

## Universal Periodic Review (40th session)

### Contribution of UNESCO

#### Republic of Moldova

#### I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, 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	Ratified on 17 March 1993	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 23 September 2002			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 24 March 2006			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 5 October 2006			Right to take part in cultural life

#### II. Promotion and protection of human rights on the ground

##### A. Education

1. The **Constitution of the Republic of Moldova**<sup>1</sup>, Article 35, ensures the right to education and contains a provision on equality before the law.
2. The main law on education is the education code<sup>2</sup> of 2014, as amended in 2020. Education is compulsory for nine years up to the end of gymnasium.

## **B. Freedom of opinion and expression**

### Constitutional and Legislative Framework:

3. The Constitution of the Republic of Moldova guarantees freedom of opinion and expression in Article 32.<sup>3</sup> However, the Constitution stipulates that the law “shall forbid and prosecute all actions aimed at denying and slandering of the State and people, the instigation to sedition, war of aggression, national, racial or religious hatred, the incitement to discrimination, territorial separatism, public violence, or other manifestations encroaching upon the constitutional regime.”
4. The Press is regulated through the Law on Freedom of Expression.<sup>4</sup> Electronic media is regulated through the Audiovisual Media Services Code<sup>5</sup>, which defines the responsibilities and the power of the Audiovisual Coordinating Council. The Code also holds the right to access audiovisual media services (Article 12).
5. The Law on Freedom of Expression,<sup>6</sup> following Article 32 of the Constitution, decriminalizes defamation. The latter law aims to balance the right to free speech and the protection of honor, dignity, business reputation and private life and family of a person. However, the Criminal Code<sup>7</sup> sets up punishment for the profanation of “National and State Symbols”, such as the flag, coat of arms, or anthem of the Republic of Moldova or of any other state, varying from a fine to imprisonment. Furthermore, Article 70 of the Contravention Code stipulates that defamation can

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<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/77acb5cf4a32ab13af3451f6a7b8971becda679a.pdf>

<sup>2</sup> [https://www.legis.md/cautare/getResults?doc\\_id=123537&lang=ro](https://www.legis.md/cautare/getResults?doc_id=123537&lang=ro)

<sup>3</sup> [https://www.constituteproject.org/constitution/Moldova\\_2006?lang=en](https://www.constituteproject.org/constitution/Moldova_2006?lang=en)

<sup>4</sup> [http://www.ijc.md/Publicatii/mlu/legislatie/FOE\\_lege\\_ro.pdf](http://www.ijc.md/Publicatii/mlu/legislatie/FOE_lege_ro.pdf) (in Romanian)

<sup>5</sup> [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2020\)046-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2020)046-e)

<sup>6</sup> [http://www.ijc.md/Publicatii/mlu/legislatie/FOE\\_lege\\_ro.pdf](http://www.ijc.md/Publicatii/mlu/legislatie/FOE_lege_ro.pdf) (in Romanian)

<sup>7</sup> [www.legislationline.org/documents/id/8906](http://www.legislationline.org/documents/id/8906)

carry a fine of up to 250 conventional units, as well as arrest or community work.<sup>8</sup>

6. The Constitution of the Republic of Moldova guarantees the right of access to information in Article 34.<sup>9</sup>
7. The Law on Access to Information<sup>10</sup> entered into force in 2000 and aims to establish a general normative framework on access to official information and stimulate the people's active participation in decision-making activities in a democratic way. The Law limits access to certain elements of information elements such as "information protected by the state and related to its military, economic, technical-scientific, foreign policy, intelligence, counterintelligence and investigation activities" (Article 7). Only residents, citizens of other countries, and stateless persons who reside in the Republic of Moldova, but not legal entities, are allowed to request information (Article 5).
8. In 2017, the Republic of Moldova adopted the Law on the Modification and Amendments of the Audiovisual Media Services Code, which bans media "propaganda" and restricts foreign broadcast of political themes to countries that have signed the European Convention on Transfrontier Television.<sup>11</sup>

#### Implementation of legislation:

9. The media regulator in the Republic of Moldova is the Coordinating Council of the Audiovisual (CCA). It oversees the enactment of the Audiovisual Code and issues broadcasting licenses. The Parliament oversees its activity.<sup>12</sup>
10. The Press Council of the Republic of Moldova was created in 2009. It mediates between media and audience and aims to increase the professionalism of print media.
11. Journalists in the Republic of Moldova are organised in several associations, such as the Association of Independent Press, the Young Journalist Center from the Republic of Moldova and The Journalists' Union of Moldova (JUM). The latter union, JUM, has adopted a Journalist Code of Ethics,<sup>13</sup> which the Press Council of the Republic of Moldova also references.

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<sup>8</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86500/97673/F144678591/MDA86500.pdf>

<sup>9</sup> [https://www.constituteproject.org/constitution/Moldova\\_2006?lang=en](https://www.constituteproject.org/constitution/Moldova_2006?lang=en)

<sup>10</sup> <http://www.legislationline.org/documents/action/popup/id/6394>

<sup>11</sup> <http://parlament.md/LinkClick.aspx?fileticket=tz6%2bH3AFTNA%3d&tabid=255&language=ro-RO> (in Romanian)

<sup>12</sup> <https://www.rirm.org/en/cca-conseil-coordonateur-de-laudiovisuel-2/>

<sup>13</sup> <https://accountablejournalism.org/ethics-codes/Moldova-Professional>

### Safety of journalists:

12. UNESCO has recorded no killings of journalists in the Republic of Moldova since the Organization started to systematically monitor journalist killings in 2006 [as of 21 May 2021].

## **III. Review and specific recommendations**

### **A. Education**

#### Non-discrimination in education:

- While Article 9 of the education code provides that the citizens have equal rights of access to education and initial and continuous professional training through the national education system, it only applies to access to education, not to the right to education in all its aspects. The state could be encouraged to amend its education code to explicitly provide that the right to education is guaranteed to all without discrimination of any kind.

#### Gender equality:

- There is a high dropout rate among schoolgirls in rural areas and girls belonging to minorities, especially Roma girls.<sup>14</sup> Considering that the Covid crisis has exacerbated disparities everywhere, including in the field of education, the State could be encouraged to strengthen its efforts to ensure that girls from vulnerable groups have access to quality education, including in times of crisis. Internet penetration in the Republic of Moldova is of 79,9%, and internet connectivity rates vary within the country with, 74.5% household internet connection in rural areas versus 86.1% in urban areas.<sup>15</sup>

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<sup>14</sup> CEDAW. Concluding observations on the sixth periodic report of the Republic of Moldova. 10 March 2020. UN.Doc CEDAW/C/MDA/CO/6.

<sup>15</sup> UN Coordinated Education Task Force for COVID-19 in Moldova. "Education and COVID-19 in Moldova: Grasping the opportunity the learning crisis presents to build a more resilient education system". August 2020. Available at: [https://www.unicef.org/moldova/media/4231/file/Working%20Paper%20Education%20and%20COVID-19%20in%20the%20Republic%20of%20Moldova\\_FINAL\\_English%20version.pdf%20.pdf](https://www.unicef.org/moldova/media/4231/file/Working%20Paper%20Education%20and%20COVID-19%20in%20the%20Republic%20of%20Moldova_FINAL_English%20version.pdf%20.pdf)

### Global citizenship education:

- The Ministry of Education has been supported, since January 2019, to implement the new civic education curriculum “Education for Society”, developed with Council of Europe expert, by the Education for democracy in the Republic of Moldova project. The project had to evolve due to the sanitary crisis, and training sessions were redesigned into online workshops, for example.<sup>16</sup>

### Covid-19:

- Like many countries, the Republic of Moldova temporarily closed its schools. Several regulations were published in 2020 regarding protection measures to apply in education settings as criteria for reopening, guide for high school students, for parents, etc.<sup>17</sup>
- A memorandum on the development of Moldova’s education system based on digital skills in response to the Covid-19 crisis was signed in July 2020 by the Ministry of Education, Culture and Research, the National Association of Information Technology and Communications Companies and the Tekwill ICT Training and Innovation Centre. It provides for the development of digital teaching aids and equipment for the introduction of digital education at all school levels.<sup>18</sup>

### **Specific recommendations:**

13. The Republic of Moldova should be encouraged to:

- Implement fully the provisions of the Convention against Discrimination in Education, to which it is party since 1993.
- Mention explicitly in its education code that the right to education is guaranteed to all, without discrimination of any kind.
- Intensify its efforts to ensure that girls from vulnerable groups have access to quality education and reduce the dropout rate.
- Continue to strengthen its education system, especially for remote learning, in order to ensure an equal access to quality education, even in time of crisis.

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<sup>16</sup> Council of European portal. “Education for democracy in the Republic of Moldova Project”. Available at: <https://www.coe.int/en/web/education/education-for-democracy-in-the-republic-of-moldova-project>

<sup>17</sup> The regulations are available on the website of the ministry : <https://mecc.gov.md/ro/content/relansarea-procesului-educational-2020-2021>

<sup>18</sup> EU4digital. Moldova moves to develop digital skills in schools. 28/07/2020. Available at: <https://eufordigital.eu/moldova-moves-to-develop-digital-skills-in-schools/> (last accessed on the 19/04/2021).

- Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education<sup>19</sup> and *Her Atlas*.<sup>20</sup>

## **B. Freedom of opinion and expression**

14. It is recommended that the Republic of Moldova continue to strengthen professional standards by promoting self-regulatory mechanisms among media professions.
15. It is also recommended that the Republic of Moldova revise its access to information legislation, specifically to extend the possibility to request information to legal entities.

## **C. Cultural Rights**

16. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), 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 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, the Republic of 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, indigenous peoples, migrants, refugees, young peoples, and peoples with disabilities), and to

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<sup>19</sup> <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

<sup>20</sup> <https://en.unesco.org/education/girls-women-rights>

ensure that equal opportunities are given to women and girls to address gender disparities.

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

17. The Republic of Moldova did not submit its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation the period from 2017 to 2020. Therefore the Republic of Moldova is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) as well as human rights obligations related to the practice of science generally; the human rights related to access to and uses of scientific knowledge through education; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers, as well as protections for human rights of human subjects of research.