

Universal Periodic Review
(26th session, October-November 2016)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Republic of Moldova

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	State party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	23/09/2002 Ratification	Declared not to be bound by the provisions of Article 16, paragraph 1.	N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	24/03/2006 Ratification	NA	N/A	Right to take part in cultural life
Convention on the Protection and				

Promotion of the Diversity of Cultural Expressions (2005)	05/10/2006 Ratification	NA	N/A	Right to take part in cultural life
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II. INPUT TO PART III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW TO ITEMS F, J, K, AND P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

1. According to Article 35 of the [Constitution of the Republic of Moldova, adopted on 29 July 1994](#):
 - i. “(1) The right of access to education is put into effect through the compulsory comprehensive public school system, lyceal (public secondary school) and vocational education, as well as the higher education system, and other forms of instruction and training.
 - ii. (2) The State will enforce under the law the right of each person to choose his/her language in which teaching will be effected.
 - iii. (3) In all forms of educational institutions the study of the country's official language will be ensured.
 - iv. (4) State public education is free.
 - v. (5) All educational institutions, including those that are not financed by the state, shall be established and function under the rule of law.
 - vi. (6) Higher education institutions have the right to be autonomous.
 - vii. (7) The access to lyceal, vocational and higher education is equally open to all and is based on personal merit.
 - viii. (8) The State ensures under the law the freedom of religious education. The State ensures a lay education.
 - ix. (9) The priority right of choosing an appropriate educational background for children lies with the parents.”
 - x. Article 51 (1) on protection of the disabled persons states “The disabled persons shall enjoy a special form of protection from the whole of society. The State shall ensure that normal conditions exist for medical treatment and rehabilitation, education, training and integration of disabled persons. [...]”

1.2. Legislative Framework

2. “The **Conceptual Framework for the Development of the Education System** adopted by the Parliament on 15 September **1994** and the **Law on Education No. 547 of July 1995**¹ (last amended in 2010) are the main legislative instruments governing education in the country. Several amendments, normative and regulatory acts have also been adopted.”²
3. “**Article 9** of the Law on Education stipulates that compulsory education covers nine years (general secondary education, grades 1-9). **Article 17** specifies that one year of pre-primary education (preparatory groups) is compulsory for children aged 5 years.”³
4. Regarding the funding of education system, Article 61 of the Law provides: “(1) Education shall be funded as a priority. The main source of funding of the state education system shall constitute the budget resources. (2) The state shall guarantee the annual disbursement of financial means for education of at least 7% from the gross national product, including currency means, and shall secure the protection of budget expenditure lines. [...]”
5. “The **Law No. 1275** of July **1997** and **Law No. 423** of June **1999** regulate the evaluation and accreditation process of educational institutions in the Republic of Moldova.”⁴
6. In **1995**, the **Conceptual framework for the development of pre-school education in the Republic of Moldova** and the **Curriculum of children education in pre-school institutions of different types** were adopted and implemented. These documents underline the necessity to consider the child as the centre of the educational process, which implies adopting an individualized approach and creating adequate conditions for the harmonious personal development of children.
7. In April **2003**, the approval of the **Concept of Training of Pre-university Education Teaching Staff** by **Resolution No. 6** of the Ministry of Education provided for the decentralization of the system giving more autonomy to educational institutions, municipalities and local Education Departments.
8. In February 2005 the President of the Republic approved the Strategic Directions concerning the Modernization of the Education System. By **Law No. 71** of May **2005 regarding amendments to the Law on Education**, a new two-cycle structure of the higher education system has been adopted in line with the Bologna process.
9. The Republic of Moldova adopted a **[Law on Equality between Women and Men](#)** in 2006

¹ <http://www.unesco.org/education/edurights/media/docs/9f81dace4371c10b80279e7a1862114f96cbdc5d.pdf>

² World Data on Education, 7th Edition, 2010/11, p. 2, accessible at:

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Republic_of_Moldova.pdf
(Accessed on 11 March 2014)

³ World Data on Education, 7th Edition, 2010/11, p. 2, accessible at:

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Republic_of_Moldova.pdf
(Accessed on 11 March 2014)

⁴ World Data on Education, 7th Edition, 2010/11, p. 2, accessible at:

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Republic_of_Moldova.pdf
(Accessed on 11 March 2014)

10. The Republic of Moldova adopted the [Education Code](#) on the 17th of July 2014 (entry into force 23/11/2014)⁵

1.3. Policy Framework

i) General information

11. The Republic of Moldova Adopted in 2003 a National Strategy "Education for All"

12. [The Consolidated Strategy for Education Development 2011-2015](#) of the Republic of Moldova reads as followed :

13. "10. The general objectives of the Strategy are:

- i. (iii) Modernise the educational system of the Republic of Moldova to ensure sustainable human development by providing equitable and non-discriminatory access to quality education at all education levels for all children, including those from vulnerable families, those with special educational needs, and representatives of ethnic minorities.
- ii. (iv) Ensure qualitative pre-school, primary and secondary education for all children through the development of child-friendly schools and expanding inclusive education practices.
- iii. (v) Develop vocational and technical education in accordance with the Copenhagen Process requirements and its adjustment to the needs of the labour market.
- iv. (vi) Fully implement the Bologna Process requirements and further develop higher education through the integration of training and research, and extension of the connections of the education institutions with the economic environment.
- v. (vii) Expand and diversify lifelong adult learning system from the perspective of general training and continuous professional training in line with the needs of the person and the socio-economic needs.
- vi. (viii) Effectively use the material and technical basis and financial resources allocated to the educational system, and improve the training quality.

14. 11. In the process of Strategy implementation the following principles will be observed:

- i. the principle of equal rights in education and maximum development of the potential of each person;
- ii. the principle of non-discrimination and free access to quality education for all persons, regardless of place of residence (urban or rural), the level of development, family income, sex, ethnic origin, disabilities, language etc.;
- iii. the principle of inclusion of people with special educational needs in the general education system;
- iv. the principle of person centeredness, State centeredness and society's needs centeredness;
- v. the principle of further development of the national values system and ensuring a single educational space;

⁵ Only available in Romanian

- vi. the principle of educational programmes flexibility, upgrading of educational programmes according to the current needs and financial resources available and the cognitive capabilities of each person etc.;
- vii. the principle of decentralisation of educational services and increase in the degree of autonomy of education institutions;
- viii. the principle of social partnership, and interdisciplinary, multidisciplinary and early intervention in child development;
- ix. the principle of ensuring quality in the education system;
- x. the principle of national education integration into the European educational space.”⁶

15. The Republic of Moldova is also in the process of implementing a [Sectoral Strategy for Education 2014-2020](#)⁷ called “Education 2020” and an [Education Development Strategy for vocational / technical education for 2013-2020](#)⁸

ii) Teachers

16. “The Republic of Moldova doubled salaries [of teachers] between 2002 and 2008”⁹

iii) Quality education

17. The **Evaluation Agency** was founded in 2006 by a Government Decision. It is a structure of the Ministry of Education and Youth meant to perform the evaluative and impact policy of the curricula for the whole pre-university education.¹⁰

iv) Curriculum

18. In the context of achieving the priority direction of the **Strategy "Education for All - Early Education"**, a program of actions on improvement of preschool institutions’ activity was developed.

19. To implement the program, the following actions were taken:

- i. Elaboration and approval of the Concept and Curricula of the education and instruction for the children aged 1-7, which were launched in around 80 pre-school institutions;

⁶ http://www.erisee.org/downloads/2013/2/Consolidated%20Strategy%20Ed-Dev_2011-2015%20ENG.pdf

⁷ Not available in English neither in French.

⁸ Council of Europe, Republic of Moldova –GE activities in the member states accessible at :
<https://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCYQFjAAahUKEwjQo4imu-fiAhUERQ8KHU5D2E&url=http%3A%2F%2Fwww.coe.int%2F%2FDGHL%2FSTANDARDSETTING%2FEQUALITY%2F06resources%2FGE%2520activities%2520in%2520MS%2FMoldova%2FRepublic%2520of%2520Moldova%2520-%2520GE%2520activities%2520in%2520the%2520member%2520states.pdf&usg=AFQjCNHFZASpUBYRao6xTUDjmXP3UFmKEQ&cad=rja>

⁹ EFA GMR 2000-2015 p.70

¹⁰ National Education System of The Republic of Moldova, Ministry of Education and Youth, 2008 p.19 accessible at:
https://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CCOQFjABahUKewjlabDwefiAhXIDg8KHU-7Cm0&url=http%3A%2F%2Fwww.ibe.unesco.org%2FNational_Reports%2FICE_2008%2Fmoldovarep_NR08.pdf&usg=AFQjCNG6gcy7QAxoM4yD23KcT3U-Nq0KGA&bvm=bv.106130839,d.ZWU&cad=rja

- ii. Reopening and revitalization of 109 pre-school institutions (in 2000 there were 1194 kindergartens with 108315 children, in 2006 activate 1328 kindergartens with around 120 000 children);
- iii. Increase of the number of children in preparatory groups from 42% in 2000 to 85% in 2006;
- iv. A \$13 mln grant for the early education was obtained. Qualitative implementation of the elaborated documents and efficient use of the grant offered by the World Bank, free-of-charge provision with didactic materials for the teachers and children at the pre-school institutions.”¹¹

v) Financing of education

20. **Free textbooks:** “In 2007 only the pupils of primary classes were ensured with textbooks and [...] the pupils of I-V grades receive textbooks for free.”¹²

21. **Free meals:** “Starting with the 1st of September 2006, the pupils from the secondary vocational education are fed once a day for free and at other schools three times a day.”¹³

22. “In the Republic of Moldova, where there has been a concerted effort to expand pre-primary education, the gross enrolment ratio of children aged 3 to 6 increased from 43% in 2000 to 77% in 2011. Strong political commitment led to pre-primary education’s share of the education budget reaching as much as 20% in 2011. Education already receives a high share of the government budget, at 22%, or 7.9% of GNP. The national strategy aims to achieve enrolment ratios of 78% by 2015 for children aged 3 to 6 and 98% for those aged 6 and 7 while reducing inequality between urban and rural areas by 5%. The strategy focuses on both access – targeting lagging areas and disadvantaged groups – and quality, expanding the training systems of educators and nurses.”¹⁴

vi) Gender equality

23. “The Government adopted the **National Programme on Ensuring Gender Equality in the Republic of Moldova for 2010-2015**¹⁵ (NPEGE), which provides a comprehensive approach to mainstreaming the gender equality principle in policy documents in all areas and at all levels of decision making and implementation. The program is supplemented by the Action Plan for implementation, in 2010-2012, of the NPEGE. The identified fields are: Employment and migration, Gender-sensitive Budgeting, Women's participation in the decision making, Social Protection and Family, Healthcare, Education, Combating violence

¹¹ National Report submitted for the 48th session of the International Conference on Education, 2008, p. 8, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/moldovarep_NR08.pdf

¹² National Report submitted for the 48th session of the International Conference on Education, 2008, p. 9, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/moldovarep_NR08.pdf

¹³ National Report submitted for the 48th session of the International Conference on Education, 2008, p. 10, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/moldovarep_NR08.pdf

¹⁴ EFA GMR 2013-14, p 51 <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

¹⁵ Government Decision No. 933 of December 31, 2009, see www.mmmpf.gov.md.

and trafficking in human beings, Increase of the public awareness levels and of mass-media.”¹⁶

24. “Moldova is in the process of elaboration of a new strategy in gender equality field and will take into consideration the actual problems regarding gender mainstreaming in education, in order to address them and to implement recommendation of UN Committee on the Elimination of Discrimination against Women for 2013 (Concluding observations on the combined fourth and fifth periodical reports of the Republic of Moldova on the CEDAW Convention).”¹⁷

2. COOPERATION

25. The Republic of Moldova is **party** to the 1960 UNESCO Convention against Discrimination in Education since 17/03/1993.

26. The Republic of Moldova did **not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- i. **Sixth Consultation** of Member States (covering the period 1994-1999)
- ii. **Seventh Consultation** of Member States (covering the period 2000-2005)
- iii. **Eighth Consultation** of Member States (covering the period 2006-2011)

27. The Republic of Moldova did **not report** reported to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- i. **Fourth Consultation** of Member States (covering the period 2005-2008)
- ii. **Fifth Consultation** of Member States (covering the period 2009-2012)

28. The Republic of Moldova did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult

¹⁶ National Report submitted for the Combined fourth and fifth periodic reports of States parties for the **Committee on the Elimination of Discrimination against Women 56th session accessible at:**

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMDA%2f4-5&Lang=en

¹⁷ Council of Europe, Republic of Moldova –GE activities in the member states accessible at :

<https://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCYQFjAAahUKewjQo4imu-flAhUERQ8KHUb5D2E&url=http%3A%2F%2Fwww.coe.int%2Ft%2FDGHL%2FSTANDARDSETTING%2FEQUALITY%2F06resources%2FGE%2520activities%2520in%2520MS%2FMoldova%2FRepublic%2520of%2520Moldova%2520-%2520GE%2520activities%2520in%2520the%2520member%2520states.pdf&usg=AFQjCNHFZASpUBYRao6xTUDimXP3UFmKEQ&cad=rja>

Education within the framework of the **First Consultation** of Member States (1993). However, it reported within the framework of the **Second Consultation** of Member States (2011)

29. The Republic of Moldova is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. Constitutional and Legislative Framework:

30. The constitution of Moldova guarantees freedom of expression in Article 32.¹⁸
31. The Press is regulated through the Law on Freedom of Expression.¹⁹ Electronic media is regulated through the Audiovisual Code²⁰, which defines the responsibilities and the power of the Audiovisual Coordinating Council. The Code also regulates the right to receive program services by broadcasters (Article 9).
32. The Law on Freedom of Expression²¹, following Article 32, decriminalizes defamation. The latter law aims for a balance between the right to free speech and the protection of honor, dignity, business reputation and private life and family of a person. However, the Criminal Code²² sets up punishment for profanation of the flag, coat of arms, or anthem of the Republic of Moldova or of any other state, varying from a fine to imprisonment.
33. The constitution of Moldova guarantees the right of access to information in Article 34.²³ The Law on Access to Information²⁴ entered into force in year 2000, and aims to establish a general normative framework on access to official information, and to stimulate active participation of people in decision-making activities in a democratic way.

2. Media Self-Regulation:

34. The Press Council of Moldova was created in 2009. It mediates between media and audience, and aims to increase the professionalism of print media.

¹⁸ https://www.constituteproject.org/constitution/Moldova_2006?lang=en

¹⁹ http://www.ijc.md/Publicatii/mlu/legislatie/FOE_lege_ro.pdf (in Moldovan)

²⁰ http://www.apel.md/public/upload/en_audiovisual_code.pdf (en)

²¹ http://www.ijc.md/Publicatii/mlu/legislatie/FOE_lege_ro.pdf (in Moldovan)

²² www.legislationline.org/documents/id/8906

²³ https://www.constituteproject.org/constitution/Moldova_2006?lang=en

²⁴ <http://www.legislationline.org/documents/action/popup/id/6394>

35. Journalists in Moldova are organised in several associations, such as the Association of Independent Press, the Young Journalist Center of Moldova and The Journalists Union of Moldova (JUM). The latter union, JUM, has adopted a Journalist Code of Ethics²⁵, which is also referenced by the Press Council of Moldova.

3. Safety of journalists:

36. UNESCO recorded no killing of journalists in Moldova so far. Journalists operate in a safe environment.

III. RECOMMENDATIONS

Right to education

37. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following [web site:](http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx) <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

38. Latest observations reported on December 2011 - [view](#)

39. **73. The recommendations formulated during the interactive dialogue and listed below have been examined by the Republic of Moldova and enjoy the support of the Republic of Moldova:**

- i. 73.19. Eliminate discriminatory practices against persons with disabilities in the medical setting and ensure physical access of children with disabilities to educational and public institutions, as part of its implementation of the Strategy of social inclusion of persons with disabilities (Thailand);
- ii. 73.22. Provide social services on health and access to education to children belonging to the most vulnerable groups (Uruguay);
- iii. 73.23. Undertake efforts to prevent child labour, the segregation of children with disabilities in educational system and prevent the crimes committed against children, especially smuggling and sexual harassment (Poland);
- iv. 73.59. Consider ways and means to ensure the right to education of children with disabilities, also in collaboration with the relevant international organizations and agencies (Italy);

40. The following recommendations will be examined by the Republic of Moldova which will provide responses in due time, but no later than the nineteenth session of the Human Rights Council in March 2012. The response of the Republic of Moldova to these recommendations will be included in the outcome report adopted by the Human Rights Council at its nineteenth session in March 2012:

²⁵ http://consiliuldepresa.md/fileadmin/fisiere/documente/Moldovan_Journalist_Code_of_Ethics.pdf

- i. 76.11. Support and develop education programmes and institutions for national minorities in their mother-tongue (Russian Federation);
- ii. 76.12. Maintain the network of pre-university institutions with access to education in minority languages in line with the recommendation by the Committee on Economic, Social and Cultural Rights on the guarantees for the rights of ethnic minorities (Bulgaria);
- iii. 76.15. Establish legislation and the necessary measures to guarantee freedom of religion in the country, particularly in public education (Mexico).

41. Analysis:

The Republic of Moldova has adopted the **Education Code in 2014** as well as several educational policies aiming at developing their educational system. Nevertheless, to the extent of our knowledge, the Republic of Moldova did not renew the Action Plan for the implementation of the **National Programme on Ensuring Gender Equality in the Republic of Moldova for 2010-2015**²⁶ (NPEGE) post 2012.

42. Specific Recommendations:

- i. The Republic of Moldova should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments and notably the Convention against discrimination in education.
- ii. The Republic of Moldova could be strongly encouraged to further the implementation of its National policies on education especially on gender equality, students with special needs and disadvantaged groups.
- iii. The Republic of Moldova could be encouraged to continue ensuring availability and accessibility of schooling to Roma children

Cultural Rights

43. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁷, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), the Republic of Moldova is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Moldova is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities,

²⁶ Government Decision No. 933 of December 31, 2009, see www.mmpsf.gov.md.

²⁷ Periodic Report available at: whc.unesco.org/documents/publi_wh_papers_20_en.pdf.

indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

44. Moldova is recommended to continue strengthen professional standards by promoting self-regulatory mechanisms among media professions.
45. Moldova is recommended to strengthen the enabling environment in the online arena, for freedom of expression, press freedom and access to information.

Freedom of scientific research and the right to benefit from scientific progress and its applications

46. Republic of Moldova, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. Moldova did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, Moldova is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation.