
**THE OFFICE OF THE PEOPLE'S ADVOCATE'S ALTERNATIVE REPORT
TO THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
(CESCR)**

Right to education

Inclusive education

Actions are taken at national level to ensure the rights of children with disabilities through further implementation of social inclusion programs. The process of inclusion of children with special educational needs is provided in a number of laws¹. This process involves developing support services for teachers, parents and children with special needs.

Inclusion of children with special educational needs was developed as a logical continuation of a global process, very important for the observance of the child's right to grow and develop in the family, namely the deinstitutionalization of children from auxiliary boarding schools.

Monitoring the development of inclusive education services, it has been observed that support services are growing, which is a positive factor for the proper implementation of the given reform, but the number of these services remains insufficient.

There is a big problem regarding adapting classrooms and study blocks to the needs of children with disabilities.

Also, it's necessary to strengthen the support and efforts of inclusion in education of children with SEN through continuous development and improvement of teachers, of the necessary tools and mechanisms.

Recommended question to be raised:

- What are the measures planed by Government for the strenghening of inclusive education services?

¹ The National Program for the development of inclusive education for the years 2011- 2020; Child development assessment methodology, ME Order No. 99 of 02.26.2015; The methodology of organization and functioning of the Inclusive Education Resource Centre, ord. ME, 26.02 No. 100 of 2015; Instruction for the organization of training at home, ord. ME No. 98 of 02.26.2015; Instruction on specific procedures for examining pupils with special educational needs, specific conditions, ord. ME no.156 of 20.03.2015; Regulations and specific assessment conditions of pupils with SEN who studied according to IEP, ord. ME No. 311 of May 5, 2015.

Transportation of pupils to circumscription schools

The structural reform in education started back in 2009 and continues to date, aiming to ensure every child's access of to quality education.

The essence of the reform is to reorganize educational institutions to optimize the costs for the process and conditions of instruction per pupil because of excessive costs to be borne for the maintenance of certain institutions, which were as ended by a small number of pupils because of demographic regression, especially in rural areas.

Thus, circumscription schools, to which pupils are transported to neighboring localities, were created. In this context, since the start of the reform there were not enough resources to ensure the transportation of pupils to circumscription schools. There were times when students walked distances of more than 3 kilometers or the conditions, in which they were transported, did not meet traffic security rules.

Providing the transportation of pupils to circumscription schools was monitored in 2015 and the analysis of the monitoring results revealed that the Departments of Education in partnership with local government and educational institutions identify solutions to ensure transportation of pupils to district schools. In the situation, when the Department of Education or the educational institution does not have the transport unit, pupils are transported by rented transport units or pay pupils' roundtrip fares from financial resources.

Transport units are not adapted to the special needs of children with locomotors problems.

At the same time, students who go to district schools do not participate in extracurricular activities.

Recommended questions to be raised:

- *What are the solutions of Government for the participation of the pupils, who commute daily to circumscription schools, in extracurricular activities?*
- *How Government intend to ensure safety transportation of children.*
- *How Government intends to adapt the transportation units to the special needs of children with locomotors problems?*

School feeding

According to the legislation the feeding of pupils in educational institutions, only primary school pupils and pupils of the V-XII forms in the educational institutions in the Eastern districts of the Republic of Moldova under the Ministry of Education and in the educational institutions from the districts Dubasari, Causeni and Anenii Noi located in the security zone, are supplied with food free of charge². However, only the pupils of the V-XII forms, who come from socially vulnerable families, are supplied free of charge on the account of local authorities.

The financial norms for the free catering of pupils for the year 2015 set by the Ministry of Education, amount to 7,45³ lei / day⁴ to cover the breakfast or lunch. Clearly, it is an amount that cannot cover the real nutritional needs for children aged 7-11. The daily diet of children should contain animal proteins - cheese, eggs, fish, meat, as well as fruits and vegetables.

Another problem is that food products are purchased by the public procurement procedure⁵ and the supplier of products is selected on the criterion - the lowest price offered. Therefore, given the financial resources allocated to this end and the provisions of the purchase procedure, the purchased products are of poor quality. Towards the end of 2016, several serious violations were identified and criminal cases initiated in this regard (damaged packaging, thawed fish, expired products, etc.).

Some educational institutions do not have school canteens, pupils are fed in classrooms or in kindergarten canteens.

Proceeding from the above, the problems related to poor quality feeding and improper conditions, the state clearly admits the violation of the child's right to health, which affects the physical and intellectual development of children.

Recommended questions to be raised:

- *When Government intend to increase the amount for feeding in school?*
- *What are the measures that Government plan to take in order to ensure good quality products?*

² Government Decision no. 234 of 25 February 2005 on school feeding

³ Approximately 0,35 €

⁴ Ord. ME no. 759 of 18 August 2016;

⁵ Law No. 96 of 13 April 2007 on public procurement

Informal fees

According to art. 35, par. (4) of the Moldovan Constitution establishes that "education shall be free." However various informal fees are being paid by parents in order to equip educational institutions, as well as for repairs, renting textbooks for the students of V-XII forms. Although children from socially vulnerable categories are exempt from such contributions, however, according to a sociological study conducted by the Office of the Ombudsman, about 65.8% of respondents believe that the financial possibilities are affecting children's right to education to a large extent. Thus, although it is considered that the fees paid by parents are voluntary, the study results demonstrate quite the opposite, representing a cause of limiting the child's right to education. The Ombudsman has examined cases in which children have been discriminated when refusing to pay these fees.

Informal payments made by parents are used to pay for covering the needs of education institutes.

Recommended questions to be raised:

- How the Government plan to provide free compulsory education in accordance with the Constitution and international standards?

The curriculum

The national curriculum is considered overcharged, highly theorized and too complex. Most students fail to prepare their homework by themselves, and they seek the help of parents. To get good school grades, children have to devote most of their free time doing homework, being deprived of the opportunity to communicate with parents, to rest and to perform other tasks, activities.

This situation causes children to be overstrung, depleted and has a negative influence on their health.

At the same time, children do not acquire the skills and abilities that would be helpful in solving daily problems, faced in real life.

The education system does not contribute to the formation of adults with spirit of initiative, proactively, personal opinion, tolerance and respect for human rights.

Recommended questions to be raised:

- *Does the Government intend to review the curriculum for a more effective educational system?*
- *Does the Government plans to provide programs on human rights education in schools according to best practices of other countries?*

Social protection of orphans and children without parental care

The most vulnerable category of children are the orphans and those left without parental care. Failure to provide orphans, graduates of boarding schools, with housing remained an unresolved problem by the authorities.

In accordance with Art. 19, par. (3)⁶ of the Law on Child's Rights no. 338-XIII of 15 December 1994 and of the provisions of Art. 41, par. (2) of the Housing Code to ensure this category of children with housing/residential premises.

On April 30, 2015, the Parliament of the Republic of Moldova adopted the Law on housing no. 75 and the entry into force of this Law repealed the Housing Code of Moldovan R. S. S. approved by law of the Moldovan R. S. S. no.2718-X of June 3, 1983. The new legislation operates with the notion of social housing, which is housing for people, who need social protection, and is granted on lease under Law no. 75. According to the aforesaid Law, social housing is granted on lease to registered individuals or families whose monthly income per family member does not exceed the subsistence minimum for the country. One category of beneficiaries, who receive housing as a priority, are the orphans who have come of age and have not received housing from the state⁷.

The law does not establish the conditions under which orphan children/young people, who have been or are registered with local authorities, are entitled to social housing.

Recommended questions to be raised:

- *How the Government intend to solve this problem?*

⁶ Children who come from a state institution for children, relatives, people assigned as legal guardians are assigned housing if their housing is impossible in the previously occupied dwelling.

⁷ Art. 10, par. (2) of the Law on Housing

Right of the child to being raised in a family environment

The residential childcare system reforms encumbered by insufficient alternative services to the residential institutions, inaction by guardianship bodies responsible for the assistance and protection of orphan children and children without parental care, insufficient funding for social services (guardianship/trusteeship, professional parental care, family-type houses) and inadequate allowances for orphan children and children without parental care.

Guardianship authorities fail to monitor properly the situation of deinstitutionalised children. Contrary to the legislation, the placement of children from residential institutions in accordance with the minimal care standards has not been revised⁸.

Recommended questions to be raised:

- How the Government will strengthen the alternative services to the residential institutions?

Preventing and combating child labour exploitation

The legislation⁹ sets out the age and conditions for child employment. During the reporting period, policies have been developed and implemented for preventing and combating child labour exploitation¹⁰ and sanctions for the violations related to child labour have been tightened¹¹. Official statistics show a decrease of this phenomenon¹² but the problem still exists.

Traditionally, minors are involved in labour in agriculture, the processing industry, wholesale and retail trade, etc. They usually come from disadvantaged families.

Recommended questions to be raised:

How the Government will be streamlining the efforts for preventing and combating child labour exploitation?

⁸http://www.ombudsman.md/sites/default/files/document/attachments/studiu-protectia_copiilor_in_rm_0.pdf

⁹Labour Code No.154 of 28.03.2003.

¹⁰National Action Plan on Preventing and Eliminating the Worst Forms of Child Labour for 2011-2015, approved by Government Decision of October 11, 2011.

¹¹Art. 165¹, art. 168 of the Criminal Code, art. 55, 55¹, 58 of the Administrative Code, art. 7¹ of the Labour Code.

¹²<http://www.ism.gov.md/ro/content/raport-anual-0>;

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=359314>

Right to health care

According to a sociological study conducted by the Office of the Ombudsman is considered the most actual and important right that requires enhanced attention from Moldovan society. This opinion is shared by 61% respondents.

The lack of proper tools for implementing health legislation leads to irregularities in the system, which limits access to and the quality of healthcare services.

There is a shortage of competent staff in the field of public health, particularly in rural areas, as a result of the exodus of specialists and the unsatisfactory infrastructure and sanitary-hygienic condition of healthcare facilities. Obsolete medical equipment and insufficient technical and material resources¹³impede access by the population to quality medical services and demotivate medical staff. Because the latter have to work in difficult conditions, facing fatigue and insufficient remuneration, many leave the healthcare system.

Another healthcare issue is securing and monitoring the quality and safety of services provided. The procurement of medicines in public healthcare facilities is based on the lowest price, which does not always ensure the best quality. Healthcare facilities, particularly in rural areas, lack sufficient equipment and medicines for quality first aid. This leads to an avoidable high mortality rate. The accreditation of public healthcare facilities is a formality– without thorough control of hospital conditions, the quality and safety of the equipment used, and adequate assessment of patients' satisfaction. There are no efficient procedures for examination of petitions and medical errors and for centralised monitoring of malpractice cases. Observance by health professionals of patients' rights, particularly the rights to private life, to choose and to being informed, is low.

There is unequal access to some specialised services such as medication for the people suffering from cancer and HIV/AIDS and qualified palliative care.

The existing system for control and prevention of tuberculosis, protection of reproductive health and sexual health is inefficient¹⁴.

The healthcare system is marked by corruption, which is driven by poverty and lack of efficient tools to fight this phenomenon. Around 93% of the Moldovans provide informal payments to doctors and other medical staff. Yearly, such payments amount to

¹³Expense Strategy for the Health Sector. 2012-2014, www.minfin.md/common/files/CCTM; National Public Health Strategy for 2014-2020, approved by Government Decision No.1032 of 20.12.2013.

¹⁴Reports of the Ombudsperson on Human rights Observance in Moldova in 2015, 2014,2013, 2012; www.ombudsman.md

the equivalent of 100 million USD. Informal payments are also widespread among people who do not hold a health insurance policy. Around 80% of citizens, who address to the Ministry of Health, complain about being forced to make informal payments to doctors¹⁵.

Recommended questions to be raised:

- *How the State fight against corruption within the health system?*
- *How soon the State intend to establish an independent institution to investigate malpractice cases and legal mechanisms to secure patients' rights to receive compensation for any kind of damage caused by medical acts?*
- *Does the State intend to review criteria for evaluation of the standards for accreditation of healthcare and pharmaceutical facilities?*
- *How the State will ensure qualitative healthcare services?*
- *How the State intend to ensure the observance of human rights during the provision of medical services?*

Quality and Accessibility of Drinking Water

The quality of drinking water and access to it remains a serious problem for Moldova. The volume of water currently available is about 500 m³ per capita or even less¹⁶. The management of water resources is flawed and unbalanced, and the quality poor. The share of Only 62% of inhabitants have permanent access to improved water sources, and only 56.6% have improved sewerage systems. There is a significant difference between rural (22.8%) and urban (68.9%) areas in access to water supply services, while in terms of access to the public sewerage system, the difference is even more alarming – 1% compared to 50.1%¹⁷.

Maintenance of water supply and sewerage systems is done within the limits of existing financial and economic resources. Such systems continue to degrade, causing loss

¹⁵Opinion of the Head of the National Health Insurance Company expressed within the II-nd Edition of the National Health Forum, November 25-26, 2013, Chisinau, www.moldova-suverana.md/article/plile-informale-n-sistemul-de-sntate-se-ridic-la-pestea-2-mlrd-de-lei-3872.

¹⁶The international recommended limit is 1,700 m³ as a secure level of availability of annual renewable water supply per person. A volume of available water lower than 1000 m³ per capita yearly may hinder the economic development and affect the health and living standard of the population.

¹⁷National Human Development Report 2014. Good Corporate Citizens Public and Private Goals Aligned for Human Development, www.undp.md

of water and energy resources. The institutions working in water supply and sanitation are fragmented, have limited resources to ensure efficient management of current issues and to plan medium and long term investments. Budgetary constraints mean financing from public funds is low.

Recommended questions to be raised:

- *Does the State plan to adopt and implement efficient policies for the oversight, management and protection of water resources?*
- *What are the measures taken by State in order to ensure the access to improved water sources, and improved sewerage systems?*

Securing a Decent Standard of Living

The economic crisis and constant increases in prices and tariffs for consumer goods and services further affect the living standard of the population in general and lead to the impoverishment of the most vulnerable groups.

The existing pension system is unfair and unsustainable. The indicators for calculating the pension are out-dated. The Ombudsman has notified the Government that the average monthly pension does not cover the minimal subsistence level for retired people¹⁸. An analysis of official data¹⁹ for the past 3 years shows that the average pension received by around 98% of the total number of retired persons is below the minimum subsistence level²⁰.

The national minimum wage²¹ does not cover the minimum subsistence level²². The Law on Minimal Subsistence Level²³ does not adequately regulate the adjustment of social benefits and the national minimum wage to the minimum subsistence level²⁴.

Recommendations:

¹⁸(2013-76.1%; 2014-78%; 2015-81.1%)

¹⁹National Social Insurance House <http://www.cnas.md/lib.php?l=ro&idc=244&nod=1&>

²⁰Reports of the Ombudsperson on the Human rights Observance in Moldova in 2013, 2014, 2015

²¹Government Decision No.550 of 09.07.2014 on Establishment of the Size of the National Minimum Wage.

²²Government Decision No.285 of 30.04.2013 for approval of the Regulation on Calculation of the Size of the Minimal Subsistence Level. (years 2009-2014 - 600 MDL (27 EUR), since 2014 – 1000 MDL (45 EUR))

²³Law No.152 of 05.07.2012 on the Minimal Subsistence Level

²⁴Reports on Human Rights Observance in Moldova for 2012, 2013

- Does the State intend to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights?

- When the State will adjust social benefits and national minimum wage to the minimum subsistence level?