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**MOLDOVA  
FOR PEACE**



## **ALTERNATIVE REPORT**

### **MOLDOVA**

### **UN Committee on the Elimination of Racial Discrimination**

*112th session (08 April - 26 April 2024)*

**Presented by:** member organizations of the Moldova for Peace Initiative<sup>1</sup>, Centre for Policy and Reform (CPR Moldova), Roma Women's Platform "ROMNI" and the Non Governmental Organisation "RESONANCE".

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<sup>1</sup> Moldova for Peace initiative – <https://moldovapentrupace.md/en/about-us/the-initiative/>

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## I. COVER PAGE

"Moldova for Peace" (M4P) is a civic initiative created in 2022 to assist refugees and promote their rights following the Russian invasion of Ukraine. M4P brings together 6 non-governmental organisations providing holistic assistance to refugees, asylum seekers and stateless persons, such as humanitarian aid, social, psychological, legal assistance and support in the integration process.

CPR Moldova is a non-governmental organization, founded in 2017. CPR's mission is to promote access to information and public participation, honest and accountable business practices, human rights, with a focus on freedom of assembly and expression, accessibility and transparency of the judicial system. CPR Moldova implements prevention, protection and advocacy actions on promoting the rights of refugees, migrants, asylum seekers and stateless persons.

Roma Women's Platform "ROMNI" is a non-governmental organization, founded in 2016, aiming to support and promote the rights of Roma girls and women in Moldova. In addition to legal, material and housing support, ROMNI helps refugees from Ukraine navigate Moldovan bureaucracy.

The Centre for Development and Support of Civic Initiatives "RESONANCE" is a non-profit organization, founded in 2005, which operates in the Transnistrian region of the Republic of Moldova. The mission of "RESONANCE" is to increase the level of civic activism of the population and the responsibility of duty bearers for ensuring the rights and solving the social problems of women and vulnerable groups of the population in the region.

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## II. INTRODUCTION.

This Report is the result of a joint action of the non-governmental organisations members of the Moldova Initiative for Peace, Roma Women's Platform "ROMNI" and the non-governmental organisation "RESONANCE" active in the Transnistrian region. The report covers the implementation by the Republic of Moldova of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (*hereinafter referred to as the Convention*) and the recommendations made by the UN Committee on the Elimination of Racial Discrimination in its Concluding Observations CERD/C/MDA/CO/10-11 (CERD 2017) to Moldova.

The Shadow Report was prepared, based on the Concluding Observations, adopted by the Committee on the Elimination of Racial Discrimination on 8 May 2017, and on the Government's Action Report of 29 September 2020 on the implementation of the Convention.

The Alternative Report is based on information obtained from the analysis of the national legal framework and policies on refugees, migrants and asylum seekers regarding access to education, housing, employment, health services and protection without discrimination for all persons under the jurisdiction of the Republic of Moldova and the monitoring of practices implemented by public authorities.

It is also based on interaction with and feedback from refugees. The report provides an analysis of the situation of refugees, migrants, asylum seekers and stateless persons in the Republic of Moldova and the obstacles they face in exercising their rights and accessing assistance and protection services.

### III. SUMMARY

While the member organisations of the Moldova Peace Initiative welcome the Government's efforts to implement the provisions of the Convention, we have identified a number of issues that require efforts by the authorities to fully comply with the provisions of the Convention.

Despite the actions taken by the Government of the Republic of Moldova to ensure respect for the rights of refugees, migrants, asylum seekers and stateless persons, there are still a number of challenges they face in exercising their rights in the Republic of Moldova.

Amendments to the Penal Code and the Contraventions Code in recent years have brought Moldovan legislation more in line with the Convention standards. However, difficulties persist in ensuring that the provisions of the Codes are applied in practice, not least because of a lack of understanding by authorities of the serious nature of hate speech and incitement to discrimination, particularly in the context of ethnic discrimination.

The report highlights the need to significantly strengthen the initial and ongoing training of frontline professionals who provide support and protection to victims of all forms of racial discrimination as well as justice professionals whose role is to ensure a fair and just process.

**The main challenges are as follows:**

- Most of the time, the inability of refugees to exercise one of their rights in Moldova negatively affected other rights. For example, the late issuance of documents for beneficiaries of temporary protection has affected the ability of displaced persons from Ukraine to access a wide range of state-provided assistance and protection services.
- Some displaced persons from Ukraine are not eligible for temporary protection on the territory of the Republic of Moldova because they do not have the necessary identity documents to benefit from this form of protection.
- There are many challenges in investigating and prosecuting hate speech, incitement to discrimination and bias crimes in Moldova. Almost two years after the new provisions of the Contravention Code and the Criminal Code came into force, there are still many challenges in documenting and prosecuting hate speech, incitement to discrimination on grounds of prejudice and bias-motivated crimes in the Republic of Moldova
- Roma refugees face segregation in access to accommodation, often being refused placement in accommodation centres on ethnic grounds. Currently, there are four segregated refugee accommodation centres in Moldova, with worse living conditions compared to non-segregated centres. Although the authorities are aware of the segregation of Roma refugees in these centres, no effective measures have been taken to combat this phenomenon.

- Limited access to permanent and long-term housing has had a multidimensional impact on refugees' ability to exercise their rights to education, employment and social protection.
- Vulnerable refugee groups face the greatest challenges in accessing assistance and protection services and face discrimination. All refugees are at risk, but vulnerable groups such as people with disabilities, Roma, older people and children face increased risks.
- Refugees, stateless people and asylum seekers living in temporary accommodation centres for refugees are the most vulnerable, having no income to rent a home. Besides the fact that many accommodation centres do not meet the needs of refugees, their integration into society is more difficult as long as they live in a placement centre.
- Access to healthcare is a structural problem faced by refugees. The current mechanism for compensating the costs incurred by healthcare providers for refugees does not cover all their needs.
- Refugees in the Transnistrian region are not protected by law of the constitutional authorities and thus have limited access to assistance and protection services.

The challenges mentioned above, in fact, reflect the failure of the national authorities to properly implement the provisions of the Convention and to strengthen the enforcement of national legislation aimed at providing support and protection to persons facing discrimination and limitations in the exercise of refugees' rights in the Republic of Moldova.

In addition, we have identified a number of challenges faced by refugees and areas of intervention by the authorities where improvements are needed in order to fully comply with the Government's obligations under the Convention. These include: the need to improve the legal framework; increase the number and availability of support programmes for vulnerable groups facing racial discrimination; the need to promote awareness-raising campaigns and strengthen the capacity of the police and other professionals in the justice system on preventing, combating and effectively investigating hate speech and bias-based crimes; conduct research on hate speech and ethnic discrimination; and facilitate access to fair compensation for victims of discrimination in civil and criminal proceedings.

#### IV. IMPLEMENTATION OF THE RECOMMENDATIONS AND CONCLUDING OBSERVATIONS OF THE UN COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION.

The reporting period saw progress by the authorities on strengthening the policy framework, including through the development of a new national human rights program for the years 2024-2027<sup>2</sup>. Several improvements were made to the legal, institutional and policy framework on anti-discrimination, with amendments to the Criminal Code and the Contraventions Code on hate speech and incitement to discrimination. The creation of a post of Adviser to the Prime Minister on Human Rights, held by a person belonging to a national minority, is also a positive step forward.

##### Steps to improve legislation and policies include:

- Development of a new national programme on human rights enforcement for the years 2024-2027 as well as the national human rights action plan 2018-2022<sup>3</sup>. This plan is based, inter alia, on the Committee's recommendations of 8 May 2017 contained in its concluding observations on the tenth and eleventh periodic reports of the Republic of Moldova.
- Adoption of the Strategy on strengthening inter-ethnic relations (2017-2027)<sup>4</sup>, a public policy document that includes four priority areas on strengthening inter-ethnic relations in the Republic of Moldova for the years 2017-2027, such as: participation in public life, language as a means of integration: state and minority language policies, intercultural dialogue.
- In order to reduce statelessness among children born in Moldova, amendments to the Citizenship Law were made in 2023. Thus, at the parents' request, children of foreign citizens born on the territory of the Republic of Moldova will obtain Moldovan citizenship.
- On 18 January 2023, the Government Decision on granting temporary protection to refugees from Ukraine and certain third-country nationals was adopted. This provided a more secure legal status for displaced persons from Ukraine, and a path towards better inclusion of refugees in Moldova. Temporary protection introduced on the territory of the Republic of Moldova for a period of one year, with the possibility of extension, provides access to a range of rights and services, including the right of legal residence on the territory of the Republic of Moldova, access to employment, accommodation in refugee placement centres, emergency and primary health care, education for minors

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<sup>2</sup> Government Decision on the approval of the national programme on ensuring respect for human rights for the years 2024-2027. [https://cancelaria.gov.md/sites/default/files/document/attachments/nu-36-cs-2024\\_0.pdf](https://cancelaria.gov.md/sites/default/files/document/attachments/nu-36-cs-2024_0.pdf)

<sup>3</sup> National Human Rights Action Plan 2018-2022

<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=376768&lang=2>.

<sup>4</sup> Strategy on strengthening inter-ethnic relations (2017-2027), adopted on 30 December 2016 [https://gov.md/sites/default/files/document/attachments/intro2\\_107.pdf](https://gov.md/sites/default/files/document/attachments/intro2_107.pdf).

in public general education institutions and social assistance for families with children and unaccompanied children.

From 24 February 2022 until the entry into force of the Government Decision on granting temporary protection, residence in the Republic of Moldova and access to the rights enjoyed by displaced persons from Ukraine were regulated through the decisions of the Commission for Exceptional Situations of the Republic of Moldova (the body mandated to adopt measures, outside the regular decision making process, in the context of the a state of emergency).

Although some progress has been made, further efforts are needed to ensure that the rights of refugees, stateless persons, migrants and asylum seekers are respected in accordance with their needs and the provisions of the Convention. As of February 2022, the Republic of Moldova has become a host and transit country for a considerable number of refugees from Ukraine. This is the first time the Republic of Moldova has managed such a large number of refugees. According to UNHCR<sup>5</sup>, on March 10, 2024, 116, 857 refugees from Ukraine continue to live in the Republic of Moldova. This has highlighted various gaps and failures in the state's response to the needs of refugees, ensuring their protection and respect for their rights.

According to the findings of the study Integration of Refugees in the Republic of Moldova and Protection of their Rights, published by CPR Moldova in 2024, refugees, asylum seekers and stateless persons face challenges in exercising their rights in the process of integration in Moldova, such as: racial segregation and discrimination in access to housing, limited access to information, employment, insufficient state support<sup>6</sup>. When drafting policies on the protection of refugees, migrants, asylum seekers and stateless persons, the Government failed to prioritise the specific needs of vulnerable groups such as Roma refugees, women, elderly people, refugees with special needs, etc. Further Government efforts are needed to ensure the respect of the rights of refugees, asylum seekers and stateless persons in Moldova, particularly vulnerable groups.

Although the legal framework on the integration of foreigners has been strengthened, there are still shortcomings in the implementation of these regulations, which do not provide for any specific measures to address the needs of vulnerable groups and prevent ethnic discrimination.

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<sup>5</sup> Operational Data Portal UNHCR\_ <https://data.unhcr.org/en/country/MDA>

<sup>6</sup> Situation in Ukraine - Moldova: Liminal Lives - Gender and Diversity Assessment of Ukrainian Refugees in Moldova after one year of forced displacement. <https://data.unhcr.org/en/documents/details/100644>



The Republic of Moldova is a state with a multi-ethnic population<sup>7</sup> (ethnic minorities represent about 25% of the population), requiring efforts and measures to ensure respect for the ethnic, cultural, linguistic and religious identity of each member of a minority group and, at the same time, to promote an environment conducive to the expression, preservation and development of such identity.

In the context of the implementation of **Recommendation 7** and the Concluding Observations addressed to Moldova, the Committee reiterated its concern about the lack of comprehensive data on the exercise of economic and social rights by ethnic minority groups and the lack of data on their representation of ethnic minorities in public and political life in the Republic of Moldova and urged the Government<sup>8</sup> to take the necessary measures in this regard.

Although Law No 382 on National Minorities<sup>9</sup> provides for "roughly proportional" representation of minorities in the executive and judicial structures, this is not applied in practice because other related laws, such as the Law on the Civil Service and the Status of Civil Servants<sup>10</sup>, the Law on the Status of Persons in Public Office<sup>11</sup>, the Law on the Government<sup>12</sup> and the Law on the Status of Judges do not provide for special measures to promote the employment of minorities in the central and local public administration and the judiciary. This falls short of international standards. The authorities have not taken sufficient measures to boost the employment rate of minorities in the public sector.

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<sup>7</sup> The rights of ethnic minorities are regulated by a set of national legal acts, as follows: the Constitution; the Law on the Use of Languages in the Republic of Moldova, Law no. 3465-XI of 1 September 1989 (in conjunction with Constitutional Court Decision no. 17 of 4 June 2018, which held the law to be obsolete); Law No. 382-XV of 19 June 2001 on the rights of persons belonging to ethnic minorities and the legal status of their organisations; and Law No. 344-XIII of 23 December 1994 on the special legal status of Gagauzia (Gagauz Yeri). II. Laws regulating the rights of ethnic minorities in various fields including: Law No. 173-XIII of 6 July 1994 on the promulgation and entry into force of official acts; Law No. 338-XIII of 15 December 1994 on the rights of the child; Act No. 273-XIII of 9 November 1994 on identity documents of the national passport system; Law No. 514-XIII of 6 July 1995, Law on the organisation of the judiciary; Law No. 1227-XIII of 27 June 1997, Law on Publicity; Act No. 413-XIV of 27 May 1999, Law on Culture; Act No. 1024-XIV of 2 June 2000 on Citizenship of the Republic of Moldova; Act No. 982-XIV of 11 May 2000, Law on Access to Information; Act No. 125-XVI of 11 May 2007, Law on Freedom of Conscience, Thought and Religion; Act No. 121 of 25 May 2012, Law on Equality; Education Code (No. 152 of 17 July 2014); and others. III. Presidential decrees and Government decisions on the development of ethnic culture of ethnic minorities (Ukrainians, Russians, Bulgarians, Roma, Jews).

<sup>8</sup> The Committee refers the State party to its revised reporting guidelines under the Convention (see CERD/C/2007/1, paras. 10-12) and recommends that the State party collect and provide updated statistical data in its next periodic report on the enjoyment of economic and social rights by ethnic minority groups and provide the Committee with an empirical basis on which to measure the enjoyment of these rights as they apply under the Convention. The Committee also requests data on the representation of members of ethnic minority groups in public and political life.

<sup>9</sup> Law No 382 on National Minorities of 2001 - [https://www.legis.md/cautare/getResults?doc\\_id=64018&lang=ro](https://www.legis.md/cautare/getResults?doc_id=64018&lang=ro)

<sup>10</sup> Law on the Civil Service and the Status of Civil Servants - [https://www.legis.md/cautare/getResults?doc\\_id=120077&lang=ro](https://www.legis.md/cautare/getResults?doc_id=120077&lang=ro)

<sup>11</sup> Law on the status of persons holding public office - [https://www.legis.md/cautare/getResults?doc\\_id=115185&lang=ro](https://www.legis.md/cautare/getResults?doc_id=115185&lang=ro)

<sup>12</sup> Law on Government - [https://www.legis.md/cautare/getResults?doc\\_id=105700&lang=ro](https://www.legis.md/cautare/getResults?doc_id=105700&lang=ro)

The authorities have failed to establish and strengthen a unified national mechanism for the systematic and comprehensive collection of statistical data on the enjoyment of economic and social rights by ethnic minority groups, nor disaggregated data on the representation of ethnic minorities in public and political life is currently lacking. Data is provided separately and made public only by the police authorities.

**RECOMMENDATION:**

- The authorities should take action to identify and remedy the legislative shortcomings regulating the representation of ethnic minorities in the public and judicial system, and ensure that the economic and social rights of ethnic minority groups are respected.
- The authorities should establish a permanent dialogue with representatives of minority groups, to identify special measures to promote the effective participation of national minorities in public life, including by encouraging the participation of all minority groups in this dialogue, while ensuring gender-balanced participation.

*Recommendation 9*<sup>13</sup> has been partially implemented. The Committee recommended that the Government take the necessary measures to ensure that the Ombudsman has sufficient human and financial resources to carry out his mandate effectively and independently. In 2019, the amount of financial resources for the functioning of the Ombudsman's office was increased and 65 positions were approved. However, the Office of the Ombudsman is still confronted with a high staff turnover, which has a negative impact on the effectiveness of its work due to the lost skills and experience of the departing staff. Low salaries and a high workload are the main demotivating factors for staff. There are currently 39 employees working in the office. Some measures have therefore been taken to ensure that the Ombudsman's office has sufficient human and financial resources to carry out its mandate effectively and independently, however further measures are necessary to ensure the sustainability of the office.

**RECOMMENDATION:**

- The authorities should continue to take steps to ensure that the Ombudsman has sufficient human and financial resources to carry out his mandate effectively and independently, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights.

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<sup>13</sup> Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party take the necessary measures to ensure that the Ombudsman has sufficient human and financial resources to carry out his mandate effectively and independently, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as well as the necessary measures to respond to the recommendations of the Accreditation Sub-Committee of the Global Alliance of National Human Rights Institutions to obtain A-status.

**Recommendation 10<sup>14</sup>** regarding strengthening the legal framework to combat discrimination has been implemented with limited effectiveness. On the basis of the Government Decision no. 89<sup>15</sup> of 24.05.2018, the National Action Plan on Human Rights for 2018-2022 was approved. This plan is based, inter alia, on the recommendations of the Committee of 8 May 2017 contained in its concluding observations on the tenth and eleventh periodic reports of the Republic of Moldova. According to the Evaluation Report of the National Human Rights Action Plan for 2018-2022<sup>16</sup>, the most modest progress has been made in the areas of intervention, such as: the national justice system, transparency and access to information, the right to health, minority rights, non-discrimination and equality.

In recent years, the Republic of Moldova has adopted the Action Plan on Supporting the Roma Population for 2016-2020<sup>17</sup>, the Action Plan for 2022-2025<sup>18</sup> and The Strategy on Integration of Ethnic Minorities 2017-2027<sup>19</sup>, which provide a vision and steps to take in improving Roma inclusion. The general objectives of the two action plans are aimed at measures for the social inclusion of Roma in society, by combating discrimination, improving living conditions, school enrolment of Roma children, participation in public life, etc. The proper implementation of the two action plans would have generated significant changes that would have improved the situation of this group.

Unfortunately, the Action Plan for Supporting the Roma Population for 2016-2020 was only partially implemented, therefore the adopted policy documents did not have a significant effect on improving the situation of Roma in Moldova. This fact is also noted by the Roma

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<sup>14</sup> The Committee recommends that the State party provide in its next periodic report detailed information on:  
(a) The implementation of the Equality Act and its impact on the situation of ethnic minorities;  
(b) Measures taken to develop and implement an action plan for the implementation of the Strategy for Strengthening Inter-Ethnic Relations (2017-2027) and to ensure adequate allocation of financial resources for  
(c) Information on the implementation, monitoring, evaluation and impact of the strategy on the situation of ethnic minorities, as well as the involvement of minorities in its continued implementation;  
(d) Measures taken to finalize and adopt the National Human Rights Action Plan (2017-2021), including detailed information on the measures included in the plan to combat racial discrimination and strengthen inter-ethnic relations, the resources allocated to the plan and the efforts made to implement the plan and the assessment of its impact on the situation of ethnic minorities.

<sup>15</sup> Government Decision No. 89 of 24.05.2018 on the approval of the National Action Plan in the field of human rights for 2018-2022. [https://www.legis.md/cautare/getResults?doc\\_id=110031&lang=ro](https://www.legis.md/cautare/getResults?doc_id=110031&lang=ro)

<sup>16</sup> Evaluation report of the National Human Rights Action Plan for 2018-2022. [https://cancelaria.gov.md/sites/default/files/raport\\_de\\_evaluare\\_pnado\\_2018-2022.pdf](https://cancelaria.gov.md/sites/default/files/raport_de_evaluare_pnado_2018-2022.pdf)

<sup>17</sup> Action plan for supporting the Roma population, 2022-2025. <https://cancelaria.gov.md/sites/default/files/document/attachments/217.pdf>, [https://www.legis.md/cautare/getResults?doc\\_id=93295&lang=ro](https://www.legis.md/cautare/getResults?doc_id=93295&lang=ro)

<sup>18</sup> Decision on the approval of the Programme for the support of the Roma population of the Republic of Moldova for 2022-2025. <https://cancelaria.gov.md/sites/default/files/document/attachments/217.pdf>

<sup>19</sup> Strategy on integration of ethnic minorities in the Republic of Moldova for 2017-2027. [https://gov.md/sites/default/files/document/attachments/intro2\\_107.pdf](https://gov.md/sites/default/files/document/attachments/intro2_107.pdf)

Voice Coalition in the monitoring report of the Action Plan (2016-2022)<sup>20</sup>. At the same time, the report on the implementation of the Action Plan for the period 2016-2020<sup>21</sup> for the support of the Roma population in the Republic of Moldova for the years 2016-2020 (approved by GD no. 734 of 09.06.2016<sup>22</sup>) is rather vague, sometimes lacking argumentation on the lack of implementation, without conclusions and disaggregated statistical data. Thus, we conclude that the Action Plan for the support of the Roma population for the period 2016-2020 was implemented, monitored and evaluated, only partially.

## RECOMMENDATION:

- The authorities need to continue to take effective action on the implementation of the Action Plan for the implementation of the Strategy for Strengthening Inter-Ethnic Relations (2017-2027) and to ensure adequate allocation of financial resources for its effective implementation.

**Recommendations 12 and 13**<sup>23</sup> on the adoption of comprehensive legislation criminalising hate crimes has been partially implemented. In order to adopt legislation on the prevention of hate crimes, amendments were made to the Code of Offences and the Penal Code, including the amendment of the offence under Art. 346 (Intentional acts aimed at inciting ethnic, racial or religious hatred, differentiation or discord) by criminalising "acts of incitement to violence based on prejudice" throughout the criminal legislation.

Almost two years after the new provisions of the Contravention Code and the Criminal Code came into force, there are still many challenges in investigating and prosecuting hate speech, incitement to discrimination on grounds of prejudice and bias-motivated crimes in the Republic of Moldova.

PromoLex, in its Study on Documenting and Holding Offenders and Criminals Accountable under the New Hate Speech Provisions (2023), found that the police faces difficulties in

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<sup>20</sup> Monitoring report of the Action Plan for the support of the Roma population for 2016-2020, Roma Voice Coalition, 2018. <https://old.eef.md/index.php?pag=news&id=929&rid=1369&l=ro>

<sup>21</sup> Report on the implementation of the Action Plan for supporting the Roma population in the Republic of Moldova for 2016-2020 (approved by GD no. 734 of 09.06.2016) <https://www.bri.gov.md/sites/default/files/document/attachments/raport%20oroma%202016-2020.pdf>

<sup>22</sup> Government Decision no. 734 of 09.06.2016, [https://www.legis.md/cautare/getResults?doc\\_id=93295&lang=ro](https://www.legis.md/cautare/getResults?doc_id=93295&lang=ro)

<sup>23</sup> The Committee, recalling its General Recommendation No. 35 (2013) on combating racist hate speech, recommends that the State party: (a) Ensure that article 346 of the Penal Code is fully in line with article 4 of the Convention and that the amended article is applied to prosecute incidents of hate speech; (b) Adopt comprehensive legislation criminalising hate crimes and ensure that such legislation is in line with the Convention and that racial motivation is listed as an aggravating circumstance; (c) Conduct educational campaigns to address the root causes of prejudice and to promote tolerance and respect for diversity, including, in particular, with a focus on the role and responsibilities of journalists and public officials; (d) Ensure that all incidents of hate crimes and hate speech are investigated and prosecuted and that perpetrators are punished, regardless of their official status, and provide data on the number of reported cases of hate crimes and hate speech, prosecutions and convictions, and compensation awarded to victims; (e) Strengthen the role of prosecutors in supporting victims of racial discrimination to report violations.

investigating bias-based crimes and offences. In order to eliminate them, it is necessary for the General Inspectorate of Police to develop internal tools that provide for aspects of the procedure for recording, documenting, assessing and sanctioning these types of offences, to collect disaggregated data that will allow channelling prevention efforts and to promote reporting of hate speech and hate crimes.

The authorities have made progress in implementing **Recommendation 19** on ensuring the realisation of the linguistic rights of ethnic minorities. Persons belonging to ethnic minority groups, such as Bulgarians, Gagauz, Russians and Ukrainians, face discrimination and limitations of rights on the basis of ethnicity and language spoken.

#### RECOMMENDATION :

- The Government should develop a complex strategy for preventing and combating hate speech by involving law enforcement agencies and other relevant institutions to facilitate contraventional and penal prosecution of hate speech and improving the sanctioning mechanisms.

The Equality Council's activity report states that in 2022, 15% of the decisions were issued on discrimination in the field of access to justice, 5% - education, and 12% in other fields. In 2022, in 47% of the cases assessed by the Equality Council, direct discrimination was found. In 24% of cases the Council found incitement to discrimination, 13% - harassment, in 7% of cases - indirect discrimination and discrimination by association and 2% - victimisation. On the basis of the finding decisions, we conclude that **acts of discrimination occur more frequently on the grounds of language - 22.73%**, sexual orientation - 18.8%, ethnic origin - 9.09%, opinion - 6.82%, disability - 6.82%, political affiliation, beliefs, pensioner status, professional status - 4.55% each, gender identity, sex/gender, insurance status, trade union membership and religion - 2.27% each<sup>24</sup>. At the same time, only 6 of the decisions of the Equality Council have been implemented, 27 others are in the process of monitoring, 16 remain unimplemented for the time being and 56 of them have been challenged in court.

On 8 January 2024, the new Law on Access to Information of Public Interest came into force. According to Article 21 of the law, information of public interest is communicated to the applicant in the language in which it is available. We note that this law was adopted to ensure the convenience of the authorities, ignoring the linguistic needs of Russian-speaking minorities.

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<sup>24</sup> General Report on the situation in the field of preventing and combating discrimination in the Republic of Moldova in 2022, <https://egalitate.md/wp-content/uploads/2021/01/raport-final-2022-rev-1.pdf>

At the same time, the draft law No 435<sup>25</sup> of 30 November 2023 stipulates that amendments to legislative and normative acts will no longer be published in Russian, but only in Romanian. According to the 2014 Population Census<sup>26</sup>, ethnic minorities represent 17.93% of the population (excluding the Transnistrian region). The largest ethnic minority groups are Ukrainians (6.57%), Gagauz (4.57%), Russians (4.06%) and Bulgarians (1.88%).

**Case study:** failure to ensure reasonable accommodation of language needs when interacting with the public authority. In case no.186/22<sup>27</sup> the Equality Council examined the complaint of a person who does not know Romanian and who is in a detention institution. He alleged that he had sent the prison administration a request in Russian to be informed about the conditions of payment for electricity under the new tariff. At his request, he was refused a reply in the Russian language. The Equality Council recommended the prison administration to provide a reply in Russian and to identify administrative solutions to ensure that persons belonging to national minorities can effectively exercise their right to receive a reply in the language in which the complaint was made.

**Case study:** A similar situation was examined by the Equality Council in case No. 131/22, where the person complained that he/she had filed a petition, in the Russian language, to the Chisinau Court of Justice, requesting to be answered in the language of the address. The court refused to reply in Russian.

The case studies described above reveal that the authorities are ignoring the respect of the Law No 382/2001 on the rights of persons belonging to national minorities and the legal status of their organisations. The Council recommended the Chisinau Court to identify administrative solutions to ensure that persons belonging to national minorities can effectively exercise their right to receive a reply in the language in which the complaint was written. However, so far the situation has remained unchanged.

Language barriers encountered by representatives of national minorities when interacting with the justice system is the most frequent issue raised in complaints to the Council. Relevant case law in this respect notes that the rejection of enquiries in Russian has been a constant practice over the years. Although the Equality Council is constantly recommending to the Parliament to identify legislative solutions that would prevent such cases, the authorities have drafted the draft law No 435, which ignores the recommendations of the Equality Council and the UN Committee's recommendation No 19.

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<sup>25</sup> Draft Law No 435 of 30 November 2023.

<https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6766/language/ro-RO/Default.aspx>

<sup>26</sup> Population census, conducted in 2014. [https://ro.wikipedia.org/wiki/Demografia\\_Republicii\\_Moldova](https://ro.wikipedia.org/wiki/Demografia_Republicii_Moldova)

<sup>27</sup> Decision of the Equality Council in case No 131/22, [https://egalitate.md/wp-content/uploads/2016/04/131\\_22\\_Decizie-constatare\\_votat.pdf](https://egalitate.md/wp-content/uploads/2016/04/131_22_Decizie-constatare_votat.pdf)

The authorities have not made significant progress in implementing **Recommendation 21**<sup>28</sup> on preventing and combating discrimination against Roma and Roma access to healthcare, housing, education and employment. The Roma population is the most disadvantaged minority group<sup>29</sup>. Although, the Government is in the process of implementing the Government Decision No. 576 of 03-08-2022<sup>30</sup> on the approval of the programme for the support of the Roma population for the years 2022-2025, ensuring the effective enjoyment of Roma rights is a continuous challenge for the authorities.

The signatory organisations of this report, express their concern about the Government's slow progress in preventing and combating discrimination against Roma and in ensuring respect for their rights, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination<sup>31</sup> as well as the persistence of discriminatory attitudes towards Roma, including by public officials. These lead to discrimination and exclusion of Roma from various social spheres. At the same time, a considerable number of Roma, including refugees, live in marginal conditions and are in a precarious socio-economic situation. The discrimination, social exclusion and segregation faced by Roma, including refugees, are aggravating factors, which underline the state's failure to ensure compliance with the Convention. Limited access to the labour market and high unemployment exacerbate poverty and diminish the chances of social inclusion through work. Thus, leading to low income levels, limited access to quality health services and poor health and living conditions. These circumstances in turn lead to lower life expectancy and higher morbidity rates compared to the rest of the population.

In recent years, the policy documents adopted have not had a significant effect on improving the situation of Roma in Moldova. The existing legal framework for preventing and combating discrimination does not provide effective protection for victims of discrimination, and prejudices against Roma, often shared even by law enforcement officers, often lead to their revictimisation.

Although discrimination against Roma on the basis of ethnicity is a widespread phenomenon in Moldova and a serious violation of human rights, it often goes unpunished. At the same time,

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<sup>28</sup> The Committee recommends that the State party: (a) Take the necessary measures to ensure adequate funding, implementation and monitoring of the Action Plan for the Support of the Roma Population in the Republic of Moldova for the period 2016-2020; (b) Continue to take measures to end discrimination against Roma and improve Roma access to health care, housing, education and employment; (c) Ensure Roma involvement and consultation on issues affecting them; (d) Ensure Roma representation in the policy-making process; (e) Work with the local administration to ensure that all posts; (e) Work with local government to ensure that all Roma mediator posts are funded and that vacancies are filled, stressing the importance of the role of Roma mediators in solving the problems faced by Roma and in their integration into society.

<sup>29</sup> "Inclusion and reintegration of Roma children in the education system", UNICEF.  
<https://www.unicef.org/moldova/copiii-de-etnie-rom%C4%83>

<sup>30</sup> Government Decision No. 576 of 03-08-2022 on the approval of the Programme for the support of the Roma population in the Republic of Moldova for the years 2022 2025  
[https://www.legis.md/cautare/getResults?doc\\_id=133208&lang=ro](https://www.legis.md/cautare/getResults?doc_id=133208&lang=ro)

<sup>31</sup> International Convention on the Elimination of All Forms of Racial Discrimination.  
[https://www.legis.md/cautare/getResults?doc\\_id=115570&lang=ro](https://www.legis.md/cautare/getResults?doc_id=115570&lang=ro)

the reporting rate of hate speech and discrimination is low<sup>32</sup>, given that there are a number of obstacles preventing Roma from accessing justice, assistance and protection services, including mistrust of the authorities and lack of long-term state support. With the support of development partners and governmental and non-governmental organisations, some training has been carried out for professionals interacting with Roma, but it is little and insufficient to prevent and combat the phenomenon of discrimination against Roma, which is deeply rooted in Moldova<sup>33</sup>. This fact is also noted by the Roma Voice Coalition, in the monitoring report of the action plan (2016-2022)<sup>34</sup>.

## **V. AREAS OF CONCERN REGARDING THE ENFORCEMENT OF THE RIGHTS OF REFUGEES, ASYLUM SEEKERS AND STATELESS PERSONS.**

The Government's Action Report [CERD/C/MDA/12-14](#) on the implementation of the Convention does not address a number of critical issues faced by migrants, refugees, asylum seekers and stateless persons, as highlighted below. As the [CERD/C/MDA/12-14](#) Action Report addresses the National Strategy on Migration and Asylum 2016-2020, it does not anticipate the problems that the State has reached in practice since 2022 and the full scale invasion of Ukraine.

### **Limited access and barriers to obtaining temporary protection for Ukrainian Refugees.**

According to Government Decision No 21, temporary protection is to be provided from the moment the person expresses their will to receive it<sup>35</sup> and the guarantees of temporary protection take legal effect from that moment. The person benefits from immediate protection, including access to the full range of services: healthcare, accommodation, social services, etc.

In practice, however, refugees face a number of practical barriers in obtaining temporary protection. This often results in limited rights. For example, filling in the online form via the platform launched by the General Inspectorate for Migration (IGM), followed by an interview, arbitrarily conditions the legal effects of temporary protection. According to IGM data, between 1 March 2023 and 12 February 2024, 44 509 persons were pre-registered for temporary protection, but 34 745 identity cards were issued to beneficiaries of temporary protection, including 10 260 for minors.<sup>36</sup> Under these conditions, 9 764 persons remain outside

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<sup>32</sup> Council of Europe study on disaggregated data collection on hate crimes, hate speech and discrimination in the Republic of Moldova: recommendations and situational analysis, 2019. <https://rm.coe.int/final-draft-data-collection-md-ro/16809f7475>.

<sup>33</sup> Article on capacity building -

<https://old.ombudsman.md/ro/content/activitate-de-instruire-domeniul-combaterii-discriminari>

<sup>34</sup> Monitoring report of the Action Plan for the support of the Roma population for 2016-2020, Roma Voice Coalition, 2018. <https://old.eef.md/index.php?pag=news&id=929&rid=1369&l=ro>

<sup>35</sup> Point 5 and 7 of Government Decision No. 21/2023 on granting temporary protection;

<sup>36</sup><https://igm.gov.md/ro/content/statistica-s%C4%83pt%C4%83m%C3%A2nal%C4%83-inspectoratului-general-pentru-migra%C8%9Bie-14>



the immediate guarantees offered by temporary protection and deprived of a number of rights related to them.

Refugees without identity documents, a significant number of whom are Roma, or those with only birth certificates, cannot obtain temporary protection in Moldova. In order to obtain temporary protection, these persons must present to IGM an Ukrainian identity certificate. Apart from the fact that consular services are offered by the Ukrainian Embassy only on the basis of online appointment, which is quite difficult to do, the Embassy **does not issue such certificates**. These persons cannot prove their identity and eligibility for temporary protection, which restricts their access to temporary protection. In these circumstances, the only solution to legalize their stay in Moldova is to apply for asylum.

#### **RECOMMENDATION:**

- Undertake measures and ensure the practical implementation of the provisions of Government Decision No 21, by removing barriers, bureaucracy and facilitating the obtaining of temporary protection by refugees from the moment of them expressing their will to receive it.

**Access to affordable housing** is a problem for many displaced persons from Ukraine. In 2023, people faced additional concerns due to the closure of several temporary accommodation centres for refugees. Rental assistance programmes offered by humanitarian organisations are also only a short-term solution. With the general availability of rental assistance from international organisations decreasing, people have found it difficult to find affordable accommodation, telling member organisations of the Moldova for Peace Initiative that they have often opted for accommodation lacking basic amenities or choose to live with extended families in small and overcrowded apartments or houses. Authorities need to take into account that the lack of safe and long-term housing can have a multidimensional impact on refugees' ability to exercise their other rights, including the right to work, the right to education, the right to social assistance and protection.

#### **RECOMMENDATION:**

- We urge the authorities to continue to take steps to ensure equal access to housing for displaced persons by increasing support for both refugees and their host communities.

**Limited access to employment.** In rural areas, most refugees rely on UNHCR financial assistance to cover costs, supplemented by pensions, family support or savings. Some of the barriers in accessing the labour market are: limited, often seasonal and informal employment opportunities, as well as childcare constraints, language barriers, transport problems and bureaucratic difficulties.

According to the findings of the study Implementation of temporary protection on the territory of the Republic of Moldova for displaced persons, in 2023, about 77.7% of respondents surveyed in the study are not employed, 11.6% said they are formally employed, and 10.7% - informally employed. Accessing the labour market is a major problem for refugees coming from Ukraine. 27.1% of the respondents indicated that they could not join the labour force because of their age and 12.8% because of health problems; 22.5% had no one to leave their children with; another 14.9% reported that they could not find a job according to their speciality, and 8.6% did not join the labour force because of the wages offered, which they considered insufficient. In addition, 5.9% of respondents cited language barriers as a reason for non-employment and 1.5% - lack of information about employment conditions and vacancies.

**Limited access to medical services.** According to a UNHCR survey<sup>37</sup>, health care is the third most urgent need (50%), after material assistance and food. The need for health care is significantly higher for people over 60, up to 78%. 14% of households indicated that they had at least one family member with a serious medical problem. Of those who indicated that they had difficulty accessing healthcare, more than half said they could not afford it. Other difficulties relate to refusal to access services (27%), long waiting times (24%) and unavailability of services (21%). Notably, of the 48% of respondents who went back to Ukraine at least once since 24 of February 2022, 11% indicated that the main purpose of the visit was to access healthcare. At the same time, in the above-mentioned survey, 36.3% of the respondents encountered barriers in accessing the medical services they needed, 18% mentioned the limited list of medical services they could receive free of charge, 15.7% reported high costs of medical services, 2.3% mentioned that they were refused medical care, 6.9% reported other barriers in accessing medical services.

The limited access to outpatient healthcare is a serious impediment to guaranteeing the right to health protection when other health services can only be accessed against payment. Beneficiaries of temporary protection cannot insure themselves individually by purchasing a health insurance policy and are thus obliged to pay the full cost of medical services not included in the list of free services. At the moment, the only safe and effective way to access the full range of health services is to be employed. Being an employee and contributing to the compulsory health insurance system offers equal opportunities to obtain health care under similar conditions to Moldovan citizens.

While temporary protection has brought some improvements in access to healthcare, refugees face lack of necessary medical services and high costs. This is particularly true for those living in urban areas. Stateless people face barriers to accessing social services and healthcare due to lack of documentation. Without a passport, it is impossible to access a family doctor and other health care in Moldova. At the same time, there is evidence of differential treatment between

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<sup>37</sup> UNHCR Moldova Protection Profiling and Monitoring Update, September 2023 - <https://reporting.unhcr.org/libraries/pdf.js/web/viewer.html?file=https%3A%2F%2Freporting.unhcr.org%2Fsites%2Fdefault%2Ffiles%2F2023-10%2FUNHCR%2520Moldova%2520Protection%2520Profiling%2520and%2520Monitoring%2520Update%252C%2520September%25202023.pdf>

refugees who receive health services against payment and those who receive this service provided at state expense. Refugees who access health services against payment benefit immediately from this service, but refugees who have access to state-provided health services have to wait several weeks. Differential treatment in access to health services are the challenges of the medical system that has existed in Moldova for many years.

#### **RECOMMENDATIONS:**

- Establish a mechanism for monitoring essential health services and their quality provided to refugees, asylum seekers, stateless persons, including from the perspective of non-discrimination, ensuring transparency of information by placing reports on the website of the Ministry of Health and other public institutions.
- Identify and implement best practices in the provision of healthcare and broaden the spectrum of healthcare services for refugees, asylum seekers, stateless persons, and undertake efforts to remove administrative, legal and practical barriers in access to the labour market for refugees, stateless persons and asylum seekers.

**Social assistance** is one of the state guarantees to prevent marginalisation and social exclusion of refugees, stateless persons and asylum seekers. As a result of the overall analysis of the national legal framework, we note a limitation of access to social assistance for beneficiaries of temporary protection, which is in contradiction with the provisions of Directive 2001/55 EC which establishes the right to social assistance for all beneficiaries of temporary protection.

Families benefiting from temporary protection can only benefit from one of the social services included in the minimum package approved by Government Decision No 800, namely the social support service for families with children. At the moment, an active financial assistance programme is provided by the UNHCR, which gives a one-off grant of 2,200 lei per month per eligible person, which does not cover living costs.

According to the UNHCR survey (2023), for 20.5% of respondents the lack of information was an obstacle to accessing social assistance services. Some 49.9% stated that the cost of living in the Republic of Moldova far exceeded the amount of financial aid offered. According to 2.9% of respondents, lack of a home address is a barrier to accessing social services. Another 3.9% cited the lack of necessary documents as a barrier to accessing social services, 4.3% mentioned language barriers and 34% reported other barriers. Respondents had the opportunity to select more than one of the proposed options.

#### **RECOMMENDATIONS:**

- The authorities need to step up the development of the social security system, increase the level of social security for displaced persons, including by reviewing social assistance laws and policies to ensure that they are inclusive and non-discriminatory.

**Discriminatory approaches towards vulnerable groups.** Although some centres housing refugees have been renovated, the renovation process has focused primarily on cosmetic aspects. These centres do not have the necessary infrastructure for people with disabilities and people with pre-existing medical conditions or elderly people. Refugee accommodation centres do not have clear procedures in place to ensure the protection of the persons accommodated against racial segregation, sexual harassment or other forms of gender-based violence. The dysfunctional management of accommodation centres, the lack of an accountability mechanism in cases of discrimination against refugees and the failure of the authorities to examine and sanction cases of discrimination encourage unfair practices, leading to violations of refugees' rights.

#### **RECOMMENDATIONS:**

- To ensure the management of centres for the temporary placement of displaced persons, through staff training and education, in the context of preventing discrimination and ensuring equal placement opportunities for ethnic minorities.
- Improving conditions in accommodation centres, including renovations appropriate to the needs of people with special needs. Take measures to prevent and combat racial segregation in accommodation centres for refugees, stateless persons and asylum seekers.

**Segregation of Roma in refugee accommodation centres.** According to the UNHCR Roma Refugee Briefing Note<sup>38</sup>, in December 2023, almost 45% of Roma refugees live in refugee accommodation centres, a much higher percentage than the overall Ukrainian refugee population. Roma refugees face segregation in access to accommodation<sup>39</sup>, often being refused accommodation in accommodation centres on ethnic grounds. At the moment, there are four segregated accommodation centres in Moldova, with worse living conditions compared to non-segregated ones. Although the authorities are aware of the segregation of Roma refugees in refugee centres, no effective measures have been taken in the last two years to combat this phenomenon. Although with the arrival of Ukrainian refugees more cases of racial segregation have been registered, the number of complaints of discrimination has not increased. This does not mean that there is no racial discrimination in Moldova, but rather that there are barriers to invoking Convention rights at national level. There is also a lack of public awareness of the rights set out in the Convention and the methods available for access to justice.

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<sup>38</sup> Briefing note on Roma refugees - <https://data.unhcr.org/en/documents/download/105960>

<sup>39</sup> "Ukrainian Roma in Refuge" - CU SENS, 2023. <https://cusens.md/ro/reportaje/romi-ucraineni-in-refugiu/>

## RECOMMENDATIONS:

- We recommend the relevant authorities to step up efforts to combat discrimination and segregation against Roma refugees and to improve Roma access to housing, healthcare, education and employment.
- Improve measures to identify and punish acts of racial discrimination and segregation, ensure victims with access to support services, mechanisms for access to justice, a fair trial and redress without any discrimination - in accordance with international human rights law.

**Refugees from the Transnistrian region are not protected by law.** Although the Republic of Moldova has adopted legislation on preventing and combating discrimination, it is not enforced in the Transnistrian region because this territorial entity does not comply with the legislation of the constitutional authorities in Chisinau. This leads to lack of accountability and continuous social exclusion and prejudices against Roma refugees in the region. Most refugees receive support only from non-governmental organisations. All services are provided with donor support by NGOs, which makes these services unsustainable. Roma refugees in the Transnistrian region face discrimination and lack of access to protection services, and refugees belonging to vulnerable groups are not monitored by the authorities. Children of Roma refugees left without parental care do not go to school because they fear they might be separated from their relatives and placed in orphanages. Another issue is that relatives of Roma refugee children left without parental care cannot obtain guardianship of the children because they are not employed and do not have permanent residence. At the same time, late documentation of newborns takes place in the Transnistrian region. There have been cases when the newborn child was documented by one of the close relatives (e.g. aunt) and on the basis of her documents, thus the aunt became legally the mother of the newborn child. Children of Roma refugees left without parental care cannot obtain temporary protection in the Republic of Moldova as they cannot cross administrative line from the Transnistrian region to Moldova due to lack of identity documents. At the same time, children who do not have temporary protection do not receive a monthly refugee allowance. Most Roma who have unaccompanied refugee children in their care hide this fact from the authorities.

## RECOMMENDATION:

- Promote the collection of disaggregated data, including by ethnicity.
- Stepping up awareness-raising campaigns on preventing and combating discrimination
- Increase the level of involvement of refugees in the activities of humanitarian actors.

- Development of assistance and protection services for refugees in the Transnistrian region.