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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional Working Group
3-7 December 2001

**List of issues to be taken up in connection with the consideration of the
initial report of the Republic of Moldova on articles 1 to 15 of the
International Covenant on Economic, Social and Cultural Rights
(E/1990/5/Add.52)**

GE.01-46557 (E)

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

A. Information of a general nature

1. Please provide updated information on the status of Transnistria within the State party.
2. According to reliable information the transition from a State-controlled economy to a market economy has been marred and beset by many problems, including weak institutions, an unreliable and inefficient judiciary and corruption. Please state whether these obstacles have been overcome.
3. Describe the size of the so-called shadow economy operating within the national economy.
4. Does the State party still suffer from acute energy shortages?

B. General legal framework

5. Bearing in mind that the Constitution of the State party recognizes the supremacy of the international human rights instruments that have been ratified over domestic legislation and that the Supreme Court of Justice has ruled that when there is a conflict between binding international human rights treaties and domestic law the former has precedence, please describe any case law on economic, social and cultural rights as contained in the Covenant.
6. Are the economic, social and cultural rights contained in the Covenant fully reflected in the Constitution or the national legislation?
7. Please explain why a number of ILO conventions, including Convention No. 2 on unemployment, Convention 102 on social security, Convention No. 118 on equality of treatment, Convention 160 on labour statistics, Convention No. 174 on the prevention of major industrial accidents and Convention No. 182 on the worst forms of child labour, have not been ratified yet? Please also indicate when these core conventions will be ratified.
8. Please provide additional information on whether the three ombudsmen appointed by parliament under the Law on Ombudsmen have dealt with economic, social and cultural rights and cite concrete examples.
9. Please provide additional information on the mandate and achievements of the national Commission responsible for social issues. Since this Commission coordinates the efforts to educate the public and the various governmental officials in human rights, do these efforts include education on economic, social and cultural rights as well?

10. Please provide information on whether the State party takes into consideration its obligations under the Covenant when it enters into negotiations with international financial institutions.

11. Has the State party adopted a national plan of action for the promotion and protection of human rights including economic, social and cultural rights?

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2 - Non-discrimination

12. Please provide updated information on the status of ethnic minorities, in particular the Gagauz, Bulgarian, Russian and Roma people, under Moldavian legislation. To what extent are these ethnic minorities' languages recognized by the State party?

13. Do aliens and stateless persons enjoy all basic human rights and, in particular, economic, social and cultural rights?

Article 3 - Equal rights of men and women

14. According to the concluding observations adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), in June 2000, there is no overall integrated policy for the achievement of gender equality and stereotypical attitudes and behaviours concerning the roles of women still persist. Are these discriminatory practices against women being addressed?

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT (arts. 1-5)

Articles 6 and 7 - The right to work and to just and favourable conditions of work

15. Please provide updated information on unemployment in the State party and describe the measures the State party is taking to address this problem.

16. With women receiving 30-40 per cent less wages than men, what measures have been taken by the State party to address or remove disparities between the wages of men and women with a view to guaranteeing equal pay for work of equal value?

17. Please provide updated information on the phenomenon of "forced labour" in the State party and explain why it is a common practice in social rehabilitation institutions for alcoholics and drug addicts. Please provide information on the measures undertaken by the State party, including changes to and review of its laws and practices, with a view to eradicating this problem.

18. Please provide information on the number of industrial accidents and the laws concerning this question. What measures has the State party undertaken to prevent such accidents?

Article 8 - Trade union rights

19. Please provide updated information on the exercise of the right to form and join a trade union.

20. Please provide updated information on the right to strike and which groups of workers are denied this right.

Article 9 - Right to social security

21. Please provide updated information on the current pension scheme and explain what is meant by “pay-as-you-go”.

22. Please provide information on social security for the elderly, the unemployed and disabled persons, as well as on work accidents and work-related illness.

Article 10 - Protection of the family and of mothers and children

23. CEDAW expressed its concern about the increase in trafficking in women and girls for, inter alia, sexual exploitation. What measures have been undertaken to deal with this growing problem? When will the new law criminalizing trafficking in women and girls come into effect?

24. Please provide information on the extent of domestic violence. Why is there no specific legislation addressing the problem?

25. Please explain why marital rape is not considered a crime. What measures, legislative or otherwise, does the State party plan to take to criminalize it?

26. Please describe the extent of child abuse and what measures the State party has undertaken to combat it.

27. Please provide information on the homeless children who live on the streets and on the measures the State party has undertaken to deal with this phenomenon.

28. Conditions in the State party’s institutions for orphans and children with disabilities have been described as inhuman. How does the State party intend to deal with this alarming problem?

Article 11 - Right to an adequate standard of living

29. The State party’s own statistics indicate that 80 per cent of the population live below the poverty line with 65 per cent of the poorest living in rural areas. What does the State party intend to do to deal with this alarming situation and, in particular, does it intend to raise the minimum wage?

30. The national economy in the State party remains dependent on agriculture where poverty is higher than the national average. Please indicate what plans of action are being contemplated to alleviate extreme poverty in rural areas.

Article 12 - Right to physical and mental health

31. What measures are being contemplated to deal with the high infant mortality rate and the high maternal mortality rate?

32. Please provide updated information on women's sexual and reproductive health. Why do women still resort to abortion as a means of birth control?

33. Please provide updated information on the availability and affordability of medicines.

34. Please provide information on the extent of tuberculosis in the State party and the measures taken to combat it.

35. Please provide information on drug addiction, sexually transmitted diseases and HIV/AIDS and what measures, if any, are being taken to address these health problems.

36. Please provide updated information on the condition of hospitals in the country.

Articles 13 and 14 - Right to education

37. Please provide updated information on the budgetary allocations for primary and secondary education.

38. Please explain why many children do not have access to free and compulsory primary and secondary education, as called for by article 13 of the Covenant. What measures are being envisioned to assist families which cannot afford to provide their children with the means to attend school?

Article 15 - Right to take part in cultural life and to enjoy the benefits of scientific progress and its applications

39. Please provide information on the practical everyday use of minority languages, for example whether they are used in newspapers and on radio and television.
