Ministry's activity, departments, Labour Force service, local public administration bodies and economic units to achieve State policy in the domain of employment. One of the most important chapters is "Professional Training of Unemployed Persons". To reach

optimum performance in the economy, it is necessary to have a competitive and competent labour force, developed with the help of training programmes. The Labour Force Service develops its activity of professional training of unemployed people in different forms:

(a) Professional information for the adult population about vacancies in the Republic, educational institutions, education and professional training in related vocations, etc.;

(b) Professional consulting for the unemployed adult population, with the aim of providing help in selecting a vocation and a field of activity.

182. During the first semester of 2000, the Labour Force Service organized courses for 35 occupations. 1,886 persons, including 1,439 women, enrolled in the courses of professional training. The expenditure for training financed from the Unemployment Fund was 948,300 lei. Because of insufficient financing of the social protection measures, deficits occur in the professional education sector.

183. Promotion of actions vis-à-vis the labour market is very difficult, because of the economic financial crisis of the national economy. That is why the means provided by the programmes are not fulfilled, but are nevertheless promoted with insistence. The Bill on the National Programme for Employment and Occupations for 2001-2002 was elaborated recently and sent to ministries, employers and trade unions.

184. The Constitution confirms in article 43 the right to work and protection of the work, and stipulates that everyone has the right to work, to choose his/her occupation freely, to work in fair and satisfactory conditions, as well as to have protection against unemployment (art. 43, para. 1). The Labour Code of the Republic of Moldova establishes security of employment (art. 17), among which:

(a) The refusal to employ is forbidden;

(b) No direct or indirect limitation of rights or any direct or indirect advantage in employment because of sex, race, nationality, language, social origin, material situation, religion, belief, association in public societies and other circumstances that do not pertain to the qualifications of the wage earners is permitted. Differentiation, dismissal, preferences and limitations at the work place in respect of persons who need social and legal protection are not considered discriminatory; they are not determined by the requirements specific to the form of activity or the conditions of special care by the State.

185. The Labour Code in chapter three stipulates security of employment and guarantees the right to work. The Law on Salaries No. 1305 of 25 February 1993 provides that fixed salaries are paid to everyone, with no distinction of any kind, such as age, sex, race or national affiliation, political opinion, confession and material situation (art. 3).

Table 9
Vacancies registered at Labour Exchanges, January-September 2000

Labour Exchange	January	February	March	April	May	June	July	August	September
Mun. Chisinau	392	513	516	718	829	812	729	611	1 408
TAU Gagauzia	59	93	122	118	91	110	142	67	51
Balti county	385	454	520	589	513	706	744	627	298
Cahul county	121	88	120	110	123	234	247	181	14
Chisinau county	180	147	190	228	228	295	283	259	185
Edinet county	74	95	116	96	104	129	116	183	12
Lapusna county	85	88	148	115	110	175	160	118	37
Orhei county	117	153	188	210	169	275	170	255	37
Soroca county	72	142	137	343	396	169	257	258	194
Tighina county	126	122	116	142	120	88	99	124	51
Taraclia county	-	-	49	61	62	88	48	50	40
Ungheni county	152	107	193	144	92	178	158	78	4
Total	1 763	2 002	2 415	2 874	2 837	3 247	3 153	2 811	2 331

Table 10
Dynamics of unemployment in the Republic of Moldova, 1991-2000.
Social protection measures undertaken

Measure	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Referred to the offices (pers.)	59 309	48 375	40 068	38 684	45 365	46 333	49 518	63 296	57 834	50 848
Employed (pers.)	29 315	11 809	11 916	11 020	16 480	19 573	21 078	22 386	19 121	22 085
Beneficiaries of unemployment compensation (pers.)			12 961	14 881	19 747	19 563	18 180	19 921	25 315	23 740
Amount of unemployment compensation (lei)	41.2	14 856.6	231.2	1 709.3	5 173.1	5 839.1	6 478.0	8 659.39	7 930.73	
Unemployed persons enrolled in professional training courses (from the beginning of the year) (pers.)		49	1 257	5 170	7 511	8 927	10 583	11 456	10 216	
		27	712	2 723	5 188	5 436	6 749	7 263	7 286	
Expenditure for professional training (lei)		126 521	46.4	731.3	1 503.3	2 144.5	2 382.5	3 862.50	1 351.0	9 023
Unemployed persons employed in paid public works (pers.)		14	256	510	595	737	971	1 360	839	1 127
Expenditure for paid public works (thousand lei)				8.87	1.66	0.2	1.17	2.67	2.02	-
Unemployed persons registered at the end of the year (pers.)	78	15 001	14 113	20 554	24 543	23 426	27 973	32 021	34 918	28 873
Of whom: laid off by the economic units (thousand pers.)	60	22.1	24.5	24.2	13.2	11.9	12.5	13.3	17.6	11 873
Vacancies at the end of the year (units)	7 364	868	589	718	1 016	1 977	1 388	1 128	1 242	1 884
Of which: for workers	6 689	702	415	473	602	1 156	853	834	938	1 564
Unemployment rate (%)			0.9	1.2	1.4	1.5	1.8	1.8	2.0	2.1

Source: Statistical reports of the State Service for Employment for 1991-1999.

Table 11
Redistribution of the labour force by sectors of the economy

Sector	Average staff, persons		Employees per sector, %	
	1996	1999	1996	1999
Total	1 184 279	810 284	100	100
Agriculture, hunting, forestry	513 687	266 167	43.4	32.8
Industry				
Total	175 507	127 978	14.8	15.8
including:				
Mining	3 791	2 538	0.3	0.3
Processing	149 401	102 982	12.6	12.7
Electric power, gas and water	22 315	22 459	1.9	2.7
Construction	39 804	23 974	3.4	2.9
Wholesale trade	54 857	35 454	4.6	4.4
Hotels and restaurants	5 782	3 630	0.5	0.4
Transport and communications	81 475	48 725	6.9	6.0
Financial activities	9 508	6 883	0.8	0.8
Property transactions	31 800	26 871	2.7	3.3
Public administration and protection	29 787	48 755	2.5	6.0
Education	146 438	128 977	12.4	15.9
Health and social assistance	90 635	73 788	7.6	9.1
Other activities or services	24 195	18 393	2.0	2.3
Entertainment, cultural-sportive activities	-	14 364		1.8

Source: Quarterly statistical report of the Department of Statistical and Sociological Analyses on remuneration and movement of personnel.

Table 12
The structure of employment in the Republic of Moldova, 1995-1999

	1995	1996	1997	1998	1999
Total population (thousand pers.)	3 604	3 599	3 654	3 652	3 646
of which:					
Economically active population (thousand pers.)	1 696	1 686	1 671	1 809	1 682
Compared to the total population (%)	47.1	46.8	45.7	49.5	46.1
Population employed in the economy (thousand pers.)	1 673	1 660	1 646	1 642	1 496
Percentage of those employed in:					
Agriculture	46.1	42.8	41.5	45.6	48.8
Industry	11.9	11.7	11.6	11.0	10.7
Construction	4.1	3.3	3.2	3.5	2.9
Services	37.9	42.2	43.7	39.9	37.6
Unemployed people registered at the Labour Exchanges during the year (thousand pers.)	45.4	46.3	49.5	63.3	57.8

Source: Department of Statistical and Sociological Analyses of the Republic of Moldova.

Article 7

186. The Republic of Moldova is a party to ILO Conventions Nos. 81, 100, 129, 131, 132 and 155. Reports on Conventions Nos. 81 and 132 were presented in August 2001 and the report on Convention No. 129 was handed in on 5 August 1999. Convention No. 100 came into force on 23 March 2000 and Convention No. 155 on 28 April 2000 and, in accordance with the Statute of the International Labour Organization, do not need an immediate response during this year.

187. The system of salaries in the Republic of Moldova is established within the relationship between the form of organization of the economic unit and the nature of its activity. In private enterprises, salaries and the conditions of payment are established by collective or individual negotiations between legal or natural persons. These units may also employ wage earners or their representatives depending on the financial possibilities of the employer. All negotiations are set down in a collective or individual employment contract. A salary of a public sector labourer financed by the budget is paid on the basis of a single tariff. The level of salaries and conditions of payment, differentiated according branch and activity, are established by decisions of the Government.

188. The legislation of the Republic of Moldova provides a single minimum salary. At the same time, different groups of employees receive minimum rates depending on the complexity of their labour. They are paid by the State as follows. The professional groups are determined in accordance with the Job Classification of the Republic of Moldova, CRM 006-97.

Table 13

Salary scales

Auxiliary Personnel Service	1.00
Workers, depending on the degree of labour complexity:	
Labour with a reduced degree of complexity	1.00
Simple specialized labour	1.26
Complex specialized labour	1.59
Specialized labour with a high degree of complexity	2.07
Office workers	1.59
Specialists:	
With secondary education	2.69
With higher education	3.50
Chiefs of subdivision	3.85
Leaders	5.14

189. The system of minimum salary for the first category is established by agreement between social partners and is legalized by decisions of the Government. The implementation of this system at a branch level is legalized by the signing of collective employment contracts. Thus, employers of the respective branches do not have the right to remunerate their employees with a

salary smaller than that negotiated and approved for this branch. For example, in the processing industry, the minimum salary for the first category of qualification is 115 lei, but in construction it is 250 lei. The legal provisions on salaries are not applied in the eastern districts of the country, i.e. Transnistria.

190. Article 8 of the Law on Salaries No. 1305-XII of 25 February 1993 and article 84 of the Labour Code stipulate the minimum salary. According to these legislative acts, the minimum salary is obligatory for all economic agents, with no distinction of the form of property ownership, and cannot be reduced by collective or individual employment contracts. According to the law, the minimum salary is determined in the amount of the minimum allowable payment. It is paid in cash to the employee with a reduced complexity level or normal working conditions. The minimum salary is fixed on the basis of the minimum consumption budget. But the correlation between living standards and the salary is not set yet. As for the minimum living standard, it also does not have a legal basis. The amount of the minimum salary is decided only by taking into consideration the concrete economic conditions. It must be reconsidered according to the increase of productivity, cost of living, average salary, change of labour force in the present economic situation and other socio-economic conditions. Unfortunately, during the last six years, this mechanism has not functioned because of the fact that the minimum salary is declared a social standard and it is fully used in fixing different social payments (pensions, scholarships, annuities, social support, etc.), as well as State fees, taxes, tariffs, fines and other kinds of payments that are not a result of labour.

191. The Government has presented to the Parliament a draft on the method of fixing and re-examining the minimum salary, which will allow the re-establishing of its economic function. According to this bill, the minimum salary will be only a minimum guarantee for the employees provided by the State.

Table 14

Data on minimum salary evolution in relation to the minimum consumption budget

	1992	1993	1994	1995	1998	1999	2000
Minimum salary (lei)	1.7	10.0	18.0	18.0	18.0	18.0	18.0
Minimum salary for the first category of qualification (lei)					65.45	65.45	65.45
Minimum consumption budget (lei)	3.4	49.3	271.3	310.6	473.0	662.0	901.0

192. Remuneration at the minimum wage is supervised by the State labour bodies (the Ministry of Labour, Social Protection and the Family, the Labour Exchanges) and trade unions. Every year, all economic units with a staff of more than 20 present to the Department of Statistical and Sociological Analysis information about the distribution of the staff according to the amount of wages. The report must include information about the staff that had a wage under the level of the tariff for the first category of qualification. In September 1999, the number of these employees was 4.1 per cent of the entire workforce, of which 51 per cent are employees in

the field of agriculture. They worked an incomplete day or week schedule. For a more strict supervision of respect for minimum payments, it is necessary to establish a labour inspectorate.

193. Article 3 of the Law on Salaries stipulates that no discrimination of any kind, such as age, sex, race or national affiliation, political opinion, confessions or material situation, is allowed.

Table 15

Remuneration of personnel according to the form of property ownership

Sector	Average monthly salary (lei)	
	1999	2000 (preliminary)
Total	304.6	407.7
Public	296.3	379.6
Private	256.6	374.1
By branch, including:		
Agriculture, hunting and auxiliary services	166.7	243.7
Public	214.0	331.4
Private	157.8	172.7
Industry	537.6	696.6
Public	634.4	792.9
Private	438.2	559.4
Construction	474.0	586.9
Public	415.0	603.9
Private	449.7	567.5
Transport	462.2	638.8
Public	520.3	742.1
Private	317.4	399.7
Commerce	274.7	363.0
Public	489.3	643.2
Private	221.8	316.8
Education	193.5	250.3
Public	188.0	239.6
Private	602.5	850.6
Health and social assistance	184.1	227.6
Public	182.1	225.2
Private	401.9	429.8

194. Employees' remuneration, depending on the financial source, according to preliminary data for 2000 are shown below:

Average salary of employees - Total	407.0 lei
Including:	
Budgetary sector	292.9 lei
Any form of private enterprise	487.6 lei

Table 16

Evolution of the average monthly salary for 1994-1999 (lei)

Year	Total	Public sector	Private sector
1994	108.4	112.2	104.2
1995	143.2	150.3	122.4
1996	187.1	203.0	151.0
1997	219.8	234.4	174.3
1998	250.4	263.9	194.4
1999	304.6	297.6	256.6

195. The legal provisions that imply minimum conditions of subsistence are stipulated by the Regulations on health protection and security and are envisaged in the following normative acts:

The Constitution of the Republic of Moldova;

The Labour Code of the Republic of Moldova;

The Law on Labour Protection No. 625-XII of 2 July 1991;

The Law on Sanitary-Epidemiological Security of the Population No. 1513-XII of 16 June 1993;

Government Decision on establishing special funds for labour protection No. 154 of 22 April 1994;

Government Decision approving the Regulations concerning the methods of investigation of work-related accidents No. 380 of 23 April 1997;

Government Decision approving the Regulations concerning the examination of working conditions No. 161 of 31 March 1993;

Hygienic norms and rules of working conditions in all branches of the national economy, which are approved by the Chief Doctor of the Republic of Moldova.

196. The legal provisions stipulated by the health-care and security rules included within these normative acts apply to all wage earners of the national economy, without distinction as to the form of property ownership and organization of the economic agents.

Table 17

The number of victims of work-related accidents, 1995-1996

Year	Victims of accidents	Victims of fatal accidents
1995	1 946	69
1996	1 734	57
1997	1 307	54
1998	1 117	49
1999	872	45

197. The Statute of Women in the Republic of Moldova, from the point of view of the settlements in force, does not present an obstacle for its promotion within the new democratic institutions created after the declaration of independence. The Constitution provides equal rights to all citizens. The right to elect and to be elected to the leading bodies guarantees women the right to occupy any position according to their vocation (arts. 16, 38 and 39).

198. Despite these provisions, the degree of occupational training and competence of women has little importance. Access by and participation of women to the elaboration and application of policies of socio-economic development and assuming decision-making responsibilities are precluded. Only a few have careers and are promoted. One of the essential causes could be the social patriarchal mentality towards the place of women in the society. Thus, most men and, what is really disturbing, most women consider that the family duties are much more important than social affirmation. This discriminatory mentality in many cases is the basis of the principle of specialists' selection: men are more easily employed because they do not carry the burden of family and children's education. Women continue to be the prey of this phenomenon, because many so-called "progressive" policies had the effect of consolidating the traditional division of labour. Women are often forced to choose between career and marriage. Everyday problems, an uneasy combination of household activity with work obligations, the patriarchal view of women, distrust or, in some cases, negative attitudes about their knowledge and intellect are essential causes of discrimination.

199. All enterprises are forbidden to employ women for work in difficult and harmful conditions. This is stipulated in a government decision endorsing the nomenclature of industries, occupations and jobs which imply hard and harmful working conditions for women and the norms for women in lifting and carrying loads (No. 624 of 10 October 1993). According to the norms, the maximum load women may lift and carry is 10 kg (up to twice per hour). Continuous lifting and carrying of loads during the working shift is limited to 7 kg.

200. Women and men will have equal chances to professional careers if some vital problems are solved. Changing the mentality and attitudes concerning women leaders, awareness of

specific problems, promoting principles for the remuneration of family duties, etc. will help to redress the situation of woman. Ministries, departments, the Council of the General Trade Union Federation, the Council of National Confederation of Employers of the Republic of Moldova and some responsible persons in supervising and coordinating the implementation of the principle of equal opportunities in their respective field of activity attempt to implement the principle of solving problems comprehensively. Although we do not have experience in this domain, we must mention that in the Republic of Moldova there is political will which makes visible the problems concerning equality of women and men. It also contributes to the change of situation in this domain.

201. Leisure time is stipulated in the Labour Code of the Republic of Moldova and the collective employment contract. A separate chapter on leisure time is included in the Labour Code. Chapter five consists of 20 articles concerning leisure time, days off, prohibition of work on days off, work remuneration for days off and others. The norms concerning days off introduced in this chapter are in accordance with the international norms and are applied to all wage earners of the national economy. Article 69 of the Labour Code states 10 public holidays per year. During these days all enterprises, institutions and organizations are closed. Articles 71 and 81 state the yearly paid leave for all employees of the national economy. Yearly minimum leave is set for a period of not less than 24 working days.

202. International assistance in this area is very important, especially from a methodological point of view. With the help of international assistance, new normative acts and amendments to the existing ones are elaborated and adopted.

Article 8

203. The Republic of Moldova is a party to the following Conventions:

(a) International Covenant on Civil and Political Rights (1966), ratified by Parliamentary Decision No. 217-XII of 28 July 1990, in force since 26 September 1993;

(b) ILO Convention concerning Freedom of Association and Protection of the Right to Organize (No. 87 of 1948), ratified by Parliamentary Decision No. 593-XIII of 26 September 1995, in force since 12 August 1997. The report concerning the implementation of the Convention's provisions was sent to the ILO in August 2000.

204. The Constitution of the Republic of Moldova states the right to establish and to associate in trade unions (art. 42): "Every wage earner has the right to establish and belong to trade unions for the protection of his rights. Trade unions are formed and carry out their activity according to their statutes and legal provisions. They contribute to the protection of professional, economic and social rights of the employees."

205. Article 232 of the Labour Code stipulates that employees have the right to form, at their choice and without prior authorization, institutions, trade unions and organizations, as well as to belong to them.

206. The Law on Trade Unions No. 1129-XIV of 7 July 2000, published in the *Official Gazette* No. 130-132/919 of 19 October 2000, stipulates citizens' constitutional right to

form and belong to trade unions. In accordance with the provisions of this law, citizens of the Republic of Moldova, foreigners and stateless persons who live legally on its territory have the right to form, at their choice, institutions and to belong to trade unions. They do not need prior authorization from public authorities (art. 7). A trade union can be formed at the initiative of at least three persons, who are considered the founders. Establishment of the primary trade union is by a decision of the Constituent Assembly. According to article 8, paragraph 3, trade unions are formed voluntarily, on the basis of common interests (occupation, branches) and operate, as a rule, within enterprises, institutions or organizations, with no distinction as to their organizational form of property ownership. The employers have no right to hinder natural persons from belonging to trade unions. The activity of trade unions is independent of public authorities at all levels, political parties, public associations, employers and their associations, and cannot be subjected to control and subordination (art. 5). Membership in trade unions does not imply any restrictions of the human rights and freedoms stipulated by the Constitution and the international agreements to which the Republic of Moldova is a party (art. 6).

207. Article 4 stipulates that the Law on Trade Unions applies to military units and to domestic affairs bodies (taking into consideration the peculiarities set by legislative acts that determine their juridical status). The fundamental rights of trade unions are stipulated in chapter three of the Basic Law. Some of them are enumerated below:

- (a) Trade unions represent and protect the interests of their members at all levels of public authority;
- (b) Trade unions have the right to collective negotiation with employers and their associations and with public administration authorities and to conclude collective employment contracts;
- (c) Trade unions ensure the protection of the right to work and of the right to a remuneration that ensures a decent standard of living;
- (d) Trade unions take part in the elaboration of State policy in the domain of labour and environmental protection, and in the elaboration of programmes to improve employees' working conditions;
- (e) Trade unions provide legal assistance to its members and, in accordance with the legislation, take part in resolving individual labour litigation;
- (f) Trade unions take part in ameliorating collective labour conflicts.

208. In order to protect the rights of the trade union's members, the trade union organization, independently or at the request of the respective members, organizes meetings, in accordance with the law.

209. Very often, ignorance of these rights leads to infringement of the laws by persons in high positions. For example, the Executive Committee of the General Federation of Trade Unions of the Republic of Moldova specified in the appendix to Decision No. 68-648 of 14 December 1999 that the State Office of the Government forbids the activity of primary trade unions and restricts the right of office workers to affiliate in trade unions because the Law on Government does not

envisage the activity of public organizations. Workers at the joint stock company "Bucuria", the Anti-Hailstone Department of Ciadir-Lunga and the sugar factory in Ghindeshti are not allowed to affiliate in trade unions.

210. Article 4 of the Law on Public Associations stipulates the following restrictions in the establishment and activity of public organizations:

(a) Public associations are not allowed if they advocate or act to change by violent means the constitutional system; to destroy the territorial integrity of the Republic of Moldova by using war propaganda, violence and cruelty; to incite social, racial, national or religious hatred;

(b) Establishing public associations that violate citizens' rights and interests, people's health and public morality is forbidden;

(c) It is forbidden to establish a paramilitary or armed public association;

(d) Civil servants that supervise the registration and activity of public societies cannot be founders of public associations;

(e) The founders of public associations and members of the executive bodies cannot be members of the Government or civil servants;

(f) The law sets other restrictions on establishing certain public associations and the process of applying them to specific categories of civil servants.

211. Article 45 of the Constitution of the Republic of Moldova provides the right to strike. Strikes can be called only to protect the economic and professional interests of employees. Paragraph 5.12 of the appendix to the Collective Labour Agreement of the year 2000 stipulates that strikes begin with the aim of protecting professional interests of an economic and social character of working people and cannot have political aims (Constitution, art. 45). According to article 16 of the Law on Resolving Collective Labour Disputes No. 1298 of 24 February 1993, participation in a strike is optional. No one can be forced to take part in a strike or to refuse to participate. Employees can start a strike only to defend their professional interests of an economic and social character. A strike cannot have any political purpose and it is forbidden to begin a strike in order to terminate labour agreements with economic units that dismiss or demote employees (art. 14).

212. Article 28 of the Law on Resolving Collective Labour Disputes provides restrictions on the calling of strikes and participation in it. Strikes are not admitted:

(a) If it endangers the life and health of people;

(b) In governmental and State administration bodies;

(c) In units meant to provide law and order and State security;

(d) In the railway and public airlines, telecommunications, energy and defence sectors;

(e) In industrial units with a continuous working regime, the stopping of which would have severe consequences.

Article 9

213. According to article 43 of the Constitution every person has the right to work, to freely choose the type of work, to have just and satisfactory working conditions, as well as to benefit from protection against unemployment. Employees have the right to measures of labour protection. These are considered to be secure and hygienic working conditions, a special working schedule for women and young people, a minimum wage, weekly rest, paid leaves, as well as other specific measures.

214. Article 47 of the Basic Law provides the right to social assistance and security:

(a) The State is obliged to take the necessary measures to guarantee to every person a decent standard of living that would ensure his and his family's health and well-being, as well as food, clothing, housing, medical assistance and necessary social services;

(b) Citizens have the right to insurance in cases of unemployment, disease, invalidity, old age or in cases of losing their means of livelihood in circumstances beyond their control.

215. Chapter sixteen of the Labour Code of the Republic of Moldova stipulates:

(a) All employees are required to be covered by social insurance (art. 244);

(b) Social insurance of employees is paid by the State;

(c) Enterprises, institutions and organizations pay contributions for social insurance. These allocations are not withheld from salaries. If enterprises, institutions and organizations do not pay the taxes, employees are not deprived of the right to social insurance (art. 245).

216. Employees and members of their families receive social insurance in the following cases:

(a) Temporary disability; material support in caring for children up to the age of 1½ years;

(b) Childbirth allocation, funeral support;

(c) Old-age pensions, invalidity, loss of breadwinner, as well as pensions for seniority for some categories of workers;

Social insurance is also used for treatment in spas, preventive care, holiday centres, supplementary feeding, camps for children and other social measures. Funds from the social insurance can be spent only for the purpose for which it was intended (art. 246).

217. Allocations for temporary disability are paid in cases of illness, invalidity, tuberculosis, temporary transfer to another job as a result of a disease that diminishes professional aptitudes, or for caring for a family member who suffers from a disease, is under quarantine and undergoing spa treatment. The amount is equal to a wage. In case of sickness or invalidity, the allocations are paid until restoration of the person's work capacity or until the degree of disability is offset (art. 247).

218. Maternity and childbirth allocations are paid on the whole period of maternity leave according to monthly income (art. 248).

219. Allocations for childbirth are meant for baby care and feeding (art. 249)

220. Funeral support is given when an employee or family member dies (art. 250).

221. The general conditions of insurance and the amount of social allocations are set by legislation (art. 120-1).

222. Citizens of the Republic of Moldova, foreigners and stateless persons have the right to old-age pensions, allocations for invalidity, allocations for loss of guardian and for old age in circumstances and ways set by the Law on Pensions and State Social Insurance (art. 121).

223. The Law on the Public System of Social Insurance No. 489-XIV of 8 July 1999 guarantees and provides for the exercise of the right to social insurance. Thus, the right to social insurance is secured by the State and is exercised in the terms of law under the public system of social insurance (art. 2). The public system of social insurance (hereinafter referred to as public system) is organized and functions under the following principles:

(a) Principle of a single system, according to which the State organizes and guarantees a public system based on legal norms;

(b) Principle of equality that provides to all taxpayers a non-discriminatory treatment as far as legal rights and obligations are concerned;

(c) Principle of social solidarity, between and within generations, according to which contributors to the public system assume mutual obligations and benefit from the right of prevention and limitation of social risks;

(d) Principle of obligations, according to which natural and legal persons have the obligation to be part of the public system; social insurance rights are exercised when the obligations are fulfilled;

(e) Principle of allocations, according to which the social insurance fund is constituted from the taxes paid by natural and legal persons; the right to social insurance comes into force on the basis of allocations paid into the social insurance fund;

(f) Principle of distribution, according to which the social insurance fund is constituted and redistributed for paying out allocations under the public system;

(g) Principle of autonomy, according to which the public system is administered individually (art. 3).

224. The public system stipulates compulsory insurance for the following:

(a) Persons with an individual labour agreement;

(b) Persons in an elective or appointed position in the executive, legislative or judicial branch during their mandate (envisaged in point (a));

(c) Persons who benefit from unemployment allocations from the fund for supporting the unemployed (hereinafter referred to as unemployed worker);

(d) Persons who benefit from indemnities for temporary disability, pregnancy and confinement, and pensions for invalidity, on the condition that all these are paid by the respective funds;

(e) Persons who have a yearly income equivalent to at least four average monthly salaries and are in one of the following situations:

(i) Are a unique associate, sleeping partner, shareholder or manager in a commercial company, but with no individual labour agreement;

(ii) Are managers with a contract;

(iii) Are members of a family association;

(iv) Are authorized to work independently;

(v) Are employees of an international organization (if he/she is not insured by it);

(vi) Are members of a handicraft cooperative;

(vii) Work in a recognized religious entity and do not have a labour agreement with it;

(viii) Are 16 years old and do not have restrictions on compulsory insurance under the present law;

(f) Persons who have a yearly income of at least three average monthly salaries and are in one of the following situations:

- (i) Own property and/or are land agents of farm and forest territories;
- (ii) Carry out agricultural activity on farms or private activity in the field of forestry;
- (iii) Are members of farm associations or other agricultural associations;

(g) Persons who have a yearly income equivalent to at least four average monthly salaries and are in one or more of the situations described above (art. 4).

225. Government Decision No. 450 of 30 June 1995 on "Approval of some conditions for compulsory social insurance" stipulates:

(a) Conditions and means of compulsory social insurance for natural persons who operate with a contract;

(b) Conditions and means of compulsory social insurance for citizens of the Republic of Moldova who work abroad but have employment contracts;

(c) Conditions and means of compulsory social State insurance for farms.

226. The declaration on insured persons is set out in article 5 of the Law No. 489-XIV of 8 July 1999, and envisages the following:

(a) Article 4 paragraphs (1), (2) and (3), stipulates that employers are obliged to present monthly, or otherwise as set by the law, a declaration of all insured employees by name. The institutions that pay unemployment compensation must also submit such a declaration;

(b) According to paragraphs (5)-(7) of the same article, 16-year-old persons are obliged to present individually a declaration of insurance within 30 days;

(c) Paragraphs (5)-(7) of article 4 stipulate that persons who are simultaneously in more than one of the situations enumerated in paragraphs (1) or (2) of the same article are exempt from submitting the declaration of insurance;

(d) Declarations must be submitted at the territorial structure of the National House in the sector of the employee's domicile or the enterprise's location.

On the basis of an individual contract, people who are not in the situations enumerated in article 4 can also be insured (art. 6).

227. The social insurance allocation is established in article 7:

(a) In the public system, social insurance allocation is the amount of money paid not to insured persons; it is correlated to the social insurance taxes paid;

(b) Social insurance allocation is provided as pensions, indemnities, or other kind of support envisaged by law;

(c) In the public system, social insurance represents an income to replace a total or partial loss of income as result of age, invalidity, accidents, illness, motherhood, loss of job or death; hereinafter these are referred to as insured risks;

(d) In the public system, the insured person cannot receive more than one kind of social insurance for the same insured risk; exceptions are allocations for the prevention of illness and recovery from disability.

228. The rights and obligations of social insurance in the public system are ensured on the basis of a personal code of social insurance. This code is given to every insured person in the public system. The National House fixes the personal code of social insurance and the manner of its distribution.

229. The State Register of individual contributors (natural and legal persons) to the public social insurance system, enacted by government Decision No. 418 of 3 May 2000 (art. 8), stores and analyses data that refer to the legal and natural status of taxpayers in the system. It also has the aim of keeping an individual record of all kinds of pensions, indemnities, compensations and other payments and to transmit information about insured persons to the public administration authorities. The State Register belongs to the National House of Social Insurance. Data and documents from the State Register are confidential.

230. The National House is an independent public institution of national interest, with a legal personality, that administrates the public social insurance system. The National House has its headquarters in the municipality of Chisinau (art. 43). The National House has the following obligations stipulated by the provisions of the Law on the Public Social Insurance System:

(a) To guide and monitor the application of the legal provisions, through its territorial structures, including the social insurance fund, as well as the natural and legal persons who have the rights and obligations stipulated in the present law;

(b) To submit the necessary data for the elaboration of the budget of the State social insurance;

(c) To submit reports on the administration of the budget of the State social insurance to the Government and social partners;

(d) To publish annual reports on its activity;

(e) To transfer allocations of social insurance, allocations from the unemployment fund and other allocations, in accordance with the legal provisions in force;

(f) To receive the income from the budget for State social insurance, in accordance with the legal provisions in force;

(g) To develop an efficient administration of the public system patrimony as well as to ensure its integrity;

(h) To protect the social insurance fund;

- (i) To keep a record of all taxpayers in the public system;
- (j) To record the rights and obligations of social insurance at the national level on the basis of the personal code of social insurance;
- (k) To give annual certificates of payments made to every insured person;
- (l) To guide and monitor the activity of medical examinations and recovery from disability;
- (m) To submit data for adjusting the rates in the public system during the budget exercise;
- (n) To apply international conventions on social insurance to which the Republic of Moldova is a party;
- (o) To develop links with similar bodies from other countries;
- (p) To organize professional selection, brief and train the personnel in the social insurance domain;
- (q) To maintain, extend and protect the automatic system of calculation and recording;
- (r) To act as a party in court during litigation arising from the application of the Law;
- (s) To assume other obligations set by legal provisions (art. 49).

231. The Law on the Public Social Insurance System indicates the following in article 9:

(a) The rights to public social insurance are transferred, under the conditions set by international agreements and conventions to which the Republic of Moldova is a party, to the country of residence of the issued person;

(b) The social insurance allocations can be transferred to another country, under the conditions set by international agreements and conventions to which the Republic of Moldova is a party, and exchanged into the currency of the respective country or into another agreed currency.

232. Chapter two, entitled “The Budget of State Social Insurance”, of the present law, stipulates the obligation: to elaborate and adopt the budget; to use its income for its expenses; to supply the fund and monetary deposits; to cover the budget deficit; to pay the social insurance in the respective currencies.

233. The budget of the State social insurance belongs to the national public budget and is independent of the State budget. The budget of the State social insurance consists of income, expenses and financial results of the public system.

234. At the suggestion of the National House, the Government elaborates bills on the State social insurance budget and presents these bills to the Parliament for their adoption. The income of the State social insurance budget derives from taxes for social insurance, interest, penalties for late payment or other income. The expenses of the State social insurance budget cover the organizing and functioning of the public system, the financing of some investments and other expenses envisaged by the Law.

235. The State social insurance budget allocates every year up to 3 per cent of its budget for the reserve fund. The cumulative reserve fund cannot be more than 50 per cent of the expenses planned for the respective budgetary year. The reserve fund is used to cover the social insurance service or other expenses of the public system approved by the Law on State Social Insurance Budget.

236. Any budget surplus becomes income for the next budget and is used for the purposes approved by law. The current budget deficit is covered by the reserve from the previous year of the State social insurance budget and after the reserve is used up, it is covered by the reserve fund. Money deposited with the State social insurance budget earns interest. The National House together with the Treasury or bank societies set the level of interest. The State budget grants money to cover the deficit of the State social insurance budget after the reserve fund is used up. If the State social insurance budget decreases as a result of the implementation of normative acts, the deficit is covered by the State budget.

237. On the territory of the Republic of Moldova allocations and social insurance allocations in the public system are paid in lei. Allocations and social insurance set in the currencies of other States are paid in lei, at the current exchange rate of the National Bank of Moldova. Allocation of social insurance is envisaged in chapter three of the Law No. 489-XIV of 8 July 1999. Article 17 envisages taxpayers of the public system and shares of social insurance allocations as follows:

- (a) Persons who pay taxes to the public system, i.e.:
 - (i) Insured persons who owe individual allocations of social insurance;
 - (ii) Employers;
 - (iii) Legal persons who, under the present law, are assimilated to the employer who employ the insured persons envisaged in article 4, paragraph (2);
 - (iv) The fund for unemployment allocations;
 - (v) Other funds according to the present legislation;
 - (vi) Persons who have insurance contracts;
 - (vii) Persons who are under individual labour agreement but whose employers are not residents of the Republic of Moldova;

(b) Shares of social insurance allocations are differentiated depending on whether the insured works under normal or special working conditions;

(c) The Law on State Social Insurance Budget approves shares of social insurance allocations every year.

238. Article 39 of the chapter four, entitled "Pensions", enumerates the category of pensions granted by law:

- (a) Old-age pension;
- (b) Pension for invalidity;
- (c) Pension for survivors.

The way of granting, fixing and paying pensions is stipulated in the law (art. 40).

239. According to the Law on Pensions of State Social Insurance No. 156-XIV of 14 October 1999, insured persons residents of the Republic of Moldova have the right to pensions. This right is exercised by the public system of insurance against social risks, which are disability (advanced age, invalidity) or death of the breadwinner. The category of people insured by law is specified in the Law on Public Social Insurance System. According to the law, agricultural labourers also have the right to pension (art. 2).

240. Pensions are fixed according to the present law and are paid from the pension fund. The pension fund proceeds from:

- (a) Employees' taxes;
- (b) Insurance rates;
- (c) Allocations from other funds;
- (d) Deductions from the State budget;
- (e) Other income (art. 4).

241. Article 5 of this law sets the period of contributions:

(a) In the public system, the period of contributions is equal to the sum of all pay days, including those when allocations are paid to the beneficiaries of invalidity pension, indemnities for temporary disability, for pregnancy and confinement or unemployment;

(b) Non-paid periods of insurance are:

- (i) The period of compulsory military service in the forces of the Ministry of Defence, the Ministry of Internal Affairs, the Service for Information and Security and the Department for Civil Protection and Exceptional Situations;

- (ii) The period of caring for a child until the age of 2 by one of the parents or a tutor in case of the death of both parents;
- (iii) For an old-age pension, included in the period of contributions are cumulative periods of invalidity before reaching the pension age.

242. Article 6 stipulates the manner of calculating the period of contributions:

(a) The period of contributions is expressed in years and is calculated by adding the months for which contributions were paid and dividing by 12;

(b) The period of contributions does not include the months for which allocations were not paid or the amount of annual paid allocation is less than that envisaged by the Law on the Public Social Insurance System;

(c) The Law on the Public Social Insurance System sets the payment of taxes by different categories of taxpayer.

243. The period of contributions is established on the basis of data from the personal code, administered according to the Law on the Public Social Insurance System (art. 7). Pension is calculated by the method shown in article 8:

(a) The calculation is made by taking into consideration the monthly average income for the entire period of employment;

(b) The monthly average income is decided on the basis of the sum of taxes paid in the period of contributions, shares of contributions and the total number of months. The monthly average income is calculated by the formula:

$$S_a = \frac{\sum_{i=1}^n \text{CON}_i + \sum_{i=1}^n C_i}{n}$$

where:

S_a = monthly average income required;

con_i = the sum of paid contributions for the i period of contributions;

C_i = shares of contributions fixed in the i period of contributions;

n = number of months for which contributions were paid.

(c) For the periods specified by article 5, paragraph (2), the salary on the day of pension calculation is taken into consideration in calculating the pension;

(d) The payment of contributions and shares of contribution are settled by the Parliament.

244. Chapter two, entitled "Pensions", stipulates the pension category, the right to pension, the right to choose, minimum pension, annuity for pensions, the right to old-age pension, the conditions for fixing old-age pension, invalidity pension, invalidity group, the conditions for fixing the invalidity pension, the period of contributions for invalidity pension, calculation of invalidity pension, survivor's pension, the right to survivor's pension, the category of persons who have the right to survivor's pension, calculation of survivor's pension and payment of survivor's pension. In the public system, pensions are granted to the following categories:

- (a) Retired persons;
- (b) Disabled persons;
- (c) Survivors (art. 9).

245. A person can receive only one pension. In case the person is eligible for more than one pension, then this person can ask for the most advantageous pension. The right to a pension is given and can be solicited from the date of becoming subject to the conditions provided by law. The right to pension is inalienable (art. 10). The pensioner gets a pension till he presents an application and the necessary documents to obtain another category of pension. The beneficiary of invalidity pension is transferred to a retirement pension when he/she reaches the age provided by law for receiving one. If the rate of retirement pension is lower, then the invalidity pension is kept (art. 11).

246. The State allocates to its citizens a minimum pension, which represents a monthly amount. This is allocated when the amount of the calculated pension is lower than this amount. The minimum pension for retirement is 25 per cent of the average wage for the country. The minimum pension for agricultural labourers is 85 per cent of the amount of the minimum pension for retirement. The minimum amount of invalidity and survivor's pension is calculated as a per cent of the minimum amount of retirement pension. Pensions of the public system are paid every year; if the inflation rate increases by at least 5 per cent compared to the previous payment (art. 13).

247. The right to retirement pension, provided by article 14, is granted when the conditions stipulated in articles 41 and 42 are fulfilled:

(a) Beginning on 1 January 1999, the retirement age is 60 years and 6 months for men and 55 years and 6 months for women. Thereafter, the age of retirement increases by six months every year. From 1 January 2008, the age for retirement will be 65 years for men and 60 years for women (see the table below):

Table 18
Retirement age, 1999-2008

From January	Retirement age	
	Men	Women
1999	60 years 6 months	55 years 6 months
2000	61 years	56 years
2001	61 years 6 months	56 years 6 months
2002	62 years	57 years
2003	62 years 6 months	57 years 6 months
2004	63 years	58 years
2005	63 years 6 months	58 years 6 months
2006	64 years	59 years
2007	64 years 6 months	59 years 6 months
2008	65 years	60 years

(b) As of 1 January 1999, the retirement age is fixed at 50 years and 9 months for women who have given birth to and raised up to the age of 8 years five or more children. Every year thereafter, the retirement age increases by nine months. As of 1 January 2011, the retirement age is fixed at 60 years (see the table below):

Table 19
Retirement age of mothers with five or more children

From January	Retirement age of mothers with 5 or more children
1999	50 years 9 months
2000	51 years 6 months
2001	52 years 3 months
2002	53 years
2003	53 years 9 months
2004	54 years 6 months
2005	55 years 3 months
2006	56 years
2007	56 years 9 months
2008	57 years 6 months
2009	58 years 3 months
2010	59 years
2011	60 years

(c) As of 1 January 1999, the retirement age of persons who work in dangerous and difficult conditions (on the list approved by government Decision No. 822 of 15 December 1992) is fixed at 55 years and 9 months for men and 50 years and 9 months for women. Every year, the retirement age increases by 9 months up to 1 January 2011. As of 1 January 2011, the retirement age will be fixed at 65 years for men and 60 years for women (see table 20).

Table 20**Retirement age for persons working in very dangerous and difficult conditions**

From January	Retirement age for persons working in very dangerous and difficult conditions	
	Men	Women
1999	55 years 9 months	50 years 9 months
2000	56 years 6 months	51 years 6 months
2001	57 years 3 months	52 years 3 months
2002	58 years	53 years
2003	58 years 9 months	53 years 9 months
2004	59 years 6 months	54 years 6 months
2005	60 years 3 months	55 years 3 months
2006	61 years	56 years
2007	61 years 9 months	56 years 9 months
2008	62 years 6 months	57 years 6 months
2009	63 years 3 months	58 years 3 months
2010	64 years	59 years
2011	65 years	60 years

248. Article 42 stipulates the contribution period between 1999-2008:

(a) As of 1 January 1999, the period of contributions necessary to obtain the right to a retirement pension is fixed at 26 years for men and 22 years for women. Every year thereafter, the contribution period increases by one year for men and two years for women till 1 January 2004 and thereafter by one year for men and women till it becomes 35 years (see table 21).

Table 21
Contribution period required

From January	Contribution period required	
	Men	Women
1999	26 years	22 years
2001	28 years	26 years
2002	29 years	28 years
2003	30 years	30 years
2004	31 years	31 years
2005	32 years	32 years
2006	33 years	33 years
2007	34 years	34 years
2008	35 years	35 years

(b) The special contribution period for harmful and difficult work necessary to obtain old-age pension rights as indicated in article 4, paragraph (3) is set at 10 years for men and 7 years for women.

249. Article 15 of the law sets the conditions for retirement pensions.

(a) A full retirement pension is paid upon attainment of the ages stipulated in article 41, on condition that the contribution period established in article 42 has been fulfilled;

(b) An insured person who has not paid the required number of years upon reaching the standard age of retirement but who has at least 20 years of contributions has the right to a partial pension, calculated on the basis of number of years of contribution.

250. The retirement pension is calculated in accordance with article 16 of the above-mentioned law:

(a) The full rate of the pension is determined by calculating 1.2 per cent of the insured income specified in article 8 for every year of the 35-year contribution period;

(b) An insured person who has contributed for more than 35 years benefits by an increase of 2 per cent of full pension for every extra year of contributions;

(c) If an insured person fulfils the conditions of retirement envisaged in article 15, paragraph (1), but does not exercise his right to a pension at that time, he benefits by an increase of 2 per cent of the full pension for every year of contributions made after reaching the standard age of retirement;

(d) The formulas for calculating the retirement pension are as follows:

The full retirement pension is calculated using the formula:

$$P = \{ 1.2\% * 35 + 2\% * (V_t - 35) + 2\% * (R - R_n) \} * S_a$$

where:

P = rate of pension;

V_t = contribution period (not less than 35 years);

S_a = average monthly income provided;

R_n = standard age of retirement according to article 15;

R = real age of retirement.

If the insured person, on reaching the standard age of retirement stipulated in article 15, has a contribution period of at least 20 years, but not exceeding 35 years, the pension is calculated according to the formula:

$$P = 1.2\% * V_t * S_a$$

(e) When the amount of the pension based on 35 years of contributions is less than the minimum pension, then it is paid at the minimum pension rate;

(f) The minimum pension increases in the circumstances provided in paragraphs (2) and (3);

(g) When the pension calculated on the basis of incomplete contributions is below the level of the minimum pension, the insured person is granted a pension that cannot be less than the minimum pension decreased in proportion to the contributions made.

251. An invalidity pension is granted after invalidity has been established. Invalidity status and the causes, degree and time of onset of the invalidity are determined by the Council for Medical Examination (CME) on the basis of rules approved by the Government (art. 18). The conditions for the provision of an invalidity pension are:

(a) An insured person has the right to an invalidity pension who has totally or partially lost his capacity to work because of:

(i) A common sickness;

(ii) An accident at work;

(iii) A work-related illness.

(b) There are three degrees of invalidity, according to the degree of working capacity loss;

(c) An invalidity pension is granted only till the person has reached retirement age (art. 19).

252. Article 20 establishes the contribution period required for the invalidity pension. The insured person given an invalidity status caused by a common sickness benefits from an invalidity pension if he meets the conditions regarding the contribution period related to the age at which invalidity is established (see table 22):

Table 22

Age of invalidity and contribution period

Age on the day invalidity is established	Period of contributions (years)
Below 23 years	2
23-26 years	3
26-31 years	4
Below 31 years	5

253. The amount of an invalidity pension resulting from a work-related accident or an occupational disease is established independently of the contribution period. In the case of a transfer from an invalidity pension resulting from a work-related accident or an occupational disease to an invalidity pension resulting from a common disease, the necessary contribution period is established on the basis age at the date on which invalidity was initially established.

254. The amount of the invalidity pension is calculated according to the degree of invalidity using the following formulas:

For first-degree invalidity:

$$V_a$$

$$P = 0,42 * S_a + \frac{V_a}{V_{max}} * S_a * 0,1$$

$$V_{max}$$

For second-degree invalidity:

$$V_a$$

$$P = 0,35 * S_a + \frac{V_a}{V_{max}} * S_a * 0,1$$

$$V_{max}$$

For third-degree invalidity:

$$V_a$$

$$P = 0,20 * S_a + \text{-----} * S_a * 0,1$$

$$V_{max}$$

where:

P = amount of the pension;

S_a = average monthly income after the entry into force of the present law, which cannot be bigger than double the average national income for the year previous to the year in which the pension is established;

V_a = period of realized contributions;

V_{max} = maximal potential period of contributions from the age of 18 until the retirement ages established in article 41, but not more than 42 years.

255. If the amount of the invalidity pension is less than the minimum pension amount, then a minimum pension is awarded. The minimum pension is 100 per cent for first- and second-degree invalidity, and 50 per cent for third-degree invalidity, of the minimum amount of the retirement pension. For other degrees of invalidity, the amount of the pension varies in accordance with a new decision of CME (art. 21).

256. A descendant's pension is granted if the deceased person was a pensioner or met all the conditions for obtaining a pension (art. 24). A survivor's pension is paid:

(a) To children up to the age of 18 years old, if they are studying at an educational institution (secondary, secondary vocational or higher) till they graduate, but not after the age of 23 years;

(b) To the surviving spouse if, at the moment of the breadwinner's death or up to 5 years afterwards, the spouse has reached the retirement age established in article 51 or obtained first- or second-degree invalidity, had been married to the deceased for at least 15 years and has not remarried;

(c) To the surviving spouse or the person who has in his care children of the breadwinner under the age of 3, for the period during which he does not work (art. 25).

257. Article 26 sets forth the method of calculating the survivor's pension. A survivor's pension is 1.2 per cent of the pension or potential retirement pension of the breadwinner calculated in accordance with the following formula:

$$P = 1.2\% * V_t * S_a$$

The pension is set depending on the number of survivors' dependents:

- (a) For one - 50 per cent;
- (b) For two - 75 per cent;
- (c) For three or more - 100 per cent.

258. The minimum amount of a survivor's pension is distributed among the surviving dependents, in the following proportions:

- (a) 50 per cent for one;
- (b) 75 per cent for two;
- (c) 100 per cent for three or more.

If both parents should die, their surviving children receive survivor's pension in respect of both of them. The minimum amount of a survivor's pension cannot be lower than 50 per cent of the minimum retirement pension if both parents are deceased.

259. The amount of a survivor's pension is established on the basis of the following:

- (a) The pension of the deceased breadwinner, if he was a pensioner, or a potential first-degree pension in case of first- or second-degree invalidity;
- (b) The retirement pension of the breadwinner as stipulated by law, taking into consideration the amount of contributions paid.

260. The categories of surviving dependent stipulated in article 25 (a), receive a survivor's pension. The categories of surviving dependent stipulated in article 25 (b) and (c) receive a survivor's pension only if they do not have an income liable to State social insurance (art. 27).

261. All pensions are fixed and paid by the social insurance bodies. The manner of organizing the fixing and payment of pensions is established by the Government (art. 30). A pension is granted at the application of the person who has the full right to it, his tutor or his guardian. The application for retirement, together with documents that prove fulfilment of the conditions laid down by law, is made to the territorial social insurance body where the insured person has his domicile. The right to a pension is granted or the retirement application is rejected on the basis of a decision issued by the territorial social insurance body within 15 days of the application being filed. The decision is communicated in written form to the applicant within three days of its being issued (art. 31).

262. Article 32 establishes the period for which a pension is granted. The retirement pension is for life. The invalidity pension is for the whole period the invalidity lasts, confirmed by CME, but no longer than up to the date on which the standard retirement age is reached. The survivor's pension is for the period during which the conditions provided in article 25 are fulfilled.

263. Depending on the category of the requested pension the following periods for granting pension are fixed:

(a) The right to a retirement pension is given from the date the retirement conditions are fulfilled, within 30 days of the application being filed;

(b) The right to an invalidity pension is given from the date when CME issues the decision on the category of invalidity, within 60 days of the application being filed;

(c) The right to a survivor's pension is recognized from the date of the breadwinner's death and granted within 90 days of the application being filed;

(d) The right to all categories of pension, under the conditions provided under (a), (b) and (c), is granted from the day the application was filed.

264. If a new circumstance occurs before the retirement rights have been established, a re-evaluation of the right to retire is made. The new right to pension enters into force beginning with the following month from the day new circumstances were attested (art. 32).

265. Chapter five of Law No. 489-XIV of 8 July 1999 "Other rights for social insurance" stipulates that a person insured under the public system, besides the right to pension, has the right to:

(a) Indemnity for temporary disability caused by common or occupational disease, accident and work-related accident;

(b) Assistance in preventing a disease and recovering from disability;

(c) Motherhood indemnity;

(d) Indemnity for childcare or child's illness;

(e) Unemployment subsidy;

(f) Funeral support (art. 41).

266. The manner of establishing, distributing and paying other social insurance indemnities is stipulated by the law (art. 42).

267. The strategy for reforming the pension system was established by Parliamentary Decision No. 141 of 23 September 1998. According to it:

(a) The pension is an important component of the social protection system. This system stipulates a series of economic, legal, social and organizational measures, which help the economically inactive section of population and the uninsured population to maintain a decent standard of living;

- (b) The legislative basis of the pension system consists of laws, decrees of the President, government decisions and normative acts, which set the legal relationships in this system;
- (c) Pensions are paid by the Social Assistance of the Republic of Moldova, State and local budgets; pensions are paid to over 757,000 citizens, which represent 21 per cent of the population of the country. 560,400 citizens are beneficiaries of subsidies, invalidity pension is paid to 109,200 people, 36,300 benefit from allowances upon the breadwinner's death (hereinafter referred to as survivor's pension), 3,800 are beneficiaries of seniority pensions and 38,400* receive social pension;
- (d) Conditions to obtain the right to a retirement pension are attaining the retirement age, having the necessary seniority, and disability or the loss of the breadwinner;
- (e) The amount of pension depends on the average monthly salary, seniority and other conditions such as the presence of maintained persons, taking care of invalids, etc. At the same time, subsidiary allowance is paid as compensation to persons who have relatively small pensions;
- (f) The retirement age is 60 years for men and 55 years for women. For certain categories of persons who work in harmful and difficult conditions as defined in lists Nos. 1 and 2 approved by Government Decision No. 822 of 15 December 1992 and in agriculture by list No. 3 approved by Government Decision No. 1007-XII of 2 April 1992, mothers with many children, war invalids, etc. the retirement age is 45-59 years;
- (g) To determine the average monthly wage for the purposes of calculating the pension, 5 consecutive years (of the applicant's choice) are selected from the 15 last years of work. For estimating the pension all forms of remunerated work are included;
- (h) For invalidity caused by general illness a pension is granted if, at the onset of invalidity, the person concerned has a sufficient length of service and has reached a certain age. For invalidity caused by a work-related accident or an occupational disease, the pension is granted irrespective of length of service. Causes, degrees of invalidity and onset of invalidity are set by CME;
- (i) Conditions for granting survivor's pension are identical to those for invalidity pension and depend on the cause of death of the breadwinner. If the death occurred as a result of a work-related accident or occupational disease, the survivor's pension is granted irrespective of the breadwinner's seniority.
- (j) Certain categories of persons working in conditions that reduce their professional working capacity or professional abilities before they reach retirement age are granted pensions for length of service (on the condition of ceasing their activity);

* The above-referred data do not contain information from the left bank of the river Nistru.

(k) Persons who suffered invalidity as a result of the Chernobyl catastrophe are provided with invalidity pensions in an amount that would cover the real damage, irrespective of length of service. Family members of a person who died as a result of mutilation or disease caused by the Chernobyl catastrophe are granted a survivor's pension irrespective of the length of service of the deceased breadwinner, in an amount that would cover the real damage, but not less than 100 per cent of the minimum subsidy for every family member. These persons are granted annuities at an anticipated age;

(l) Citizens who did not work (except invalids from childhood) and do not have the right to a pension for work are offered a social pension;

(m) Subsidy and pension for first-degree invalidity are granted at the rate of 55 per cent of the average monthly salary, plus 1 per cent of this salary for every year over 25 years for men and over 20 for women. The pension for second-degree invalidity is 75 per cent of the average monthly salary, and for third-degree invalidity and persons who receive a survivor's pension (for every family member not able to work) 30 per cent of the average monthly salary of the invalid or breadwinner.

268. Subsidies and first- and second-degree invalidity pensions are supplemented and increased as provided for by the Law on State Pension Insurance of the Republic of Moldova. At the same time, fixed pensions increases and compensations are provided through other normative acts:

(a) The basic pension amount calculated on the basis of the average monthly salary, plus 1 per cent of this salary for every year over 25 years for men and over 20 years for women;

(b) Pension increases due to the liberalization of prices of staple products;

(c) Pension increases of 20 per cent;

(d) Pension indexation related to inflation;

(e) Compensation (1, 8, 10, 13 lei);

(f) Supplements and increases to the pension of persons looking after pensioners, blood donors, persons who were subjected to repression during the Soviet regime and rehabilitated afterwards, war veterans (including first- and second-degree invalids) and of other pensioner categories. As a result, the structure of the average pension is the following:

(i) Basic pension amount - 30 per cent;

(ii) Increase due to liberalization of prices - 22 per cent;

(iii) Increase of 10-20 per cent;

(iv) Indexation - 7 per cent;

(v) Compensations - 13 per cent;

(vi) Supplements and increases set by law - 18 per cent.

The first four components of the pension are fixed, as a rule, for all beneficiaries and have a permanent character. The fifth component is paid to persons who receive a small pension, and depends on the amount of this pension. The sixth component is paid if certain circumstances exist, and depends on the pensioner's category.

269. Pensions are paid from the Registered Capital, which, besides the pension fund, includes the social insurance fund, the unemployment fund and the reserve fund. The registered capital is formed from the compulsory insurance contributions of employers (economic agents) and employees. An insignificant part of the financing is transferred from the State budget and local budgets. The respective shares from those sources in 1997 were 75 per cent and 1 per cent. During 1999 economic agents transferred into the Registered Capital social insurance contributions in the proportion of 30 per cent of the wages fund and employees in the proportion of 1 per cent of the salary. The insurance contribution rates are approved by the Parliament. Table 23 shows the rates in force during the period 1991-1997.

Table 23

Insurance contribution rates (percentage of wages fund)

Year	1991	1992		1993	1994	1995	1996	1997
Economic brokers, irrespective of property type and legal form of organization	26	60	45	45	38	35	35	30
Organizations and budgetary institutions	26	37	30	30	30	35	30	30

270. Thus, it can be observed that there is a tendency to reduce the insurance contribution rates for economic agents.

271. The Registered Capital budget is used for payment of:

- (a) Subsidies, invalidity pensions, survivor's pension, length of service;
- (b) Social pensions;
- (c) Pensions for soldiers and members of their families;
- (d) Indemnities and compensation for childcare and for single mothers;
- (e) Indemnities for temporary disability;
- (f) Indemnities for unemployment;
- (g) Indemnities for pregnancy and confinement;
- (h) Expenditure on banking and postal services for pension distribution;
- (i) Other expenditure.

272. Pension payments are made monthly by the Department of Pensions and Social Assistance, on the basis of payment bills (payment cards, money orders and lists), through post offices and branches of the Banca de Economii a Moldovei (Moldova Savings Bank). After the expiration of the payment period, post offices present a monthly statement to the Department. The Department, in turn, submits quarterly and yearly statements to the Registered Capital. All statements are kept in the post office archives, at the Department and Social Fund.

273. The strategy emphasizes that “the specific features of the pension insurance system in the Republic of Moldova is determined by the dominant position of State property and is directed towards a centralized, planned economy. This system is characterized by a low level of insurance, administrative inefficiency, legislation contradictions, pressure on the economically active population; it is very expensive and is not entirely based on the principle of providing social equity and general solidarity”.

274. The economic crisis in the country from the beginning of the 1990s worsened the situation in the social sphere. In the domain of social protection and pension provision, simultaneously with the recession, the growth of inflation and a decrease in the living standards of the population, there appeared problems that are worsening permanently, attaining a long-term character about the middle of 1996.

275. With the adoption of the Law on State Pension Insurance in the Republic of Moldova, the pension insurance legislation underwent essential amendments. They were conditioned, first of all, by the economic situation in the country, including the situation of the financial system. The crisis of the economic system, the growing pace of inflation and some changes like currency reform led to the necessity of modifying pension security legislation.

276. The Law on State Pension Security in the Republic of Moldova has undergone more than 50 amendments. Thus, the salaries on which fixed pensions were calculated previously were updated. This mechanism is also used at present in fixing pensions on the basis of the previous year's salary. The update is made through individual coefficients, which represent the ratio between the pensioner's earnings for the whole period considered for the calculation and the average wage in the same period. The pension has increased countless times because of adjustments of the minimum wage. The main factors dictating the necessity for renewal of the pension system are:

- (a) Reduction of the financial means of the Social Fund resulting in delays in pension payments and other social payments;
- (b) Decrease in the level of pension insurance and of other social payments;
- (c) Increase of pressure from the economically active population concerning social insurance (in the future this situation will worsen because of the forecast unfavourable demographic situation);

(d) Large social insurance deductions which do not contribute to production growth or create egalitarianism in the effectuating of deductions and lack balance in determining the share paid by employers and by wage earners;

(e) High indirect expenditure involved in social insurance;

(f) Unreasonable distribution of means, which does not permit sufficient amounts to be directed towards social insurance of vulnerable sections of the population;

(g) Loss of connection between pension amount and employee's work contribution;

(h) Contradictory character of pension security legislation;

(i) Inefficiency of administration of the social assistance system.

277. Not making systematic payments, the economic agents influence in a negative way the financial situation of the pension system. The debts of economic agents to the Social Fund on 1 January 1998, were about 560 million lei, on 1 January 2000, 300.4 million lei and on 1 January 2001, 200 million lei.

278. Pension payment delays were about three months on average and the total sum of money held back was 198 million lei. In some districts, there was about four months' backlog. The causes that led to such a situation are: inefficiency of the fiscal system, reduction of personnel in the national economy, tax evasion, high rates of deductions for social insurance.

279. The general level of pension security has decreased. During the last few years, prices for mass consumption goods and services grew more than pensions. The relationship between the average pension and the minimum consumption budget was reduced from 38.2 in 1993 to 18.8 per cent in 1997 and between the minimum pension and the minimum consumption budget from 27 in 1993 to 14.1 per cent in 1997. If the minimum consumption budget in 1997 increased by 8.9 per cent compared to 1993, the average pension during the same period grew only 4.4 times and the minimum pension 4.7 times (see table 24).

Table 24
Situation of pension security, 1992-2000

Index	Unit of measure	Year								
		1992	1993	1994	1995	1996	1997	1998	1999	2000
1	2	3	4	5	6	7	8	9	10	11
Number of population* (at the end of the year)	Thousand persons	4 347.8	4 352.7	4 347.9	4 334.4	4 320.0	4 304.7	4 293.0	4 281.5	4 264.3
Persons engaged in the economy*	Thousands	2 050.0	1 688.0	1 681.0	1 673.0	1 660.0	1 646.0	1 642	1 495	1 515
Beneficiaries of pensions and indemnities	Thousands	727.4	743.6	746.7	750.6	754.7	757.0			
Beneficiaries of subsidy	Thousands	551.4	562.3	564.0	563	562.7	560.4			
Average wage	lei	3.5	31.2	108.4	143.2	187.6	219.8	250.4	304.6	407.0
Average pension	lei	2.09	18.83	55.16	64.3	78.67	82.8			
Average subsidy	lei	2.21	19.94	57.94	66.9	81.56	86.15			
Minimum consumption budget	lei	3.4	49.3	271.3	310.6	387.8	439.5	473.0	661.8	944.5
Average monthly inflation rate	%	27.0	32.0	6.2	1.8	1.2	0.9	1.41	3.05	1.95
Average annual inflation* rate	%	1 669.6	2 705.7	104.6	23.8	15.1	11.2	18.3	43.7	18.4
Population receiving pensions*	%	16.7	17.1	17.2	17.3	17.5	17.6			
Workers paying social insurance	Thousand persons	2.82	2.27	2.25	2.23	2.20	2.17			
Relationship between average pension and average wage	%	59.7	60.4	50.9	44.9	41.9	37.7			
Relationship between average pension and minimum consumption budget	%	61.5	38.2	20.3	20.7	20.3	18.8			
Debts of pension payments and indemnities	Thousand lei			76.9	128.0	324.1	192.2			
Debts for a year	%			15.6	22.1	45.5	32.5			

* Data referring to the districts on the left bank of the river Nistru are also taken into consideration.

280. The pressure on the economically active population from the point of view of social insurance payments grew. The numerical relationship between pensioners and the active population increased from 51.1 in 1992 to 61.45 per cent in 1996.

281. The system of pension security is also under pressure because of the costs of administration, pension distribution, banking services, etc. Thus, in 1997, more than 3 per cent of the pension fund budget was spent on distribution and banking services. Analysis of these forms of expenditure demonstrates that they could be reduced. About 4 million lei monthly are spent on pension payments to employed pensioners. The level of insurance of this category of beneficiary is higher than that of unemployed pensioners. If the average salary of an employed pensioner is 219.80 lei (the national average salary in 1997), then the total income of this pensioner is 305.95 lei per month, taking into consideration that the average subsidy was 86.15 lei. A considerable amount is spent on the payment of pensions provided with privileges. The number of such pensions is 147,300 - 19.5 per cent of the total number of pensions and 26.3 per cent of the number of subsidies.

282. Of the total number of beneficiaries, 19,000 receive list No. 1 pensions and 15,700 list No. 2 pensions. Recipients of list No. 3 pensions (agricultural labourers) include 105,200 mothers with three or more children (table 25). Monthly expenditure for payment of these pensions totals 12.4 million lei. Yearly, about 10,700 pensions are provided with privileges. The number of persons who have the right to pensions with privileges is increasing.

Table 25
Beneficiaries of pensions and supplements

Beneficiaries of pensions and supplements	Year								
	1992			1993			1994		
	Number of beneficiaries	Percentage of total number of beneficiaries	Percentage of total number of beneficiaries of subsidies	Number of beneficiaries	Percentage of total number of beneficiaries	Percentage of total number of beneficiaries of subsidies	Number of beneficiaries	Percentage of total number of beneficiaries	Percentage of total number of beneficiaries of subsidies
Total	727 356	100	131.9	743 602	100	132.24	746 702	100	132.4
Of subsidies	551 443	75.81	100	562 298	75.62	100	563 982	75.53	100
Out of which with privileges	113 258	15.57	20.54	124 612	16.76	22.16	130 904	17.53	23.21
Including:								0.77	1.02
List No. 1 pensions	5 796	0.80	1.05	5 830	0.78	1.04	5 770		
List No. 2 pensions	10 973	1.51	1.99	11 510	1.55	2.05	11 869	1.59	2.10
List No. 3 pensions		0.00	0.00	9 350	1.26	1.66	11 667	1.56	2.07
Mothers with many children		0.00	0.00	97 482	13.11	17.34	99 979	13.39	17.73
Mothers of invalids from childhood	133	0.02	0.02	217	0.03	0.04	376	0.05	0.07
Heroine mothers		0.00	0.00	26	0.00	0.00	110	0.01	0.02
Of invalidity pension	88 561	12.18	16.06	94 983	12.77	16.89	97 602	13.07	17.31
Including: For work-related accidents and occupational diseases	5 332	0.73	0.97	5 214	0.70	0.93	5 063	0.68	0.90
For general diseases	83 229	11.44	15.09	89 769	12.07	15.96	92 539	12.39	16.41
Survivor's pension	37 791	5.20	6.85	37 552	5.05	6.68	36 388	4.87	6.45
Seniority pension	1 960	0.27	0.36	1 939	0.26	0.34	1 847	0.25	0.33
Social pension	40 535	5.57	7.35	40 282	5.42	7.16	38 819	5.20	6.88
Including: invalids from childhood	19 531	2.69	3.54	21 593	2.90	3.84	22 624	3.03	4.01
Pension for "Chernobyl" clean-up operation	90	0.01	0.02	199	0.03	0.04	300	0.04	0.05
Supplements for persons subjected to unjust repression	6 027	0.83	1.09	10 000	1.34	1.78	10 730	1.44	1.90
Military pension	7 066	0.97	1.28	6 548	0.88	1.16	8 064	1.08	1.43

Table 25 (continued)

Beneficiaries of pensions and supplements	Year								
	1995			1996			1997		
	Number of beneficiaries	Percentage of total number of beneficiaries	Percentage of total number of beneficiaries of subsidies	Number of beneficiaries	Percentage of total number of beneficiaries	Percentage of total number of beneficiaries of subsidies	Number of beneficiaries	Percentage of total number of beneficiaries	Percentage of total number of beneficiaries of subsidies
Total	750 556	100	133.32	754 653	100	134.12	757 020	100	135.08
Of subsidies	562 954	75	100	562 688	74.56	100	560 439	74.03	100
Out of which with privileges	135 450	18.05	24.06	140 880	18.67	25.04	147 305	19.46	26.28
Including: List No. 1 pensions	5 680	0.76	1.01	5 671	0.75	1.01	5 627	0.74	1
List No. 2 pensions	12 337	1.64	2.19	12 897	1.71	2.29	13 348	1.76	2.38
List No. 3 pensions	13 112	1.75	2.33	14 394	1.91	2.56	15 681	2.07	2.80
Mothers with many children	100 923	13.45	17.93	102 779	13.62	18.27	105 172	13.89	18.77
Mothers of invalids from childhood	460	0.06	0.08	1 615	1 615	0.21	0.29	0.23	0.31
Heroine mothers	105	0.01	0.02	105	0.01	0.02	101	0.01	0.02
Of invalidity pension	102 255	13.62	18.16	105 623	14	18.77	109 219	14.43	19.49
Including: For work-related accidents and occupational diseases	4 925	0.66	0.87	4 861	0.64	0.86	4 706	0.62	0.84
For general diseases	97 330	12.97	17.29	100 762	13.35	17.91	104 513	13.81	18.65
Descendant pension	36 223	4.83	6.43	36 351	4.82	6.46	36 334	4.8	6.48
Seniority pension	2 286	0.30	0.41	2 892	0.38	0.51	3 799	0.5	0.68
Social pension	38 003	5.06	6.75	38 267	5.07	6.8	38 430	5.08	6.86
Including: invalids from childhood	23 694	3.16	4.21	25 448	3.37	4.52	26 950	3.56	4.81
Pension for "Chernobyl" clean-up operation	422	0.06	0.07	677	0.09	0.12	933	0.12	0.17
Supplements for persons subjected to unjust repression	11 220	1.49	1.99	11 442	1.52	2.03	11 448	1.51	2.04
Military pension	8 835	1.18	1.57	8 832	1.17	1.57	8 799	1.16	1.57

283. The amount of these pensions is on average much bigger than the average amount of subsidy (86.15 lei) and can reach 108.48 lei for list No. 3, 102.24 lei for list No. 2 and 101.33 lei for list No. 1. The number of persons who work and receive subsidies in advantageous conditions exceeds by three times the number of persons who have fixed pensions under the general conditions.

284. Apart from the fact that payment of pensions on advantageous terms involves supplementary expenditure it also has other negative aspects, namely the principles of insurance and of social equity (expenditure is made against the accounts of other persons) are infringed, the retirement age is unjustifiably reduced, etc.

285. At present, the average subsidy is 39.2 per cent of the national average salary. The minimum subsidy reached the rate of 28.2 per cent of the average salary in 1997 and 43.3 per cent in 1993. The non-correlation of the basic pension with increases and supplements thereto is becoming worrying. Increases of the pensions of war veterans and invalids, persons subjected to unfair repression and persons with distinct merits exceed the amount of their pension, calculated on the basis of salary and length of service, in the proportion of 100:130. For example, the average amount of subsidy for first-degree war invalids is 99 lei but increases to 116.84 lei. At the same time, supplements for maintained persons and for invalids' care amount to only 5.6 per cent of the average pension and 1.45 of the minimum subsistence budget.

286. There are big discrepancies between the amount of certain forms of pension. For example, the average subsidy in 1997 was 86.15 lei, but for persons who took part in the Chernobyl clean-up operation it was 338.6 lei, that is, four times higher. The maximum subsidy is 164.15 lei, but the maximum amount for participants in the Chernobyl clean-up operation it exceeds in some cases 1,000 lei per month (table 26).

Table 26**Ministry of Labour, Social and Family Protection**

1	Measure unit	Year					
		1992	1993	1994	1995	1996	1997
	2	3	4	5	6	7	8
Beneficiaries of pensions, total	Thousands	727.4	743.6	746.7	750.5	754.8	757.0
Average pension	Lei	2.09	18.83	55.16	64.30	78.67	82.80
Pensioners remaining in labour activity	Thousands	43.5	41.6	48.7	58.8	53.6	51.7
	%	5.98	5.59	6.52	7.83	7.10	6.83
Out of the total number of beneficiaries - beneficiaries receiving a pension							
Subsidy	Thousands	551.4	562.3	563.9	562.9	562.7	560.4
	%	75.81	75.62	75.52	75.00	74.55	74.03
Average pension	Lei	2.21	19.94	57.94	66.90	81.56	86.15

Table 26 (continued)

1	Measure unit	Year					
		1992	1993	1994	1995	1996	1997
	2	3	4	5	6	7	8
Beneficiaries of invalidity pension	Thousands	88.6	94.9	97.6	102.3	105.6	109.2
	%	12.18	12.76	13.07	13.63	13.99	14.42
Average pension	Lei	2.03	18.43	53.96	63.25	78.25	81.74
Beneficiaries of survivor's pension	Thousands	37.8	37.5	36.4	36.2	36.4	36.3
	%	5.20	5.04	4.87	4.82	4.82	4.80
Average pension	Lei	1.47	12.28	40.41	51.70	65.97	65.49
Beneficiaries of seniority pensions	Thousands	1.9	1.9	1.8	2.3	2.9	3.8
	%	0.26	0.26	0.24	0.31	0.38	0.38
Average pension	Lei	1.82	24.18	63.76	69.96	80.99	79.37
Beneficiaries of pension for participants in the Chernobyl catastrophe clean-up operation	Thousands	0.1	0.2	0.3	0.4	0.7	0.9
	%	0.01	0.03	0.04	0.05	0.09	0.01
Average pension	Lei	0.03	41.70	160.95	242.39	334.29	338.64
Beneficiaries of social pension	Thousands	40.5	40.3	38.8	38.0	38.3	38.4
	%	5.57	5.42	5.20	5.06	5.07	5.07
Average pension	Lei	0.01	10.51	32.38	38.07	47.90	47.67
Beneficiaries of pensions for persons subjected to unjust repression	Thousands	6.0	10.0	10.7	11.2	11.4	11.4
	%	0.82	1.34	1.43	1.49	1.51	1.51
Average pension	Lei	2.75	26.18	68.67	78.70	95.33	99.77
Beneficiaries of military pension	Thousands	7.1	6.5	8.1	8.8	8.8	8.8
	%	0.98	0.87	1.08	1.17	1.17	1.16
Average pension	Lei	2.07	17.12	49.01	73.80	90.25	109.45
Beneficiaries with fixed pensions during the present administration	Thousands	79.5	60.6	50.0	50.0	53.6	50.9
	%	10.93	8.15	6.70	6.66	7.10	6.72
Average pension	Lei	2.15	23.72	60.19	70.73	62.00	86.80
Beneficiaries of minimum pension	Thousands	241.9	222.2	34.7	30.4	28.8	25.9
	%	33.2	29.9	4.65	4.05	3.82	3.42
Minimum pension	Lei	1.70	0.14	42.80	50.00	62.00	62.00
Maximum pension	Lei	3.40	68.35	126.55	133.75	164.15	164.15
Amount of pensions and indemnities paid	Thousands lei	8 372.3	80 180.6	354 895.8	514 193.9	484 200	609 060.5

287. There exists a considerable difference between the amounts of pensions granted during different periods, especially of pensions fixed before 1990. Pensions calculated up to that time are, as a rule, lower than those fixed at present. This tendency still holds. Thus, on 1 January 1998 the average subsidy was 86.15 lei and the minimum pension fixed in 1997 was 91.7 lei, 6 per cent higher.

288. Many problems arose because the provisions of the pension security legislation did not concord with other legislation and norms, making them complicated to enforce. Many normative acts are old and new ones have not been elaborated. As a result, the new social relations in the domain of State pension security are not settled.

289. It is necessary to improve the administration of the social insurance system, first of all of the social assistance bodies, in which many functions are duplicated and not delimited and employees' work is not productive. The pension information system, which is based on old technologies and equipment, does not settle all problems.

290. The necessity of making some transformations in the pension system is confirmed by the above analysis and conclusion, as well as by prognosticating models of this system's development. The Ministry of Labour, Social Protection and Family has elaborated a computerized model of the pension security system for the long term, which predicts the level of deductions in the system on the basis of the macroeconomic prognosis. The calculations made on the basis of this model demonstrate that in the case of growth of the country's economy and improvement of the labour market situation, the rate of contributions to the system should grow by up to 45 per cent or even more, if the existing system and the low level of pensions compared to the average salary do not change. Such a situation cannot last and cannot assure an efficient development of the pension system. For example, contributions to the pension system of developed countries are 15-20 per cent.

291. This analysis spotlights the inappropriate impact of the demographic situation on the pension system development. Starting from 2005, the correlation between the number of pensioners and that of the economically active age group will worsen considerably. If a reserve for pension payment is not created, the young current generation will be forced to make considerably higher contributions to the pension system to provide pensions for the current economically active generation. This problem is also topical in Western countries. Many European countries have reformed their pension system, rationing payments and creating a reserve to ensure the stability of the system. To avoid possible crises, accumulation of reserves in the Pension Fund should begin at least as early as 2003 in the Republic of Moldova.

The main purposes of the reform

292. The pension system reform has the following purposes:

(a) Assuring adequate material support in old age, in the case of loss of working capacity or of a breadwinner, for the whole population, which means that after the reform, most citizens in these circumstances will have an adequate income as a result of combining the State pension with a private one. Only an insignificant proportion of citizens from the disfavoured classes will be helped through social assistance programmes;

(b) Assuring observance of the principle of social equity, meaning that the majority of citizens will benefit from pensions, depending on their contributions to the pension system;

(c) Providing a well-balanced and disciplined financial system, meaning that all pension payments will be made on time. Pension indexation will occur if the pension system has sufficient financial means;

(d) Creating a pension system convenient to all generations. Taking into consideration the specific demographic situation of Moldova, in order to avoid an increase in taxation of the current economically active generation, it is necessary that the State system accumulate sufficient reserves.

Directions of the pension system reform

293. To achieve the above-mentioned purposes, it is necessary to undertake a complex reform of the pension system, the main elements of which will be:

- (a) A stable programme for present pensioners;
- (b) A new programme for future pensioners;
- (c) Transition from the existing pension system to a new one.

294. Concerning a stable programme for present pensioners:

(a) Measures will be undertaken for pensions to be paid fully and on time, irrespective of where the beneficiary lives;

(b) When the pension payment debts have been honoured in full to pay pensions and sufficient reserves have been accumulated for a month, the practice of pension indexation depending on price increases will be resumed;

(c) Depending on the dynamics of income paid into the pension system, the method of indexation will be revised in the future to ensure that pension. One of the variants could be the "Swedish model", according to which the coefficient of pension indexation reflects the indicator of price increase and the indicator of income growth of the population in the proportion of 50:50;

(d) Prognostication of Social Fund income and expenditure over the short term demonstrates that, without reform of the pension system, return to pension indexation in 1998 or in 1999 will be impossible. This will result in a decrease in the purchasing power of pensions and in the living standards of pensioners. Thus, the Social Fund will need inputs from the State budget to cover the current deficit. But alternative calculations demonstrate that if measures for pension security reform are undertaken (even only increasing the retirement age), it will be possible to resume indexation in 1999.

295. Concerning a new programme for future pensioners:

(a) In the present situation, which is characterized, on the one hand, by the low level of pensions and by an increase in debts towards pensioners and, on the other hand, by the growing percentage of deductions for pension contributions, the necessity of a radical reform of the pension system is obvious;

(b) The invalidity pension and survivor's pension has to be separated from the subsidy;

(c) The pension of soldiers and policemen should be examined separately. They are financed from the State budget, but soldiers and policemen do not make social insurance contributions. The pension for soldiers and policemen has to be paid from the pension system for soldiers and policemen or from the general pension system;

(d) The retirement pension system is independent of the invalidity pension system and survivor's pension. According to the new policy of pension security, the subsidy consists of two parts, public social pension and private supplementary pension (voluntary or compulsory), each of which will be paid separately;

(e) The basis of the public pension system is a minimum pension granted to entitled persons by the State. The pension is calculated taking into consideration shares of insurance contributions and periods of contributions. This will stimulate the population to pay contributions to the public social insurance system;

(f) Shares of social insurance contributions paid to the pension fund will be indexed annually depending on the growth of the price index for goods and services. The indexation coefficient is not a fixed one. It is established in accordance with the change of economic indices. Pension indexation will be based on the average salary and consumer prices indices;

(g) Contributions will be paid from a certain income and the fixed limits of social insurance contribution will be 20-22 per cent. Decreasing the income tax will stimulate persons with high income to deposit money in the private pension fund. Imposition of income restraints will permit reducing expenditure for labour;

(h) In the new State social insurance system, all beneficiaries will pay equal contributions. If the pension is smaller than the minimum amount provided by the State, the pension fund would pay the difference;

(i) All employees, as well as agricultural labourers, should be subjected to compulsory social insurance. This will be also extended to citizens in private economic activity and self-employed persons (lawyers, painters, writers, etc.);

(j) The insurance for the pension should be compulsory. It will help to create a society of taxpayers that will permit an optimal distribution of the risks such as loss of working capacity and reduce the price of insurance;

(k) Compulsory contributions of agricultural labourers will depend on the declared income but a fixed minimum contribution shall be set. Members of their families will have the right to a pension only if they pay a separate contribution to the pension fund. Agricultural labourers will pay contributions like all wage earners;

(l) The period when a person is not subjected to compulsory insurance will not be included in the length of the contributory period but military service and childcare till the age of 1½ years are exceptions to the rule. In these cases, and in those when contributions are not paid (education period, the period of taking care of an economically inactive person, etc.), the State budget should compensate the respective expenditure to the pension fund;

(m) The unemployment and invalidity periods are included in the insured length of service only if contributions from the respective funds were made to the pension fund.

296. Taking into consideration the above-mentioned issues, the Ministry of Labour, Social Protection and Family formulated different ways to reform the pension system. Demographic prognostications and macroeconomic indices are two of them. The method points out the percentage of contributions to the pension system necessary to keep its financial balance. The following method was estimated. The fundamental step (zero) does not provide any modification in the pension system; the modified fundamental step stipulates the increase of average pension from 40 to 50 per cent of the average salary, without modifying the pension system.

297. Step one stipulates the increase of the retirement age. There are two possibilities:

(a) To raise the retirement age from 60 to 65 years for men and from 55 to 60 years for women by increasing the age by six months every year;

(b) To raise the retirement age of both men and women to 65 years by increasing the age by six months every year. Step two revokes the advantageous pension conditions accorded to lists Nos. 1, 2 and 3, as well as for mothers with many children. Step three stipulates improving the contribution collection system of the Social Fund from 70 per cent in 1996 to 90 per cent in 2007 (increase of paying contributions started in 2000 with a yearly percentage of 2.5).

298. This analysis shows that a reform of the pension system will stop an otherwise inevitable 45 per cent increase in the contribution percentage but will decrease the contribution percentage by 20 per cent and will maintain it, while the pension compared to the salary will increase by approximately 20 per cent.

299. The following suggestions may help to reform the retirement system:

(a) To change the retirement age. If the new system is implemented, the pension will increase. It will be at least 42 per cent of the salary compared to 32 per cent of the current average salary. The age for a complete pension will increase up to 65 years for men and 60 years for women. No one shall claim a complete pension before reaching this age. The minimum length of service will grow to 35 years for men and women (now it is 25 years for men and 20 years for women). The analysis of average life expectancy in Moldova serves as an

argument to increase the retirement age. Although average life expectancy of men is 63 years and 71 years for women, the average life expectancy of those who reach the retirement age is much bigger. Estimated calculations prove that the average life expectancy of men who retire at the age of 60 is 75 years and women who retire at the age of 55 have an average life expectancy of 79 years. Seventy-five per cent of women retire at the age of 65 while only 55 per cent of 75-year-old persons are men who retired at the age of 60. The calculations also show the proportion of deaths between retired men and women: 10:5. Options (a) and (b) of step one show that if men's retirement age increases up to 65 years and that of women to 60 years, contributions can be decreased by 13 per cent and if both men's and women's retirement age is increased to 65 years, contributions can be decreased by 19 per cent compared to the current situation (increasing the retirement age by six months every year);

(b) Revocation of the advantageous conditions of retirement. It is proposed to revoke the existing advantageous conditions of retirement for persons of certain occupations and forms of activity. As a result, enterprises will have the possibility of adhering to the private systems of retirement described below. Mothers with three or more children will also be deprived of the advantageous conditions of retirement. Indemnities for children will be paid to large families with small children. Step two shows that the revocation of advantageous conditions of retirement will decrease by 6 per cent the deductions in the pension system;

(c) The programme for improving the collection of contributions in the pension system. It is worth mentioning that the pension system has to improve its methods of collecting contributions. Investments should be made in electronic equipment, training of legal personnel, severe punishment for non-payers and political will. If all of these are implemented in the near future, the result will become apparent after 10 years. Step three shall improve contribution collecting in the pension system. It proves that after increasing contribution collecting from 70 to 90 per cent by the year 2007, contributions to the pension system could be decreased by 10 per cent;

(d) Accumulation of reserves. The public pension system will start to accumulate reserves in 2003. This reserve will help to resolve the problem of the future worsening of the demographic situation. It is necessary to elaborate some methods of investing these funds. Although the analysis of the above-mentioned measures shows that it is possible to reduce the pension contribution to 15 per cent, it should be kept at 20 per cent in order to accumulate reserves.

300. Concerning transition from the existing pension system to a new one:

(a) The pension system has to be transformed from a unique, impersonal and egalitarian one into a new pension system: diverse, individualized and flexible. The transitional period has to assure the continuity of the old system to the new one. A certain period of time is needed to involve all employees in the new pension system;

(b) The category of persons liable to compulsory State social security, namely persons who have income and those who have the right to retirement according to the present normative acts, or persons who will have this right later according to other normative acts

(judges, attorneys, civil servants, etc.) must be fixed more precisely. In other words, the basis for compulsory contributions to the pension fund should be extended. The private pension system has to be consolidated;

(c) The social insurance contribution of the employer and employee shall be modified step by step. The salary of the employee shall be increased by the same amount that he should pay into the pension fund. This will protect the employee from damages resulting from the pension system modifications and the employer will not pay any contributions to the pension fund. The fact that the pension's amount depends on the length of contributions will require the employee to control the payment of contributions or to reduce their non-payment;

(d) It is necessary to implement urgently individual evidence of payment of social insurance contributions based on modern methods of information science, by adopting a law on social insurance. This kind of evidence will resolve a series of important problems:

- (i) Concordance between the pension system and market relations;
- (ii) Establishing a dependency between the amount of pension and seniority and the payment of contributions into the pension system, which will influence positively the pension fund budget by prompt payment of the total contributions;
- (iii) Creating the possibility to foresee changes in the number of employees and pensioners, in general and in specific occupations. This will lead to a real estimate of the expenditure for pensions' payment and calculation of the social insurance rate. The social insurance rate will constitute the basis of the pension fund and will have a strictly specific purpose: the payment of pensions to private persons who are participants in the pension insurance scheme;

(e) The promotion of insurance principles in the pension system will exclude any privilege for certain classes or groups of insured persons;

(f) The pension for persons who do not participate for a certain period in the pension system is paid from the State budget. Therefore, expenditure for paying pensions or a part of the pensions of war veterans, participants in the Chernobyl catastrophe clean-up operation, increases and other payments, including social pensions, has to come from the State budget;

(g) In the transition period the retirement age of men will increase to 65 years and of women to 60 years. The retirement age will increase by six months for both men and women every year;

(h) To receive a full pension, men and women should have 35 years' service. During the transition period, the length of service will include the period when the person was not subjected to social insurance;

(i) It will be necessary to bring up to date the salary from which the pension is calculated, that is, to determine the individual coefficient of every pensioner;

(j) Over the next 10 years, the insured length of service will include the period of higher education, during which contributions are not paid;

(k) The period that doubles or trebles the length of service will not be included. A separate way of calculating the length of service will be kept for pilots;

(l) It is suggested to reduce the list of occupations and positions, in order to revoke the right to favourable conditions. These measures are equitable and justified, because the expenditure for favourable conditions of pension is met by all participants to the pension system by paying an increased contribution. This brings prejudice to those pensioners who cannot continue to work because of health problems. Their pensions are reducing as a result of spending unnecessary money for pensions with favourable conditions. Moreover, it is incorrect to use the pension fund for resolving the social problems of people who work in harmful and difficult conditions. It is necessary to ensure their social protection by improving their working conditions and increasing their salaries. The problem of pensions with favourable conditions has to be resolved by creating additional pension systems.

301. It is impossible to pass immediately to the new pension system. The law may revoke the pension in advantageous conditions but a normative basis and an occupational fund has to be created beforehand. During the transition period, pensions in advantageous conditions will be granted only to persons who worked in very harmful and difficult conditions, as well as to mothers with five or more children. The necessary age for this pension will increase step by step until it reaches the standard age for pension. Mothers with five or more children are also subject to this law. Moreover, in calculating seniority in harmful and difficult conditions, only the length accumulated until the implementation of the new law will be taken into consideration.

302. In the period of transition the pensions of people with an assured income should be limited and an additional private pension system should be created. In developed countries, the private pension system acts together with the public pension system and is meant to maintain a level of welfare similar to that of the last years of work. A private pension system should be created because:

(a) Market relations made citizens responsible for their own welfare and social insurance, thus, every person is responsible for his/her own problems of social protection in case of old age or early loss of working capacity;

(b) No State, even a rich one, cannot grant to its citizens social insurance equivalent to their standard of living before they stopped working. However, the State should determine a legal process for creating a private pension system and to guarantee its security.

303. Other components of the social insurance system, such as social insurance for motherhood, temporary disability, work-related accidents and occupational disease, have to be reformed to create a basis for developing a new pension system.

Basic actions in reforming the pension system

304. The following actions were taken in 1998:

- (a) Prevention of further debts for pensions, freezing the amount of pensions, transferring a part of compensation payments to the State budget, covering the current deficit from the State budget, etc.;
- (b) Improving the mechanism of collecting social insurance contributions, increasing the punishment for economic agents that avoid paying their contribution;
- (c) Preparing a minimum package of government normative acts, meant to accelerate the reform:
 - (i) A bill on the pension system that will provide a programme for the future pensioners and a programme of transition to the new pension system;
 - (ii) A legislative basis for organizing evidence of individual payment of social insurance contributions;
 - (iii) A bill on State social insurance;
 - (iv) A bill on private pension funds that guarantees security for depositors and an adequate control over the activity of the State fund;
- (d) Elaboration of a new pension system based on detailed demographic projections and calculating the retirement age by a new formula;
- (e) Elaboration of a plan to reform the structure of the administration of the pension system;
- (f) Preparing normative acts to provide the right to social insurance for motherhood, temporary disability, work-related accidents and occupational disease.

305. The following actions were taken in 1999:

- (a) Applying the Law on the Pensions of State Social Insurance;
- (b) Issuing legislative and normative acts to set the further steps of the reform;
- (c) Gradual reorganization of the administration;
- (d) Implementation in steps of the evidence of individual contributions to the pension fund.

306. Actions taken in the period 2000-2005 will complete the reform in the pension system. The following normative acts are necessary to reform the pension system:

- (a) The Law on Pensions of State Social Insurance (No. 156-XIV, adopted on 14 October 1999);

- (b) The Law on Public Social Insurance System (No. 498-XIV, adopted on 8 July 1999);
- (c) The Law on Pensions of Private Social Insurance;
- (d) The Law on Compulsory Occupational Pension System;
- (e) The Law of the Annual Budget of State Social Insurance;
- (f) The Law on Compulsory Social Insurance for Work-Related Accidents and Occupational Diseases;
- (g) The Law on the Pension Fund;
- (h) The Law on Compulsory Social Insurance for Unemployment;
- (i) The Law on Motherhood and Temporary Disability;
- (j) Regulations for calculating the period of contributions;
- (k) Regulations on pension payment;
- (l) Regulations on pension calculation;
- (m) Regulations of the Register of Individual Evidence in the public system of social insurance (enacted by Government Decision No. 418 of 3 May 2000);
- (n) Government Decision on the Implementation of Individual Evidence in the Public System of Social Insurance;
- (o) Government Decision concerning the types of income that are not subject to State social insurance.

307. According to the Law on Social Protection of Invalids, No. 821-XII of 24 December 1991, the invalids of the Republic of Moldova enjoy all social, economic and personal rights and freedoms stipulated in the Declaration on the Rights of Disabled Persons adopted by the General Assembly of the United Nations, by the Constitution of the Republic of Moldova and by other legislative acts. Discrimination against invalids is forbidden and is punished by law.

308. An invalid is a person who has limited activity as a result of physical or mental disabilities, and needs social assistance and protection. Limitation is total or partial disability or ability to care for him/herself, find a job, communicate, control his/her behaviour or work. A person is an invalid if the disabilities are acknowledged by the authorized State bodies (art. 2). Social protection of invalids means that the State shall create conditions for their individual development and achievement of their capacities, rights and freedoms on an equal basis with other citizens. Social protection of invalids is stipulated in the republican and local programmes of socio-economic development and is confirmed by legislative acts and decisions. The State fixes a supplementary insurance for invalids in order to protect their rights and interests (art. 3).

309. According to chapter two of this Law, the State provides conditions for the free access of invalids to the social infrastructure. The central administrative bodies and local self-governing institutions, industrial units, institutions and organizations create conditions for invalids (including those who use wheelchairs) for their access to houses, buildings, public buildings and workplaces, free use of public transport and of communications, telecommunications and information media, orientation and free movement. Designing and building public centres and residential districts, elaborating project solutions, building and rebuilding installations, complexes and communications, as well as elaborating means of transport, telecommunication and information must take into account their access and use by invalids. Existing means of transport, telecommunication and information and other objects of social infrastructure have to be accessible for invalids. These conditions are fixed by central administrative bodies or local public administration bodies with the participation of representatives of the public invalids' organizations. If the stated objectives cannot be achieved in an accessible way, enterprises, institutions and organizations have to issue and realize the necessary measures to satisfy invalids' needs.

310. The dwellings of invalids or families who have at least one invalid to take care of have to be equipped with special devices and means in accordance with the individual rehabilitation programme. Local public administration bodies, enterprises, institutions and organizations in whose jurisdiction the dwelling is, should equip them. Private houses are equipped in conformity with the provisions of local self-governing bodies and representatives of invalids' public organizations. Local public administrative bodies, enterprises and organizations offer dwellings to invalids in view of their need to live near their place of work, their relatives and rehabilitation institutions. Invalids are offered dwellings on the ground floor. They also have the right to change their apartments if these are not on the ground floor. Dwellings offered to invalids must respect the technical-sanitary norms mandated by the invalids' health.

311. First- and second-degree invalids, as well as families with invalid children who need improvement of living conditions, have priority in receiving dwellings. The State allots essential investments for this purpose. Invalids have advantageous conditions in paying the rates for dwellings and services. First- and second-degree blind invalids and those with locomotion problems have the right to build garages near their houses.

312. The local public administrative bodies are obliged to provide access to invalids to cultural institutions and sports halls. According to the legislation, these services are free of charge or at advantageous conditions of payment.

313. Enterprises, institutions and organizations have the right to earmark money for construction, purchasing necessary equipment for sociocultural purposes, sports halls and their maintenance, providing goods and services and purchasing means of transport for invalids. Public organizations of invalids and their enterprises, State enterprises and cooperatives that produce prostheses and orthopaedic apparatus, wheelchairs and other devices for invalids are provided with all technical-material resources. Moreover, the present law also provides medical, occupational and social rehabilitation for invalids. Central administrative bodies and local public administration bodies organize and contribute to the stability and development of medical, occupational and social rehabilitation systems. The system represents a set of measures directed

towards recovering the capacity of the invalid to care for him/herself and to practise different forms of occupational activity, which permit invalids to have a normal life and assure the realization of their potential.

314. Central administrative bodies and local public administration bodies finance and organize the activity of scientific research, train medical and professional staff, help with the social rehabilitation of invalids and offer measures to prevent disability.

315. Medical, professional and social rehabilitation of invalids is achieved in accordance with the individual rehabilitation programme which is implemented by a medico-social examination (medical examination of working capacity) performed by the State and local public administration and representatives of public organizations for invalids. Concrete periods of rehabilitation, medical methods and forms of social assistance recommended to invalids are established in the individual rehabilitation programme. The individual rehabilitation programme is a compulsory document of the respective State bodies, enterprises, institutions and organizations. Invalids are offered qualified and free-of-charge medical assistance in all medical institutions. Invalids have priority in the polyclinic institutions, health units and drug stores.

316. Central administrative bodies and local public administration bodies are obliged to create rehabilitation centres with many profiles corresponding to the degree of invalidity, or to offer complete rehabilitation, treatment and recovery sections within curative/preventive institutions. Special residences which have a complex of rehabilitation service and social pension services, centres for social service and offices for social service are established for invalids who need permanent medical assistance.

317. Invalids who live on the territory of the Republic of Moldova are provided with prostheses and orthopaedic devices, special means of movement, phonoamplifiers and signalling devices, individual devices and apparatuses. These are free of charge or have advantageous conditions of payment.

318. Invalids have the right to work in enterprises, institutions and organizations with common labour conditions, sections and sectors that use invalids' labour, as well as to exercise individual work or any other kind of work not prohibited by law. It is not permitted to refuse to hire or promote a person because of invalidity, or to lay off such a person or transfer him/her to another job without his/her consent. Exceptions are cases when, according to the decision of a medical social examination, the health of the invalid prevents him from fulfilling his obligations or is a danger to other persons. It is not permitted to fire a person who attends courses of medical, professional or social rehabilitation within the institution, whatever the period of his/her seniority in these institutions is. The employment conditions of persons who become invalids are determined according to the decisions of committees of medical examination at the enterprise, institution and organization where the employees partially lost their working capacity. If there are no conditions for continuing their labour activity at the same enterprise, institution and organization, then they are employed by a competent State service. Employers must give recommendations to invalids.

319. Local public administration together with public organizations of invalids approve the list of positions and occupations, adopt rules for reserving positions in enterprises, institutions and organizations (5 per cent of the total number of workers), and establish enterprises, sections and

specialized labour sectors for invalids. The expenditure for purchasing the equipment will be paid from the Unemployment Fund. Labour Exchanges together with representatives of public organizations of invalids and trade unions elaborate annual programmes for employing invalids. Local public administration shall provide the necessary assistance in purchasing raw materials and furnishing rooms in enterprises that organize home work for invalids and invalids with individual working activities. The employers who do not reserve positions for invalids or who do not want to employ invalids will pay contributions to the Unemployment Fund. The amount of these contributions is an average annual salary of the employee of the enterprise, institution and organization for each uncreated position. Employers are obliged to offer available positions or to create new job places for persons who lost their work capacity as a result of work-related accidents or a professional disease at that enterprise. If the employer cannot respect these conditions, he is obliged to terminate the labour agreement with this worker and to pay contributions to the Unemployment Fund. The amount of this contribution is equal to 10 annual salaries of the respective worker.

320. The working week for first- and second-degree invalids is 30 hours. Working overtime, on days off and at night is permitted only with the consent of the invalid, with the agreement of the doctor. Employers, in mutual agreement with trade unions, have the right to reduce the work of invalids. An annual holiday of 36 calendar days is fixed for persons with first-degree invalidity and for those with second-degree invalidity, the holiday is 28 calendar days. At the invalid's request, the administration offers him/her a supplementary non-paid holiday of up to two months.

321. Social assistance offered to invalids is contained in chapter six of the Law on Social Protection of Invalids No. 821-XII of 24 December 1991. Invalids are offered social assistance in the form of monetary payments (pension, allocations), technical or other means, wheelchairs, prostheses, orthopaedic apparatuses, products with special phonoamplifiers and signal devices, as well as medical assistance and housekeeping. Invalids receive free-of-charge help. The concrete forms and volume of social assistance are established in the rehabilitation individual programme. Social assistance is provided by the local public administration, labour and social protection bodies, health, education, culture, sports and other State bodies on the basis of a medical social examination. Central administrative bodies and local public administration set the following supplementary advantageous conditions: discount in paying living necessities, medical assistants, transport, telecommunications and other kinds of social services. The social assistance is paid from the republican and local budgets, as well as from voluntary contributions of enterprises, institutions, organizations and citizens. If enterprises, institutions and organizations contribute to the social assistance of invalids, they receive advantageous conditions in paying taxes.

322. Enterprises, institutions and organizations have the right to improve the living standard of invalids by:

(a) Fixing supplements to the State pensions by taking into consideration the contribution of the worker and his total uninterrupted length of service;

(b) Increasing the pensions of invalids who live alone and need care and assistance from other persons;

- (c) Fixing advantageous conditions for paying the rent and maintaining children in pre-school educational institutions;
- (d) Paying partially or completely for rent, services and means of individual movement;
- (e) Depositing shares of participation in cooperative building of houses with gardens and garages nearby;
- (f) Paying the travel tickets for all kinds of public transport and for visiting cultural institutions;
- (g) Organizing charity dinners;
- (h) Offering other kinds of assistance.

323. Enterprises, institutions and organizations are obliged to offer invalids advantageous conditions for using for their recovery sports halls, educational institutions, holiday centres and spas which are under their jurisdiction. Persons with first- and second-degree invalidity, invalid children and persons who are taking care of an invalid with first- or second-degree invalidity or an invalid child are given compensation for travelling in urban, suburban and inter-urban transport (except taxi cabs).

324. The Ministry of Transport and Communication establishes the necessary conditions to implement special means of telecommunication, to create phone centres for invalids and to provide to those with hearing deficiency special phone apparatuses. Blind persons with first- and second-degree invalidity have priority for telephone lines, including special lines, according to the conditions set by the legislation. Invalids who need to be helped by other persons have the right to medical assistance and housekeeping at home or in institutions. Central administrative bodies and local public administration contribute to the development of a network of institutions of social assistance for invalids who need assistance from other persons. Measures of social protection of invalids have been taken under the government decision on social protection measures for invalids who need assistance from other persons No. 687 of 23 December 1992.

Table 27

Programme of social protection of invalids

Planned measures	Executor	Period of execution
<p>1. Reducing payments for rent, running water, sewerage, heating, garbage collection, electricity and gas as follows: for families with a first-degree invalid or an invalid child (50%) and for a second-degree invalid (25%). Families composed only of invalids and minors should have a total exemption from the above-mentioned payments. In families who have several invalids, payments are reduced corresponding to the degree of invalidity of each member.</p>	<p>Ministry of Finance, Ministry of Communal Services and Housing Fund</p>	<p>From the moment of decision's adoption</p>
<p>2. Use of all sports buildings and cultural institutions by invalids</p>	<p>Ministry for Youth, Sports and Tourism, organizations of invalids</p>	<p>Until 1 December 1992</p>
<p>3. Organizing treatment for all patients suffering from spinal diseases at Sergheevca spa</p>	<p>Ministry of Health, Ministry of Labour and Social Protection together with Federation of Independent Trade Unions of Moldova</p>	<p>Permanently</p>
<p>4. Training programmes for the deaf and blind according to the functioning of the State language in the Republic of Moldova, professional training and refresher courses</p>	<p>Ministry of Science and Education, Ministry of Finance, Ministry of Economy, organizations of invalids</p>	<p>First half of 1993</p>
<p>5. Including a list of articles and a nomenclature in the legislation which shall provide maximum employment and rehabilitation of invalids</p>	<p>Ministry of Industry, Ministry of Labour and Social Protection</p>	<p>First half of 1993</p>

Table 27 (continued)

Planned measures	Executor	Period of execution
6. Local self-governing organizations, enterprises and organizations of invalids will help parents who take care of an invalid child to get a job on the list of positions reserved for invalids	Local self-governing bodies, organizations of invalids	Permanently
7. The programme of measures for creating free access of invalids to the social infrastructure is elaborated according to stipulations of the above-mentioned Law. Amending documents for projection and estimation (1992), so that dwellings are built in compliance with the legislation on invalids' protection. Construction plans should be modified in accordance with the Law.	Ministry of Architecture and Construction Ministries and departments: beneficiaries, organizations for designing, project authors, Ministry of Architecture and Construction	First half of 1993 Until the end of 1992 and permanently
8. Introducing necessary amendments in the "Rules of necessary benefits", "Rules of urban and rural telephonic network", as well as "Tariffs for telecommunication services" according to the stated Law	Ministry of Informatics, Information and Telecommunication	15 October 1992

325. A government decision established the interdepartmental council for resolving the problems of invalids under the aegis of the Government (hereinafter referred to as the Council). It is a consultative body established for the elaboration and promotion of State policy, programmes, plans and actions of prevention and rehabilitation of invalidity, as well as for providing equal constitutional rights and freedoms for invalids and other citizens of the Republic of Moldova. The Council has the obligation to facilitate the adoption of efficient measures to resolve the problems of invalids, to implement programmes for the protection of invalids and to harmonize the efforts in this field of the leading State bodies, associations, public funds, other organizations and citizens.

326. The Council investigates and adopts decisions on:

- (a) Determining the causes of invalidity and measures for its prevention;

- (b) Increasing the efficiency of medical, occupational and social rehabilitation of invalids;
- (c) Free access for invalids to objects of social infrastructure;
- (d) Improving pre-school and basic education for invalids;
- (e) Diversifying material insurance and social services for invalids;
- (f) Creating conditions for invalids to realize their right to work, providing them with job places;
- (g) Providing adequate conditions of work and rest for invalids, creating conditions for practising sport and benefiting from national and international culture manifestations;
- (h) Rehabilitation and prophylaxis;
- (i) Inter-State collaboration concerning invalidity and invalids;
- (j) Other problems of the social policy of interest to invalids.

327. The Council is authorized to:

- (a) Examine the legislative acts that refer to the problems referred to in the Law on Social Protection of Invalids;
- (b) Coordinate the actions of public organizations of invalids to elaborate and adopt decisions on behalf of invalids.

328. The Council has the right:

- (a) To submit proposals on suspending normative acts of ministries and departments that violate provisions of present legislation and, if it is necessary, to present rigorous approaches on these issues to the Government;
- (b) To examine the information concerning the problems of invalids received from the heads of ministries and departments and local self-governing organizations;
- (c) To involve ministries and departments, associations, enterprises and institutions in establishing decisions concerning problems relating to their competence.

329. Regulations on the manner of registering, collaborating with unemployed persons and offering them unemployment compensation were approved by Government Decision No. 995 of 25 September 1998 on "Social protection and occupational reintegration of unemployed persons". The Regulations fix a single way of registering unemployed persons, collaborating with them and offering them unemployment compensation for the entire territory of the Republic of Moldova in accordance with the Law on Employment No. 868-XII of 21 January 1992.

330. According to the Regulations, economically active persons (including third-degree invalids) who do not have jobs corresponding to their qualification or a legal income and are registered at the Labour Exchanges are considered unemployed. The State guarantees them the right to social protection. The compulsory condition for considering someone unemployed is the submission of an application to the Labour Exchanges. The unemployment compensation is paid from the unemployment fund, provided by the State social insurance budget.

331. Ways of registering unemployed persons and collaboration with them is stipulated in chapter two of the stated Regulations as follows: "all citizens, without discrimination of any kind, such as race, nationality, ethnical origin, language, religion, sex, political or other opinion, property, social origin, education, occupation, who desire to be employed, have the right to submit an application to the Labour Exchanges."

332. Unemployed persons are registered in the main Register by filling out a standard form with personal details. Each unemployed person is registered in the Register of evidence under a certain number that corresponds to the number of his personal record. Labour Exchanges keep separate applications of persons who cannot have the status of unemployed person (persons under 16, first- and second-degree invalids, pensioners, etc.) and will offer them the necessary support in finding a job. The status of unemployed is granted to persons who correspond to the provisions of article 4 of Law No. 878-XII, once they have registered.

333. The way of offering unemployment compensation is provided in article 3 of the Regulations. Unemployed persons who cannot work because no jobs are available have the right to unemployment compensation stipulated in Law No. 878-XII. They have to present the necessary documentation confirming this right. The right and conditions for receiving unemployment compensation are stipulated in articles 15 and 18 of the above-mentioned Law.

334. Unemployment compensation is paid to citizens who comply with the provisions of the Law on Employment No. 878-XII of 21 January 1991. The right to unemployment compensation is given after eight days from registration at the Labour Exchanges, if the registration is certified with the necessary documentation. The same right is granted to other categories of unemployed persons after the following period of time:

- (a) Three calendar months from dismissal: persons fired by economic units;
- (b) Sixty days after graduation: graduates of educational institutions;
- (c) Thirty days from the day of retirement: persons retired from the military or alternative service.

335. The Government fixes the manner of paying unemployment compensation. The following persons are entitled to receive unemployment compensation:

- (a) Graduates who reach the age of 18 years and who do not have a source of income at the level of the national minimum salary and did not manage to find a job related to their occupational training within 60 days after graduation;
- (b) Persons retired from the military or alternative services and could not find a job within 30 days from their retirement;

(c) Persons whose labour contract was terminated because of the changes made in the production and work conditions, including abolition, reorganization or readjustment of enterprises, institutions and organizations, or redundancy;

(d) Persons who were dismissed illegally and who could not be restored to their previous position;

(e) Persons whose labour contracts were terminated because of an inadequate qualification or health causes;

(f) Persons whose labour contracts were terminated at their personal initiative, in the following circumstances:

(i) One of the spouses was transferred to work at another locality;

(ii) Their health condition does not allow them to work;

(iii) They take care of a family member who is a first-degree invalid or an invalid child (up to 16 years), or an old person (75 years or more);

(iv) The enterprise was transferred to another locality;

(g) Persons who were employed by labour contract for a certain period and who finished their activity in the time provided by the contract;

(h) Persons released from detention and social rehabilitation institutions;

(i) Women who interrupted their labour activity for caring for children up to 14 years old.

336. Persons mentioned in paragraphs (a), (b) and (h) have the right to unemployment compensation if they registered at the Labour Exchanges within 90 days from graduation, retirement or release; persons mentioned in (c), (e) and (g) must have at least 6 months of paid seniority during the last 12 months before their registration at the Labour Exchanges (art. 15).

337. Article 15 of the present Law stipulates that persons do not benefit from unemployment compensation if they:

(a) Reached the retirement age and according to the present legislation do not have the right to a pension;

(b) Refuse without any reason two adequate jobs or two recommendations of the Labour Exchanges to attend a training or refresher course (art. 16).

338. Unemployment compensation is granted after the right to compensation is established. It is paid for a period of nine calendar months and six calendar months for persons who are seeking jobs for the first time. Unemployment compensation is paid monthly at the Labour Exchanges on the basis of the identity card and labour card. Unemployment compensation is paid for the

period of seeking an adequate job and attending training courses. Unemployment compensation is a fixed compensation and is paid at the request of unemployed persons who benefit from this right, according to the present Law.

339. In case of illness, unemployed persons receive unemployment compensation on the basis of a medical certificate. The amount of indemnities for temporary disability is the amount of the unemployed compensation. The respective indemnity must not exceed 30 days of the entire paid period of unemployment compensation. Indemnities for maternity leave and confinement are granted for a period of 126 calendar days (in case of a complicated birth or the birth of two or more children - 140 days), starting with the thirtieth week of pregnancy, on the basis of a medical certificate. The period of unemployment compensation is included in the length of service calculation. Unemployment compensation is paid for 9 months out of 20 calendar months (art. 17).

340. The amount of and conditions for granting unemployment compensation are provided in article 18 of the present Law. Unemployment compensation may have the following amounts:

(a) 1.5 minimum salaries is the compensation for graduates of high schools and secondary schools, including boarding schools for orphan children and graduates of vocational schools, and persons released from detention institutions and social rehabilitation institutions;

(b) 2 minimum salaries is paid as compensation to graduates of higher education institutions, persons retired from the military or alternative service, women who interrupted working activity for caring for children up to 14 years and persons with third-degree invalidity who had second-degree invalidity before;

(c) 50 per cent of the national average salary of the previous year is the unemployment compensation for persons who have a length of service of up to 10 years;

(d) 55 per cent of the national average salary of the previous year is paid to other unemployed categories who have a length of service of between 10 and 15 years;

(e) 60 per cent of the national average salary of the previous year is paid to persons who have a length of service of at least 15 years.

The amount of the unemployment compensation is increased by 15 per cent every three months of the period during which it is paid.

341. Graduates of educational institutions and persons retired from the military or alternative service have the right to unemployment compensation if they were registered at the Labour Exchanges during six calendar months after graduation or retirement. Graduates of educational institutions have the right to unemployment compensation after the age of 18 years. If one or both parents are dead, they are entitled to receive unemployment compensation at the age of 17 years. Unemployed persons who take care of one or two children younger than 16 years get an increase of 10 per cent in their unemployment compensation. Those who are taking care of three or more children of similar age get an increase of 20 per cent.

342. Ceasing, suspending and decreasing the unemployment compensation are stipulated in article 19 of the mentioned Law. The payment of unemployment compensation ceases when unemployed persons are withdrawn from the Register in the following cases:

- (a) Employment;
- (b) Fixing a pension according to the present legislation;
- (c) Changing residence to another locality;
- (d) Deprivation of liberty or forced treatment in accordance with a court's decision;
- (e) Getting or trying to get unemployment compensation under false pretences;
- (f) Unjustified absence (more than two months) from the Labour Exchanges.

343. Payment of unemployment compensation ceases in the following cases:

- (a) Voluntary interruption of occupational training;
- (b) Expulsion from an educational institution for punishable actions;
- (c) Failing exams without any acceptable reason.

344. Payment of unemployment compensation is suspended for up to three months in cases of unjustified refusal to accept an individual labour contract or to attend occupational training or if the unemployed person infringes the conditions of and periods of attendance at the Labour Exchanges. The period for which unemployment compensation is suspended is included in the entire period of payment.

345. No unemployment compensation is paid for periods of:

- (a) Temporary disability that exceeds 30 calendar days during the payment of unemployment compensation;
- (b) Participation of unemployed persons in military training, including in actions related to briefing for military service and fulfilment of State duties;
- (c) Preventive arrest according to the present legislation.

These periods of paying the unemployment compensation are not included in the entire period, but cause it to be prolonged.

346. The amount of unemployment compensation can be decreased by 25 per cent for a period of up to one month in the following cases:

- (a) A three-day unjustified absence from the day the Labour Exchanges send the person on interviews;

(b) Unjustified refusal to attend the Labour Exchanges for getting exemptions from the allocation of jobs (training);

(c) Irregular attendance and unsatisfactory learning of disciplines of the occupational training courses.

347. The decision to cease, suspend the payment or decrease the amount of the unemployment compensation is made by the Labour Exchanges, which must announce it to the unemployed person.

348. Women who at the end of the period of childcare submitted an application to the Labour Exchanges and whose hiring is temporarily impossible benefit from the right to unemployed compensation when the child is between 1½ and 14 years old. This category includes:

(a) Women who have not been employed since confinement up to the time of their registration at the Labour Exchanges;

(b) Women who interrupted their activity to take care of a child up to the age of 14 and this fact is certified.

349. If the mentioned persons are repeatedly registered at the Labour Exchanges, they can receive unemployment compensation at the expiration of 20 calendar months after the previous payment of unemployment compensation had begun. Article 18 of Law No. 878-XII guarantees unemployment compensation. The amount of the unemployment compensation depends on the minimum salary and is increased only if the minimum salary increases. The amount of the unemployment compensation cannot be less than the minimum salary.

350. Unemployed persons who take care of one or two children younger than 16 years benefit from an increase of 10 per cent and those who take care of three or more children of similar age receive an increase of 20 per cent. If both parents are unemployed, the supplementary payment for children is offered to both parents.

351. Chapter four of the stated Law stipulates the manner of granting material support. If the legal period for receiving unemployment compensation expires and the person did not have the opportunity to be employed, he has the right to material compensation from the local budget. The material compensation can be expressed:

(a) In money: indemnities and advantageous conditions for paying rent, communal services, public transport, purchasing of medicines, etc.;

(b) In kind: providing fuel (wood and coal), clothing, free food in special canteens, or providing bonuses for meals in public canteens.

The local public authorities fix the manner of distribution and the amount of the material contribution.

352. If the unemployed person dies, members of his family receive a material compensation fixed by the Law on Funerals. It is paid from the unemployment fund. This compensation is

paid upon presenting the death certificate. The compensation is offered to relatives on the basis of documents that justify the expenditure and, in exceptional cases, in the absence of such documentation, to other persons with an identity card.

353. The inconsistency and incoherence of the economic reforms and their postponement have led to long-standing unemployment and have intensified poverty. Development cannot take place without the sufficient and productive involvement of the population. The lack of involvement is equal to the loss of human resources and has serious effects on social and economic development, social cohesion and the prosperity of the population. Unemployment has taken alarming dimensions. There were only 78 registered unemployed persons at the end of 1991, while in 1994 their number grew to 15,000 persons, and at the end of 2001 the Labour Exchanges registered 28,900 persons for 1,884 vacancies (6.5 per cent).

354. The Republic of Moldova is confronted with structural unemployment typical of the undeveloped countries, when the production sector is not capable of creating sufficient jobs. Every two or three years, the State develops programmes for employment but they become unattainable, because of the lack of sufficient stimulatory actions and mechanisms favourable to economic growth. The principles according to which people may be made redundant are imperfect. The most affected are young people who want a job, but cannot succeed, and employees fired before retirement age. The latent forms of unemployment such as forced lay-offs, part-time jobs, etc. cannot be ignored. An essential element in the employment policy is reducing illegal employment (about 600,000 persons work illegally). This can be achieved by adopting the Law on Labour Inspection, as well as by decreasing income taxes.

355. The poverty affects a majority of the population of the Republic of Moldova. The National Strategy on Fighting Poverty (1998) stipulates that there is no other efficient and honourable solution for human dignity than the gradual involvement of people in the labour market. This should be the main priority of the State. The preliminary calculations of the National Strategy on Fighting Poverty envisage the following changes: short-term changes will eliminate dire poverty; middle term changes will stop the process of impoverishment; long-term changes will reduce poverty up to acceptable economical, social and political conditions.

356. The Government of the Republic of Moldova mentions that the activity of labour protection between 1993 and 1995 was organized and developed according to the State Programme for Improving Labour Protection in the National Economy between 1993-1995, approved by Government Decision No. 322 of 1 June 1993. According to the Programme, the Ministry of Labour, Social Protection and Family together with ministries, departments, associations of employers and trade unions created a mechanism for applying the provisions of the Law on Labour Protection, elaborating for this purpose a range of normative acts.

357. In order to supervise the labour protection legislation, State inspectorates have been established. Between 1993 and 1995, the State inspectorates undertook 4,691 controls in different economic units and observed the way the normative acts on labour protection were respected. As a result of these controls, 106,233 work-related accidents were prevented by interrupting or stopping technical deviations in 257 workshops, the activity of 11,771 pieces of equipment, machines and installations that presented a danger were stopped, 444 fatal accidents were investigated and work-related invalidity cases submitted to the prosecutor's office were investigated.

358. A centre for training administrative personnel was set up. Economic units made efforts to improve employees' conditions and security. The State paid 23,875,500 lei for improving the methods of labour protection in 1995. But despite the measures undertaken, the situation of labour protection continues to be alarming. It is a fact that ministries, departments and local public administrations do not give priority to labour protection. Ministries and departments pay insufficient attention to elaborating normative acts on labour protection, developing and leading labour protection organizations, creating special funds for the settlement of labour protection cases and training the administration of different kinds of organizations. Moreover, some ministries, departments, district executive committees and municipal city halls infringe the present legal provisions by issuing licences for the development of certain activities that did not obtain a labour protection authorization from the State inspectorates. As a result, a number of economic agents who perform different activities use defective technological processes, production rooms, equipment, machines and old installations that do not correspond to sanitary and security labour requirements.

359. There were 1,946 registered cases of work-related accidents, including 74 fatal accidents, and the total number of temporary disability of injured workers was 68,953 in 1995 (the average number of employees was 1,264,575). Most work-related accidents were of an organizational order: their prevention does not need considerable allocations.

360. During the last year, the number of employees working in conditions that do not correspond to the hygienic and sanitary norms was about 15.3 per cent in commerce and food, 15 per cent in industry, 12.3 per cent in transport, 6.7 per cent in construction and 5.1 per cent in telecommunications. Unfavourable labour conditions caused occupational disease in 56 persons. As a result of work-related accidents and professional diseases about 140 persons became invalids.

361. Considering the above-mentioned information and the necessity of continuing to improve labour protection, the Government of the Republic of Moldova approved by Decision No. 451 of 13 August 1996 the State Programme for Labour Protection in the National Economy for 1996 and 1997. The following tasks should be fulfilled by:

- (a) Ministries and departments:
 - (i) To set the main directions of labour protection activity in subordinate enterprises, institutions and organizations;
 - (ii) To issue annual programmes and plans for labour protection and to undertake action to collect money for special labour protection funds;
 - (iii) To issue the normative acts concerning labour protection necessary for the development of respective activities;
 - (iv) To organize training courses and to test the persons with responsible positions in subordinate enterprises, institutions and organizations;
 - (v) To consolidate the services of labour protection departments;

- (vi) To perform methodological activity and to monitor labour protection activity at subordinate enterprises, institutions and organizations and to undertake necessary measures to respect the present legislation concerning labour protection;
 - (vii) To examine the activity of subordinate enterprises, institutions and organizations concerning the creation of healthy and favourable labour conditions;
- (b) Local public administration authorities:
- (i) To take measures to guarantee labour protection on their territory;
 - (ii) To examine systematically the problems related to labour protection legislation;
 - (iii) To issue annually plans of labour protection measures and to undertake actions for collecting special funds and implementing labour protection measures;
- (c) Leaders of enterprises, institutions and organizations:
- (i) To require licences from territorial State inspectorates for the functioning of economic units;
 - (ii) To set the organizational structures of labour protection and the duties and obligations of all elements of these structures;
 - (iii) To promote the policy on prevention of work-related accidents and professional diseases;
 - (iv) To elaborate and carry out an annual plan for labour protection, and to create and collect money for special labour protection funds;
 - (v) To elaborate labour protection instructions according to the general and special norms;
 - (vi) To inform every employee about the risks to which he/she is exposed at the workplace and the measures necessary for preventing them;
 - (vii) To provide training, testing and refresher courses in labour protection for employers and the administration of enterprises;
 - (viii) To take measures on learning and respecting the provisions of normative acts by all employees;
 - (ix) To provide medical examinations to employees and to employ only persons whose qualifications correspond to the work they are going to perform;

- (x) To keep evidence of workplaces with very dangerous and unfavourable conditions, as well as of work-related accidents and professional diseases;
- (xi) To provide individual equipment according to the current standards;
- (xii) To provide permanent and correct functioning of protection systems and devices and to measure and control apparatuses, as well as installations for the collection, prevention and neutralization of harmful substances emitted during technological processes.

Table 28
State programme for labour protection, 1996-1997

Measures for promoting the State policy and controlling the field of labour protection	Entity responsible for their execution	Period of execution
<p>1. To prepare and ratify the Conventions of the International Labour Organization:</p> <p>Labour Inspection (Agriculture) Convention, 1969 (No. 129)</p> <p>Occupational Safety and Health Convention, 1981 (No. 155)</p>	<p>Ministry of Labour, Social Protection and Family; Ministry of Health</p>	<p>Third quarter, 1996</p> <p>Second quarter, 1997</p>
<p>2. To develop and improve the normative acts on labour protection and regulations concerning communications, research, reporting and evidence of work-related accidents</p> <p>To elaborate a model of regulations concerning the organization and functioning of the committee for labour security and hygiene within economic units</p>	<p>Ministry of Labour, Social Protection and Family together with National Confederation of Employers and Council of General Federation of Trade Unions</p> <p>Ministry of Labour, Social Protection and Family; Ministry of Health together with National Confederation of Employers and Council of General Federation of Trade Unions</p>	<p>Third quarter, 1996</p> <p>Third quarter, 1997</p>
<p>3. Optimization of labour protection:</p> <p>(a) To elaborate and adopt annual plans of measures for labour protection which should be implemented from the special funds of labour protection;</p>	<p>Ministries, departments, local public administration bodies, all forms of enterprises, 1996-1997</p>	<p>1997</p>

Table 28 (continued)

Measures for promoting the State policy and controlling the field of labour protection	Entity responsible for their execution	Period of execution
(b) To certify workplaces in all types of economic units in order to eliminate harmful and difficult labour conditions in accordance with Government Decision No. 168 of 5 April 1993;	Ministries, departments, local public administration bodies, all forms of enterprises	
(c) To develop the technical material basis for the control of labour conditions;	Ministries, departments, economic and labour protection units	
(d) To develop the technical material basis of State inspectorates for labour protection;	Ministry of Labour, Social Protection and Family; Ministry of Finance	1996-1997
(e) To improve the form of statistical reports in the field of labour protection;	Department of Statistics; Ministry of Labour, Social Protection and Family together with General Federation of Trade Unions	Second quarter, 1997
(f) To study international practice of application of provisions of labour protection on the basis of risk factors and to implement them in the national economy of the Republic of Moldova;	Ministry of Labour, Social Protection and Family; Ministry of Health	Second quarter, 1997
(g) To analyse organizational and technical causes of work-related accidents and occupational diseases and adopt measures for their prevention;	Ministry of Labour, Social Protection and Family; Ministry of Health	1996-1997
(h) To study the problems related to labour protection in agriculture and to prevent work-related accidents and occupational diseases of farmers;	Ministry of Labour, Social Protection and Family; Ministry of Health; Union of Agrarians of the Republic of Moldova	1996-1997

Table 28 (continued)

Measures for promoting the State policy and controlling the field of labour protection	Entity responsible for their execution	Period of execution
(i) To study the international experience concerning the necessity of establishing a national consultative body for labour protection problems and for submitting the suggestions of these bodies to departments;	Ministry of Labour, Social Protection and Family together with National Confederation of Employers and Council of General Federation of Trade Unions	1996-1997
(j) To elaborate a model for evaluating labour conditions and protection, situations of work-related accidents and professional diseases, and to elaborate indicators to measure the activity of improving labour protection in the economic units;	Ministry of Labour, Social Protection and Family; Ministry of Health together with National Confederation of Employers and Council of General Federation of Trade Unions	1996-1997
(k) To improve the gathering of data and electronic analysis of work-related accidents.	Ministry of Labour, Social Protection and Family	1996-1997
4. Training and refresher courses of staff:	Academy of Public Administration	1996-1997
(a) To train the leaders of the State administration bodies in the labour protection field under the aegis of the Government;	Ministries, departments	1996-1997
(b) To establish a training system in:	Ministries, departments	1996-1997
- the labour protection field;	Ministries, departments	1996-1997
- the elaboration of training programmes;	Ministries, departments, economic units	1996-1997
- using technical means for training and testing;	Ministries, departments, economic units	1996-1997
- the arrangement and equipment of district, urban and rural labour protection offices as well as district and urban mobile offices for publicizing labour protection.	District executive committees, city halls of cities and villages	1996-1997

Table 28 (continued)

Measures for promoting the State policy and controlling the field of labour protection	Entity responsible for their execution	Period of execution
<p>5. Information and publicity for labour protection:</p> <p>(a) To spread information concerning the situation of labour protection in the national economy;</p> <p>(b) To study and publish articles about labour protection;</p> <p>(c) To collaborate with international information centres for labour security and hygiene under the aegis of the International Labour Organization.</p>	<p>Ministries, departments, local public administration bodies</p> <p>Ministries, departments, local public administration bodies</p> <p>Ministry of Labour, Social Protection and Family</p>	<p>1996-1997</p> <p>1996-1997</p> <p>1996-1997</p>
<p>6. Partnership:</p> <p>(a) Mutual consulting in the elaboration of labour protection normative acts;</p> <p>(b) Organization and performance of joint control concerning labour protection activities in economic units;</p> <p>(c) Training responsible persons in the field of labour protection within trade unions and enterprises;</p> <p>(d) Organizing seminars, conferences, etc. on labour protection problems;</p>	<p>Ministries, departments, employers' associations and trade unions</p> <p>Ministries, departments, employers' associations and trade unions</p> <p>Ministries, departments, employers' associations and trade unions</p> <p>Ministries, departments, employers' associations and trade unions</p> <p>Ministries, departments, employers' associations and trade unions</p>	<p>1996-1997</p> <p>1996-1997</p> <p>1996-1997</p> <p>1996-1997</p> <p>1996-1997</p>

Table 28 (continued)

Measures for promoting the State policy and controlling the field of labour protection	Entity responsible for their execution	Period of execution
(e) Supporting in all ways the labour organizations, State and technical inspectorates and trade unions in their labour protection activity.	Ministries, departments, employers' associations and trade unions	1996-1997

362. For promoting a dynamic and coherent policy of providing normal conditions to employees and preventing work-related accidents, the Government approved the State Programme for Increasing Labour Protection (1998-2001) (Decision No. 793 of 15 July 1998).

Table 29**State programme for increasing labour protection, 1999-2001**

Suggested actions	Entity responsible for their execution	Period of execution
1. To prepare and ratify the Protocol of 1995 to the ILO Labour Inspection Convention 1947.	Ministry of Labour, Social Protection and Family	2000
2. Development and improvement of the normative acts concerning labour protection.		
(a) To elaborate normative acts:		
- concerning the execution of internal control over the activity of labour protection in all enterprises;	Ministry of Labour, Social Protection and Family	First quarter, 1999
- concerning the organization and performance of compulsory medical examinations upon recruitment and periodic examination of employees who work in harmful and dangerous conditions;	Ministry of Health	Fourth quarter, 1999

Table 29 (continued)

Suggested actions	Entity responsible for their execution	Period of execution
- concerning curative/preventive nutrition	Ministry of Labour, Social Protection and Family	Second semester, 1999
- concerning the list of chemical substances recommended for curative/preventive nutrition	Ministry of Health	Second semester, 1999
(b) To elaborate departmental normative acts:		
- concerning labour hygiene and security for maintaining and repairing public roads;	Ministry of Transport and Communications	1998-2001
- concerning labour hygiene and security in transport enterprises;	Ministry of Transport and Communications	1998-2001
- concerning labour hygiene and security in telecommunications and post;	Ministry of Transport and Communications	1998-2001
- concerning labour hygiene and security in forestry exploitation, livestock and phytotechnical sectors;	State Association for Forestry "Moldsilva"; Ministry of Agriculture and Processing Industry	1998-2001
- concerning labour hygiene and security in construction, extraction and producing building materials;	Ministry for Territorial Arrangement, Construction and Communal Services	1998-2001
- concerning labour protection in customs activities.	Ministry of Finance	1998-2001

Table 29 (continued)

Suggested actions	Entity responsible for their execution	Period of execution
3. Optimization of labour protection:		
(a) To improve the system of labour protection activities in accordance with provisions of the ILO conventions:	Ministry of Labour, Social Protection and Family	1998-2001
(No. 81) concerning labour inspection in industry and commerce;	Ministry of Labour, Social Protection and Family	1998-2001
(No. 129) concerning labour inspection in agriculture;	Ministry of Labour, Social Protection and Family	1998-2001
(b) To establish the position of specialist on labour protection within city halls;	Local public administration authorities of villages	1998-2001
(c) To elaborate bills on measures of labour protection;	Local and central public administration authorities; economic agents	1998-2001
(d) To organize the technical/material basis of the State local inspectorates on labour protection;	Ministry of Labour, Social Protection and Family; Ministry of Finance	1998-2001
(e) To consult specialized world publications in order to adopt normative acts on:		
- labour hygiene and security by using calculation techniques with video terminals;	Ministry of Labour, Social Protection and Family; Ministry of Health	1998-2001
- prediction of occupational diseases and measures of prevention;	Ministry of Health	1998-2001

Table 29 (continued)

Suggested actions	Entity responsible for their execution	Period of execution
(f) To analyse current legislation and advance suggestions concerning its compatibility with the provisions of the ILO Convention No. 103.	Ministry of Labour, Social Protection and Family; Ministry of Health	1998-2001
4. Actions of training and improving the staff:		
(a) To organize a system of training in the field of labour protection:		
- drafting and improving training programmes in labour hygiene and security;	Ministry of Labour, Social Protection and Family; Ministry of Health; economic agents	1998-2001
- providing offices for labour protection with machines and different illustrative materials meant to ensure the necessary framework for training and testing;	Central and local public administration; economic agents	1998-2001
(b) Training courses for:		
- public inspectors and experts on labour protection from central and local public administration and economic agents;	Ministry of Labour, Social Protection and Family; Ministry of Health; central and local public administration	1998-2001
- technical labour protection inspectors from trade unions;	Trade unions	1998-2001
- authorized labour protection specialists within trade unions;	Trade unions	1998-2001
- organizing seminars and contests in the field of labour protection.	Central and local public administration; trade unions; economic agents	1998-2001

Table 29 (continued)

Suggested actions	Entity responsible for their execution	Period of execution
5. Information and publicity on labour protection:		
(a) To systematize and disseminate information envisaging labour protection in the national economy;	Central and local public administration	1998-2001
(b) To study and publish information concerning labour protection.	Central and local public administration	1998-2001
6. Social partnership:		
(a) Mutual consulting in elaborating the normative acts on labour protection;	Central and local public administration; trade unions; economic agents	1998-2001
(b) Organizing and integrating mutual controls concerning labour protection in economic units and performance of the required measures;	Central and local public administration; trade unions; economic agents	1998-2001
(c) Organizing joint conferences on labour protection measures;	Central and local public administration; trade unions; economic agents	1998-2001
(d) Support to the representative organizations of labour, public and technical inspectorates and trade unions and increasing labour protection.	Central and local public administration; trade unions; economic agents	1998-2001

363. In order to grant additional social security to families with many children, the Government of the Republic of Moldova adopted on 22 March 1994 Decision No. 118 "Concerning social security of families with many children". According to this decision:

(a) Since 1 March 1994, the unemployment allocation for individuals who take care of one or two children younger than 14 years has increased by 10 per cent and for families with three or more children younger than 14 years, by 20 per cent.

(b) The following compensations have been set since 1 March 1994:

(i) The right to unemployment compensation for women whose maternity leave or leave for childcare for up to three years has expired. The Law guarantees this right to unemployed women who were registered at the Labour Exchanges for a period of 30 days after their leave had expired;

(ii) A monthly compensation for families with many children with a view to paying for fuel. Only families with four or more children receive this compensation, in the amount of 2.5 lei for each child.

To strengthen the social security of families with many children, the Government adopted Decision No. 456, of 15 May 1997 "Concerning supplementary social security measures for families with many children".

364. Beginning on 1 January 1997 the families with children receive the following indemnities:

(a) A single indemnity in the amount of eight minimum wages at the birth of the first child;

(b) A single indemnity in the amount of six minimum wages at the birth of each following child;

(c) A monthly indemnity in the amount of 1.8 minimum wages for childcare up to 1¹/₂ years;

(d) A monthly indemnity in the amount of up to 0.9 minimum wage for families with children between 1¹/₂ and 16 years old, including children under guardianship (in primary, secondary or high school), whose monthly total income per capita is lower than one minimum wage; families with three or more children receive an indemnity equal to 1.5 minimum wages;

(e) A monthly indemnity in the amount of 0.9 minimum wage for single mothers with a child between 1¹/₂ and 16 years old, including a child under guardianship (in primary, secondary or high school), if the child does not benefit from other indemnities and payments under the current social security system. This indemnity is granted for families with a monthly total income per capita lower than three minimum wages.

365. The amount of indemnities is fixed in accordance with paragraph 5 of Government Decision No. 122 “Concerning the indexation of income”, adopted on 1 March 1996. The funds for the provision of the indemnities under the decision are taken from the Social Fund. This decision approved the Regulations on establishing and paying indemnities to families with children. The type, amount and conditions for receiving indemnities are fixed in the Regulations.

366. The mentioned indemnities are paid in the following circumstances:

(a) The indemnity paid at the birth of the first child and for each subsequent child is paid if the child has been registered at the State Registry of births, marriages and deaths. At the birth of two or more children the indemnity is paid for each child. There is no indemnity for a child born dead. The single indemnity at childbirth is paid only if it is required during the period of six months after the child’s birth. The indemnity could be paid later if there are any well-founded reasons;

(b) The monthly indemnity for childcare is paid for each child in the case of a multiple birth. It is paid at the end of the maternity leave for up to 1¹/₂ years. If childcare leave is granted to the father, grandfather, grandmother or other employed relative, the indemnity is fixed at their workplace in accordance with the current legislation. The indemnity ceases if the mother is employed before the end of childcare leave. These provisions do not affect mothers who have part-time jobs or work at home. If the mother does not work, the social security body pays the childcare indemnity;

(c) The monthly indemnity for children up to 16 years old is paid from the month it is required;

(d) The monthly indemnity to single mothers is paid if the child does not benefit from other indemnities and payments under the current social security system and only if the total monthly income of the family does not exceed three minimum wages. It is paid from the month it is required. The indemnity for a single mother is also paid to an unmarried woman who adopts a child but only after the adoption papers are signed. If a single mother gets married but her husband does not adopt the child, the right to indemnity is kept; otherwise it is abolished.

367. Parliament adopted Law No. 499 “Concerning State Social Allocations for Some Categories of Citizens” of 14 July 1999. According to article 2 of the Law, only citizens with residence in the Republic of Moldova who do not satisfy the conditions for receiving a pension and do not have an assured income have the right to allocations. The following categories of person also benefit from allocations:

- (a) First-, second- and third-degree invalids;
- (b) First-, second- and third-degree invalids from childhood;
- (c) Children younger than 16 years with first-, second- and third-degree invalidity;
- (d) Orphans;
- (e) Persons who have reached the age of retirement (art. 3).

The allocations are set and paid by the territorial social security bodies. Thus, the allocations fixed in accordance with the Law are paid from the State budget for social insurance (arts. 4 and 5).

368. Chapter two of the above-mentioned Law establishes the amount of allocations and the conditions for setting them. The allocations for first-, second- and third-degree invalidity, invalids from childhood, as well as child invalids are fixed only when those persons do not benefit from the right to a State social pension, do not have an assured income and are not totally supported by the State. The Council of Medical Examination determines the degree of invalidity and the time of its onset. For children under 16, the degree of invalidity and the time of its onset are fixed by the Consulting Health Council. The amount of the allocation is fixed in the following percentage ratio compared to the minimum retirement pension:

- (a) First-degree invalidity, invalids from childhood and invalid children under 16 receive 100 per cent of the minimum retirement pension;
- (b) Second-degree invalidity, invalids from childhood and invalid children under 16 with second- and third-degree invalidity - 85 per cent;
- (c) Third-degree invalidity and invalids from childhood - 50 per cent.

369. Chapter three of the Law stipulates the forms of allocations for children who have lost their family breadwinners. These are granted only if the deceased did not acquire the right to a social pension. The allocation is paid to persons up to 18-years-old (pupils and students of secondary and higher educational institutions, but not older than 23 years), if they receive total support from the State and do not have an assured income.

370. The allocation for a child who lost his maintainer is 15 per cent of the minimum retirement pension, but shall not be larger than 1.5 minimum retirement pensions. If the child is bereaved of both parents, the amount of the allocation is doubled. Recalculation is required if the number of beneficiaries has changed. According to the new circumstances, the allocation is recalculated beginning with the month following the modification or recalculation. Each beneficiary has the right to request his part of the allocation, which is determined by dividing the amount of the allocation by the number of beneficiaries. A tutor can have the right to receive the allocation of a child under guardianship who has lost the family breadwinner.

371. Chapter four stipulates the allocation for old persons. It is paid to citizens who reach retirement age, but do not require a social pension, do not have an assured income and are not totally supported by the State. The allocation for old persons is 55 per cent of the minimum retirement pension.

372. In order to improve the system of facilities for several categories of people and the system of social security for vulnerable sections of the population, Law No. 933-XIV "Concerning Social Protection of Certain Categories of People" was adopted on 14 April 2000. According to this Law, the following categories of people who are citizens of the Republic of Moldova can receive compensation:

- (a) First- and second-degree invalids;

- (b) Third-degree invalids for an unlimited period of time:
 - (i) Work-related invalids;
 - (ii) Persons whose invalidity was as a result of mutilation, trauma or wounding during military service;
 - (iii) Participants in the war for the territorial integrity and independence of the Republic of Moldova;
 - (iv) Victims of political repression between 1917 and 1990;
 - (v) Ex-prisoners of call-up camps and ghettos;
- (c) Invalid children under 16;
- (d) Invalids from childhood;
- (e) Participants in the Second World War and their wives;
- (f) Persons who were assimilated to participants in the Second World War;
- (g) Families (parents, widows who have not remarried or minor children) of those deceased on the battlefields and those who died as a result of their participation in the Chernobyl clean-up operation;
- (h) Single pensioners;
- (i) Families with four or more children.

373. The social security and family protection bodies fix and pay this compensation in the manner approved by the Government of the Republic of Moldova. It is paid, directly from the State budget to the Social Security Fund, for the following:

- (a) Communal services: centralized heating, natural gas for stoves, running water, sewerage services, sanitation services, lifts;
- (b) Electricity;
- (c) Natural gas for heating;
- (d) Liquefied gas in gas cylinders;
- (e) Coal and wood for heating.

374. The amount of compensation for communal services and electricity is fixed on the basis of the cost of services per capita as follows:

(a) 50 per cent for first- and second-degree invalids with the exception of the category mentioned below in (b); first- and second-degree invalids from childhood, invalids under 16; veterans of the Second World War and their wives; families (widows who have not remarried or children under 16) of those deceased as a result of participation in the Chernobyl clean-up operation and families with four or more children;

(b) 25 per cent for second-degree invalidity due to disease or work-related accident, third-degree invalids from childhood and single pensioners.

The compensation for electricity is established on the basis of the average cost of normal monthly consumption (60 kW). For apartments and houses with electric kitchens, the compensation for electricity is on the basis of 100 kW.

375. The compensation for centralized or natural gas heating is fixed on the basis of the cost for 30 square metres of total area per capita.

376. A family with several invalids receives compensation for the communal services for each beneficiary of compensation.

377. There is a discount of 50 per cent for the purchase of coal and wood. The prices are approved by the Government. If a family has more than one beneficiary, the compensation is fixed per capita.

378. The Strategy for reforming the social assistance system was approved by Parliamentary Decision No. 416 of 28 May 1999. The current social assistance system represents a set of guarantees concerning material and money subventions or from taxes of certain categories of person. It also has the purpose of helping orphaned minors, handicapped adults, invalids and old persons who receive social institution support. The legislation on the social assistance system consists of the Constitution of the Republic of Moldova, presidential decrees, government decisions and other normative acts which coordinate the legal relationship in the system. The social system cannot protect persons and families who have hard living conditions because of a low income or an absence of rights. This would imply a new political orientation.

379. The reform of the social assistance system should envisage a correlation between the legal, administrative-organizational and financial systems, in view of the present socio-economic conditions of the country. It should also consider the increasing level of poverty of certain social categories as a result of the economic decline, which led to prices going up, an increasing number of unemployed persons, decreasing income and nutrition, etc. The social assistance has to be promoted as a State social policy and administered by a central specialized body similar to a ministry or department, but at territorial level, by decentralized services and the local public administration together with other organizations, charities, religious non-governmental organizations, foundations and private persons. For achieving the objectives of the reform of the

social assistance system and creating decent living conditions, the beneficiaries of social assistance have the obligation to cooperate with specialists in resolving current problems. The manner, quantity and nature of social assistance should be adequate to the situation of the person or family receiving it.

380. The social assistance shall be offered to those who are temporarily or permanently at social risk. This is determined by: family abandonment, parents' death, loss of dwelling, physical or mental handicap, disease, families with many children, single-parent families, drug and alcohol addiction and consequences of natural and ecological disasters.

381. The reform of the social assistance system envisages the following objectives:

- (a) To establish legal administrative-organizational and financial systems;
- (b) To analyse and estimate the socio-economic phenomena giving rise to demand for social assistance;
- (c) To establish conditions for granting support, its management and payment as provided by law;
- (d) To identify and stimulate socio-professional activities in order to assist persons and families vulnerable to risk and those who may ask for social assistance;
- (e) To train the social assistant to offer assistance to persons and families in need and to improve assistants' ability to organize the socio-economic and professional lives of others;
- (f) To identify a new, non-institutionalized form of protection of some categories of minors, adults with disability and old people who receive social assistance.

382. Reform of the legal and administrative-organizational system of social assistance should also be carried out. The reform of the legal system requires the adoption of the following legislative acts:

The Law on Social Assistance;

The Law on Family Allocation;

The Law on Social Assistance of Old Persons;

The Law concerning Modification and Amendment of the Law on Social Protection of Invalids;

The Law on the Minimum of Subsistence;

The Law concerning the Social Assistance Canteens;

The Law on Voluntary Work;

The Law concerning the Social Assistance Fund.

Reform of the administrative-organizational system

383. One of the priorities of this reform is to create a central specialized body (ministry or department) with tasks and obligations in promoting new policies for administering social security. At the local level, social security administration policy has to be promoted under social security direction and achieved with social security offices together with specialized services of local public administration authorities, non-governmental charities and religious organizations, foundations and private persons.

384. To establish and achieve the Strategy towards socio-economic development of the Republic of Moldova, several activities in the legal, economic and organizational fields should be implemented. The country has begun the long-term task of developing different social sectors such as social protection of people, education, health protection, programmes for poverty eradication and environment protection, as well as the economic sector, including reorganization of the energy sectors, developing industry, agricultural policy, and programmes for the development of certain branches of the national economy.

Social sphere reform

385. The evolution of the social situation shows that developments in the social sphere have been slow and contradictory. There are several positive tendencies, such as the democratization of society and liberalization of the economy, which gave an opportunity to citizens to demonstrate their abilities, initiative and professional skills, those being the main factors in personality affirmation and in determining the well-being of everyone in society. The private sector in education, culture, health protection and other branches of the social sphere is developing slowly, but more strongly. People have a good opportunity to choose between public and private services. Thus, the labour market is based on the principles and mechanism of supply and demand. The social partnership and dialogue is developing as an important lever in reaching civic consensus.

386. On the other hand, the economic decline and financial instability have had a negative impact on the social sphere. The decline of GDP and low viability of economic agents has diminished the value of salaries by half compared with 1991. The spread of unemployment and forced lay-offs have decreased the number of employed people. The salaries, pensions, and other social payments are too low to provide decent living conditions and their payment is delayed. Thus, the social crisis affects new social groups.

387. The social financial assistance is insufficient and unstable. Based on public financial sources, the social programmes are very expensive and have become an unbearable burden for the budget. At present, the social expenditure is 55 per cent of the consolidated budget, exceeding even that of some advanced countries. The social sphere works insufficiently and inconsistently because of undeveloped management and a defective institutional network.

388. The aim of social reform is to pass gradually from a unitary social system to a diversified one, enabling the guarantee of an adequate social service system that does not prejudice economic activity. The strategic objectives of social reform are:

- (a) To reorganize the methods of financing the social programmes;
- (b) To revise the current package of social benefits and to modify the conditions for granting them;
- (c) To strengthen the relationship between contributions and benefits and to apply a method for testing the performance of social service;
- (d) To modify the institutional network in the social sphere and to estimate its activity on the basis of cost-benefit analysis;
- (e) To develop social management and to facilitate interorganizational actions in performing social service;
- (f) To establish cooperation between local and central public administrations and non-governmental and private organizations in order to implement the social programmes.

389. In order to achieve the purposes of social reform, certain actions, which have proved their efficiency in the economy, shall be performed. The actions can be undertaken in two steps.

390. Step one (1998-2000). The main tasks are to stop poverty expanding, to avoid unemployment and to grant social protection, especially to socially vulnerable sections of the population (old people, invalids, families with many children). This step comprises the following central measures:

- (a) To decrease current public expenditure and to direct it towards financing the main social issues;
- (b) To reorganize the current system of social benefits towards strengthening the conditions for granting them;
- (c) To decrease and gradually abolish the benefits (pensions, indemnities, allocations, etc);
- (d) To make up the outstanding payments of salaries and pensions and to eliminate late payments eventually;
- (e) To strengthen financial discipline;
- (f) To establish a means test for the receipt of assistance;
- (g) To establish and apply the minimum social norms guaranteed by the State and to ensure the access of all people to social service;
- (h) To prevent unemployment and wide-scale dismissal of employees;

(i) To reform the current labour remuneration system by reinforcing the role of the salary as the main source of financial income and ensure equality of remuneration;

(j) To introduce ordering by the State of goods and products of social importance by ensuring that they appear in the budget and in the annual long-term programmes at local and central levels;

(k) To improve the legislation on employment and to establish the National Agency for Employment and Professional Training administered on the basis of the tripartite principle.

391. During 1998 the legislative base was undertaken and the mechanism for reforming the social security protection system in labour remuneration, health protection and culture was established. According to the Law on Education, the reforms in the educational system will continue at all levels. Thus, two tasks will be solved at this stage: (i) the social sector will be adapted to the conditions of the market economy; (ii) the opportunity to use the financial and material resources in the social sphere effectively and rationally will be realized.

392. Step two (2000-2005). The task is to ensure a decent standard of living. This stage aims at the following:

- (a) To create favourable conditions for the development of entrepreneurial activity;
- (b) To reinforce the investigation processes and the creation of new jobs;
- (c) To increase gradually the minimum salary guarantees;
- (d) To expand social protection for people affected by unemployment;
- (e) To optimize social public expenditure by applying minimum public standards;
- (f) To ensure permanent and durable financing of the social sphere.

393. Considering the multitude and complexity of the tasks, the priorities in the promotion of social reform will be as follows:

(a) In the labour relationship, mechanisms will be established and implemented to ensure respect by all economic agents of the minimum guarantees offered by the State. The main guarantee is labour remuneration in due time, then protection and favourable working conditions. The labour remuneration system will be improved in accordance with the following measures:

- (i) The private sphere will establish a system of guarantees to ensure the minimum level of payment in accordance with employees' qualifications on the basis of a collective contract signed by employees and employers. The economic agents will be encouraged to create a salary fund out of their personal income. This fund will be used to pay salaries in exceptional financial circumstances;

- (ii) In the public sphere a single salary scale will be established to encourage quality work, as well as bonuses for seniority and high quality of work. Also, a correlation of the average salary rates in the public and private spheres will be ensured.

(b) Labour protection: to pass from passive protection of workers (paying for facilities and compensation for unfavourable conditions of work) to active protection (prevention of work-related accidents and improvement of the labour conditions) on the basis of a flexible system of punishment and incentives applied to economic agents;

(c) Using the labour force: the efforts will be focused in particular towards the application of active measures on the labour market, the elaboration and implementation of economic mechanisms, aimed at ensuring the best balance between supply and demand, preventing the dismissal of employees, professional training of unemployed persons, reorganizing financial mechanisms and social protection measures for the unemployed by establishing an unemployment fund.

394. The modification of the social security system will be directed towards the diversification and independence of forms of social security. In this context, the accent will be on increasing the responsibility of employees and employers for granting social payments. The proportion of social benefits will be in direct accordance with the contribution paid to the social budget. Compulsory and voluntary private forms of insurance will also be developed.

395. The strategy for reforming the pension system is to pass from the current unitary pension system to a diversified one, which consists of three levels of guarantees:

(a) A minimum public pension paid from compulsory contributions based on the principle of solidarity which will ensure minimum protection of persons who perform a certain activity;

(b) A security public pension paid from compulsory contributions of employees and employers, which will be established in accordance with insurance contributions and seniority;

(c) An additional private pension paid from personal savings to ensure a higher standard of life after retirement. Fiscal discounts will be applied in order to stimulate voluntary accumulations in private pension funds.

396. Measures to reinforce financial discipline towards Social Funds and to strengthen punishments for non-payment. The retirement age will gradually be increased.

397. The social assistance aims to reorganize the current structure of allowances, compensations and social payments, to abolish unjustified payments and to direct social assistance to the socially vulnerable sections of the population. The subsistence minimum, the poverty line and minimum norms of social services guaranteed by the State will be used in carrying out the activity of social protection.

398. A new type of social assistance will be applied: poverty subsidies paid from the State budget. These will have a nominal character and will be granted to persons whose income is under the poverty line. The social institutional network will be changed in order to increase its efficiency.

399. Old people, invalids, orphans and certain categories of families with children will be protected by special public programmes.

400. The following measures must be undertaken in order to provide citizens with housing:

- (a) To increase construction from individual and private sources;
- (b) To improve the standard of living of the social categories protected by the State;
- (c) To transform the communal-dwelling sphere into a functioning system without any damage and with adequate social protection of vulnerable people.

401. The reorganization of the social sector envisages the establishing of favourable conditions for quality sociocultural services for the population. In this context, the purposes of the reform are:

- (a) To modify the normative base and to implement advanced norms in activities in the social field;
- (b) To adopt new principles and forms of organization of this activity;
- (c) To create an alternative sector of social service;
- (d) To ameliorate the expenditure in education, health protection and culture by diversifying and expanding private services in all branches of the social sector, including public institutions, and using the financial resources of the people and economic agents.

402. The State will assume the obligation to manage and coordinate the strategic domains:

- (a) To keep the bulk of the educational and health protection patrimonies and to promote reform and adaptation to the new conditions in the society;
- (b) To keep and develop the intellectual and cultural patrimony of the country;
- (c) To supervise the establishing of favourable conditions for private sector development in the social sphere.

Article 10

403. In accordance with article 48, paragraph 1, of the Constitution of the Republic of Moldova the family is the natural and basic element of the society and is protected by society and State. The family in the Republic of Moldova is under State protection (art. 5, Marriage and Family Code). The State shows its concern about the family by establishing and developing a large network of maternity hospitals, crèches and kindergartens, boarding schools and other

institutions for children; by organizing and improving the sphere of public nutrition and service, by paying allowances for childbirth, granting assistance and allowances to single mothers and families with many children, as well as other kinds of social payments and family supports.

404. In the Republic of Moldova maternity is protected and encouraged by the State. The interests of mothers and children are protected by special measures in the field of labour protection and protection of women's health. The measures set conditions that give women the opportunity to combine work with motherhood: legal protection, moral and material support given to mother and child, including paid maternity and pregnancy leaves, and other subsidies for pregnant women and mothers.

405. The right to marry and found a family is guaranteed in our country. Conditions for registering, dissolving and annulling a marriage are established in accordance with the Marriage and Family Code. Marriages are registered at the State registry of births, marriages and deaths. This is not only for State and social interests, but also for the protection of personal and patrimonial interests of spouses and children. Only a marriage registered at the State registry of births, marriages and deaths implies obligations and rights between spouses.

406. The marriage is registered a month after the marriage application was filed at the State registry of births, marriages and deaths. It is registered only with the common agreement of intended spouses who are of the minimum age for marriage which, in accordance with article 16 of the Marriage and Family Code, is 18 for men and 16 for women. The minimum age for marriage can be reduced by two years in exceptional circumstances. Citizens who get married before they are 18 years old attain full legal capacity from the registration of their marriage (Civil Code, art. 11, para. 2).

407. Marriage is prohibited:

- (a) If one of the persons is already married;
- (b) Between relatives, brothers and sisters with the same father and different mothers or the same mother and different fathers, as well as between adopter and adoptee;
- (c) If one of the persons is declared an invalid because of diminished mental capacity;
- (d) Between a guardian and his/her ward (Marriage and Family Code, arts. 13, 14, 15 and 17).

408. A marriage is dissolved when one of the spouses dies or if the court declares him/her dead. A marriage can be dissolved by divorce if it is requested by one of the spouses. The husband has no right to a divorce without the agreement of his wife during her pregnancy and a year after childbirth (arts. 33 and 34). A marriage can also be dissolved by the State registry of births, marriages and deaths.

409. A municipal or territorial court, on the basis of the provisions of the civil law, investigates the grounds concerning the dissolution of marriage. After establishing the real reasons for the request for divorce, the court has the obligation to take measures to reconcile

the spouses and to improve the family's relationship. The marriage is dissolved if the court determines that the family's relationship cannot be improved.

410. By voluntary and common agreement of the spouses, if they do not have minor children and disputes over property, the marriage can be dissolved by the State registry of births, marriages and deaths. If there is an agreement between spouses concerning alimony and common property, the spouses, or one of them, has the right to file for divorce at the court.

411. The marriage is dissolved by the State registry of births, marriages and deaths at the claim of one of the spouses if the court determines that the other:

- (a) Is declared missing;
- (b) Is declared an invalid because of diminished mental capacity;
- (c) Is convicted of committing an offence and sentenced to deprivation of liberty for at least three years.

412. If there is no agreement between the spouses concerning the children, common property or alimony, the marriage is dissolved by the court.

413. If a spouse declared dead by the court appears, the decision of the court is annulled and the marriage is restored if the other spouse has not remarried. If one of the spouses was declared missing by the court and as a result the marriage was dissolved, it could be registered again at the State registry of births, marriage and deaths at the request of the spouses. The marriage cannot be restored if the spouse of the person declared missing registered another marriage (arts. 35, 36, 38 and 42).

414. The marriage is annulled when the conditions for marriage registration were violated (the agreement, the minimum age for marriage, existence of certain obstacles at marriage registration) as well as when the marriage is fictive (arts. 43- 46).

415. Only the State deals with the legal settlement of marriage and family relationships. Only a marriage registered by the State registry of births, marriage and deaths is considered valid. Religious marriages and other rituals have no legal value. The law protects the rights resulting from marriage and family relationships except where these infringe the rights of others. The rights resulting from a marriage and family relationship are protected by the court, the guardianship authorities, the State registry of births, marriage and deaths, trade unions and other public organization in the cases and ways established by law (Marriage and Family Code, art. 6, paras. (1) and (2)).

416. Article 4 of the Marriage and Family Code provides equal rights to citizens in their family relationship. Thus, "all citizens have equal rights" in family relationships. The law prohibits any kind of direct or indirect advantages from marriage registration on the basis of origin, social and material status, race, nationality, sex, education, religion, occupancy, residence and other circumstances. The rights and obligations between spouses arise once the marriage has been registered at the State registry of births, marriage and deaths. Spouses should act in common to take care of their children and to solve other matters of family life. They have the right to choose their jobs and residence (arts. 18 and 20).

417. Spouses have the obligation to support each other financially. If this assistance is refused, a spouse who is unable to work, as well as a pregnant wife, have the right to alimony if the other one is able to pay it. The spouse who is unable to work and who needs support has the right to receive assistance from the other spouse, even after marriage has been dissolved, if she/he became an invalid before the marriage is dissolved or during the year after. If the marriage lasted for a long time, the court has the right to oblige the spouse to pay alimony to a divorced spouse who would reach the age of retirement within five years of the dissolution of the marriage. The wife has the right to receive assistance from her husband during pregnancy and three years after childbirth, if the pregnancy began before the marriage was dissolved.

418. The amount of alimony is fixed and is paid monthly. The court takes into account the material and financial status of both spouses. The allocation for the spouse is established by the court from the moment the proceedings are instituted. The court can exempt the spouse from this obligation for a certain period of time, if:

- (a) The marriage did not last for a long time;
- (b) The spouse who needs financial assistance has not behaved properly;
- (c) The spouse's invalidity is due to alcohol or drug addiction or having committed an offence (arts. 27, 28, 29 and 31).

419. The mutual rights and obligations of parents and children are founded on children's origin, certified in the manner established by law. Parents have the right and obligation to bring up their children, to take care of their health, physical, spiritual and moral development, education and preparation for life in society. Parents, as lawful representatives of their children, have to protect their children's rights and interests without any special mandate. The parents' rights cannot be in contradiction to their children's interests. If the parents (or one of them) do not respect their obligation to bring up the children or abuse their parental rights, the children have the right to ask for protection. The parents have equal rights and obligations even if their marriage was dissolved. The spouses deal together with all matters concerning the children's upbringing. If there is no agreement between the parents, disputes are discussed by the guardianship authorities with the participation of parents.

420. The parent who does not live with his minor child has the obligation to participate in his/her upbringing and to communicate with him/her. The parent with whom the child lives has no right to forbid the other parent to communicate with the child or to contribute to his/her education. The guardianship authorities can annul the right if the parent lives apart and does not contribute to the child's upbringing and has a negative influence on him/her.

421. Stepfather and stepmother who have a good financial situation have the obligation to support their stepsons and stepdaughters who are unable to work and who need this support, if they were maintained and brought up by them and do not have natural parents or cannot receive enough support from them (arts. 48, 56, 57, 58, 60 and 85). According to article 71 of the Marriage and Family Code, the parents have the obligation to maintain their minor and adult children who are unable to work.

422. Support for minor children is paid to parents as follows: for one child - one fourth, for two children - one third and for more children - one half of the parent's income. Parents who pay support to their minor children can be obliged to provide additional funds in unexpected circumstances (illness, mutilation, etc.). These payments are set by the court on the basis of the parent's material status. Minors who have lost their family breadwinner have the right to receive a pension or assistance. They keep this right even after they have been adopted (arts. 72, 73, 85 and 113).

423. Title VI of the Marriage and Family Code stipulates the legislation of the Republic of Moldova on marriage and family for foreign and stateless persons. According to it, foreign citizens and stateless persons who have permanent residence in the Republic of Moldova have the same rights to marriage and family.

424. The State's protection of the child in the Republic of Moldova represents a political, social and economical priority. The policy of protecting children's rights is directed towards achievement of the main principles established by the Law on the Rights of the Child, without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. According to constitutional provisions (art. 16, para. 2) all citizens of the Republic of Moldova are equal under the law and before public authorities, irrespective of race, nationality, ethnic origin, language, religion, sex, political or other opinion, property, etc. Children also benefit from these stipulations which are established by the Law on the Rights of the Child, which states: "all children have equal rights irrespective of race, nationality, ethnic origin, sex, language, religion, property or social origin".

425. The Law on the Rights of the Child No. 338-XIII of 15 December 1994 stipulates that the State guarantees to each child the right to a decent standard of living and to physical, intellectual, spiritual and social development. At the same time the State undertakes measures in order to grant assistance to parents and other persons responsible for the education of children. The parents, who are the legal representatives of their children, must ensure the education of their children in public or private institutions, as well as adequate conditions for their education, the development of their abilities, out-of-school activities and self-instruction. Parents have permanent juridical responsibility resulting from the absence of supervision over their young children.

426. If the child is under the supervision of a public institution and he/she falls ill because of non-respect of the doctor's recommendation, both parents will pay the costs of his/her cure. Parents have the obligation to take care of their children even if their parental rights have been withdrawn.

427. In addition to the above, the following applies to the payment of child support/alimony:

- (a) If the parent compelled to pay alimony has an irregular income or does not receive a monthly salary or the payment of alimony is impossible or difficult, he can request a fixed monthly alimony;
- (b) Parents pay child support into a personal account at the Banca de Economii;
- (c) The person who has the right to receive alimony can file an application at court to claim it;
- (d) The alimony can be paid within three years if the court so stipulates when the application is filed. Certain measures are taken to obtain it in case of default;
- (e) Persons obliged to pay alimony should inform the legal executor within three days of a change of residence and work, as well as overtime income;
- (f) Failure to pay alimony is punished in accordance with current legislation.

428. Articles 47, 48, 49, 50 and 51 of the Constitution stipulate the following rights: the right to have a family, the right to have a child, the rights of the child, the right to assistance and special protection, the right of the child to a special system of assistance in order to achieve their rights, the right to allocation and assistance of ill and handicapped children.

429. In order to implement the Law on the Rights of the Child, a State programme on protection of the rights of the child was adopted by Government Decision No. 679 of 6 October 1995. The programme establishes measures that compel the State authorities to ensure favourable conditions for bringing up and educating children.

430. The growth of congenital abnormalities and trauma has led to an increased number of invalids. The number of such children younger than 16 years for 1992 and 1999 was 8,900 and 14,200 respectively. Socio-economic matters concerning child support result from the increasing number of child invalids.

Table 30

Number of invalid children

	1992	1993	1994	1995	1996	1997
The number of invalids from childhood younger than 16 years under the supervision of public security bodies	8 858	10 036	10 475	10 752	11 009	11 529
The number of invalid children in boarding schools	526	551	552	493	515	529

Source: Ministry of Labour, Social Protection and Family.

431. The main rights are the right to full health and access to sanitary and medical assistance, basic and preventive health care, health education and rational nutrition. Protection of the health of mothers and children is a priority stated by the law. According to the Law on the Rights of the Child, the protection of the child's health begins at the prenatal stage. The child benefits from medical assistance with the most advanced technologies existing in the country. For the first time, the parental obligation to protect the child's health is stressed by the law.

432. However, the period of transition generated negative tendencies and processes that affect the situation of children in our country. Reforms to the entire health protection system envisage the development of medical assistance. Its goal is to increase people's access to medical assistance and its quality and the optimization of expenditures in the health protection system. Medical assistance to people, including children, is offered at the primary level by the family doctors (centres of family doctors, health centres, offices of family doctors). The hospital care is offered in the district and municipal hospitals. Specialized assistance is available in the republican medical institution. Inter-district and international health and childcare matters are coordinated by the Department of medical assistance to mother and child of the Ministry of Health.

433. Worsening nutritional and childcare conditions have resulted in about 28 per cent of children developing anaemia, 35.5 per cent rickets and 20 per cent diseases of the nervous system. Another tragic phenomenon in our country is the abandonment of newborn babies, 350 of whom are abandoned annually. Being deprived of a mother's protection from their first days of life, they are permanently at risk of illness or death. Living in institutions, children are vulnerable to physical and mental illness.

434. Children who are born with various kinds of pathologies become invalids because they are not treated properly and in time. That is why they are not ready to integrate in society. In 1999 there were 14,469 invalid children under medical supervision. It is necessary to mention that in the last 10 years the number of invalid children has doubled, 75 per cent of children have psycho neurological or orthopaedic pathologies. The level of child trauma is high. All those children need long rehabilitation treatment.

435. The creation of a republican centre for children recovering from serious illness has been discussed during the last 5 years but unfortunately this problem is still unsolved because of insufficient financial means. The State budget has reduced its financing of the health protection system. Several State programmes for addressing the main problems of health protection, especially those of mothers and children, were adopted by the Government of the Republic of Moldova:

- the national programme to improve prenatal care;
- the national programme to improve genetic medical assistance;
- the national programme on child nutrition;
- the national programme on oral health of children;
- the national programme on prevention;

- the programme of activities dedicated to the Year of the Child;
- the national programme to improving family planning and reproductive health protection.

436. Considering the above-mentioned problems, the reform of primary medical care has been undertaken. This will increase the quality of medical care, mainly for children and pregnant women. A way is being sought to optimize the financial expenditures in medical institutions in order to improve access to primary and hospital medical care and to improve the supply of medications.

437. The Ministry of Health, with the support of WHO and UNICEF, successfully implemented the projects to control childhood diarrhoeal and acute respiratory diseases and encourage breastfeeding. The implementation of the strategy “Integrated Management of Childhood Diseases” and projects that encourage the State strategy of developing the health protection system in the country have been started.

438. A series of normative acts that provide the solution to the most acute problems of the family, mother and child and increase the protection of families with children have been adopted in order to achieve the objectives of the social protection of children. These include the following:

(a) The Labour Code (art. 48) stipulates 36 working hours per week for wage-earners between 16 and 18 years old, and 24 working hours for pupils between 15 and 16 years old. Article 53 stipulates part-time jobs for pregnant women and women who care for children younger than 14 years and invalid children younger than 16 years;

(b) Since the Law on State Social Security Pension came into force, invalid children lost their right to social pension. Thus, they are under the State supervision. The Law on the State Social Allocations for Certain Categories of Citizens, adopted on 14 July 1999, states in article 3 (c) and (d) that allocations are paid to children younger than 16 years old with first-, second- and third-degree invalidity and children who have lost their family breadwinner. Allocations are set in accordance with the law and are paid from the State social budget. Article 8 stipulates the amount of allocation as a percentage of the minimum pension for retirement:

- (i) Children with first-degree invalidity receive 100 per cent;
- (ii) Children with second- and third-degree invalidity receive 85 per cent.

Article 9 stipulates that the allocation for children who have lost their family breadwinner is granted only if the deceased did not acquire the right to a State social pension. It is paid to children younger than 18 years (pupils and students not older than 23 years) if they are not supported by the State and do not have a proper income. This allocation is 75 per cent of the minimum old-age pension for each child but without exceeding 11.5 minimum old-age pensions. If both parents are deceased, the amount of the allocation is doubled.

439. The Republic of Moldova inherited from the socialist regime a number of institutions which take care of orphans, abandoned, mentally and physically handicapped children and children from families with social problems. According to the latest statistical data about 15,000 children do not have parental protection. Children with health and social problems are protected by the following institutions:

Orphanages for children between 0-7 years old;

Special kindergartens;

Orphanages for children between 7-18 years old;

Orphanages for children with mental deficiencies;

Boarding schools for orphans and children without parental protection;

General boarding schools;

Auxiliary boarding schools for children with mental deficiencies;

Special schools for children with chronic diseases and physical conditions of the senses;

Schools for children with behavioural problems;

Spa-schools for children.

440. Institutionalization usually has a social cause. Poor families with social problems resulting from the negative consequences of transition consider institutionalization an optimum form of social protection. The activities preventing the separation of children from their parents are reduced because of the unsatisfactory financial situation of the families with children. Moreover, no measures were undertaken in this field. The State did not establish conditions for the support, education, recovery and social integration of these people. It is necessary to develop a system to prevent institutionalization by encouraging alternative forms of support for the family, to consolidating procedures for adoption, etc. The main objective of the government strategy for the protection of child rights is to reorganize and diversify the respective institutions by transforming them into family institutions and by establishing centres for the social/medical/educational needs of disabled children. Reform in the field of child protection needs financial and human resources.

441. After examination of the family budgets with financial and technical support of the World Bank and UNDP, the strategy for poverty alienation and the national programme of poverty eradication have been settled. The examination of family budget shows that in the most vulnerable segments of the population, the most affected by poverty are children. The above-mentioned programme consists of a series of measures towards children protection against poverty. This led to establishing other programmes: "Our children", "Orphan children" and "Invalid children". These measures grant material support to families with children in different ways (money, kind and indemnities for communal services).

442. Special protection is granted to mothers before and after childbirth. Thus, the Labour Code of the Republic of Moldova prohibits night work, overtime or work during the day off by pregnant women and women caring for children up to 3 years. Also, the Law on Labour prohibits business trips for those categories of women. A woman who cares for children between 3 and 14 years old (or invalid children younger than 16 years) cannot work overtime or go on business trips without her agreement (art. 171).

443. The norms of production for pregnant women are reduced or they are transferred to another job without loss of average income. A pregnant woman may be dismissed from her position until she can be transferred to another job, but she is paid for all the work days she did not work from the salary fund of the enterprise, institution or organization. A woman who cares for a child up to 3 years is transferred to another job if she is not able to perform her previous job, and she receives her previous monthly average income until the child reaches 3 years (art. 172).

444. The maternity leave is 70 calendar days before childbirth and 56 days after childbirth (if there were complications at childbirth or two or more children were born, the leave is 70 days). The woman who has worked at least a year has the right to a 100 per cent postnatal paid leave for one year and a half. It is paid from the State social insurance. Women who have not worked at least one year receive 50 per cent. The partially paid leave for childcare can be used by the child's father, grandmother, grandfather or other relatives who take care of the child. The partially paid leave for childcare can be used fully or partly at any time until the child reaches 1½ years. This leave is included in the total and permanent length of work. Women or the above-mentioned persons can have a part-time job or can work at home without losing the right to receive childcare allocation (art. 173).

445. Before and after the maternity leave or after childcare leave, women can ask for annual leave, irrespective of their seniority at the respective enterprise, institution or organization (art. 174). Besides the maternity and childcare leave, women and the persons mentioned in article 173 have the right to an additional unpaid leave for childcare until the child reaches 3. During this leave they keep their positions. This leave can be taken fully or partly at any time until the child reaches 3. The unpaid additional leave is not included in the length of work that gives the right for subsequent annual leaves (art. 175).

446. Women who adopt newborn children have the right to a leave, which starts with the first day of adoption and ends on the fifty-sixth day from the birth (if they adopt two or more children - 70 days). If they have a length of work of at least one year, they receive an allocation from the State social insurance during this period.

447. By Government Decision No. 57 of 11 February 1993, the Instruction concerning the manner of granting medical leave was adopted in the Republic of Moldova. According to the decision maternity leave is granted by the obstetrician or in his absence by the general practitioner. The maternity leave is granted once and lasts 126 calendar days. It starts from the thirtieth week of pregnancy. If there are complications during the birth or multiple births, the maternity leave increases by 14 days. In such cases, the additional leave is authorized by the doctor. If the child is born dead or dies after 6 days, the maternity leave is 30 calendar days.

448. Women who move to another region during the maternity leave and who deliver with complications or had multiple births, benefit from an additional maternity leave of 14 calendar days. If another pregnancy starts during the partial paid leave or during additional unpaid leave for childcare, the woman has the right to receive the entire maternity leave.

449. The medical leave certificate for a surgical intervention for “therapeutic miscarriage” is issued for a period of seven days by the doctor who performs the surgery. It can be prolonged in the way established by the law. When the pregnancy is interrupted legally in accordance with medical indications or ends with a miscarriage, medical leave is provided on a general basis until the woman has regained her health.

450. Instruction on ways of establishing, calculating and paying the indemnities for medical leave in the Republic of Moldova were adopted by Government Decision No. 58 of 28 February 1993. Indemnities for medical leave are established at the workplace of the employee by the social security committee of the enterprise, institution or factory. In the institution that has no such committee, the indemnities are established directly by the person who is responsible for social security. In small institutions where there are no such units, the indemnities are established by the institution’s administration. Additions to the medical indemnity are established by a particular decision of the respective body.

451. The subsidy for the medical leave of unemployed persons is established by the chief of the Labour Exchanges on the basis of medical certificates and is paid from the unemployment fund of the Social Fund. All indemnities are paid by the administration of the respective institution from the contributions paid for social security.

452. The indemnity is calculated on the basis of the real income, which comprises all income. Taxes for social security, as well as extra payments for various kinds of bonuses, are established according to the legislation in force. Not included in calculating the indemnity are:

- (a) Overtime salary;
- (b) Salary from a second job;
- (c) Extra payments for a duty which is not the worker’s obligation;
- (d) The salary for annual and additional leave, military training, or performing State or public duties;
- (e) Single bonuses and bonuses paid for three months, excepting bonuses and payments from the financial stimulation fund;
- (f) Single payments, not stipulated by the present system of remuneration (single bonuses, compensation for unused leave, leave indemnities, etc.).

453. The indemnity for wage earners whose work is paid monthly, daily or hourly is calculated on the basis of the monthly salary or hourly wage, including extra payments such as bonuses. If the amount of the salary with all the extra payments equals twice the salary for the position, then the indemnity for all situations, excepting work-related infirmity, occupational disease, pregnancy and confinement, is calculated on the basis of two salaries of the position. In

cases of work-related infirmity, occupational disease, pregnancy or confinement, the indemnity for medical leave is calculated on the basis of the real income, even if it is more than twice the salary for the position. If the worker receives less than the full salary, then the indemnity is calculated on the basis of that salary.

454. Women with children up to 3 years old have the right to additional rest time for breastfeeding. This is granted every three hours and lasts 30 minutes. The time for breastfeeding is included in working time and is paid on the basis of the average income. If the woman has two or more children under 3 years old, the time for breastfeeding cannot be less than one hour. The administration and trade unions of enterprises and institutions establish the length and manner of granting these pauses, if the mother claims this right (art. 177).

455. It is prohibited to refuse to hire pregnant women or to reduce women's salary because of pregnancy or because they care for children under 3 (in the case of single mothers or mothers of invalids, children under 14). If such women are not hired, the administration has the obligation to communicate in writing the reason. The women can sue the respective institution if the norms have been violated. It is forbidden to fire women in those categories unless the factory, institution or enterprise is closed down and all employees are laid off.

456. The Law on the Rights of the Child stipulates that the child has the right to independent work in accordance with his age, possibilities, health and professional skills (art. 11, para. 1). Paragraph 3 of the same article stipulates that: "The State protects the child from economic exploitation and performing any work that damages his health or prejudices his physical, intellectual, spiritual or social development or is an obstacle to the training process." Paragraph 5 states that: "Any kind of forced involvement in the labour market of the child, incurs legal liability."

457. Upon ratifying ILO Convention No. 138, the State started to adopt a national policy to abolish child labour and to establish the minimum age for employment and appropriate working conditions for teenagers which allow them physical and mental development. The national legislation that sets the legal relationship of labour for young people corresponds with the provisions of this international instrument.

458. The Labour Code of the Republic of Moldova prohibits the employment of persons younger than 16 years. With the agreement of the trade union committee of the enterprise, institution or factory, persons who reach 15 years old can be employed. In order to prepare the young people for work, the present legislation allows individual labour agreements with students of general, secondary and technical schools. Thus, they will be able to perform, in their free time, easy work which has no damage to their health during their vocational training. The Law on Labour prohibits the use of students' labour if they have not reached 14 years old but they can be employed with the agreement of their parents or tutors (art. 181). The minors have similar rights to adults, but in the field of labour protection, working time and leave, they have advantages (art. 182). The Law also prohibits persons younger than 18 years from working in unfavourable conditions dangerous for their health, such as work underground and in the tobacco and winemaking industries. They are also prohibited from moving and lifting weights which exceed the maximum norms established for them (art. 183).

459. The minor's involvement in certain work that can damage their health or hinders their vocational training or prejudices their physical, intellectual, spiritual or social development is punished with a fine of up to 20 minimum salaries (Code on Minor Administrative Offences, art. 41/1). According to the Labour Code, all persons younger than 18 years require a medical examination before being hired (art. 184) and they cannot be employed on probation (art. 23, para. 3). The length of the working week is 36 hours for wage earners between 16 and 18 years old and 24 hours for persons between 15 and 16 years or students between 14 and 15 years old who work during their holiday (arts. 48, 187). The Law prohibits night, overtime or weekend work (art. 185).

460. Workers younger than 18 years have reduced production norms. They have the right to annual leave of one calendar month during the summer, at other times as agreed. Those who have a part-time job receive the same hourly wage as those who perform a full-time job. Remuneration of students who work and study is in accordance with time worked (arts. 188 and 195).

461. The Labour Code stipulates a series of advantages for wage earners who work and study, including for wage earners younger than 18 years:

(a) Article 195 states: "The administration is obliged to offer adequate conditions for wage earners who perform their vocational training and who attend educational institutions to study and work";

(b) Article 198 states: "Wage earners who attend secondary or vocational schools have the right to a part-time week with a part-time working day. The salary is paid according to the established way. They also benefit from other advantages";

(c) Article 199 stipulates a reduced working day for those who attend secondary schools:

"Wage earners who are in forms IX-XI and have good results at night schools or at secondary comprehensive schools have the right to a working week reduced by one working day or an equivalent number of working hours. Wage earners who live in villages have the right to a working week reduced by two working days or an equivalent number of working hours. The working day is reduced during the week.

"Pupils in forms IX-XI cannot be exempt from work more than 36 working days if the working week has 6 days or an equivalent number of working hours. If the working week has five days, the total number of free working hours are kept, and the number of free working days are changed in accordance with the length of the shift. If the length of the shift is 8 hours, they rest 31.5 days and 31 days when the length of the shift is 8 hours and 12 minutes.

"During their exemption from work, students receive 50 per cent of the average salary at their main job, but not less than a minimum salary.

“The part-time job for students in forms V-VIII is set by the legislation.

“The administration has the right to reduce the working week of pupils in forms IX-XI by one or two days”;

(d) Article 200 stipulates the right to annual leave for those who study in secondary schools:

“Wage earners who study in night schools and in secondary comprehensive schools have the right to an annual leave of 20 working days during graduation exams in form XI and those who study in form VII have a leave of 8 working days. The salary is paid and is calculated in accordance with the salary for the position.

“Pupils who study in forms V, VI, VII, IX and X of the above-mentioned schools have the right to receive four to six rest days during final exams and the salary is kept”;

(e) Article 201 sets the period of annual leave for those who study in secondary schools:

“The administration has to offer an annual leave during exams to students who study in secondary schools”;

(f) Article 202 stipulates the annual leave for those who study in vocational-technical schools:

“Wage earners who study successfully in night vocational-technical schools have the right to 30 working days’ leave. They receive 30 per cent of the average salary at their main job”;

(g) Article 203 states the annual leave during the enrolment exams in higher education institutions and vocational schools:

“Wage earners who intend to enter a high school or vocational school receive an unpaid leave. Students who pass the exams into a high school (including technical high schools) receive a leave of 15 calendar days, and those who take an exam for vocational comprehensive schools - 10 calendar days”;

(h) Article 204 stipulates the advantages received by wage earners who study in high school or comprehensive vocational institutions:

“The wage earner who studies in a higher education institution or comprehensive vocational school has the right to a paid leave in connection with his education and other advantages”;

(i) Article 205 stipulates that those who study in high schools or comprehensive vocational schools have the right to one free day per week to prepare for classes when the working week has six days. When the working week has five days, the number of days off is changed in accordance with the length of the shift, keeping the same number of free hours. They receive these days off during the 10 months before they start to work on their diploma paper.

These days off are paid with 50 per cent of their salary, but not less than a minimum salary. The administration has the right to grant extra days during these 10 months but without paying the salary;

(j) Article 206 stipulates the leave for attendance in high and night vocational schools:

“Students who attend evening high school receive annually, during their session, a leave of 20 calendar days in the first and second years of tuition, and 33 calendar days in the third and further years. Students who study successfully in night vocational schools receive annually, during their exams, a leave of 10 calendar days in the first and second years of tuition, and 20 calendar days in the third and further years.

“Students who study in high and vocational schools by correspondence receive, during final exams, a leave of 30 calendar days.

“Students, who study in night schools and by correspondence receive, during the preparation and presentation diploma papers, a leave of four months and those who study in night and correspondence vocational schools - two months.

“Students are paid according to their salary during the leave”;

(k) Article 207 stipulates a leave for writing the diploma paper and becoming acquainted with the chosen job:

“The administration has the right to grant additional unpaid leave to those students who study in the last year of night or correspondence high schools and vocational schools. The leave shall be used for their familiarization with the chosen job and writing their diploma paper. Students receive scholarships during the leave”;

(l) Article 208 sets the expenditure for transport:

“The administration pays a single allocation for transport to those who study in night and by correspondence high and vocational schools. It is 50 per cent of the entire expenditure and is paid during their session. Besides this, the administration pays for transport during the preparation and presentation of the diploma paper and exams”;

(m) Article 209 stipulates the following:

“It is prohibited to use wage earners in overtime labour during class days”. Hours spent for improving professional abilities are included in the working day;

(n) Article 194 stipulates: “Theoretical classes for training workers take place within working time provided by the labour legislation for age, occupation and production”;

(o) Article 189 stipulates:

“All institutions and organizations have to set a certain number of reserved places for the employment and training of people younger than 18 years old who are graduates of secondary, technical and vocational schools.

“The refusal to hire or train persons mentioned above is legally punished.

“The local public administration approves the projects of hiring young people who graduated from secondary schools and guarantees its implementation by all institutions, factories and organizations.”

462. The legislation of the Republic of Moldova ensures special protection against physical and moral risks to which children are liable and especially against those that result directly or indirectly from their job. These principles are contained in the following articles of the Constitution:

(a) Article 43, paragraph (2) - “Wage earners have the right to labour protection. The measure of protection envisages labour hygiene and security, the labour schedule of young people and women ... and other specific circumstances”;

(b) Article 50, paragraph (2) - “Children and young people have a special system of assistance”;

(c) Article 50, paragraph (4) - “The exploitation of minors, engaging them in harmful activities which may damage their health and morality or may cause their death, is strictly prohibited”;

(d) Article 50, paragraph (4) - “Public authorities ensure the free participation of young people in the social, economic, cultural and sport life of the country.”

463. The Law on Labour Protection, article 3, stipulates that everyone has the right to labour protection.

464. The Labour Code stipulates the following:

(a) Article 191: “The administration can fire a wage earner younger than 18 years only with the municipal committee’s agreement and respecting the rules of dismissal. However, the reasons for dismissal provided in article 38, paragraphs (1) and (2), of the present Code are allowed only in exceptional cases and with compulsory [alternative] employment”;

(b) Article 192: “Parents, guardians, guardianship bodies, public organizations and official persons who have the obligation to control and supervise the labour legislation have the right to request the termination of individual labour agreements with minors if the working conditions damage their health or encroach upon their legitimate interests.”

465. Article 254 of the Labour Code and article 28 of the Law on Labour Protection stipulate that the supervision and control of labour legislation and labour protection regulation are performed by the Ministry of Labour, Social Protection and Family, State bodies and inspectorates. These institutions do not depend on the administration of factories, enterprises and organizations or their superior hierarchical bodies. Government Decision No. 780 of 13 July 1998 "Concerning the main obligations and structure of the Ministry of Labour, Social Protection and Family" establishes that State Inspectorates on Labour Protection shall act under the aegis of the Ministry of Labour, Social Protection and Family. The Inspectorates have their own Regulations approved by Government Decision No. 1199 of 9 December 1998. During 1996-1998 and the first nine months of 1999, the State Inspectorate on Labour Protection has performed 9,290 visits to different economic units. The purpose of these visits was to monitor respect for the normative acts on labour protection. Special attention was granted to Government Decision No. 562 of 7 September 1993 "Concerning the classified list of industries, occupations and labour offering unfavourable and harmful conditions for persons younger than 18 years." During the first 9 months of 1999, the Inspectorate made 1,976 visits and discovered 315 jobs performed by persons younger than 18 years.

466. Between 1996 and 1998 and during the first nine months of 1999, five serious work-related accidents and four fatal work-related accidents involving persons younger than 18 years occurred. The reason for these accidents was ignoring the normative acts on labour protection. These cases are being investigated by legal authorities. If cases of ignoring the legislation on protection of persons younger than 18 years are discovered, the State inspectors on labour protection invoke the present legislation.

Article 11

467. Socially vulnerable sections of the population affected by poverty are:

(a) Families with many children, who are the most vulnerable to poverty. Of the total number of householders, the most poor are families with four children (29.5 per cent), families with three children (24.7 per cent), families with one child (21.6 per cent) and families without children (16.9 per cent);

(b) Incomplete families (17.3 per cent), which consist of single mothers who take care of a child without fathers' support. Every fifth such family is below the poverty level;

(c) Families whose members are younger than 30 years and do not have children (4.3 per cent), families with one child (66.7 per cent) and families with two children (21.7 per cent);

(d) Unemployed people below the poverty level. Their number is 31.1 per cent of the total number of unemployed people;

(e) Invalid people, whose living standard is very low. Their degree of invalidity has a bearing on their living standard. One in every four invalids (23.6 per cent) is very poor;

(f) Pensioners, one in five (21.3 per cent) of whom is very poor;

(g) Agricultural labourers have lower incomes than other socio-economic groups. One in five labourers is very poor (20.2 per cent).

The data are selected from the Poverty Alleviation National Programme adopted by Government Decision No. 564 of 14 July 2000.

468. The Human Development Index (HDI) of the Republic of Moldova was 1,702 in 1998, being in the top of countries with average human development. According to UNDP, the Republic of Moldova went down from the 64th rank to the 113th from 1990 to 1995. Also according to UNDP, in 1998 about 90 per cent of the people had a daily income of less than US\$ 2. The proportion of rich people was 12.6 per cent (in 1996 it was 7.0 per cent).

469. The salary value has also had a negative influence on the living standard. As compared with 1940, the average salary decreased twofold by 1998. The decline of real income led to a substantial deterioration of persons' purchasing power. Adjusted to its equivalent in dollars, the Republic of Moldova is the seventh of the 12 CIS countries. The living standard of old people, invalids, incomplete families and other categories of people unable to work has reached critical proportions. At the beginning of 1999, the total number of pensioners was 787,900, i.e. 22 per cent of the population. The purchasing power of pensions represents only 40 per cent of their purchasing power for the year 1990 (according to the National Report on Human Development in the Republic of Moldova, 1990).

Table 31

Living standard indicators

Indicator	1994	1995	1996	1997	1998	1999	2000
Average salary (lei)	108.4	143.2	187.1	219.8	250.4	304.6	407
Minimum household budget (lei)	271	311	388	440	473	662	944
Including food	122	151	186	204	205	263	395
Manufactured goods	93	85	99	108	123	177	263
Services and unexpected expenditures	56	75	103	126	145	222	286
Average salary as part of the minimum household budget (%)	40.0	46.0	48.2	49.6	53.3	45.8	39.5

Table 31 (continued)

Indicator	1994	1995	1996	1997	1998	1999	2000
Consumer price increase from the beginning of the year (%)	204.5	123.8	115.1	111.2	118.3	143.7	118.4
Average pension (lei)	55.2	64.3	78.7	82.8	83.9	82.8	84.6
Average monthly rate of inflation (%)	6.2	1.8	1.2	0.9	1.41	3.05	1.60
Total number of unemployed persons (thousands)	38.7	45.4	46.3	49.5	63.3	57.8	47.3

470. As compared with 1992, in 1998 the rate between the average pension and the average salary decreased from 60.3 to 33.8 per cent (ILO considers that this coefficient of substitution should be about 75 per cent in order to ensure a fair redistribution of social income). It is obvious that such a pension could not ensure a decent standard of living.

471. The data from the Department of Statistical and Sociological Analysis of the Republic of Moldova shows that 16.2 per cent of old persons have a pension of 70 lei, which is below the poverty level. The structure of consumption expenditure of those pensioners shows that more than 72.6 per cent of the pension is spent for nutrition. Moreover, at the end of 1998 the total pension arrears reached 300,000 lei or 3.4 per cent of GDP. The payment of pension is delayed by five or five and a half months. In rural areas the payments are delayed by eight to nine months. As a measure of alleviation, the programme "Old-age insurance", besides implementing a new pension system, stipulates a series of measures such as:

- (a) The liquidation of pensions arrears and the implementation of a mechanism which will not allow delays;
- (b) Increasing social services for old persons.

472. There are about 152,400 invalids in the Republic of Moldova, 76.8 per cent of whom have lost their capacity to work as a result of work-related accidents. The number of childhood invalids is about 18 per cent of the total number of invalids. The measures that alleviate the situation of invalids are the following:

- (a) Granting pensions for invalidity;
- (b) Granting additional indemnities from the Social Support Fund;

- (c) Free treatment in spas;
- (d) Providing prostheses and other means of locomotion.

473. "The poverty level" as an instrument of measurement is not yet established in the Republic of Moldova. Because of the lack of special investigations, the estimation performed by the administrative institutions on social protection is still inadequate. The first attempt to analyse the phenomenon of poverty was performed within the National Programme of Poverty Alleviation in the Republic of Moldova (1997-1998). It was financed by the World Bank and UNDP. Poverty is identified starting with the "poverty line" which is equal to 70 lei per month (US\$ 0.5 per day in accordance with the current rate of exchange). The number of paupers with income below the poverty level was 20 per cent of the population in 1997. The estimation of another World Bank project, "Moldova - poverty assessment", reflected that the number of people below the poverty level went from 35 per cent in the second quarter to 45 per cent in the fourth quarter. These studies did not help to monitor poverty and further research ascertained that poverty had spread. Taking into account the importance of the problem and the contradictory reaction of the mass media, in 1999 the Academy of Science of the Republic of Moldova performed another study. Modifying and completing the data from previous investigations, the amount of 150.78 lei per month was taken as a "poverty line" (under US\$ 0.5 per day according to the current rate of exchange). The analyses show that:

- (a) The proportion of poverty in the Republic of Moldova is bigger than in European countries from the CIS and East Europe, which are in transition;
- (b) The risk of being below the poverty level is higher in rural areas, where the opportunity to be employed is limited;
- (c) Agriculture is the sector with the most poor;
- (d) The poverty index is lower among the categories of persons with a high education;
- (e) 60 per cent of unskilled workers are poor.

474. There is current poverty in the country (i.e. temporarily unable to secure food and clothing) compared with constant poverty (persons without residence or addicts). The situation is aggravated because incomes are shared to the detriment of the vulnerable sections of the population. The income of the families below the poverty level is 40 per cent lower than the level of reference.

475. The worsening living standards determined increasing the expenditure for food, while the average calorie consumption was reduced. The Centre of Strategic Investigation and Reforms made an investigation of the household budget. According to these data, less than 10 per cent of the population in 1998 (categories of citizens with high income were included) had the possibility of keeping the same standard of living as in 1990. About 10 per cent of the

population consume less than 1,500 calories which, according to the Food and Agriculture Organization of the United Nations, is at the limit of what constitutes malnutrition. The average per capita consumption was 1,980 calories in the Republic of Moldova, while the norm established by FAO is 2,500 calories. According to FAO recommendations, the proportion of proteins, fats and carbohydrates consumption should be 1:1:4. In the Republic of Moldova the proportion is 1:1.2:5.2. Because of economic crises and restructuring the agricultural sector, the manufacturing and delivering of food products decreased in the Republic of Moldova.

476. The quality and structure of nutrition has changed. The use of animal products (meat, milk and eggs) has decreased and has affected the quality of nutrition. Inadequate nutrition is the reason for the increased number of deaths among children younger than 1 year (research performed with the support of UNICEF). Families with many children do not in their daily diet consume more than 16 per cent of the proteins, 32 per cent of the carbohydrates, 64 per cent of the vitamin A, 23 per cent of the vitamin C, 19 per cent of the phosphorus and 40 per cent of the calcium required. The energy value of the child's diet is 30 per cent lower than the established norm. The nutrition of children in pre-school is extremely unsatisfactory. The monthly deficit of meat and dairy produces is more than 50-60 per cent. In secondary schools only 40 per cent of children have meals but their caloric power is only 30-33 per cent of the established norm. There is a prevalence of farinaceous products in the diet.

477. According to the estimate reflected in the programme of the Government's activity between 1998 and 2001, the GDP per capita is only US\$ 523, which is one of the lowest of the countries in transition. Salaries represented 37.3 per cent of income in 2000 and covered only 50 per cent of the minimum for subsistence.

478. The existence of the poverty level can be explained, firstly, by the sudden decrease of the social protection level of citizens. For instance, the purchasing power of the average pension decreased four times as compared with 1990. The decreased number of taxpayers conditioned the financial instability of the social protection system, which became chronic. The social assistance is insufficient, which is why the available resources are very limited and are used ineffectively: one fifth of households receive only 5.1 per cent of the total volume of social payments, while 37.3 per cent of these payments are paid to one fifth of well-provided-for households. On 17 January 1996, the Republic of Moldova signed the Constitution of the FAO, which performed a series of nutrition research projects covering the entire country.

479. The Programme on Poverty Alleviation was adopted by government decision on 14 July 2000 and aims to ensure that children have food by establishing programmes for feeding children of vulnerable families, by:

(a) Providing pupils with free or reduced-price lunches and issuing tickets for food purchasing for pauper families;

(b) Granting facilities to economic agents who operate in the industry of preparing food for children;

(c) Fixing the State's order for the purchase of agricultural products which are necessary for preparing food for children and establishing the respective sums in the local budgets.

480. As for providing other socially vulnerable sections of the population with food security, the following indirect measures will be implemented in order to improve their standard of living:

- (a) To strength the public minimum guarantees offered to pensioners, unemployed people, invalids and families with many children;
- (b) To use labour efficiently (through the promotion of an active employment policy);
- (c) To strengthen social assistance for paupers;
- (d) To create an adequate mechanism for achieving and establishing concrete financial resources for all kinds of assistance.

481. The Constitution of the Republic of Moldova provides for the creation of a model to enable the capitalization of all factors of production (art. 126). In order to ensure proper nutrition, the Government adopted on 21 August 2000 Decision No. 863 that comprises the national concept of ecological agriculture and preparing and commercializing ecological food products. As for the field of product delivery, the State sets a list of products that will be delivered for the public's needs. The Provisional Regulation on methods for placing orders for product delivery and performing services for the public's needs was adopted on 27 January 1995 by Government Decision No. 67. Special attention is given to manufacturing basic foods, such as bread and milk, and industrial and technological equipment.

482. According to the Regulation on the retail trade of bread and bakery products, it is allowed to put a VAT on bread but it should not be higher than 20 per cent. The Regulation was adopted by government decision on 15 November 1993. The Decision on measures of maintaining the dairy milk industry was adopted on 26 October 1999 in order to avoid blocking the activity of that industry and increasing the volume of milk collected from the agricultural labourers and providing people with dairy products.

483. The right to public information is a principle that is protected by the Constitution of the Republic of Moldova (art. 34, para. 1). The Law on Consumer Protection of 25 May 1993 stipulates the obligation of producers to write on the label the information about natural substances, artificial supplements and their proportions and the nutritive value of the product.

484. The agriculture and food industry supplies about 40 per cent of GDP and accounts for a considerable share of the export volume. The legal basis of the agricultural reform comprises: the policy of agricultural reform and socio-economic development of the village, and the policy concerning the village and the agro-industrial complex of the Republic of Moldova (1991), concerning farms, the tax on land, public settlement of land property systems, land surveys and land-use monitoring (1992). In order to resolve the problems of the agricultural sector, the following laws were adopted: the Law on Owning Property, the Law on Privatization and the Law on Rent. The Law Concerning the Normative Price of Land and the Manner of its Purchase and Sale was adopted in August 1997. The land reform started on 1 January 1992, when the Land Code came into force. The goal of the land reform is to transfer the land into private property. In 1997, the State possessed only 17.3 per cent of the agricultural land of the Republic of Moldova. The turning point in establishing land property was the cancellation of the

moratorium on land purchase and sale, which was declared unconstitutional by the Constitutional Court in 1996. According to the legislation of the Republic of Moldova, land could not be merchandise until 2001.

485. Subsidization of the agricultural sector is a State priority, whose goal is to permit, through insurance measures, spring agricultural activities and to give credits to producers from commercial banks.

486. As at 1 January 2000, the national housing stock was over 1.3 million units, over 60 per cent in urban areas. In 1987 the home construction sector reached its highest point, but beginning in 1991 it has seen a continuous decline both in the public and private sectors. Construction decreased from 20,200 units in 1990 to 2,900 in 1999; many dwellings were left unfinished. This sector is financed by the private sector, which in 1999 accounted for over 83 per cent of the total volume of fixed capital investment for home construction. Thus, people's access to dwellings is determined by their financial status. The average price of an urban dwelling is 10 times higher than a family earns yearly. The number of citizens without living space was about 82,000 people on 1 January 1998. Another calculation shows that about 140,000 families do not have their own dwelling.

487. The housing stock consisted of State houses and apartments, the balance belonging to enterprises, State organizations, trade unions, cooperatives and private persons. But these dwellings were privatized in 1993 with the aim of ensuring the right of the citizens of the Republic of Moldova to free choice of dwelling. On 1 January 1998 the ratio of private property was 92 per cent, of cooperative property 1 per cent and of public property 7 per cent.

488. Nowadays, the old system of housing distribution is still used in the Republic of Moldova, according to which the space allocated for one person is 9 square metres. However, because of discrepancies between dwelling supply and demand, the general lists of those requiring housing include citizens with space of less than 6 square metres per capita. A housing deficit appeared, according to data of the National Housing Policy from 5 August 1994. One in 3 families in the city wants to improve their living conditions and 1 family in 10 has been on the list for more than 10 years.

489. The average dwelling space is 18.2 square metres in the cities and 22.4 square metres in villages. In 1999 indices for floor space showed overpopulation per room - 1.6 persons to one room compared to the necessary average of 1.2 and 1.0 persons respectively. To this is added the unsatisfactory status of the housing stock and the reduced level of commodities offered to the population.

490. The ability to purchase dwellings is influenced first of all by the low income of the population and the increasing costs of communal services. About 25 per cent of citizens spend over 30 per cent of their income on housing, which exceeds the standard of Western countries. Most of this expenditure, however, has to be devoted to communal services and only a small part for dwelling upkeep. Thus, only 1 or 2 per cent of the population has access to new dwellings (according to statistics of the Strategy on floor space and other real estate, adopted by government decision on 19 May 1999).

491. The ways to acquire living space are: obtaining the dwelling as property; concluding a rental contract with the dwelling's owner or its possessor; the right to have an apartment in a cooperative as a member of the cooperative; concluding a contract to acquire a house on the condition of maintaining the current inhabitant for life.

492. According to article 43 of the Housing Code of the Republic of Moldova, dwellings offered to citizens have to fulfil the existent conditions in the respective population centres and to correspond to technical and sanitary requirements. It is not allowed to offer dwellings in deteriorated houses, basements, huts and other buildings which are not adapted for living and in houses that are listed for demolition or registered under the category of houses where living is not permitted.

493. The right to a dwelling is guaranteed to all citizens of the Republic of Moldova. According to the stipulations of the Constitution, foreign persons and stateless citizens have the same rights and obligations as citizens of the Republic of Moldova. Exceptions are stipulated by law (art. 19, para. 1). The right to a dwelling for such categories of persons is guaranteed by the Law concerning the legal status of foreign and stateless persons in the Republic of Moldova, which stipulates in article 10: "Foreign and stateless persons who are residents of the Republic of Moldova benefit from the same right to a dwelling as citizens of the Republic of Moldova."

494. The Housing Code of the Republic of Moldova prohibits eviction from an occupied dwelling and limited use of the house is allowed only on the grounds and ways set by law (art. 10, para. 4). According to article 63 of the Housing Code, the State fund has the right to evict a person from a public dwelling if he is absent for a period of six months. Eviction is carried out only in the legal way in accordance with article 94 of the Housing Code. In order to solve the problems related to the free exercise of rights, the Supreme Court of Justice issued the Decision of the Plenum of 20 December 1999, concerning the practice of applying certain provisions of the Housing Code. It stipulates in paragraph 11 the necessity of ascertaining the plaintiff's absence for a longer period than the limit provides. If the absence is motivated (business trips or leaving to assist persons who need help, absence from the apartment related to the behaviour of other members of the family, etc.) the judge can prolong the period.

495. The analysis of the general situation shows:

(a) The housing stock is considered a capital construction with a period of exploitation of over 50 years; temporary dwellings practically do not exist;

(b) Most dwellings are legal. Abusive construction is being seen mostly in additional constructions;

(c) Most of the city dwellings correspond to sanitary requirements;

(d) Although the greatest part of the urban housing fund is relatively new, about 3 million square metres of it need a major overhaul, the number of houses that need to be repaired is continuously growing and the financial resources are lacking;

(e) In houses, energy and water consumption are inefficient and waste is considerable;

(f) A great number of dwellings do not meet the exigencies of sound and heat insulation and humidity protection.

496. Housing construction is set by a number of legislative acts:

(a) The Law Concerning Quality in Construction of 2 February 1996 stipulates the legal, technical-economic and organizational basis for the activity of natural and legal persons in the field of construction, the quality of construction being ensured by ample testing by certified technical experts;

(b) The Law Concerning Principles of Urbanization and Land Use of 17 May 1996 stipulates in article 4 the rational utilization of land, the improvement of living standards and the administration of natural resources as the main purposes of land use. Plans are subjected to strict scrutiny and the authorization for building and the certificate for urbanization is issued by the local public administration. Article 45 of the Law stipulates that the local public administration has the possibility of securing land for urbanization through changing, granting, purchasing or expropriating on the grounds of public necessity;

(c) The regulations concerning the private construction of dwellings was adopted by government decision of 2 July 1999.

497. The land ownership regime is stipulated by the Land Code of the Republic of Moldova, adopted on 25 December 1991, the temporary regulations concerning purchase and sale of territories adopted by government decision of 6 June 1995, the Law Concerning State Settlement of the Land Property Regime, the State Land Register and Land Monitoring of 22 December 1992, the Law Concerning the Normative Price and Manner of Land Purchase and Sale of 25 July 1997 and the Law on Expropriation for Public Use of 8 July 1999.

498. During 1990 the construction sector held the third place in the economy of the Republic of Moldova, accounting for 8 per cent of GDP. During the following six years the construction decreased more rapidly than in Ukraine and Romania.

499. The Strategy on the housing market and other real estate provides the following necessary means for improving the current situation regarding exercise of the right to housing:

(a) To enlarge the market of comfortable private houses for citizens with large incomes and to create apartments from multi-storey private dwellings. Thus, more apartments that would allow people with average incomes to exchange their apartments for better ones would appear on the market;

(b) Promoting the building of high-density housing with reduced height requirements.

500. The Republic of Moldova does not have effective control over the territory of Transnistria, where there are serious infringements of the right to housing since 1992.

Article 12

501. The economic decline of the last years had a negative impact on morbidity and the causes of temporary disability. In 1999, there is a slight increase in cases of temporary disability (38.1) over 1998 (37.2) and days of incapacity (680.0 in 1999; 674.8 in 1998) (100 workers were investigated). The situation of women is different. For 10 economically active women there were 41 cases of temporary disability and 704.4 days of incapacity for work in 1999 and 39.7 cases of temporary disability and 677.8 days of incapacity for work in 1998. The most frequent kinds of morbidity with temporary disability are: flu and diseases of the respiratory system - 31.9 per cent (1998 - 21.5 per cent); peripheral nervous system and locomotive system - 14.9 per cent (1998 - 15.5 per cent); traumas - 9.6 per cent (1998 - 9.1 per cent); digestive tract diseases - 7.2 per cent (1998 - 8.5 per cent); cardiovascular system - 6 per cent (1998 - 6.2 per cent). Pulmonary cancer (17.8 per cent), skin cancer (10.9 per cent) and stomach cancer (8.9 per cent) are common diseases among the male population, but the female population is more frequently affected by breast cancer (24.7 per cent), skin cancer (13.9 per cent) and cervical cancer (8.9 per cent). The health of women is the indicator of the reproductive potential of the population. The fertility rate in the Republic of Moldova is 1.67 per cent, the average in Europe is 1.6 per cent. To assure that a population reproduces itself, this index has to be at least 2.1 per cent. The frequency of abortion has decreased.

502. An analysis of the psychic health of the population reveals that it has decreased during the past 10 years; this is observed in all age groups. During this period, an annual increase in the number of invalids in this category has been noted. In 1990, 20,445 invalids were registered; in 1994, 23,685; in 1996, 24,812; in 1998, 26,190. In 1999 their number reached 26,440, that is 43.5 per cent of the total number of registered ill persons. The ratio of invalidity between mature patients and children is 46.8:26.3. The level of alcohol consumption among the rural and young population is very high in the Republic of Moldova. According to the statistics, the number of alcohol addicts is increasing, especially among persons younger than 30 years. According to the calculations of the Ministry of Health, on the basis of data of the World Health Organization and the Ministry of Internal Affairs, the estimated number of drug addicts in the Republic of Moldova is 50,000 or 55,000. An alarming situation is registered in the penitentiary institutions, where the incidence of tuberculosis is 42.7 times higher than the average in the country.

503. The general medical assistance provided by general practitioners was reformed on the basis of government decision No. 668 of 17 July 1997 concerning the concept of reforming the medical assistance system between 1997 and 2003, and Order No. 200 of 19 August 1997 of the Ministry of Health concerning the elementary reform of medicine. The pre-hospital system of emergency medical assistance was also reorganized on the basis of government decision of 23 July 1999 concerning the national programme for improving emergency medical assistance in the Republic of Moldova. But the lack of sanitary transport, insufficient technical supply of the emergency services and administrative-territorial reorganization from 1998 decreased the number of solicitations from and access of the population to this medical assistance. The situation is alarming in respect of surgical assistance. In 1999, the number of operations decreased by 15 per cent compared to the previous year. This decrease was caused by the increasing costs of medical assistance, although the surgical pathology is increasing and aggravating.

504. Health quality exponent is deteriorating substantially. Compared to 1992, life expectancy decreased. In 1998, it was 71.4 years for women and 64 years for men and the average was 67.8. Life expectancy in Moldova is one of the lowest in Europe.

505. In 1997, the Ministry of Health elaborated a health-care strategy. It was adopted by the Government as the "Concept and strategies for developing the health system of the Republic of Moldova between 1997 and 2003".

506. The national health security policy consists of priorities, strategies and practical steps, coordinated and approved at the national, sub-national and local levels. The main objective is securing and maintaining the health of citizens and the entire nation and providing free access to medical assistance.

507. The budget for health care was 6.3 per cent of GDP in 1994, 5.8 per cent in 1995, 6.8 per cent in 1996, 6 per cent in 1997, 4.5 per cent in 1998 and 2.9 per cent in 1999.

508. According to data of the Department of Statistical and Sociological Analysis of the Republic of Moldova, the stillbirth and infant mortality rates (per 1,000 births) are as follows:

Table 32

Stillbirth and infant mortality rates in rural and urban areas

Years	Total	Rural average	Urban average
1990	19	16.96	20.64
1991	19.8	17.1	21.9
1992	18.4	16	20.3
1993	21.5	19.5	22.9
1994	22.6	20.9	23.7
1995	21.2	19.5	22.3
1996	20.2	18.7	21.1
1997	19.8	16.8	21.3
1998	17.5	20.5	16
1999	18.2	20.7	16

509. The problem of infant mortality is very serious in the Republic of Moldova. Deaths among babies of 0 and 1 year old represent more than half (48 per cent in 1999) of infant mortality and influences the demographic indicators in a negative way, especially the birth rate, fertility and general mortality. Between 1990 and 1997 infant mortality was above the average in rural areas and below the average in urban areas. But there was a change in the situation in 1998/1999 which was difficult to understand. The explanation is a failure to register births and deaths, especially in rural areas (according to data of 1999 from the register "Public health in the Republic of Moldova").

510. The main source of drinking water is wells. About two thirds of the population use this source of water. About 35 per cent of the population have access to drinking water only from wells.

511. The phenomenon of wells implies an increasing risk of water pollution. Only 30 per cent of water resources correspond to national standards. About 42 per cent of the population consider that poor water quality is one of the causes of diseases. These data are taken from a household budget survey for 1998.

Table 33**Population supplied with communal facilities**

Communal facilities	Urban (%)	Rural (%)	Total (%)
Sewerage system			
Yes	77	1.5	31.8
No	23	98.5	68.2
Running water			
Yes	70.6	0.1	28.3
No	29.4	99.9	71.7
Local central heating			
Yes	77.4	2.4	32.4
No	22.6	97.6	67.5
Bathroom or shower			
Yes	73	0.1	29.3
No	27	99.9	70.7

Source: Household Budget Survey, 2000.

Table 34**Percentage of children vaccinated**

Vaccination against	Age	1995	1996	1997	1998	1999
Tuberculosis	Newborn (30 days)	97.3	98.4	99.4	99.3	98.5
Diphtheria	12 months	97	97.7	98	97.4	97.4
Whooping cough	12 months	95.5	98.2	97.1	96.9	97
Poliomyelitis	12 months	97.1	98.6	98.4	97.6	98.2
Measles	24 months	98	98.4	98.9	99.2	98.8

512. Medical assistance is assured by two sectors:

- (iii) Preventive medicine sector;
- (iv) Hospital sector.

513. Preventive medical assistance in the Republic of Moldova is assured by 473 stationary institutions; the Ministry of Health has 187, other ministries and departments have 78 and individual enterprises 208.

514. In 1999 the number of doctors decreased by 1,737 and led to a ratio of 33.7 doctors for 10,000 inhabitants. The proportion is as follows: in the curative-prophylactic institutions 28.4 doctors, compared to 28.5 in 1998; in urban areas 65.4 (in 1998 the number was 72.6) and in rural areas 6.7 (compared to 7.7 doctors in 1998).

Table 35

Medical insurance of children

	1990	1995	1996	1997	1998	1999
Number of paediatricians Per 10,000 children between 0 and 14 years old	2 154 17.7	1 986 17.4	1 944 17.5	1 826 17.5	1 669 16.0	1 344 13.5
Number of hospital beds Per 10,000 children between 0 and 14 years old	11 398 93.7	9 503 83.2	9 322 83.7	8 839 81.8	8 534 81.1	5 985 60.0
Children hospitalized in hospital institutions, thousands Per 10,000 children between 0 and 14 years old	235.9 1 939	202.2 1 770	172.6 1 551	177.4 1 641	165.2 1 583	133.2 1 337

515. The legislation of health protection has changed for the good, resulting in improved measures of health protection.

516. The right to health protection in the Republic of Moldova is provided by article 36 of the Constitution. The national system of health protection was amended on 3 February 1999 by the Law on Minimum Free Medical Assistance. According to article 2 of this law, a minimum of free medical assistance is guaranteed to all citizens of the Republic of Moldova. In cases of emergency, foreign and stateless citizens also benefit from this facility.

517. The following national programmes were elaborated in 1999:

The National Programme on Cancer Control for 1998-2003. The programme reflects the policy of the Republic of Moldova concerning free prophylaxis and treatment of cancer;

The National Programme on Family Planning and Reproductive Health for 1999-2003;

The National Programme on Developing Preventive Medical Assistance for 1999-2003;

The National Programme on Cardiovascular Prophylaxis and Control for 1998-2003;

The National Programme on Controlling Hepatitis A, C and D;

The National Programme on Tuberculosis Prophylaxis and Control;

Measures for controlling AIDS and sexually transmitted diseases have been adopted.

518. According to an investigation undertaken by the World Bank in 1999, the following measures are needed for efficient reorganization of medical assistance in the Republic of Moldova:

- (a) Reorganization of the network of medical services to divert resources from tertiary health care to preventive medical assistance;
- (b) Consolidation of the first aid network by granting financial resources for the establishment of an efficient network of generalist doctors;
- (c) Legalization of illegal payments, to avoid payment for arbitrary or excessive medical services, which are expensive for socially vulnerable sections of the population;
- (d) Determination of a new package of medical services, corresponding to budgetary resources but giving priority to primary health care;
- (e) Centralization of financial assistance to improve the distribution of resources between sectors.

519. The Law on Health Protection of 23 March 1995 stipulates in article 3 the principle of maintaining hygiene and favourable conditions of life and work. The percentage of periodical medical examination of persons working in harmful and unfavourable conditions increased to approximately 85.7 per cent in 1999 from 82.6 per cent in 1998, but in agriculture it decreased to 70.5 per cent compared to 76.5 in 1998.

520. A sanitary-hygiene system is stipulated by the Law on the Sanitary-Epidemiological Protection of the Population of 16 June 1993. This Law enacted the regulations of 3 May 2000 concerning State sanitary-epidemiological supervision in the Republic of Moldova that provide for:

The implementation of prophylactic and anti-epidemic measures; extension of immunization of the population against different diseases;

The assurance of safe food production and distribution;

The provision of complete, objective and true information to the population on decisive factors relating to the State sanitary-epidemiological situation in the country.

521. The quality of drinking water continued to worsen in 1999. Thus, the sanitary chemical indices of underground water testing increased to 49.9 per cent. The worst situation was registered in Ungheni county (82 per cent), TAU Gagauzia (65 per cent), Tarclia (58 per cent) and in Ribnita and Slobozia districts on the left bank of the river Nistru. The construction of buildings which do not correspond to the sanitary norms was prohibited in 1999. In the same year, of 826 buildings in use, 5 were not authorized because of big deviations from the sanitary norms. The construction of buildings with deviations from the hygiene requirements was stopped in two cases in Baltsi county and in four cases in Chisinau county.

522. The bodies authorized by the above-mentioned regulations implement measures of prevention, treatment and control of epidemic, endemic and other kinds of diseases. The Ministry of Health of the Republic of Moldova organizes scientific research in the field of epidemiological hygiene, controls the implementation of the national programme of sanitary and epidemiological assistance to the population and the application of technical scientific achievements in the area of disease prophylaxis, elaborates State policy in the domain of immune prophylaxis, organizes the production and purchase of vaccines, salts and bacterial preparations (for diagnosis and curative purposes), performs quality control, etc.

523. The control of epidemics is provided for by a government decision concerning the system of preventing, informing and classifying natural and technical situations and increasing the intervention of the public authorities, adopted on 9 March 1998. The decision is implemented by elaborating and improving the laboratory control and certification of raw materials, food products and drinking water.

524. The Law on Compulsory Medical Insurance of 27 February 1998 guarantees medical attention to wage earners in the case of disablement or invalidity resulting from work-related accidents. The treatment is paid by the institution where the employee works.

525. Because of the complicated situation of the economy, it is not possible to decrease the prices of medicine for old persons. The pension cannot cover expenditure for medical services which is not included in the Law on Minimum Free Medical Assistance. According to the Law on Health Protection, the State provides medical social assistance for old persons, on the basis of some complex programmes.

526. One of the main directions of the national policy in the domain of health is offering consultations to and the participation of society in health protection. The obligation of the Ministry of Health to contribute to the sanitary education of the population is stipulated in article 18 of the Law on Health Protection. The principle of responsibility for one's own health is also established by the Law.

527. The National Strategy for Lasting Development for the next 20 years, which was adopted after the proclamation of the Rio Declaration suggests the following objectives, which the Republic of Moldova shall aim at:

- (a) To stipulate the fundamental right of everyone to health and to equitable access to health care;
- (b) To increase life expectancy by one or two years;
- (c) To improve the quality of life, to decrease morbidity and to make the medical system more efficient.

528. The actions which should be taken are:

- (a) To accelerate the course of reforms in the health system and to decentralize the collection and utilization of funds;
- (b) To strengthen preventive medical care, which is recognized as the most efficient and least expensive form of health care;
- (c) To increase the financial resources for preventive and rehabilitation services;
- (d) To reform the secondary and tertiary sectors of medical assistance;
- (e) To extend private sector medical services;
- (f) To solve cardiovascular, oncological and hepatitis problems;
- (g) To improve the survival rate by reducing infant and maternal mortality;
- (h) To promote a healthy style of life and rational alimentation principles through preventive medical care, schools and mass media;
- (i) To reform medical education in accordance with the reorganization of the medical assistance system.

Article 13

The structure and objectives of the educational system

529. The State provides, by the Law on Education, the right to education, irrespective of nationality, sex, age, origin, social status, political opinion, religion or penal antecedents.

530. In the Republic of Moldova the Law on the Rights of the Child and the Law on Education establish the child's right to education. This right has the following three forms:

- (a) The right of every child to free education in comprehensive schools, vocational schools, high schools, colleges or higher education institutions, in accordance with the legislation;
- (b) The right of the child with a physical disability to education in special schools;
- (c) The right of an orphan child or a child lacking parental care to teaching and free maintenance in all educational institutions.

531. In accordance with article 12 of the Law on education, the educational system is organized into levels and grades and has the following structure:

Pre-school education;

Primary education;

Secondary education:

(a) Comprehensive education:

(i) Gymnasium education;

(ii) Senior high-school education;

(b) Vocational education;

Higher education:

(a) Short-time education (colleges);

(b) University education.

532. **Pre-school education** has as its objective the creation of conditions for child development in the national ambiance, based on the natural human values and national spirituality: development of a free and creative personality by shaping the child's conscience. The principle of the educational process is individual and differentiated treatment of the child. In this context, extreme importance is attached to the stimulation, development and using of the psycho-physiological and intellectual potential of every child.

533. Pre-school education is the first step in the structure of the national educational system and has the mission to prepare children for educational activities. Pre-school education is performed, as a rule, in the family for children up to 3 years old and in pre-school institutions for children from 3 to 6 (7) years.

534. For the past few years, the pre-school education system has been in a state of permanent decline. At the beginning of the 1999 school year, 1,400 pre-school institutions were opened in the Republic of Moldova for 126,000 children of the 293,400 children of pre-school age, or 44.8 per cent. The activity of about 152 kindergartens was suspended and 196 institutions were closed during the cold period of the year.

535. The closing and liquidation of kindergartens affected pre-school institutions in rural areas exclusively. Once closed, they remain neglected, without technical services and deteriorate or are destroyed. In most of the districts the conditions of pre-school institutions are not very good. The repair of buildings is left to the teaching staff and parents. Very soon, the entire material infrastructure of the pre-school institutions will collapse, because there is no technical and preventive assistance. For the cold period of the year, the kindergartens are supplied with fuel and do not benefit from electric power.

536. Another difficult situation is that of food. Because of the scarcity of food products, the lack of financial resources to purchase them and the increasing prices, children do not get the necessary quantity of calories for normal growth and development. This inevitably leads to a lack of nutritional balance that in turn generates vitamin deficiency, anaemia, stomach ulcers and mental or physical extenuation.

537. Another great problem is material supplies for the educational process. Insufficient supplies provoke blockades in the educational system. The support for implementing teaching programmes on the basis of modern techniques presents a real deficit at the current stage.

538. In the circumstances, when half of the contingent of pre-school children do not benefit from an organized educational service, the need arises to undertake measures to provide pedagogic knowledge to parents.

Table 36

The situation of pre-school education

	1992	1993	1994	1995	1996	1997	1998	1999
Number of permanent pre-school institutions	1 940	1 877	1 774	1 680	1 596	1 497	1 399	1 201
Number of places in pre-school institutions (thousands)	218	217	206	194	183	177	167	152
Number of children in permanent pre-school institutions (thousands)	213.8	202.3	182.5	161.3	146.9	138.8	126.0	101.0
Teaching staff (thousands)	22.8	21.8	19.6	17.6	15.0	14.7	13.2	9.8
Grade of insuring children with permanent professional institutions, in percentage compared to number of children of similar age (1 to 6 years old)	55	51	46	45	43	43	40	33
Permanent pre-school institutions having 100 places	98	93	89	83	80	78	76	66
Number of children per teacher	9	9	9	9	10	9	10	10

Source: Department of Statistical and Sociological Analysis.

539. **Comprehensive education** covers elementary education (grades I-IV), gymnasium education (grades V-IX) and high-school education (grades X-XII).

540. Elementary education and gymnasium education are compulsory. The length of compulsory general education is nine years. Compulsory attendance of the school finishes at the end of the educational year in which pupils reach the age of 16 years.

541. On 1 September 1996 a new school curriculum, elaborated according to the new didactic exigencies, was introduced at the elementary stage of education. Alternative textbooks have been elaborated and published.

542. Compared to other steps of education, the elementary stage has priority over the other stages for the publishing of stage teaching materials related to the implementation of the new curriculum. But the insufficiency of financial resources created difficulties in respecting the terms of the finishing and delivery of material. For the same reason it has been necessary to introduce payment (entire or partial) for textbooks, to the detriment of families with reduced material possibilities.

543. The revision of educational plans allowed the decrease of pupils' tasks and created the possibility of organizing teaching activities within a five-day week.

544. With a view to optimizing the network of pre-school and elementary educational units, a new type of mixed institution school has been established. If the didactical aspects have some favourable moments for pupils, the persistence of the problem of providing conditions for educational activity has the tendency to reduce those positive effects that could be reached.

545. In the school programmes, in accordance with the educational objectives, some key values are included, for example:

Aspiration to democracy;

Respect for human rights, including children's rights;

Ecological balance;

Tolerance and peace;

Cultural traditions, etc.

546. In the gymnasium cycle these values are addressed from the viewpoint of universal history, within State policy and in political and social programmes of various Western countries. Within the framework of the theme "Marriage and Family", the Convention on the Rights of the Child is studied separately.

547. High school education provides a fundamental theoretical preparation and training in general culture necessary for continuing studies within higher or vocational education. High school education ends with baccalaureate exams. The general human values in this cycle are conceived through the prism of instruction in history, philosophy, economy and Romanian literature. In collaboration with the Society for Instruction and Education in the Domain of Human Rights the curriculum of civic education for high school grades is elaborated. The curriculum emphasizes the international documents referring to human and child rights.

548. With respect to the problem of schooling of children between 6 and 16 years old, it has been determined that in December 1998 in the Republic there were 4,377 children (0.58 per cent) who were not attending school. Compared to the situation in September 1998, this is a decrease of 787 children. A total of 1,080 children not attending school (24.7 per cent) are of elementary school age. The main reasons are parent's refusal and the material status of many families. Children from families with a low material status have to work to support themselves; thus, school attendance is diminishing.

549. The lack of fuel, disconnection of electric power, undernutrition, worn school furniture, and reduced material possibilities are considerable impediments in the process of training children and developing their personalities.

Table 37**State expenditure for education**

	Average number of institutions	Average number of children (thousands)	Annual expenditure, (thousand lei)	Average annual expenditure per capita (thousand lei)
Pre-school institutions				
1996	1 596	146.9	192 812.1	1 640.5
1997	1 497	138.8	198 753.4	1 713.5
1998	1 399	126.0	139 254.4	1 137.1
1999	1 201	101.0		
Elementary schools, comprehensive schools, high schools, incomplete schools				
1996	1 530	649.5	353 337.1	358.9
1997	1 536	652.7	384 950.0	605.5
1998	1 549	650.7	314 339.8	492.0
1999	1 558	643.1		
Night comprehensive schools				
1996	10	2.9	1 236.9	418.4
1997	9	2.7	1 107.5	389.1
1998	7	2.5	1 010.0	346.4
1999	7	2.1		
Comprehensive boarding schools				
1996	20	7 426	22 333.0	3 007.0
1997	21	7 655	23 433.0	3 061.1
1998	16	6 514	21 964.1	3 371.8
Technical vocational schools				
1996	68	30 498	48 308.8	1 588.7
1997	68	28 860	57 079.5	1 977.8
Polyvalent vocational schools				
1998	52	26.3	46 707.0	1 922.3
1999	52	18.0		
Vocational schools				
1996	4	612	988.0	1 614.4
1997	4	611	1 675.0	2 741.0
1998	35	6.2	9 475.0	2 079.3
1999	29	5.0		
Secondary vocational institutions				
1996	81	34.0		
1997	80	32.7		
1998	87	32.5		
1999	81	23.0		

Table 37 (continued)

	Average number of institutions	Average number of children (thousands)	Annual expenditure, (thousand lei)	Average annual expenditure per capita (thousand lei)
Colleges				
1996	51	33.3	37 850.1	1 376.6
1997	53	32.8	47 699.9	1 935.1
1998	56	29.7	37 518.3	1 651.4
1999	57	25.4		
Higher education institutions				
1996	24	58.3	65 406.1	2 050.7
1997	28	65.6	72 803.1	1 944.1
1998	38	72.7	65 031.8	2 126.3
1999	43	77.3		
Orphanages (familial)				
1996	35	207	252.2	1 218.4
1997	34	198	294.6	1 487.9
1998	34	196	265.0	1 352.0
Orphanages (republican)				
1996	3	214	784.9	3 847.5
1997	3	201	1 184.6	5 561.5
1998	3	188	1 250.0	5 868.5

Source: Department of Statistical and Sociological Analyses.

550. **Secondary vocational school** is being organized as day or evening study in polyvalent schools and vocational schools. The polyvalent vocational schools provide professional training in a large number of qualifications, from worker to technician, providing at the same time high school subjects.

551. **High school** has as its purpose the forming of a developed and creative personality, training, perfecting and requalifying at a higher level of specialization in different domains. Higher school includes colleges, institutes, universities and academies. Matriculation in the higher education institutions is by competitive examination on the basis of baccalaureate diplomas and secondary education certificates. The length of study in colleges is 2-3 years, in universities 4-6 years.

552. There are 18 higher education institutions with about 48,000 students and 47 colleges with about 32,300 students. About 3,000 persons study outside the borders of the Republic.

553. A tendency towards increasing numbers of students has been observed in the last years, both in State and private institutions. In 1999 there were about 1,201 pre-school institutions (101,000 children or 33 per cent) and 1,558 schools, gymnasiums and lyceums (643,100 pupils), 43 university institutions, 57 colleges and 81 vocational schools.

554. In 1998 the allocation for education was 586.7 million lei or 79 per cent of the envisaged education budget, including 176 million lei (77 per cent) from the State budget and 410.5 million lei (80 per cent) from the budgets of administrative territorial units. In 1999 only 89 per cent of the education budget was allocated. Because of cuts in the budgetary allocations, the training of staff on budgetary finance has been reduced and 152 kindergartens with deteriorated facilities and 196 pre-school institutions suspended their activity for the cold period of the year.

555. **Children with educational problems** make up a considerable part of the child population and include children with sensory deficiencies, deficiencies of the locomotion system, children with speaking deficiencies or mental deficiencies, etc. These children need supplementary assistance and are placed within a special education system. Every child, being unique in his way, needs help to develop and to adapt to life. In this respect all children are special and need personal participation as well as that of his parents in order to overcome the difficulties. The special education in the Republic of Moldova is a constituent part of the public education system.

556. Under the Ministry of Labour, Social Protection and Family there are two boarding schools for children with mental deficiencies in Orhei and Hincesti. The number of children under guardianship is 291 and 196, respectively. Under the Ministry of Education and Science, there are 65 boarding schools for orphans of school age, children without parental care and who have physical and mental development problems.

557. Of the total number of children being educated in orphanages and boarding schools, 298 are orphans and 875 are children whose parents suffer from different psychic disorders and children who were removed from their parents by court judgement. The content of the education and training in those institutions is based on the individual abilities of the children.

558. There were 41 boarding schools for children with mental and physical handicaps in 1999 for 5,439 children. The State allocated 16.6 million lei from the consolidated budget. The increasing number of children with such disabilities - 5,139 in 1996 compared with 5,336 in 1997 - caused the decrease of expenditure per child from 3,631 lei in 1996 to 3,531 lei in 1997. In that period the State granted 700,000 lei from the budget for spa boarding schools, where 206 children with disorders of the cardiovascular system were treated.

Table 38
Expenditure for children with mental and physical handicaps

	Average number of institutions	Average number of children	Annual expenditure (thousand lei)	Average annual expenditure per capita (thousand lei)
Boarding schools with special regime*				
1996	44	5 765	18 662.2	3 631.5
1997	42	5 679	18 841.3	3 531.0
1998	43	5 680	16 977.5	3 129.5
1999	41	5 439		
Spa boarding schools				
1996				
1997	1	233	793.1	3 403.9
1998	1	206	715.5	3 473.3
1999	1	206	780.7	3 789.9
	3	352		

Source: Department of Statistical and Sociological Analyses.

* Schools for children with mental and physical handicaps.

559. To guarantee the right of orphans and children without parental care to education, 777 children who were studying in State educational institutions benefited from State material support. The State budget allotted a sum of 2 million lei in 1997 and 3.3 million lei in 1998. For 1999, the State allocated 8.5 million lei as material support for orphans.

560. According to statistics, 4,300 orphans and children without parental care were in the country on 1 March 2000. The same statistics show that 5,300 children were adopted. Moreover, 2,800 children without parental care are educated in boarding schools. During 1999, 589 orphans and children without parental care were taken under guardianship and 141 children were adopted. Between 1992 and 1999 the total number of adopted children was 467.

Table 39

Children and adolescents between 7 and 16 years old who were not in school at the beginning of the academic year

Academic year	Total number of children 7-16 not in school	Because of illness	Because they finished grade 9 and did not continue	Children of secondary school age	
				Total	Children 7-16 not in school (%)
1993/94	14 675	1 535	8 069	5 078	35
1994/95	13 393	1 274	7 251	4 868	36
1995/96	13 834	1 179	8 005	4 650	34
1996/97	10 829	1 003	5 049	4 777	44
1997/98	11 156	1 005	5 659	4 492	40
1998/99	9 696	776	4 188	4 732	49
1999/2000	10 426	738	4 965	4 719	45

Source: Department of Statistical and Sociological Analyses.

561. The economic crisis of the country has generated difficulties in organizing children's educational recovery process in boarding schools. Orphanages and boarding schools are not financed to the extent required. The financial situation does not allow them to offer good conditions for protecting the health and life of children with special needs.

562. **Sex education.** According to the law, sex education in schools is not mandatory. Discussions on certain topics, including HIV/AIDS and sexually transmitted diseases, are held during special education classes by class counsellors or by guest lecturers (doctors, psychologists, etc). Sex education classes are held in urban areas; in rural areas this kind of education is almost non-existent.

563. Besides the sex education classes held in schools, a variety of non-governmental organizations such as the Soros Foundation and Save the Children support sex education programmes. These address either children and young people or teachers, who have to disseminate the necessary information according to the comprehension level of each age group. Some of these programmes are designed for the rural population because of the penury of such programmes in the villages.

Entertainment and leisure activities

564. According to article 34 of the Law on Education, the State guarantees the right of children to rest, leisure time, games and entertainment activities which are offered by the educational institutions.

565. The Law on the Rights of the Child stipulates the child's right to develop its intellectual capacities in different extracurricular activities. There are 84 institutions with extracurricular activities in the Republic of Moldova. These have a general capacity of 50,000 - which is 7.8 per cent of the total number of pre-university students - including 48 creativity centres with 33,753 children, 15 technical creation centres with 7,895 children, 12 tourism and excursion centres for children and young people with 5,362 participants and 9 young naturalists centres with 2,771 children.

566. During the last 10 years, extracurricular institutions have changed considerably. Old socio-political centres were replaced by ethnofolkloric, handicraft and literary clubs. There is a strong interest in the technical sciences, tourism and sports. The cultural-artistic groups have a very large membership. The situation is complicated because the extracurricular institutions have to make up for an insufficiency of artistic education.

567. By organizing the leisure time in a pleasant and useful way and by offering free education, the extracurricular institutions create a favourable environment for positive self-assertion of children from families with low incomes, socially vulnerable families and children who need an increased amount of pedagogical attention.

568. Regardless of all the economic and social hardships, the extracurricular establishments generate quite a stable rhythm of extracurricular activities. Choral and folk festivals, fine arts, photography, handicraft exhibitions, art and sport dancing competitions, sports, tourism, naturalists' activities, mountain trips to Romania, Bulgaria and Greece are a tradition. A great number of children from the out-of-school institutions toured successfully at international festivals, exhibitions and contests in Bulgaria, Romania, France, Turkey, Poland, etc.

569. There are 118 pre-school artistic education institutions in the Republic of Moldova for music, dance and fine arts, with 19,905 children. According to Government Decision No. 76 of 2 December 1999 a fee for the above-mentioned institutions was established. The amount of this is 50 per cent of the costs supported by the respective institution. The difference between the annually planned costs and the real ones is met from the local budget. Due to an increase in the fees and the precarious economic situation, the number of pupils has decreased.

570. The out-of-school artistic education system aims to discover, develop and promote young talented people. Therefore, the students of the music, dance and fine arts schools showed impressive achievements at national and international festivals.

571. There are four artistic lyceums in Moldova: "Porumbescu" Music Lyceum (444 students), "S. Rahmaninov" Music Lyceum (292 students), the Republican Choreography Lyceum (170) and the Republican Fine Arts Lyceum (164). They aim towards developing the child's personality and talent, to refine the aesthetic taste, and to teach respect and national and universal values. During 1997-1998, the students from the above-mentioned lyceums

won 97 prestigious awards at republican and international contests, and during 1998-1999 they received 147 awards. Twenty-five children from the artistic schools received scholarships from the “Brindusele Sperantei” Fund and during 1998-1999 and the following year the number doubled.

572. There are approximately 200 out-of-school libraries for children. In the last years, the library network has had difficulties in maintaining, acquiring and updating its book stocks. These difficulties were partially overcome by sponsorship and extrabudgetary sources.

573. There are 40 artistic groups for children, like the folk dance group “Focusor”, the ethnofolkloric group “Mostenitorii”, “Florile dalbe” from Chisinau, “Ciobanasul” from Cantemir, the children’s dance group from Baimaclia village, “Artarasul” from Pelenia village, Rascani, “Cimbrisor” from Drochia, etc.

574. The Ministry of Culture of Moldova gives support not only for the educational process in the out-of-school artistic institutions, lyceums and colleges, but also for various children’s activities in studios, creativity centres and artistic companies. In 1997, 288 extracurricular establishments were financed with 25.5 million lei from all level budgets.

575. To organize the summer leisure activities for children from boarding schools and socially vulnerable families 1 million lei were allocated from the government reserve fund.

Table 40

Extracurricular institutions for children (end of the year)

Institution	1992	1995	1996	1997	1998	1999
Technical creativity centres	50	48	48	47	47	46
Centres for young technicians	32	16	15	15	11	10
Centres for young naturalists	19	9	9	9	7	6
Autonomous holiday camps	25	11	12	11	9	8
Music and art schools	127	123	119	119	118	115
Libraries for children	304	227	226	211	206	184
Sports schools for children and adolescents	129	100	87	83	83	79

Table 40 (continued)

Institution	1992	1995	1996	1997	1998	1999
	Children attending these institutions, thousands					
Technical creativity centres	39.0	35.7	33.8	32.6	33.0	28.8
Centres for young technicians	16.6	7.3	7.9	8.2	6.3	6.0
Centres for young naturalists	6.9	3.1	2.8	2.8	2.4	2.3
Autonomous holiday camps	10.5	5.1	5.4	4.8	3.6	2.7
Music and art schools	25.8	21.6	20.9	20.4	19.9	16.3
Libraries for children	312.5	239.3	223.4	216.3	211.7	203.7
Sports schools for adults	54.4	41.0	37.5	35.3	34.1	32.7

Source: Department of Statistical and Sociological Analyses.

576. The Law on the Rights of the Child allows children to develop their intellectual capacities in out-of-school institutions. In 1997, 288 extracurricular establishments were financed with 25.5 million lei from all level budgets. To organize summer leisure activities for children from boarding schools and socially vulnerable families 1 million lei were allocated from the government reserve fund. Due to insufficient financial resources the number of out-of-school institutions diminished. The State pays special attention to the children whose parents were exposed to risks of war and health-damaging accidents.

577. Article 11 of Law No. 909-XII of 30 January 1992 "Concerning Social Protection of Citizens Who Were Injured During the Chernobyl Accident" stipulates that economically inactive persons who were maintained by a participant in the Chernobyl clean-up operation have the right to a monthly compensation for the loss of the breadwinner. The amount of this is 50 per cent of the minimum old-age pension, irrespective of the pension fixed upon them. Children who lost their breadwinner receive financial assistance equal to one minimum salary.

578. On 25 February 1998, the Parliament of the Republic of Moldova adopted the Law on Modifying the Law on Social Protection of Citizens Who Were Injured During the Chernobyl Accident. According to this law certain forms of compensation, aid and assistance were established both for participants and their children and families who lost their breadwinner during or as a result of the Chernobyl clean-up operation. According to article 9, the families receive compensation equal to 15 national average salaries.

579. In order to ensure the social protection and medical assistance of children born after 26 April 1986 one of whose parents was injured in the Chernobyl clean-up operation and children who were evacuated from the "dead zone", they receive all kinds of assistance and aid up to the age of 18 years. They have the right to annual free tickets to spas and other recovery

institutions situated in the Republic of Moldova and if they cannot attend, they receive a monetary compensation equal to the average price of the ticket. Other facilities are free medicine and free travel with one parent or his/her substitute on buses, boats, planes or trains to and from health resorts. In case of haematopoietic illnesses (acute leukosis), thyroid gland illnesses (adenoma, cancer), diseases of other organs and malignant tumours, children and teenagers have the right to assistance as stipulated in article 7 of the present law.

580. Parents of children up to 14 years old benefit from the following:

(a) Full payment (100 per cent) for medical leave (on the basis of a medical certificate) irrespective of seniority;

(b) The right of one parent to live in a medical institution with his sick child during the treatment period as medical leave.

It is important to mention that these provisions are not entirely followed; due to insufficient financial resources, indemnities and compensations are considerably delayed.

Children of ethnic minorities

581. The State policy of the Republic of Moldova guarantees the basic principles as stipulated in the Convention on the Rights of the Child, without discrimination of any kind, irrespective of the race, language, religion, social origin or other status. Article 30 of this Convention stipulates that the national minorities "should not be denied the right, in community with other members of his or her group, to enjoy his or her own culture or to use his or her own language". It is a constitutional norm and a component part of the Constitution (art. 10) and the Law on Education, which grants equal possibilities to children, including minority children, to receive education.

582. There are 1,118 Romanian-language schools (494,800 pupils), 270 Russian-language schools (142,000 pupils) and 125 mixed-language schools (58,900 pupils) with 32,200 Romanian-speaking students and 26,400 Russian-speaking students and 300 Ukrainian-speaking students. In areas densely populated by national minorities, due to parents' initiative mother-tongue study classes (Gagauz, Bulgarian, etc.) were organized. In Chisinau, due to communities' initiative, Sunday schools were organized where the Lithuanian, Polish, German, Azeri, Armenian, Belarusian languages are taught.

Table 41

Distribution of schools and pupils by language of study

(not including schools for children with intellectual and physical deficiencies and spa schools)

	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/ 2000
Schools: total	1 432	1 444	1 458	1 470	1 485	1 493	1 505	1 514
Moldavian (Romanian) language of study	1 020	1 031	1 047	1 065	1 081	1 097	1 115	1 118
Russian	313	284	281	283	279	279	268	270
Moldavian (Romanian) and Russian	99	123	123	113	115	111	114	114
Ukrainian and Russian	-	6	7	7	8	3	3	5
Bulgarian and Russian	-	-	-	1	1	1	3	4
Russian and English	-	-	-	-	-	-	-	1
English	-	-	-	1	1	1	1	2
Turkish	-	-	-	-	-	1	1	-
Pupils: total (thousands)	609.4	614.9	623.9	636.9	643.7	647.0	645.0	637.7
Of whom study in:								
Moldavian (Romanian) schools	431.5	444.9	458.5	477.4	485.0	492.0	495.1	494.8
Russian	177.9	169.4	164.1	157.2	156.9	154.5	149.0	142.0
Ukrainian	-	0.6	1.3	2.2	1.7	0.3	0.3	0.4
Bulgarian	-	-	-	0.03	0.03	0.06	0.06	0.2
English	-	-	-	0.1	0.1	0.1	0.1	0.3
Turkish	-	-	-	-	-	0.1	0.2	-

Table 41 (continued)

	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/ 2000
Total number of pupils who study mother-tongue language as a subject:								
Gagauz	25.7	19.9	31.3	29.2	32.1	31.8	32.2	27.3
Bulgarian	6.9	6.1	6.8	7.1	7.8	8.3	7.8	7.5
Ukrainian	1.3	0.6	1.3	1.8	2.4	2.9	2.3	5.9
Polish	0.02	0.03	0.04	0.06	0.06	0.04	0.1	0.1
German	-	0.05	0.1	0.4	0.5	0.1	0.1	5.3
Jewish	0.4	0.5	0.5	0.3	0.5	0.6	0.6	0.7
Turkish	-	-	-	-	-	0.1	-	-

Source: Department of Statistical and Sociological Analyses.

583. The State guarantees equal rights to all children, irrespective of their nationality, to learn the official language. Upon the invitation of mother countries and with the support of their representations in Moldova, the ethnic minority children have the opportunity to visit these countries where they learn about history, culture, traditions and their native language.

584. A set of presidential decrees and government decisions was adopted in the Republic of Moldova which addresses State support of the national minorities in their cultural development and their language learning. As a result, kindergartens, schools and lyceums for national minorities were established. They also have the opportunity to study the official language. Libraries with books in the Russian, Ukrainian, Bulgarian, Gagauz, Yiddish/Hebrew, and Belarusian languages opened. There are newspapers, radio and TV programmes in national minorities' languages. Ethnic minorities and ethnical-cultural organization representatives are helped to establish permanent contacts with their motherland.

585. The Department for national relations and language functioning deals with the promotion of State policy on nationality issues. This Department represents the interests of the majority nation and the ethnic co-inhabiting minorities, insures the functioning of the official language and ethnic minorities' languages, offers support in statutory activities of the ethnic-cultural communities in the country and gives support to Moldovan natives residing abroad.

586. By Presidential Decree No. 5 of 5 February 1993 the House of Nationalities was created. The main ethnic-cultural organizations have their offices in the House of Nationalities. Important exhibitions and activities take place there. Fine art exhibitions of talented children usually take place here. It is an annual tradition for the Department to celebrate Christmas and national days of Bulgarian, Gagauz, Russian, Ukrainian, etc. cultures and to organize ethnic festivals on International Children's Day.

Cultural activities

587. The editorial office for children and teenagers of the National Radio produces a series of programmes aiming to disseminate and encourage respect for children's rights. Several running commentaries from schools and lyceums on this topic were put on air in collaboration with the Information and Documentation About Child Rights Centre. A series of programmes was produced under the title "We have rights, too" offering children the opportunity to address questions about their rights to UNICEF and central public administration. On International Children's Day the editorial office produces programmes entitled "Children change the world" that include:

- An interview with the President;
- Questions concerning child rights addressed to civil servants in education, health care and social assistance;
- "Dreams can be real" - children dreamt about country's future, the things they would change if they were president, prime minister, minister, etc.

Also, the editorial office and the Information and Documentation About Child Rights Centre staged the play "Ghiocel's Adventures" at the National Opera about the child's right to have a family.

588. The celebration of the republican children's day, "Sweet dream, childhood", takes place at Radio House on 1 June. This year almost 500 children participated in the celebration. During the show, transmitted live on TV, the charity mission "WE CAN DO MORE TOGETHER" was launched. The purpose of this mission was to raise funds needed to purchase wheelchairs for invalid children. The mission lasted half a year and was organized in collaboration with UNICEF and the Centre for the Rehabilitation of Invalid Children.

589. Many periodicals for children and teenagers are published regularly in Moldova:

(a) "Florile dalbe" is a weekly magazine for children and teenagers. It covers school activities, education issues and extracurricular events at creativity centres, libraries, music and fine arts schools and interest clubs;

(b) "Noi" is a periodical for teenagers, a monthly literary magazine;

(c) "Alunelul" is a magazine for pre-school children;

(d) "A" is an illustrated magazine for children and teenagers. The publisher is a private company;

(e) "2 ore plus 3 iezi" is published by the Chisinau Department of Culture, the "Noi" Association and the publishing house "Abecelus".

590. Pupils from lyceums produce magazines and newspapers, too. For example, "Ion Creanga" lyceum produces "Creanga verde" magazine, "Dante Alighiere" lyceum produces "Dante" magazine.

591. There are also programmes broadcast on national TV aimed at promoting young talent.

Article 14

592. See article 13 above.

Article 15

593. The Constitution of the Republic of Moldova guarantees the right of every human being to create, including the freedom to create artistic and scientific work (art. 33, para. 1). Such creative activity is not subject to censorship.

594. New conditions of management, rational usage of human potential and of material and financial resources in order to avoid unjustified losses and costs, and maximum engagement of staff in organizing the creative process are the prerequisites and objectives of the Government programme "Development and protection of culture and art in the Republic of Moldova, 1997/1998". The programme was prolonged up to 2000 and supplemented with an ample economic strategic project up to 2005 in which the cultural stratagems were outlined.

595. Article 33, paragraph 2 of the Constitution stipulates that "the State shall support the preservation, development and propagation of national and universal cultural and scientific achievements". The Constitution also guarantees the freedom of opinion and expression. The Law on Culture, adopted on 27 May 1999 elaborates on the constitutional principles governing cultural activities, the main objectives being the following:

(a) To insure and protect constitutional right of citizens to cultural activities;

(b) To establish the basic principles of the State cultural policy and the legal norms on the basis of which the free development of culture is guaranteed.

596. The domains where the law is implemented are literature, theatre, music, fine arts, architecture, cinema, broadcasting, television, photography, design, circus, traditional arts, museums, archives, libraries, publishing, scientific research, cultural tourism, etc.

597. The Law on the Protection of Monuments No. 1530-XII of 22 June 1993 establishes the legal conditions of the monuments that are part of the cultural and natural heritage. The register of the monuments is drawn up on the basis of investigations made by the competent institutions, the Ministry of Culture of the Republic of Moldova, subordinate institutions and independent experts, in accordance with article 4 of the above-mentioned law.

598. The Law on the Archive Fund of the Republic of Moldova No. 880-XII of 22 January 1992 establishes the basic principles for organizing activity relating to the Archive Fund of the Republic of Moldova. According to article 4 of the law, the Archive Fund of the Republic consists of the State Archive Fund, the public archive Fund, individual archive funds, documents and archives taken out of the country in the past and at present in the possession of State institutions and public organizations or individuals in foreign countries. According to article 19 of the above-mentioned law, the documents that belong to the Archive Fund of the Republic of Moldova are subject to State record-keeping.

599. The Law on Libraries No. 286-XII of 16 November 1994 determines the legal conditions of the libraries in Moldova. According to article 3, the library operating principles are accessibility, non-political involvement and professional autonomy.

600. The main financing source for culture is the consolidated budget for culture, which consists of a State budget and local budgets.

601. The State budgetary allocation for culture was 19.6 million lei in 1995, 22.7 million lei in 1996, 20.2 million lei in 1997 and 21.0 million lei in 1998, representing 0.25, 0.25, 0.23 and 0.18 per cent of GDP, respectively.

602. The above figures show a decreasing trend in budgetary allocations at both the central and local levels. This led to a financial crisis with respect to the development, maintenance and promotion of national cultural values. In order to improve the situation, the major national cultural institutions, together with local ones, diversified their sources of extrabudgetary means.

603. Until 1995 only museums had (insignificant) extrabudgetary means deriving from sales of excursions and exhibition tickets. Since 1995 the institutions have diversified their sources of extrabudgetary means by adding to the initial one others such as: paid tuition at artistic educational institutions, providing expertise for artistic works and films; leasing of real estate at all kinds of cultural institutions.

604. In 1999, institutions subordinated to the Ministry of Culture received authorized subsidies from economic agents, legal entities and organizations in the form of sponsorship and grants in a total amount of 317,000 lei, representing 7.5 per cent of total extrabudgetary funding and 1.7 per cent of the costs covered by the State budget. The amount of extrabudgetary funds set against the total costs of cultural and artistic educational institutions today exceeds 4 million lei.

605. There is a Law on Sponsorship in the Republic of Moldova. In 1998 local sponsors contributed 3.8 million lei to the financing of cultural institutions, mostly in publishing and show business. The first public foundations mainly support young talented people by offering scholarships, grants for study abroad and sponsorship for participation in festivals, contests and exhibitions.

606. At the beginning of the 1990s the Republic of Moldova already had a developed cultural infrastructure, which included:

- (a) A network of special, arts and general education institutions;
- (b) A system for training a wide spectrum of cultural specialists;
- (c) A performance network;
- (d) A network of museums, concert halls and exhibition halls;
- (e) A developed library system;
- (f) A publishing and polygraph production distribution system;

- (g) A network of local cultural institutions;
- (h) A network of trade unions cultural institutions;
- (i) A cinema industry and a film distribution system.

607. Seventy museums, 3 cultural centres, 13 theatres (total), 2 cinemas, 12 video theatres, 1,439 public libraries, 128 artistic education institutions, 11 creative artists' unions and associations have functioned in the Republic of Moldova since 1999.

608. Article 17 of the Law on Culture establishes special conditions for the preservation, conservation and use of the country's cultural heritage. The privatization of national cultural heritage items is forbidden. In addition, in accordance with article 6 of that law, the Government creates State programmes for culture development and protection.

609. Since 1994, the authorities responsible for preservation of real estate cultural heritage have not restored any monument owing to insufficient financial resources.

610. The statistics show a decrease in the overall number of students in art schools in the country of 63.2 per cent between 1990 and 1998. Cultural institutions are suffering the consequences of the economic crisis. In 1998, only 44 per cent of the entire real estate heritage of the cultural institutions met satisfactory requirements.

611. The Law on State Policy in Research and Development of 29 July 1999 guarantees scientific progress. The State protects inventions which are the basis for scientific progress through the Law on Patents of 18 May 1995, the Law on Trademarks and Product Names of 22 September 1995 and the interim regulation on the protection of industrial property in the Republic of Moldova of 26 July 1993. The Law on the State Policy in Research and Development stipulates that scientific achievements are the foundation of the sustainable development of the country, of welfare and quality of life.

612. Article 24 of the above-mentioned law guarantees access to information, including development of a database on research in the country and abroad, purchase of relevant reference literature and access to international databases.

613. Article 4 of the same law stipulates the principle of population health care; therefore, life or health damaging scientific achievements are not to be applied. Potential danger for human health is a reason for the rejection of a patent application.

614. Chapter three of the Law on Culture contains the statement that human rights represent a priority in cultural activities and are not to be limited by the State or other organizations.

615. The author's rights are protected by the Constitution of the Republic of Moldova, the Civil Code and the Law on Copyright and Related Rights of 23 November 1993. Article 4 of this Law establishes copyright protection of intellectual creation in the literary, artistic and scientific fields. Registration or other special procedures is not mandatory in order to obtain and

exercise copyright. The copyright consists of rights of a patrimonial nature (economic) and of a non-patrimonial nature (personal and moral). Article 33 of the Constitution guarantees the right to intellectual property.

616. The Parliament passed a set of legislation that guarantees the protection of copyright: the Law on Copyright and Related Rights No. 293-XIII of 23 November 1994; the Law on Patents No. 461-XIII of 18 May 1995; the Law on Protection of Industrial Sketches, Patterns and Blueprints No. 991-XIII of 15 October 1996.

617. New conditions of management, rational usage of human potential and of material and financial resources in order to avoid unjustified losses and costs and maximum engagement of staff in organizing the creative process are the prerequisites and objectives of a government programme entitled "Development and protection of culture and art in the Republic of Moldova for 1997/1998". The programme was prolonged to 2000 and supplemented with an ample economic strategic project up to 2005 in which the cultural stratagems were outlined.

618. The activity of the Ministry of Culture concerning promotion of the country's image abroad through the national culture was centred on qualitative reform of cultural collaboration of the Republic of Moldova with other countries and international institutions, taking into account the major national trends and interest in foreign policy, and the specificities of the economic-political transition period. Eighteen international treaties regarding cultural issues were elaborated, coordinated and signed. This created a legal framework for the development of cultural activities.

619. The following has been achieved during the past few years: major art companies disseminate our cultural values abroad, creating propitious conditions for promoting the image of the country in the world: the National Opera (Spain, Italy, the United Kingdom, the Netherlands), the Choral Chapel "Doina" (Italy), the National Theatre and the "Eugene Ionesco" Theatre (France, Japan), "Ars poetica" (Greece, China, Italy), "Joc" (Turkey, Israel, China), etc. An important achievement was the cultural programme of the National Day at EXPO-2000, Hanover. In recent years, cultural exchanges between the Republic of Moldova and its neighbouring countries have intensified, particularly with Romania. The implementation of the copyright principle in the collaboration protocols between the Republic of Moldova and Romania, updated annually, displayed positive results, like a flow of jointly organized cultural events.

620. During the official visit to the People's Republic of China a variety of mutually beneficial proposals for collaboration were made, including the idea of allowing Chinese students to study in the artistic education institutions in our country. A similar proposal regarding students from francophone countries of Africa and Asia was examined at the experts' conference of the francophone countries in Eastern Europe. Both suggestions were found interesting and the management staff from the Francophony Agency promised to examine the idea of offering scholarships to francophone students from southern countries.

621. According to the protocol of the Moldovan-German mixed commission and the debates on the activity plan of the Francophony Agency for 2000/2001, the conditions were created for publishing co-production with the publishing houses in Germany and the francophone area.

622. As a result of collaboration with the Alliance Française, in 1999 alone Moldovan libraries received a donation of 6,000 French language books. On the basis of an agreement with the Public Information Library (George Pompidou Centre), Moldovan libraries can receive donations of literature from this institution.

623. International cooperation priorities are: correlating Moldovan cultural policy with that of the European Union member States; intensifying bilateral relations with West and Central European countries; participating in comparative projects and studies of cultural policy of European countries that are members of the Council of Europe (including the contribution of the Republic of Moldova to the MOSAIC project for the Central and Eastern European countries); participating in regional research and development of cultural heritage, with partners like Romania, Ukraine, other interested European countries and UNESCO.

624. The objective of synchronizing national cultural values with European values and of integrating them into world culture led to the extension of cultural relations with Japan, the United States of America, Belgium, Norway, Spain, etc. Also, there was increased collaboration between the Ministry of Culture with international programmes such as UNDP, Technical Assistance to the Commonwealth of Independent States (TACIS), the Latin Union, the Alliance Française, the Soros Foundation, etc. For example, a national tourism strategy was developed in collaboration with UNDP, a seminar "Identity crisis in post-totalitarian societies" was organized in collaboration with the Soros Foundation, an exhibition of huge photographs "The birth of culture in Europe" was organized with support of the Latin Union and the Alliance Française.

625. The Ministry of Culture does not have an exhaustive statistical database, but the level of participation of arts people in international conferences, seminars, symposiums is relatively high compared to the financial resources available. This is due to the support of various international organizations, institutions and programmes which operate on the territory of the Republic.

626. Cooperation in the areas of arts and culture is a priority of State policy, in accordance with paragraph 4 of the State Programme "Development and protection of culture and art in the Republic of Moldova for 1997-1998".

627. The Republic of Moldova is a party to the following international instruments:

Universal Copyright Convention, signed at Geneva on 6 September 1952 (in force in the Republic of Moldova since 27 May 1973);

Convention Establishing the World Intellectual Property Organization, signed at Stockholm on 14 July 1967;

Paris Convention for the Protection of Industrial Property, signed on 20 March 1883, as amended in 1979;

Patent Cooperation Treaty signed in Washington on 19 June 1970;

Berne Convention for the Protection of Literary and Artistic Works, adopted on 9 September 1886, and the Paris Act of 24 July 1971.

Bibliographic references: This report used documents and statistical data of the following governmental agencies: the Ministry of Economy and Reforms, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Labour, Social Protection and the Family, the Ministry of Health, the Ministry of Education and Science, the Ministry of Culture, the Department of Statistical and Sociological Analysis, the State Body for Religious Issues. Other reference sources were the Human Rights Centre in Moldova and the UNDP, UNICEF and UNHCR offices in Moldova.
