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**Committee on Economic, Social and Cultural Rights**  
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## **Implementation of the International Covenant on Economic, Social and Cultural Rights**

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

**Republic of Moldova\* \*\***

[5 September 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the secretariat.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
Foreword.....	1–4	3
A. The section of the report that describes the general provisions of the report.....	5–72	3
Article 1 .....	5–8	3
Article 2 .....	9–72	4
B. The section of the report which relates to specific rights.....	73–967	14
Article 6 .....	73–167	14
Article 7 .....	168–275	29
Article 8 .....	276–307	45
Article 9 .....	308–427	50
Article 10 .....	428–525	70
Article 11 .....	526–688	87
Article 12 .....	689–789	114
Article 13 .....	790–860	128
Article 14 .....	861–864	138
Article 15 .....	865–968	138

## Foreword

1. In accordance with the provisions of the International Covenant on economic, social and cultural rights and following the recommendations on the form and contents of the periodic reports of the States Parties, and taking into account the provisions of the Decision of the Parliament of the Republic of Moldova on the approval of the National Human Rights Action Plan for years 2004–2008, No. 415-XV from 24 October 2004, and the Governmental Decision on the National Committee responsible for the approval of the initial and periodic Reports No. 225 from 01 March 2006, herewith is the second periodic Report on the implementation of the International UN Covenant on Economic, Social and Cultural Rights in the Republic of Moldova for years 2001–2007.

2. The initial Report of the Republic of Moldova, developed on the basis of article 40 of the International Covenant on Economic, Social and Cultural Rights was presented to the UN Committee in November 2001.

3. This Report contains information on the implementation of the provision of the Covenant from 2001 until 2007 and was developed in accordance with the general provisions of articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights with regard to the form and contents of periodic reports, which have been established by the Committee on economic, social and cultural rights, including other recommendations previously adopted by the Committee.

4. Special attention was paid to the recommendations presented by the Committee on the basis of the evaluation of the initial Report of the Republic of Moldova (for further details please consult E/C. 12/1991/1./ Basic Reference Document from 17/06/91).

## A. Section of the report that describes the general provisions of the report

### Article 1

5. Information about this paragraph may be found in the Initial Report.

6. Article 127 (3) of the Constitution of the Republic of Moldova and articles 296 of the Civil Code of the Republic of Moldova, No. 1107-XV from 06.06.2002, provides for that public property is owned by the state or administrative territorial units, being mentioned that any type of natural resources, the air space, waters and forests used in public interest, natural resources of the territorial waters and the shelf, are subject exclusively to public property. The Parliament of the Republic of Moldova is empowered to adopt the main directions of the external economic activity (art. 129).

(a) The legislation of the Republic of Moldova sets civil, administrative and criminal liability for persons responsible for the violation of the legislation on natural resources;

(b) As a result of the impossibility to ensure the territorial, legal and economic integrity of the country (the Transnistrian region), the efficient management as well as conservation of natural resources, protection of the environment, coherent application of management instruments of natural environments is very difficult “in the conflict region on the left side of the Nistru river, where de facto the jurisdiction of the Republic of Moldova is not applicable”.

7. Republic of Moldova does not hold responsibility over the administration of non-autonomous territories and territories under protection. According to articles 110 of the Constitution (1) from the administrative point of view the territory of the Republic of Moldova is organised, in villages, cities, raions and the autonomous territorial unit Găgăuzia. (2) The settlements on the left side of the Nistru river may be given special forms and conditions of autonomy in accordance with a special status adopted by means of organic law.
8. Detailed information on the transnistrian issue may be found in Annex No. 2

## **Article 2**

### **Paragraph 1**

9. The Constitution of the Republic of Moldova states that "... human dignity, its rights and freedoms, free development of the human personality, justice and political pluralism represent supreme values and are guaranteed" (art. 1, p. 3).

Law No. 338 from 15.12.1994 on the rights of the child; Chapter 10 of the Family Code of the Republic of Moldova (Law No. 1316 from 26.10.2000).

Labour Code of the Republic of Moldova (Law No. 154 from 28.03.2003).

10. In order to ensure the implementation of these provisions, the Constitution offers all citizens the right to equality before the law and in their relations with public authorities, "notwithstanding the race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin" (art. 16, p. 2).

11. Citizens of the Republic of Moldova, notwithstanding the sources of their citizenship, benefit equally of all the social, economic, politic and personal rights and freedoms, declared and guaranteed by the Constitution and other laws of the Republic of Moldova. "... The State is obliged to protect the legitimate rights and freedoms of the citizens of the Republic of Moldova; to ensure their legality in rights in all the spheres of economic, political, social and cultural life" (Law on citizenship of the Republic of Moldova, art. 4, paras. 2 and 4).

12. The rights and obligations are ensured to foreign and stateless persons, with the exceptions provided by law (Constitution of the Republic of Moldova, art. 19, p. 1).

13. There is no separate legislative act in the Republic of Moldova on the exclusion of any form of discrimination. The national legal framework contains provisions inserted in different legislative acts that forbid discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin, or any other criteria which has as aim restriction or elimination of recognition, exercise under equality of the fundamental rights and freedoms or of rights recognised by law in the political, economic, social and cultural sphere or any other part of public life.

### **Paragraph 2**

14. During the period between 2001 and 2007 Republic of Moldova undertook considerable efforts to harmonise interethnic relations and eliminate all forms of discrimination based on race, colour, national or ethnic origin.

15. By adopting the Law on the rights of persons belonging to national minorities and the legal status of their organisations, No. 382-XV from 19.07.2001, an important chain of rights for national minorities has been established. According to the law, the state guarantees national minorities the right to equality before the law and equal protection before the law (any discrimination based on affiliation to a national minority is prohibited);

contributes to the creation of necessary conditions for the conservation, development and free expression of ethnic, cultural, linguistic and religious identity of national minorities; allows the possibility of enjoyment of their right to education and training in their own language; contributes to the facilitation of humanitarian contacts of national minorities with their historical homeland. The State guarantees that the modification of the territorial administrative organisation will not be based on ethnic and demographic composition of the regions. Persons belonging to national minorities have the right to free use of their mother tongue, both in written and orally, to have access to information in this language, to disseminate it and to exchange information; the right to organise mass media, to publish literature in the language of national minorities; to determine their attitude towards religion; to celebrate their national holidays and commemorate their historical events, to participate in the exercise of the rituals of their nations, to use in particular their national symbolic; to use their family name, given name and patronymic, including in official acts, in the form accepted by the mother tongue.

16. In the Decision of the Parliament of the Republic of Moldova on the Approval of the National Human Rights Action Plan for the years 2004–2008, No. 415-XV from 24.10.2003, a separate chapter was included which is dedicated to the guarantee of the rights of national minorities. The Action Plan provides for the preparations to ratify the European Charter of regional and minorities' languages (2006); adjustment of the national legislation to the Charter standards; respect of the principle of proportionate representation in public bodies, in justice, police and armed forces; guarantee of teaching of Ukrainian, Bulgarian and Gagauz languages in the settlements where persons belonging to these national minorities constitute a significant part of the population; researching the problems related to teaching the Roma language in some educational institutions etc.

17. As part of the Law No. 546-XV from 19.12.2003 the Concept of National Policy of the Republic of Moldova was adopted, which represents the entirety of priority principles, objectives and goals on the integration and consolidation of the multicultural and multilingual nation of the Republic of Moldova through the harmonisation of general national interests with the interests of all ethnic and lingual communities of the country. The State undertakes to take care in full of the preservation, development and free expression of the ethnic, cultural, religious and linguistic identity of the ethnic communities, present in the Republic of Moldova. Free development of cultures of different ethnic and linguistic communities in the Republic of Moldova constitutes a reality that successfully contributes to the assertion and development of the common spiritual ground and the cultural heritage of Moldova. Ethnic, cultural and linguistic diversity, reciprocal tolerance and interethnic peace is the spiritual wealth of Moldova. The Concept of national policy of the Republic of Moldova contains priority directions of the national policy, principles, aims of the national policy, as well as specific targets in the political, State and legal, socio-economic, training, cultural and educational, external policy spheres.

18. According to article 346 of the **Criminal Code** of the Republic of Moldova No. 985-XV from 18.04.2002, malicious actions, public urges, including through the means of mass-media, in written and electronic form, directed towards instigation of enmity or national, racial or religious faction, towards humiliation of national honour and dignity, as well as direct or indirect limitation of rights or establishment of direct or indirect advantages to citizens based on their national, racial, or religious origin are prohibited. The respective actions are subject to a fine up to 250 conventional units (around 400 USD) or an imprisonment of up to 3 years.

19. According to the **Law on fight against extremist activities**, No. 985-XV from 18.04.2002, extremist activity is an activity of non-governmental or religious organisation, of a mass media entity or of any other organisation or physical person directed towards the planning, organisation, preparation or implementation of actions oriented towards the

following: provoking racial, national or religious hatred, linked with violence or call for violence; humiliation of national dignity; provoking mass disorders, cause actions of hooliganism or actions of vandalism based on ideological, political, racial, national or religious hatred or enmity, as well as based on hatred or enmity for a social group; convey exclusiveness, superiority or inferiority of citizens based on the criteria of their attitude towards religion or based on race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin. The law provides basic principles of fight against extremist activities, the subjects of fight against extremist activities, prevention of such activities, regulates the forms of liability of nongovernmental or religious organisations, other organisations, decision making persons, citizens of the Republic of Moldova, foreign citizens and stateless persons for promoting extremist activities, liability of mass media for broadcast of materials with extremist character and promotion of extremist activities, regulates issues of international cooperation in the field of fight against extremism.

20. The issue of harmonisation of interethnic relations and elimination of all forms of discrimination based on race, language, religion, national origin, affiliation to a national minority, etc. is being reflected in the programmes of activity of the Government of the Republic of Moldova.

21. The above mentioned legislative acts are not inconsistent with international standards in the field. In this respect, at present a draft law on the prevention and fight against discrimination is being developed. The mentioned draft has as main objective the strengthening of the legislative framework and its adjustment to the international norms with the aim to promote equality in rights of all persons notwithstanding any criteria.

22. With regard to the prosecution of cases of discrimination and with the purpose to enlarge the spectrum of situations where the principle of non-discrimination may not be breached, a draft law on the amendments and add-ons to the Criminal Code of the Republic of Moldova was developed, which changes the provisions of articles 176, 346, etc. This draft is presently being examined by the Parliament.

23. By means of Law No. 1349 from XIII from 17 October 1997 on ombudsmen the Centre for Human Rights was created and the ombudsmen appointed. Thus, the national institution that protects human rights has already a decade of existence. A decade during which this institution with a West-European source, slowly but firmly, is imposing itself as an element of democracy in Moldova.

24. In its activity, the ombudsman institution is aligning itself to the Principles on the status of the national institutions responsible for the promotion and protection of human rights (The Paris Principles), one of the fundamental documents of the United Nations Organisation, adopted on 20 December 1993.

25. The Centre for Human Rights is a public autonomous institution, independent from any other public authority, is not substitutable to public authorities, may not be subject to any imperative or representative mandate and its activity has a public character.

26. In the exercise of its mandate, the ombudsman issues recommendations and intimations which may not be subject even to parliamentary control, nor any judicial control.

27. The competence of the ombudsman in examining some petitions, which relate to the judicial authority, is materialised in its legal possibility to address the issue either to the chairman of the court or, depending on the circumstance, the chairman of the Superior Council of Magistrates, which is then obliged to communicate the undertaken steps. This represents a legal possibility through which the mentioned authorities support the institution of ombudsman in solving some petitions related to the breach of the right of parties to an

equitable trial and examination of a case in a reasonable time period, provided for by article 6 of the Convention on protection of fundamental human rights and freedoms and implemented through constitutional provisions.

28. On 26 July 2007 the Parliament of the Republic of Moldova adopted the Law No. 200-XVI on the amendments and add-ons to the Law on ombudsmen No. 1349-XIII from 17 October 1997 and the Parliamentary Decision No. 201-XVI from 26.07.2007 on the amendments and add-ons to the Regulations on the Centre for Human Rights.

29. The above mentioned normative acts set the prerogatives of the Ombudsman to undertake visits in detention places, determine the list of places that are to be visited, the guarantees and competences during the visits, undertaken actions by ombudsmen after having accomplished preliminary visits. To ensure the best exercise of competences by the ombudsman in the field of prevention of torture, it is provided that a consultative Council will be created within the Centre for Human Rights.

30. According to the provisions of the Law No. 200-XVI from 26.07.2007, ombudsmen contribute to the protection of human rights through the prevention of their breach and re-entry in rights, to the improvement of the legislation related to the protection of the human rights, to legal training of population through the application of the processes set in the above mentioned Law (art. 2).

31. According to article 4 of the Law No. 56-XVI from 20.03.2008 the Parliament appoints 4 ombudsmen, equal in rights, one of whom is specialised in issues related to the protection of the rights of children. The ombudsman responsible for the protection of the rights of children exercises his/her competences to guarantee the respect of constitutional rights and freedoms of children and application at national level by central and local public authorities and by decision making persons at all levels of the provisions of the UN Convention on the rights of the child (art. 4).

32. The guarantee and assurance of respect and promotion of human rights is reflected at national level in various plans and strategies, as for instance: The Programme of Activity of the Government for the years 2005–2009 “Modernisation of the country – welfare of the nation”, European Neighbourhood Action Plan Republic of Moldova — EU, Republic of Moldova — NATO Individual Partnership Action Plan (IPAP), National Human Rights Action Plan, Preliminary Country Programme of the Republic of Moldova within the USA Programme “Millennium Challenges” etc.

33. One of the most important documents in this field is the National Human Rights Action Plan, adopted by Parliament Decision No. 415-XV from 24.10.2003. This Action Plan was developed to ensure the implementation of a single policy and strategy of state institutions and civil society, aimed to improve the situation in the field of human rights through the identification and formulation of priority tasks and measures to ensure its implementation, through the establishment of deadlines of implementation of planned actions, through identification of the institutions and organisations responsible for the implementation of the actions set in the Plan.

34. The implementation of the National Human Rights Action Plan will ensure the accomplishment of the following objectives:

- (a) Implementation of the international human rights standards in the national legislation and practice;
- (b) Assurance of efficient protection of political, civil, economic, social and cultural rights;
- (c) Improvement of the national mechanisms in the field of human rights protection;

(d) Accomplishment of a high level of population awareness on the commonly accepted standards in the field of human rights and on the value of these standards for each citizen and the society at large;

(e) Delivery of assistance to the population of the Republic of Moldova in understanding their rights and acknowledgement of their enjoyment and protection.

35. With the purpose to improve the mechanism of access to legal assistance, which the state is obliged to offer to persons in accordance with the constitutional provisions, the Law on state-guaranteed legal assistance was adopted by the Parliament on 26.07.2007.

36. The EU-Moldova Action Plan adopted by means of Government Decisions No. 356 from 22.04.2005 contains a separate chapter dedicated to the fundamental human rights and freedoms.

37. It is worthwhile mentioning the novelty present in the national legislation and namely that in the context of the implementation of the National Human Rights Action Plan (adopted by means of Parliament Decision No. 415 from 24.10.2003), the draft Law on the amendments and add-ons to the Criminal Code of the Republic of Moldova was developed, draft law which has as aim amendment of the legislation in force with the purpose to protect the rights of the sexual minorities, taking into account the international experience. In this context amendments to articles 176 and 236 of the Criminal Code were necessary to enlarge the number of cases where the principle of non-discrimination may be breached. The respective draft was sent for coordination to relevant institutions on 2 October 2007. Following the drafting process with the implication of the received comments, on 29 October the proposal was sent to the Centre for Prosecution of Economic Crimes and Corruption (CPECC) to deliver the anticorruption expertise. The mentioned draft was approved by means of Government Decision No. 1459 from 24 December 2007. Presently, the draft law is under examination in the Parliament.

### **Paragraph 3**

38. The economic, social and cultural rights constitute the basis for multilateral and integral development of the human being, are no less important than civil and political rights, but the exercise of these rights depends on the resources the society currently has. This does not however mean that the state does not bear responsibility for their proper guarantee, progressively ensuring their enjoyment.

39. The Concept of national policy of the Republic of Moldova contains priority directions of the national policy, principles, aims of the national policy, as well as specific tasks in the State and legal, socio-economic, training, cultural and educational spheres.

40. Republic of Moldova adopted a list of normative acts that regulate the migration processes, the status of foreign citizens and stateless persons present on the territory of the country: Civil Procedure Code of the Republic of Moldova (art. 454–456) and the Civil Code of the Republic of Moldova (Fifth part), Law on migration, Law on the status of foreign citizens and stateless persons in the Republic of Moldova, Law on the status of refugees, Law on departure and entry in the Republic of Moldova, Rules on stay of foreign citizens and stateless persons in the Republic of Moldova, Government Decision on temporary employment of migrant workers, Regulations on education of foreign citizens and stateless persons in the educational institutions of the Republic of Moldova. Following the recommendations of the United Nations High Commissioner for Refugees (UNHCR), Moldova adhered the Convention on the status of refugees and its Optional Protocol through Law from 23 November 2001. The Convention entered in force for Moldova on 1 May 2002, whilst the Optional Protocol on 31 January 2002.

41. By means of Law No. 20-XVI from 10.02.2006 the European Convention on the legal status of migrant workers was ratified, adopted at Strasbourg on 24 November 1977 and signed by the Republic of Moldova on 11 July 2002, which provides for the obligation to ensure no less advantageous rights for migrant workers than for citizens of the host country. Presently, an important vector of activity is the development of implementation mechanisms for the respective Convention and for Convention No. 97 of the International Labour Organisation on migration with the purpose of employment (2005).

42. According to the data of the National Employment Agency during 01.01.2007–31.10.2007, 1,084 work permits have been issued. The main origin countries were: Turkey, Romania, Italy, Ukraine, Azerbaijan, Russia etc. During the mentioned timeframe 661 work permits of foreign citizens have been prolonged.

43. Restructuring of some central specialised bodies of the public administration (2006) and the events in the field of migration have dictated the development of a new legal framework which would set new qualitative norms for regulation of migration of workers, thus contributing to a better management of this sector.

44. Following the necessity to harmonise the totality of legislative and normative acts in force which cover this field, many of which are outdated or contradictory, thus creating gaps in this specialised legislation and conditions for illegal migration, the Ministry of Economy and Trade has developed the draft Law on migration of workers, currently examined by the Parliament of the Republic of Moldova in first lecture.

45. Recent entry into force for the Republic of Moldova of Convention No. 181 of the International Labour Organisation on private employment agencies (2001), of Convention No. 97 of the International Labour Organisation on migration with the purpose of employment (2005) and of the European Convention on the legal status of the migrant workers (2006) has dictated the necessity to align the national legislation to the European and international standards and norms. Thus, the provisions of the draft law under discussion correspond to the established principles in the above-mentioned conventions.

46. Foreign citizens and stateless persons have the same rights, freedoms and responsibilities as do the citizens of the Republic of Moldova (right to residence, work and protection of work, education, rest, health protection, etc.); with the exceptions set by legislation in force (may not be nominated or involved in activities for which, according to the legislation in force, the Republic of Moldova citizenship is required, do not enjoy the right to elect and the right to be elected in legislative, executive and other eligible bodies, to participate in the universal suffrage, may not be members of parties and other socio-political organisations, may not exercise the military service in the armed forces of the Republic of Moldova).

47. As regards the situation of asylum and refugee status on the territory of the Republic of Moldova, in the context of the International Convention on elimination of all forms of discrimination based on race, it is worthwhile mentioning that the protection of this group of persons is one of the objectives of the country in the field of guaranteeing human rights. The law on the status of refugees sets the legal, economic, social and institutional framework for granting the status of refugee in the Republic of Moldova, without any discrimination based on race, religion, nationality, affiliation to any social group or political opinion, the same rights and freedoms being guaranteed as those offered to foreign citizens and stateless persons present in the Republic of Moldova.

48. During 2007, 1,706 foreign citizens and stateless persons have migrated to Republic of Moldova (especially from Ukraine, Turkey, Syria, Russian Federation, Israel, USA, Romania, Bulgaria, Jordan, Italy, Azerbaijan, Sudan, Armenia, Kazakhstan, etc.), out of which 551 migrated with their families, 615 migrated with the purpose to undergo studies and 540 migrated with the purpose of employment.

49. The Law on identity acts in the national passport system established the form of identity cards for refugees and travel documents. The ID for refugees is issued to persons which received this status, notwithstanding the age, for usage on the territory of the Republic of Moldova. The ID is issued for a period of 5 years. The travel documents are issued to persons that received the status of refugee, notwithstanding the age, for departure and entry in the Republic of Moldova. The travel documents are issued for a period of one year and may be prolonged for no more than 4 times, each one for one year. However, due to technical reasons, until now refugees do not have identity documents. The Main Directorate for Refugees (authority that administers and solves the issues of asylum seekers, refugees and beneficiaries of temporary and humanitarian protection) has developed the draft Government Decision on the approval of the template of ID for refugees.

50. Registration of refugees will permit the facilitation of their employment in their integration in the society. At the same time, with the issuance of ID for refugees their track will be ensured as well.

51. The creation and issuance of identity card for refugees was initiated, which contain the personal code of the person. Thus starting with December 2005 legal relations between the state and the person with regard to payment of taxes have being established.

52. There are no impediments to employment. The validity period of the identity card for refugees is 5 years.

53. The travel document for refugees is issued for a period of up to 2 years, but it will not overstep the validity period of the identity cad for refugees (amendment implemented by Law No. 266 from 07.12.2007).

54. In accordance with article 17 paragraph 2 of the Law No. 1286-XV from 25.07.2002 on the status of refugees provides for that “the asylum seekers may temporarily receive, on request, the right to employment if following objective reasons he/she is deprived of necessary existence means”.

55. In this case the persons present a document which certifies that the person is employed; subsequently in the temporary identity document of the asylum seeker it is mentioned that the person holds the right to employment and the employer is also mentioned.

56. Also, following the employer’s request, the person may receive a personal code.

57. Beneficiaries of humanitarian protection presently hold protection letters. On request, the persons receive the personal code to facilitate employment. By means of Law No. 266 from 07.12.2007 amendments have been included in the Law No. 273-XIII from 09.11.1994 on the identity documents in the national passport system. The following identity documents have been included for the beneficiaries of humanitarian protection:

(a) Identity card for beneficiaries of humanitarian protection, which is issued for a period of one year;

(b) Travel document (humanitarian protection), which is issued for a period of one year.

58. By means of Government Decision No. 562 from 06.05.2008 on the identity documents of the beneficiaries of humanitarian protection the specimen of these documents have been approved, with their subsequent development.

59. It must be mentioned that the right to employment of refugees is not fully accomplished, there being certain practical problems. Thus, the absence of identity documents for refugees, and especially the personal codes, creates difficulties in relations

with the fiscal authorities in charge of taxes. This issue is frequently raised by refugees and their associations. Although this problem persists, it does not relate to the interethnic relations and may not serve as an example of racial discrimination.

60. With regard to the enjoyment of economic and social rights, it must be mentioned that the Government of the Republic of Moldova approved the Regulations on the procedure of payment of aid to refugees. Aid is given to refugees that are deprived of necessary means of existence.

61. In the field of protection of asylum seekers and refugees, thanks to the support from the international organisations, Republic of Moldova is positioned at the level of international standards. With the purpose to create a single policy directed to ensure in the most efficient possible way of protection of asylum seekers and refugees, public authorities cooperate with non-governmental organisations in this field. Thanks to the financial support from international organisations, especially the High Commissioner for Refugees, the NGOs participate with activities oriented towards the creation of a safe environment for asylum seekers and refugees and enjoyment of their legal rights.

62. With the support of the European Commission, part of the "Migramol" project, the Centre of Temporary Placement of Foreigners was rebuilt and equipped in accordance with the standards, which was subsequently put into commission in April 2008.

63. The problems that must be solved are: document registration of refugees (absence of identity documents hampers the right to employment); creation of conditions for social integration of recognised refugees, establishment of a legal background that would regulate the integration and its financial support; absence of a placement centre for foreigners that are to be expelled from the Republic of Moldova (the person which was refused the status of refugee, after using all possibilities of appeal, must leave the territory of the Republic of Moldova during 15 days after the final decision on the refusal of the application).

64. According to article 19 of the Constitution of the Republic of Moldova:

“(1) Foreign citizens and stateless persons have the same rights and obligations as the citizens of the Republic of Moldova, with the exceptions set by law.

(2) Foreign citizens and stateless persons may be extradited only on the basis of an international convention, under reciprocal conditions or on the basis of a decision of a court of law.

(3) The right to asylum is granted and withdrawn under the conditions set by law, following the international treaties to which Republic of Moldova is a party.”

65. Also, after an analysis of the legislation the following provisions on the economic, social and cultural rights and non-discrimination rights of persons that are not citizens of the Republic of Moldova have been identified.

66. The law No. 275 from 10.11.1994 on the status of foreign citizens and stateless persons provides that:

(a) Foreign citizens and stateless persons have the same rights, freedoms and obligations with the citizens of the Republic of Moldova, with the exceptions set by law;

(b) Foreign citizens and stateless persons are equal before the law and in their relations with public authorities, without any difference based on race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin.

67. According to chapter II of the above-mentioned law, foreign citizens or stateless persons are guaranteed with the following rights and freedoms:

(a) Right to choose the residence (art. 6):

(i) Foreign citizens and stateless persons have the right to reside in the Republic of Moldova on the basis of valid identity acts;

(ii) Foreign citizens and stateless persons temporarily coming to Republic of Moldova have the right to reside in the Republic in accordance with the conditions set in the legislation in force.

(b) Right to employment and to its protection (art. 7):

(i) Foreign citizens and stateless persons residing in the Republic of Moldova have the right to employment and to its protection, in accordance with the legislation in force;

(ii) Foreign citizens and stateless persons may not be appointed in positions or involved in activities for which, in accordance with the legislation in force, the citizenship of the Republic of Moldova is mandatory.

(c) Right to rest and health protection (art. 8):

(i) Foreign citizens and stateless persons have the right to rest and to health protection on a general basis same as the citizens of the Republic of Moldova;

(ii) Foreign citizens and stateless persons which reside temporarily in the Republic of Moldova are obliged to obtain medical insurance, in accordance with the procedures adopted by the Government for the entire period of stay in the Republic of Moldova;

(iii) Foreign citizens and stateless persons are obliged to pass the medical examination with the purpose of identification of the Human Immunodeficiency Virus (HIV) and the AIDS disease.

(d) Right to allowances, pensions and other forms of social insurance (art. 9):

(i) Foreign citizens and stateless persons residing in the Republic of Moldova have the right to receive allowances, pensions and other forms of social insurance payments, in accordance with the legislation in force.

(e) Right to accommodation same as citizens of the Republic of Moldova (art. 10);

Foreign citizens and stateless persons residing in the Republic of Moldova enjoy the right to accommodation to the same extent as the citizens of the Republic of Moldova.

(f) Right to own a house and other goods in private property, to inherit or to leave goods under will (art. 11);

Foreign citizens and stateless persons have the right to own a house and other goods in private property, to inherit or to leave goods under will, to enjoy the copyright of a writing, artistic or scientific creation, of a discovery, invention, as well as other personal rights.

(g) Right to education (art. 12):

(i) Foreign citizens and stateless persons have the same rights to education with the citizens of the Republic of Moldova;

(ii) Foreign citizens and stateless persons enrolled in educational institutions have rights and responsibilities in accordance with the legislation in force and the rules set by those institutions.

(h) The right to affiliation to various cultural, scientific, sporting societies and production associations (art. 13):

(i) Right to free will, freedom of thought, religion and expression (art. 14);

(ii) Foreign citizens and stateless persons residing in the Republic of Moldova are guaranteed the freedom of will, opinion and expression, in accordance with the legislation in force;

(iii) Foreign citizens and stateless persons residing in the Republic of Moldova have the right to affiliate on general basis same as the citizens of the Republic of Moldova to various cultural, scientific, sporting societies, enterprise organisation, productions associations, if their Statutes don't provide for other rules.

(i) Right to marry and to divorce with citizens of the Republic of Moldova, with other persons in accordance with the legislation in force (art. 15);

Foreign citizens and stateless persons have the right to marry and to divorce with citizens of the Republic of Moldova, with other persons in accordance with the legislation in force. They enjoy the family rights and obligations in their relations to a similar extent as citizens of the Republic of Moldova.

(j) Right to free movement on the territory of the Republic of Moldova and establishment of the domicile in accordance with the legislation in force (art. 16):

Foreign citizens and stateless persons have the right to move freely on the territory of the Republic of Moldova and establish their domicile in accordance with the legislation in force.

(k) Right to inviolability of person and domicile (art. 17):

Foreign citizens and stateless persons are guaranteed the inviolability of person and domicile in accordance with the legislation in force.

(l) Right to access to justice and right to a fair trial (art. 19):

(i) Foreign citizens have the right to efficient relief from competent courts of law, other public authorities against action that breach their rights, freedoms legitimate interests;

(ii) Foreign citizens and stateless persons, in accordance with the legislation on ombudsmen, have the right to address applications to the ombudsman in cases when their rights and legitimate interests are breached in the Republic of Moldova;

(iii) Foreign citizens and stateless persons enjoy in legal proceedings before a court of law similar procedural rights with citizens of the Republic of Moldova;

(iv) Foreign citizens are guaranteed the right to ask protection from the diplomatic mission of their state.

68. Foreign citizens do not have the right to be elected in legislative and executive bodies, nor to participate in universal suffrage, may not be members of political parties and may not exercise their military service in the armed forces of the Republic of Moldova. (arts. 19–20).

69. At the same time, article 4 of the Law No. 1286 from 25.07.2002 on the status of the refugees as well as article 3 letter (d) of the Law No. 1518 from 06.12.2002 on migration provide for the principle of non-discrimination which these Laws are based on, and namely that these are applied without discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin.

70. Thus, article 3 lit(d) of Law No. 1518 from 06.12.2002 on migration provides for as a main principle “prohibition of discrimination, limitation in rights and freedoms based on race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth, social origin or any other reason”.

71. Article 4 of the Law No. 1286 from 25.07.2002 on the status of the refugees also sets that “the provisions of the present law is applicable to asylum seekers, refugees and beneficiaries of humanitarian or temporary protection without any discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin”.

72. According to the provisions of article 14 of the Law No. 1518-XV from 6 December 2002 on migration, with the subsequent amendments and add-ons, the migration quota for the Republic of Moldova is approved on a yearly basis (Table No. 8).

## **B. The section of the report which relates to specific rights**

### **Article 6**

#### **1. ILO Conventions**

73. Republic of Moldova is a party to the following International Labour Organisation Conventions:

Convention No. 29 of the ILO concerning forced or compulsory labour signed at Geneva in 1930, ratified by Parliament Decision No. 610-XIV from 1 October 1999;

Convention No. 105 of the ILO concerning abolition of forced labour, adopted on 25 June 1957 at New York, ratified by Parliament Decision No. 707-XII from 10 September 1991;

Convention No. 88 of the ILO concerning the organisation of the employment service, adopted at San Francisco on 9 July 1948;

Convention No. 111 of the ILO concerning discrimination in respect of employment and occupation, adopted at Geneva on 25 June 1958, ratified by Parliament Decision No. 593-XIII from 26.09.95;

Convention No. 122 of the ILO concerning employment policy, adopted at Geneva on 9 July 1964, ratified by Parliament Decision No. 593-XIII from 26.09.95;

Convention No. 144 of the ILO concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, adopted at Geneva on 21 June 1976, ratified by Parliament Decision No. 593-XIII from 26.09.95.

74. With the purpose to implement Convention No. 111 from 25 June 1958 the following have been developed and adopted:

(a) Law No. 241-XVI from 20 October 2005 on the prevention and fight against human trafficking;

(b) Law No. 5-XVI from 9 February 2006 on ensuring equality of opportunities for women and men.

75. By means of Government Decision No. 350 from 7 April 2006 the Government Committee for equality between women and men was created.

76. Republic of Moldova developed and presented to the UN Committee the following Reports:

(a) Periodic report of the Republic of Moldova on the UN International Convention on elimination of all forms of discrimination against women (presented at New York on 16 August 2006);

(b) Report of the Republic of Moldova on the implementation of the ON Convention on elimination of all forms of discrimination based on race (presented at Geneva on 10–13 August 2007).

## 2 (a) Employment policies

77. Ensuring sustainable human development and attainment of a decent level of living is mainly conditioned by the quality of policies in the field of employment. Distortions on the labour market generated by the economic crisis in 1998 were not possible to eliminate by the economic growth registered beginning with 2000. The tendencies of considerable reduction of jobs, increase of unemployment and migration have determined the necessity to adopt the Economic Growth and Poverty Reduction Strategy for years 2004–2007 (Law No. 398-XV from 02.12.2004) and the National Development Strategy for years 2008–2011 (Law No. 295-XVI from 21.12.2007), the objectives of development of human resources, increase of employment and promotion of social inclusion.

78. In order to implement the policy in the field of employment a list of legislative and normative acts have been adopted which hold the basis for the maintenance of a good rate of employment, out of which the most important are.

79. The Labour Code of the Republic of Moldova:

- Law No. 821-XII from 24 December 1991 on social protection of people with disabilities.
- Law No. 297-XIV from 24 February 1999 on social inclusion of persons freed from penitentiary institutions.
- Law on trade unions No. 1129-XIV from 7 July 2000.
- Law on associations of employers No. 976-XIV from 11 May 2000.
- Law No. 451-XV from 30.06.2001 on licensing certain types of activities. According to article 8, paragraph 20, the activity related to intermediation of employment for citizens in the country and (or) abroad requires a license beginning with 6 March 2002.
- Law No. 480-XV from 28.09.2001 ratifying ILO Convention No. 142 on vocational guidance and vocational training in the development of human resources.
- Law No. 482-XV from 28.09.2001 ratifying ILO Convention No. 181 on private employment agencies.
- Law No. 714-XV from 6 December 2001 on the unemployment Fund of the Republic of Moldova. The Unemployment Fund was created within the state social insurance budget.
- Law on remuneration No. 847-XV from 14 February 2002.
- Law No. 140-XV from 10 May 2001 on Labour inspection. Starting with 1 January 2002 the Labour Inspection is functional in the Republic of Moldova, which was under the subordination of the Ministry of Labour and Social Protection and starting with June 2005 it is under the subordination of the Ministry of Economy and Trade.
- Law No. 102-XV from 13 March 2003 on employment and social protection of persons in search for a job.

- Law No. 135-XV from 20 March 2003 on traditional artistic workmanship.
- Law No. 398-XV from 2 December 2004 on the approval of the Economic Growth and Poverty Reduction Strategy (2004–2006).
- Decision of the Government of the Republic of Moldova No. 253-XV from 19 June 2003 “on the approval of the Concept of guidance, training and professional initiation of human resources”.
- Parliament Decision No. 415-XV from 24 October 2003 “on the approval of the National Human Rights Action Plan for the years 2004–2008”.
- Government Decision No. 871 from 22 August 2000 “on the approval of the Regulations on the method of payment of the onetime allowance for persons freed from penitentiary institutions”.
- Government Decision No. 637 from 13 June 2001 “on the improvement of the employment rate in the Republic of Moldova”.
- Government Decision No. 542 from 3 May 2002 “on support of students in higher educational institutions specialised in pedagogy and of recently graduated, who are employed in the educational sector”, which provides for a list of actions oriented to stimulate graduates to get employed in the educational sector.
- Government Decision No. 611 from 15 May 2002 “on the approval of the Strategy of employment in the Republic of Moldova”. The Strategy defines conceptual directions of the employment policy for the years 2002–2008.
- Government Decision No. 832 from 14 July 2003 “on the restructuring of the Employment State Service”. Starting with 1 July 2003, the State Service is reorganised into the National Employment Agency, based on the tripartite principle of administration.
- Government Decision No. 862 from 14 July 2003 “on the approval of the procedure of access to employment opportunities”.
- Government Decision No. 1080 from 5 September 2003 “on the approval of the Regulations on the process of management of professional training of the unemployed”.
- Government Decision No. 1541 from 22 December 2003 “on the approval of the Youth Strategy”, with special emphasis on solving the problems of the youth, especially their employment”.
- Government Decision No. 224 from 1 March 2003 “on the approval of the National Employment Action Plan for the years 2003–2005”.
- Government Decision No. 59 from 27 January 2004 “on the Approval of the Employment Action Plan and job creation for persons with disabilities for the years 2004–2006”.
- Government Decisions No. 422 from 26 April 2004 “on the approval of the National Programme for the prevention of youth unemployment for the years 2004–2006”.
- Government Decisions No. 1121 from 14 October 2004 “on the approval of the rules of involvement of the unemployed in public works”.
- Government Decision No. 459 from 25 April 2007 “on the approval of the National Programme of rehabilitation and social inclusion of persons with disabilities for the years 2007–2009”.

80. By means of Law No. 100-XVI from 27 May 2005 amendments and add-ons were adopted to the Law No. 102-XV from 13.03.2003 on employment and social protection of the unemployed, this law being the main normative act in the promotion and implementation of the employment policy in the Republic of Moldova.

81. Amendments to the Law were dictated by the necessity to harmonise the provisions of Law No. 102-XV/2003 with the Labour Code adopted on 28 March 2003 and the necessity to enlarge the area and extent of social protection for the unemployed. This law regulates the methods of implementation of the strategy and policies directed to a high level of employment and adaptation of potential employers to the requirements of the labour market. Measures provided in this law have the objective to decrease unemployment and insure higher level of employment, equal opportunities for persons in search for a job, increase of mobility of the work force in the context of socio-economical changes. There are normative acts which implement the provisions of the law with the purpose to achieve the proposed aims, including:

(a) By means of Decision of the Government of the Republic of Moldova No. 253-XV from 19 June 2003 the Concept on the orientation, vocational and professional training of human resources was adopted;

(b) By means of Government Decision No. 862 from 14.07.2003 the procedure on the access to employment resources was adopted;

(c) By means of Government Decision No. 243 din 02.03.2005 the procedure of stimulation of labour force mobility was adopted;

(d) By means of Government Decision No. 594 from 20.06.2005 the procedure of stimulation of employers to employ graduates of higher educational institutions, financed by the state budget, was adopted;

(e) By means of Order of the National Employment Agency No. 100 from 31.10.2005 the employment mediation procedure was adopted;

(f) By means of Orders of the Ministry of Economy and Trade No. 10 from 22.01.2007 and No. 51 from 07.06.2007, the Employment Action Plan for 2007 and the Unemployment Prevention and Limitation Action Plan for 2007 were adopted and sent to all public authorities for implementation;

(g) In order to continuously promote active policies on the labour market by means of Government Decision No. 605 from 31 May 2007 the implementation of the National Employment Strategy for years 2007–2015 was initiated, which is aligned to the European Employment Strategy. The main aim of the Strategy is to ensure the largest and most sustainable possible employment, as well as attainment of a decent level of pay, which will be obtained through the implementation of the following objectives: (i) increasing the number of jobs; (ii) increasing the labour quality and productivity; (iii) strengthening social cohesion and inclusion, especially by means of eliminating any form of discrimination on the labour market; (iv) decreasing gender disparities and differences between regions with regard to employment;

(h) By means of Government Decision No. 167 from 15.02.2008 the National Employment Action Plan for year 2008 was adopted.

#### *Increase of employment rate*

82. During years 2000–2007 a general tendency of decrease of indicators was registered, which characterise the labour market. The dynamics of the main labour market indicators during 2000–2007 is presented in Table 2 from Annex No. 1.

83. The ratio of activity of the population was 44.8%, registering a decrease with 4.9% compared with 2004, whilst compared with 2000 — around 15.1%, being substantially lower than the one in the EU<sup>1</sup> and reaching higher values for male population — 47.8%, compared to women's rate of only 42.2%.<sup>2</sup> The urban population's activity rate reached 47.1%, compared to the activity rate of the rural population of only 43.1%. (Figure 1 from Annex No. 1 and Table 3 from Annex No. 1).

84. The highest rate of activity (66.7%) is registered in the age group of 45–54 years. Out of the total number of active population men constituted 49.5% whilst women – 50.5%. Following the distribution based on activities in the national economy the following figures elapse:

- 32.8% out of the total number of employed persons have been involved in the agricultural sector, out of whom 46.0% were women; out of them half have worked in individual auxiliary households, which represents each 6th person out of the total of employed persons
- The ratio of persons employed in industry constituted 12.7%, out of whom 44.4% were women
- In trade and hotels – 15.9%, out of whom 59.2% were women
- Healthcare, social assistance and education comprise a total of 20.0%, out of which 14.8% in healthcare and education, out of whom women represented 70.2%

85. The employment rate<sup>3</sup> of workforce has moderately decreased from 47.5% in 2003 to 42.5% in 2007. For the age group 15–56/61 years the employment rate is 48.0%. The employment rate for the age group of 15–64 years (active age group according to EU) is 47.1%. Also, the employment rate in the active age group (16–56/61 years) registered a value of 49.3%, whilst for the age group 15–56/61 years – 48.0%. The employment rate of the age group 15–64 years (active age group according to EU) is 47.1%.

86. **Analysis of the structure of the employed persons via age groups** shows that the ratio of the adult persons (25–54 years) was 73.6%, young persons (15–24 years) – 9.6% and of the elderly of 55 years and more – 16.8%, including persons of 65 years and more – 21.7%. Four out of five persons of 65 years and more have been involved in agricultural activities.

87. Reduction of the number of employable persons and increase of the average age of employees in the national economy, as well as the migration of the economically active population abroad with the purpose to find a job, may have complex implications on the socio-economic development, with a direct impact on the total offer of workforce, distribution of income, public expenditure for social protection, investments etc. If the process of population ageing continues it may cause serious deficiencies of human capital necessary for sustainable development of the country.

<sup>1</sup> The population employed in the EU reached 223 million at the end of 2007, with an increase of 3.5 million compared to the end of 2006. The employment rate in the EU in 2006 was 66%, whilst in 2007 – 65%.

<sup>2</sup> The population employed in the EU reached 223 million at the end of 2007, with an increase of 3.5 million compared to the end of 2006. The employment rate in the EU in 2006 was 66%, whilst in 2007 – 65%.

<sup>3</sup> The correlation between the active population starting 15 years and the total population of the same age group in percent figures.

88. In 2007 the passive population of 15 years and more represented 55.2% of the total population of the same age. The ratio of persons discouraged to search for a job constituted 1.6% of the total inactive population of 15 years and more.

89. In 2007 the rate of unemployment, calculated according to the Methodology of the International Labour Bureau has decreased and constituted 5.1% compared to 7.9% in 2003. The average unemployment period in 2007 constituted 19 months. Out of the total number of unemployed around 35.5% were in a long-term unemployment, out of whom 17.9% were represented by young persons (15–24 years).

90. Even in the economic growth period the problem of unemployment remains acute. Notwithstanding the significant decrease of the unemployment rate in the youth group during the next years, this social segment remained to be the most effected by unemployment.

91. In 2007 the unemployment ratio within the 15–24 years age group was 14.4%, or 2.8 times more than the value of this average country indicator, whilst for the 15–29 age group category this indicator was 11.0%, overstepping twice the country unemployment rate (Figure 2 from Annex No. 1).

92. Significant discrepancies continue to be registered between the average urban unemployment rate which is 6.9% and the average rural one, which is 3.6%. This situation was generated by the high dependency of the population of the functioning of the industrial enterprises, which during the transition period have been liquidated or have reduced their production capabilities.

93. In the last year a low level of registration of the unemployed was observed. The number of unemployed in 2007 constituted around 67,000 persons which is 33% less than in 2006, whilst compared to 2004 this indicator has decreased by 55%. Significant decrease of number of persons that apply for the services of the employment agencies may be explained with the limited possibilities to solve problems that related to employment and the mechanism of unemployment allowances payment. Out of 48,300 persons that applied for the respective services in 2007, only 23,400 or 48.5 % have subsequently been hired and only around 10.2% received unemployment allowances.

94. According to article 51 of the Constitution Persons with disabilities benefit from special protection from the entire society. The State guarantees normal treatment, rehabilitation, education, training and social integration conditions.

95. With the conditions generated by the labour market, other groups that require special attention are the socially vulnerable persons, namely: persons with physical, mental disabilities, persons freed from penitentiary and social rehabilitation institutions, persons with drug dependency etc. The activities on the labour market oriented towards these categories of the population are extremely modest. Thus, out of 448 persons with disabilities that have applied in 2007 for the services of the employment agencies, only 102 persons have been employed.

96. The Labour Club activities have been followed by 4478 persons, out of which 883 were employed and 1262 were registered with vocational training courses. Around 200 unemployed disabled persons received unemployment allowances in 2007.

97. According to statistical data for 2007, the number of persons with disabilities that were employed constituted 7284 persons, whilst in 2006 – 5240 persons, in 2005 – 5836 persons, which is less than 1% of the average annual number of full time employees (without part-timers) for the respective periods.

98. A major problem of the persons of disabilities is the reduced possibilities of integration into the labour market.

99. By means of Government Decision No. 59 from 27 January 2004 the Action Plan on the employment and job creation for persons with disabilities for years 2004–2006 was adopted.

100. With the purpose of protection of the persons with disabilities, their access to vocational training and employment, job creation, with the financial support of the state budget and local authorities' budgets, inclusion of persons with disabilities in the economic and social life of the society, as well as financial support of the enterprises that use their labour the Governmental Decision No. 59 from 27 January 2004 adopted the Action Plan in the field of employment and job creation for persons with disabilities for the years 2004–2006.

101. In order to implement the provisions of the respective Plan the state budget allocated for the years 2004–2006 around 11,8 million lei, including to specialised enterprises such as the Society of Persons with Disabilities, Society of the Deaf and the Society of the Blind around 10,8 million lei, namely for:

- Subsidies to specialised enterprises of the society of persons with disabilities to purchase equipment and raw materials, for subsequent job creation – 2,760 million lei
- Partial compensation of the mandatory state social insurance contributions for persons with disabilities employed in the organisations and enterprises of the society of persons with disabilities – 3,2744 million lei

102. In order to improve competitiveness of the labour market, offer conditions to attain economic independence and enjoyment of the right to employment, labour mediation services, professional awareness and conciliation services, consultancy and assistance to initiate an enterprise activity, vocational training and guidance, advantageous crediting, as well as stimulation of workforce mobility, motivation of employers to employ young graduates of higher educational institutions etc is offered.

103. According to the legislation in force, employers that employ graduates with disabilities on a indefinite period contract, the studies of which have been financed by the state budget and which have not been assigned a job, receive a monthly allowance for 18 consecutive months, for each employed graduate with disability, equal to a minimal monthly salary; these categories also benefit from professional integration and reintegration allowances.

104. With the purpose to enrol in vocational training or employment, persons with 3rd levels of disability, and, as an exception, persons with 1st and 2nd levels of disability are offered profession selection consultancy, where the level of correspondence of capabilities of the persons with a certain profession is assessed. Thus, during 2007 around 273 persons with disabilities received profession selection consultancy, 38 persons with disabilities (15 of 1st and 2nd levels, 23 of 3rd level) have graduated vocational training courses.

105. Persons with disabilities are involved, along with other unemployed persons, in public works paid by the local public administration authorities, being motivated by means of payment from the Unemployment Fund of monthly allowances equal to 30% of the average salary for the preceding year, at the date of the decision to pay the allowance, for a period that does not exceed 12 months. During 2007, 3107 unemployed were involved in public works, including 22 persons with disabilities.

106. With the purpose to increase the economic activity rate of persons with disabilities and their better inclusion, the National Strategy on Employment Policy for years 2008–2011 provides for support in matriculation of persons with disabilities at specialised educational institutions, their larger inclusion and inclusion of other socially vulnerable

groups in programmes of training and retraining of labour force. Also it is planned that statistical data will be developed for persons with disabilities.

107. With the purpose to implement the Process of motivation of employers to involve graduates from higher educational institutions, including persons with disabilities, adopted as part of the Government Decision No. 594 from 20.06.2005, the state budget for years 2005–2006 has reserved and has subsequently transferred to the state social insurance budget an amount of 1,064 million lei.

108. According to the Law on state social insurance budget for year 2006, the Unemployment Fund was offered financial resources directed to compensate the expenditures related to the purchase of equipment necessary to accommodate the working stations for persons with disabilities, which amounts to 0.5 million lei.

## **2 (b) Job creation**

109. New jobs creation in sectors of national economy must be attained as a result of the implementation of the measures and specific actions provided for in the following normative acts:

(a) Government Decision No. 1332 from 22.11.2006 „on the measure of implementation of the objectives of creation until 2009 of 300,000 jobs and increase of the average monthly salary to an equivalent of 300 US dollars”;

(b) Action Plan on the rationalisation of the local and central public administration activities, adopted by means of Government Decision No. 1379 from 13.12.2004;

(c) Raion Social and Economic Development Programmes for years 2005–2015 and local employment Programmes of the local public administration authorities for years 2007–2008;

(d) Job creation is considered the main active measure on the labour market which supports the growth of employment ratio, prevents and limits unemployment. During 2005–2007 151,600 new jobs have been created. In 2007 alone the national economy sectors registered 87,100 new jobs, with a rate of 22.6% and 22.1% for industry and commerce respectively, 11% for agriculture, forestry and hunting and 10% for constructions (Table 4 from Annex No. 1).

110. An important role in the promotion of the processes that took place on the labour market have both the policies oriented towards persons in search for a job, as well as policies directed to motivate employers to create attractive conditions of employment. Therefore, the activity undertaken by the regional employment agencies was concentrated on diversifying the activities and services on the labour market. Presently, 12 regional agencies have functional phone cubicles, 16 agencies have been equipped with self-service rooms, 10 modern self-service stations have been installed within two employment agencies. In 2007 alone 5558 unemployed persons received the services of the phone cubicles. By means of the 71 jobs fairs organised in 2007, 11,500 new jobs have been presented by 709 employers, as a result 2,172 persons being subsequently employed.

111. Adaptable small and medium-sized enterprises are the future of the modern national market economy.

112. Employment growth may take place not only through creation of new modern and competitive jobs in existent enterprises, but also by means of creation of new, modern and competitive enterprises and new markets of goods and services. Jobs are productive and sustainable only when they ensure maximum profitability for enterprises.

113. In order to ensure the right to employment and reduce the impact of unemployment, a list of actions were undertaken in years 2004–2007:

(a) Part of the Moldovan and Swedish project “Support to Public Employment Services in Moldova”, missions of foreign experts took place with the purpose to implement the planned measures in the chapter Creation of the National Labour Market Information Centre “Job Expo”. In June 2007 a workshop on the development of the contents of the Strategy and Action Plan for the creation of the National Labour Market Information Centre Job Expo took place;

(b) With the purpose to facilitate the access to information on labour market, measures have been undertaken to create and ensure the functionality of the National Labour Market Information Centre (Job Expo). Negotiations took place with various potential partners, including on subjects related to necessary spaces for offices;

(c) According to the public Auction on acquisition of printing services from July 2007, 17 types of informational prospectus and 2 booklets have been presented for publication, which have been subsequently offered to persons in search for a job, this being part of the actions undertaken by the National Employment Agency (NEA) and its regional offices.

114. The International Labour Organisation (ILO) offered its contribution to the strengthening of the National Employment Agency (NEA) capacities by means of undertaking an audit of the competences of the Agency and offering a list of recommendations to the Government to rationalise the activity of this institution, which has a separate role on the labour market. ILO also contributed to the strengthening of the knowledge and the capacities of the NEA representatives by means of organising workshops and training courses on issues of prevention of human trafficking and delivery of assistance to potential migrants and persons in search for a job. The International Labour Organisation has published a series of training materials for NEA. These materials referred to the issues of management of workforce migration and assistance offered to potential migrants and have been used during the workshops and disseminated by NEA during the Job Fairs. Among the published materials are: Guidelines on prevention of discrimination, exploitation and abuse of migrant women (5 guidelines), the Labour Market (News Bulletin), Booklets: “Helping women in search for a job abroad”, “Motivation of workforce mobility”, “For job seekers”, “Vocational training – your chance”, “Youth involvement on the labour market”. The International Labour Organisation supported the creation of the webpage of the National Employment Agency, which has as main aim the promotion of NEA services and visibility of this public institution’s activity.

115. As part of the efforts to increase access to the labour market of job seekers and efficient management of informational resources the National Employment Agency undertook specific actions to create the single informational system of the labour force. 10 specialised kits (software and hardware) were purchased with their subsequent instalment and usage within the employment agencies in self-service cubicles for persons in search for a job. On the webpage of the National Agency, [www.anofm.md](http://www.anofm.md), users have the possibility to access information on provided services, employment vacancies disaggregated into regions, in force legislation on employment, news on the labour market, as well as on-line consultations etc.

116. Active measures of stimulation of employment are:

(a) Increase of possibilities of employment for job seekers;

(b) Motivation of employers to involve the unemployed and new job creation.

117. Increase of possibilities of employment for job seekers is attained through labour mediation; access to information and professional counselling; professional guidance and training; organisation of public works.

118. Passive measures (which provide for payment of allowances) are inferiorly placed – a fact that influenced the structure of the sustained expenditures by the Unemployment Fund. 356 trainings of the Labour Club took place with the participation of 4478 persons, 1262 benefited from matriculation to vocational training courses and 883 have been employed. Individual professional counselling and guidance was offered to 14576 persons, group consultations – to 8679 persons, and training seminars in techniques and methods of job research – to 2589 persons.

## 2 (c) **Right to professional counselling**

119. Professional counselling of unemployed persons is attained by the bodies of the National Employment Agency on a contract's basis, through educational institutions of the Ministry of Education and Youth, of other ministries, of the associations of employers and trade unions. Selection of providers of vocational training is done according to the Procedure of Public Procurement.

120. Cooperation takes place with 47 educational institutions which have different forms of property: training schools, industrial schools, course instruction centres and mixed schools, specialised high schools and higher educational institutions, undertakings. Educational institutions possess laboratories and training rooms equipped with machinery capable to train over 40 crafts and cooperate with a large network of undertakings where students have their industrial training, being subsequently employed.

121. During the reference year 4616 persons graduated one type of vocational training, out of which 3551 women or 77%, whilst the quota of persons between 16 and 29 years constituted 77.7% (3,055 persons): first time trained – 3,285 unemployed, or 71.2% from the total number, retrained – 988 (21.4%) and vocationally trained – 343 (7.4%).

122. Out of total registered 48,396 persons with the regional agencies, the rate of persons matriculated and graduates of the vocational training courses is around 10%. Thus, every 10th registered unemployed benefited from such trainings.

123. The emphasis on vocational training of the unemployed is there to cover the needs of the undertaking by means of signing tripartite contracts. 16 tripartite contracts have been signed with 22 undertakings and 9 regional agencies. 3,425 persons that graduated vocational training have been employed, which is 74.2% on average in the country.

124. The Vocational Training and Scientific Research Institute, as part of the Academy "Ștefan cel Mare" of the Ministry of Internal Affairs, ensures vocational training to the employees of the agencies and subunits of the Ministry and attainment of the scientific research with the purpose to ensure the scientific and analytical activity of the internal affairs agencies (IAA). The institute is also responsible for the training, vocational training and testing of private security organisations, on the basis of contractual relations.

### *Professional guidance*

125. Access to all services of professional guidance is free of charge in the entire public sector.

126. In order to implement the Decision of the Parliament of the Republic of Moldova No. 253-XV from 19 June 2003 "on the approval of the Concept of guidance, training and professional initiation of human resources" "Regulations on professional guidance and psychological support of the population on carrier issues", were developed and adopted by means of Government Decision No. 450 from 29 April 2004.

127. The Regulations set the procedure and conditions of management, delivery and financial support of the activities of professional guidance and psychological support of the population on carrier issues and ensures equality of opportunity for all the members of the society, excluding any form of discrimination with regard to profession and employment.

128. The same Regulations provide for that foreign citizens and stateless persons, who live of the territory of the Republic of Moldova benefit, under the condition stipulated by law, from all the services of professional guidance and psychological support.

129. Order No. 51 of the National Employment Agency “on the standard procedure on the professional guidance and information activity and the methodological Recommendations on the organisation of professional guidance activities within the National Employment Agency” regulates all the services of professional guidance delivered to persons in search for a job, and which provides that any interested person has the right to benefit from free professional guidance services during their entire active life, depending on age and interests.

#### *Professional training*

130. Professional training of the unemployed is organised on the basis of the following normative acts:

- Law on employment and social protection of persons in search for a job, No. 102-XV from 13.03.2003 which provides that:

#### *Article 25. Professional training management:*

- (1) In order to ensure the professional mobility and integration or reintegration in the labour market, the unemployed persons have the right to undertake vocational training, re-qualification and professional training courses, organised by the National Agency, for a period of up to 9 months.
- (6) Professional training of unemployed persons takes place in accordance with their individual necessities and capacities, taking into account the current needs and the perspectives on the labour market.

#### *Professional counselling and training services for persons with disabilities*

131. With the purpose to integrate persons with disabilities of 3rd level of gravity as well as of the 1st and 2nd level of gravity for certain works on the labour market professional selection and matriculation to courses was organised. During 2007 informational and professional counselling services were delivered to 273 persons, out of whom 38 have graduated professional training courses (15 persons – with the 1st and 2nd level of gravity, 23 persons – with 3rd level of gravity).

132. The National Employment Agency cooperates with regional nongovernmental organisations, which offer assistance in the selection of personnel, pay some charges for accommodation, food or procurement of necessary tools to learn the craft.

133. The financing of the professional counselling and training activities is made from the State Social Insurance Budget which is allocated to the Unemployment Fund. In 2007 9.5 million lei have been committed for professional training of the unemployed, which is 25.8% from the sources of the Unemployment Fund, whilst in 2008 – 14.1 million lei, which is 29.6% of the unemployment fund.

#### *Article 26. Beneficiaries of professional training:*

- (1) Access to professional training is done according to the activities of professional guidance or mediation.

(2) Access to professional training is open to every person of 18 years and older, that has been registered at an agency, which possesses or does not possess a craft (profession) and cannot be employed due to lack of respective vacancies. Persons of 17 years also have the right to professional training, if they have been dismissed or if one or both parents are missing.

(7) Persons mentioned in this article can benefit from free professional training services one time only according to the Governmental Decision No. 1080 from 5 September 2003 “on the approval of the Regulations on the management of professional training of the unemployed”, which sets the management rules, delivery and financial support of vocational training, re-qualification, upgrade courses and other forms of professional training for the unemployed.

(a) Order of the Ministry of Labour and Social Protection No. 57 from 04.11.2003 and of the Ministry of Education No. 522 from 07.11.2003 “on the approval of the Methodological Norms on management and delivery of professional training for the unemployed”;

(b) Order of the National Employment Agency No. 55 from 01.06.2004 “on the approval of the Regulations on the organisation and management of the competition for the selection of professional training”;

(c) Order of the Ministry of Labour and Social Protection No. 230-P from 05.08.2004 “on the professional training of marginalised persons”.

134. As a result of the reorganisation of the central public authorities, the professional training of pupils, of the young and the grownups is managed by the subdivisions of the Ministry of Education and the Ministry of Economy and Trade (National Employment Agency), to which the private sector and the non-governmental sector is added.

135. In 2007, 8,883 persons with unemployed status have benefited from professional training and guidance sector services, including professional counselling and guidance and professional selection consulting, out of which 5,197 women and 5,493 men. In order to ensure undertakings with personnel 1056 persons have been matriculated to vocational training courses, 1366 persons (including 993 women or 68%) have graduated the courses, 1,697 persons were in process of completing courses at the moment of reporting; training at the place of residence constitutes 58%.

136. The contracts on vocation training of unemployed persons signed by the regional employment agencies for year 2008 received notices, were verified and coordinated.

137. Data on the following have been developed: implementation for 2007 of the National Plan “Promotion of gender equality in society for years 2006–2009”; on implementation of the Government Decision No. 1453 from 21.12.2006 “on the approval of the Action Plan to support the Roma community of the Republic of Moldova for the years 2007–2010”; on the undertaken actions to implement the “Strategy of support of small and medium size enterprises development for years 2006–2008”, on the implementation of the provisions of the Government Decision No. 605 from 31.05.2007 on “the National Strategy on the employment policies for the years 2007–2015” chapter “Professional training and guidance of the unemployed”.

138. During the reporting period the synthesis data for the World Bank was developed on the basis of the First Analysis of the Public Expenditures for the period of 2004–2006 (with the necessary annexes), on the graduation of professional training courses of the unemployed in the section of educational institutions which deliver professional training and crafts/professions for which professional training courses of the unemployed were organised, as well as the “Medium term expenditure framework for years 2009–2011” chapter “Professional training and guidance of the unemployed”.

139. Data on professional training of the unemployed for years 2000–2007 – number of matriculated persons, number of graduates, number of persons employed after training etc. (Table 5 from Annex 1).

140. Expenditures for organisation of professional training courses for the unemployed have been covered by the Unemployment Fund, the Budget of the National Agency of Social Insurance of the Republic of Moldova (for details please consult Table No. 6, Annex No. 1).

141. Professional training is also accessible outside the National Employment Agency, by means of conclusion, in accordance with articles 215 and 216 of the Labour Code of contracts of professional qualification, of contracts of continuous professional training or contracts of probation. The contract of professional qualification and the contract of continuous professional training is signed between the employer and the employees of the section who wish to continuously train in their profession and are additional to the individual labour contract. With regard to the probation contract, this is a civil law contract and may be signed between the employer with young persons from outside the unit, with the purpose to obtain a qualification, specialisation or profession. During the whole duration of these contracts the labour legislation is applicable to employees and the apprentices that have signed them, including the principle of equality in rights of all employees, set by articles 5 and 8 of the Labour Code.

142. On 17 March 2008 a specialised craftsmen school was opened with the specialisation manicure in the Penitentiary No. 7 – Rusca, which is part of the overall objective of the Project “Social integration of the detainees” held in detention in the above mentioned penitentiary. This was possible with the support of the Republican Society for Social Protection of Minors and the Youth “Insula Speranței”, as well as the support of the International Organisation for Migration (IOM) from Moldova. Within the same programme the employees of the Society “Insula Speranței” have organised a music concert for the detainees, in the interpretation of the students from the Art University of Moldova. These types of initiatives are increasing in number and are more and more fruitful.

143. According to article 22 of the Law No. 162-XVI from 22 July 2005 on the status of the military, there is a possibility of professional training and inclusion in a non-military sector.

144. With the purpose of creation of a system of professional re-conversion and social adaptability of the military serving on the basis of a contract and of the citizen transferred in reserved forces, the Government adopted by means of its Decision No. 1042 from 19 September 2007 the Regulations on the professional conversion of social adaptability of the military personnel serving on the basis of a contract and of the citizens transferred in reserved forces.

145. The Labour Code contains a separate chapter – “Professional Training”. Article 212 contains the definition of “professional training”, which is understood as any process of training as a result of which an employee obtains a qualification. Articles 213 and 214 provide for the rights and obligations of the employer and of the employees in the field of professional training. The conditions, methods, duration of professional training and the amount of financial services allocated in this respect (of an amount not less than 2% of the salary fund of the unit), are set by the collective labour contract or the collective convention. If the participation of the employees at the professional training courses or internships is initiated by the employer, all related costs are covered by the later. Issues that deal with the signature of the contract of professional training, of the contract of probation and of the contract of continuous professional training are regulated by articles 215 and 216 of the Labour Code.

146. As a result of the economic decline in the '90s in the Republic of Moldova, the indicator "labour productivity" is not estimated by the National Statistics Bureau and is not reflected in the development of the economic policies.

## **2 (d) Professional and technical education**

147. The system of professional education of employees in the Republic of Moldova comprises 31 higher educational institutions, 49 medium specialised institutions (colleges) and 75 secondary professional institutions, including 14 universities, 6 colleges and 2 private craftsmen schools. The total number of students and pupils in the higher education constitutes 122,900 students; medium specialised education – 31,300 pupils and in secondary professional education – 24,500 pupils.

148. The State policy in the field of development of resources is directed towards allowing the young generation universal access to higher, medium specialised and secondary professional high quality education, as well as a corresponding job after graduation of the educational institution.

149. According to the Law on education, No. 547-XIII from 21 July 1995, other normative acts, the Government annually adopts the matriculation quotas in the professional education institutions, developed on the basis of the personnel necessities on the labour market, as part of the socio-economic development tendencies of the country.

150. Professional education of specialists in the Republic of Moldova is done in accordance with the Classifier of specialisations for professional education of personnel in the higher and medium specialised educational institutions, adopted by Law No. 1070-XIV from 22.06.2000 and on the basis of the Classifier of professional education sectors and of specialisations for personnel formation in higher educational institutions, 1st cycle, adopted by Law No. 142-XVI from 07.07.2005, which regulates the process of professional education arising from the necessities of the country. Also, the formation of qualified labourers takes place in accordance with the Government Decision "on the approval of the Classifier of crafts (professions) for training and formation of personnel in the secondary professional education", No. 1421 from 18.12.2006.

151. After Republic of Moldova adhered to the Bologna Process, on the basis of article 28 of the Law on education, up to 50% of the total number of graduates of the 1st cycle, holders of licence diplomas of the respective year, may be matriculated for higher master's studies.

152. In order to ensure the normative framework of management of higher master studies, by means of Government Decision No. 1455 from 24.12.2007, the Regulations on the management of higher master studies was adopted.

153. With the purpose to create the necessary number of personnel for the economy of the country, the Ministry of Economy and Trade estimates the necessities of workforce for the activities of the economy based on the demographic changes, which take place in the country and on the basis of the preliminary prognosis of macroeconomic indicators.

154. Thus, according to estimations, the growth of the needed workforce will increase from 38,400 persons in 2008 to 58,500 in 2015, whilst the needed workforce which requires professional education will increase from 30,700 persons to 47,600 respectively.

155. In the last years the total number of students in higher education has practically doubled in comparison with 1995, the biggest part of students (around 50%) being matriculated in specialisations such as economy, foreign languages, international relations and law. Thus in 2007 there were 2.3 times more students in comparison with 1995 and with around 42% more than in 2001, predominantly studies on the basis of contract. At the same time, the secondary professional education registered a significant decrease of

matriculations with state financing, presently only around 70% in comparison with the level registered in 1995.

156. For the first time by means of the Government Decision No. 434 from 25 April 2006 matriculation on basis of contract was adopted, which led to the reduction to a certain extent of the number of students in higher education, especially those with a weak educational background. Another Government Decision, No. 594 from 28 May 2007, similar in terms of contents, continued the tendency of reduction of number of students on basis of contract with payment of the enrolment fees, offering the possibility to study in the medium specialised and secondary professional education.

157. At the same time, in order to respect the right of persons to professional education, ensuring, on one hand the right of talented young people to high quality studies, and on the other the highest possible coverage of necessities of the national economy with young professionals, for years 2002–2007 the matriculation quota in higher education was increased with 3190 places financed by the budget or with 62.7% more than it was in 2001, the same tendency being maintained in the future.

158. The situation of employment of graduates of professional education institutions is rather complicated, not as much as because of the lack of jobs which are sufficient in the country, but because of the inadequate remuneration closer to the European Union countries' standards. According to official statistical data, during 2001–2007 from 14.7% to 9.3% of the graduates of higher education have been employed, for colleges this indicator having increased from 21.7% in 2001 to 37.3% in 2007.

159. Around 60–70% of the graduates of secondary professional education have been employed during the reference period. However, due to lack of record of employment of graduates the statistical data may be incomplete. In this situation, due to a lack of a proper vacancy, a considerable part of young professionals become unemployed or take up vacancies which do not correspond to the obtained profession.

160. Having as aim to secure constant economic, social and cultural development and a complete use of workforce, a list of actions have been taken to improve the situation.

161. By means of Government Decision No. 923 from 04.09.2001 "on the employment of graduates of higher and medium specialised state educational institutions" with the subsequent amendments of the Government Decision No. 433 from 25.04.2006 the mechanism of regulation of employment of young professionals with university and medium specialised studies was adopted. According to the Decision, the higher and medium specialised state education institutions sign up contracts with the students and pupils financed by the state, which are matriculated in 1st year of studies, according to which their employment will take place in accordance with the necessities of the state.

162. In accordance with Government Decision No. 1396 from 24.11.2003, starting with the year of studies 2003–2004, the education of doctors and pharmacists in post-university studies (residentiate) with state budget financing, is allowed exclusively on the basis of individual contract signed with the Ministry of Health.

163. The State offers a list of facilities at employment both for young specialists and employers. According to article 53 of the Law on education, graduates of higher and medium specialised educational institutions which enrol according to the allocation for educational institutions in rural areas in the first 3 years of employment are entitled to: free residence with the coverage of rent of the house; monthly compensation of the cost of 30 kW of electricity, one stere of wood and one ton of coal free of charge each year, as well as a single allowance of 30,000 lei for young specialists graduates of higher university educational institutions and 24,000 lei for young specialist graduates of medium specialised educational institutions.

164. These facilities for young specialists – employees in the health and pharmaceutical sectors are provided for in article 11 of the Law on health care No. 411-XIII from 28.03.1995, amended by Law No. 386-XVI from 08.12.2006, in force since 29.12.2006.

165. With the purpose to implement the Law No. 102-XV from 13.03.2003 on employment and social protection of persons in search for a job, by means of Government Decision No. 594 from 20.06.2005 the Procedure of motivation of employers to employ graduates of higher educational institutions financed by the state budget was adopted. According to this decision, the motivation of employers consists of a monthly sum of money, equal to a minimal salary, for a period of 12 months, for each graduate of higher educational institutions which is employed, which was financed by the state budget, subject to condition that the labour relations will be kept for at least 3 years. For enrolment of graduates with disabilities, the mentioned sum is paid for a period of 18 months.

166. A positive impact over the productive usage of workforce will have the implementation of the National Employment Strategy for years 2007–2015, adopted by Government Decision No. 605 from 31.05.2007, which will lead to the increase of level of employment and eliminate the disequilibrium on the labour market, extend the possibilities to reorient the economically active population to new labour sectors, development of the human potential through the reform of the qualifications and re-qualifications systems and mobility of the workforce.

167. In order to evaluate the situation on the labour market of different categories of persons, the existent problems and development of proposals of improvement of their situation on the labour market, following the public bid in June 2007, the Academy of Economic Studies delivered a research paper on the situation of women on the labour market, which was finalised in September 2007 and was placed at the disposal of labour market partners and published on the website of the National Employment Agency [www.anofm.md](http://www.anofm.md) and the governmental portal of the labour market of Moldova [www.jobmarket.gov.md](http://www.jobmarket.gov.md). (Table 7 from Annex No. 1).

## Article 7

### 1. ILO Conventions

168. Republic of Moldova is a party to the following International Labour Organisation Conventions:

- Convention on Minimum Wage Fixing, 1970 (No. 131), ratified by Decision 610-XIV from 01.10.1999
- Convention on Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (No. 100), ratified by Decision 610-XIV from 01.10.1999
- Convention on Annual Holidays with Pay (Revised), 1970 (No. 132), ratified by Decision 1330-XIII from 26.09.1997
- Convention on Labour Inspection, 1947 (No. 81), ratified by Decision 593-XIII from 26.09.1995
- Convention on Labour Inspection (in Agriculture), 1969 (No. 129), ratified by Decision 1330 -XIII from 26.09.1997
- Convention on Occupational Safety and Health and the Working Environment, 1981 (No. 155), ratified by Decision 755-XIV from 24.12.1999

169. The Committee of experts received the following reports on the implementation of ILO Convention, among which are:

In 2005: Conventions No. 81 and No. 129; in 2006: Convention No. 100; in 2007: Conventions No. 81 and No. 131.

## 2. The remuneration policy

170. With the purpose to implement the provisions of the Law No. 1432-XIV from 28 December 2000 the Government Decision No. 575 from 24 May 2007 “on setting the minimal country salary” was adopted, which starting from 1 April 2007 sets the minimal salary for the country equal to 400 lei per month for a complete working programme of 169 hours (average per month), which represents 2,37 lei per hour. If the working programme is, according to the law, shorter than 40 hours per week, the minimal salary per hour is calculated by the undertakings by dividing the minimal monthly salary, set in the present chapter to the average number of hours worked in one month, according to the approved working programme. According to the Government Decision No. 152 from 19 February 2004 and the Collective Convention (at national level) No. 1 from 3 February 2004 “the remuneration of employees who are under individual labour contracts”, beginning with 1 June 2007, for the 1st category of qualification of employees in the units with financial autonomy, notwithstanding the type of property and the legal form, is the following:

- For employees of undertakings in the agriculture or forestry sector, with the exception of auxiliary personnel of the agricultural sector – in amount of minimum 4,15 lei per hour or at least **700 lei per month**
- For employees of undertakings with financial autonomy in other sectors of economy in amount of minimum 5,33 lei per hour or at least **900 lei per month**
- For the auxiliary personnel in the agricultural sector – in amount of at least 3,26 lei per hour or at least **550 lei per month**

171. Also, the average monthly salary of the country is 2065 lei for year 2007 (Official Monitor of the Republic of Moldova, 2008, No. 57–60). Further, in accordance with the Law No. 489-XIV from 8 July 1999 on the public system of social insurance the Government Decision No. 1419 from 17 December 2007 was adopted, according to which the average country salary amount per month forecasted for 2008 is 2630 lei which will be used in accordance with the law.

172. An important element that describes the quality of workforce is the cost of the workforce or the level of labour motivation of employees. The implementation of the new system of remuneration in the budgetary sector ensured a real increase of employees’ income.<sup>4</sup> Thus, in 2007 the average monthly salary of an employee of the national economy increased compared to 2006 with 21.5%. The real salary increased with around 8%. In the budgetary sector the average salary increased with 12.9%, whilst in the production sector of economy – with 25.2%.

173. In spite of these factors, the existent possibilities of labour motivation do not stimulate the workforce, the level of income in the majority of sectors of the economy remain at a low pace, which does not represent a guarantee of a life outside poverty. The undertaken actions have ensured a real increase of income for employees, this increase being mostly generated by the implementation of the new system of remuneration in the budgetary sector.<sup>5</sup>

174. The list of legislative and normative acts that have been adopted and implemented after 2000:

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<sup>4</sup> Law No. 355-XVI from 23 December 2005.

<sup>5</sup> Law No. 355-XVI from 23 December 2005.

- The concept of reform of the remuneration system, adopted by Parliament Decision No. 1238-XIV from 28 September 2000
- Law on the method of setting and revising the minimal salary No. 1432-XIV from 28.12.2000
- Law on remuneration No. 847-XV from 14 February 2002
- The Labour Code of the Republic of Moldova, adopted by Law No. 154-XV from 28.03.2003
- Law No. 355-XVI from 23 December 2005 on the remuneration system in the budgetary sector
- By means of Government Decisions the amounts of the minimal salary for 1st category of qualification of employees in the financially autonomous units and the amount of minimal salary per country are established

175. The concept of reform of the remuneration system was adopted by Parliament Decision No. 1238-XIV from 28 September 2000 after receiving the proposal from the Government.

176. According to the Concept, the reform of the remuneration system had as aim attainment of the following objectives:

- (a) Ensuring real increase of remuneration for employees, creation of supplementary labour motivation and impetus, increase of quality and efficiency of the employees' labour;
- (b) Increase of level of minimal state guarantees related to remuneration;
- (c) Increase of the stimulatory role of the salary for the efficient work and elimination of existent disproportions in remuneration;
- (d) Fixing the salary as the main part of the entire volume of earnings, elimination of excessive discrepancies between the minimal and the maximal level of remuneration both in a certain sector and between sectors of economy;
- (e) Regulation of level of remuneration in sectors of national economy and at the level of undertakings on the basis of signed collective labour contracts, etc.

177. The Concept stipulates the switch from setting the minimal salary through Presidential Decree to its setting by Government Decision, amendment of the grades system of remuneration with the application of a 8 step gradation for employees of the production sector of economy and the Single Grades Remuneration System for the employees of the budgetary institution by setting remuneration grades for each remuneration category to ensure differentiation of employees' remuneration according to individual performance and setting remuneration to persons with public responsibilities on the basis of monthly allowances as the only form of remuneration, state regulation of remuneration through the means of social dialogue.

178. With the purpose to implement the Concept of reform of the remuneration system 4 laws and a list of Government Decisions were adopted.

179. Method of setting and re-examination of the minimal salary, adopted by Law No. 1432-XIV from 28 December 2000, is applicable starting on 1 January 2001.

180. The minimal salary represents the minimal amount of retribution in lei, set by the state for a simple, non-qualified labour, under the level of which the employer may not pay for the amount of work per month or per hour delivered by the employee.

181. The minimal salary does not include adds, increases, compensatory and motivation payments. The amount of the minimal salary is determined in **accordance** with the specific economic conditions and the level of the average salary per national economy.

182. The law on remuneration No. 847-XV from 14 February 2002 is the normative basis for remuneration management. The law regulates the main provisions from the Concept of the reform of the remuneration system, such as: the grades of the remuneration system, state regulation of remuneration; regulation of remuneration by means of social partnership and dialogue; the time, periodicity and the place of payment of remuneration, etc. The law is applied integrally and efficiently in all the sectors of the national economy and in the last 6 years did not suffer essential amendments.

183. The Law provides that:

Article 14:

(1) The grade salary of the 1st category of qualification in the Grade Network is the main and mandatory component of the Grade System and is the basis for establishment in the collective and individual labour contracts the grade salaries and the salaries for a specific function.

(2) The grade salary for the 1st category of qualification (remuneration), as an indicator that determines the level of remuneration of employees at national, sector, territorial and undertaking level, for a certain period of time, is equal or higher than the minimal country salary and is legalised:

(a) For employees of the budgetary sector – by means of Government Decision;

(b) For employees of the production sector – by means of Government Decision, on the basis of the agreement between the social partners, legalised by a collective labour contract signed at national level;

(c) For employees of the production sector, attached to certain sectors of national economy – through negotiations, in collective labour contracts at sector level, in an amount equal or higher than the amount set at national level, taking into account the complexity factor recommended by the Government for the respective sector;

(d) For employees of the undertakings with financial autonomy – through negotiations, in collective labour contract at the level of undertaking, at an amount not smaller than the amount set at national, sector or regional level, whichever is the case.

(4) The grade salary for the 1st category of qualification (remuneration) is re-examined every time it is deemed necessary, in accordance with the established procedure in the collective labour contract signed at the respective level and depending on specific economic circumstances, increase of production efficiency and the cost of life, financial possibilities of undertakings and other socio-economic conditions.

Article 28:

(1) Undertakings deliver the payment of salaries as a priority to other payment, transferring at the same time the mandatory social insurance payments.

(2) The subjects of remuneration management do not have the right to unilaterally adopt decisions on issues of remuneration, which worsen the conditions set by law and by collective labour contracts.

184. With the purpose to manage the retribution of employees in the production sector of the economy according to the provisions of the Concept and the mentioned law a list of Government decisions have been adopted on the establishment of the grade salary for the 1st category of qualification of employees from undertakings with financial autonomy.

185. Thus, at the moment of the approval of the Concept, the grade salary for the 1st category of qualification as a minimal stat guarantee of retribution of employees in the production (private) sector was increased 7 times. Starting with 1 June 2007 the grade salary for the 1st category of qualification reaches, according to the Collective Convention (at national level) No. 7 from 18 May 2007, the amount of 900 lei per month (in 2000 it was 65,45 lei).

186. The Grade System was approved for workers having 8 categories of qualification, with the application of the framework of grade coefficients. For other categories of personnel the other elements of the salary as set in accordance with the qualification, the level of professional training and competence of the employee, the level of responsibility which the works entail and their complexity issues.

187. The appreciation of complexity of performed works and the individual performances in order to set the salary in accordance with the set grade salary for the 1st category of qualification is done through collective and individual negotiations between the employers and the employees (Table 8 from Annex No. 1).

188. Retribution of employees from the institutions financed by the budget is regulated by Law on the retribution system in the budgetary sector No. 355-XVI from 23 December 2003. The law sets three modalities of retribution of employees and namely:

(a) On the basis of monthly salaries – for persons that hold public responsibility positions and those that hold public positions of first level;

(b) On the basis of the retribution grades – for public servants and the officers from the central bodies of the national defence bodies, state security and public order;

(c) On the basis of the Single Grades Remuneration System – for employees in the educational sector, health, social assistance, science, culture, arts, sport, other budgetary units, as well as for the personnel and command units of the national defence, state security and public order.

189. The implementation of the new system of retribution is planned to take place in stages, during the period of 2006–2010, beginning with 1 December 2005, there being periods set for the implementation of each remuneration norm, with the possibility of their annual correction depending on the amount of allocated funds in this respect from the national public budget for the respective year.

190. In accordance with article 128 (2) of the Labour Code when the salary is established and paid discrimination on sex, age, disability, social origin, family situation, ethnic, race of nationality affiliation, political opinion or religion, trade union affiliation or activity is prohibited.

191. The law on remuneration No. 847-XV from 14 February 2002, article 3 (1) provides that the retribution of the employee is dependant upon the demand and offer of workforce on the labour market, of the labour quantity, quality and complexity and working conditions, professional qualities of the employee, the results of work and/or the results of the economic activity of the undertaking, whilst article 27 (3) specifies that when establishing the amount of the salary discrimination based on age, sex, racial or national origin, political opinion, religion or wealth is prohibited.

192. For each employee, notwithstanding their gender (man or woman), the State, according to article 129 of the Labour Code, guarantees the minimal salary, state grades for remuneration, as well as adds and supplements having a compensatory nature.

193. The principle of equal pay for equal work is of a general nature and does not entail any exceptions. With respect to the procedures meant to ensure its application, these take place through the ordinary mechanisms of application of international ratified documents: provision in national labour legislation of state and private control of correct application of the labour legislation in force (labour inspection, trade unions, associations of employers) and application of a system of sanctions for breach of internal norms adopted on the basis of international rules.

194. Although with the beginning of 2000 the average monthly salary rose with substantial pace, significantly overstepping the growth of productivity, the level of pay in most of the sectors remains low. Especially low is the level of remuneration in agriculture and budgetary sectors (education, healthcare, culture etc.).

195. Continuous increase of the level of pay in the context of insufficient investments which does not generate increase of productivity represents a threat for the competitiveness of the local production.

196. Information on the correlation between the average monthly salary and the level of living of the population in years 2001–2007 are presented in Table No. 9 from Annex No. 1.

197. In accordance with article 4 of the Law No. 140-XV from 10.05.2001, Labour Inspection, as part of its competences, organises controls on accurate application of labour remuneration and has the right to request and to receive necessary information related to the exercise of its functions from central and local public administration authorities, from legal entities and physical persons and to impose administrative sanctions, as provided by law, including fines, for breach of legislative acts and other normative acts related to working conditions and protection of employees during the exercise of the functions.

198. The dynamics of the average monthly salary of an employee of the national economy, including the production and budgetary sectors and disaggregated on economic activities, is presented in Table No. 10 from Annex No. 1.

#### *Ensuring equality of employees*

199. Ensuring equality of employees, without any discrimination, including at promotion stage, while taking into account the labour productivity, qualifications and length of experience with a certain specialisation, is amongst the fundamental principles of regulation of labour relations, set by article 5 of the Labour Code in force.

200. This comes to complement the provision in article 8 of the Code, according to which any direct or indirect discrimination of the employee based on criteria of gender, age, ethnic group, religion, political opinion, social origin, residence, disability, trade union adherence or activity, as well as on other criteria not linked with professional qualities is prohibited. It is not discrimination in the sense of the Code establishment of differentiations, exceptions, preference or rights to employees, which are linked to the specific requirements of their work, set by legislation in force or by the special care of the state for persons that require increased social and legal protection.

201. Starting with the general rule, special normative acts that govern the activity of certain categories of employees contain more detailed provisions. Thus, the Concept on the personnel policy in public service, adopted by Parliament Decision No. 1227 from 18 July 2002 sets objectivity and transparency as main criteria that should be taken into account while offering promotion. According to the Concept, the procedures of promotion in

qualification titles and promotion in positions must guarantee non-discriminatory and equal treatment for every public servant, according to the results of one's evaluation. In this context, activity evaluation must be made by the committees of human resource management, leaders of all levels inside the public authority and/or independent external evaluators on the basis of very clear, commensurable, limited in number and applicable criteria, developed in accordance with the description of the vacancy.

202. The issue of discrepancies of remuneration between men and women continues to be a serious one. Thus, in 2007 the average monthly salary for women constituted 72% of the average monthly salary paid to men, having increased compared to 2006 with 4.7%. The mentioned discrepancies are conditioned by the fact that women mostly work at positions with lower level of payment.

203. At the same time, direct gender based discrimination within the same type of position is excluded. This situation generates impediments for men being involved in important social activities, which are poorly paid (education) and in women being involved in work well paid, but hardly accessible for women (constructions, transport, etc) (See Table No. 7 from Annex No. 1).

204. Pay differences between men and women are explained by a list of factors. One of the causes is unbalanced gender vertical and horizontal professional distribution of population. Thus, almost half of the employed women are in the agricultural sector, but in this sector most of women take up the least qualified works and respectively have lower salaries than men, which are employed at positions with a level of qualifications.

205. Another predisposition for pay discrepancies between men and women is the fact that women are concentrated in specific activity sectors where the average monthly pay is lower than in the sectors where the presence of men is higher. Also, women are underrepresented at the heights of the professional pyramid. Or, as we know, it is the pay of the superior managers that has grown in the last period. The number of women overcomes the number of men in the category of lower level servants, such as the technical staff, secretaries etc.

206. A negative phenomenon which persists in remuneration is the presence of pay debts.

207. Even though actions have been taken to eliminate this phenomenon of delay in salary payment, until the present moment there are still cases of 2–3 month delay in payment of salaries. According to the statistical data for February 2008, the pay debts have amounted to 72.4 million lei. Significant debts exist in a group of sectors of activity. Thus, pay debts in agriculture have constituted 42.3 million lei (in this sector the average salary is already one of the lowest in comparison with other sectors of activity of the national economy); in the industrial sector – 19.9 million lei, especially in the processing industry – around 15.3 million lei; in transport and telecommunications – around 2.7 million lei; in constructions – around 2.9 million lei.

208. Another factor that constitutes a breach of rights of employees is that at many undertakings the employees are not informed in written of the component parts of the salary which they are entitled to for the respective period, on the amount and reasoning for certain part of the salary which are withheld, on the total amount they are entitled to receive, thus, the provisions of article 30 paragraph (2) of the Law on remuneration and article 142 paragraph (3) of the Labour Code being breached.

209. Even though during years 2000–2007 the salary in the budgetary sector had higher paces of growth compared to the production sector, nevertheless until now there is sufficiently substantial discrepancy between the minimal guarantees of the two sectors (the grade salary of the 1st category of pay in the budgetary sector is 2.25 times smaller than the

grade salary for the 1st category of pay in the production sector of the economy). In this sense, in many cases for the same work in different sectors there are different paid salaries.

210. Alongside those mentioned above, it is worthwhile mentioning that in accordance with the Labour Code reaching the pensioning age does not constitute a reason of dismissal.

### **3. Equal opportunities**

211. Article 3 of the Law on labour protection (No. 625-XII from 1 July 1991) provides that labour protection Laws, standards, norms, rules, notices are mandatory for all state bodies and economic agents, enterprises, institutions, organisation, all official representatives and employees:

(a) The labour protection legislation extends to all employees that are in employment relations with enterprises, institutions, organisation with different forms of property and to households, including with individual employers; on members of cooperatives, students and pupils of the profession and technical, medium specialised, and general schools which practice production internships; on all military personnel enrolled to work in enterprises, on persons that bear their conviction in accordance with the decision of a court of law during the working period at the enterprises appointed by the bodies responsible with the management of application of convictions; as well as to the performers of other types of activities, organised in the interest of the society and the state;

(b) The indicators on the number of industrial accidents in years 2002–2006, the situation of industrial accidents at working stations during years 2000–2006 and the analysis of the serious and lethal industrial accidents that took place during years 2003–2007 and in the first quarter of 2008 are reflected in Tables No. 11, 12, 13 from Annex No. 1.

### **4. Gender legislation**

212. The Constitution of the Republic of Moldova declares the equality between its citizens, without any difference of gender and does not contain discriminatory norms based on this criterion. The legislation of the Republic of Moldova guarantees equal rights to all citizens to participate in political, economic, social and cultural life.

213. The supreme law of the Republic of Moldova (the Constitution) ensures all its citizens equal rights before a court of law and public authorities, without discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, social origin or wealth (Art. 16 (2)).

214. These rights are included in Title II of the Constitution, thus repeating the rights stated in the “International Covenant on social, economic and cultural rights”, the Constitutional norms which provide that “the family is based on marriage commonly agreed by a man and a woman, on their equal rights, and on the rights and responsibilities of the parents to ensure the care and education of their children”. (art. 48 (2)), as well as the provisions of the Convention on the political rights of women, signed at New York (20.12.1952), ratified by Decision of the Parliament of the Republic of Moldova No. 707-XII from 10.09.1991 and Convention on elimination of all forms of discrimination of women, signed at New York (18.12.1979), ratified by Decision of the Parliament of the Republic of Moldova No. 87-XIII din 28.04.1994).

215. The Labour Code of the Republic of Moldova contains many provisions on assuring the security of equal rights between men and women. article 3 of this Code provides for that: “with respect to the equality of rights between men and women, they enjoy equality within their family relations, personal and property rights”. This norm is further developed in article 4. According to this article, “no form of direct or indirect restriction of established

rights, no type of direct or indirect advantages while founding a family and within family relations, the social and wealth status, race and nationality, sex, education, language, attitude towards religion, type and form of activity, place of residence and any other circumstances are to be admitted” in the Republic of Moldova.

216. The principle of equal opportunities between men and women promotes the protection, promotion and respect of human rights of women and men. Equality between men and women presupposes ensuring and granting equal opportunities for women and men in all the spheres of life.

217. During the last years Republic of Moldova undertook important legislative reforms in order to align national legislation to the international standards, especially those of the European Union. In the '90 Republic of Moldova ratified some international conventions in the field of human rights, including the Convention on the elimination of all forms of discrimination against women CEDAW (1994), Convention of the International Labour Organisation (ILO) on discrimination in the field of employment and exercise of profession (1995), ILO Convention on equal pay of women for a work of equal value (1999), The Revised European Social Charter (2001) etc. It is worthwhile mentioning that every one of these papers contains provisions which regulate the prohibition of discrimination between genders in many fields. Republic of Moldova incorporates directly the conventions, other international acts in its national legislative system.

218. With the purpose to ensure equal enjoyment of rights by women and men in the economic, social, cultural and other spheres of life, rights guaranteed by the Constitution of the Republic of Moldova, in order to prevent and exclude all forms of gender based discrimination the Law No. 5-XVI from 9 February 2006 on ensuring equality of opportunity between women and men was adopted.

219. The law fortifies equal access of women and men to public positions in administration bodies, possibility to file in the submission in elections and provides a list of obligations in the socio-economic field, especially employment, as well as some obligations for employers. According to the respective provisions definitions such as “discriminatory actions of the employer”, “unmotivated refusal of employment” are being given interpretation.

220. Also, there is the obligation to ensure equality of women and men in the field of education and health. For the breach of legislation on equality between women and men, the entities that have committed gender-based discriminatory acts are liable in accordance with the legislation in force.

221. By means of the provisions of the Law on equal opportunities of women and men the institutional framework in the field was fortified as the following institutions received competences in the field of equality between women and men:

- (a) Parliament;
- (b) Government;
- (c) The Governmental Committee on equality between women and men;
- (d) Ministry of Social Protection, Family and Child (specialised body);
- (e) Ministries and other central administrative authorities (gender units);
- (f) Local public administration authorities (gender units).

## 5. Limitation of the working time

### *Weekly working time*

222. According to the Constitution (art. 43 (3)), the duration of a working week is maximum 40 hours. The same normal duration of the working week is set by the Labour Code (art. 95). The mentioned period corresponds to the provisions of international acts in the field of labour, and, namely the provisions of the Convention No. 47 of the ILO on the reduction of the working time to 40 hours per week, ratified by the Republic of Moldova in 1995.

223. According to article 98 of the Labour Code, the distribution of the working time during the week, is usually uniform and constitutes 8 hours per day, for five days, with two days of rest.

224. At the same time, the undertakings where the working week of 5 days is not rational, it is admitted, as an exception, that the working week has 6 working days with one day of rest.

225. Distribution of the working time during the working week may take place also in compressed form, which consists of 4 days or 4 days and a half, with the condition that the weekly duration of the working time is not above the maximum legal duration.

226. The type of the working week, the working timetable (the duration of the working programme (the turns), start and conclusion of the working day, breaks, balance of working and rest days), are established by the internal Regulations of the undertakings, the collective or individual employment contracts, following the provisions of the legislation in force.

### *Daily working time*

227. In accordance with article 100 of the Labour Code, the normal daily working time is 8 hours.

228. For employees that have not reached 16 years, the daily working time may not exceed 5 hours.

229. For employees between 16 and 18 years and employees that work in harmful environment, the duration of the working day may not exceed 7 hours.

230. For persons with disabilities, the duration of the working day is established in accordance with the medical certificate, within the limits of the normal daily working hours.

231. The maximum duration of the daily working time may not exceed 10 hours within the limit of the normal working time of 40 hours per week.

232. For certain types of activities, undertakings or professions, by means of a collective agreement, a daily working time of 12 hours, followed by a rest period of at least 24 hours may be set.

233. The daily maximum working time of 12 hours is also admitted at the undertakings were, in accordance with article 107 of the Labour Code, a global record of the working time was introduced. Within this activity schedule the main condition is to fulfil the number of set hours for the record period (which may not be more than one year), the daily working time varying according to the necessities, but within the limit of those 12 hours provided for by the Code.

234. If this possibility is provided for in the internal Regulations or the collective agreement, the employer may set, with the written agreement of the employee, individualised working programmes, with a flexible schedule of the working time. At

works where this is deemed necessary due to the special character of the work, the working time may be split into parts, as provided by law, but the duration of the working time must not be longer than the duration of the set daily working time.

235. The duration of the working day may also be split into two segments: a fixed period, in which the employee is at his working station and a variable (mobile) period, where the employee selects its arrival and departure time, following however the daily working time.

236. In accordance with article 102 of the Labour Code, the duration of the working time right before holidays is reduced with at least one hour for all employees, with the exception of those which have already been assigned with a reduced period of the working day or partial working day.

237. According to article 96 of the Labour Code, the weekly reduced duration of the working time is:

- (a) 24 hours for employees between 15 and 16 years old;
- (b) 35 hours for employees between 16 and 18 years old;
- (c) 35 hours for employees that work under harmful working conditions, in accordance with the Classifier adopted by the Government;
- (d) 30 hours for persons with disabilities of 1st and 2nd grades (if they do not benefit from more advantageous treatment).

238. The partial working day or the partial working week is set with the agreement of the employee and the employer, in accordance with the provisions of article 97 of the Labour Code. At the request of the pregnant woman, of the employer that has children up to 14 years old or children with disabilities under 16 years old (including those under his/her tutorship) or of the employee which takes care of a member of the family that is ill, on the basis of the medical certificate, the employer is obliged to set the partial working day or working week.

#### *Supplementary work*

239. In order to ensure a reasonable period of working time, which would not harm the employee's health or the enjoyment of the right of rest, the Labour Code sets strict rules on the conditions under which supplementary work (work delivered outside the normal working time) may be asked for from the employer.

240. According to article 104 of the Code, the employees may be involved in supplementary work without their consent:

- (a) To deliver necessary works for country defence, to prevent an industrial accident or to eliminate the consequences of an industrial accident or of a natural disaster;
- (b) To deliver necessary works to eliminate situations which may sabotage the good functioning of water or electricity supply services, sanitation, postal services, telecommunications and IT services, of access points and public transport means, of fuel distribution installations, of health and sanitary institutions.

241. Involvement in supplementary works by the employer is done with the written consent of the employees:

- (a) To finalise the initiated work which, because of an unforeseen delay linked with the technical conditions of the production process was not possible to be finalised during the normal working time, and its interruption may cause deterioration or loss of the employer's or owner's goods, of the municipal or state property;

(b) To deliver temporary repair works of the equipment and installations, if their state of disrepair may cause cessation of work for an indefinite period of time and for many persons;

(c) To deliver works imposed by occurrence of certain circumstances which may cause the deterioration or loss of the unit's goods, including raw material or products;

(d) To continue work in case the other turn employee does not show up, if the works do not accept interruptions. In these cases, the employer is obliged to take immediate action to substitute the respective employee.

242. Involvement in supplementary work in other cases than those mentioned above is admitted with the written consent of the employee and of the employees' representatives.

243. The limit for delivery of works outside the scheduled hours is set to up to 120 hours in one year. In exceptional cases, with the consent of the employees' representatives, this limit may be extended to 240 hours. In any case, supplementary work may not have as effect increase of the daily working time more than to 12 hours.

244. Involvement of employees of up to 18 years old, of pregnant women, of women on afterbirth leave, of women with children of up to 3 years, as well as of persons for whom supplementary work is not recommended by medical certificate is not permitted.

245. Persons with disabilities of 1st and 2nd grade, women with children between 3 and 6 years (children with disabilities – up to 16 years), persons that combine childcare leave with work and employees that take care of an ill family member in accordance with the medical certificate may deliver supplementary work only with their written consent. At the same time the employer is obliged to inform in written form the mentioned employees of their right to refuse the supplementary work.

#### *Rest time*

246. **Lunch break.** According to article 107 of the Labour Code the employee must be ensured with a lunch break of at least 30 minutes during the daily working programme. The exact duration of the lunch break and its timeframe are set by the collective employment agreement or by the internal regulations of the unit. Lunch breaks, with the exceptions provided by the collective agreement or by the international regulations of the unit are not included in the working time.

247. **Daily rest.** The duration of the daily rest, which is between the end of one day of working programme and beginning of the next day working programme may not be shorter than the double of the daily working time.

248. **Public holidays.** The Labour Code provides for celebration on the territory of our country of 12 public holidays, which is paid to every employee in the amount of one average salary per respective amount of time.

249. According to article 111 of the Code, the following days are considered holidays in the Republic of Moldova:

- (a) 1 January – New Year's Day;
- (b) 7 and 8 January – Christmas;
- (c) 8 March – International Women's Day;
- (d) First and second day of Easter according to the ecclesiastic calendar;
- (e) The day of Monday of the week after Easter (Easter of the Dead);
- (f) 1 May – International Labourers Day;

- (g) 9 May – Victory Day and Day of commemoration of those who fought and died for the independence of the country;
- (h) 27 August – Day of the Republic;
- (i) 31 August – Holiday “Limba noastră”;
- (j) Day of the Titular Saint of the respective locality, declared by the town hall of the respective municipality, city, town, village.

250. **Annual paid leave.** In accordance with article 113 of the Labour Code, all employees are granted an annual paid leave, with a minimal duration of 28 days, out of which public holidays are excluded.

251. For the personnel of the educational institutions the Code provides (art. 299) an annual leave at the end of the school year with a duration of:

- (a) 62 calendar days – for the personnel from the higher educational institutions, from colleges, lyceums, gymnasiums and general schools of all types;
- (b) 42 calendar days – for the personnel from the preschool institutions of all types;
- (c) 28 calendar days – for the personnel from extra school institutions and sports schools for children.

252. The scientific personnel of all levels of educational institutions have an annual paid leave of 62 calendar days. The auxiliary personnel and the administrative personnel have an annual paid leave of 28 calendar days. At least once in 10 years of educational activity, the personnel of the educational institutions have the right to receive a leave of up to one year, under the conditions set by the founder and/or the statute of the respective institution.

253. According to article 112 of the Labour Code any employee which works on the basis of individual employment contract has the right to annual paid leave. The annual paid leave for the first year of work is offered after the expiry of 6 months of work at the respective unit. To some categories of employees (women – before the maternity leave or right after it, employees that have not reached 18 years) the annual paid leave for the first year of work is offered, on request, before the expiry of 6 months of work at the respective unit. Employees transferred from one unit to another also have the right to annual paid leave before the expiry of 6 months after the transfer. The annual paid leave for the next years of work may be offered to the employee, in the basis of a request, in any time of the years, in accordance with the established schedule.

254. In accordance with article 116 of the new Code, the scheduling of the annual leave for the next year is made by the employer, with the consent of the employees’ representatives with at least 2 weeks before the end of the every calendar year and is mandatory both for the employer and the employee. While scheduling the annual leave the position of the employees, as well as the interests of normal activity of the unit are taken into account.

255. Male employees, whose wives are on maternity leave, are offered annual leave, based on a written request, along with their wives leave. Employees that have not reached 18 years, women that have 2 or more children of an age up to 16 years and solitary parents that have a child of up to 16 years are offered annual leave during the summer time, or on the basis of a written request, in any other time of the year.

256. The employee is offered the annual leave through the means of an order (decision) issued by the employer. The labour Code in force provides for the obligation of the employer to inform the employee of the date when the leave starts at least 2 weeks before

(art. 116), as well as to take all necessary measures so that employees use their annual leave every calendar year (art. 118).

257. The annual leave may be offered integrally or, based on a written request from the employee, may be divided into two parts, one of which will have a duration of at least 14 calendar days.

258. In accordance with the Labour Code (art. 117), the employee is entitled for the period of the annual leave to a leave allowance which may not be smaller than the amount of the salary, adds, and, if applicable, the allowance of dismissal for the respective period. The leave allowance is paid by the employer at least 3 days prior to the day the employee starts to be on leave. In case of death of the employee, the allowance, including for the unused leave, is paid to his/her husband (wife), children or parents, and in their absence – to other inheritors, in accordance with the legislation in force.

259. Usually the annual leave is granted annually according to the schedule. This may be postponed or prolonged in case the employee is on medical leave, study leave, maternity leave, and fulfilment of a state duty or in other cases provided for by law. In exceptional cases, when offering annual leave to the employee in that year may negatively influence the good functioning of the unit, the leave may be postponed for the next working year with the agreement of the employee and the employees' representatives. In this case, the employee will benefit from 2 annual leaves which may be cumulated or divided on the basis of a written request.

260. It is forbidden to refuse annual leave for 2 consecutive years, as well as for employees that have not reached 18 years and employees that have the right to supplementary leave due to the harmful character of their work. Also it is not permitted to exchange the annual unused leave with a monetary compensation (art. 118). The employee has the right of compensation of all unused annual leave only in case of suspension or termination of the individual employment contract. Based on a written request, the employee may use the annual leave for one working year, with the subsequent suspension or termination of the individual employment contract, receiving compensation for all other unused leave.

261. **Supplementary leave.** For some categories of employees the Labour Code stipulates the possibility to obtain supplementary paid leave, which usually, is attached to the main leave. Thus, according to article 121 of the Code, employees that work in harmful conditions, the blind and the young employees of up to 18 years benefit from a supplementary annual leave of duration of at least 4 calendar days. For employees that work in harmful conditions the exact period of supplementary leave is set by the collective agreements, based on the respective classifier (according to the classifier, the duration of supplementary leave varies between 3 and 18 working days).

262. Women that have 2 or more children of an age up to 14 years (or a child with disabilities of an age up to 16 years) benefit from a supplementary leave of 4 calendar days. Employees from certain sectors of the national economy (industry, transports, constructions etc.) benefit from supplementary paid leave for the duration of work in the unit and for work in shifts.

263. In some sectors of national economy the activity of which is governed by special laws, the exact duration of annual leave is set by the respective laws. In this respect there is the Law on public service No. 433-XIII from 4 May 1995, the Law on customs service No. 1150-XIV from 20 July 2000, as well as the Law on Prosecutors' Office No. 118-XV from 14 March 2003, which provide for a period of annual leave of 30 working days. Supplementary annual leave is also offered to the military personnel (according to the Law on the status of the military No. 162-XVI from 22 July 2005), members of Parliament (according to the Law on the status of the member of Parliament No. 39-XIII from 7 April

1994), employees of the apparatus of the Presidency of the Republic of Moldova (according to the Law on the activity of the President of the Republic of Moldova No. 1111 from 20 February 1997).

264. Usually, the special laws establish a system of supplementary leave, the duration of which varies in accordance with experience of each employee. For example, public servants are offered supplementary annual leave of 2, 4, or 6 working days if their experience with the public service is above 5, 10 or 15 years, whilst the military that are enrolled by means of contract benefit from similar annual leave with a duration of 35, 40 and 45 calendar days in case they have cumulated 15, from 15 to 20 and above 20 years of service respectively.

265. The military are also offered supplementary paid leave for taking up missions within international peace-keeping or humanitarian operations.

266. At the same time, according to article 121 of the Labour Code, collective agreements, collective or individual employment contracts may provide other types of employees which receive supplementary annual paid leave, as well as other leave periods (which are longer) than those provided for in the Code.

267. Besides paid leave, the legislation in force provides for the possibility of annual leave without pay. Such leave is provided in particular in article 120 of the Labour Code. According to its wording the employee may request in written an unpaid leave with a duration of up to 60 days linked with family or other motivated reasons, for which the employer must give its consent and issue an appropriate decision.

268. Women that have 2 or more children of an age of up to 14 years (or a child with disabilities of an age of up to 16 years), solitary parents that have a child of the same age, annually receive, on the basis of a written application, an unpaid leave with a duration of at least 14 calendar days. This leave may be cumulated with the annual paid leave or may be used separately (integrally or in parts) in the periods commonly agreed with the employer.

269. According to article 27 of the Law on public service No. 443-XIII from 4 May 1995, public servants have the right to an unpaid leave of 60 working days, which is offered in exceptional cases set by the respective public authority.

270. According to article 14 of the Law on the status of the military personnel, the military that undergo the military service in harmful conditions or in regions with high risks for their health and life, as well as those enrolled in military actions also have the right of a supplementary unpaid leave of 15 calendar days.

271. **The right to be on strike** is provided for in Chapter IV – Strike of the Labour Code, No. 154-XV from 28 March 2003 and article 22 “right to organise and participate at meetings” of the Law on trade unions No. 1129-XIV from 07.07.2000, developed with the purpose to protect the rights of the members of a trade union and the rights of the trade unions. The body of the trade union, acting alone or based on the decision of the members of the respective trade union, organises and manages under the conditions set by law meetings, demonstrations, processions, marches, pickets, *strikes* and other actions, using them as form of protest to improve their working conditions, increase the level of pay, reduction of unemployment, strengthen the solidarity of workers in their fight for their rights and professional, economic, labour and social interests.

## 6. Right to employment

272. One of the conditions of enjoyment of the right to security and hygiene at the work station is ensuring the application of the labour legislation and the labour protection norms, as well as the fight against the phenomenon of breach of the legislation which regulates this field. For breach of normative acts of labour protection the legislation of the Republic of Moldova provides for disciplinary sanctions (Labour Code of the Republic of Moldova, art.

206), administrative sanctions in the form of a fine between 75 and 200 conventional units (1500–4000 lei) (the Code on Administrative Misdemeanours, art. 183). The sanctions and the administrative practice of their application determines the employers to ensure permanent and correct application of the legislation in the field of labour protection which contributes to the full enjoyment of the rights by employees emanating from labour relations.

273. In accordance with paragraph 1 of the Governmental Decision No. 908 from 25 August 2005 on the approval of the Regulations of the Ministry of Economy and Trade: the Ministry of Economy and Trade is the specialised central public administration body empowered to promote the single state policy in the field of economic growth of the country, structural transformation, commerce, privatization of public property, labour, demography. In the same context the Labour Inspection has been transferred under the subordination of the Ministry of Economy and Trade (art. 1 para. (1) of the Law No. 140 from 10 May 2001 on Labour Inspection).

274. The State policy in the field of labour protection is being promoted and is implemented by applying the legislative and other normative acts in this field:

- (a) Labour Code of the Republic of Moldova (adopted on 28 March 2003);
- (b) Law on labour protection (adopted on 2 July 1991);
- (c) Law on insurance from industrial accidents and professional diseases (adopted on 24 December 1999);
- (d) Regulations on the authorisation of functioning of legal entities and physical persons from the point of view of labour protection (Government Decision No. 75 from 2 February 1999);
- (e) Norms on the development and implementation of the labour protection actions (Order of the Ministry of Labour and Social Protection, No. 40 from 16 August 2001);
- (f) Norms on the organisation of the training in the field of labour protection of the personnel of enterprises, institutions, organisations (Order of the Ministry of Labour and Social Protection No. 40 from 1 October 2001);
- (g) Norms on the development of labour protection instructions (Order of the Ministry of Labour and Social Protection No. 54 from 08 November 2001);
- (h) Blank draft of organisation and equipment of labour protection offices (Order of the Ministry of Labour and Social Protection No. 65 from 04 December 2001);
- (i) Regulations on the method of investigation of industrial accidents (Government Decision of the Republic of Moldova No. 706 from 5 June 2002);
- (j) Other normative acts that relate to labour protection adopted by ministries and departments.

## **7. International assistance**

275. The external technical assistance has a role in the enjoyment of the right to labour security and health, ensured by Programmes and projects offered by various international organisations. Thus, through the Programmes and projects of the International Labour Organisation technical assistance was offered to ensure the ratification and application of the ILO Convention 184 on the labour security and health in agriculture and the ILO Convention 155 security and health at the work place. By means of the TACIS programme external technical assistance was offered to scrutinise the existent legal framework of the Republic of Moldova which regulates the sector of labour protection and develop the draft

law on labour security and health. By means of the same Programme, technical assistance was offered to organise a training seminar for labour inspectors, as well as the translation and adaptation for the conditions of the Republic of Moldova of a manual for labour inspectors, developed under the auspices of the International Labour Organisation. The Convention 184 signed at Geneva on the labour security and hygiene was ratified by Republic of Moldova by law No. 1058-XV from 16.05.2002.

## **Article 8**

### **1. ILO Conventions**

276. Republic of Moldova is a party to all the conventions mentioned in p. 1, namely:

(a) The International Covenant on Economic, Social and Cultural Rights, ratified by the Decision on adherence of the S.S.R. Moldova to the Universal Declaration of Human Rights and ratification of the international covenants of human rights No. 217-XII from 28.07.90;

(b) Convention 87 on the freedom of association and protection of the rights to organise, San Francisco, 9 July 1948, and Convention 98 on the application of the principles of the Right to Organise and to Bargain Collectively, Geneva, 1 July 1949, ratified by Decision No. 593-XIII from 26 September 1995;

(c) Convention 155 – on Occupational Safety and Health and the Working Environment, Geneva, 22 June 1981, ratified by Decision No. 755-XIV from 24 December 1999;

(d) Convention 151 – on Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service, Geneva, 27 June 1978, ratified by Law 17-XV from 7 February 2003;

(e) In 2005–2007 Republic of Moldova presented the following reports to the ILO conventions: in 2005: Conventions No. 129 and No. 151; in 2006: Conventions No. 87 and No. 98; in 2007: Convention No. 98.

### **2. The rights of the trade unions**

277. The right of the employees to freedom of association in trade unions, including the right to found trade union organisations and to adhere to these organisations to protect their labour rights, their freedoms and legal interests is stated both in article 42 of the Constitution from 29.07.1994, articles 5 and 9 of the Labour Code, law No. 154-XV from 28.03.2003, as well as in articles 7 of the Law on trade unions No. 1129-XIV from 07.07.2000. This right is guaranteed both to citizens of the Republic of Moldova in and outside the country and foreign citizens and stateless persons that have a legal stay in the country. Persons that are not employed or who have lost their jobs, as well as those that legally exercise individual employed activity, may organise themselves into a trade union or apply, at their free will, to a trade union in accordance with its statute, or may retain their affiliation to the trade union of the enterprise, institution, organisation where they worked before.

278. Adherence or non-adherence to trade unions does not result into any limitation of the rights of employees guaranteed by legislation. More than that, article 8 of the Labour Code expressly prohibits any form of direct or indirect discrimination of the employee based on criteria not linked with professional qualifications, amongst which is the affiliation and activity with a trade union.

279. In accordance with article 8 of the Law on trade unions, the trade union is freely founded on the basis of common interests (profession, sector, etc.) is active within an enterprise, in institutions and organisations, notwithstanding the legal form of organisation or the type of property, affiliation to a department or sector.

280. The problems in the field of enjoyment of trade union rights are determined by the elimination of the necessary legal mechanism to implement not only national legislation but also the international law in the field to which Republic of Moldova is a party to.

281. Article 37 of the Law on trade unions provides for that persons guilty of interfere with legal activities of trade unions bear administrative and criminal liability in accordance with the legislation in force, whilst the legislation in force does not provide for any such sanctions.

282. Article 137 of the Criminal Code, law No. 97-XV from 07.03.2003 – (in old version) provided for criminal liability for breach of the legislation in force on trade unions. But with the entry in force of the new Criminal Code (12.06.2003), the old Criminal Code (in previous version) was abolished. The new Criminal Code does not contain similar provisions with article 137 of the abolished Criminal Code.

283. The trade unions have sent repeatedly to the Government proposals to include criminal and administrative liability for the breach of the trade union rights provided for, including in International Covenant on Economic, Social and Cultural Rights, but they have not been accepted due to the reason that “application of the criminal and administrative legislation on trade unions is not purposeful, because their character is not a socially dangerous one”.

284. The primary trade union organisation is founded by at least 3 persons that are considered founders and may stop its activity with the consent of its members. The organisational structure, method of combination, adherence, division or dissolution of the trade union, as well as the method of association in groups of trade unions under trade union federations and confederations are set in the statute of each trade union, which each subject is preparing individually.

285. The employers and public authorities are forbidden any type of intervention that would limit or distort the enjoyment of the trade union rights. At the same time, when the activity of the trade union is in breach with the provision of the legislation in force, its activity may be suspended for a period of up to 6 months or forbidden by the decision of the Supreme Court of Justice, following the application of the Ministry of Justice or the General Prosecutor.

286. All the provisions of the legislation in force on the right to association, the guarantees of activity, the management and interruption of activity of employees’ organisation refers both to primary trade unions and to federations and confederations to which the former may associate to. The respective provisions are applicable also to military units and internal affairs bodies, taking into account the peculiarities set by legislative acts that determine their legal status.

287. The Constitution, the Labour Code and the Law on trade unions ensure the most favourable conditions for the creation and activity of trade union organisations, both by setting the right of employees to associate and regulations on the role of trade unions within the social partnership, and their support with a considerable amount of rights to implement their statutory aims.

288. Further below is a list of the most important rights granted by law to trade unions:

(a) The right to participate, by means of mandatory approval, in the development of draft normative acts;

(b) The right to challenge, within the legal limits, the normative acts that violate labour, professional, economic and social rights of employees;

(c) The right to participate as representatives of the employees at the negotiation and signature of collective labour agreements and collective conventions;

(d) The right to exercise control over the respect by the employers and by their representatives of the labour legislation and other normative acts which contain norms of labour law, instituting own labour inspectorates or delegating persons responsible of labour protection;

(e) The right to file in claims on the name of the employer on setting new labour conditions or modification of the existent ones, to collectively treat for, sign, amend and implement the collective labour agreement, to which the employer is obliged to respond in written form within 5 working days;

(f) The right to participate at conciliation of collective labour conflicts within the conciliatory committee;

(g) The right to declare strike, in case all other ways of collective labour conflict resolution within the conciliation procedure, provided for by the Labour Code, have been exhausted.

289. The rights mentioned above are supported by a large amount of guarantees, meant to ensure proper conditions in the activity of the trade union body present within the unit. In order to ensure those conditions, the Labour Code (art. 390) and the Law on trade unions (art. 35) establish a list of obligations for the employers, among which are the following:

(a) Granting to the trade union body present within the unit the necessary spaces and the needed equipment and furniture, ensuring the necessary services for its activity (including refurbishment, heating, lights, cleaning and security services);

(b) Putting at the disposal of the trade union body of transport, telecommunication and IT means, of social and cultural facilities (entertainment and rest facilities, summer camps for children and teenagers) which are on the balance of the units or which are rented by them;

(c) Free of charge monthly collection of the trade union member charges and their transfer on the account of the respective trade union body;

(d) Labour remuneration from the funds of the unit of the management of the trade union bodies whose individual employment contracts have been suspended due to their election as trade union representatives;

(e) Allocation of funds equal to up to 0.15% from the salary fund for their use by the trade unions in accordance with the aims set in the collective labour agreement.

290. Additionally, the legislation stipulates a list of guarantees which favour the representatives of the employees personally – both in their position of representatives in the trade unions and in that of participants at collective bargaining. Thus:

(a) The representatives of the employees, which participate at collective bargaining, may not be subject to disciplinary sanctions for the duration of the process, may not be transferred to another job or dismissed without prior consent of the body which empowered them;

(b) Persons elected in the management of all trade union bodies of all levels and not discharged of their jobs may not be subject to disciplinary sanctions and/or transferred to another job without prior written consent of the body to which they are members;

(c) Elected members of trade union bodies which have not been released of the employee's duties are granted free time during working hours to exercise their trade union rights and obligations, with the maintenance of the average salary;

(d) Employees whose individual labour contract is suspended as a result of being elected in trade union bodies, after the expiry of the mandate are granted the previously held job, and in its absence – another job (position) of an equal value, or, with the consent of these employees, at another unit;

(e) Dismissal of employees who have been elected within the composition of the trade union bodies is not permitted within 2 years after the expiry of the mandate, with the exception of cases when the unit has been dissolved or perpetration by these employees of culpable actions, for which the legislation in force provides for the possibility of dismissal;

(f) Persons that participate at collective bargaining are exempted from their employee duties with the maintenance of the average salary for the period mutually agreed by the parties but not longer than 3 months, in order to develop the draft collective agreement or collective convention.

291. Fulfilment of the provisions of article 8 of the Covenant takes place through the means of the ordinary mechanisms – state and public control (Labour inspection and trade unions), ensuring access to justice and establishment of sanctions for breach of internal rules adopted on the basis of international regulations.

292. In case of any potential breach of the trade union's rights, the respective facts are sanctioned on the basis of article 41 of the Law on amendments and add-ons to the Code on administrative misdemeanours, No. 70-XVI from 22.03.2007, which provides for fines for breach of labour legislation. Application of the respective article to such actions is perfectly justified, taking into account the fact that the rights of trade unions are heavily regulated by the Labour Code (especially Titles II and XIII).

293. According to the Law on trade unions No. 1129 from 07.07.2000 (art. 7), citizens of the Republic of Moldova, as well as foreign citizens and stateless persons that stay legally on its territory have the right, at own will, to found and affiliate to trade unions, in accordance with their statutes, without the prior authorisation from the public authorities. Persons that are not employed or that have lost their jobs, as well as those that exercise individually a legal activity, may organise themselves in trade unions or affiliate at free will to a trade union in accordance its statute, or may leave their affiliation with the trade union of the enterprise, institution, organisation where they worked before. Citizens of the Republic of Moldova that are outside the country have the right to be members of the existent trade unions in the Republic of Moldova.

294. According to the Constitution of the Republic of Moldova (art. 42) any employee has the right to found or to affiliate to a trade union to protect his/her own interests. Trade unions are founded and activate in accordance with their statutes, in accordance with the law. They contribute to protection of professional, economic and social interests of employees.

295. According to the law on trade unions, trade unions are nongovernmental organisations the members of which are physical persons united by common interests, affiliated on voluntary basis, including those that relate to their activity and constituted with the purpose to protect their professional, economic, labour, collective and individual social rights and interests of their members. Trade unions are independent in their activity from public bodies of all levels, political parties, nongovernmental organisations, employers and their associations, are not subject to their control and are not subordinated to them. Any interference that might limit the rights of the trade unions or impede their enjoyment is prohibited.

296. The trade union has the right to independently develop and approve its statute and administrative regulation, to set its structure and independently elect its representatives, to form its apparatus, to exercise its activity and to formulate its action plans. The trade union represents and protects the professional, economic, labour and collective and individual social rights and interests of its members with the public authorities of all levels, in courts of law, with nongovernmental organisations, with the employers and their associations.

297. Cases of breach of the right to found a trade union and to affiliate to certain trade unions based on race, nationality, ethnic origin, language, religion have not been signalled.

298. On 7 June 2007 the Congress of establishment of the National Confederation of Trade Unions of Moldova took place – which is the only national trade union centre, which appeared as a result of the merger (through fusion) of the two national trade union centres: The Confederation of the Free Trade Unions of the Republic of Moldova “Solidaritate” and the Confederation of Trade Unions of the Republic of Moldova. The status of legal entity was given to the National Confederation of Trade Unions of Moldova on 3 October 2007.

299. As a follow-up the above-mentioned, it is worthwhile mentioning that after the merger of the two confederations an overlap of the 7 regional inherited federations was observed as a result of the merger. Also, in the composition of the new organisation a series of small sector federations which activate in parallel in some fields and which are involved into internal and external competition are observed.

300. Presently, there are three major subjects that need to be examined within the trade union movement. The first is the existence of some double structures in the same field; the second is the existence of a large number of small sectors’ federations. And third – the new confederation is not affiliated to any international trade union organisation, a fact that limits access to expertise, foreign expertise, financial and professional support.

301. The National Confederation of Employers of Moldova (NCEM) represents the employers of Moldova to the National Committee for collective bargaining and consultations. Even if it was created some time ago, in 1996, NCEM remains until now a poorly developed organisation. This is confirmed by a substantially reduced secretariat, few services offered and insufficient communication with its members, which results into an insignificant support (including financial one) from its members. Lack of a “entrepreneurial culture” in the country is also a reason to discourage employers to join the NCEM.

302. The most important members of the NCEM are the sector employers’ organisations, most of them in agriculture and food industry (NFEAFI, founded in 2003) and in constructions. Both sector organisation, as well very poorly developed, have structures at the local level (“raions”) and consider the social dialogue as a key component of their functions. Besides these sectors, entrepreneurs appear to rarely be organised at local level, one of the reasons being, of course, the lack of understanding of the necessity to be represented.

303. The number of trade union members at 01.01.2008 constituted 568375 persons. Out of the total number of trade union members 317,134 persons or 55.7%, are women and 148,249 persons respectively or 26% are under 30 years of age.

304. During the reporting period the social partners: the Government, the Employers’ organisations, represented by the National Confederation of Employers and the Trade Unions, represented by the National Confederation of Free Trade Unions “Solidaritate” have signed two collective conventions at national level:

- The collective convention (of national level) No. 7 from 18 May 2007 “on amending the collective Convention (of national level) No. 1 from 3 February 2004 “on remuneration of employees that are under employment relations on the basis of the individual labour contracts”

- Collective convention (of national level) No. 8 from 12 July 2007 “on elimination of the most harmful forms of juvenile labour”

305. Legal regulation of the social dialogue (the social partnership) is made on the basis of the Labour Code of the Republic of Moldova (Law. No. 154-XV from 28 March 2003) and the Law No. 245-XVI from 21 July 2006 on the organisation and functioning of the National Committee for collective bargaining and consultations, of the Committees for collective bargaining and consultations at the sector and territorial level.

306. Other acts that ensure the functioning of the social partnership are: The Regulations of the National Committee for consultations and collective bargaining, the Template Regulations on the organisation and functioning of the committees for collective bargaining and consultations at the sector and territorial level and the Template Regulations of the committee for social dialogue “employer-employees”.

307. The process of creation of committees for collective bargaining and consultations at different levels is taking place slowly. In a difficult situation is the implementation of the social partnership at regional level. Almost in all the raions of the republic the employers’ structures are missing, a fact that makes it impossible to create viable committees for collective bargaining and consultations where all social partners would be represented.

## **Article 9**

### **1. ILO Conventions**

308. Republic of Moldova is not a party to the ILO Conventions on Minimum Standards of Social Security 1952 (No. 102) and other subsequent ILO Conventions No. 121,128,130 and 168.

### **2. Categories of social insurance**

309. The State is obliged to take measures so that any person has a decent level of living, which would secure the health and wealth for him and his family, comprising food, clothing, housing, medical care, as well as necessary social services. (2) Citizens have the right to insurance in case of: unemployment, health problems, disability, widowhood, elderly age or in other cases of loss of subsistence means as a result of circumstances beyond their will (art. 47, Constitution of the Republic of Moldova).

310. In accordance with the International Covenant on economic, social and cultural rights and the Revised Social Charter, the Parliament of the Republic of Moldova took over certain commitments to ensure the socio-economic rights of citizens, including the right to social protection and social insurance.

#### *Health insurance*

311. According to article 36 of the Constitution of the Republic of Moldova (1) the right to healthcare is guaranteed. (2) The minimum of social insurance is offered free of charge by the State.

312. According to the legislation in force, the minimum of healthcare guaranteed by the state includes:

(a) Epidemic preventive measures and health services within the national programmes provided for by the state budget;

(b) Medical care at the pre-hospital stage, in cases of major health surgical emergencies which endanger the life of the person;

(c) Primary healthcare offered by the family doctor, which provides for: the clinic examination (subjective and objective), with the recommendations for investigations and treatment;

(d) Healthcare provided for in the Single Programme of Mandatory Insurance for Medical Assistance to the ensured persons, including those that are not currently employed, for which the payer of the mandatory medical insurance premiums is the state.

313. Taking into account the fact that starting with 01.01.2004, the system of mandatory health insurance was implemented on the entire territory of the Republic of Moldova the Centre for Human Rights from Moldova has set for year 2004 the objective to monitor the enjoyment of the right to healthcare.

314. In this respect during the reporting period the ombudsmen applied to the Government of the Republic of Moldova, the Ministry of Health and the National Agency for Health Insurance for a list of problems that relate to the violation of the right to healthcare, judging by the by applications of the petitioners and the mass media publications.

315. By means of Law No. 1585-XII from 27.02.1998 the right to mandatory health care insurance was set, which represents a system guaranteed by the state of protection of the interests of the population in the field of healthcare by creating as a result of payment of insurance premiums of financial funds oriented to cover the expenses related to the treatment of the insured events (illness or affection). The system of mandatory healthcare insurance offers the possibility to citizens of the Republic of Moldova to have equal possibilities in receiving proper and qualitative medical care services.

#### *Allowances in case of illness*

316. To obtain the right to allowance for temporary work incapacity the persons must reside in the Republic of Moldova and have a record of at least 3 years of employment, or at least 3 months in the last 12 months before the occurrence of the insured risk.<sup>6</sup>

317. In the case of persons that work on the basis of a contract signed for a definite period of time, including those that work as seasonal employees, and do not accomplish the mentioned employment period, the duration of the employment can be at least 12 months in the last 24 months.

318. The law offers also the right to social insurance allowances to the unemployed, with the condition that during the period the allowance is paid the unemployment allowance or the scholarship is suspended.

319. The maximum period of payment of the allowance is 180 days during one calendar year and starts from the first day of medical leave; starting with the 120th day it is paid only in case the medical leave is prolonged with the approval of the Council of Medical Vitality Expertise.

320. In case of a medical leave offered as a result of pregnancy the allowance for temporary work incapacity will be offered for the entire period without any restriction.

321. For persons that are enrolled under an employed contract with a definite period, including those that work as seasonal employees and the unemployed, the period the allowance is paid will be 30 days the most during one calendar year.

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<sup>6</sup> The law on allowances for temporary work incapacity and other services of social insurance No. 289-XV from 22 July 2004.

322. The duration of the employment record directly influences the determination of the amount of the allowance for temporary work incapacity. Thus, the longer the employment record of the person the bigger is the amount of the allowance. Persons with an employment record of up to 5 years receive 60% of the established amount, those with an employment record between 5 and years – 70%, the biggest being the amount for persons with an employment record of more than 8 years – 100% from the established amount. The employment record does not play any role at the determination of the amount of allowance for temporary work incapacity caused by tuberculosis, AIDS or cancer of any type. In the above-mentioned cases persons receive 100% of the allowance.

*Allowance for quarantine*

323. A method to prevent illness is declaration of the state of quarantine during which the insured person is prohibited to continue the activity for a set period by the medical leave certificate. During the medical leave the insured person has the right to receive allowance for quarantine.

324. The new conditions of enjoyment of the right to this service, as well as the methods of determination of its amount are similar to those for the allowance for temporary work incapacity.

*Illness allowance due to orthopaedic prosthesis*

325. In order to recover the work capacity the insured person has the right to an allowance for temporary work incapacity related to an orthopaedic prosthesis.

326. The right to such type of allowance is given for the whole duration of the in-patient unit internment for prosthesis or orthopaedic intervention.

327. Also, to recover the health and work capacity the insured person may be given spa or rest home treatment.

*Services in cases of industrial accidents and industrial diseases*

328. Insurance for industrial accidents and diseases is mandatory for all those that use labour force based on individual employment contract.<sup>7</sup>

329. In accordance with the norms of the respective Law the insured persons have the right to social protection in case of occurrence of such professional risks, such as: loss or decrease of work capacity or the decease of the insured person as a result of an industrial accident or disease.

330. According to article 9 of the Law the insured persons have the right to the following types of services and allowances:

(a) Allowance for temporary work incapacity is set at the level of 100% of the average monthly salary for the last 6 months prior to the occurrence of the insured risk and is offered for the entire duration of the temporary work incapacity, but not more than 180 calendar days during one year. In special cases the period may be prolonged with another 30 days;

(b) Allowance related to disability is offered to the insured persons that lost at least 25% of the work capacity as a result of an industrial accident or disease. Its amount is determined in relation to the disability level evaluated and established to the insured persons and is paid for the whole duration, in which the persons receive a disability pension

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<sup>7</sup> Law on insurance of industrial accidents and diseases No. 756-XIV from 24.12.1999.

from the public system of social insurance. The amount of the disability allowance is updated by means of annual adjustment with the increase of the consumer price indicators and the average country salary for the preceding year;

(c) Allowance as a result of decease is offered in case of death of the insured person: to children, husband or parents, if they fulfil certain conditions. The amount is fixed.

331. The payment of allowances in case of industrial accidents or diseases is made by the structures of the National Agency of Social Insurance from the insurance fund for industrial accidents and diseases, which is part of the state budget of social insurance, with the exception of the allowance for temporary work incapacity which is paid by the employer for the first 20 calendar working days, starting with the 21st day the payment burden is transferred to the national Agency of Social Insurance.

#### *Maternity leave allowance*

332. Maternity is one of the risks insured by the public system of social insurance. The aim of ensuring maternity resides in the compensation of loss of income caused by pregnancy and birth of the child. The legislation in force of the Republic of Moldova<sup>8</sup> guarantees the employed women, to apprentices, the unemployed and wives supported by insured husbands, the right to receive maternity leave, which includes a prior to birth leave of 70 calendar days and the after birth leave of 56 calendar days starting with the 30th week of the pregnancy. In case complications appear during pregnancy or in case of multiple births the after birth leave is prolonged with another 14 calendar days. The amount of the maternity leave is 100% of the average monthly income during the last 6 months before the occurrence of the insured risk and is offered for the whole duration mentioned above even if the child is born dead or who dies during the after birth leave. The calculation base of the maternity allowance offered to the wife that is supported by her insured husband is the average monthly income of the husband.

333. The unemployed receive maternity allowance only if they have a total employment experience of at least 3 years. The unemployed are asked to choose between the maternity allowance, the unemployment allowance and the employment market allowance, as during the maternity leave all these allowances may not be offered at the same time, the unemployed having the obligation to choose between them.

#### *Monthly allowance for nursing a child of up to 3 years*

334. Starting with 2005 this service is given only to persons that are on legal leave for child nursing. The right to this type of allowance is given not only to the mother, but also to one of the parents, grandparents or other relatives that will take care of the child and if they fulfil the necessary conditions related to the necessary employment experience (similar to the right to allowance for temporary work incapacity) and the right to legal leave for child nursing. This leave is included in work experience, including in special work experience.

335. The monthly amount of this allowance is 20% from the average monthly income for the last 6 months prior to the occurrence of the risk, but not less than 100 lei for every child.

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<sup>8</sup> Law on allowances for temporary work incapacity and other social insurance services No. 289-XV from 22 July 2004.

*Allowance for nursing of a sick child*

336. The ensured persons covered by the public system of social insurance also have the right to receive allowances for nursing a sick child. Similar to the case of maternity allowance, the aim of this allowance is to substitute the loss of income as a result of illness of the child. In case of illness of the child that is up to 7 years old, of a child with disabilities having periodic affections – until the reach of 16 years, the medical leave certificate for nursing the sick child is issued to the mother or the father for a period of up to 14 calendar days (in case of ambulatory medical assistance) or for a period of up to 30 calendar days (in case of stationary medical assistance for which period the child requires nursing). For nursing the sick child the medical certificate may also be issued to another member of the family (grandparents, other employed family members, to the tutor or curator), if because of certain reasons, confirmed by documentation, the mother or the father cannot take care of the child (in case of illness, temporary absence, dismissal from parental rights, etc).

*Age limit pensions*

337. The mandatory conditions for the establishment of the age limit pension in full amount is reach of pension age set by the legislation and attainment of the necessary employment experience.

*Pension age*

338. Following the adoption of the Law No. 1485-XV from 22.11.02 on the amendments to article 41 of the Law No. 156-XIV from 14.10.98 on state social insurance pensions, the pension age was “frozen” at the level of year 2002 and presently constitutes 62 years for men and 57 years for women.

*The employment experience*

339. The Legislation of the Republic of Moldova establishes the basic notions and the method of calculation of the employment experience necessary to set the pension.<sup>9</sup> According to the common rule the employment experience includes all periods of activity as an employee, during which the social insurance premiums were transferred to the pension fund.

340. The employment experience also comprises of the periods where allowances for temporary work incapacity, for nursing a sick child or a sick member of the family, for pregnancy, for unemployment have been paid.

341. Besides the mentioned periods, the employment experience includes the following types of activities that have been undertaken before the 1 January 1999: labour as a member of a collective farm, irrespective of the character and duration; creative activity of the members of arts unions, activity as a server and employee of religious organisations starting with 1 April 1992.

342. Besides those mentioned above, the employment experience includes non-contribution periods, during which persons were not subject to social insurance and for which no social insurance premiums were transferred. According to the legislation in force these periods are the ones related to nurse of children of an age up to 3 years, persons with disabilities of 1st level, of the child with disabilities – up to an age of 16 years, of a person

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<sup>9</sup> Regulation on the methodology of calculation and confirmation of the employment experience for consequent set of the pension, adopted by Decision of the Government of the Republic of Moldova No. 417 from 3 May 2000 (herein after – the Regulation).

that is over 75 years old, as well as periods of the mandatory military service, military service or activities assimilated to military service.

343. **The necessary period of employment experience:** Starting with 2003 an identical employment experience period was set for men and women – 30 years. The person that did not complete this period in full, but who confirms an employment experience of at least 15 years, has the right to partial pension, calculated proportionally to the number of years of employment.

344. Reach of the pension age is not a reason of dismissal from the current job. article 82 of the Labour Code guarantees the right to hold a management position until the age of 65 years.

#### *Disability allowances*

345. Disability allowances are offered to ensured persons (irrespective of their gender) in case of partial or total loss of working capacity as a result of: regular illness, industrial accident, occupational disease. To receive a disability allowance following a regular disease, at the moment the disability is detected at the ensured person (both men and women) must have an employment experience of between one and 5 years, depending on the age: for up to 23 years – 1 year; from 23 to 26 years – 2 years; from 26 to 31 years – 3 years and more than 31 years – 5 years.

346. The disability allowance due to an industrial accident or occupational disease is set irrespective of the duration of the employment experience. Disability allowances are paid integrally to all pensioners, including those that obtain income subject to state social insurance.

#### *Offspring allowances*

347. The right to offspring allowance is possible if the deceased person was a pensioner or fulfilled the criteria to receive a pension. Offspring allowances may be given to minor children of an age of up to 18 years or, if they continue their studies with a secondary, professional secondary or higher educational institution, until their graduation, without having passed the age of 23 years; the surviving husband if at the moment of the decease of the supporter or during 5 years before the decease, has reached the prescribed pension age or was given the 1st or 2nd level of disability, had at least 15 years of marriage with the deceased persons and did not remarry; to the husband or tutor, that nurses the deceased's child of and age of up to 3 years. Children always receive their pensions in full. Husbands and tutors receive pensions only if they do not have income subject to state social insurance.

#### *Bilateral cooperation with other state in the field of insurance with pensions*

348. One of the priority objectives of the state policy in the field of social security, taking into account the necessity to implement the provisions of article 24 of the Partnership and Cooperation Agreement between Republic of Moldova and the EC Member States, is to sign bilateral agreements, the purpose of which is to protect the rights, social and economic interests of the citizens of the Republic of Moldova that have a permanent or temporary residence on the territory of the States that are part of the European Community.

349. The agreements in the field of social protection to which the Republic of Moldova is a party to, especially with former soviet countries – Ukraine, Russian Federation, Belarus, Uzbekistan, Azerbaijan, Bulgaria (denounced on 1 January 2005) and Romania, are based on the principle of territoriality, according to which the pensions are established and are paid from the financial resources of each of the Contracting Parties, on the territory of

which the person has its residence, irrespective of the fact if it contributed or not to the public system of social insurance of the host state.

350. The respective agreements have at the basis principles which do not reflect the existent economic relations, their provisions being already obsolete.

351. The national legislations in the field of social insurance of the mentioned states, including of the Republic of Moldova, having as foundation the principles of contribution, do not permit establishment and payment of pensions to persons that have not contributed to the public system of social insurance of the respective states. Therefore a conflict takes place between the national legal norms which correspond to the national standards and the international norms, which are already behind current trends.

352. In this state of affairs, it is a major objective for the Republic of Moldova to sign new types of agreements, which would have as main foundations modern principles (principle of proportionality etc) according to which each Contracting Party shall pay the part of the pension calculated for the period of contribution to the public system of social insurance paid on its own territory. These principles are at the heart of the international legislation in the field of social security and are applied for these relations between the European states.

353. In this sense, the Governmental Decision No. 1170 from 29.10.2007 on the initiation of negotiations on the Intergovernmental Agreement in the field social security was adopted.

354. The respective draft was developed having as foundation the provisions of the European Convention on Social Security and the Additional Agreement on the implementation of the European Convention on Social Security, in accordance with the general rules established in the Regulation No. 1408/71/CEE on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the European Community. The above-mentioned draft of Agreement will serve as legal framework, a model of bilateral agreement between Moldova and any other state, on the basis of which bilateral agreements between Republic of Moldova and the respective Community State will be negotiated and signed.

355. Until now negotiations on signature of bilateral agreements in the field of social security have been initiated with Republic of Bulgaria, Czech Republic, Portugal and Romania.

#### *Unemployment allowance*

356. According to the Law on employment and social protection of persons in search for a job No. 102-XV from 13.03.2003, the national system of social protection of the unemployed includes the payment of allowances for limited periods of time. Prior to receiving unemployment allowance it is necessary to pay social insurance contributions for this particular risk (to receive insurance of the risk of unemployment).

357. Expenses related to the social protection of ensured persons are paid from the means of the Unemployment Fund provided for in the state social insurance budget, whilst to the non-ensured persons from the ones provided for by the state budget for the social protection of the unemployed.

358. Unemployed persons receive unemployment allowance if they fulfil the criteria set by Law. The amount of the unemployment allowance (art. 32) is set separately for each particular case, depends on the circumstances under which the employment relation of the person was interrupted, and it is as follows:

(a) 30% of the economy's average monthly salary for the preceding year at the moment the payment is set — in case of persons that have discontinued employment on their own initiative, have actively searched for employment, have registered to the Agency as unemployed for at least 3 calendar months and due to lack of respective jobs have not been able to enrol as an employee; have discontinued an authorisation (licence) necessary to undertake entrepreneurial activity or on the basis of a patent; have discontinued their employment activities abroad — with the condition to have immediately signed an individual contract of state social insurance;

(b) 40% of the economy's average monthly salary for the preceding year at the moment the payment is set in case the employment activity was discontinued in the following circumstances;

(c) Withdrawal by the competent authorities of the unit's authorisation (licence) of activity;

(d) Expiry of the period of action, according to the individual employment contract signed for a definite period of time, from the date provided for in the contract, with the exception of the cases when employment relations continue and none of the parties did not ask for its discontinuation:

(i) Delivery of the works provided for in the individual employment contract signed for the period of delivery of certain works; the season has finalised, in case of individual employment contract signed to deliver certain seasonal works;

(ii) Force majeure, confirmed by appropriate means, which excludes the possibility to continue employment relations;

(iii) Liquidation of the unit or discontinuation of the activity of the employer physical entity; as a result of the refusal of the employee to be transferred to other settlement due to the movement of the unit in that settlement;

(iv) Observance that the employee does not correspond to the held position or delivered works because of the state of health, based on the medical certificate;

(v) Observance that the employee does not correspond to the held position or delivered works because of insufficient qualification, confirmed by decision of the examination committee;

(vi) Change of the owner of the unit – in relation to the administrator of the unit, the deputies, the chief accountant;

(vii) Re-employment into the previous job, according to the decision of a court of law, of a persons that previously was employed in that position, in case when the movement or transfer of the employee to another job is not possible;

(viii) The refusal of the employee to be transferred to another job due to health reasons, on the basis of the medical certificate;

(ix) The refusal of the employee to be transferred to another settlement as a result of the movement of the unit to that settlement;

(e) 50% of the economy's average salary for the preceding year, at the date allowance is set – in case of persons that;

(f) Are registered with the regional agency of the place of residence of the employee;

(g) Liquidation of the unit or discontinuation of activity of the employer physical person;

(h) Reduction of the number of unit's staff.

359. In conclusion it may be stated that the level of social protection offered by the national legislation to ensured persons, having residence on the territory of the Republic of Moldova, irrespective of their citizenship, are in line with the European Social Security Code, sometimes being even more advantageous.

360. Unfortunately, this fact is not inherent to the amount of some services (especially the pensions) offered to the beneficiaries by the national legislation of the Republic of Moldova, which are considerably lower than those stipulated in the Code.

361. The solution of this problem is determined by many independent factors of the social insurance system and by the promoted policies in this field.

362. Taking into account that the amount of the social insurance services (pensions) depends of the amount of the ensured income of the person and the period of insurance with the social insurance budget, the social services may be calculated in greater values only if the income that is exposed to insurance would be of considerable value. In the created situation it is also necessary to undertake certain measures which would lead to development of the country's economy, increase of the country's wealth, as well as increase of the level of living of the population.

#### *Right to social security*

363. Republic of Moldova has partially ratified the European Social Charter, revised on 28 September 2001, accepting 24 out of 31 articles. The European Social Charter is not just a fundamental political declaration for the continental social model, but also a consequent legal framework for the protection and guarantee of the social rights and elementary necessities of the human nature.

364. The ratification of the Charter is an important element in the European integration aspirations of the Republic of Moldova. But at the same time it obliges us to develop a new concept of unity and indivisibility of the human rights, which would put on equal footage all the fundamental rights of persons in their civil, political, social, economic and cultural aspects. This result is impossible without the development and promotion of a coherent legal framework through adequate measures of harmonisation of national legislation to this Treaty. In this respect the Government Decision No. 908 from 10.07.2002 a Working Group for the harmonisation of the legislation of the Republic of Moldova with the provisions of the revised European Social Charter was created and the procedure of reporting was adopted.

365. The plan which was further developed by the Working Group provides amendments to the already existent law and requests to develop new laws, involving in this process competent Ministries and Departments. The period of implementation is three years from due to the existence of a grace period until the presentation of the first National Report (years 2004–2005), which is a monitoring tool coming from the Council of Europe, and which shall comprise all the information on the conformity of our country with the norms of this important Treaty. On the basis of the information offered by Ministries and Departments the draft of the first National Report on the implementation of the revised European Social Charter was developed, which at the end of March 2008 was presented to the Government for consultations and approval.

### **3. Social assistance**

366. The basics of the reform of the social assistance system in the Republic of Moldova were set with the adoption of the Strategy on the reform of the social assistance system, adopted by Parliament Decision No. 416-XIV from 28.05.1999 and the Law on social

assistance No. 547-XV from 25 December 2006, which represent the main framework of regulation of the legal relations in the system, including, the identification of the long term policy objectives in order to strengthen a equitable and efficient system from the perspective of access and costs. However, the initiated reform at the beginning of 2000 cannot be characterised as an essential and constant one. Thus, in this context, a list of legislative and normative acts were adopted with the aim to regulate the system of state financial aid and cover all categories of population which are considered subjected to risks, the National Strategy on the Protection of the Child and Family adopted by Government Decision No. 727 from 16.06.2003 having less emphasis on regulation of social services and without an action plan.

367. By means of the amendments of April 2007 adopted by Law No. 121-XV from 3.05.2001 on the supplementary social protection of certain categories of population, the number of beneficiaries of monthly state allowances was extended (former detainees during the fascist Germany and its allies during the Second World War and persons with disabilities moved from the dead zone of the AEP Chernobyl).

368. In order to supplement the support offered to categories of population which fall under the ambit of the present Law, the Parliament has adopted new amounts of monthly state allowance (Law No. 114-XVI from 4.05.2007), those being increased from 50–400 lei to 75–600 lei. To ensure the application of this Law the Government adopted amendments and add-ons to the Regulation on the method of setting and payment of monthly state allowances (Decision No. 952 from 20.08.2007).

369. By Law No. 106-XVI from 20.04.2007 the amount of the allowance for caretaking of all categories of beneficiaries was increased — for accompanying and taking care of at residence — from 150 lei to 250 lei, allowance set by the Law on state social allowances for certain categories of citizens.

370. To ensure the access to nominative allowances of the participants to the armed conflict from 1992 that live in the regions of the left side of the Nistru river bank (Decision No. 228 from 28.02.2007) amendments and add-ons to the Decision on the nominative allowances for certain categories of population have been adopted. Also, through Government Decision No. 1327 from 29 November 2007 the amount of the nominative allowances for coal were increased from 500 to 750 lei.

371. In order to develop the system of professional and social rehabilitation of persons with special needs and ensure their right to participate as actively as possible in the social, political, economic etc. life, by Government Decision No. from 25.04.2007 the National Programme of Rehabilitation and Social Inclusion of persons with disabilities for 2007–2009 was adopted. This Programme fits into the national actions directed to the implementation of the Recommendations of the Committee of Ministers of the Member States of the Council of Europe Rec (2006)5 and the Action Plan on the promotion of rights and full participation of persons with disabilities in society: improvement of the quality of life of persons with disabilities in Europe 2006–2015. During 20–21 September 2007 the Ministry's representatives participated at the working sessions of the High Level Conference “on the Action Plan of the Council of Europe for persons with disabilities (2006–2015): from policy to practice”, Zagreb, Croatia, previously disseminated through diplomatic channels the evaluation Report of the social protection system of the persons with disabilities in the Republic of Moldova.

372. It should be mentioned here that at the initiative of the President of the Republic of Moldova on 3 December 2007 an International Conference “International and national dimensions” with the participation of persons with disabilities was organised. Previously, on 30 March 2007 at New York the UN Convention on the protection of the rights of persons with disabilities was signed, having as purpose the opportunity to favour the image

of persons with disabilities, touching both the psycho-social factor and the legal-economic one, having as main aim the promotion of rights and full participation of persons with disabilities in society, adequate social protection of these categories of citizens at national, regional and international level. This subject fits into the development of the Strategy on developing opportunities of social inclusion of persons with disabilities.

373. A new normative framework was adopted which deals with the compensation of expenses related to transport services of persons with locomotive disabilities (Decision of the Government No. 1268 from 21 November 2007), according to which an annual compensation of 400 lei was set (previously it was 230 lei) for transportation services of the respective persons, confirmed by the Republican Council of medical expertise of vitality.

374. The initiation of negotiations on the draft Protocol on the amendments and add-ons to the Agreement on reciprocal recognition of the right to free transportation of persons with disabilities and to the participants of the Second World War, as well as persons assimilated to them from 12 March 1993 was approved (Government Decision No. 1061 from 28.09.2007).

375. During the reporting period actions related to the reform of the social assistance system have continued. In this respect the draft National Strategy on creation of the integrated system of social services, as well as the group of minimal quality standards for social services was created. The substantial, logistical and financial support offered by the DFID/SIDA project "Support to the delivery of efficient and sustainable social assistance services" must be mentioned, which is implemented by the Consortium OPM/EveryChild Moldova, in the process of development of the mentioned Strategy, as well as the legal framework in the field of delivery of social assistance services, especially the draft law on social aid (mentioned below). A close and efficient cooperation between the Ministry and DFID in the process of identification of proposals for the implementation of the National Development Strategy must be mentioned.

376. By means of Government Decision No. 24 from 10 January 2007 the Regulations on the process of recruitment of social assistants was adopted. During 2007, 554 social assistants have been employed by local town halls (the state budget for 2007 contains funds to employ 600 social assistants out of the necessary 1135). For 2008 financial means are planned to employ another 396 social assistants.

377. In order to offer methodological support to the local public authorities and to develop the professional capacities of the social assistants, in cooperation with the UNICEF Moldova representatives and the Association for the Promotion of Social Assistance in Moldova, the generic terms of reference of the social assistant was developed, as well as the Initiation Curricula in Social Assistance and the Course Notes "Training of community social assistants", adopted by means of Order of the Ministry of Social, Family and Child Protection (MSFCP) No. 10 from 02.03.2007 and No. 44 from 16.05.2007. During 2007 534 social assistants have been trained.

378. The analysis of the reached results took place with the implementation of the Pilot Project on the testing of the mechanism of nominative allowances services (Government Decision No. 1119 from 27.10.2005), which was implemented in February – October 2006 in the raions of Sorooca, Orhei, Leova and Riscani and the region of the Chisinau municipality. On 21 February 2007 the Ministry presented a report on this issue to the Parliamentary Committee for social protection, health and family.

379. With the purpose to rationalise the system of social assistance services and their redirection to the poor, the draft Law on social aid was developed, which has as aim to ensure a minimal monthly income to under-privileged families through social aid, set in accordance with the family's average monthly income evaluation and the necessity for social assistance. The draft was approved by the Government Decision No. 1328 from

29.11.2007. On the same issue is the approval of the Programme for rationalisation of the social assistance system for the years 2008–2010 (Government Decision No. 1360 from 7.12.2007).

380. With the purpose to ensure a continuously development and efficient partnership between the Ministry and civil society, on 2 November 2007 a Cooperation Memorandum was concluded between the Ministry of Social Protection, Family and Child and the NGO network in the social field. Starting from the objective to ensure increase of welfare of the country through rationalisation of policies of social protection and increase of access to high quality services, cooperation will focus on activities of reform of the social assistance system, emphasis being made on an efficient system of social services, development and diversity of social service through promotion of the principle of non-institutionalisation, redirection of financial means from residential institutions to community and family service, as well as other types of services.

381. Revision of policy measures in the field of social assistance and determination of clear strategic objectives of reform in the medium term have been developed in the Economic Growth and Poverty Reduction Strategy according to Law No. 389-XV from 2.12.2004, focusing on two main directions: rationalisation of the system of social services by means of their redirection to the poor and their concentration on social groups facing situations of risk, including development of an alternative system of social services to the existent institutionalisation.

*Payment of allowances and allocations*

**(a) Nominative allowances represent the most frequent forms of social assistance transfers, the respective programme includes 11 categories of beneficiaries, relevant for children being: children with disabilities of an age of up to 16 years; children with disabilities from birth; families with 4 and more children until the reach of 18 years and if they continue their studies in the educational institutions – until graduation of the respective institution, but not longer the age of 23 years. More than half of the beneficiaries are persons with disabilities. Nominative allowances are oriented to the support of the population to cover utility services, electricity, and natural gas for heating, liquefied gas in cylinders for cooking, coal and wood for heating. In case of increase of prices for mentioned services, an update of the nominative allowances amounts takes place.**

382. Nominative allowances which have been introduced as a compensatory programme as a result of increase of prices for utilities and electricity in 2000, at the beginning of 2004 became the most expensive social programme amounting to 47% of the total budgetary transfers. Thus, the implementation of the first objective of the EGPRS was concentrated on the determination of the conceptual elements for the revision of the compensatory system of the social monetary aid offered by the state and the optimisation of expenses through a much better distribution of funds, which was contained in the Concept on the rationalisation of the system of social assistance adopted by Government Decision No. 1117 from 27.10.2005 and Government Decision No. 1119 from 27.10.2005 on the Pilot Project on testing the mechanism of nominative allowances performance, the objectives of which have been tested (through the pilot project) to identify the gaps and to adjust the proposed actions, emphasis being made on the research of the level of efficiency and distribution of nominative allowances, evaluating the level of eligibility of beneficiaries by means of a single form of application for assistance and a model based on “filters” with the evaluation of the global income.

383. The results of the piloting have demonstrated an insignificant impact compared to the expected one, the new mechanism being rather complicated and costly from the point of view of its administration. The application of the new mechanism allowed the exclusion of

only 19.1% of the total number of investigated beneficiaries (5454 beneficiaries out of 25099 researched subjects). Out of the total number of excluded beneficiaries following filtering, only 30% represented categories with less than 200 lei income per member of family. From the point of efficiency of allocation of social services it can be observed that during 2006 only 26.2% of the most poor households have received nominative compensations amounting to 27.4% out of the total sum.

384. In order to ensure access to nominative allowances of the participants to the military conflict of 1992 who live in the regions situated on the left side of the Nistru bank, the Government has adopted (Decision No. 228 from 28.02.2007) amendments and add-ons to the Decision on nominative allowances for certain categories of population. Also, by Government Decision No. 1327 from 29 November 2007 the amount of the nominative allowances for coal was increased from 500 to 750 lei.

**(b) Allowances for urban, suburban and interurban transport services.**

385. For the purpose to implement article 41 of the Law No. 821-XII from 24.12.1991 on social protection of persons with disabilities, with the subsequent amendments adopted by Law No. 934-XV from 14.04.2000 on the amendments and add-ons of certain legislative acts, social assistance and family care units (directorates) of the country develop the lists, maintain contact with the beneficiaries and pay the allowance for urban, suburban and interurban transport services out of the local budgets, including to children with disabilities until the age of 16 years and persons that take care of a child with disabilities.

**(c) Social state allocations are sums paid monthly from the state budget through the means of the state social insurance budget to persons that do not fulfil the criteria to receive a social insurance pension.<sup>10</sup> Among beneficiaries of state social allowances are also:**

- (i) Children with disabilities of an age up to 16 years with 1st, 2nd, 3rd level of disability;<sup>11</sup>
- (ii) Children with disabilities from birth with 1st, 2nd, 3rd level of disability (persons with disabilities from birth that have not reached the working experience necessary to set the disability pension, including children of an age up to 16 years);
- (iii) Children who lost their supporter (it is available to persons until the age of 18, in case of students from second and higher educational institutions, with the exception of distance learning, until the graduation of the respective institution, but not longer than the age of 23 years);
- (iv) Persons that take care of child with disabilities until the age of 16 years, with the 1st level of severity;
- (v) Persons that take care of a blind child with disabilities of 1st level of severity.<sup>12</sup>

386. From 2005 social allocations mentioned above, with the exception of the allocation for nursing, are updated yearly on 1 April.<sup>13</sup> Thus for 2005 the coefficient was set at the

<sup>10</sup> Law No. 499-XIV from 14.07.1999 on state social allowances for certain categories of citizens, with the subsequent amendments.

<sup>11</sup> The gravity is determined in accordance with the Government Decision No. 1065 from 11 November 1999 on the approval of the List of diseases and sickness which entitle children of an age of up to 16 years the right to receive the status of the a child with disabilities and the state social allowances according to the law.

<sup>12</sup> Law No. 127-XVI from 23.06.2005 on the amendments to the Law No. 499-XIV din 14.07.1999.

level of 12.4%, following the annual increase of the consumer price indicator for the preceding year,<sup>14</sup> for 2006 the coefficient of social allocations was 11.9%, whilst for 2007 the increase coefficient constituted 17.3%.

387. During the respective period only the allowances for children with disabilities from birth and children with disabilities of an age of up to 16 years have been increased with around 20%<sup>15</sup> and 22.3%<sup>16</sup> respectively, while the allowances for other categories of persons regulated by legislation have only been updated, thus the amounts of these allocations being rather small compared to costs, while the effects for beneficiaries rather insignificant.

388. According to legal provisions, some monetary allowances are annually updated. In this respect in 2007, in accordance with the Governmental Decision No. 325 from 21.03.2007 on the update of the social insurance allowances and certain state social allowances, established according to the Law No. 499-XIV from 14 July 1999 on state social allowances for certain categories of citizens, an increase with 12.7% was applied to all allowances, with the exception of the nursing allowance and decease allowance, following the average annual increase of the consumption prices indicator for the preceding year.

389. At the same time, through the same normative act the pensions established by Law No. 909-XII from 30 January 1992 on social protection of citizens that suffered as a result of the Chernobyl catastrophe, have been increased with 20.7%, following the annual consumer prices indicator increase with 12.7% and annual increase of the average country salary in the preceding year with 28.7%.

390. Starting with 1 April 2008, by means of Government Decision No. 316 from 17.03.2008 on the update of the social insurance allowances and of certain state social allowances, the pensions, set by Law No. 909-XII from 30 January 1992 on social protection of the persons that suffered from the Chernobyl catastrophe have been increase with 17%, following the annual increase of the consumer prices indicator with 12.3% and the annual increase of the average country salary with 21.7%, whilst the update indicator of the state social allowances, set by Law No. 499-XIV from 14 July 1999 on state social allowances for certain categories of citizens, with the exception of the nursing allowance and the death allowance, was 12.3%, following the average annual increase of the consumer prices indicator for the preceding year.

391. Also, in the ambit of the implementation of the Programme of rationalisation of the system of social assistance Action Plan for years 2008–2010, on 13 June 2008 the Law on social aid was adopted, which has as aim guarantee of a minimal monthly income to the underprivileged women, by granting social aid, established in accordance with the evaluation of the average global income of the family and its necessity for social assistance. In order to familiarise with the international practice in the field of social protection and exchange of experience, study visits have been organised to UK, Belgium and Lithuania.

#### **4. Budget financing**

392. Public expenses of social character have continued to rise in 2007 and constituted 65.3% of the GDP. Within these expenses the cost of social protection programmes have

<sup>13</sup> Law No. 396-XV from 02.12.2004.

<sup>14</sup> Government Decision No. 291 din 17.03.2005 on update of the social insurance allowances and certain state social allowances.

<sup>15</sup> Law No. 359-XV din 31.07.2003.

<sup>16</sup> Law No. 335-XV din 7.10.2004.

been also in continuing rise, thus in 2007 these have represented 12.8% of GDP compared to 10.2% in 2004.<sup>17</sup> According to the estimations of the Medium Term Expenditure Framework (MTEF) by 2008 the expenses related to social protection will increase with 21.3% and by 2010 will represent 2/3 of the total public expenditures in the social sector. The predominant part, which is 90% of the social assistance expenditures, is covered by the state budget and only an insignificant part – by the budgets of local public administrative units<sup>18</sup> (See Figure No. 3 from Annex 1).

393. According to the new policies of social insurance Republic of Moldova maintained a one level distribution pension system, which offers a more comprehensive record of the rights to accumulated pensions, a new pension formula being introduced, which directly links the amount of individual paid contributions with the future pension. Additionally, the formula of the transition period was included, which combines the rights to pension accumulated before the reform and the rights obtained in the new system. At the same time the process of gradual exclusion of privileges and allowances for new pensioners started, as well as gradual increase of the pension age and the employment experience, necessary to obtain a complete pension. In 2003 by means of legislation the annual update coefficient was instituted which is equal to the average value between the indicators of prices increase and the average country salary for the preceding year.<sup>19</sup>

394. By 2004 the national system of state social insurance represented a complicated hybrid, comprised of a series of elements from the old pensioning system and elements of the new one,<sup>20</sup> complemented by a rather big number of legislative acts containing pensioning regulation norms for different social categories,<sup>21</sup> insufficiently correlated between them.

395. The analysis of the evolution of indicators of the state social insurance budget in recent years, show lacking behind in the implementation of the first objective of the Economic Growth and Poverty Reduction Strategy in the Republic of Moldova (EGPRS). During 2004 the income of the state social insurance budget registered an increase of 6.5% compared to expenses. By 2005 the budget registered a deficit, whilst the total expenditures have overstepped the income with 1,7 million lei or with 0.05%. This tendency remained in 2006, when the registered deficit was of minus 0.7%,<sup>22</sup> while in 2007 – minus 1.4%, the difference in value being of 71.6 million lei.<sup>23</sup>

396. In 2007 out of the total received income by the State Social Insurance Budget (SSIB) 84% have been accumulated from state social insurance premiums, the value of the transfers from the state budget represented 15.4%, whilst the value of other income and obtained interest rates are insignificant – 0.02% and 0.6% respectively. The implementation of the policy of gradual redistribution of the social insurance premiums from the employer to the employee represents an important factor for a higher involvement in the system and improvement of its financial stability. Thus, in 2007 the contribution of employees was increased with 2% compared to 2004<sup>24</sup> and constituted 4% out of the ensured income. At the same time the contribution of the employer was reduced from 28 to 25%. All these have

<sup>17</sup> MTEF 2008–2010 (Annex 2.2).

<sup>18</sup> Date of the Project Support to the Medium Term Expenditure Framework, DFID/MF.

<sup>19</sup> MSPFC, *Annual Social Report 2003*, 2004.

<sup>20</sup> MSPFC *Draft Strategy on merger of the pensions system*. 2007.

<sup>21</sup> On 1 January 2004 10 laws were in force, which regulated allowances for different groups of citizens.

<sup>22</sup> NASI, informational Memoranda 03/09-269 from 16.01.2007.

<sup>23</sup> NASI, Report on the implementation of the state social insurance budget for 2007, Letter IX-03/09-519 from 15.02.2008.

<sup>24</sup> In 2005 the individual contribution was 2% and the employer's contribution 27%, Law No. 383-XV from 18.11.2004.

led to the increase of accumulations of state social insurance premiums in SSIB with 80% compared to 2004, whilst the real increase represented 71.8%.

397. A separate problem in the context of financial stability of the social insurance system and payment of premiums on the basis of the covered risks are the unjustified expenses. These expenses include financial means allocated to cover certain types of allowances and services: (i) expenses related to the health recovery services; (ii) expenses for procurement of sanatorium treatment of veterans; (iii) expenses related to social support of the unemployed<sup>25</sup> (with the exception of those directed to pay the unemployment allowances and the social insurance premiums of the unemployed), as well as those necessary to manage the system of social insurance, which in essence do not represent ensured risks and need to be covered by the state budget.

398. In 2007 the expenses related to payment of pensions and social allowances have increased with 19.8% compared to 2006. Consequently 83.4% were the payments from the SSIB and 16.6% were the transfers from the state budget. The average amount of the pension constituted 548.30 lei or with 24% more than in 2006. The average amount of the age limit pension constituted 565.83 lei, having increased with 23.7% compared to the preceding year and with 68% compared to 2004. The real pension increase compared to the preceding year constituted 9.6%.<sup>26</sup>

399. The efficiency of the pension systems from all over the world is appreciated by its replacement rate basis (the dimension of payment in percentage from last income). The replacement rate of age limit pensions for 2007 constituted 27.3% and has increased compared to 2006 with 0.4%.<sup>27</sup> These deviations of the replacement rate may be explained with the slow increase in the last years of the value of the pensions compared to the value of the salaries. Thus in 2007 the average value of the age limit pension constituted only 27.4% of the country's average monthly salary.<sup>28</sup> The negative demographic tendencies themselves and the situation on the labour market (decrease of the population employed rate in the national economy) combined with the effects of work force migration represent direct risks to the financial durability of the system on medium and long term perspective. Thus, at 01.01.2007 the fraction of the number of pensioners versus the number of employed persons represented 48.8%, or 2:1.

*The economic and financial activity of the social protection bodies*

400. In order to ensure the functionality of the social assistance bodies subordinated to the Ministry of Social Protection, Family and Child (MSPFC) and to ensure the implementation of the proposed measures for 2007, budgetary allocations of 143.35 million lei have been reserved, the total amount of financing being of 141.49 million lei or 98.7%.

401. The activity of asylums for minors, the elderly and persons with disabilities was financially covered with 67.26 million lei, which is 98.2% of the needed amounts.

402. In 2007 annual allowances for transport and gasoline constituted 215,600 lei and were paid to 1,165 persons with disabilities. Also, on the basis of the Law on veterans,

<sup>25</sup> The measures of social support of the unemployed have an economic character (preferential crediting to create new jobs, professional training of the unemployed, employment mediation etc) and thus must be covered by the state budget.

<sup>26</sup> MET, Informational Memoranda on the social and economic developments of the Republic of Moldova in 12 months of 2007.

<sup>27</sup> Report on the activity of the National Agency for Social Insurance for 2007, preliminary Prognosis of the macroeconomic indicators for years 2009–2011.

<sup>28</sup> MET, own calculations.

travel tickets within the CIS countries were paid for veterans and the disabled in amount of 915,000 lei for 612 beneficiaries.

403. With the purpose to coordinate the activities of the donor organisations in the field of social protection a special group was created where representatives of all international donor organisations in the field are present (UNICEF Moldova, DFI Moldova, World Bank, International Organisation for Migration, OPM/Every Child, UNIFEM, SIDA).

404. During 2007 three meetings were organised, during which the donors have been informed of the MSPFC priority activities, which requires supplementary financial support. Also, a mapping exercise was organised on all the external assistance offered in the sector of social protection. The necessity of the mapping exercise of the donors' activities was commonly agreed at the first working meeting. Its aim is to correctly identify the necessities as well as the possibilities of those who offer assistance in the social protection field. The mapping exercise includes a questionnaire on the projects' activities of the donors which must be filled in by them. Follow-up actions of current and future donor financial support will align to the priorities of the National Development Strategy.

405. In the context of implementation of the National Programme "Electronic Moldova" and with the purpose to increase the accessibility of those interested in the policies of the social protection system in general, in October 2007 the web page of the Ministry of Social Protection, Family and Child was launched.

406. For 2008 the Ministry of Social Protection, Family and Child will concentrate its activity on the following objectives:

1. Promotion of the pension system reform through unification of the pension systems;
2. Implementation of the new system of social aid on the basis of the global reported income per family/person;
3. Promotion of the draft national Strategy on the creation of the integrated system of social services;
4. Development of the family and child social protection policies to un-institutionalise children, having as major aim their integration into their biological or extended families;
5. Conclusion and promotion of the Strategy on development of social inclusion opportunities of persons with disabilities;
6. Creation of the database of beneficiaries of social assistance through the creation of the Automated Informational System "Social Assistance";
7. Promotion of the draft national Strategy on development of the National System of referral for social protection and assistance of victims and potential victims of human trafficking" (SNR) and the sector project of the National Plan for the prevention and fight against human trafficking for years 2007–2009.

## **5. Right to social insurance**

407. The constitutional right to social protection, enshrined in article 47 of the Constitution consists of the right of all citizens (irrespective of gender) to social insurance in case of loss of working capacity, including in case of disability, as well as the right to pensions.

408. Current legislation that regulates the social insurance dimension in the Republic of Moldova uses the term "ensured". To have this status one important condition which

physical persons must fulfil is the domicile. Another indispensable condition which must be fulfilled is the observance of the contributory principles, which is at the heart of the organisation and functionality of public system of social insurance. Thus, to benefit from certain social services, offered through the means of the public system of social insurance, physical and legal persons must fulfil their obligations to the system, paying the social insurance premiums to the state social insurance budget.

409. The general social insurance premium is set annually for each category of contributors, as follows:<sup>29</sup>

- For all categories of employees, the amount of the social insurance premium, starting from 01.01.2008 is 29% (24% is the contribution of the employer and 5% – the individual contribution of the employees); for subjects that are employed under the individual employment contract the amount of the annual social insurance premium, starting from 01.01.2008, is 2920 lei
- For persons employed in the agricultural sector, the amount of the annual social insurance premium, starting with 01.01.2008, is 725 lei

410. By paying the premiums to the state social insurance budget persons ensure themselves against the possibility of occurrence of ensured social risks – sickness, pregnancy, old age, decease.

411. The pensioning legislation, on the basis of which are the principles of “ensured pension” and “social equality”,<sup>30</sup> provides for the mechanism of regulation of the right to: age limit pension, disability pension, offspring pension.

412. For each type of pension there are special conditions of the rights of the holder, the method of establishment, calculation and payment of the pensions.

413. Payments with a re-compensatory character paid by the state budget through the SSIB have constituted in 2007 42.3% of the total amount of transfers, out of the total of which nominative allowances have represented 39%. Thus in 2007 the costs related to the payment of nominative allowances have increased with 27% compared to 2006 and, whilst compared to 2004 they have increased with 42.7%.<sup>31</sup> This increase of costs may be explained by the rise in the last years of the prices for electricity and heating.

414. In case of programmes of social assistance, the state social allocations represent an important source of support for non-ensured persons (the elderly, children with disabilities, including caretakers).<sup>32</sup> Thus, the average amounts of these allowances have increased 1,2 times compared to 2004 due to annual updates, whilst the average amounts of the allowances for children with disabilities just with 54%. Out of the total budgetary transfers the state social allowances and nursing allowances amount to 15.5%, whilst in the total amount of sums for different types of allowances these represent 46.1% and 17.6% respectively. The social effect itself of these allowances on the reduction of poverty continues to be insignificant, whilst the differences between the existent amounts create errors in the equality of rights of social assistance guaranteed by the state. For example: the amount of the allowance for a child with disabilities from birth with a 1st level of gravity is around 3 times bigger than the amount of the allowance for a person with disabilities with a 1st level of gravity. The amounts of allowances for nursing these persons by third entities

<sup>29</sup> Law on state social insurance budget for 2008 No. 27-XVI from 07.12.2007.

<sup>30</sup> Law on state social insurance pensions No. 156-XIV from 14 October 1998.

<sup>31</sup> Calculations made from data provided by NASS, including date of MSPFC from Annual Social Report 2004; 2005; 2006.

<sup>32</sup> Law No. 499 from 14.07.1999 with the subsequent amendments and add-ons.

are bigger than the allowances themselves received by the beneficiaries, whilst within persons with disabilities with a 1st level of gravity, beneficiaries of disability pensions from the social insurance system, the allowances for nursing are established only for the blind. All these errors are conditioned by the effects of segmental approach of the process of amendment and update of policies.

## 6. Beneficiaries of social insurance

415. Even though the economy of the Republic of Moldova has registered a certain involvement and reduction of poverty in the last years, as experts have appreciate it, the enjoyment of social rights by citizens continues to remain one of the most difficult problems of the country:

(a) Allowances for families with children continue to occupy an important place in the monetary social assistance programmes and even though the data of the Budgetary Household Survey Research (BHSR) demonstrate an insignificant impact of these allowances over poverty reduction, at present these continue to be the only payments with a permanent character accessed on the basis of income testing. In the last years the number of beneficiaries of allowances for children have risen and by 2007 registered an increase of 30.5% compared to 2004. The costs associated with the payment of these allowances have increased with 79% compared to 2004 due to the applied increases. The quota of these expenses in the budgetary transfers continues to be insignificant and in 2007 represented only 15.4% of total transfers;

(b) Even if during the last years actions to attract people in the social insurance system have been undertaken (opportunities for voluntary insurance), including annual increases of the amounts of allowances for children, in essence their effect is insignificant. Thus, in 2007 the number of beneficiaries of allowances for children (from those which are not insured) was only with 75.3% more than the insured ones;

(c) The reappraisal of the social allowances system is obvious, whilst the arguments of the undertaken analysis within the system of social insurance<sup>33</sup> have served for the development of the Social Assistance System Rationalisation Programme for years 2008–2010,<sup>34</sup> which determined the main objectives and the steps of the respective reform, as well as the draft Law on social aid<sup>35</sup> which is asked to revise the re-compensatory model by moving to the global income testing model of the applicant for monetary assistance, including gradual merger of the social allowances programmes in one single service having the title of “social aid for the poor”.

416. The conglomerate of measures directed to efficient management of the work migration phenomenon is unconceivable without social protection of the migrant workers, an element which is possible with the implementation of certain activities to ensure the fundamental rights of citizens of the Republic of Moldova which are employed abroad. The measures are concentrated on the monitoring of the employment contracts’ correct application, signature of bilateral agreements and adherence to international legal instruments in the field.

417. On 10 February 2006 the European Convention on the legal status of migrant workers was ratified, which provides for the migrant workers a treatment no less favourable than for the citizens of the host state. Moldova pays a special importance for this

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<sup>33</sup> Analysis undertaken by the European Commission Food Security Programme, World Bank, UNICEF, TACIS, DFID, etc.

<sup>34</sup> Government Decision No. 1360 din 07.12.2007.

<sup>35</sup> Government Decision No. 1328 from 29.11.2007 on the approval of the draft Law on social aid.

instrument, because the respective Convention was ratified by a series of countries which constitute points of destination for Moldovan workers (Russia, Italy, Portugal, Spain, Greece etc). Presently, an important direction of activity is the development of implementation mechanisms of the respective Convention, as well as Convention No. 97 of the International Labour Organisation on migration for employment and Convention 181 of the International Labour Organisation on private employment agencies.

418. By means of the Government Decision No. 885 from 06.08.2007 negotiations have been initiated on the draft Agreement between the Government of the Republic of Moldova and the Government of the French Republic on the regulation of migration of workforce fluxes from both states.

419. It is to be mentioned that the negotiation of the respective agreements is taking place very slowly, the European Union states being frequently reserved to the initiatives in this field of the Republic of Moldova. There are high hopes on the understanding from the EU states on the importance to commonly manage migration and awareness that migration cannot be efficiently managed without cooperation with other states.

## **7. Legislation in the field of social insurance**

420. The Pension System Reform Strategy presupposes the merger of pensioning norms for all categories of beneficiaries of same type of pensions. In this respect in 2003 Law No. 358 was adopted on the amendments and add-ons to certain legislative acts, which supplemented with a separate chapter the Law on state social insurance pensions, which regulates the conditions of establishment of the pensions for certain categories of citizens, such as members of Parliament, members of Government, civil servants, and local electees. The main condition for establishing pensions for these categories of beneficiaries is the reach of the set pension age, as well as fulfilment of the necessary employment experience both the general and the specialised one. Thus, for MPs and members of the Government it is necessary to exercise the respective duties for at least 2 years, with the condition of reaching the pensioning age and fulfilment of the total employment experience, in order to benefit from the right to pension in an amount equal to 75% of the average insured monthly income of an MP or member of Government. Civil servants must confirm at least 15 years of total employment experience with the public service to have the right to a pension equal to 75% of the average insured monthly income, whilst the local electees – not less than 8 years.

## **8. Foreign relations**

421. During the reporting period regular reports have been developed (monthly, quarterly, annual) and Informational Memoranda on the implementation of the European Neighbourhood Policy Action Plan EU-Moldova on the basis of the Government Decisions No. 356 from 22.04.2005 and No. 113 from 03.02.2007 and the Actions sheets for the management meetings of the Government, the meetings of the National Committee for European Integration, including, at the request of the Parliamentary Committee for Foreign Policy and European Integration.

422. In cooperation with the competent ministries the Ministry of Social Protection, Family and Child has prepared and translated the Fourth National Report for the period of 2005–2007 on the implementation of the Revised European Social Charter, ratified by the Republic of Moldova by Law No. 484-XV from 28 September 2001. This report was examined and approved on 18 October 2007 by the National Committee for development of national initial and periodic reports on the implementation of international treaties to which the Republic of Moldova is a party to. Also, supplementary information requested by the European Committee for Social Rights and the comments on the formulated conclusions on

the implementation of the Revised European Social Charter have been prepared and translated.

423. An important step towards integration for a state is to accept responsibility for the consequences of ratification of important European instruments, of social security treaties, and the opportunity to ratify the European Social Security Code, signed by the Republic of Moldova on 16 September 2003 and the European Convention on Social Security and the Complementary Agreement on the application of the European Convention on Social Security, signed on 22 May 2002. Taking into account the complexity of these two European instruments of social security, the process of assessment of the opportunities to ratify these two instruments from the financial point of view has been initiated.

424. During the year civil servants of the Ministry of Social Protection, Family and Child have participated at the working groups of the specialised Committees of the Council of Europe (Governmental Committee of the European Social Charter, Directorate Committee on social cohesion, Directorate Committee on equality between women and men).

425. By means of Government Decision No. 1170 from 29.10.2007, negotiations have been initiated on the draft intergovernmental agreements in the field of social security with Portugal, Spain, Greece and Italy.

426. By means of Government Decision No. 1182 from 02.11.2007, negotiations have been initiated on the draft Agreement between the Government of Republic of Moldova and the Government of Republic of Bulgaria on social security.

427. In the meantime, it is worthwhile mentioning the active representation of the Republic of Moldova within the High Level Conferences: "Gender Equality and human rights reflected in the national development strategies and budgetary plans", Kazakhstan, Almaty, 20 May 2007, meeting which resulted with the signature of the Declaration as Contribution for the High Level Forum in Hana (2008) on the efficiency of external assistance; "Services of social support of women victims of violence", organised by the Council of Europe in the period of 6–7 December 2007.

## **Article 10**

### **1. International Conventions**

428. Republic of Moldova has ratified the following UN Conventions:

(a) Convention on the Rights of the Child, ratified by the Republic of Moldova at 12.12.1990 and which entered in force on 25.02.1993. To implement the provisions of the mentioned Convention the second and the third reports have been developed and merged on the implementation of by the Republic of Moldova of the UN Convention on the rights of children, which was sent in September 2007 to the Ministry of Foreign Affairs and European Integration;

(b) Convention on the Elimination of All Forms of Discrimination against Women – ratified by the Republic of Moldova according to Parliament Decision No. 87-XII from 28.04.2008;

(c) International Covenant on Civil and Political Rights, ratified by Parliament Decision No. 217-XII from 28.07.1990;

(d) ILO Convention No. 117 on Basic Aims and Standards of Social Policy, signed at Geneva on 22 June 1962, ratified by Parliament Decision No. 593-XIII from 26 September 1995;

(e) ILO Convention No. 183 on Maternity Protection, ratified by Law No. 87-XVI from 20.04.2006.

429. The initial Report of the Republic of Moldova developed in accordance with article 18 of the Convention on the elimination of all forms of discrimination against women was sent to the Committee in October 1998. In June 2000 the Government presented the initial Report on the implementation of the Convention within the 478th, 479th and 484th reunions.

430. The second periodic Report (merged with the third one) on the implementation of the provisions on the international Convention on the elimination of all forms of discrimination against women was sent to the Committee in 2004. Republic of Moldova was invited to present the second periodic Report, merged with the third one, on the implementation of the mentioned Convention within the 36th session of the Specialised UN Committee, which took place during 7–25 August 2006, at New York, USA.

431. With the purpose to harmonise the national legal framework with the international one, amendments to the legal acts that regulate issues of social protection of certain categories of citizens have been adopted (Law No. 177-XVI from 20.07.2007). The amendments relate to the establishment of the status of children with disabilities until the age of 18, which offer supplementary social protection to children with disabilities when establishing the social rights and payment of state social and nominative allowances.

432. Within the protection measures of the child in difficulty the draft law on amendments and add-ons to the Family Code was developed (adopted by Government Decision No. 1372 from 07.12.2007), which contains the following new features: update of the definition of the child left without parental care with the term “abandoned”; provisions which relate to new forms of protection for children left without parental care (professional parental assistance); placement of children for education and caretaking purposes in both state and private residential institutions etc.

433. On the basis of article 25 of the Law on state social insurance budget on 2007, Government Decision No. 194 from 21.02.2007 the amount of the single allowance for child birth was increased from 800 to 1000 lei, both for the ensured and non-ensured persons.

434. Starting with 1 April 2007 the state social allowances (for children with disabilities, as well as for other categories of persons with disabilities), with the exception of the allowances for caretakers and the decease aid, have been increased with 12.7%, following the annual increase of the consumer price index for the preceding year.

## **2. Family**

435. The family is the primary cell of the human society, having a fundamental economic, social and demographic importance. Its main functions are to ensure the human continuity, formation and development of the intellectual, moral, spiritual and physical acquirements of the young generation, carry over the experience of the adults and maintenance of the obtained wealth.

436. According to article 48 of the Constitution of the Republic of Moldova “the family” is the natural and fundamental element of the society and has the right to protection from the society and the state.

## **3. Children age**

437. According to article 51 of the Family Code, adopted by Law No. 1316-XIV from 26.10.2000 (1) a child is considered the person that has not reached 18 years (coming of age). Every child has the right to live in a family, to know his (her) parents, to enjoy their

care, to live with them, with the exception of cases when this is not in the best interest of the child. The child has the right to education from his (her) parents, to development of the intellectual capacities, freedom of thought and will, protection of honour and dignity. In cases when the child is left without parental care (parents have been discharged of their parental rights, declared without civil capacity or have been reported missing, as well as in other cases).

### **3 (a) Child protection**

438. Children are considered the wealth of the state, because they are its future. Care for the future generation is on the priorities of the state, manifested through different forms of protection.

439. In the last years, and mainly after the adoption by the UN on 20 November 1989 of the Convention on the rights of children, the treatment of children's rights problems has changed, through change of attitude from the perception that children are parents' property to the perception that the child is independent and is only under the protection of parents and the state. Problems of child protection have been defined and disseminated; the risks to which children are exposed have been identified and made public.

### **4. Family assistance and protection**

440. By means of the Government Decision No. 727 from 16.06.2003, the national Strategy on family and child protection was adopted. One of the objectives of this strategy is development/harmonisation of the legal framework in the field of child and family protection and delivery of full implementation of the UN Convention and other international normative acts on the rights of the child and family.

441. By means of Government Decision No. 283 from 14.03.2007 the structure, the personnel and the Regulation on the organisation and functioning of the Ministry of Social Protection, Family and Child have been adopted. The Ministry has the mission to ensure the realisation of the constitutional prerogatives of the Government on development, promotion and implementation of the state policy in the field of social protection, family and child, with the purpose to ensure social security and increase the level of living of the population.

442. Article 16 of the Family Code, No. 1316-XIV from 26.10.2000 provides for the equality of husbands, both men and women in their matrimonial relations. All problems of family life are solved by the together by the husbands, in accordance with the principle of equality in family relations. Any of the spouses has the right to continue or to independently choose the activity and profession. Husbands determined freely and independently the place of their domicile. The relations between husbands are based on respect and reciprocal help, on common obligations to maintain the family, of caretaking and education of children.

#### *Monetary aid*

443. In accordance with the Law on the republican fund and local funds of social support of population No. 827-XIV from 18 February 2000 and the Regulations adopted by Government Decision No. 1083 from 26 October 2000 on implementation of the Law on the republican fund and the local funds of social support of population, aid is offered annually to families with children, to families with children with disabilities of an age of up to 16 years, single parent families, families with tutorship on non-institutionalised orphan children, persons not involved in employment due to the need to take care of children until the age of 3 years and other families with low incomes, as well as to orphan children and left without parental care and who are under care of the social assistance and family protection Sections/Directorates.

444. Information on the monetary aid offered to families with children can be found in Table 13 of Annex No. 1.

445. During 2007 total monetary aid offered to children with families was distributed to the following categories of persons: families with 4 or more children, have received 20,499 units of aid, the total amount of which was 4.97 million lei; families with children with disabilities have received 15,182 units of aid, in total amount of 4.35 million lei; single parent families 17,138 units of aid have been offered with a total value of 4.39 million lei; families with tutorship over non-institutionalised orphan children 4,906 units of aid have been offered, with a total value of 1.49 million lei; for families with children with low income 19,656 units of aid have been offered, with a total value of 7.4 million lei.

446. Also the Republican Fund, through the means of local funds of social support of population, contributes to the implementation of the special destination programmes for certain underprivileged categories, thus offering one time payable monetary aid to families in difficulty with children on the International Children's Protection Day – 1 June, and to families in difficulty that must send children to school by 1 September.

## 5. Maternity protection

447. By means of Parliament Decision No. 994-XIII from 15.10.96 Convention No. 103 on maternity protection, revised, signed at Geneva on 28 June 1952 was ratified.

448. Maternity protection is a priority objective of the Government's activity and during the mentioned period in the new Labour Code, which entered in force on 1 October 2003, certain privileges specific to maternity have been included. Maternity leave and partially paid leave for childcare to employed women and apprentices, as well as to wives supported by male employees, is offered and it includes a pre birth leave of 70 days and after birth leave of 56 days (in case of births with complications or birth of 2 or more children – 70 calendar days), for this period allowances being paid in accordance with the law.

449. After the expiry of the maternity leave, women are offered a leave for childcare until the child reaches the age of 3, the allowance for this leave being paid from the state social insurance budget.

450. The partially paid leave for childcare may be used partially or integrally at any time, until the child reaches the age of 3 and is included in employment experience, including specialised employment experience and the period of contribution with premiums to the social assistance budget.

451. The partially paid leave for childcare may be used by the father, grandparents or other relatives who are directly linked with childcare.

452. Besides the maternity leave and the partially paid childcare leave until the child reaches the age of 3, the mother or one of the specified persons may benefit from a supplementary leave without maintenance of the salary for childcare of a child of an age between 3 and 6 years, keeping the current job available.

453. During supplementary non-paid leave for childcare, the mother or other child-taker has the right to work part time or from home.

454. The period of supplementary non-paid leave is included in the employment experience period, including specific employment experience, if the individual employment contract has not been suspended from the initiative of the employee.

### *Leave for employees that have adopted children or have taken tutorship upon them*

455. The employee that has adopted a newly born child directly from the maternity home or has taken a child under tutorship receives according to article 127 of the Labour Code a

paid leave for a period that starts with the adoption (tutorship) and until the expiry of 56 calendar days from the day of the child's birth (in case of adoption of two or more children at once – 70 calendar days), and, on the basis of a written application, a partially paid leave for childcare until the age of 3 years (allowances for the mentioned leave are paid from the state social insurance budget).

456. The employee that adopted a newly born child from the maternity home or has taken tutorship upon him is offered, on the basis of a written application, a supplementary non-paid leave for childcare for a period between 3 and 6 years of the child's age.

457. In the light of the above mentioned the prohibitive norms concealed to counterbalance the eventually abusive behaviour against persons that are offered preferential treatment due to their family duties must be described too. The following are part of this group of norms:

(a) Prohibition of the refusal of employment or reduction of the amount of salary due to reasons of pregnancy or presence of children of an age of up to 6 years, provided for by article 247 of the Labour Code. The refusal of employment of a pregnant woman or a person with a child of an age of up to 6 years due to other reasons must be explained, the employer being obliged to inform the person within 5 calendar days from the date of registration of the employment application at the unit. The refusal of employment may be subjected to appeal in a court of law. According to article 330 of the Code, in case when by an unjustified refusal of employment the person was illegally deprived of the possibility to work, the employer is obliged to compensate the person the salary which would have been paid if he/she was not forced to inactivity;

(b) Prohibition of dismissal of pregnant women and employees that take care of children of an age of up to 6 years, with the exception of cases of liquidation of the unit (art. 251 of the Labour Code);

(c) Prohibition of a probation period for pregnant women (art. 62 of the Labour Code);

(d) Prohibition of involvement of pregnant women, women in afterbirth leave, as well as women that have children of an age of up to 3 years to night work, supplementary work, work during public holidays, work in continuous shifts (arts. 103, 105, 111, 318 of the Labour Code), etc.

#### *Allowances directed to families with children*

458. Allowances for families with children represent the primary economic support from the state for families with children, and is expressed in the form of single or periodic payments offered to families for the birth, childcare and sustenance of the child, depending on the age of the child and the income of the family. Starting with 2004 ensured persons have received allowances for childcare of an age of up to 3 years, compared to 1,5 years that was used as a benchmark in the previous years.

459. Presently there are the following types of allowances offered to families with children:

(a) Single allowances at child birth;

(b) Monthly allowances for childcare until the age of 1,5/3 years;

(c) Monthly allowances for child sustenance of an age between 1,5/3 years and 16 years;

(d) Monthly allowance for childcare of children with health problems.

460. Starting with 1 January 2004, families with low incomes receive a monthly allowance of 50 lei for child sustenance, both to ensured and non-ensured persons, if the average monthly income for each member of the family in the previous quarter did not exceed 54 lei. In 2003 the amount of the allowance was 25 lei and was paid only if the average monthly income for each member of the family in the previous quarter was less than 18 lei per person for a family with 1–2 children, with 3 or more – 27 lei and for families sustained by single mothers – 54 lei (**Table 3**).

461. With the purpose to support families with children social protection is offered from the state and namely delivery of social services:

(a) Persons insured in the public system of social insurance benefit from the following social services, the payment of which is done from the state social insurance budget:

(i) Maternity allowance, which includes a pre birth and after birth leave. This is also offered to husbands – employees on whose sustenance are their wives. For 2007 the respective allowance accounted for 86,1 million lei;

(ii) Single allowance at childbirth to ensured persons for the payment of which 9,7 million lei were disbursed. The amount of the single allowance at childbirth in 2007 was increased compared to the previous year from 800 lei to 1000 lei;

(iii) Allowance for child sustenance until the age of 3 years to ensured persons. The amount of the allowance was set at the level of 20% of the average salary of the ensured person. For the payment of this allowance 63,5 million lei were disbursed;

(b) Non-insured persons benefit from the following social services from the resources of the state budget and namely:

(i) Single childbirth allowance to uninsured persons. For its payment 25,4 million lei have been disbursed. The amount of the single allowance for childbirth in 2007 was 1000 lei;

(ii) Allowances for childcare until the age of 1,5 years to the uninsured persons. The amount of the allowance was established at the level of 20% of the average ensured monthly salary of the beneficiary. For payment of this allowance 44,6 million lei have been disbursed;

(iii) Monthly allowance for childcare between 1,5/3 and 16 years, which is offered depending on the level of income. The amount of the allowance for 2007 constituted 50 lei per month.

462. Out of the state budget for social and medical protection of the disabled minors with mental deficiencies put under the state's tutorship, financial means of 16,2 million lei have been used to maintain two institutions with 630 disabled with mental deficiencies. At the same time, to ensure temporary protection of children in difficulty, as well as their socialisation and integration in their biologic families 2,6 million lei have been allocated from the state budget.

463. The budgets of the territorial administrative units for 2007 have reserved 10,2 million lei for the functioning of 27 social assistance centres for day childcare and placement with 1037 tutored persons.

464. Also, it must be mentioned that one of the priority actions of the state is to upgrade the existing system of social assistance delivery, which will take place through gradual implementation of the principle of evaluation of the level of living of the beneficiaries. Thus, the spectrum of measures in the field of social assistance will be directed to the most poor and their social groups' focusing subject to risks. In this context, by means of the

Government Decision No. 1328 from 29 November 2007 the draft Law on social aid was adopted, which provides for its implementation starting with 1 September 2008.

*Family relations between husbands*

465. In accordance with the legislation in force family relations are protected by the state. Family rights are protected by law, with the exception of the cases when these are used contrary to their purpose or legal provisions.

466. Family relations, especially conditions and process of initiation, conclusion and nullity of the marriage, personal non-financial relations, born out of a marriage, kinship and adoption, conditions, process, forms and effects of legal protection of orphan children and those left without parental care or left in other vulnerable situations, as well as other similar social relations to family are regulated by the norms of the Family Code, adopted by Law of the Republic of Moldova No. 1316-XIV from 26 October 2000, Civil Code, adopted by Law of the Republic of Moldova No. 726-III from 14 June 2002, and other normative acts in accordance with the principle of monogamy, freely accepted marriage between a man and a woman, equality in rights of husbands within their family, mutual moral and material support, fidelity, priority of the education of the child in family, manifestation of care for their support and education and protection of the rights and interests of the minor members and the incapable members of the family, inadmissibility of deliberate interference in the family business, free access to protection, including through the means of a court of law of the rights and legitimate interests of the members of the family.

467. Thus, according to the Family Code, all married persons have equal rights and obligations in their family relations, irrespective of gender, race, nationality, ethnic origin, language, religion, opinion, political adherence, wealth or social origin.

468. Only marriage adhered to within the state bodies of civil status generates rights and obligations between husbands. The rights and obligations of husbands appear from the day of the registration of marriage at the civil status bodies.

469. To initiate a marriage the mutual, unforced, personally expressed and unconditional will is necessary from the man and the woman who decide to marry, as well as the fulfilment of the necessary matrimonial age. The minimal matrimonial age is 18 years for men and 16 years for women. Under duly motivated reasons the matrimonial age may be reduced for men but with no more than 2 years. The reduction of the matrimonial age requires the acceptance from the local public administration where these persons reside, with their written application and agreement from the parents of the minor.

470. With regard to the conditions of divorce, the reasons of marriage termination are provided for in article 33 of the Family Code, according to which marriage discontinues as a result of the decease or declaration as deceased through a decision of a court of law of one of the husbands. Marriage may be discontinued through divorce, on the basis of the written application from one or both husbands, of the tutor of the husband declared without legal capacity. In the absence of the agreement of the wife, the husband may not ask for the discontinuation of the marriage during pregnancy and during one year after the birth of the child if the young one was born alive and lives. In accordance with the Family Code marriage is discontinued at the civil registry and through a court of law proceeding.

*The responsibility of the parties*

471. According to the Constitution and the Family Code, parents have equal rights and obligations before their children, irrespective of the fact if these are born in marriage or outside of it, if they live together with the parents or separately. Parents have the right and are obliged to educate their children in accordance with their own beliefs. At the same time,

parents bear responsibility for their physical, intellectual and spiritual development and have priority at their education over any other persons.

472. All problems related to the education and teaching of the child are solved by parents by mutual agreement, taking into account their interests and the will of the child. Parents bear responsibility as provided by law in case the exercise of their rights is abusive.

#### *Reunification of the family*

473. If a foreign citizen is a refugee in Republic of the Moldova, the procedure of obtaining a protection form from the Republic of Moldova is regulated by Law No. 1286-XV from 25.07.2002 on the status of the refugees. To obtain asylum in Republic of Moldova the persons must issue an application for a certain type of protection to the Refugee Directorate of the Ministry of Interior. Also, there is the possibility to apply at the police or at the frontier checkpoints, which will be transferred to the Directorate Refugees from the Ministry of Interior. The presented information in the application is examined and a decision is issued under which a form of protection will be offered (status of refugee or humanitarian protection) or will reject the application. The decision may be appealed at a court of law, within the administrative contention procedure.

474. Cases of entrance or leave from the Republic of Moldova of children with the purpose to reunify their families have not been registered, nor cases of children of refugees, not accompanied by anyone coming to ask for asylum have not been registered either.

475. The procedure of family reunification is the following – an application is sent by the person that has some degree of protection under which he/she requires family reunification, complete data are offered about the persons that must be called for (according to the law only the reunification of husband or children, if the applicant is at least 18 years old, or of the parents if the applicant is minor).

476. The application is examined by the Migration and Asylum Bureau, the Ministry of Internal Affairs, which in case of a positive response, issues an invitation for the above-mentioned persons, which will allow them to get a visa for legal entry in the Republic of Moldova.

#### *Recovery of the childcare allowance*

477. According to the provisions of the Family Code, parents are obliged to take care of their minor children and major children who are unable to work and require financial support. The method of payment of the maintenance allowances is determined on the basis of a contract signed between parents or between parents and the major child unable to work. If such a contract is missing and parents do not participate with support for their young, the maintenance allowance is charged by means of a decision of a court of law, at the request of one of the parents, of the tutor of the child or by the tutorship authorities.

478. Childcare allowance for the minor child is charged from the salary and/or other income of the parents equal to 1/4 – for one child, 1/3 – for two children and 1/2 – for 3 and more children. The amount of these charges may be diminished or increased by a court of law, taking into account the financial and family situation of the parents, other important circumstances. When some children remain with one parent, whilst the others – with the other parent the childcare allowance is paid in favour of the less ensured parent in a fixed amount.

479. In cases when the parent that owes childcare allowance to his child has a salary and/or other secondary unstable or fluctuant income or receives salary and/or other income which are partially or totally in kind, as well as in other cases when due to certain reasons the charge of the allowance as a share of the salary and/or other income is impossible, the

court of law may set the amount of the allowance as a fixed amount of money paid monthly, or concurrently in a fixed amount and as a share of the salary and/or other income.

## 6. Protection and assistance of children and teenagers

480. General norms on the children's labour are set in the Constitution of the Republic of Moldova, the Labour Code and the Law on the rights of children:

**The Constitution** – article 50, paragraph (4): “Child exploitation, their involvement in activities that may cause harm to their health, morality or may expose their life to risk or normal development are prohibited.”

**Labour Code** – article 46:

“(2) The physical person obtains work capacity at the age of 16 years.

(3) The physical person may sign an individual employment contract at the age of 15 years with the written consent of parents or legal representatives, if as a result the health, development, professional formation and training will not be harmed.

(4) Employment of persons younger than 15 years is prohibited, as well as employment of persons that have been deprived by a court of law of the right to hold certain positions or exercise certain activity in the respective functions and activities.”

**Law on the rights of children** – article 6: “The State protects the child's inviolability, protecting him from any form of exploitation, discrimination, physical and moral violence, not accepting cruel, rude, disdainful treatment, insults and maltreatment, involvement in criminal activity, involvement in consumption of alcoholic drinks, illegal use of drugs and psychotropic substances, gambling, begging, involvement or constrain into any form of illegal sexual activity, exploitation with the purpose of prostitution or other illegal sexual practices, in pornography and materials with a pornographic contents including from parents or persons with legal custody, relatives.”

Article 11, paragraph (3): “The State protects the child from economic exploitation and any labour that represents threat to health or is a limitation of the educational process, or harms physical, intellectual, spiritual and social development.”

Article 11, paragraph (5): “Forced involvement under any form of the child into employment presupposes legal liability.”

481. Similar provisions, but with more details, on certain forms of child labour are contained in the Labour Code, article 255 of which provides that:

“(1) Labour of persons that have not reached 18 years is prohibited if it involves hard, harmful and/or dangerous working conditions, underground work, as well as works that may cause damage to health or moral integrity of minors (gambling, work in night clubs, production, transport and sale of alcoholic drinks, of tobacco products, of narcotic and toxic products). Manual lifting and transportation by minors of weights that overcome the maximum limits set for them are prohibited.

(2) The classifier of works under hard, harmful and/or dangerous working conditions which are prohibited for persons under 18, as well as the maximum limits for manual lifting and transportation of weights by persons under 18 are adopted by Government after consultations with the employers and trade unions.”

482. The Classifier of industries, professions and works with hard and harmful working conditions prescribed for persons under 18 was adopted by Government Decision No. 562

from 7 September 1993. The Classifier contains works that relate to 32 branches of national economy, as well as a list of specialisations common for all branches.

483. The Labour Code also prohibits enrolment of persons under 18 to night work (art. 103), supplementary work (art. 105), work under continuous shifts (art. 318), as well as sending these people to displacements, with the exception of employees from audiovisual institutions, theatres, circuses, cinema organisation and professional sportsmen (art. 256).

484. Besides this, according to article 96 and 100 of the Labour Code, the working day for minor employees is reduced (from 15 to 16 years – 24 hours per week and 5 hours per day, from 16 to 18 years – 35 working hours per week and 7 hours per day). Employment norms for minor employees are determined based on the general employment norms, proportionately to the reduced working time set for the respective employees (art. 254).

485. To ensure the application of these provisions described above a system of administrative and criminal sanctions is used.

486. Thus, article 41 of the Code on administrative misdemeanours provides for application of a fine up to 200 conventional units for breach of employment legislation.

487. Article 41/3 of the Code on administrative misdemeanours provides for application of a fine of up to 20 conventional units for involvement of minors in any works which constitute a risk for health or constitute a limitation of the educational process, or harms physical, intellectual, spiritual and social development.

488. Article 206 of the Criminal Code provides for a list of sanctions (including imprisonment from 10 years to life imprisonment, prohibition of the possibility to be enrolled into certain functions or to exercise certain activities for a period of up to 5 years, as well as a fine from 3000 to 9000 conventional units) for child trafficking – enrolment, transportation, transfer, hosting or accepting a child, as well as receipt or payment of a certain amount or benefits to obtain agreement from a person that has control over the child, with the purpose of:

- (a) Sexual, commercial and non-commercial exploitation, in prostitution or pornographic industry;
- (b) Labour or forced services exploitation;
- (c) Slavery exploitation or exploitation under similar conditions to slavery, including in case of illegal adoption;
- (d) Enrolment in armed conflicts;
- (e) Enrolment in criminal activity;
- (f) Organ or tissue extraction for transplant;
- (g) Abandonment abroad.

489. Article 208 of the Criminal Code provides for criminal sanctions of up to 10 years of imprisonment for enrolment of minors in criminal activity or instigation to commit immoral actions.

490. Article 210 of the Criminal Code provides for the application a fine from 200 to 600 conventional units or imprisonment from 2 to 5 years for involvement of minors in military actions or minor war propaganda.

491. Article 220 of the Criminal Code provides for the application of a fine from 200 to 800 conventional units or to imprisonment from 2 to 7 years for pander activity (including against minors).

492. Article 302 of the Criminal Code provides for the application of a fine of up to 1500 conventional units or with imprisonment of up to 7 years for initiation or management of beggary or recruitment of persons for begging, or persuasion or constraint of a person to beg, with the purpose to obtain for himself or for any other person an unjustifiable material interest (including with relation to a minor person).

493. With the purpose of efficient promotion of state policy to increase the quality of the life of children and families, specific measures have been recently taken to reform the existent system of family and child protection and a list of normative acts have been adopted:

(a) By means of Governmental Decision No. 52 from 18 January 2007 “on the reorganisation of certain central specialised bodies of the public administration” the Ministry of Social Protection, Family and Child was created, which is the main specialised body, which promotes the policy in the field of social protection, child and family;

(b) Government Decision No. 409 from 9 April 1998 “on the approval of the Regulations of the National Council for the Protection of the Rights of Children”;

(c) Government Decision No. 1219 from 9 November 2001 “on the approval of the nominal composition of the National Committee on fight against the traffic of human beings and the Action Plan on fight against traffic of human beings”; Government Decision No. 1018 from 13 September 2004 “on the approval of the Template Regulations of the Centre of the temporary placement of children”;

(d) Government Decision No. 450 from 28 April 2006 “on the approval of the minimum quality standards on caretaking, education and socialising of children within the Centre of temporary placement”;

(e) Government Decision No. 1472 from 25 December 2006 “on the creation of the High Level Group for Children of Moldova”;

(f) Government Decision No. 24 from 10 January 2007 “on the approval of the Regulation on the procedure of employment of social assistants”;

(g) Governmental Decision No. 784 from 9 July 2007 “on the approval of the National Strategy and the Action Plan on the reform of the residential system of childcare for years 2007–2012”;

(h) Government Decision No. 954 from 20 August 2007 “on the approval of the national Strategy on communitarian actions for the support of children in difficulty for years 2007–2009”;

(i) Government Decision No. 995 from 3 September 2007 “on the approval of the National communitarian Action Plan for the support of the children in difficulty for years 2007–2009”;

(j) Government Decision No. 1177 from 31 October 2007 “on the creation of the raion Committee for the protection of children in difficulty and approval of its Regulations of Activity”;

(k) Government Decision No. 1361 from 7 December 2007 “on the approval of the Template Regulations on the service of professional parental assistance”.

#### *Children deprived of family environment and parental care*

494. The tutorship authorities identify children left without parental care, keep their record and in every particular case, depending on the specific circumstances of the case as a result of which the children have been left without parental care, choose the form of

children placement with the purpose to protect them, ensuring systematic control of the maintenance, education and training conditions.

495. Persons with decision making functions from the educational, remedial, social assistance and other similar institutions, as well as other persons that hold information on such children are obliged within 3 days to inform the tutorship institutions of the place of stay of these children.

496. Children left without parental care may be placed for care and education:

- With the adopter or the foster parents
- Under tutorship (trusteeship)
- With family type orphanages
- With State institutions for orphan children and those left without parental care, of any type (educational, training, remedial, social assistance), if other possibilities do not exist

497. While choosing the type of placement it shall be mandatory to take into account the ethnic origin of the child, with certain cultural adherence, religion, language, health condition and child development with the purpose to create living conditions which would ensure continuity of his/her education. Until the placement of the child left without parental care, the responsibility for his wellbeing is put on the tutorship authorities.

*The system of residential institutions for children left without a family and its financing*

498. The system of institutions for children left without a family from the Republic of Moldova comprises 67 institutions under the subordination of three ministries and local public authorities and has the following structure:

- (a) Schools/Gymnasiums and orphanages for orphan children and left without parental care;
- (b) Boarding schools for children with mental disabilities;
- (c) Special boarding schools and orphanages for children with physical and sensorial disabilities (movement, hearing and seeing disabilities);
- (d) Boarding rehabilitation schools for children with psycho-neurological and cardiovascular diseases;
- (e) Boarding schools for children with behavioural deviations;
- (f) Boarding schools for children with severe mental disabilities;
- (g) Temporary Placement and Rehabilitation Centres for early age children.

499. In total, 62 of the 67 residential institutions are under the subordination of the Ministry of Education and Youth. The beneficiaries of the system are children between 0 and 18 years. On 1 January 2007 the residential system had 11,096 children in caretaking.

500. The fortification of the normative framework in the field of education of children in difficulty was supported by the development of the Residential System Reform Strategy and the Action Plan for its implementation. The reform of the child protection system and the Strategic Directions of the national child protection system reform have constituted subjects of national conference. "Social dimensions of the child protection system in the Republic of Moldova". Minimal Standards of quality on childcare, education and socialising of children in residential institutions have been developed and entered in force on 1 January 2007.

501. With the purpose to ensure the rights of children and to increase public awareness on the problems of children in difficulty the employees of the Ministry of Internal Affairs have implemented TV shows, radio reports and press publications.

502. Also, along with UNICEF, MSPFC, MET working sessions have been organised within the working group responsible for the development of the draft programme on the “creation of the automated informational system of child protection” (AISCP) within the UNICEF-EU/TACIS project “development of integrated social services for vulnerable families and children exposed to risks”.

503. A group of activities have been undertaken to promote the annual programmes of public awareness in the field of child protection: children in institutions, children with disabilities, homeless/trafficked children, available within national legislation and treaties signed, ratified and in force for the Republic of Moldova.

504. With the purpose to combat juvenile delinquency, special attention is paid to the organisation of children’s rights protection measures, existent drawbacks in the field and the ways to solve them, which are discussed during lessons organised in educational institutions, within meetings with the population and during the participation at the sessions of the local councils.

505. Actions continue to take place within the reform of the residential system of childcare, initiated under the auspices of the Government of the Republic of Moldova. The aim of the reform is to reduce the number of children that grow and develop separately from the family. This may be attained by reintegration into the natural or extended family of the majority of children that are now placed in boarding schools and by prevention of children’s institutionalisation. Statistics show that around 85% of children from residential institutions have one or both living parents.

506. Within the reform the creation and development of new communitarian protection services for vulnerable children and families are envisaged. A priority would be the actions of child reintegration into families, with this purpose family support services are developed. This support will be expressed in counselling, employment, money, food, clothing or other type of support, depending on the particular necessities of each family. Also, integrated social services will be developed:

(a) **Family type:** Tutorship, family type orphanages, professional parental assistance. These services are beneficial for the child, as they offer a secure environment, closer to the family one, very important for a good development of the child;

(b) **Communitarian type:** Day type centres, maternity centres, centres of temporary placement. These offer spaces and services to children and vulnerable families, whilst specialists intervene professionally to find an optimal solution for each particular case.

507. With regard to the residential institutions, many of them are planned to be transformed in communitarian centres. In some settlements residential institutions will be maintained, but with a small number of children and with enhanced services, directed towards the good and the best interests of the child. In settlements where the existence of boarding schools and orphanages would prove inefficient, these will be closed down.

508. The reform is managed by the Government, with the support of the UNICEF and the European Union (TACIS), within the Project “Development of the integrated social services for vulnerable families and children exposed to risks”, following the outputs:

(a) Development of the National Plan and Strategy on the Reform of the Residential System of childcare;

(b) Development of the informational on-line database system;

- (c) Reform of the legal framework;
- (d) Reform of the financial mechanisms;
- (e) Development of social services at the community level for vulnerable families and children exposed to risks etc.

509. Most of the residential institutions — 63 — are under the subordination of the Ministry of Education and Youth. According to latest data these institutions host and teach 10350 children.

## 7. Amendments to legislation

510. According to article 22 of the Constitution of the International Labour Organisation the following have been developed and presented to the ILO: Report on the implementation of Convention No. 138 (1973) on Minimum Age for Admission for Employment and the Report on the implementation of Convention No. 182 (1999) on the prohibition and immediate action for the elimination of the worst forms of child labour and Immediate Actions for their Elimination for the period between 12 August 2005 and 12 August 2007.

511. During the reporting period the sector regulated by Convention No. 138 registered the following amendments. In accordance with Laws No. 23 from 14 April 2005 and No. 357 from 24 October 2006, according to which the Law on Government was amended, during the period of 2005–2006 the Government promoted a list of measures having as aim the reorganisation of certain ministries and central public authorities. As a result the Ministry of Labour and Social Protection has ceased its existence, its functions related to labour being overtaken by the Ministry of Economy and Trade, whilst those that deal with social protection have been transferred to the Ministry of Social Protection, Family and Child, which was created for that purpose. Thus, labour inspection, the responsible body for the control of the application of the labour legislation, including labour safety norms within units, is now within the subordination of the Ministry of Economy and Trade.

512. An addition to the previous Report on the implementation of Convention 182 is that during the reporting period a list of normative acts have been adopted having relevance to the sector of regulation of the Convention. Among these are the following:

(a) The law on the prevention and fight against the traffic of human beings No. 241-XVI from 20 October 2005, which contains a separate chapter on the prevention and fight against the traffic of children, as well as protection and assistance of children subjected to human trafficking;

(b) Law No. 376-XVI from 29 December 2005 (in force from 31 January 2006) according to which article 206 of the Criminal Code was amended (trafficking of children);

(c) Law No. 184-XVI from 29 June 2006 (in force from 11 August 2006) by means of which articles 220 and 302 of the Criminal Code were amended (Pander and initiation or organisation of begging).

513. Decision of the Government of the Republic of Moldova on the approval of the Framework Regulations on the organisation and functioning of the centres of assistance and protection of human trafficking victims No. 1362 from 29 November 2006 (in force from 8 December 2006), adopted with the purpose to implement Law No. 241-XVI from 20 October 2005 on prevention and fight against human trafficking.

514. Articles 41 and 41/3 of the Code on administrative misdemeanours were amended, presently having the following content:

**“Article 41 – Breach of labour legislation**

Breach by persons with decision making powers of the labour legislation and of normative acts on labour protection, results in the application of a fine from 75 to 200 conventional units.

The same action committed against minors results in the application of a fine from 100 to 250 conventional units.<sup>36</sup>

**Article 41 – Involvement of minors in labour that is dangerous for their health**

Involvement of minors in any form of works that presents danger to their health or is a limitation to their education, or harms their physical, intellectual, spiritual or social development results in the application of a fine of up to 20 conventional units.”

515. Articles 206, 220 and 302 of the Criminal Code have been amended, further below being the amended contents of these articles:

**“Article 206 – Child trafficking**

(1) The recruitment, transportation, transfer, hosting and receipt of a child, as well as receiving or making payments or benefits to obtain the agreement of a person that holds the control over the child with the purpose of:

- (a) Sexual exploitation, commercial or non-commercial, in prostitution or in the pornographic industry;
- (b) Exploitation through work or forced services;
- (c) Exploitation in slavery or in similar conditions to slavery, including in case of illegal adoption;
- (d) Enrolment in armed conflicts;
- (e) Involvement in criminal activity;
- (f) Extraction of human organs or tissues for transplant;
- (g) Abandonment abroad.

(2) The same action coupled with:

- (a) Application of physical or psychological violence on the child;
- (b) Child sexual abuse, commercial or non-commercial sexual exploitation;
- (c) Application of torture, inhuman and degrading treatment to ensure child subordination or coupled with rape, abuse of the physical dependency of the child, use of weapons, threat to disclose confidential information to the family of the child or other persons;
- (d) Exploitation in slavery or in conditions similar to slavery;
- (e) Enrolment in armed conflicts;
- (f) Extraction of human organs or tissues for transplant is subject to imprisonment from 15 to 20 years, with the privation of the right to hold certain functions or to exercise certain activity for a period between 2 to 5 years, whilst the

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<sup>36</sup> According to article 26 of the Code of administrative misdemeanours one conventional unit of fine is equal to 20 MDL.

legal entity is subject to a fine from 5000 to 7000 conventional units, with the privation of the right to exercise a certain activity or with the liquidation of the enterprise.

- (3) The actions provided for in paragraphs (1) and (2):
- (a) Repeatedly committed;
  - (b) Committed against two or more children;
  - (c) Committed by a person with decision making functions or by a person with a high decision making functions;
  - (d) Committed by an organised criminal group or by a criminal organisation;
  - (e) Resulting in serious harm to corporal integrity or in a psychological disease of the child with the his/her decease or suicide

is subject to imprisonment from 20 to 25 years, with the privation of the right to hold certain functions or to exercise certain activity for a period from 3 to 5 years or with life detention, whilst the legal entity is subject to a fine from 7000 to 9000 conventional units, with the privation of the right to exercise a certain activity, or with the liquidation of the enterprise.

- (4) The victim of child trafficking is not subject to criminal liability for the committed crimes in the position of such procedural entity.”

#### **Article 220 – Pander**

- (1) Exhortation or determination or support of prostitution, coupled with material interest as a result of other persons’ prostitution, is subject to a fine between 200 and 800 conventional units or with an imprisonment between 2 and 5 years.
- (2) The same actions:
- (a) Committed by an organised criminal group or by a criminal organisation;
  - (b) Resulting into serious consequences

is subject to an imprisonment from 4 to 7 years.

#### **Article 302 – Initiation and establishment of beggary**

- (1) Initiation or establishment of beggary, or recruitment of persons for beggary, or exhortation or constraint of a person to practice beggary, with the purpose to obtain for him or for other person an unjust material benefit, is subject to a fine of up to 1000 conventional units or with an imprisonment of up to 5 years.
- (2) The same actions committed:
- (a) Against a minor;
  - (b) Against a person with severe physical or mental deficiencies

is subject to a fine from 500 to 1500 conventional units or with imprisonment from 5 to 7 years.”

- (3) The law on prevention and fight against human trafficking No. 241-XVI from 20 October 2005 was adopted, which contains a separate chapter on the prevention and fight against traffic of children, as well as protection and social assistance for children who are victims of the human trafficking.

(4) As a result of the merger of the Confederation of Trade Unions of the Republic of Moldova and the Confederation of Free Trade Unions of the Republic of Moldova “Solidaritate” presently in Republic of Moldova there is a single trade union national centre – national Confederation of Trade Unions of the Republic of Moldova.

*Implementation of the provisions of the Convention*

516. According to evaluations, around 0.1% of the total number of employees are persons younger than 18 years.<sup>37</sup> Up to 20 of those persons work under conditions that do not correspond to hygienic and sanitary norms. Cases have been registered when persons younger than 18 years are employed in hard physical work, use equipment that does not correspond to the necessary safety requirements (Table No. 13 from Annex No. 1).

517. The data from the table is extracted from the reports presented by a group of economic agents with a personnel higher than 20 employees. According to the data of the bodies responsible for registration of economic agents, there are more than 180,000 economic agents in the Republic of Moldova.

518. The Labour inspection is responsible for the correct application by economic agents of the normative acts related to the conditions of employment and protection of employees in the exercise of their duties as prescribed by Law No. 140-XV from 10 May 2001.

519. During three and a half years the Labour Inspection managed to undertake more than 35,000 checks: in 2002 – 7,292 checks, in 2003 – 7,005 checks, 2004 – 7,086, in 2005 – 7,086 checks, in 2006 – 6,025 checks and in 2007 more than 6,300 checks. These had in sight the way in which the employment legislation and labour protection legislation is respected generally by economic agents, where around 2,200 employed persons were aged below 18 years. During the verifications undertaken during 2007, 63,000 breaches of the employment legislation and labour protection norms have been detected. Following the verifications undertaken by the labour inspectors 63,728 protocols have been prepared according to which employers have been obliged to undertake various measures and actions as provided by law. These also include discontinuation of use of equipment with eminent risks of industrial accidents.

520. The most frequent breaches committed in relation to employees aged below 18 years were:

- (a) Employment without individual employment contract as provided by law, very frequently registered in the agricultural sector;
- (b) Breach of the legal period of the working day, overlap with the study hours for those that study at school;
- (c) Employment with a salary lower than the minimum salary provided for by law;
- (d) Non-payment of compensatory allowances;
- (e) Delay of two or more months in payment of salaries;
- (f) Enrolment of employees without professional training and without labour protection training;

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<sup>37</sup> According to the data presented by the National Bureau of Statistics, the picture of employment of persons aged below 18 is the following: 2005 – 11,300; 2006 – 12,500; 1<sup>st</sup> quarter of 2007 – 7,1,000. Also it must be taken into account that the Bureau keeps this record only with regard to minors that have already reached 15 years (the minimal age of employment as prescribed by the Labour Code).

(g) Use of improvised labour equipment without protection mechanisms; these in general create situations of eminent danger of industrial accidents or generate them.

521. Thus, as a result of breach of labour protection norms, lack of labour management, use of equipment contrary to the labour security requirements, lack of inspection, as well as unauthorised enrolment at work stations during 2000–2007, 7 persons younger than 18 years have suffered from industrial accidents, out of whom 4 with lethal consequences (table 31 from Annex No. 1).

522. Thus, as a result of breach of labour protection norms, lack of labour management, use of equipment contrary to the labour security requirements, lack of inspection, as well as unauthorised enrolment at work stations during 2000–2007, 16 employees below 18 years suffered from industrial accidents.

523. As a result of the application of the legal mechanisms by the Labour Inspection all persons younger than 18 who worked at the moment the checks took place have been ensured with the benefits provided for by the legislation.

524. At the same time it must be mentioned that Labour Inspection covers only 4% of the total number of economic agents, which according to the data provided by the bodies responsible with registration, are more than 180,000 units. Thus, the biggest part of the economic activities where child labour is used still remains outside of the Labour Inspections' scrutiny.

## **8. External relations**

525. Starting from 1 January 2007 the National employment Agency is a member of the World Association of Public Employment Services, which participates within the South-Eastern Europe Stability Pact, implements projects jointly with the National Swedish Labour Market Council, similar structures in Romania and in the CIS, a list of international and national nongovernmental organisations, cooperates with the International Labour Organisation, International Organisation for Migration, etc.

## **Article 11**

### **1. Standard of living**

526. The fundamental objective of any State is to reduce poverty and increase the quality of living of the population. In the Republic of Moldova the Economic Growth and Poverty Reduction Strategy (Law No. 398-XV from 02.12.2004 and the Government Decision No. 116 from 03.02.2005), is the instrument according to which the Government has proposed itself to implement medium and long term desiderates to attain these objective. Poverty reduction may be obtained through increase of population's income and by improving policies of their redistribution, by increasing employment rate and job creation and ensuring free access to education and health services, by a better policy for disadvantaged persons, by increasing participation of the poor in economic development. An inclusive social policy may only be based on sustainable economic growth, capable of ensuring continuous wellbeing growth.

527. In general, it is hard to anticipate the situation of poverty in the country during the implementation of the EGPRS, because during 2003–2004 a poverty decrease was registered, after which in 2005 it grew again, whilst in 2006, due to the applied methodological changes, the data became incompatible. Thus, this imposes difficulties in determining the effect of the policies promoted by the Government on the wellbeing of the population.

528. In addition, due to the incompatibility of data, poverty in 2006 will be separately analysed from its evolution in the previous years. The economy's performance in the last seven years presupposed passing the continuous economic decline and poverty increases and reaching an economic growth and improvement of standards of living. Thus, during the period between 2000 and 2006 the cumulative GDP growth constituted 495%. The exchange rate of the national currency remained stable, whilst the reserves of the National Bank have considerably increased. Robust economic growth and prudential external crediting limits have provided with constant increase of public incomes and reduction of the public debt and the public guaranteed debt compared to GDP from 79% in 2000 to 26% in 2006.

529. Annually, the UN Committee receives the Report on the respect of human rights in the Republic of Moldova, which reflects the issues broached in this chapter.

530. The indicator GNP per capita for the 40% poorest of the country" is not calculated in the Republic of Moldova.

531. To describe the poverty situation in the country and the main groups of population in Republic of Moldova the group of FGT indicators is used (Foster-Greer-Thorbecke) – the impact, the depth and the severity of poverty. The poverty measurement indicators are calculated on the basis of the Household Budget Surveys (HGS), prepared by the National Bureau of Statistics. The measurement of poverty is done on the basis of the calculated poverty threshold, which acts as a benchmark for explanation of various aspects of this phenomenon. The poverty threshold is calculated on the basis of the real consumption expenses of a household. The same approach is used by the World Bank and thus the same approach is present in this methodology.<sup>38</sup> (Table 15 from Annex No. 1).

532. The main strategic document whose objective is to reduce poverty and increase level of living of the population is the Economic Growth and Poverty Reduction Strategy (EGPRS), adopted by the Parliament on 2 December 2004. This document sets the priorities for the medium term (2004–2007) of the Government to attain the objectives of sustainable development and increase of the level of living of the population. Annual evaluation and monitoring Reports are developed on the implementation of this Strategy. By means of Law No. 295-XVI from 21 December 2007 the National Development Strategy was adopted, which sets the State's priorities for the period 2008–2011, whose main objective is to create conditions for improvement of the quality of life of the population through the consolidation of the foundation for robust, sustainable and inclusive economic growth.

533. In Republic of Moldova the system of monitoring and evaluation of poverty exits and functions, adopted by Government Decision No. 851 from 15.08.2005. This system sets the functions and responsibilities of central and local public administration bodies (hereinafter CPA and LPA respectively) in the process of monitoring and evaluation of poverty. At the same time, in accordance with this system, the Ministry of Economy and Trade develops and publishes the annual Report on poverty and impact of policies, the aim of which is to deliver analytical information on poverty evaluation and subsequent development of policies. The process of monitoring and evaluation of poverty was

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<sup>38</sup> The basic necessities cost approach is one of the objective approaches to measure poverty. Objective approaches try to determine the level of poverty taking into account certain normative criteria used to determine the basic necessities. Also there are subjective approaches to measure poverty. These do not include the identification of the minimum life criteria, but consider the population's perception on their minimum level of income (minimal expenses or minimal social necessities) necessary for a decent life.

institutionalised through the creation within the Ministry of Economy and Trade of the coordination and monitoring units of development programmes.

## 2. Right to adequate food

534. Traditionally agriculture is considered the most important branch of the economy of the Republic of Moldova. This is determined by a good natural resources base which the country has, as well as due to the significant part of the population that lives in the rural area (58.7%), where agriculture is the basic occupation and an important source of income. The process of reforming the agricultural sector of the '90 was a hard one, whilst the obtained results had a mixed content. Thus, the objectives set for the agricultural sector had to do with the continuation of the reforms, creation of a modern legislative and institutional framework based on market economy principles, increase of competitiveness of the agricultural and food processing sectors, support of agricultural producers and promotion of agricultural products on external markets.

535. During 2003–2007 a permanent decline of the agriculture's contribution to the GDP was registered (from 18.3% in 2003 to 15.1% in 2006 and only 9.9% in 2007), coupled with the decrease of the part of the population involved in the sector out of the total employed workforce. This continuously shows a low level of productivity in agriculture. (Figure 8 – Share of agriculture in economy).

536. Significant decrease of the gross added value of agriculture in the 2007 GDP (with 4.4% compared to 2006 and almost 2 times lower than in 2003) is mainly determined by the severe drought, which decreased the total vegetal production by 33.4% and the animal production by 1.8% compared to 2006. This situation has led to serious fluctuations of the financial situation of the agricultural producers. Nevertheless, due to the financial support from the Government and other states and international bodies, as well as due to the income obtained by residents who work outside the country, the negative impact of the drought on the food security of the population, maintenance of the seeds base, forage base and the animal genetic base was partially stopped.

537. The development of the agricultural sector in accordance with the market economy principles presupposes the creation of an institutional and legislative framework harmonised to the international standards and norms. The upgrade of the food security systems and the sanitary and veterinary measures, especially the harmonisation of the technical regulations and standards for potentially exportable products with the EU rules constitutes a prerequisite for increase of the country's capacity to penetrate the EU market. The recently study completed by a group of international experts identifies the necessity to harmonise around 325 legislative and normative acts with the UE requirements, specific to agriculture and food industry, which at the moment registered a harmonisation progress of only 25%. In order to facilitate this process in 2007 the Centre for Harmonisation of Agricultural and Food Processing Legislation was created.

538. The policy in the field of agriculture supports rural development through efficiency and competitiveness enhancement in the agricultural sector, financial support of the agricultural producers, support of the agricultural products' markets, adjustment and harmonisation of legislation in the agricultural field with the European standards.

539. Labour productivity (Gross Agricultural Production per employee) in agriculture increased in the last years due to the reflux of the workforce from agriculture into other sectors of the national economy (especially in the services' sectors) as well outside the country.

540. Most commonly exported products are wines and strong beverages, as well as fresh and processed fruits and vegetables.

*Methods of production, conservation and distribution of food products*

541. With the purpose to coordinate the main political, economic and social actions related to the development of the agricultural and food processing industries at the national level, as well as to exclude food shortages within the local population, by means of Government Decision No. 282 from 11.03.2008 the Strategy of Sustainable Development of the Agro-Industrial Complex of the Republic of Moldova (2008–2015) was adopted, which provides for the insurance of food sufficiency in the country.

542. With the purpose to ensure a stable production in the agricultural sector, the Ministry of Agriculture and Food Industry recommends to all economic agents subsidised insurance of production risks in agriculture. On this issue Governmental Decisions are adopted on the establishment of risks and sites exposed to subsidised insurance in agriculture.

543. To ensure the best possible use of the resources, by means of Government Decision No. 1305 from 28.11.2007 the Concept of the system of subsidising agricultural producers was adopted for the periods of 2008–2015, which provides for an increase of subsidies with 11–13% each year. Also, in order to ensure the stability of the agricultural sector following the drought, actions are taken to revive the irrigation systems, in this respect the Concept of development of waters management and hydro-enhancement being adopted for the period until 2015, which will be presented to the Government for approval.

544. With the purpose to improve the methods of production, preservation and distribution of food products during 2002–2008, the following acts have been adopted: Economic Growth and Poverty Reduction Strategy (2004–2006) by means of Law No. 398-XV from 02.12.2004; The Programme of Activity of the Government for the years 2005–2009 “Modernisation of the country – wellbeing of the nation” by means of the Government Decision No. 790 from 01.08.2005; The National Programme “Moldovan Village” (2005–2015) adopted by means of Government Decision No. 242 from 01.03.2005. Also, conditions and methods of production, distribution of food products are prescribed in the following laws: Law No. 115-XVI from 09.06.2005 on the ecological food production (regulates the method of production of ecological food products without the usage of chemical growth acceleration substances, as well as methods of distribution of ecologic products of vegetable and animal origin), Law No. 78-XV from 18.03.2004 on food products (regulates the production, processing and distribution of food products, as well as the basic conditions of circulation of such products), Law No. 70-XVI from 30.03.2006 on apiculture (regulates the creation of conditions for quality and quantity growth of apicultural production), Law No. 57-XVI from 10.03.2006 on vineyards and wine (regulates the relations that exist in the activity of production, processing and distribution of vineyard products).

545. Also, the Law No. 257-XVI from 27.07.2006 on management and functioning of the agricultural and food markets contributes to the improvement of the methods of production, distribution of agricultural and food products, which regulates the supply for internal consumption and decrease of the trade balance deficit by creating product councils that ensure product affiliation, i.e. the system of functional relations which bind agricultural producers, the depository, distributors, retailers that trade with the same product or a group of products with the purpose of their usage.

546. An important step accomplished in this sector is the approval of the National Programme of development of technical regulations adopted by means of Government Decision No. 873 from 30.07.2004 and the National Legal Harmonisation Plan for 2008 adopted by means of Government Decision No. 76 from 29.01.2008. In this field, the Ministry of Agriculture and Food Industry develops and delivers to the Government draft

Government Decisions on the mentioned regulations and plans, some of the most important being the following:

- Technical Regulations “Jams, jelly, purée and other similar products”, adopted by Government Decision No. 216 from 27.02.2008
- Provisions on chocolate products, which have been sent for approval
- Technical Regulations on ecological products, pasturage, nuts (drafts) etc.

547. During 2001–2004 the process of management and delivery of seeds and planting material was sufficiently improved and a thorough control of the correct application of production technologies and distribution of seeds by specialised undertakings was constantly applied. Visible progress was attained in viticulture. Actions have been undertaken to improve the situation in animal husbandry sector.

#### *Methods of education on alimentation*

548. With regard to alimentation education methods, there is a constant information on the consumer of agricultural and food products through the means of publication of the legal provisions on the website of the Ministry of Agriculture and Food Industry, broadcasting information on the radio, TV stations about the provisions of the Law No. 105-XV from 13.03.2003 on consumer protection, which comprises international regulation principles of the respective sector, formation of the Coordinating Council in the field of protection of consumers by the Government, with the provisions of the Law No. 231-XVI from 20.07.2006 on identification and registration of animals, which ensures traceability of life stocks and of products of animal origin. In this context, by means of Government Decision No. 119 from 07.02.2007 the State Enterprise “Registry of Animals” was founded which is subordinated to the Ministry of Agriculture and Food Industry. An important step is the adoption by means of Government Decision No. 5 from 14.02.2008 of the National Strategy in the field of consumers protection for the period of 2008–2012, for the implementation of which the Ministry of Agriculture and Food Industry has adopted by means of Order No. 55 from 20.03.2008 its own Action Plan to implement the mentioned Strategy.

549. In the context of upgrading the system of sanitary and veterinary control of the raw material and animal origin products, the Law No. 221-XVI from 19.10.2007 on sanitary-veterinary activity was adopted which is harmonised to the EU Directives in the field and which provides for the creation of the Sanitary-Veterinary and Food Security Agency, created within the Ministry of Agriculture and Food Industry, which will be responsible for the promotion of policies and implementation of strategies in the field of animal origin food security.

### **3. Equitable distribution of food resources**

550. With regard to the equitable distribution of world’s food products, the Law No. 1491-XV from 28.11.2002 on humanitarian aid offered to the Republic of Moldova, which establishes the method of humanitarian aid entrance in the country in the form of food products, its method of conservation, distribution and recording.

551. The serious drought in 2007 has generated a crisis in the entire agricultural and food processing sector, gravely affecting the financial stability of agricultural producers. However, due to the support directed to diminish the effects of the drought, which came from states and international bodies, as well as the new policy of subsidies and decrease of fiscal burden over the agricultural activity, the negative influence has been easier sustained.

552. With the aim to overcome the crisis, generated by the extreme climate conditions in 2007 and to ensure food security for population, the international community was called for

support for food products (grain flour, rye flour, potatoes, meat, and dairy products) and financial means. These have been managed through the mechanism of receipt-distribution-monitoring, developed by the State Reserves Agency, Public Procurement and Humanitarian Aid.

553. Moldova managed to collect financial means from the international community of more than 17,4 million USD, out of which: on the special Government account – 6,3 million USD, through the UN Drought Response Project – over 8 million USD, whilst the aid distributed directly to families which suffered from the drought – over 3,1 million USD.

554. During the process of distribution of humanitarian aid within the UN Drought Response Project, as part of the 2007 autumn campaign, 20500 people from 494 villages of the 18 most affected regions have received: 1050 tons of autumns wheat seeds, 1230 tons of fertilisers and 164 tons of fuel. Each beneficiary received an “emergency package” (sufficient to plant 0,5 ha), which included: 100 kg of autumns wheat seeds, 60 kg of fertilisers and 8 kg of fuel.

#### **4. The situation of seriously exposed groups**

##### *The situation of peasants and employees from the rural areas*

555. Being under conditions where the population of the country and the national economy, in particular the rural sector, is vulnerable to various factors and adverse phenomena, economic growth is limited, poverty has increased and the environment was affected. Economic growth dependency on climate and economic factors (for example, the export restrictions in 2006) have demonstrated once again that agriculture represents a vulnerable sector, on which sustainable development of the country may not be based in the long run, whilst agricultural production must be reoriented to competitive goods with higher added value.

556. As a result of the land reform in the Republic of Moldova significant progress was registered, radically changing the structure and the process of land cultivation. Around 73% of the agricultural land of the country is in private property, The biggest part of the lands is cultivated by individual enterprises, represented by peasant farms having an average share of 1,65 ha of land. The rest of the agricultural land is cultivated by big agricultural companies, which are owned by a small number of owners who consolidate lands by means of lease contracts with small owners or through acquisition.

557. The process of privatisation has resulted into an excessive fragmentation of the lands, which is seen as big impediment in efficient use of lands. Amongst priority actions of the EGPRS was the consolidation of agricultural lands. Consolidation of lands, which is the next phase of the land reform, provides for a group of measures oriented towards improving land management and development of a sustainable agriculture. The land market which began to evolve in this period, constituted an important instrument in the process of consolidation. The number of deals of purchase of agricultural lands increased (from 47,000 in 2005, to 51,000 in 2006 and 73,000 in 2007). The number of land lease transactions has also increased. During 2007 around 475,000 of lease transactions provided for 768,000 ha of cultivated land. The creation of the mechanised units have also contributed to the consolidation of the lands, the destination of which is to deliver specialised mechanised services to agricultural producers. From the moment of the foundation of the mechanised units (at the end of 2007 there were 178 units) conditions have been created to consolidate around 300,000 ha.

*Rural workers*

558. The development of demographic processes had a negative impact on the age based population structure in the Republic of Moldova, including in the rural areas. The statistical data shows that during the last five years a continuous reduction of the active population is taking place.

559. Part of the global picture of decrease of the population, the economic decline and decrease of occupational and activity rate, the share of the population in the rural area from the total population has increased, the share of the agricultural production in the GDP has also grown, the share of the population involved in agriculture has also risen.

560. The situation of employment in the rural areas of the country is more difficult than in the urban ones. The majority of the involved in the rural areas are employed in the public sector (education, healthcare, culture, social assistance), the last having fairly modest share in the structure of involvement in the rural areas. Both agricultural activities that cannot ensure rapid growth of labour productivity and the employment in the public sector, where the incomes of the employees depend on the limited possibilities of the budget, cannot ensure a necessary level of income for a decent living.

561. Nor the reforms promoted in the agricultural sector with regard to the privatisation of land, land ownership by peasants, abolishment of collective farms and formation of peasant farms have not improved the living standard and have not increased the level of employment in the rural areas.

562. Practically, the economically active population from the rural areas, the share of which in 2007 constituted 55.1% is given the choice between two opportunities: – to accept work that brings a modest income, performed under unfavourable employment conditions and with a high risk of illness and a poor life, or immigrate in the urban areas and find a more attractive and more motivated job or leave the country in search for a job that would ensure sufficient income to sustain the family.

563. According to the Workforce Survey in 2007, 232,600 or 69.3% out of 335,600 people who declared to have left the country in search for a job were originating from rural areas. The situation becomes even more alarming as the majority of the persons out of the total declared to have left the country from the rural areas in search of a job were persons aged between 15 and 24 years (35.1%).

564. From 2001 until 2007 the economically active population in the rural areas has reduced considerably, from 950,300 to 724,500 people, whilst the employed population and the number of employees decreased from 924,500 to 698,600 and from 424,600 to 292,600 people respectively.

## **5. Poverty according to place of residence**

565. Even though the data of the Budget Household Survey until 2005 is incomparable with the one obtained during the survey in 2006, the analysis of the poverty rates according to the place of residence (figure 3 from Annex 1) show the same general profile of poverty as in the previous years, with significant differences between the rural and the urban settlements. The rural poverty remains to be the most distinct one — 66% out of the total of poor people are in the rural settlements, whilst the poverty rates of these settlements remain to be the highest ones — 34.%. The population of the big cities continues to have the lowest risk of poverty, it being in the region of 20.6%. Compared to big cities, the absolute poverty in the rural areas is higher with 13.5%, whilst compared to the small cities – with 4%. The high impact of poverty on the rural areas is due to the low agricultural productivity and the reduced opportunities of employment in other sectors than the agriculture.

566. Regional poverty analysis shows that in 2006 the region with the highest rate of absolute poverty was the South of the country (34.1%), followed by the Central region<sup>39</sup> (33.5%). The North region registered levels of absolute poverty of 32.7%. The most prosperous region of the country is Chisinau (19.7%), where the rates of absolute poverty were 1.7 times lower than in the South. The region with the highest level of extreme poverty was the Centre (6.1%), with a rate of over 2 times higher than the one registered in Chisinau (2.7%). The municipality of Chisinau possesses higher levels of production and infrastructure necessary to attract investments and social and economic development than in other regions of the country, which imposes a higher level of wellbeing (Figure No. 5 from Annex No. 1).

567. The level of poverty increases as the number of household members rises – from small households to those with 5 and more members. The share of persons that live in numerous households (with 5 and more members) from the total of the population, is around 22%. Also the poverty risks persist in households with a single member (29.6%), but their share in the total population is only 7%. The highest rates of absolute poverty are registered with the households of 4 members – 28.4%, of 5 members – 38.5%, as well as of 6 and more members – 55.9%.

568. The analysis of the data from the perspective of the social-economic groups shows 3 dominant groups in the ambit of the poor: farmers and employees in the agricultural sector have over 1/3 of this structure, pensioners — another 1/3 of the total of the poor and employees outside of the agricultural sector — 22%. The most affected by poverty are the employees in agriculture and the pensioners with an absolute poverty rate of over 40%. These categories have a risk to live in poverty which is 2 times higher than for the employees in the non-agricultural sector (19%). The high level of poverty of the employees in the agricultural sector is determined by the evolution in this sector experiences. The agricultural sector of the Republic of Moldova continues to be defined as a sector with the lowest level of labour productivity and pay. Moreover, the substantial dependence of the income on climacteric conditions determines their instability and represents a specific and supplementary risk for poor rural households.

569. The State supports the agricultural sector through promotion of a land reform through consolidation of agricultural lands, subsidies for agricultural producers and delivery of agricultural services, granting fiscal facilities to agricultural enterprises, improvement of the quality of agricultural and food products and their promotion on external markets. All these reforms constitute an important instrument in the promotion of the economic growth and poverty reduction, but their impact may not be immediately assessed.

570. The level of education is another factor that influences the level of poverty. The ratio of poverty evolves in reverse to the level of evolution of education of the household head. A household that has a family head with no primary studies has 5 times more chances to live below poverty threshold than a household run by a faculty graduate. The ratio of households led by persons without primary studies and illiterate out of the total population is not big, around 2.3%. But these households have the highest level of poverty – 55.2%. The majority of the poor (89%) are comprised of the households led by persons with general and specialised secondary studies (52.1%), secondary incomplete and primary studies (37.4%). In 2006 the level of poverty for these groups of households was 27% and 45% respectively, compared to the level of absolute poverty.

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<sup>39</sup> The Central region does not include the municipality of Chisinau.

571. The analysis of poverty based on gender and place of residence confirms that both women and men are at the same level of poverty, which is 30%. The situation is different with regard to the place of residence. Those that live in the rural areas, both women and men have a risk of poverty which is 9% higher than those that live in the cities. This tendency is characteristic for persons with an age of up to 59 years, but the situation becomes different for persons of pension age. The rate of absolute poverty for the elderly is higher in the urban areas with 2.3% that for those living in villages, which is 39%. The possibilities of subsistence out of own production of the elderly in the rural areas diminishes the risk of poverty.

572. Republic of Moldova enters in transition to market economy with significant regional imbalances, caused by the existent production structure, characterised by the predominance of the agricultural and food processing sector and the dependency of the social and economic development of small cities by a limited number of large industrial enterprises. Thus, the stimulation of economic growth outside the capital, especially in the rural areas which suffered from loss of traditional delivery markets of agricultural and food products, is one of the main challenges for the Moldovan authorities since regaining independence.

573. Until present the development planning framework at the regional level was overlapped to the territorial and administrative system. The traditional structure of the raions, in force until 1999, reinstated with amendments in 2003, is characterised by reduced financial possibilities and planning capacities. The model of judet, bigger regional structures, created more opportunities for strategic development, offering synergy effects to the development efforts. These however have been too small to leverage differences and to big to deliver efficient public services because of lack of real decentralisation.

574. The model of regional development, implemented by Law No. 438-XVI from 28 December 2006 on regional development of the Republic of Moldova provides for the creation of bigger regions, with competences in the field of strategic planning, which would complement the existent territorial and administrative structures. This approach offers possibilities to reduce costs (using the effect of the scale economy) and increase strategic planning capacities, maintaining at the same time the public services close to citizens – at the local and raion level.

575. Law on regional development corresponds to the aspirations of the Republic of Moldova of European Integration and provides for the creation of two European level regions NUTS II (Northern, Central region), as well as of small regions of level NUTS III (Southern region, ATU Gagauzia, the transnistrian region and the municipality of Chisinau).

576. The policy of regional development is scheduled for implementation in stages. Within the first stage, which started in 2007 and is planned for implementation until 2010, the Government's efforts shall be directed to the consolidation of capacities and development of incentives in the regions of North, Centre and South. The mechanism of implementation of this stage is provided for in the National Regional Development Strategy, which will be the framework document for the regional development institutional framework creation. As part of the second stage (2011–2018) emphasis are made on the existence of favourable conditions for initiation of development actions in ATU Gagauzia (Gagauz-Yeri) and the transnistrian region.

#### *Rural area unemployed persons*

577. The number of unemployed in 2007 in the rural areas according to the National Bureau of Statistics was 25,900 persons, or around 38.8% out of the total number of unemployed in the country (66,700 people). The ratio of persons in long term

unemployment (24 months and more) constituted one fifth of the total number of the unemployed. 38.8% of the unemployed have declared themselves as the head of the household.

578. The ratio of unemployment in the rural area constituted 3.6%, being in regression with 0.2% compared to 2000 (3.4%).

579. Agriculture represents the only opportunity of survival for those 442,400 persons that were active in agriculture in 2000, out of those 650,000 poor persons that live in the rural area. Out of the total population involved in agriculture around 221,600 are men and 200,800 are women, including 19,100 that are active in the urban areas and 403,200 active in the rural areas.

#### *Urban area unemployed persons*

580. The number of unemployed in 2007 in the urban area according to the National Bureau of Statistics is 40,800 persons, or 61.1% of the total number of the unemployed in the country (66,700 persons). The ratio of unemployment constituted 6.9%, being in regression with 8.8% (15.7%) compared to 2000 and with 2.3% (9.2%) compared to 2006.

#### *Workforce migration*

581. The processes that took place on the labour market in the analysed period have been deeply influenced by the migration phenomenon, which grew in proportions after the financial crisis in 1989 and continued during the economic recovery period. According to the data of the National Bureau of Statistics in 2007 around 356,600 people were declared to have left the country in search for a job, which is 20.7% of the economically inactive population and 25.5% of the economically active population. The persons that left the country from the rural areas constitute 69.3%, whilst from the urban areas – 30.7%. During the second decade of the transition period the workforce migration intensified, including professional workforce. Two thirds of the ones declared to have left the country are men. The same ratio is with the persons that left the rural areas.

582. External migration is characterised by the massive leave of the persons of an economically active and reproduction age. The most significant share of this group are persons between 20 and 29 years (40.3%), followed by those between 30 and 39 years (22.1%).

583. To regulate the processes of workforce migration, Republic of Moldova ratified the following conventions on workforce migration:

- (a) Convention No. 97 of the International Labour Organisation on migration for employment, ratified in 2005;
- (b) European Convention on the legal status of migrant workers, ratified in 2006;
- (c) Convention No. 181 of the International Labour Organisation concerning private employment agencies, ratified in 2001.

584. According to certain studies,<sup>40</sup> 25.7% of emigrants have higher education, 51% have vocational education, whilst 23.2% have secondary studies. Emigration of a considerable part of persons with vocational education demonstrates the high demand for emigrants with certain professional qualifications and expertise (Table 16 from Annex No. 1).

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<sup>40</sup> Ghencea B., Gudumac I. Migration of the workforce and remittances in the Republic of Moldova. Microfinance alliance of Moldova and Soros Foundation, 2004.

585. The dynamics of labour market indicators in the rural area is presented in Table 18 of Annex No. 1.

586. According to the information presented by the Ministry of Internal Affairs for 2007, Republic of Moldova received 2070 emigrants, out of which 554 have obtained permanent residence permits, whilst 1516 persons – fixed term permits. During 2007, 1763 persons were repatriated to Moldova. (Table 17 from Annex No. 1).

587. The group of measures directed to the efficient management of the labour force migration phenomenon is unconceivable without social protection of migrant workers, which is implemented by certain actions of fundamental rights guarantees for the citizens of the Republic of Moldova who left abroad for employment. The measures focus on the monitoring of labour contract clauses correct application, signature of bilateral agreements and adherence to international legal instruments in this field. On 10 February 2006 the European Convention on the legal status of migrant workers was ratified, which provides for the insurance for migrant workers of no less advantageous treatment than for the citizens of the host country. Moldova pays special attention to this instrument as this Convention was ratified by a list of other countries that are destination places for Moldovan citizens (Russia, Italy, Portugal, Spain, Greece etc).

588. An important direction of activity is the development of implementation mechanism for the following Conventions: Convention No. 97 of the International Labour Organisation on migration for employment as well as Convention No. 181 of the International Labour Organisation on private employment agencies.

589. In the last years Moldova concluded 2 bilateral agreements in the field of labour force migration and social protection of migrant workers:

(a) Agreement between the Government of the Republic of Moldova and the Government of the Republic of Azerbaijan on the employment and social protection of citizens of the Republic of Moldova, temporarily employed on the territory of Azerbaijan and the citizens of Azerbaijan temporarily employed on the territory of the Republic of Moldova (2006);

(b) Agreement between the Government of the Republic of Moldova and the Government of the Republic of Italia on employment and the annexed Executive Protocol (2004).

590. During 2007, working groups have taken place with the participation of representatives of the Ministry of Economy and Trade and other institutions responsible for migration to Portugal, France and Spain with the purpose to meet their colleagues from these countries and facilitate the relations in the field of migration. The following issues have been discussed:

(a) The possibility to negotiate an agreement between the Republic of Moldova and the Republic of Portugal on temporary stay with the purpose of employment of the migrant workers of the Republic of Moldova on the territory of the Republic of Portugal;

(b) The possibility to negotiate an agreement between the Republic of Moldova and the Kingdom of Spain on regulation of labour force migration fluxes between the two countries;

(c) Tackling the possibility to sign an agreement in the field of migration with France;

(d) Possibilities to legalise the stay of illegal labour immigrants.

591. By means of Government Decision No. 885 from 06.08.2007 negotiations have been initiated on the draft Agreement between the Republic of Moldova and the Government of

the French Republic on the regulation of labour force migration fluxes between the two countries.

592. It is to be stressed that the negotiation of the respective agreements takes place very slowly, the European Union Member States showing reserved positions on the initiatives of the Republic of Moldova on these issues. We hope very much on the understanding by the UE Member States of the importance of common management of the migration and understanding that migration may not be efficiently managed without cooperation with other states.

#### **6. Significant differences with regard to the situation of men and women in the rural areas**

593. The main factors that create the difference of pay between men and women is the horizontal and vertical segregation. Women are dominant in the services sector (74–80% of the total number of employees in this sector), as for example is the health services sector, social assistance, education, hotels and restaurant, on one hand and, agriculture on the other (43%).

594. All the mentioned sectors suffer from a low pay potential. Agriculture and forestry was in 2004 represented by women at the level of 43%, whilst their average salary was only at the level of 83.1% of the one men received.

595. Men represent the majority of the total number of leaders of public units of all levels, managers and high level public servants from the social-economic and political units. Women represent the majority of the total number of persons with higher education; also they constitute 2/3 of the number of persons with higher or average level of qualification. Only 5% of the managers in the business sector are women. Around 2% of the managers are women that run large businesses.

#### **7. Institutional regional development framework**

596. Law on regional development provides for two levels of organisation at the institutional level for regional development: national and regional.

##### *National level*

597. The National Regional Development Coordination Council (NRDCC) is created with the purpose of approval, promotion and coordination at the national level of the objectives of the regional development policy. The structure of the NRDCC and its regulations are developed by the Ministry of Local Public Administration and subsequently approved by the Government. The NRDCC comprises of: the minister of local public administration, the minister of economy and trade, the minister of finance, other ministers, chairmen of regional development councils and one representative from the private sector, delegated from each regional development council.

598. Amongst the main functions of the NRDCC is the approval of the National Regional development Strategy, with the purpose to coordinate the national sector policies with the regional policy, as well as the approval of the financing from the National Fund for regional development.

599. The national regional development fund (hereinafter the Fund) represents the main instrument of financing the regional development projects and programmes, directed particularly to the underprivileged zones and development regions. The fund is based on the annual allocations from the state budget as a separate line for regional development policy, as well as from other sources. The amount of the Fund is at least 1% from the state budget incomes, adopted by the Law on state budget for the respective year. The Fund may attract

other financial means from the public and private sectors, from the local, regional, national and international levels, as well as means offered by assistance programmes of the European Union.

#### *Regional level*

600. The regional development Council is a functional deliberative structure at the level of each development region, created for the coordination and promotion at the local level of the objectives of regional development policy. The regional Council is comprised of the chairmen of raions, town halls, representatives of the private sector and the civil society. The Chairman and the deputy Chairman of the regional Council are elected from its members – representatives of the public administration authorities.

601. The regional Council is responsible for the general development in the region and the approval of the regional development Strategy and the Action Plan. The regional Council identifies, according to the criteria set at the national level the underprivileged zones in its development region, approves and promotes the regional development projects.

602. The Regional Development Agency is comprised of each development region, with the purpose to implement the decisions of the regional Council. The Agency has legal personality and functions in accordance with the regulations approved by the Agency following template Regulations, developed and adopted by the Government. The Agency performs the analysis of the social and economic development in its development region, as well as develops, coordinates, monitors and evaluates the implementation of strategies, plans, programmes and projects of regional development.

603. The institutional framework of regional development is there to stimulate the initiative and entrepreneurial spirit at the local level, to support the settlements, raions, nongovernmental organisation and the business community to think strategically and to identify new ways of development of the local economy so that they can contribute to the implementation of the horizontal priorities of the mentioned Strategy on the territory of the country.

604. The high ratio of the rural population and the occupied areas by the rural sector contribute to the national magnitude of the problem of rural development in Moldova. The problem of development of rural economy is a complex one, which requires an inter-sector and territorial (regional) approach. Agriculture will remain to be essential for the development of the rural economy, in many settlements being the main available economic activity. The future of agriculture is unconceivable without diversification and total renewal of the rural economy, as agriculture may be efficient only in the context of rural development.

605. Structural amendments in the last years have contributed to the creation of a vast individual agricultural sector. Most of the individual enterprises have not yet been able to adapt to the new market conditions. The tendency of agricultural productions to self-consumption and lack of economic viability of many of the enterprises in the sector is due to the multitude of constraints both at the level of supply and demand. The inadequate supply of agricultural products of high quality is the reason of the insufficient opportunities of trade and this in turn is closely linked with the failures at the demand side as would be the underdevelopment of vertically coordinated value chains, whose role is to create and form the demands and to set standards for agricultural products on the basis of the market's requirements. Insufficient use of the research and innovation potential, low level of managerial culture is also a cause of a low level of competitiveness of the agricultural products.

606. The increase of the agricultural sector's performance imposes a change in two directions: agriculture's increase of efficiency and competitiveness of agricultural and food

products, and as a result the reduction of number of people involved in agriculture. A high productivity ratio may be attained by using new technologies, which would ensure high productivity, a higher quality, an economic efficiency and finally, a competitiveness of the Moldovan products on the international markets. This presupposes actions that would be concentrated on a favourable investment environment for agricultural and processing enterprises, attraction of financial means in the country from abroad for the development in the production and trade infrastructure, development of the human resources, development of the scientific research and innovation potential, improvement of the risk management, conservation of efficient use of natural resources.

607. As the implementation of the structural reforms takes place, with the application of the new technologies, the number of persons employed in agriculture will decrease. The transfer of the workforce from agricultural activities to others requires an evaluation of the training, qualification and abilities, as well as the continuous training necessities. Another group of measures that must be tackled is the education and workforce qualification in the rural areas, so that it can transfer to other non-agricultural economic activities. In this context a concentrated and firm effort is necessary to create and develop enhanced conditions for entrepreneurial activities, to attract investments in new businesses in the rural areas, which would lead not only to social problem solving, but would increase the rural economy productivity in particular and the competitiveness of the national economy in general.

608. Development or reform of the agricultural regions must take place in such a way as to ensure the best possible way of value management and usage of natural resources.

609. A priority objective in the agricultural and food policy of the state is the implementation of the Land Consolidation Programme. The activity in this filed was divided into many directions, cooperation being one of the main ones. Presently there are 251 production cooperatives which consolidate an area of 155,400 ha. Along with the creation of the production cooperatives, a fundamental catalyst of the agricultural land owners consolidation and association process is the implementation of the presidential initiative on the creation of the Mechanised Technical Stations (MTS). Thus, out of the total of 178 MTS in 2007 with the financial support of the state of 43 million lei, 27 have been founded, following that in 2008 another 50 such stations to be created. Their functioning has favoured not only the consolidation of agricultural lands (around 300,000 ha), bur also the creation of over 1,000 new jobs.

610. The process of consolidation has intensified within the LLC, agricultural lands being consolidated on the basis of agricultural lease agreements. Also, the relations of purchase of agricultural lands are increasing. Consolidation of lands also takes place around the primary agricultural products processing enterprises – a guarantee for the production of raw material. The small agricultural producers participate in all the above mentioned processes – peasant farms, the number of which has decrease with around 2,000 units, as they associate in production cooperatives or participate in agricultural lease contracts and transactions. These and other actions undertaken by the Ministry of Agriculture and Food Industry (MAFI) to implement the Land Consolidation Programme has allowed the increase of the consolidated lands with 73,000 ha, ranging 65% of the total amount of 1.53 million. According to the National Programme “Moldovan Village” and thanks to the active implication of the Government to attract and direct financial means during 2005–2007, the rural area benefited from refurbishment of 123 units of agricultural raw material processing, so that now their total number ranges 1503 units. With the same purpose have been focused the funds of the Rural Investments and Services Programme (RISP) and the International Fund for Agricultural Development (IFAD) of 51,1 million lei and 76.5 million lei respectively. The total amount of RISP investments is 86 million lei, out of which 40 million in 2007, including 25 million in the agricultural and food sector.

611. Presently MAFI undertakes activities on the conversion to the ecologically clean agricultural and food products on over 3600 ha, 21 agricultural enterprises being registered to have practised the production of ecologically clean agricultural products, which are exported in a quota of 99.9%. As a result, with the purpose to facilitate trade of ecologically clean products and development of the local market, specialised trading places are planned to be opened in 2008 for the these products.

612. The low income and poverty increase is associated with the high level of inequality. As regards the income, following the high rates of poverty in the rural areas, it is not at all surprising that the households that are dependant upon income from agriculture (farmers or employees) are exposed to the poverty risk.

613. The National Bureau of Statistics shows that in 2004 26.9% of the households led by men versus 16.4% of households led by women were dependant upon income from agriculture, whilst 16% of households led by women were dependant upon social allowances, out of which 14.3% were pensions.

614. Agriculture is one of the most important sectors of the Republic of Moldova. The policy in the field of agriculture supports the rural development through efficiency and competitiveness growth in the agricultural and food sector, financial support of the agricultural producers, support of the agricultural products markets, adjustment and harmonisation of the legislation in the agricultural and food sector with the European standards.

615. Agriculture is a basic sector with a major share in the economy of Moldova: 15% of the GDP, whilst if taken with the raw agricultural products processing industry contributes with over 30% of the GDP and is around 50% of the total amount of exports. Also agriculture is the most important sector of the country as it involves around 40% of the labour force.

616. The most commonly exported products are wines and strong beverages, as well as fresh and processed vegetables and fruit.

617. Agriculture generates 18.3% of the GDP, with 43.1% of the employees being involved there, industry has 17.6% of the GDP and a bit more than one tenth of the total number of employees (12.1%). Labour productivity and economic efficiency in agriculture was lower than in other sectors, including those related to industry. The gross added value of one agricultural employee was two times lower than the average one on the entire economy and 3.5 times lower than in industry.

618. The list of legislative and normative acts used in the agricultural and food sectors:

- Law No. 1491-XV from 28.11.2002 on humanitarian aid granted to the Republic of Moldova
- Law No. 105-XV from 13.03.2003 on consumer protection (Official Gazette No. 126-131/507 from 27.06.2003)
- Government Decision No. 873 from 30.07.2004 on the approval of the National Programme of development of technical regulations
- Law No. 398-XV from 02.12.2004 on the approval of the Economic Growth and Poverty Reduction Strategy (2004–2006)
- Law No. 78-XV from 18.03.2004 on food products
- Government Decision No. 790 from 01.08.2005 on the approval of the Action Plan for the implementation of the activity programme of the Government for the years 2005–2009 “Modernisation of the country – wellbeing of the nation”

- Government Decision No. 242 from 01.03.2005 on the approval of the National Programme “Moldovan Village” 2005–2015 (Official Gazette, Special Edition from 17.05.2005)
- Law No. 115-XVI from 09.06.2005 on ecologically clean agricultural and food products (Official Gazette no 95-97/446 from 15.07.2005)
- Government Decision No. 320 from 23.03.2005 on the establishment of risks and the objects ensured with subventions in agriculture for year 2005 (Official Gazette No. 51-54/369 from 01.04.2005)
- Government Decision No. 333 from 03.04.2006 on the establishment of risks and objects ensured with subventions in agriculture in year 2006 (Official Gazette No. 59-62/381 from 14.04.2006)
- Law No. 257-XVI from 27.07.2006 on the organisation and functioning of the of agricultural and food products markets
- Law No. 231-XVI from 20.07.2006 on identification and registration of animals
- Law No. 70-XVI from 30.03.2006 on apiculture
- Government Decision No. 1305 from 28.11.2007 on the approval of the Concept of the Subventions System for agricultural producers for years 2008–2015
- Government Decision No. 119 from 07.02.2007 on the State Enterprise “Registry of Animals”
- Law No. 221-XVI from 19.10.2007 on sanitary and veterinary activity
- Government Decision No. 310 from 17.03.2007 on the establishment of risks and objects ensured with subventions in agriculture in year 2007
- Government Decision No. 76 from 29.01.2008 on the approval of the National Legal Harmonisation Plan for year 2008
- Government Decision No. 216 from 27.02.2008 on the approval of the Technical Regulations “Jams, jelly, purée and other similar products”
- Government Decision No. 5 from 14.01.2008 on the approval of the National Strategy in the filed of consumer protection for years 2008–2012
- Government Decision No. 278 from 10.03.2008 on the establishment of risks and objects ensured with subventions in agriculture in 2008
- Government Decision No. 282 from 11.03.2008 on the approval of the Sustainable Development Strategy for the Agricultural and Industrial sectors of the Republic of Moldova for 2008–2015

## 8. Right to adequate housing

### *Statistical data on the currently existing housing*

619. The housing fund of the Republic of Moldova constituted 77.13 million sq m on 01.01.2007 or 1.32 million units. In the urban settlements 37% of the total volume of the housing fund is placed, whilst in the rural settlements – 63%.

620. Currently in all the Republic the level of access of the population to housing is 21,5 sqm per inhabitant, in urban settlements – 19,3 sqm, rural – 23,1 sqm and has increased compared with 2001 with 6% and 3% respectively.

621. The structure of the housing fund based on forms of property is the following:

- Public property – 4.5%, private property – 95.3%, other forms of property (including mixed one – public and private, foreign and mixed companies with foreign participation) – 0.2%
- The majority of the housing is in private hands of the citizens and legal entities, comprising 95.3% out of the total housing fund of the Republic of Moldova (Table No. 19 from Annex No. 1 Housing fund, equipment and engineering networks, in %)

622. Thus, the population in the rural areas suffers from lack of infrastructure and endowment of housing with necessary facilities.

623. From the point of view of vulnerability, there are two main groups of people that are prominent in the country: (1) pensioners with social pensions (age limit pensioners or disability pensioners) in the rural settlements, which bear the costs of heating and other services provided during winter time and (2) young people from 18 to 25 years, which are at their beginnings in the carrier and suffer from lack of housing, and who do not have the necessary financial means to built or buy a flat.

624. The country does not operate with the notion of illegal housing. In the last 5 years only a few cases of housing evacuation have been registered, as a result of non-payment of utilities, demolition of houses due to expropriation of the land plots for the public good, as well as due to the refurbishment or change of destination of the houses. All evacuations have taken place only on the basis of a decision of a court of law.

625. According to the estimations of the local public authorities, the number of persons that are registered on the waiting lists for housing is 63,000 people, out of which 10,000 are part of the vulnerable categories such as:

- Persons with disabilities of the 1<sup>st</sup> level of gravity
- Persons that suffer from severe forms of diseases, specified in the list adopted by the Ministry of Health
- Families with three or more children who live together with the parents
- Families who have one child with disability of an age of up to 16 years or with disabilities at birth of the 1<sup>st</sup> ore 2<sup>nd</sup> level of gravity
- Persons and families of deceased persons in the course of the exercise of their public obligations
- Persons whose housing became unusable for living as a result of a natural disaster
- Persons illegally convicted and then rehabilitated, if these actions have conditioned the aggravation of the living conditions
- Orphan children that have reached the age of 16 and are not under tutorship
- Housing is a concern for the young ones, out of which 129,000 families, including 112,000 married, 12,000 divorced and 5,000 – widowed.

#### *Living conditions*

626. According to the results of the population Census in 2004, out of 1.13 million registered households, 1.02 million or 90.4% were living in individual houses or flats (separate). The ratio of the population that lives in such housing has increased with about 8% compared to 1989. At the same time, the ratio of persons that lived in a part of a house, common apartments and hostels is twice smaller, being now 6.5% of the total (220,200 people).

627. Positive changes to a great extent have taken place in the urban settlements. The ratio of the urban population that lived in individual homes and flats has increased by 12% in this period, whilst of the rural population – with 2%. In the urban zones more than a half of the households (248,600) lived in apartments and around 30% (129,400) – in private homes. In the rural zones the majority of households (93.7%) had private houses. Only in the municipality of Chisinau, Balti and Anenii-Noi raion this ratio was bigger than the national average one, being 74.9%, 85.8% and 84.5% respectively.

628. In 2004, out of the total of households 2.4% lived in housing rented from other persons. In the urban area the ratio of such households was 4.3%, whilst in the rural one – 1.2%.

629. In hostels and family type hostels lived 1.8% and 1.7% respectively of the households, the majority (95.6%) being in the urban area.

630. The data of the National Census from 2004 shows a weakly equilibrated correlation between the size of the household and the number of living rooms at their disposal. Only for almost half of the households who lived in one room and in four and more rooms, then number of persons corresponded to the number of rooms. At the same time around 29% of the households comprised of 3 and more persons lived in a single room. The same quota of households comprised of 1 or 2 persons living in 4 and more rooms.

631. Compared to 1989 the ratio of the population that has 4 and more rooms in private houses has increased with 12% and the ratio of the population in 3 and more rooms – with 4.5%.

632. Also, as part of the National Census from 2004, data on the property over other housing than primary residence held by households (members of the household) was obtained. Thus, 42,500 or 3.8% of the total number of households have indicated that besides the main residence they hold other housing in property. Out of these more than a half had private houses or a part of them, around ¼ had apartments, 1/5 – seasonal housing and only 2% had a room in a common apartment or in a hostel.

633. In the urban area the ratio of the households that had in property other housing was higher (4.5%) than in the rural area (3.2%). If in the urban area the property held was comprised of 1/3 of private houses, flats or seasonal housing, then in the rural area out of the households that stated that they held other housing, 74.3% had private houses and only 10% seasonal housing.

#### *Legal framework*

634. The Constitution of the Republic of Moldova from 29.07.1994, which provides in:

#### **Article 29 – “Residence Inviolability”**

(1) The domicile and the residence are inviolable. Nobody may enter or remain in the domicile or the residence of another person without the consent of the later.

(2) Exceptions from the provisions of paragraph (1) may be allowed in the following situations:

(a) When involving the application of an arrest warrant or a decision of a court of law;

(b) When eliminating a threat which endangers the life, physical integrity or the goods of another persons;

(c) When acting to limit the spread of an epidemic.

(3) Searches at the place of the scene may only be made in accordance with the conditions provided for by law.

(4) Searches during the night are prohibited, with the exception of a flagrant offence.

**Article 46 – “Right to private property and its protection”**

(1) The right to private property, as well as remedial rights over the state is guaranteed.

(2) Nobody may be expropriated unless for the public need, established by law, with a just and prior compensation.

(3) Property legally obtained may not be confiscated. The legal character of the property is presumed.

(4) Goods planned, used or resulted from offences may be confiscated only under the conditions provided for by law.

(5) The right to private property obliges to the respect of the protection of the environment and neighbourliness, as well as other obligations which according to the law are the burden of the owner.

(6) The right to inherit private property is guaranteed.

635. **The Civil Code, No. 1107 from 06.06.2002**, which sets the general principles for the housing sector, as would be property over the common parts of the building with many flats or with apartments, the neighbourhood rights, rent and lease contracts, delivery of services and others that extend to the housing sector.

636. **The Housing Code, No. 306 from 03.06.1983**, which provides in article 1 the right to housing of the citizens of the country, **article 28** the right of citizens to obtain housing spaces.

637. **The Law on privatisation of the housing fund, No. 1324 from 10.03.1993, which provides for in article 1 that:**

(1) The privatisation of the housing fund is a process of transfer of the state and collective organisations housing fund, managed by the state authorities over which the state has property rights or transferred them to state associations and cooperative enterprises, built from the state resources, into the private property of the citizens of the Republic of Moldova and their associations (joint-stock companies, other entities) to cover their housing needs and formation of real basis for the right to freely own real estate properties.

(2) According to the present law, the housing found is real estate and housing spaces from the buildings under state property, irrespective of the department affiliation, housing of sovhoz and other state agricultural enterprises, including those that have been reorganised after the implementation of the Law on privatization, as well as housing built with state means by the enterprises and organisations with other forms of property.

**In article 22** it is provided that if a piece of real estate (including hostels) where at least 60% of the housing was privatised, during 3 months since the summoning of the general meeting of the owners of flats, **the association of owners of privatised flats** is created and registered with the legal form of consumption cooperative, with the transferral into its management of the administration of the movable and immovable goods. Also the law provides for the principles of creation and this type of association and contains the template statute of the association.

638. **The Law on housing fund condominium, No. 913 from 30.03.2000** also provides for the creation of **association of condominium owners** for its management (art. 15, para. 2). Article 9 from the law establishes the procedure of transferral of the lands in condominium. The provisions of the present law are also applicable to housing cooperatives, construction cooperatives, as well as on other forms of associations of owners of immovable property created to use the real estate in condominium. Presently there are 700 associations of owners of privatised flats, over 50 associations of owners in condominiums, and over 300 construction cooperatives. The associations of housing owners may organise in unions, a fact that is confirmed by the existence of a group of associations and organisations, among which the municipal Council of associations in the cities of Chisinau, Balti, Ungheni. The Republican Union of Development of the Housing Fund “Gestionarul” was registered.

639. **Law on the rehabilitation of the victims of political repressions, No. 1225 from 08.12.1992, republished**, which provides for that with the agreement of the persons exposed to political repressions and subsequently rehabilitated or of their heirs, **the return of the housing that was previously confiscated** may be changed with the recovery of its value, evaluated through the application of the prices valid at the date the application was accepted, or through delivery under priority conditions of an established housing.

640. The persons that have to be evacuated from the houses returned are ensured with housing off the list, at the moment of evacuation, by the local public administration authorities, in accordance with the legislation in force. Expenses related to granting housing is made from the means and within the limits of the raion budgets, the budgets of the municipalities of Chisinau and Balti, the budget of the autonomous territorial unit Gagauzia, as well as from the state budget.

641. The restitution of the goods, recovery of their value which cannot be retrieved, is made on the basis of the application, from the raion budgets, the budgets of the municipalities of Chisinau and Balti, the budget of the autonomous territorial unit Gagauzia, as well as from the state budget. The applications of recovery of goods or the recovery of their value is examined by the committees specially created for this purposes.

642. If the goods have not survived or cannot be recovered, being privatised as provided by law, their value is compensated, if covered in money or other means, using the market prices of the date the application is examined.

643. **Legal framework in the housing sector** was developed by the Government Decisions, among which: (i) on the construction of houses and other buildings of social character for selling; (ii) on the National Housing Concept and approval of the Action Programme to implement the first stage of the National Housing Concept; (iii) on state and private investments in the construction of unfinished housing buildings; (iv) on the approval of the procedure of issuance of long term credits to housing construction cooperatives and compensation of the losses sustained by the commercial banks in the process of issuance of such credits; (v) on the approval of the Regulations on the attraction of financial means for the construction of housing by means of usage of housing certificates; (vi) on the conclusion of construction works of the unfinished housing buildings; (vii) on the approval of the temporary Rules of housing usage, maintenance of the housing buildings and the nearby lands in the Republic of Moldova; (viii) on the approval of the Strategy of the housing and other immovable property market; (ix) on the transferral of housing management enterprises into public property of territorial administrative units; (x) on the improvement of the situation of housing buildings and departments’ hostels, as well as supply of inhabitants with public utility services; (xi) on the approval of the National Social Programme “Allocations and credits for housing” for years 2003–2008; (xii) on the heating systems renovation and rehabilitation in the built housing

blocks; (xiii) a package of normative acts on the creation, functioning and discontinuation of the National Housing Service.

644. The national legislation in the field of housing does not provide for any form of discrimination irrespective of any criteria.

*Development of the lands and the real estate*

645. Starting with 1991, **the Land Code, No. 828 from 25.12.1991** (with the subsequent amendments) established the general framework on the major changes in land property. By its initial reference to the agricultural lands the Code began the process (later on adopted by the Constitution in 1994) of establishment of property rights over land for the citizens of the Republic of Moldova and for foreign citizens. All categories of land owners are protected by the State and can freely use and sell their property.

646. The former employees of collective farms and collective enterprises, as well as their pensioners have received a land quota (one hectare on average) from the “privatization fund”, whilst the plots for the construction of individual housing have been distributed free of charge to all interested persons within the limits of the settlements (0,04–0,07 ha in the cities and 0.08–0.12 ha in villages). Owners of land quotas may use their quota of common land for agricultural activity or may sell, donate or lease it.

647. The special provisions of the Land Code shows the importance with which Moldova is addressing its agricultural land of high quality, the main natural resource of the country. Article 71 and 83 provide for the transformation of the agricultural land only in exceptional cases and only in case the land has a very low fertility. Taking into account the above mentioned, in accordance with the official data the majority of the land in Moldova is a very fertile one, transformation of the land into non-agricultural use, i.e. urban use being very limited.

648. The legislation mentioned below has complemented the legal framework related to transactions:

(a) **Law on agricultural lease, No. 198 from 15.05.2003**, which refers first of all to the agricultural sector, contains provisions that regulate the relations between the leaser and the lessee on the basis of a long term lease agreement which shall not be less than one year and not longer than 30 years, whilst the lease of land with the purpose of planting multiyear plantations, the term of the contract will be set for at least 25 years, if the contract does not provide otherwise;

(b) **The law on gage, No. 449 from 30.07.2001**, provides for that the immovable goods (land, buildings and constructions) may be put under mortgage in the process of application for credits. (Article 15 provides for that the “Gage applied for the guarantee of payment of a sum of money is valid even if at the moment of its registration the debtor has not yet received the payment for which the gage is made or has only received it partially. This rule applies especially when issuing credits or bonds or other forms of crediting papers). In the same law (article 19) it is stated that “the unfinished construction may be subject to mortgage even if the land is not owned by the person that builds it, if at the moment the mortgage is initiated the debtor has a right over the land (right to build) on which the building is situated”;

(c) **The law on the normative price and the purchase of land, No. 1308 from 25.07.1997** is the main legal document which is applied to cases of (a) purchase of land, including lands of privatised buildings or which are in the process of privatisation, of the lands of private enterprises, as well as the lands of unfinished constructions; (b) inclusion of the value of the public property lands of unfinished buildings and constructions specified at letter a) in their statutory capital, following the decision of the share holders (founders) and

with the agreement of the land owner, as a participation share in the building or construction; (c) exclusion of the lands from the category of agricultural lands and forest lands, as well as from the agricultural circulation, and their transferral to other categories of land; (d) forced alienation of lands; (e) lease relations. The law stipulates that “public property lands may be sold to physical and legal entities of the Republic of Moldova and to foreign investors, with the exception of agricultural lands and the forestry which may be sold only to physical and legal entities of the Republic of Moldova”;

(d) **The law on expropriation for public use, No. 488 from 08.07.1999.** Within the meaning of the present law expropriation is a transfer of goods and property rights from private property to public property, transfer by the state of public property goods that belong to a territorial administrative unit, or, the transferral by the state or by territorial administrative units of the property right with the purpose to perform public interest works of a national or local interest in accordance with the conditions set by law, after a prior and just compensation. Compensation is comprised of the real value of the real estate or the property rights exposed to expropriation and the damages caused to the owner or to the holders of other property related rights. The payment of the compensation is made under the conditions mutually agreed by the parties. In the absence of an agreement, the court of law will decide on the deposit of financial means on the bank account of the expropriated owner, setting a payment deadline which shall not exceed 30 days from the date the decision of the court of law remained final. Public interest is declared: (a) for national interest works – by the Parliament; (b) for local interest works of the territorial administrative unit – by its council; (c) for the public interest of more than one raion and/or municipalities – by their councils, and in case of divergences – by the Government; (d) for public interest works of more than one city and/or village in one raion – by the councils of the cities and/or villages, and in case of divergences – by the raion council.

*Evacuation from the establishment*

649. Evacuation from the establishment is provided for by the Housing Code (articles 94, 95, 100, 102 and 103), mentioned above which states that:

Evacuation from the living space, occupied in a public fund or state fund house, is possible only on the basis of the conditions set by law. Evacuation is only possible by means of a decision of a court of law.

650. Citizens are evacuated from their establishments in public or state housing funds and are subsequently offered another living space with utilities if: (1) the house where the living space is, is planned for demolition; (2) the house (living space) is in danger of ruination; (3) the house (living space) must be refurbished into a non-living building. In cases when the family type orphanage is closed, the parents-adopters must free the given housing, in case of refusal they are evacuated and are subsequently offered another living space with utilities.

651. May be evacuated with a subsequent offer of another living space: (i) workers and servants (along with the persons that live with them) that have discontinued their employment relations with the enterprises, institutions, organisations of the most important branches of the national economy, which offered them the living space, as a result of own initiative discontinuation of the employment relations without justified reasons, or which have been dismissed for breaching the employment discipline or as a result of an offence; (ii) citizens that have received living spaces in the houses of collective farms, if they have been excluded from the collective farm as a result of their own initiative; (iii) citizens that have been deprived of their parental rights, if they live together with their children in relation to whom they were deprived of their parental rights; (iv) parents-adopters, if they have been deprived of the education of the children; (v) other cases.

652. If the lessee, members of his/her family or other persons, who live together with them, systematically destroy or damage the living spaces, or do not use them according to its purpose, or if by systematically breaching the common living rules make it impossible for others to live with them in the same apartment or in the same house, and the preventive and public constraint measures have not showed any progress, the evacuation of the guilty ones at the request of the leaser or other interested parties is made without a subsequent offer of another living space.

653. Persons that must be evacuated without another offer of living space, because living in common is not possible, may be obliged by the court of law that instead of evacuation to exchange the occupied space with another living space, indicated by the party which is interested to make the exchange.

654. Persons that have occupied without authorisation the living space, are evacuated without the right to receive any other living space.

655. The court decisions application Code of the Republic of Moldova, No. 443 from 24.12.2004 provides for in articles 114–148 the application of decisions related to housing litigation, among which evacuation, evacuation with offering of another living space, evacuation without the offer of another living space, placement into living space and transferral to another living space (in another separate room) or forced exchange of the living space (room).

*Setting the level of the rent and supplementary accommodation for housing*

656. The establishment of the rent level is regulated by the **Government Decision No. 191 from 19.02.2002**, which provides for the mechanism of development approval and regulation of the rates, which is done as follows:

(a) Rates for rent of apartments, living spaces from hostels or non-living spaces from the housing building, for heating, water and hot water, evacuation of used water, technical maintenance and repairs of technical equipment from the building and the repairs of the state or municipal housing buildings and their mechanisms, transport of garbage, technical maintenance of elevators and the collective TV reception mechanisms by the local public administration bodies;

(b) The rates for technical maintenance and repairs of housing buildings, as well as the technical maintenance and repairs of the technical equipment within the housing buildings which are at the balance of the associations of owners of privatised apartments, living spaces in hostels, associations of owners in condominiums and housing constructions cooperatives – by the general meeting of these associations.

657. Within the meaning of **the Law on special social protection of certain categories of population No. 933-XIV from 14 April 2000**, nominative allowance is understood as payment of money in exchange of privileges previously given; and public utility services – heating, cold and hot water (heating of cold water), natural gas used for cooking and heating, sewage disposal, garbage evacuation (both solid and liquid), elevators, building's maintenance or rent.

658. Beneficiaries of such nominative allowances are according to the law 11 categories of population, among which persons with disabilities of the 1st and 2nd level of gravity, children with disabilities at birth, participants at the second world war and their wives (husbands), persons assimilated to the ones that participated in war, families of those who died in the course of the exercise of their duties, as well as those who died as a consequence of participation at the elimination of the consequences of the accident at A.E.P. Chernobyl, lonely pensioners, families with 4 and more children until the reach of 18 years, and in case they continue their studies in educational institutions – until the graduation of the respective

institutions, but not more than the age of 23 years, persons that have fought in the Afghanistan war, as well as those who participated in military actions in other states, the military in active service, the retired military called for duty, volunteers and employees of the interior bodies and of the penitentiary system and civil personnel called to participate in special missions to sustain the military actions directed to protect the territorial integrity and independence of the Republic of Moldova.

659. The **allowances** group is also covered by the legal provisions of the Government Decision No. 1146 from 15.10.2004 on preferential crediting for certain categories of population.

660. In accordance with the legislation in force the right to obtain preferential crediting for:

(a) Construction of a private house or cooperative housing, or purchase of housing is offered to the following categories of population:

(i) Veterans of the elimination of the consequences of the accident at the AEP Chernobyl;

(ii) Veterans of the military actions in Afghanistan;

(iii) Veterans of the military actions for the protection of the territorial integrity and independence of the Republic of Moldova;

(iv) Citizens that participated at the military actions for the protection of territorial integrity and independence of the Republic of Moldova and whose houses have been destroyed during those military actions;

(v) Citizens of the Republic of Moldova who did not participate at the military actions for the protection of the territorial integrity of the country and independence of the Republic of Moldova and who cannot return to their permanent domicile due to political reasons;

(vi) Veterans of the Second World War;

(vii) Members of the families of those who lost their lives as a result of the accident at AEP Chernobyl, of those who deceased due to the actinic disease, of the deceased persons with disabilities;

(viii) Members of the families of the participants at the elimination of the consequences of the accident at AEP Chernobyl, who later on have deceased;

(ix) Members of families of the ones who fought and died in the course the exercise of their duty to protect the territorial integrity and independence of the Republic of Moldova.

(b) The construction of the individual house or cooperative housing, or procurement of housing or refurbishment of old houses: Victims of political repression;

(c) Compensation of expenses related to the construction of an individual house or cooperative housing, made after being at AEP Chernobyl:

(i) Persons that have become ill and suffered from the actinic disease caused by the accident at AEP Chernobyl, as well as persons with disabilities whose disability was caused by the accident at Chernobyl;

(ii) Members of the families of those who died as a result of the accident at AEP Chernobyl, of those who died as a result of the actinic disease, of the deceased persons with disabilities;

- (iii) Citizens of the Republic of Moldova who are part of the categories mentioned above have the right to a preferential crediting one time only, from the moment they obtained that right.

*Normative acts that regulate the sector of constructions*

661. The sector of constructions in the Republic of Moldova is regulated by the following laws:

(a) **Law on the quality in constructions, No. 721 from 02.02.1996**, which sets the legal, technical, economic and managerial basis of activity of physical and legal entities in the field of constructions, obligations and their liability with regard to the quality in constructions. The law established the main requirements in the constructions' activity, including construction of housing buildings. The Law contains provisions on the rights and obligations of all involved participants in the process of construction, including State bodies. The conditions of certification are provided for all physical and legal entities involved in the process of planning, development, technical supervision and construction, as well as for the construction materials. The control of the quality is mandatory for all categories of constructions (either new or updated or refurbished), with the exception of individual homes of one or two levels;

(b) **Law on the principles of urbanism and territorial settlement, No. 835 from 17.05.1996**, which provides for the main principles of efficient management and planning, and the responsibility of the local public authorities in the development of their administrative units (village, town, city, municipality).

662. The law provides for the following levels of territorial planning:

(a) National Level – general guiding document that should be adopted by the Parliament;

(b) Raion Level – approved by the raion councils;

(c) Municipal Level (i.e. village, town, city or municipal level) – adopted by the local councils.

663. The general urban plans are the main documents of urban development and define the major types of land usage, including the development of the housing sector.

664. The law also provides for a mechanism of consultation with the population before the approval of all the categories of urban plans and territorial management plans, with the exception of the national territorial management plan and the detailed urban plans that do not affect the public interest.

665. **Law on architectural activity No. 1350 from 02.11.2000**, which has as main aim the efficient development of the national architecture, perseverance of its traditional style and determination of the role of the architect as the dominant person in the process of architectural activity and regulates the relations that appear within the architectural activity, determines the forms of architectural activity, state support and the competence of the central and local public administration bodies in the field of architecture and urbanism, justifies the intellectual property rights of the architect, establishes the main functions, rights and obligations of the physical and legal entities involved in the process of architectural activity.

666. To implement these laws a list of normative acts have been adopted as are the Government Decisions on: (i) formation of the integrated state system of supervision of construction quality; (ii) approval of the Regulation on the technical acceptance for new products, procedures and equipment in constructions; (iii) approval of the Concept of update of the National System of normative documents in constructions; (iv) approval of

the Regulations of receipt of constructions and secondary installations; (v) state control of the quality in construction, on the annulment of security in usage of buildings, installations, equipment and pipelines which represent sources of high risks; (vi) the Programme of creation of the normative base in constructions, (vii) monitoring of deviations in usage, timely interventions in the after utilisation period of the buildings; (viii) approval of the Regulations on the urbanism certificate and constructions authorisations or the demolition of constructions and secondary buildings; (ix) approval of the Regulations on the consultation of the population in the process of development and approval of the urbanism documentation; (x) approval of the general urbanism Regulations; (xi) approval of the Regulations on the authorisation of the functioning and change of the destination of buildings and secondary constructions; (xii) approval of the Regulations on the construction of private property housing.

*Measures undertaken by the State for the construction of housing for subsequent rent*

667. With the purpose to develop the housing sector for subsequent renting, the draft law on housing was developed, with the adoption of which the Housing Code (1983) will be abolished. The main principles of the law are:

- (a) Constitutional guarantees for housing;
- (b) The diversity and equality before the law of all forms of property over housing;
- (c) The right of citizens to choose the convenient mode of covering the housing needs and to freely own it in accordance with the legislation in force.

668. Distinct separation of functions of central and local public administration bodies, legal and physical entities in the housing sector.

669. On the basis of the draft the idea that relates to the processes that take place in the housing sector was inserted, as well as the state's care for the socially vulnerable categories and coverage of their housing needs. To obtain a social housing the applicant must satisfy 2 mandatory criteria, among which (1) lack of property over housing, land for the construction of a house, lands with other destination or house built from the common orchards enterprises' funds, as well as the sell of housing in the last 5 years and (2) housing offer in case the applicant has not benefited from credits for the construction of housing in the last 5 years. Also supplementary conditions are set, for instance: ownership of a housing space per member of family which is lower than the minimal standards; living in housing which does not correspond to the sanitary and technical standards set for housing; are recently married, who at the date of housing access each had up to 35 years and did not have a separate apartment; living under the sublease contract conditions.

670. Only persons with disabilities have the right to obtain social housing under preferential conditions (the disabled that are not employed due to their state of health).

671. Social housing shall be placed under rent conditions, same as employment, protocol housing and hostels. Besides those mentioned above the draft law provides for the accommodation of persons in asylums.

672. With the purpose to cover the immediate housing needs of certain categories of persons, as are the internally displaced persons from the eastern part of the Republic of Moldova, the disabled with 1st and 2nd level of gravity, families with many children and young families, the Government has signed an agreement with the Development Bank of the Council of Europe on the possibility to receive a credit for the construction of housing for these categories of persons (ratified in October 2007). The project was launched through the initiation of the development works of the housing buildings in different settlements of the country.

673. Among ad hoc measures are the development of the urban plans for the settlements of the Republic of Moldova, including during years 2005–2007 the development of the following was finalised: urban documentation for different categories for 20 settlements, including general urban plans for 2 municipalities – Chisinau and Balti.

674. Annually the contest “The greenest, cleanest and neatest settlement” is organised (currently with the 7th edition). This year, at the initiative of the President of the Republic of Moldova a new method of management of the contest is being developed for the most modern settlement. Various localities also organise contests for the most arranged district, street and aquatic place, etc.

675. In the last years no actions have been taken to amend the national polities, laws and practices which may severely affect the right to a decent housing. On the contrary, actions are taken to promote the draft law on housing, on the basis of which new rules are established to ensure housing for socially vulnerable categories, as well as for other categories of population with average income level. The Parliament received the draft law on mortgage, which would set the norms for long term crediting, including the construction, reconstruction and procurement of housing.

676. Work in the housing sector is managed in an orderly fashion. Problems related to the maintenance of housing may be solved only when certain financial and legal constraints will be eliminated; the housing market will develop only in the presence of a fine combination of the policy, institutional, legal and financial measures. In this respect the country is facing the need to solve the following problems:

(a) The policy in the field of housing should be focused on the implementation strategies at the local level, supported by a clear and well determined policy at the national level;

(b) The currently existent housing must be stopped from further degradation and it must be regenerated to ensure decent living conditions for the population in the long term perspective;

(c) Development of the housing market must become an oscillatory sector that would satisfy the need for housing, which would significantly contribute to economic growth;

(d) Social housing: it is a growing necessity in order to develop an integrated network of housing for persons that experience difficulties in finding their own house on the free market, including in the rural communities.

677. With regard to the actions undertaken with the purpose to encourage the development of small and medium urban centres, especially in the rural areas, the strengthening of the institutional capacities is ensured for the local public administration authorities with the purpose to implement the regional development policies.

678. The regional development policy aims at the equilibrated social and economic development of all the settlements in the country, with the purpose to boost up the level of living of the population. Thus the principles of cohesion and the basic principles of social and economic cohesion of the European Union policy will be followed in the Republic of Moldova. Each development region shall have the possibility to develop own solutions for problems of regional development.

679. The Ministry of Local Public Administration contributes with support to all the participating parties in the process of regional development, especially to the underprivileged ones, to ensure participation of all the regions’ parties in the process of development.

680. Territorial differences shall be evaluated and diminished accordingly, through efficient solutions, capable to contribute to the cohesion of settlements, for instance by: development of urban centres, consolidation of links between villages and cities, insurance of universal access to development opportunities, paying special attention to the local imbalances.

681. Regional development Strategies shall include the following aspects: the situation, the function and the necessities of the urban and rural centres, especially on the social and economic development, social exclusion and poverty sectors, and the way in which the problems may be diminished through promotion of links with other parts of the development region.

682. According to the measures of implementation of the Law No. 438-XVI from 28 December 2006 on regional development in the Republic of Moldova, the regional development institutional framework building is in progress on the basis of the regulations of the National Regional Development Coordination Council, of formation and usage of the means of the National Fund for Regional Development, the framework Regulations of the Regional Development Council and the Regional Development Agency.

683. These institutions will become functional starting with the 3rd quarter of this year and their activity shall increase the attractiveness of the development regions of the Republic of Moldova for foreign investors.

684. The National Regional Development Strategy is in process of development, which shall be presented to the Government in the 3rd quarter of this year.

685. At the same time, necessary actions are taken to form the regional development councils for the regions North, Centre and South, deliberative functional structures at the level of each development regional to coordinate and promote the objectives of the regional development policy at the local level.

686. In order to ensure a full benefit of the right to adequate housing we consider necessary to undertake a fully fledged study on the rehabilitation of the existent housing fund and a survey on the necessary social housing, as well as delivery of assistance in the process of training (awareness rising) of the chairmen, accountants and owner of flats in the associations of owners of flats.

687. We consider viable assistance in the establishment of a construction, reconstruction and purchase of housing system through long term crediting, based on the experience of other countries in similar situation with the Republic of Moldova.

688. Also a positive social impact may trigger the launch of the investment project on the conservation of the energy in the existent housing fund.

## **Article 12**

### **1. Physical and mental health of the population**

689. The population health is one of the main priorities of the State. The main aim of the activities undertaken during 2004–2007 have been directed to improve population health and wellbeing through support of the inter-sector interventions directed to the decrease of mortality, morbidity and excessive disability, creation of conditions for equal access to medical and social services for all categories of population, promotion of the healthy way of life and reduction of the risk factors which threaten health.

690. With the purpose to respect the rights of beneficiaries while receiving medical services in the field of mental health, as well as the quality of delivered services and respect of human rights, by means of Law No. 35-XVI from 28.02.2008 Law No. 1402-XIII from

16 December 1997 on psychiatric assistance was amended and complemented. The respective amendments have been harmonised with the recommendations of the World Health Organisation, project “Increase of social cohesion through strengthening of communitarian services of mental health” of the Council of Europe and the South Eastern Europe Stability Pact, taking into account the European declaration on mental health from 13.01.2005, adopted at Helsinki, Finland.

691. With the purpose to implement the Government Decision No. 353 from 30.03.2007, on the approval of the National Mental Health Programme for years 2007–2011” the Ministry of Health has issued Order No. 408 from 06.11.2007 “on the implementation of the National Mental Health Programme for years 2007–2011”, which provides for the creation or protection, rehabilitation and social integration conditions for patients with mental disabilities.

692. In cooperation with the Swiss Development and Cooperation Office in Moldova, the training of personnel in the field of occupational therapy for psycho-social rehabilitation was initiated. Special attention is paid to children and teenagers. A study on the use of narcotic substances by teenagers was undertaken and ways of intervention to protect the young generation from these dangers are tackled. Within the workshop “tendencies in the development of Mental Health services” from 14.12.2007 organised by the Ministry of Health and the WHO office in Moldova, the template Regulations of functioning of Communitarian Centres were examined and endorsed. Clinical protocols to ensure the quality of mental health services were developed. In 2007, with the support of the Paris Psychoanalysis Society training and educational courses for psycho-therapist doctors in the field of psychoanalysis were organised.

## 2. The health policy

693. By means of the Government Decision No. 886 from 06.08.2007 the National Health Policy was adopted and developed at the recommendation and with the participation of the experts of the WHO, which clearly and irrevocably state the inter-sectors priorities and directions of health strengthening, maintenance and recovery in the next 15 years. This political document establishes the inter-sectors mechanisms and responsibilities for the improvement of the health situation of the population. Thus, for the first time in the Republic of Moldova a new vision was shaped over the principles of support for the activity of the consolidation of public health: insurance of social, economic, ecological, food security, promotion of a healthy style of life and equal access to high quality health services.

694. One of the first priority strategic directions for the health system of the Republic of Moldova continues to remain the strengthening of the primary health assistance.

695. In this respect the Medium Term Primary Health Assistance Development Strategy was developed, which includes a list of well defined activities, aiming at its consolidation.

696. The aim of the planned activities in this sector is to ensure access to all inhabitants of the republic to high quality and timely primary health assistance. A primary health assistance service which is well developed and supported by high performance means, with well organised prevention and treatment mechanisms, education and participation of the patient, as well as involvement of the entire community, including the local and central public administration authorities, may ensure a positive impact on the population health indicators in the Republic of Moldova.

697. The prescription of compensated drugs and the possibilities of treatment in ambulatory conditions of patients, especially the chronic or immovable ones and their insurance with necessary drugs and other consumables have significantly increased. Thus,

the financial burden on the population that requires domicile treatment is decreasing and the volume of costly hospital assistance is reducing.

698. The ratio of the preventive visits within the primary health assistance was 20.9% for adults (in 2006 – 21.0%) and 48.1% for children (in 2006 – 49.7%).

699. These factors confirms the existence of unvalued reserves at the level of prevention of diseases, as well as a relatively small potential of the sector of primary health services, which is in reality the main promoter in preventing diseases.

700. It is important that the country may benefit from the support of the international organisations in the consolidation of the primary health assistance services which come to complement the existent resources in the system.

701. Following the negotiations with the World Bank on 07.06.2007, the financing of the project “Health and Social Assistance Services” was approved, with a budget of over 5 million USD to strengthen the primary health services in the rural communities.

702. This project aims to support civil works for rural health institutions which would vary from repairs to new constructions (where those would be deemed necessary).

703. Taking into account the necessity to maintain the continuation in the health services delivery infrastructure, but also taking into account the new realities and international technological standards, the Ministry of Health supports the necessity to adjust the structure of the primary health services (Centres of Family Doctors, Health Offices of Family Doctors, Health Offices) to standard technological schemes for the offices of the rural primary health services, depending on the established level of services delivery, on the number of the served population and the competence of the medical personnel.

704. The new standards have as aim to increase quality of health services, security of patients and the health personnel and increase the efficiency of the health institutions.

705. At the same time, with the purpose to ensure sustainable development of the health system and for adequate access of the population in the rural areas to high quality health services, the Ministry of Health initiated the legal delimitation of the primary health services from the hospital and specialised one at the level of raion.

706. By means of the decisions of the local public administration authorities of all raions Public Health and Sanitary Institutions, Centres of Family Doctors and Health Centres have been created, as a result of the separation of the raion Public Health and Sanitary Institutions and Hospitals. At the same time, by means of the decisions of the raion Councils Orhei, Călărași, Florești, Leova, Telenești, 7 Public Health and Sanitary Institutions and Health Centres have been created, which starting with 1 January 2008 function under self-sustainability, on the basis of the contracts of health services delivery signed directly with the National Health Insurance Agency.

707. Thus, the primary health assistance institutions have been separated from the hospital sector and became autonomous legal entities. This reform created conditions for direct contracting of primary health assistance by the National Health Insurance Agency and defined the prerequisites to improve allocation efficiency of the financial means directed to the health system.

### **3. The health budget**

708. The effects of the economic crisis in the late '90 has significantly influenced the access and quality of health services, due to the reduction of the amount of budget financing for the health care system, which in 2003 represented only 4% of GDP compared to 6.9% in 1996. The necessity to improve the management of available resources and increase of the accessibility of the high level health services has contributed to the

identification of strategic objectives in medium and long term which have included in the EGPRS: (i) increase of the access of the population to basic health services through the development of the primary health services; (ii) improvement of the quality and health and economic standards of health assistance; (iii) improvement of the prevention and treatment measures for diseases caused by the socially existent situation; (iv) improvement of financial resource efficiency allocation.

709. Thus, during 2004–2007 the development of the health sector was characterised by the extension of the primary health services network, implementation of the mandatory health service insurance and increases of budgetary allocations. The national budget expenses for healthcare compared to GDP have increase from 4.2% in 2004 to 4.8% in 2006 and 5.3% in 2007. Even though socially oriented expenses are increasing the, the development of the quota of expenses related to health protection out of the total of these expenses has registered modest increases and constituted 12.9% in 2007, positioning it on the second place after social protection expenses. Expenses for primary assistance in 2007 have constituted 21.2% out of the total expenses for health care, registering an increase of 2.2% compared to 2004. The expenses for preventive healthcare have constituted 3.8% in 2007, registering an increase compared to 2004 of 1.2% (Table 20 from Annex no 1).

710. Compared to the CIS countries the share of public expenditure for healthcare is sufficiently high placing Republic of Moldova among the leaders, but compared to the European Union countries (where expenses on average vary from 6% to 13% of the GDP),<sup>41</sup> this is 1,9 times smaller.

711. The majority of the funds of the consolidated healthcare Budget have been directed to ensure access and improved quality of health services, which has increased in 2007 compared to 2006 with 418,2 million lei (Figure No. 6 from Annex 1).

#### 4. Demographic indicators

712. The indicators defined by the World Health Organisation (WHO) in relation to the following aspects are the following:

(a) *The ratio of the infantile mortality*

713. During 2000–2006 the infantile mortality rate and the mortality of children below 5 years has diminished. Thus, the infantile mortality ratio diminished from 18.3% in 2000 to 11.8% in 2006. Even though the infantile mortality ratio the Republic of Moldova is higher than in the European states, during the last five years this ratio diminished at a higher pace than in the EU.

714. The mortality of children under five years has reduced from 23.9% in 2000 to 14.02% in 2006. In the mentioned period a constant decrease of children mortality of this age was registered as well in the rural regions. The same positive tendency was registered with the mortality ratio of children between 5 and 14 years.

715. The tendency of child mortality decrease is in most respects due to the improved access to health care and assistance for children and mothers, offered through the mandatory health insurance.

(b), (c) *The ratio of population that has access to good quality water and sewage systems*

716. The ratio of the population that has access to good quality water has increased from 37.8% to 44.5% whilst the ratio of the population that has access to adequate services of

<sup>41</sup> Statistical Data Base of the OECD for the EU Member States, 2007.

sewage systems from 41.1% to 43.6%. Unfortunately, the rural households have access to sewage systems and centralised water access only in 4% of the cases.

(d) *Children's immunisation*

717. Children that have reached the age of 1 year varied during the reporting period: against tuberculosis between 98.8% and 99.2%, against diphtheria-perthussis-tetanus between 96% and 98%, against poliomyelitis between 97.3% and 98.5%, against rubeola between 89.1% and 96.9%, against viral hepatitis B between 98.8% and 99.2% and mumps between 93.2% and 96.9%.

(e) *Life expectancy*

718. The average life expectancy is conditioned by a large group of factors, an important part playing the style of life, economic and social conditions, alimentation, water quality, but also the state of health and the level of sanitary education. The supported programmes of population awareness rising to live a healthy way of life, access and abundance of information on rational alimentation, have positively influenced the average life expectancy (Table 21 from Annex 1).

719. General life expectancy is increasing. Presently, the average life expectancy is of 64.6 years for men and 72.2 years for women. In the rural areas the average life expectancy is approximately 3.5 years shorter for both genders. The life expectancy at birth for women is longer than for men – with 7.6 years. This difference is caused by the premature decease of men. The average life expectancy of the urban areas inhabitants is higher than in the rural areas with approximately 3.7 years for men and 3.4 years for women. The significant difference between the average life expectancy is the result of a more profound phenomenon of population aging in the rural areas. (The population of the country at 1 January in '000 is presented in Table No. 22 from Annex No. 1, and the main demographic indicators are presented in for years 2000–2007 in Table No. 23 from Annex No. 1).

720. There are significant differences in the Republic of Moldova between the life expectancy of the population based on the place of residence. The life expectancy of men and women from the urban regions are 3.0 and 2.8 years respectively higher than in the rural areas.

(f) *Maternal mortality*

721. In the period of years 2000–2007 the level of maternal mortality registered a decrease from 27.1 in 2000 to 16.0 in 2006 for every 100,000 live births. In 2005, in 7 cases of maternal mortality a case of one maternal death was registered with a 15 year old teenager which constitutes 12.8, the cause being septicaemia.

722. The ratio of pregnant women that had access to and have benefited from pre-birth healthcare has increased from 91.1% in 2000 to 99.1% in 2006. Afterbirth health care was received by almost all women who gave birth between 2000 and 2006. This improvement is due to the training programmes in this field, offered also to family doctors.

(g) *The ratio of newly born children that have access to healthcare from trained personnel*

723. The ratio of children born in hospitals (maternity homes) has varied from 97.6% (in 2000) to 99.1% (in 2006). During the last years the ratio of children born outside the healthcare institutions does not exceed 2%.

724. The healthcare personnel with higher education and with specialised secondary education who are involved in the maternity homes of the country are exposed to

continuous training in healthcare and birth taking. In all the 38 maternity homes in the republic, all births are taken by gynaecologists and midwives trained in the field.

## 5. Measures to improve health

### (a) *The measures directed to reduce children born dead and infantile death*

725. One of the Millennium Development Goals is continuous reduction of infantile death. In Republic of Moldova this indicator must reach in 2015 the level of 6,3 out of 1000 of alive newborn (Table 23 from Annex No. 1).

726. Part of the implementation of the Perinatology Programmes (years 1998–2002, 2003–2007) radical changes took place as a result of the application of the modern technologies and cost-effective, as for instance:

(a) Formation and implementation of the regionalised system of the perinatal assistance in three levels;

(b) Supply with medical equipment from the Japan's Grant of 10 Perinatal Centres of 2nd level and one of 3rd level – the Institute of Scientific Research in the field of Health Care of Mothers and Children;

(c) Development of national policies in perinatal assistance, described in three national Guides A, B, C and adopted by the Ministry of Health (Order of the Ministry of Health No. 500 from 05.12.2006) and development of national protocols in perinatal assistance based on scientific proof;

(d) Training of over 6500 medical personnel in current issues of perinatal assistance, in quality management and health based on proof, which took place alongside with the implementation of the cost effective technologies recommended by the WHO in maternity homes and the sector of primary healthcare;

(e) Formation of the perinatal service quality monitoring system in all the maternity homes of the republic, part of which the monitoring of perinatal death is performed each quarter and the diseases with risk of maternal or neonatal death each month;

(f) Involvement of the community in the resolution of problems of perinatal health.

727. The experience of Moldova has been highly appreciated by the WHO, which selected Moldova among the European countries as a pilot project for the implementation of the Global Initiative "Pregnancy without risks", and at the end of 2005 the national informational and methodical Centre of perinatology within the Institute of Scientific Research in the field of Healthcare of Mothers and Children was honoured with the titles of Collaborative Centre. The objectives of this strategy are directed towards access, quality and efficiency to implement the aim of "a healthy life start" for each newborn child.

728. In 2005, 13 family antenatal educational centres have been created within the Family Doctors Centres (FDC) and in the raion maternity houses, whilst during 2006 another 6 centres have been opened.

729. In order to strengthen the education of the family and mobilisation of the community, which according to the WHO estimates may reduce the ratio of complications and maternal and neonatal deaths with 30%, in 2006 the National Communication Campaign was launched on the future mothers and children under the title of "for a Handsome and Healthy Child".

730. Starting with 1 December 2007 the National Communication Campaign is ongoing in the field of child's health in his first year of life "Childhood without risks", the aim of which is to reduce infantile and neonatal mortality, including the in-house one.

731. Until now 2500 medical personnel was trained in the field of Primary Health Care from all the regions of the republic and partially in the municipalities of Balti and Chisinau, as well as the professors from the Moldovan State Medical and Pharmaceutical University "Nicolae Testemițanu" and those of the secondary specialised medical educational institutions from the country. As part of the mentioned strategy, starting with 2005 the training books will have included the chapter "Communication", designed to improve the knowledge in families with regard to childcare.

732. With the purpose to improve the family planning services and strengthening the reproductive health, in 2001 the Law on the reproductive healthcare and family planning was adopted and the national Programme of assistance and planning and protection of reproductive health for years 1999–2003 was implemented. On the basis of the reform of the health system, family planning became an integral part of the primary healthcare assistance services. Presently in the country the activity of the three Women Healthcare Centres is ongoing (in the municipality of Chisinau, city of Drochia and Cahul), 40 reproduction health centres within the medical institutions.

733. Along with the implementation of the mandatory healthcare assistance, starting with 2004 the healthcare services financing have considerably improved. Today all children up to 18 years, pregnant women, mothers that take care of 7 and more children, and children with disabilities with the 1st level of gravity, as well as other groups are included in the group ensured by the state. All the expenses related to mother and childcare are covered by the national Healthcare Insurance Agency. This includes also supply of drugs, 100% compensated to children between 0 and 5 years and of the pregnant women with iron and folic acid based medicine in ambulatory conditions.

(b) *Measures undertaken to improve the environment hygiene*

734. Strengthening and promotion of health are closely linked with the environment quality. The main problems in the field of healthcare in correlation with the environment results in the negative impact on the population health of the contaminated waters, used as drinkable water, surface waters, the surrounding air and the polluted soil.

735. In order to implement article 12 of the International Covenant on economic, social and cultural rights related to the improvement of all aspects of environment hygiene and industrial hygiene, based on the recommendations of the 2nd European ministerial Conference for Environment and Health (Helsinki, 1994), Republic of Moldova developed in 2001 the national Environment related Health Action Plan (NEHAP), which is part of the European Environment related Health Action Plan. Thus, the process of implementation of the respective Plan is multi-sector oriented, with an implementation period of the planned actions until the end of 2010.

736. From those 80 actions planned for years 2001–2007, 61 have been implemented (76%). The most important of these actions are: strengthening of the national legislative and normative framework with the approval of a group of harmonised documents to the European Union Directives, enlargement of the international cooperation with the World Health Organisation, European Union, World Bank, with the implementation of the certain specific environment sanitation projects, performance of the scientific research on the population's health influenced by environment conditions, strengthening of the monitoring capacities of the drinkable water quality and food products, the contents of the chemical substances and extension of the activities of hygienic supervision, creation of the socially

hygienic monitoring system under the control of the Ministry of Health, organisation of training seminars in the field of health and environment.

737. In this respect 2 normative documents have been adopted:

- Sanitary norms on drinkable water quality, where for the first time the obligation of to guarantee the right of the citizens to drinkable water was mentioned
- Sanitary Norms on small systems of drinkable water supply, which are at the level of final check and scrutiny from the World Health Organisation

738. By means of the Decision No. 2 from 30.01.2007 of the Chief State Sanitary Doctor of the Republic of Moldova, the Programme of Activities to ensure water security in the rural areas for 2007 was adopted, within the Food Security Programme of the European Commission in accordance with which in 2007 112 rural settlements from 12 raions are to be checked, with the performance of laboratory research, stock-taking of all wells, registration of information on water quality in the investigated wells for each well, including in public places, with recommendations on the possibility to use the water. In the first 6 months of 2007 the National Centre of Scientific and Applicatory Preventive Health (NCSAPH) investigated 120 artesian wells, the 12 raion Primary Healthcare Centres (PHC) have verified 2240 phreatic wells, the population being involved in their maintenance.

(c) *Prophylaxis and treatment of epidemic, industrial and other diseases as well as fight against these diseases*

739. This is implemented by different national Programmes. The evaluation of the implementation of the National Programme of prophylaxis and fight against the diabetes “MoldDiab for years 2002–2005” approved by Government Decision No. 540 from 3 May 2002 established that thanks to the undertaken actions, including the improvement of centralised supply of insulin, during 2002–2005 a positive dynamics in the healthcare assistance quality provided to the diabetes patients was established. The number of cases of severe diabetes ketoacidosis decreased from 25% in 2002 to 5–7 in 2005 from the total number of diabetes patients. The frequency of cases of diabetes coma has decreased from 218 cases in 2002 to 68 cases in 2005. The diabetes linked mortality has decreased from 9.28 per 100,000 people in 2002 to 8.7 per 100,000 people in 2005.

740. The late diabetes complications have significantly decreased (with around 1/3) in 2005 compared to the figures in 2002.

741. Those mentioned above allow to conclude that the National Prophylaxis and Diabetes fight Programme “MoldDiab” for years 2002–2005 has reached its set objectives and allowed the improvement of the supply to patients with anti-diabetes medicine, purchased in a centralised way, as well as it improved the public health indicators.

742. In order to further improve the positive impact over the public health indicators, supplementary proposals have been included in the new Prophylaxis and Diabetes fight Programme “MoldDiab” for years 2006–2010 (supply of diabetes patients with human insulin; supplying children with glucose-meters and tests to identify the glycaemia under ambulatory conditions).

743. A serious problem for the public health of the country is **tuberculosis**. With the implementation of the new strategy of tuberculosis control – **the DOTS Strategy (Directly Observed Treatment, Shortest-cures)** the quality of the process of disease identification has significantly improved. As a result, the global tuberculosis effects (new plus repeated cases) has constantly increased in the period of 2000–2005, after which the indicators have stabilised, the value of which in 2007 constituted 129,8 cases for 100.000 people, or 5275 cases in absolute figures, which is around 3.5% smaller than in 2006 (132.5 cases for 100,000 population or 5,471 in absolute figures).

744. During the implementation period the National Phthysiopneumology Institute Reference Laboratory and the Reference Laboratories in tuberculosis microbiology of the tuberculosis hospital in Vorniceni, the municipal hospital of Balti and Tighina.

745. Patients in the eastern raions of the republic are offered consultations and are warded at the IMSP of the Chisinau Phthysiopneumology Institute.

746. Starting with 2004 monitoring and evaluation visits are undertaken with regard to the National Plan of fight against tuberculosis, including the penitentiary institutions.

747. During 2001–2007 the activities within the implementation of the DOTS Strategy have been repeatedly evaluated by external missions: tuberculosis experts from the World Bank, experts from the European Regional Bureau of the WHO from Copenhagen and the “Green Line Committee” of the WHO.

748. The epidemiological situation has stabilised in the penitentiary institutions, where the implementation of the DOTS Strategy began in 2000 and was implemented with the support of the external donors: The “Caritas Luxemburg” Foundation and the Netherlands Royal Association of Tuberculosis Control (NRATC).

749. Approval of a programme in conformity with the WHO requirements allowed the attraction of an important number of donors: “Global TB Drug Facility” of the Stop TB Partnership of Geneva, the Global AIDS, Tuberculosis and Malaria Fund, USA Development Agency (USAID), “Caritas Luxemburg”, Netherlands Royal Association of Tuberculosis Control (NRATC), MSH (SUA), Green Light Committee of the WHO, which determined the supply of a very important support to implement the planned activities.

750. Starting with December 2005 the pilot project DOTS PLUS was implemented which subsequently was extended on the entire country, including the eastern raions of the republic. Now 275 patients benefit from treatment.

751. With regard to the implementation of the National Cholera prophylaxis and fight Programme and of other serious diarrhoea diseases (SDD) fro years 2003–2010, approved by means of Government Decision No. 277 from 13.03.2003, training courses have been organised on the supervision of the quality of the drinking water and the diseases with water transmission capabilities.

752. Also the following were developed in line with the WHO requirements: the Guide of supervision of infectious diseases with water transmission capabilities, Practical Recommendations “Supplementary measures in the prophylaxis and fight against SDD on children”, State sanitary epidemiological rules and norms:

- On the information, research and registration of infectious diseases outbreaks of an alimentation origin
- Prophylaxis and fight against serious diarrhoea diseases in the Republic of Moldova
- Prophylaxis and fight against cholera in the Republic of Moldova

753. To implement the National Prophylaxis and fight against HIV/AIDS and the sexually transmittable diseases (STD) Programme for years 2001–2005, approved by Government Decision No. 482 from 18 June 2001, territorial programmes of prophylaxis and fight against HIV/AID and STD have been developed and adopted.

754. The implementation of the programme has contributed to the mobilisation of internal forces in the performance of strategies and priority actions of prevention, monitoring, control of the HIV/AIDS disease and STD, implementation of informational and educational activities, work with vulnerable groups, initiation of treatment, delivery of healthcare assistance, support to positive HIV detected and those infected with AIDS.

755. Sector standards have been developed and implemented: “Palliative treatment of the persons infected with HIV and AIDS” (2001), “Treatment with antiretroviral medicine specific for persons infected with HIV and AIDS and the prophylaxis of transmission of the mother-child HIV infection, professional exposure” (2001 and 2003), “Epidemiologic supervision of the HIV/AIDS infection” (2002); Instructions on the organisation of the anti-epidemiologic programme in the AIDS, hepatitis and other viral infections laboratories and diagnosis sections” (2004), The module “HIV and AIDS infections with mother-child transmission” (2004), Methodological Guide “Before and after HIV test counselling” (2005).

756. Children born from HIV infected mothers are ensured free of charge for the first year of their lives with products of artificial alimentation. In order to diminish the influence of the HIV/AIDS infection on the women’s health and prevention of the mother to child transferral, the guide “HIV/AIDS infections with mother cu child transmission” was developed and published, specialised centres in the Scientific Centre of Mother and Child Healthcare have been created, as well as in the perinatal Centre in municipality of Balti.

757. In order to ensure the universal access to antiretroviral treatment of persons infected with HIV/AIDS, treatment Centres have been opened in the municipality of Balti and city of Tiraspol.

758. In order to improve the situation in the field of control of narcotic substances, the responsible Ministries have taken specific actions to correspond to the legislative and normative requirements on the legal circulation of narcotic substances for medical purposes, stopping illegal traffic of drugs, implication in prophylaxis and treatment programmes of all the persons affected by drug addiction, with a strict application of the requirements set in the UN Human Rights Conventions, with the purpose to avoid crimes and delinquent behaviour from drug users, socio-medical rehabilitation of this group of people.

759. At the same time, following the recommendations of the international experts, Law No. 3820-XIV from 6 May 1999 “on the circulation of narcotic, psychotropic and precursor substances” and Law No. 713-XV from 6 December 2001 “on the control and prevention of abuse of consumption of alcohol, illegal consumption of drugs and other psychotropic substances” have been brought in compliance with the provisions of international agreements to which the Republic of Moldova is a party to.

760. In accordance with the European Neighbourhood Policy Action Plan Republic of Moldova – European Union, the Ministry of Health undertakes a considerable amount of activities which relate to the promotion of a healthy lifestyle, increase public awareness on the harmful factors, reduction of the abuse of narcotic substances among the teenagers and youth groups, development of instructions on the control and prevention of the abusive consumption of alcohol, illegal consumption of drugs and other psychotropic substances; opening and functioning of rehabilitation centres for persons that suffer from drug addiction; development of the national anti-drug strategy; continuous strengthening of the fight against drug trafficking, including the traffic of chemical substances and precursors, as well as against the abuse of drugs especially at the level of prevention and rehabilitation, rationalisation of the activity of the Permanent Drug Control Committee to ensure the application of all normative and legislative acts on legal circulation of narcotic substances on the territory of the Republic of Moldova.

(d) *Creation of conditions that would guarantee to all healthcare and medical aids services in case of disease*

761. The key element that defines the change of the healthcare system in the Republic of Moldova is the introduction of the mandatory healthcare insurance starting with 2004,

which allowed the improvement of its financing function. Positive developments have been registered in the majority of the financing function components, both for the mobilisation of resources and increases in financial contributions, and the improvement of the procurement mechanism of the delivered services. This was possible thanks to the amendments to a list of legislative acts. Thus, by means of the Law No. 286-XVI from 20.12.2007 the Law on mandatory health insurance No. 1585-XIII from 27 February 1998, Law on the amount, method and terms of payment of mandatory health insurance premiums No. 1593-XV from 26 December 2002, the Civil Procedure Code of the Republic of Moldova and the Law on the state tax No. 1216-XII from 3 December 1992 have been amended and complemented with new provisions. As a result, certain discrepancies, including those that relate to the establishment of the amount of insurance premiums, the peculiarities of calculation and payment of insurance premiums for various payers etc. have been eliminated. Law No. 306-XVI from 27.12.2007 has established the financing from a single source of the treatment applied to patients with socially conditioned diseases, which would increase the responsibility of the providers in managing financial resources and reporting of sustained expenditures.

762. With the purpose to increase financial protection of the population from the rural zones and to cover the self-employed with the mandatory health insurance scheme it has been economically argued and proposed certain facilities at the purchase of insurance policies for these categories. As a result article 4 of the Law on the funds of mandatory health insurance for 2008 No. 268-XVI from 07.12.2007 is was included that those who pay the insurance premiums in the first 3 months since the entry in force of the respective law are offered a rebate of 50%.

763. To ensure the access and improvement of the healthcare services quality, the funds of the healthcare protection consolidated Fund have been mainly directed in this direction, which in 2007 increased with 418,2 million lei, compared to 2006.

764. In order to continuously strengthen the population's health and improve the economic and social situation in the country, a priority measures was the approval of the National Healthcare Policy for years 2007–2021 and of the Healthcare System Development Strategy for years 2008–2017, development papers with an innovative and reforming character, which promotes both new health options and ensure a wide access to the benefits which the sanitary system offers under continuous evolution.

## **6. Health of the elderly**

765. In cooperation with the National Bureau of Statistics, under the auspices of the World Bank and with the contribution of the experts of the European Bureau of the WHO the preparation of the organisation of the household survey have been initiated, planned for implementation in the half of 2008, which will allow the valuation of the healthcare related expenses, including of the informal payment with a much more objective identification of persons that require direct financial protection from the state when paying insurance premiums.

766. Also, the amount of the insurance premiums has increases, calculated on the percentage basis from the salary and other payments for categories of contributors provided for in the Law on the amount, method and terms of payment of the mandatory healthcare insurance premiums. As a result, the made changes have increased the incomes both for the funds of mandatory healthcare insurance and the healthcare system.

767. The Ministry of Health along with the public administration authorities implement a list of national programmes, including those with special emphasis on the support of patients with chronic diseases, both non-infectious and infectious, ensuring healthcare

assistance mainly for the underprivileged categories of the population. Among the healthcare programmes implemented in the reporting period are the following main ones:

(a) The National Programme of prophylaxis and fight of the diabetes “MoldDiab” for years 2002–2005 approved by Government Decision No. 540 from 3 May 2002, prolonged for years 2006–2010, adopted by means of Government Decision No. 439 from 26 April 2006;

(b) The National Programme of fight and prophylaxis of the cholera and other serious diarrhoea diseases (SDD) for years 2003–2010, adopted by Government Decision No. 277 from 13.03.2003;

(c) The National Programme of control of the tuberculosis for years 2001–2005, approved by means of the Government Decision No. 559 from 28.06.2001 and for years 2006–2010, approved by Government Decision No. 1409 from 30.12.2005;

(d) National Mental Health Programme for years 2007–2011, approved by means of the Government Decision No. 353 from 30.03.2007;

(e) The National prophylaxis and fight of the HIV/AIDS and STD Programme for years 2001–2005, adopted by means of Government Decision No. 482 from 18 June 2001;

(f) National prophylaxis and control of the HIV/AIDS and STD Programme for years 2006–2010, adopted by means of Government Decision No. 1218 from 23.10.2006.

## **7. Primary healthcare services**

768. In order to ensure access and improvement of the quality of the healthcare services mainly the healthcare consolidated Budget resources have been directed to which ins 2007 have increased compared to 2006 with 418,2 million lei.

769. Measures have been taken to develop the national clinical Protocols. In 2007 clinical diagnostic and treatment Protocols have been developed for 965 diseases within 32 medical profiles, these have been further endorsed by the members of the multidisciplinary experts Group and presently they are being finalised with subsequent approval as provided by law and are intended for dissemination and implementation in the practical medical and healthcare personnel training.

## **8. Measures undertaken in the field**

770. One of the strategic directions of the healthcare system remains to be the primary healthcare assistance. In order to strengthen this sector the Primary Healthcare Assistance Development Strategy was developed for medium term, which includes a list of activities for the consolidation of the sector.

771. The main tasks are directed to organise the prophylaxis and treatment, sanitary education and patient’s participation, mobilisation of the entire community, including the central and local public administration, which would ensure a positive impact on the population’s health indicators.

772. For an in-depth analysis of the real situation in the sector in 2007 a comprehensive feasibility study was undertaken on the necessities of the Primary Healthcare Assistance, implemented with the support of the Japanese Government Grant.

773. In this study the inventory of all primary healthcare assistance institutions was made, with the assessment of the existent state of equipment and means, personnel coverage etc. The necessities of the national level primary healthcare assistance have been determined with the development of the Digital Map with detailed data for each particular institution.

774. As a result of the undertaken Feasibility Study it was determined that the equipment and means availability of the primary healthcare institutions does not correspond to the existent needs of qualitative and appropriate healthcare service delivery. The lack of personnel in the regions aggravates the functioning of the primary assistance service in the current constantly unfavourable conditions.

775. With the purpose to attract family doctors in the rural regions, actions have been taken to improve living conditions for recent graduates:

(a) In the Healthcare Law No. 411-XIII from 28 March 1995, allowances have been provided for medical, sanitary and pharmacy personnel which is employed in accordance with the city and village (town) repartition, including within the jurisdiction of the Chisinau and Balti municipalities;

(b) The Government Decision No. 1593 from 29 December 2003 was approved, according to which conditions for a more attractive pay have been set for medical personnel within the Primary Healthcare Assistance, especially in the rural regions (Figure 9 from Annex No. 1).

776. Efforts are made to improve the primary healthcare assistance provided to the population, yearly the population's accessibility to medical services increases through the enlargement of the free of charge package included in the Single Programme.

777. The compensated medicine prescriptions have substantially increased, as well is the possibility of treatment of patients in ambulatory conditions, especially those with chronic diseases and those that cannot be transported and their supply with necessary medicine and consumables. (Figure 10 from Annex No. 1).

778. Thus, the financial burden of the population that requires domicile treatment is reducing, the amount of costly hospital treatment is diminishing as well.

779. The quota of prophylaxis visits within the primary healthcare assistance was of 20.9% for grown-ups (in 2006 – 21%) and 81.1% for children (in 2006 – 49.7%) (Figure 2 from Annex 1) This fact confirms the existence of unvalued reserves at the level of prophylaxis of diseases, as well as the relatively modest potential of the primary healthcare sector, which in reality is the main promoter in diseases prevention.

780. An increase is being registered of the average number of analysis made with one application, a fact which demonstrates efficiency tendencies in the management and delivery of services (Figure No. 9 from Annex No. 1).

## **9. International relations**

781. Starting with 27.07.2007 the Ministry of Health became a full member of the Guidelines International Network, with its main office in Berlin, which allowed free access to the International Library of International Clinics Guidelines based on proof. Until present the main experts of the ministry and the Group of authors accessed 4022 clinical guidelines based on proof, including in electronic variant, out of which 1564 have been selected for examination, out of them 1472 for examination and potential adherence.

782. Until present the medical personnel has received healthcare assistance Standards such as: Treatment Standards of the Recovery Centre for children "Ceadâr-Lunga" and Treatment Standards of the Rehabilitation Centre for children "Sergheevka".

783. The Concept of an institutional system of healthcare services quality insurance was developed, as would be the Quality Council and its Activity Regulation approved, concept of the medical audit system, the mechanism of motivation/sanctioning, which is implemented in medical and sanitary pilot institutions (10 institutions: Republican Hospital for Children (RHC), The National Scientific and Applicative Centre of Urgent Medical

Assistance, the Institute of Scientific and Applicative Research Medical Assistance in the field of Mothers and Children (ISARMAMC), the Municipal Hospital for Children (MHC) of Balti and in the primary medical and sanitary institutions of the municipality, the Municipal Hospital for Children (MHC) No. 1 from Orhei and the Family Healthcare Centre (FHC) from Orhei, the Raion Hospital (RH) from Cahul and the Family Healthcare Centre (MHC) from Cahul, the Primary Healthcare Assistance University Clinic (PHAUC).

784. Thus, to manage and implement the measures of improvement of the healthcare system emphasis is made on the development and implementation of the healthcare policies, development of action programmes for their implementation, inclusion of non-insured population in the system of mandatory healthcare insurance, rehabilitation and supply with equipment and sanitary transport of the primary healthcare institutions, supply of hospitals with necessary equipment, development of policies to increase access of the population to medicine, including the rural population and improvement of the compensatory mechanisms for medicine.

785. In order to continuously strengthen the population health and rehabilitation of the economic and social situation in the country, a priority measure was the approval of the National Healthcare Policy for years 2008–2021 and the Healthcare System Development Strategy for years 2008–2017, development papers which have an innovative and reforming character, which promotes both the new notions of health and insurance of a large access to the benefits which the sanitary systems offers in continuous evolution.

786. The New Healthcare Policy presupposes not only the creation of the best preliminary conditions for healthcare, but also activities of prevention and reduction of the illness factors. Thus, the improvement and strengthening of the population's health may be reached only through the means of well planned inter-sector cooperation, through the implementation of the partnership between the state, civil society, the community and the each and every citizen.

787. Taking into account the necessity to keep continuity in the infrastructure of healthcare services delivery, but also taking into account the new international realities and standards, the Ministry of Health promotes the necessity to adjust the primary healthcare assistance structure (Centres of Family Doctors, Healthcare Centres, Offices of the Family Doctors, Healthcare Offices) to standard technological schemes for the rural primary healthcare institutions' premises, in accordance with the level of services delivery, the number of served population and the competence of the medical personnel. The new standards have as primary aim to increase the quality of medical services, the security of patients and the medical personnel and to increase functional efficiency of the medical institution (Figure 10).

788. In the meantime, the supply with equipment of renovated primary healthcare institutions and training of medical personnel was obtained within the EU-TACIS project "Support to the Healthcare Reform, Strengthening the Primary Healthcare Assistance in the Republic of Moldova". For its implementation 4.5 million EURO investment funds are foreseen.

789. Also, the procedure of legal delimitation of the primary healthcare assistance service from the hospital and specialised ambulatory raion level one was initiated, taking into account the advanced experience of other countries.

## Article 13

### 1. Right to education

“(1) The right to education is ensured through the general mandatory education, the lyceum and professional education, through higher education, as well as through other forms of education and training” (article 35, Constitution of the Republic of Moldova).

790. **The legal framework** of the educational system of the Republic of Moldova is comprised of the following acts:

- (a) The Constitution of the Republic of Moldova;
- (b) Concept of Education Development in the Republic of Moldova;
- (c) Law on Education and other legislative acts adopted in accordance with the former.

791. The law on education determines the education as a national priority in the Republic of Moldova. The educational policy of the state is based on the principles of humanitarization, accessibility, adaptability, creativity and diversity. Education is democratic and humane, open and flexible, formative and developing and is based on the national and universal culture values. The state education is laic, indisciplineable to ideological, party, political, racial or national discrimination.

792. The major educational objective of education is a free and harmonious development of the human being and formation of its creative personality, able to adapt to changing life conditions.

793. Education follows the:

- (a) Development of the child’s personality, spiritual and physical capacities thereof and skills at its maximum potential;
- (b) Cultivation of respect for the human rights and freedoms, irrespective of the ethnic origin, social adherence or religion – principles enshrined in the United Nations Charter;
- (c) Preparation of the child to face life responsibilities in a free society, in the spirit of understanding, peace, tolerance, equality between sexes, friendship between all peoples, ethnical, national and religious groups;
- (d) Cultivation of the necessity to work for the own good and for the good of the society, and of the respect for those, who generate material and spiritual values;
- (e) Education of the respect for parents, for the identity, language and cultural values of the nation, as well as for the national values of the country in which he/she lives, of the country of origin and the other various civilisations;
- (f) Cultivation of the feeling of responsibility for the environment, formation of the ecological conscience;
- (g) Insurance of multilateral physical development, with professionally applicative nature for the young, formation of the feeling of necessity to practice sports during their entire lives.

794. By means of the article 6 of the Law on Education, the right to education is confirmed and guaranteed, irrespective of nationality, gender, social origin or status, political or religious adherence, or criminal records. The State ensured equal opportunities

of access to state lyceum, vocational, secondary specialised, and higher education institutions, subject to skills and capacities.

795. The right of citizens to education in their mother tongue is ensured through the creation of the necessary amount of educational institutions, groups, classes, as well as conditions for the functioning thereof. Network of the educational institutions of pre-university studies comprises 1534 institutions (primary schools, gymnasiums, secondary general schools, lyceums), 280 institutions thereof with teaching in Russian, and 82 thereof mixed ones.

796. Since 1992–1993, the Ministry of Education and Youth has been developing educational plans for studies in mother tongue and state language, as well as study plans on teaching the mother tongue as a study subject. Based on the respective study plans, the Republic witnessed creation of 3 models of teaching the languages spoken by the national minorities:

I. Schools with teaching in Russian, where representatives of the national minorities traditionally study – 280 schools and lyceums with the total number of 101172 pupils;

II. Schools with teaching in Russian, where Russian, Ukrainian, Gagauz, and Bulgarian are taught as a school subject 3 times a week, and one hour the new subject of “The History, Culture, and Customs of the Russian, Ukrainian, Gagauz, and Bulgarian Minorities” is taught. In 2007, in 57 schools the Ukrainian language was studied (6311 pupils); in 52 schools – the Gagauz language (24004 pupils); 32 schools – the Bulgarian language (6812 pupils); 1 school – the Polish language (136 pupils); 2 schools – the Jewish language (667 pupils); 1 school – German language (118 pupils);

III. Experimental schools and lyceums, where in the classes divided at the primary education level the teaching takes place in the Ukrainian, or Bulgarian mother tongue. In 21 classes (429 pupils) the teaching took place in Ukrainian, in 7 classes (114 pupils) – in Bulgarian language; the basis for gradual switch to education in the Gagauz language was created.

797. The school Curricula on mother tongue has been developed (for Russian, Ukrainian, Gagauz, and Bulgarian) for the classes I–XII; implementation guidelines for the curricula on mother tongue courses for the classes IV–XII; school manuals for Russian, Ukrainian, Gagauz, and Bulgarian language and literature for the classes I–IX.

798. In cooperation with the Association of Roma Women “Juvlia Romani”, a survey was undertaken on the situation of the Roma community in the Republic of Moldova. Solution of problems the Roma are facing may be realized through actions taken by administrative structures to support the Roma community in overstepping difficulties, as well as through willingness of the Roma community to understand and tackle own problems, with the support of the population and the administration.

799. In order to ensure access to higher education of the children of Roma origin, in 2003 the Ministry of Education and Youth reserved 2 places with budgetary and 2 places with extra-budgetary financing therefore at each higher education state institution. Subsequently, in the period of 2004–2007, through special regulations on organisation and management of the matriculation process, the Roma children were included in the category of candidates enjoying preferential treatment in accordance with the Regulations on the organisation and management of the matriculation process at the higher education institutions, having a share of 15% out of the total number of places for each specialisation/field and form of studies planned in the budgetary financing matriculation plan for a list of categories, including Roma children. Adherence to this quota was done following demand of the candidates.

800. Since the school year 2000–2001, the V-IX classes study the course on “Civic Education”, which entails the formation of the citizens of the Republic of Moldova within the complex process of the current world order: learning about fundamental human rights and obligations, and cultivation of their respect for daily life; education on the basis of general human and democratic values; development of the responsibility for social actions; cultivation of the civic sentiment. The lyceum level of education includes the discipline “Us and the Law”.

## 2. Ensuring full enjoyment of the right to education

801. In accordance with the article 12 of the Law on Education, the enjoyment of the right to education, taking into account the necessity to continue education and the psycho-physiological particularities of age, is offered on the basis of the educational system, which is organised in levels and stages, and has the following structure:

- I. Pre-school education
- II. Primary education
- III. Secondary education:
  1. General secondary education:
    - (a) Gymnasium education;
    - (b) Lyceum education; general secondary education.
  2. Secondary vocational education
- IV. Secondary specialisation education (college)
- V. Higher education (undergraduate)
- VI. Post-university education (postgraduate)

802. The educational system also includes other forms of education: special education; complementary education; education for adults.

803. Pre-school education is the first stage in the education and training system. It represents a system of ante-preschool and pre-school institutions of various types, both state and private, with different programmes, which correspond to the educational standards. Education of the children under 3 years usually takes place in families, who enjoy support of the state in accordance with the legislation in force. The state ensures financial support of the children’s education in the state nurseries and kindergartens. The pre-school education of the children between 3 and 6 (7) years is organised at pre-school institutions of various forms of property, or in primary kindergarten schools, with various activity programmes, subject to the level of child development and the parents’ choice.

804. Children’s preparation for school is mandatory from the age of 5 years and takes place in preparatory groups, either at kindergartens or schools, or if parents consider it appropriate, in their families. The state ensures necessary financial and in-kind conditions for a good development of the educational and preparatory process in such groups. Subject to local conditions, these are also organised within the primary schools. Presently, there are 1329 pre-school institutions with 120515 children, or 55.45% of the total number of children aged between 1 and 7 years. The preparatory groups account for 72,792 children, or 85.5% of the total number of children aged between 5 and 7 years, who are signed up for a corresponding preparation for the schooling period.

805. To meet special needs of the population, flexible time schedules are being implemented (4, 6, 9, 10.5, 12 hours per day), whilst the teaching staff (around 10,000) uses curriculum and updated contents, active preparatory, and evaluation methods.

806. Early individual education model is spreading and developing, through the support of UNESCO/UNICEF/FISM, currently implemented by over 20 kindergartens. These institutions offer educational services to children coming from vulnerable families within the project “Quality Improvement and Access to the Early Educational Services in the Rural Areas with Special Emphasis on Vulnerable Groups”.

807. In order to implement the new system of standards for pre-school education institutions, the development standards for children between 5 and 7 years have been developed and approved, and new norms on functioning of the pre-school institutions have been established. The standards of professional skills of the pre-school teaching staff have been also developed and adopted. The Curriculum of the early and pre-school education was developed for children between 1 and 7 years, which was subsequently approved in December 2006.

808. In the Tables 24–25 Annex No. 1, the main indicators of the pre-school institutions are presented for the years 1998–2006, including division on the forms of property.

(a) *Primary education*

809. This comprises the I–IV classes and is organised at the full-time day primary schools, which may function as separate institutions, or within the schools with more than one stage of education. In the 1st class the children are matriculated, who have reached the age of 6–7 years by the date of the schooling year commencement. **Schooling becomes mandatory at the age of 7 years.** Schooling commencement for the 6 year-old children is possible with the parents’ consent only and is subject to the level of its somatic-psychological maturity, as provided by the Ministry of Education and Youth.

(b) *Secondary education*

810. This includes general secondary education (gymnasium, lyceum, general secondary education) and secondary vocational education.

(a) **The gymnasium education** is mandatory and is organised as the full-time education for the V–IX classes, and has the aim to ensure the development of intellectual skills and capacities of the pupil, conceived as the determinative level in the formation of its personality and preparation for the lyceum, or vocational education. Gymnasium education is subject to matriculation without entrance exams for all pupils that have graduated primary education. Gymnasium education concludes with graduation exams, comprising a list of tests, with issue of the gymnasium studies certificate;

(b) **The lyceum education** ensures a fundamental theoretical preparation and formation of a comprehensive general culture, necessary to continue at the level of higher education, the secondary specialised education, or the secondary vocational education institutions. The evening lyceum education (X–XIII classes) can be organised for the employed in the production graduates of the gymnasium and the vocational education. Matriculation in lyceum education takes place on the basis of a competitive contest opened for the graduates of gymnasiums. The graduates of vocational schools have the right enter the XII lyceum class. The lyceum education concludes with the baccalaureate examination, and upon successful completion thereof a baccalaureate diploma is awarded, which offers the possibility to enter higher education.

811. In the school year 2007–2008, the primary and secondary general education was offered in the Republic of Moldova at 1534 institutions. During the last years, a tendency of decrease in the number of schools was registered. This took place as a result of reconsideration of the notion of independent unit, small institutions being merged with schools with more than one level of education. Thus, the quota of lyceums has increased from 12% in the school year 2000–2001 to 31% in 2007–2008, whilst the quota of

secondary general schools has decreased with 18% within the above-mentioned period of time.

812. The majority of day schools, gymnasiums and lyceums (98.6%) represent public property. Also 22 non-state educational institutions are functioning, including 21 lyceums and 1 gymnasium, which are placed in the urban areas only.

813. Presently, network of the pre-university education institutions of the Republic of Moldova comprises 1566 institutions (including kindergarten schools and evening schools). Basing on the data presented, it may be concluded that the republican lyceum education demonstrates priority over the general school, the quota of pupils studying at lyceums increasing continuously.

814. Limitative use of the educational institutions at their full capacity is conditioned by the number of pupils and classes, which have substantially decreased over the last years. Thus, at 116 schools each with a number of less than 100 pupils, there are 12,591 pupils enrolled (on average, 14 pupils a class) with the project capacity of 30,758 places; at 414 schools, each with a number ranging from 101 to 200 pupils, there are 56,355 pupils enrolled (on average, 18 pupils a class), their total project capacity being of 115,501 places.

815. Currently, the pre-university republican institutions have the capacity of 730,198 places. The total number of pupils is 491,482, thus the capacity of these institutions is used at the 67.3% only. In around one third of the regions this level is lower than 60%.

816. Rationalisation of the pre-university education institutions is subject to many factors that influence solution of this problem, as for instance is the demographic decline of the population subjected to schooling (over the next 7 years the schooling population in the I–IX classes will decrease by 46%, or 102,000), a figure that shall generate serious consequences for the educational system. These issues shall be solved through implementation of the Pre-University Education Institutions Rationalisation Strategy, which presently is at the approval stage.

817. At the beginning of the school year 2007–2008, the primary and general secondary education registered 461,000 pupils, which is 6.2% less than in the previous schooling year, and 26.7% less than in the school year 2000–2001. The largest amount of the primary and secondary general education pupils study in the rural areas (59.5%). Out of the total of pupils studying at the primary and secondary general education level, 33.4% have the primary education studies, 52% – the gymnasium studies and 14.6% – lyceum studies.

818. The number of pupils entering the 1st class has decreased by 3.2% compared to the previous years, and with 35.1% compared to the school year 2000–2001.

819. The majority of the primary and secondary general education pupils (99.1%) are matriculated in public schools financed from the budget, the private sector still being insignificant if compared to the other levels of education. Those 4,200 pupils study at the private schools in the urban area only.

820. The Romanian language studies are taken by 79.6% of the schooling population, Russian – 20.2%, and other languages – 0.2% (Ukrainian, Bulgarian, and English).

821. With the purpose to gradually eliminate the factors limiting access to education for the poor families and increase access thereof to primary and secondary general education, a number of actions is being taken, such as:

(a) Alimentation of children in primary classes is ensured at the level of 99.8%, whilst for children originating from socially vulnerable families in the V–XII classes alimentation is covered for 43.5% of the total amount of children;

(b) Overall schooling of children aged 7–16 years, as one of priorities, registered on March 1, 2008 a number of 19 non-schooled children compared to 45 children within the same period in 2007;

(c) Elimination of the school abandonment, which is being realized through such activities as: organisation of form-master organizational classes, meditation classes for primary education children from socially vulnerable families, extracurricular activities (8 hours for the set of I–XI classes), promotion of the vocational orientation within optional courses, etc. Thus, on March 1, 2008 the registered school abandonment was of 46 pupils compared to 141 within the same period in 2007;

(d) Free-of-charge access to books for the primary education pupils (100%) and reduced prices for books for children from socially vulnerable families in the V–XII classes;

(e) Children from socially vulnerable families in the V–XII classes receive up to 70% rebate for the book renting charges (Government Decision No. 448 of April 9, 1998, paragraph 29).

822. The primary and secondary general education institutions dispose of 36,500 rooms (including study rooms and laboratories), 1,100 workshops, 1,200 gyms, 1,500 libraries, 800 lecture halls, 1,200 medical centres. Analysis on the equipment supply subject to the type of institution shows the following figures: gyms availability is of 42.6% at primary schools, 64.2% at gymnasiums, 90% at general schools and 93.2% at the lyceums. The medical centre is present in 56.4% of the primary schools, 61.4% of the gymnasiums, 88.6% of the general schools and 94.7% of the lyceums. Almost all schools have libraries.

823. More than three fourths of the total number of schools have ICT rooms, which dispose of 13,700 computers. 11,100 thereof are connected to the common school network. Out of the total number of computers, 35.5% have access to the internet, whilst 7.5% – with electronic network. An increase with 16.1% of the number of ICT rooms is registered compared to the school year 2006–2007. In the urban area an installed workstation comes to 36 pupils, whilst in the rural area – 32 pupils.

824. The Figure 7, Annex No. 1, shows the trend in the number of pupils in the primary and secondary general education within 2000–2008.

#### Secondary vocational education

825. This ensures professional preparation of the qualified workers staff and is implemented through vocational schools, trade schools, and vocational lyceums. At the beginning of the school year 2007–2008, the total number of secondary vocational educational institutions was of 75 units, including: 2 vocational lyceums, 50 vocational schools and 23 trade schools (6 units thereof at the penitentiary institutions).

826. In total, there are 24,500 people studying around 85 professions (qualifications), this representing an increase of 3.6% compared to the school year 2006–2007. Out of the total number of pupils, 7.7% study at vocational lyceums, 78.9% at vocational schools, and 13.4% at trade schools.

827. The largest share from the total number of pupils is attributed to boys – 65.6%. From the total number of pupils – 20,600 people (84%) study in the state language, and 3,900 people (16%) in the Russian language. Presently, there are 2 non-state institutions, where 235 persons study, or 1% of the total number of pupils.

828. Thus, the process of education and professional preparation takes place in almost all of the cases at the state institutions, where 24,300 pupils, or 99% of the total amount of pupils study; thereof – 22,900 people (94.3%) have free access to studies financed from the

state budget, whilst 1,400 people (5.7%) study on a contract basis, paying a tuition fee, which ranges from 680 to 6100 lei, depending on the institution and the qualification studied. The most popular qualifications are of: cook (15.7%, out of the total matriculated students), car mechanic (9.5%), plasterer and stitcher (7.9%, and 6.9% respectively), IT specialist (5.2%), gas-pipeline mechanic, and carpenter (4.9% each).

829. Oriented towards demands of the labour market, the vocational education is directed towards development and support perspective with continuous correlation with the technological progress, to provide the market with well-trained experts and workers for all the sectors of the economy, agriculture, and services. In order to reform the qualified workers staff training and preparation system in accordance with the flexible demands of the employers, certain amendments, and additions were introduced into the Concept of secondary vocational education development which intends to correspond to the dual system of formation by the German model.

830. In the school year 2007–2008, for 10,000 people there are around 68 pupils and 36 graduates. Out of the total number of secondary vocational education institutions, 59 have a gym, 66 – a library, 61 – a canteen, 58 – a medical centre, and 60 – a lecturing hall. Around 94% of the pupils are provided with places at student hostels. Actions are taken to upgrade supply of the institutions. For example, in 2007, 18 secondary vocational education institutions were supplied with equipment in the total sum of 3 million 172,000 lei, consisting of the following: equipment for canteens, sewing machines, wood processing machinery, instrument cases, tester engines KES-200, fast scanners x-431 (for the diagnosis of engines). All 18 schools have been supplied with a IT rooms, whilst 14 institutions that train tractor drivers and tractor drivers-operators in agricultural production have received one new MTZ-82 tractor.

#### Secondary specialised education

831. In the Republic of Moldova vocational training of specialists with an medium level of qualification is being carried out, which is implemented by 49 colleges, where at the beginning of the school year 2007–2008 there were 31,300 pupils, 96.7% thereof studying full-time, 84.6% – in the state language, 14.1% – in Russian, and 1.3% – in other languages (Gagauz-Russian, Ukrainian, Bulgarian-Russian).

832. Out of the total number, 15,500 pupils (49.4%) study from the state budget fund, whilst 15.7% (50.1%) – from their own resources paying a tuition fee that varies from 1,750 to 7,985 lei a year, subject to institution and qualification. The most popular are the qualifications of: healthcare (13.0%), economy (11.7%), transports (10.4%), services (8.4%), pedagogy (8.0%), constructions (5.5%), ICT (5.4%), etc. In the school year 2007–2008, for each 10,000 people there were on average 87 pupils and 18 graduates.

833. Out of the total number of secondary specialised education institutions, 41 have a gym and a lecturing hall, and 35 thereof have canteens. 89.6% only of the total number of pupils have access to student accommodation.

#### (c) Higher education

834. According to the Law on Education, study except the studies in medicine and pharmacy, takes place in two cycles: the 1st cycle – Licentiate's undergraduate studies; 2nd cycle – Master's postgraduate studies.

835. Higher education corresponds to the ECTS (European Credits Transfer System). Duration of studies is quantified usually in credits (one year of higher education corresponds to the number of 60 transferable study credits). Duration of the Licentiate's undergraduate studies is of 3–4 years and corresponds to the number of 60 transferable study credits for each academic year. Duration of the Master's postgraduate studies is of 1–

2 years and corresponds to the number of 60–120 transferable study credits. The Master's postgraduate studies are organised for the holders of the Licentiate's diploma, grants a specialisation in a certain field, or extends and upgrades the scientific and pedagogical skills, and usually takes place in the form of full-time studies. The Master's postgraduate studies are also open for the graduates from medical and pharmaceutical higher institutions.

836. At the beginning of the school year 2007–2008, the existing 31 higher education institutions had 122,900 people, 64.7% thereof as full-time students, and 35.5% – part-time students. 85,400 people (69.5%) study in the state language, 33,200 people (27%) – in Russian, and 4,300 people (3.5%) – in other languages (English, French, Bulgarian, German, and Ukrainian). Out of the total number of students – 21.8% are financed from the state budget. The amount of 77.7% of students that pay the tuition fee is rather high. The lowest rate of the tuition fee for the school year 2007–2008 is 2100 for the full-time studies, and 800 lei – part-time studies, the highest rate being of 13600 and 5600 lei respectively, subject to qualification and institution.

837. Subject to the level of studies, it is determined that 61% of the matriculated students are graduates from lyceums, around one fourth — graduates from secondary general schools, 11.9% continued their studies after having graduated college, and 0.8% — after having graduated from vocational schools. The quota of students enrolled on the basis of the baccalaureate diploma is 65.8%, which is with 4.9% higher than in 2006.

838. For every 10,000 people there are on average 343 students and 56 graduates from the higher education institutions.

839. Implementation of the Bologna Process is being continuously monitored and was presented at the Conference of the Ministers of Education of the Member States, held in London on 19–20 May 2007.

840. In this respect, the Classifier of sectors of vocational training and qualifications for the training of experts at the higher education institutions was adopted, conceived in accordance with ISCED-97 and EUROSTAT, and since 2005 matriculation is organised in large sectors of vocational training of studies/fields and qualifications. 27 double teaching qualifications within simultaneous training have been made available.

841. The Framework Plan for the 1st cycle was adopted, in accordance therewith the educational plans of the higher education institutions for all qualifications contain the obligatory Formation Component, which at the level of skills formation and general competences' disciplines provide for a course in a foreign language of international circulation with an amount of 10 credits (around 300 hours) to study a foreign language with application in the field of professional bias.

(d) *Basic education must be encouraged*

842. Persons, who did not have the possibility to finalise a cycle course, or ask for certification of the next cycle may access the educational services by the means of the adult education granting citizens the access to science and culture through vocational training, in order to adapt them to the changes in the social life and develop their professional competences. Education for the adults is implemented through: full-time day studies, evening studies, part-time studies, distance learning, etc; independently, or on the basis of a contract signed with various state, or private institutions; open universities, guild halls, art schools, clubs, associations, foundations, in-service refresher courses.

843. For the gymnasium, secondary general schools and lyceums, it is possible to sit for external examinations. External examinations for gymnasium are organized for persons having reached the age of 16; examination for secondary general schools – the age of 18, and the baccalaureate examinations – the age of 19 (until May 31 of the current academic

year). All citizens of the Republic of Moldova enjoy the right to sit for the external examination.

844. Evening education takes place in 7 schools, all of them being in situated the urban areas, where 1,832 people study, representing 0.4% out of the total number of pupils within the full-time schools. External examination, as well as the graduation examination takes place as a single examination, simultaneously and under the same conditions as the graduation examination for the gymnasium and secondary general education.

(e) *Monitoring development of the school network*

845. The education system in the Republic of Moldova contains all the necessary levels of a developed network of institutions, but the problem resides in the maintenance of the system when its capacities are not used at the optimal level, taking into account the demographic decline. For all the types of education the problem of efficient use of spaces, rationalisation of the network, and ensuring access to high-quality educational services is of current importance.

846. With the purpose to improve social conditions for students and pupils in accordance with the objective of the Activity Plan of the Government on tripling of the number of scholarships, starting with February 1, 2005, the ratio of scholarships was increased from 40% to 70% of budgetary students, the ratio of the scholarships and merit scholarships being also increased.

847. Rate of the scholarships granted to students/pupils in pedagogy, agriculture, and healthcare increased with 20% compared to the amount of the scholarship set by the Government.

848. In 2007, scholarships in higher education were increased with 69% – 70%, whilst in secondary specialised education – with 53.6% – 68%, compared to 2005. Scholarships for pupils of vocational schools and lyceums were increased from 120 to 200 lei (with 67%).

849. Since the school year 2007–2008, the competition for scholarships was extended for both students matriculated on the basis of state financing and contract, within the limits of 70% out of the total number of budgetary places.

850. One of the objectives of the national education system is implementation of an optimal staff policy in the context of educational society, by correlating it with the demographic and schooling population evolutions. Presently, the primary and secondary general education encompasses 38,600 teaching staff, 83.8% thereof are women. Out of the total number of the teaching staff 82% have higher education, and 13.8% thereof – specialised secondary studies. An important rate of 62.5% have the teaching staff with the experience of more than 18 years; 11.5% – with the experience of 13–18 years; 8.5% – with the experience of 8–13 years; 9.3% – with the experience of 3–8 years, whilst the smallest rate of 8.2% is of the young specialists with a pedagogical experience of up to 3 years. Over the last years, the tendency of increase of the teaching staff over the pensioning age was registered. The ratio of this group has increased compared to the school year 2000–2001 with 8.8% and presently is of 15.6% out of the total number of the teaching staff, whilst the ratio of the staff with an experience of up to 3 years remained the same, if compared to the previous year.

851. According to the “Annual Commissions for Ministries and Other Central Administrative Authorities on the Creation of New Job Positions in the Subordinated Sectors for 2006–2009” the education system planned 400 new jobs for 2006. In the meanwhile, 1515 of young teachers graduated from the higher and secondary specialised education institutions, 1371 thereof – young specialists (with pedagogical bias) distributed

to educational institutions, but only 822 of young specialists recruited (60% from the number of distributed ones), another 1323 of posts remaining vacant.

852. For 2007, it was planned to create 550 new jobs. The number of graduates in the higher and secondary specialised education institutions with the pedagogical bias was 2298 of persons, the demanded number of staff number being 1624. 866 young specialists (with the pedagogical bias) have been distributed, 598 thereof were recruited, or 69% of the total number of distributed ones, including in rural areas – 372 young specialists: 275 having higher education and 97 having secondary specialised education. The remaining demand of teachers is 900 persons.

853. Basing on the analysis of the situation in this field, the education sector is an unattractive occupation field, the average salary for this sector being around 1200 lei (or 67.3% of the average country salary), a fact which causes insufficiency in qualified staff and employment of a large number of teaching staff over the pensioning age (over 4000 teachers).

### 3. The level of literacy

854. **The respect of the freedom to choose the educational institution.** Having exercised educational and training, methodical and organisational functions for more than 6 decades, the extra-school institutions have affirmed themselves as an integral part of the current educational system. According to the Law on Education, these implement complementary activities to the educational process at all types of schools, including lyceums with the purpose to develop the creative skills of pupils in the field of science, technology, arts, sports, tourism, etc., as well as beneficial and pleasant leisure management, whilst the activity of the extra-school institutions is financed from the state budget, the services of these institutions being usually free of charge, this making them available for all applicants irrespective of their origin, social adherence, religion, etc.

855. In 2006, there were 75 extra-school institutions with a general participating group of 48396 people, which is around 10% of the total number of pupils in the pre-university institutions, including: 46 Children Creativity Centres (32662 pupils), 10 Pupils' Technological and Scientific Creativity Centres (7009 pupils), 6 Young Naturalists Centres (2125 pupils), 5 Young Tourists Centres (2151 pupils), 4 institutions of other types – swimming, chorographical and musical studios, centres for youths (4449 pupils).

856. The legal framework of the extracurricular activities consists of the Concept of the extracurricular education, adopted by the Ministry of Education and Youth, the model Regulations on the extracurricular institution, on the basis thereof the administration of each institution develops its own regulation adjusted to the socio-cultural particularities of the respective community.

857. Extracurricular activities at the pre-university and extracurricular education institutions are implemented on the basis of the model Programmes adopted and recommended by the Ministry of Education and Youth; modified or adapted programmes, subject to particularities of each group of children (institution, community), adopted by the methodological or professorial council of the institution; pilot programmes and author programmes developed by practitioners, adopted by the methodological, or professorial council.

858. Within the pedagogical activity of the republican extracurricular institutions over 1300 persons of basic staff are employed, around 1,000 thereof have higher education and a substantial experience in the field, but which are infringed upon the salary category established and duration of the annual paid leave, compared to the professors from the pre-university education having similar qualifications and experience.

859. Improvement of the situation may take place through creation of the educational partnerships at the community level; creation of regional centres at extracurricular institutions with a wide range of activities (cultural, artistic, technological, vocational, of scientific prognosis, sports and tourism, on environment education, etc.), and financing of the extracurricular institutions from the region budget, to enable extension of their sphere of influence over the children in the rural areas.

#### **4. Budgetary financing**

860. The expenses from the national public budget on education have been under continuous growth. Compared to the GDP the respective expenditures have increased from 6.5% in 2003 to 8% in 2007. In the total of the socially oriented expenditures, the share of the expenditures on education was maintained at a constant level, on average between 19% and 20%, for the year 2007 this share being 19%. Analysing the distribution of financial allocations by sectors, it is to state that around 54% of the resources have been used at the level of mandatory general education, 19% – for pre-school education, around 15% – for higher education, and 4% only for secondary specialised education.

### **Article 14**

861. Provisions of the article 14 of the Covenant are implemented in the Republic of Moldova basing on the list of internal legislative acts: The Constitution of the Republic of Moldova of June 29, 1994 and the Law on Education No. 547 of 21.07.1995.

862. According to the article 35 (1) of the Constitution: “the right on education is ensured through the general mandatory education, through the lyceum education and through the vocational education, through higher education, as well as through other forms of education and training”.

863. The law on education states that the education in the Republic of Moldova may be both state and private (article 13 (1)), the state education being free of charge (art. 4 (5)).

864. Within implementation of the above-mentioned legislative provisions, tacit violation thereof is identified, through a monthly collection of certain financial amounts from parents, a practice that is against the principle of ensuring free primary education. In order to eliminate this phenomenon known in the society, actions are to be taken by the state bodies in order to improve the financial situation of teachers.

### **Article 15**

#### **1. Right to cultural life**

865. The right of persons to participate in the cultural life is recognised and ensured in accordance with article 10 (2) of the Constitution of the Republic of Moldova, the Code on science and innovation of the Republic of Moldova No. 259-XV from 15.07.2004, Law on culture No. 413-XIV from 27.05.1999, Law on copyright and related rights No. 293 from 23.11.1994.

##### *(a) Availability of financial resources*

866. The expenditure of the national public budget on culture, arts, sports and youth promotion actions in relation to GDP has increased from 0.8% in 2004 to 1.1% in 2006. As a result of the reduction of the budgetary support of the system the expenditures in the field have been reduced in 2007 and constitute 0.9% of the GDP.

867. Irrespective of the financial scarcity in the respective period the Ministry of Culture and Tourism was the organiser of the most important cultural events of the country, among which 12 cultural and artistic events of international level and 15 of national level.

868. One of the main objectives was the renovation of the network of cultural institutions in provinces and creation of conditions for wider access of the population to the national and international cultural values.

869. In order to support the efforts of the local public administration in their actions to refurbish the cultural buildings in provinces, the ministry developed and currently implements through the Social Investment Fund “the priority programme of completion of buildings and structural refurbishment of the building of the cultural institutions in provinces for years 2006–2008, with budgetary support from the state.

870. Within the respective programme 22 cultural halls already have been repaired and supplied with equipment, musical instruments, computers and national costumes. Out of them, in 2007, 10 cultural halls have been opened, with an allocation of 20 million lei from the state budget and 5 million lei from the budgets of the local public authorities, as well as from population’s contributions. Other 12 cultural halls are planned for refurbishment in 2008.

871. Nevertheless, the situation is dire, as a consequence of the state of affairs to which it came during a longer period of time. Presently, 47% of the cultural halls require structural refurbishment; other 8% are in a damaged state. More detailed information on the situation is below:

Year 2006 – 12 repaired, allocated amount from the state budget – 20 million lei.

Year 2007 – 10 repaired, allocated amount from the state budget – 20 million lei.

Year 2008 – the list of 12 cultural halls was approved, the planned amount from the state budget – 25 million lei.

872. The amount of financial allocations reserved for public procurement for the cinema production was increased from 1.45 million lei in 2006 to 2.45 million lei in 2007.

(b) *The network of cultural institutions in the provinces*

873. This comprises 1223 cultural halls, 1386 libraries, 112 extracurricular artistic educational institutions and 87 museums.

874. With the purpose to implement the stated tasks underlined by the Participatory Council, the Communication Strategy was adopted, which is updated in each year of EGPRS implementation. The Communication Strategy is based on two basic pillars: (i) strengthening the trust for EGPRS and creation of the adherence spirit and (ii) dissemination of the information on the process of implementation of the EGPRS, complementary monitoring and impact evaluation.

875. The main role of the informative process of the public on the implementation, monitoring and evaluation of the strategy was entrusted to the central public administration authorities. In order to strengthen the capacities in the field of communication for LPA a list of activities were initiated, including a series of training with the support and participation of the Participatory Council.

876. Citizens confuse or associate governmental programmes and strategies with various local level projects such as is the case of the FISM sub-projects, a situation which would require more focalised informative activities from the central public authorities.

877. The TV continues to remain an extremely important source of information, as 60% of the respondents consider it to be the basic information source compared to the national

strategies and programmes. Of a bit smaller importance but impossible to neglect is the radio and the press.

878. Generally national mass-media, which enjoys a relatively high degree of trust, remains to be the main source of information for the majority of the population. Meanwhile, the local public administration authorities have registered the lowest level of trust as a source of information, even though it can constitute an important source of information for the population through the means of informative posters, informational centres, local publications etc.

(c) *Actions that relate to the development of the mobile cultural heritage*

879. Through the means of the museums the Ministry of Culture and Tourism has implemented a series of actions that relate to the development of the mobile cultural heritage. Thus, an essential growth of activities of the three national museums from the subordination of the Ministry – **National Archaeological And History Museum of Moldova, National Ethnography and Natural History Museum of Moldova and the National Arts Museum** has been registered, these being visited by over 150,000 visitors. The exhibitions which have been dedicated to important personalities of the national culture, the folk art exhibitions, children's works, those dedicated to the problems of protection of environment, history of Moldova, actions taken as part of the European Heritage Days, active cooperation with the embassies accredited in Chisinau, with various non-governmental organisations – have all given the year an active and thematically interesting character. It is worthwhile mentioning that in 2007 for the first time in Moldova 7 new museums of history and ethnography have been opened.

880. In the field of theatrical and musical arts new strategic objectives and tasks have been underlined, including:

(a) Attraction of extra budgetary sources with the purpose to develop culture and art through the amendments to the Law on philanthropy and sponsorship;

(b) Revision of the network of theatrical-concert state institutions, using the performances of the last five years;

(c) Creation of a viable system of artistic impresario on local and external level.

881. An important event for the international authority of the Republic of Moldova is the **International Music Festival "Mărțișor"**.

882. Within the "Mărțișor-2007" Festival the theatrical-concert institutions have undertaken 24 cultural actions with the participation of 33 artistic groups from the country and 11 from abroad.

883. In the last three years "Mărțișorul" is celebrated by a large number of states in the world, sometimes from own initiative of the Moldovan Diaspora and the former compatriots, for example in Russia, Ukraine and Israel. Numerous cultural-artistic actions under the auspices of the "Mărțișorului-2007" took place in Germany, Italy, France, Portugal, Lithuania, Belarus and other countries.

884. As in previous years, the Festival took place on the territory of the country. Thus the villages and raion centres enjoyed 35 concerts with overcrowded halls within those 10 days of the "Mărțișorului-2007".

885. **A real festival for music lovers of our country was the International Contest "Madame Butterfly"**, which was attended by 47 competitors from 13 countries of the world (16–23 September 2007). The aim of the Contest "Madame Butterfly" resides in the discovery and promotion of young talents, the event in Republic of Moldova being a first time experience for the cultural life of the South-Eastern Europe. The winner of the Grand

Prix of the Contest was the representative from Japan, Kato Toshiyuki. Also, it is worthwhile noticing that for the first time in the history of our culture the award of competitor was supported by the Government of the Republic of Moldova with 681,000 lei.

886. The professional theatrical-concert institutions have performed 2305 plays for the public.

887. It is to be underlined that in 2007, besides the 9 professional artistic groups which have their activity within three concert institutions (the National Philharmonic, The Organ Hall and “Moldova-Concert”), another 2 new groups have been founded: The Choir of Gypsy Songs and Dances within the Culture and Art Centre “Ginta Latină” and the Choir of Accordionists “Concertino” within the Organ Hall.

888. In 2007 a substantial intensification in village cultural service delivery by professional theatrical-concert institutions was registered. In the rural areas and in the raion centres 393 plays have been performed, with a total number of 490,000 spectators, which considerably overstepped the indicators of the previous years.

(d) *Awareness-raising and insurance of the possibility of the national ethnic groups and minorities and the local population to enjoy the cultural heritage*

889. The support of the national minorities to increase and promote their national values, the Ministry of Culture and Tourism with the Interethnic Relations Bureau and the NGOs annually organise a series of cultural manifestations. Thus, on the international day of ethnic groups, which is celebrated in the 3rd Sunday of September, both in Chisinau and in the provinces the Ethnic Groups Festival is being organised. During the year on the International Day of the Book new books published in the language of the ethnic minorities are launched. At the same time the National Folk Creation Centre continuously offers methodological assistance to all nongovernmental organisations in order to select the repertoire and artistic clothing of the national minorities, manufacture of folk costumes, learning and development of the national musical and choreographic customs, fine-tuning of the science culture and the level of presentation. For example, the Republican Centre of Culture and Art “Ginta Latină” has developed the stature of the choir of Roma ethnicity, employed artists and formed the repertoire.

890. During the year seminars, round tables, conference are organised within the arts and culture institutions, libraries, educational institutions to promote and develop the ethnicities’ cultures.

**The number of amateur artistic groups from the Republic of Moldova**

<i>Ethnicity</i>	<i>Total</i>	<i>Model title</i>
Moldovan	3 259	604
Ukrainian	271	34
Russian	80	11
Bulgarian	51	12
Gagauz	60	18
Roma	5	2
Czech	1	1
Mixed	45	3

(e) *The role of the mass media and of the public communication*

891. **The role of the mass media and of the public communication means** is a relevant and indispensable one for a good development of the cultural and artistic activities. In this respect before the most important events of national and international magnitude, press conferences are organised and each week news are published on the official website [www.turism.gov.md](http://www.turism.gov.md). Periodically information is sent to the main press agencies of the republic. Once in 2 weeks the specialised newspaper of the Ministry “Culture” is published, whilst the magazine “Moldova Turstică” – once in a month.

892. The adopted normative acts are published in the Official Gazette of the Republic of Moldova. The importance of the Official Gazette of the Republic of Moldova is to underlined also as a source of information for enjoyment of other constitutional rights and freedoms of the citizens. For instance, the Gazette publishes the announcements of the undertakings on the restructuring or liquidation of the enterprises, on the organisation of auctions of confiscated goods, announcements of lost documents, citation in courts etc. Therefore the state through its empowered bodies must ensure accessibility to the Official Gazette, ensuring the necessary financial contribution of the publication.

893. The mass media, which is a product of the modern world, is a source of freedom, through which the delivery of objective and various information is possible to each citizen, offering the possibility to publicly prove or criticise; this is a power that contributes to the formation of the individual and group opinion through the dissemination of information, thus changing taking place in belief, attitudes and behaviour.

894. Considered a mediator between the citizens and the their representatives in the state institutions, the institute of ombudsmen has cooperated with the mass-media in the reference period through press releases, participation at radio and TV shows, presenting required information on the issues of human rights.

(f) *Promotion of the movable and immovable heritage protection activity*

895. This was implemented through the 4 Experts Councils, constituted within the Ministry – the National Experts Council on the protection of historical monuments, Council on the evaluation of the artistic arrays of the sculptural and monumental creation, Council on the purchase and homologation of contemporary fine arts masterpieces and the Archaeological Committee.

896. Special attention was given to the re-entry of the public circles of the national cultural heritage. Works have been undertaken or initiated to renovate the Moldovan historical monuments and sites, a important part of which were in an advanced stage of degradation or even close to extinction. Thus, the following have been ensured:

- Supervision and coordination of the renovation work of the objectives of the Capriana monastic Centre; the Curchi monastic Centre, the National Arts Museum of Moldova (the Dadiani, Kligman and Herța houses).
- Of the group of buildings of the Mirzoian manor family (Manuk-Bei) from Hincesti; the Museum “Countryseat of the Lazo family” from the Piatra village, the museum complex “Balioz countryseat” from the Ivancea village, house-museum of the Alexei Mateevici from the Zaim village.
- Implementation and monitoring of the technical expertise development and expenditures estimate works for the development, consolidation and restoration of the Organ Hall.
- Monitoring of the implementation of the restoration works of the ethnographic houses which are part of the Museum Complex “Orheiul Vechi”.

- Coordination and monitoring of the structural restoration works of the National Opera and Ballet Theatre; of the State Enterprise “Moldovan Village – Buciumul”; study buildings of the Theatre, Music and Fine Arts Academy.
- Logistical assistance was insured for the development of the “Landşaftul cultural Orheiul Vechi” File to include the site in the List of the world heritage under the UNESCO auspices. The File was delivered to the UNESCO’s World Heritage Centre in September 2007, the second draft in December, following that during this year a final decision would be reached.

(g) *The legal framework in the field of freedom of creation and artistic performance*

897. The legal framework in the field of freedom of creation and artistic performance, including the freedom to disseminate the results of such activity, as well as the placement of restrictions or limits imposed on this freedom, are comprised of the following:

The Government’s Activity Programme “Country modernisation – wellbeing of the nation”; the National Programme “Moldovan village”; The Tourism Sustainable Development Strategy; the National Programme “the Wine Road in Moldova”; The Central Public Administration Reform Strategy.

898. The Government received a list of draft legislative and normative acts which relate to the implementation of the state policy in the field of culture. These drafts cover the libraries, protection and development of the historical and cultural heritage, protection of the archaeological heritage; the editing activity, the status of the artists and artistic organisations. The UNESCO Convention on the measures to prohibit and prevent illegal import, export and transfer operations with cultural goods was ratified; the framework Convention of the Council of Europe on the value of the cultural heritage for the society and the European Convention on the cinema co-production were both signed.

(h) *Other activity*

899. An important activity is promoted by those 9 artistic educational institutions which come under the Ministry. The best appreciation of the activity in this field are the results obtained by the students and pupils of these institutions, who have actively participated in over 20 national and international contests of musical and vocal performances. Around 250 of them have become laureates of these contests, demonstrating the quality of training and the professional level of the didactic personnel, creating at the same time a favourable image of the Republic of Moldova.

900. A special attention was paid in the last year to the provincial vocational and artistic education as this is an exceptionally important source of artistic education and an essential promoter of the number of specialists in culture and arts.

901. The Republic accounts for 112 extracurricular artistic educational institutions with a contingent of 15,869 pupils.

902. The most important achievement in this field is the approval on 2 October 2007 of the **Government Decision No. 1080 “on the support Programme for the extracurricular artistic educational institutions for years 2007–2010”**. The main objectives of this programme include:

- Improvement of the technological and financial situation of the institutions, structural and current refurbishment, acquisition of musical instruments and specialised literature, IT access etc.
- Ensuring extracurricular artistic educational institutions with didactic materials

- Development of the Regulation on financial stimulation of the national and international award holders

903. Presently, there are 3300 amateur artistic groups within the provincial cultural institutions with 47280 members, out of which 780 groups hold the “example” title. With the purpose to regulate their conditions of activity in 2006 a new Regulation was developed and published in the Official Gazette of the Republic of Moldova on the activity of amateur artistic groups, a document which has significantly improved the situation in this field.

#### “Caravela culturii”

904. During 2007 the implementation of the cultural project “Caravela culturii” continued, launched with the support of the President of the country in 2005, with the purpose to improve the relations between the village population and the professional artists, as well as promotion of amateur artists in the rural regions, especially the young talents. In 2007 the “Caravela culturii” implemented 293 cultural-artistic and educative actions with the participation of the representatives of 555 settlements from 10 raions of the country. As a cultural manifestation the “Caravela culturii” is especially welcome for the distant villages, which have not enjoyed any group of professional artist in the last 10–15 years.

905. Another aspect generated by the activity of the “Caravela Culturii” project is the multilateral development of the settlements for concerts: the cultural halls are refurbished, the village participants are mobilised and are strengthened: the town hall, the school, the cultural hall, the library, the nongovernmental organisations. Thus, the “Caravela culturii” generates an entire group of events which revive the villages’ life.

906. A serious problem is the age and qualification of the personnel hired in the provincial cultural network. Thus, a decrease of the level of studies of the employees is registered as well as increase of the average age. In this respect a revolutionary solution to improve the situation would be the implementation of the President’s initiative to ensure with living space the young personnel who will be employed in the field after graduation.

## 2. Right to scientific progress

907. The research activity in the field of science and innovation, the relation between the government and the scientific community, the fundamental principles on the protection of intellectual property rights, informational security in the field of science and innovation, conservation and promotion of the heritage and the scientific progress, assurance of the right to scientific information are all regulated by the national legal framework. These and other sides of the research activity, as for instance is the accumulation and dissemination of scientific information, application of the scientific progress for the wellbeing of all are regulated by a list of legislative and normative acts the main one being the Code on science and innovation (2004), characterised as the “Constitution” of the Republic of Moldova science.

908. The main role in the assurance of the implementation of the above mentioned objectives lies with the Science Academy of Moldova which is the only public institutions of a national level in the field of science and innovation, is the plenipotentiary of the innovative science activity, the highest scientific for of the country and the scientific counsellor for the public authorities of the Republic of Moldova. The Science Academy was delegated the competences of the Government to implement the state policy in the field of science and innovation.

909. Alongside with the activity directions which relate to the organisation and performance of fundamental and applicative scientific researches the Science Academy also received the attributions to implement such objectives as for instance is the development of the mechanisms of monitoring and stimulation of scientific results implementation and

formation of science and innovation products markets; promotion of the policies of conservation, rational placement and development of the intellectual potential, of the heritage and the innovative and scientific infrastructure; promotion of the innovative and technological transfer activities; promotion of the scientific research results and of the advanced technologies, national and universal values in the field of science and culture.

910. In order to coordinate the measures on the implementation of the scientific and technological developments within the Science Academy the Innovation and Technological Transfer Agency was created, which is responsible for the organisation of the innovative, scientific and technological contests and monitoring of their implementation actions. During 2006 monitoring was done on the implementation of 27 technological transfer projects and another 43 in 2007.

911. In accordance with the law on scientific and technological parks and innovative incubators (2007) the first structures have been created (The scientific and technological Park "Academica" and the Innovative incubator "Inovatorul") with the purpose to promote in practice the scientific progress. Presently the process of selection of residents is under way.

912. The dissemination of new knowledge and information about the obtained scientific results is made through the scientific publications, registration and storage of patents obtained from the Intellectual Property State Agency. During 2006 104 monographies, 82 manuals, over 3092 scientific articles have been published, out of which 1599 in national magazines and special editions and 584 in foreign magazines and special editions and over 1626 as thesis of international scientific conferences. During 2007 144 monographies, 77 manuals, 2400 scientific articles have been published, out of which 1608 in national magazines and special editions and 792 in foreign magazines and special editions.

913. An important role in the dissemination of information on the scientific progress lies with the management and implementation of various scientific events. During 2006–2007 320 scientific events took place (conference, seminars, symposia, round tables etc.) out of which 198 national and 122 international ones.

914. During these 2 years the Intellectual Property State Agency organised the registration and deposit of 355 patents.

915. During the first half of 2008 the re-evaluation of the scientific and innovation organisations' printed magazines took place and classification criteria for magazines have been developed from the point of view of scientific values and their alignment to international standards.

916. In accordance with the legislation in force all physical and legal entities enjoy the right to access to scientific information and their documentation resources, as well as the right to obtain, use and disseminate scientific and technological information. At the end of the research projects the final report on the obtained scientific results is prepared and is signed by the project leader. Until present the scientific reports were stored at the Scientific and Technological Library, presently it is planned that in the future those shall be stored at the Central Scientific Library of the Scientific Academy of Moldova and the Intellectual Property State Agency.

917. Restrictions on the access to scientific and technological information are determined by the level of their confidentiality and the will of the author; the beneficiary does not have the right to transfer the scientific and technological information to a third party if the legislation or the contract signed with the copyright holder provides otherwise.

918. The provisions of article 15 of the Covenant are implemented in accordance with the following acts: the Constitution of the Republic of Moldova, the Code on science and innovation of the Republic of Moldova, No. 259-XV from 15.07.2004, the Law on culture,

No. 413-XIV from 27.05.1999, the Law of the Republic of Moldova on copyright and related rights No. 293 from 23.11.1994.

919. According to article 10 (2) of the Constitution of the Republic of Moldova “the State recognised and ensures the right of all citizens to conservation, development and expression of their ethnic, cultural, linguistic, and religious identity”. A materialisation, extension and specification of this constitutional provision is contained in the Law on culture, which states that the cultural activity is an inalienable right of each and everyone (article 11 (1)), whilst the cultural identity of each persons is protected by the state (art. 13). In order to ensure the right of participation in the cultural life, the Law on culture, besides those mentioned above, provides that the Government of the Republic of Moldova sets the priorities of the cultural activity and ensure its legal framework (article 4), develops and finances state programmes in the field of protection and development of culture in accordance with the state’s cultural policy, sets the directions, forms and modalities of their application (article 6). The State ensures free access to the cultural activity, to cultural values and goods (article 8), as well as protects the creative youth (article 10).

920. With regard to the obligation of the state to ensure everyone the right to benefit from the scientific progress and its applications, the Code on science and innovations of the Republic of Moldova provides for the dissemination of the scientific and technological information (article 43) to beneficiaries – physical and legal entities (article 42), provisions which ensure the implementation of the provisions of the Covenant by the Republic of Moldova.

921. Protection of moral and material interests which result from any scientific, literal or artistic production whose author is the person covered by article 33 (2) of the Constitution of the Republic of Moldova, which provides for the right of citizens to copyright; their material and moral interests which result from various types of creative activity are protected by law.

922. The Law on copyright and related rights also regulates the recognition and presumption of ownership, registration of the workmanship, the personal and real rights, as well as paternity (articles 8–11).

923. Following the above mentioned it results that from the legislative point of view, the implementation of articles 14 and 15 of the Covenant is ensured. But the provisions of the internal normative acts on the implementation of these articles require organisational, monitoring and necessary financial actions.

### **3. Measures of implementation of the right to scientific progress**

924. The legal framework on the regulation of the intellectual property and protection of intellectual property relations comprises of the laws on trademarks and origin names of products (1995), on patents (1995), on protection of plant varieties (1996), on protection of industrial drawings and models (1996), on protection of integral circuits topographies (1999), on copyright and related rights (1994), on broadcast of workmanships and phonograms (2002); on the evaluation activity (2002) etc. By means of Government Decision the “Strategy on the Development of National Protection and Use of intellectual property objects until 2010” was adopted (2003), the Regulations on the evaluation of the objects of intellectual property, Regulation on the endorsement of the evaluations of intellectual property objects (2003). The State guarantees the protection of intellectual property objects in case of their official registration.

925. The protection of the copyright is ensured by the Intellectual Property State Agency which competences and rights are provided for by the Code on science and innovation of the Republic of Moldova (2004). This institution organises and manages the legal

protection of intellectual property in the form of industrial rights, copyright and related rights on the territory of the Republic of Moldova.

926. In accordance with the legislation in force the Government delegates its competences in the field of implementation of the state policy in science and innovation through the signature of a Partnership Agreement for a period of 4 years (the first Agreement was adopted by means of Government Decision from 28 January 2005) to the Moldovan Science Academy. The partnership agreements which is complemented yearly with an additional protocol, establishes the development strategy in the field of science and innovation, the strategic directions of development in the field of science and innovation, as well as the amount of science and innovation financing, in accordance with the law on state budget. The list of programmes and projects in the field of science and innovation financed by the state budget are published annually in a special edition of the Official Gazette of the Republic of Moldova.

927. With the purpose to optimise the institutional network in the field of science and innovation, in December 2005 the Government adopted the Government Decision on the measures of improvement of the science and innovation infrastructure which had as aim the concentration of intellectual, material and financial resources with the purpose to rationalise the scientific researches, accelerate the resolution of urgent problems in the economic, social, ecological and cultural sectors. The number of research institutions has substantially decreased – from 100 to 38.

928. With the purpose to stimulate the research, creation and innovation activity, increasing the competitiveness and responsibility of the intellectual community, implementation of the new technologies, promotion of the high values the Government has instituted 10 state awards valued 1 million lei each through the means of the Government Decision from May 2006.

929. Presently, there is a package of draft laws on the protection of the archaeological and historical heritage is in process of development.

#### **4. Development and promotion of science and culture**

930. During years 2005–2007 serious changes took place in the management of the scientific research and the extension of the technological transfer of the organisations in the science and innovation sectors, which have generated intensification of the role of science and innovation in the economic growth and resolution of social problems of the country.

931. The technological and equipment heritage of the science and innovation organisations was initiated. Starting with 2005, each year 20% of the budgetary resources are allocated to consolidate the experimental base through the acquisition of high performance equipment.

932. During 2005–2007 scientific research activities have been organised within the institutional programmes, independent and international projects, state and technological transfer programmes within the six strategic directions of the science and innovation activity. These projects are oriented towards the resolution of major problems of the country's economy growth, poverty reduction and improvement of the quality life of the population.

933. With the purpose to improve the interaction between science and the production sector of the economy within the Moldovan Science Academy there is the Agency for Innovation and Technological Transfer which promotes the implementation of the scientific results through development of technologic transfer projects based on public bids. The obtained results within the technological transfer projects contribute to the implementation of promising solutions for production of bio-diesel, bio-ethanol, production of seeds,

processing of primary agricultural products and certain secondary products, registration of various samples of industrial and medical equipment etc.

934. During 2005–2007 the main sectors of activity for the development and promotion of culture have been directed towards the improvement of the legal framework, refurbishment and value reinstatement of the most important parts of the national cultural heritage, renewal of the rural cultural institutions network, support and development of the extracurricular artistic education, improvement of the cinema situation, promotion of the image of the Republic of Moldova in other countries.

935. The promotion of the activities in the field of protection of the heritage was implemented through the meetings of the Experts' Councils, created within the Ministry – the National Experts Council on the protection of historical monuments, Council on the evaluation of the artistic arrays of the sculptural and monumental creation, Council on the purchase and homologation of contemporary fine arts masterpieces and the Archaeological Committee.

936. An important role in the promotion of the of the national cultural heritage lies with the organisation of exhibitions dedicated to important personalities of the national culture, exhibitions of folk art, children's workmanships, those dedicated to the problems of protection of the environment, history of Moldova, activities undertaken as part of the European Days of Heritage, active cooperation with the embassies accredited in Chisinau, with various nongovernmental organisations.

937. A separate role in the cultural promotion lies with the **public events dedicated to the Independence Day of the Republic of Moldova**, which annually is organised at the end of August at the memorial place called "Capul de pod Șerpeni", with the generic "Beyond quietness". Cultural activities linked with the Independence Day take place in all raions. For the first time the national Festival contest of patriotic songs "Moldova – My Homeland" took place.

938. Republic of Moldova participated at a list of cinema festivals that took place abroad. In Moldova the Days of the Belarus, Polish, French, Israeli, USA and Romanian Cinema were also organised.

939. It is worthwhile mentioning the large scale activities which took place during the reference period such as the Wine and Moldovan culture Festival in Shanghai, China, the Days of Moldovan Culture in the Russian Federation, part of which the funerary bust of the stage director Emil Loteanu was uncovered, the Days of the Azeri Culture in the Republic of Moldova and the Days of the Moldovan culture in the Republic of Azerbaijan.

940. With the purpose to intensify the country image promotion activities, the Ministry of Culture and Tourism, as the state body empowered to coordinate the activities of image promotion of the Republic of Moldova, has developed, taking into account the proposals of the ministries and central administrative bodies, the Republic of Moldova Image Promotion Action Plan on the international level.

941. With the purpose to implement the provision of the EU-Moldova Action Plan, for the chapter of culture and tourism the following activities may be mentioned: the participation of the Republic of Moldova in the Community Programme "Culture 2008", the regional Programme "the Kiev initiative", under the auspices of the Council of Europe, including the implementation of the project "Wineries and Cultural Tourism", planned for 2008–2009.

## 5. Freedom of scientific research and creation

942. The delegation of the Government's competences in the field of science and innovation state policy to the Moldovan Science Academy has contributed to the

consolidation of the principles of self-administration (autonomy) for the scientific community and of academic freedoms. This is exteriorised in the decision making on the internal administration of the scientific community, in the determination of the research sectors within the strategic directions of the scientific and innovative activities for 2006–2010, adopted by means of Decision of the Parliament of the Republic of Moldova (2005).

943. Scientific researchers united in research institutions and science divisions enjoy full range of rights to express their own opinion on the various scientific problems, science management, participation in the sessions of the scientific councils, at the meetings of the Science Divisions and the Assemblies of the Science Academy. Actions have been implemented with the purpose to involve the scientific community into science management, its representatives (PhDs and Academia) being elected in the boards of the science divisions of the Science Academy.

944. The implementation of the Science and Innovation Code has opened new perspectives and possibilities with the purpose to stimulate and constant growth of the intellectual, technical and scientific potential and consolidation of a more productive symbiosis – “science – education – application”.

945. Following the approval of the Science and Innovation Code, the signature of the Partnership Agreement between the Government and the Moldovan Science Academy for years 2005–2008, the process the true revival began for the science of the country. After a long period of stagnation, the leadership of the country has adopted a historical decision. According to the Science and Innovation Code the budgetary allocations for science have increased. Thus, if during 2001–2004 the level of budgetary allocations and special means for the financing of the scientific activities was 0.18–0.22% of the GDP, in 2005 its ratio constituted 0.37%, in 2006 – 0.46% and in 2007 – 0.6% from DGP (Figure 8 from Annex 1).

946. With the purpose to promote science and to establish a coherence with the civil society the results in the science and innovation spheres have been disseminated in mass-media. Thus, starting with 25 December 2007 and onwards (including 2008) the results of 30 projects of successful technologic transfer out of 43 have been published in each issue of the daily newspaper “Moldova Suverană”. Readers have been informed of the specific works which the scientists are undertaking for the society. As a result of the publications new cooperation contacts can may be established between the authors of scientific works and the economic agents. As a result, an objective public opinion is created vis-à-vis the development of the society based on knowledge, knowledge creation and technologies – indispensable conditions for constant economic growth and improvement of quality of life.

947. With the purpose to improve the management and elimination of obstacles which might come up in the flux of foreign investments, oriented to the development of science, in 2007 Law No. 138-XVI from 21 June 2007 on the scientific and technological parks and innovation incubators was adopted. As a result the scientific and technological park “Academica” and the innovation incubator “Inovatorul” were created.

948. In 2007 43 technology transfer projects have been implemented in five important sectors of the economy and social sphere: i) agricultural and food processing sector – 31 projects (72%); ii) industrial engineering – 5 project (11.6%); iii) energy – 4 projects (9.3%); health and medicine – 2 projects (4.6%); ICT – 1 project (2.3%).

949. New performances have been registered with the mathematical modelling, ICT and informational technologies sectors. The research in the field of nanotechnologies and nanostructures continued. Special attention was given to the research in the field of economy, especially improvement of the financial and monetary system and its orientation towards the real economy, development of economic growth mechanisms, and

improvement of the population's social protection systems, modelling of the economic and social consequences.

950. The main concern of the science and innovation spheres, of the real sector of economy of the country, enterprises of any form of property consists in the extension of the mechanism of implementation of the scientific results, its efficacy being high and convincing. The Moldovan Science Academy find that the decision of the leadership of the country to increase budgetary allocation for science and innovation development in the last three years (2005–2007) was a correct one and clearly demonstrates the perspective economic growth will be ensured through large scale implementation of the results of the scientific and innovatory activities in the real sector of the economy of the Republic of Moldova.

951. According to the provisions of the National Development Strategy for years 2008–2011 it is provided the implementation of the following programmes and measures in the field of science and innovation:

952. Strengthening the innovatory and technological modernisation capacities:

(a) Creation and promotion of efficient absorption mechanisms of advanced technologies;

(b) Rationalisation of the science and innovation sectors through creation of scientific clusters, scientific platforms and orientation of the intellectual, technological and applicative potential on the resolution of problems relevant to the national economy and research for the good of SMEs;

(c) Consolidation of the technological and material base of the scientific institutions;

(d) Consolidation of the national system of scientific research, including thorough stimulation of participation of organisation in the field of research and innovation in research and development activities and integration into the main European and international research programmes (FP7, EUREKA, COST, GEANT, CRDF, STCU);

(e) Promotion of research and development through scientific and technological parks and innovation incubators and implementation of the national and foreign scientific and technological research in economic activity;

(f) Organisation of premium level scientific centres and laboratories;

(g) Introduction of innovation indicators in the national statistical system;

(h) Promotion of the access to financial resources in highly technological sectors, especially through alternative financial instruments (“angels investors”, “capital seminal”, micro-credits etc.);

(i) Stabilising and development of the human innovative and managerial scientific potential, through the creation of legal and economic mechanisms of increase of motivation of researchers and innovations and facilitation of access to the innovation infrastructure.

## **6. Legislative measures in the field of science and culture**

953. Successful identification and implementation by the scientific community of the European and international standards in the field, the recommendations and resolutions of the International Organisations active in this field, better use of the possibilities to participate in international grant programmes, increase of researchers' mobility, inclusion of regional and global problems in the sphere of coverage of local scientific researches, society awareness of the role of knowledge as a driving force of development – are all

elements which contributed to the intensification and extension of the international scientific relations.

954. International links and cooperation in the scientific and cultural fields are being maintained and are developing through signature of intergovernmental cooperation agreements in the humanitarian, scientific, cultural and educational fields, as well as creation of bilateral mixed committees for technological and scientific cooperation.

955. During the last years the Moldovan Science Academy in its capacity of the only national interest public institution in the field of science and innovation has signed bilateral cooperation agreements with various national scientific institutions: the Romanian Academy, the Polish Science Academy, the Bulgarian Science Academy, the Academy of Agricultural and Forestry Sciences “Gheorghe Ionescu-Sisești” from Romania, the Hungarian Science Academy, the Russian Science Academy, the National Ukrainian Science Academy, the National Belarus Science Academy, the Agricultural Science Academies of Russia and Ukraine, the National Chinese Science Academy, the Montenegro Arts and Science Academy, the Austrian Science Academy, the National Azeri Science Academy, the Turkish Science Academy, the Royal Society in London, the Funds of Fundamental Research from Russia and Belarus, the Scientific and humanitarian Fund from Russia and with other institutions, where priority cooperation directions are determined. Cooperation agreements have been concluded with UNESCO, the Civil Foundation of Research and Development from USA (CFRD), Convention between ASM and INTAS on their cooperation in the collaborative call for research projects Moldova-INTAS 2005, Convention between ASM and INTAS on their cooperation in the collaborative call for Young Scientists Fellowships Moldova-INTAS 2005, International Atomic Energy Agency, Department of Technical Cooperation, Moldova Country programme Framework for technical cooperation, 2005 and others.

956. Cooperation relations have been developed with scientific communities from countries with high cooperation potential such as China, Austria, Turkey, the Baltic States.

957. The participation of the scientific community to international grant courses and programmes constitutes an efficient mechanism of promotion of virtuousness, competitiveness and motivation. In 2007 researchers from the Republic of Moldova have participated in the implementation of 96 international projects, including through the means of CRDF (7 projects) MRDA (18), MTFP (14), INTAS (22), IAEA (4), NATO (6), SCOPES (7), STCU from Ukraine (6), EC (European Commission) (10), TEMPUS (1), UNICEF (1). Besides these 44 common research projects with the Fundamental Research Fund and 5 projects with the scientific humanitarian Fund from Russia have been implemented.

958. At the initiative of the Government and the Moldovan Science Academy the import of scientific equipment purchases within the international projects is exempted by budgetary law from customs taxes, which substantially contributes to the update of the scientific and material base.

959. The image of the science of the Republic of Moldova is rightly promoted at the international level through exchange of researchers and scientists. In 2006 894 and in 2007 1150 researchers benefited from study visits abroad, where they participated in research internships, at various international scientific events, thus finding new opportunities and horizons for the country's scientific community.

960. The signature of the Visa Facilitation Agreement between the Republic of Moldova and the EU and inclusion of scientific researchers in the categories of privileged Shengen visa applicants will further contribute to the increased mobility.

961. Development of international cooperation is affected to a certain extent by the limitation of financial means for common financing of international research projects, by insufficient knowledge of foreign languages of international circulation by a large part of researchers and last but not least by the psychological factor.

962. During the last years bilateral cooperation agreements have been signed within various national (Romanian Academy, Polish Science Academy, Academy of Agricultural and Forestry Sciences “Gheorghe Ionescu-Sisești” from Romania, the Hungarian Academy of Science, Russian Academy of Science, Ukrainian Academy of Science, Belarus Academy of Science, the Agricultural Sciences Academies from Russia and Ukraine, the Montenegro Science and Arts Academy, the Russian and Belarus Fonds of Fundamental Researches, the Humanitarian Scientific Russian Fund, etc.) and international scientific institutions.

963. During 2007 the Government has promoted a list of draft legislative and normative acts which implement the cultural policy of the state. These have referred to the libraries sector, protection and improvement of the historical and cultural heritage, protection of the archaeological heritage; editorial activity, the status of the artists and artistic organisation. The ratification of the UNESCO Convention on the measures for the prevention and fight against illegal import, export and transfer of property over cultural goods; the Framework Convention of the Council of Europe on the value of the cultural heritage for the society and the European Convention on the cinema co-production have been signed.

964. With the purpose to develop the international cultural relations the process of signature of bilateral agreements continued during the reporting period. Presently there are 25 agreements signed in the cultural sector and 20 in the tourism sector. Another 20 international cooperation agreements are in the process of negotiation.

965. By Decision of the Government of the Republic of Moldova No. 1002 from 29 August 2006 the new structure of the Ministry of Culture and Tourism was approved.

966. The dynamics of reduction of the central apparatus of the ministry has resulted in a tendency of 71 employees in April 2005 to 33 employees in August 2006.

967. By means of the same Decision the Government decided the creation of 2 public agencies within the Ministry – the Monument Inspection and Renovation Agency, created on the basis of the experience of the Baltic States, Ukraine, Romania, Poland and other countries which have specialised institutions for the protection and renovation of monuments and – the Moldovan Institute “Dimitrie Cantemir”, conceived with the purpose to promote the Moldovan statehood and identity in the country and abroad. The Ministry will propose the Institute to function as a public institution, financed by the budget, within the subordination of the Ministry of Culture and Tourism.

968. Enterprise “the Impresario Agency” which launched itself by organising the Days of Culture of Moldova in the Russian Federation, was conceived to resume the cultural services activity of the Republic by cooperation with the raion public administration bodies, revival of artistic bands’ tourneys within the country and abroad.

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