

REPORT ON THE MAPPING OF RESPONSES TO HATE SPEECH IN THE REPUBLIC OF MOLDOVA

COUNCIL OF EUROPE



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Chapter 1

Introduction

In 2020, the Council of Europe's No Hate Speech and Cooperation Unit implemented a project to "Map national responses to hate speech in the Republic of Moldova" with the funding of the Kingdom of the Netherlands, under the [Council of Europe's Action Plan for the Republic of Moldova 2017-2020](#).

A systemic design consultancy, Experientia, was engaged to lead the process and analyse the current national responses to hate speech in the Republic of Moldova using Council of Europe standards to combat hate speech (in particular, the [European Commission against Racism and Intolerance \(ECRI\) General Policy Recommendation No. 15 on Combating Hate Speech](#)) and to facilitate workshops with the stakeholders to analyse the challenges they face, the roles that they play and to discuss and agree on possible solutions to improve the coordination and effectiveness of their response.

Due to the global COVID-19 pandemic, the planned project activities had to be carried out online which meant that some of the participatory and networking elements of the process were lost. Nevertheless, Experientia created a workshop environment online.

The project used systemic design methodology to support stakeholders in improving their strategic capabilities of addressing the rising use of hate speech. The methodology can be summarised as the effort of creating linkages between implicit and explicit qualitative data sets. Implicit data sets consist of knowledge and information that "floats" in networks of people without being captured, documented or reported on. Implicit data was gathered through workshops, interviews and surveys. Explicit data sets on the other hand, are contained in reports, articles and other documentation. This data was gathered through a literature review, with the key documents being the Council of Europe's recommendations on this subject.

The frameworks used for merging, classifying and processing the gathered data come from the theory and language of systemic design. Throughout the project, several systemic design models were created, based on hate speech both as a problem and a solution space in the Republic of Moldova. During the interviews and workshops with stakeholders, these models were shown to the group and the participants were asked for their contributions to amend, enrich or create new ones. The analysis that led to the definition of the different maps and to the solutions proposed is the result of the work done with the identified and available stakeholders.

Unfortunately, the Superior Council of Magistracy did not appoint representatives to participate in the project and the Audiovisual Council and Central Election Commission could not send participants to the workshops as following delays linked to COVID-19 pandemic they were held during the election period.

Through the process of remodelling and analysing data, several insights emerged, related to the main goals of this project:

- ▶ Showing the interaction individuals have with institutions, public bodies, NGOs and private sector throughout the process of addressing hate speech.
- ▶ Listing gaps, challenges and opportunities to improve the national approach to address hate speech.
- ▶ Providing recommendations for follow-up actions to strengthen comprehensive approach to address hate speech and enhance the roles, responsibilities and co-operation between the various national actors in line with European standards and practice.

Chapter 2

Methodology: systemic design framework

2.1 A NEW APPROACH: SYSTEMS THINKING AND DESIGN

Today, having a linear approach to solving problems is less effective than in the past, as technology, economy, society, environment, politics, and businesses are all deeply intertwined. In order to solve complex issues, it helps to take a step back and adopt a holistic point of view of the system in which users and stakeholders operate, in order to effectively ascertain where and why the problem is coming from.

Systems thinking is a mental framework which interprets reality, as made of an organised group of elements influencing each other by a causal relation, in order to achieve one or multiple goals. Systems thinking is also a tool to examine a system's structure and behaviours looking for leverage points and acting upon them. It can also be seen as a language, because it has a specific vocabulary to describe a system.

Systems thinking can help understand more effectively which challenges need to be tackled. This is done by combining all the variables which are directly or indirectly affecting/contributing to the problem. It is possible to spot intuitive and counter-intuitive solutions with long-term positive effects, and to intervene in the structure and behaviour of the system affecting people lives.

2.2 WHAT IS A SYSTEM?

The most known and recognised definition of a system is provided by Donella Meadows, environmental scientist and activist. Meadows wrote in *Thinking in systems: a primer* (Chelsea Green publishing): "A system isn't just a collection of things. A system is an interconnected set of elements that is coherently organised in a way that achieve something."

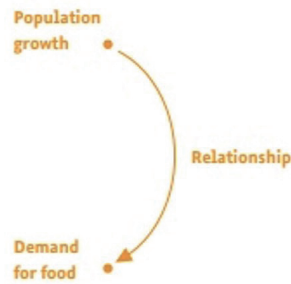
2.3 HOW TO MAP A SYSTEM: CAUSAL LOOP DIAGRAM

The first step to intervene in a system is to map it, in order to gain a complete overview and properly understand its structure.

One of the most consolidated tools used in systems approaches is the causal loop diagram, a diagrammatic representation of system variables, relationships, and feedback loops. This tool has three main advantages.

- ▶ **Inclusive:** variables can be anything from qualitative to quantitative and coming from very different and diverse domains.
- ▶ **Dynamic:** even if static, it can tell multiple stories that unfold cyclically and simultaneously, thanks to the feedback loop concept.
- ▶ **Codified:** it is drawn with a specific visual grammar, enabling comparisons between diagrams from different projects.

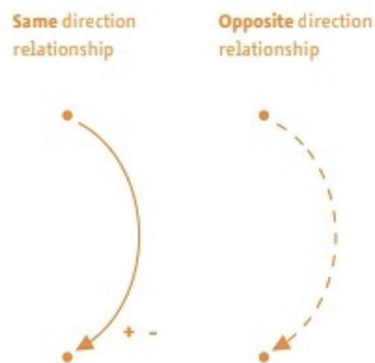
In a causal loop diagram, variables can be tangible or intangible, qualitative or quantitative, and increasing or decreasing over time.



Relationships describe how the increase or decrease of an element influences the increase or decrease of another. For example, population growth increases demand for food. The relation between the variables are not all the same. In fact, the increase of variable X can decrease variable Y, but increase Z.

These relations are called:

- ▶ **Same direction relation**, referring to a directly proportional relation that can be increasing (+) or decreasing (-) the next variable.
- ▶ **Opposite direction relation**, referring to an inversely proportional relation where if one variable grows the one in relation to it decreases and vice versa.



If the increase of a variable increases or decreases another one, there is a same direction relation. If a variable increase decreases another one, it means that there is an opposite direction relation between them.

2.4 APPLICATION OF SYSTEMS THEORY IN THIS PROJECT

The causal loop diagram is a powerful tool to visualise the complex and multi-faceted causes of hate speech which are specific to a country, as well as the wide-ranging responses from a variety of institutions and NGOs. Through identifying the current system with key stakeholders, it is possible for them to identify gaps in the responses.

As outlined in General Policy Recommendation No. 15 on Combatting Hate Speech, a comprehensive approach must reconcile freedom of expression and other rights which are jeopardised by hate speech, and increase society's resilience to it. The recommendation outlines key components needed for a comprehensive approach to combatting it, including legislative and administrative measures; self-regulation; support to victims; education and awareness raising measures including through use of counter speech.

A systemic analysis of the national approach to hate speech can map how members of society are impacted by hate speech and the redress available to them. The analysis maps the interaction individuals have with institutions, other public bodies, NGO's and private sector throughout the process of addressing the hate speech.

This analysis is not restricted to legal redress but attempts to encompass all possible responses as outlined

in ECRI GPR No. 15, for example self-regulatory procedures, public condemnation, victim support and educational responses. By breaking down a system into its component pieces and studying how those component parts work and interact to accomplish their purpose helps identify gaps, challenges and new actions and tools.

The results aim to increase the understand of all stakeholders of all the variables that affect the current situation concerning hate speech in the Republic of Moldova, and to evaluate together their roles, relationships, opportunities, and solutions for co-ordinating further actions.

Chapter 3

Framing the hate speech mechanisms

The first phase of this project was research to understand the Moldovan context and how the phenomenon of hate speech manifests itself.

Through meetings with experts, researchers and background reading the specific aspects present in the Republic of Moldova both in public and private contexts were outlined. This knowledge was the starting point to build a systemic map that could represent the main mechanisms leading to hate speech in the Moldovan context.

3.1 DESK RESEARCH AND REFERENCE MATERIAL ANALYSIS

The following documents were reviewed:

Council of Europe

- ▶ Recommendation No. R (97) 20 of the Committee of Ministers to member States on “Hate speech”
- ▶ Recommendation No. R (97) 21 of the Committee of Ministers to member States on the media and the promotion of a culture of tolerance
- ▶ Recommendation CM/Rec (2019)1 of the Committee of Ministers to member States on preventing and combating sexism
- ▶ Assessment of the effectiveness of access to justice for victims of discrimination, hate crime and hate speech through non-judiciary redress mechanisms in the Republic of Moldova
- ▶ European Commission against Racism and Intolerance (ECRI) Report on the Republic of Moldova (fifth monitoring cycle) 2018
- ▶ ECRI General Policy Recommendation No.6 on Combating the dissemination of racist, xenophobic and antisemitic material via the Internet
- ▶ ECRI General Policy Recommendation No.15 on Combating Hate Speech

Organization for Security and Co-operation in Europe (OSCE)

- ▶ Media Monitoring Report: Reporting on minority issues and diversity in the media
- ▶ Opinion on the draft law “Hate crimes and holocaust denial – amending and supplementing certain acts” of the Republic of Moldova

Promo-LEX Association (Moldovan NGO)

- ▶ Monitoring reports on “Hate Speech and incitement to discrimination in the public space and media”

A complete bibliography can be found in Annex 3.

3.2 EUROPEAN STANDARDS AND RECOMMENDATIONS

The desk research identified several recommendations from the Council of Europe on how the Republic of Moldova as a member state could best respond to hate speech. The research also collected recommendations from other organisations. These recommendations were used during the workshop and stakeholders identified the most relevant and important ones to be implemented in the Republic of Moldova (page 34).

The researchers grouped the recommendations into the following six thematic groups:

1	Legislation and legal remedies	Recommendations concerning specific changes to laws and other legal documents
2	Institutions combating hate speech	Recommendations concerning entities that could and should have an active role in combating hate speech
3	Monitoring and documenting	Recommendations focused on the need to find instruments to monitor and provide documentation of hate speech cases
4	Ensure media equality	Recommendations directed to the media's role in reporting on hate speech cases and providing contents that promote equality and tolerance
5	Sanctioning hate speech	Recommendations focused on the importance of adopting instruments to identify and sanction hate speech
6	Training and other activities to raise awareness	Recommendations about the necessity to plan regular training on hate speech identification, awareness and actions to contrast it

3.3 LOOKING AT THE COUNTRY'S SPECIFICITIES

The desk research also considered some of the most important events in the history of Moldova, as well as religions, languages, and some of the population's characteristics.

According to the [World Bank overview \(October 2020\)](#) although Moldova "is among the poorest countries in Europe, it has made significant progress in reducing poverty and promoting inclusive growth since the early 2000s. The economy has expanded by an average of 4.6 percent annually in the past 20 years. A closer integration with Europe has anchored successive governments' policy reform agendas, but reforms that are good on paper face implementation challenges. A vulnerable political system, a polarized society, low productivity, demographic challenges, skills mismatches, and a high vulnerability to both climate-related and external shocks are Moldova's biggest economic challenges."

Through the desk research a range of stakeholders involved in responding to hate speech were identified and were invited to participate in the next phase of the project. The list of actors grew as the project progressed.

Two key stakeholders are the independent bodies with a mandate to promote equality and non-discrimination: the Council for Preventing and Eliminating Discrimination and Ensuring Equality (Equality Council) and the Office of the People's Advocate (Ombudsperson). However, according to the [ECRI monitoring report of 2018 §96](#) "The equality bodies, both the Council to Prevent and Combat Discrimination and Ensure Equality and the Ombudsperson, severely lack the financial and human resources necessary to carry out their mandates effectively."

Another key stakeholder in responding to hate speech is the Audiovisual Council which is the regulatory body for public and private audiovisual media in the Republic of Moldova, it oversees compliance with the Audiovisual Media Services Code. Sanctions for violations range from fines to the suspension of the broadcasting licence. According to the 2018 ECRI monitoring report §45 "Reportedly, due to its highly politicised structure, the Audiovisual Coordinating Council has not always effectively enforced media regulations."

3.4 DEFINITION OF THE PRELIMINARY HATE SPEECH MECHANISM MAP

Through the data collected in desk research, the team created a first representation of the main mechanisms leading to hate speech in the Republic of Moldova.

Using the causal loop diagram to model the hate speech system, a map was prepared to give a complete overview and properly understand the hate speech mechanisms. The map can be consulted online:

[Preliminary Hate Speech Mechanism map - English](#)

[Preliminary Hate Speech Mechanism map - Romanian](#)

The eight mechanisms identified in this first analysis were:

1	Core engine	the general mechanisms leading to hate speech
2	Core engine consequences	the general consequences of hate speech
3	Identity and EU	EU support of equal rights as portrayed by some politicians as a negative influence which can lead to hate speech
4	Identity and religion	religious values can influence the rise of hate speech
5	News coverage of minorities	news reports can affect the rise of hate speech towards minorities and vulnerable groups
6	Women's rights	patriarchal society can affect the use of hate speech towards women and their rights
7	Legislation	what are the obstacles and challenges to fight hate speech also with the law
8	Social network effect	social networks are a fertile place to let hate speech grow

This first analysis includes several central themes in the development and management of hate speech: media, legislation, identity, etc. However, it was important to have feedback from stakeholders active in Moldova to enrich its contents. Some gaps could already be identified, such as the point of view of youth and the world of education. The gaps were addressed in the subsequent interviews and in the workshop.

Chapter 4

Expanding the systemic map with key stakeholders

After mapping a first structure of the main mechanisms leading to hate speech, the second phase focused on receiving feedback from the main stakeholders involved in responding to hate speech phenomenon in the Republic of Moldova.

Usually, this feedback would have been gathered through a participatory workshop where the stakeholders could exchange on the issues identified and work in groups on the preliminary map. Due to the restrictions on meetings due the COVID-19 epidemic this feedback was gathered through in-depth online interviews.

The researchers interviewed representatives from the following organisations:

- ▶ Audiovisual Council
- ▶ Council for Preventing and Eliminating Discrimination and Ensuring Equality (Equality Council)
- ▶ Criminal Investigation Directorate, General Police Inspectorate
- ▶ GENDERDOC-M (LGBTI NGO)
- ▶ General Prosecutor's Office
- ▶ Independent Journalism Center (IJC)
- ▶ Office of the People's Advocate (Ombudsoffice)
- ▶ Promo-LEX (Human Rights NGO)
- ▶ Press Council
- ▶ Prevention Directorate, General Police Inspectorate
- ▶ Security and Intelligence Services

Although the interviews were conducted as an open conversation, questions were prepared in advance and shared with the interviewees in order for them to be able to prepare.

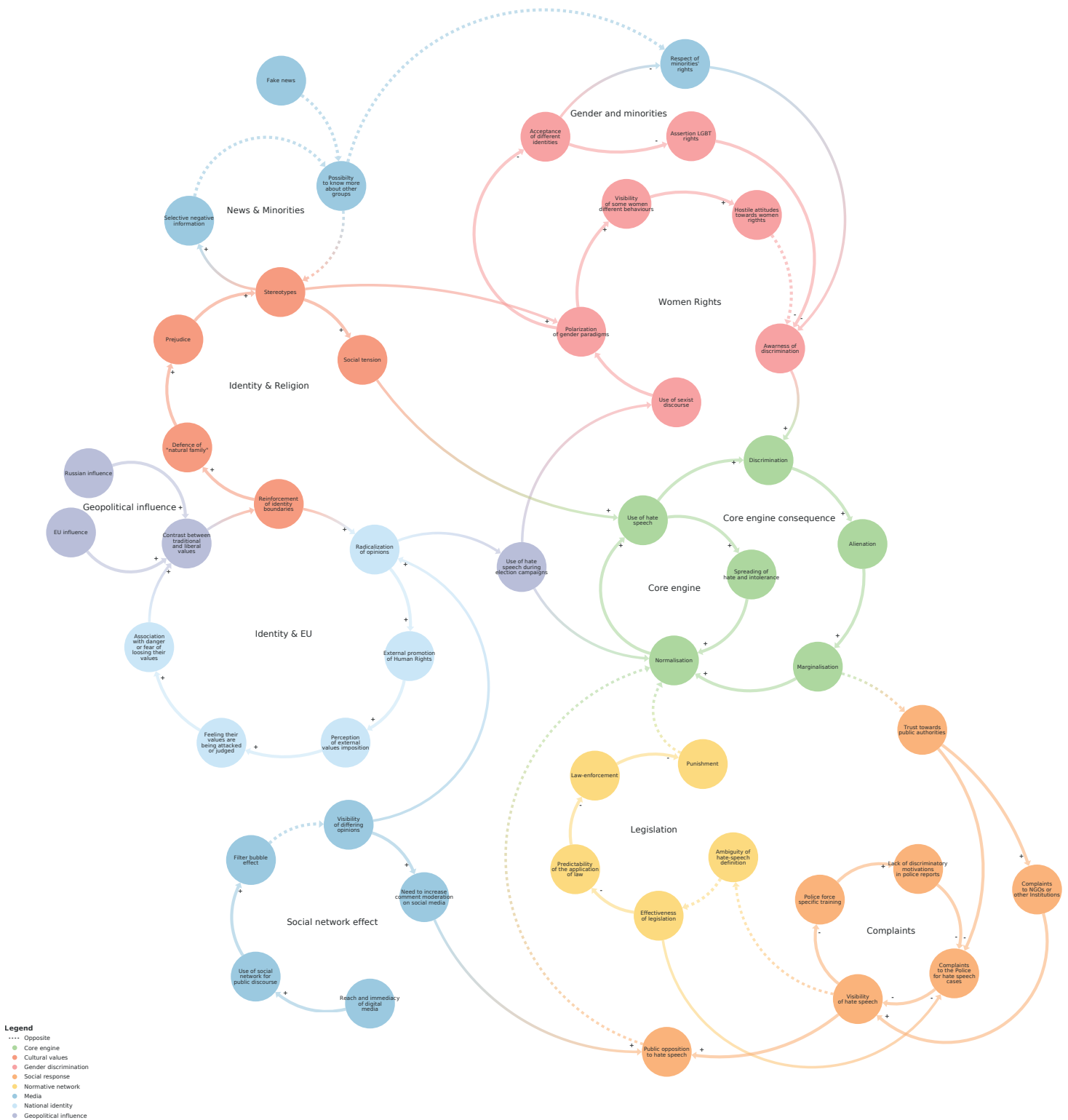
The aims of the interviews were:

- ▶ to introduce the project and its objectives;
- ▶ to understand participants' experiences and involvement with the hate speech phenomenon in the Moldovan context.
- ▶ to present the preliminary hate speech mechanism map created by the researchers to give a visual representation of the main mechanisms that potentially lead to hate speech in Moldova;
- ▶ to receive feedback from the participants regarding the Hate Speech Mechanism map to see if it was accurate, if there was anything they did not agree with and if anything was missing. Also, to discuss which are the most relevant and interesting mechanisms (loops) for them/their work;
- ▶ to understand what are the main barriers and obstacles that prevent them from doing more and being more effective.

The information from the interviews was analysed and used to improve and update the map of hate speech mechanisms, thanks to the comments and suggestions of the different stakeholders.

The data gathered was also useful to map who are the main actors involved and which are the main actions being undertaken to prevent and combat hate speech by them, but also to collect together the main barriers or gaps in the system that prevent them from acting, doing more or having more impact.

HATE SPEECH MECHANISMS IN MOLDOVA



The map is best viewed online in a digital version which can be increased in size at <https://kumu.io/dariacan/hate-speech-moldova-mechanisms-en>

4.1 THE UPDATED HATE SPEECH MECHANISM MAP: FINAL VERSION

The eight loops created from the first analysis were confirmed by respondents during the interviews. However, the discussions highlighted how some of the loops needed to be explored further in order to highlight other fundamental themes. By connecting to existing loops, the team therefore added three loops:

- ▶ **Geopolitical influence:** the loop “Identity and Europe” was confirmed as important by the stakeholders, but many have pointed out that it is not possible to talk about the issue of identity in Moldova without mentioning, besides the EU, the other great influence: Russia. The stakeholders advised that for political and geographical reasons the country is influenced by both Russia and Europe, and therefore the identity of the population is built and perceived in-between the two.
- ▶ **Gender, gender identity and minorities:** the “Women rights” and “News coverage of minorities” loops inspired many to notice how those two loops could be intertwined. Firstly, because disrespect and stereotypes towards women can work in the same way as those towards minorities; secondly, because LGBTI people are included in the group of minorities (as well as Roma and national minorities) and they are perceived as the emancipation of Western values, as are women’s rights. This new loop shows the links between minority and gender rights.
- ▶ **Complaints:** from the “Legislation” loop the team explored more in detail the complaints mechanisms, possible legal redress and main barriers.

The contents of the final hate speech mechanism map include:

4.1.1 Core engine

“Hate gives rise to hate”, this is the core engine or core mechanism of the hate speech phenomenon. The action of promoting or inciting, in any form, the denigration, hatred or vilification of a person or group of people, as well as any harassment, insult, negative stereotyping, stigmatization or threat in their respect as first consequence spreads ideas, words and actions of intolerance¹. Being surrounded by these kind of discourses - without balanced opposition - will transform sporadic cases into shared practice, thus normalising hate speech and making it much harder to identify and to combat.

4.1.2 Core engine consequences

The use of hate speech generates an unjustified differential treatment towards the victims because of their practices, ideas or origins. Discrimination² leads to alienation: a social condition reflected by a low degree of integration or common values between individuals and their environment. This social condition can lead to more entrenched social exclusion that can be described as marginalisation: a process in which individuals are blocked from or don’t have full access to various rights, opportunities and resources that are normally available to members of the majority. Without decisive actions to counteract social exclusion, this power disparity among groups will become more and more constitutive and justified, then normalised.

Being marginalised and excluded can decrease the trust in public authorities and their power to change this situation. As a result, victims will often not consider the option of reporting the fact of being victim of hate speech. Lack of awareness of what hate speech is, also means that incidents are not reported.

The lack of reporting will contribute to a decrease in awareness of the existence and frequency of hate speech cases. This will in turn decrease the possibility of a strong public opposition to hate speech, thus reinforcing its normalisation. A variable that influences many others is the ambiguity of how hate speech ought to be defined. This ambiguity hinders awareness raising and has strong negative consequences on the effectiveness of legislation, on its enforcement and on the legal sanctioning of hate speech behaviours.

1. ECRI definition of hate speech in its [General Policy Recommendation No. 15 on Combatting hate speech](#): “Considering that hate speech is to be understood for the purpose of the present General Policy Recommendation as the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of “race”, colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.”
2. ECRI definition of discrimination in its [General Policy Recommendation No. 15 on Combatting Hate Speech](#): “discrimination” shall mean any differential treatment based on a ground such as “race”, colour, language, religion, nationality or national or ethnic origin, as well as descent, belief, sex, gender, gender identity, sexual orientation or other personal characteristics or status, which has no objective and reasonable justification.

4.1.3 Identity and EU

This mechanism can appear when groups with strong cultural values feel someone external is trying to impose its values (in this case, tolerance towards differences), proclaiming that their own cultural values are better for any reason.

The European Union is viewed inside Moldova in many different ways, but it was said that some political narratives put the EU on the side of something Moldovan people have to defend themselves from. In these narratives, people feel they are being judged and fear losing their own values. This perception can lead to an even stronger reinforcement of one's identity boundaries and to a radicalisation of opinions.

4.1.4 Identity and religion

The reinforcement of identity boundaries might happen when there is the perception of losing them due to external factors. The defence of the "traditional family" is seen as a fundamental piece of the Moldovan Orthodox Church message. At the same time, it was said that this theme is an example of how a strong separation between "right" and "wrong" can lead to prejudices and then to the creation of negative stereotypes of minority groups within the population.

4.1.5 Representation of minorities

Media, as the main source of information for many, can have a strong impact on the proliferation of prejudice and stereotyping of social minorities. It has been determined that certain media, when speaking about particular groups, focus mostly on negative information (for example crimes). By doing so, media do not give enough space to contents that could help people to know more about different minority practices and beliefs, and to deconstruct some stereotypes. Fake news further increases this phenomenon.

4.1.6 Women's rights

The process of creating stereotypes also leads to gender discrimination, creating very distinct figures of man and woman, identifying their different characteristics and roles. Those who, for some reason, try to break this polarisation of gender paradigms often become victims of the same hostile discourse against women, as was seen in the 2020 Presidential election campaign. In a context in which there is no, or very little, space for women to acquire the same rights as men, it becomes less feasible to raise awareness on the discrimination of women.

4.1.7 Legislation

Hate speech in the Republic of Moldova is mainly regulated by civil law. The Law no.64/2010 on freedom of expression and the Code of Audiovisual Media Services provides the notion of the speech that incites hatred, while the content of the definitions themselves is different in each of these laws. At the same time, law no.121/2012 on ensuring equality defines the incitement to discrimination. Even though there are multiple regulations on hate speech, they lack uniformity, are unclear and provide a limited number of protected characteristics.

The administrative law (Contraventional Code) includes provisions only partially related to hate speech, for example regarding extremist symbols or the exercise of incitement to religious intolerance. Thus, there are no substantial and effective provisions that would allow hate speech to be sanctioned administratively.

The Criminal Code regulates hate speech at article 346 as a substantial offence³. Nevertheless, this provision is not effective due to unclear terminology, the ambiguity of the wording, a very limited spectrum of application, and a restricted list of protected characteristics.

As a result, the only effective provision is the one referring to incitement to discrimination, from the law 121/2012 on ensuring equality, due to diligence of the Council of Equality, the rest remaining unfunctional or applied extremely rarely.

4.1.8 Social network effect

The digital media plays an important role within the hate speech phenomenon, being within easy reach for the majority of the population. With an increase of the communication possibilities, social networks have taken a big role in the public discourse, in the opportunity for individuals to share their opinion and discuss

3. See §40-42 ECRI report on the Republic of Moldova (5th monitoring cycle) 2018

it, both with positive and negative effects.

A pivotal mechanism to be considered is the so-called Filter Bubble effect: “a state of intellectual isolation that allegedly can result from personalised searches when a website algorithm selectively guesses what information a user would like to see based on information about the user, such as location, past click-behaviour and search history. As a result, users become separated from information that disagrees with their viewpoints, effectively isolating them in their own cultural or ideological bubbles”⁴. As a result, people reinforce their ideas and have less possibility to encounter discourses they disagree with, increasing the radicalisation of opinions.

4.1.9 Geopolitical influence

Due to its geographical position and its history, the Republic of Moldova has oriented its foreign policy to both the European Union and Russia. This is also reflected in treaties. An Association Agreement (AA) with the EU fully entered into force in July 2016. The Republic of Moldova has also been granted observer status to the Eurasian Economic Union.

4.1.10 Gender and minorities

These groups are subject to multiple discrimination in various forms. There is intersectional discrimination for women and LGBTI people who are members of a national minority. It was said that the cultural reasons behind the lack of will to emancipate national minorities and LGBTI people, are the same reasons why there is no will to emancipate women and give them equality.

4.1.11 Complaints

Hate speech is underreported by the victims mainly due to legislative gaps, lack of trust in public authorities and poor awareness about the hate speech concept itself. The administrative law (Contraventional Code) does not contain any substantial hate speech provisions that would allow Police to apply sanctions.

On the other hand, the criminal law regulates hate speech as an offence, but because the corresponding provision is ambiguous and unclear, and due to the lack of specific training for the law enforcement bodies regarding investigation and collection of evidence, this article remains unfunctional.

As a result, the only effective mechanism remains the Council for Equality, which operates as a quasi-judicial body and issues mandatory decisions, based on the definition of incitement to discrimination, provided by the law 121/2012 on ensuring equality.

4.2 MAIN BARRIERS

The next objective of the interviews was to identify and collect what were considered to be the biggest obstacles encountered by institutions, NGOs and associations in their work and the desire to do something to prevent and combat hate speech. Obviously, trying to describe the various barriers present in an overall way is a difficult task. There is a risk to oversimplify very complex issues, intersected within a country with its own politics, culture, structure. The researchers tried to group them in order to give them more order and visibility. According to the people interviewed, below are the issues at the national level that have the greatest impact on the country's difficulties in dealing with the hate speech phenomenon.

4.2.1 Lack of legal framework

Many stakeholders describe it as a national level problem. The current criminal code provides an ambiguous legislation, that is incapable of addressing the hate speech phenomenon. Even though hate speech is regulated by at least three different civil laws, their definitions lack uniformity and clarity. Moreover, only the Audiovisual Council has the authority to apply pecuniary sanctions, but it does not have an internal mechanism for hate speech monitoring, and it lacks training and resources to do so.

The Misdemeanour Code does not provide any substantial regulation for hate speech, only misdemeanours related to extremist symbols and incitement to religious hatred.

In 2016, the parliament has adopted the draft law no. 301 (regarding the regulation of prejudice motivated

4. https://en.wikipedia.org/wiki/Filter_bubble

offences) in the first reading. In 2019 and 2020 the Parliament held public hearings on the draft law and reviewed the proposals of the relevant governmental agencies and civil society regarding its improvement, but it is still waiting to be adopted in the final reading.

Bureaucracy is also considered one of the biggest obstacles. Some of the stakeholders think that even with an improved legislation on this matter it will take a very long time for it to be implemented.

4.2.2 Lack of sanctions

It was felt that the absence of a clear legal framework prevents the possibility to sanction those that perpetrate hate speech. It was considered that there is a lack of sanctions or penalties because it is very difficult to demonstrate the violation. Also, legal professionals have not received consistent training on how to identify and prosecute hate speech.

4.2.3 Lack of monitoring

The lack of extended monitoring mechanisms in the media field leads to impunity and to the use of this practice in public spaces too.

4.2.4 Lack of data

The lack of monitoring and sanction mechanisms leads to an almost complete absence of case history. In the General Directorate for Criminal Investigation's database since 2015 it is possible to find only 3 cases that were investigated, and they did not have any outcome.

Although the monitoring and data of the NGOs indicate that such cases exist, the police are not notified and cannot examine them. This lack of statistical data prevents any possibility to quantify the phenomenon and, as a consequence, to raise awareness on the issue and the need to act.

4.2.5 Lack of awareness

Several stakeholders mentioned that they felt that society does not have a clear perception about the boundaries between freedom of expression and hate speech, and there is also insufficient awareness at a decision-making level about the relevance of this topic. It was highlighted that it was important that young people become "digital citizens" and that they learn about the dangers of online hate speech and cyberbullying in school.

4.2.6 Role of politics

The role of politicians in spreading and normalising hate speech was discussed, the increase of hate speech and incitement to discrimination during election campaigns was highlighted. Also, some mass media are affiliated with political parties and report uncensored hate speech expressed by politicians especially during election periods. It was suggested that the electoral legal framework, in particular, the Electoral Code, could be revised to define hate and discriminatory speech and regulate ways of discouraging the use of this speech in election periods. In July 2020, the Parliament of the Republic of Moldova adopted, in the first reading, the draft Law No. 263 amending the Electoral Code and related legislation, but the Parliament did not adopt the draft Law No. 263 in the second reading. This draft law includes provisions about hate speech and incitement to discrimination in electoral campaigns.

4.2.7 Lack of training

Many stakeholders raised the issue of the lack of training for the staff that deal with hate speech during their daily work. Although this aspect of learning how to identify hate speech is present in many sectors, it was mentioned in particular in reference to law enforcement sector. Those who are investigating cases are not trained on how to qualify actions as hate speech or hate crime and they do not include in their reports the discrimination bias such as racial, or religious motivations.

Also, the Audiovisual Council cited this element, saying that they used to have training on recognising hate speech for new monitoring staff, but it no longer exists.⁵

5. [See §70 ECRI report on the Republic of Moldova \(5th monitoring cycle\) 2018](#)

4.2.8 Culture and values

Some interviewees considered that for some people their past experiences have an influence on their perception and definition of the phenomenon. During communism those who were different were cast out. Also, it was mentioned that society is very patriarchal, and it promotes traditions based on values which are in contrast to LGBTI and women's rights. The perception of many stakeholders is that a large part of society has inherited these values and resist what they perceive as cultural changes.

4.2.9 Circularity of the phenomenon

Ordinary consumers of the media do not express their disagreement when they encounter hate speech, or if they do, they respond with hate speech against other social groups, in particular in the comments sections of online media which encourages the circularity of the phenomenon. The media itself contributes to the circularity of hate speech and as they have difficulties in identifying hate speech and do not prevent this phenomenon.

4.2.10 Resources

It was felt that institutions that are mandated to monitor and combat hate speech do not have adequate resources to effectively to do so, they are considered to be underfinanced, understaffed, and there is a lack of continuous training on the issue.

Chapter 5

Recommendations on how to improve the response to hate speech in the Republic of Moldova

Below are the recommendations extracted from the desk research and interviews. The same contents were used in the form of cards during the workshop sessions where the stakeholders voted on the most urgent and important ones to be implemented to improve the response to hate speech.

5.1 LEGISLATION

Recommendations concerning specific changes to laws and other legal documents

1. Law No. 301 for the amendment and completion of some legislative acts (regarding the regulation of crimes motivated by prejudice)

Adopt this draft amending and supplementing certain legal acts on regulating crimes motivated by prejudice, according to international standards. This will improve the legal basis for tackling both hate speech and hate crimes.

2. Protocol No. 12 to the European Convention on Human Rights

Ratify Protocol no 12 (which guarantees that no-one shall be discriminated against on any ground by any public authority) to the European Convention on Human Rights as soon as possible.

3. Law 121 and No. 298

Revise the law to grant the Equality Council direct sanctioning powers or resolve the procedural inconsistencies that impede the Council drawing effective protocols for acts of discrimination amounting to misdemeanours.

4. Criminal Code: Articles 77 and 346

Should be amended to be clearer and include elements referring to incitement to violence, public insult and defamation, threats, public expression with a racist purpose, and the support of ideologies that are based on superiority or depreciating or denigrating a group of people. To ensure that anyone who engages in hate speech (as defined in Article 346 of the Criminal Code) is duly prosecuted and punished

5. Legislative review

Revision of national legislation to streamline the notion of hate speech in line with international standards. In particular, review:

- ▶ the notion of hate speech in the Law on freedom of expression;
- ▶ the notion of incitement to discrimination in the Law on Equality (ought to include the declared intention to discriminate, encouraging or aiding another person to discriminate);
- ▶ the notion of sexist language in the Law on Equality (ensuring equal chances for women and men to include the link between language and gender prejudices).

6. ECRI's General Policy Recommendation No.15 on combating Hate Speech

Make effective use of ECRI's General Policy Recommendation No.15 on combating Hate Speech in particular as recommended in the [ECRI fifth report on the Republic of Moldova \(2018\)](#):

- ▶ a proactive hate speech monitoring mechanism;
- ▶ closer cooperation between law enforcement authorities and other relevant bodies, such as the Council on the Prevention and Elimination of Discrimination and Ensuring Equality (Equality Council), in order to facilitate the prosecution of hate speech; and
- ▶ a stronger involvement of the authorities in initiating and leading awareness-raising campaigns on preventing and combating hate speech, in collaboration with law enforcement bodies, the Equality Council, the Ombudsman, the Audiovisual Coordinating Council, the Press Council as well as the Central Electoral Commission.

7. ECRI's General Policy Recommendation No. 7 on National legislation to combat racism and racial discrimination (A)

Remedy the gaps as recommended in the [ECRI fifth report on the Republic of Moldova \(2018\)](#). In particular:

- ▶ include national origin, citizenship, sexual orientation, and gender identity in the list of grounds of prohibited discrimination;
- ▶ include announced intention to discriminate, instructing another to discriminate and aiding another to discriminate;
- ▶ introduce a legal provision placing public authorities under a duty to promote equality in carrying out their functions;
- ▶ include a fast-track option for bringing discrimination cases to the courts;
- ▶ provide for the possibility of dissolution of organisations or political parties which promote racism and the suppression of their public financing;
- ▶ ensure that NGOs and other bodies that have a legitimate interest in combating racism and racial discrimination can bring civil cases even if a specific victim is not referred to.

8. Review the electoral code

Start to review the electoral legal framework, especially the Electoral Code, in order to define hate speech in election campaigns and regulate ways of discouraging the use of this speech. Draft Law No. 263 amending the Electoral Code, which includes provisions about hate speech and incitement to discrimination in electoral campaigns, should be adopted.

9. Follow-up on the Constitutional Court Recommendation⁶

Following the use of hate and discriminatory speech during the 2016 election periods, the Constitutional Court addressed a recommendation to the Parliament to review the national legislative framework in order to create a mechanism for sanctioning the cases of representatives of the Moldovan Orthodox Church representatives or other religious groups involvement in electoral processes, including through statements including hate speech, homophobia, and sexism.

5.2 INSTITUTIONS COMBATING HATE SPEECH

Recommendations concerning entities that could and should have an active role in combating hate speech

10. Strengthen the institutional capacity of the Equality Council and Ombudsoffice

As recommended in ECRI's fifth report on the Republic of Moldova (2018) authorities should, in particular, amend the relevant procedural rules to ensure the effective implementation of the mandate of the Equality Council, allocate sufficient financial and human resources to both institutions, and intensify the efforts to promote compliance with the recommendations of the Equality Council and the Ombudsoffice.

6. In December 2020, the Constitutional Court sent a new Address to the Parliament, calling for the regulation of "prompt control and sanctioning mechanisms in this regard, in order to prevent and combat hate speech between electoral contestants, including in the online environment and social networks". See <https://constcourt.md/ccdocview.php?!=ro&tip=adrese&docid=137>

11. Equality Council

The Council on the Prevention and Elimination of Discrimination and Ensuring Equality should:

- a) have the right to initiate proceedings before the Constitutional Court;
- b) have the right to initiate court cases even when a specific victim is not referred to.

12. Assisting other public authorities

The Equality Council should strengthen efforts of assisting other public authorities (police, Prosecutor's office, Audiovisual Council, Central Election Commission) in monitoring, identifying and sanctioning hate speech.

13. National strategy

The Government should develop a comprehensive national strategy to combat hate speech, involving the Ministry of Justice, the Equality Council, the Audiovisual Council, the Press Council, the Central Electoral Commission, the Ministry of Interior (police), prosecution and the judiciary and civil society representatives.

14. Cooperation between authorities

The strategy should include the creation of a mechanism to monitor hate speech and should enable cooperation between law enforcement authorities and other relevant institutions (e.g. Equality Council) to facilitate criminal prosecution for hate speech and improvement of civil sanctions and self-regulatory measures.

15. Dialogue with the EU

Maintain equality and non-discrimination as a priority in EU-Moldova dialogue.

16. Implement awareness raising activities

Develop and implement frequent awareness raising campaigns on preventing and combating hate speech, in collaboration with law enforcement agencies, the Equality Council, the Ombudsoffice, the Audiovisual Council, the Press Council, the Central Electoral Commission and civil society.

17. Central Electoral Commission

The Central Electoral Commission should publicly condemn hate speech and carry out activities to promote tolerant public speech in election processes and to deter election candidates from using intolerant rhetoric. A mechanism should be established for monitoring, documenting and sanctioning hate speech in electoral campaigns.

5.3 MONITORING AND DOCUMENTING

Recommendations focused on the need to find instruments to monitor and provide documentation of hate speech cases

18. Provide data on hate speech complaints, causes and solutions

The police, prosecutors office, courts the Central Electoral Commission, and Audiovisual Council should develop a disaggregated data collection system to provide a coherent and integrated vision on cases of hate speech, the form of discourse and reasons that caused it, as well as the solutions applied. This information shall be made available to the public periodically.

19. Streamline hate speech measures

The Audiovisual Council should develop internal tools to streamline hate speech monitoring and sanctioning process (instructions, guides).

20. Monitor human rights respect

The Audiovisual Council should constantly monitor how minorities and human rights are respected by broadcasters and should encourage them to respect the Code of Ethics as well as the Audiovisual Media Services Code.

21. Moderate readers' comments

News portals should adopt clear and effective mechanisms of comment management considering the provisions of the Journalist's Code of Ethics and the recommendations of the Style Guide with Ethical Norms for Journalists with specific employees to moderate discussions. Websites in Moldova with large amounts of news and comments should have specific employees for moderating comments and maintaining civilized discussions among readers.

22. Develop consistent case law

Develop consistent case law based on European standards and Court of Human Rights judgements.

5.4 ENSURE MEDIA EQUALITY

Recommendations directed to the media's role in controlling hate speech cases and providing contents that promote equality and tolerance.

23. Ensure plurality of opinions and equality

Ensure, in the events organised by prominent politicians, plurality of opinions, principles of equality and non-discrimination, and refrain from initiatives to restrict fundamental rights and freedoms.

24. Apply the Audiovisual Media Services Code

Effectively apply the provisions of the new Audiovisual Code with regard to hate speech, sexist discourse and measures to ensure equality in audiovisual products.

25. Media impartiality on hate speech

The Press Council and media organisations should develop and adopt tools (guidelines or recommendations) to ensure that journalistic materials cover situations involving hate speech in an impartial way and do not exacerbate them. Media organisations should receive practical training in order to understand and prevent hate speech.

26. Ensure media equality

The Audiovisual Council should develop and adopt instruments (guides or recommendations) to ensure that journalistic materials reflect equidistantly and do not amplify the situations in which hate speech is used.

27. Promote media material on minorities

Media outlets should include original material on diversity, minorities, and human rights in their programming. Articles should pass an in-depth analysis and provide the public with as much information as possible about the subject.

28. Promote accurate content on minorities

The responsibility of the media to construe the reality of minority groups and concepts about them is crucial; therefore, they must be constantly monitored to encourage them to create realistic and accurate images of minority groups in society.

29. Review media codes of conduct

The Press Council and media organisations should review their regulations and codes of conduct, including the Code of Ethics of the Journalist, to ensure that the cases of hate speech and incitement to discrimination are reflected in a balanced way, not repeating hate speech towards vulnerable groups.

30. Remove hate speech from media

News portals and media outlets should include rules in their policies and internal programs that condemn and remove hate speech from their media activity, while respecting freedom of expression and journalistic freedom.

31. Do not allow discriminating content

News portals and TV channels should not allow discriminating media products and should provide alternative opinions if they cover the events that can promote hate and harm the rights of others.

5.5 SANCTIONING HATE SPEECH

Recommendations focused on the importance of adopting instruments to identify and sanction hate speech

32. React firmly to all hate speech cases

The most problematic area remains the use of hate speech in electoral campaigns, which needs rapid response mechanisms that are not provided by any public authority. The Central Electoral Commission should be legally mandated to react promptly and firmly to all cases of reported hate speech and set appropriate sanctions for each violation.

33. Streamline identification and sanctioning

The police should develop internal tools to streamline the identification and sanctioning of hate speech and bias-motivated crimes other violations (regulations, instructions, guidelines). Thoroughly investigate all cases of alleged hate speech and crime and that possible existence of bias motivation is consistently taken into consideration in police reports and investigations, as well as in any further judicial proceedings.

Furthermore, ECRI recommends that in order to address the problem of underreporting the authorities implement confidence-building measures to enhance the relationship between the police and vulnerable groups, in particular the Roma and the LGBT community.

34. Invite to abstain from hate speech

Political parties should condemn hate speech and adopt codes of conduct that prohibit its use. Invite party members and supporters to abstain from the use of hate speech and to apply disciplinary sanctions in the event of deviations.

35. Raise police awareness

Thoroughly investigate all cases of alleged hate speech and that possible existence of bias motivation is consistently taken into consideration in police reports and investigations, as well as in any further judicial proceedings.

36. Implement the provisions on the use of hate and sexist speech

Effectively implement the provisions on the use of hate and sexist speech, included in the Audiovisual Media Services Code, as well as measures of ensuring equality in audiovisual products.

5.6 TRAINING ON HATE SPEECH IDENTIFICATION AND COUNTERACTIONS

Recommendations about the necessity to plan regular training on hate speech identification, awareness and actions to contrast it

37. Training to moderate comments

There is a need for trainings of journalists as well as media institutions / sites owners regarding their responsibilities in moderating the comments on web portals.

38. Training journalists to decrease hate speech

The Audiovisual Council, the Ombudsperson's Office and the Equality Council should provide regular training for journalists to increase their understanding of the hate speech and develop their ability to report on cases of hate speech in a way which decreases their impact and prevents the circularity of the phenomenon.

39. Implement information campaigns about hate speech

Initiate and implement, including together with authorities, information campaigns to raise public awareness of the phenomenon of hate speech and its impact on society.

40. Process hate speech complaints and provision of training

Strengthen the capacity of the Audiovisual Council and the Press Council to process complaints regarding hate speech and provide training courses and other support for media institutions and journalists to promote equality and non-discrimination in their activity.

Chapter 6

Participatory mapping workshop

With the results of the interviews with the main actors, it was possible to update the map and extend the main mechanisms leading to hate speech in Moldova. The results were then synthesized and presented to the stakeholders during two workshop sessions, which allowed the individual actors to exchange, to validate the proposed mechanisms, to identify common barriers and actions and to propose solutions to prevent and combat hate speech.

6.1 PLANNING AND PARTICIPANTS

The workshop was originally meant to be in person as it contains participatory group work on printed version of the map with various tools to help the participants exchange and agree on possible solutions to the challenges that they had identified together. However, due to COVID-19 pandemic the workshop was moved online. It was planned in two half-day sessions to ensure that were not too many in each group to allow discussions. An online software 'Miro' was used to enable the participants to enter information on electronic white boards at the same time.

As it was identified during the interviews that some of the stakeholders considered that increasing the awareness of society but in particular of youth could be a key response to successfully combating hate speech, the team invited teachers and youth workers to join the workshop to inform the stakeholders what is currently done in high schools and youth centres.

The workshop aimed to:

- ▶ Engage and gather feedback from local Moldovan stakeholders
- ▶ Create a map of hate speech phenomena, validated with local stakeholders
- ▶ Map the ecosystem of actors and roles
- ▶ Explore the challenges and solutions spaces

The participants were asked to complete 2 pre-tasks, based on documents shared in the days prior to the workshop:

- ▶ To read the updated hate speech mechanisms map
- ▶ To read the preliminary actors' map focusing on their organisation's connections and activities, as reported in the map. To note any needed changes.

The aim was to focus on the interaction among the participants during the workshop, anticipating as much as possible the collection of any relevant information. The participants were:

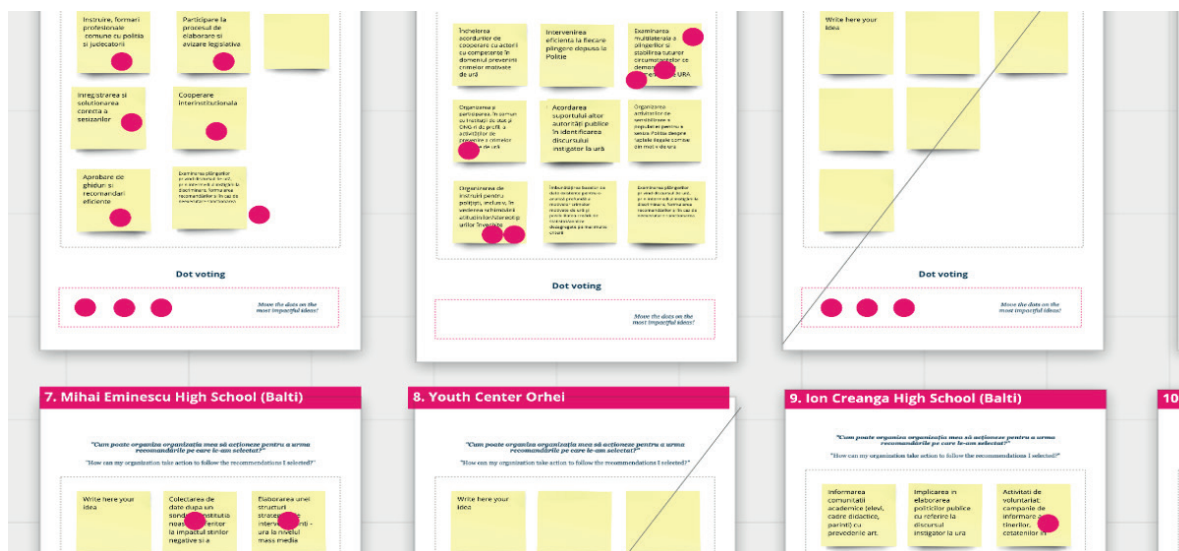
DAY 1	DAY 2
Press Council	General Prosecutor's Office
Roma NGO	Police Inspectorate General
Ministry of Health, Labour and Social Protections	Equality Council
Gender doc M	Promo-LEX
Ombudsperson's office	Mihai Eminescu High School (Balti)
Mihai Eminescu High School (Balti)	Youth Center Orhei
Youth Center Cahul	Ion Creanga High School (Balti)
Falestii Noi Gymnasium	

6.2.3 Plenary presentation

Objective: Participants share ideas and identify common areas of interest for future activities.

6.2.4 Dot voting

Objective: Familiarise participants with other people ideas for solutions and identify the most interesting directions to be taken.



6.3 WORKSHOP ACHIEVEMENTS

The two sessions gave the opportunity to all the identified stakeholders to participate in the hate speech mapping project. Unfortunately, some key actors, the Superior Council for Magistracy and the Central Election Commission, were unable to participate neither to the interviews or to the workshops leaving space for possible improvements and iterations of the result achieved so far.

From the workshop experience and feedback from participants, it is possible to define both explicit and tacit achievements from the workshop activities.

Explicit achievements:

- ▶ validated Hate Speech Mechanism map;
- ▶ enriched Actors' map;
- ▶ a set of ideas for future actions defined by each stakeholder.

Implicit achievements:

- ▶ increased awareness of the Council of Europe's European Commission against Racism and Intolerance's recommendations to the Republic of Moldova to improve the response to hate speech;
- ▶ a shared common understanding among the participants of the actions currently undertaken at a level;
- ▶ created a space for conversation between stakeholders to identify areas of possible cooperation.

Chapter 7

Map of actions and actors preventing and combating hate speech

The analysis of the workshop outcomes led to the further development of the actors' map, including organisations which did not participate in the mapping exercise. This process resulted in a rich representation of the local ecosystem but is not meant to be comprehensive of all the existing relations as it is based on the information collected through the available documents and the participants. During the workshop the team was able to validate and to complete its data about what each institution or NGO/association does to combat hate speech and how they collaborate with each other.

In conclusion, other than a map representing the main mechanisms leading to hate speech, the team created a **map that represents who is taking action to combat or prevent the hate speech phenomenon in the country.**

The map is available on Kumu platform (<https://kumu.io/sarainnocenti/hate-speech-moldova-actors-map-iteration-en>) and its contents are presented in tables in Annex 2.

MAP DESCRIPTION

Variables are mainly of two types:

1. **Actions** taken to deal with the hate speech phenomenon, divided in:
 - ▶ Actions to combat hate speech;
 - ▶ Actions to prevent hate speech.
2. **Actors** involved in dealing with the hate speech phenomenon, divided into:
 - ▶ NGOs and Associations;
 - ▶ Institutions.

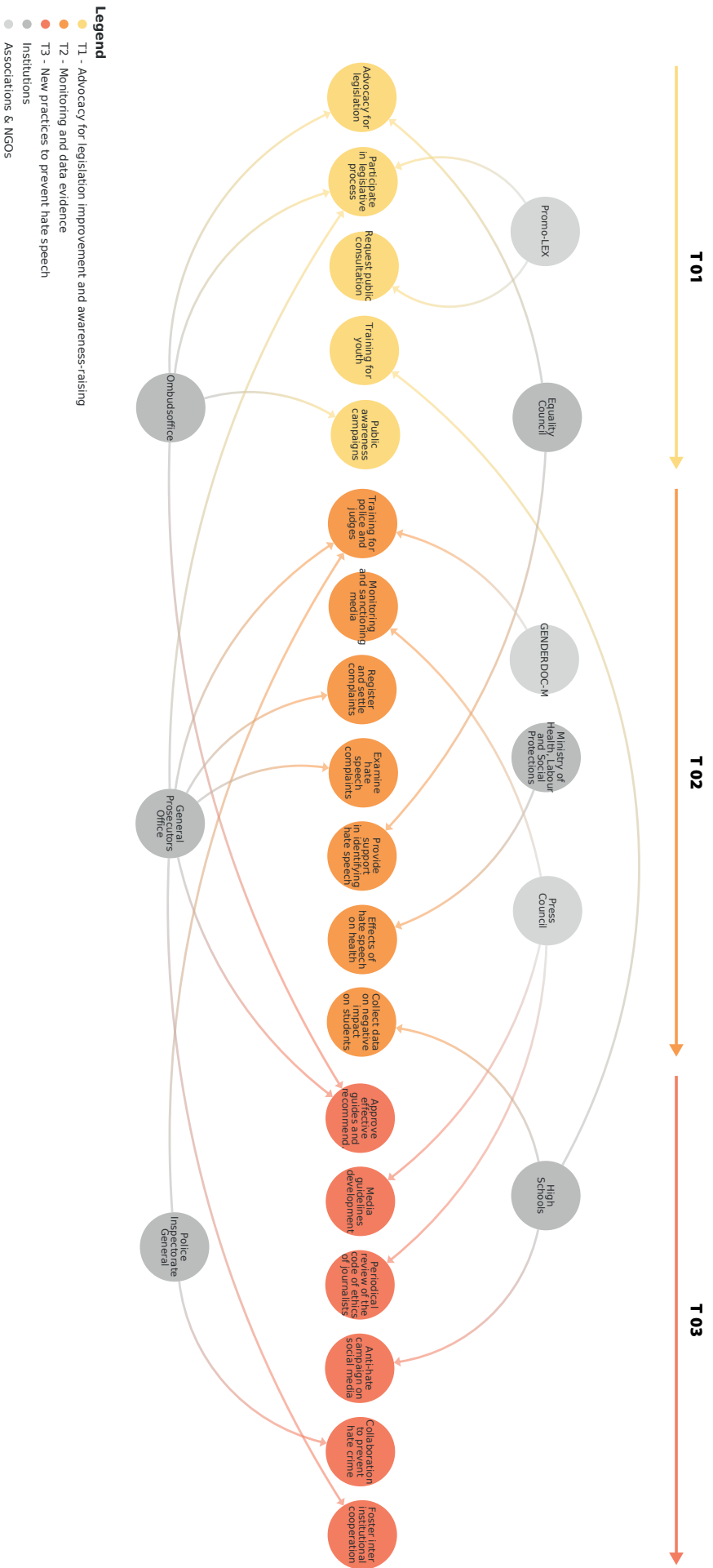
In the map the variables are connected by two types of arrows representing their **relations**:

1. Relations with a continuous line connects the actors and refer to existing cooperation among them;
2. Relations with a dashed line connect the actors with the actions pursued.

The map on the Kumu platform includes information on multiple layers accessible when clicking with the mouse on the items:

1. **Actors.** The variables contain a brief description of the actor mentioned.
2. **Actions.** The variables contain the description of the related actions undertaken by each of the actors connected to them.
3. **Connections between actors.** The connections among actors contain a description of the existing relation/cooperation existing between them.

ROADMAP TO IMPROVE NATIONAL RESPONSES TO HATE SPEECH



Chapter 8

Analysis of results and future directions

During the workshop sessions, moving from the selection of the most relevant recommendations, the participants defined a set of ideas answering the question: “How can my organisation take action to follow the recommendations I selected?”. The results were then presented in plenary and voted by all highlighting the most relevant topics for the participants.

8.1 ROADMAP TO PREVENT AND COMBAT HATE SPEECH

Starting from the actions which received votes during the workshops, a roadmap for intervention to prevent and combat hate speech in the Republic of Moldova was prepared. The map is structured in three main timeframes:

■ Timeframe 1 (T01)

Advocacy for the improvement of the legislation and awareness-raising

Starting from existing legislation and draft laws, the most immediate need is to provide more comprehensive and effective legislation capable of defining the hate speech phenomenon and regulating it. At the same time, it is important to increase the awareness of the existence of the phenomenon in the country.

■ Timeframe 2 (T02)

Monitoring and data evidence

After the approval of the draft law 301 for the amendment and completion of some legislative acts (regarding the sanctioning of crimes motivated by prejudice, it is important to support the identification of hate speech cases and to establish an extended monitoring mechanism. This allows to map the phenomenon and its negative effects on individuals in the country based on data evidence.

■ Timeframe 3 (T03)

New practices to prevent hate speech

Taking advantage of existing recommendations and best practices, there is a need to foster collaboration among institutions and NGOs through the creation of agreements on new shared guidelines, at institutional level, to prevent hate speech and hate crimes.

In each timeframe ideas are collected coming from homogeneous directions (as listed below). Only ideas coming from “Foster collaboration amongst stakeholders” are distributed in each time group as they regard the topic of collaboration among local actors, that has to be fostered from T1 and has to become an established and regular practice.

To build the roadmap, similar ideas were clustered, rephrased and connected to the actors who expressed those concepts. The result is a visualisation that highlights priorities and connects them to the actors who showed interest in acting. The roadmap is developed on Kumu platform and can be consulted at the following link: <https://kumu.io/sarainnocenti/hate-speech-moldova-road-map-85c465b0-d255-40d4-9334-e11b44542a8d#road-map-4> and is also copied below.

8.2 LIST OF PRIORITY DIRECTIONS AND ACTIONS

Below are the actions which received votes during the workshop which are included in the roadmap. The ideas are clustered under each timeframe of the roadmap. Each idea is described through the direction it was connected to, the proposers, and the number of votes received during the workshop sessions.

T01 – Advocacy for an improvement of the legislation and awareness-raising

DIRECTION	ACTION	PROPOSED BY	# VOTES
Advocate for an improved legislation	Advocacy activities for the adoption of draft law 301 and for the ratification of several international instruments (e.g. Protocol 12, European Charter for Regional or Minority Languages, etc.)	Ombudsoffice Equality Council	xx
	Participating in the legislative process, making proposals for amendments, giving opinions, and contributing to the improvement of national legislation	General Prosecutors Office Ombudsoffice Promo-LEX	xxx
	Requesting organisation of public consultations for the improvement of legislation	Promo-LEX	x
Foster collaboration amongst stakeholders	Partnering with NGOs in order to carry out trainings with young people (ex: create partnerships with schools and NGOs...)	High Schools/Youth Centres	x
	Organising and developing public awareness campaigns jointly with other authorities and NGOs	Ombudsoffice	xx

T02 – Monitoring and data evidence

DIRECTION	ACTION	PROPOSED BY	# VOTES
Extend training and information activities	Organising training and joint training for police officers and judges in order to change outdated attitudes and address prejudice and stereotype concepts	General Prosecutors Office Police Inspectorate General GENDERDOC-M	xxxx
Increase the possibility to translate monitoring and complaints into sanctions	Monitoring and sanctioning journalists and media outlets who use hate speech and/or do not moderate hate speech comments	Press Council	xx
	Registration and correct follow-up to complaints	General Prosecutors Office	x
	Investigating hate speech complaints, through incitement to discrimination, making recommendations and, in case of non-execution, sanctioning	General Prosecutors Office	x
Foster collaboration amongst stakeholders	Providing support to other public authorities in identifying hate speech	Equality Council	x
Create data evidence on hate speech and its effects	Monitoring the negative effects produced by hate speech on health and wellbeing	Ministry of Health, Labour and Social Protections	xx
	Collecting data in high school institutions, regarding the impact of negative news and aggressive speeches on students	High Schools/Youth Centres	x

T03 - New practices to prevent hate speech

DIRECTION	ACTION	PROPOSED BY	# VOTES
Promote recommendations and guides	Approval of effective guides and recommendations on preventing and combating hate speech, in particular for authorities	General Prosecutors Office	xxxx
Strengthen the role of media outlets	Developing a Guideline for media outlets and journalists on how to recognize, avoid and manage hate speech in journalistic materials	Press Council	xx
	Periodically reviewing the Code of Ethics of the Journalists so that the Code regulates, and sanctions hate speech content	Press Council	xxx
Foster collaboration amongst stakeholders	Elaborating a strategic anti-hate campaign in social media, in particular for young people	High Schools/Youth Centres	x
	Organizing and participating, jointly with state institutions and NGOs, in activities to prevent hate crimes	Police Inspectorate General	xxx
	Fostering inter-institutional cooperation	General Prosecutors Office	x

Annex 1

Links to system maps

1.1 MAPS IN ENGLISH

Hate Speech Mechanism map: preliminary

<https://kumu.io/sarainnocenti/hate-speech-moldova-en#hate-speech-mechanisms-map>

The Hate Speech Mechanism map: final version

<https://kumu.io/dariacan/hate-speech-moldova-mechanisms-en>

The Actors' map: final version

<https://kumu.io/sarainnocenti/hate-speech-moldova-actors-map-iteration-en>

Roadmap to improve national responses to hate speech

<https://kumu.io/sarainnocenti/hate-speech-moldova-road-map-85c465b0-d255-40d4-9334-e11b44542a8d#road-map-4>

1.2 MAPS IN ROMANIAN

Hate Speech Mechanism map: preliminary

<https://kumu.io/sarainnocenti/hate-speech-moldova-ro#hate-speech-mechanisms-map>

The Hate Speech Mechanism map: final version

<https://kumu.io/sarainnocenti/hate-speech-moldova-mechanisms-ro>

Annex 2

Tables of current actions to prevent and combat hate speech

Below you can find a table summarising the current actions taken to combat hate speech and the list of the actors who perform them taken from the actors' map.

Table 1 – action to combat hate speech

ACTION (COMBAT)	ACTORS INVOLVED IN EACH ACTION
Training for officers	<p>The General Directorate for criminal investigation proposes training courses (no courses on hate speech so far)</p> <p>The General Police Inspectorate delivered training on hate speech to officers.</p> <p>GENDERDOC-M provides training also specific for police officers.</p>
Provided consultations on the legislation	<p>Security Services can provide different consultations on the legislation to inform the law enforcement bodies, in particular on the Criminal Code.</p> <p>Also, the General Prosecutor's Office and the General Police Inspectorate provided consultations regarding the legislation.</p> <p>Promo-LEX Association provided consultation on the legislation to the Parliament of the Republic of Moldova.</p>
Register hate speech complaints	<p>The Police and the General Police Inspectorate register hate speech cases.</p> <p>Process of a complaint: the fact-finding agent, a police officer, has the role to examine the complaint and make a proposal to the Criminal Investigation officer, who has to start an investigation, which goes then to the Prosecutor and then in Court of Law and where a judgement will be made. A police officer can apply sanctions in hate speech related misdemeanour cases, for example for carrying extremist symbols or promoting religious intolerance.</p> <p>Complaints on hate speech can be also registered in civil proceedings before courts or the Equality Council.</p>
Monitoring media during election campaigns	<p>Election campaigns are a critical moment where hate speech raises in political speeches.</p> <p>Promo-LEX Association has paid particular attention for this period in its continuous monitoring activity.</p> <p>GENDERDOC-M does monitor activity also during election campaigns.</p>

ACTION (COMBAT)	ACTORS INVOLVED IN EACH ACTION
Recommendations to the police	<p>The General Directorate for criminal investigation delivered recommendations concerning hate speech to allow officers to get familiarized on how to identify and take action in relation to hate speech.</p> <p>In the Criminal Code there are several types of crimes that consider as aggravating circumstances things related to discrimination or religious hatred.</p> <ol style="list-style-type: none"> 1.They recommend officers to consider these aspects based on this article 77. In case there are specific crimes which are committed but don't include those aggravating circumstances although they might exist, officers will have to make reference to the general part of the Criminal Code where those circumstances are provided. 2.They recommend looking at the conflict that happens, for examples to the ways the criminals call their victims and to see if it's related to hatred. 3.Officers should specify if the reason of the crime is related to hatred when they make the reports. <p>The Prevention Directorate of the police has the possibility to give recommendations, but they don't examine directly hate speech complaints.</p> <p>The General Prosecutor's office, the General Police Inspectorate and the Ombudsoffice issue recommendations to the police.</p>
SOPs regulations	<p>The Prevention Directorate has the right to make regulations called SOPs giving indications on how to do, how to act in all kinds of situations.</p>
Monitoring	<p>Promo-LEX Association has an internal dedicated section to monitor hate speech.</p> <p>The Press Council monitors hate speech mainly online.</p> <p>GENDERDOC-M has a dedicated person in their staff that does mass media monitoring and provides a monthly report.</p> <p>The Audiovisual Council conducts two types of monitoring for websites of official TV stations:</p> <ol style="list-style-type: none"> 1.any specific problems in society, specific channels or stations in order to analyse the programs and to see if there are any breaches with the Code. 2.through notification: these can be sent by legal entities as well by individuals, and its office has 30 days in order to examine them.
Issue mandatory decisions	<p>The Equality Council issues decisions, it cannot fine but can imposed different remedies including public apologies. Recent decisions include:</p> <ol style="list-style-type: none"> 1.regarding the obligation of the owner of an internet platform to moderate comments and to delete comments that incite hatred; 2.against media who were perpetuating ethnic stereotypes or publishing articles underlying the ethnicity when speaking about crimes; 3.against an ex minister of interior who installed a big cross in a public office and said only Christians could be good policemen.
Sanction	<p>The Audiovisual Council can apply sanctions. This is done together with the monitoring departments and all the sanctions are applied during the public meetings where they discuss the results of the monitoring and they vote to agree on which sanctions are to be applied.</p> <p>There are various types of sanctions. The office starts with a public warning, and in case of breach it will be followed by a sanction.</p>
Receive and examine petitions/ complaints	<p>The Press Council receives and examines petitions and complaints on violations of the Code of conduct of journalists, usually from citizens who consider that a certain published material infringed ethical norms.</p> <p>The Equality Council, the General Prosecutor's Office and the Ombudsoffice receive and examine complaints from individuals or others.</p>
Release statements	<p>Independent Journalism Center (IJC) monitors the current situation and they release statements to identify cases of public defamation, hate speech and they address them to public officials or the competent authorities.</p>

ACTION (COMBAT)	ACTORS INVOLVED IN EACH ACTION
Issues commendations	<p>The Press Council can evaluate a case and recommend to Press amend an article. The Press Council refers serious cases to the Equality Council, Audiovisual or Ombudsman for children rights.</p> <p>GENDERDOC-M, after having documented a case of hate speech, they either request that the perpetrators delete the article, but can also refer the case to the Council of Press, or to the General Police Inspectorate.</p> <p>Promo-LEX Association issues recommendations, in particular to the police and to the Audiovisual Council.</p> <p>The Ministry of Health, Labour and Social Protections issues recommendations.</p>

Table 2 - Actions to prevent hate speech

ACTION (COMBAT)	ACTORS INVOLVED IN EACH ACTION
Training	<p>Promo-LEX Associations delivers trainings for different actors that could be involved in hate speech issues.</p> <p>GENDERDOC-M provides training about anti-discrimination, anti-prejudice, anti-stereotypes, to prevent hate speech for different professionals, such as journalists, police, psychologists, penitentiary workers, university professors, lawyers.</p> <p>The Ombudsoffice organises training courses as well as the workshops to professionals who are active in the area of human rights.</p> <p>The Press Council organises training for journalists and promotes guidelines for journalists helping them to understand the provisions of the Code of Conduct or how to treat sensitive issues.</p> <p>The Independent Journalism Center created a School of advanced journalists to train journalists to mitigate hate speech.</p> <p>The Equality Council provides trainings (e.g: police).</p> <p>Some high schools have organized training supported by Amnesty International Moldova, Youth Centers and the Ministry of Education.</p>
Provided consultations on the legislation	<p>The General Prosecutor's Office in 2018 has conducted an analysis at country level and they have identified some negative trends: for instance, there was no opportunity to record hate speech crime.</p> <p>Promo-LEX Association conducted national analysis on hate speech in 2018, 2019 and 2020.</p>
Managing portals to inform about IJC activity	<p>The agency currently manages four portals that are used to publish media news, info about IJC activities, reports and studies.</p>
Prevention and awareness campaigns	<p>Promo-LEX Association runs prevention campaigns to prevent hate speech and to promote human rights.</p> <p>GENDERDOC-M runs campaigns twice a year. One of them during the Pride Month (usually in May), and the second is in October.</p> <p>The Ombudsoffice runs awareness campaigns for the society on various topics including hate speech.</p> <p>The Prevention Directorate makes informational campaigns on different themes: security of kids, security of traffic, security on how to use weapons, including hate crimes.</p> <p>The Equality Council has run multiple campaigns. They have been particularly involved in campaigns to prevent sexist discourses and advertisements.</p> <p>The Press Council is committed to promoting prevention and awareness campaigns with the Independent Journalism Center, Association for Independent Press, Center for Journalistic Investigation.</p> <p>High schools have organized prevention and awareness campaigns.</p>
Organizing seminars	<p>Once a year, depending on financial opportunities, the Audiovisual Council organizes seminars inviting the representatives of the media and various experts in the area of human rights so that they can explain to the media representatives the non-acceptance of hate speech and discriminatory information in their programme.</p> <p>The General Prosecutor's Office organizes seminars in collaboration with the COE.</p> <p>High schools have organized seminars in collaboration with the General Police Inspectorate in relation with violence cases.</p>
Publishing articles and researches	<p>In order to promote human rights, the Ombudsman is publishing and disseminating various articles and researches to the State Authorities.</p> <p>Promo-LEX Association publishes articles and researches in collaboration with the Association for Independent Press.</p> <p>Also the Ministry of Health, Labour and Social Protections publishes articles and researches.</p>

ACTION (COMBAT)	ACTORS INVOLVED IN EACH ACTION
Guideline to investigate hate speech	<p>In 2019 the General Prosecutor's Office has developed a guideline on investigation and trial of hate speech that was delivered to the prosecutors.</p> <p>The Ombudsoffice participated in the development of these guidelines on how to investigate hate speech.</p>
Data analysis	<p>The Criminal investigation Unit of the General Prosecutor's Office requested some disaggregated data from the regions and they have observed a gap two years ago where hate speech cases were not registered. They requested again this information for 2020 and they will run a comparative study to see if the situation changed somehow. They will store this data and they'll be responsible for analyzing comparatively this data in order to be able to provide some proposals or recommendations.</p>
Lessons to combat cyberbullying	<p>Prevention activities are carried out in some schools, like lessons about cybercrimes and cyberbullying.</p> <p>Falestii Noi Gymnasium, Mihai Eminescu High School and Ilon Creanga High School organise lessons to combat cyberbullying.</p> <p>Ministry of Education - optional courses exist on online safety and cyberbullying, as well as tolerance and inclusion.</p>
Examine root causes of hate crimes	<p>The Security and Intelligence Services examine the series of actions that led to a crime and the root causes. The office looks at the way their values, for instance, and how the national dignity has been touched. Then the office collects all the information and sends the document to the prosecutors, and they will have to agree with the office or reject it. In case they agree they will initiate a criminal investigation.</p>
Reports publication	<p>By the 15 of March the Ombudsoffice has to submit an annual report concerning the situation in the respect of human rights. The parliament has 60 days to fix the meeting and let the Ombudsman present the report. The information included in the report depends on complaints examined, recommendations coming from international organisations, monitoring, info on the media.</p> <p>The Audiovisual Council develops a monitoring report, there is a public meeting where the report is discussed and then a decision is adopted by the Audiovisual Council, which is published in the Official Gazette.</p> <p>GENDERDOC-M and Promo-LEX Association publish periodical reports.</p>
Promotion of prizes and competition	<p>The Press Council delivers an annual prize for those who best observed the Ethical Code of Conduct.</p>

Annex 3

Bibliography

3.1 COUNCIL OF EUROPE'S COMMITTEE OF MINISTERS

- ▶ [Recommendation No. R\(97\) 20 of the Committee of Ministers to Member States on "Hate speech"](#)
- ▶ [Recommendation No. R \(97\) 21 of the Committee of Ministers to Member States on the media and the promotion of a culture of tolerance](#)
- ▶ [Recommendation CM/Rec \(2019\)1 of the Committee of Ministers to Member States on preventing and combating sexism](#)

3.2 COUNCIL OF EUROPE'S EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)

- ▶ [Recommendation No.6 on Combating the Dissemination of Racist, Xenophobic and Antisemitic Material via the Internet](#)
- ▶ [Recommendation No.15 on Combating Hate Speech](#)
- ▶ [Report on the Republic of Moldova \(fifth monitoring cycle\) 2018](#)

3.3 COUNCIL OF EUROPE'S NO HATE SPEECH AND COOPERATION UNIT

Assessment of the effectiveness of access to justice for victims of discrimination, hate crime and hate speech through non-judiciary redress mechanisms in the Republic of Moldova

- ▶ [Study on assessing the national non-discrimination mechanisms in Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus \(2019\)](#)

3.4 OCSE - ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

- ▶ [Media Monitoring Report: Reporting on minority issues and diversity in the media](#)
- ▶ [Opinion on the draft law "Hate crimes and holocaust denial – amending and supplementing certain acts" of the Republic of Moldova](#)

3.5 PROMO-LEX ASSOCIATIONS REPORTS

- ▶ [Hate Speech and incitement to discrimination in the public space and media in the Republic of Moldova, 2018](#)
- ▶ [Hate Speech and incitement to discrimination in the public space and media in the Republic of Moldova, 2019 \(1\)](#)
- ▶ [Hate Speech and incitement to discrimination in the public space and media in the Republic of Moldova, 2019 \(2\)](#)
- ▶ [World congress of families monitoring report on hate speech, discrimination and other forms of public promotion of intolerance](#)

3.6 WORLD BANK

- ▶ [Overview of Moldova \(version 12 October 2020\)](#)

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.