

The Law Center of Advocates (CDA)
Submission to the Human Rights Council for the 54th
session
of the Universal Periodic Review (4TH cycle, July 2026)

REPUBLIC OF MOLDOVA

The right to health of beneficiaries of international protection

About the submitting organization. The Law Center of Advocates (CDA) is a non-political, non-profit association, registered on 24 February 1997 with the Ministry of Justice of the Republic of Moldova. Its mission is to promote respect for human rights and to provide legal support to persons in need of international protection (refugees and asylum seekers), stateless persons, persons at risk of stateless, and vulnerable immigrants, who are the most marginalised and at risk of human rights violations. The CDA is a partner of the UN Refugee Agency (UNHCR) and an associate member of the European Network on Statelessness (ENS), the European Council on Refugees and Exiles (ECRE) and the Global Alliance to End Statelessness.

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I. INTRODUCTION

1. CDA makes this submission to the Universal Periodic Review on the right to health of beneficiaries of international protection under the protection of the Republic of Moldova.
2. The submission addresses the restrictions faced by certain vulnerable groups of beneficiaries of international protection (including children) to medical care and services within the mandatory health insurance system, on equal terms with citizens of the Republic of Moldova.
3. CDA has raised this matter before the competent health authorities, the Ombudsman, and the relevant parliamentary committees. CDA has further prepared an Analytical Note demonstrating that the administrative practice of restricting certain beneficiaries of international protection from accessing medical care through the mandatory health insurance system runs contrary to the letter and the spirit of the law, as well as to the international human rights obligations assumed by the Republic of Moldova.¹

II. FOLLOW-UP TO THE PREVIOUS REVIEW AND TREATY BODY RECOMMENDATIONS

4. In the third UPR cycle, the Republic of Moldova received 209 recommendations, of which 186 were accepted and 23 noted. Several relate to strengthening equal access to medical services, combating discrimination, and protecting vulnerable groups, but none specifically addresses access to health for beneficiaries of international protection.
5. The Committee on the Elimination of Racial Discrimination recommended that the State party implement its legislative and policy frameworks, in particular Law No. 270/2008 on asylum and Decision No. 21/2023, to ensure that refugees and asylum-seekers have effective access to health care, education, housing, and employment without discrimination.²

III. INTERNATIONAL AND NORMATIVE FRAMEWORK

6. The Republic of Moldova has acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and has ratified the principal international human rights treaties, with the exception of the International

¹https://cda.md/wp-content/uploads/2026/05/Analytical_Note_EN.pdf

²CERD/C/MDA/CO/12-14, Concluding observations on the combined twelfth to fourteenth periodic reports of the Republic of Moldova, 23 May 2024: <https://docs.un.org/en/CERD/C/MDA/CO/12-14>

Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It is not a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

7. At the regional level, the State has ratified the European Convention on Human Rights and the revised European Social Charter, but has not accepted the collective complaints procedure before the European Committee of Social Rights.
8. The State is under an obligation to respect, protect, and fulfil the right to health of foreign nationals by ensuring the availability, accessibility, acceptability, and quality of medical services for all segments of the population.

IV. ACCESS OF BENEFICIARIES OF INTERNATIONAL PROTECTION TO MEDICAL CARE WITHIN THE MANDATORY HEALTH INSURANCE SYSTEM

9. Beneficiaries of international protection — persons recognized as refugees and beneficiaries of humanitarian protection within the meaning of national legislation³ — constitute a distinct category to whom the Republic of Moldova has granted a form of protection that entails, by operation of law, a set of rights equivalent to those of its own citizens, including the same legal regime for mandatory health insurance.
10. Article 23 of the 1951 Convention obliges States to accord to refugees lawfully staying in their territory the same treatment as their own nationals with respect to public relief and assistance, including medical care.
11. The Law on Asylum provides that international protection confers on its beneficiaries the right to enjoy, within the mandatory health insurance system, the same rights as citizens of the Republic of Moldova.⁴ The Law on Mandatory Health Insurance reaffirms the principle of equal treatment, expressly providing that beneficiaries of international protection have the same rights and obligations in the field of mandatory health insurance as citizens of the Republic of Moldova, in accordance with the legislation in force, unless international treaties provide otherwise.⁵ The same right is enshrined in further legislation in the fields of migration, asylum, and health:
 - Law No. 200/2010 on the regime of aliens, Art. 84³: beneficiaries of international protection have the same rights and obligations in the field of mandatory health insurance as citizens of the Republic of Moldova;

³Law on Asylum in the Republic of Moldova No. 270/2008:

https://www.legis.md/cautare/getResults?doc_id=146838&lang=ro

⁴Law on Asylum in the Republic of Moldova No. 270/2008, Art. 33

⁵Law on Mandatory Health Insurance No. 1585/1998, Art. 9:

https://www.legis.md/cautare/getResults?doc_id=151186&lang=ro

- Law No. 411/1995 on health protection, Art. 26: beneficiaries of international protection have the same rights and obligations in the field of mandatory health insurance as citizens of the Republic of Moldova, in accordance with the legislation in force, unless international treaties provide otherwise;
 - Law No. 274/2011 on the integration of aliens, Art. 19: foreign minors have access to medical care under the same conditions as minors who are citizens of the Republic of Moldova;
 - Law No. 370/2023 on the rights of the child, Arts. 2 and 12: the State guarantees priority access of every child to medical care, irrespective of citizenship, status acquired at birth, or any other criterion.
12. This convergence reflects the legislator's consistent intention to ensure equal treatment in the field of health for beneficiaries of international protection.
13. Financial protection in the field of health is provided through the mandatory health insurance system. Services within this system are financed from mandatory health insurance funds and provided according to the list of diseases and conditions requiring medical care.⁶ Insured persons fall into three groups: unemployed persons who purchase their own policy; employed persons for whom the employer transfers the premium; and unemployed persons insured by the Government.
14. The Law establishes the categories of persons insured by the Government on the basis of objective vulnerability criteria such as age, state of health, or socio-economic situation.⁷ These include children under 18, pregnant women, persons with disabilities and their caretakers, pensioners, unemployed persons registered with the employment authority, beneficiaries of international protection enrolled in integration programmes, and others.⁸ The Law imposes no condition relating to citizenship or legal status and expressly provides that beneficiaries of international protection have the same rights and obligations in the field of mandatory health insurance as citizens of the Republic of Moldova.⁹
15. Contrary to international and national regulations, the public authorities responsible for health¹⁰ and health insurance¹¹ refuse to recognize the status of persons insured by the Government for beneficiaries of international protection who fall within the categories listed above, with the sole exception of those enrolled in integration programmes, and only for the duration of those programmes. The authorities maintain that such persons must insure themselves individually, by purchasing an insurance policy.

⁶Government Decision on the Single Programme of Mandatory Health Insurance No. 874/2024: https://www.legis.md/cautare/getResults?doc_id=146494&lang=ro

⁷Law on Mandatory Health Insurance No. 1585/1998

⁸Law on Mandatory Health Insurance No. 1585/1998, Art. 4

⁹Law on Mandatory Health Insurance No. 1585/1998, Art. 9

¹⁰Ministry of Health: <https://ms.gov.md/>

¹¹National Health Insurance Company: <https://cnam.md/>

16. The authorities have reported that, according to the “Mandatory Health Insurance” information system, at the end of 2025 there were 2,463,548 insured persons: 1,571,933 (63.8%) insured by the Government, 758,578 (30.8%) insured employees, and 133,037 (5.4%) insured individually. The largest recipients of mandatory health insurance fund resources, and of services provided within the system, are therefore the categories insured by the Government, owing to their age and state of health.
17. The authorities argue that state-budget transfers for persons insured by the Government are limited and that the financial burden falls mainly on employees, who contribute most to the funds; that increasing the number of persons insured by the Government would deepen the imbalance between contributors and beneficiaries, restrict access to compensated services, medicines, and devices, and lengthen patient waiting lists; and that maintaining a clear distinction between persons insured by the Government and those required to insure themselves individually is indispensable for budgetary balance and equity towards all premium payers.
18. This administrative approach is of recent origin and produces serious effects on highly vulnerable groups. Children, pregnant women, persons with disabilities, and the elderly — precisely those for whom the law establishes additional protection — are *de facto* excluded from the mandatory health insurance system. The result is a delay or complete denial of necessary medical care until a policy is purchased individually, with direct and measurable consequences for the health of those affected.
19. According to official statistics, on the 31st of December 2025, 208 persons with refugee status and 526 beneficiaries of humanitarian protection were registered in the asylum system of the Republic of Moldova.¹² The State does not collect disaggregated data on the profile of beneficiaries of international protection that would allow an estimate of the number entitled to medical care as persons insured by the Government.
20. The practice described raises serious concerns regarding the right to health, the principle of equality and non-discrimination, the best interests of the child, and the international obligations of the Republic of Moldova. Although national legislation does not exclude beneficiaries of international protection from State-funded medical care, the administrative interpretation applied produces discriminatory effects and restricts effective access to certain medical services, creating a significant gap between the rights guaranteed by law and their exercise in practice. This may amount to a violation of the State’s obligations to respect and fulfil the right to health, as defined by the UN Committee on Economic, Social and Cultural Rights.

¹²General Inspectorate for Migration, Activity Note of the General Inspectorate for Migration of the Ministry of Internal Affairs for 2025: <https://igm.gov.md/wp-content/uploads/2026/02/Nota-de-activitate-a-IGM-pentru-anul-2025-final-.pdf>

V. RECOMMENDATIONS

21. In light of the above, CDA recommends that the Republic of Moldova:

- I. Fully promote, respect, protect, and fulfil its obligations towards beneficiaries of international protection and the right to health under international human rights law;
- II. Effectively implement the legislative framework, in particular the Law on Mandatory Health Insurance, so as to guarantee beneficiaries of international protection non-discriminatory access to medical care within the mandatory health insurance system, on equal terms with citizens of the Republic of Moldova;
- III. Increase the financial resources transferred from the state budget to the mandatory health insurance funds to ensure coverage for all categories of persons for whom the Government acts as insurer, including beneficiaries of international protection;
- IV. Take concrete steps to improve the recording of beneficiaries of international protection by collecting comprehensive, disaggregated statistics on their demographic composition, socio-economic situation, and access to health care, so as to create an empirical basis for assessing the equal enjoyment of human rights.