



Preliminary findings and recommendations of the United Nations Independent Expert on the enjoyment of all human rights by older persons, Dr. Claudia Mahler, at the end of her official visit to the Republic of Moldova

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From the outset, I would like to express my sincere appreciation and gratitude to the Government of the Republic of Moldova for inviting me to assess the level of enjoyment of all human rights by older persons in the country, in a spirit of dialogue and cooperation. I would like to particularly thank the Ministry of Labour and Social Protection for its efforts in coordinating and accommodating all my requests during my visit.

In my capacity as United Nations Independent Expert on the enjoyment of all human rights by older persons, today I conclude my official visit to the Republic of Moldova that took place from 7 to 16 November 2023, at the invitation of the Government.

I am currently the only independent expert reporting to the United Nations Human Rights Council and the General Assembly about progresses and challenges faced by older persons in the realization of all their human rights. As part of the Special Procedures of the United Human Rights Council, I was appointed by member states of the Council to hold this independent, impartial and honorary position. Therefore, the aim of my mission was to assess the situation of older persons' human rights in the country, including in the Transnistrian region.

During my visit, I held meetings in Chisinau, and I travelled to Soroca, Straseni, Orhei, Criuleni districts and to the Transnistrian region. I had the privilege to meet with the Minister of Labour and Social Protection, representatives from several ministries, the Equality Council and the People's Advocate's representatives, Parliamentarians, penitentiary officials as well as Soroca local representatives. I also met with de facto structures in charge of social protection in Transnistrian region.

Furthermore, I had exchanges with civil society organizations, representatives of placements centres for older persons and persons with disabilities, Roma mediators, social workers, public and private service providers, and academics. I warmly thank older persons from diverse communities and backgrounds, who shared with me their lived experiences.

Please allow me to also take this opportunity to warmly thank the UN Office of the High Commissioner for Human Rights in Moldova and in Geneva for their excellent support and collaboration throughout my visit, as well as the UN Resident Coordinator and the United Nations Country Team, including UNFPA in Moldova.

Before I share my remarks, I would like to underline that these are preliminary and non-exhaustive findings and that a more comprehensive report, with a series of recommendations to the State, to the de facto structures of the Transnistrian region and other relevant stakeholders, will be presented to the Human Rights Council in September 2024.

Context

The Republic of Moldova is currently facing several challenges. In a context of post-COVID-19 pandemic that considerably affected the economic growth of the country, which was progressive and stable for two decades, Moldova faces the harsh consequences of the ongoing energy crisis and the refugee crisis caused by the full-scale armed attack by the Russian Federation against Ukraine. Furthermore, while poverty levels have been decreasing since 2015, older persons are poorer than the average population, compared to other countries in Europe.

Despite considerable economic and development progresses over the past decades, people in Moldova remain particularly vulnerable to high levels of poverty, compared to other countries in Europe.

Low birth-rates and high emigration of Moldovans are considerably impacting the demographic landscape of Moldova towards a growing ageing and shrinking population. Early 2023, persons aged 60 and older accounted for 23,8% of the population in Moldova, according to the National Bureau of Statistics. More than 60% of the ageing population were older women.¹ Such as many countries around the world, this current demographic transformation has had considerable impacts and profound effects on the Moldovan society, in particular rise in a growing concern in terms of human rights linked to ageing.

It seems to me that my visit and discussions in Moldova were very timely as the country is at a turning point to adapt with this demographic transformation and make the necessary changes that will allow the country to ensure a better standard of living for its ageing and shrinking population. This would also contribute to Moldova's European Union integration process, initiated in 2022. And this must be imperatively done in taking into account the whole range of human rights - economic, social and cultural rights, but also civil and political rights -, as 33% of the population is projected to be over 60 in 2040.

Throughout my meetings and discussions, I realised that older persons' challenges were mainly addressed from a social welfare approach more than from a human rights-based perspective. My general feeling is that older persons are not seen as right-holders by the State nor by most key actors. All the human rights challenges that arose from a growing ageing and shrinking society are mainly thought as social and economic issues that tends to create dependency settings instead of creating enabling and empowering environments for older persons. It is imperative that the Government reviews its vision towards ageing and adopts a human rights-based approach while developing and implementing domestic laws as well as policies, programmes and practices that will impact older persons. Such approach will be conducive to ensure the realisation of all human rights by older persons in dignity. **Regrettably, this lack of human rights perspective on ageing is already visible within Moldova's existing legal, policy and institutional frameworks.**

Legal, policy and institutional frameworks

There is no specific law promoting and protecting the rights of older persons in the Republic of Moldova. However, age-based discrimination is legally prohibited, among other grounds for discrimination, under the Law No. 121 on Ensuring Equality adopted in 2012. Despite the existence of such provision, age-based discrimination and ageism, especially structural ageism, are widespread in the Republic of Moldova. Older persons are a heterogenous group. While several older persons

¹ See https://statistica.gov.md/ro/varstnicii-in-republica-moldova-in-anul-2022-9578_60729.html

informed me that they felt respected by their peers and relatives, in practice, a lot of structural barriers persist and prevent them from fully enjoying their human rights. According to the Equality Council, 41% of participants to a study considered that older persons are the most discriminated group.

I encourage the promotion of the human rights of older persons in their full diversity, including in addressing the multiple and intersecting discrimination that some of them may face in their daily lives. Consequently, I suggest reinforcing the national legal framework in adopting a specific and comprehensive law promoting and protecting the human rights of older persons, anchored in international and regional human rights principles.

The recently adopted Programme on Active and Healthy Ageing (2023-2027), which is the main national strategy for the empowerment of older persons, is commendable. The Programme and its Plan of action offer solid objectives to ensure a decent living for older persons in Moldova, if realised in its entirety with adequate resources. However, ageing and older persons' challenges are only addressed as social, economic and development issues. Mainstreaming ageing is beyond social inclusion, it is essential that older persons be recognized as right-holders and that ageing be also addressed as a human rights issue. **It is important that the Programme and its Plan of action resonate with the Republic of Moldova's commitments towards human rights and that their implementations be conducted in a comprehensive human rights way.** I was also concerned to hear that funding allocated to the implementation of all the objectives of the Programme might be however limited and insufficient resulting in activities not being implemented to the level they should be to be effective. **I call on the Government to revise the allocated budget to reflect the real needs to ensure the effectiveness of the planned activities, as well as ensure a participatory implementation of the programme.**

I understand that the Government is currently in the process of preparing a new National Human Rights Programme (PNADO) for the period 2024-2027. **This provides an opportunity to mainstream and integrate older persons' rights as well as to rethink the objectives and priorities highlighted in the Programme on Active and Healthy Ageing (2023-2027) from a human rights-based approach and founded on Moldova's human rights commitments at international and regional level.**

Appropriate human and financial resources must be attached to this Programme to ensure its full realization. Meaningful participation of older persons and their representatives should also be ensured in the process of further implementation, monitoring and evaluation.

This lack of human rights-based approach to ageing is further reflected in Moldova's institutions at national level. Indeed, state departments in charge of older persons are hosted within the Ministry of Labour and Social Protection, reinforcing the idea that ageing is solely a social issue and that, older persons are only beneficiaries of support and assistance. While the People's Advocate Office of Moldova – operating as National Human Rights Institution - and the Equality Council may both monitor the situation of older persons as well as receive complaints about wrongdoings against them, there is no existing institutional structure specifically dedicated to older persons nor their human rights. **Therefore, with the aim to ensure a better mainstreaming of older persons' human rights at national level, I strongly recommend the establishment of an independent national body or department on the enjoyment of all human rights by older persons. This body could be settled through the adoption of the previously mentioned comprehensive law on older persons and be located within the People's Advocate of Moldova to serve as a monitoring independent instance for older persons. Additional and adequate resources should also be adopted for this purpose.**

Allow me now to focus on specific issues of concerns and present some of my findings related to the human rights of older persons, as I encountered them during my visit.

Economic security: social security, pensions, and access to employment

Several older persons in Moldova economically “survive” on a daily basis. Due to the different past and ongoing crisis experienced by the population of Moldova, older women and men are most vulnerable to high inflation rates felt in basic needs prices (including food, energy, housing). Around 20% of older persons in Moldova are believed to live in poverty. Older women, older people in rural areas, older people working in agriculture, older Roma persons and older persons with disabilities are among those at high risks of poverty and social exclusion.

I recognise that national poverty rates are also intrinsically linked to the enormous tension under which the Republic of Moldova pension’s system has been, due to the shrinking and ageing population. Older persons in Moldova are highly dependent on social benefits as it represent the only source of income for many of them.

Moldovan social protection system is quite comprehensive, with a contributory social insurance scheme, non-contributory social assistance benefits, and in-kind services for vulnerable population groups. Public pensions remain the main social protection program for older persons, old age pensions representing one of the highest expenditures. Some older persons with disabilities, may also qualify for disability pensions, without being able to combine both. While the minimum pension rate was increased in 2022, a commendable and must-needed decision, pension benefits remain insufficient to cover all the basic needs of older persons to live a decent and dignified life. I was dismayed to hear from several older Roma persons that they did not receive a pension up to the minimum pension rate of 2,000 Moldovan lei (USD 112) per month. In consequence, I am concern at their economic situation, dangerously below the poverty line that greatly impacts the enjoyment of human rights.

Due to the high gender pension gap (at 20,3% in 2020)², unequal division of family and care responsibilities, lower employment rates due to low education rates, combined with their likeliness to be widow due to their higher life expectancy, retirement for older women in Moldova is often a synonym of poverty. Older women living in rural areas usually receive smaller pensions. Unpaid caregiving responsibilities are disproportionately allocated to women and create a major barrier to women’s full participation in the labour force. The reduction of the difference of retirement ages between women and men to be harmonized by 2028 is a first positive step to address the gap. **While the State recognizes and retributes breaks in employment for care responsibilities, more efforts must be put in place to ensure the reduction of the gender pension gap, for instance, in requiring fewer minimum years of service for women to qualify to a pension.**

Most older persons decide to continue working even after reaching the retirement age as the pensions they receive often do not cover basic needs and cost of living, especially if they have not contributed in full. However, age-based discrimination in the labour market is omnipresent, hindering the employment opportunities for many older persons to remain socially active. While some older refugees from Ukraine mentioned that they were able to get employed, I was informed that the employment discrimination against older Roma people is high, fuelled by years of stigma.

The existence of the discriminatory article 86 para. (1) y1) of the Labour Code further hinders older persons’ right to work. Indeed, it allows for employers to dismiss an employee when they reach the retirement age and invoke their right to pension, which is contradictory to existing national policy

² See Moldova Comprehensive Gender Assessment (2021), available at https://moldova.un.org/sites/default/files/2022-06/ENG_Gender%20assesment%2028.04.pdf

frameworks and contrary to human rights standards. **I urge the Government to amend this article of the Labour Code, which was already the subject of several complaints to and recommendations from the Equality Council. In accordance with the Programme on Active and Healthy Ageing (2023-2027), it is also crucial that the Government facilitates the maintenance of people aged 60 and above on the labour market.**

While Moldova ratified the Revised European Social Charter in 2001, it did not accept key articles relevant to the protection of older persons' rights, including article 14 on the right to social services, article 23 on the right of older people to social protection and article 30 on the right to protection from poverty and social exclusion. **To reinforce a human rights-based approach to social protection in old age, I strongly encourage the Government of Moldova to ratify these articles, then to translate them into national legislation, with the aim to fully ensure the enjoyment of all human rights by older persons and meet the needs of an ageing society.**

Care and support

Traditionally, older persons are provided with care and support from family members in intergenerational settings. The shrinking of the Moldovan population linked to the international and internal migration of younger generations and the increasing proportion of older persons living alone without relatives, has impacted the traditional care and support systems. I was pleased to learn that community-based services for care and support received by older persons are available. I also welcome the establishment of a network of Roma community mediators throughout Moldova. Such network facilitates the inclusion and integration of Roma people, including older Roma people, into the society, especially in providing them support in obtaining social assistance and medical services, among others.

The Government acknowledged the shortcomings of the current care and support system, including a shortage of personal assistants resulting in long waiting lists to receive care and support, low wages, and important disparities between urban and rural areas in the availability of such services. The Ministry of Labour and Social Protection also recognized the need for better quality and efficient social assistance services to respect the rights of both those providing and receiving care and support.

Considering these challenges, I note with appreciation that the Ministry of Labour and Social Protection has approved a reform of the social assistance system to provide adequate protection and assistance of people in vulnerable positions receiving care and support, including care at home. **This reform should ensure a more uniform and fair access to quality social services, grounded in human rights principles.** While I was made aware that the main priority group of this reform will be children and youth, **I urge the Government to ensure a life course approach, given the current demographic transformation in Moldova.**

While unpopular, institutional care is available in the Republic of Moldova, including in the Transnistrian region. I was able to visit several social care centres or "placement centres" during my visit. Those centres were various in nature, some including older persons who decided to register to avoid loneliness in their community, older persons with psycho-social, sensory and physical disabilities, as well as older refugees in need of temporary accommodation and assistance. I was particularly concerned by the conditions in which older residents with psycho-social disabilities, including older persons with dementia, live in Bădiceni's placement centre.

It seems that standards for living conditions vary from one place to another, though most of the centres visited were under the authority of the Ministry of Labour and Social Protection. It seems that there is

no agreed guidelines, protocols or standard operating procedures for such institutions, including about privacy for older residents. **It is essential that the Government works on a minimum standard of quality in accommodation, sanitary standards as well as to ensure the adequate amount of trained social and medical staff to ensure the provision of quality care. I also recommend regular monitoring visits to such centres, including by the Council for the Prevention of Torture under the People's Advocate Office.**

The creation of social care homes or placement centres for older persons is often seen by several interlocutors as an effective way of combating loneliness and social exclusion in old age. I believe that it is essential that older persons should be enabled to continue to live in their homes for as long as they wish to, with access to necessary support services. It is the responsibility of the authorities to ensure that older persons may maintain social networks, especially in retaining community centres and other structures and institutions that are important to older persons and enable them to meet and engage socially and civically. **I therefore encourage the creation of day-care centres or other recreational centres for older persons. I regretted to learn that the two day-care centres for older persons, funded by donors, were closed in the Transnistrian region.**

Right to adequate health

The right to an adequate standard of health is fundamental to ensure healthy longevity. The current life expectancy in Moldova at birth is 10 years lower than the average compared to other European countries, especially due to a lack of sustainable progress in healthcare over the past decades. There is a concerning lack of focus from the Government to improve access to healthcare for older persons in the Republic of Moldova resulting in the high prevalence of chronic diseases for people of 65 and above.

People facing multiple and intersecting forms of discrimination, such as older women, older LGBT people, older persons from ethnic and linguistic minorities including older Roma persons, and older persons in prisons, are further at risk to lack proper access to adequate healthcare. It is unacceptable that many older persons are refused adequate medical care or dismissed by healthcare staff based on their old age and on other discriminatory prejudices.

While every pensioner in Moldova is covered by a comprehensive national health insurance, the approved package of medical services is limited, and the list of subsidised medicines remain basic and often insufficient to cover the health needs of older persons. Therefore, older persons are not able to get treatment if it exceeds the approved package and it is reported that they spend almost twice more out-of-pocket expenses on health and medical care, including medication, than the country's average population. **The compulsory healthcare package for pensioners must be reviewed and amended to respond to the realities of older persons and ensure their right to health to the highest attainable standard. Such process should be done in consultation with older persons and organizations representing them.**

Access to health care in rural areas remain a concerning issue, due to structural concerns, among others, lack of accessible and affordable transportation, shortage in medical staff and absence of specialised healthcare.

In the Transnistrian region, older persons reported low quality of health services and long waiting lists to see a specialist, hindering their access to health. The lack of health insurance in the region was of primary concern.

Geriatric and long-term care remain under-developed in Moldova to meet the growing and pressing needs of an ageing population. Palliative medicine and care remain largely unavailable, as well as rehabilitation services at community-based level. Access to dental care is one of the main issues for older persons, as it remains limited, precarious and often too expensive to be covered by the low pensions. Accessibility, quality, and affordability of assistive devices remain also challenging for many older persons with disabilities. Mental health services for older persons are scarce, including the availability of screening tools to diagnose dementia-related diseases, as well as to provide support in cases of depression. **It is imperative that the Government recognizes the urgency of adapting the healthcare system to meet the needs of the increasing ageing population, in line with human rights principles.**

While older Ukrainian refugees I met expressed deep gratitude to Moldavians and the Government for having been so welcoming, I was concerned to hear that some of them decide to go back to Ukraine, risking their safety and life, to receive specialised medical treatment which is not comprised in the health package offered with the temporary protection status they are offered within Moldova.

Adequate standard of living

The provision of basic services, such as water, electricity, or sewage, is recognised as one of seven criteria to fulfil the right to adequate housing, which seems severely hindered for older persons in Moldova.

Heating materials are becoming more expensive due to the energy crisis and therefore inaccessible for older persons vulnerable to or already living in poverty, especially from ethnic backgrounds that make them more at risk to suffer from the harsh temperatures (down to -20°C in some regions). I therefore welcome the decision of the Government of Moldova to create an energy vulnerability reduction fund to support households highly vulnerable to the energy crisis, by compensating them. I am pleased to learn that this support will be renewed for the upcoming winter period. This program has been instrumental to alleviate the increased living costs for many older persons, especially those with limited financial resources.

However, it remains unacceptable that some older persons must turn down the opportunity to have electricity and lightning in their homes as they cannot afford to pay for such services. This leaves older households more prone to abuse and crime, the provision of electricity becoming an essential safety measure.

Due to the high cost of water and sanitation services, the majority of older persons in rural areas only have access to water from wells, often polluted and unsafe for consumption. This severely hinders many older persons' right to safe and drinkable water, without discrimination and through services that are available, accessible, acceptable, and affordable.

Physical inaccessibility of buildings, infrastructure, transportation, streets, lighting, and public spaces remains a major challenge faced by older persons, especially those with ethnic background and with disabilities, across the Republic of Moldova. Such aspect considerably limits the participation of older people in social activities and their access to essential services. Older persons living in rural areas, representing the majority of the older population in the country, face exacerbated challenges due to geographical barriers and lack of enabling means to realise their right to adequate standard of living to the highest standard.

As identified by the Programme on Active and Healthy Ageing (2023-2027), there is an urgent need to create an age-friendly and more accessible social, physical, digital environment for older people. This must be done in close partnership with the Minister of Infrastructure and Regional Development, in line with the World Health Organization’s guidelines for age-friendly cities and communities. Adequate resources must be planned in the coming budgets, laws and programmes to ensure quality and efficient implementation of this priority.

Education, training and long-life learning opportunities

I welcome the creation of the first University of the Third Age, as part of the National Program for Active and Healthy Ageing for 2023-2027. This pilot project is implemented by the Ministry of Labour and Social Protection in partnership with UNFPA and technical support from the Ministry of Education and Research, the State University of Moldova, and the Moldcell Foundation. **It is important to ensure that the diversity of older persons is taken into consideration in the registration processes, to ensure that most disadvantaged older persons such as those from ethnic and linguistic minority backgrounds or with disabilities are prioritized. I look forward to hearing about the first results in a year time and how this pilot project will reach older persons in all municipalities and localities, as well as older persons in the penitentiary system.**

Moldova is looking into becoming a “100% Digital State and Society” by 2030 and therefore, I was informed in several meetings with Government officials of the prioritization of increasing the digital skills of the population, including older persons. Thanks to several projects from UNFPA with local partners, such as Moldcell Foundation and HelpAge Moldova, several older persons in Moldova have received free-of-charge mobile phones and SIMs cards, trainings provided by younger volunteers to facilitate intergenerational relationships. I was also informed that public libraries were offering voluntary services to assist older persons in need with new digital and technologies tools, especially since the COVID-19 pandemic. **I commend these efforts to ensure the digital inclusion of older persons and I reiterate that these efforts must be a nationwide process with enough support services as well as the offer of analogue way to get the services like social services on the equal bases as other parts of the population.**

Violence, abuse and neglect

Abuse of older persons is a hidden phenomenon associated with taboo and stigma. There is considerable evidence that violence against older persons is widespread, especially within the family context. I was also made aware of the existence of high-scale financial abuse targeting older persons. I am particularly concern at the high prevalence of gender-based violence against older women, especially those from ethnic and linguistic minorities. Interlocutors informed me that despite the existence of services for survivors of gender-based violence, age-adapted services for older persons remain underdeveloped or exclude older persons. **To provide a clear understanding of gender-based violence in old age in Moldova, it is imperative to collect disaggregated data by age, sex, gender, disability and ethnicity as indicators, and promote the generation and disaggregation of data by 5-year age groups. Such information will then allow the development of specific services to respond to abuse in old age.**

There is no specific legal protection against violence and abuse in old age while there is a strong legal framework in place against domestic violence and intra-familial violence. **A new and comprehensive law on the human rights of older persons, as suggested previously, should integrate legal**

protection measures that effectively address all forms of abuse of older persons (physical, psychological, emotional, financial and sexual, neglect), in recognizing multiple and intersectional factors and additional structural factors.

I welcome the recent ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as Istanbul Convention, that was followed by the creation of a new agency to ensure its implementation at national level. **I strongly recommend that gender-based violence in old age be integrated and mainstreamed into the mandate of this new agency, including in the implementation of the Istanbul Convention.**

Conclusions

As mentioned earlier, my remarks today are of a preliminary nature and do certainly not cover all issues of concerns in a comprehensive manner.

To conclude, I suggest that the Republic of Moldova ratify at the earliest the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, to allow individuals to bring complaints about violations of their economic, social, and cultural rights at the international level.

I also believe that the preparation of a national comprehensive needs-based assessment of the human rights situation of older persons would be useful for all relevant stakeholders in the Republic of Moldova working towards the advancement of the human rights of older persons. Such assessment should be undertaken from a human rights-based approach and acknowledge the needs of older persons in Moldova in their full diversity to comprehensively identify the existing gaps and address them efficiently. I recommend the Government to conduct such assessment at the earliest, in partnership with relevant UN agencies and civil society organisations including older persons in their full diversity. It would further assist the Government in increasing and providing sustained and adequate financing allocated to realize the human rights of older persons.

I would like to reaffirm my commitment to continue working on the issues related to the human rights of older persons with the Government of the Republic of Moldova, in a spirit of cooperation.

Thank you for your attention.
