



REPUBLIC OF MOLDOVA

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STATEMENT

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19<sup>th</sup> session of the Human Rights Council

Geneva  
16 March 2012

Madame la Présidente,  
Vos Excellences,  
Mesdames et Messieurs,

It is a great honour to be back at the Human Rights Council and take the floor on the occasion of the consideration of the Republic of Moldova's Universal Periodic Review Outcome.

In this context, I would like to thank the distinguished delegations that constructively took part in the review process by providing practical as well as critical recommendations. High appreciations are extended also to the Secretariat and Troika members. Finally, I would like to mention the great role played by the civil society, including those present here, for their commitment and determination to help us advance in this endeavour, from drawing the report till the follow up process.

In the Republic of Moldova, the Universal Periodic Review has revolutionized the national system of human rights and has significantly contributed to the evaluation of the domestic situation in the human rights field. This gave us the opportunity to carry out a thorough internal assessment of the implementation of international standards in the field of human rights, with a coordinated holistic approach.

This is an event of great importance to my government's human rights agenda. It brings to a conclusion the first step of our engagement in a process which has proved highly valuable in our own work, and which has provided an encouraging example of what this Council should be able to do in promoting the respect for human rights across the world.

My government has learnt a great deal in the process of preparing for this exercise. We consulted extensively the civil society and international organisations in the Republic of Moldova. Since the review in October we have held a first follow-up joint meeting with national authorities, intergovernmental organisations and civil society, and will continue to consult all the stakeholders in the continued follow-up to the review.

During the interactive dialogue in October 2011, the Republic of Moldova received 122 recommendations. We decided to examine all of them and provide responses before the current session. These responses, particularly for the 15 remaining recommendations, are contained in the addendum document in front of you (Document A/HRC/19/18/Add.1).

Let me underline that Moldovan authorities have given and continue to give serious consideration to all recommendations without exception. Each one of them provided an opportunity to re-examine our position on the issues raised.

As you may see in the addendum document, we gave positive answer to the overwhelming majority of recommendations by accepting them integrally or partially. Some of the issues raised in the Review process and many recommendations focus on challenging areas, where we recognise that further attention is required. Please allow me to present additional information on the remaining accepted recommendations as well as the situation in regard to their implementation.

Madame President,  
Distinguished delegates,

In November 2011 the Strategy for Justice Sector Reform (2011 - 2016) – was adopted by the Parliament and earlier this year, in February, we approved the Action Plan for the Strategy implementation.

The Strategy aims at the creation of an accessible, efficient, independent, transparent and professional justice system accountable to the society, in line with European standards and able to ensure the rule of law and namely to reform the following areas:

- The judicial system (ensuring its accessibility, independence and transparency; higher professionalism of persons involved in the justice execution and their accountability; etc).
- The criminal justice (revision of the concept and procedure of the pre-judicial phase; strengthening the professionalism and independence of the prosecution office).
- Access to justice and execution of justice (strengthening the system providing legal assistance guaranteed and paid for by the state; effective and adequate enforcement of the court decisions; etc).
- Strengthening the integrity of the justice sector actors through the promotion of anti-corruption measures and professional ethical standards (efficient and effective combating of corruption in the justice system, strengthening the mechanisms facilitating the implementation of ethical standards and anti-corruptible behavior at the level of all institutions of the justice sector, etc).
- Contribution of justice to the economic growth (strengthening the system of alternative settlement of disputes; modernization of the system of accounting and access to information on registration of economic entities; etc).
- Respect and monitoring of human rights in the justice system (strengthening the role of the Constitutional Court; improvement of the national mechanism for the protection of human rights; etc).

Since the adoption of the Strategy, the experts within the Ministry of Justice started to work on a set of relevant documents. On 15 February 2012, the Government adopted the three draft laws, in particular on the amendment of the legislation regarding the organization and functioning of the judiciary; the draft law on selection, career and performance evaluation of judges, and the draft law on the functioning of the specialised courts.

According to the Strategy pillar on human rights, a working group on amending the Ombudsman Law was established. Alongside with national and international counterparts, Mr. Manfred Nowak, ex-UN Special Rapporteur on torture, has been invited to participate as Honorary Chairperson of the Working Group. The objective of this exercise is to upgrade the status of the National Human Rights Institution (the Centre for Human Rights of Moldova) from B to A. We expect that during 2012 the new draft law will be adopted to this end.

The Justice Sector Reform Strategy provides also for the *prevention and fight of torture* and other forms of ill-treatment, fighting impunity, amending the criminal legislation in compliance with the international human rights standards. As recommended previously by the UN Human Rights Committee and the UN Committee against Torture, the criminal law will be amended with the view to removing the statute of limitations for crime of torture.

Recently, with the support of the development partners, the Government launched a process of equipping all police stations and temporary detention facilities with video cameras and video surveillance systems for monitoring compliance of the detention regime and for fighting the torture phenomena and ill treatments.

With regard to reducing the length of custody to 48 hours, I would like to underline that implementing this recommendation would call for the amendment of Article 25 of the Constitution of the Republic of Moldova, which sets the limit at 72 hours. Consequently, this implies a lengthy and time consuming exercise. Moreover, the reduction of the length of custody could prevent the law enforcement bodies and the judiciary to conduct comprehensive investigations.

Regarding the April 2009 events, we agree that the comprehensive inquiry should be continued, while implementing legal norms will ensure their effectiveness. To this end, the activity of the special Commission tasked with compensating the victims of those events has been resumed.

Let me stress that my government strives towards making the Republic of Moldova an open and inclusive society, a country where people with roots in various parts of the world can live side by side. The principles of non-discrimination, universality and equality of rights are essential and represent the backbone of the Moldovan human rights protection system. In order to strengthen existing rules and create a real and viable mechanism for implementing these provisions, *the draft Law on preventing and combating discrimination* was elaborated. It was designed as a comprehensive legal act that includes, among other, an indicative list of discriminatory criteria and establishes the Council for preventing and combating discrimination.

As the consultations revealed certain sensitivities within the society, the Government has embarked on a path of broad consultations aimed at, among other, ensuring that this law is endorsed not only by the government, but also by the entire Moldovan society. Currently the draft law was revised according to the proposals presented by national and international stakeholders during the consultation process.

However, the immediate efforts will be oriented towards promoting the human rights principles, including the core principle of equality and non-discrimination on all grounds, tolerance and avoid artificial distortion of any person.

In order to strengthen the enjoyment of human rights by all persons on an equal basis and to implement the provisions of the Convention on the Rights of Persons with Disabilities (CRPD), the Republic of Moldova is implementing the *Strategy for social inclusion of people with disabilities for 2010-2013*,

having launched a full-fledged reform in this area. The *Draft Law on social inclusion of persons with disabilities* approved by the Government and recently examined in the Parliament provides the development and approval of methodology for determining degrees of disabilities in accordance with WHO standards; adjustment of national legislative-normative framework to European and international standards; reorganization of structures and institutions responsible for the coordination of the system of social inclusion of persons with disabilities.

According to the article 12 of CRPD, in November 2011, the Ministry of Health, the Ministry of Justice and the Ministry of Labour, Social Protection and Family launched an inter-Ministerial Working Group tasked to rethink the system of decision-making for persons with psycho-social disorders.

Recently, the network for social services was supplemented with a new specialized service entitled "Outreach Team" that is offering at beneficiary's home social assistance, support and counselling for eventual social inclusion. In this sense, the national and territorial agencies for employment coordinate various measures for encouraging the employment of persons with disabilities, by tracking and collecting data on those unemployed, offering information and counselling services, organizing specialized courses of professional formation, as well as involving them in the activities of the local public authorities.

Another recent development is the adoption of the amendments to the *Action Plan to support Roma population for 2011-2015*, which confirms the commitment to promote and implement social inclusion of Roma in the active socio-cultural life of the country. The Government currently is working on a comprehensive costing exercise in order to secure necessary budgetary funds during the process of amending the Mid-Term Expenditure Framework.

Freedom of religion – in December 2011, the Parliament adopted the amendments to the *Law on religious cults and their component parts* and re-named the *Law on freedom of conscience, thought and religion*, in order to bridge the gap between the name and purpose of the Law. Other amendments adopted as a result of broad consultations with the civil society, including religious communities, have the purpose of reaffirming the commitment of the state to warrant equality and non-discrimination of all religious communities. In this regard, the registration procedures were simplified; discriminatory provisions on the grounds of nationality were abrogated; barriers concerning adherence to more than one religious communities were removed; the possibility to undertake alternative military service on the ground of conscientious objection were introduced; provisions allowing all religious organizations to ensure burial in keeping with the particular religious practices and norms of the religious community at issue were introduced; the provisions regarding education in schools were clarified.

Madame President,

We agree with the fact that education and awareness-raising campaigns are of paramount significance for the promotion of diversity.

The national legal framework foresees the creation of the necessary conditions to guarantee the respect of the right to education for all children. Pupils and students are provided with the right to choose the language of instruction at any level of education.

The structural reform launched by the Government was initiated in order to ensure the high quality of the education process and to respond to the current demographic indicators.

The streamlining of the pre-university institutions network is undertaken by the Public Local Administration with the consent of the Ministry of Education.

For 2011-2012 the network of pre-university institutions in the country includes 1456 institutions (schools, gymnasiums, high schools) of which 278 with access to education in Russian language and 81 mixed institutions.

At the same time, local TV and radio stations broadcast programs in languages of national minorities, newspapers and magazines are disseminated also in minority languages. According to the Public Opinion Survey (November 2011) mass media was ranked 2<sup>nd</sup> among the most credible institutions. Moreover, freedoms of media and access to information are listed as the areas that have registered during the last 2 years the most significant progress.

To this end, the Government is committed to further continue the integration of all the persons in our society in order to secure our natural place in European society.

Human rights in the Transnistrian region of the Republic of Moldova represent a priority for the authorities of my country. Issues pertaining to human rights in this region will be part of the agenda of official negotiations in the 5+2 format, resumed recently, and also raised in the framework of the activity of the Working Groups on Confidence building measures.

I would like to emphasize that during the careful analysis of our UPR recommendations, we noticed that many of them have similarities with the concluding observations from regional or treaty bodies. This enables us to ensure their compliance with our national framework on human rights, international and regional recommendations. In this context with the support of the UNCT we started the review and amendment process of the National Human Rights Action Plan for 2011-2014.

Earlier this year the Monitoring Commission for the implementation of the National Human Rights Action Plan was established under the Deputy Prime-minister's Office. This mechanism will be also applied to improve the observance and implementation of the concluding observations and recommendations addressed to the Republic of Moldova on behalf of UN, Council of Europe, EU and OSCE human rights bodies.

Shortly after the adoption of the Republic of Moldova's UPR Outcome the first meeting of the Monitoring Commission will be convened in order to establish the further steps for the implementation of the UPR recommendations.

Distinguished delegates,

Before we embark on the Council's consideration today of the draft report of the first Universal Periodic Review of the Republic of Moldova, let me assure you that my government sees the UPR as part of our national endeavours to ensure a systematic human rights approach. The recommendations we have received constitute an important reference point in our continued activity.

I will stop here for now and leave the floor for interventions of States and other stakeholders. Thank you once again for your kind attention and participation.