

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF THE REPUBLIC OF MOLDOVA
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Except where expressly indicated, any developments which occurred after 18 November 2020, date on which the response of the Moldovan authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific recommendations subject to interim follow-up and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1. *In its report on the Republic of Moldova (fifth monitoring cycle) published on 2 October 2018, ECRI recommended that the authorities should strengthen the institutional capacity of the Council to Prevent and Combat Discrimination and Ensure Equality (CPPEDAE) and the People’s Advocate (the Ombudsman). In this regard, the authorities should, in particular, i) amend the relevant procedural rules to ensure the effective implementation of the mandate of the CPPEDAE, ii) allocate both institutions sufficient financial and human resources, including funding to provide for awareness-raising campaigns, iii) ensure that both institutions maintain their full financial independence from the government, and iv) intensify their efforts to promote compliance with the recommendations of the CPPEDAE and the Ombudsman.*

ECRI notes that there have been no significant changes made to strengthen the institutional capacity of the Council to Prevent and Combat Discrimination and Ensure Equality (CPPEDAE) and the People’s Advocate (the Ombudsman) since the publication of ECRI’s fifth report. Although a draft bill to consolidate certain prerogatives of the CPPEDAE was issued in 2018, it could not translate into legislation due to the change of government. ECRI was informed that a new legislative proposal is currently pending.

As concerns the provision of human resources of both institutions, ECRI regrettably notes that no progress was made, and understaffing remains a persistent issue, mostly due to low salaries and high levels of staff turnover. Furthermore, the issue of financial independence of both institutions has still not been resolved and their budgets are dependent on the discretion of the Ministry of Finance, although the legislation requires their approval by Parliament.

Against these considerations, ECRI concludes that this recommendation has not been implemented.

2. *In its report on the Republic of Moldova (fifth monitoring cycle), ECRI recommended that the training activities for law enforcement officials and the judiciary on hate crime, including hate speech, are scaled up. Such training should cover racist and homo-/transphobic hate crime as well as racial profiling. ECRI also recommends that the authorities carry out an impact assessment to evaluate the training to establish to what extent it helps to identify hate crime effectively and to adjust it, if necessary.*

The state authorities informed ECRI that a specialised course on ‘the examination and investigation of crimes motivated by prejudice’ was included in the curricula of the in-service training for prosecutors and judges at the National Institute of Justice. Furthermore, an OSCE-led training on hate crime for the Joint Law Enforcement Training Centre of the Ministry of Internal Affairs took place in December 2020.³

ECRI takes positive note of the recent establishment of the “Strategic Group for the harmonisation of law enforcement training on hate crimes” (hereafter Strategic Working Group) within the framework of an ongoing Council of Europe project.⁴ The Strategic Working Group, which was operational between October and December 2020, was composed of the representatives of the General Police Inspectorate, the Superior Council of Magistracy, the Police Academy, the Ministry of Justice and the National Institute of Justice and aimed to identify gaps in law enforcement training as well as to enhance the capacity with a view to effectively identify and investigate bias-motivated crimes. To this end, two different sets of training programmes in the format of ‘Training of Trainers (ToT)’ were foreseen for 2021: i) training on equality and non-discrimination for police officers in order to reinforce their preventive competences, ii) hate crime training at inter-institutional level, notably for police officers, prosecutors and judges, in order to develop a common understanding of hate crimes within the criminal justice

³ See <https://www.osce.org/mission-to-moldova/473667>

⁴ [Project](#) on ‘Strengthening access to justice for victims of discrimination, hate speech and hate crimes in the Eastern Partnership’, is part of the Partnership for Good Governance and run by the Inclusion and Antidiscrimination Division of the Council of Europe.

system and an integrated approach to combating them. ECRI is also pleased to learn that a training programme on hate speech for the Security and Intelligence Service, which is tasked with monitoring online hate speech, is currently being implemented.

While welcoming these steps taken by the authorities, ECRI concludes that the various measures have not yet ensured the proper qualification of hate crimes. The training programmes set out by the Strategic Working Group are still at the inception phase and the impact of these programmes is yet to be assessed. In this regard, ECRI encourages the Moldovan authorities to continue their efforts to improve the knowledge and expertise among law enforcement officials in recognising hate crime dynamics by making effective use of these training programmes.

ECRI therefore considers that this recommendation has been partially implemented.

