

# BRIEF PREPARED BY THE HUMAN RIGHTS RESOURCE GROUP FROM MOLDOVA FOR THE UNIVERSAL PERIODIC REVIEW OF THE REPUBLIC OF MOLDOVA BY THE HUMAN RIGHTS COUNCIL

## Legal capacity

### THE ODDS OF RESTORING LEGAL CAPACITY ONCE DEPRIVED OF IT ARE 1 TO 665

Background	Recommendation
<p>The Moldovan civil procedural law expressly denies the right to access justice of people deprived of their legal capacity, most of them, also people with psycho-social disabilities. From 2012 to 2014, 665 persons were deprived of their legal capacity by a court order, out of which only one case of restoration was registered in 2015.</p>	<ol style="list-style-type: none"><li>1. Amend procedural legislation in order to grant access to justice to persons who have been deprived of their legal capacity.</li><li>2. Provide initial and continuing professional training opportunities for judges and judicial personnel on UNCRPD application, including by recommending to judges to directly apply UNCRPD when deciding complaints on restoration of legal capacity.</li></ol>

## Institutionalization of persons with mental disabilities

### PERSONS WITH MENTAL DISABILITIES WHO ARE UNDER STATE CUSTODY ARE LEFT ON THE PERIPHERY OF THE NATIONAL SYSTEM OF HUMAN RIGHTS PROTECTION

Background	Recommendation
<p>There are about 100,000 people with mental and behavioral disorders officially registered in Moldova. More than 2,500 of them are hospitalized in so called psycho-neurological facilities.</p> <p>Once hospitalized, they become victims of various human rights abuses such as inhuman and degrading treatment, forced labor, sexual abuse, and limitations of reproductive rights.</p>	<p>Ensure the prevention, investigation, and punishment of perpetrators of human rights violations in cases of persons with mental disabilities and ensure access to effective and independent complaint mechanisms.</p>

## Fair trial and language barriers

### CRIMINAL SUSPECTS FACE DIFFICULTIES IN EXERCISING FAIR PROCEDURE RIGHTS DUE TO LANGUAGE BARRIERS

Background	Recommendation
<p>Moldova lacks clear provisions to ensure translation into the language that the participant of the criminal proceedings understands.</p>	<p>A procedure should be established to enable access to translation services for persons facing criminal proceedings.</p>

## Challenges in ensuring Freedom of Religion

### THE RIGHTS OF RELIGIOUS MINORITIES ARE INFRINGED DUE TO RELIGIOUS INTOLERANCE AND INADEQUATE LEGAL REGULATIONS

Background	Recommendation
<p>Contrary to Constitutional provisions and the recommendations of the Special Rapporteur on Freedom of Religion, the Law on Freedom of Thought, Conscience and Religion provides for a preferential treatment of the Moldovan Orthodox Church. This leads to religious intolerance and discrimination of religious minorities.</p> <p>The handbooks for “Moral and Spiritual Education” approved by the Ministry of Education reflects exclusively the Christian Orthodox values.</p>	<ol style="list-style-type: none"><li>1. Amend the legal framework in the view of ensuring religious tolerance and equal treatment of all religious communities inclusively through the establishment of an interreligious communication platform.</li><li>2. Development of a human-centered civic education curriculum and of an education for tolerance curriculum with mandatory implementation in primary and secondary school.</li></ol>

## Hate crimes

### HATE CRIMES ARE QUALIFIED AS ORDINARY HOOLIGANISM

Background	Recommendation
<p>The findings of the Moldovan equality body reveal systematic deficiencies in the investigation and prosecution of hate crimes at all stages of prosecution, from the moment of filing a complaint to the delivery of a final judgment.</p> <p>Criminal law does not include hate crimes as self-standing offenses but only as aggravating circumstances applied to other crimes.</p>	<ol style="list-style-type: none"><li>1. Amend the Criminal Code and the Code of Administrative Offences to include a free-standing provision prosecuting hate crimes for all protected grounds as set out in the non-exhaustive list of the Law no. 121/2012 on Ensuring Equality.</li><li>2. Adopt guidelines establishing steps for thorough investigations into motives in all suspected hate crimes.</li></ol>

## Legal empowerment of vulnerable groups

### THE CURRENT LEGAL AID SYSTEM DOES NOT REACH AND EMPOWER VULNERABLE GROUPS

Background	Recommendation
<p>Although the primary legal services were successfully piloted, the Government failed to further develop a sustainable and effective legal empowerment mechanism and ensure high quality legal aid.</p>	<ol style="list-style-type: none"><li>1. Strengthen and develop community based legal aid and empowerment mechanisms to raise awareness about rights and existing legal remedies among vulnerable people, including drug users, sex workers, ethnic minorities and persons with disabilities.</li><li>2. Improve quality of legal aid by developing and implementing clear criteria for quality assessment of legal aid professionals.</li></ol>