

10 YEARS EQUALITY COUNCIL

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Ian Feldman
President of the
Equality Council

In 2023, we mark 10 years of activity of the Equality Council. Is it a long time or just enough to put the roots down? For an institution, let's call it adolescence, just managing to accumulate some institutional memory, becoming known and recognized as a public authority, making both friends and enemies. However, for a human rights protection institution 10 years is akin to a whole era. New challenges and new standards, new protected grounds and new domains of discrimination, everything changes at almost a cosmic velocity, just like in "Alice in Wonderland": "It takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!". And so we ran. And I think we succeeded.

Over 2,000 complaints examined, with over 500 resulting in a decision finding discrimination. Over 300 advisory opinions on existing and draft legislation issued. Each decision is one or several human destinies. Every decision or advisory opinion that has resulted in the amendments to legislation means hundreds, thousands, sometimes even hundreds of thousands of human destinies. And not only destinies but also new jurisprudence, new interpretations and applications of the international standards in the Republic of Moldova, new analyses, new visions and new horizons.

In the last 10 years, the Equality Council, from just a title on paper back, and quite lengthy title back then, succeeded in transforming into an institution with a name and a reputation not only in the country, but also at a regional and European level, recognized and appreciated by the EU and the Council of Europe, OHCHR, UNDP and other UN agencies, OSCE and other development partners.

Through our hard work, our perseverance and our jurisprudence we managed to become plenipotentiary members of Equinet - the European network of equality bodies. As a result, since 2018, Moldova, alongside the other European Union countries, has been taking an active role in the development of European standards on non-discrimination. It wouldn't be an exaggeration to say that when it comes to the field we are working in, Moldova is already a fully-fledged EU member.

I want to thank wholeheartedly those who contributed to the creation and development of the Council: its first president and member of the Council – Oxana Gumennaia, the present and former members of the Council – Doina Ioana Straisteanu, Lucia Gavriliță, Andrei Birighidin, Svetlana Doltu, Evghenii Alexandrovici Goloșcheapov, Victorina Luca, those who worked at the Council during these 10 years and those who are currently working, our internal and external partners and friends, all those who contributed to our creation and development and stayed with us!

Happy Birthday, dear Council! Onwards and upwards!

The **Equality Council** is an independent public authority made up of 5 members - independent experts in the field of human rights protection, appointed by the Parliament of the Republic of Moldova for a 5-year term.

Mission - preventing and protecting against discrimination, ensuring equality, promoting equal opportunities and diversity.

Vision – an inclusive society in which people realize their rights and freedoms regardless of sex, race, colour, ethnic origin, language, nationality, disability, sexual orientation, age, religion or belief, opinion, political affiliation, or any other ground and enjoy equal opportunities.

Duties:

- Examining the compliance of legislation and draft normative acts with non-discrimination standards;
- Submitting proposals to amend the legislation in order to prevent and combat discrimination and ensure equality;
- Monitoring the implementation of legislation in the field;
- Drawing up general recommendations in order to prevent and combat discrimination and ensure equality;
- Examining complaints and reinstatement of the rights of victims of discrimination;
- Finding or examining contraventions in accordance with the provisions of the Contravention Code;
- Conducting visits to document the facts of discrimination and the way of executing the issued recommendations;
- Sanctioning the non-execution of recommendations and prescriptions issued by the Council;
- Promoting diversity, informing and sensitizing society in order to eliminate all forms of discrimination in the context of democratic values.

Short history

The Council for Preventing and Eliminating of Discrimination and Ensuring Equality was founded in 2013 based on the Law no. 121/2012 on ensuring equality. It is a collegial body that acts impartially and independently from public authorities, being established for the purpose of ensuring equality and protection against discrimination.

At the beginning of 2023, the Parliament adopted the draft Law on the amendment of the normative framework on non-discrimination and ensuring equality. The document brought a series of changes to the Law no. 121/2012 on ensuring equality and the Law on the activity of the Council for Prevention and Elimination of Discrimination and Ensuring Equality no. 298/2012. As a result, on 09.02.2023, the authority changes its name to the **Equality Council**, the staff positions are supplemented with 13 units, in addition to the existing 20, and changes are made in the structure, including the creation of a new directorate.

Composition of the Council

2013 – 2018

President:

Oxana Gumennaia – 2013-2015

Ian Feldman – 2015-2018

Council members:

Ian Feldman

Oxana Gumennaia

Andrei Brighidin

Lucia Gavriliță

Doina Ioana Străisteanu

2018 – 2023

President:

Ian Feldman – 2018 - 2023

Council members:

Ian Feldman

Svetlana Doltu

Andrei Brighidin

Victorina Luca

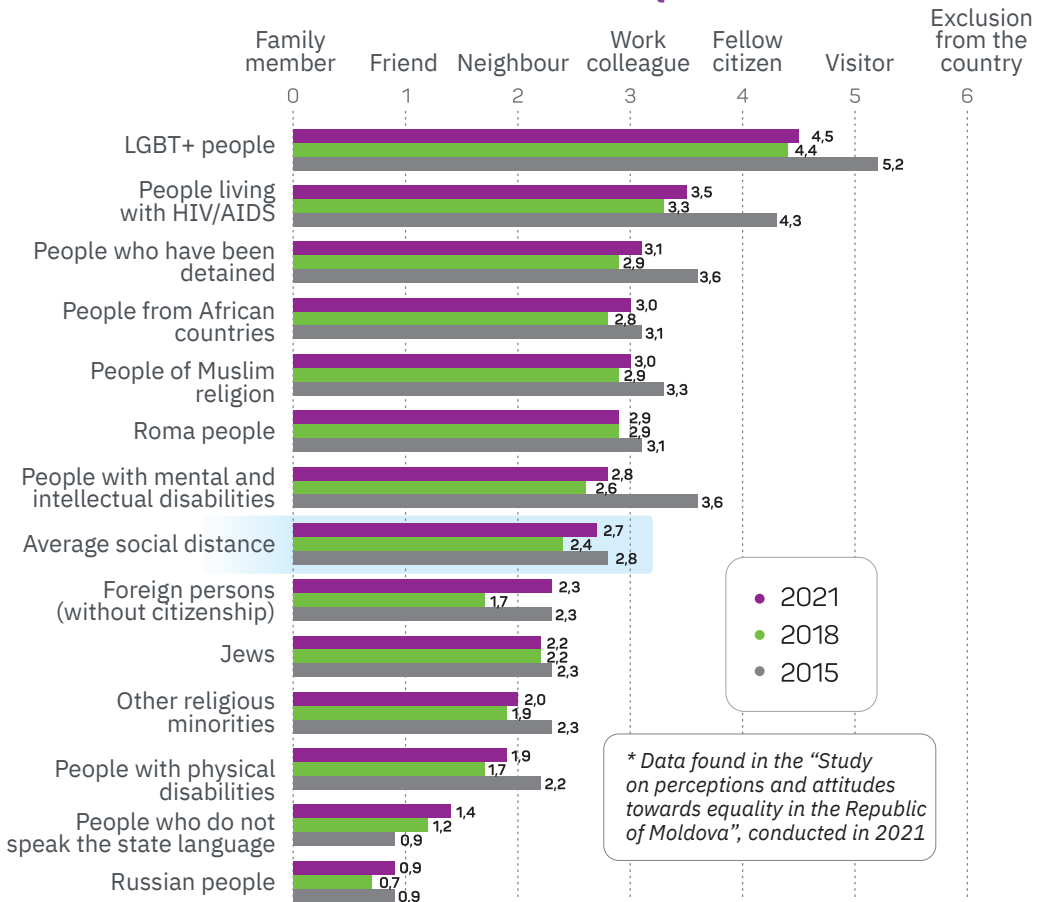
Evghenii Alexandrovici

Goloșceapov

Perceptions and attitudes towards equality

In the 10 years of activity, the Council in partnership with the United Nations Development Program and the Council of Europe initiated the realization of the Study on perceptions and attitudes towards equality in the Republic of Moldova. It is held every three years and it has reached its third edition. The most important indicator measured based on the study is the **Social Distance Index**, which shows the level of acceptance of minority and vulnerable groups by society.

PERCEPTIONS AND ATTITUDES TOWARDS EQUALITY*



10 YEARS of Council's activity



2068
complaints
received



1731
decisions
issued



201
advisory
opinions
on draft
normative
acts



912
recommendations
issued



10123
persons informed/
trained



34
cases
initiated
ex-officio



531
decisions
finding
discrimination
issued



141
advisory
opinions on
normative
acts



95000
users
of the site

Prevention of discrimination

In order to prevent the phenomenon of discrimination, for a period of 10 years, the Council examined existing legislation and draft normative acts regarding their compliance with non-discrimination standards, submitting proposals in case of detecting discriminatory provisions.

Most important systemic issues identified:

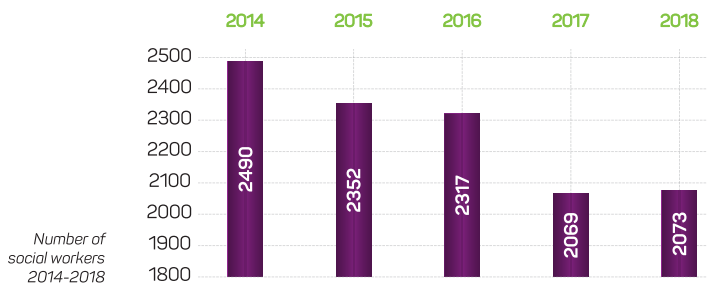
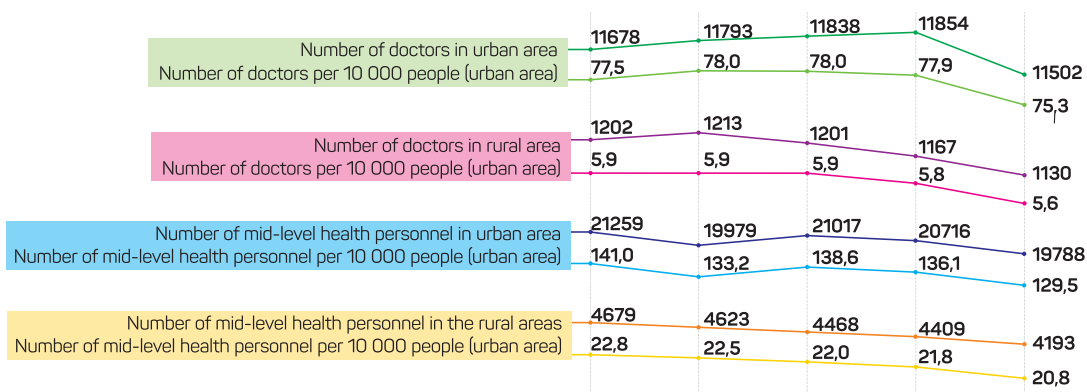
- Discrimination against women who were on childcare leave by calculating the average monthly insured income for determining the pension;
- Limiting the right of persons with disabilities who are active in the field of work to request a review of the pension;
- Failure to offer guarantees upon dismissal to men who have children up to the age of 4 years old, compared to women in a similar situation;
- Discrimination of caregivers of people with severe disabilities by calculating the average monthly insured income for determining the pension;
- Subsidizing jobs without ensuring the effective integration of people with disabilities at work;
- Differentiated determination of the amount of compensation for transport, depending on the place of residence;
- Discriminatory establishment of the cost for balneotherapeutic treatment tickets for disabled and elderly people employed;
- Inaccessibility of medical services to medically insured persons;
- Exclusion of persons with severe disabilities, other than visual, whose disability occurred after the age of 18, from the right to benefit from the allowance for care, accompaniment and supervision;
- Exclusion of persons caring for adults with severe disabilities from the right to benefit from the allowance for care, accompaniment and supervision.

Monitoring of systemic issues

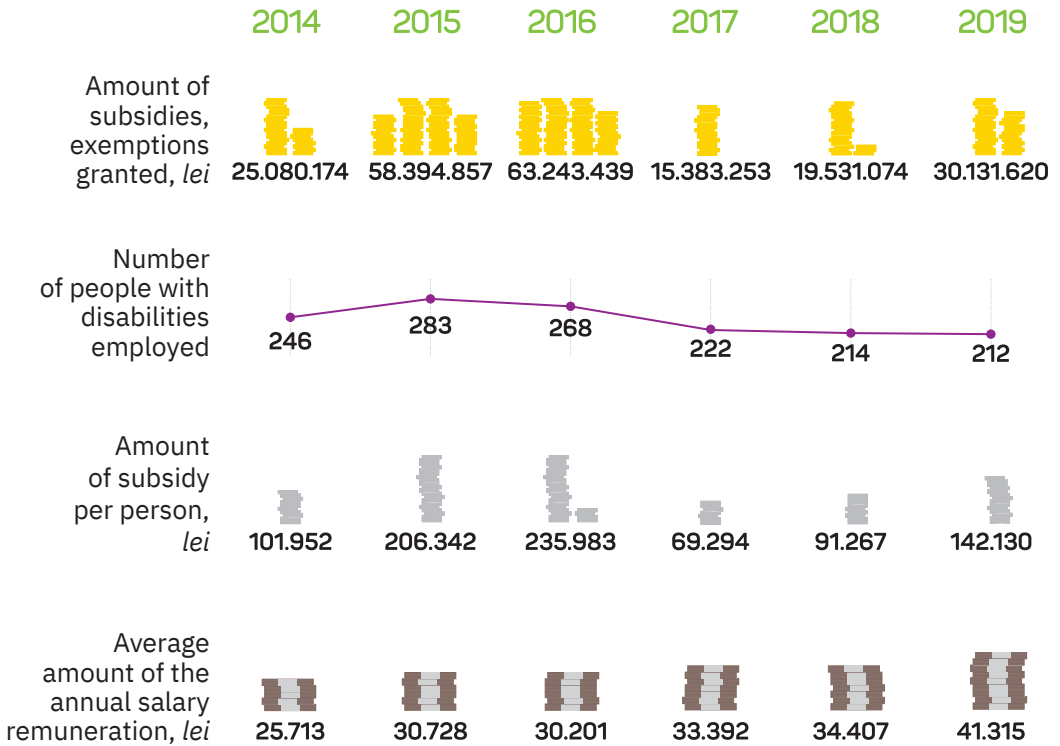
Situation regarding the access of elderly persons to health and social protection services

Insufficiency of human resources required to provide quality medical and social assistance

Number of physicians and medical personnel in territorial profile



Situation regarding the employment of people with disabilities in the field of work through specialized enterprises



Situation regarding the social assistance of persons with severe disabilities and persons who are involved in activities for their care

Main findings:

	2019	2020	2021	2022
Local budget	154084.8	185389.7	213650.1	272598.5
Population support fund	13645.32	65321.03	104376.6	147646.5
State budget	776.7	2518.9	6075.6	40656.23
Persons with severe disabilities receiving service	3250	5516	5498	5878
Persons employed as personal assistants	2991	5189	5006	5575

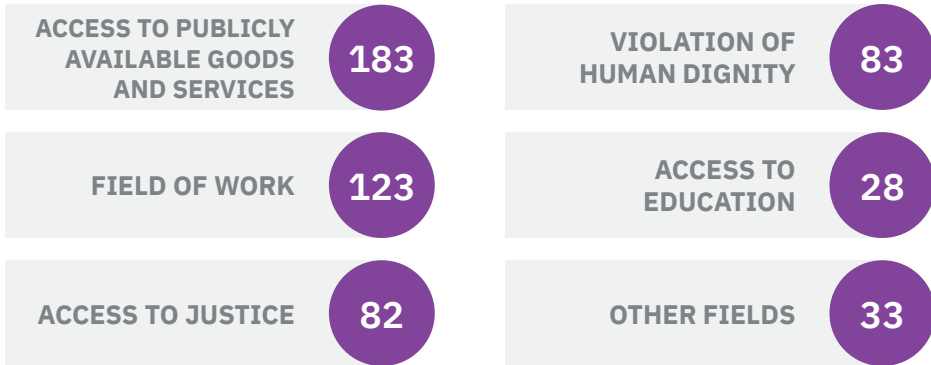
- **At the end of 2022**, 2713 applications for admission to the “Personal Assistance” service are still not covered. Council estimated that the real needs of the population in the “Personal Assistance” service are covered at the current stage only in proportion of 32% (number of beneficiaries in relation to the total number of eligible people with severe disabilities);
- **The decisions regarding the amount of financing means of the “Personal Assistance” service** are not correlated with the analysis of the real needs of the beneficiaries in assistance services, and the decisions regarding the number of approved personal assistants are dictated by the limited financial resources;
- **The decentralization of social services** led to the lack of guarantees regarding their continuity for the beneficiaries;

- **The continuation of the practice of hiring personal assistants** on a part-time basis, with the establishment of a partial work schedule. The Council established that in 2022, of the total number of personal assistants, 4941 were employed full-time; 665 per 0.75 unit; 266 per 0.5 unit and 5 people per 0.25 unit. The Council noted that the employment of personal assistants per 0.5 unit or 0.25 unit causes a significant reduction in the amount of their remuneration, a fact that negatively affects particularly people who take care of a family member and cannot earn additional income. As a result, the realization by a person, employed as a personal assistant, of a monthly income of Lei 1647, respectively Lei 823.5, will determine a lower amount of the old-age pension compared to people who take care of a person with severe disability without being employed as a personal assistant, or in the case of the latter, when determining the average monthly insured income, the average monthly salary in the country, which is significantly higher, will be taken into account;
- **The lack of clear criteria on the basis of which the amount of monetary means** to be allocated to each local public authority of the second level from the Population Support Fund is determined. The reported data reveal that there is no relation of direct proportionality between the number of the population, the number of people with severe disabilities in the respective administrative-territorial unit and the amount of money transferred to finance the minimum package of social services by the state;
- **Gaps in the regulatory framework in force.** The national legislation recognizes the right to benefit from care, accompaniment and supervision allowance only for persons with severe childhood disabilities and persons with severe visual disabilities. Consequently, persons with severe disabilities, other than visual, whose disability occurred after the age of 18 are excluded;
- **The insufficiency of the “Respiro” type services,** which determines the infringement of the right of personal assistants to rest. Currently, only 7 “Respiro” placement centres are operational in the country.

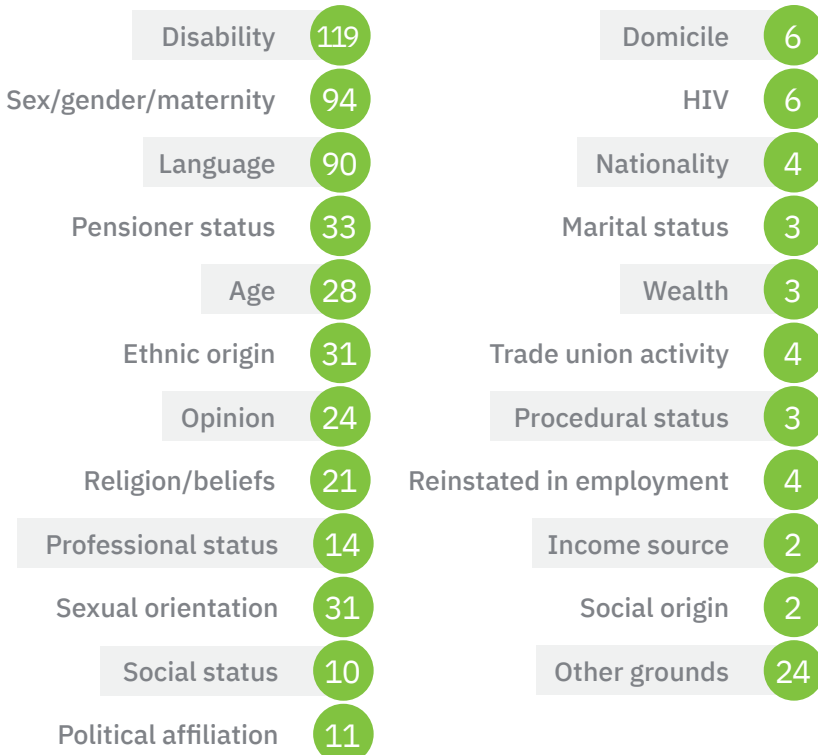
Protection against discrimination

Number of finding discrimination decisions

DOMAIN



GROUND



Petitioner's profile

Most frequently invoked issues in complaints examined:

- **Inaccessibility of the physical and informational environment;**
- **Arbitrary dismissal** of persons holding the status of pensioner for age limit;
- **Failure to ensure reasonable accommodation** of linguistic needs in the justice system;
- **Insufficiency of effective employment policies** for people with disabilities;
- **Unjustified use of fixed-term employment contracts;**
- **Harassment at work;**
- **Speech inciting to discrimination;**
- **Emphasizing ethnic origin, in a negative context;**
- **Production and distribution of sexist advertising;**
- **Failure to comply with the principal of secularity in educational institutions.**



59%

Women



41%

Men



72%

Urban area



28%

Rural area

Promotion of equality



10123

persons trained/
informed

Target groups:

- prosecutors and judges;
- lawyers;
- advocates;
- registrars and judicial assistants;
- police officers;
- criminal prosecution officers;
- employees of the Ministry of Defence;
- conscripts;
- employees of the Ministry of Finance
- LPA representatives;
- public servants;
- social workers;
- specialists in the protection of children's rights;
- medical workers;
- community mediators;
- teachers;
- educators;
- authors and editors of school textbooks;
- employees of the Electric Transport Directorate;
- pupils and students;
- representatives of civil society;
- media representatives;
- refugees;
- pensioners;
- parents and caregivers of children with disabilities.

The most important achievements in the field of ensuring equality, as a result of the implementation of the Council's recommendations

Action recommended by the Council	Impact	Result following the implementation of the recommendation
Amendment of GD 1413/2016 on the procedure for the establishment and payment of compensation for transport services	around 145,600 potential beneficiaries	Establishing the allowance for transport services offered to people with disabilities, in equal amounts, regardless of the place of residence
Social inclusion of people with disabilities through the operation of amendments to GD no. 474/2016	around 15,200 potential beneficiaries	Facilitating the import of cars adapted for people with locomotor disabilities

<p>Amendment of Art. 7 and 8 of Law no. 133/2008 on social assistance, according to which the formula for calculating the minimum guaranteed monthly income per family treats people with severe disabilities similarly to the rest of the categories</p>	<p>around 20,000 potential beneficiaries</p>	<p>Elaboration of a calculation formula that provides for different scores, depending on the degree of disability of the applicant or their family, when accessing the social assistance benefits</p>
<p>Amendment of Law no. 156/20087 on the public pension system, regarding the reexamination of disability pensions (Art. 33)</p>	<p>around 120,000 potential beneficiaries</p>	<p>Giving the right to people with disabilities who are active in the field of work, to request a review of the pension</p>
<p>Amendment of Law no. 156/2008 regarding the public pension system, regarding the calculation of the average insured monthly income, from which the old-age pension is calculated (art. 8 paragraph (3))</p>	<p>The difference between the amount of the minimum salary and the average salary 7,330 Lei</p>	<p>Calculating the income of people who have been on childcare leave and people who have cared for a child with severe disabilities up to the age of 18, based on the average salary in the economy and not the minimum salary.</p>

Amendment of Law no. 156/1998, 33 let. e) on the public pension system, regarding the reexamination of the pension of persons who cared/are caring for a person with a severe disability, taking into account the period of care recognized as non-contributory, conducted until the establishment/reexamination of the pension

Around
12672
potential
beneficiaries

Entitlement of persons who cared/care for a person with a severe disability to a pension reexamination, taking into account the period of care recognized as non-contributory, conducted until the establishment/reexamination of the pension

ACTION recommended by the Council	RESULT following the implementation of the recommendation
Amendment of the Criminal Code and the Contraventional Code in order to combat hate crimes	Punishment of hate crimes and acts of incitement to hatred and discrimination
Amendment of GD 374/2015 which limited the right of persons who have reached retirement age to get employed as personal assistants	Providing the right of persons who have reached retirement age to get employed as personal assistants
Completion of the Labour Code, Art. 124 by establishing paternity leave	Providing the possibility for fathers to benefit from paternity leave, so that they can contribute to the growth and care of the child from the very first days of life
Creation of the record keeping mechanism for pensioners, citizens of the Republic of Moldova, who benefit from pensions from other countries, by amending Art. 4 of Law 1585/1988 on compulsory medical assistance insurance	Providing the right for pensioners, beneficiaries of pensions from another country, to be included in the list of beneficiaries of free medical policy from the state
Amendment of Law 270/2018 on the unified pay system in the budgetary sector	Providing the guarantee of payment of the difference between the calculated salary and the one prior to the adoption of Law 270/2018, to persons whose employment relationships were suspended on the date of entry into force of this law

10 ANI YEARS



Echipa Consiliului pentru egalitate / Equality Council team