

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF THE REPUBLIC OF MOLDOVA
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Except where specifically indicated, any developments which occurred after 4 November 2015, date on which the response of the Moldovan authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

ECRI Secretariat
Directorate General II - Democracy
Council of Europe
F-67075 STRASBOURG Cedex
Tel.: +33 (0) 390 21 46 62
E-mail: ecri@coe.int
www.coe.int/ecri

FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on the Republic of Moldova (fourth monitoring cycle) published on 15 October 2013, ECRI reiterated its recommendation that the Republic of Moldova should ratify Protocol No. 12 to the European Human Rights Convention as soon as possible.*

The Moldovan authorities undertook to ratify Protocol No. 12 to the European Human Rights Convention (ECHR). Following several positive opinions, in particular that of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality (CPLDGE), the Government approved the ratification bill in its Decision No. 360 of 12 June 2015. The Parliament's Legal Committee also adopted a positive opinion and the draft legislation was subsequently forwarded to the Committee on Foreign Affairs and European Integration.

ECRI notes that significant efforts have been made as regards the ratification of Protocol No. 12 to the ECHR but that its recommendation has not yet been applied.

2. *In its report on the Republic of Moldova (fourth monitoring cycle), ECRI recommended that the Moldovan authorities put in place a system for recording and following up racist incidents reported to the police and systematically collect data on vulnerable groups in accordance with the principles of confidentiality, informed consent and voluntary self-identification (General Politic Recommendations No. 1 and No. 11 §12).*

ECRI notes with satisfaction that it is now possible to record information on racially motivated offences in the Ministry of the Interior's tool for recording crime statistics.¹

ECRI has also been informed that the judicial authorities have set up an inter-institutional working group to prepare an automated information system for the recording of offences. This group will also deal with the issues of the separate recording of racist incidents by the public prosecutor's office and the connection with the data registered by the Ministry of the Interior. ECRI considers that this interconnection between the statistics of the police and those of the judicial bodies is essential to guarantee effective monitoring of the way in which the criminal justice system as a whole deals with racist incidents and offences (§§12 and 70 of General Policy Recommendation No. 11 on combating racism and racial discrimination in policing) and encourages the authorities to complete this project as rapidly as is possible.

With regard to the second part of this recommendation, i.e. the systematic collection of data on vulnerable groups in accordance with the principles of confidentiality, informed consent and voluntary self-identification, the authorities have not informed ECRI of any new developments.

ECRI considers that this recommendation has been partially implemented.

¹ Furthermore, the general inspectorate of the police published, on 30 March 2015, a methodological recommendation on investigations into hate crimes. This document does not however address the question of the recording of racist incidents.

3. *In its report on the Republic of Moldova (fourth monitoring cycle), ECRI recommended that the Moldovan authorities inform the groups covered by its mandate who are victims of racism and racial discrimination about the legislation and institutions put in place to combat racism (police, prosecuting authorities, Parliamentary Advocates, Council to Prevent and Combat Discrimination and Ensure Equality) and encourage them to contact those bodies. It recommended that the latter should establish regular contact with these groups, deal seriously with all allegations of racism and racial discrimination and carry out effective investigations with a view to providing appropriate redress and punishment.*

With regard to the first part of this recommendation, i.e. providing information on legislation and institutions put in place to combat racism, the authorities informed ECRI that, in co-operation with the Office of the People's Advocate (formerly the Parliamentary Advocates) and other partners, the CPLDGE had organised some 90 training activities on non-discrimination and the mandate and powers of the CPLDGE and its decisions. These included the round table held by ECRI, the CPLDGE and the Ministry of Justice on the implementation of the recommendations which ECRI had addressed to the Moldovan authorities, and two other round tables on "the integration of foreigners, hate crimes and discrimination".

ECRI also welcomes the fact that the CPLDGE has set up a website² and that, from February to March 2015, it carried out an awareness-raising campaign entitled "Together against discrimination", using television and radio commercials and a web banner. Moreover, the CPLDGE has, together with other stakeholders, prepared and distributed various leaflets, one of which explains how to lodge a complaint with the CPLDGE. ECRI regrets that, as a result of budgetary constraints, the CPLDGE has received no further funding for its awareness-raising activities, whereas it received 180 000 MDL (approximately 14 000 EUR) for 2014 and 2015.

In 2015 the People's Advocate, despite the fact that it does not have its own budget for awareness-raising activities, published and distributed the brochure "Mechanisms for protection against discrimination". It also organised several activities to promote tolerance in educational establishments, notably the "Tolerance is democracy" competition broadcast on the radio, and published a leaflet on this subject.

The CPLDGE and the People's Advocate have implemented this recommendation, but ECRI has not been informed of any similar work done by the police or the Public Prosecutor's Office, or of any regular contact between these authorities and the groups which are victims of racism.

With regard to the second part of this recommendation that all allegations of racism and racial discrimination should be taken seriously and proper investigations carried out with a view to providing appropriate redress and punishment, ECRI notes with satisfaction that the CPLDGE has examined several cases of racial discrimination and taken relevant decisions. However, ECRI notes that the CPLDGE does not have all the powers required to provide appropriate redress and punishment; its main power is the possibility to make recommendations.

With regard to the activities of the police and the public prosecutor's office to ensure that all allegations of racist offences are taken seriously, ECRI would draw attention to the publication by the general inspectorate of police of a recommendation on methods and strategies for investigating hate crimes. The CPLDGE has also organised three seminars on racial discrimination for prosecutors and judges. However, the police and the public prosecutor's office have neither registered nor prosecuted any racist offences since January 2013, whereas several of the cases dealt with by the CPLDGE

² www.egalitate.md.

could have been prosecuted on grounds of racial insult. To date Moldovan case-law does not contain a single example of criminal conviction for a racist offence.

In light of the above, ECRI considers that this recommendation has been partially implemented.

