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**PERMANENT MISSION OF THE REPUBLIC OF MOLDOVA
TO THE UNITED NATIONS OFFICE IN GENEVA**

No. 494/ R-ONU- 685

The Permanent Mission of the Republic of Moldova to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Special Procedure Branch, and has the honour to transmit herewith the response of the Government of the Republic of Moldova to the Joint Urgent Appeal no. *MDA 4/2013* dated 29 July 2013, of the Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health; and the Special Rapporteur on the situation of human rights defenders.

The Permanent Mission of the Republic of Moldova to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, Special Procedure Branch, the assurances of its highest consideration. *vm-*



Encl.: 1 page

**OFFICE OF THE UNITED NATIONS HIGH
COMMISSIONER FOR HUMAN RIGHTS
SPECIAL PROCEDURES BRANCH**

Geneva

With reference to the Amendment to the Moldovan Contravention Code of the Republic of Moldova art. 90¹, adopted on 23 May 2013 (entered into force on 12 July 2013) should be noted the following:

The amendment is a result of a merger of 2 legislative initiatives of MPs, which were examined in public hearings in the first reading on 4 April and adopted in the final reading on 23 May 2013. As it is provided by the law the respective legislative draft once submitted for the examination to the Specialised Parliamentary Commissions and subsequently for the approval in plenary session was published on the Parliament's official website¹.

The overall aim of the amendment was to create a mechanism to protect children's rights as foreseen by the Law No. 30 from 7 March 2013 on the child protection against the negative impact of the information, in line with the Lanzarote Convention. The amendment sets specific sanctions in form of fines for the dissemination of public information with a negative impact on minors and/or spread of prostitution, paedophilia, pornographic materials and other relations that those related to marriage and family.

The Government gave a negative opinion on the respective draft amendment considering that the existing provisions of the national legislation already cover ensure proper implementation of the Lanzarote Convention by the articles 175, 208, 208¹, 208² of the Criminal Code of the Republic of Moldova.

Moreover, the Ombudsman noticed that the legislative technique norms according to the Law No 380 from 27 December 2001 on legislative acts and the Law No 317 from 18 July 2003 on the normative acts of the Government and other local and central public administration authorities were not properly followed in the amended Law (namely all the norms should be concise, unambiguous and easily understood by everyone). In this context, the Ombudsman submitted on 30 July 2013 its explanatory report to the Parliament on the non-compliance of the legislative technique norms and on signal the need to initiate the procedure of revision and amendment of the above mentioned law, especially of the provision regarding "*some other relations*".

In parallel, the Ombudsman created an ad-hoc Working Group with the participation of the Ministry of Interior and Ministry of Justice. The aim of this Group was to find a short term solution to ensure unambiguous implementation of the Article 90¹ of the amended Contravention Code, in line with the Constitutions and other related laws. Thus, an Implementation Instruction on the correct and uniform application/implementation of the Article 90¹ of the amended Contravention Code was issued by the Ministry of Interior on 26 July 2013 and circulated to all the law enforcement bodies for implementation.

In the meantime, on 4 October 2013, in the Parliament of the Republic of Moldova was registered draft law No. 391 amending the Contravention Code and stipulating in art. 1 the modification of the art. 90¹, para (2) of the Contravention Code as follows "the distribution of public information with or without criminal intent in order to spread prostitution, pedophilia or pornography". As a result, the Amendment to the Moldovan Contravention Code adopted on 23 May 2013 and entered into force on 12 July 2013 was repealed on 11 October 2013 (amendment of the art. 90¹ of the Contravention Code, especially of the provision regarding "*some other relations*").

¹ <http://www.parlament.md/ProcesulLegislativ/Projectedcactelegislative/tabid/61/LegislativId/1223/Default.aspx>