

Strengthening the mechanisms for fighting discrimination and hate speech in Moldova

Key challenges

Moldova's commitments on anti-discrimination derived initially from the visa-free dialogue, and it is part of the visa liberalization monitoring mechanism. The EU-Moldova Association Agenda for 2017-2019 provides that equality and gender issues are addressed as a crosscutting priority. It includes adoption of legislation on hate crime, the application of laws and regulations against discrimination on all grounds and strengthening the capacity of the Equality Council (the national equality mechanism) among short and medium-term priorities.

A 2015 opinion survey reveals worrying results regarding the level of intolerance regarding some specific groups. LGBT persons are the least accepted category, followed by the persons living with HIV, ex-detainees, persons with mental impairments, persons of Muslim and African origin and Roma people. The effectiveness of the Equality Council is significantly hampered by inadequacies in the existing legislation regarding the status of its decisions and their enforcement mechanism. The acts of discrimination found as misdemeanours remain unsanctioned, or even not qualified as such by the Equality Council, to avoid its decision being quashed by courts. The Equality Council is constrained in submitting direct requests to the Constitutional Court on discriminatory legislative provisions. Keeping the current status quo can lead to the Equality Council's losing credibility among the victims of discrimination and the larger public. Hate crimes are severely underreported in Moldova and are inadequately investigated. This results from both the poor legislative basis and the inadequate police and prosecution measures. Hate speech is particularly present in political discourse, especially regarding certain social groups. The 2018 electoral year poses new risks for amplification of hate speech. The public authorities should urgently develop a strategy on combatting hate speech, involving all competent bodies.

Key recommendations for Moldovan authorities

- 🔍 **Revise the relevant legislation, in particular the Law no. 121 (on ensuring equality), the Law no. 298 (on activity of the Equality Council) and the Contravention Code, to either grant the Equality Council direct sanctioning powers or resolve the procedural inconsistencies that impede the Council drawing effective protocols for acts of discrimination amounting to misdemeanours;**
- 🔍 **Review the draft law no. 301 (amendments to the Criminal and Contravention Codes regarding hate crime) to bring it in line with European standards and adopt the improved draft;**
- 🔍 **Develop a comprehensive national strategy to combat hate speech, involving the Ministry of Justice, the Equality Council, the Audio-Visual Council, the Press Council, the Central Electoral Commission, the Ministry of Interior (police), prosecution and the judiciary.**

Recommendation for the European Union

- 🔍 **Maintain equality and non-discrimination as a priority in EU-Moldova dialogue;**
- 🔍 **Urge the Moldovan partners to effectively counteract hate crime and hate speech by improving the relevant legislation and practices;**
- 🔍 **Include strengthening of the Equality Council's status and enforcement mechanism of its decisions as conditionality for further financial assistance to Moldova.**