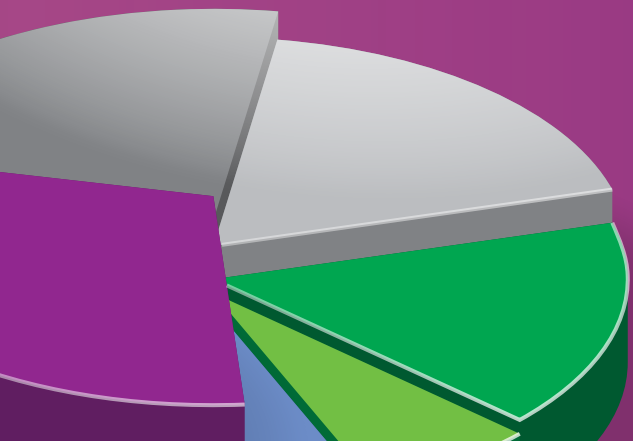




# Discrimination in the Republic of Moldova 2020



**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**

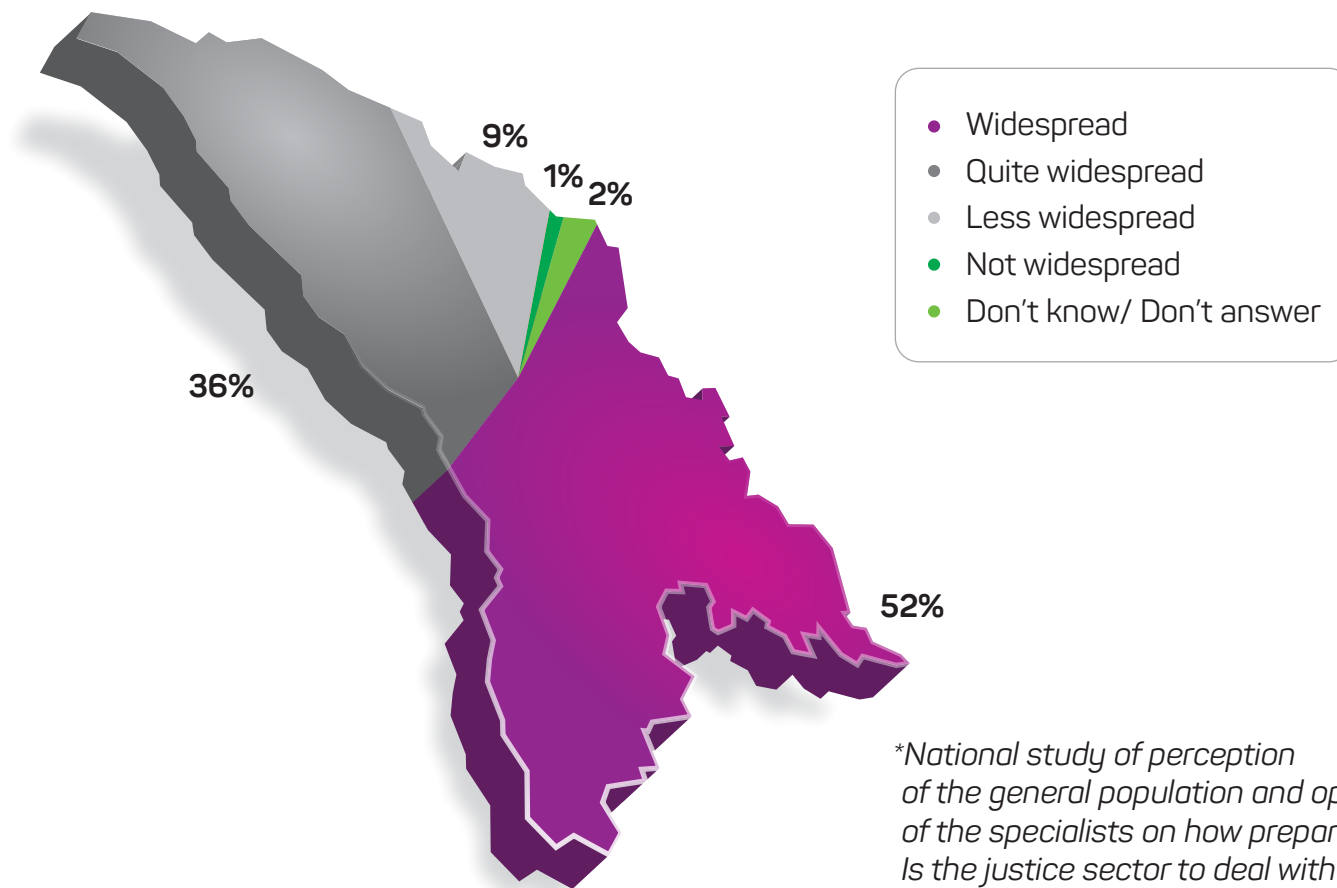
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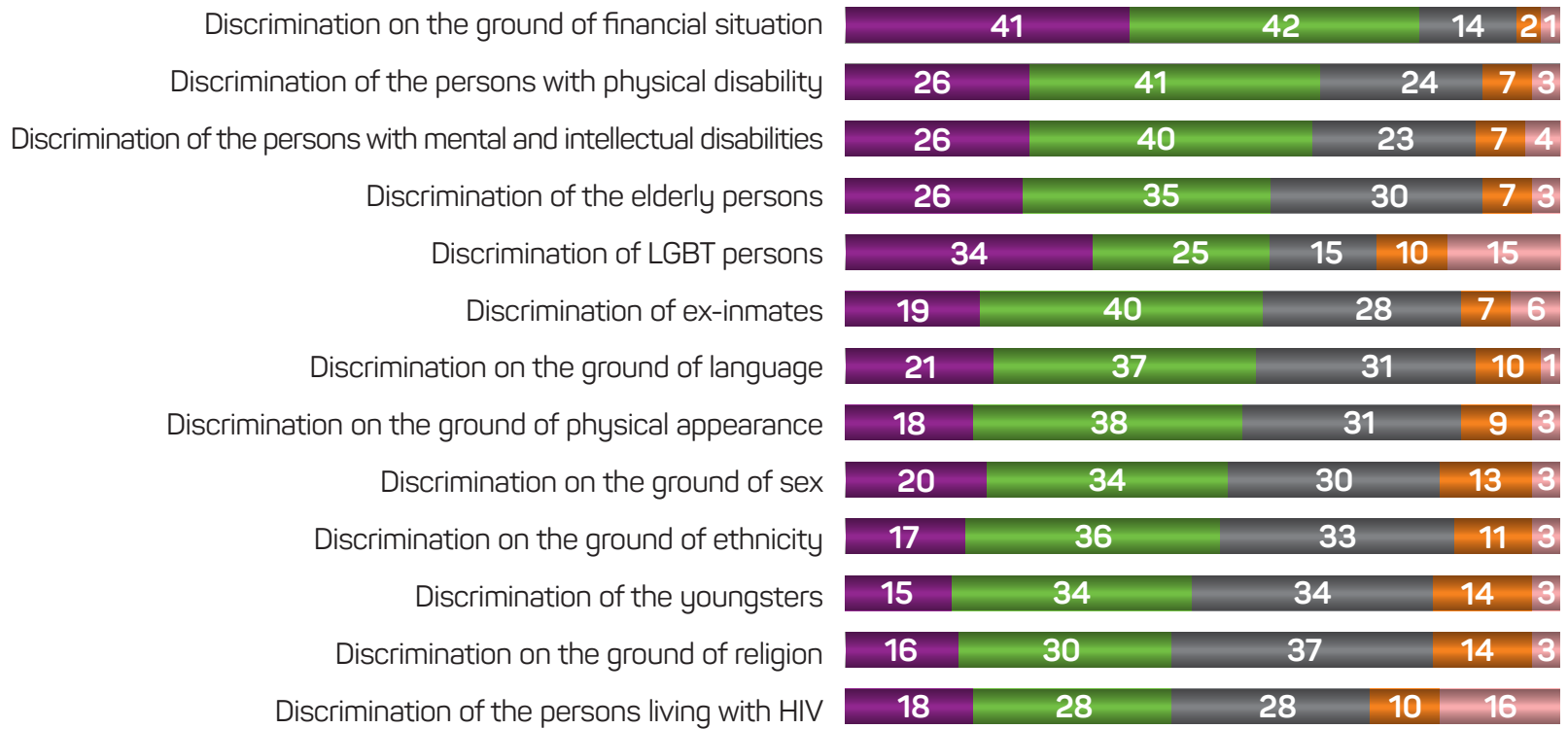
This document has been produced as part of the national project "Strengthening the capacities of the justice sector actors to deliver justice in line with European standards, in particular to fight discrimination in the Republic of Moldova" co-funded by the European Union and the Council of Europe in the framework of the Partnership for Good Governance. The views expressed herein can in no way be taken to reflect the official opinion of either party.

## Perception of the population about prevalence of discrimination in Moldova (general impression)



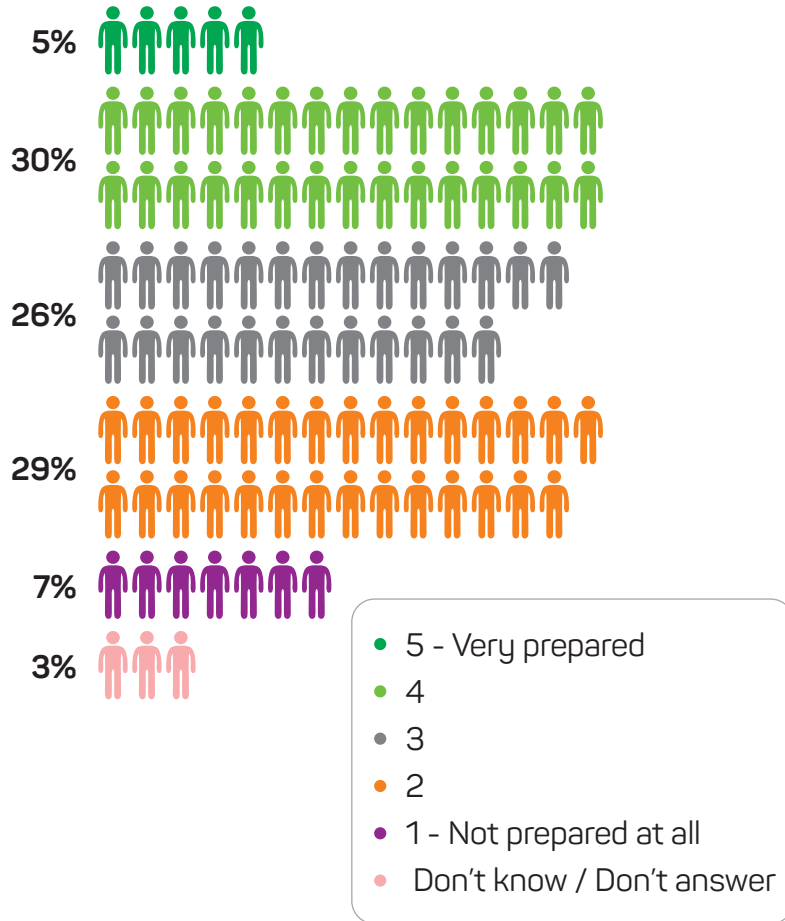
*\*National study of perception of the general population and opinion of the specialists on how prepared is the justice sector to deal with cases of discrimination*

## Perception of the population about prevalence of discrimination in Moldova (general impression)

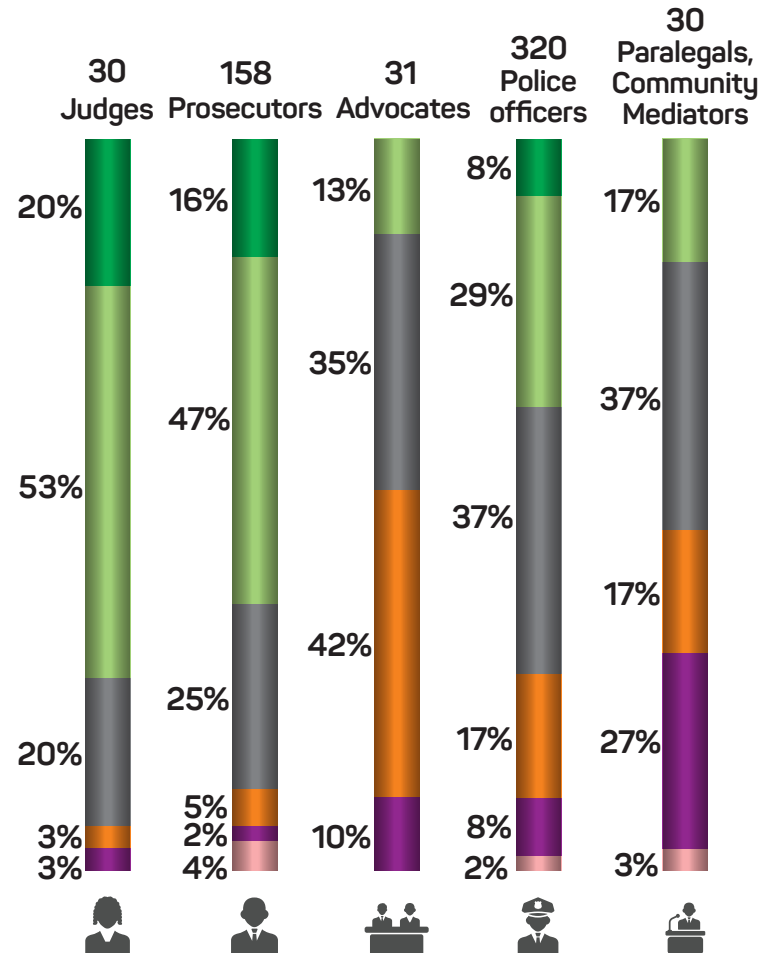


● Widespread  
 ● Quite widespread  
 ● Less widespread  
 ● Not widespread  
 ● Don't know / Don't answer

### Perception of the general population on how prepared is the justice sector to deal with cases of discrimination



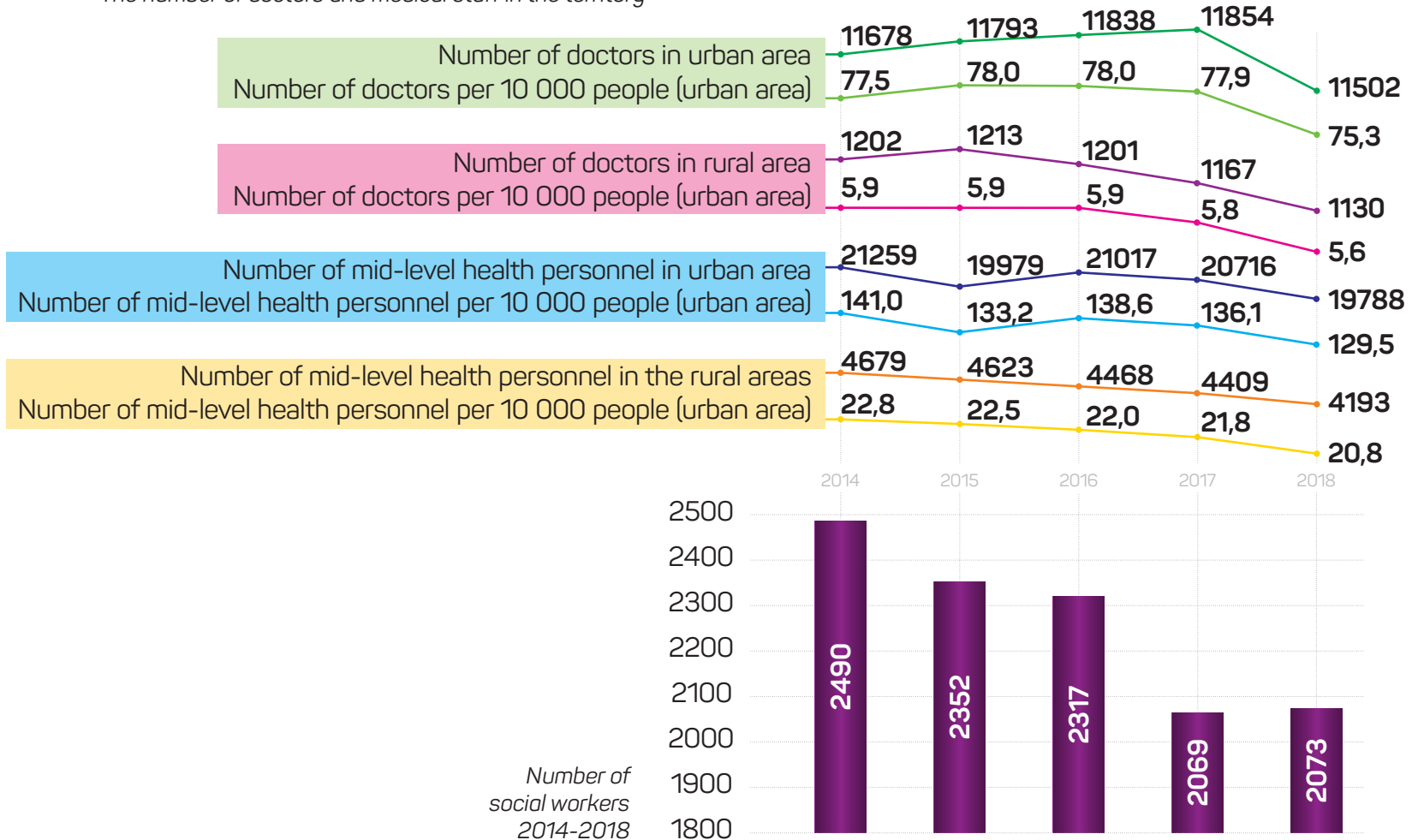
### Opinion of the specialists on how prepared is the justice sector to deal with cases of discrimination



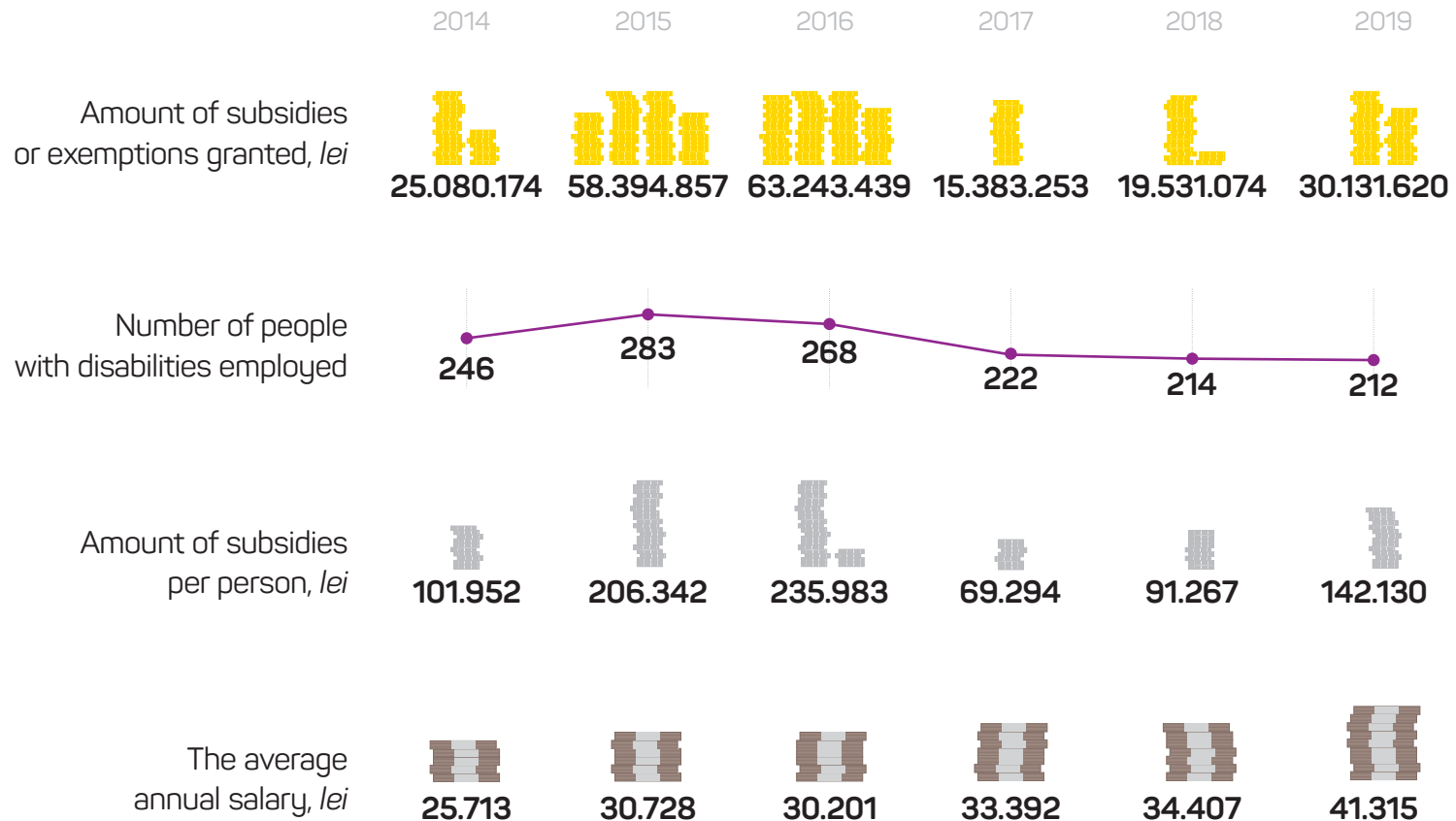
## SITUATION REGARDING THE ACCESS OF ELDERLY TO HEALTH SERVICES AND SOCIAL PROTECTION SERVICES

Insufficient human resources needed to provide quality medical and social care

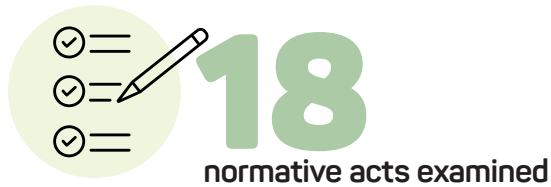
*The number of doctors and medical staff in the territory*



## SITUATION REGARDING THE EMPLOYMENT OF PEOPLE WITH DISABILITIES THROUGH SPECIALIZED ENTERPRISES



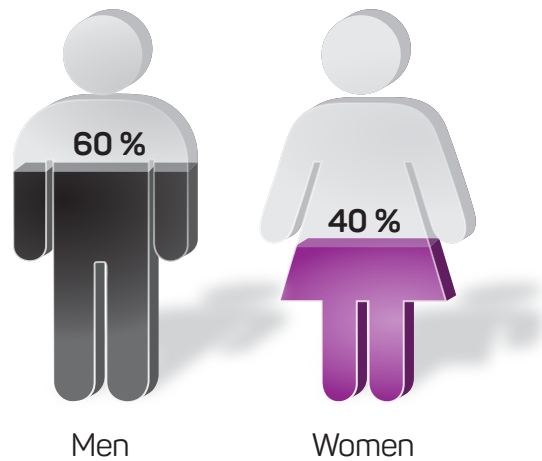
## ACTIVITY OF THE COUNCIL IN FIGURES



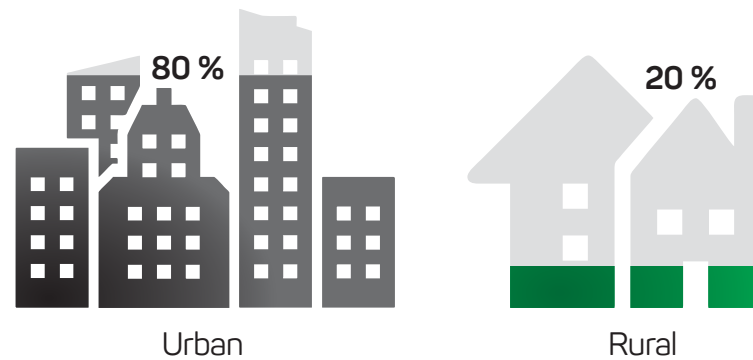
## Complaints by petitioner's type



## Complaints by petitioner's gender

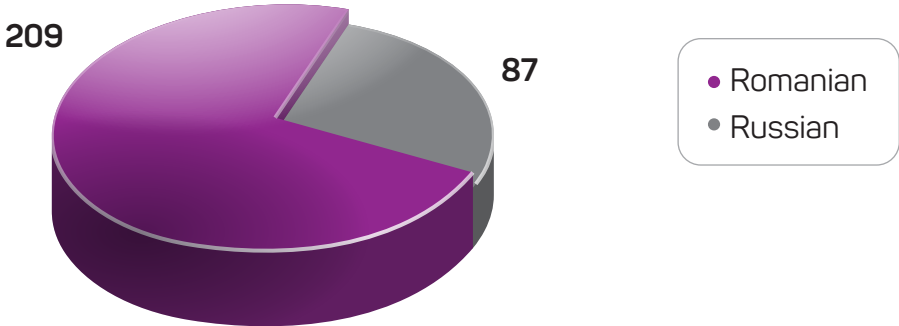


## Complaints by petitioner's residence

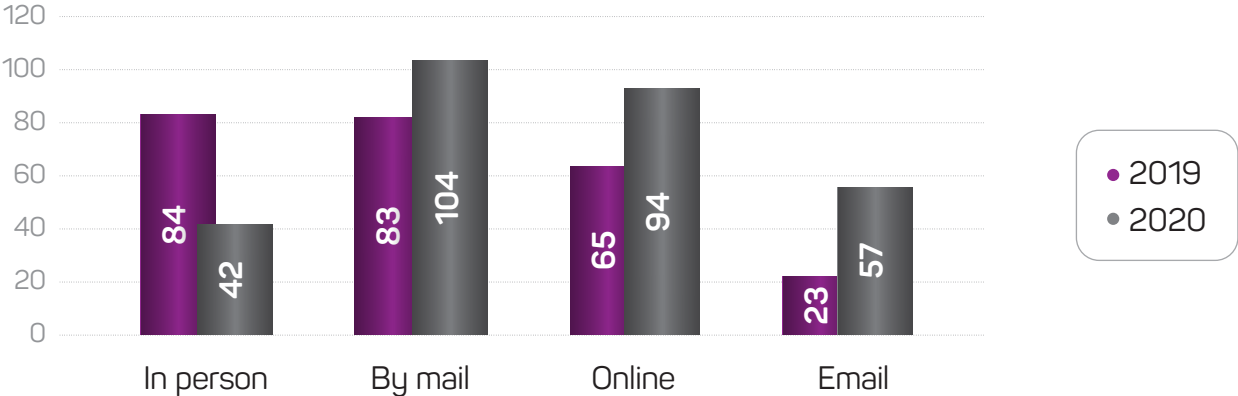




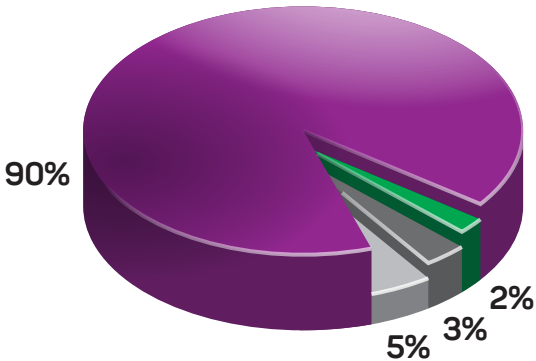
### Complaints by language of submission



### Complaints by way of submission

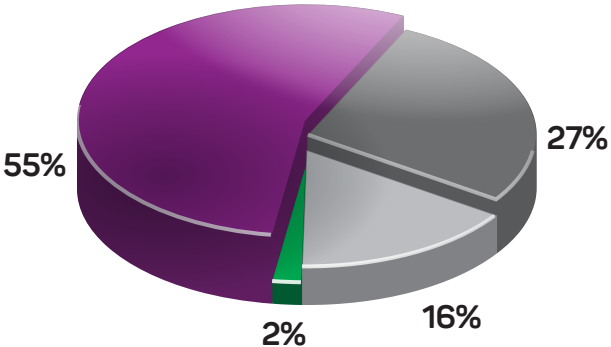


### Resolution of complaints, by type



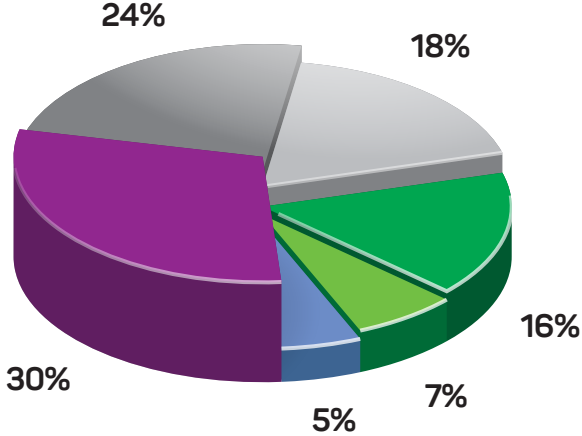
- Complaints settled by decisions
- Amicably-settled complaints
- Complaints withdrawn
- Advisory opinions issued

### Decisions issued, by type



- Decisions finding discrimination
- Decisions not finding discrimination
- Inadmissibility decisions
- Decisions of cessation

# Decisions finding discrimination, by domain

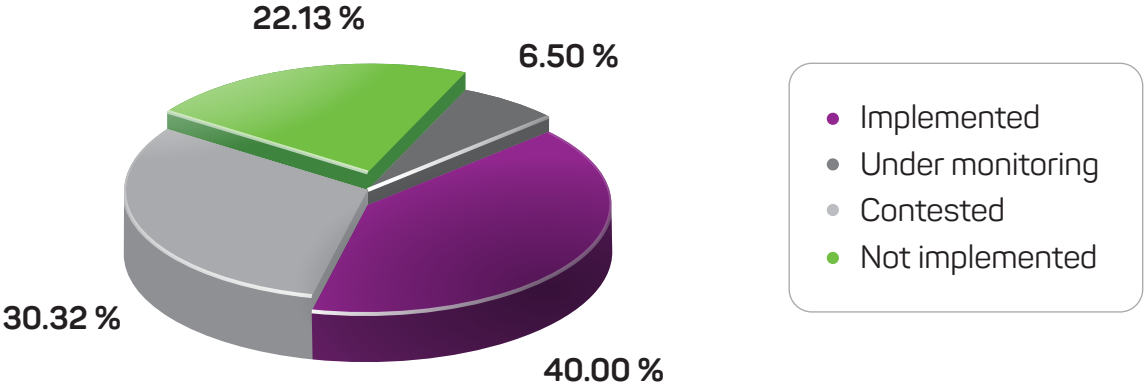


- At work
- Access to publicly available goods and services
- Violation of human dignity
- Access to justice
- Education
- Other areas

## Protected grounds by domains of discrimination (% of the decisions finding discrimination)

Protected ground \ Domain	At work	Access to publicly available goods and services	Violation of human dignity	Access to justice	Education	Other areas	TOTAL
Sex/gender/marital status	7,23	2,41	8,43	1,20	1,20		20,24
Disability/health status	4,82	1,84			3,61	1,20	20,24
Language	1,20	8,43	2,41	8,43			20,24
Opinion	8,43					1,20	9,53
Ethnic origin			3,61				3,57
Social status		1,20	1,20	1,20			3,57
Age	2,41						2,41
Pensioner status							2,41
Sexual orientation	2,41	1,20	1,20				2,41
HIV+	1,20						1,20
Professional status		1,20					1,20
Trade union related activity	1,20						1,20
Other similar ground	2,38				1,20	7,14	10,71
<b>TOTAL %</b>	<b>30,95</b>	<b>26,19</b>	<b>16,67</b>	<b>10,71</b>	<b>5,95</b>	<b>9,52</b>	<b>100,00</b>

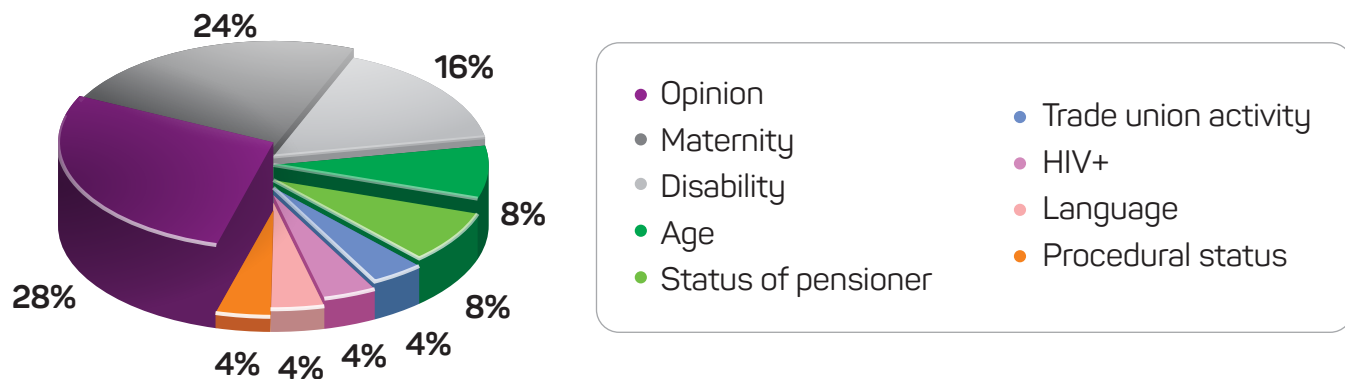
# IMPLEMENTATION OF THE RECOMMENDATIONS ISSUED IN 2019



## DISCRIMINATION AT WORK

Out of the total of 299 cases settled during 2020, 87 cases (29%) were related to employment. Discrimination was found in 25% of those cases.

### Decisions finding discrimination at work, by protected ground



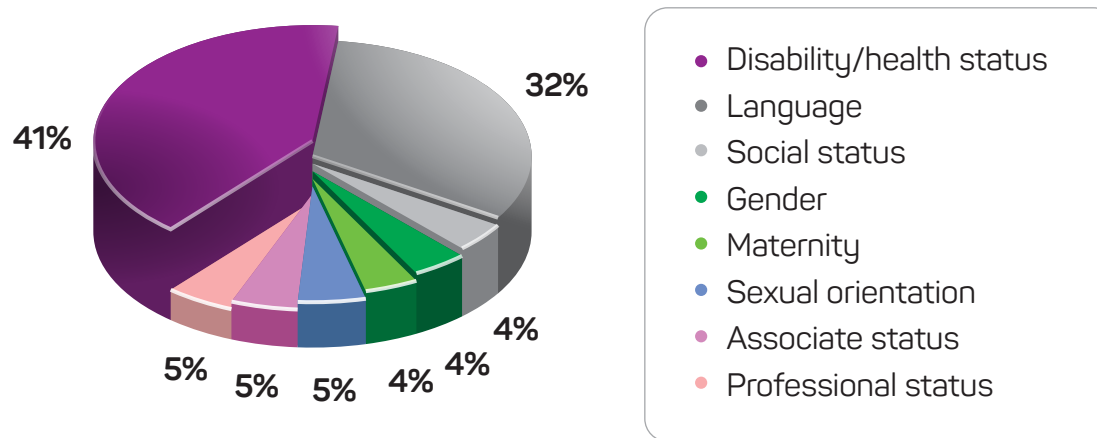
### Complaints examined by the Council highlighted the following issues:

1. Professional discreditation, psycho-emotional intimidation and undermining equal treatment of employees who have an active civic position and a well-defined opinion;
2. Refusal to reasonably accommodate the work schedule of employees with family responsibilities in the context of the the pandemic crisis;
3. Ungrounded refusal to employ/transfer caused by stereotypes;
4. Undermining equal treatment when applying employees' guarantees and rights;
5. Undermining equal treatment upon dismissal;
6. Posting job announcements that indicate requirements that favor certain people;
7. Obstruction of the right of pre-trial detainees to be engaged in paid activities.

## DISCRIMINATION IN ACCESS TO PUBLICLY AVAILABLE GOODS AND SERVICES

Out of the total of 299 cases settled during 2020, 85 (28.4%) were related to access to publicly available goods and services. Discrimination was found in 25.8% of those cases.

### Decisions finding discrimination in access to publicly available goods and services, by protected ground



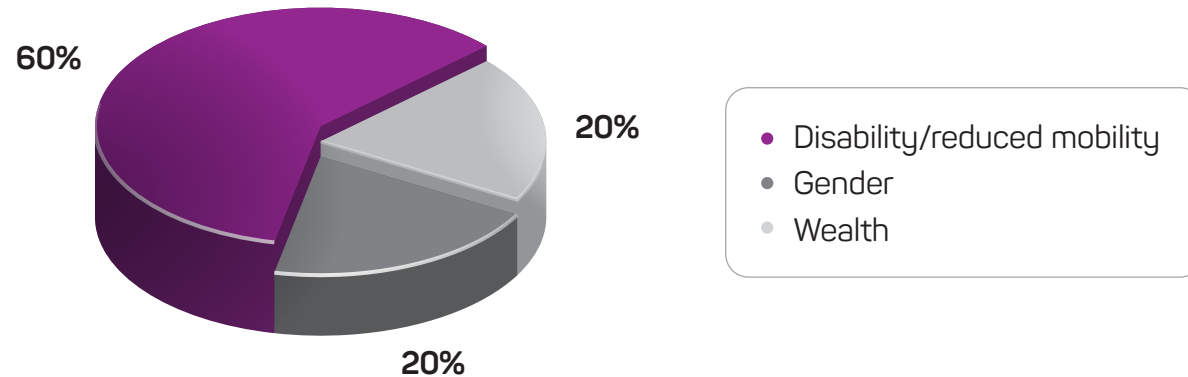
### The worrying trends in access to publicly available goods and services identified by the Council in 2020 are:

- physical inaccessibility of public buildings;
- inaccessibility of information of public interest;
- inaccessibility of health care services;
- unjustified interruption in the provision of services;
- existence of provisions that generate inequalities in access to the services of social protection and assistance.

## DISCRIMINATION IN EDUCATION

Out of the total of 299 cases settled during 2020, 11 (3.67%) were related to the field of education. Discrimination was found in 45.5% of those cases.

### Decisions finding discrimination in education, by protected ground



### Complaints examined by the Council highlighted the following issues:

- stigmatization of children with disabilities and lack of their involvement in extracurricular activities;
- failure to take appropriate measures to create necessary conditions to ensure the educational inclusion of children with disabilities;
- unbalanced practices in the process of organizing and supporting the education.

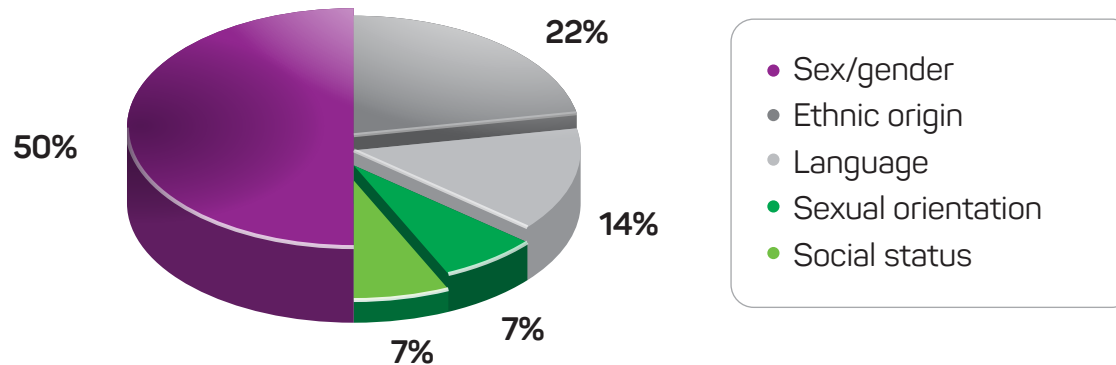


## DISCRIMINATION IN OTHER DOMAINS

### **VIOLATION OF HUMAN DIGNITY**

Out of the total of 299 cases settled in 2020, 48 (16.05%) were related to violation of human dignity. Discrimination was found in 29.1% of those cases.

#### **Decisions finding discrimination in the form of violation of human dignity, by protected ground**



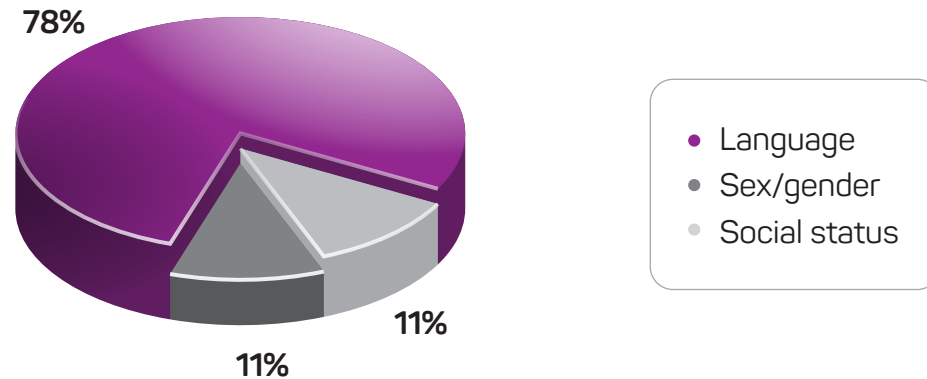
#### **Complaints examined by the Council highlighted the following issues:**

- production and distribution of sexist advertising;
- speeches inciting to hatred and discrimination delivered by public figures;
- stigmatizing articles in mass media;
- racist remarks in the documents drawn up by a lawyer.

## JUSTICE

Out of the total of 299 cases settled in 2020, 45 were related to field of justice. Discrimination was found in 20% of those cases.

### Decisions finding discrimination in the field of justice, by protected ground



### Complaints examined by the Council highlighted the following issues:

- inaccessibility of the justice system for speakers of the language of interethnic communication;
- unequal application of the law;
- investigation vitiating by stereotypes.

## **RECOMMENDATIONS ON IMPROVING THE SITUATION IN THE FIELD OF PREVENTION AND COMBATING DISCRIMINATION AND ENSURING EQUALITY**

### **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 nr. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- To ratify the Optional Protocol to the UN International Pact on Economic, Social and Cultural Rights;
- To ratify the Optional Protocol to the UN Convention on the rights of persons with disabilities;
- To ratify the Optional Protocol no. 3 to the UN Convention on rights of the child;
- To pass amendments of the legislation on efficient prevention and combating crimes motivated by prejudice and hate speech;
- To pass amendments to article 86, paragraph (1), letter y<sup>1</sup>) of the Labor Code, so as to clarify that the employer can retort to the application of these provisions if the measure can be objectively and reasonably justified in line with the intended purpose;
- To pass the draft Law on amending the Law on Pension Insurance of Military Staff and Other Staff from the Command Body and Internal Affairs Authorities Troops no. 1544/1993, in the part related to the amount of the pension for the loss of the caregiver and of the survivor's pension;
- To pass amendments aimed at interpretation of provisions of article 167, paragraph (1), letter a) of the Civil Procedure Code, that would explicitly specify that Russian language is not a foreign language in the Republic of Moldova;

- To pass amendments to article 25, paragraph (6) of the Law on Consumer Protection no. 105/2003, so as to regulate that information, including verbal, on products, services, accompanying documents, as well as contracts, are presented in the state language and, upon request, to be translated into at least Russian;
- To include in the draft of Land Code provisions that would allow the free allocation of a plot of land for the construction of an individual house to persons with disabilities, in order to implement article 22, paragraph (6) of Law no. 60/2012 on the social inclusion of persons with disabilities;
- To adopt provisions that will oblige banks to open bank accounts marked „Electoral Fund” for electoral competitors.

### **Government of the Republic of Moldova:**

- To start the process of amending the article 86, paragraph (1), letter y<sup>1</sup>) of the Labor Code, so as to clarify that the employer can retort to the application of these provisions if the measure can be objectively and reasonably justified in line with the intended purpose;
- To finalize the draft law on amending the Law on Pension Insurance of Military Staff and Other Staff from the Command Body and Internal Affairs Authorities Troops no. 1544/1993, in the part related to the amount of the pension for the loss of the caregiver and of the survivor's pension;
- To start the procedure to amend the Regulation on the procedure for the establishment and payment of compensation for transport services approved by the Government Decision no. 1413/2016, in order to grant to all persons with the musculoskeletal system disability the right to import, once in 5 years, being exempted from import duties, a transport means designed for their transportation;

- To supplement the list of categories of unemployed persons who benefit from state medical insurance with persons that take care of a child till the age of two;
- To propose the amendment of article 20 of the Law on Social Inclusion of Persons with Disabilities no. 60/2012, by regulating the obligation of the owners of public places and/or managers, administrators of public transport means, to display a symbol to indicate that, in the respective space, the access of guide dogs is allowed;
- To provide one-time financial support to persons who do not meet the conditions to receive a pension and who are fully supported by the state;
- To systematically collect disaggregated data in order to identify measures to secure the rights of persons with disabilities, in the context of the epidemiological situation.

**Ministry of Finance, Ministry of Health, Labor and Social Protection:**

- To assess the efficiency of the mechanism of the employment of persons with disabilities by the specialized enterprises;
- To identify a person-oriented mechanism to subsidize the creation and maintenance of jobs for persons with disabilities, that would be applicable to all enterprises regardless of their founder.

## Ministry of Health, Labor and Social Protection:

- To identify the needs of the population in terms of healthcare services, for an efficient planning of the volume of medical assistance and healthcare services;
- To come up with appropriate methodological recommendations to all healthcare institutions in the country so that health care professionals do not admit stereotype-induced and discriminatory situations in their activity;
- To identify an appropriate way by which people shall not to be arbitrarily refused to register as unemployed;
- To initiate the procedure for amending article 33, paragraph (1), letter c) of Law no. 156/1998 on the Public Pension System, so that the recipients of a disability pension are eligible to be able to request its re-examination if they continue to work after the realization of the right to pension;
- To start the review of the provision that regulate the calculation of maternity allowance, so that, if the basis for the calculation of maternity allowance for a child born during the period when the mother was on a childcare leave with a previous child is lower than the basis the previous maternity allowance had been calculated, it shall be calculated in the same way as the previous allowance, regardless of the income earned by mother during this period;
- To take continuous progressive measures to ensure that people with severe disabilities are able to benefit of social assistance and/or assistance during the cold period of the year depending on their needs;
- To change the name of professions so that they have both masculine and feminine forms in the context of approving the Classifier of Occupations in the Republic of Moldova, in order to contribute to the eradication of gender stereotypes at work;
- To initiate amendments to paragraph (4), article 4 of Law no. 1585/1998 on Compulsory Healthcare Insurance, so that to ensure the access to free, state-guaranteed healthcare services to asylum seekers that are part of vulnerable groups, including people with disabilities, pregnant women, the elderly, single parents with minor children, victims of trafficking in persons, persons suffering from serious illnesses, victims of torture or with a low self-care potential in order to harmonize legislation with the EU standards.

### **National Agency for Public Health:**

- To initiate amendments of the normative framework on setting the maximum permissible noise limit at daytime, not just for commercial entities.

### **National Medical Insurance Company:**

- To plan the volume of high-performance healthcare services, in line with the needs of people, prior to contracting healthcare services as part of the compulsory health insurance.

### **Ministry of Justice:**

- To initiate amendments to the Criminal Procedure Code in order to establish an identical approach to the form of compensation for detention conditions that run counter the provisions of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, regardless of the person's procedural status;
- To develop a strategy for organizing specialized sectors for the detention of persons sentenced to life imprisonment in at least 4 penitentiaries in each region (North, Center, South), including one penitentiary in the Transnistrian region;
- To initiate necessary actions to amend article 306, paragraph (4), Enforcement Code, so that the persons held in preventive detention (persons in respect of whom the court decision has not become final yet) are granted long-term meetings of the same length as other convicts benefit of;
- To initiate amendments to the Incarceration Statute in the light of the social approach to disability;
- To finalize and promote amendments to the legislation related to the functionality of the Council, especially the Law on Ensuring Equality no. 121/2012, the Regulation on the activity of the Council approved by Law no. 298/2012, Contravention Code.

## **National Administration of Penitentiaries:**

- To assess the level of physical and informational accessibility of penitentiary institutions and to establish the number of detainees in need of support equipment (hearing aids, wheelchairs, walking frames) and of personal assistants;
- To develop and approve an action plan(s) aimed at making penitentiary institutions accessible, including actions related to the procurement of support equipment for detainees with disabilities and the development of appropriate support services to ensure the realization of the rights of detainees with disabilities equally;
- To plan distinct budget lines for the procurement of support equipment for detainees with disabilities and of services of social and personal assistance, empowerment and rehabilitation;
- To identify necessary and adequate premises for the creation of workshops within the Penitentiary-13, so as to ensure the right to work of all detainees who wish to work;
- To ensure the transfer of prisoners sentenced to life from P17- Rezina in the penitentiaries that are closest to the place of residence or other locality indicated by the prisoners, ensuring the integration of the prisoners sentenced to life in the general population of the prison;
- To develop and implement, without delay, an action plan for the eradication of the criminal sub-culture in penitentiary institutions;
- To take immediate action to stop the practices of segregation of detainees by caste, inclusively by means of awareness-raising activities on legal liability for such behavior, of measures to sanction both the detainees who commit them and the prison staff who tolerate such violations of fundamental human rights;
- To apply in respect of persons held in preventive detention (persons in respect of whom the decision of the court has not become final yet) the meeting duration that is established for convicts.



### **Ministry of Education, Culture and Research:**

- To ensure the hiring of teachers who know the sign language in all general education institutions where students from special schools for deaf children have been enrolled to and to take actions to promote the sign language in the educational process;
- To revise the Regulation on the secondary cycle graduation exam and the Regulation on the national baccalaureate exam, as well as the Instruction on the specific procedures for the evaluation of students with special educational needs, in order to ensure that all graduates enjoy conditions appropriate to their health and particular needs during the evaluation;
- To take the appropriate measures to ensure that the foreign language, in special education institutes for pupils with hearing impairments should be taught until the secondary cycle is completed.

### **Ministry of Internal Affairs:**

- To train the staff in the field of non-discrimination, especially in the field of ensuring gender equality in the process of crime investigation;
- To examine from the disciplinary point of view the stereotypical actions of the employees who are influenced by prejudices in the process crime investigation;
- To identify administrative solutions to guarantee to persons belonging to national minorities the effective exercise of the right to receive a response in the language in which they addressed (e.g. contracting translation services, hiring staff from national minorities, etc.).

### **Superior Council of Magistrates:**

- To supplement the Regulation on the random distribution of case files for examination in courts, in order to expand the categories of persons that could benefit from reduced workload, especially those with disabilities, those who combine work with childcare leave and those who have recently returned from maternity leave;
- To adjust the Regulation on the criteria, indicators and procedure for judges' performance appraisal, in order to adapt the indicators used to assess the efficiency of judges working in different situations, especially of those with disabilities, those who combine work with childcare leave and those who have recently returned from maternity leave.

### **Chairs of the Courts:**

- To identify administrative solutions (hiring interpreters) so that all persons who do not know the state language have access to justice on equal terms with others;
- To identify appropriate measures for the implementation of physical accessibility to court premises.

### **National Institute of Justice:**

- To ensure continuous training on non-discrimination, especially on ensuring gender equality in the process of crime investigation or judging cases for prosecutors and judges.

### **Local Public Authorities:**

- To approve the Regulation on placement and authorization of advertising materials in Chisinau Municipality, by including provisions prohibiting sexist advertising, as well as the establishment of a mechanism for the assessment of advertising for possible sexism;
- To self-assess the degree of physical accessibility of all social institutions under their subordination and the degree of informational accessibility of services;
- To identify measures of reasonable accommodation that could be implemented in particular situations, before ensuring accessibility and to inform the public about such measures in a proper manner, by placing the information in an accessible and visible place;
- To examine the possibility of diversifying the methods of providing public services at the request of persons with reduced mobility, for example: to provide services at the person's domicile; to establish internal procedures that would regulate the process of serving persons with reduced mobility (for example, in the case of exercising the right to petition, it would be to go to the person's home and to take his/her application; provide public information by electronic means of communication, telephone, advertisements published on accessible boards);
- To ensure the progressive development of all social services, by allocating sufficient financial resources to ensure the continuity of the service for the beneficiaries;
- To implement the temporary placement service or other alternative service for the beneficiaries whose personal assistants are on annual leave;
- To identify solutions to make sure that all persons enjoy the right to receive a response in the language the persons addressed to the institution.

### **Executive Committee of Gagauzia:**

- To regulate the possibility of granting the benefit provided with the "Şanni Ana" medal to a parent who educates five and more children, regardless of whether they are biological or adopted, and to exclude the age range for the last child as a precondition for receiving the benefit;
- To perform their public duties with diligence and responsibility and to refrain from sexist statements and statement inciting to discrimination.

### **Public Healthcare Institutions:**

- To make sure that appointments with specialized doctors are made depending on the availability of the s specialized doctor, based on a single list, regardless of the insured or uninsured status of a person;
- To sign bilateral contracts for the provision of healthcare services with other medical-sanitary institutions, in case the medical institution does not have the necessary capacities to provide certain outpatient specialized health care services;
- To undertake necessary measures for the employment of specialized doctors in line with the provisions of the Staff Regulations approved by the Order of the Minister of Health no. 100 as of 10.03.2008;
- To take effective and adequate measures in order not to admit the cessation of the provision of medical services to insured persons, inclusively by requesting the National Medical Insurance Company to increase the volume of the contracted medical assistance;
- To provide training on non-discrimination to the medical staff, especially on avoiding discriminatory stereotypes in their activity.

**Educational Institutions:**

- To take continuous measures to build the capacities of teachers in the field of inclusive education;
- To plan measures to ensure the physical, organizational and informational accessibility of the educational process to all students.

**Banking institutions:**

- To draw up a guideline that would regulate the procedure and necessary conditions for providing banking services to individuals that would be tailored to their special needs (speakers of different languages, hearing, visual, locomotor, psychosocial, intellectual disabilities, including illiterate people).

**Politicians:**

- To perform their public duties with diligence and responsibility and to refrain from sexist statements and statement inciting to discrimination.

**Mass-media:**

- To refrain from referral to the language of communication and the ethnic origin of people.

## **Employers:**

- To guide and support young professionals in a professional manner, by sharing experience with them;
- To develop and approve an internal regulation that would provide a mechanism for the prevention of harassment and victimization (retaliation) at workplace;
- To prohibit the termination of the individual labor contract pursuant to article 86, paragraph (1), letter y1) of the Labor Code on an arbitrary basis, except the situations when there is an objective and reasonable justification, appropriate to the purpose pursued;
- To ensure the reasonable accommodation of the working conditions to the needs of the employed persons;
- To ensure the distribution of tasks in accordance with the position of the employee and not to admit actions that disadvantage employees based on one of the protected grounds;
- To review the internal procedure on human resources management in order to prohibit discrimination in employment by removing from job application forms sections with information on the health status and criminal record, unless it is provided by the law;
- Job announcements should include only the requirements that are essential and determinant to the specifics of the position.

## **Advertising Companies:**

- To avoid publishing and distribution of sexist photos/video materials, both on social networks and by any other means;
- To develop and to approve regulations prohibiting discrimination and sexism in the company's activity;
- To organize trainings on the issues of discrimination and sexism in advertising and marketing for the staff of the company.

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