

ECRI REPORT ON THE REPUBLIC OF MOLDOVA

(sixth monitoring cycle)



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 10 April 2024; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on the Republic of Moldova on 2 October 2018, progress has been made and good practices have been developed in a number of fields.

The members of the Equality Council can no longer "be persecuted or held legally liable for the opinions they express and the duties they perform in accordance with the law." The Ombudsman's mandate has been extended to cover the complaints lodged by legal persons.

In the area of inclusive education, two relevant mandatory subjects, namely "Education for Society" and "Personal Development", were introduced. The Education Code was amended to include the definition of bullying and a methodology for preventing and combating bullying was adopted.

A number of legislative developments were noted in the area of combating hate speech, including the introduction of several offences and misdemeanours, as well as the notion of "grounds of prejudice" in the Criminal and Misdemeanour Codes. Bias motivation was also introduced in hate crime recording. Efforts have been made to increase the knowledge of legal professionals on hate speech and hate-motivated violence.

The authorities have invested significant efforts into improving the integration and inclusion of migrants by, *inter alia*, the establishment of the integration centres for foreign nationals in Chişinău, Bălţi and Cahul.

As regards Roma inclusion, progress has been made in securing better preschool and school attendance of Roma pupils. The number of community mediators has increased significantly.

The authorities have increased their efforts to improve ethnic / linguistic minorities' proficiency in the Romanian language through a number of specific education and other programmes.

The grounds of national origin, citizenship, sexual orientation and gender identity were added to the open-ended list of protected grounds in the Equality Act.

The authorities, with the support of the host communities, local and international civil society organisations, the private sector and international organisations, have extended an exceptionally warm welcome to people displaced as a result of Russia's war of aggression against Ukraine.

ECRI welcomes these positive developments in the Republic of Moldova. However, despite the progress achieved, some issues give rise to concern.

The Equality Council and the Ombudsman still do not enjoy full financial independence and, despite an increase in the number of staff, their financial and human resources are still insufficient to carry out all their functions.

Aspects related to sexual orientation, gender identity and sex characteristics are not included in the school curricula. There is no mandatory teacher training on human rights and the training provided is insufficient to build the capacity of teachers in this area. Bullying is a major problem in Moldovan schools.

Intolerance and discrimination against LGBTI people persist in the country. Same-sex couples do not enjoy any kind of legal recognition. The legal framework still does not explicitly regulate the conditions and procedures concerning legal gender recognition and there are no guidelines on the provision of gender-affirming health care.

Online hate speech, particularly on social networks, is a growing concern. The possibility of removing or blocking online hate content by court order is not provided for. Immediate and public condemnation of hate speech is very seldom, and the effective implementation of the legislation raises questions. Hate crime cases continue to be underreported and the application of criminal law provisions in investigating these cases remains insufficient.

The authorities have not granted foreign nationals residing in the country the right to vote and to stand as candidates in local elections.

The situation of Roma remains difficult in all areas of life. The Action Plan in Support of the Roma Population (2016-2020) was significantly underfunded and most of its activities were only partially implemented. The extensive thematic responsibilities attributed to community mediators and their low salaries have led to a number of resignations and contribute to growing challenges in filling vacant positions.

The Republic of Moldova has not yet ratified Protocol No. 12 to the European Convention on Human Rights.

Practices amounting to racial profiling during police operations, primarily targeting Roma, have continued to be reported.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

The authorities should i) bring the provisions on the Equality Council and the Ombudsman competences, independence and effectiveness in line with ECRI's General Policy Recommendations No. 2 on equality bodies to combat racism and intolerance at national level and No. 7 on national legislation to combat racism and racial discrimination; ii) ensure that both bodies receive the necessary financial and human resources to carry out their mandates adequately including, where relevant, at regional level.

The authorities should i) ensure that human rights education includes the prevention of racism and intolerance and, in particular, age-appropriate awareness on matters related to sexual orientation, gender identity and sex characteristics in the school environment; ii) evaluate and ensure suitable and mandatory teacher training on human rights, respect for diversity and responses to prejudice and discrimination.

As regards LGBTI equality, the authorities should develop the legal framework by explicitly regulating the conditions and procedure concerning legal gender recognition and establish clear guidelines on the provision of gender-affirming health care, in accordance with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards.*

The authorities should i) take effective action to raise awareness amongst the general public about the legal framework related to hate speech and the remedies available to victims; ii) provide comprehensive training to police officers on how to make the best use of the existing legal provisions on combating hate speech; iii) step up their efforts to ensure coordination and cooperation between law enforcement agencies and other relevant bodies.

Further action should be taken to ensure that all alleged cases of hate crimes are effectively investigated and prosecuted, by consistently taking into account any possible bias motivations from the outset of the investigation and in any subsequent criminal proceedings.

With respect to Roma inclusion, the authorities should allocate appropriate funding to significantly increase the number of community mediators, develop a suitable policy for the recruitment and retention of community mediators and ensure that they are provided with adequate working conditions.*

Resolute action should be taken to improve the quality and to increase significantly the number of teaching hours of Romanian as a second language in "minority schools" at primary and secondary level, with a view to preventing educational disadvantage.

All displaced people from Ukraine as a result of Russia's war of aggression should benefit from the same level of protection and support irrespective of their national or ethnic origin or other personal characteristics or status.

* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS¹

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies²

1. The Equality Council and the People's Advocate (Ombudsman) are the two equality bodies in the Republic of Moldova. Regarding the legal framework governing these institutions, ECRI refers to its previous reports.³ In the present report, it will focus mainly on the main changes made in recent years and the remaining lacunae.
2. The Equality Council, which was established through Law No. 121 on Ensuring Equality of 25 May 2012 (Equality Act),⁴ is the central body for preventing and eliminating discrimination and ensuring equality. Its mandate is limited to the scope of the Equality Act (see section IV.A. of the present report).
3. In its fifth report (§ 26), ECRI recommended that the Equality Council be granted the competences to initiate proceedings before the Constitutional Court and to bring cases in court even when a specific victim is not referred to. Regrettably, the powers of the Equality Council have not been extended as recommended. Furthermore, the Equality Council is not mandated to provide personal support, legal advice and assistance to people exposed to discrimination or intolerance. Nevertheless, ECRI welcomes the fact that it has been given the competence to carry out visits to establish the facts that are the subject of a complaint or the manner in which its recommendations have been implemented.⁵
4. As concerns the decision-making competencies, the Equality Council cannot, with one exception,⁶ impose sanctions, as this exclusively lies within the competence of the courts. While the complainants have the right to choose whether to initiate proceedings before the Equality Council first or to go directly to court (Article 13 § 4 of the Equality Act), ECRI regrets that proceedings before the Equality Council do not suspend the time limits for the initiation of subsequent court proceedings, as per § 20 of ECRI's General Policy Recommendation (GPR) No. 2 on equality bodies to combat racism and intolerance at national level.⁷
5. The Equality Council received 247 complaints in 2018, 257 in 2019, 297 in 2020, 310 in 2021 and 271 in 2022. Discrimination on different grounds and in various areas was found in 84 cases in 2018, 76 in 2019, 74 in 2020, 49 in 2021 and 41 in 2022. For example, in 2022, nearly 60% of the decisions finding discrimination concerned the grounds of language, sexual orientation, ethnic origin, belief, religion and gender identity.⁸ In this regard, ECRI takes positive note of the

¹ ECRI notes that the region of Transnistria is still not under the effective control of the Moldovan authorities to whom this report is addressed: see also, ECRI (2018): footnote no. 2, ECRI (2013): § 178, ECRI (2008): § 100, ECRI (2003): § 45. ECRI will therefore not examine the situation in that region in this report.

² The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2 which was published on 27 February 2018.

³ ECRI (2018): §§ 23-26, 95-99; ECRI (2013): §§ 61-69.

⁴ Available [here](#), as amended by Law no. 2/2023. Its activity is governed by [Law no. 298](#) on the Activity of the Equality Council of 21 December 2012, as amended by Law no. 2/2023. As a result of the 2023 amendments, the former name of the institution, the Council for Preventing and Eliminating Discrimination and Ensuring Equality, was changed to [Equality Council](#).

⁵ Article 12 § 1 (j) of the Equality Act, as amended by Law no. 2/2023. During the visit, the representatives of the Equality Council informed the ECRI delegation that they were not able to carry out such visits in 2023 due to a lack of human resources.

⁶ Article 71² of the [Misdemeanour Code](#), as amended by Law no. 2/2023, on the obstruction of the work of the Equality Council.

⁷ In this context, concerns have been expressed that due to the statute of limitations (Article 20 § 1 of the Equality Act), victims who choose to lodge complaints with the Equality Council first run the risk of having their claims for compensation rejected by the courts as time barred.

⁸ See the Equality Council's annual reports: [2018](#), [2019](#), [2020](#), [2021](#) and [2022](#). The database containing all decisions and opinions is available [here](#).

publication, in various languages, of a Petitioner's Guide,⁹ which is an important step in helping victims of discrimination to enforce their rights.

6. ECRI was concerned to learn from the authorities, as well as from independent actors, that two misdemeanour cases had been brought against members of the Equality Council following their decisions on discrimination complaints. One case ended in an acquittal and the other was pending before the court at the time of the visit in 2023. In this context, ECRI notes with satisfaction that, as of February 2023, the members of the Equality Council can no longer “be persecuted or held legally liable for the opinions they express and the duties they perform in accordance with the law.”¹⁰
7. ECRI recalls that the Ombudsman, which was established through Law No. 52 on the People's Advocate of 3 April 2014 (Ombudsman Act),¹¹ is a multi-mandated institution. It has four regional offices in Bălți, Cahul, Comrat and Varnița. ECRI is pleased to note that the Ombudsman's mandate has been extended to cover complaints lodged by legal persons.¹²
8. In its previous report (§§ 95-96), ECRI had already taken positive note of the increased effectiveness and impact of the work of both the Equality Council and the Ombudsman and is pleased to be able to reiterate these findings. However, it remains concerned that their financial and human resources are still insufficient to carry out all their functions.¹³ Despite the increase in the number of staff for both institutions in 2023 (13 positions for the Equality Council and seven positions for the Ombudsman), they continue to face staff shortages, mainly due to low salaries and high level of staff turnover.¹⁴ The Equality Council has never filled all its positions since its establishment. At the time of the visit, 18 of the 33 positions were vacant and there was a 60% shortage of lawyers. ECRI notes that the Equality Council and the Ombudsman requested an increase in salaries in May 2023,¹⁵ a request supported by several civil society organisations.¹⁶ According to the authorities, staff salaries have been increased by around 33% as from 2024.
9. Lastly, ECRI regrets that both the Equality Council and the Ombudsman still do not enjoy full financial independence, as their budgets are dependent on the discretion of the Ministry of Finance, although the legislation requires their approval by Parliament.¹⁷
10. ECRI strongly recommends that the authorities i) bring the provisions on the Equality Council and the Ombudsman competences, independence and effectiveness in line with ECRI's General Policy Recommendations No. 2 on equality bodies to combat racism and intolerance at national level and No. 7 on national legislation to combat racism and racial discrimination; ii) ensure that both bodies receive the necessary financial and human resources to carry out their mandates adequately including, where relevant, at regional level.

⁹ Available [here](#). This guide, which was published in 2018, provides information on the role of the Equality Council, forms of discrimination, protected criteria and the procedure for handling complaints of discrimination.

¹⁰ Article 11 § 8¹ of the Equality Act, as amended by Law no. 2/2023.

¹¹ Available [here](#), as amended by Law no. 2/2023. The [Ombudsman](#) has the following mandates: National Human Rights Institution, National Preventive Mechanism and Ombudsman for the Rights of the Child.

¹² Article 18 of the Ombudsman Act, as amended by Law no. 2/2023.

¹³ According to the authorities, the [National Human Rights Programme \(2024-2027\)](#) provides for the strengthening of the resources available to the two institutions.

¹⁴ See also, ECRI [Conclusions](#), 18 May 2021, p. 5; Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), [Fifth Opinion](#) on the Republic of Moldova, 18 October 2023, §§ 54, 57; Commission of the European Union, [Opinion](#) on the Republic of Moldova's application for membership of the European Union, 17 June 2022, p. 9.

¹⁵ [Joint statement](#), May 2023.

¹⁶ [Public statement](#), May 2023.

¹⁷ See also, ECRI (2018): § 97; ECRI (2021), p. 5.

B. Inclusive education

11. This section deals with education policies that aim to combat exclusion and marginalisation through an inclusive education devised for all, and to create an inclusive society respectful of diversity in accordance with sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education.¹⁸
12. The legal framework pertaining to education states that one of the objectives of education is to promote intercultural dialogue, tolerance, non-discrimination and social inclusion and includes the principle of ensuring equality and non-discrimination among the fundamental principles of education.¹⁹ ECRI is pleased to note that one of the long-term objectives of the Education Development Strategy (Education 2030)²⁰ is to ensure that all pupils and students acquire the knowledge and skills necessary to promote, *inter alia*, human rights, a culture of peace and non-violence, global citizenship and an appreciation of cultural diversity.
13. In its GPR No. 10, ECRI recommends that human rights education is an integral part of the school curriculum at all levels and across all disciplines. Human rights education is mainly realised as part of two mandatory subjects Education for Society (5th to 12th grade) and Personal Development (1st to 12th grade), which were introduced as of the 2018/2019 school year, as well as the optional subject Human Rights Education (1st to 9th grade).²¹
14. The Education for Society course is the result of a reconceptualisation of civic education in the light of the Council of Europe's Reference Framework of Competences for Democratic Culture.²² In this connection, ECRI notes and supports the recommendation of the Children's Consultative Forum that teachers of this subject should organise activities to help children understand non-discrimination in a practical way.²³ According to the authorities, human rights related topics have also been integrated in various other optional subjects.²⁴ During its visit to the M. Gorki Theoretical Highschool in Bălți, the ECRI delegation was pleased to note that the promotion of human rights was also integrated into the school's extracurricular activities.²⁵ It is also noteworthy that courses on the history, culture and traditions of Ukrainians, Russians, Gagauz, Bulgarians and Roma have been approved in recent years.²⁶ These subjects are nevertheless available only in schools with a high proportion of pupils belonging to these minority groups.²⁷ ECRI encourages the authorities to develop the teaching of these subjects in other schools in the country.

¹⁸ Specific measures for the education of migrants and children belonging to minority groups are dealt with in section III of the present report.

¹⁹ Articles 5 (d) and 7 (h) of the [Education Code](#). The Equality Act also contains a dedicated section on the prohibition of discrimination in the field of education (Article 9, as amended by Law no. 2/2023). ECRI also takes positive note that the Republic of Moldova has been a [party](#) to the UNESCO Convention against Discrimination in Education since 1993.

²⁰ The [Education 2030 Strategy](#) was adopted in 2023.

²¹ See Human Rights Education syllabus for [years 1 to 4](#) and [years 5 to 9](#) of education, as approved in 2018. The subject was taken by 1,400 students in the 2018/2019 school year and by 1,800 students in the 2022/2023 school year.

²² In the framework of the project "[Education for Democracy in the Republic of Moldova](#)", implemented by the Council of Europe, several activities have been carried out to support the implementation of this subject and the development of a master's programme "Education Didactics for Society" for pedagogical faculties.

²³ Ombudsman, [Report](#) on human rights and freedoms in the Republic of Moldova, 2022, p. 43.

²⁴ Such as, Education for Tolerance (5th to 9th grade), Holocaust: History and Life Lessons (5th to 9th grade); European Integration for You (10th to 12th grade); Education for Community Development (5th to 9th grade); Culture of Good Neighbourliness (1st to 4th grade); Health Education (1st to 12th grade); Media Education (3rd to 4th grade); Intercultural Education (1st to 9th grade).

²⁵ Extracurricular activities are organised in schools across the country to mark the International Holocaust Remembrance Day (27 January) and, as of 2024, the International Roma Day (8 April).

²⁶ According to the authorities, a curriculum for a new subject on the "History, Traditions and Culture of Russians, Ukrainians, Gagauz, Bulgarians, Jews and Roma" (5th to 9th grade) will be developed in 2024.

²⁷ CERD, [Combined twelfth to fourteenth periodic reports submitted by the Republic of Moldova](#), 29 September 2020, p. 21.

15. ECRI notes with concern that aspects related to sexual orientation, gender identity and sex characteristics are not included in the school curricula and that there are no guidelines or compulsory teacher training on these matters.²⁸ Certainly, ECRI was informed that these issues were meant to be addressed within the framework of the “Education for Society” and “Personal Development” subjects. However, teachers and civil society interlocutors met by the ECRI delegation during the visit stated that, in practice, they are not dealt with in schools.²⁹
16. ECRI welcomes that as of 2020, the subject “Intercultural Education” has become a mandatory component of the initial teacher training.³⁰ Teachers of the subject Education for Society receive training on human rights as part of their in-service training.³¹ However, ECRI notes that human rights training is not mandatory. It also emerged during the visit that the training provided is insufficient to build teachers’ capacity in the area of human rights education.
17. ECRI recommends that the authorities i) ensure that human rights education includes the prevention of racism and intolerance and, in particular, age-appropriate awareness on matters related to sexual orientation, gender identity and sex characteristics in the school environment; ii) evaluate and ensure suitable and mandatory teacher training on human rights, respect for diversity and responses to prejudice and discrimination.
18. In its third report (§ 126), ECRI recommended the removal of discriminatory content from textbooks. Following the adoption of a new regulation on the selection and purchase of textbooks, introducing non-discriminatory criteria,³² an analysis of textbooks was carried out in 2023, involving for the first time the Equality Council and civil society organisations, which ECRI welcomes. However, it was brought to ECRI’s attention that further efforts are needed to build the capacity of the members of the National Textbook Approval Council and to provide guidance on this issue. ECRI encourages the authorities to take further action in this area.
19. It appeared from information gathered during the visit that bullying is a major problem in Moldovan schools. According to research, 86.8% of students in the 6th to 12th grades are affected by bullying as victims, witnesses or perpetrators. Children belonging to ethnic groups (such as Roma and ethnic Turks) or minority religious groups, as well as LGBTI children, were among those identified as more vulnerable to bullying.³³ A 2022 research also revealed that teachers often held or expressed negative opinions about LGBTI people in the classroom.³⁴ Furthermore, many interlocutors reported a case of a teenage transgender girl who committed suicide as a result of bullying at school.³⁵ In this regard, ECRI stresses that providing factual, non-stigmatising information on sexual orientation, gender identity and sex characteristics is imperative to preventing and combating LGBTI-

²⁸ IGLYO, [LGBTQI Inclusive Education Report 2022](#), pp. 107-108. See also, ECRI’s GPR No. 17, recommendation no. 45.

²⁹ See also, Terre des hommes Moldova, [Study](#) on the analysis of the problems faced by LGBT+ adolescents, 2022.

³⁰ Ministry of Education, Culture and Research, [Order No. 1198/2020](#).

³¹ Such trainings were also organised as part of the implementation of the [National Human Rights Action Plan \(2018-2022\)](#). According to the [2021 implementation report](#), 1,783 teachers were trained. In addition, a national conference on human rights education and the rights of the child is organised every year on Human Rights Day, with the participation of teachers.

³² Ministry of Education and Research, [Order No. 300/2022](#).

³³ UNICEF, [Bullying among adolescents in the Republic of Moldova](#), 2019, pp. 14 and 49.

³⁴ Terre des hommes Moldova, *op. cit.* In this context, ECRI notes that the Ombudsman for the Rights of the Child, with whom the ECRI delegation met during the visit, recommended that teachers be trained in non-discrimination aspects ([2022 Report](#), p. 43) and in how to respond to bullying ([2021 Report](#), p. 105). According to the authorities, several training sessions on preventing and combating bullying were organised in 2023 for 40 teachers, psychologists and other education professionals.

³⁵ See [Press article](#), 13 April 2022; Ministry of Education and Research, [Press release](#), 15 April 2022.

phobia, at school and beyond, and to creating a safer and more inclusive learning environment for all.³⁶

20. Against this background, ECRI welcomes that the curricula of Personal Development contain teaching about methods of protection and reacting to bullying and cyberbullying.³⁷ It is also pleased to note that the authorities have amended the Education Code to include the definition of bullying³⁸ and have adopted a methodology for preventing and combating bullying, which includes a protocol for identifying and responding to incidents of bullying in schools.³⁹ Furthermore, ECRI considers as **good practice** the activities carried out under the project “Joint efforts to combat bullying in Moldova”, which also led to the development of the “stopbullying.md” online platform, bringing together resources for children, parents and educational professionals.⁴⁰
21. ECRI takes positive note that as from the second semester of the 2022/2023 school year, bullying cases have been recorded in a dedicated category in the general reports on cases of violence against children, including physical violence.⁴¹ It nevertheless observes that there is no compilation of data on such incidents that would include specific reasons for bullying behaviour. Lack of such data may significantly impede the authorities’ capacity to address the root causes of bullying and to adopt effective measures to address it.
22. ECRI recommends that the authorities gather gender-disaggregated data on racist and anti-LGBTI incidents in schools, including on specific reasons for bullying behaviour. Such data should serve as a basis for the development of more targeted responses to bullying in schools, including further bullying prevention campaigns and trainings for teachers and other professionals working with children in schools.

C. Irregularly present migrants

23. In its GPR No. 16 on safeguarding irregularly present migrants from discrimination, ECRI calls for the creation of effective measures (“firewalls”) to ensure the fundamental human rights of irregularly present migrants in fields such as education, health care, housing, social security and assistance, labour protection and justice. Such firewalls should separate the activities of immigration control and enforcement from the provision of services, so that migrants who are irregularly present in the country do not refrain from accessing their rights due to fear of deportation (see in particular §§ 3, 4, 11 and 12 of GPR No. 16).
24. Data on the number of migrants who are irregularly present in the Republic of Moldova is limited. According to the Programme for the Management of Migration Flows, Asylum and Integration of Foreigners (2022-2025), the authorities documented cases of illegal stay (2 266 in 2018, 2 469 in 2019, 1 670 in 2020 and 2 441 in 2021) and undeclared work (347 in 2018, 475 in 2019, 344 in 2020 and 295 in 2021).⁴² In addition, available data indicates that 381 migrants were subject to return procedures in 2023, compared to 420 in 2022.⁴³

³⁶ In this connection, ECRI recalls that the Republic of Moldova supported UNESCO’s 2016 [Call for Action](#) by Ministers on Inclusive and equitable education for all learners in an environment free from discrimination and violence.

³⁷ See, for example, the guide to implementing the Personal Development curriculum for [year 9](#). Also, twice a year schools organise the Cyber Security Week. The platform www.siguronline.md contains useful information on cyberbullying.

³⁸ Article 3 of the Education Code, as amended in 2022.

³⁹ Ministry of Education and Research, [Order no. 1024/2022](#). Cyberbullying is also defined (Article 2).

⁴⁰ The project was carried out by the NGO Terre des Hommes Moldova, with the support of UNICEF and in partnership with the Ministry of Education and Research. See also, <https://stopbullying.md/>

⁴¹ Ministry of Education and Research, General reports on cases of violence against children. It follows that 610 cases were recorded during the [2nd semester of the 2022/2023 school year](#) and 476 cases during the [1st semester of the 2023/2024 school year](#).

⁴² Available [here](#), p. 11.

⁴³ General Inspectorate for Migration, [Activity Report for 2023](#), 2024, p. 22.

25. ECRI notes that there is no official government policy for this group beyond the part on “preventing and combating irregular migration” of the above Programme (2022-2025). At legislative level, it appears that there are no “firewalls” preventing service providers from reporting migrants irregularly present in the country.⁴⁴
26. The authorities nevertheless confirmed during the visit that irregularly present migrants have access to emergency health care. Similarly, all migrant children were said to have access to education, irrespective of their legal status. In this connection, civil society interlocutors informed the ECRI delegation during the visit that, in many cases, the presence of migrants in an irregular situation is reported to the police by, for example, hospital staff. Against this background, ECRI strongly encourages the authorities to collect data on the number and living conditions of migrants irregularly present in the country and to set up clear and explicit “firewalls” in the light of its GPR No. 16.

D. LGBTI equality⁴⁵

27. On the 2022 Rainbow Europe Map and Index, which reflects the European countries’ legislation and policies guaranteeing respect for the human rights of the lesbian, gay, bisexual, transgender and intersex (LGBTI) people, the Republic of Moldova ranked 24th out of 49 countries scored, with an overall score of 39%.⁴⁶
28. Despite ECRI’s previous recommendation,⁴⁷ there is still no official data on the size of the LGBTI population in the country⁴⁸ and no research has been carried out to look into their situation. ECRI encourages the authorities to carry out research and to establish a comprehensive, accurate and reliable system to collect relevant and disaggregated data regarding LGBTI people, adhering to international data collection standards, and ensuring an intersectional perspective and respect for the principles of confidentiality, voluntary self-identification, and informed consent, taking due account of its GPR No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
29. The information gathered by ECRI suggests that there is still a relatively persistent prejudice against LGBTI people in the country. For instance, according to a 2021 study, LGBTI people remain the most rejected group in society. 42% of respondents stated that same-sex relationships should be punishable (compared to 38% of respondents in 2018). In addition, 64% of respondents would expel LGBTI persons from the country (compared to 46% of respondents in 2018).⁴⁹
30. Awareness-raising activities have been carried out by the Equality Council and civil society organisations.⁵⁰ ECRI is also pleased to note that Pride marches continued to be held in Chişinău. In 2023, more than 500 people attended the Pride march, including several Members of Parliament.⁵¹ No incidents were recorded and the organisers praised the police for their professionalism.⁵² At the same time, ECRI is concerned that in May 2022, the People’s Assembly of the Autonomous Territorial

⁴⁴ See, for instance, Article 8 § 2 of [Law no. 200](#) on the Regime of Foreigners in the Republic of Moldova of 16 July 2010 (Law no. 200/2010).

⁴⁵ For terminology, see ECRI’s [Glossary](#).

⁴⁶ ILGA Europe, [Rainbow Europe Map and Index \(2022\)](#).

⁴⁷ ECRI (2018): § 102.

⁴⁸ Data concerning “health and sex life” are special categories of data that can be processed under certain conditions. See Articles 3 and 6 of [Law no. 133](#) on the protection of personal data of 8 July 2011.

⁴⁹ IMAS on behalf of the Equality Council, [Study](#) on perceptions and attitudes towards equality, 2021. See also, Magenta Consulting on behalf of the Equality Council, [Study](#) on perceptions and attitudes towards equality in the Republic of Moldova, 2018.

⁵⁰ Such as, Zero Discrimination campaigns carried out annually by the Equality Council; various activities within the Moldova Pride Festival and the Coming Out Days Festival carried out by the NGO Genderdoc-M.

⁵¹ Before the event, the mayor of Chişinău said he would not allow it to take place. However, the mayor had no mandate to ban the Pride. See [press article](#).

⁵² Press articles available [here](#) and [here](#).

Unit (ATU) of Gagauzia adopted a resolution prohibiting the media from producing and disseminating materials concerning “the propaganda of non-traditional LGBT relations” in Gagauzia. ECRI trusts that every effort will be made by the relevant authorities to ensure that this resolution is no longer in force.⁵³

31. Despite ECRI’s previous recommendation (§ 113), the authorities did not develop and adopt an action plan, either as a separate policy document or by including objectives in achieving LGBTI equality in the National Human Rights Action Plan (2018-2022).⁵⁴ In this connection, the ECRI delegation was informed that the authorities intend to address LGBTI equality in the National Human Rights Programme (2024-2027), which was being drawn up at the time of the visit. Regrettably, ECRI notes that this Programme, as subsequently adopted, does not include any set of concrete actions for LGBTI equality. ECRI therefore strongly encourages the authorities to develop, in close consultation with relevant civil society organisations, a specific programme of action on LGBTI equality in the light of its GPR No. 17.
32. The authorities acknowledged that intolerance and discrimination against LGBTI people persist in the country. In this context, ECRI takes positive note of the decision of the Equality Council according to which it held that the discriminatory treatment of a soldier on the basis of his sexual orientation at his military base amounted to harassment.⁵⁵ Furthermore, ECRI notes with satisfaction that progress has also been made at legislative level (see also section IV.A of the present report).
33. As explained in ECRI’s fifth report (§ 104), same-sex couples do not enjoy any kind of legal recognition, whether in the form of civil partnerships or same-sex marriages. Furthermore, same-sex marriages contracted abroad are not recognised in the country.⁵⁶ Against this background, several same-sex couples have taken legal action to have their relationships as couples recognised and protected by law.⁵⁷ ECRI underlines that the absence of legal recognition for same-sex couples exposes them to social and financial vulnerability, in contradiction with the case law of the European Court of Human Rights.⁵⁸
34. ECRI recommends that the authorities work towards the adoption of a legal framework that provides same-sex couples with the possibility of having their relationship recognised and protected in order to address the practical problems related to the social reality in which they live, in line with ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards.
35. With regard to transgender persons, ECRI recalls that the existing legal provisions do not clearly define the conditions and procedure for allowing or refusing an application for legal gender recognition.⁵⁹ Transgender persons are unable to

⁵³ [Civil society organisations](#) strongly condemned the resolution and called on the authorities to repeal it. The Ombudsman also issued a [statement](#) recalling the obligation to uphold freedom of expression and assembly without discrimination. See also the case law of the European Court of Human Rights (ECtHR), in particular the Court judgment in the case of Bayev and others v. Russia, nos. [67667/09](#) and 2 others, 20 June 2017.

⁵⁴ [Report](#) on the implementation of the National Human Rights Action Plan (2018-2020), 10 August 2023, p. 12.

⁵⁵ [Decision](#) No. 274/21 of 11 February 2022; See also, the Ombudsman’s [report](#) about this case.

⁵⁶ ECOM and Genderdoc-M, [Submission](#) to the United Nations Human Rights Committee, May 2023, § 56.

⁵⁷ See [press article](#).

⁵⁸ See ECRI’s GPR no. 17, recommendation 16; ECtHR, Fedotova and others v. Russia [GC], nos. [40792/10](#) and 2 others, 17 January 2023.

⁵⁹ According to Article 66 § 2, c of [Law no. 100](#) on civil status records of 26 April 2001: “The civil registry office shall decide on the application to amend, correct or supplement the civil status record, if there is no dispute between the persons concerned, in the following cases: [...] (c) the applicant submits an official document certifying the change of sex.” See also, ECRI (2018): §§ 105-106.

obtain legal gender recognition through an administrative procedure, as the Public Services Agency rejects applications on the ground that such applications do not include proper official medical documentation, in other words medical documentation providing evidence of sex reassignment surgery. At the same time, it appears that courts generally decide favourably on such applications⁶⁰ upon the presentation of a medical certificate confirming the diagnosis of “transsexualism” or “gender identity disorder”.⁶¹

36. In this context, ECRI takes note of the decision of the Equality Council, which found that the handling of applications by the Public Services Agency constituted discrimination on the ground of gender identity in accessing services.⁶² Furthermore, during its visit, the ECRI delegation was pleased to learn about the activities of a working group that, *inter alia*, aims to address this issue. As concerns gender-affirming health care, ECRI notes that there are no specific guidelines for its provision and that the related costs are not covered by the national health insurance system.
37. ECRI recommends, as a matter of priority, that the authorities develop the legal framework by explicitly regulating the conditions and procedure concerning legal gender recognition and establish clear guidelines on the provision of gender-affirming health care, in accordance with ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards.⁶³
38. As concerns intersex persons, ECRI understands that their situation is largely unknown, which renders the assessment of the situation difficult. Furthermore, it appears that no official guidance or legislation exist to prohibit medically unnecessary surgery and therapies on intersex children.⁶⁴ In this context, ECRI invites the authorities to raise awareness of the existence of intersex persons and identify their specific situation and needs across the country with a view to adopting appropriate legal and other measures.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A. Hate speech⁶⁵

Data and public discourse

39. According to the information provided by the authorities, in recent years, a total of 39 charges were brought under Article 346 of the Criminal Code (incitement to violent action on grounds of prejudice): 10 in 2018, one in 2019, eight in 2020, eight in 2021, eight in 2022 and four in 2023. In 2022, three persons were convicted.
40. The authorities also provided information on the remedies available under the Misdemeanour Code, including the new provisions. In 2022 and 2023, 11 final sanctions were issued, and six cases were pending before the courts under Article

⁶⁰ ECOM and Genderdoc-M, *op. cit.*, § 48.

⁶¹ These certificates were issued by the Gender Dysphoria Commission, which operated under the Ministry of Health, until January 2023, when it ceased to exist. The authorities informed the ECRI delegation that transgender persons have the possibility to request such certificates from the psychologist of the NGO Genderdoc-M.

⁶² Point 1 of [Decision](#) No. 278/21 of 6 July 2022. At the same time, the Public Services Agency filed an appeal against point 4 of the Decision (inciting discrimination on the ground of gender identity before the courts), which was upheld by the Chişinău Court of Appeal on 26 March 2024.

⁶³ See ECRI’s GPR No. 17, recommendations 24-31; Council of Europe’s Committee of Ministers, Recommendation [CM/Rec\(2010\)5](#) on measures to combat discrimination on grounds of sexual orientation or gender identity, §§ 20-22; Parliamentary Assembly of the Council of Europe, [Resolution 2048 \(2015\)](#): Discrimination against transgender people in Europe, §§ 6. 2 and 6.3; relevant case law of the ECtHR (see, *inter alia*, X and Y v. Romania, [nos. 2145/16 and 20607/16](#), 19 January 2021).

⁶⁴ In this respect, see ECRI’s GPR No. 17, recommendations 32-34 and 35; Parliamentary Assembly of the Council of Europe, [Resolution 2191 \(2017\)](#): Promoting the human rights of and elimination discrimination against intersex people; the [Yogyakarta Principles Plus 10](#), 2017; Council of Europe’s Commissioner for Human Rights, [Human rights and intersex people](#), 2015.

⁶⁵ See definitions of hate speech and hate crime in [ECRI’s Glossary](#).

69 § 3 (insult on grounds of prejudice); four final sanctions were issued, and two cases were pending before the courts under Article 70¹ (incitement to discrimination). In 2023, two cases were recorded under Article 70 § 3 (libel on grounds of prejudice) and four final sanctions were issued under Article 52 § 3 (hate speech and/or incitement to discrimination during the election period and/or in election campaign material). Furthermore, between 2018 and 2023, the Equality Council issued 32 decisions according to which it found that there was incitement to discrimination under Article 2 of the Equality Act. Lastly, the Audiovisual Council dealt with five cases in 2020, one in 2021, two cases and five *ex officio* monitoring reports in 2022 and six cases and 12 *ex officio* monitoring reports in 2023. ECRI notes that the authorities did not provide information regarding remedies available under the provisions of the Law on Freedom of Expression.⁶⁶

41. Unofficial data on hate speech, mainly in the context of election campaigns, was gathered by the Promo-LEX Association through monitoring of the public space, including online, and the media. According to the Promo-LEX monitoring carried out between 2018 and 2021, hate speech targeted, *inter alia*, LGBTI people (312 incidents), Romanian/Romanian-speaking people (46 incidents), Muslims (42 incidents), Roma (35 incidents), migrants (30 incidents), Russian/Russian-speaking people (27 incidents) and Jews (16 incidents). The media, in particular online media, generated 32% of the 1 950 incidents identified.⁶⁷ Research indicates that media affiliated with political parties report uncensored hate speech by politicians, especially during election campaigns.⁶⁸ Furthermore, monitoring conducted by the same organisation between 24 February - 24 April 2022 identified 83 cases of hate speech, mainly directed against Ukrainians (40 incidents), politicians (24 incidents) and Russians (eight incidents).⁶⁹ Stereotyping and discriminatory language targeting LGBTI persons was also noted in the context of the 2023 local elections.⁷⁰ Many of ECRI's interlocutors met during the visit indicated that online hate speech, particularly on social networks, is a growing concern.
42. Hate speech against LGBTI people, who are frequently portrayed as posing a threat to the country's "traditional Orthodox values", has remained a recurrent phenomenon. LGBTI people have been the subject of increasing stigmatisation and a high level of offensive language, especially by politicians and representatives of the Orthodox Church.⁷¹ Such speech is particularly virulent during election campaigns and around the dates of the Moldova Pride Festival in Chişinău. In this context, ECRI regrets to observe that anti-LGBTI rhetoric has also been used to denigrate political opponents.
43. Rhetoric stigmatising Roma is still present in the public sphere and was particularly prevalent during the Covid-19 pandemic.⁷² As concerns Muslims, Muslim women

⁶⁶ See, in particular, Articles 2, 3 § 5 and 4² of [Law no. 64](#) of 23 April 2010 (as amended in 2021).

⁶⁷ Promo-LEX Association, [Factsheet](#), 2021. See also, the following monitoring reports: [2018](#), [2019/1](#), [2019/2](#), [2020](#) and [2021](#).

⁶⁸ Council of Europe, [Report](#) on the mapping of responses to hate speech in the Republic of Moldova, 2021, p. 20.

⁶⁹ Promo-LEX Association, [Monitoring report](#) in the context of the war of the Russian Federation against Ukraine, 2022.

⁷⁰ Promo-LEX Association, [Monitoring report](#) of the general local elections, 2024: For example, a candidate and member of the Parliament published the following statement on his Telegram channels: "*Chişinău is a homosexual propaganda-free zone! Our social, moral and Christian values, the family formed by a man and a woman, mum and dad, not parent 1 and parent 2, must be protected and preserved. I will ban any form of LGBT propaganda in the capital's schools. Homosexual parades will also be banned, as a form of aggressive propaganda of relationships alien to our traditional society [...].*"

⁷¹ The following reports by the NGO Genderdoc-M include numerous accounts of LGBTI-phobic statements: [2018](#), [2019](#), [2020](#), [2021](#), [2022](#) and [2023](#). For example, in 2023, the Orthodox Church warned against recognising same-sex partnerships and called "*on the faithful to take a stand, obviously, strictly within the limits permitted by the current legislation of the Republic of Moldova, so that such legalization and promotion of sin do not take place.*" In 2022, LGBTI people were also presented as one of the "causes" of Russia's war of aggression against Ukraine: see, Promo-LEX Association (2022), *op. cit.*

⁷² See also, Oameni și kilometri, "[The \[in\]visible line](#)", 6 September 2021.

wearing a veil are most often reported to be victims of hate incidents.⁷³ Furthermore, ECRI was informed that antisemitic rhetoric is a recurrent and persistent issue, especially online, and has increased following the Hamas terror attack of 7 October 2023 and Israel's subsequent war in Gaza.⁷⁴ Several interlocutors also mentioned to the ECRI delegation during the visit that the divide on social media networks, along linguistic lines (Romanian and Russian), is a factor contributing to tensions and hate speech.

44. Research indicates that at the beginning of Russia's war of aggression against Ukraine, Ukrainian displaced persons were in some cases associated with a "risk" to public security and blamed for the social and economic situation in the country.⁷⁵ During its visit, the ECRI delegation learned about the perception – in some parts of the general population – that, in a context of increasing economic difficulties, Ukrainians displaced as a result of the war have been supported to the detriment of Moldovan nationals,⁷⁶ leading to a tendency to revert to derogatory statements about Ukrainians.⁷⁷

Responses to hate speech

45. It quickly emerged during ECRI's visit that there was limited public awareness of what constitutes hate speech, as confirmed by many interlocutors. In this context, ECRI considers the online awareness-raising campaigns "*Filter the Words. Report the Hate!*" organised by the Promo-LEX Association in 2020 and the *#HateFreeElectionCampaign* organised by the Ombudsman in 2021 as **promising practices** and strongly encourages the authorities to build on these initiatives and to raise awareness about media literacy and the dangers and unacceptability of hate speech by combating misinformation, negative stereotyping and stigmatisation.
46. ECRI regrets that, despite its previous recommendations in its fifth report (§§ 52-53), immediate and public condemnation of hate speech is very rare and results mostly from initiatives of equality bodies and civil society organisations. Rare examples of good practice include the condemnation by the Ministry of Education and Research and the Jewish Community of the Republic of Moldova of the antisemitic statement made by a teacher in October 2023, the call for tolerance by the Ombudsman following LGBTI-phobic statements by some members of Parliament in June 2023 and the call by the Equality Council and the Ombudsman for an end to the use of xenophobic discourse in March 2022.⁷⁸
47. As concerns self-regulation, ECRI notes that there is no code of ethics or formal rules of conduct for members of parliament sanctioning, *inter alia*, racist and LGBTI-phobic political discourse. Research also shows that none of the 31 political party statutes reviewed contain explicit provisions prohibiting hate speech by their members, although nine of them contain provisions on preventing certain forms of

⁷³ The attention of ECRI was brought to the case of a Muslim woman wearing a hijab who was labelled a "terrorist" in a public place and asked to leave the country. See also, Oameni și kilometri, "[Resistance](#)", 18 October 2021.

⁷⁴ During the visit, the ECRI delegation learned that the Jewish community was sometimes accused of spreading the coronavirus and that political events linked to politicians or public figures of Jewish background have led to an increase in antisemitic hate speech. In addition, in late October 2023, the [media](#) reported that a teacher said in a 10th grade Education for Society class that "*Hitler started a good thing, but he did not go all the way – to exterminate all the Jews.*"

⁷⁵ Promo-LEX Association (2022), *op. cit.*, pp. 39-40. For instance, a former President of the Republic of Moldova called for the "deportation" of those refugees who do not comply with the national laws.

⁷⁶ See also, Internews and UNHCR, [Floods and deserts: information access and barriers in Moldova's refugee response](#), 2023.

⁷⁷ See, Internews and IOM, [One year later: online discourse in Moldova about Ukrainian Refugees](#), 2023, pp. 3-6, 11. According to the authors, the study did not aim to assess all sentiments expressed online by Moldovan social media users about displaced Ukrainians, but rather to capture negative discourse. For instance, derogatory language was often associated with sentiments "*to send refugees back to Ukraine, suggestions that Ukrainians are trying to take advantage of Moldovans, [...] and the belief that Ukrainian refugees are the cause of economic and security destabilisation in Moldovan society.*"

⁷⁸ [Press release](#), 31 October 2023; [Press release](#), 1 November 2023; [Press release](#), 16 June 2023; [Public call](#), 4 March 2022.

hate speech.⁷⁹ ECRI welcomes the fact that the Code of Ethics of Journalists was updated in 2019 to provide that journalists' activity is incompatible with the dissemination of messages prohibited by law such as hate speech.⁸⁰

48. ECRI recommends that public figures, such as high-level officials, politicians, and religious, economic and community leaders, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and to react to any such expression with strong counter-hate speech messages and alternative speech, and promote understanding between communities, including by expressing solidarity with those targeted by hate speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
49. As regards responses at legislative level, ECRI welcomes several developments. In 2022,⁸¹ Article 346 of the Criminal Code (incitement to violent action on grounds of prejudice)⁸² was amended to include the offence of incitement to violence, in line with ECRI's recommendation in its fifth report (§ 11). Furthermore, the notion of "grounds of prejudice"⁸³ was introduced in both the Criminal (Article 134²¹) and the Misdemeanour (Article 46³) Codes and explicitly covers all relevant grounds within ECRI's mandate, with the exception of sex characteristics. In this respect, ECRI invites the authorities to add sex characteristics to the list of grounds.
50. ECRI also takes note of the introduction of new offences in Article 135² (propaganda of genocide and crimes against humanity) and Article 176¹ (infringement of the rights of citizens by propaganda of fascism, racism and xenophobia and by denial of the Holocaust) of the Criminal Code.⁸⁴ The 2022 amendments also supplemented the Misdemeanour Code with Article 70¹ (incitement to discrimination). On a related note, several interlocutors pointed to the potential arbitrary interpretation of the exception provided for in this provision, which could limit the sanctioning of hate speech.⁸⁵
51. Furthermore, ECRI notes with interest the legislative developments aimed at combating hate speech during election campaigns. Article 52 § 3 of the Misdemeanour Code prohibits and sanctions with fines the use of hate speech

⁷⁹ Promo-LEX Association, [Analysis](#) of the provisions of the internal rules of political parties, 2021, pp. 10-11.

⁸⁰ Available [here](#). The [Press Council](#) has monitored compliance with this code and made recommendations in several cases.

⁸¹ [Law No. 111](#) on Amending Certain Regulatory Acts of 21 April 2022.

⁸² According to Article 346 § 1 of the Criminal Code, incitement to hatred or violence, against a category of persons on grounds of prejudice, manifested through public exhortations, dissemination of information or other forms of public outreach, including through the media, in written form, through drawing or image, or through a computer system, shall be punishable by fines, community service or up to three years' imprisonment.

⁸³ In the Criminal Code, grounds of prejudice have been defined as the perpetrator's preconceived ideas based on considerations of race, colour, ethnic, national or social origin, citizenship, sex, gender, language, religion or religious beliefs, political opinions, disability, sexual orientation, gender identity, state of health, age, marital status, regardless of whether the act is committed against the person possessing such protected characteristics, against their property or property associated with them or against a person who provides support to or is associated with persons possessing such protected characteristics, such association being real or perceived to be real. The Misdemeanour Code also covers the grounds of migrant or asylum seeker status.

⁸⁴ Article 176¹ was introduced by [Law no. 78](#) on Amending Certain Regulatory Acts of 23 April 2021.

⁸⁵ According to Article 70¹ of the Misdemeanour Code, (1) intentional acts, public exhortations, dissemination of information or other forms of public outreach, including through the media, in written form, through drawings or images, or through a computer system, aimed at inciting discrimination on grounds of prejudice shall be punishable by fines; (2) acts carried out in the context of a speech or public debate with a reasonable and objective justification on matters of religion, education, objective scientific research, including in the context of artistic events or activities shall not be considered as incitement to discriminatory acts based on prejudice.

and/or incitement to discrimination by candidates during election periods and/or in election campaign materials.⁸⁶ Furthermore, the new Electoral Code prohibits the use of materials inciting racial or religious hatred and discrimination during election campaigns.⁸⁷

52. In this context, ECRI takes note of the action taken in 2023 at legislative level to prohibit the establishment and activity of political parties if they lead to, *inter alia*, incitement to war of aggression, national, racial or religious hatred, incitement to discrimination or public violence.⁸⁸
53. Despite these developments, ECRI notes that there is very limited public awareness of the current legal framework and the remedies available. Many interlocutors pointed out that inconsistent terminology and different definitions of hate speech in legislation, as well as the variety of bodies responsible for dealing with hate speech, have led to confusion. For instance, it was brought to ECRI's attention that competence issues have been observed between the law enforcement agencies and the Equality Council. Regrettably, no information campaign for the wider public has been organised to explain the scale of changes or related practicalities so far.
54. In addition, it emerged during the ECRI visit that the effective implementation of the legislation raises questions. With the entry into force of the new provisions of the Misdemeanour Code, police officers have been granted powers to deal with cases of hate speech. However, the insufficient expertise of police officers dealing with these cases has been considered as one of the main challenges by many of the ECRI delegation's interlocutors during the visit, including official interlocutors.⁸⁹ In this connection, ECRI takes positive note that a specific handbook for police officers was prepared.⁹⁰ However, ECRI considers that the number of investigations and convictions is still low. In this context, among the few cases that were ultimately sanctioned, ECRI takes positive note of the first online hate speech case sanctioned under Article 346 of the Criminal Code.⁹¹
55. ECRI recommends that the authorities i) take effective action to raise awareness amongst the general public about the legal framework related to hate speech and the remedies available to victims; ii) provide comprehensive training to police officers on how to make the best use of the existing legal provisions on combating hate speech; iii) step up their efforts to ensure coordination and cooperation between law enforcement agencies and other relevant bodies.
56. The Audiovisual Council, which supervises compliance with the Audiovisual Media Services Code,⁹² has the authority to investigate cases of infringement, both *ex officio* and in response to complaints in hate speech cases, and to impose administrative sanctions.⁹³ However, the ECRI delegation was informed that complaints had been rejected on the ground that sanctions could not be applied to specific hate speech incidents being part of the programme, but only to hate

⁸⁶ Introduced by [Law no. 73](#) on Amending Certain Regulatory Acts of 31 March 2022. ECRI also notes the Constitutional Court's [address](#) to the Parliament in 2020, calling for the regulation of "prompt control and sanction mechanisms to prevent and combat hate speech between election candidates, including in the online environment and social networks."

⁸⁷ Article 70 § 4 of the [Electoral Code](#), No. 325 of 8 December 2022. See also, Central Electoral Commission, Regulation on the distribution and dissemination of political and electoral advertising and of messages of public interest, 2023.

⁸⁸ Article 3 § 5 of [Law no. 294](#) on Political Parties of 21 December 2007, as amended in 2023.

⁸⁹ See also, Promo-LEX Association, [Analytical study](#), 2023. In this connection, 11 training sessions were organised in 2023 with the participation of 287 police officers.

⁹⁰ Promo-LEX Association, [Handbook](#), 2024.

⁹¹ General Prosecutor's Office, [Press release](#), 20 July 2023. The case concerned a video recording on TikTok, inciting to violent action on grounds of prejudice against the Ukrainian people.

⁹² See, in particular, Articles 11 § 2, a and 13 § 6, b of the [Code no. 174](#) of 8 November 2018.

⁹³ The [Audiovisual Council](#) can impose fines and the withdrawal of the broadcasting license after the gradual application of the sanctions.

speech during the whole programme concerned. ECRI considers that any such leniency to sanction racist or intolerant speech sends a wrong signal to media services and ultimately creates a culture of impunity. In this context, ECRI welcomes the approval in 2023, by the Audiovisual Council, of a methodology for monitoring hate speech in the audiovisual media.⁹⁴ It also positively notes that the Audiovisual Council has become more proactive in the monitoring and investigation of hate speech in the media, as confirmed by several interlocutors during the visit. ECRI trusts that the Audiovisual Council will make full use of its investigative and sanctioning powers. In addition, as a preventive measure, it invites the authorities to strongly encourage and support training for media professionals and journalists, without encroaching on the independence of the media, on how to recognise, report on and react to hate speech, as well as on how to avoid using and disseminating it.

57. The hate speech provisions also apply to online communication. Therefore, online illegal content, including through social media, may be investigated by law enforcement officials, *ex officio* or upon a complaint, and lead to misdemeanour or criminal proceedings. However, the lack of tools to monitor and detect online hate speech, especially on social media, remains a challenge for law enforcement officials. The possibility to report hateful content on social media and to have it blocked and withdrawn, including hateful content originating from abroad, does not seem to be regulated yet. Furthermore, ECRI notes that the possibility of removing or blocking online hate content by court order is also not provided for.⁹⁵

58. ECRI recommends that the authorities take action to prevent and combat online hate speech in accordance with ECRI's General Policy Recommendation No. 15 on combating hate speech and the Committee of Ministers' Recommendation CM/Rec(2022)16 on combating hate speech, in particular by i) defining and delineating the duties and responsibilities of state and non-state actors in addressing online hate speech; ii) creating clear rules and procedures for effective co-operation with and between those actors regarding the assessment and investigation of online hate speech; iii) ensuring that removal procedures and conditions as well as related responsibilities and liability rules imposed on internet intermediaries are transparent, clear and predictable and that those procedures are subject to due process; and iv) giving judicial authorities the power to authorise, approve and order the deletion of hate speech or the blocking of sites that use it.

B. Hate-motivated violence

59. The data reported to OSCE/ODIHR show that the police recorded 10 hate crime incidents in 2018, none in 2019, eight in 2020 and 2021 respectively, and seven in 2022. Between 2018 and 2022, 14 cases were prosecuted, and 53 cases resulted in convictions.⁹⁶ In addition to the data presented in § 39, the authorities also provided further information on the remedies available under the Misdemeanour Code. In 2022, one final sanction was issued, and one case was pending before the courts under Article 78 § 3 (bodily injury on grounds of prejudice). In 2022 and 2023, 10 final sanctions were issued and six cases were pending before the courts under Article 104 § 2 (intentional destruction or damage of private property on grounds of prejudice); 58 final sanctions were issued and seven cases were

⁹⁴ Available [here](#). The Council of Europe's "[Guide](#) for assessing and processing hate speech cases" served as the basis for the development of this methodology.

⁹⁵ In this context, ECRI notes that the [Law no. 48](#) on Cybersecurity of 10 March 2023 (to enter into force on 1 January 2025) and the [Law no. 20](#) on Preventing and Combating Cybercrime of 3 February 2009 do not address online hate speech and that the [Law no. 242](#) of 31 July 2023 provided for the creation of a Centre for Strategic Communication and Countering Disinformation. It was also brought to ECRI's attention that the Security and Intelligence Service, on the basis of the powers granted to it by the Commission for Exceptional Situations, ordered the blocking/deletion of websites containing fake news and hate speech in the context of the Covid-19 pandemic and Russia's war of aggression against Ukraine (for instance, [Decree no. 59](#) of 24 October 2022 on the online sources that promote hate speech and incite to war).

⁹⁶ [Moldova | HCRW \(osce.org\)](#)

pending before the courts under Article 354 § 2 (minor hooliganism on grounds of prejudice). The authorities did not provide information on the application of 77 § 1, d of the Criminal Code (aggravating circumstances).

60. Since January 2023, the relevant services of the Ministry of Internal Affairs and the General Prosecutor's Office can register cases based on two new criteria: whether the offence was bias motivated and a specific bias motivation.⁹⁷ ECRI welcomes the introduction of bias motivation in hate crime recording as previously recommended in its fifth report (§ 57). It nevertheless observes that these data systems and the court system are not integrated. Furthermore, the application of Article 77 § 1 d of the Criminal Code and the specific bias motivation retained are not reflected in the court system. ECRI considers that the lack of integrated data on these incidents makes it difficult to assess the response to such acts by law enforcement agencies, prosecution services and courts. It therefore invites the authorities to improve data collection, taking due account of the relevant Council of Europe instruments,⁹⁸ and to make the data publicly available.
61. ECRI notes that violent attacks against LGBTI people⁹⁹ and Roma¹⁰⁰ continue to be reported, as well as incidents of vandalism of Jewish graves and monuments. In addition to cases of aggressions in the public space, there have also been reports of cases of domestic violence against LGBTI people, especially young LGBTI people.¹⁰¹ A few isolated cases of vandalism against properties (for instance, cars) belonging to people displaced from Ukraine as a result of the war have also been brought to ECRI's attention.
62. Against this background, ECRI is pleased to note a number of positive developments. In 2022, Article 77 § 1 d of the Criminal Code on aggravating circumstances was amended to cover the notion of "grounds of prejudice" as defined in Article 134²¹ of the Criminal Code (see section II.A.). All relevant grounds within ECRI's mandate, with the exception of sex characteristics, are now factors taken into consideration in the work of law enforcement officials and prosecutors. In 2019, the General Prosecutor's Office developed guidelines on processing hate crime cases, which are to be reviewed to reflect the legislative developments, according to the authorities.
63. While ECRI takes positive note of the efforts in increasing knowledge on hate speech and hate-motivated violence,¹⁰² it has frequently been stressed that the police, the prosecution service and the judiciary continue to experience problems in identifying and addressing hate crime. ECRI therefore encourages the authorities to continue improving knowledge and expertise among law enforcement officials and other criminal justice actors in understanding and recognising hate crime dynamics.
64. Regarding the investigation of hate crimes, ECRI remains concerned about the insufficient application of criminal law provisions. Reports indicate that the police did not always investigate hate crimes against Roma¹⁰³ and that most cases

⁹⁷ Order of 16 January 2023 amending Annexes no. 2 and no. 3 of the Instructions on the Single Record of Offences, Criminal Cases and Persons who have committed Offences. Misdemeanours are nevertheless not covered by this order.

⁹⁸ See § 3, c) and d) of ECRI GPR No. 15 and § 58 of the Committee of Ministers' [Recommendation CM/Rec\(2022\)16](#).

⁹⁹ The NGO Genderdoc-M documented many cases in their annual reports (2018-2023).

¹⁰⁰ See, *inter alia*, Dumitru Russu, Gheorghina Drumea, [Access to justice for Roma](#), 2021, pp. 33-34.

¹⁰¹ See, *inter alia*, ILGA-Europe, [Annual review 2022](#), p. 97.

¹⁰² Various programmes (trainings, study visits, awareness-raising initiatives) were implemented in cooperation with international organisations and civil society. Police officers, prosecutors, judges, judicial assistants and clerks, prosecutors' advisers, trainees at the National Institute of Justice, lawyers providing state-guaranteed legal aid participated in these programmes. A number of training-of-trainers activities for police officers were also organised. In addition, a Strategic Group composed of representatives of different institutions held meetings in 2020 to identify the training needs of various actors. The Ministry of Internal Affairs plans to carry out an impact assessment of the training provided.

¹⁰³ Dumitru Russu, Gheorghina Drumea (2021), *op. cit.*, pp. 33-35.

brought by LGBTI people were recorded as hooliganism, robbery or causing harm without considering possible bias motivations.¹⁰⁴ In this regard, ECRI refers to the opinion of the Committee on the Elimination of Racial Discrimination in the case of Salifou Belemvire¹⁰⁵ and the judgment of the European Court of Human Rights in the case of Genderdoc-M and M.D. v. the Republic of Moldova.¹⁰⁶

65. ECRI notes that hate crime cases continue to be underreported, as victims still lack trust in the willingness or ability of the authorities to investigate these cases effectively, as was underlined by several interlocutors met during the visit. In this context, the authorities informed ECRI of increased cooperation with civil society organisations representing the LGBTI, Roma and Jewish communities, which is a positive development. ECRI therefore encourages the authorities to continue implementing measures aimed at building trust and improving the relationship between the police and groups of concern to ECRI.
66. Furthermore, it has been brought to ECRI's attention that often investigations are not prompt, the investigative activities are carried out at unreasonably long intervals and hate crime is not yet effectively sanctioned in court. In this connection, several interlocutors also pointed out that many cases continue to be treated as misdemeanours under the Misdemeanour Code, despite evidence of serious criminal behaviour,¹⁰⁷ an aspect which is also supported by the data provided by the authorities. ECRI recalls that hate crime is a serious crime that interferes with the safety of individual victims, affects their communities and is detrimental to the society as a whole. It therefore requires the imposition and the implementation of effective, appropriate and proportionate criminal responses.
67. ECRI recommends that the authorities take further action to ensure that all alleged cases of hate crimes are effectively investigated and prosecuted, by consistently taking into account any possible bias motivations from the outset of the investigation and in any subsequent criminal proceedings.

III. INTEGRATION AND INCLUSION

A. Migrants

68. As of 31 December 2023, 20 767 immigrants, including stateless persons, had a residence permit in the Republic of Moldova, including 5 892 with a permanent residence permit and 14 875 with a temporary residence permit. In addition, 593 asylum seekers, 206 refugees and 357 persons benefiting from humanitarian protection were living in the Republic of Moldova.¹⁰⁸ According to the information provided by the authorities, 422 people (241 men and 181 women) acquired the Moldovan citizenship by naturalisation between 2019 and 2022. With regard to people displaced as a result of the war in Ukraine from March 2022 onwards, reference is made to Section IV.C below.
69. According to the Moldovan legislation, immigrants with a permanent or temporary residence status,¹⁰⁹ beneficiaries of international protection¹¹⁰ (with the exception of those enjoying temporary protection) and recognised stateless persons enjoy the same rights and freedoms as citizens, such as access to the social security system, preschool, primary and secondary education, and medical insurance as well as access to the labour market. Furthermore, information and socio-cultural

¹⁰⁴ See, *inter alia*, NGO Genderdoc-M (2021), *op. cit.*, p. 8.

¹⁰⁵ CERD, Communication No. [57/2015](#) Salifou Belemvire, 26 October 2018.

¹⁰⁶ ECtHR, Genderdoc-M and M.D. v. the Republic of Moldova, No. [23914/15](#), 14 December 2021. See also, Committee of Ministers, Resolution [CM/ResDH\(2023\)426](#), 13 December 2023.

¹⁰⁷ See also, NGO Genderdoc-M (2023), *op. cit.*, p. 20.

¹⁰⁸ General Inspectorate for Migration (2024), *op. cit.*, pp. 14, 19.

¹⁰⁹ The conditions and procedures for the acquisition of permanent or temporary residence status are laid down in Law no. 200/2010.

¹¹⁰ [Law no. 270](#) on Asylum in the Republic of Moldova of 18 December 2008 (Law no. 270/2008).

accommodation sessions, Romanian language courses, information and advice on obtaining citizenship and specialised integration plans or programmes are also offered.¹¹¹ The above categories of migrants are also entitled to family reunification.¹¹²

70. ECRI is pleased to note that, as it recommended in its fifth report (§ 93), an evaluation of the National Strategy on Migration and Asylum (2011-2020) had been carried out in 2021 with the support of the International Organisation for Migration. It notes with satisfaction that most of the objectives relating to the integration of migrants were fully implemented in cooperation with civil society and international organisations.¹¹³ In this context, ECRI welcomes the establishment of the integration centres for foreign nationals in Chişinău, Bălţi and Cahul¹¹⁴ and the fact that the centres in Bălţi and Cahul became fully operational in April 2023. These centres provide migrants with easily accessible guidance about available services and their rights and obligations and constitute a one-stop shop for processing applications to participate in integration programmes. The ECRI delegation gained a positive impression of the Northern Integration Centre for Foreign Nationals during its visit to its premises in Bălţi. ECRI considers the establishment and activities of these centres as a **good practice**.
71. Furthermore, ECRI is pleased to note that, based on the evaluation of the previous strategy, the authorities developed and adopted the Programme for the Management of Migration Flows, Asylum and Integration of Foreigners (2022-2025), which includes the implementation and strengthening of the mechanism for the integration of migrants among its four general objectives. ECRI welcomes the fact that gender sensitive issues are to be taken into account.¹¹⁵
72. As regards language courses, ECRI notes that beneficiaries of international protection can attend these courses free of charge while other migrants must as a rule pay for them. In 2022, the authorities received 28 applications for language courses. As for socio-cultural accommodation sessions, they are mandatory for beneficiaries of international protection.¹¹⁶
73. As a matter of principle, migrants have access to the same rights as nationals. However, civil society interlocutors indicated to the ECRI delegation during the visit that it was difficult to ensure the enjoyment of equal rights in practice, especially in the education and healthcare sectors, which face high staff shortages and insufficient official capacities in the establishments concerned. ECRI encourages the authorities to strengthen their efforts in the areas of education and healthcare.
74. As regards employment, ECRI takes positive note that the National Employment Agency provides employment services to migrants.¹¹⁷ In addition, the authorities informed ECRI that the legal framework for recognising qualifications acquired abroad is in line with the provisions of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165), to which the Republic of Moldova acceded in 1999. In this context,

¹¹¹ [Law no. 274](#) on the Integration of Foreigners in the Republic of Moldova of 27 December 2011.

¹¹² Article 28¹ of Law no. 200/2010 and Articles 74-77 of Law no. 270/2008.

¹¹³ Mihail Cebotari, Ex-post evaluation report of the National Strategy on Migration and Asylum (2011-2020), 2021, pp. 98-110.

¹¹⁴ [Decision no. 533](#) on the Establishment of Integration Centres for Foreigners of 12 July 2017.

¹¹⁵ See in this regard Recommendation [CM/Rec\(2022\)17](#) of the Committee of Ministers on protecting the rights of migrant, refugee and asylum-seeking women and girls.

¹¹⁶ Articles 10 § 7 and 11 §§ 8-10 of Law no. 274/2011.

¹¹⁷ [Law no. 105](#) on the Employment Promotion and Unemployment Insurance of 14 June 2018. Between 2017 and 2019, 2,016 foreigners were registered as officially unemployed by local employment offices, and 26.4% of these applicants found a job: CERD (2020), *op. cit.*

ECRI is pleased to note that, in 2022, the authorities joined the Council of Europe's "European Passport for Refugee Qualifications" project.¹¹⁸

75. As regards housing, the authorities informed ECRI that beneficiaries of integration programmes who do not have the means to support themselves may, upon request, be provided with accommodation in premises specifically designed for this purpose, for a period of up to six months, which may be extended if the migrant concerned actively participates in the implementation of the individual integration plan and without exceeding the period of its implementation.¹¹⁹
76. The legislation also provides for the possibility of naturalisation. In contrast to the ten-year residence requirement for foreigners in general, stateless persons, refugees, beneficiaries of humanitarian protection and political asylum have the right to apply for Moldovan citizenship after eight years of legal and actual residence in the country.¹²⁰ The authorities reported a 30% increase in the number of applications received after Russia's full-scale invasion of Ukraine.¹²¹
77. Regarding participation in public life, ECRI regrets to note that, despite its previous recommendations,¹²² the authorities have not ratified the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144). In this context, ECRI notes that, under the Constitution and the Electoral Code,¹²³ the right to vote and to stand for election, at any level, is granted to Moldovan nationals only.
78. ECRI recommends that the authorities (i) grant foreign nationals residing in the Republic of Moldova the right to vote and to stand as a candidate in local elections; (ii) sign and ratify the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level.

B. Roma

79. The most recent mapping of the Roma population, carried out in 2021, showed that 27 074 people live in 63 localities densely populated by Roma.¹²⁴ Roma are recognised as a vulnerable group in the country.¹²⁵ The information gathered by ECRI reveals that the inter-related problems of poverty, discrimination and stigmatisation persist for Roma. According to a survey, Roma feel discriminated against in all areas of life, particularly in employment (48%), health care (41%) and access to public services (31%).¹²⁶ As concerns the public perception of Roma, a 2021 study indicates an improvement in countering anti-Roma prejudices, with 23% of respondents considering Roma to be "thieves" (compared to 31% of respondents in 2018), 22% "liars" (compared to 36% in 2018) and 12% "lazy" (compared to 30% in 2018).¹²⁷
80. The authorities made efforts to improve Roma inclusion through action plans and programmes. In this context, ECRI notes that the implementation of the Action Plan in Support of the Roma Population (2016-2020) had several shortcomings. As acknowledged by the authorities and pointed out by civil society interlocutors in the

¹¹⁸ See [European Qualifications Passport for Refugees - Education \(coe.int\)](https://www.coe.int/en/web/european-passport-for-refugee-qualifications).

¹¹⁹ See also, Article 24 of Law No. 274/2011.

¹²⁰ Article 17 of [Law no. 1024](#) on Citizenship of the Republic of Moldova of 2 June 2000.

¹²¹ See [Press article](#).

¹²² ECRI (2003): § 2; ECRI (2008): § 6; ECRI (2013): § 9.

¹²³ Article 38 of the Constitution and Articles 14-15 of the Electoral Code.

¹²⁴ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), [Updated report](#) on the mapping of dense localities populated by Roma in the Republic of Moldova, 2021, p. 5 (conducted at the request of the Ministry of Education and Research and the Agency for Interethnic Relations with financial support from donors). A new [census](#) will take place between 8 April and 7 July 2024.

¹²⁵ [Programme](#) for the support of the Roma population (2022-2025), p. 1.

¹²⁶ CIVIS Centre (2020), [Etnobarometru Moldova](#), 2020, p. 32.

¹²⁷ IMAS on behalf of the Equality Council, *op. cit.*; Magenta Consulting on behalf of the Equality Council, *op. cit.*

context of the visit, the Action Plan was significantly underfunded¹²⁸ and most of its activities were only partially implemented, with a quarter of them not implemented at all.¹²⁹ Furthermore, ECRI notes that one of the objectives of the National Human Rights Action Plan (2018-2022) was to ensure non-discrimination in the enjoyment of human rights by Roma.

81. On 3 August 2022, following public consultations, the Programme for the Support of the Roma Population (2022-2025) was adopted. The Programme sets out lines of action in nine different areas, including education, health and employment.¹³⁰ In this context, the adoption of 16 local action plans for Roma inclusion by local authorities with the support of the Agency for Interethnic Relations is a positive development.¹³¹ At the same time, ECRI learned that the lack of necessary funding prevents many local authorities from adopting such plans. Given the crucial role of municipalities in ensuring Roma inclusion, the authorities should take further steps to ensure that the local authorities have adequate resources and support for the adoption and effective implementation of these plans.
82. As regards education, ECRI notes that lower school enrolment, absenteeism and early school dropouts among Roma children persist.¹³² Recent data show that 57% of Roma children (0-17 years) living in the 154 localities surveyed were enrolled in the education system, as follows: 637 out of 2 162 of Roma children aged 0-6 years in preschool; 2 011 out of 3 576 of Roma children aged 7-15 years in primary and secondary education;¹³³ 180 out of 1 394 of Roma children aged 16-17 years in high school. Also, 57 Roma children and youth were enrolled in technical vocational schools and 1 115 in higher education.¹³⁴ Furthermore, 65% of the total number of children who dropped out of school were Roma children (773 Roma girls¹³⁵ out of 821 girls and 414 Roma boys out of 1 011 boys).¹³⁶
83. Against this background, ECRI takes positive note that progress has been made in securing better preschool and school attendance of Roma pupils. According to the data provided by the authorities, 330 Roma children attended preschool in 2020 (compared to 201 in 2016) and 1 634 attended primary and secondary school (compared to 37 in 2016). Among the measures taken were the organisation of awareness-raising campaigns for parents, free transport to the nearest educational institution for distances exceeding two kilometres and the organisation of tutoring programmes to help Roma children with their homework.¹³⁷ In this connection, ECRI notes, as a **promising practice**, the elimination of kindergarten fees and the provision of free meals in Otaci, which led to an increase in attendance and is indicative of the impact of measures taken at local level. ECRI also welcomes the authorities' decision to award, under certain conditions, merit scholarships to Roma pupils and students in secondary, vocational and higher education.¹³⁸

¹²⁸ See also, Commissioner for Human Rights, [Report](#) following her visit to the Republic of Moldova, 25 June 2020, p. 20.

¹²⁹ [Implementation report](#) of the [Action Plan](#) in support of the Roma population (2016-2020) and its [appendix](#), December 2020.

¹³⁰ The estimated funding for its implementation amounts to 14,041,900 MDL (723,659.89 euros) of which 13,291,900 MDL (685,008.08 euros) from the state budget and 750,000 MDL (38,651.82 euros) from external sources.

¹³¹ [Implementation report](#) of the Programme for the support of the Roma population (2022-2025) in 2023, January 2024. See, *inter alia*, the [local action plan](#) to support the Roma population (2023-2025) adopted by the municipality of Bălți.

¹³² Programme (2022-2025), pp. 4-6.

¹³³ According to [UNICEF Moldova](#), only one in two Roma children is enrolled in primary and secondary education, compared to the majority (90%) of non-Roma children.

¹³⁴ According to the authorities, 28 Roma students were enrolled in higher education between 2016 and 2020.

¹³⁵ According to [UNICEF Moldova](#), child marriage and school dropout are closely linked, particularly for girls. See also, CEDAW, [Concluding observations](#) on the sixth periodic report of the Republic of Moldova, 10 March 2020.

¹³⁶ GIZ (2021), *op. cit.*, pp. 20-21, 51.

¹³⁷ Implementation report (2020), *op. cit.*, pp. 1-4.

¹³⁸ Government, [Decision no. 818](#) on the award of merit scholarships to Roma pupils and students of 27 October 2023.

84. ECRI also notes that the Covid-19 pandemic and distance-learning measures had a significant impact on Roma children's access to education due to the lack of internet and/or computer access. Research indicates that the vast majority of low-income Roma lacked access to ICT devices, which was around 40% higher than among non-Roma (60% compared to 21.3%). As a result, 50% of Roma children were unable to attend online classes, and 30% were only partially able to continue their education. Only 35.7 % of Roma children in rural areas were able to participate fully in online classes (compared to 69.3% of non-Roma families).¹³⁹
85. As regards employment, available data suggests a disproportionately low level of access to employment for Roma in the labour market. In 2020, 39.7% of Roma were unemployed (compared to 19.7% of the general population) and only 6.4% were active on the labour market (compared to 45% of the general population).¹⁴⁰ The informal economy remains one of the main sources of income for many Roma, especially in rural areas, as observed by the ECRI delegation during its field visit to the village of Ciocîlteni. In this context, Roma became even more vulnerable during the Covid-19 pandemic.¹⁴¹
86. ECRI therefore takes positive note that the National Employment Agency has taken a number of measures to facilitate Roma's access to employment, such as counselling on various employment measures and services, registration of jobseekers with territorial employment agencies, provision of labour intermediation services as well as tailored vocational guidance and training services.¹⁴² In 2023, the Agency registered 1 463 Roma people as unemployed (5.6% of the total number of registered unemployed), including Roma women (58.9% of the total number of registered unemployed Roma). Of these, 84 people, 39 of them women, found employment. Nevertheless, ECRI regrets to note that Roma people continue to be discriminated against in terms of access to employment,¹⁴³ working conditions and career development, as confirmed by many interlocutors during the visit. It also notes with concern that no results in the field of employment have been reported in the context of the implementation of the Programme for the Support of the Roma Population (2022-2025).¹⁴⁴
87. As regards health care, ECRI notes that the limited access of Roma to health services is mainly due to the lack of health insurance, the high price of medicines, the discriminatory attitudes of medical staff, the long distances to medical facilities and the lack of information about national programmes such as free vaccinations.¹⁴⁵ Research also indicates that during the Covid-19 pandemic, 30% of Roma did not have access to medical services, compared to 11.8 % of the general population, and that Roma women were particularly affected.¹⁴⁶ While ECRI welcomes the specific measures envisaged by the authorities in the framework of the Programme (2022-2025), it regrets that little results on their implementation have been reported.¹⁴⁷

¹³⁹ OHCHR, [Impact of Covid-19 on Human Rights](#), August 2021, pp. 36-37; UNDP, [Social and Economic Impact Assessment of the COVID-19 Pandemic on Vulnerable Groups and Economic Sectors](#), November 2020, p. 91.

¹⁴⁰ Partnership for Development Center, [The uncertain path to adult qualification](#), 2020, p. 8.

¹⁴¹ See also, OHCHR (2021), *op. cit.*, p. 55. For example, only 2.4% of young Roma reported being in employment (compared to 43.5% of non-Roma). Almost all Roma with primary or no education lost their jobs (from 3.4% to 0.9%). Roma men lost their job in 84.6% of cases, because their work could not be done remotely, compared to 37.4% among non-Roma.

¹⁴² See also, ACFC (2023), § 190.

¹⁴³ See also, Programme (2022-2025), p. 10; CERD, Communication No. [60/2016](#) Grigore Zapescu, 31 May 2021.

¹⁴⁴ Implementation report (2024), *op. cit.*, 14.

¹⁴⁵ 7,042 Roma (35% of the total number of Roma) do not have health insurance: GIZ (2021), *op. cit.*, p. 21. See also, Programme (2022-2025), p. 10.

¹⁴⁶ OHCHR (2021), *op. cit.*, p. 17; See also, UN Women, [Impact of the Covid-19 pandemic crisis on the Roma population](#), 2020.

¹⁴⁷ Implementation report (2024), *op. cit.*

88. ECRI notes that the housing situation of Roma remains a matter of concern. Roma live in both urban (72%) and rural (28%) areas, often in poor housing conditions, without running water, sanitation facilities and heating. Community mediators estimated that 71% of Roma live in substandard housing. According to a needs assessment published in 2023, efforts should be made to improve housing conditions.¹⁴⁸ In this context, ECRI regrets to note that, with the exception of some initiatives taken by municipalities, the housing-related measures included in the Action Plan in Support of the Roma Population (2016-2020) were not implemented.¹⁴⁹ ECRI is also concerned that the Programme (2022-2025) does not address housing-related issues.
89. ECRI notes with satisfaction that since 2018, community mediators have been funded from the state budget instead of the local authorities' budget, which has contributed to a significant increase in their number, in line with its recommendation in its fifth report (§ 80). By April 2024, 49 community mediators (out of 57 positions) had been recruited, compared to 25 in February 2018.¹⁵⁰ ECRI also welcomes the efforts of the authorities to build their capacity and the positive impact that they have had on the social inclusion of Roma, as confirmed by many interlocutors met during the visit.¹⁵¹ However, it was brought to ECRI's attention that the extensive thematic responsibilities attributed to community mediators and their low salaries have led to a number of resignations and contribute to growing challenges in filling vacant positions. Furthermore, research indicates that 25 extra positions of community mediators, in addition to the 57 positions already foreseen, would be needed to effectively meet the existing needs.¹⁵² According to the authorities, funding for the recruitment of 23 additional community mediators has been included in the medium-term budget framework for 2025-2027.
90. ECRI recommends, as a matter of priority, that the authorities allocate appropriate funding to significantly increase the number of community mediators, develop a suitable policy for the recruitment and retention of community mediators and ensure that they are provided with adequate working conditions.
91. ECRI recommends that the authorities i) properly implement the Programme for the Support of the Roma Population (2022-2025) by ensuring sustainable and sufficient financial resources. In this context, the areas of education, employment and health care should be prioritised in the implementation of the Programme and the specific needs of Roma women should be taken into account; ii) carry out a comprehensive and independent evaluation of the implementation of the Programme for the Support of the Roma Population (2022-2025); iii) carry out a needs assessment of the situation of Roma in the area of housing, in close cooperation with the Roma community, and adopt any necessary targeted measures as a result.

C. Ethnic / linguistic minorities and teaching of the state language

92. According to many interlocutors met by the ECRI delegation during the visit, including members with ethnic / linguistic minority backgrounds, insufficient or lack of knowledge of the state language (Romanian language),¹⁵³ remains an obstacle to the social integration and inclusion of the non-Romanian-speaking population

¹⁴⁸ ACTED, [Roma community. Needs Assessment](#), 12 April 2023; See also, European Roma Rights Centre, [Roma rights in the time of Covid](#), 2020, p. 27; OHCHR (2021), *op. cit.*, p. 49.

¹⁴⁹ Implementation report (2020), pp. 31-32; ACFC (2023), §§ 196, 198.

¹⁵⁰ Implementation report (2024), p. 14; ECRI (2018): footnote no. 99.

¹⁵¹ See also, ACFC (2023), § 70.

¹⁵² GIZ (2021), *op. cit.*, p. 5.

¹⁵³ According to the [Constitution](#) of the Republic of Moldova, as amended in 2023, the state language is Romanian (Article 13 § 1).

into the Moldovan society as a whole.¹⁵⁴ Research also indicates that the level of knowledge of the Romanian language among ethnic / linguistic minorities is low.¹⁵⁵

93. In this context, ECRI notes positively the authorities' increasing efforts to improve ethnic / linguistic minorities' proficiency in the Romanian language. Within the framework of the National Programme for Improving the Quality of State Language Teaching in Educational Establishments with National Minority Languages of Instruction (2016-2020), various measures were implemented to ensure the teaching of the Romanian language at preschool level.¹⁵⁶ For example, the approval by the ATU Gagauzia of a regional programme for the bilingual teaching of Romanian and Gagauz in all preschool establishments is a positive development. However, ECRI also notes that learning of the Romanian language was among the least achieved priorities of the Strategy for the Consolidation of Interethnic Relations (2017-2027) between 2017 and 2020.¹⁵⁷ Furthermore, although the 2023-2025 programme for the further implementation of the strategy¹⁵⁸ aims to increase the level of knowledge of the Romanian language, ECRI observes that this was not included among its specific objectives and priority actions. Lastly, ECRI welcomes as a **promising practice** the National Programme for the Learning of the Romanian Language by National Minorities, Including the Adult Population (2023-2025),¹⁵⁹ which provides for the provision of free courses, both in person and online. According to the authorities, 6 557 adults received training in 2023.
94. Despite these efforts and the improvements they have brought, the knowledge and effective use of the Romanian language generally remains a major challenge in the regions densely populated by ethnic / linguistic minorities, as is the case in the ATU Gagauzia. ECRI notes that both qualitative and quantitative challenges remain with regard to the teaching of Romanian as a second language in schools. Concerns of a qualitative nature relate mainly to the qualifications of teachers, the number of whom is also considered to be insufficient. Concerns of a quantitative character relate to the low number of teaching hours of Romanian. During its visit to the M. Gorki Theoretical Highschool in Bălți, which provides education in Russian, the ECRI delegation learned that pupils were exposed to Romanian language instruction for four hours per week only. In ECRI's view, such a low level of exposure to the state language is clearly insufficient to help the pupils concerned to acquire the necessary language skills in order to enable them to access the full range of higher education and employment opportunities, including in the public administration.
95. ECRI recommends that the authorities take resolute action to improve the quality and to increase significantly the number of teaching hours of Romanian as a second language in "minority schools" at primary and secondary level, with a view to preventing educational disadvantage.

¹⁵⁴ See also, ECRI (2018): §§ 88-90; ACFC (2023), *op. cit.*, §§ 166-173.

¹⁵⁵ CIVIS Centre, *op. cit.*, 2020, p. 50. For example, only one in four Russians, Ukrainians and Bulgarians speak and understand Romanian well, while the proportion in the Gagauz group is much lower - one in ten people. However, every second Roma can speak and understand Romanian well.

¹⁵⁶ CERD, *op. cit.*, pp. 25-26.

¹⁵⁷ [Report](#) on the evaluation of the implementation of the Action Plan for 2017-2020 for the implementation of the [Strategy](#) for the Consolidation of Interethnic Relations (2017-2027). According to the authorities, more than 7,300 people were involved in distance learning of Romanian.

¹⁵⁸ Available [here](#).

¹⁵⁹ Available [here](#).

IV. TOPICS SPECIFIC TO THE REPUBLIC OF MOLDOVA

A. Anti-discrimination legislation

96. ECRI recalls that in its fifth report (§ 22), it made several recommendations aimed at improving the Moldovan anti-discrimination legislation. In a welcome development, the grounds of national origin, citizenship, sexual orientation and gender identity were added to the open-ended list of protected grounds in the Equality Act and public services were required to implement the principles of equality, non-discrimination and respect for diversity in their work.¹⁶⁰ In this context, ECRI invites the authorities to add sex characteristics to the above list of grounds.
97. Despite ECRI's long-standing recommendation,¹⁶¹ the Republic of Moldova has not yet ratified Protocol No. 12 to the European Convention on Human Rights (ETS No. 177). ECRI therefore strongly encourages the authorities to ratify it and notes positively their commitment to do so by the end of 2024, as explained during the visit.¹⁶²

B. Racial profiling

98. Despite ECRI's previous recommendations,¹⁶³ practices amounting to racial profiling during police operations, primarily targeting Roma, have continued to be reported. Furthermore, during the visit, the ECRI delegation heard a few accounts of possible racial profiling practices at border controls, especially at the airport, primarily targeting Muslims, Black persons and Roma, or people perceived as such, either Moldovan or foreign nationals. In this context, ECRI notes that the Equality Council, after having found that police officers had racially profiled Roma,¹⁶⁴ recommended training for the staff of the General Police Inspectorate on racial profiling and combating prejudice against Roma.¹⁶⁵ ECRI recalls that racial profiling has considerable negative effects, generating a feeling of humiliation and injustice among affected groups and resulting in stigmatisation and alienation. It also undermines trust in law enforcement officials and contributes to under-reporting of acts of racism and intolerance.¹⁶⁶
99. ECRI recommends that the authorities i) develop the legal framework by defining and prohibiting racial profiling by law enforcement officials, in accordance with its General Policy Recommendation no. 11 on combating racism and racial discrimination in policing; ii) organise initial and in-service training for law enforcement officials on preventing racial (and other discriminatory) profiling, including on the use of the reasonable suspicion standard.

C. Support for people displaced as a result of Russia's war of aggression against Ukraine

100. The Republic of Moldova has received the largest number of persons displaced from Ukraine in relation to its population size.¹⁶⁷ According to UNHCR (data as of 28 February 2024), since the start of Russia's war of aggression against Ukraine on 24 February 2022, the country registered 1 027 460 arrivals from Ukraine (including non-Ukrainian nationals) and 508,597 arrivals of Ukrainian nationals

¹⁶⁰ See [Law no. 2](#) on Amending Several Normative Acts of 2 February 2023 (Law no. 2/2023).

¹⁶¹ ECRI (2003): § 1; ECRI (2008): § 6; ECRI (2013): § 5; ECRI (2018): § 2.

¹⁶² The ratification of this Protocol by the end of 2024 is also foreseen in the [National Action Plan](#) for the Accession of the Republic of Moldova to the European Union (2024-2027) adopted by the Government on 27 October 2023.

¹⁶³ ECRI (2008): § 96; ECRI (2018): § 61.

¹⁶⁴ [Decision](#) of 16 May 2022, application no. 312/21.

¹⁶⁵ Equality Council (2022), *op. cit.*, p. 25.

¹⁶⁶ See ECRI's GPR No. 11; ECRI's [Statement](#) on racist police abuse, including racial profiling, and systemic racism, adopted at its 82nd plenary meeting (30 June – 2 July 2020).

¹⁶⁷ Special Representative on Migration and Refugees of the Secretary General of the Council of Europe, [Report](#) of the fact-finding mission to the Republic of Moldova, 16 September 2022, p. 5.

from elsewhere. Of these, 116 786 Ukrainian citizens (including 51 225 children and 43 118 women) and 9 396 third country nationals from Ukraine remained in the country. Also, 36 924 persons benefit from temporary protection¹⁶⁸ and around 10 000 Ukrainians have extended their stay in the Republic of Moldova by obtaining another form of legal status, including residence permits and Moldovan citizenship.¹⁶⁹

101. Similar to other international bodies,¹⁷⁰ ECRI praises the solidarity displayed in the Republic of Moldova vis-à-vis people displaced from Ukraine as a result of the war and commends the response of the authorities at different levels, supported by host communities, local and international civil society organisations, the private sector and international organisations, in providing protection and support to people displaced as a result of the war in Ukraine.
102. Between 24 February 2022 and 1 March 2023, people displaced from Ukraine were granted access to the territory and to various rights and services in the areas of education, employment, housing and health care through a series of state of emergency directives that were extended every 60 days.¹⁷¹ As of 15 May 2023, lawful stay in the country was limited to 90 days within a 180-day period unless they secured a more stable legal status, such as temporary protection, international protection or another kind of residence permit. Those who arrived before 15 May 2023 had to secure a legal status by 13 August 2023.¹⁷² In this context, it was brought to ECRI's attention that a significant number of people do not have legal status and therefore face challenges in accessing basic services.
103. In a welcome development, on 18 January 2023, the Government approved the granting of temporary protection to Ukrainian displaced persons and a number of other third-country nationals, which came into force on 1 March 2023 for a period of one year, with the possibility of renewal for a further year.¹⁷³ This new legal status gives access to a number of rights and services, such as access to employment, temporary accommodation, emergency and primary medical assistance, public education for children, and social support for families with children and for unaccompanied children. An awareness-raising campaign by the General Inspectorate of Migration and the UNHCR provided information on the temporary protection status in Romanian, Ukrainian, English, Russian and Romani.¹⁷⁴
104. ECRI is pleased to note that, since 15 March 2022, the authorities have taken various measures to ensure access to education for children and youth from Ukraine.¹⁷⁵ For example, information materials and an online platform for the enrolment of children from Ukraine in the education system have been developed and, with external funding, various projects have been implemented to ensure psycho-emotional wellbeing in the integration process within the education system, which ECRI regards as **promising practices**. Despite the authorities' efforts, enrolment rates remain low, with 2 237 children officially enrolled in Moldovan

¹⁶⁸ UNHCR, [Daily population trends - Republic of Moldova](#), 28 February 2024. Arrivals figures could potentially include multiple occasions of crossing the border by one individual.

¹⁶⁹ UNHCR, [Protection Brief #2](#), January 2024, p. 3.

¹⁷⁰ For example, UN High Commissioner for Refugees, [Press release](#), 19 January 2024; OSCE Parliamentary Assembly's Ad Hoc Committee on Migration, [Press release](#), 10 March 2023.

¹⁷¹ On 24 February 2024, the Parliament declared a state of emergency for 60 days, which was subsequently extended until 30 December 2023, empowering the Commission for Exceptional Situations to issue directives to regulate the movement into and within the territory and manage the migration flow.

¹⁷² UNHCR (January 2024), *op. cit.*, p. 3.

¹⁷³ [Decision no. 21](#) on Granting Temporary Protection to People Displaced from Ukraine of 18 January 2023. Subsequently, the conditions for obtaining temporary protection were simplified and the eligibility criteria were also extended.

¹⁷⁴ ECRI also notes that a toll-free number was set up in 2022 to provide information in Romanian, Ukrainian, English and Russian.

¹⁷⁵ See the dedicated [web page](#) of the Ministry of Education and Research.

schools as of the end of November 2023. A significant number of children are thought to be engaging in online schooling offered by the Ukrainian authorities.¹⁷⁶

105. As concerns access to employment, ECRI takes positive note of the prompt awareness-raising campaign for both displaced persons and employers carried out by the National Employment Agency in 2022.¹⁷⁷ As of the end of February 2024, 1,314 displaced persons from Ukraine were formally employed in the country.¹⁷⁸ The main reasons for the low employment rates appear to be the language barriers and limited job prospects.¹⁷⁹ In this connection, ECRI welcomes the extension of the Romanian language learning programme to persons displaced from Ukraine.
106. As concerns access to health care, it was brought to ECRI's attention that the range of services available varies according to the legal status held, which has generated a number of challenges. For example, beneficiaries of temporary protection do not have access to subsidised medications and most specialised services, and they are not entitled to health insurance.¹⁸⁰ In this context, ECRI welcomes the extension in 2023 of emergency and primary healthcare services to people willing to pursue temporary protection and to all children, regardless of the legal status applicable to them.¹⁸¹
107. In the area of housing, the vast majority of persons displaced from Ukraine have been hosted by private persons who receive financial support. Furthermore, the authorities established a total of 136 temporary reception centres throughout the country, of which 44 were still active in December 2023, operating at 81% of their capacity (2 171 places occupied out of 2 679).¹⁸² In this context, the Ombudsman and civil society organisations raised concerns about practices amounting to segregation and discrimination against Ukrainian Roma in access to temporary reception centres. The Ombudsman's reports¹⁸³ indicate that Ukrainian Roma were denied accommodation in several centres and redirected to other centres of lower quality. Volunteers were instructed by some reception centres' administrators to deny access to Ukrainian Roma, by referring to those centres "only Ukrainians" or "pure Ukrainians" and by finding out people's ethnicity before referring them. Also, some reception centres' administrators were contacted by local police officers and warned that the centres should not accept Roma. Civil society reports¹⁸⁴ also show that almost all Ukrainian Roma were placed at the Manej Sports Arena and, after the closure of this facility, in a previously abandoned university building at the Faculty of International Relations, Political Sciences and Public Administration (FRISPA), located in Testimițanu Street in Chișinău, where living conditions were reported as inadequate. In this context, the authorities informed ECRI that they did not intend in any way to segregate or discriminate against Ukrainian Roma.¹⁸⁵

¹⁷⁶ UNHCR (January 2024), *op. cit.*, p. 6. In this context, UNICEF and the Ministry of Education and Research set up [Edu Tech Labs](#) in 81 schools, thereby providing a structured learning environment for children engaged in online schooling.

¹⁷⁷ National Employment Agency, [Activity report for 2022](#), p. 11.

¹⁷⁸ See the [statistics](#) of the National Employment Agency.

¹⁷⁹ UNHCR (January 2024), *op. cit.*, p. 5.

¹⁸⁰ See also, Centrul de Drept al Avocaților, Cooperare Germană and UNDP, [Study](#) on the Implementation of temporary protection, 2023, pp. 45-49; The Ombudsman, [Report](#) assessing access to essential health services for refugees, 2023.

¹⁸¹ UNHCR (January 2024), *op. cit.*, p. 4.

¹⁸² National Agency for Social Assistance, [Factsheet](#) Weekly Needs Monitoring, 4 December 2023.

¹⁸³ The Ombudsman, Reports on monitoring the rights of refugees in the Republic of Moldova in the context of the armed conflict in Ukraine: [Report](#) 25 February – 30 April 2022, p. 19; [Report](#) May – July 2022, pp. 14-15; [Report](#) August – December 2022, p. 23; [Report](#) January – June 2023, p. 35.

¹⁸⁴ See, *inter alia*, European Roma Rights Center, [Roma Rights Under Siege: Monitoring Reports from One Year of War in Ukraine](#), 28 February 2023, pp. 12-13; Oxfam, [Seeking safety: Roma refugees in Moldova](#), October 2022, pp. 15-16; Human Rights Watch, Moldova: [Romani Refugees from Ukraine Face Segregation](#), 25 May 2022.

¹⁸⁵ See also, ACFC (2023), § 105.

108. During its visit, the ECRI delegation visited two temporary reception centres in Chişinău. At FRISPA, the ECRI delegation noted with concern the inadequate and poor living conditions of the residents, 130 of whom were Roma and 38 of other ethnic or national backgrounds. In particular, residents with disabilities, including Roma, did not benefit from adequate facilities that were foreseen to be made available with financial support from donors. In this regard, ECRI draws attention to the specific vulnerabilities experienced by these persons due to the intersectionality of their ethnicity, disability and legal status.¹⁸⁶ At the same time, the ECRI delegation was pleased to note that other residents, including 38 Roma families, benefited from adequate living conditions in the temporary reception centre located in Mirceşti Street, a former student dormitory that has been partially renovated. By referring to its 2022 statement on the consequences of the aggression of the Russian Federation against Ukraine,¹⁸⁷ ECRI recalls the importance of equal access of all persons displaced from Ukraine as a result of Russia's war of aggression to protection and support.

109. ECRI recommends to ensure that all people displaced from Ukraine as a result of Russia's war of aggression benefit from the same level of protection and support, irrespective of their national or ethnic origin or other personal characteristics or status.

¹⁸⁶ See also, OSCE/ODHIR, [Status Report 2023](#), p. 79.

¹⁸⁷ [Statement](#) on the consequences of the aggression of the Russian Federation against Ukraine adopted by ECRI at its 88th plenary meeting (29 March – 1 April 2022).

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of the Republic of Moldova are the following:

- (§ 37) ECRI recommends that the authorities develop the legal framework by explicitly regulating the conditions and procedure concerning legal gender recognition and establish clear guidelines on the provision of gender-affirming health care, in accordance with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards.
- (§ 90) ECRI recommends that the authorities allocate appropriate funding to significantly increase the number of community mediators, develop a suitable policy for the recruitment and retention of community mediators and ensure that they are provided with adequate working conditions.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§10) ECRI strongly recommends that the authorities i) bring the provisions on the Equality Council and the Ombudsman competences, independence and effectiveness in line with ECRI's General Policy Recommendations No. 2 on equality bodies to combat racism and intolerance at national level and No. 7 on national legislation to combat racism and racial discrimination; ii) ensure that both bodies receive the necessary financial and human resources to carry out their mandates adequately including, where relevant, at regional level.
2. (§17) ECRI recommends that the authorities i) ensure that human rights education includes the prevention of racism and intolerance and, in particular, age-appropriate awareness on matters related to sexual orientation, gender identity and sex characteristics in the school environment; ii) evaluate and ensure suitable and mandatory teacher training on human rights, respect for diversity and responses to prejudice and discrimination.
3. (§22) ECRI recommends that the authorities gather gender disaggregated data on racist and anti-LGBTI incidents in schools, including on specific reasons for bullying behaviour. Such data should serve as a basis for the development of more targeted responses to bullying in schools, including further bullying prevention campaigns and trainings for teachers and other professionals working with children in schools.
4. (§34) ECRI recommends that the authorities work towards the adoption of a legal framework that provides same-sex couples with the possibility of having their relationship recognised and protected in order to address the practical problems related to the social reality in which they live, in line with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards.
5. (§37) ECRI recommends, as a matter of priority, that the authorities develop the legal framework by explicitly regulating the conditions and procedure concerning legal gender recognition and establish clear guidelines on the provision of gender-affirming health care, in accordance with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards.
6. (§48) ECRI recommends that public figures, such as high-level officials, politicians, and religious, economic and community leaders, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with strong counter-hate speech messages and alternative speech, and promote understanding between communities, including by expressing solidarity with those targeted by hate speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
7. (§55) ECRI recommends that the authorities i) take effective action to raise awareness amongst the general public about the legal framework related to hate speech and the remedies available to victims; ii) provide comprehensive training to police officers on how to make the best use of the existing legal provisions on combating hate speech; iii) step up their efforts to ensure coordination and cooperation between law enforcement agencies and other relevant bodies.

8. (§58) ECRI recommends that the authorities take action to prevent and combat online hate speech in accordance with ECRI's General Policy Recommendation No. 15 on combating hate speech and the Committee of Ministers' Recommendation CM/Rec(2022)16 on combating hate speech, in particular by i) defining and delineating the duties and responsibilities of state and non-state actors in addressing online hate speech; ii) creating clear rules and procedures for effective co-operation with and between those actors regarding the assessment and investigation of online hate speech; iii) ensuring that removal procedures and conditions as well as related responsibilities and liability rules imposed on internet intermediaries are transparent, clear and predictable and that those procedures are subject to due process; and iv) giving judicial authorities the power to authorise, approve and order the deletion of hate speech or the blocking of sites that use it.
9. (§67) ECRI recommends that the authorities take further action to ensure that all alleged cases of hate crimes are effectively investigated and prosecuted, by consistently taking into account any possible bias motivations from the outset of the investigation and in any subsequent criminal proceedings.
10. (§78) ECRI recommends that the authorities (i) grant foreign nationals residing in the Republic of Moldova the right to vote and to stand as a candidate in local elections; (ii) sign and ratify the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level.
11. (§90) ECRI recommends, as a matter of priority, that the authorities allocate appropriate funding to significantly increase the number of community mediators, develop a suitable policy for the recruitment and retention of community mediators and ensure that they are provided with adequate working conditions.
12. (§91) ECRI recommends that the authorities i) properly implement the Programme for the Support of the Roma Population (2022-2025) by ensuring sustainable and sufficient financial resources. In this context, the areas of education, employment and health care should be prioritised in the implementation of the Programme and the specific needs of Roma women should be taken into account; ii) carry out a comprehensive and independent evaluation of the implementation of the Programme for the Support of the Roma Population (2022-2025); iii) carry out a needs assessment of the situation of Roma in the area of housing, in close cooperation with the Roma community, and adopt any necessary targeted measures as a result.
13. (§95) ECRI recommends that the authorities take resolute action to improve the quality and to increase significantly the number of teaching hours of Romanian as a second language in "minority schools" at primary and secondary level, with a view to preventing educational disadvantage.
14. (§99) ECRI recommends that the authorities i) develop the legal framework by defining and prohibiting racial profiling by law enforcement officials, in accordance with its General Policy Recommendation no. 11 on combating racism and racial discrimination in policing; ii) organise initial and in-service training for law enforcement officials on preventing racial (and other discriminatory) profiling, including on the use of the reasonable suspicion standard.
15. (§109) ECRI recommends to ensure that all people displaced from Ukraine as a result of Russia's war of aggression benefit from the same level of protection and support, irrespective of their national or ethnic origin or other personal characteristics or status.

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APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in the Republic of Moldova.

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of the Republic of Moldova on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 10 April 2024, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

I. Effective equality and access to rights

D.LGBTI equality

Para.34 ECRI recommends that the authorities work towards the adoption of a legal framework that provide same-sex couples with the possibility of having their relationship recognised and protected in order to address the practical problems related to the social reality in which they live, in line with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards.

The legislation of the Republic of Moldova regulates marriage as a form of cohabitation that is subject to state registration, as one of the fundamental rights protected under provisions of Article 48 para. (1), (2) and (3) of the Constitution of the Republic of Moldova, which states "The family is the natural and fundamental element of society and is entitled to protection by society and the state. The family is based on the marriage between a man and a woman by free consent, on their equality in rights and on the right and duty of parents to ensure the upbringing, education, and training of their children. The conditions for the conclusion, dissolution and nullity of marriage are regulated by law".

Article 12 of the European Convention on Human Rights (ECHR) stipulates: „Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right". Furthermore, Article 9 of the Charter of Fundamental Rights of the European Union states: „The right to marry and the right to found a family are guaranteed in accordance with the national laws governing the exercise of these rights". According to the Explanations on the Charter of Fundamental Rights of the European Union¹ in relation to Article 9, it is stated: "This Article is based on Article 12 of the ECHR [...]. The wording of the Article has been modernised to cover cases where national law recognizes arrangements other than marriage for founding a family. This Article neither prohibits nor imposes the granting of the status of marriage to unions between people of the same sex. This right is therefore similar to that granted by the ECHR, but its scope may be wider where national law so provides".

In its decision of January 17, 2023, in the case of *Fedotova and others v. Russia*², the European Court of Human Rights (ECtHR) reiterated that Article 8 of the ECHR (Right to respect for private and family life) has already been interpreted as requiring the state party to recognize and protect same-sex couples by providing a "specific legal framework" (*case Oliari and others v. Italy*³ and *case Orlandi and others v. Italy*⁴). On the other hand, Article 8 has not been interpreted as imposing to the states parties to the Council of Europe a positive obligation to grant same-sex couples access to marriage. In the *case Hämäläinen v. Finland*⁵, the ECtHR expressly stated that Article 8 of the ECHR cannot be understood as imposing such an obligation. This interpretation of Article 8 coincides with the ECtHR's interpretation of Article 12 of the ECHR. The ECtHR has constantly stated that Article 12 of the ECHR cannot be understood as imposing an obligation to contracting states to grant same-sex couples access to marriage (*case Schalk and Kopf v. Austria*⁶, *c. Hämäläinen v. Finland*, *c. Oliari and others v. Italy* and *c. Orlandi and others v. Italy*). The ECtHR has reached the same conclusion in relation to Article 14 (Prohibition of discrimination) in conjunction with Article 8 of the ECHR, considering that contracting states remain free to grant access to marriage only to heterosexual couples (*c. Schalk and Kopf v. Austria*, *c. Gas and Dubois v. France*⁷ and *c. Chapin and Charpentier v France*⁸).

¹ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007X1214\(01\)&qid=1719217119445](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007X1214(01)&qid=1719217119445)

² <https://hudoc.echr.coe.int/#%22itemid%22:%22001-222750%22>

³ <https://hudoc.echr.coe.int/#%22itemid%22:%22001-156265%22>

⁴ <https://hudoc.echr.coe.int/#%22itemid%22:%22001-179547%22>

⁵ <https://hudoc.echr.coe.int/#%22itemid%22:%22001-145768%22>

⁶ <https://hudoc.echr.coe.int/#%22itemid%22:%22001-99605%22>

⁷ <https://hudoc.echr.coe.int/#%22itemid%22:%22001-109572%22>

⁸ <https://hudoc.echr.coe.int/#%22itemid%22:%22001-163436%22>

In 2010, in the above-mentioned *case Schalk and Kopf*, the ECtHR found that a European consensus on the legal recognition of same-sex couples is developing. Moreover, this trend has developed rapidly over the last decade. However, there is still not a majority of states that offer legal recognition to same-sex couples. The area in question must therefore continue to be seen as one in which rights evolve without consensus and where **states must be given a margin of appreciation in introducing legislative amendments**. The states parties to the Council of Europe have a wider margin of appreciation in deciding on the precise nature of the legal regime to be accorded to same-sex couples, which need not necessarily take the form of a marriage. This latitude accorded to states concerns both the form of recognition to be accorded to same-sex couples and the content of the protection to be afforded to them. Therefore, in accordance with the principle of subsidiarity underlying the ECHR, it is primarily for the contracting states to decide on the measures necessary to ensure the recognition of the rights guaranteed by the ECHR to any person within their "jurisdiction" and it is not for the international fora itself to define the legal regime to be accorded to same-sex couples.

In view of the above, it should be noted that the adoption of a national legal framework in order to ensure the recognition of same-sex relationships and their protection is a matter of domestic legal policy that will evolve taking into account the degree of social development, preparedness and acceptance of society, the appropriate period for such legislative changes. Thus, the Government of the Republic of Moldova reserves the right to gradually consider taking measures for making the respective amendments to the national legal framework.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.