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|  |  | A/HRC/50/13/Add.1 |
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**Human Rights Council**

**Fiftieth session**

13 June–8 July 2022

Agenda item 6

**Universal periodic review**

 **Report of the Working Group on the Universal Periodic Review**[[1]](#footnote-2)\*

 **Republic of Moldova**

 **Addendum**

 **Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

| *Number of recommendation* | *Position of the State* | *Comments* |
| --- | --- | --- |
|  |  |  |
| 127.1 | Noted | The opportunity to ratify the Convention is to be determined only after a feasibility study has been carried out. |
| 127.2 | Noted | The opportunity to ratify the Convention is to be determined only after a feasibility study has been carried out. |
| 127.3 | Noted | The opportunity to ratify the Convention is to be determined only after a feasibility study has been carried out. |
| 127.4 | Noted | Similar to recommendation no.127.3. |
| 127.5 | Supported | By Law no. 162/2021, the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities, which consists in promoting respect for the rights of persons with disabilities in order to ensure their social inclusion, was ratified. |
| 127.6 | Noted | Similar to recommendation no.127.3. |
| 127.7 | Noted | Similar to recommendation no.127.3. |
| 127.8 | Noted | Similar to recommendation no.127.3. |
| 127.9 | Supported |  |
| 127.10 | Supported |  |
| 127.11 | Supported |  |
| 127.12 | Supported |  |
| 127.13 | Supported |  |
| 127.14 | Noted |  |
| 127.15 | Noted |  |
| 127.16 | Noted | The opportunity to ratify Convention no. 169 of the International Labor Organization “on Indigenous and Tribal Peoples” is to be established only following a feasibility study. |
| 127.17 | Supported |  |
| 127.18 | Supported |  |
| 127.19 | Supported  | The Republic of Moldova has already acceded to the Agreement on the Privileges and Immunities of the International Criminal Court (New York, 9 September 2002) (Law No. 13/2017 on Accession to the Treaty). |
| 127.20 | Supported |  |
| 127.21 | Supported |  |
| 127.22 | Supported |  |
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| 127.30 | Supported |  |
| 127.31 | Supported |  |
| 127.32 | Supported |  |
| 127.33 | Supported |  |
| 127.34 | Noted | The energy crisis and the war in Ukraine have severely affected budgetary resources, thus it will not be possible to allocate additional financial resources. |
| 127.35 | Partially supported | Supported: Conclude the legislative reforms process to strengthen the role of the Ombudsman and the Council for Preventing and Eliminating Discrimination and Ensuring Equality, thereby guaranteeing their financial independence.Noted: Providing them with adequate investigation, recommendation and sanction authority.According to Law no.298/2012, the Council for the Prevention and Elimination of Discrimination and Ensuring Equality has the capacity of ascertaining agent, the mission being the protection against discrimination, ensuring equality and restoring the rights of all discriminated persons. The Council has sufficient powers to carry out the task of investigation, recommendation and sanction. Thus, the Council adopts decisions, self-notification notes, advisory opinions, finding documents, draws up requests and notifications, etc. In order to establish the contraventions with discriminatory elements, in accordance with the provisions of the Contravention Code, the Council has the appropriate freedom to investigate / investigate the facts. In the exercise of its functions, the Council also submits to the public authorities general proposals concerning the prevention and combating of discrimination and the change of conduct towards persons falling within the scope of the Law on Ensuring Equality; it may address the higher hierarchical body to take appropriate action in cases where it does not agree with the action taken by the person who committed the discriminatory act. The Council may intervene with the appropriate bodies with a view to initiate disciplinary proceedings against persons in responsible positions, who have committed discriminatory acts in their activity; may notify the criminal investigation bodies in case of committing discriminatory acts that meet elements of a crime. |
| 127.36 | Noted | Current legal framework guarantees the independence for both structures (the Office of the Ombudsman (art 3 Law no. 52/2014) and the Equality Council (art 11 Law no.121/2012)) and describes expensively their attributions. Budgeting is approved annually and is offered within the limits available, which are influenced including by the energy crisis and the war in Ukraine, Moldova being severely affected. |
| 127.37 | Noted | Strengthening of the access would be possible once the barriers of access, imposed by Transnistrian authorities, of the Ombudsman or its representative are eliminated. In the process of monitoring human rights, the constitutional authorities maintain a permanent dialogue with civil society organizations, where they openly discuss various aspects of the Transnistrian issue. Given that the constitutional authorities do not have effective control over the situation in the region or access to those localities to exercise their legal powers, each case of violation of fundamental rights is reported to mediators and observers in the negotiation process for Transnistrian settlement. |
| 127.38 | Supported |  |
| 127.39 | Supported |  |
| 127.40 | Supported |  |
| 127.41 | Supported |  |
| 127.42 | Supported |  |
| 127.43 | Supported |  |
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| 127.45 | Supported |  |
| 127.46 | Supported |  |
| 127.47 | Supported |  |
| 127.48 | Supported |  |
| 127.49 | Supported |  |
| 127.50 | Noted | The set of actions to promote hate speech policies will be integrated into other sectoral policy documents, given that, at the national level, the development of strategic documents addressing narrow topics is not integrated into the new policy document development rules. (Government Decision no. 386 of 17.06.2020). |
| 127.51 | Supported |  |
| 127.52 | Supported |  |
| 127.53 | Supported |  |
| 127.54 | Noted | The actions to combat all forms of discrimination will be incorporated in existing policy documents. |
| 127.55 | Supported |  |
| 127.56 | Supported |  |
| 127.57 | Supported |  |
| 127.58 | Supported |  |
| 127.59 | Supported |  |
| 127.60 | Supported |  |
| 127.61 | Supported |  |
| 127.62 | Supported |  |
| 127.63 | Noted | In the sense of Law no. 121/2012 on ensuring equality, the obligation of the State to prevent and combat discrimination, as well as to ensure equality is opposable to all persons on the territory of the Republic of Moldova in the political, economic, social, cultural and other spheres of life, regardless of race, color, nationality, ethnicity, language, religion or belief, sex, age, disability, opinion, political affiliation, or any other similar criterion. |
| 127.64 | Noted | Similar to no.127.63. |
| 127.65 | Supported |  |
| 127.66 | Supported |  |
| 127.67 | Supported |  |
| 127.68 | Noted | Similar to no.127.50. |
| 127.69 | Supported |  |
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| 127.90 | Supported |  |
| 127.91 | Supported |  |
| 127.92 | Supported |  |
| 127.93 | Supported |  |
| 127.94 | Noted | According to Law no. 52/2014 on the People's Advocate (Ombudsman), the Council for the Prevention of Torture undertakes preventive and monitoring visits to places where persons are or may be deprived of their liberty, placed there by order of a state body or at its indication, or with their consent or tacit consent. The members of the Council shall independently choose the places to be visited and the persons with whom they wish to speak. No prior notice or permission of any authority is required to carry out preventive and monitoring visits. |
| 127.95 | Supported |  |
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| 127.118 | Supported |  |
| 127.119 | Supported |  |
| 127.120 | Supported |  |
| 127.121 | Supported |  |
| 127.122 | Supported |  |
| 127.123 | Noted | There is a comprehensive legislation which provides sufficient autonomy and instruments or the human rights defenders. The financing will be maintained in the existing financial allocations following the crisis, Moldova being severely affected. |
| 127.124 | Supported |  |
| 127.125 | Supported |  |
| 127.126 | Supported |  |
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| 127.128 | Supported |  |
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| 127.170 | Supported |  |
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| 127.172 | Supported |  |
| 127.173 | Supported |  |
| 127.174 | Noted | According to Law no. 198/2007, the legal assistance guaranteed by the State is granted on the principle of equal rights for all persons. It is granted to citizens of the Republic of Moldova, foreign nationals and stateless persons (in procedures / cases related to the competence of public administration authorities and national courts), legal entities registered in the Republic of Moldova. For the purposes of art. 19 of the Law no.198/2007, children’s victims of crimes, victims of domestic violence, victims of crimes related to sexual life, regardless of income, have the right to qualified legal assistance. |
| 127.175 | Supported |  |
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| 127.205 | Supported |  |
| 127.206 | Supported |  |
| 127.207 | Noted | The legislation of the Republic of Moldova allows the use of the Russian language without impediments:* art. 10 (2) of the Constitution - the State recognizes and guarantees the right of all citizens to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity;
* art. 13 (2) The State recognizes and protects the right to the preservation, development and functioning of the Russian language and other languages spoken in the territory of the country;
* art. 13 (3) The State facilitates the study of languages of international circulation.

At the same time, the regulatory framework contains other provisions regarding the use of the Russian language:The Law on the manner of publication and entry into force of official acts (no. 173-XIII of 06.07.1994) / Art. 1 (1) Laws, promulgated by the President of the Republic of Moldova, decisions of the Parliament, decrees of the President of the Republic of Moldova, decisions and dispositions of the Government, decisions and judgments of the European Court of Human Rights in cases when the Republic of Moldova has the capacity of defendant, acts of the Constitutional Court and the Court of Accounts, normative acts of the central specialized bodies of public administration, acts of Moldova National Bank, and National Commission for financial markets, is published in the Official Gazette of the Republic of Moldova, edited by the National Press Agency “Moldpres”, in the state language with translation into Russian and other languages, according to the legislation. If necessary, other official documents are published in the Official Gazette.Law on the rights of persons belonging to national minorities and on the legal status of their organizations (no. 382-XV of 19.06.2001):* Art.8. (1) The State shall ensure the publication of normative acts, official communications and other information of national importance in the Moldovan and Russian languages.
* Art. 8 (3) In the territories where the persons belonging to a national minority constitute a considerable part of the population, the documents of the local public administration authorities shall be published in the language of this minority if necessary and at the same time in Moldovan and Russian;
* Art. 10. The names of public institutions and places are indicated in the Moldovan and Russian languages. In the localities to which the special status of autonomy has been granted, the nominated names are also indicated in other official languages, established by the respective laws.
* The law also contains relevant provisions regarding the rights of minorities, including the principle of equality and non-discrimination for persons belonging to national minorities (art. 4); creating conditions for education in the mother tongue for different ethnic groups (art. 6.); the obligation of local administrations with considerable minority groups to publish administrative acts in the language of minorities (art. 8); the right to religious freedom of minorities (art. 14) etc.

The Education Code of the Republic of Moldova no. 152/2014 recognizes and guarantees the rights of persons belonging to national minorities, including the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity (art. 10).Law on the organization of the judiciary (no. 514-XIII of 06.07.1995) Art 9. Language of the proceedings and the right to an interpreter / (3) In cases and in the manner provided by the procedural legislation, the judicial proceedings may be conducted in another language, under the conditions of the Law on the Functioning of Languages Spoken on the Territory of the Republic of Moldova. |
| 127.208 | Supported |  |
| 127.209 | Supported |  |

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)