

# ENSURING HUMAN RIGHTS ARE A REALITY FOR EVERYONE

## THE ISSUE:

Effective protection of human rights requires functioning systems, including strong justice mechanisms and key services in communities. Lack of enforcement, legacies of problematic approaches – such as excessive reliance on institutionalization – as well as missing key social, medical and legal services, continues to give rise to human rights protection gaps. These problems are particularly pronounced in rural areas, as well as in the Transnistrian region. Impunity for human rights abuse exacerbates these issues, as does corruption. In the recent period, key policies have been adopted, and new institutions such as the Council for Preventing and Combatting Discrimination and Ensuring Equality have been established. The legal basis for Moldova's National Human Rights Institution was amended in 2014, providing promising possibilities for reform of the institution. A Child and Family Protection strategy has been approved. A major Justice Sector Reform is in progress. Strong normative commitments have been made – and in some cases acted upon – to transform human rights protection systems, including recent commitments to move to community-based services and away from reliance on large institutions.

Nevertheless, the quantum leap in terms of major transformation in a number of areas remains ahead. Also, impact in practice – although positive in some areas (child deinstitutionalization, inclusive education), remains troubled in other areas (representation of women and minorities in public life, rights of persons with disabilities), and in need of further work across-the-board. Minorities express concern at exclusion and negative developments.

## KEY FIGURES:

- Number of children in institutions reduced from 12,000 (2006) to less than 4000. However, deinstitutionalization of children with disabilities is weak.
- 1323 court protection orders for victims of domestic violence issued since 2010, including 448 in 2013 and 205 in the first semester of 2014.
- 45 remedy decisions by Equality Council in individual cases, with 5 decisions implemented and 1 appealed against by business actors and 7 decisions implemented and 9 appealed against by State bodies.

## PROGRESS MADE:

- Equality Council, Anti-Trafficking Secretariat, and National Councils on Child Rights Protection, Human Rights, Gender Equality and Inclusion of Persons with Disabilities in place, civil society consultation mechanisms improved.
- Number of children with disabilities attending mainstream schools and kindergartens doubled (circa 2000 in 2012 to 4000 in 2013).
- The justice system has become less punitive toward children: the number of children in post-sentence detention has reduced from 138 in 2006 to 39 in 2012.
- National Referral System (NRS) for the protection and assistance of victims of trafficking has facilitated the provision of assistance to at least 150 victims of trafficking (including 13 minors),

473 victims of domestic violence (including 199 children), 165 stranded migrants, 53 unaccompanied minors identified abroad, 324 children left without parental care and 387 other vulnerable persons (single parents, large families, children leaving institutions, street children, persons with disabilities, Roma and others) in 2013.

## WHAT REMAINS TO BE DONE:

- Solitary confinement is still practiced and must be ended.
- Quantum leap in key areas – adult deinstitutionalization, integration into the community, genuinely inclusive schools, anti-discrimination enforcement, ensuring equal health access – remains ahead.
- Corruption and other forms of rules non-compliance need to be further tackled.
- Levels of intolerance and acceptance of violence need to be reduced. Gender and other stereotypes need to be effectively combated.
- Genuine and effective alternatives to detention for children in conflict with the law need to be put in place.
- Victim-sensitive systems to support child- and adult victims of sexual and violent crimes need to be improved. Community-based services for stigmatized and other marginalized people need further development.
- Cooperation between administrators and services needs to be improved to enable effective rights exercise by people.

## HOW TO ACHIEVE IT:

- **Extend and amend National Human Rights Action Plan to 2016:** In preparation for Moldova's second Universal Periodic Review (UPR) in

2016, amend and extend to the end of 2016 the current National Human Rights Action Plan (NHRAP), incorporating the current recommendations of the international human rights system.

- **End Stigma and Exclusion:** Legal capacity and deinstitutionalization reforms should be carried out to ensure shift from medical to social models for persons with disabilities.
- **Strengthen Protection:** Further reforms needed to ensure protection from all forms of gender-based violence. The absolute ban on torture and degrading treatment should be fully enforced, including in health care settings. Child-friendly criminal investigation and judicial procedures, as well as victim, age- and gender-sensitive criminal investigation guidelines should be put in place. State free legal aid is needed for certain categories of adult victims, in particular victims of gender-based violence.
- **Enforce Anti-Discrimination Law:** Decisions by Moldova's Equality Council need to be implemented and enforced. Temporary Special Measures for ensuring de-facto equality for women at the decision making level in public and private sectors are needed. Minority rights achievements should be preserved and advanced, in particular in education.
- **Redouble Reform Efforts:** Reforms of Justice Sector, Prosecutor and National Human Rights Institution, including Child Rights Ombuds-person, all ongoing, should advance. Efforts to strengthen efficacy of existing protection systems (anti-trafficking, domestic violence, child protection, Roma inclusion, etc.) need to be redoubled. Health care in penitentiaries remains to be transferred from Justice to Health competence.
- **Improve Possibilities for Remedy:** Ratification of Optional Protocols to Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, and Convention on the Rights of Persons with Disabilities would advance access to justice for victims.