

JOINT ALTERNATIVE SUBMISSION
to the 26th UN Human Rights Council session
on the UNIVERSAL PERIODIC REVIEW
of the Republic of MOLDOVA

The Submitting Stakeholders

1. This report is submitted jointly by the Human Rights Information Center (HRIC/CIDO) and "HomoDiversus" NGO.
2. CIDO is a Moldovan nongovernmental organization established in 2010 having as a mission the promotion of human rights, democracy and rule of law as supreme values around the world as well as monitoring, collecting and disseminating human rights related information across Moldova and worldwide.
3. "HomoDiversus" is a NGO base as well in Moldova that is promoting in its work civic values and interests, as well as, democracy and rule of law and human rights. The goal of the association is to contribute to creating a world without discrimination and based on social inclusion, within a framework of human rights values.

Summary

4. This report deals with the issues related to the respect of the rights to freedom of association, inclusively by based on religious grounds, rights to education through the prism of religious freedom, perpetuation of gender stereotypes within the educational system, right to health and sexual and reproductive rights.

Disclaimer

5. This report does not cover the Transnistrian region of the Republic of Moldova.

I. Freedom of association

Background

6. The freedom of association is enshrined in the Constitution of Republic of Moldova under the provision of article 41 which states that all the citizens of Republic of Moldova have the right to freely join socio-political organizations. The domain of public associations is also regulated by the Law No. 837 (Law 837) of 17.05.1996 on public associations.

Issues of concern

The process of registration

7. In Republic of Moldova the public associations are registered at two levels, by local town halls for organizations working at local level and by the Ministry of Justice for nationwide and international organizations.¹ This division of public association is in fact useless as the organizations registered at the local level also may develop activities outside they were registered in. Still, it seems that the organizations registered within the Ministry of Justice beneficiate of a greater trust from the donors and the society in general.

8. It is not clear why the government keeps this division of registration process. However, the registration process at the Ministry of Justice seems to be more demanding as organizations which went through the procedure of registration at the Ministry complaint about the bad practices implemented by the authority, such as asking for the amendment of the structure of administration bodies, changing the structure of the incorporation norms etc. Moreover, the length of the registration procedure is often longer than the one prescribed by law – 30 days as the organizations are often asked to withdraw their documents of registration to bring them in accordance with the Ministry exigencies.

Supervision and control over the activities of public associations

9. According to the law on public associations the authority which registered the public association is in charge with the control over the activities developed by public associations.² Thus, the Ministry of Justice may ask for any documents of the organization, to obtain all the information it needs about the activities developed by the association and to assist to all the activities developed by the association. This provision gives a high margin of intervention of the state in the public associations' activities and it may hamper the independence of civil society organizations.

Requirement regarding the membership of the associations

9. Upon the registration of public associations the law requires the existence of at least two founding members. A new amendment proposal to the law establishes the requirement that at least three individuals to be founding members.³ At the same time, foreign citizens not having permanent residence in Republic of Moldova cannot found a public association as the law requires

¹ According to article 17 of the Law 837 on public associations

² See article 38 of the Law 837

³ Available at: http://gov.md/sites/default/files/document/attachments/intr03_57.pdf

expressly that the founding members to have permanent residence in Moldova.⁴ Moreover, the Law 837 requires for the members of the public associations to be individuals with full legal capacity. Therefore, those limited win legal capacity such as people with mental disabilities cannot establish or become members of public associations.

Requirements on the name of the organizations

10. Even if the Law 837 does not establish special requirements regarding the name of the associations; in practice there it is quite complicated to get a name to the association. Thus, the Ministry of Justice does not accept the name of the association if it is spelled in a foreign language. All the names to be registered are verified by the National Terminology Center in the view of its compliance to language norms. The procedure of verification is not regulated being just a practice crated by the Ministry.

Recommendations:

11. Ensure the effective decentralization of the services of registration of public associations through the transfer of all the registration procedures to local authorities and elimination of the Ministry of Justice's competences in registration of public associations;

12. Elimination of the Ministry of Justice's competences to supervise and control the activity of public associations;

13. To ensure the respect for the right to freedom of association of foreign citizens and stateless persons indifferently of their place residence;

14. Insuring the right to freedom of association to people with limited legal capacity;

15. Eliminate the barriers in the respect of registration of public association using foreign languages words in their names.

II. Freedom of association on religious grounds

Issues of concern

The registration procedure

16. The procedure of registration of religious organization is regulated by the Law No. 125 of 11.05.2007 on freedom of thought, conscience and religion (henceforth the Law 125). All religious denominations should be registered by the Ministry of Justice. The lack of decentralization of registration services of all religious organizations suppose that the representatives should travel to the

⁴ See article 11 (4) of the Law 837

capital city where the Ministry of Justice is based for the registration and all subsequent actions related to the organization's activities. The law prescribes that the registration procedure should take no more than 30 days;

17. It remains not clear why there is a need for such a long period for the registration as long as for the registration of LLC or other commercial entities the authorities need up to 4 hours. Moreover, for the registration of religious cults (the national religious structures) the law requires the presence of at least 100 members whereas for the registration of a religious community (local level organization) the requirement is to have at least 10 founding members. Local churches cannot be members or founders of national religious structures.

18. At the same time, the registration of a local religious community is possible only with the consent of the national structure – the cult. Therefore, on the one hand the cult decides upon the registration of another organization and on the other, if there is no registered cult, it is impossible to register a smaller, local denomination.

Membership of religious denominations

19. According to the Law 125 only citizens of Republic of Moldova having permanent residence in Republic of Moldova may be founders of religious organizations⁵. Even though the Republic of Moldova should insure the respect of human rights to all the individuals under its jurisdiction⁶, it does not do so in respect of freedom of religion and belief of foreign citizens and stateless persons. For instance, the leaders of religious cults should be citizens of Republic of Moldova being impossible to receive registration of a foreign citizen as religious leaders. Similar to the situation of public associations' people with limited legal capacity cannot become members of religious denominations.

Recommendations:

20. To lower the threshold number of members for the registration of all religious denominations to two individuals or organizations;

21. To guarantee the rights to registration of local religious communities even if there is no national consenting structure;

22. To guarantee the respect of the rights to association on religious grounds for individuals of foreign citizenship as well as stateless persons;

23. Reduction of the length of the registration procedure for religious denominations in accordance with the standards available for limited liability companies;

⁵ See article 19 of the Law 125

⁶ See article 19 of the Constitution of Republic of Moldova

24. Ensure that the individuals with limited legal capacity may found religious denominations.

III. Right to education through the prism of freedom of religion

25. The Constitution of Republic of Moldova enshrines the principle of secular education⁷ by stating "[...](8) the state is granting according to the law the freedom of religious education. State education is secular. [...](9) The priority right to choose the sphere of education of their children resides with their parents." The Education code⁸ prescribes that the educational system is free from ideologies, religious dogma and political doctrines prohibiting among other types the religious propaganda within the system.

26. According to a study on discrimination in schooling system undertaken by Human Rights Information Center⁹ "the level Christian Orthodox indoctrination [in Moldovan schools] is very high, this indoctrination is manifesting itself through classes on Christian religion and extracurricular religious activities which are de facto imposed to students, through the presence of religious symbols in schools, as well as through the indoctrination messages from the teachers. In half of the schools which were visited during the research for the study parents confirmed the organization of religious rituals and involvement of their children in those rituals without parents' consent inclusively through the enrolment of their children to classes on Christian Orthodox religion.

27. The predominant role of the Christian Orthodox Church in Moldova society tends to be perpetuated through the inclusion of classes on religions in a high number of schools. At the insistence of the Moldovan Orthodox Church, in 2010 the religion classes were introduced in the school curricula for the primary and secondary schools. In 2015, the Moldovan Orthodox Church has opposed to the replacement of the classes on "Religion" with classes on "History of religions"¹⁰ As an effect the Ministry of Education revised its decision and enclosed the "Religion" classes in the curricula instead of "History of religions".¹¹

Recommendations:

28. Insure the respect of religious freedom in the schooling system by enhancing the secular character of state education;

⁷ See article 35 of the Constituion of Republic of Moldova

⁸ Education code No. 152 of 17 July 2014available at: <http://lex.justice.md/md/355156/>

⁹See the study at: http://issuu.com/cido2014/docs/studiul_discrimin_rii_n_sistemul

¹⁰ See the address of the Moldovan Orthodox Church leader to the Ministry of Education at: <http://mitropolia.md/solicitarea-ips-mitropolit-vladimir-catre-ministrul-educatiei-al-rm-doamna-maia-sandu-cu-privire-la-studierea-religiei-in-scoala/>

¹¹ See the Framework education plan for primary and secondary school at: <http://educ-hincesti.starnet.md/dih/public/files/plan-cadru%202015.pdf>, p. 14

29. Incorporate human rights and diversity education in the compulsory education curricula.

II. Perpetuation gender based stereotypes in the schooling system

Issues of concern

Representation of role models in educational system

30. As a part of the study of discrimination in the schooling system, Human Rights Information Center undertook visits in 30 schools from around the country. On the walls of 25 out of 30 visited schools there were observed portraits of male intellectuals, in 3 schools there were promoted the images of several females' intellectuals and just in two schools there was a relative equilibrium between the publicly exposed images of males and females.

31. The textbooks are in the majority of the cases gender biased. As a result of an analysis undertaken by Human Rights Information Center it was inferred that textbooks on history, literature geography contribute to the perpetuation of stereotypes regarding the social roles of males and females. There are only two manuals containing information on human rights that offer information of gender equality and international standards in the domain of rights of women.

Gender biased education

32. The education system is contributing to the perpetuation of gender stereotypes and gender discrimination. There are no sexual and reproductive health classes in the public schools. The parents as well as the teachers believe that the sexual education should be part of the education received within the family¹². In the majority of the visited schools issues of gender equality, sexual and reproductive health is addressed sporadically during the classes on civic education, history or technological education.

33. In the public educations system persist study objects that are thought in a gender based segregation manner. For instance, the classes on technological education are thought separately to boys and girls. During those classes the boys learn how to do male specific work within the household while the girls learn how to cook or sew.

Recommendations:

34. Integrate the study objects on equality and non-discrimination in particular gender equality as a compulsory part of the school curricula.

IV. Right to health

Issues of concern

¹² According to the Study on discrimination in schooling system developed by Human Rights Information Center, available at: :

http://issuu.com/cido2014/docs/studiul_discrimin_rii_n_sistemul

Accessibility and availability of medical care

35. The health care system in Republic of Moldova is built around the principle of geographical accessibility of preventive and prophylactic services. Thus, even if the state implemented the concept of family doctors, health professionals in charge with prevention of diseases and prophylactic their services are not sufficient when it comes to diagnosis and treatment of diseases. Considering the small surface of the country the geographical accessibility of the services of family doctors cannot be an issue for Republic of Moldova. Still, the accessibility for people with locomotor impairments jeopardizes their access to medical care services. The same situation persists in respect of people with visual impairments as medical institutions are not accommodated to their needs.

36. The policies of the state in the domain of health services in the last years have been focused on insuring the accessibility to primary health assistance and emergency assistance. Unfortunately the excessive concentration of forces on ensuring the accessibility led to reduction of quality. There have been reported cases when the emergency medical aid cars were not equipped even with oxygen masks.

37. At the same time, when it comes to diagnosis and treatment of diseases such as various types of cancer, tuberculosis the health services are still centralized. For instance the only machine for mammography is in the capital city, there are no decentralized services in the domain of diagnosis and treatment of cancer.

Affordability of medical care

38. Despite the fact that primary and emergency medical care should be free of charge, because of the low wages for the medical care personnel and the corruption that is affecting the system the patients are constrained to pay for the medical care they are receiving.¹³

Quality of medical care

39. The medical system is deeply affected by the economic crisis the country is facing. The lack of medical equipment, of medical tools that are 30 or more years old makes determines the low quality of the medical services. In 2012 a 13 years old boy died¹⁴ on the operational table during a simple amygdectomy just because the machine that kept him under anesthesia which was received as a humanitarian aid has not been tested and being old kept giving errors.

40. As per general, the medical institutions are not well equipped for giving quality health care. People are placed in big common saloons without curtains to insure their privacy. There are no sufficient and well equipped sanitary units in the hospitals, having showers, toilets.

¹³ See more at: <http://www.investigatii.md/index.php?art=236>

¹⁴ See more at: http://www.publika.md/copilul--decedat-pe-masa-de-operatie--a-murit-din-cauza-unui-stop-cardiac_701821.html

41. The malpractice cases are not investigated by an independent body as such an authority was not created. There are no independent medical expertize bodies. In search for an independent, impartial expertize the patient should go to Romania and undergo the expertise procedure.

42. The authority that is in charge with accreditation of medical institutions - the National Council for Evaluation and Accreditation in Health issues accreditations even for hospitals that are not fully equipped or have medical machines that have not been technically tested for years.

43. There is no monitoring body that would undertake the monitoring of the quality of medical services provided. Once a malpractice case is brought up by mass media institutions, the Ministry of Health is issuing an order on sanctioning the doctor usually without a fair and comprehensive investigation of the case.

44. The process of acquisition of drugs is regulated by the same legal norms as other public acquisition. Therefore, the most important criteria in appreciating the provider of medical supplies are the lowest price and not the quality of the medications.

45. The health care state authorities are not collaborating with the public associations and other NGOs representing the beneficiaries of medical care.

Recommendations:

46. Insure the continuous monitoring of the quality of medical services provided;

47. Create an independent malpractice investigation body;

48. Insure the decentralization of medical services for the treatment of cancer;

49. Develop and implement clear human rights based criteria for the evaluation and accreditation of medical institutions.

V. Sexual and Reproductive Rights

52. In 2015 in Moldova, about 5% of women aged between 15 and 19, have already had a pregnancy. Another 2% have been pregnant with their first child, 8% were in the beginning of a pregnancy, and 0.1% gave birth to a child when they were under the age of 15.¹⁵ These data show that the frequency of teenage pregnancy still remains at a relatively high level in Moldova, especially in rural areas. This fact contributes to the perpetuation of poverty and social vulnerability of women.

53. Lack of proper sexual education in schools constitutes one of the main factors that influence the high level of teenage pregnancy. For example, in the ninth grade students are told that abstinence saves them from sexually transmitted diseases and unwanted pregnancies, while in the tenth grade, the pupils are taught about human trafficking.

¹⁵Report on teen pregnancy available only in Romanian: Olga Gagauz, Sarcinaîn vârstă adolescenței, 2015, pag.2 http://ccd.ucoz.com/ld/0/22_POLICY_PAPER.pdf

54. There is no information on birth control methods delivered to students by the schooling system. This is available also for the 11 grade when most students are already 17 years old, they learn about vitro fertilization, cloning and medical insurance, but nothing about the contraception.¹⁶

55. Furthermore, the interference and presence of the Orthodox Church in the schools through the religious classes contributes to propagation of abstinence as the only one available solution and to misinformation of the students about sexual and reproductive health/rights. This goes against the Constitution of the Moldova which separates church from the state, as well as against the Educational Code which defines public education secular.

Recommendations:

56. To introduce in the national curriculum as a mandatory subject the sexual education course;

57. To maintain a secular character of education schools by excluding religious indoctrination from public schools;

58. To collect disaggregated data on teen pregnancy, teen sexual transmitted infections.

¹⁶Ana Gherciu, Timpul, 2016 <http://special.timpul.md/educatia-sexuala-in-moldova/>