



CONSILIUL PENTRU PREVENIREA ȘI ELIMINAREA
DISCRIMINĂRII ȘI ASIGURAREA EGALITĂȚII
СОВЕТ ПО ПРЕДУПРЕЖДЕНИЮ И ЛИКВИДАЦИИ
ДИСКРИМИНАЦИИ И ОБЕСПЕЧЕНИЮ РАВЕНСТВА
COUNCIL FOR PREVENTING AND ELIMINATING
DISCRIMINATION AND ENSURING EQUALITY

GENERAL REPORT

ON THE SITUATION IN THE AREA OF PREVENTION AND FIGHT AGAINST DISCRIMINATION IN THE REPUBLIC OF MOLDOVA

THE YEAR 2019

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Chișinău, 2020

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INTRODUCTION

Having been established in the year 2012, based on Law No 121/2012 on ensuring equality, the Council's mission is to prevent and fight against discrimination, to ensure equality and to promote diversity. The vision of the institution consists of an inclusive society, where people enjoy equal opportunities and exercise their rights regardless of sex, race, colour, ethnic origin, language, nationality, disability, sexual orientation, age, religion or convictions, opinion, political affiliation or any other similar ground.

Acting under conditions of impartiality and independence from the public authorities, the Council is made up of 5 members, with no political affiliation, being appointed by the Parliament for a 5-year period.

Since 2018, the members of the Council are as follows: Ian Feldman, Svetlana Doltu, Andrei Brighidin, Victorina Luca and Evghenii Alexandrovici Goloșceapov.

The report presents, in an ample description, the situation regarding the phenomenon of discrimination in the Republic of Moldova, in respect of the activity performed by the Council, throughout the year 2019. Based on the Council's jurisprudence and on the information submitted by the civil society organizations¹, the report reflects the issues which constitute obstacles in ensuring effective provision of equality and, respectively, includes a series of recommendations whose implementation would improve the situation in the area of prevention and fight discrimination, as well as in ensuring equality.

The report is structured into five chapters. Chapter I reflects the situation regarding the prevention and fight against discrimination. This compartment identifies the issues which favoured, to a certain extent, the occurrence of discrimination, grouped into the criteria protected by Law No 121/2012 on ensuring equality.

Chapter II presents an analysis of the implementation rate of the recommendations issued by the Council in 2018-2019. This section clarifies the major challenges faced by the Council in attaining accountability for those who committed acts of discrimination.

Chapter III provides the summary of the activities for the promotion of equality in the reference period, to the purpose of informing and raising awareness among the population on the discrimination phenomenon and on the need to fight against it.

Chapter IV describes certain specific aspects in the Council's activity, in particular the management of complaints, the Council's interference with the courts of law, as well as the provision of the necessary conditions for the efficient performance of the work process.

The main recommendations submitted by the national authorities are presented in the final chapter. The recommendations refer to the amendments of the law and of the practices perpetuating discrimination, as well as to the enhancement of the joint efforts made to stop this phenomenon.

The general report on the situation in the area of prevention and fight against discrimination in the Republic of Moldova for the year 2019 was drawn up based on art. 12 para. (2) of Law No 121/2012

¹The Public Association "Motivație", The Deaf Persons' Association from the Republic of Moldova

on ensuring equality and it was approved within the meeting of the Council's members of 11 March 2020.

EXECUTIVE SUMMARY

The report synthesizes the data in the segment of prevention and fight against discrimination in the Republic of Moldova for the year 2019, based on the findings of the Council. At the same time, it comprehensively reflects the set of recommendations intended to reduce the spread of the discrimination phenomenon in the country.

In the year 2019, an increase was noted in terms of complaints on ground of sex and/or gender discrimination. Thus, in 25% of its decisions establishing the facts, the Council noted that the acts of discrimination were determined by this ground. The issues identified under this chapter include: the lack of adequate measures, which would allow and encourage the harmonious blend between work and family obligations; the refusal to employ a person with family responsibilities; the limitations in applying guarantees for the persons whose employment relations were suspended on the effective date of Law No 270/2018; the production and dissemination of sexist advertising; the superiors' harassment on grounds of sex as part of employment relations; speeches inciting to discrimination against women, in relation to the activity performed; discriminatory provisions in the regulations of educational institutes.

The language ground was at the basis of 22.5% of the total decisions establishing the facts issued by the Council in the year 2019. The issues identified here pertain to: the impossibility of the persons belonging to national minorities to use the Russian language before the courts of law; the breach of the rights of the representatives of national minorities to receive an answer in the language in which they submitted the communication; the insubstantial highlighting of ethnicity in press articles; discriminatory access to information regarding the instructions for the use of medicines; differentiated behaviours generated by the lack of state language knowledge.

Another 13.75% of the decisions establishing the facts issued by the Council in 2019 were based on the ground of disability, and 54.5% of the discrimination cases occurred in the area of access to assets and publicly available services. Having examined the complaints, the law in force, as well as the draft laws, the Council identified the following issues: the insufficiency of the effective policies for the employment of persons with disabilities; limiting access to balneotherapy tickets; limiting access to tax and customs facilities for persons with mobility impairments; maintaining a calculation formula for the minimum guaranteed wage per family in accessing public assistance, which renders impossible the eligibility of persons with severe disabilities; access barriers into units trading food products for visually impaired persons accompanied by a guide dog; the inaccessibility of education institutes for pupils with disabilities; the failure to provide access to high school education for visually impaired pupils and, an issue common to all areas, the failure to acknowledge the need to resort to measures for the reasonable accommodation of the specific needs of persons with disabilities.

Referring to the acts of discrimination based on age/old age pensioner status, they were ascertained in 10% of the total decisions issued by the Council. Employment relations maintain, just as in the year 2018, a discriminatory attitude towards elderly persons, as the issue of the arbitrary dismissal of persons who have the old age pensioner status was noted in 50% of the total decisions regarding this ground. Two other issues identified under this chapter pertain to the refusal to lease real estate to

persons aged below 30 and to the performance of differentiated services, depending on the customer's age.

In the year 2019, 6.25% of total decisions establishing the facts were based on the ground of religion or convictions, and a range of issues were highlighted, such as: the refusal to adjust the procedure for the submission of the declaration of assets and interests, according to religious convictions; the use of indoctrinated educational materials, with emphasis in favour of a religion; the construction of religious buildings on the territory of educational institutions and the failure to comply with the neutrality of the public service and with the principle of secularism, by placing religious symbols in public institutions.

The ground of nationality was at the basis of discrimination in the stage of integration of foreigners in our country, and the issues under this chapter were identified in the provisions of the regulations in force, as well as in the proposals for the amendment of the Law. They refer to: limitation of access to employment measures; the application of a differentiated treatment to foreigners in the employment process, and the application of discriminatory provisions limiting the access of non-citizens to treatment with human insulin analogues.

The ground of opinion was noted in 3.75% of total issued decisions, and the issue which stood out in all examined cases consisted of the creation of intimidating situations in the activity of persons who publicly exposed their position regarding certain aspects they deemed illegal.

Regarding the people living with HIV, the discrimination issue which the Council determined in the year 2019 consisted of their vulnerability and stigmatization.

Other grounds which were at the basis of discrimination in 2019 highlighted the following issues: the limitation of access to certain positions based on a political membership ground; the failure to comply with the equal pay for equal work principle for re-established persons; the breach of rights for repressed persons, if they were born in the places of repression in families which concluded the marriage after the repression, or whose parents were in non-marital cohabitation; the limitation of access to social benefits for the persons who do not receive their pension from the Republic of Moldova; the approval of social benefits to be granted selectively based on the marital status; the differential determination of the value of transport compensation, depending on the living place.

The media monitoring activities, carried out by the Council in the year 2019, also highlighted a range of issues which are apt to significantly influence the tendencies of the discrimination phenomenon. Thus, on the ground of freedom of expression, statements with offensive content were disseminated in the public space on countless occasions, inciting to hatred and discrimination. Most often, they were based on certain stereotypes and preconceptions regarding spoken language, ethnicity, sex and sexual orientation.

As the year 2019 was an election year, the monitoring of the written and online media was a primordial activity, which pursued the electoral competitors' compliance with the equality and non-discrimination standards in the media. The Council found that electoral speeches inciting to hatred and discrimination, behaviours generated by stereotypes and preconceptions most often regarding sex were widely employed. In view of ensuring an electoral climate in the spirit of tolerance and mutual

respect, the Council, together with the Ombudsperson's Office and the Agency for Interethnic Relations, signed a statement condemning hate speeches and, at the same time, they provided a series of recommendations for each of the actors involved.

After a classification of the recommendations resulting from their impact, either collectively or individually, the Council noted that, from the recommendations submitted in the year 2018, approximately 41% were implemented. From the recommendations submitted in the year 2019, more than 30% have already been implemented. In terms of non-performed decisions, we note that 52% of those which were not implemented target the inactions of the central public authorities regarding the matters pertaining to the adjustment of the law corresponding to the standards regarding non-discrimination; 14% of them have in view the inactions of the local public authorities regarding the performance of the recommended individual measures. Another category of subjects who did not fulfil the Council's recommendations concerns public persons, who were to present public apologies for their behaviour and/or for their statements (14%). Also, 20% of the non-implemented recommendations have in view legal persons governed by private law who did not fully implement the submitted recommendations.

In the year 2019, the Council organized for the first time the "Equality Awards Gala" - an event encouraging persons and entities in concrete actions for the promotion and integration of the principle of equality and non-discrimination. Among the briefing and awareness-raising activities, special emphasis was placed on holding meetings with the participation of elderly persons, as well as on public lessons for pupils and students. The 29 sessions included 8 localities in the country. Around 600 persons (pupils, elderly persons, parents, representatives of minority groups, people with disabilities) participated in the briefing sessions and over 300 persons (educational staff, employees of the ministry of health, employers, social workers, police officers etc.) participated in the training session in the field of the prevention of discrimination.

The events in the area of human rights constituted an additional reason for discussions with passers-by, for the organization of competitions, social media campaigns, elaboration of videos and online questionnaires - all intended to inform and to raise awareness among the population on the need for involvement, in view of having an inclusive and tolerant society.

Upon analysing the extent to which the Council's activity was reflected in the media sources, we can mention the high interest of mass media's sources of information regarding discrimination cases, as well as regarding the Council's recommendations on the amendment and supplementation of some acts of law. In the year 2019, the Council's activity was reflected by 67 media channels, with a total of 201 occurrences in the media.

As was the case in 2018, the decreasing trend in the discrimination cases reported to the Council was maintained. From the total of 257 examined complaints, 33% established the facts, 19% did not establish the facts, and 48% were found to be inadmissible. The most frequently reported areas are access to publicly available goods and services, labour, the violation of human dignity, access to justice and education. Ranking among the top criteria claimed within the complaints submitted to the Council are sex/gender, the spoken language/ disability/health status, convictions/religion, the pensioner status, with a similar array in 2018, as well.

The most important recommendations submitted in view of preventing and fighting against discrimination based on sex/gender criteria would be to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence, the effective regulation of the sanction mechanism for sexual harassment. To prevent and fight against the discrimination of persons with disabilities and to ensure their inclusion, the following would be necessary: the ratification of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities, the setting up of positive measures oriented towards the facilitation of hearing-impaired persons to high-school and higher education, ensuring accessibility and reasonable accommodation measures according to the needs of persons with disabilities; securing access to public places and to the means of public transportation for persons with disabilities accompanied by guide dogs; guaranteeing the right to be granted medical care free of charge from the state, regardless of the pension provider and of the changes that may occur regarding the part having in view the social benefits provided to them. Regarding the securing of the right to information for the national minorities, the Council recommended that the instructions for the use of medicines, as well as the information on the packaging of the medicines authorized for use in the Republic of Moldova (particularly those which are traded in pharmacies), should be available in Romanian, Russian and, as applicable, in other minority languages spoken on the territory of the Republic of Moldova. Regarding the area of education, the securing of the lay nature of education was recommended, by not accepting the construction and placement of religious buildings in the premises or on the territory of education institutes and the non-acceptance of religious ceremonies in the premises or on the territory of education institutes.

CHAPTER I. PREVENTION AND FIGHT AGAINST DISCRIMINATION

1.1. Discrimination on grounds of sex/gender

In the year 2019, an increase was confirmed in terms of acts of discrimination based on sex and/or gender. In 25% of its decisions establishing the facts, the Council noted that the acts of discrimination were determined by this ground.

Following the activity of the Council of examining the incoming complaints, as well as of analysing, in view of compliance with the standards of non-discrimination, the legal acts or the draft laws, several issues were identified, which prevent the de facto securing of equality and non-discrimination. The determined issues which, directly or indirectly, result in discrimination based on ground sex/gender, include the following:

- the lack of adequate measures which would allow and encourage the harmonious blend between work and family obligations;
- the refusal to employ persons with family responsibilities;
- the limitations in applying guarantees for the persons whose employment relations were suspended on the effective date of Law No 270/2018;
- the production and dissemination of sexist advertising;
- the superiors' harassment on grounds of sex as part of employment relations;
- the inefficient regulation of the sanction mechanism for sexual harassment;
- speeches inciting to discrimination against women, in relation to the activity performed;
- differentiated behaviours generated by women's vulnerable position;
- discriminatory provisions in the regulations of educational institutes;

Combining work and family obligations

The Labour Code No 154/2003 provides that one of the employer's obligations is to ensure equal conditions for women and men, which would allow for a combination between job and family duties. We highlight the fact that the employment rate of women aged between 15 and 24 stands at 15.5%, with an unemployment rate of 13.5%. At the same time, we can note an increasing trend in the number of inactive women aged 25-34, because they perform unpaid household work and have family responsibilities, and their access to paid work, under fair conditions, is limited. This is caused by the incomplete regulatory framework and by the lack of conditions which would allow young women to reconcile family responsibilities, child raising and professional life (insufficiency of care units: nurseries, kindergartens etc.), particularly in the rural environment.

The Council recommended to the Ministry of Health, Labour, and Social Protection (MSMPS) to review the Action Plan for the implementation of the National Employment Strategy for the years 2017-2021 and to introduce incentives in view of agreeing upon a concept on the development of nursery

institutions and of ensuring the implementation of Education Code No 152/2014 on the inclusion into pre-school institutions of children from the age of 2, so that the parents may have the possibility to be more easily employed.

In [case No 216/18](#)² the petitioner held that, in a recruitment interview, the employer communicated to her the fact that she is not fit for the position because she has two small children and the working hours 09:00-21:00 require full involvement.

The Council noted the fact that the questions addressed, as well as the information requested within the recruitment interview, should be maintained in the professional context, having a direct and necessary relation to the specific nature of the activity or with the conditions under which it is to be performed. Any questions regarding family status and responsibilities are prohibited, as their presence drastically diminish the chances of employment for persons with small children, who are looking for a workplace. The need to address questions on such details cannot be substantiated, as the answers can be very easily found in the resumes submitted by the candidates. The Council also noted that childcare is not exclusively the mother's responsibility, just as late working hours are not exclusively intended for men. Everyone is free to choose the conditions under which they perform the work, and the presence of small children should not influence the employer's decision. The Council found that the alleged facts constitute discrimination based on maternity and gender criteria in the employment process.

The Council recommended to the Limited Liability Company "Tarol-DD" (i) to train all its staff responsible for recruitment in the field of equality and non-discrimination and (ii) to draw up internal regulations on the employment and promotion procedures, in accordance with the provisions of the Law on ensuring equality.

Limitations in applying guarantees in case of suspension of employment relations

On 29 November 2019, the Council received the request of the Constitutional Court in view of issuing an opinion regarding the objection of unconstitutionality of para. (5) of art. 27 from Law No 270/2018. From the above-mentioned provisions, the Council noted that the guarantees related to the maintaining of salaries were mitigated after the law became effective, as they no longer apply to the persons who, on that date, had suspended individual employment contracts/employment relations, and thus, certain categories of subjects were unduly affected. The Council found that the situation created by the lawmaker under para. (5) art. 27 of the law constitutes an indirect discrimination in employment for the following categories of persons who, as on 1 December 2018, had suspended individual employment contracts/employment relations: (i) based on gender criteria, for the women who were on maternity leave; (ii) based on gender criteria, for the women who were in child care leave up to the child's age of 4; (iii) based on health status criteria for the persons whose employment contract was suspended due to illness or trauma; (iv) discrimination by association based on the

²http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_216_2018.pdf

ground of disability/health status of the persons caring for a child with disability or for an ill family member.

Production and dissemination of sexist advertising

One of the discrimination issues noted based on this ground has in view the production and dissemination of sexist advertising. The Council, in 50% of the decisions establishing the facts based on sex and/or gender criteria, issued in 2019³, noted the sexist nature of the advertising materials subject to examination. In all reported cases, the Council determined that the female body is widely used in the advertising industry, even when the promoted product or service has no direct relation with women's role and characteristics. Moreover, the Council noted that, to a great extent, women's image is rendered in a provocative manner, as a sexual object. The Council emphasized that, taking into account the fact that advertising is produced to the purpose of influencing us to choose one product or another, it is clear that the matters rendered in advertising reflects upon the mode in which the outlined images, messages or roles are perceived. Thus, the fact that women or their body parts are used as instruments in the advertising industry violates human dignity and contributes to the perpetuation of gender stereotypes in society.

The superiors' harassment on grounds of sex as part of employment relations;

In [Case No 221/18](#)⁴, the petitioner held that the boss was harassing her, due to his discriminatory attitude towards women having leadership positions in the masculinized professions (police).

The Council established that the respondent created a hostile and intimidating environment for the petitioner at the workplace, manifested by: inciting the petitioner's direct reports not to comply with her indications; disseminating offensive information regarding her marital status and her private life; not involving her in operative meetings; not including her as coordinating responsible person in the operative group.

The Council found that the alleged facts constitute harassment based on marital status and sex criteria in employment, and it drew up a minutes which it dispatched to the court of law for the application of the sanction. Thus, the court of law applied to the respondent, under art. 54² para.(2) of the Contravention Code, a fine amounting to 200 conventional units, which represents MDL 10,000, as well as the deprivation of the right to hold positions over a 6-month term within the General Police Inspectorate of the Republic of Moldova or within its subdivisions.

The Council asked the respondent to discontinue his intimidating behaviour in relation to the petitioner and to present his apologies.

³http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_06_2019.pdf
http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_149_2019.pdf

⁴http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_221_2018.pdf

The Council recommended to the General Police Inspectorate to carry out a survey analysing gender-based aspects as part of the activity of the Police, with the involvement of the Association of Women in the Police.

Harassment as part of employment was also claimed in [Case No 234/18](#)⁵, where the petitioner held that, during the course of the past seven years, she had been subject to harassment and disparagement of her personality by the head of the department who is, at the same time, the scientific coordinator of her doctoral thesis.

The Council established that, in June 2018, the petitioner communicated to the rector of the “Nicolae Testemițanu” State University of Medicine and Pharmacy that she was being harassed at the workplace and she requested the enforcement of appropriate actions. The Council found that the investigation conducted by the review committee set up for this purpose was compromised, as it did not examine in detail the petitioner’s allegations regarding the boss’s behaviour to her.

The Council, having examined all the circumstances of the case, found that the acts constitute harassment based on sex-related criteria on the job.

The Council asked the respondent to discontinue his intimidating behaviour in relation to the petitioner and to present his apologies within the meeting of the department.

The Council recommended to the “Nicolae Testemițanu” University of Medicine and Pharmacy (i) to conduct an anonymous survey among students, residents, PhD candidates and collaborators of the departments regarding the psychological-emotional climate and discrimination based on the criteria protected by Law No 121/2012; (ii) based on the results of the survey, to draw up an Action Plan and to conduct a series of training sessions on non-discrimination and on ensuring equality for employees and students; (iii) to draw up internal regulations on the investigation of discrimination cases and recovery mechanisms, including procedures for protection against retaliation.

The inefficient regulation of the sanction mechanism for sexual harassment

The Council examined a draft document on the amendment of some legal acts in view of preventing and fighting against sexual harassment, submitted by the Ministry of Health, Labour, and Social Protection and, as a result of its findings, it drew up a series of recommendations intended to streamline this process.

In national law, sexual harassment has a much narrower meaning compared to the international standards, being „a manifestation of physical, verbal or non-verbal conduct which violate a person’s dignity or creates an unpleasant, hostile or degrading, humiliating or insulting environment, in view of

⁵http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_234_2018.pdf

determining a person to have sexual relations or other unwanted sexual actions, manifested by threats, constraints, blackmail.” Whereas, according to the Istanbul Convention, sexual harassment is “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.” The Council proposes the Ministry to align the legislative framework from the Republic of Moldova to the international standards, as the national law does not provide for the sanctioning of all forms of sexual harassment in all areas, particularly when they are not classified as criminal acts. At the same time, the Council proposes the introduction in the Contravention Code of the civil offence of “harassment”, which would sanction the acts of moral harassment, as well as the acts of sexual harassment of low severity.

Also, the Council proposes that the Contravention Code be supplemented with the civil offence of “victimization”, indicated by the fact that the persecution actions for the submission of the complaint on sexual discrimination or harassment comply with the notion of “victimization”, according to art. 2 of Law No 121/2012 on ensuring equality. In the same vein, the assignment of the competency to ascertain harassment and victimization civil offences to the Council is deemed opportune, to prevent and to eliminate discrimination and to ensure equality.

The amendments undertaken by the Ministry include the assignment of competences to examine and to apply disciplinary sanctions for the cases of sexual harassment to the ethics committees within education institutes and to liberal professions. The Council makes note of the fact that such ethics committees do not have the necessary training and the legal competence to do this, as they only have the role to prevent harassment cases.

Given the fact that the state undertook the effort of effectively fighting against sexual harassment, it is absolutely necessary that it adjusts the regulatory framework to the standards in the field, making sure that the obligation to prevent sexual harassment cases is assigned to the employers, to ethics committees or to self-managing bodies, and the responsibility to examine and sanction should devolve on the prosecution bodies or on the Council, to prevent and to eliminate discrimination and the assurance of equality, depending on the severity of the act⁶.

The Council recommended that, upon approving the legal act in question, the submitted objections should be taken into account, to create a system which provides effective protection against sexual harassment.

Speeches inciting to discrimination against women, in relation to the activity performed

In 10 percent of the decisions establishing the facts, the Council determined that the petitioners were victims of discrimination, being offended in relation to the performed activity.

⁶<http://egalitate.md/wp-content/uploads/2016/04/Aviz-MSMPS-20.09.pdf>

The public offence generated by the president of a party against a woman, within a television show, insinuating that her place is in the kitchen and behind the sewing machine was the object of [case No 181/19](#)⁷.

The Council established that, within his speech, the respondent preponderantly referred to physical appearance. The Council emphasized that, by making such statements, the respondent reduced woman to her physical aspect, ignoring her intelligence, her personality, and her professional capacities. The Council thus pointed out that such statements promote patriarchal approaches in society, with a tendency to mitigate gender equality, and they perpetuate sexist speeches.

In another [case, No 245/18](#)⁸, the petitioner claimed that a politician incited to discrimination through the messages and comments made in reaction to an investigation article posted by her as a journalist.

The Council, having analysed the contents of the comments and of the messages, noted that they contain xenophobic expressions. The author urged the readers to analyse the article in view of the fact that the author did not have the competence to write in the Republic of Moldova. Also, the Council established the presence of offensive expressions towards the female gender, thus trying to discredit the investigative journalism activity, due to the fact that it was conducted by a woman. At the same time, the Council made not of expressions characteristic for the professional status, emphasizing that they can be considered as applying pressure upon the readers, to the purpose of presenting the trade of journalism from an unfavourable point of view. Thus, all such expressions result in the violation of the dignity of persons practising such profession.

The Council recommended to the respondent (i) to publicly apologize for his statements inciting to discrimination, made through the social network on which the discriminatory assertions were posted and (ii) to make every effort so as to evince more responsibility in terms of communication on the social networks, as well as in his public positions, and to refrain, in the future, from making any statements inciting to discrimination.

[Differentiated behaviours generated by women's vulnerable position](#)

During the course of the year 2019, the Council found that women are intimidated or treated in an unfavourable manner not only in areas such as labour or the violation of human dignity, but also in equal protection from the law, services made available to the public and others. The situation of a woman who was coerced to leave the means of public transportation because she made a remark addressed to the driver who was smoking in the means of transport constituted the object of [case No 222/18](#)⁹. The Council noted that, if the comment had been made by a man, the driver's behaviour would have been different.

⁷http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_181_-2019.pdf

⁸http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_245_2018.pdf

⁹http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_222_2018.pdf

In another [case, No 130/19](#)¹⁰ the Council established the incoherence of a sector policeman's actions upon examining the complaint submitted by an elderly woman. The Council established that the petitioner was not granted equal protection by the law, as, in all cases, the employees of the police were looking for reasons to dodge a minute examination of her situation.

Discriminatory provisions in the regulations of educational institutes

In the year 2019, the Council examined compliance with the standards on non-discrimination of the provisions whereby educational institutes regulate hair-length for boys and prohibit them from wearing earrings. The Council explained that hair length and colour do not affect school success, and the fact that boys wear earrings is not equivalent to an indecent or provocative outfit. The Council mentioned that the requirements regarding pupils' clothing and external appearance should only have in view the aspects regarding hygiene, the membership in the educational institute, rather than their personality.¹¹

The Council recommended that the teaching staff and the pupils within the institution be informed in the findings within the decision and that appropriate actions should be taken to prevent the harassment and/or victimization of pupils.

The Council recommended that the Ministry of Education, Culture and Research review the Standard Regulation on the organization and operation of institutions in primary and secondary education, the 1st and 2nd cycle, to explain the notion of "decent outfit" in view of the findings within the decision, and shall inform the Council on the actions taken or planned in view of implementing the submitted recommendation.

1.2. Discrimination on grounds of language/ethnicity

During the course of the year 2019, the Council found acts of discrimination based on language and ethnicity criteria in 22.5% of the total issued decisions establishing the facts. Thus, among the identified issues which prevent ensuring equality, we can list as follows:

- the impossibility of the persons belonging to national minorities to use the Russian language before the courts of law;
- the breach of the rights of the representatives of national minorities to receive an answer in the language in which they submitted the communication;
- highlighting of ethnicity in press articles;
- discriminatory access to information regarding the instructions for the use of medicines;

¹⁰http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_130_2019.pdf

¹¹http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_23_2019-1.pdf

- differentiated behaviours generated by the lack of state language knowledge.

The impossibility to use Russian by the national minorities before the courts of law

In the year 2019, the Council continued to receive referrals on issues referring to the breach of the right of the persons belonging to national minorities to use the Russian language, a language which, in the Republic of Moldova, has the status of language of interethnic communication, before the courts of law.

Thus, out of the total complaints ascertaining discrimination based on language criteria, 63.6% referred to the courts of law.

In spite of the efforts made and of the decisions issued in the period 2013-2019, the Council regrettably found that the issue of discrimination based on the language ground in terms of access to justice persisted. The Council's casuistry indicates that the claims drawn up in Russian are returned without having been examined, merely based on the consideration that they are not accompanied by a translation into the state language.

The Council is of the opinion that, in view of improving the situation in this reference segment, it is necessary to intervene both at legislative level (supplementing the Code of Civil Procedure, expressly stating that Russian is not a foreign language in the Republic of Moldova and that the submission of the claims in Russian does not constitute grounds for returning application), and at administrative level (equipping the courts of law with translation units, including the provision of an adequate wage level thereto).

The breach of the rights of the representatives of national minorities to receive an answer in the language in which they submitted the communication

The Council notes that, although, according to art. 12 para. (1) of Law No 382/2001 on the rights of persons belonging to national minorities and the legal status of their organizations, the persons belonging to national minorities have the right to communicate in public institutions, verbally and in writing, in the Moldavian or Russian language, as well as to receive a reply in the language in which they submitted the communication, such regulations are not observed in practice. The Council's casuistry indicates that, out of the total decisions ascertaining discrimination based on the language ground, 13% were determined to constitute a breach of the right of persons belonging to national minorities to receive an answer in the language in which they submitted the communication. The Council noted that the authorities substantiate this breach claiming the lack of Russian-speaking staff, the lack of translator units and the budgetary constraints which does not allow them to externally contract translation services.

The Council is of the opinion that, to improve the situation, a set of systemic measures is needed, annihilating the predominant causes of the ascertained

issue, such as direct budget allowances planned for contracting translation services, including the employment of staff from among national minorities.

Highlighting ethnicity in press articles

The issue of ethnicity highlighting in press releases was identified in 9% of the decisions establishing the facts regarding discrimination based on criteria of ethnicity. The Council emphasized that, when an information is provided to the public on a certain event, it should avoid any expressions which could lead, directly or indirectly, to the perpetuation of stereotypes, to the stigmatization or marginalization of persons or groups of persons. The Council noted that the use of ethnicity in the context of describing negative events is merely a highlighting of the minority status based on ethnic origin and it serves as grounds for making decisions with a disproportionate impact upon the members of the minority community in question, who have no relation to the criminal activity¹².

The Council recommended to the administration of the portal in question to exclude from the article the phrases referring to ethnic origin and to avoid similar situations in the future¹³.

Lack of accessibility to the information on the instructions for use of medicines to minorities

The Council examined, in terms of non-discrimination, the situation of persons who do not speak the state language in their access to the information on the instructions for the use of medicines. According to the international standards on the matter¹⁴, one of the basic elements of the right to health is the accessibility of information. This fact alleges that all persons have access and can understand any information referring to their health, including the information on the name of the medicines and their use modality.

In its decision issued in [Case No 104/19](#)¹⁵ of 9 August 2019, the Council established that the persons who do not speak the state language are in a situation of inequality when they access the information on the instructions for use of the medicine, thus violating their right to safety of life and health.

The Council recommended to the Government to initiate the procedure amending the provisions of art. 4 para. (4) and para. (5) of the Law on medicines No 1409/1997, so that the instructions for the use of medicines, as well as the information from the packaging of medicines authorized for use in the Republic of Moldova (particularly those traded in pharmacies) are available in Romanian and in Russian.

Differentiated behaviours generated by the lack of state language knowledge

¹²http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_02_2019.pdf

¹³http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_08_2019.pdf

¹⁴Point 12 of the General Comment No 14 (2000) of the United Nations Committee on Economic, Social, and Cultural Rights on the right to the highest attainable standard of health

¹⁵http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_104_2019.pdf

The application of a differentiated treatment due to the language of communication was the object of [Case No 39/19](#)¹⁶. The Council examined the circumstances claimed by the petitioner (to the best interests of the child), who held that her son was treated in a humiliating manner by the employees of a barber's shop due to his inaccurate knowledge of the Romanian language.

The Council established that, during the performance of the service, the barber indulged in making jokes based on the customer's lack of Romanian language skills. At the same time, during the hair washing and drying procedure, the minor was treated in a differentiated manner, as he was required to stand, although, in all barber's shops, this procedure is performed in the seated position, in an armchair, so as to ensure a comfortable environment for the customer.

The Council established that the ascertained facts represented discrimination based on language and age criteria in terms of access to publicly available services.

The Council recommended to the barber to apologize to the customer in writing and to the barber's shop administration to train its staff in view of performing services in a non-discriminatory manner and to ensure efficient communication between the barber's shop's staff and the serviced customers.

1.3. Discrimination on ground of disability

In the year 2019, among the decisions ascertaining discrimination, 13.75% indicated the disability ground, including the health status. The most numerous cases of discrimination on the basis of disability were established in terms of access to publicly available goods and services, which constitutes 54.5%, in the area of education 27.2%, and 18.1% of them were manifested in the area of labour. Among the issues identified by the Council as a result of having examined the received complaints, as well as the analysis of the law in force or that of the draft laws, the following can be listed:

- the insufficiency of the effective policies for the employment of persons with disabilities;
- limiting access to balneotherapy tickets based on the employee status for persons with disabilities;
- impediments in claiming the right of eligible persons to be granted tax and customs facilities;
- limiting the voting rights of persons with disabilities;
- maintaining a calculation formula for the minimum guaranteed wage per family in accessing public assistance, which renders impossible the eligibility of persons with severe disabilities, even though this category has the greater need;
- access barriers into units trading food products for visually impaired persons accompanied by a guide dog;
- the inaccessibility of education institutes for children with disabilities;
- the failure to provide access to high school education for visually impaired pupils;

¹⁶http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_39_2019.pdf

- the failure to acknowledge the need to resort to measures for the reasonable accommodation of the specific needs of persons with disabilities- an issue which is common to all areas.

The insufficiency of the effective policies for the employment of persons with disabilities

The disability ground is one which is expressly provided in art. 1 of Law No 121/2012 on ensuring equality, as well as in other legal acts adopted in the Republic of Moldova. At the same time, the UN Convention on the Rights of Persons with Disabilities, as an international instrument, impels the protection of persons with disabilities, which means that the governments should take into account the needs of persons with disabilities in all their policies, programs and actions.

The right to engage in work and the employment of persons with disabilities is guaranteed within a range of international human rights instruments. According to the report on the measures for employment and social protection of job-seekers, applied by the employment agencies of the Republic of Moldova, in January-September 2019, 407 persons with disabilities were registered, 155 of whom were employed, including 72 women. Currently, the support granted for the employment of persons with disabilities is provided by the state through the specialised enterprises and through subventions. This state policy, in the opinion of the Council, is defective, given the fact that, in 7 specialized enterprises, approximately 150 persons with disabilities are employed, which only constitutes 60% of all their employees, although the state annually provides quite substantial subsidies to such enterprises. The Council examined the draft Action Plan for the year 2019 for the implementation of the National Employment Strategy for the years 2017-2021, proposing as objective the increase in the number of employed persons with disabilities by providing subsidies to 25 employees, to create 25 workplaces for persons with disabilities. Having in view the fact that the number of persons with disabilities pursuing employment is increasing, and the labour market does not provide sufficient places to balance the situation, the Council notified the insufficiency of the subsidy measures to for the creation of the new approved workplaces.

Taking into account the needs which persons with disabilities and with low income are facing, the Council recommended a review of the number of subsidies intended for the employers, to ensure their actual inclusion in the labour market.

Limiting access to balneotherapy tickets

Another issue noted by the Council, since as early as the year 2015, pertains to economic access to rehabilitation/recovery treatment for persons with disabilities and for the persons who reached the age of retirement and are provided pensions, who are employed. In this regard, points 30-32 of Government Decision No 372/2010 maintain the discriminatory treatment regarding the cost of the rehabilitation/recovery treatment applied to the persons with severe and high-grade disabilities who are employed, who, at some point, pay 30% of the cost of the ticket, as well as to employed elderly and persons with medium-grade disabilities, who pay 70% of the cost, compared to the employed persons with no disability grade, who only pay 20%.

The Council recommended the amendment of Government Decision No 372/2010 in view of adjusting its provisions pertaining to the equal provision of balneotherapy tickets for all, namely charging 20% of the costs of the tickets from the employed persons, including persons with disabilities.

Limiting the persons with disabilities in their access to healthcare services

The UN Convention on the Rights of Persons with Disabilities compels the signatory states to acknowledge the right of persons with disabilities to medical services of the highest attainable standard, without any discrimination based on disability, and they shall provide medical services as close as possible to the living place of persons with disabilities, including rural localities. Having analysed the provisions of point 6 of the Healthcare Regulation on the Conditions of Hygiene for Healthcare Institutions, as approved by Government Decision No 665/2010, imposing the requirement of a distance of at least 500 metres from the residential area for the placement of medical-curative institutions, it was found that they are not in agreement with the international standards. The Council underlined the fact that these services should be oriented towards the integration of persons with disabilities in the community, and the tendency of maintaining at a distance and of isolating medical and curative institutions for the persons suffering from mental illnesses are based on ideas such as these persons are deemed a “social hazard”, which is a stereotype and must be avoided.

The Council recommended the exclusion of the requirement on the placement of healthcare institutions at a distance of at least 500 metres, as it is contrary to the purposes of inclusion of persons with disabilities in society.

The lack of regulations ensuring housing premises for persons with disabilities

The Council noted that, according to art. 22 para. (1) of Law No 60/2012 on the social inclusion of persons with disabilities, the provision of housing and the improvement of housing conditions for persons with disabilities is achieved in accordance with the law in force, and the record of such persons shall be ensured by the local public authorities from the living place of the person with disabilities. At the same time, para. (6) of the same article provides that, in exchange for the housing premises consisting of an apartment, the person with disabilities may ask the local public authorities from his/her living place to allot a plot of land for the construction of an individual home. However, the draft of the new Land Code does not contain any regulations ensuring the application of such provisions.

The Council mentioned that the new Land Code should not limit the previously established rights, instead it should create optimum conditions for the holders of rights to claim them and thereby to increase compliance with human rights in general.

Impediments in claiming the right of eligible persons to be granted tax and customs facilities

Article 50 of Law No 60/2012 on the social inclusion of persons with disabilities provides that the persons with disabilities are provided with various facilities in the form of exemptions and discounts, in accordance with the provisions of the law in force. The Council points out the fact that the right provided under art. 49 para. (3) of Law No 60/2012 is granted to all persons with mobility impairments, in exchange for the waiver of compensation for transport services, not only to those with severe mobility impairments. Thus, having in view the fact that all persons with mobility impairments have the same right, it is only natural that the alternative in terms of the benefit of customs and tax facilities is granted to all.

The Council recommended to the Executive to amend the provisions of Government Decision No 474/2016 approving the Regulation on the application of tax and customs facilities to the import of means of transport with a special purpose, so as to eliminate the discrepancy referring to the category of eligible persons and to be granted tax and customs facilities upon importing a means of transport.

The excessive formalism in the procedure for the import of means of transport for persons with mobility impairments was the object of [Case No 120/19](#)¹⁷. A group of petitioners addressed the Council to examine, in terms of compliance with the standards of non-discrimination, the procedure for the application of tax and customs facilities by the persons with mobility impairments.

The Council, having analysed the circumstances, established that there is excessive formalism in the procedure for the application of tax and customs facilities in the import of means of transport with special purpose, affecting the interests of those in whose favour such facilities were established. The Council found that the term employed to refer to the document confirming the disability, used in the legal act implementing such tax and customs facilities (Certificate of disability and work capacity) is not the same as the term employed in the legal act on the determination of disability (Certificate of disability grade). The Council held that such lack of uniformity affects the persons whose confirmation documents have a name (Certificate of vitality) different than the one stated in the applicable legal act, generating impediments in their access to tax and customs facilities. At the same time, the Council noted that the request for the document confirming the disability is not absolutely necessary, given the fact that not all persons with disabilities are eligible for such facilities, but only those with a disability of the locomotive apparatus, which can be confirmed by the Conclusion on the need to provide transport services. Also, the Council noted the uselessness in submitting to the customs authorities the certificate regarding the beneficiary's request to waive compensation for transport services in exchange for tax and customs facilities. The Council mentioned that the verification of compliance with such conditions pertains to the competence of the territorial social assistance structure from the living place, and not to the competence of the customs authority.

¹⁷http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_120_2019.pdf

The Council found that the obligation to submit a certain set of documents to the customs authority has no objective or reasonable substantiation. Due to the complexity of useless administrative circuits, the possibility of persons with mobility impairments to be granted the tax and customs facilities for which they are eligible is hindered.

The Council recommended to the Government to re-examine the set of documents to be submitted by the applicant for the tax and customs facilities upon importing means of transport with special purpose, in view of the findings submitted in the decision. Also, it recommended to the Ministry of Health, Labour, and Social Protection to initiate the amendment of the regulatory framework, in view of eliminating the impediments referred by the Ministry of Finance.

Limiting access to public assistance, due to the mode in which the minimum monthly income is calculated.

The refusal to grant public assistance to a person with severe disabilities for the cold period of the year was the object of [Case No 70/19](#)¹⁸ dated 10 July 2019.

The Council underlined the fact that the calculation formula for the minimum monthly wage guaranteed per family should be different for the families including persons with severe disabilities. The Council indicated that such difference should also depend upon the disability grade of the person and also on his/her capacity to work. The Council stated that such circumstances (disability grade and work capacity) place the persons in various situations, respectively the need for a differentiated approach occurs for the calculation of the minimum monthly wage guaranteed per family. The Council reminded that, for a medium-grade disability, work capacity is maintained within a percentage range of 45-60%, for high-grade disability it is within a 25-40% range, and for severe disability the range is of 0-20%. Consequently, the persons who have maintained their work capacity and could be employed, but do not do so, are advantaged in obtaining public assistance. On the other hand, the persons whose work capacity is clearly inferior and for whom it is impossible to work, do not pass the test of the minimum guaranteed monthly wage, being disadvantaged in obtaining public assistance.

The Council recommended to the Ministry of Health, Labour, and Social Protection to start the amendment of the provisions of art. 7 para. (2) letter d) of the Law on Public Assistance No 133/2008, so as to provide for a calculation formula for the minimum monthly wage per differentiated family, depending on the disability and on the work capacity of the members of the applicant family. Also, the Council recommended to the Ministry to propose a review of the indicators evaluating family welfare, provided in annex No 5 of Government Decision No 1167 of 16.10.2008.

¹⁸http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_70_2019.pdf

Limiting access to units trading food products for the persons accompanied by the guide dog

In its decision issued in [Case No 148/19](#)¹⁹ of 18 October 2019, the Council ascertained the indirect discrimination of visually impaired persons in terms of accessing publicly-available goods and services, manifested in the prohibition of a person's access to a store in Chişinău, accompanied by the guide dog.

The Council reminded of the provisions of art. 9 of the Convention on the Rights of Persons with Disabilities, which compel the participating states to ensure to persons with disabilities access to the physical environment, to transportation, and to other facilities and services open or provided to the public, both in urban and in rural areas. At the same time, having examined the provisions of the legal acts associated to the case, it established that the law allows for the unrestricted and free of charge access of the guide dog accompanying the person with disabilities to the means of transport and to all public places, including those where food products are stored. And the respondent's motivation, that the other buyers could indicate their discontent with the presence of a dog in the unit trading food products is not an objective criterion justifying its action to prohibit the petitioner's access to the premises.

Society should understand that such supporting measures are absolutely necessary for persons with impaired mobility, to allow them to lead an independent life and to fully participate in all the aspects of daily life. Consequently, the access of the accompanying animal, who is specially trained to provide help to the master, shall be accepted as a means of support, instead of being regarded as a mere pet or protection animal.

The Council recommended to the Government to propose the supplementing of art. 20 of the Law on the social inclusion of persons with disabilities No 60/2012, by regulating the obligation of the owners of public places and/or of managers or administrators of the means of transport to display a symbol indicating that, in the respective area, the access of guide dogs is allowed. Also, it recommended to supermarket administrators to display, at the entrance, a symbol indicating the allowed access for the guide dog.

The inaccessibility of education institutes for pupils with disabilities

The lack of reasonable accommodation in the education institutes for a pupil with mobility impairments was the object of [Case No 88/19](#)²⁰.

Although the Council acknowledged the amendments made by the administration of the high school in view of facilitating the physical access of the pupil with special needs, it does, however, find that the administration has an erroneous view on what reasonable accessibility and accommodation is, as

¹⁹http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_148_2019.pdf

²⁰http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_88_2019.pdf

the implemented measures did not correspond to the specific needs of persons with mobility impairments using the wheelchair.

The Council noted that, in compliance with the explanations contained under points 25-26 of the General comment No 2 of 2014 adopted by the UN Committee on the Rights of Persons with Disabilities, accessibility is related to groups, whereas reasonable accommodation is related to individuals. Accessibility must be ensured unconditionally, before receiving an individual request for access to premises and before using a service.

The Council, in spite of its efforts (installing the sink and the supporting bar) could not consider the visited educational institute accessible, due to the presence of steps in the healthcare block and due to the lack of an access ramp into the institution, which are barriers for the persons with mobility impairments who travel using the wheelchair. Under these conditions, pupils with mobility impairments have their right to education affected. The lack of financial resources, in the opinion of the Council, cannot be noted to be a substantiation of the failure to comply with the obligation to ensure accessibility.

On the other hand, the education institute has the obligation to ensure reasonable accommodation, as soon as a person suffering from a deficiency needs adaptation in a certain situation, in order to enjoy his/her rights in equal conditions. Thus, a person with a particular impairment, could request that type of reasonable accommodation which does not comply with any of the accessibility standards.

The Council recommended to the administration to draw up an action plan directed towards rendering the education institute accessible.

The failure to provide access to high school education for visually impaired pupils

The level of integration of the principle of equality in the national policies on the education of hearing impaired children constituted the object of [Case No 147/19](#)²¹.

The Council, having consulted the Framework-Plan for special education institutes for hearing impaired students, noted that, according to it, the children are only instructed for the primary and secondary cycle, not including high school, although it is also part of the mandatory education.

Foreign language teaching, in special educational facilities for hearing-impaired pupils, is only ensured in grades II-V, although in the general educational system, this discipline is taught from the 2nd grade until completion of high school education. The Council noted that these circumstances constitute barriers which slow down the process of inclusion of pupils with hearing impairments, emphasizing the fact that, due to the fact that they are not provided with continuous training in the foreign language subject, to the extent provided to the pupils in general institutions, the chances of such pupils to be

²¹http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_147_2019.pdf

competitive in continuing their studies (at high school level, as well as in higher education) are reduced, as their language skills level will be lower compared to that of other pupils.

At the same time, having analysed the Guidelines on the specific procedures for the examination of pupils with special education requirements and the Regulation on the national high school graduation exam, as approved by the order of the Ministry of Education, Culture and Research No 47/2018, the Council established that the provided reasonable accommodation measures (extension of the time established for the foreign language subject) has in view the pupils with severe mobility, neurological and mobility or visual impairments, whereas the pupils with a hearing impairment are not listed in such regulations.

The Council recommended to the Ministry of Education, Culture and Research to take actions whereby:

- ***they should set up positive measures oriented towards facilitating the access of persons with hearing impairments to high school and higher education;***
- ***they should make sure that the foreign language subjects, in special education institutes for pupils with hearing impairments should be taught until the secondary cycle is completed;***
- ***they should review the Guidelines on the specific procedures for the examination of pupils with special educational requirements and the Regulation on the national high school exam, as approved by order of the Ministry of Education, Culture and Research No 47/2018, in terms of reflecting the positive measures for the pupils with hearing impairments.***

Limiting the access of persons with disabilities to the voting sections

Considering the fact that the year 2019 was an election year, with two national ballots, the Council is keen on drawing attention upon an identified issue which refers to the limitation of voting rights for the persons with disabilities, by limiting physical access to the voting stations. [The studies published](#)²² by the Central Elections Committee in this regard describe an unsatisfactory situation of physical accessibility, in some cases even complete inaccessibility.

The Council recommends that the state to take urgent actions to render accessible the offices of the public entities which serve not only for the exertion of voting rights, but also as providers of public services, to make possible the exertion of all rights by the persons with disabilities.

²²https://a.cec.md/ro/mai-putin-de-1-din-cele-612-sectii-de-2781_94215.html
[https://a.cec.md/storage/ckfinder/files/Studiul%20accesibilit%C4%83%C8%9Bii\(1\).pdf](https://a.cec.md/storage/ckfinder/files/Studiul%20accesibilit%C4%83%C8%9Bii(1).pdf)

The failure to acknowledge the need to resort to reasonable accommodation measures adjusted to the needs of persons with disabilities

The Council's jurisprudence regrettably indicates that society is sufficiently aware of the fact that, for the persons with special needs, reasonable accommodation measures need to be applied, appropriate for their needs. Because of the barriers which people with disabilities face, generated due to the lack of reasonable accommodation, they come to be victims of discrimination in several areas, such as access to publicly-available services, labour, education.

Discrimination in the form of a refusal of reasonable accommodation of the modality employed to exert the speech-impaired persons' right to information was found in the Council's decision of 22 February 2019, in [Case No 14/19](#)²³. The petitioner is a person with speech impairments who uses as communication method the writing of his requests on a sheet of paper. He holds that he was confronted with barriers in terms of access to information, in the interaction with the president of an Association of Privatized Housing Owners, due to the fact that the respondent refused to accept the mentions written down by the petitioner and thus restricted his right of information of public interest. At the same time, it was determined that the respondent used offensive expressions related to the petitioner's speech impairment and, in relation to him, he had an insulting behaviour which, in the opinion of the Council, can be qualified as an act of harassment.

The Council recommended that the petitioner be provided a response in an accessible, clear and easy-to-understand form, as well as avoiding the use of expressions violating the person's dignity in the communication with the petitioner.

In [case No 229/18](#)²⁴, the Council examined the situation of a person with disability who was dismissed from work after 17 days of activity, due to the fact that his health issues are incompatible with the activity to be performed. Although he provided a medical certificate on his work capacity, which would have confirmed fitness for work (as a wire and cable binder), the respondent did not hire him. During the examination of the case, the employer did not objectively substantiate the fact that the petitioner's health status is totally incompatible with the specific nature of the activity under which this activity is performed, without the possibility to apply reasonable accommodation measures. The Council decided that the ascertained facts represent discrimination due to the refusal to provide reasonable accommodation and due to the unsubstantiated refusal to hire him.

The refusal to provide access to public transportation services was the object of [Case No 34/19](#)²⁵. A person with mobility impairments was prohibited by the driver to board the trolleybus, on the grounds that the means of transport was not accessible for persons circulating in the wheelchair and without an attendant. The Council, having examined the circumstances of the case, decided that the

²³http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_14_2019-1.pdf

²⁴http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_229_2018.pdf

²⁵http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_34_2019.pdf

ascertained facts constitute discrimination on the basis of disability in terms of access to transport services, manifested by the refusal to provide reasonable accommodation.

The Council recommended to the Municipal Enterprise “The Trolleybus Directorate” of the Bălți municipality to take appropriate actions to prevent the occurrence of similar situations in the future, including by means of a systematic training of drivers regarding the provision of non-discriminatory services to the passengers.

The lack of reasonable accommodation of the educational process for a child with behavioural disorders was the Council’s finding in [Case No 33/19](#)²⁶. A child’s parents claimed that the principal of the school he attended refused to accept the pupil for afterschool, because he had a behaviour which was difficult to manage.

The Council noted that the incapacity of the educational institute to respond to a pupil’s specific needs do not constitute an objective and reasonable substantiation for the institution’s refusal to provide conditions similar to those of other pupils for the enforcement of the right to education. The Council emphasized that, in the presence of such circumstances, the educational institute should intervene with reasonable accommodation in order to provide to the pupil with hyperactivity access to education under conditions equal to the other pupils. The right to education cannot be restricted based on the grounds of learning difficulties or of other difficulties which the child or the educational institution are facing.

The Council recommended to the administration of the respective institution to make the necessary efforts in order to make maximum use of the staff specialized in the educational process.

In view of attaining the amplest possible reflection of the situation regarding the discrimination issues which the vulnerable groups are facing, the Council had interventions at the civil society organisations in the area, to identify the barriers the persons are facing. Thus, the Association “Motivație” pointed out the following referred issues

- the insufficiency of social policies, developed without analysing the situation and without being based on the real needs of persons with disabilities;
- insufficient measures in view of ensuring accessibility to the physical and information environment, including public transport;
- the lack of educational materials adjusted to children with disabilities, the lack of training of the teaching staff and of the support staff in providing qualified assistance to the children in the educational environment;
- low employment rate for the persons with disabilities.

²⁶http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_33_2019.pdf

As solutions for the remedying of the referred issues, the Association “Motivație” proposes the following:

- informing the persons with disabilities and their families on the possibility to participate and to be socially and professionally active;
- creating a team monitoring the compliance and the correct application of the standards regarding accessibility (to information, physical and to public transport);
- providing educational institutes with equipment and information materials needed to ensure inclusive education and the training of the teaching staff and of the supporting staff, in view of working efficiently with children with disabilities.
- informing the employers, in view of adjusting the workplaces for persons with disabilities and monitoring the observance of the persons with disabilities employment share.

The Deaf Persons’ Association from the Republic of Moldova highlighted the following issues:

- the lack of teaching staff with sign language skills;
- the failure to comply with the obligation to provide synchronous interpreting of TV shows in sign language.

The Council notes that the issues referred by these organisations fall within the list of aspects tackled on yearly basis, but the actions taken by the authorities remain insufficient to be able to speak of an effective integration of persons with disabilities in society.

1.4. Discrimination on the ground of age/old age pensioner status

Discrimination based on the ground of age/old age pensioner status was ascertained in 10% of the total decisions establishing the facts in 2019. Just as in the preceding year, the elderly were the main target of discrimination in employment relations. Thus, during the course of the year 2019 as well, the Council established that the issue of the arbitrary dismissal of persons who have the old age pensioner status persists, being held in 50% of the total decisions regarding this ground.

The analysis of the facts ascertained by the Council based on the ground of age/old age pensioner status points out the following issues:

- the arbitrary dismissal of persons having the status of old age pensioner;
- the refusal to lease real property to persons below 30 years of age;
- the provision of differentiated services, depending on the customer’s age.

The arbitrary dismissal of persons having the status of old age pensioner

The Council ascertained alarming data regarding discrimination based on the pensioner status, one of the causes being the provisions of the Labour Code which provides for dismissal based on the employee’s pensioner status. The discrimination of elderly persons is based on a wide range of

stereotypes, which have in view in particular the relation between effectiveness and the age of the employees.

Since 2018, the Council ascertained a significant growth in the cases of discrimination in the area of employment. One of the causes of such growth is the arbitrary application by the employers of the provisions of art. 86 para. (1) letter y¹) of the Labour Code on dismissal and on the employee's status of old age pensioner. The Council found that the employers apply the respective provisions in an abusive manner, avoiding the application of the rules on the reduction of the number of staff or of payrolls, which provides for guarantees in the case of a dismissal, thus acting to the detriment of the employees. Moreover, the provisions of art. 86 para. (1) letter y¹) of the Labour Code are in contradiction with the national policy documents, whose objective consists of the extension of professional life and of the maintaining of the dignity and autonomy of elderly persons.

In the decisions issued in the cases [No 19/19](#)²⁷ of 19 March 2019, [No 64/19](#)²⁸ of 20 May 2019 and [No 175/19](#)²⁹ of 18 November 2019, the Council found that the termination of the employment contract concluded with the employees, exclusively on the grounds that the employee has the status of old age pensioner, constitutes discrimination.

The Council recommended the amendment of art. 86 para. (1) letter y¹) of the Labour Code, taking into account the relevant jurisprudence of the Court of Justice of the European Union, which mentions that the application of such provisions should be preceded by an objective and reasonable justification, appropriate for the pursued purpose, and the measures taken should be necessary and adequate.

The refusal to lease real property to persons below 30 years of age

In its decision of 5 March 2019, in [case No 03/19](#)³⁰, the Council found that the refusal of a real estate company to rent an apartment to persons less than 30 years of age constitutes discrimination based on age in terms of access to real estate rental services.

The Council noted that the age requirement advanced by the owner does not constitute an objective and reasonable argument substantiating the act of discrimination. The Council mentioned that the owner's position, according to which lessees aged under 30 are not serious enough in honouring their financial commitments is a subjective assessment based on a personal experience in a particular case, underlining the fact that, in such procedures, priority should be given to the objective criteria and guarantees protecting the owner against potential risks.

²⁷http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_19_2019.pdf

²⁸http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_64_2019.pdf

²⁹http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_175_2019.pdf

³⁰http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_03_2019.pdf

The Council noted that real estate agencies should apply a non-discriminatory system of selection of lessees and it should assess the customers' grievances and to object when they are apt to lead to an unsubstantial refusal of persons in terms of access to lease of immovable property.

The Council recommended to the real estate company in question (i) to draw up a methodological guideline assessing the customers' requirements in terms on non-discrimination, in view of preventing similar situations in the future and (ii) to train real estate agents in the area of equality and non-discrimination.

The provision of differentiated services, depending on the customer's age

In [case No 39/19](#)³¹ the Council examined the circumstances claimed by the petitioner, who held that her son was treated in a humiliating manner because of his age and of his lack of knowledge of the Romanian language.

The Council underlined the fact that, if the minor had been accompanied by an adult or if the customer had been an adult, such behaviour would not have been incurred, as, in these latter cases, the probability to respond is higher than in the case of a child. The Council concluded that hair cutting services should be provided under similar conditions for all customers, according to their request, regardless of their age and of the spoken language.

The Council recommended to the barber's shop administration to train its staff in view of performing services in a non-discriminatory manner and to ensure efficient communication between the barber's shop's staff and the serviced customers.

1.5. Discrimination on grounds of religion or convictions

Discrimination based on religion or convictions was noted in 6.25% of total decisions establishing the facts.

Among the ascertained issues, we can list the following:

- the refusal to adjust the procedure for the submission of the declaration of assets and interests, according to religious convictions;
- the use of indoctrinated educational materials, with emphasis in favour of a religion;
- the construction of religious buildings on the territory of educational institutions;
- the failure to comply with the neutrality of public service and with the principle of secularism, by placing religious symbols in public institutions.

The failure to adjust the procedure for the submission of the declaration of assets and interests, according to religious convictions

³¹http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_39_2019.pdf

The Council examined the situation claimed in [case No 223/18](#)³², as well as in [case No 67/19](#)³³, in which the petitioners held that they could not honour their obligation to submit their declaration of personal assets and interests, based on the grounds that the procedure has certain requirements which are contrary to religious convictions. More specifically, the modality employed for the submission of the declaration is only in electronic form, requiring authentication by means of an electronic key, respectively the identification number of the user of the electronic signature (IDNP) whereas, due to their religious convictions, the persons waived the IDNP. And the submission of the declaration in writing on paper is not accepted by the authority.

Under these circumstances, the Council explained that the state authorities, taking into account the fact that the waiver of the IDNP is based on religious convictions, they have the obligation to intervene with reasonable accommodation measures.

The Council recommended to the Parliament and to the Ministry of Justice to initiate the amendment of the Law on declaring personal assets and interests No 133/2016, to set up alternatives for the declaration, exclusively in electronic form, of the personal assets and interests of the subjects who waived the IDNP based on religious convictions.

The use of indoctrinated educational materials, with emphasis in favour of a religion

In [Case No 172/19](#)³⁴ the Council received a referral from a group of persons to examine, in view of the non-discrimination standards, the contents of an auxiliary support handbook for the subject “Moral and Spiritual Education”. The complaint holds that the teaching of the themes referring to faith within the educational process, only from the perspective of the Christian religion, prejudices the freedom of conscience for children having other religions and of those having atheist convictions.

The Council took note of the position of the Ministry of Education, Culture and Research, which held that it did not approve any handbooks for “Moral and Spiritual Education”, leaving the teaching staff to be the one deciding the sources for the contents of the respective class. In the opinion of the Council, this fact results in the acceptance as part of the educational process of teaching materials which are not aligned to the concepts of promotion of diversity and tolerance.

The mission of the “Moral and Spiritual Education” subject is to inform the children on the variety of values existing in society, to the purpose of developing a tolerant and open generation in accepting diversity, including religious diversity. The use of teaching materials (handbooks, auxiliary materials, any other types of information) which present one religion exclusively, presenting it as a feature of the Romanian people, does not contribute to the education of the children in the spirit of the diversity of values.

³²http://egalitate.md/wp-content/uploads/2016/04/Decizie_par-ial_constatare_223_2018.pdf

³³http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_67_2019.pdf

³⁴http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_172_2019-1.pdf

In the educational process, in order not to violate the right to free option and the manifestation of faith for the adepts of various denominations, concepts specific for the moral and spiritual values should be developed, for the knowledge and observance of all traditions, of the religious experience and of the joint living rules in society.

The Council recommended to the Ministry of Education, Culture and Research to draw up a Methodological Guideline establishing the criteria for the assessment of the correspondence of alternative educational materials to the quality standards for the “Moral and Spiritual Education” subject, and to the education institutes to review the auxiliary materials used by the teachers, in view of the findings and explanations submitted in the decision.

The construction of religious buildings on the territory of educational institutions

The Council examined the circumstances of [Case No 177/19](#)³⁵ claiming that, on the territory of an educational institute, a religious building was being constructed, which would prejudice the freedom of conscience for children of other religions or for those with atheist convictions.

Given the fact that state education in the Republic of Moldova is lay, education should be based on the principle of the freedom of thought and of independence from ideologies, religious and political doctrines. The construction of religious buildings on the territory or on the premises of education institutes is not in alignment with this principle and should not be accepted. Their existence could suggest the attachment of the public institution to a certain religion, which would be in contradiction with the state’s obligation to ensure religious neutrality in state education. Educational institutes should pursue the aim of educating children in “pluralism” and “critical thinking”, without imposing a certain set of values to them, as having priority over others.

In its decision issued on 6 November 2019, the Council found that the claimed acts represent indirect discrimination based on convictions in the educational process, and the responsible authorities should take all appropriate steps so as to maintain the neutrality of the educational system, outside any religious influences, and to focus on actions intended to ensure the quality of education.

As a result of the ascertained facts, the Council submitted the following recommendations:

- ***The Directorate General Education, Youth and Sports of the Chişinău Municipal Council shall take the necessary actions in view of guaranteeing the fact that, on the territory of the preschool institution No 150 from the address No 4 Matei Basarab Street, no religious activities will be conducted, contrary to the principle of lay education. The Directorate shall not admit similar situations in the future.***

³⁵http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_177_-2019.pdf

- *The Administration of preschool institution No 150 shall take the necessary actions not to admit the religious influencing of children on the premises of the preschool unit, including those of not exposing the children to religious ceremonies throughout the educational program.*
- *The police directorate of Chişinău municipality shall take the necessary action in view of executing the decision of the Vice Mayor of Chişinău Municipality No 733-d of 01.10.2018 regarding the suspension of the unauthorized construction from the address No 4 Matei Basarab street, by limiting the unauthorized access of external person into the yard of the educational institute, as well as on the premises of the construction.*
- *The Râşcani sector administration shall take the necessary action in view of executing the decision of the Vice Mayor of Chişinău municipality No 733-d of 01.10.2018 regarding the suspension of the unauthorized construction from the address No 4 Matei Basarab Street, by initiating the procedure for the demolition of the unauthorized construction and for the restoration of the land to its initial condition.*
- *The Ministry of Education, Culture and Research shall issue a communication to the local specialized bodies in the area of education and to educational institutes at all levels, to ensure the lay nature of education, including (i) not to accept the construction and placement of religious buildings on the premises or on the territory of educational institutions, (ii) not to accept the performance of religious ceremonies on the premises or on the territory of educational institutions.*

The failure to comply with the neutrality of public service and with the principle of secularism

The Council received a referral on the installation of a crucifix in a public institution, in violation of the principle of neutrality and secularism in public institutions.

In the opinion of the Council, the displaying of religious symbols in public institutions indirectly sends out the message that all the institution's employees profess a certain religion, which could spiritually/emotionally disturb other employees of the ministry, who profess other religions, including the ones who are atheist. Thus, the presence of religious symbols in public institutions where persons with different visions interact should not be accepted. The absence of religious symbols should contribute to maintaining the neutrality of the public service and of the principle of secularism, ensuring the harmonious cohabitation of persons of various visions and denominations, which would maintain the tolerance degree needed in a democratic society.

Thus, in the decision issued in [case No 184/19](#)³⁶ 16 December 2019, the Council found that the facts represent an incitement to discrimination based on convictions, manifested by the installation of the crucifix, as well as by the speech given by the minister in the event.

The Council recommended that the Ministry of Internal Affairs should remove the religious symbols from the institution's hallway and ensure the protection/safeguarding of the neutrality of the public service and of the principle of secularism.

1.6. Discrimination on the grounds of nationality

The issues related to the integration of foreigners in the Republic of Moldova were identified by the Council both in the provisions of the legal acts in force and in the proposals to amend the Law on the immigration of foreigners. Such provisions include:

- the limitation of access to employment measures;
- the application of a differentiated treatment to foreigners in the employment process;
- discriminatory provisions limiting the access of non-citizens to treatment with human insulin analogues.

The Council examined whether it is objectively and reasonably substantiated to exclude the possibility for asylum seekers in the Republic of Moldova to individually get health insurance.

Having examined the circumstances of the case, the Council noted, first of all, that the differentiated treatment applied with regard to asylum seekers does not affect the substance of a right acknowledged under the law, but rather that of an obligation. Participation to the compulsory health insurance scheme is not an option of the person, but rather an obligation for him/her to contribute by means of fees to the health insurance budget, in a fixed form or as a percentage of the salary. Secondly, the Council established that asylum seekers are insured, in accordance with the law in force, with urgent medical care in the pre-hospital stage in case of life-threatening acute conditions. In other words, asylum seekers, although they are not subjects of the compulsory health insurance scheme, they can be provided with emergency care or they may request the provision of a medical service they may require, or they can acquire voluntary insurance with the private insurers from the Republic of Moldova. Thirdly, the Council took note of the fact that the asylum seeker maintains this status only for the period in which the asylum claim is examined (maximum 6 months). Thus, if the asylum claim is rejected, based on a binding decision, the persons shall be expelled from the territory of the country. Respectively, compelling asylum seekers to individually acquire insurance, if they are not employed in the Republic of Moldova, would worsen their situation. The State would apply to them the pecuniary

³⁶http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_184_2019-1.pdf

task of contributing, from their own resources, to the compulsory health insurance scheme, even though there is a risk that they may not be provided with the medical care for which they paid.

Although, following the examination of the case, no discriminatory treatment was found to be applied to asylum seekers, as it can be objectively and reasonably substantiated, the Council draws attention on the fact that, according to the regulations of art. 21 and 22 of EU Directive 2013/33, the state shall apply special measures to ensure compliance with the right to healthcare for asylum seekers who are part of the vulnerable groups category, including persons with disabilities, pregnant women, elderly people, single parents with minor children, victims of human trafficking, persons with serious illnesses, victims of torture.

The Council recommended to the Government to harmonize the law on asylum and on compulsory health insurance, in relation with the European regulatory framework, namely to supplement the list of beneficiaries of health insurance provided by the state with the persons from the vulnerable groups listed in Directive EU 2013/33 seeking asylum.

The limitation of access to employment measures

The Council examined the amendments proposed for the Law on the integration of foreigners No 274/2011, according to which foreigners are to be provided with access to employment under the same conditions as the citizens of the Republic of Moldova, including the unemployment insurance systems and the stimulation of employment. Unemployment benefits are granted to the citizens of the RM, as well as to foreigners, in accordance with the provisions of the Law No 105/2018. However, art. 12 para. (8) of the draft law provides that foreigners CANNOT refuse the proposed workplace without grounds. With reference to the provisions of Law No 105/2018, particularly art. 21, we note that the citizens of the Republic of Moldova, registered as unemployed, are entitled to refuse to work proposed by the subdivision of the National Employment Agency (ANOFM), and an unmotivated, repeated refusal of an appropriate workplace results in the removal of the person from the unemployment records. Under these conditions, we note that foreigners receive a less favourable treatment in terms of freedom of labour. More specifically, the draft law, even though it aims to ensure the rights of foreign citizens under conditions similar to those applicable to the citizens of the Republic of Moldova, prohibits the refusal without grounds of the proposed workplace.

The Council recommended the amendment of the draft law by providing equal access conditions and by facilitating the access of foreigners to the labour market.

The application of a differentiated treatment to foreigners in the employment process

Having examined art. 55 para. (1) of the Labour Code, setting up the obligation to conclude with foreign citizens employment contracts for indefinite periods, the Council noted that this lead to discrimination on the grounds of nationality upon the employment of foreigners with provisional right

of residence for family reintegration, as well as of foreigners who are holder of a right of permanent residence. The Council noted that the legislation on foreigners in the Republic of Moldova recognizes several types of residence on the territory of the republic. Thus, on the territory of the Republic of Moldova, there may be foreigners who are holders of the right of provisional residence for labour purposes, to whom the provisions of Law No 180 of 10 July 2008 apply, regarding labour-related migration, foreigners with provisional right of residence for family reintegration, as well as foreigners holders of the right of permanent residence. The status of foreigners with provisional rights of residence for labour purposes is different from that of the foreigners with permanent or provisional residence rights for family reintegration.

The Council recommended that letter c¹) para. (1) art. 55 of the Labour Code be presented as follows: “c¹) with immigrant workers”.

The limitation of access to treatment with human insulin analogues for persons without citizenship in the Republic of Moldova.

The Council examined the correspondence with the standards on non-discrimination for the provision of art. 19 para. (3) of the Regulation on the organization of the population's access to insulin analogues and with vasopressin, as approved by Order No 610 of 25 July 2016. In its decision of 22 February 2019, issued by [case No 04/19](#)³⁷, the Council emphasized that the regulation of the requirement to submit the identity document of the citizen of the Republic of Moldova directly excludes the participants to the compulsory health insurance system who do not have citizenship in the Republic of Moldova. This wording creates circumstances for the rejection of the application due to the fact that the proof of citizenship in the Republic of Moldova is lacking.

The Council recommended to the Ministry of Health, Labour and Social Protection to amend the provisions of point 19 para. (3) of the Regulation on the organization of the population's access to human insulin analogues and with vasopressin, as approved by Order of the Ministry of Health No 610 of 25 July 2016, in view of excluding the discriminatory requirement.

1.7. Discrimination on the grounds of opinion

In the year 2019, the opinion ground was held in 3.8% of total issued decisions which established the fact of discrimination. In all examined cases, the Council found that intimidating situations were created for the persons as part of their activity, due to the fact that they had previously publicly exposed their position on certain aspects which they considered illegal.

³⁷http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_14_2019.pdf

In [case No 49/19](#)³⁸ the Council established that the petitioner was excluded from the list of delegated persons to participate in the seminar, in view of professional training in the People's Republic of China, due to the fact that he had turned against the non-compliant remuneration of some colleagues within international projects.

In another [case, No 50/19](#)³⁹, the Council noted that the petitioner was intimidated and insulted by the Vice Director of the institution in which she activated, due to the fact that she publicly criticized the respondent's actions and referred the National Anticorruption Centre (CNA).

In [case No 201/19](#)⁴⁰, the Council found that a local counsellor was harassed and intimidated by the mayor of the locality due to the fact that she voted against a decision which had in view one of his patrimonial interests.

1.8. Discrimination due to HIV+ status

The vulnerability and the stigmatization of people living with HIV constituted the main discrimination issue found in the year 2019.

The Council, in its decision issued on 10 July 2019 in [case No 61/19](#)⁴¹, found that the registration in the disability grade certificate of the code for each functional deficiency resulted in disadvantaging people living with HIV.

Following the examination of the respondent's position, the Council noted that the processing of medical data for statistical purposes, for historical, scientific, sociological, medical or legal documentation research constitutes a legitimate purpose; however, it mentioned the fact that the means employed to attain this purpose are not proportional. The Council stressed that, to collect and work with such data, it is sufficient for them to remain in the operational system, and it is not absolutely necessary to indicate them on the certificates issued to persons. Domestic law, in the Council's opinion, should include adequate safeguards to prevent any communication or disclosure of personal data referring to the person's health, whereas the indication of the illness code in the certificates, which can be deciphered by merely accessing the internet, cannot be considered an adequate safeguard. The Council mentioned that the failure to observe confidentiality, primarily the serological status, can determine or worsen the economic or social issues of people living with HIV, particularly upon employment, in accessing healthcare services, in the area of education, as well as in accessing other publicly available goods and services.

³⁸http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_par-ial--_49_2019.pdf

³⁹http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_50_2019.pdf

⁴⁰http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_201_-2019.pdf

⁴¹http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_61_2019.pdf

Also, in [case No 179/19](#)⁴², the Council found that the indication of the seropositive status in the medical certificate of the pupil attending a rest camp (form No 079/e) constitutes discrimination of people living with HIV, as it exposes the child to the risk of being rejected by the community.

The Council noted that the purpose of requesting a medical certificate in the case of children who are to participate in a rest camp is to protect the children's health, preventing infection in their community. Although the measure was considered necessary, the Council classified it as inadequate in view of the aim pursued. The Council explained that the children having this status are not a hazard to other children who will be socializing in the camp, which fact would be a condition for the disclosure of the diagnosis. The indication of the diagnosis on the HIV+ status is not adequate for the purpose of protecting public health, but it can generate a stigmatizing attitude to this child, causing other children to distance themselves from him.

1.9. Other criteria

The list of criteria laid down in the law with regard to ensuring equality is open; thus, in its decisions, the Council also noted criteria such as: the status of re-established person, children of victims of political repression born out of wedlock; marital status, the status of beneficiary of pensions, domicile etc. The identified issues having the above as criteria generating differentiated treatment include the following:

- the limitation of access to certain positions based on a political membership;
- the failure to comply with the equal pay for equal work principle for re-established persons;
- the breach of rights for repressed persons, if they were born in the places of repression in families which concluded the marriage after the repression, or whose parents were in non-marital cohabitation;
- the limitation of access to social benefits for the persons who do not receive their pension from the Republic of Moldova;
- the approval of social benefits to be granted selectively based on the marital status;
- the differential determination of the value of transport compensation, depending on the living place.

The limitation of access to the position of rector for the candidates who are or have been over the past five years members of a political party

The law on ensuring equality protects the persons who are in the country's territory also protects against discrimination on the grounds of political membership. The Council examined the conditions for the performance of the competition procedure for the position of rector of the "Nicolae Testemițanu" State University of Medicine and Pharmacy. In addition to the general eligibility

⁴²http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_179_-2019.pdf

requirements regulated by the Education Code No 152/2014 and by the Framework Regulation on the election of the rector of a higher education institution in the Republic of Moldova, as approved by Order No 9/2014, the list was supplemented with the condition which provides that the candidates: “are not and have not been members of any political party in the past 5 years”. Having examined the matter in terms of essential professional requirements, the Council reached the conclusion that the limitation of access for the candidates who are or who have been in the past five years members of a political party has no objective and reasonable justification.

The Council established that the requirement of not having been, in the past five years, a member of the rector position is contrary to the standards relating to non-discrimination⁴³.

The failure to comply with the equal pay for equal work principle for re-established persons

Over the course of the year 2019, the Council found that the persons re-established at the workplace become the target of discrimination.

The Council, in [case No 42/19⁴⁴](#), as well as in [case No 116/19⁴⁵](#) found that, following the re-establishment of the person at the workplace, his salary was different from that of the colleagues performing the same type of work. According to the CJEU jurisprudence⁴⁶, to assess whether the work performed in one case is comparable to another case, a series of factors must be taken into account, such as: the nature of the performed work (activities); the necessary professional training conditions; the labour conditions, the responsibility level. The Council found that the particular situation of the petitioners (re-established in labour) and the uncertainty regarding the length of the work relations (as no irrevocable solution was given) is not a relevant and substantiating circumstance, as long as they performed the same type of work, for which the colleagues were granted better remuneration.

Also, in another case, the Council found that, after the court of law decided to re-establish the petitioner at the workplace, following his illegitimate dismissal, the manager of the theatre in which he activated started harassing him. In this regard, the Council noted that, by setting up a work schedule different from that of the other employees of the theatre; the failure to include him in the list of employed persons, allowing him to enjoy the benefits of the health insurance policy for the planned surgery; the non-acceptance of the petitioner as an actor playing in the shows stage managed at the theatre; the exclusion, from the theatre’s repertory, of all the shows stage managed by the petitioner, the manager only pursued one purpose, namely that of taking “vengeance” for challenging the dismissal order. The Council, having analysed the manager’s behaviour towards the petitioner, appreciated it as hostile, intended to incur discomfort to the petitioner, using all possible means.

⁴³http://egalitate.md/wp-content/uploads/2016/04/10_09-2019-Aviz-consultativ.pdf

⁴⁴http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_42_2019-1.pdf

⁴⁵http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_116_2019.pdf

⁴⁶ ECJ, [C-237/85 Rummeler](#) [1986], [C-309/97 WGKK and others](#) [1999], [C-427/11 Kenny](#) [2013]

The Council noted that the employer has the obligation to ensure respect for dignity in labour for all employees, promoting a comfortable psychological and emotional climate in work relations, which would exclude any form of unwanted verbal or non-verbal behaviour from the employer or from other employees, which can incur damages to the employee's moral and psychological integrity.

Lack of recognition for the rights of the children of political repression born out of wedlock

The Council noted that the state acknowledged the status of victim of political repercussions for several categories of persons, including the children of the persons subject to repressions who were born in the places of repression or en route to such places. At the same time, under Law No 296/1994, a child of a victim of political repressions refers to a child born in the places of repression or en route to them, originating from marriages concluded before the repression. In the Council's view, regardless of the fact that the respective children are born from the marriage concluded before the repression or from the marriage concluded during the repressions or the children from outside the marriage, they are all in the same situation - they are children of persons who were deprived of their freedom, exiled, deported, sent for forced labour.

The Council found that the provisions of the Law No 296/1994 interpreting the notion of child born in a place of repression or en route to such place only in the case of children born from marriages concluded before the repression as not corresponding to the standards on non-discrimination.

The limitation of access to social benefits for the persons who do not receive their pension from the Republic of Moldova

The aspects claimed in the complaints examined by the Council in 2019 emphasize the fact that certain categories of persons, who are not beneficiaries of pensions or of public benefits in the national system cannot be granted other social benefits for which they are eligible. The target of this issue largely consists of citizens of the Republic of Moldova who are residing in the country, but they established their pension in the Russian Federation. This category of persons, due to the consideration that they do NOT receive their pension in the Republic of Moldova, are not in the records of any institutions, consequently they are excluded from the range of services and benefits provided to their fellow citizens who receive their pension in the Republic of Moldova.

Thus, in the decision issued in [cases No 30/2019](http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_30_2019.pdf)⁴⁷ and [No 180/2019](http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_180_-2019.pdf)⁴⁸, the Council found as follows: (i) discrimination in access to social benefits for the victims of political repressions who are not beneficiaries of pensions or of public benefits in the national system, as well as (ii) direct discrimination in terms of access to free healthcare for citizens with disabilities domiciled in the Republic of Moldova, who chose to establish the old age pension on the territory of another state.

⁴⁷http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_30_2019.pdf

⁴⁸http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_180_-2019.pdf

The Council established that the rehabilitated victims of the political repressions from the period 1917–1990 are entitled to a monthly allowance and it found that, in practice, this benefit is only provided to the persons (rehabilitated victims of political repressions) who are beneficiaries of pensions or of other public social benefits. The Council noted that this benefit aims to somewhat compensate the suffering, as well as to provide material support to all persons subject to political repressions, admitting that this conditionality was introduced to the purpose of facilitating record-keeping to social benefits. The Council emphasized the fact that, when the interest of the state to establish certain conditions for the exercise of social rights to the purpose of facilitating the record-keeping process, on the one hand, is weighed against the persons' right to be granted, under equal conditions, the benefits for which they are eligible, based on a certain status, on the other hand, the person's interest shall prevail.

In terms of access to free healthcare assistance from the state, the Council restated its previous position, namely that all citizens with disabilities domiciled in the Republic of Moldova, regardless of whether or not they are granted social benefits from another state, are in a similar situation concerning this benefit. The fact that they established their pension in another state does not incur the loss of the status of person with disability domiciled in the Republic of Moldova and it does not mitigate their vulnerability. The Council stressed that the exercise of the right of option in establishing their old age pension on the territory of another state cannot constitute reasonable justification for their inclusion in the list of beneficiaries (citizens with disabilities having their domicile in the Republic of Moldova) for the compulsory provision of free healthcare by the state.

Conditioning the granting of the allowance in case of the partner's death on the existence of a marriage relationship

The Council examined the draft law, which has the purpose to set up a social protection benefit granted to the surviving spouse in case of death of the other spouse, and found that some eligibility conditions for the obtaining of such benefits in relation to the law in the area of prevention and fight against discrimination creates the circumstances for the issuing of legislation on discriminatory situations. The Council draws attention on the fact that this condition for the granting of the allowance excludes the possibility of granting such benefit to the category of survivors who lived together as a cohabiting couple.

The Council recommended rephrasing the term “marriage” in the draft, so as to ensure compliance with the standards relating to non-discrimination. For this purpose, the Council suggest the establishment of a term which also integrates the rights of persons living together as a cohabiting couple, since the law also regulates this institution and places certain obligations related to the family members living together as a cohabiting couple.

The differential determination of the value of transport compensation, depending on the living place

For this purpose, the Council examined the correspondence of the provisions of point 9 in the Regulation establishing and paying compensation for transport services, as approved by Government Decision No 1413/2016 with the standards relating to non-discrimination. Thus, the Council found that, in accordance with art. 1, 2, 3, art. 8 letter c) and letter e) of Law No 121/2012 on ensuring equality, the analysed provisions generate a situation of discrimination of the beneficiaries, depending on their living place.

The Council established that the regulations of point 9 of the analysed Regulation is disadvantageous for the persons with severe disabilities and children with disabilities under 18 years of age, as well as the persons with severe disabilities living in localities other than the municipality of Chişinău and the municipality Bălţi, concerning the value of the quarterly compensation for transport services. The Council also noted that, for instance, the persons with severe disabilities domiciled in Chişinău receive compensation in the amount of MDL 360, the ones domiciled in Bălţi MDL 270, and the others MDL 138.

The Council noted that the minister's argument that, according to the data of the National Bureau of Statistics, the consumption expenses of households in the urban environment, including transport, are higher than in the rural environment, which also determined the differentiated compensation value, is not a judicious one. The Council stressed that the respective benefit compensates not only urban transport expenses, but also other transport services expenses. Respectively, the Council mentioned that, currently, the transport of persons by road, which is performed within the administrative-territorial unit of a locality, exists not only in the municipalities of Chişinău and Bălţi, but in other localities as well, for instance Orhei, Cahul, which, for that matter, also have the status of municipalities. Also, public transport currently exists in numerous urban localities, as well. The Council also stressed the fact that, in the rural localities, where the institutions with social purposes are not displaced (family doctor, store, pharmacy, post office), the situation of these beneficiaries is comparable to that of the beneficiaries from the urban localities, as they have to incur transport expenses in order to access these services.

The Council stressed that these circumstances clearly indicate that the transport expenses of the beneficiaries from Chişinău and Bălţi are comparable to those of the beneficiaries from the other localities of the country, which means that, in determining the compensation amount for transport services, the authorities should select an approach based on the real needs of all beneficiaries.

1.10. Monitoring of the phenomenon of discrimination as it is reflected in the media

The press monitoring activity, in terms of its reflection of the phenomenon of discrimination, allows the Council to have an overall image of the trends among the media to approach the subjects having in view some persons from the vulnerable groups and the context in which they occur.

The results obtained upon monitoring the publications in the media, as well as the comments made by the readers, lead the Council to note that, based on the pretext of the freedom of expression, certain limits are exceeded, thus generating statements with offensive content, inciting to hatred or discrimination. Preponderantly, the respective reactions are based on certain preconceptions and stereotypes related to language, ethnicity, religion, sex, sexual orientation.

If we were to refer to the messages and comments inciting to discrimination based on the language ground, the Council notes the fact that they often start from discussions with a political, historical, or cultural reference and they are directed against national minorities who do not speak the state language.

In terms of ethnicity, regretfully, in the year 2019 as well, the Council found that the trend of including the ethnicity⁴⁹ of the person in press releases or, in particular, of generalising or of shedding a negative light upon the persons belonging to one ethnicity or another has been maintained.

The fact that the ethnicity is highlighted for a negative subtext, in the articles of press titles which make publicly known certain facts and events contributes to the perpetuation of a negative conception towards certain groups. The Council reiterates the fact that the publication and the dissemination of materials mentioning ethnicity in a negative context cannot be justified by any legitimate purpose in a democratic society.

It is a regrettable situation when the authorities are the ones who issue to the press materials whose contents refer to the ethnicity of a person had in view by an infringement of the law. Such a case came to the knowledge of the Council in the year 2019 due to the journalists who promptly identified and reacted to this error of the issuing authority. At the Council's recommendation, the media published the article in an edited form, without highlighting the ethnicity. The Council appreciated the professionalism of the journalists and encourages them not to admit in the future such incidents or formulations which would stigmatize certain persons based on ethnicity.

The Council notes that the use of ethnicity in the context of describing events having a negative connotation is merely a highlighting of the minority status based on ethnic origin and it serves as grounds for making decisions with a disproportionate impact upon the members of the minority community in question, who have no relation to the reported events.

On the whole, the Council notes that the media sources are attempting to present in a positive manner the information about women, persons with disabilities and elderly women. However, these groups are presented in social contexts, stressing their vulnerability. For instance, elderly persons – helpless and lonely, persons with disabilities – isolated, asking for mercy and compassion, and the women are the ones caring for family, children and domestic chores. In this context, the Council recommends that the media reflects the persons in such groups so as not to emphasize their vulnerability but rather to provide a balanced image, which would not perpetuate certain preconceptions.

⁴⁹<https://anticoruptie.md/ro/dosare-de-coruptie/video-o-familie-de-romi-acuza-institutiile-statului-au-luat-bani-si-i-au-eliberat-pe-cei-care-l-au-ucis-pe-baiatul-nostru>

The monitoring of publications in the press, in view of compliance with the equality and non-discrimination standards, in election years, as was 2019, is a stringent requirement. Because of the electoral competition, some candidates have speeches inciting to hatred and discrimination. The Council's statistical data indicates that, most often, such behaviour is generated by the stereotypes and preconceptions based on the ground of sex, and [women candidates](#)⁵⁰ are particularly vulnerable as they, in the view of the male opposing candidates, should not hold decision-making positions. As public debates most often take place in the media, such approaches stated within TV shows or debates perpetuate discriminatory behaviours. The situation is all the more serious as the speech is given by politicians, persons in positions of accountability or in influential positions who, for society, instead of being an example of a person who respect equality, tolerance and diversity, encourage, with their attitude, behaviours inciting to hatred and discrimination.

In order to draw the attention of the key factors involved in the electoral process on the negative impact of adopting a speech which is discriminatory, offensive and inciting to hatred, the Council, together with the Ombudsperson's Office and Agency for Interethnic Relations, signed a joint declaration which contained a series of recommendations in view of ensuring an electoral climate in compliance with the standards on non-discrimination and human rights. The declaration was also supported by the Audio-visual Council and it was later published and disseminated among all providers of audio-visual services and among journalists, as well as dispatched to all political parties.

Concerning the discriminatory and offensive messages against LGBT persons, the Council notes that they are more intense in the period when events are organized which promote their rights and such events are reflected in the media. Homophobic reactions and speeches directed against the LGBT group is largely caused by prejudice and hatred against homosexual persons, catalysed by the [religious](#)⁵¹ conservative rhetoric on family and traditional values, sin and immorality. Such rhetoric is promoted along two lines, the religious, as well as the political one, as an instrument for manipulation, generating problems and false hazards and for the strengthening of some social groups against others, to obtain political dividends⁵². Religious portals continue to publish aggressive and discriminatory materials against the LGBT group, associating it with the most negative events and phenomena.

Although the [PROMO-Lex report](#)⁵³ indicates that hatred and discrimination based on sexual orientation and gender identity have dropped by approximately 30% compared to the year 2018, the LGBT group remains among the most affected groups, against which the most aggressive and violent speeches have been made, much more aggressive than the ones affecting women.

⁵⁰<https://agora.md/stiri/62517/insulte-la-adresa-unei-candidate-de-la-straseni--lipite-pe-stalpi--promo-lex-e-o-instigare-la-discriminare-si-promovarea-prejudecatilor-de-gen>

⁵¹<https://www.timpul.md/articol/controversatul--popa-ghenadie-valua-va-plati-12-mii-lei-comunitatii-lgbt-141304.html>

⁵²http://gdm.md/files/untitled%20folder/Raport-GENDERDOC-M-2019_romana.pdf?fbclid=IwAR1Vy6Ek13Qt7ONZt4NnrSMvNBSGFmbuip22XBRzfr8OmK1E6b9VmTN0Z_c

⁵³https://promolex.md/wp-content/uploads/2019/07/A4_hate_ro_web.pdf

CHAPTER II. THE RATE OF IMPLEMENTATION OF THE RECOMMENDATIONS ISSUED BY THE COUNCIL IN THE YEAR 2018-2019

2.1. General briefing on the statistics of the recommendations

Over the course of the year 2019, the Council monitored the implementation rate of the recommendations submitted in the decisions issued in the preceding year.

Reflecting the situation statistically, we note that, in the year 2018, the Council issued 84 decisions establishing the facts, submitting 110 recommendations based on them, of which: 10 had in view the area of education; 8 of them were in the area of justice, 6 referred to the violation of dignity; 45 labour; 38 the access to publicly-available goods and services; 3 had in view other areas, which cannot be related to one of those indicated above. From the total submitted recommendations, 72.8% are of general nature, and their implementation would improve the situation of a group of persons, in terms of equality. Another 27.2% are of individual nature and they are directed at remedying the particular situation of the victims of discrimination.

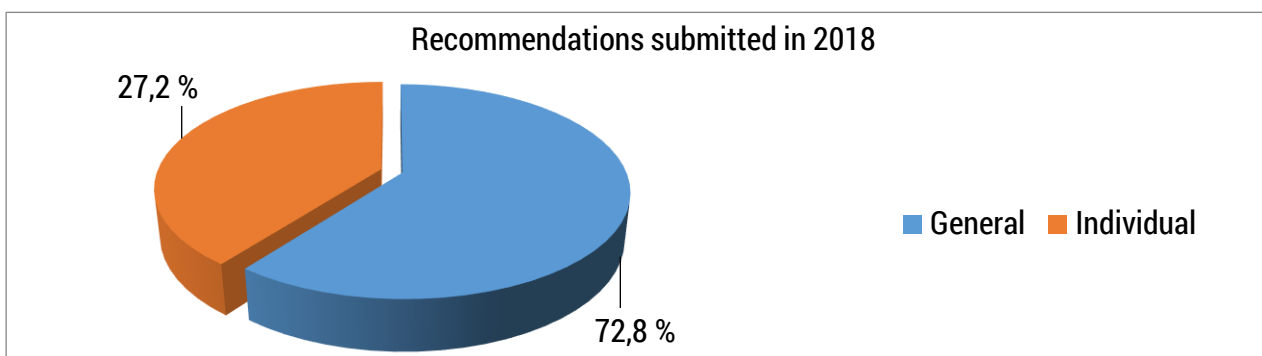


Diagram No 1 Distribution of recommendations according to their nature

Over the course of the year, from the total 110 submitted recommendations, 88 were monitored, and the others were suspended until the irrevocable decision of the court of law, following the verification of the lawfulness of the decisions in which they were submitted. Thus, the analysis of the implementation rate for the recommendations indicates that 40.9% were implemented, 46.5% have the continuous monitoring status, given the fact that they are aimed at preventing the acts of discrimination, including the obligation of the subjects concerned to make effort towards not accepting similar acts in the future, and 12.5% remained unimplemented.

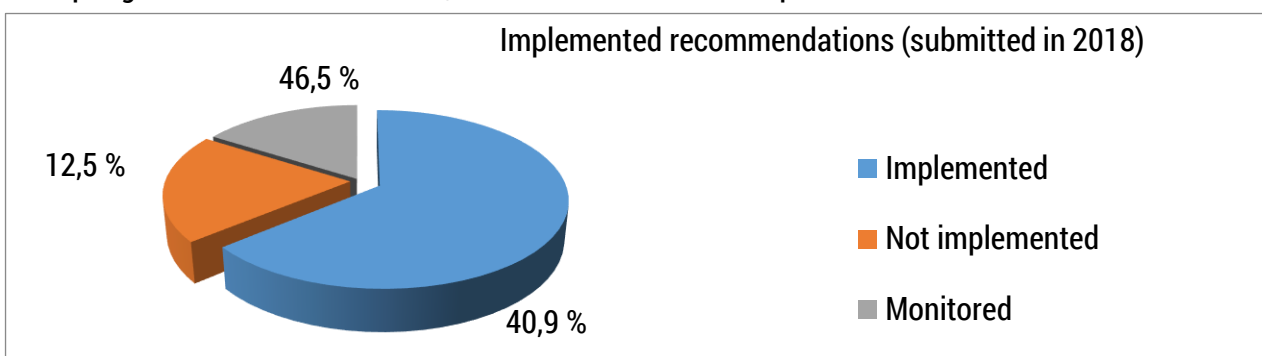
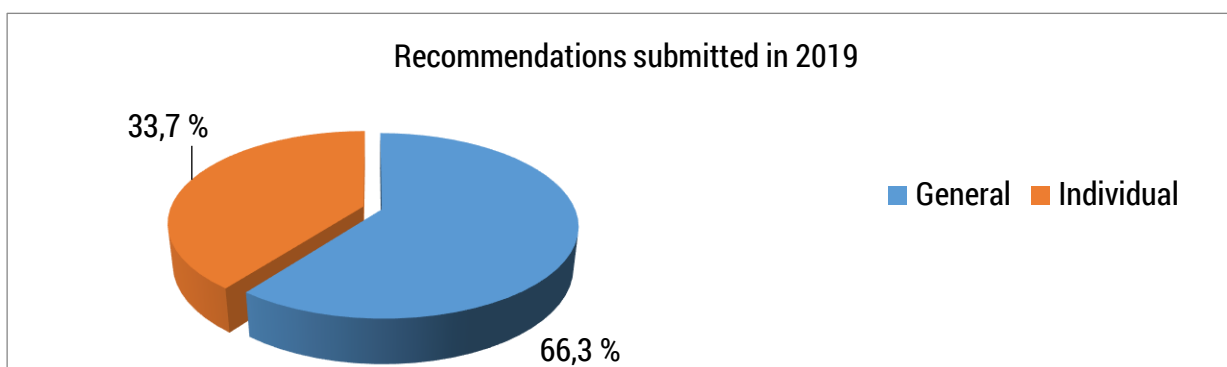


Diagram No 2 Implementation of recommendations

At the same time, the Council monitored the implementation rate/course for the recommendations submitted in the decisions issued throughout the year 2019.

The statistical overview of the recommendations submitted in the decisions issued in the year 2019 reflects the fact that 122 recommendations were submitted, of which: 40 had in view access to publicly-available goods and services; 29 regarded the violation of dignity; 24 had in view the area of education; 21 labour; 7 the area of justice. Out of the total submitted recommendations, 66.3% are of general nature⁵⁴, respectively 33.7% are of individual nature⁵⁵. Out of the total recommendations



submitted, 24 were challenged in the court of law.

Diagram No 3 Distribution of recommendations according to their nature

The analysis of the situation on the implementation of the recommendations submitted in the decisions issued in the year 2019 indicates that 30.6% were implemented, 11.2% have not been implemented, and 57.1% are being monitored, given the fact that the process was recently initiated or that the term granted for implementation has been extended.

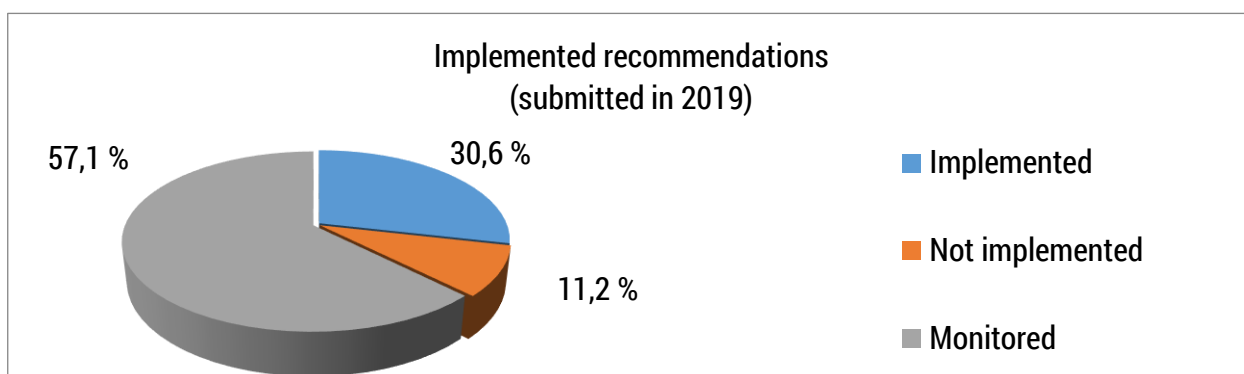


Diagram No 4 Implementation of recommendations

At the same time, in the year 2018, 15 legal acts in force were analysed in terms of their compliance with the non-discrimination standards, and 10 recommendations were submitted for the amendment

⁵⁴intended to improve the situation, in terms of equality, for a group of persons

⁵⁵aiming to remedy the particular situation of the victims of discrimination

of the regulatory framework, in view of preventing the phenomenon of discrimination. Out of the total submitted recommendations, 20% were applied and another 80%, due to the fact that they were not implemented, continue to be a potential generator of discriminatory treatment.

In view of not allowing the approval of the provisions which would treat certain categories of persons in a differentiated and unsubstantiated manner, 26 draft laws were analysed in 2018. For this purpose, 15 advisory opinions were submitted, with recommendations for the adjustment of the draft laws to the international standards on respect for human rights. Out of the total opinions issued, only in 6 cases the recommendations of the Council were taken into account and the draft laws were amended. As far as the other recommendations are concerned, their solution is as yet unknown, given the fact that there are still drafts which have not yet been approved in the final reading.

If we were to refer to the year 2019, the Council submitted for analysis, in view of compliance with the non-discrimination standards, 13 legal acts in force and 93 draft laws to the purpose of identifying the provisions with discriminatory potential. As a result of this activity, the Council issued 36 advisory opinions, thus submitting a series of recommendations, whose performance is under monitoring.

2.2. The implementation of recommendations with a collective impact

Out of the total recommendations issued in 2018, which were implemented, 80.5% have a collective impact.

For this purpose, we can mention the following progress:

- the improvement of the accessibility of information for the representatives of language minorities. The Parliament and the Chişinău City Hall launched the version of their webpages in the language of interethnic communication (Russian), as well;
- the approval by some local authorities of the internal regulations guaranteeing respect for equal chances and equal treatment at the workplace, as provided by art. 7 para. (4) of Law No 121/2012 on ensuring equality;
- The facilitation of access, for persons with impaired mobility, to the Metropolitan Cathedral, by installing an access ramp;
- the securing of gratuity for visually impaired persons for the auxiliary postal services of "writing the address on the postal dispatch, filling in the form, placement of letters in envelopes, gluing";
- the training of the recruitment staff regarding the drawing up of the employment ads.

At the same time, from the recommendations submitted in the previous decision, note must be made of the amendment of the provisions of art. 8 para. (3) of Law No 156/1998 on the public pensions system. Thus, in Law No 160/2019, it was provided that, for the non-contributory period granted for child care up to the age of 3, upon determining the pension, the national monthly average salary shall

be taken into account, instead of the minimum one, as regulated before. In the Council's view, this amendment represents an important step towards ensuring gender equality in the Republic of Moldova, by reducing the gap between the value of the pensions of men and women.

Regarding the recommendations submitted for the decisions issued in 2019, we mention the fact that, from the total implemented recommendations, 50% have a collective impact.

In this regard, in terms of progress, we can mention as follows:

- the amendment of art. 1 of Law No 121/2001 on the social protection of new categories of population, guaranteeing the right to be granted benefits for all the victims of political repressions, whether or not they are beneficiaries of pensions or of public benefits;
- the reviewing, by Government Decision No 662/2019, of the set of documents to be submitted by the applicant for the tax and customs facilities upon importing means of transport with special purpose, eliminating excessive formalism;
- the elimination of the discriminatory provisions from the Rules for the organization and operation of the educational institute, which established hair length for boys and prohibited them from wearing earrings;
- the elaboration by the "Nicolae Testemițanu" University of Medicine and Pharmacy of an internal regulation on the investigation of discrimination cases and remedial mechanisms, including procedures for protection against retaliation;
- improvement of physical accessibility for the "Sergiu Moraru" Secondary School, Obreja Veche.

We make mention of the fact that, from the recommendations submitted in the advisory opinions issued in 2018 on the draft laws, 34% were implemented, and, from the recommendations submitted regarding the legal acts, only 20% were executed.

The following results were registered in this regard:

- the elimination of the discriminatory provisions from the Regulation on the performance of military service in the Armed Forces, as approved by Government Decision No 941/2006, which deprived contract servicemen to be granted the right of requesting parental leave;
- the amendment of art. 5 para. (2) of Law No 156/1998, by including in the contributory stage the period for care in case of severe disabilities, for children under 18 years of age, or in case of a person with severe disability by one of the parents, by the guardian or curator, until employment on the position of personal assistant;
- the drawing up of draft law No 33/2020, in view of providing, for the persons domiciled in the Republic of Moldova, benefitting from old age pension from another state, the right to a free health insurance policy, under the conditions of art. 4 of Law No 1585/1998 on the provision of mandatory healthcare.

At the same time, the Council reiterates the need to implement the following recommendations:

- the amendment of the provisions of art. 7 para. (2) letter d) of Law No 133/2008 on public assistance, so as to provide for a differentiated calculation formula, taking into account the

- disability degree in calculating the guaranteed minimum income entitling the potential beneficiaries to public assistance/aid for the cold period of the year;
- the reviewing of the indicators evaluating family welfare, provided in annex No 5 of Government Decision No 1167/2008;
 - the amendment of art. 86 para. (1) letter y¹) of the Labour Code, taking into account the relevant jurisprudence of the Court of Justice of the European Union, which clarifies that the application of such provisions should be preceded by an objective and reasonable substantiation, appropriate for the pursued purpose, and the measures taken should be necessary and adequate;
 - the issuing of a legal act for the interpretation of the provisions of art. 167 para. (1) letter a) of the Code of Civil Procedure, expressly stating that Russian language is not a foreign language in the Republic of Moldova;
 - the drawing up of measures ensuring equality conditions (with the persons who established their pension after the entry into force of the provisions of Law No 290/2016) for the persons who did not have the period for childcare in case of severe disabilities, after the year 1999, included in the contribution period, by virtue of the fact that they established their old age pension before the entry into force of Law No 290/2016;
 - the change in the mechanism for setting up the fund for inclusive education.
 - the adaptation of the list of professions from Annex No 1 of Government Decision No 256/2018 in the masculine, feminine, and neutral forms;
 - the inclusion in the list of persons insured by the Government, according to art. 4 of Law No 1585/1998 on compulsory healthcare, of the uninsured persons caring for a child up to the age of 2;
 - the adjustment of the provisions of the Code of audio-visual media services to the international standards on ensuring equality;
 - the adjustment of the regulatory framework regulating the activity of the Council in accordance with the international standards, including the principles relating to the status of national institutions (the Paris Principles).

2.3. The implementation of recommendations of individual nature

Among the results obtained in view of implementing the recommendations of individual nature, submitted in the decisions issued in 2018, we can mention as follows:

- the demolition of the construction placed in the staircase of a residential building which restricted the access of persons with mobility impairments;
- the initiation of disciplinary proceedings regarding the persons who committed discriminatory acts in their activity;
- the presentation of apologies for the discriminatory behaviours.

Regarding the results attained as a result of monitoring the recommendations of individual nature, submitted in the decisions issued in 2019, we mention as follows:

- the withdrawal of sexist advertising;
- the exclusion from press articles of the phrases referring to ethnic origin;
- the provision of a reply to the petitioner in an accessible, clear and easy-to-understand form.

CHAPTER III. THE PROMOTION OF EQUALITY

3.1. Activities encouraging the persons/entities in promoting the principle of equality and non-discrimination. The Equality Awards Gala

The fellowship of human rights promoters increases with every year that passes. This fact impelled the Council to conduct activities to encourage persons/entities in concrete actions for the promotion and integration of the principle of equality and non-discrimination.

As a premiere, in the year 2019, the Council held the Equality Awards Gala. The event aimed to promote best practice models in the area of equality and non-discrimination in the Republic of Moldova.

Of the 14 nominations submitted to participate in the competition under the 5 sections, 4 winning files were selected: **The most proactive NGO** (winner - The Women's Law Centre); **The most proactive public institution** (winner - The Centre for Continuous Training in the Electoral Area); **The most proactive journalist or media institution** (winner - MOLDOVA.ORG); **The most proactive petitioner** (winner - Natalia Ciobanu). The winners who were granted the "Equality Award" trophy were chosen following the vote of the Competition Committee, following principles established strictly in the Competition's Regulation. The jury was made up of the members of the Council, representatives of the international partners for development and of the civil society. Diplomas for encouragement were also handed for remarkable actions in preventing and fighting against discrimination and in ensuring equality.

Being its first edition, the event gathered NGOs, journalists, public and private institutions, as well as individuals interested in the area of human rights in the Republic of Moldova. As this was an impactful activity, which impelled other representatives and militants for human rights to also take concrete actions in the area of non-discrimination, the Council aims to organize the event on a yearly basis.

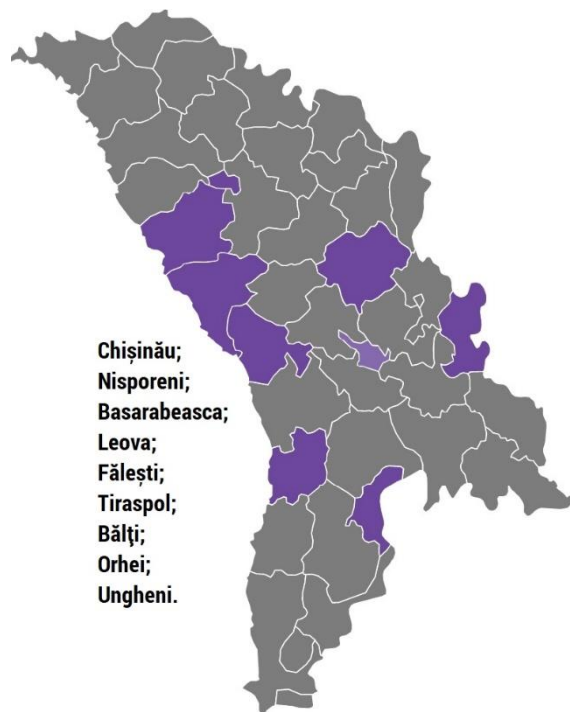


3.2. Briefing and awareness-raising activities regarding the phenomenon of discrimination

One of the basic responsibilities of the Council, stated both in the law regulating the activity of the institution, and in the strategic planning documents, consists of briefing the population and of raising its awareness on the phenomenon of discrimination, as well as of the promotion of equality.

In this context, the activities performed by the Council are multiple and complex, from the constant briefing of the population, through the institution's web page, on its activity, to the performance of briefing and awareness-raising campaigns, competitions, events marking the International Days connected to the area of human rights, drawing up and distributing informative materials of public interest, monitoring and communicating the trends of the phenomenon of discrimination of the public at large etc.

In the year 2019, particular emphasis was placed on holding briefing sessions with the participation of elderly persons and on the organization of public lessons for pupils and students. The second component is to also be strengthened throughout the year 2020.



Over the course of the year 2019, 29 training and briefing sessions were held. Students, pupils, parents, elderly persons, persons with disabilities and representatives of the vulnerable groups participated in the briefing activities which took place in the municipality of Chişinău, as well as in 8 administrative-territorial localities in the country.

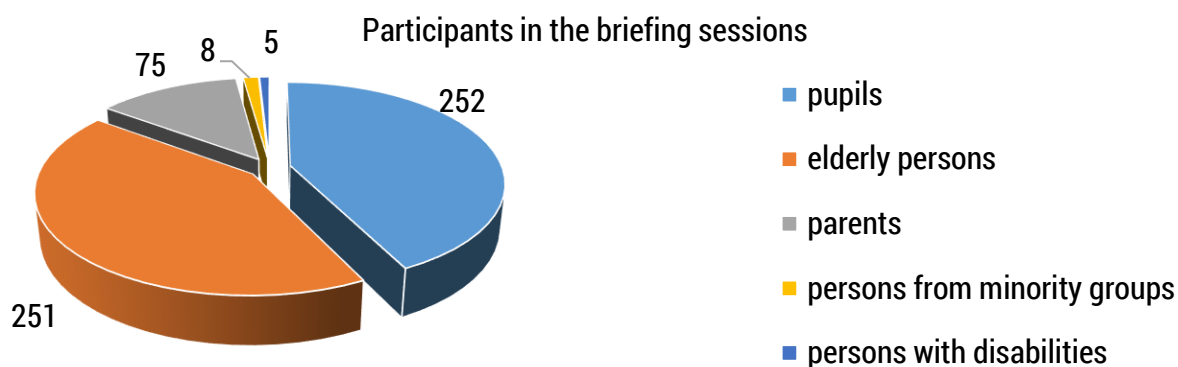


Diagram No 5 Distribution according to the participants' status

The organization of the briefing activities in the territory is also owing to the partnerships concluded between the Council and the NGOs which direct their activity towards the legal enabling of the population regarding the rights granted under the law. Thus, with the support of HelpAge International,

the Council informed in 2019 a number of 252 elderly persons regarding the right to non-discrimination. The need to organize such meetings for the elderly was dictated by the fact that, at the top of the criteria protected by law, based on which discrimination occurs, is age.

The marking of events in the area of human rights

As an institution which defend human rights, the Council has the responsibility to communicate to the public regarding the most important International Days which aim to draw the attention of the population all over the world on certain phenomena, to conjugate efforts, to develop attitudes and to raise awareness in the communities.

“ZERO Discrimination” Day – a call to people everywhere to promote and celebrate diversity, tolerance, inclusion, and to act together in view of fighting against discrimination. On the first day of spring, the representatives of the Council marked the event in a novel way, by having discussions with the passers-by in the street, informing on the phenomenon of discrimination in the Republic of Moldova and on the mechanism claiming the right to non-discrimination, as well as by distributing the symbols of spring, “mărțișoare”, “without discrimination”.



Discussions with the passers-by

The International Day of Elderly Persons – an action promoting the rights of such persons and encouraging them to take active part in all the spheres of life. The Council’s jurisprudence for the years 2017-2019 certifies a continuous growth in the number of discrimination cases regarding elderly persons, particularly in the area of employment. In the context of marking this day on the 1st of October, the institution aimed to organize training sessions in various localities of the country, to improve the level of knowledge among the elderly regarding the mechanism employed to claim the right to non-discrimination. The meetings were held in partnership with HelpAge International, in five localities.



Training session in Abaclia, Basarabeasca district

The International Day of Tolerance – an action promoting tolerance, respect and dignity all over the world. 30 days before this day, the Council, together



Award ceremony for the winners of the competition “The best slogan against hate speech”

with the Ombudsperson's Office (OAP) started an online campaign whereby they invited internet users to participate in the competition "The best slogan against hate speech, prejudice and stereotypes." The organizers received more than 60 messages, and 10 - the best, were rewarded on Tolerance Day, November 16.

In view of encouraging the participants in the competition, CPEDAE, as well as OAP and representatives of the Parliament and international organizations drew up spots condemning hate speech and advancing a call to tolerance.

As education is considered the most effective mean to prevent intolerance, the Council proposed and managed to pilot, in three high schools from the Republic of Moldova, public lessons for the pupils of 7th and 8th grade. The children were told about bullying in schools, about its effects at individual and collective level, about what it means to be tolerant and about the means to claim the right to non-discrimination. The range of public lessons in schools is a segment which will be strengthened in the year 2020.

December 10, "International Human Rights Day" – an opportunity to promote messages which encourage people to claim their fundamental rights and, when necessary, to confidently address the institutions of the state which may provide protection. Towards this day, the Council aimed to launch a quiz (online questionnaire) to test and supplement knowledge in the area of non-discrimination. Findings: **77%** of the respondents know what discrimination is; **60%** of the respondents know what a protected ground is; **75%** of the respondents know that the list of protected criteria is open; **80%** of the respondents can correctly identify a situation of discrimination; **75%** of the respondents know what the responsibilities of the Council are; **70%** of the respondents know the modalities for the submission of a complaint to the Council.

Public lesson at the Miguel de Cervantes lyceum, Chisinau



"Quiz Initiation in the area of non-discrimination"
What does "discrimination" mean?



An unfavourable treatment whereby one of my rights is violated
An unjustified differentiated treatment, applied in the exercise of a right due to a characteristic
An action taken in favour of a person



Video spot
CLAIM YOUR RIGHT TO EQUALITY

On the occasion of the same event, the Council created a video whereby the young generation calls the population not only to know its rights, but also to claim them when they are violated. The action promoting human rights by the young generation aligns with the UN urge whose slogan for the year 2019 was: “Youth Standing Up for Human Rights”.

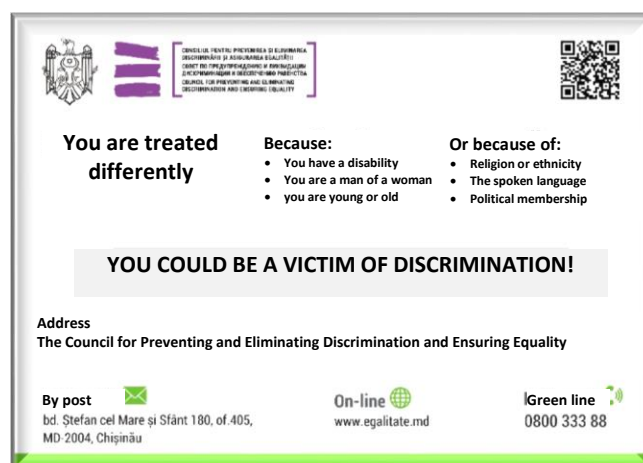
Informative materials

In view of expressly informing certain groups of the population regarding the institutions responsible for the protection of human rights, including the right to equality and non-discrimination, the Council drew up in 2019, jointly with OSCE Moldova, the Ombudsperson's Office and the Agency for Interethnic Relations an informative material in Romanian, Russian, Bulgarian, Gagauz, Ukrainian and Romani languages. They are widely distributed to the representatives of national minorities, in view of improving their capacity to address them with the institutions of the state when certain rights are violated.



leaflet
“The promotion and protection of the rights of national minorities”

In view of extending the number of persons who know how to protect themselves in case of discrimination, in the year 2019 the Council teamed up with the providers of public transport services, who helped distribute informative flyers in the public transport. Thus, the aim was to improve the population's information level on the phenomenon of discrimination, as well as to know the modalities for the submission of a complaint in case a person believes that he/she is a victim or witnesses of acts of discrimination. The distributed material contains basic information on the most frequently encountered criteria based on which discrimination occurs, as well as information on the channels a person can use to claim his/her right to equality.



leaflet
“You could be the victim of discrimination”

3.3. Training activities in the area of prevention of discrimination

The training activities in the area of non-discrimination in the year 2019 were maintained among the Council's priorities. In the reference period, the Council held a series of training sessions, in which approximately 300 persons participated, including: teaching staff, civil servants within the Ministry of Health, Labour and Social Protection, representatives of the public authorities, NGOs, social workers, police officers, employers.

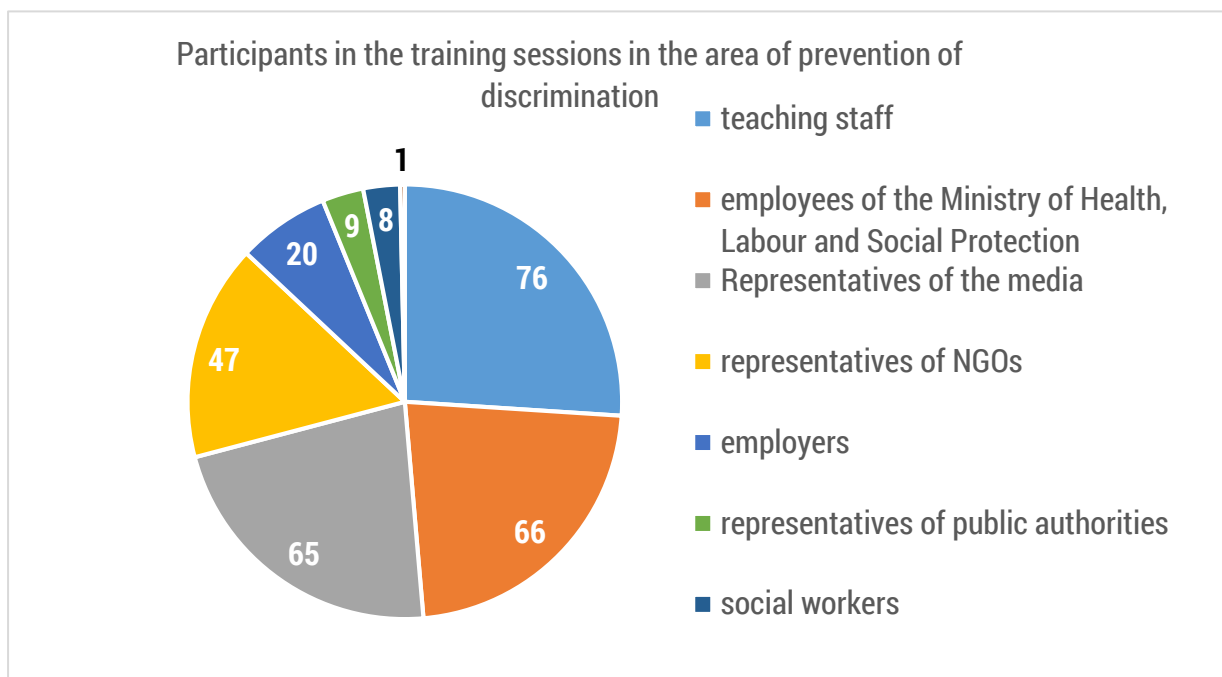
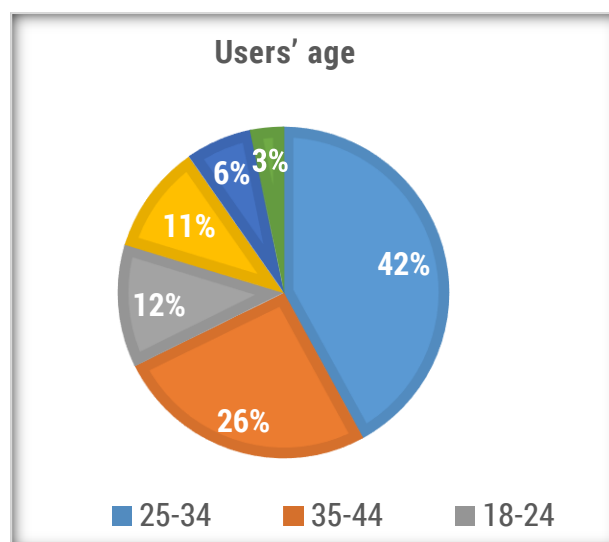
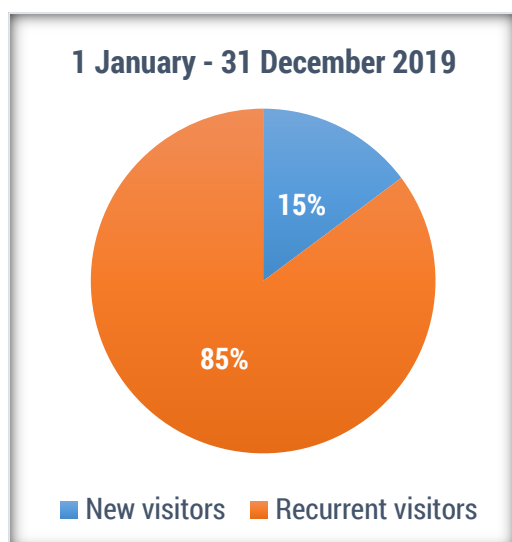


Diagram No 6 Distribution according to the type of participants

3.4. The reflection of the Council's activity in the online environment and in the media

In view of providing a continuous flow of information to the public at large, the Council's web page is constantly updated, by publishing comprehensive materials on the decisions issued by the institution, the situation in terms of prevention and fight against discrimination in the Republic of Moldova, the important events in the field, as well as the Amicus Curiae requests regarding high-visibility cases etc. The site is in an accessible format for the persons with special needs in terms of visual impairments, as well as for the representatives of national minorities. In the year 2019, the number of site users reached the number of 16,958, involved in 27,972 sessions.



The analytical data indicates that the most active website users, who are interested either in the Council's activity, or in the trends of the phenomenon of discrimination in the Republic of Moldova, are preponderantly women, whose age is between 35 and 44 years of age. In terms of geographical distribution, the visitors are preponderantly inhabitants of the Republic of Moldova, but users have also been registered from Romania, Germany, France, Russia, Italy etc.

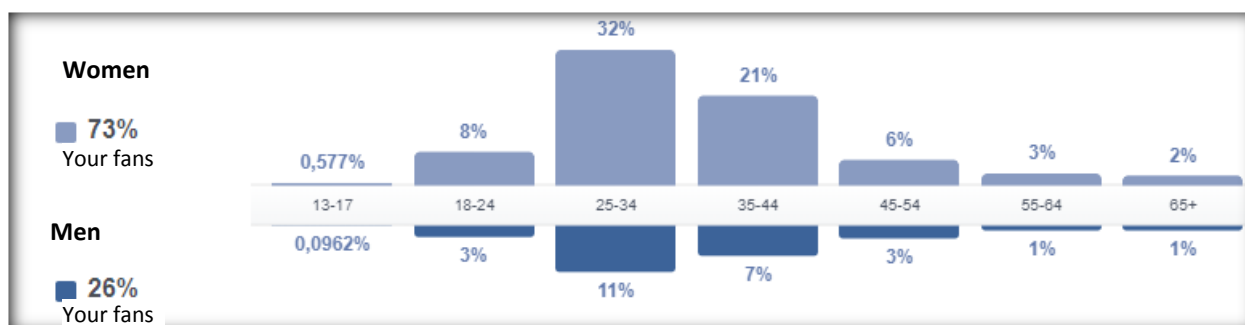
1.	Moldova	12.418 (73,05 %)
2.	Romania	2.308 (13,58 %)
3.	United States	763 (4,49 %)
4.	United Kingdom	168 (0,99 %)
5.	France	165 (0,97 %)
6.	Germany	162 (0,95 %)
7.	Russia	139 (0,82 %)
8.	Italy	123 (0,72 %)
9.	Canada	77 (0,45 %)
10.	Ukraine	70 (0,41 %)

The Council's official pages from the social networks Facebook, Twitter, VKontakte remain some of the basic instruments for communication with the public at large. They are under continual development, and the number of users has been increasing from one year to another. Thus, the Council's Facebook page registers over 2,000 users today and, in the environment, 3,500 persons with organic impact, which speaks to a high interest of internet users regarding the content of the information published on the official page.



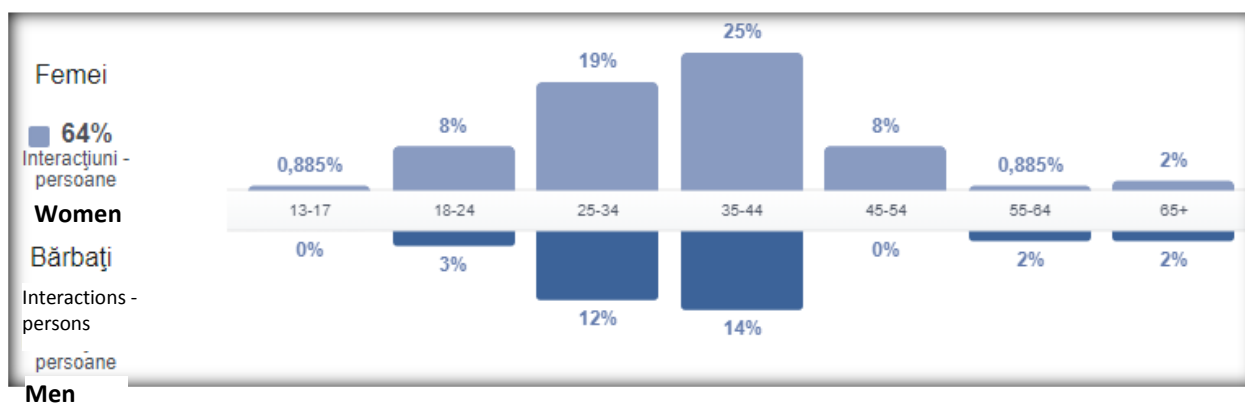
Also, in the year 2019, the number of messages addressed directly on the Facebook platform saw a considerable increase, where the advertising agencies requested the opinion of the Council's members on the sexist nature of the informative materials to be presented to the public. This work instrument considerably reduced the waiting time for a response from the Council.

As with the website, the institution's Facebook page is most often followed by women, and the average age of its fans is between 25 and 34 years.



The results indicate a slight increase in the percentage among men, when we refer to the number of persons who no longer stop at the observer status, but who also interact with the institution through the official page.

In the year 2019, we can note an increase in the number of media sources interested in the information provided by the Council on the situation in the country in the area of prevention and fight against discrimination, in view of the institution's activity of examination of the complaints, as well as of the



analysis of certain acts or draft laws. The discrimination cases examined by the Council, as well as its findings, were made public by means of press releases which were taken up by the mass communication media. In the year 2019, the Council's activity was reflected by 67 media channels, with a total of 201 occurrences in the media. The list is not only limited to the channels with coverage at regional level, but also at national level, which allows the persons in the rural environment to know about the activity and the tasks of the Council and to address it in case of discrimination. On the other hand, the regional channels which become involved in the Council's media activity have a particular quality, as they provide informative materials in the native language to the inhabitants of the respective region (Russians, Gagauz people, Bulgarians, Ukrainians).

CHAPTER IV SPECIFIC ASPECTS IN THE ACTIVITY OF THE COUNCIL

4.1. Complaint management

Report on the situation in the Council's activity regarding complaint management and the capacity to ensure the necessary conditions for the effective performance of the work process.

In the year 2019, the Council examined 257 complaints claiming discrimination. Practically, as was the case in 2018, the increasing trend in the discrimination cases reported to the Council was maintained.

The complaints submitted to the Council largely originate from natural persons and, to a small extent, from legal entities or groups. Thus, statistics indicate that, from the total natural persons who addressed the Council reporting a situation of discrimination, 141 were men and 94 were women. At the same time, 14 complaints were submitted by certain groups of persons, and 6 by legal persons.

In terms of the petitioners' gender, the analysis of the submitted complaints indicates an under-representation of women. However, it is noteworthy that women are more prominent in reporting acts of discrimination in areas such as employment and the violation of human dignity. At the same time, compared to the year 2018, we note a 4 percent increase in the number of complaints submitted by women.

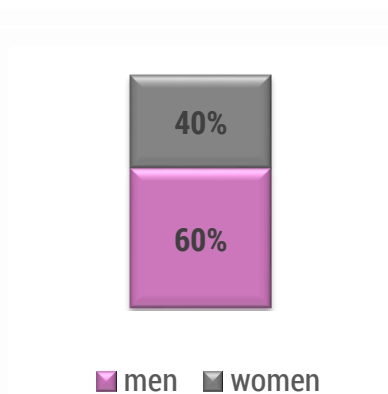


Diagram No 7 Distribution of complaints according to the petitioner's gender

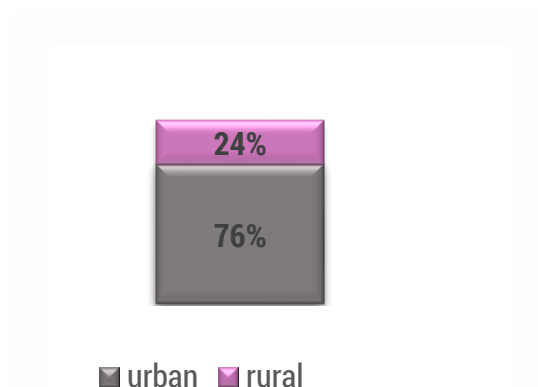
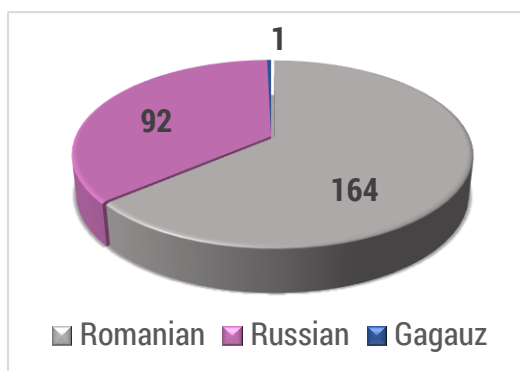


Diagram No 8 Distribution of complaints according to the petitioner's domicile

The statistics on the origin of complaints indicates that the addressability of the persons in the urban environment is higher than those from the rural environment. In this regard also, compared to the year 2018, we note a 6% increase in the number of complaints submitted by the persons from the rural environment.

With reference to the language of the complaints submitted to the Council, more than 1/3 of them are written in Russian. This result is in direct proportion with the increasing number of complaints

claiming discrimination based on the language criteria in terms of access to justice or access to publicly-available goods and services.



After the Council examined a complaint submitted in English, in the year 2018, in 2019 it examined a complaint address in Gagauz language. 2 other complaints were submitted in the official language, but written in Cyrillic alphabet.

Diagram No 9 Distribution of complaints according to' the language in which they were submitted

Whereas, in the preceding year, most petitioners submitted their complaints in person, at the Council's office, in the year 2019 this channel was significantly reduced. By contrast, addressability by post has increased. Also, the number of complaints submitted through the online platform for the submission of complaints has increased, which is accessible on the website www.egalitate.md.

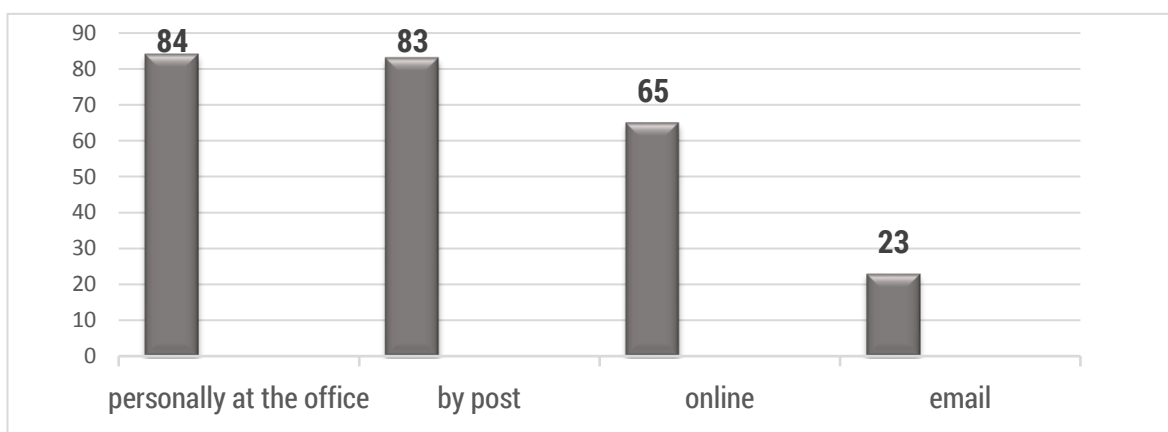
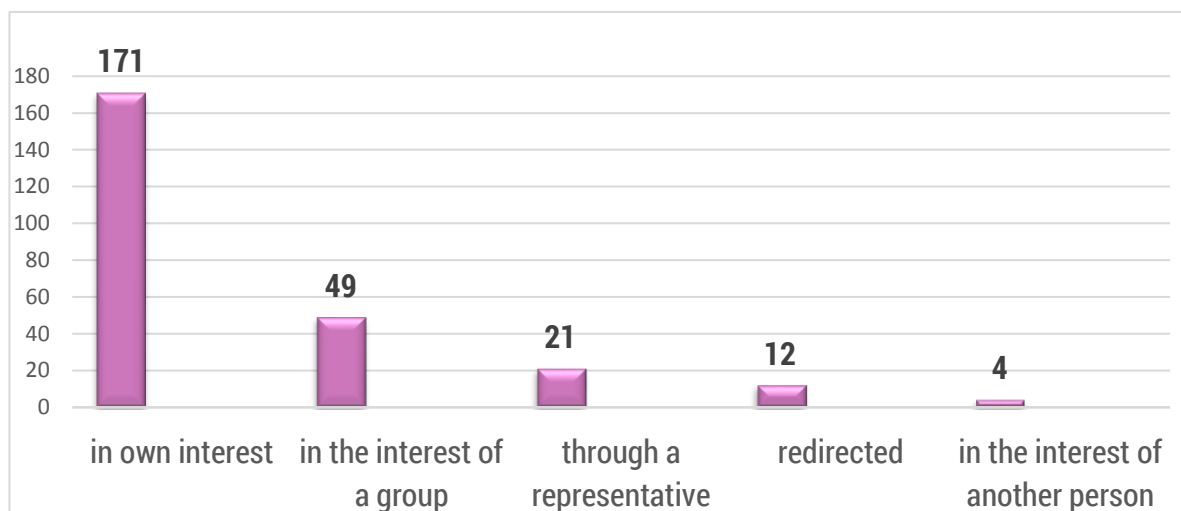


Diagram No 10 Distribution of complaints according to' submission modality

The highest number of complaints submitted to the Council are in own interest; in fact, this mode of action has been more prominent over the years. In the year 2019, we can note a slight

increase in the number of complaints submitted in the interest of other persons or even in the interest of



groups of persons.

Diagram No 11 Distribution of complaints according to' the mode of action

The number of cases examined by the Council over the course of the year 2019 was of 263 (50 of these being registered in 2018). From the total number of completed files, 235 were examined with the issuing of decisions, 11 complaints were terminated/withdrawn by the petitioners due to personal reasons, 16 were settled amicably, and an advisory opinion was issued for 1 complaint. Out of the total number of decisions initiated over the course of the year 2019, 44 cases were under examination as on 31 December 2019.

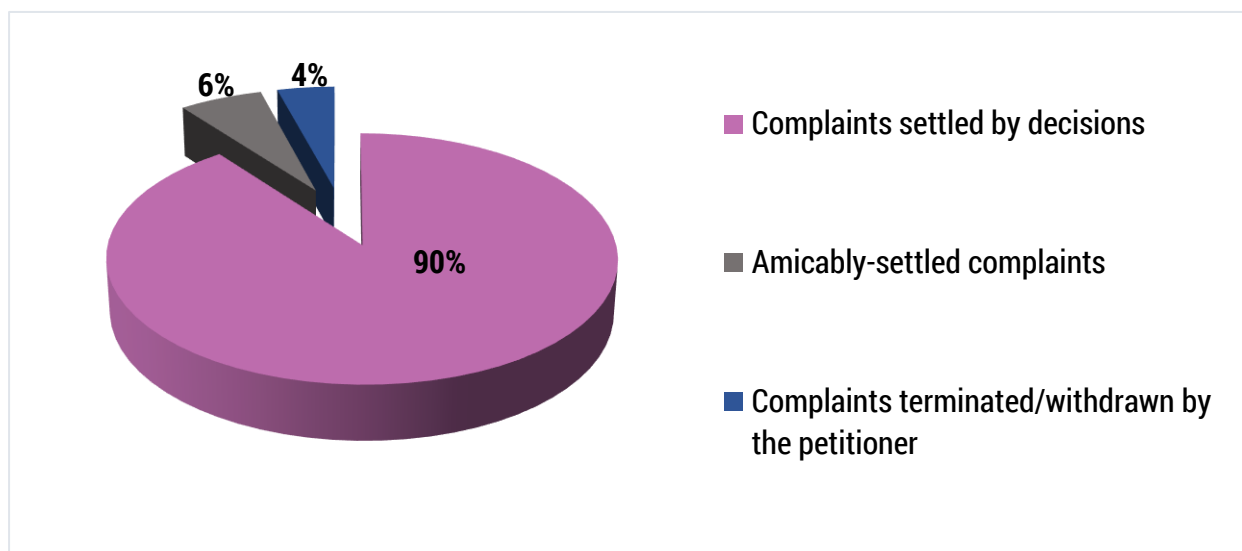


Diagram No 12 Data on the settlement of the discrimination cases reported to the Council

Depending on the complexity of the cases, the term for the examination of the complaints pending before the Council preponderantly varied between 30 and 90 days.

Compared to the preceding year, 2019 saw a 6-fold increase of the cases examined in up to 30 days. Due to the high number of cases which were not settled in 2018, as well as due to insufficient staff, 18 percent of the files were settled in a period of more than 90 days in 2019.

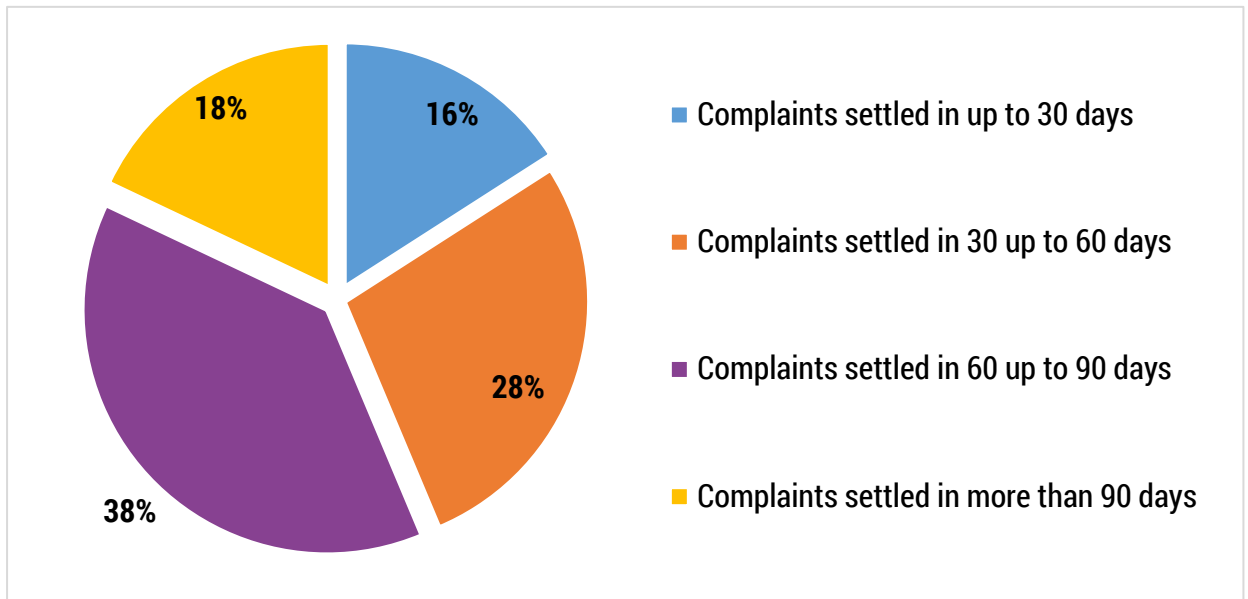


Diagram No 13 Data on the term for the examination of complaints by the Council

In the reporting period, of the 235 files settled by decisions, the fact of discrimination was established in 76 cases, which represents 32 percent.

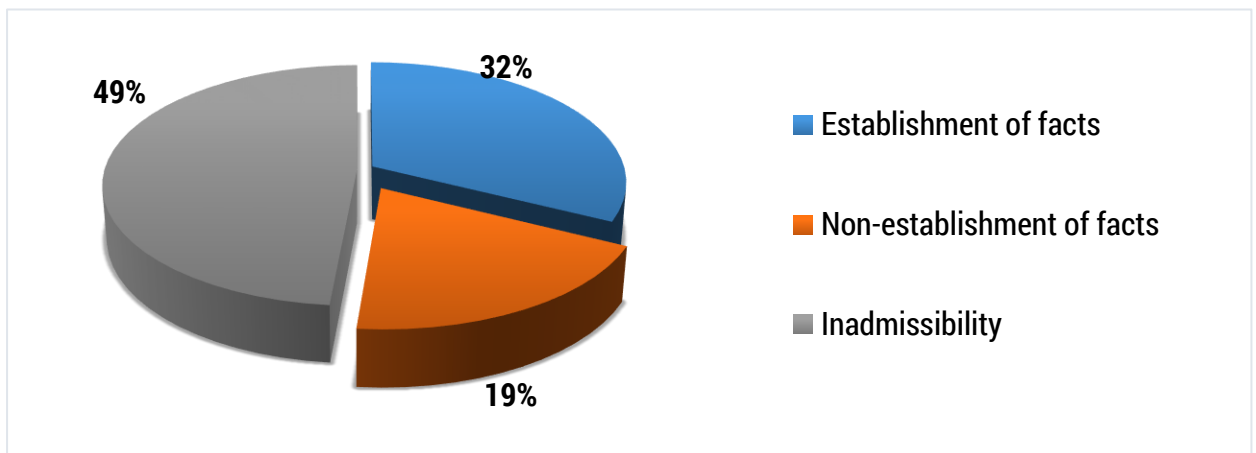


Diagram No 14 Data on the type of decisions issued

Compared to the previous year, in 2019 we note a decrease in the number of decisions establishing the act of discrimination, but the number of inadmissibility decisions increased instead. Such data, in relation to the increasing number of complaints submitted to the Council, indicate the fact that, although an increasing number of persons address the Council, as they have learned of its notoriousness, the phenomenon of discrimination is, however, not understood and perceived as such.

The areas in which situations of discrimination were reported, as in the previous years, are maintained, being: access to publicly-available goods and services, the area of employment, access to justice. The violation of human dignity is the area in which, compared to the previous year, the number of decisions establishing discrimination increased by 5 percent.

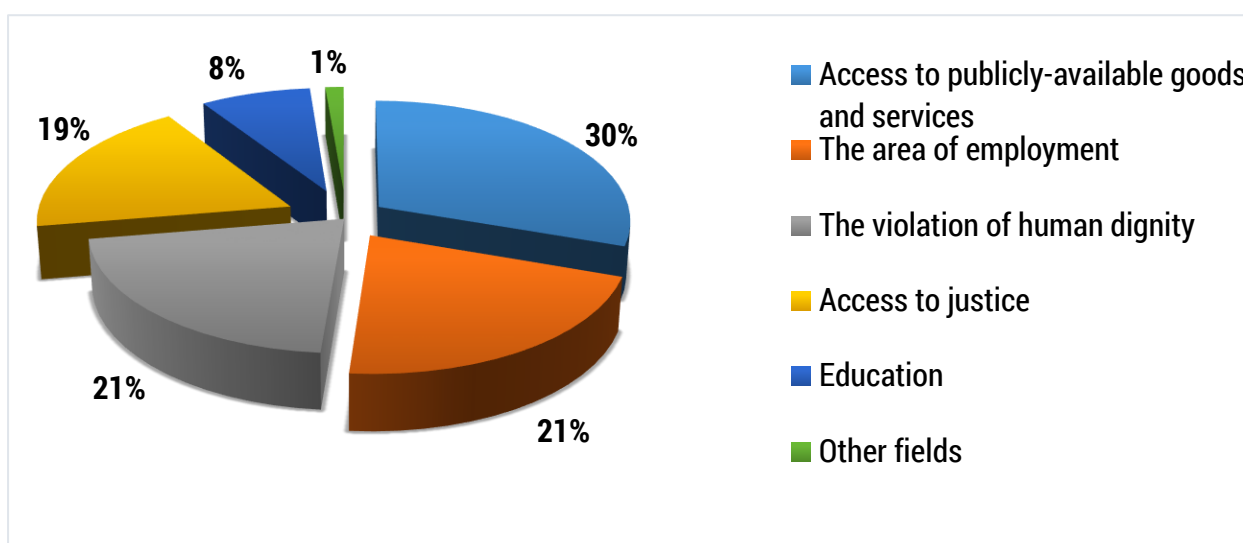


Diagram No 15 Distribution of decisions according to the area

The criteria most frequently claimed in the complaints received, based on which the act of discrimination was established are: sex/gender, language, disability/health status, religion or convictions and the status of beneficiary of pensions.

Protected criteria \ Areas	Access to publicly-available services and goods	The area of employment	Justice	The violation of human dignity	Education	Other fields	TOTAL, %
sex/gender/marital status	2.50	3.75	1.25	15.0	1.25	1.25	25.00
language	6.25		16.25				22.50
disability/health status	7.50	2.50			3.75		13.75
convictions/religion	2.50			1.25	2.50		6.25
pensioner status	2.50	3.75					6.25

National/ethnic origin/citizenship				3.75			3.75
status of re-established person		3.75					3.75
age	2.50					1.25	3.75
opinion		3.75					3.75
HIV+	1.25			1.25			2.50
professional status		1.25		1.25			2.50
domicile	1.25						1.25
another similar criterion	5.00						5.00
Total, %	31.25	18.75	17.50	22.50	7.50	2.50	100.00

Table No 1 Protected criteria in view of the Council's decisions (% of the decisions establishing the facts)

4.2. The Council's interventions before the courts of law

In 2019, 33 decisions were challenged, 24 of which were decisions establishing the facts, 6 of inadmissibility and 3 decisions in which the facts were not established. Of these, 10 were challenged by the public authorities. At the same time, the actions of representation before the court of law continued for 22 cases challenged in the previous years. On the whole, throughout the year 2019, representation was ensured in 55 cases, and 6 of these were completed. Out of the total number of files for which the judicial procedures were completed, 6 ended successfully, which represents 100%.

In 2019, the members of the Council drew up 7 minutes of contravention, 6 minutes based on art. 71² due to the intentional ignoring and to the non-fulfilment of the Council's recommendations and one minutes based on art. 54² para. (2) for harassment in employment. 5 of these have the final decision of the court of law to maintain the applied sanction (between 30 and 60 conventional units), and 2 minutes are under examination.

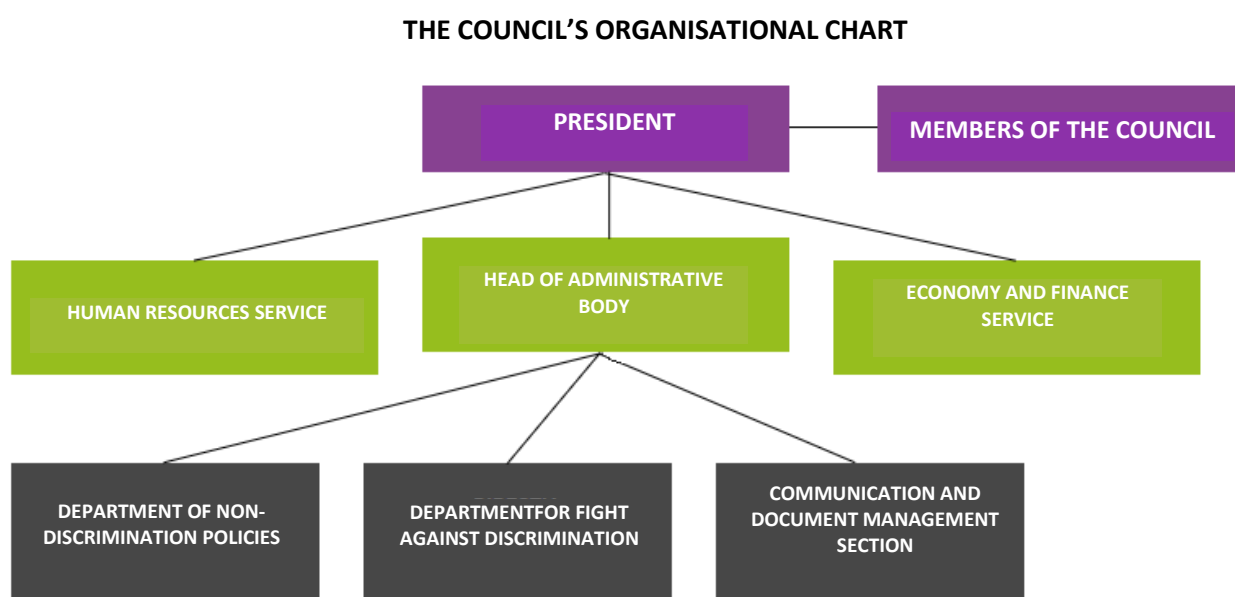
On the minutes ascertaining harassment in the area of employment, based on art. 54² para. (2) of the Contravention Code, the court of law applied the sanction of MDL 10,000 and the deprivation of the right to hold positions for 6 months within the General Police Inspectorate of the Republic of Moldova or within its subdivisions.

As a public authority having competence in the area of non-discrimination, the Council, over the course of the year 2019, submitted in the courts of law 8 conclusions on the cases which referred to acts of

discrimination. In 6 cases, the Council was involved in the process to submit conclusions on the repair of the material and moral prejudice caused by the act of discrimination. In two other litigations, the Council submitted its conclusions on the establishment of the acts of discrimination. Based on the information accumulated at the time, the courts of law took note of the Council's position and ascertained the discrimination and/or granted remedies.

4.3. Institutional capacity

In view of ensuring better functionality of the Council, some changes were made in the organizational structure at the beginning of the year 2019. The Council is constituted of the management and the



administrative body, made up of 3 subdivisions specialized in the area of prevention and fight against discrimination and promotion of equality.

At the end of the year 2019, the total number of employees of the Council was of 13 civil servants and 1 person with public official function.

	Public management function	Public execution function	Total
Maximum number of staff as on 31.12.2019, in units	5	15	20
Public functions/positions held as on 31.12.2019, in persons	5	8	13
Occupancy rate of public functions/positions, %	100%	53%	65%

Table No 2 Staff coverage rate

From the total number of units, the occupancy is of 65%. Worth mentioning is the fact that there is an acute shortness, of approximately 50 percent of the execution staff which has direct responsibilities in analysing the national law in view of compliance with the standards on non-discrimination, as well

as in terms of staff providing assistance to the members of the Council in examining the complaints received, claiming acts of discrimination.

From the 7 vacancies, only 3 were filled in 2019. A number of 81 files was submitted for the employment competitions. The low occupancy of the vacant public offices is caused by the low level of knowledge and experience in the field, as well as by the low wage level in relation to the complexity of the activity. The specialized staff within the Council has higher education in the areas requested for the functions. Out of the total number of employees, 6 have bachelors' degrees, 7 persons have master's degrees, 1 person is a doctor of sciences, 1 person is completing a postgraduate master's program.

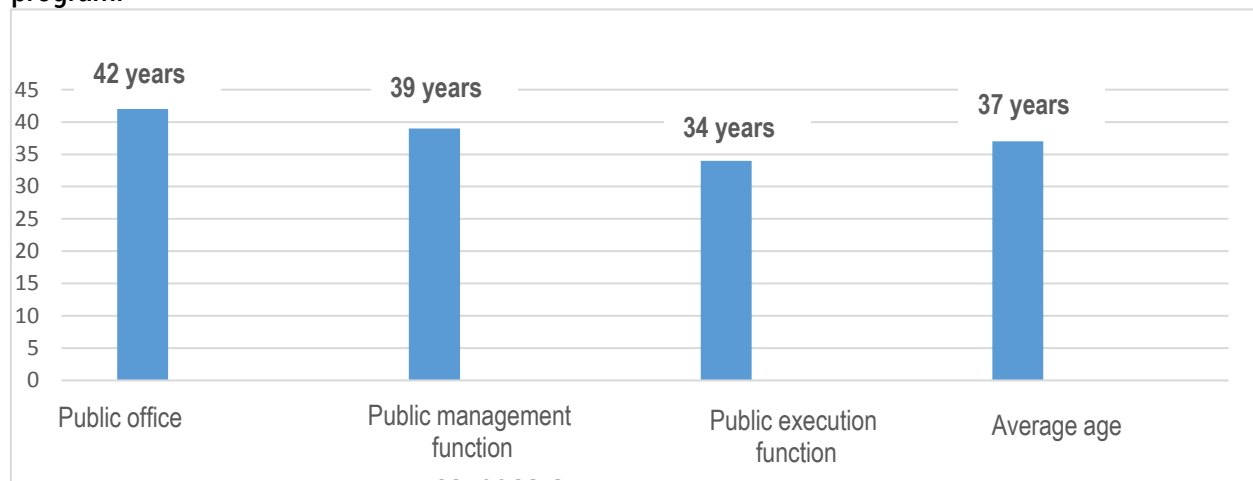


Diagram No 16 The Council's staff by age categories

In the structure of positions held in the year 2019, men have a rate of 14%, and women 86%.



Diagram No 17 The Council's staff according to gender

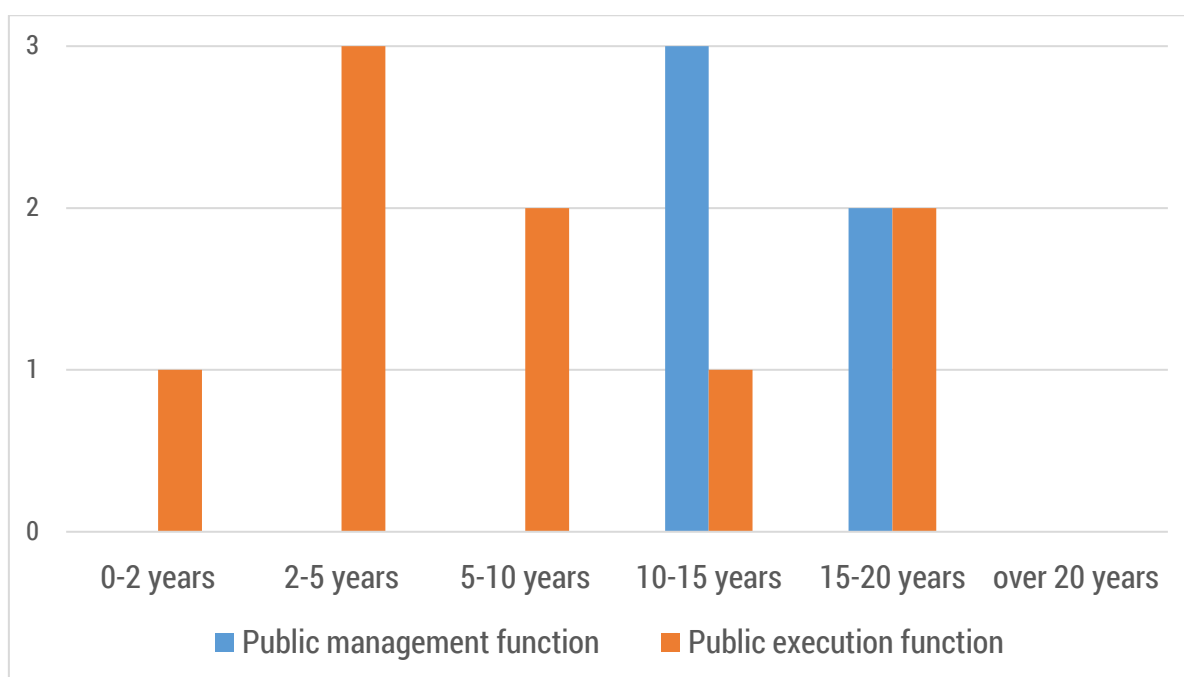


Diagram No 18 Total length of employment for the staff

During 2019, out of the total number of civil servants, 2 were beginners, one of them completed the probation period and was confirmed in the public position. As the Council established high professional standards for its employees, the entire newly-employed staff benefitted from social and professional integration and participated in professional training classes organised internally, as well as externally.

For continuing professional development, the Council's employees participated in training activities of various types and forms, where they had the possibility to enhance their knowledge and to acquire new information needed for the efficient fulfilment of their job duties. Thus, during 2019, 16 employees of the Council were trained internally and externally.

No	Type of training	Number of training hours
1.	Internal	200 hours
2.	External in the country	420 hours
	Total	620 hours

Table No 3 Type and number of training hours

The most important training provided to the Council's employees were:

The courses organized by the Academy for Public Administration:

"The use of new information technologies in public administration"

"Leadership in public administration"

"Development of skills for the performance of job duties"

Workshop:

“Human resources management and development in the public service in the Republic of Moldova”;

“The register of public functions and of civil servants”,

“The specific nature of diversity and national minorities reporting in the Republic of Moldova”;

“Rights-based approach in the elaboration and analysis of public policies”;

The training organized by the Agency for Interethnic Relations in partnership with the OSCE Mission in Moldova, regarding health, human rights and minorities;

Training in graphic design.

4.4. Financial resources

Over the course of the year 2019, the Council for Preventing and Eliminating Discrimination and Ensuring Equality complied with its budget-related commitments, directing its efforts toward improving the efficiency and efficacy of budget expenses.

For the needs of the Council, a budget of **4,258.7 thousand MDL** was provided and approved in the budget in the year 2019. From the respective amount, the following were allocated: for the remuneration of the employees' work - 1,775.4 thousand MDL; for the remuneration of the Council's members - 366.3 thousand MDL; for the payment of goods and services - 1,198.5 thousand MDL.

CHAPTER V. RECOMMENDATION ON THE IMPROVEMENT OF THE SITUATION IN THE AREA OF PREVENTION AND ELIMINATION OF DISCRIMINATION AND OF ENSURING EQUALITY

The Parliament of the Republic of Moldova

- To ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence;
- To ratify Protocol No 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- To ratify the Optional Protocol to the UN International Covenant on Economic, Social and Cultural Rights;
- To ratify the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities;
- To ratify Optional Protocol No 3 to the UN Convention on the Rights of the Child;
- To adopt the amendments to Law 121/2012 on ensuring equality and Law No 298/2012 on the Council's activity for Preventing and Eliminating Discrimination and Ensuring Equality, in accordance with the recommendations submitted by the international and regional bodies for the protection of human rights and by other relevant actors with expertise in the field of non-discrimination;
- To adopt the package amending the law on the effective prevention and combating of offences motivated by prejudice and of hate speech;
- To adopt the draft for Law No 33 of 06.02.2020 amending art. 4 of Law No 1585/1998 on the mandatory provision of health insurance, guaranteeing for the pensioners domiciled in the Republic of Moldova the right to benefit from free health insurance provided by the state, regardless of the pension provider and regardless of the changes which may occur regarding the part having in view the social services provided to them;
- To rephrase the provision of art. 5 para. (1) of the draft law regarding the granting of benefits in case of death of one of the spouses, as the term "marriage" sets up an unsubstantiated restriction of the right to be granted such benefit for the persons living together as a cohabiting couple.
- To initiate the amendment of the Law on declaring personal assets and interests No 133/2016, to set up alternatives for the declaration of assets and personal interests, exclusively in electronic form, for the subjects who waived the IDNP based on religious convictions;
- To amend the provisions of Law No 296/1994 for the interpretation of some provisions of the law on the rehabilitation of the victims of political repressions, so that the category of "politically repressed persons" may also include the children born in places of detention, even if they were born from marriages concluded before or after the repression, or born out of wedlock;
- To adopt legislative amendments implementing the provisions of art. 10 para. (2) of the Framework Convention on the Protection of National Minorities, which provides for the obligation of the state to ensure, in the "traditionally inhabited areas or to a substantial number

of persons belonging to national minorities, if the persons request this and where this corresponds to real needs, in as much as possible, which conditions allow for the use of minority languages in the relation between such persons and the administrative authorities.”

The Government of the Republic of Moldova

- To initiate the procedure amending the provisions of art. 4 para. (4) and para. (5) of the Law No 1409/1997 on medicines, so that the instructions for the use of medicines, as well as the information from the packaging of medicines authorized for use in the Republic of Moldova (particularly those traded in pharmacies) are available in Romanian and in Russian and, as applicable, in other minority languages spoken on the territory of the Republic of Moldova.
- To amend Government Decision No 372/2010 in view of adjusting the provisions pertaining to the provision of balneotherapy equally to all employees, regardless of whether or not they have a disability grade or whether they are beneficiaries of old age pension;
- To introduce in the draft Land Code the possibility for the persons with disabilities to benefit from the free assignment of a plot of land for the construction of an individual home, in exchange for the residential area decided by the local public authority;
- To propose the supplementing of art. 20 of the Law No 60/2012 on the social inclusion of disabled people, by regulating the obligation of the owners of public places and/or of managers or administrators of the means of transport to display a symbol indicating that, in the respective area, the access of guide dogs is allowed;
- To take urgent actions to render accessible the offices of the public entities which serve not only for the exertion of voting rights, but also as providers of public services, so that the persons with disabilities may exert their rights;
- To initiate the amendment of art. 86 para. (1) letter y¹) of the Labour Code, taking into account the relevant jurisprudence of the Court of Justice of the European Union, which mentions that the application of such provisions should be preceded by an objective and reasonable justification, appropriate for the pursued purpose, and the measures taken should be necessary and adequate.
- To phrase the text of letter c¹) para. (1) art. 55 of the Labour Code as follows: “c¹) with immigrant workers”;
- To initiate the harmonization of Law No 1585/1998 on compulsory health insurance with Directive 2013/33/EU laying down standards for the reception of applicants for international protection, namely to supplement the list of beneficiaries of health insurance provided by the state with the persons seeking asylum from the vulnerable groups listed under art. 21 of the Directive;
- To initiate the amendment of Law No 274/2011 on the integration of foreigners, providing to foreigners equal conditions for access to the labour market;
- To amend the provisions of point 9 of the Regulation on the setting up and payment of the compensation for transport services, as approved by Government Decision No 1413/2016 so

that the value of the quarterly compensation for transport services, granted to the persons with disabilities, is in agreement with the real needs of the beneficiaries.

The Ministry of Health, Labour and Social Protection

- To review the Action Plan for the implementation of the National Employment Strategy for the years 2017-2021 and to introduce incentives in view of agreeing upon a concept on the development of nursery institutions and of ensuring the implementation of Education Code No 152/2014 on the inclusion into pre-school institutions of children from the age of 2, so that the parents may have the possibility to be more easily employed;
- To review the number of subventions intended for employees, to ensure the actual inclusion of persons with disabilities in the area of employment;
- To initiate the amendment of the provisions of art. 7 para. (2) letter d) of Law No 133/2008 on Public Assistance, so as to provide for a differentiated calculation formula for the minimum monthly wage per family, depending on the disability and on the work capacity of the members of the applicant family;
- To propose the reviewing of the indicators evaluating family welfare, provided in annex No 5 of Government Decision No 1167/2008 approving the Regulation on the establishment and payment of public assistance;
- To amend the provisions of point 19 para. (3) of the Regulation on the organization of the access of population to treatment with human insulting analogues and vasopressin, as approved by Order of the Ministry of Health No 610 of 25 July 2016, so that the non-citizens contributing to the health insurance system may be granted treatment;
- To draw up conflict management programs (physician-physician; physician-patient) for the medical institutions, so as not to accept the intimidating and offensive behaviours among employees, as well the behaviours of the beneficiaries of healthcare services;
- To initiate the amendment of the regulations, so as to exclude the column indicating the functional deficiency code, ensuring the confidentiality of medical data for all persons;
- To decide upon the change, free of charge, of the certificates of disability grade, which contain the code of the functional deficiency;
- To amend form No 079/e, so as to exclude the indication of illnesses/the diagnosis of the child, substituting point 6 with the phrase “poses/does not pose imminent threat of community infection by interacting with them”.

Ministry of Education, Culture and Research

- To review the Standard Regulation on the organization and operation of primary and secondary education, 1st and 2nd cycle, as approved by Order No 235 of 25 March 2016, to explain the “decent outfit” notion, so as not to allow for an erroneous interpretation;
- To set up positive measures oriented towards facilitating the access of persons with hearing impairments to high school and higher education;

- To make sure that the foreign language subjects, in special education institutes for pupils with hearing impairments should be taught until the secondary cycle is completed;
- To review the Guidelines on the specific procedures for the examination of pupils with special educational requirements and the Regulation on the national high school exam, as approved by order of the Ministry of Education, Culture and Research No 47 of 23 January 2018, in terms of reflecting the positive measures for the pupils with hearing impairments.
- To issue a communication to the local specialized bodies in the area of education and to educational institutes at all levels, to ensure the lay nature of education, including (i) not to accept the construction and placement of religious buildings on the premises or on the territory of educational institutions, (ii) not to accept the performance of religious ceremonies on the premises or on the territory of educational institutions.

The “Nicolae Testemițanu” University of Medicine and Pharmacy

- To eliminate the requirement within the Framework Regulation on the election of the rector of the higher education institution in the Republic of Moldova, as approved by Order No 9/2014, which provided that the claimants: “are not and have not been members of any political party in the past 5 years”.

The Directorate General for Education, Youth and Sport of the Chișinău Municipal Council

- To supervise that no religious activities are performed in the territories of educational institutions, contrary to the principles of lay education.

Education institutes

- To draw up an action plan directed towards rendering accessible the institution and towards providing reasonable accommodation for special needs pupils;
- To take appropriate measure for the reasonable accommodation of the educational process for the pupils with behavioural disorders;
- To take the necessary actions not to admit the religious influencing of children on the premises of the preschool unit, including those of not exposing the children to religious ceremonies throughout the educational program;
- To exclude from the educational process the educational auxiliary materials for the subject “Moral and Spiritual Education”, which exclusively reflects a religion, presenting it as a feature of the Romanian people, as the education of children in this regard does not contribute to their training in the spirit of the diversity of values.

Ministry of Internal Affairs

- To remove the religious symbols from the institution’s hallway and ensure the protection/safeguarding of the neutrality of the public service and of the principle of secularism.

General Police Inspectorate

- To carry out a survey analysing gender-based aspects as part of the activity of the Police, with the involvement of the Association of Women in the Police.
- To examine, from a disciplinary viewpoint, the actions of the employees who commit acts of discrimination and to organize thematic training on human rights-based approach, so that all persons may enjoy equal protection provided under the law.

The police directorate of city of Chişinău

- To take the necessary action in view of enforcing the decision of the Vice Mayor of Chişinău municipality No 733-d of 01.10.2018 regarding the suspension of the unauthorized construction from the address No 4 Matei Basarab street, by limiting the unauthorized access of external persons into the yard of the educational institute, as well as on the premises of the construction.

Courts of law

- To ensure the necessary number of translator units, to guarantee access to justice for the national minorities.

The Râşcani sector administration

- To take the necessary action in view of executing the decision of the Vice Mayor of Chişinău municipality No 733-d of 01.10.2018 regarding the suspension of the unauthorized construction from the address No 4 Matei Basarab Street, by initiating the procedure for the demolition of the unauthorized construction and for the restoration of the land to its initial condition.

Municipal Enterprise “The Trolleybus Directorate” of Bălţi Municipality

- To take appropriate actions in view of facilitating the access of persons with disabilities to public transport services, including the systematic training of drivers on the provision of non-discriminatory services to the passengers.

Politicians

- To make every effort in order to evince more responsibility in their communication on the social networks, as well as in their public positions, refraining from declarations and statements inciting to discrimination.

Mass media

- Not to accept phrasing referring to the persons' ethnic origin.

Employers

- To apply reasonable accommodation measures, according to the needs of the persons with disabilities;
- Not to admit intimidating behaviour towards the employees, based on the protected criteria against discrimination;
- To comply with the equal pay for equal work principle for re-established persons;
- To train the staff on view of performing services in a non-discriminatory manner and to ensure effective communication with the customers.

Real estate companies

- To draw up a methodological guideline assessing the customers' requirements in terms on non-discrimination, and to train real estate agents in the area of equality and non-discrimination.