



人权理事会

普遍定期审议工作组

第二十六届会议

2016年10月31日至11月11日

根据人权理事会第 16/21 号决议附件第 5 段提交的  
的国家报告 \*


摩尔多瓦共和国

\* 本文件原文照发，其内容不意味着联合国秘书处对内容发表任何意见。

GE.16-14599 (EXT)



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## 导言

1. 作为一个以法律面前人人平等和尊重个人尊严这两项人权原则为基础的国家，摩尔多瓦共和国坚定地致力于促进人权。
2. 第二轮普遍定期审议为审查摩尔多瓦共和国在保护和增进人权方面取得的进展以及为摩尔多瓦共和国政府与相关利益攸关方进行富有成效的讨论提供了机会，摩尔多瓦共和国政府对第二轮表示欢迎。

## 一. 方法和磋商

3. 摩尔多瓦共和国在 2011 年提交了第一轮普遍定期审议报告，而第二轮普遍定期审议报告则是从这一年开始的普遍定期审议进程的延续。本报告由司法部与外交和欧洲一体化部按照联合国人权理事会决议的指导方针以及人权理事会为第二轮普遍定期审议进程通过的一般准则<sup>1</sup>合作编写。
4. 本报告是在与所有相关利益攸关方在一个特设工作组的框架内就人权事务进行广泛磋商的基础上起草的。报告草案在司法部官方网站上公布，以便公开讨论；在公开辩论中继续进行磋商，在磋商过程中收到的相关建议均已纳入报告草案。
5. 第二轮普遍定期审议报告按照与专题小组相对应的专题章节编写，在这些章节中汇编了摩尔多瓦共和国完全接受或部分接受的 122 项建议。
6. 本报告通过了关于摩尔多瓦共和国加入的国际公约执行情况的初次和定期报告国家委员会的核准程序。

## 二. 背景和立法框架，自上次审议以来取得的进展

### A. 立法框架(73.7、73.20、75.15、75.16、75.17、76.5)

7. 《公益维护人(监察员)法》于 2014 年 4 月 3 日通过。<sup>2</sup> 该法巩固了前人权中心(现称公益维护人办公室)<sup>3</sup> 的能力。
8. 这部新法律减少了公益维护人的数量，修改了任命程序(在公开竞选基础上由议会任命)以保证民间社会的透明度和影响力，该法还确立了合规标准。这项制度的发展和运行由一项新的财政资源分配程序确保。
9. 目前有两个公益维护人：一个公益维护人专门负责保护儿童权利。此公益维护人的一届任期为七年。

## B. 人权政策(73.15 和 73.16)

10. 第一轮评价的建议以及其他国际和区域机构提出的建议已被纳入经修改的《2011–2014 年国家人权行动计划》。借助相关部门影响评估，在 2015 年对《国家人权行动计划》的执行情况进行了评估。在第二轮普遍定期审议中对摩尔多瓦共和国提出建议后，该国将编写一份新的《国家人权行动计划》。还编写了其他国家政策文件。<sup>4</sup>

11. 整体而言，民间社会是执行人权政策的积极伙伴和评价者，具体来说，它是落实《国家人权行动计划》各项目标的积极伙伴和评价者。民间社会代表与公共机构和国际组织代表共同加入了国家人权行动计划执行委员会和打击人口贩运国家委员会。在根据 2012 年普遍定期审议的建议修订《国家人权行动计划》的过程中，工作组吸收了促进人权领域积极参与活动的非商业组织代表。第二份普遍定期审议报告的编写过程包括与外国伙伴和民间社会代表合作举办了两场国际研讨会。

## C. 国际义务(73.1、76.1、76.2、76.3、73.44、75.1、75.2、76.13)

12. 在 2012 年至 2013 年间，经公开协商，《保护所有移徙工人及其家庭成员权利国际公约》的批准程序启动。<sup>5</sup> 由于摩尔多瓦共和国目前是移徙领域的三份国际文书和 40 份国际劳工文书的缔约方，而这在该领域构成了充分法律依据，因此为了评估执行费用，上述程序被暂时中止。

13. 在人权事务高级专员办事处(人权高专办)的支持下编写的《2013 年可行性研究报告》体现了批准《经济、社会、文化权利国际公约任择议定书》的机会。虽然批准该议定书切实可行，但相关行动尚未取得进展。

14. 设立了一个常设指导委员会，负责编写报告和摩尔多瓦共和国对国家间来文和个人针对该国向联合国禁止酷刑委员会提出的申诉所作的答复。<sup>6</sup>

15. 目前批准《保护所有人免遭强迫失踪国际公约》为时尚早。虽然已经启动了批准程序，但由于摩尔多瓦共和国没有遇到可作为该公约适用对象的现象，所以暂时中止了批准程序。摩尔多瓦共和国只登记了几起强迫失踪案件。

16. 2012 年 12 月 26 日第 311 号法律承认，联合国消除种族歧视委员会有权受理和审议受摩尔多瓦共和国管辖并声称自己是国家当局实施的侵犯人权行为受害者的人员和民族团体提交的申诉。族裔间关系管理局是负责执行 1965 年《消除一切形式种族歧视国际公约》第十四条的国家实体。<sup>7</sup>

## D. 保护和增进人权

17. 摩尔多瓦共和国坚定支持联合国和人权机制，自 2012 年以来它已批准了下列三项国际条约：《欧洲刑事事项互助公约第二附加议定书》、<sup>8</sup>《欧洲有条件

判刑或有条件释放罪犯的监督公约》<sup>9</sup> 和摩尔多瓦共和国政府与国际移徙政策发展中心关于该中心在摩尔多瓦共和国的地位及移徙合作的协定。

18. 摩尔多瓦共和国批准了《关于在自动处理个人数据方面保护个人的公约附加议定书》。<sup>10</sup>

19. 关于批准《欧洲保护人权与基本自由公约第十二议定书》的法律草案获得 2015 年 6 月 12 日第 360 号政府决定的核准，计划于近期接受议会审查。

20. 目前正在推动关于批准《残疾人权利公约附加议定书》的法律草案。

21. 2015 年 7 月 30 日通过了一部关于派驻欧洲人权法院的政府代理人的新法律。该法提供了一项经修改机制，以便在摩尔多瓦共和国遵守《欧洲保护人权与基本自由公约》，它还规范了在欧洲人权法院的代理活动以及欧洲法院裁决和判决的执行。该法对参与执行欧洲人权法院裁决和判决的国家当局实施政府监督。为确保这部法律得到执行，已起草了欧洲人权法院判决执行程序条例。

### 三. 审议后的发展、成就和挑战

#### A. 不歧视(75.5、75.6、75.7、75.8、75.9、75.10、75.11、75.12、73.28、75.3、75.33、73.26、75.32、75.27、76.4)

22. 2012 年 5 月 25 日通过了确保平等的法律。根据该法的规定，不歧视标准清单是示意列举而非限定范围，这可以涵盖一切歧视理由。

23. 成立了作为合议机构的防止和消除歧视及确保平等委员会(委员会)，<sup>11</sup> 它具有公法法人地位，旨在确保防止歧视并保证所有认为自己是歧视受害者的人员的平等。委员会的活动以公正和独立原则为基础；它通过了关于立即恢复歧视受害者权利的决定，并提出了建议。<sup>12</sup>

24. 2014 年，委员会被授权调查某些类型的违规行为。<sup>13</sup> 最高法院于 2012 年 11 月发布的第 16 号建议规定，关于因性别变更而纠正公民身份行为的申诉审查程序是司法惯例。<sup>14</sup>

25. 遵守反对歧视政策的情况始终在音像传播和大众媒体层面受到监督。<sup>15</sup>

26. 2014 年，委员会编写了《法官反歧视手册》。<sup>16</sup> 关于预防和打击歧视的专题被纳入国家司法学院为法官、检察官及司法部门的其他从业人员举办的培训研讨会课程。<sup>17</sup>

27. 2016 年 6 月 30 日，政府批准了关于基于偏见的非法行为入罪的法律草案。<sup>18</sup>

28. 通过近期举行的和平行动，<sup>19</sup> 确保摩尔多瓦共和国的女同性恋、男同性恋、双性恋和变性人的权利受到尊重。

29. 统计数据显示, 2015 年, 在全国范围内共登记了 17 起打击歧视、仇外心理和极端主义的申诉。在其中的三起案件中通过了不启动刑事诉讼的法令。在所有立案的刑事案件中, 针对涉及 15 人(包括 3 名未成年人)的 4 起案件向法院提起了公诉; 根据《刑事诉讼法》第 287/1 条第(2)款(未确定可被指控者), 有一起案件中中止审理; 根据《刑事诉讼法》第 287/1 条第(1)款(被告逃避), 有一起案件中中止审理; 另有八起案件正在接受审查。法院只宣告了一项定罪量刑, 裁定被告侵犯他人权利。

#### B. 属于少数民族者(73.60、73.2、73.4、73.61、73.5、73.10、73.24、73.25、75.23)

30. 起草族裔间关系和保护属于少数民族者权利方面的法律和政策是摩尔多瓦共和国政府的一项常规活动。<sup>20</sup> 摩尔多瓦共和国在这方面的法律由一套立法性和规范性法规构成, 相当于最高级别和公认的国际标准。<sup>21</sup>

31. 借助欧安组织少数民族事务高级专员的支持和欧洲委员会提供的专业知识, 编写了《摩尔多瓦共和国包容性多元化战略(2016-2026 年)》。

32. 通过传统的活动和国际母语日(每年 2 月)、国际罗姆人日(每年 4 月)、乌克兰文化日(每年 3 月)、波兰之春(每年 4 月)、斯拉夫文学及文化日(每年 5 月)、缅怀大屠杀受难者国际纪念日(2014 年、2015 年和 2016 年的 1 月)等种族文化节日倡导宽容精神和跨文化对话。

33. 属于少数民族者的非政府种族文化组织促进族裔群体的文化特性、传统和习俗的保护和发展。按照族裔间关系管理局提供的数据, 截至 2016 年 1 月 1 日, 共有 93 个经认证的少数民族人士共和国公共社团(代表约 30 个少数民族)和大约 120 个地方非政府种族文化组织。通过民族公会为种族文化活动提供支持, 民族公会是一个文化、方法和信息中心, 在族裔间关系管理局的支持下运作。<sup>22</sup>

34. 在 2011 年至 2015 年实施了《支助罗姆人行动计划》。<sup>23</sup> 创建了社区调解员制度;<sup>24</sup> 地方当局拥有选择调解员(当地罗姆人民间社会代表或当地社群大会指派的代表)的权力。一名社区调解员为至少 150 名受益者服务。2013 年, 从国家预算中拨出 46.26 万摩尔多瓦列伊, 用于为 14 个地方的首批 15 名社区调解员开展培训; 2014 年, 从国家预算中拨出 161.98 万摩尔多瓦列伊, 在罗姆人居住的 44 个地方聘用全部 48 名社区调解员。关于供资权力下放的新规定于 2015 年 1 月 1 日在国家层面生效, 据此, 地方公共管理当局应当为一系列地方服务(包括社区调解员的活动)划拨资金; 但是, 地方公共管理当局因缺乏资金而停止了社区调解员的聘用进程。最新数据显示, 2015 年, 受聘在市长办公室工作并从地方预算中领取报酬的社区调解员仅有 15 人; 2016 年, 仅有 9 人。应当指出的是, 在这种特定情况下, 罗姆人公共社团的作用非常重要。鉴于有时候不聘用社区调解员的一个原因是没有必要聘用他/她, 罗姆人公共社团对于与地方公共管理当局开展有效对话以便进一步改善社区调解员的服务具有重要作用。

35. 在欧安组织/民主人权办的财政支助下，使用三种语言(罗马尼亚语、俄语、罗姆语)编写和出版了《罗姆人家庭指南》。<sup>25</sup>

36. 第 734 号政府决定于 2016 年 6 月 9 日批准了新的《2016-2020 年支助罗姆人行动计划》。这份文件是政府致力于促进罗姆人融入社会的后续行动。该计划规定了教育、卫生、劳动和社会保障、住房和社区发展、参与决策程序和打击歧视等领域的特定措施和责任。该计划载有若干措施以确保实现对劳动力市场的社会保障，缺少这种社会保障会直接造成罗姆人的社会经济处境不稳定，导致他们的生活陷入贫困，继而承受这种现象引发的一切负面后果。摩尔多瓦共和国将在欧洲资金、技术援助项目/方案、公私伙伴关系等的支持下，从国家预算中拨款资助该计划的活动。

### C. 受教育权(73.22、73.9、76.11、76.12、73.59、76.10)

37. 摩尔多瓦共和国创建了数量充足的教育机构、班级和团体，由此确保了在各个教育和培训级别选择所用语言和选择教育阶段的权利。<sup>26</sup>

38. 目前，学习属于少数民族者的语言有三种方式。<sup>27</sup> 属于少数民族者的子女就读的现代学校的一个现实情况是必须学习四种语言：罗马尼亚语、俄语、母语及一种国际语言。为了满足新社会的要求，引入多元文化和多语言教育就可能实现这项目标。

39. 罗马尼亚语远程学习项目从 2013 年起实施。该项目的目的是通过沉浸在语言和文化氛围中，使青少年能够融入社会。

40. 《提高属于少数民族者就读的普通教育机构中的罗马尼亚语教学质量国家计划(2016-2020 年)》<sup>28</sup> 于 2015 年 12 月 31 日获得通过。该计划的目标是使母语并非罗马尼亚语的学习者形成和培养使用罗马尼亚语进行交流的技能。

41. 建设摩尔多瓦共和国的教育系统是为了确保全民受教育的权利。总体而言的国家教育优先事项和具体所说的残疾儿童和青少年教育问题被正式列入《国家全民教育战略》、<sup>29</sup>《残疾人社会包容战略(2010-2013 年)》<sup>30</sup> 和《2011 至 2020 年摩尔多瓦共和国全纳教育发展方案》。<sup>31</sup>

42. 国家教育体系为残疾人提供教育体系各个层次的教育。<sup>32</sup>

43. 除提供心理—教学辅助服务外，还组建了多学科校内委员会，从而为在普通教育机构就读的残疾儿童提供经常性的专门援助。<sup>33</sup>

44. 按照规范性法律为大学预科学生提供校餐；<sup>34</sup> 在经批准的地方预算范围内使用用于校餐的财政资金。

45. 除小学、中学和高中的第一至第四类学生外，还为德涅斯特河左岸和本德爾市大学预科的第五至第十二类学生、Grigoriopol 的理论高中“Stefan cel

Mare” (设在 Doroṭcaia)的学生(包括 Dubasari 区 Doroṭcaia 村的学生)的免费校餐规定了财务标准。

#### D. 司法与腐败(75.38、75.36、75.37)

46. 按照《2011-2016 年实施司法部门改革战略行动计划》实施了司法部门改革。<sup>35</sup>

47. 法院经费有所增加,通过修改法院院长的职责和创设法院书记处负责人职位,对法院管理体系进行了改革。已经确立了法官遴选制度和业绩评估制度。

48. 目前,所有法院都采用《法院案卷管理综合电子方案》和审讯录音。<sup>36</sup>

49. 2013-2015 年,为防止腐败,通过了几部旨在改革法官豁免制度的法律。<sup>37</sup>通过了一大批反腐败法律,其目的是阻止腐败,针对司法部门的腐败现象规定更严厉的制裁措施,并提高司法系统威慑效率。对实施重大不法行为(包括腐败行为)处以的最低罚款金额提高了三倍;担任某些职务或针对腐败罪行实施的某种活动的期限增加了三倍,延长了没收期限,并在《刑法》中新增了一项关于“非法治富”罪的定义。

50. 2016 年 2 月 25 日第 3 号法律<sup>38</sup>规定对检察机关进行改革。为执行该法的规定,于 2016 年 7 月 1 日通过了关于修订和补充某些立法的第 152 号法律。该法使生效的法律与关于检控机关的新法律的规定保持一致,例如《刑事诉讼法》、《民事诉讼法》、《违例法》、《家庭法》、《特别调查活动法》、《预算部门工资支付法》和其他法律。同时,目前正在推动关于任命和罢免总检察长的宪法修正案。2013 年,开始对内务部进行改革,目的是实现内务部与警察的制度性分离。<sup>39</sup>

51. 关于修订和补充某些立法的第 326 号法律及关于职业廉政精神检测的第 325 号法律于 2013 年 12 月 23 日获得通过,这两部法律确立了一份防止公职人员腐败的新文书。2016 年 5 月 26 日的第 102 号法律对后一部法律作了修订,第 102 号法律规定了对检测手段和技术方法进行司法监控的制度,并且改变了廉政精神评估方法:从公职人员到他们服务的机构。

52. 关于改组司法系统的第 79 号法律于 2016 年 4 月 21 日获得通过;该法旨在通过优化法院职能、增强能力、改善司法行政水平以及为实现法官的专业化创造基础,确保人们方便获得司法系统的帮助和司法系统保持独立。

53. 已经修订了法律职业(律师、公证人、执行官、法证专家、经授权的管理人员等)和相关自治机构的一般管理框架,以便提高和加强它们的能力。<sup>40</sup>

E. 酷刑/其他不人道和有辱人格的待遇和拘留条件(74.2、76.14、73.29、73.14、73.47、75.39、73.43、73.48、73.46、73.45、75.34、75.35)

54. 2012年11月8日第252号法律批准了对《刑法》和《刑事诉讼法》的修订，还批准了对《强制执行法》的修订，为该法典增加了一项新条款——“酷刑、不人道或有辱人格的待遇”及其加重处罚情节。不能适用大赦，酷刑、不人道和有辱人格的待遇案件的刑罚时效被取消，所适用的刑罚也不能比法律规定的刑罚轻微。已经实施的修订明显加重了对酷刑罪行的刑事处罚，明确规定检察官对酷刑案件、不人道和有辱人格的待遇、指控案件或归咎于警察及特别调查机构的其他犯罪具有专属检控职权。

55. 已经实施了被逮捕的人在他/她被收监和释放之后立即接受秘密强制体检和在整个拘押期间应他/她的要求进行此类体检的制度，另外，接受除拘留设施医师进行的检查之外的体检，以查明酷刑、不人道和有辱人格的待遇留下的最终痕迹的权利也得到落实。关于逮捕文书的严格规定对《刑事诉讼法》作了补充，目的是巩固被逮捕的人在被拘押期间可以享受的保障措施。因此，第167条第(1)款明确规定在逮捕报告中描述被逮捕者身体状况、关于他/她的健康状况的申诉、衣着描述、他/她的解释、异议及要求、进行体检的要求(包括主动提出的此类要求)的义务，以及向他/她提供一份报告副本的义务。按照《刑事诉讼法》第167条第(6)款的规定，如果在逮捕过程中发现被逮捕的人身体受伤，调查人员要立即告知检察官，检察官将根据案件的情况，下令进行法医勘验或体格检查，以便确定伤害的来源和性质。

56. 经过这些修订，已经在一定程度上消除了虐待现象，从而确保达到刑事立法的目的，实现社会公平。<sup>41</sup>

57. 2012年10月19日第218号法律规范使用武力、特殊手段和火器的程序；根据2013年6月14日第146号法律，纪律隔离监禁取代了作为纪律制裁的监禁。

58. 关于有效调查酷刑、不人道和有辱人格的待遇的方法建议<sup>42</sup>获得认可。关于遭到指控的酷刑、不人道和有辱人格的待遇的识别、登记和报告程序条例<sup>43</sup>于2013年12月31日获得通过。

59. 所有地区检察院和专门检察院都开设了受理信息和投诉的热线；它们都配备了视频监控设备。<sup>44</sup>为21个法院配备了供被告人使用的41套塑料席位或特殊家具；从法庭上拆除了先前被认为有辱人格的金属囚笼。

60. 改善拘留条件的措施具有连续性，已经增加了为此拨付和使用的资金。<sup>45</sup>采用了被拘留、逮捕和定罪者的登记簿，<sup>46</sup>这有助于一个标准化和受保护的系统在不受操纵的情况下运作。

61. 对被免除刑事责任者的电子监控<sup>47</sup>从2015年开始实施。<sup>48</sup>



**F. 宗教、言论和集会自由(76.15、73.3、73.52、73.27、73.53、73.55、73.56、73.57、75.4、76.9、73.54)**

62. 政府的特权是让每个人平等地享有言论和集会自由权。

63. 一个负责编写新的非商业组织法草案的工作组于 2016 年成立。目的是在 2016 年年底之前向议会提交该法的草案。2011 年 5 月 11 日第 125 号法律规定了良心、思想和宗教自由权。目前，在国家一级登记的宗教组织和派别(宗教群体和机构)约有 2,634 个。

64. “宗教”这个主题已经作为选修科目被编入小学、初中和高中课程。<sup>49</sup> 目前，正在审查法律框架，以便实施必要修订，使之与国际标准保持一致。

65. 作为在少数民族人士占居民多数的地区发放电台广播许可证的条件，要求电台广播和电视广播使用这些少数民族的语言(加告兹语、俄语、保加利亚语和乌克兰语)。<sup>50</sup>

66. 在 2015 年 3 月 5 日对现有的《视听法》作了修订，以确保大众媒体所有权的透明度。<sup>51</sup>

67. 目前正在推广一部新的《视听法》，<sup>52</sup> 以便改善言论自由状况。

**G. 妇女权利和家庭暴力(74.1、75.18、75.19、73.58、76.6、75.20、73.18、73.8、73.30、73.31、73.32、73.33、75.28、73.34)**

68. 防止和打击家庭暴力是国家家庭护理和支助政策的一部分。<sup>53</sup>

69. 在 2010-2015 年期间，执行了《两性平等国家计划》。根据这项计划的评估报告，起草了关于一个新方案的若干建议。目前正在编写该方案。

70. 《2014-2015 年确保选举程序遵守男女平等原则行动计划》于 2013 年 12 月 23 日获得批准。2013 年，编制了公共政策中的性别平等主流化指数。根据这份文件，在接受评估的 12 项政策和战略中，只有《国家预防和控制艾滋病毒/艾滋病和性传染疾病方案》强化了性别平等主流化。《保护儿童和家庭战略草案》和《教育部门分权战略草案》处于性别平等主流化的平均水平，接受分析的其余九项国家政策和战略处于性别平等主流化的初始水平，不过它们都或多或少地与性别有关联。

71. 第 71 号法律于 2016 年 4 月 14 日通过；<sup>54</sup> 该法规定男女参与政治决策和公共决策程序的比例要达到 40%；另外，该法还规定了陪产假制度。<sup>55</sup> 2015 年 6 月至 2016 年 7 月，执行了为大众媒体机构(印刷媒体、在线媒体、国家和地方电子媒体)提供支持以确保两性平等的方案。

72. 制订了新的《2016-2020 年摩尔多瓦共和国两性平等战略》。

73. 在防止和打击家庭暴力方面，<sup>56</sup>正在推动 11 部法律的修订和补充。<sup>57</sup>另外，正在起草防止和打击暴力侵害妇女和家庭暴力的战略。<sup>58</sup>
74. 为确保暴力行为受害者重返社会援助方案的执行和连续落实，每年从国家预算中拨付财政资源。<sup>59</sup>目前在摩尔多瓦共和国开办了八个临时安置和康复中心。<sup>60</sup>
75. 正在实施以对性别问题具有敏感认识的方式整合国家统计系统协调发展指标集合项目。
76. 援助网络已经扩展到摩尔多瓦共和国的德涅斯特河沿岸地区。<sup>61</sup>

#### H. 儿童权利和少年司法(75.21、73.11、73.21、73.23、73.49)

77. 2013 年 6 月 14 日第 140 号法律确立了保护和监测处于困境的儿童的法律框架。《处境危险的儿童和与父母分离的儿童特殊保护法》从 2014 年 1 月 1 日起生效，该法修正了监护当局的活动，赋予市镇长官和地区社会援助及家庭保护机构这方面的权力，规范关于处境危险儿童投诉的依职权通知程序和登记制度、身份授予以及安置与父母分离的儿童。《2014-2020 年儿童保护战略》在 2014 年 6 月 10 日获得批准。<sup>62</sup>在 2014 年 6 月为儿童开通了免费电话援助服务。<sup>63</sup>国家劳动稽查局自动信息系统从 2014 年 7 月开始运行，该系统是在以提高妇女就业能力从而增强她们的经济权能的背景下设计而成的。<sup>64</sup>
78. 在困难、有害和(或)危险情况下执行的新工作分类清单获得批准，禁止雇用不满十八岁的人。<sup>65</sup>这份清单禁止在农忙季节雇用在校学生(这是乡村地区的惯常做法)。<sup>66</sup>
79. 批准了为有子女的家庭提供社会支助服务的标准。<sup>67</sup>
80. 检察总署设立了一个负责未成年人和人权事务的专业分庭；在地区检察院，任命了专门处理儿童事务的检察官。<sup>68</sup>通过在国家司法学院不断接受培训，他们的工作效率得到提高。<sup>69</sup>
81. 在 2013 年至 2015 年，在八个检察院开设了配有相应用具的儿童聆讯室。编写了《办理犯罪受害儿童/儿童证人案件方法指南》<sup>70</sup>和《讯问儿童的人员指南》。<sup>71</sup>
82. 长期组织对工作人员的培训，提高对未成年人拘留条件的关注；<sup>72</sup>对未成年人采用个性化工作方法获得批准。<sup>73</sup>2014 年 5 月 29 日第 82 号法律修订了《强制执行法》，包括被拘押的未成年人在监狱服刑。所作的修订提到押送囚犯到监狱。禁止将未成年人转移到专门监狱以外的地方；未成年囚犯及其法律代理人可行使呈请权，倘若没有法律代理人，则由监狱管辖范围内的监护机构代为行使；作为纪律惩戒对未成年囚犯进行单独拘留的时间减少到最长三天，而先前规定最长为五天。

83. 确立了青少年缓刑程序。在 2015 年 12 月 3 日，对关于缓刑事宜的 2008 年 2 月 14 日第 8 号法律作了修订，对该法第 15<sup>2</sup> 条第(5)款的修订要求在每一个缓刑办公室至少设有一名专门负责青少年缓刑事宜的缓刑事务官。缓刑事务官接受处理此类事务的训练。另外，还修改了适用于未成年人的教育措施，纳入了新的教育措施，以便尊重儿童的权利并使他/她重返社会。还制订了替代监禁的可行办法。正在实施缓刑期间的未成年人重返社会的替代性教育方案。<sup>74</sup> 旨在加强青少年缓刑制度的第 123 号法律于 2016 年 6 月 2 日通过。

#### I. 贩运人口(73.12、73.41、73.37、73.17、73.36、73.38、73.39、73.40、75.25、75.26、73.42、75.30、75.29、73.50、75.31、75.40)

84. 2013 年 11 月 7 日的第 270 号法律明显增强了打击人口贩运的立法框架。<sup>75</sup> 《犯罪受害人康复法》于 2016 年 6 月 17 日通过。该法的受益人是人口贩运受害者和贩运儿童受害者。<sup>76</sup>

85. 网上团伙剥削儿童的手段增多，因此提高了保护未成年人免遭潜在犯罪分子侵害的水平。<sup>77</sup>

86. [www.antitraffic.gov.md](http://www.antitraffic.gov.md) 于 2013 启动。每年都要组织国家打击人口贩运运动。<sup>78</sup>

87. 七个援助和保护中心向人口贩运的受害人和潜在受害人提供专门服务，在国家查询系统范围内从国家预算中拨付经费。<sup>79</sup> 此外，于 2016 年 6 月开设了一个贩运儿童(7-18 岁)受害者和潜在受害者的应急安置中心，为他们提供社会和医疗援助服务，使他们能够重新融入家庭和社会生活。成立了信息和服务联合管理局，在摩尔多瓦共和国的 25 个地区开展工作。<sup>80</sup>

88. 在 2013 年开始实施教育机构雇员干预程序。该程序使教育机构雇员能够在虐待、忽视、剥削和贩运住校教育系统中的儿童的案件中施加干预。<sup>81</sup>

89. 摩尔多瓦共和国外交使团和领事馆参与加强同获认证国家的国家<sup>82</sup> 和国际机构订立合约，以期识别人口贩运受害者，确保从人口贩运风险高的国家——包括摩尔多瓦共和国未派驻外交使团的国家——遣返这些受害者。

#### J. 残疾人(73.19、75.13、73.51、75.14、75.22)

90. 已经设立了以下专门机构：国家残疾人权利委员会、国家保护儿童权利委员会以及其他被授权促进和保障残疾人权利的机构。为推动关于残疾人的保护和社会包容的可行机制，对负责判定残疾状况的机构进行了改革。<sup>83</sup>

91. 制订了规范许多类型的社会服务的组织及功能的规范性框架。<sup>84</sup> 目前，正在审查和识别必须由地方公共管理当局制定的社会服务供资机制。

92. 经修订的《保护处境困难儿童委员会条例》获得批准。<sup>85</sup>

93. 通过法律规定要求和确保残疾人享有获得公共服务和出入公共场所的平等机会和权利；<sup>86</sup> 令人遗憾的是，这些机会和权利落实缓慢。<sup>87</sup>

94. 目前正在推动规范残疾人法律行为能力的法律草案。为符合《联合国残疾人权利公约》第十二条的规定，该法律草案修改了残疾人法律行为能力的概念，使成年人和获得解放的人在自身能力、身体或心智能力衰退的情况下有可能获得保护，以便成立一个家庭委员会，它还规定有可能指定一个临时监护人以及在民事程序中为他/她代理的行为能力。编写了《2017-2022 年残疾人社会包容国家方案》，该方案将继续实施由《社会包容残疾人战略》启动的改革。

95. 与大众媒体合作，有系统地组织关于人权和残疾人重返社会机会的提高认识的运动，以便倡导解决残疾问题的最佳做法。<sup>88</sup>

#### K. 学习官方/国家语言的权利(73.9)

96. 与欧安组织少数民族事务高级专员、地方公共管理当局和摩尔多瓦欧洲培训师国家协会合作，为少数民族人士，特别是为说其他语言的成年人，举办推动官方语言和为成年人提供培训的活动。<sup>89</sup>

97. 实施了向摩尔多瓦共和国少数民族人士教授语言项目以及罗马尼亚语远程学习方案，<sup>90</sup> 后者的目的是让说其他语言<sup>91</sup> 的人在语言、社会、文化和职业方面实现融入。《改进少数民族人士就读的普通教育机构中罗马尼亚语水平国家方案(2016-2020 年)》<sup>92</sup> 获得批准。

98. 自 2016 年起实施了一个新项目——罗马尼亚语和加告兹语同步学习方案。该项目目的是让至少 150 名儿童(5-7 岁)和他们的家长同步学习罗马尼亚语和加告兹语(他们来自加告兹自治州的三个地区：Comrat、Ceadar-Lunga 和 Vulcanesti)。

#### L. 2009 年 4 月 7 日事件(73.13)

99. 2009 年 4 月 7 日事件之后，登记和审查了 108 起指控警察对示威者施加酷刑、惩罚或不人道和有辱人格的待遇的申诉；检察官在 31 起案件中依职权启动了调查。总共启动了 71 起刑事案件。<sup>93</sup> 在这 71 起案件中，有 28 起指控 47 名警察的案件最终定案并提交法院审判。<sup>94</sup> 内务部的 14 名雇员被暂时停职。<sup>95</sup> 在总共 71 起刑事案件中，28 起对 47 名警察提出刑事检控的案件通过起草起诉书并向法院提起公诉结案。一审法院在 27 宗案件中对 46 名警察作出了量刑，<sup>96</sup> 上诉法院对 67 人作出了 39 项裁决，<sup>97</sup> 最高法院通过了 31 项裁决。<sup>98</sup>

100. 启动了关于积极参加聚众扰乱秩序者<sup>99</sup> 的刑事案件。<sup>100</sup> 法院对 28 人作出了 19 项判决，<sup>101</sup> 还对 27 人宣告 17 项不可撤销的量刑。<sup>102</sup>

101. 为识别在事件中蒙受损害的平民和执法机关雇员，并为他们所受损害作出赔偿，成立了一个政府委员会；<sup>103</sup> 该委员会确认并赔偿了在 2009 年 4 月事件中蒙受损害的所有人员。

#### M. 摩尔多瓦共和国德涅斯特河沿岸地区(75.41、73.63)

102. 前联合国人权事务高级专员纳瓦尼特姆·皮莱夫人访问摩尔多瓦共和国(2011 年 11 月 1 日至 4 日)之后，前欧洲人权事务专员托马斯·哈马尔贝格先生编写了关于摩尔多瓦共和国德涅斯特河沿岸地区人权状况的报告，这份报告于 2013 年 2 月发布。在本报告所涉期间，由于非摩尔多瓦当局所能控制的原因，无法在基希讷乌与蒂拉斯波尔之间既有的对话平台内讨论哈马尔贝格在报告中提出的建议。不过，预计在下一份《国家人权行动计划》中确定执行上述建议的可能性。摩尔多瓦共和国德涅斯特河沿岸地区仍然是人权保护方面的一个巨大空白。在这种背景下，我们承诺以国际准则和承诺为基础，通过对话和相互谅解解决相关问题，以便对人权产生实际影响。

103. 2012 年 10 月 17 日，在瓦尼塔村开设了一个前摩尔多瓦人权中心办事处，此举增加了公益维护人办公室的雇员与德涅斯特河沿岸地区居民的交往，便于促进人权和对该地区居民进行法律培训。在德涅斯特河沿岸地区和蒂吉纳(本德尔)市，在社会中处于弱势地位的人现在可获得由国家保证的法律援助。按照这样的方式，形成了一个社会、经济和法律领域的优质服务体系，从而在包括德涅斯特河沿岸地区在内的整个国家确保人权受到保护。

104. 为确保接受教育和指导的权利，为德涅斯特河沿岸地区和蒂吉纳(本德尔)市教育机构的毕业生分配了符合预算的大学名额。

## 四. 国家优先事项和倡议

- 继续实现纳入《2016 至 2018 年政府行动方案》的各项目标；
- 制订一项全面的新《国家人权行动计划(2017-2020 年)》，以改善国际人权建议的监督机制；
- 建立一个协调《国家人权行动计划》及国际人权建议的执行和监测机制；
- 确定改善摩尔多瓦共和国德涅斯特河沿岸地区人权状况的办法；
- 有效实施《2011-2016 年司法部门改革战略》并落实其成果。制订一份新的政策文件，以确保司法改革的连续性；
- 为公益维护人机构(监察员办公室)有效活动而加强机构能力；根据威尼斯委员会 2015 年 7 月的意见和关于国家人权机构(A 类地位)的《巴黎原则》改进《监察员法》；

- 加强规范防止和消除歧视及确保平等委员会的活动和权限的规范性框架；
- (按照《禁止酷刑公约任择议定书》的规定)加强国家预防机制的功能；
- 制订具有深远影响而且协调有序的政策，以便预防和打击一切形式的暴力。创建一个为暴力行为受害者提供支助和监督保护法令执行情况的机制；
- 执行《国家罗姆人行动计划(2016-2020年)》；
- 确保线上线下的言论自由及个人资料保护；
- 制订机制以防止和打击对儿童的一切形式的剥削、虐待和暴力侵害；
- 加强中央和地方侦查新型网上人口贩运活动的的能力，从而防止和打击人口贩运活动；
- 改善欧洲人权法院裁决的执行程序；
- 倡导在国际层面增进和保护人权。

## 注

1. HRC resolutions 5/1 dated 18 June 2007 and 16/21 dated 25 March 2011, plus follow-up General Guidelines for the Preparation of Information under the Universal Periodic Review (A/HRC/DEC/17/119).
2. In force since 09.05.2014.
3. By the Law No. 164 of 31.07.2015 the Regulation on the organization and operation of the People's Advocate Office was approved.
4. The Action Plan in support of the Roma population of the RM for 2011-2015; National Programme for gender equality for 2010-2015 and the Action Plan for the implementation of the Programme for 2013-2015; Action Plan for the implementation of Justice Sector Reform Strategy for 2011-2016; Action Plan for 2011-2015 for the implementation of the National Strategy on Migration and Asylum (2011-2020); Visa Liberalization Action Plan (Chapter 2.4.3. Rights of citizens, including the protection of persons belonging to national minorities) that had a strong focus on human rights policies.
5. Consultations were attended by international experts; they examined provisions of conventions on migration ratified already by the RM, their compatibility with the national legislation.
6. The GD No. 1331 of 29.11.2007.
7. The GD No. 644 of 23.08.2013. In December 2015 IRB developed and submitted to the CERD Committee the Observations of the RM regarding individual opinion No. 57/2015 addressed to Mr. Belemvire, which was submitted to CERD Committee for examination on 21 April 2015. We would like to mention that this is the first case communicated to the Government since the recognition of the CERD authority by the RM.
8. The Law No. 312 of 26.12.2012, in force since 01.12.2013.
9. The Law No. 131 of 11.07.2014, in force since 10.02.2016.
10. The Law No. 125 of 31.05.2012, in force since 13.07.2012.
11. By the Law No. 298 of 21.12.2012 the Regulation on the activity of the Council on the prevention and elimination of discrimination and ensuring equality, this becoming functional since October 2013.
12. During the period 2013-2015, the Council registered 348 complaints and the members of the Council have initiated 17 cases ex officio. Having examined the cases, the Council adopted 230 decisions of which 103 decisions established discrimination and 45 decisions – did not establish discrimination and 81 decisions of inadmissibility. During the same period, the Council concluded 32 reports on

discovered administrative offences and issued a number of recommendations to prevent and eliminate discrimination in future on behalf of the respondents. At the same time, the Council reviewed 28 regulations in force from the perspective of compliance with non-discrimination standards and issued 48 advisory opinions with regard to the compliance of draft normative acts with the non-discrimination standards. During the reporting period, the Council organized and carried out public awareness campaigns, having organized in this sense 109 trainings with the participation of 2192 persons.

13. The Law No. 306 of 26.12.2012 has incriminated the contraventions and some discriminatory facts, introduced amendments and supplements to the CC, CPC, and Contravention Code and to a number of special laws.
14. An eloquent example of judiciary practice is the Decision of Rascani Court of Justice of Chisinau mun. that obliged the owner of the mdn.md to eliminate the black list of public officials and protectors of LGBT persons' rights from its webpage.
15. The Code of Ethics of the broadcasters was amended by Decision of the CCA No. 197 of 23.12.2014, which has included the gender equality. The media monitoring methodology was amended with the gender equality/dimension. For instance, the monitoring reports of electoral campaign of the broadcasters during 2014 parliamentary elections and 2015 general local elections monitored the gender inclusion (masculine/feminine) in the social-political, equidistance and objectivity component. [http://www.cnajgs.md/uploads/asset/file/ro/419/Manual\\_Anti-Discriminare\\_pentru\\_Judecatori.pdf](http://www.cnajgs.md/uploads/asset/file/ro/419/Manual_Anti-Discriminare_pentru_Judecatori.pdf)
16. In 2015 the NIJ trained 470 persons from all districts of the republic, including: 2 seminars in prevention and combating racial discrimination and intolerance - 30 judges and 30 prosecutors; 10 seminars in preventing and combating gender-based discrimination – 150 judges and 150 prosecutors; 3 seminars in the protection of migrants against discrimination - 25 judges, 25 prosecutors and 20 criminal investigators of the police.
17. The draft defines clearly, fully and insusceptible of interpretations the facts motivated by the pre-trial.
18. Events: the 12<sup>th</sup> edition of the Rainbow over Nistru Festival of the LGBT community organized by the NGO GenderDoc-M (February 2013) and first LGBT Marche on 19.05.2013, organized on the International Day against Homophobia and Transphobia with the participation of the Commissioner for Enlargement and European Neighborhood Policy, Mr. Stefan Fule.
19. The Action Plan of the Government for 2013-2014, approved by the GD No.125 of 30 May 2013; the Action Plan of the Government for 2015-2018, Action Plan of the Government of the Republic of Moldova for 2016-2018 approved by Parliament Decision No. 01 of 20 January 2016; National Human Rights Action Plan for 2011-2014; National Action Plan for the implementation of the RM-EU Association Agreement for 2014-2016, approved by GD No. 808 of 7 October 2014; National Cultural Development Strategy 'Culture-2020' approved by GD No.271 of 9 April 2014, etc.
20. The main laws that regulate the rights of persons belonging to national minorities include the Constitution, Law No. 3456-XI on languages spoken in the Republic of Moldova of 01.09.1989, Law No. 382-XV on the rights of persons belonging to national minorities and the legal status of their organization of 19.06.2001, Law No. 546-XV on the approval of the National Policy Concept of the Republic of Moldova of 19.12.2003, Law No. 344-XIII on special legal status of Gagauzia (Gagauz-Yeri) of 23.12.1994. 2. Laws that regulate the rights of persons belonging to national minorities in different fields include: Law on the procedure to publish and entering into force of official acts (No.173-XIII of 06.07.1994), Law on the rights of the child (No. 338-XIII of 15.12.1994); Law on identity documents in the national passport system (No. 273-XIII of 09.11.1994); Law on the judiciary (No.514-XIII of 06.07.1995); Law on publicity (No. 1227-XIII of 27.06.1997); Law on Culture (No. 413-XIV of 27.05.1999); Law on citizenship (No. 1024-XIV of 02.06. 2000); Law on access to information (No. 982-XIV of 11.05.2000); the Audio-visual Code of the Republic of Moldova (No. 260-XVI of 27.07.2006); Law on freedom of conscience, thought and religion (No. 125-XVI of 11.05.2007); Law on ensuring equality (No. 121 of 25.05.2012), Education Code (No. 152 of 17.07.2014), etc. 3) Decrees of the President and GDs on ensuring cultural development of minorities (*Ukrainians, Russians, Bulgarians, Roma, Jews*).
21. In 2014-2015, IRB in cooperation with ethno-cultural organizations organized about 450 actions, including fine arts and craftsmanship exhibitions, book launches, commemoration and celebration evenings, festivals, promotion of national traditions and habits, conferences, roundtables, seminars, concerts, shows, competitions, national holidays, etc. The financial support of these IRB activities accounted to about MDL 394 thousand in 2014.
22. Approved by the GD No. 494 of 08 July 2011 and amended by the GD No. 56 of 31 January 2012. Local public administration authorities developed local sectorial plans, organized awareness

campaigns of public opinion towards the spiritual values of the Roma, combating the discrimination of Roma and promotion of cultural diversity, non-government organizations of Roma were supported and cultural diversity were promoted in the RM, cultural events were organized to celebrate the International Day of Roma People.

24. The GD No. 557 of 17.07.2013 on the approval of the Framework-Regulation on the activity of community mediators.
25. A framework of assistance in optimizing the requests for social, medical, education, civil papers, etc. assistance, distributed to leaders of Roma association, as well as population in communities densely populated by Romani.
26. The curricula for schools teaching in mother's and official language are developed annually, as well as curricula for studying the mother language as a subject.
27. The Russian schools are traditionally attended by persons belonging to national minorities: 262 gymnasiums and lyceums/high schools, Russian schools where Ukrainian, Gagauzian, Bulgarian languages are studied as subject 3 times a week and a new subject – History, culture and traditions of Russians, Ukrainians, Gagauzians, Bulgarians - once a week; experimental gymnasiums and lyceums/high schools where the primary and secondary education is delivered in mother language: Ukrainian and Bulgarian.
28. The GD No. 904.
29. The GD No. 410 of 4 April 2003.
30. The Law No.169 of 9 July 2010.
31. The GD No. 523 of 11 July 2011.
32. In the academic year 2014-2015, 35 pre-school education institutions had registered 2,127 children with disabilities, pre-university institution – about 8,564 children with special needs in education. Also, 17 schools for children with deficiencies in intellectual or physical development have registered 1,000 children with disabilities, and about 780 children are home schooled. In the academic year 2014–2015, the secondary professional education accounted for about 167 children with physical and sensor disabilities. There is a tendency to integrate the children with disabilities in high education institution, hence, 278 young people with severe or accentuated disability were enrolled in 20 high education institutions in the academic period 2013–2016.
33. Created based on the GD. 732 of 16.09.2013.
34. The GD No.234 of 25 February 2005 on meals provided by schools; GD No.198 of 16 April 1993 on the protection of socially vulnerable children and families; Order of the Minister of Education No.1277 of 30 December 2014 on financial means for children's meals in education institutions.
35. Approved by the Parliament Decision No. 6 of 16 February 2012. According to statistics, 378 of total 487 actions are considered achieved, this accounting for 77.6% of the total to be implemented.
36. In 2012-2015 the legal professionals and judges benefited from training in information technology application. By Decision No. 165/6 of 18.02.2014, the Regulation on establishing single national complexity levels of civil, criminal and contravention cases was approved, which include also the List of complexity levels.
37. The Law No. 233 of 10.12.2015 on amending and supplementing Article 19 of the Law No. 544-XIII of 20 July 1995 on the status of judges; the Law No. 177 of 25.07.2014 on amending and supplementing some legislative acts; the Law No. 153 of 05.07.2012 on amending and supplementing some legislative acts.
38. In force since 01.08.2016.
39. According to public opinion polls carried out by the Institute for Public Policy, there was registered an increase of confidence of citizens within the MIA in 2013 from 23.7% in May to 31.3% in December.
40. The Law No. 69 of 14.04.2016 on the organization of notary activity; the Law No. 137 of 3 July 2015 on mediation; the Law No. 264 of 11.12.2008 on the status, authorization and organization of the activity of interpreters and translators in the justice sector; the Law No. 161 of 18.07.2014 on authorized administrators; the Law No. 68 of 14.04.2016 on judiciary expertize and status of judiciary experts.
41. According to statistics, in 2015 there were registered more sentences convicting State agents to imprisonment with real serving time of sentence.
42. Approved by the Order of General Prosecutor No.76/08 of 30.12.2013, it is a methodological guide addressed to prosecutors who investigate torture, leading to reduced delays by observing reasonable investigation terms, unifies the investigative practice of criminal case of ill-treatment.
43. The Regulation was approved by joint Order of the General Prosecutor, Minister of Justice, Minister



- of Health, Minister of Internal Affairs, Director of National Anticorruption Centre and Director of Customs Service, and published in the Official Monitor No.147-151 of 06.06.2014, in force since 07.07.2014. The Regulation institutes clear, express, and diligent mechanisms to identify, register, report and examine the complaints on torture, IDT, as well as the possibility of the prosecutors to act rapidly in such cases. Current statistics data prove that polices promoted lately have had a positive impact in diminishing the number of torture cases. If the number of complaints on ill-treatment has not changed, then the cases of torture have shown a sharp reduction: from 130 complaints in 2013 to 88 in 2014 (which is a difference of 32.4%), a trend that practically have been registered in 2015 too when the number dropped from 88 to 40 complaints, (in per cent – by 54.5% less).
44. 600 video cameras in prisons, 44 video cameras in the police inspectorates, including in questioning rooms for hearings.
  45. Allocated financial means are used for capital and current reparations, medical assistance services, meals to detainees and ensure the detainees with household products.
  46. The GD No. 716 of 28.08.2014 on the approval of the Regulation on the Register of detained, arrested and convicted persons (joint one for DPI, GPI, MIA and NAC).
  47. By the Law No. 138 of 31.12.2015 on amending and supplementing some legislative acts.
  48. The monitoring is provided through bracelets and transmitters, which notify through *GPS technologies, via a mobile, land line the monitoring center about the violation of allowed perimeter. The number of violation of probation cases will be decreased by 30% by 2018. About 100 persons were monitored in the first year. Their number will gradually increase to 500 by 2018.*
  49. The GD No. 596 of 02.07.2010. The groups in primary grades are formed based on applications of parents or legal guardians of pupils, in secondary and high school – based on applications of children. The subject is taught based on Curriculum developed in two options: one for Orthodox and Roman-Catholic religion and other for Evangelistic and Seventh Day Adventist religion. The children who belong to different religious cults do not attend these classes.
  50. To ensure freedom of expression, the cable television in small localities include between 25-30 channels and over 100-130 channels – in case of larger distributors. Due to steep progress of electronic communications and information technologies, the number of broadcasted/re-transmitted channels is growing, especially the channels in Russian language. The share of Russian channels in the informational space in the RM is 75-80%. Most radiobroadcasters who hold broadcasting licenses broadcast daily newsletters, analytical and information and entertainment shows in Russian language, ensuring persons belonging to national minorities with free and unfettered access to information. *The competition to select draft audio-visual programmes* takes places since 2013 to allocate financial resources for production of projects on/about/with and in languages of national minorities (Russian, Romanian, Bulgarian, Gagauzian) from the Fund for Radiobroadcaster Support.
  51. The Law was published on 1 May 2015 and is in force since 1 November 2015. The Law reduced from 5 to 2 the number of licenses held by a radiobroadcaster in the same administrative-territorial unit. The declarations of private radiobroadcasters are examined during public session, published on the CCA webpage and contain information on owner/final beneficiary of each TV or radio channel.
  52. The draft of the Audio-visual Code was voted in the Parliament in the first reading on 1 July 2016.
  53. Awareness campaigns on violence against women are organized every year: 2013 campaign - 16 days of actions against gender violence with the message 'Indifference makes you an accomplice to violence!', the 2014 slogan was 'Live your life without violence', the 2015 message was 'Life with no domestic violence'. For the first time in 2014 the State budget allocated financial resources to organize the campaign. The campaigns include different activities: seminars and awareness campaigns within high education institutions, local and national flash mobs, TV and radio shows, press conferences with the participation of State officials, etc. These are covering the entire territory of the republic engaging local and central public authorities and civil society.
  54. A draft that introduced amendments to 17 legislative acts. Law on Government – ministries/deputy ministries, Electoral Code – collection of information desegregated by sex and political party registration by observing the principle of gender equality, Law on ensuring equal chances between women and men and Law on political parties – their obligation to contribute to gender equality and equal chances between men and women. The following were modified: Law on media, Law on publicity, Audio-visual Code to oblige periodical publications and press agents to use non-sexist language and to present the images of women and men in the light of equal rights in public and private life, to include the criteria of inadequate publications and to define the sexist publications.
  55. For 14 calendar days, the objective to conciliate the family and professional lives was implemented to ensure a harmonious growth and development of the child in accordance with the Strategy for the

- protection of child and family for 2014-2020.
56. Was approved by the Government on 27.04.2016.
  57. The draft modified the definitions: domestic violence, moral prejudice and aggressor/perpetuator, as well as includes new definitions 'crises/critical situations', 'urgent restraining order'. The new inclusion of 'urgent restraining order' as temporary protection measure for the victim, has the purpose to improve the protection mechanism applied by the police for up to 10 days. According to this, the aggressor/perpetuator is removed immediately from the family by setting interdictions to prevent the repetition/commission of violent actions. The inclusion of new contravention 'persecution acts' is promoted – repeated persecution of a person causing anxiety, fear for own safety or safety of close family, forcing the person to change its lifestyle. It is suggested to extend the circle of subjects in the Criminal Code (family member) to include life partners, parents and children, relatives and in-laws who live together or separately and to extend the range of rights to victims of domestic violence.
  58. The goal of the Strategy – ensure a systemic approach towards violence against women, including towards domestic violence and ensure an efficient response of law-enforcement agencies in cases of violence, focused on the four pillars of Istanbul Convention: Prevention, Protection, Punishment and Integrated Policies. The Strategy's focus is to inform about the seriousness of phenomenon, zero tolerance against all forms of violence, combating stereotypes and gender prejudice, enhancing legal and normative framework in accordance with international standards.
  59. Unfortunately, the criminal situation indicates the increase in cases of domestic violence, including resulting in serious consequences or death of the victim. Methodological recommendations on the implementation of legislation in combating domestic violence with permanent title to ensure trainings on quick and effective action at the initial phase of violent manifestations were developed.
  60. The centers provide psychological services, social and medical assistance, as well as legal assistance to victims of domestic violence: 7 are funded from the State budget through local state budget and 1 center is funded by a NGO: Maternal Centre 'Pro Familia' in Causeni; Centre for Assistance and Protection of Victims and Potential Victims of Human Trafficking, Causeni; Maternal Centre 'Pro Femina' in Hincesti; Maternal Centre in Cahul; Family Crisis Centre 'Sotis' in Balti; Maternal Centre 'Ariadna' in Drochia; Centre for Assistance and Protection of Victims and Potential Victims of Human Trafficking in Chisinau; AO Centre 'Casa Marioarei' in Chisinau municipality.
  61. The first service (social apartment) for victims of domestic violence with a capacity of 3-5 couples mother-child was launched in March 2015 in Bender town. It provides the same range of services as on the Right Bank of the River Nistru. All projects were implemented with the support of foreign partners and civil society. In 2013 – 2015 the service networking in Transnistria region assisted 692 beneficiaries, of which 362 victims of domestic violence. At the same time, the hotline was launched for victims of domestic violence, which assisted 4,139 cases in the same period.
  62. The GD No. 434. The document includes a set of long-term priorities and policies meant to solve issues faced by the family and the child as response to challenges of the RM to migration phenomenon, economic situation and factors resulted from advanced technologies.
  63. The service is available at a national number and is free, 24/24, confidential and anonymous, and provides psychological counselling to children, parents and/or their caretaker, facilitates the access to child protection system.
  64. The system includes data on controls carried out by the SLI at different units, number and nature of violations discovered and has to be integrated into the portal of the Electronic Governance Centre (E-Government). The system has a separated component that allows monitoring and use of data on labor law violation with regard to minors.
  65. The GD No. 541 of 07.07.2014.
  66. The Order of the Ministry of Education No. 393 of 29 September 2014.
  67. The GD No. 780 of 25.09.2014, represents a monthly or lump sum financial support for a determined period of time but not longer than 6 months to care for the child and/or enroll the child in the educational process provided to the parents or *de facto* caretaker of the child.
  68. Statistics show a positive impact of juvenile justice reform on the criminal proceedings in cases with children. In 2010 – 2014 the following statistics were registered regarding holding and arresting minors: 2010 – 44/43; 2011 – 40/25; 2012 – 59/43; 2013 – 35/24; 2014 – 18/13, 2015 – 41/31.
  69. Currently, criminal proceedings in criminal cases with minors are being closed in the proportion of 95-98% within a month. The term of criminal case examination in court is already different; sometimes the sentences are delivered in the pre-trial and other times by extending the examination of such cases up to 3-6 months. This delay is determined by the absence of the culprits, injured parties, witnesses, defenders, etc., overloaded schedule of the judges (in case of postponement, appoint the

criminal case in a month or even longer). The alternative measures to serving a sentence are applied in over 50% of cases that involve children suspected of committing a crime. The reconciliation, release from criminal liability and constraint measures for educational purposes are most often applied.

70. Approved by Order of General Prosecutor No.25/25 of 03.08.2015 and decision of the Superior Council of Magistracy No.619/25 of 02.09.2015.
71. The methodological Guide for lawyers specialized in providing State guaranteed legal aid in cases with minors was developed. The training courses: 'Applying procedural measures of constraint and preventive measures. Extending the application of alternative measures to detention for detained minors' are provided by the NIJ.
72. The educational process of minor inmates is differentiated, in accordance with an individual educational intervention plan and is carried by taking into account the individual particularities of the inmate (based on complex evaluation and behavior analysis), using individual or group psycho-pedagogical methods. The individual disciplinary liability which implies disciplinary isolation of the minor is applied only as an exceptional measure, if he/she committed repeatedly, intentionally irregularities that may significantly make disorder or breach the safety of the prison, own life or health or life and health of other persons.
73. Order of the Director of the Department for Penitentiary Institutions No.116 of 08 May 2013.
74. The Action Plan of the National Probation Inspectorate for 2016, para. 2.1. The preventive actions are implemented based on cooperation agreements/memorandums of understanding signed with public and private organizations. For instance: Agreement with General Inspectorate of Police (No.4 of 09.12.2014) Chapter III Responsibilities of parties para. f) *to ensure the participation of the probation councilor for minors and a representative of the Inspectorate of Police in classes organized for the prevention of the crime phenomenon among delinquent children in education institutions to prevent new crimes.*
75. The Law defines clearly the difference between forced labor and THB for exploitation, pimping and THB for sexual exploitation. The sanctions for trafficking in children, pimping and begging, THB by public and international officials were tightened; the beneficiaries of THB services were punished, organ trafficking and publicity for selling and procurement of organs became an offence. The amendments resulted in signing the European Convention on the Fight against Trafficking in Human Organs on 25.03.2015.
76. To draft a public policy that ensures the right of the victim to compensation guaranteed by the State, in 2013, at the initiative of Standing Secretariat of the NTHBC, the Study 'Rights, Reinstatement and Resolution: compensation of victims of human trafficking in the Republic of Moldova' has been developed with the purpose to examine the legal framework in view of compensation provided to people who suffered from these experiences. The Study examined the subject in the view of access to compensation for severe violation of human rights, such as trafficking being essential for any strategy that intends to prevent and protect efficiently the victims.
77. The Law No. 121 of 02.06.2016 on the amendment of Article 175<sup>1</sup> of the Criminal Code of the Republic of Moldova No. 985-XV of 18 April 2002.
78. 2013 – National Campaign 'Anti-trafficking week'; 29-30 September 2015 Regional Conference: 'Ten years of the Council of Europe Convention on Action against Trafficking in Human Beings: Results and Perspectives in Eastern Europe (Belarus, Republic of Moldova and Ukraine)'; 1 October 2015 Roundtable entitled 'Presentation of experience of the Republic of Moldova in the repatriation process of victims of human trafficking (adults and children), unaccompanied children and migrants in difficulty, beneficiaries of the National Referral System to specialists from Ukraine'. The prevention is ensured through the medialization (as far as possible) of investigated case files on prevention and action against THB. Measures to enhance the professional level of investigating officers and prosecutors in cases of THB are being undertaken, training courses in cooperation with national and international NGOs are organized.
79. National Referral System (NRS), approved by the Parliament Decision No.257 of 30.12.2008 (for years 2009-2016), for protection and assistance to victims and potential victims of human trafficking – is the special framework to cooperate and coordinate the efforts of State institutions in strategic partnership with civil society, as well as with other active players in this field, to ensure the protection of human rights, victims and potential victims of human trafficking (hereinafter referred to THB). This working methodology has been implemented in the RM since 2006 and has the goal to reinstate and rehabilitate human rights.
80. The GD No. 661 of 30.08.2013. Through JBIS – the service providers contribute to changing the

attitude of the beneficiaries toward the manner of settling difficult situations and direct the beneficiaries to employment, business launching, professional development, the issued being resolved in a short period of time through common actions of different service providers by offering different solutions. Public service providers, members of the JBIS are territorial social assistance offices, agricultural divisions, economy and capital investments, territorial employment office, territorial labor inspections, land and cadaster relations services, territorial social insurance offices, territorial tax service, legal aid, territorial medical insurance agencies or family doctors, civil offices, territorial civil protection and exceptional situations offices, ecology inspection, department of education, youth and sport.

81. The Order of the Minister of Education No. 77 of 22.02.2013.
82. The GD No. 65 of 23.01.2013. There have been hired social assistants and psycho-pedagogues within the teams of experts, new criteria to determine the disability and ability to work were developed and approved.
83. National Council for the rights of persons with disabilities and national councils for the protection of human rights, rights of children, gender equality, etc.
84. Social service 'communitarian house' (the GD No.885 of 28.12.2015, provides permanent care to persons with disabilities and strengthens self-service and social skills; the persons benefit from accommodation, protection and supervision of health status, medical assistance and permanent care and support. There are 12 services in the republic covering 81 beneficiaries); Social service 'personal assistance' for children and adults with severe disabilities (the GD No. 314 of 23.05.2012, provides assistance so they can live independently in their own house and in the community. In total, about 1,895 personal assistants have been employed and activate currently); Specialized social service 'Respiro' (the GD No. 413 of 14.06.2012 provides assistance 24 hours to persons with severe disabilities for maximum 30 days a year, time when the families, relatives or persons who take care of them benefit from a break. There are 5 Respiro services in the republic for 177 beneficiaries/year); Social service 'Foster family for adults' (the GD No. 75 of 03.02.2014, provides assistance and care to beneficiaries in the family of family assistant. There are currently 40 services in the republic); sign language interpretation service for persons with hearing impairment (deaf or/and speech impaired persons) and representatives of different authorities in the situations when they need an interpreter to exercise their rights and obligations (the GD No. 333 of 14.05.2014). The specialized social service 'mobile team' continues to be rendered. It is provided to persons with average or severe disabilities (especially children with disabilities). The social assistance is provided at the residence of the beneficiary based on his/her identified needs and counselling and support to persons who take care of him/her to increase this person's social independence and integrity. Currently, 19 mobile teams provide services to about 518 persons with disabilities, including children with disabilities.
85. The GD No. 7 of 20.01.2016. Compared to the moment of launching in 2009, in 2015 the number of cases reviewed and meetings held annually by the Committees grew by about 6 times and the results of the activity of Committees denote the need to continue the process of development, diversification and growth of quality of services addressed to families with children in difficulty and implementation at the national level of inclusive education programs.
86. The construction companies will ensure the accessibility to persons with disability when designing buildings, the transport companies will adapt the vehicles to be used by persons with disabilities, State and private companies have to reserve and mark accordingly at least 4% of parking lots for vehicles driven by persons with disabilities using the international signs. All public and private institutions have to ensure an accessible infrastructure to persons with disabilities, including in such sectors as culture, tourism, sport, divertissement, housing, etc.
87. To ensure full civil and political rights to persons with disabilities, perforated files, special information materials were prepared for the 2014 parliamentary elections, in accordance with the CEC Guideline No. 3019 of 24.11.2014. At the 2015 general local elections, this voting procedure was extended to all 1,977 polling stations. On 26.01.2016, the Regulation on accessibility of electoral process to persons with disability was approved by Decision No. 4463. It was developed with the support of development partners.
88. The Action Plan dedicated to the International Day of Persons with Disabilities (3 December) is developed and implemented with the participation of PLAs, international agencies and civil society every year (fairs to sell goods manufactured by persons with disabilities, press conferences, roundtables). During the Human Rights Watch Film Festival organized annually, the movie theatres show films about and with persons with disabilities.
89. ANTEM has become an active promoter of studying the official language by foreigners, professional,

competent and responsible approach to integrate the persons belonging to national minorities by cultivating the communication skills. ANTEM perseverates in opening the dialogue and intercultural and interethnic communication by providing services to study the official language to different categories of beneficiaries.

90. In 2015 the programme had about 300 beneficiaries (including students, school managers, young specialists, young mothers, persons with disabilities) in 9 localities of the R. Moldova.
91. In 2008-2015, about 5000 public officials, doctors, professors, employees in economy, policemen, etc. benefited of training courses for studying Romanian languages organized by ANTEM.
92. The GD No. 904 of 31 December 2015.
93. 42 – torture, 19 – misuse of power and excess of duties, 10 – other crimes.
94. In other cases, the criminal proceedings were stopped due to lack of constitutive elements of crimes, or were suspended because it was not possible to identify the persons who acted illegally, because their heads were covered with hoodies.
95. This procedural measure of constraint is applied to 9 defendants, because when its application was appealed, the court satisfied the complaints of 5 accused.
96. 8 sentences with regard to 16 policemen; 2 sentences to discontinue with regard to 3 policemen; 17 acquittals with regard to 27 policemen.
97. 18 convictions with regard to 34 persons (hence, 3 acquittals were overturned); 4 decisions to suspend criminal proceedings against 7 persons, including one sentence against one person due to the death of offender; 16 decisions to deny appeals to 24 persons, by maintaining the sentences of the courts of first instances; one decision regarding 2 persons to return the case to the court of first instance for re-adjudication.
98. 14 decisions with regard to 26 persons to admit ordinary appeals and return the cases to court of appeal for re-adjudication; 3 decisions with regard to 7 persons to admit the appeals, overturn the decisions and adopt new decisions; 14 decisions with regard to 19 persons to reject the appeals and maintain the decisions of the Court of Appeal.
99. Accompanied by the destruction of buildings housing the Parliament and the President (art.285 CC), committing hooliganism (art.287 CC), and open subtraction of goods from these premises – theft (art.187 CC).
100. Initiated – 102 criminal cases; sent to court – 31 criminal cases with regard to 43 persons; criminal proceedings suspended in 3 criminal cases with regard to 6 persons which get away from the prosecution (4 are minors); criminal proceedings stopped in 68 criminal cases with regard to 178 persons, including due to reconciliation of the accused with the representative of the State.
101. Convictions in 9 criminal cases with regard to 14 persons; acquittals – 1 criminal case with regard to 1 person; the criminal proceedings stopped in 9 cases with regard to 13 persons.
102. 7 conviction sentences with regard to 11 persons (based on a sentence – one person was fined, and in the rest of the cases, the conditional suspension of penalty was applied).
103. The GD No. 67 of 2 February 2012.