The Phenomenon of Discrimination in Moldova: Perceptions of the Population A Comparative Study

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Introduction

After the adoption, preceded by long and controversial debates, of the special legislation (Law no. 121/2012 on Ensuring Equality and Law no. 298/2012 on the Activity of the Council on Prevention and Elimination of Discrimination and Ensuring Equality), the activities focussed on prevention and countering of discrimination entered a new stage. On the 31st of July 2013, the Council on Prevention and Elimination Discrimination and Ensuring Equality (CPEDEE), was registered as an autonomous public authority entitled with the status of legal entity of public law, a collegial body whose members are appointed for a five-year term by the Parliament of the Republic of Moldova. The Council’s members are independent, politically unaffiliated experts with a significant experience in the field of human rights protection.

This paper is intended to make a comparative sociological analysis of the perceptions of the population of the Republic of Moldova on the phenomenon of discrimination; the second goal of this paper is to formulate recommendations for the reduction of discrimination based on a number of group-sessions with experts in the respective field.

We deemed it important for the readers to include a brief overview of the legal and institutional frameworks regulating the fight against discrimination, an overview which makes up the content of the first part of this work. The second part is focussed on the comparative analysis of the results of the surveys on the population’s perceptions of the discrimination against different social groups which were conducted in the Republic of Moldova in 2010 and 2014. The third part of the work presents the experts’ recommendations for the reduction of the level of discrimination against various groups in our society.

The sociological surveys used for this comparative analysis had been conducted based on the same methodology, developed in 2010, and aimed at the same objectives:

1. The survey conducted in 2010 was financially supported by Soros Moldova Foundation, and the survey conducted in 2014 was done by the Institute for Public Policy with USAID financial support.
2. The methodology has been developed by Ludmila Malcoci, Sociology Ph.D., based on the literature review and on experts’ survey using Delphi method.
Study the perceptions of the population of the groups of people who are frequently discriminated in Moldova

Identify the social contexts within which different groups of people are subject to discrimination

Investigate the social distance between the respondents and the groups of people who are subject to discrimination

Study the personal experience of the respondents in the field of discrimination

Investigate the perceptions of the respondents of the way how the media cover different groups of people

Make practical recommendations for the prevention and fight of discrimination against different groups of population

The study comprises an analysis of the population’s perceptions of the discrimination against the following groups of people: persons with mental and physical disabilities, LGBT persons, HIV-positive persons, elderly people, Roma people, poor people, women. These groups of people have been included in the study as a result of the examination of the experts’ opinions about the most discriminated groups of people in Moldova in 2010.

The research methods applied in both surveys were the face-to-face standardised interviews and the focus-groups. The face-to-face standardised interviews were used to investigate the population’s perceptions, and the focus-groups – to explore the experts’ opinions on the causes and effects of discrimination and to involve them in developing practical recommendations for the prevention and fight against discrimination of the disadvantaged groups of population.

The survey focussed on the general population was conducted in both periods by CBS AXA Centre for Sociological Investigations. In 2010, the sample consisted of 1200 respondents, and in 2014 – of 1070 respondents. The sample’s characteristics are: stratified, probabilistic, multi-stadial. The sample structure is in line with the structure of the population aged over 18 based on the following parameters: gender, age, residence environment, education. The sample representativeness is ± 3%.

The survey conducted in 2014 comprised the investigation of the population’s perceptions of the discrimination against other groups of people, such as Muslims, Jewish and drug users. Our survey does not cover these groups because they had not been investigated in 2010 and, therefore, no data comparison can be done.

I. The Legal and Institutional Frameworks Regulating the Phenomenon of Discrimination

The Legal Framework
Constitutional clauses

The legal framework for preventing and countering discrimination is firstly based on the constitutional clauses. Article 1 of the Constitution of the Republic of Moldova, adopted by the Parliament in 1994, stipulates that:

3 The Republic of Moldova is a democratic and governed by the rule of law State, in which human dignity, human rights and freedoms, the free development of human personality, the justice and political pluralism are supreme values and shall be guaranteed.4

By the above-mentioned article, the Republic of Moldova as a State guarantees the human freedoms. The equality of the citizens of the Republic of Moldova before the law and the public authorities is stipulated in Article 16, which also sets the main criteria for equality and non-discrimination:

(2) All citizens of the Republic of Moldova shall be equal before the law and public authorities, regardless of the race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin.5

External sources

The legal framework for the equality and non-discrimination has been further developed as a result of joining the international conventions and other treaties by the Republic of Moldova. Such conventions and treaties are the external sources of law in the field of non-discrimination. The Constitution sets the applicability clauses for the international law documents to which the Republic of Moldova is a party. Thus, Article 4 provides that the human rights and freedoms stipulated in international conventions and treaties to which the Republic of Moldova is a party shall be given priority over the ones stipulated in the national legislation.

5 ibidem
Article 4
Human rights and freedoms

(1) The constitutional provisions on human rights and freedoms shall be interpreted and enforced in accordance with the Universal Declaration of Human Rights, other conventions and treaties to which the Republic of Moldova is a party.

(2) Wherever disagreements appear between the conventions and treaties on fundamental human rights to which the Republic of Moldova is a party and its domestic laws, priority shall be given to international regulations.\(^6\)

Moreover, before entry into force of an international treaty whose clauses disagree with the Constitution, the latter shall be reviewed:

Article 8
Observance of the international law and international treaties

(1) The Republic of Moldova pledges to observe the Charter of the United Nations Organisation and the treaties to which it is a party, to establish relationships with other states on the basis of unanimously recognised principles and norms of the international law.

(2) The entry into force of an international treaty containing provisions contrary to the Constitution shall be preceded by a revision of the latter.\(^7\)

The main external sources of law in the field of non-discrimination and equity are:

- The Universal Declaration of Human Rights of 1948;
  The Declaration is not legally binding, and it rather implies (or has at least implied) a moral obligation, but it has although served over the years as a source for many other tools for human rights protection.
- The International Covenant on Civil and Political Rights (ICCPR); (ratified by Parliament Resolution no. 217-XII of 28th of July 1990, in force in the Republic of Moldova since 26th of April 1993)
  The covenant is a legally binding tool for States parties.
- The International Covenant on the Economic, Social and Cultural Rights (ICESCR); in force in the Republic of Moldova since 26th of April 1993
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); in force in the Republic of Moldova since 25th of February 1993;
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); ratified on 28th of April 1994 by Parliament Resolution no. 42-XII;
- The UN Convention on the Rights of Persons with Disabilities; ratified by the Republic of Moldova on 9th of July 2010;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; in force in the Republic of Moldova since 28th of December 1995;
- The European Convention for the Protection of Human Rights;

The European Convention for the Protection of Human Rights is one of the most important legal tools in this field, which has become a constituent part of the law system of the Republic of Moldova. Both the European Convention for the Protection of Human Rights, and the jurisprudence of the European Court of Human Rights are directly enforceable in the Republic of Moldova; the fact that the Convention’s provisions and the ECHR jurisprudence are not so frequently applied in the judicial practice may only be explained by the magistrates’ insufficient level of knowledge, as well as by the system’s inertia, but these handicaps are about to be overcome. ECHR jurisprudence is becoming a European standard in the fields of human rights protection, non-discrimination and ensuring equality, a standard to which the national legislation is attempting to align.\(^8\)

\(^6\) ibidem
\(^7\) ibidem

\(^8\) Analysis of the compliance of the national legislation in the field of employment non-discrimination to the European standards. http://crjm.org/category/publications/drepturile-omului/
Internal sources

As we have already mentioned above, according to the Constitution of the Republic of Moldova, equality and non-discrimination are fundamental human rights, and also general principles which are a constituent part of the foundations of the country’s system of law. Thus, the national legislation, which is inferior to the Fundamental Law, shall observe the principles of equality and non-discrimination as cross-cutting principles for the whole legislative system, regardless of the fact either the respective principles are or not expressly stipulated in the normative acts.

The legislation regulating the major branches of law and its provisions related to non-discrimination are:

The Civil Code

**Article 1.** The foundations of the civil legislation

(1) The civil legislation shall be based on recognition of the equality of participants in the civil circuit, the inviolability of property, the freedom of contract, the inadmissibility of the interference in private business, the need for free exercise of civil rights, the guarantee of the restoration of the violated rights and their protection in the Court.

The Civil Procedure Code

**Article 22.** Equality before the law and the justice

(1) In civil cases, justice shall be rendered based on the principle of equality of all the persons, regardless of their citizenship, race, nationality, ethnic origin, language, religion, sex, views, political affiliation, property, social origin, job, place of birth, as well as on the principle of equality of all the organisations, regardless of the type of property and of the legal form of organisation, subordination, headquarters and other circumstances.

The Criminal Code

**Article 5.** The principle of democratism

(1) Persons who commit crimes shall be equal before the law and shall be subject to criminal liability irrespective of their sex, race, colour, language, religion, political or any other views, national or social origin, national minority status, wealth, birth or any other situation.

**Article 77.** Aggravating Circumstances

(1) When establishing the punishment, the following shall be considered as aggravating circumstances:

d) commission of a crime because of social, national, racial or religious hatred

The Criminal Procedure Code

**Article 9.** Equality before the law and authorities

(1) All people are equal before the law, the criminal prosecution bodies and the courts, regardless of their sex, race, colour, language, religion, political or any other views, national or social origin, national minority status, wealth, birth or any other situation.

The Labour Code

**Article 5.** Basic principles for the regulation of labour relations and of other relations directly connected to them

The basic principles for the regulation of labour relations and of other relations directly connected to them, the principles derived from the norms of the international law and the Constitution of Republic of Moldova, are as follows:

... 

e) equality of rights and opportunities for employees 
...

g) ensure the equality of employees, without no discrimination, in promotion at work based on labour productivity, qualification and length of service in the specialty, as well as in terms of vocational training, retraining and professional development courses.

**Article 8.** Prohibition of discrimination in the field of labour

(1) The labour relations shall be governed by the principle of equality in rights of all employees. Any direct or indirect employee discrimination because of gender; age, race, skin colour, ethnicity, religion, political views, social origin, domicile, handicap, HIV-infection, affiliation to or trade union activity, or of other criteria unrelated to the professional skills, shall be prohibited

(2) The establishment of some distinctions, exceptions, prefer-
ences or employee rights, deriving from the specific requirements of a certain work set by the legislation in force or from the State special care towards the persons with an increased need for social and legal protection, shall not be considered as discrimination

Article 10. The employer’s rights and obligations

Paragraph. (2) The employer shall have the obligation:

f1) to ensure equal opportunities and treatment in employment of all the persons following their profession, in professional orientation and training, in promotion at work, with no discrimination;

f2) to apply the same criteria for the evaluation of labour quality, for penalisation and dismissal;

f3) to undertake measures for preventing the sexual harassment at the workplace, and for preventing the persecution because of the submission of discrimination-related complaints to the competent authorities;

f4) to ensure equal conditions, for women and men, for combining work and family responsibilities;

f5) to include in the unit’s internal regulations provisions prohibiting discrimination on the basis of any criteria and sexual harassment;

f6) to ensure the respect of the employee dignity at work;

g7) to ensure equal payment for the work of equal value.

The Contravention Code

Article 54. Violation of equality in the field of labour

(1) Any distinction, exclusion, restriction or preference on the basis of race, nationality, ethnic origin, language, religion or beliefs, sex, age, disability, views, political affiliation or on any other criterion which has the effect of limiting or undermining the equality of opportunities or treatment in employment or dismissal, undertaken by the means of:

a) display of employment advertisements specifying any conditions and criteria which exclude or advantage some persons;

b) groundless refusal to employ a person;

c) groundless refusal to enrol some persons in vocational training courses;

d) differentiated remuneration for the same type and/or amount of work;

e) differentiated and groundless assignment of the tasks at work, what results from granting a less favourable status to some persons, shall be penalised with a fine of 100 to 140 conventional units for individuals, a fine of 200 to 350 conventional units for the responsible persons, a fine of 350 to 450 conventional units for the legal entities.

(2) The harassment, that is the display by an employer of any conduct on the basis of the race, nationality, ethnic origin, language, religion or beliefs, sex, age, disability, views, political affiliation or on any other criterion, which leads to an intimidating, hostile, degrading, humiliating or offensive atmosphere at the workplace shall be penalised with a fine of 130 to 150 conventional units for individuals, a fine of 250 to 400 conventional units for the responsible persons.

Article 65. Discrimination in the field of education

Any distinction, exclusion, restriction or preference on the basis of the race, nationality, ethnic origin, language, religion or beliefs, sex, age, disability, views, political affiliation or on any other criteria, displayed:

a) while providing access to educational institutions of any type and level;

b) by setting restriction-based enrolment principles, contrary to the provisions of the legislation in force;

c) during the educational process, including at the evaluation of the acquired knowledge;

d) during the research and teaching activities, shall be penalised with a fine.

The Audiovisual Code

Article 6. Guaranteeing the morality and ensuring the protection of minors

(1) The broadcaster shall be prohibited from broadcasting programmes which contain any form of incitement to hatred because of race, religion, nationality, sex.

The Education Code

13 http://lex.justice.md/md/330333/

14 http://lex.justice.md/md/355156/
Article 5. Mission of education
The education has the mission:
...
d) to promote the intercultural dialogue, the sense of tolerance, non-discrimination and social inclusion;

Article 7. The fundamental principles of education
The following fundamental principles lay the foundations of education:
a) principle of equity – by virtue of this principle, the access to education shall be ensured with no discrimination;
...
g) principle of social inclusion;
h) principle of equality;
i) principle of recognition and guarantee of the rights of people belonging to national minorities, including the right to preservation, development and expression of their ethnic, cultural, linguistic and religious identity.

Article 37. Provision of extra-curriculum education
...
(4). Free access to activities provided by the public extra-curriculum educational institutions in accordance with the Nomenclature of free educational services approved by the Government shall be granted to all solictants aged between 5 and 21, respecting the principle of non-discrimination.

Special legislation
The norms established in the above-mentioned legislation have been further developed in the following special laws:
- Law no. 515 on the equality of opportunities for women and men of 09/02/2006,
- Law no. 6016 on the social inclusion of persons with disabilities of 30/03/2012,
- Law no. 6417 on freedom of speech of 23/04/2010,
- Law no. 12118 on ensuring equality of 25/05/2012,

Law no. 121 on ensuring equality, which was adopted on 25th of December 2012 after a long-lasting period of controversial debates during which the initial draft has been modified (but not necessarily improved) and came into force on 1st of January 2013, is the only special normative framework regulating the prevention and elimination of discrimination and ensuring of equality. The Law defines the basic concepts (discrimination, types of discrimination), sets the protected criteria, the worst forms of discrimination, the fields of discrimination. In addition to it, the Law also sets the institutional framework for resolving the cases of discrimination, the procedures and the task of evidence collection, as well as a list of remedies which can be established by the court.

The above-mentioned Law is supplemented by a number of other special laws; for instance, Law no. 5 on the equality of opportunities for women and men regulates the discrimination on the basis of sex and gender criteria; Law no. 60 on the social inclusion of persons with disabilities defines the concepts of “disability” and disability-based discrimination; Law no. 64 on the freedom of expression defines the concept of hate speech.

These laws are in turn supplemented by the explanatory decisions issued by the Plenum of the Supreme Court of Justice, and by the consultative notifications and the recommendations of the Supreme Court of Justice.

The decisions of the Council on Prevention and Elimination of Discrimination and Ensuring Equality are becoming another important source of law in the field of discrimination.

Protected criteria
Under the terms of Law no. 121, discrimination consists in «...
any distinction, exclusion, restriction or preference in relation with the rights and freedoms of a person or a group of persons, as well as the support for the discriminatory conduct on the basis of real criteria stipulated by this law or of presumed criteria.

Law 121 sets an open list of protected criteria; which include the race, the colour, the nationality, the ethnic origin, the language, the religion or the beliefs, the sex, the age, the disability, the views, the political affiliation or any other similar criteria; it is important for this list to remain open. This Law is supplemented by other normative acts; as it has already been mentioned, the Labour Code also sets such criteria, as [...] skin colour, ethnicity, political views, social origin, domicile, HIV/AIDS infection, membership to or trade union activity, the Civil Procedure Code adds on the [...] citizenship, job, place of birth...", and Law no. 320 on the police activity and the status of the policeman - "[...] the amount of property or the social origin". In one of its decisions, the Council on Prevention and Elimination of Discrimination and Ensuring Equality (CPEDEE) stipulates that the special status of certified person (similar to the military rank) is also a criterion for discrimination, although it is not explicitly specified in the legislation (decision of 17.02.2014 related to case no. 008/2013). The practice of anti-discrimination activities might identify some other discrimination criteria.

**Forms of discrimination**

Law no. 121 points out a range of possible forms of discrimination, in other words – ways to display an inequitable conduct towards a person. These are:

**Direct discrimination** – treating a person on the basis of any of the prohibitive criteria less favourably than another person who is in a comparable situation;

**Indirect discrimination** – any apparently neutral provision, action, criterion or practice which has the effect of disadvantaging a person against another person on the basis of the criteria stipulated by the law, except the cases when the respective provision, action, criterion or practice is objectively justified by a legitimate aim and when the means intended for achieving the respective aim are proportionate, appropriate and necessary;

**Discrimination by association** – any act of discrimination against a person who, not being from a category of persons identified on the basis of the criteria stipulated by the law, is associated to one or several persons belonging to such a category of people;

**Racial segregation** – any action or inaction leading directly or indirectly to the separation or distinction of the persons on the basis of race, colour, national or ethnic origin;

**Harassment** – any unwanted behaviour leading to the creation of an intimidating, hostile, degrading, humiliating or offensive environment which has the goal or the effect of injuring the dignity of a person on the basis of the criteria stipulated by the law;

**Incitement to discrimination** – any behaviour through which a person puts pressure or shows an intentional conduct for the purpose of discriminating a third person on the basis of the criteria stipulated by the law;

**Victimisation** – any action or inaction leading to adverse consequences as a result of submitting a complaint or making a claim in the court for the purpose of ensuring the enforcement of the legal provisions or providing information, including testimonies, connected to the complaint or the claim submitted by another person;

The concept of harassment is further detailed in Law no. 5 on ensuring the equality of opportunities for women and men, which defines the concept of sexual harassment:

**Sexual harassment** – any form of physical, verbal or non-verbal behaviour of a sexual nature which violates the person’s dignity or creates an unpleasant, hostile, degrading, humiliating or offensive environment;

Law no. 64 on the freedom of expression defines the concept of hate speech, which is another form of discrimination:

**Hate speech** – any form of expression which provokes, propagates, promotes or justifies the racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance;

Two important concepts, the concept of reasonable accommodation, defined in Law no. 121, and the concept of universal design, defined in Law no. 64, on the freedom of expression, which is another form of discrimination:

fined in Law no. 60 on the social inclusion of persons with disabilities, complete the list of definitions which determine the forms of discrimination:

Reasonable accommodation – any necessary and appropriate modification or adjustments, in a particular case, not imposing a disproportionate or undue burden, when needed to ensure to a person, in cases specified by the law, the exercise in equal conditions with others of fundamental rights and freedoms.

Universal design – designing products, environments, programmes and services to be usable to the greatest extent possible by everyone, with no need for special adjustment or designing. The universal design shall not exclude the assistive devices for some categories of persons with disabilities, when necessary.

Fields
The legislation related to non-discrimination and ensuring equality specifies in particular the following fields of application:

- employment and labour,
- education,
- access to goods and services,
- access to public places or facilities.

Article 7 of Law no.121 details the legal provisions regulating the employer’s activities, such as the display of employment advertisement, employment itself, promotion, distribution of the workload, payment for work, training, working conditions, dismissal, informing the employees about their rights, etc.

It is important being noted that discrimination in the field of labour is also prohibited on the basis of a supplementary criterion which is explicitly specified exclusively in connection with this field, that is sexual orientation; this criterion has been added as a response to the need for harmonisation of the national legislation with the European one.

The field of education covers all the educational institutions, of any type and level. Discrimination is prohibited at the access to educational institutions, in the educational process, including at the evaluation of the acquired knowledge and in the research and teaching activities. Non-discrimination shall be taken into account while developing teaching aids and curricula, and the teaching staff shall be informed and trained about the methods and ways how to prevent discrimination acts and to appeal to the competent authorities. The Law prohibits the educational institutions from setting restriction-based enrolment criteria, except the cases specified by the legislation in force.

The access to goods and services is another important field. It refers to:

- a) services provided by public authorities;
- b) healthcare services and other health services;
- c) social protection services;
- d) banking and financial services;
- e) transport services;
- f) cultural and leisure services;
- g) sale or rental of movable and immovable property;
- h) other services and goods available for the public.

The services and goods may be provided both by public agencies and/or enterprises (police, hospitals, clinics, departments, etc.), and by private sector’s organisations (banks, shops, restaurants, etc.).

Exceptions
The national legislation related to non-discrimination provides for a series of exceptions, that is - situations when some restrictions, preferences, distinctions, exclusions do not constitute a discriminatory behaviour. Since the beginning, Law no. 121 specifies expressly in Article 1, paragraph (2) that the law’s provisions do not extend to and cannot be interpreted as detrimental to:

- a) families which are founded on the freely consented marriage between a man and a woman;
- b) adoption relations;
- c) religious denominations and their constituent parts, in connection with their religious beliefs.

It means that the legislation of the Republic of Moldova does not allow, for example, the transcription and/or registration of civil status certificates or extracts issued by foreign authorities for marriages or civil partnerships between people of the same sex; it would also imply the impossibility of same-sex couples to adopt children. The respective
wording of the law is, by the way, rather confusing and leaves room for contradictory interpretations; moreover, such interpretations and the decisions taken by the national authorities might be in contradiction with the jurisprudence of the European Court for Human Rights which has precedence over the national law.

Article 7 of the Law which refers to prohibition of labour discrimination stipulates in paragraph (5) that any restriction, preference, distinction, exclusion determined by the specific nature of the respective activity, the conditions under which this work is done, the essential and determining professional requirements does not constitute discrimination provided that the goal is legitimate and the requirements are proportionate. Paragraph (6) specifies the provisions of paragraph (5) in relation with the professional activity of religious denominations, stipulating that the differentiated requirements and treatment of the persons in the framework of the activities of religious organisations based on a person’s religion or beliefs do not constitute discrimination provided that the religion or the beliefs are an essential professional requirement.

The special requirements stipulated in connection with the conditions for access to the educational institutions do not constitute discrimination either (Article 9, paragraphs (3) and (4) of Law no. 121).

The restrictions to the exercise of the voting rights and the limits in terms of provision of State social allowances to foreign citizens and to stateless people are not deemed discriminatory.

The national legislation provides for a special, unequal treatment referred to as affirmative actions (Law no. 5) or positive measures (Law no. 121), but not deemed discrimination; such provisional special actions are undertaken by the public authorities in favour of a person, a group of persons or a community and are intended to ensure their natural development and the effective enforcement of their equality in relation with the other persons, groups of persons or communities.

**Ratione personae - the subjects in the field of discrimination**

Law no. 121 on ensuring equality provides that both the natural persons and the legal entities from the public and private fields may be subjects in the field of discrimination.

Law no. 60 on the social inclusion of persons with disabilities provides for the special protection of the persons with disabilities, while people living with HIV/AIDS are additionally protected by Law no. 23 on the prophylaxis of HIV/AIDS epidemic.

**The Institutional Framework**

Law no. 521 (Article 15) on ensuring the equality of opportunities for women and men sets a list of authorities empowered with responsibilities in the field of equality between women and men. These are the Parliament, the Government, the Governmental Committee for the equality between women and men, the Ministry of Labour, Social Protection and Family (a specialised body), the ministries and other central government authorities (gender units) local government authorities (gender units).

The competences of the Parliament and of the Government being more or less obvious, we shall focus more on the competences of the Governmental Committee for equality between women and men and the ones of the Ministry of Labour, Social Protection and Family, which is the central public authority empowered to develop and promote policies in the field of equality between women and men.

According to Article 18 of the Law, the Governmental Committee for equality between women and men is a consultative body established under the Government which operates based on the regulations approved by the latter and has the tasks to a) promote the equality between women and men within a broach approach; b) coordinate the activities of central and local government authorities in the field of equality between women and men; c) develop the collaboration between State structures and civil society in the field of the equality between women and men.

The Ministry of Labour, Social Protection and Family of the Republic of Moldova is the central public authority empowered to develop and promote policies in the field of the equality between women and men. The Ministry has a Directorate in charge of Preventing Family Violence and Ensuring Gender Equality which has the following tasks:

a) develop and endorse the draft normative acts based on the principle of equality between women and men, propose amendments to the normative acts aiming at their adjustment to the law under consideration; b) perform the coordination and monitoring of the implementation of international instruments at the national level; c) make proposals for the integration of the principle of equality between women and men in strategies, programmes and financial investments, as well as in reporting in the respective fields; d) develop and coordinate the implementation of programmes, conduct media campaigns, research and other activities aimed at ensuring the equality between women and men; e) coordinate the activities of gender units; f) collaborate with non-governmental organisations, foundations, trade unions, employers and international bodies which contribute to the implementation of equity between women and men.

Under the terms of the Law, the gender units are the specialised institutions of the specialised central government authorities which a) perform the monitoring of the enforcement of legislation on the equality between women and men by the central government authorities; b) make proposals for the integration of the principle of equality between women and men in policies and activity plans of central government authorities; c) examine the complaints of the legal entities and natural persons revealing cases of discrimination on the basis of sex criterion; d) submit periodically activity reports to the specialised authorities on the issue of equality between women and men. The Law also provides for the establishment within the local government authorities of gender units empowered with the following tasks: a) make proposals for the integration of the principle of equality between women and men in policies, programmes and normative acts issued by local government authorities, in the budgets of administrative-territorial units; b) collaborate with non-governmental organisations and with other organisations in the issue of equality between women and men; c) examine the complaints of the legal entities and natural persons revealing cases of discrimination on the basis of the sex criterion; d) perform the monitoring of activities undertaken by local government authorities in the respective field; e) submit periodically activity reports to local government authorities on the performed work. However, the legislation is not enforced and no gender units have been established within central and local government authorities up to now.

Law no. 121 further develops the institutional framework with authorities empowered to prevent and eliminate discrimination. According to Article 10 of Law no. 121, these are:

a) the Council on Prevention and Elimination of Discrimination and Ensuring Equality;
b) the public authorities;
c) the courts.

According to Article 16 of Law no. 121, to prevent discriminatory acts, public authorities, within the scope of their competence, shall have the following responsibilities: a) examine the complaints of the persons who consider themselves victims of discrimination; b) coordinate the activities undertaken in the field of countering discrimination by the decentralised and devolved structures; c) contribute to education of the population and raising the awareness about prohibition of discrimination in the fields of their competence; d) perform other tasks in accordance with the legislation regulating the field under consideration.

Council on Prevention and Elimination of Discrimination and Ensuring Equality

1. The Council on Prevention and Elimination of Discrimination and Ensuring Equality is the only public institution empowered with responsibilities in the field under consideration. According to Article 12 of Law no. 121, the Council’s responsibilities are focussed on the following important dimensions:

2. Analysis and drafting of public policies in the field of non-discrimination; within this dimension, the Council shall: a) examine the conformity of the legislation in force with non-discrimination standards; b) make proposals for the modification of the legislation in force in the field of preventing and countering discrimination; c) issue consultative notifications concerning the conformity of draft normative acts with the legislation in the field of preventing and eliminating discrimination; d) perform the monitoring of legislation enforcement
in the field under consideration; e) gather information about the dimensions, the state and the trends of the discrimination phenomenon at the national level and develop surveys and reports; f) make general proposals to public authorities concerning the prevention and countering of discrimination and the improvement of the conduct towards the people who fall under the provisions of this law;

3. Raising the society’s level of awareness about discrimination issues and fighting against discrimination; within this dimension, the Council shall: g) contribute to raising the public awareness about the elimination of all forms of discrimination in the context of democratic values;

4. International collaboration; the Council shall: h) cooperate with international bodies working in the field of discrimination prevention and countering;

5. Direct activities of protection of discrimination victims; within this dimension, the Council shall: i) examine the complaints of the persons who consider themselves victims of discrimination; j) submit to the competent authorities requests for initiation of disciplinary processes against the responsible persons who committed discriminatory acts in their activity; k) report the offenses with discriminatory elements, following the Contravention Code; l) notify the criminal prosecution bodies in case of commission of discriminatory acts with elements of a crime; m) contribute to amicable settlement of the conflicts emerged after the commission of discriminatory acts, by the means of conciliation and identifying mutually acceptable solutions.

In accordance with Article 399 and Article 4235 of the Contravention Code, the Council also has the status of a recording officer. A contravention report signed by at least 3 members of the Council shall be issued against the person liable for discrimination or for hindering the Council’s activity.

The procedures for initiation of actions before the Council on Prevention and Elimination of Discrimination and Ensuring Equality are set in Articles 13 – 15 of Law no. 121. In accordance with them, there are two ways for initiating an action – an ex-officio notification or a complaint submitted either by the victim of by any other stakeholder, including at the request of the trade unions and of public organisations working in the field of human rights promotion and protection.

The complaint against the discrimination act shall contain the description of the violation of the person’s right, the time when the violation took place, the acts and the possible evidence in favour of the complaint, the name and the address of the complainant. The complaint may be submitted to the Council within a one-year term after the date of commission of the act or after the date when the act could be ascertained.

The complaint shall be examined within 30 to 90 days after the date of submission. Proving that the respective act does not constitute a discriminatory act is a task of the persons presumed to have committed the discriminatory act.

The Council may reject the complaint, if it does not contain the complainant’s identification data and the basic information or if it is a repeated complaint and does not contain any new information or evidence.

The examination of the complaint shall be done during hearings with the participation of at least 2 members of the Council. The equity, contradictoriality and equality of arms shall be ensured during the hearings.

Upon completion of examination of the complaint, the Council shall adopt a reasoned decision with the majority of votes of its members. The Council’s decision shall also contain recommendations for restoration of the victim’s rights and for preventing similar acts in the future. The complainant and the person who has committed the discriminatory act shall be notified about the decision within a five-day term after the deliberations. If the Council’s members fail to reach a consensus, the deliberation shall be postponed. The Council shall be informed by the parties about the undertaken measures within a ten-day term, particularly if the Council’s decision contains some recommendations.

If the Council disagrees with the measures undertaken by the person which has committed the discriminatory act, it is entitled to request
appropriate measures to a higher hierarchic authority and/or to inform the public opinion.

The Council’s decisions shall be published on its website - www.egalitate.md, respecting the confidentiality of the personal data. If the examination of a complaint reveals the commission of any acts which constitute a contravention, the Council shall submit the respective report and materials to the competent authorities for substantive examination. If the examination of the acts reveals elements of a crime, the Council shall straight away send the file to criminal prosecution bodies.

The Council’s decision may be challenged in the administrative court. The final decision becomes an official act which is executory for the concerned subjects.

II. Comparative Analysis of the Population’s Perceptions of the Phenomenon of Discrimination

The dynamics of the phenomenon of discrimination in Moldova. Compared to the year 2010, the share of population who consider that discrimination is an important issue for the Republic of Moldova is higher in 2014 (an increase from IDPO\(^{22}\) = 58% to IDPO =66%). Nevertheless, discrimination is still on the penultimate position in the agenda of important issues, after unemployment, rise of prices, underdeveloped economy, low amount of pensions, limited access to health services, poor infrastructure, political instability and even limited access of youth to education.

The share of respondents who consider that discrimination has increased over the previous five years raised by 9% in 2014 compared to the year 2010, reaching the amount of 45%. The respondents still think that the main causes for the increase of discrimination are the larger difference between rich and poor people, the loss of some moral values, the lack of belief in God, the absence of a legal framework for the fight against discrimination and the lack of education for tolerance among children.

The research conducted in 2014, likewise the one of 2010, showed that most of respondents consider as important and very important the following moral values: the respect for others, the respect for the law, the person’s freedom, equality, tolerance, equity. In the same time, likewise in 2010, the largest share of respondents stated that such values are little respected or not respected at all in the Republic of Moldova.

Both in 2014, and in 2010, nearly 2/3 of respondents expressed little trust or no trust in people and 1/3 of them stated they trust must or very much in people. The population still trust the most in the members of their own families (94%), in the community’s priest (58%), in

\(^{22}\) The index of the dominant personal opinion (IDPO) was calculated following the formula \((p-n)(100-ne):100\), in which \(p\) – the frequency of positive opinions, \(n\) - the frequency of negative opinions, \(ne\) - the frequency of neutral opinions. The index varies on a scale from -100 to 100. The closer the index is to the value 100, the more positive its connotation is and vice-versa – the closer the index is to the value of -100, the more negative its connotation is.
family doctors (56%) and less in the community policeman (28%) and mayor (36%).

The respondents’ perceptions of the groups of people who are the most frequently discriminated in Moldova have not practically changed in 2014 compared to the year 2010. 2/3 of the sample still consider that the most frequently discriminated are the persons with mental and physical disabilities (75% and, respectively, 76%), followed by the poor people (63%), HIV-positive persons (54%), LGBT persons (52%), Roma people (48%), elderly people (47%) and women (28%).

**Discrimination against the persons with disabilities.** In 2014, there was a decrease in the share of respondents who believe that persons with disabilities are frequently and very frequently discriminated in different contexts (the average IDPO decreased from -25% to -15%), compared to the data of the survey conducted in 2010. In the same time, the share of respondents who think that persons with disabilities are frequently and very frequently discriminated at employment (IDPO =-59%), at the workplace (IDPO =-43%), in educational institutions (IDPO =-24%), in political life (IDPO =-11%), in the relations with the authorities (IDPO =-14%) still remains larger, than the share of the sample who consider that this group of persons are not discriminated.

The survey conducted in 2014, compared to the one of 2010, pointed out a higher degree of acceptance by the respondents of the persons with mental disabilities. The index of acceptance of the persons with mental disabilities raised from 7% to 12%, meaning that 12% of the population accept the persons with mental disabilities as neighbours, job mates, friends, family members. The index of acceptance of the persons of physical disabilities is higher among the respondents who make visits to persons with physical disabilities (59%), take counsel with persons with physical disabilities on personal issues (67%), have relatives with physical disabilities (57%), have acquaintances with physical disabilities (49%), than among the respondents who not have such an experience of relationship and communication.

The survey conducted in 2014, likewise the one of 2010, points out that, despite the drop of the share of respondents who consider that persons with disabilities cannot work (from 40% to 32%), that children with disabilities should learn in separate schools (from 62% to 57%), that persons with disabilities cannot have a family (from 28% to 21%), the share of respondents who have some biases is still rather large. In relation with the persons with mental disabilities, there was even an increase of the share of respondents who consider them as dangerous and think that they should be secluded (from 39% to 53%) and that the place of such persons is within a State institution (from 45% to 70%).

In 2014, similarly to 2010, the largest share of respondents still continued to use negative stereotypes in relation to the persons with intellectual disabilities, characterising them as sick, marginalised, dangerous, underdeveloped, poor, hapless persons who incite pity, sorrow, etc. As far as the persons with physical disabilities are concerned, over 2/3 of respondents associated them with destiny, sin, suffering, poverty, pity, cripple, etc.

**Discrimination against poor persons.** In 2014, compared to the data of the survey conducted in 2010, there was a reduction in the share of respondents who think that poor persons are frequently and very frequently discriminated in different contexts (the average IDPO dropped from -22% to -11%). In the same time, the share of respondents who consider that poor persons are frequently and very frequently discriminated at the hospital/clinic (IDPO =-30%), in educational institutions (IDPO =-23%), at employment (IDPO =-20%), in the relations with the authorities (IDPO =-20%) remains higher than the share of respondents who think that this category of persons are not discriminated.
In 2014, the indicator of acceptance of poor people by the respondents decreased from 69% to 61% compared to the year 2010. This fact means that poor people are accepted by 61% of respondents as neighbours, friends, job mates and family members.

The biases of the respondents in relation with poor people have practically not changed over the past four years. More than 40% of respondents still think that poor people are lazy and do not wish to work, are guilty of their situation, are drunkards. Over 30% of respondents believe that poor people are stupid, have a low intellect, are needy and aggressive.

Compared to the year 2010, the share of respondents who think that the State should provide economic assistance and employment programmes for poor people increased (from 91% to 97%) and the share of people who consider that the State should provide more subventions and allowances decreased (from 71% to 67%) in 2014.

**Discrimination against HIV-positive persons.** In 2014, compared to the year 2010, there was a reduction of the share of respondents thinking that HIV-positive persons are discriminated in different contexts (from an average IDPO = -22 to an average IDPO = -10). In the same time, the share of the sample who consider that HIV-positive persons are frequently and very frequently discriminated at employment (IDPO = -32%), at the workplace (IDPO = -27%), in educational institutions (IDPO = -16%), in the relations with the authorities (IDPO = -9%), at the hospital, clinic (IDPO = -6%) is still larger than the share of the sample who think that such persons are not discriminated.

The integrated indicator of acceptance of the HIV-positive persons, calculated following UNGASS recommendations, dropped from 5% in 2010 to 1.7% in 2014, what means that only 1.7% of the sample would accept to care for a family member who has AIDS, would not keep secret the fact that someone in their family is infected with HIV, would buy food from someone who is HIV-positive, would accept that a HIV-positive pedagogue works in school/kindergarten.

The comparative analysis of the prejudices expressed by the respondents in relation with HIV-positive persons has not revealed any essential changes. More than half of the sample believe that children with HIV should learn in separate classes, and 38% of respondents think that HIV-positive persons should not use the public transport. Over 2/3 of the sample expressed the opinion that HIV-positive persons should declare their state to others, first of all to the doctor, parents, relatives and life partner.

The survey conducted in 2014, likewise the one of 2010, revealed that a large share of respondents still associate various stereotypes with HIV-positive persons, such as incurably ill, virus carriers, danger of infection (40%), persons who need pity, compassion (15%), perversion, prostitution, drug addiction, sin (7%), etc.

**Discrimination against elderly people.** In 2014, compared to the survey conducted in 2010, the share of respondents who consider that elderly people are discriminated in different contexts reduced (from an average IDPO = -13% to an average IDPO = -0.7%). In the same time, positive trends can be remarked in the fields of education (IDPO = 4%), social assistance (IDPO = 9%) and family (IDPO = 42%), as the share of respondents who believe that elderly people are little discriminated or are not discriminated at all in these fields is larger than the share of respondents who consider that this category of people are discriminated. On the other hand, the share of the sample thinking that elderly people are discriminated at employment (IDPO = -43%), at the workplace (IDPO = -43%), at the hospital and clinic (IDPO = -5%) is still larger than the share of the ones who expressed an opposite opinion.

The survey done in 2014, likewise the one of 2010, revealed that the respondents have rather contradictory biases in relation with elderly people. On the one hand, over 80% of the sample stated that elderly people are very wise and we can benefit from their advice, that they have a rich work experience that they could transmit to the youth, that the State should ensure a decent living for them and provide them social assistance and health services in accordance with their needs. On the other hand, a large share of the participants in the survey stated that elderly people cannot cope with some complex requirements (69%), they are powerless (59%), they have an old mentality (54%), they have reduced mental abilities (32%) and they are a burden for the society (29%).
Discrimination against LGBT persons. In 2014, likewise in 2010, the respondents still stated that LGBT people are frequently discriminated at employment (IDPO=-18%), at the workplace (IDPO=-17%), in educational institutions (IDPO=-12%), in medical institutions (IDPO=-8%), in relations with the authorities (IDPO=-8%).

The integrated indicator of acceptance of LGBT people decreased from 2% in 2010 to 1.7% in 2014. It means that no more than 1.7% would accept a LGBT person as neighbour, friend, job mate and family member.

According to the results of the survey, a large share of respondents still have biases in relation with LGBT people, considering them as immoral, perverse, dissolute (69%), sick people who need treatment (76%), HIV carriers (39%). Compared to the survey conducted in 2010, in 2014 there was a larger share of respondents who expressed the opinion that LGBT people need treatment (an increase from 67% to 76%) and a smaller share of people who believe that LGBT persons are HIV-infected (a decrease from 46% to 39%). In the same time, there was an increase in the share of the sample who stated that LGBT people should be prohibited from adopting children (from 74% to 87%) and from organising public events (from 76% to 85%).

More than 50% of respondents think that LGBT people should be punished, namely by: being deprived of some rights (86%), being fined (46%), being imprisoned (42%).

Different stereotypes related to LGBT people still persist among the general population. One out of three respondents characterised the LGBT people as pedophile, gay, dissolute, dangerous, associating them with shame, hate; 14% - sick people, crazy; 9% – stupid; 7% - uncultivated, not realising what they are doing, etc.

Discrimination against Roma people. In 2014, compared to the survey conducted in 2010, there was a rise in the share of respondents who think that Roma people are discriminated in different contexts, namely: at employment (from IDPO=-6% to IDPO=-14%), at work (from IDPO=-1% to IDPO=-6%), in the relations with the authorities (from IDPO=6% to IDPO=0.3%), in educational institutions (from IDPO=9% to IDPO=-3%), at the hospital/clinic (from IDPO=15% to IDPO = 3%). The average IDPO dropped from 10% in 2010 to 3.8% in 2014.

The integrated indicator of acceptance of Roma people fell from 21% in 2010 to 12% in 2014, meaning that only 12% of the sample accept the Roma people as neighbours, job mates, friends and family members. The integrated indicator of acceptance varies depending on the diversity of the respondents’ cultural relations. Consequently, this indicator is higher among the group of respondents who request sometimes the help of Roma people (54%), often take counsels with Roma people (58%), have relatives among Roma people (43%), make visits to Roma people (48%), have Roma people among their colleagues (28%).

The biases related to Roma people have practically not changed over the past four years. 2/3 of the sample consider that Roma people are liar, ready to cheat at any moment, that Roma children are beggars and pickpockets, that most Roma people use to barrage others and to infringe the laws. Half of the sample believe that most Roma people are dealing with traffic in human beings and most of them sell drugs. The share of respondents who stated that most Roma women are fortune-tellers who curse you if you do not give them money raised from 60% in 2010 to 71% in 2014. One fourth of respondents still think that Roma people should be forced to live aside, because they cannot integrate, and one fifth of the sample stated that Roma people should not be allowed in some buildings.

Nearly 2/3 of respondents apply the following stereotypes to Roma people: gypsy, black, swarthy, gypsy camp; 15% - thieves, tricky, liars, hypnosis, seeking for riches, fear; 9%- uncultivated, swearing, naughty, misery; 5%- lazy, beggar, jobless, poor. Not more than 16% of respondents expressed the opinion that Roma people have the same rights as other, are an ethnic minority, there are both good, and bad persons among them.

Discrimination against women and men. The comparative analysis of the results of two surveys reveals an increase in the share of respondents who believe that women are little discriminated or not discriminated at all in the following contexts: at employment (from
IDPO=24% in 2010 to IDPO=46% in 2014), at the workplace (from IDPO=29% in 2010 to IDPO=50% in 2014), in the relations with the authorities (from IDPO=30% in 2010 to IDPO=54% in 2014), in educational institutions (from IDPO=43% in 2010 to IDPO=63% in 2014), in medical institutions (from IDPO=43% in 2010 to IDPO=61% in 2014), in the political life (from IDPO=19% in 2010 to IDPO=43% in 2014), in social assistance/protection (from IDPO=40% in 2010 to IDPO=60% in 2014). Nevertheless, the comparison of the survey data by fields of activity pointed out that women are still frequently discriminated in the political life, at employment and at the workplace.

In 2014, the share of respondents who consider that the situation of women and men is in principle equal in Moldova has increased compared to the year 2010 (from 49% to 54%). 1/3 of the sample still believe that the situation of men is better than the one of women and 14% - that the situation of women is better than the one of men.

44% of respondents stated that there is no equality of opportunities between women and men in Moldova (in 2010, such an opinion was expressed by 38% of the sample). In the respondents’ opinion, the following reasons determine the inequality of opportunities: women often have a double task – support the family and raise children (39%), women are paid worse than men (27%), women are not accepted in politics (19%), there is no legal framework for empowering the women (14%).

The survey conducted in 2014, similarly to the one of 2010, revealed the existence among the Moldovan society of some biases regarding the roles of women and men. Nearly 80% of respondents still think that the man is the head of the household and has the duty to earn money for the family, while the woman has the duty to do the housework, but the man should do the hard physical work. In the same time, a larger number of respondents believe that men are able to raise children, as well as women (a rise from 67% to 80%) and there was a decrease in the number of people who consider that women have no place in politics (from 30% to 22%), that women are less skilful and cannot hold leading positions (from 32% to 21%), that household work is the easiest work (from 31% to 25%).

Personal experience of the respondents in the field of discrimination. More than 1/3 of participants in the survey conducted in 2014, as well as in the one of 2010, stated that their rights to employment, to equitable remuneration corresponding to the performed work, to health had been violated over the previous three years. 18% of them pointed out the violation of their right to social protection, 15% - of the right to justice, 7% - of the right to goods, services, 6% - of the right to education.

Compared to the year 2010, in 2014 there was an increase of the share of respondents who mentioned that there are places which either they or their family members avoid to attend or attend with fear because of discrimination (from 11% to 15%). Being questioned where namely they feel discriminated, 39% of respondents mentioned the clinic, 22% - the workplace, 19% - the street, 19% - the local government, 19% - the police, 9% - the school, 6% - the shop. In relation with most cases of discrimination, the respondents stated that the shortage of money was the main reason for being discriminated.

One out of five respondents felt discriminated over the previous year. 2/3 of them were said offensive words, one out of ten – was driven away, and one out of nine – was threatened, intimidated. 38% of the total number of respondents who felt discriminated specified as a reason for it the shortage of money, 28% - the age, 14% the language they speak, 10% - the ethnicity, 9% - the gender and 7% - the health condition. Most persons who committed the discrimination were men (58%) and represented an institution (73%). The largest share of respondents stated they had been discriminated in the following institutions: clinic (27%), workplace (22%), shop (13%), mayorality (10%), school (10%).

Compared to the data of the survey conducted in 2010, in 2014 the share of respondents who felt discriminated on the basis of the sex over the previous year almost halved (from 28% to 16%). Being questioned in which way they had been discriminated, 8% of respondents stated that persons of the opposite gender had made offensive jokes at their expense, 5% - that they had received sexual proposals in an inadequate context and 3% - that someone had made attempts of sexual abuse against them. As far as the persons who made sexual proposals or attempts of sexual abuse were concerned, 40% of the respondents who
felt discriminated mentioned a job mate, 27%- a neighbour, 20% - a friend or the lover of that time.

The survey conducted in 2014, likewise the one of 2010, revealed the fact that one third of respondents had been witnesses to at least one case of discrimination over the previous two years. The comparative analysis of the forms of discrimination depicts a picture similar to the one of the year 2010: 2/3 – offending the person by words, 12% - the person was driven away, 11% - the person was threatened, 12% - physical violence was applied against the person. 54% of respondents were witnesses to a case of discrimination at school, at the clinic or in a shop, 16% - in the street, 12% - at the workplace, 7% - at the mayoralty, 6% - at the police station. 34% of eyewitnesses to a case of discrimination specified that the persons had been discriminated because they had no money, 28% – because of the age, 13% - because of the ethnicity, 12% - because of the language they spoke, 8% - because of the health condition and 6% - because of the sex.

Compared to the year 2010, in 2014 there was a larger share of witnesses to an act of discrimination who had openly expressed disapproval towards the person who committed the discrimination (from 26% to 36%). In the same time, one third of respondents tried not to be anyhow involved in the case (had no reaction, went away, pretended not to have seen anything) and 27% encouraged the discriminated person, expressing compassion or urging him/her to go to court.

 Likewise in 2010, in 2014 more than 2/3 of respondents stated that people who discriminate should be punished by fines (32%), warning (26%), criminal penalties (20%), damages (19%), community work (19%) and even deprivation of liberty (5%).

III. Recommendations for Countering the Phenomenon of Discrimination

The survey conducted by the experts pointed out a number of practical recommendations focussed on reduction of the phenomenon of discrimination against the disadvantaged groups. In the experts’ opinion, the following measures should be undertaken in order to enhance the degree of equity among all the groups of people who are subject to discrimination:

• Modify the Law on Ensuring Equality by adding to Article 1 the protected criteria: social origin, property, sexual orientation, sexual identity and health condition.

• Include in the Code of Contraventions a larger range of discriminatory acts which shall be penalised, namely: racial segregation, incitement to discrimination, victimisation and acts of harassment at work by persons other than the employer.

• Modify the statute of the Council on Prevention and Elimination of Discrimination and Ensuring Equality, entitling it to impose penalties for discrimination acts.

• Set higher penalties for the public authorities which fail to enforce the decisions of the Council on Prevention and Elimination of Discrimination and Ensuring Equality.

• Set up an alternative mechanism for monitoring of the enforcement of the Law on equality. Active involvement of the associative sector, in particular of the active NGO-s, in monitoring of the implementation of the Law on Equality, with a view to raise the accountability of the central and local government for the enforcement of the Law’s provisions.

• Promote the human rights as a value at the national and local levels, aiming at the development of a democratic mentality, at the empowerment and strengthening the capacity of the groups which are vulnerable to discrimination in order to involve them actively in the promotion and protection of their own rights.

• Involve the central and local mass-media, particularly the TV channels, in eliminating the stereotypes and countering discrimination by the means of promoting a positive image of the disadvantaged
groups and informing the population about the phenomenon of discrimination and its possible negative effects on the society, in general.

In the same time, the experts have formulated specific proposals aimed at preventing the discrimination against certain groups of disadvantaged persons. **To reduce the discrimination against persons with disabilities,** the experts recommend to:

- Involve more actively the persons with disabilities in promoting and protecting their own rights by empowering them, supporting the self-represented groups and their direct participation in decision-making bodies (local councils, district councils, Parliament, etc.).
- Ensure the access of the persons with disabilities to education as a result of improving the regulatory framework and the inclusive education policies; developing a positive learning environment; establishing and providing quality educational support services; ensuring the accessibility of the physical environment to all children, including to the ones with locomotor disabilities; empowering the school managers, the teachers, the support teachers, the psychologists, etc. in the field of inclusive education; organising communication/information activities at community level focused on the need for educational inclusion of children with disabilities into community educational institutions.
- Ensure the access of people with disabilities to labour as a result of improving the tax law and setting facilities for the employers; supporting the companies by the local government in reasonable adjustment of workplaces for persons with disabilities; providing vocational training courses to people with disabilities; changing the attitude of the employers towards people with disabilities.
- Adopt regulations for the use of alternative communication methods, such as Braille language, audio methods and the sign language.
- Ensure the enforcement of legislative provisions regulating the full access of the persons with disabilities to social infrastructure premises.
- Enforce the right of persons with speech and hearing disorders to emergency services, as a result of changing the methods to call them — including by telephone messages.
- Promote by the means of the mass-media the valued roles of the persons with disabilities. The TV broadcasts should not incite pity, but rather respect for such persons.

**To reduce the discrimination against LGBT persons,** the experts propose the following measures:

- Investigate appropriately the cases of harassment and the hatred offences committed against LGBT persons and penalise them in accordance with the legislation in force. Ensure the dissemination of sexual harassment cases and of the ways how to solve them.
- Involve more actively the State in the enforcement of the rights of LGBT persons and in countering their discrimination.
- Educate a tolerant attitude of the population towards LGBT persons by the means of: a) holding debate broadcasts focused on sexual orientation with the participation of people open to promote diversity and tolerance and even public figures of another sexual orientation; b) conduct sexual education, diversity and tolerance courses in secondary and higher education institutions and c) provide training courses on sexual orientation/sexuality for physicians, teachers, policemen, politicians.
- Change the attitude of the mass-media towards LGBT persons by the means of modifying the legal framework regulating the press in compliance with the provisions of the Law on equality and educating the journalists.

**To reduce the discrimination against HIV-positive persons,** the experts proposed to undertake the following measures:

- Develop and implement an alternative mechanism for monitoring of the enforcement of the Law on HIV infection and involvement of the concerned NGO-s in this process.
- Educate a tolerant attitude, particularly among the youth, towards the persons living with HIV, by the means of courses promoting healthy living and tolerance in schools, lycées, colleges and universities.
- Diminish the discriminatory attitude of the medical staff towards people with HIV by the means of: a) providing 100% of medical institutions with the required protection equipment/materials in order
to prevent the HIV-infection of the personnel and reduce their fear of the persons with HIV; b) enhancing the knowledge of the medical staff about the ways of infection and the methods for prevention of HIV-infection, as well as about HIV treatment; c) informing the medical staff about the penalties in case of discrimination committed in medical institutions and imposing such penalties if discrimination is committed.

- Enhance the access of persons with HIV to education by the means of: a) diminishing the discriminatory attitude of teachers and students towards people with HIV; b) raising the level of teacher, student and parent knowledge about the ways of HIV transmission and the ways how to prevent the infection with HIV; c) providing in schools a healthy living course which should tackle the issue of HIV transmission and prevention; d) informing the directors of educational institutions about the rights of the persons with HIV and the penalisation measures in case of their infringement; e) penalisation of the education staff who infringe the principle of confidentiality and display a discriminatory attitude towards the persons with HIV.

- Enforce the right of people with HIV to a job by the means of: a) supporting the employers in developing the company’s/institution’s policies in the field of HIV/AIDS; b) promoting and enforcing the rights of the employees with HIV at the workplace; c) ensuring the access of the employees to information about the voluntary HIV counselling and testing, antiretroviral treatment and the provision of support to people with HIV; d) ensuring the confidentiality of the data about the employees’ health condition, including of the ones with HIV, and setting the required conditions for the prevention of discrimination against people with HIV at the workplace.

**To prevent the discrimination against Roma people**, the experts deem it necessary to undertake the following measures:

- Develop a new Action Plan for the support of Roma population in the Republic of Moldova for the period 2016-2020 and allocation by the Government of the required financial resources to support its implementation.
- Identify the budgetary possibilities for further support of the mediators in Roma communities.
- Ensure the access of Roma people to education by the means of promoting early education among the Roma families, providing coaching programmes for Roma pupils who have learning problems, ensuring the access of Roma pupils to the financial resources of the Inclusive Education Fund, providing extra-curriculum education opportunities for Roma people who could not learn in mainstream schools and who wish to get enrolled in vocational schools or to get employed.
- Enforce the right of Roma people to work by the means of promoting programmes for economic empowerment and employment of Roma people.
- Promote, by the means of the mass-media, particularly of the TV channels, the cultural values of Roma people and the valorising images of this ethnicity’s representatives aiming at the elimination of the stereotypes existing within the society and, consequently, of the discrimination against them.

**To ensure equal opportunities for women and men and eliminate discrimination**, the experts deem it necessary to undertake the following measures:

- Support the more active participation of women in the decision-making process as a result of enhancing the representation of women in the political and public fields.
- Equitable enforcement of social protection rights of women and men by the means of: enhancing the participation of men in sharing family responsibilities (for example, caring the abandoned child), formalisation of the role of women as carers, reducing the disparity between the amount of the pensions, diminishing the feminisation phenomenon in social protection field.
- Ensure equal opportunities for women and men in labour field by the means of a) setting equal working conditions for women and men, etc.; b) appointing women in positions within the institutions deemed previously as being for male; c) reducing the gaps between the salaries of women and men, d) economic empowerment of women in the rural areas, e) integrating the gender dimension in migration policies.
- Ensure gender equity in the field of healthcare by the means of:
including the gender dimension in health sectorial policies, enhancing the social-political factors causing the maternal mortality in the rural areas, ensuring a safe physical and social environment to reduce the external causes for male death (traumas, accidents, suicides), developing psycho-social programmes for prevention and countering of risk factors associated with health behaviours (particularly, the abuse of alcohol).

- Ensure gender equity in the field of education by the means of including the gender dimension in education sectorial policies, diminishing the feminisation of the education sector, implementing educational programmes which support the gender equality and promoting the partnership relations between women and men in family and social life.

- Conduct awareness-raising and education campaigns on gender issues among the population. Promote a positive image of the woman and of the man, as well as the distribution of roles in family life, combat the use of sexist images in marketing and advertisement industries.