

EXECUTIVE SUMMARY

Moldova has undertaken significant legal and policy reform on equality and non-discrimination in recent years, largely driven by a desire to demonstrate convergence with European Union standards. Laws on gender and disability discrimination, enacted in 2006 and 2012 respectively, both have shortcomings. However, the Law on Ensuring Equality, also enacted in 2012, has brought the legal framework broadly into line with European Union – if not international – standards.

On paper, Moldova has a legal framework which provides a starting point for combating discrimination and promoting equality. Its words offer promise. However, this report finds that the Moldovan rallying cry – “we want deeds not words” – is particularly pertinent in addressing equality and non-discrimination. Words, even legally binding ones, are not enough.

Our research identifies countless gaps between the “words” of Moldova’s most recent legislation and the “deeds” of both state and private actors. Thus, despite the adoption of the Law on Ensuring Equality, the state has not acted to amend or repeal discriminatory legal provisions affecting groups such as lesbian, gay, bisexual and transgender (LGBT) persons and persons with disabilities. The police continue to use ethnic profiling against Roma, one of many symptoms of the widespread prejudice faced by the group. In one of the biggest stains on Moldova’s collective conscience, people with mental disabilities are systemically denied legal capacity and institutionalised in often cruel and inhumane conditions; our research uncovered instances of abuse including rape and other forms of mistreatment. The authorities have not been effective in enforcing laws which prohibit discriminatory violence, particularly against women and have failed to take positive measures to improve protection for victims of domestic violence, despite numerous rulings against it before the European Court of Human Rights. In the private sphere, despite clear legal prohibitions, employers and service providers continue to discriminate – often overtly – on grounds ranging from race to gender and health status to age.

Other deeds disappoint. Of much promise was the state’s establishment of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality. The Council has, among other functions, considered hundreds

of discrimination cases in the few years since its establishment. However, its impact continues to be limited by the deeds of state authorities. The Council was not imbued with the power to impose sanctions for perpetrators of discrimination and the courts, to date, seem reticent to follow the Council's lead.

Ultimately, this report concludes that if Moldova is to effectively address discrimination and inequality, it must work to eliminate the barriers to the proper enforcement of its equality laws and policies. After a rapid period of legal reform, the state has many of the tools required to address the patterns of discrimination and inequality identified in this report. Now it must focus its efforts on implementing and enforcing these laws, by tackling prejudice and changing the practice of state and private actors, and so ensuring that its deeds correspond to its words.

Part 1: Introduction

Purpose and Structure

The purpose of this report is to highlight and analyse discrimination and inequality in the Republic of Moldova (Moldova) and to recommend steps aimed at combating discrimination and promoting equality. The report explores long-recognised human rights problems, while also seeking to shed light upon less well-known patterns of discrimination in the country. The report brings together – for the first time – evidence of the lived experience of discrimination and inequalities of many different forms with an analysis of the laws, policies, practices and institutions established to address them.

The report comprises four parts. **Part 1** sets out its purpose and structure, the conceptual framework which has guided the work and the research methodology. It also provides basic information about Moldova, its history and the current political and economic situation. **Part 2** discusses the principal patterns of discrimination and inequality affecting different groups in Moldova. **Part 3** analyses the legal and policy framework as it relates to non-discrimination and equality. **Part 4** contains recommendations, drawn from an analysis of both the patterns of discrimination and inequality examined in Part 2 and the gaps, weaknesses and inconsistencies in the legal and policy framework identified in Part 3.

Conceptual Framework and Research Methodology

The conceptual framework of this report is the **unified human rights framework on equality**, which emphasises the integral role of equality in the enjoyment of all human rights, and seeks to overcome fragmentation in the field of equality law and policies. The unified human rights framework on equality is a holistic approach which recognises both the uniqueness of each type of inequality and the overarching aspects of different inequalities. The unified framework brings together:

- a) types of inequalities based on different grounds, such as race, gender, religion, nationality, disability, sexual orientation and gender identity, among others;
- b) types of inequalities in different areas of civil, political, social, cultural and economic life, including employment, education, and provision of goods and services, among others; and
- c) status inequalities and socio-economic inequalities.

The unified human rights framework on equality is expressed in the Declaration of Principles on Equality, adopted in 2008, signed initially by 128, and subsequently by hundreds more, experts and activists on equality and human rights from all over the world.

This report is one of the results of a partnership between the Equal Rights Trust and the Moldovan non-governmental organisation Promo-LEX, who have been working together to advance equality in Moldova since 2009. The report is one of the outcomes of a two-and-a-half-year project to combat discrimination and inequality in the country.

During this period, the partners had extensive opportunities to consult and conduct research on patterns of discrimination and inequality in Moldova. We commissioned research by non-governmental organisations and individuals on different patterns of discrimination, and engaged with representatives of these groups directly. We also independently reviewed existing literature on discrimination and inequality on different grounds, and analysed and assessed the country's legal and policy framework related to equality. Prior to publication, this report was the subject of a consultation, in which its findings and conclusions were exposed to scrutiny by experts. We believe that as a result, the report's findings and conclusions have been significantly strengthened.

Country Context, History, Government and Politics

As part 1.3 elaborates, the Republic of Moldova (Moldova) is located in central Europe in the north-eastern Balkans. Moldova borders Ukraine to the North, South and East and Romania to the West. The capital city of Moldova is Chişinău, which has a population of approximately 814,000 people. The country is divided into 32 districts (*rayons*) as well as the autonomous territorial units of Gagauzia and Transnistria, which have a special legal status. Moldova is a unitary state with a uniform system of laws throughout the country.

Moldova has a population of approximately 3.55 million people. Since the early 1990s, this has decreased by around one million, mainly as a result of the high death rate and high levels of emigration due to political, economic and social crises. The 2004 census shows ethnic Moldovans as the majority ethnic group (75.8%). Smaller minorities of Ukrainians (8.4%), Russians (5.9%) and Romanians (2.2%) predominate in urban areas, with the majority of ethnic Moldovans, Gagauz (4.4%) and Bulgarians (1.9%) more highly represented in rural settings. The 2004 census revealed that the great majority of the population are Orthodox Christian (93.3%), divided between Russian Orthodox and Bessarabian Orthodox (part of the Romanian Orthodox Church). Other Christian denominations make up most of the remaining population, with small numbers of Catholics, Muslims and Jews.

Moldova's official language is stated to be Moldovan in its Constitution but is identified as Romanian in the Declaration of Independence, which has been declared by the Constitutional Court to hold precedence. In the 2004 census, 58.8% of the population identified themselves as Moldovan speakers and a significant minority as primarily Romanian speakers (16.4%). In practice, there is little difference beyond the Cyrillic script used in Moldovan, and identification as either a Moldovan or Romanian speaker is often linked with a person's view of their ethnicity or nationality. Sixteen percent of the population identify Russian as their primary language, with smaller numbers speaking Ukrainian, Gagauz and Bulgarian.

In 2014, Moldova's Gross Domestic Product (GDP) was USD \$7.6 billion, ranking it lower middle in the world. The GDP per capita adjusted by purchasing power parity was \$4,754 in 2014, equating to 27% of the global average and the lowest in Europe. In 2015, the United Nations Human De-

velopment Index for Moldova was 0.693, placing it 107th in the world out of 188 countries. Moldova's Gini Income coefficient for the period 2003-2012, measuring inequality in the distribution of wealth, was 33. The ratio of the average earnings of the richest 20% to those of the poorest 20% in the same period was 5.3.

The territory comprising modern-day Moldova has been controlled by a succession of powers over recent centuries. Claimed from the Ottomans by the Russian Empire in the early nineteenth century, Moldova unified with Romania in 1918 after the First World War. In 1939, Moldova fell under the ambit of the Soviet Union as part of a non-aggression pact with Germany, until the declaration of its independence on 27 August 1991.

In September 1991, the regional parliament of Transnistria voted to join the Soviet Union. This resulted in the Transnistrian War, fought by the region's forces against the Moldovan government over four months in 1992, and with support from Russian and Ukraine. A ceasefire was agreed and still continues at the time of writing. The Moldovan government does not exercise authority in the region and Russia continues to support the government of the Moldavian Republic of Transnistria.

The Constitution of the Republic of Moldova was adopted on 27 July 1994 and established a semi-presidential system. In 2000, the Moldovan Parliament amended the Constitution to become a parliamentary republic in which the president is elected by Parliament rather than by direct popular vote. Vladimir Voronin of the Party of Communists of the Republic of Moldova (PCRM) was elected President for two terms between 2001 and 2009. With the election of Voronin, Moldova became the first post-Soviet state to elect an unreformed Communist party to power.

The April 2009 elections saw allegations against the PCRM of electoral fraud, interference with the press and misuse of public funds. Violent protests followed in the capital and a recount was called. Parliament was dissolved and series of elections failed to secure a majority vote for the role of President, until the politically neutral Nicolae Timofti crossed the line to become President on 16 March 2012. The most recent parliamentary elections were held on 30 November 2014, in which the pro-Russian Party of Socialists of the Republic of Moldova won a majority.

Recent years have been a period of significant unrest in the office of the Prime Minister, with numerous allegations of corruption and fraud being levelled, and four role holders between 2010 and 2015. In 2015, the former Prime Minister, Vladimir Filat was detained on charges of bank fraud and bribery. Mass protests erupted across the country, and in October 2015, the government led by Prime Minister Valeriu Strelet was dismissed following a vote of no-confidence. On 20 January 2016, the appointment of Pavel Filip as Prime Minister was met by further protests in the capital.

On 4 March 2016, the Constitutional Court ruled that the 2000 amendment providing for the indirect election of the President was unconstitutional. As a result, there was a reversion to the original constitutional provision that the President is to be elected directly by citizens. Direct Presidential elections are due to be held on 30 October 2016.

At the local level, on 2 February 2014, a referendum held in the autonomous territory of Gagauzia voted overwhelmingly for its right to declare independence in the event that Moldova loses or surrenders its independence, including in the event of EU accession. The Moldovan government rejected the referendum as illegitimate.

At the regional level, since 1994, European integration has been a priority for Moldova. In 2005, all major political parties listed accession to the European Union as a major objective; however, the current political landscape is divided between those in favour and those opposed.

The general human rights situation in Moldova is mixed. In 2015, Freedom House considered Moldova to be “partly free”, receiving an overall freedom rating of 3.0 (with specific ratings of 3 for civil liberties and 3 for political rights). As a result of ineffective implementation, recent reforms have not significantly improved the human rights situation. There are overarching concerns about endemic corruption and the lack of independence of the judicial system and the impact these have upon Moldova’s ability to respect, protect and fulfil human rights.

Part 2: Patterns of Discrimination

This part of the report presents evidence of discrimination and inequality because of (i) nationality, race and ethnicity, with a focus on the Roma

ethnic group; (ii) sexual orientation and gender identity; (iii) health status; (iv); gender (v) disability; (vi) religion and belief; (vii) age; and (viii) language. As a result, it is not an exhaustive picture but instead an insight into some of the most significant patterns of discrimination in the country. In respect of each ground covered, the report discusses the ways in which people experience discrimination and inequality in a range of areas of life, including as a result of discriminatory laws, the action of state actors carrying out public functions, exposure to discriminatory violence, and discrimination and inequality in areas such as employment, education and access to goods and services.

With respect to discrimination on the basis of **nationality, race and ethnicity**, discussed in section 2.1, the testimony that we have collected shows clearly that Roma in Moldova experience direct discrimination, frequently blatant and overt, rooted in deep-seated prejudice and stereotypes that are freely shared. The lack of disaggregated data, while making it difficult to establish with precision the relative position of Roma, does not undermine this finding. Roma experience discrimination, and its resulting inequalities, in all areas of life regulated by law. The development of the Action Plan in Support of the Roma Population in Moldova is encouraging but suffers from a lack of implementation as a result of limited resources and insufficient political will to take decisive action. Other racial minorities, in particular those with darker skin, are also subject to prejudice and discrimination, including violence and limited access to employment and housing. This situation is worsened by the lack of an effective remedy for victims of discrimination and often hostile reception by the authorities to claims of discrimination.

In section 2.2, the report finds that discrimination on the basis of **sexual orientation and gender identity** for LGBT persons in Moldova is routine and severe, accompanied by stigma throughout society. The weak response by law enforcement to allegations of hate speech and hate crimes against LGBT persons, the inadequacy of the legislative framework providing protection from discrimination, and the frequency of discriminatory statements made by public and religious officials all contribute to the vilification and denigration of sexual and gender minorities. Recent surveys reveal markedly low societal acceptance of gender and sexual minorities. There has been some evidence of progress on LGBT rights over recent years, for example the repeal of “gay propaganda” laws and regional anti-LGBT ordinances, and the relaxation

of the requirements concerning Pride Marches. Nevertheless, these advances are limited and LGBT persons still face significant discrimination in many areas of life.

Section 2.3 of the report, examining discrimination on the basis of **health status**, finds that there are particular concerns about discrimination against persons with HIV/AIDS and tuberculosis (TB) in Moldova. While the Moldovan Constitution does not expressly prohibit discrimination on the basis of health status, there are a number of legal protections for persons living with HIV (PLWHIV). Nevertheless, PLWHIV continue to experience stigmatisation and discrimination in all areas of life. Particularly concerning are widespread reports of the medical profession both failing to maintain patient confidentiality and discriminating against PLWHIV in providing treatment. Women and children living with HIV are especially vulnerable to multiple discrimination in both education and healthcare. Persons with TB are subject to considerable stigmatisation and ill-treatment, accompanied by limited access to services and employment. The Regulation on Coercive Hospitalisation compounds the vulnerability of people with TB in allowing the state to enforce certain treatments, with no clear means to review or challenge the approach taken.

With respect to discrimination on the basis of **gender**, section 2.4 finds that Moldova has made progress in developing legal provisions, policy and a regulatory framework to protect gender equality, including maternity and equality in education, employment, healthcare and other areas. However, inadequate implementation, monitoring and assessment by the state, coupled with insufficient resourcing, means that women continue to face discrimination. This manifests as significant societal discrimination against women, reaching across employment, education, governance and underrepresentation in politics. For example, gender stereotypes underpin discriminatory laws, such as one which prohibits women from undertaking certain forms of dangerous work. At the same time, a weak legislative framework and application result in wholly inadequate protection for women suffering from prevalent and grossly under-reported sexual abuse and domestic violence.

Section 2.5 of the report examines discrimination on the basis of **disability**, finding that while Moldova is a signatory of the Convention on the Rights of Persons with Disabilities and despite increasing legal provisions enacted to recognise and regulate the rights of persons with disabilities, persons with disabilities continue to face stigmatisation and discrimination. Although Mol-

dovan law provides for the legal capacity of persons with disabilities, as of February 2015, 4,000 persons with disabilities had been deprived of their legal capacity under the Civil Code. A number of studies, including by the Moldovan Ombudsman, recognise that persons with disabilities face active discrimination and limited access with respect to a spectrum of public services, including: health and social care; education; use of public spaces and infrastructure; access to justice; and political participation. Discrimination also extends to access to transport, employment, and goods and services. As a result, persons with disabilities routinely face social exclusion and a lower standard of living, and sometimes abuse. Women with disabilities are particularly vulnerable to multiple discrimination, and the low incidence of births among women with disabilities has been attributed by some Moldovan NGOs to poor access to healthcare services. A number of policy and legal reforms have been recommended or are underway – notably a 2013 Action Plan – but there is little evidence of tangible progress.

Section 2.6 examines discrimination on the basis of **religion and belief**, and finds that while the Moldovan legal system guarantees freedom of religion and prohibits discrimination on the basis of religion, there are many examples of disadvantage faced by minority religious communities. The Moldovan Orthodox Church receives a privileged status under national law not enjoyed by other religious groups. In particular, minority religious groups face difficulty in securing the legal registration necessary to exercise certain rights, obtaining land and permits to build places of worship, and achieving restitution of church property. The simplification of the registration process has increased the registration of minority religious groups in recent years. In spite of these modest improvements, both the Moldovan Orthodox Church and the government have failed to effectively prevent intolerance, hate speech, and violence by members of the Church against minority religious groups.

With respect to discrimination on the basis of **age**, section 2.7 of the report finds that discrimination against older persons in Moldova is perpetuated through discriminatory laws and policies, particularly in the area of employment. Retirement age is a legal basis in Moldova for dismissal from employment and regulations continue to be introduced which restrict access to work for those over the age of retirement, yet the courts have failed to recognise these as discriminatory. Combined with an inadequate state pension and restricted access to employment places, older persons face a disproportionate risk of falling into poverty and suffering from associated health and social impacts.

Finally, section 2.8 examines **language**, a deeply contentious issue in Moldova, a country of considerable linguistic diversity. The two most prevalent languages, Moldovan and Romanian, are distinguished only by their association with different ethnic, cultural and geographic identities rather than any linguistic divergence. Speakers of Russian, despite being the language of interethnic communication, face considerable difficulty in accessing justice. This is due to inadequate provision of translation services and unclear legislation on the use of languages other than Romanian (and Moldovan by association) in accessing the court system. More widely, persons who do not speak Romanian language have provided evidence of discrimination in accessing public services more widely, exacerbated by claims of poor teaching of Romanian in the education system.

Part 3: Legal and Policy Framework Related to Equality

This part examines both Moldova's international legal obligations and the domestic legal and policy framework which protects the rights to equality and non-discrimination. It also considers the extent to which there is adequate enforcement of the legal and policy framework and effective access to justice for victims of discrimination.

Section 3.1 of the report assesses Moldova's **participation in international and European instruments**. It finds that Moldova has a mixed record of participation in the UN human rights treaty system. While it has ratified seven of the nine core UN human rights treaties – omitting only the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearances – State Party Reports are often late, with one currently outstanding. Moldova has made declarations to first and second Optional Protocols to the International Covenant on Civil and Political Rights and the second Optional Protocol to the Convention on the Rights of the Child, which limit their application to its Transnistrian region.

Moldova has a good record in relation to other international treaties which have a bearing on the rights to equality and non-discrimination. It has ratified the key Conventions relating to refugees and statelessness. It has also ratified all eight of the fundamental International Labour Organisation (ILO) Conventions and the 1960 UNESCO Convention against Discrimination in Education. However, Moldova has made reservations to the UN Convention

against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, stating that these will only be applied to state-controlled territory until full territorial integrity has been established to include the Transnistrian region.

Moldova also has a number of important obligations under **regional human rights instruments**. It has ratified the European Convention on Human Rights (ECHR), the European Social Charter (revised), and the European Convention on Nationality. As with other international instruments, the state has made declarations to restrict the application of rights to the Transnistrian region. Significantly, Moldova has not yet ratified Protocol 12 of the ECHR (which provides a free-standing right to non-discrimination), the European Charter for Regional or Minority Languages, or the Convention on Preventing and Combating Violence against Women and Domestic Violence.

With respect to matters of human rights law, international and regional treaties that Moldova has ratified take precedence over domestic legislation, although courts do not always correctly adopt this approach. In respect of matters which fall outside the remit of human rights, the status of international law in relation to domestic law is less clear.

Section 3.2 explores Moldova's domestic legal system, looking first at its **Constitution**, adopted in 1994. The Constitution guarantees the right to equality through Article 16, both as a positive and negative duty on government, and through other provisions throughout regarding equality and non-discrimination. However, there are some shortcomings. The list of protected grounds in Article 16 of the Constitution is shorter than lists found in international instruments to which Moldova is a party; for example, omitting prohibition of discrimination on ground of colour and language and the open-ended "or other status", which are explicitly protected in Article 14 of the European Convention on Human Rights. Article 16 also omits a number of other grounds of discrimination, which Part 2 evidences are in need of better protection in Moldova including disability, sexual orientation, HIV/AIDS status and gender identity. The Constitution does not explicitly provide for positive action by the state but does propose measures to protect sections of society traditionally associated with disadvantage. For example, Article 43 refers to protective measures for the working conditions of woman and young people; however, these can risk paternalism and certain measures, such as the prohibition on pregnant and postnatal women working overtime (Article 105), need to be repealed.

Section 3.2.2 assess the major pieces of anti-discrimination legislation in Moldova. The Law on Ensuring Equality is the primary non-discrimination statute in Moldova. It prohibits discrimination on a number of grounds and in all spheres of life, subject to limited exceptions. It establishes the regulatory body charged with hearing complaints of discrimination and promoting equality: the CPEDEE. The law applies to the actions of both public authorities and private actors, and benefits all persons in Moldova's jurisdiction. However, it is not a completely comprehensive anti-discrimination law – it expressly excludes discrimination in the areas of family (including marriage), adoption relations and religious institutions. While the law does not explicitly protect people from discrimination on a number of important grounds, including citizenship, place of domicile, gender identity, sexual orientation, health and HIV/AIDS status, the list of characteristics protected under the law is non-exhaustive. The law refers to “any other similar criteria”, such that further grounds of discrimination may be protected insofar as they can be shown to be similar to the included grounds.

Additionally, Moldova has two **specific anti-discrimination laws**: the Law on Ensuring Equal Opportunities between Women and Men, and the Law on Social Inclusion of Persons with Disabilities. Both laws have shortcomings. The former promotes gender equality, primarily through the imposition of duties on public bodies to make decisions and policies consistent with the notion of equal opportunities between women and men. However, the Law does not include any enforcement mechanisms or remedies for breach of duty, and is therefore primarily a statement of principle. To an extent, the subsequently enacted Law on Ensuring Equality mitigates some of these shortcomings but it remains difficult to see how an aggrieved person would obtain relief under the provisions of the Law. The Law on Social Inclusion of Persons with Disabilities was intended to make major progress in the protection of the rights of persons with disabilities and to bring the law in line with Moldova's obligations under international law and most notably the Convention on the Rights of Persons with Disabilities. It creates ostensibly robust and far-reaching protections of persons with disabilities, including provisions on access to education, healthcare and employment, the prohibition of discrimination, legal capacity, and social and political participation of persons with disabilities. In practice, however, it is difficult for persons with disabilities to benefit from these protections, and there are a number of significant unresolved conflicts with other areas of Moldovan law.

Further to these pieces of legislation, section 3.2.3 reviews a number of **non-discrimination provisions in other legal fields**, which impact the equality and non-discrimination legislation that regulates several specific fields of activity, including civil, criminal and civil procedure codes; labour, education, family law, broadcasting, mental health and religion. The Civil Code plays a crucial supportive function in setting out remedies available where there has been a finding of unlawful discrimination using another statute. The Civil Procedure Code is concerned with non-discrimination in access to justice, and specifies a broader list of protected characteristics than any other Moldovan legislation, including citizenship, job, domicile, and place of birth. However, the Civil Procedure Code has some problematic provisions and gaps in protection, in some cases in apparent violation of the Constitution. Amongst these is the fact that there is no right to appeal in cases where persons are forcefully referred to psychiatric care by judicial order.

Government policies are examined in section 3.3. The Moldovan government has put in place a number of public policies that seek to translate legislative protections into substantive outcomes, for example by providing guidance to public servants on how to fulfil their functions in a non-discriminatory manner. There is no public policy with respect to equality and non-discrimination generally. However, there are a number of policies which focus on discrimination in a particular sphere, such as employment. The governmental priority and degree of implementation of these policies varies significantly and limited resources are often cited as a barrier to effective realisation together with vague success criteria. Many of the measures proposed in the National Human Rights Action Plan of 2011–2014, for example, were only partially implemented. Nevertheless, poorly implemented policies have still been used as effective advocacy tools by civil society organisations.

Finally, the **enforcement and implementation of laws and policies** related to equality is analysed in section 3.4. It finds that, while there is a relatively comprehensive constitutional and legal framework protecting the rights to equality and non-discrimination in Moldova, their implementation and enforcement need to be strengthened. Critically, the CPEDEE, established under the Law on Ensuring Equality and tasked with examining the complaints of persons who consider themselves discriminated against, is not imbued with judicial power. That is, it can refer cases of unlawful discrimination to the relevant public body and propose disciplinary steps, but it is unable to impose sanctions directly. To adequately promote equality and protect against dis-

crimination, Moldova must increase the institutional capacity of CPEDEE, the courts and other authorities in order to guarantee victims of discrimination effective access to justice and appropriate remedies.

Our analysis of Moldovan **jurisprudence** identifies a number of trends emerging in the case law which are inconsistent with international best practice or otherwise require addressing, notably concerning discrimination in relation to sexual orientation and religion. For example, the Constitutional Court has declined to confirm that sexual orientation is a prohibited ground under the Law on Ensuring Equality (with the exception of employment), despite the fact that it is provided for under the catch-all phrase “or any other similar criteria” in Article 1(1). Elsewhere, the courts have displayed a reluctance to censure the discriminatory acts of religious institutions, such as hate speech and incitement to discriminate against homosexuals or display clarity in protecting anti-discrimination standards in the often complex conflict of rights of religious freedom and freedom from discrimination. There have been four cases in the European Court of Human Rights in which Moldova was found to have breached the right to freedom from discrimination in Article 14 of the European Convention on Human Rights. Three of these cases, discussed in part 3.4.3 involved gender discrimination – in particular the lack of effective measures in response to domestic violence – and one case related to the right to freedom of assembly.

This report concludes that the system of laws, policies and practices in place to prevent discrimination in Moldova, while meritorious in some respects, is incomplete with much left to progress. Moldova has made particular progress in aligning its domestic legal framework with international standards, albeit with a number of outstanding omissions and inconsistencies. The most urgent attention must be given to improving poor enforcement and implementation.

Part 4: Recommendations

Part 4 of this report makes recommendations to the Moldovan government. The purpose of these recommendations is to strengthen protection from discrimination and to enable Moldova to meet its obligations under international law to respect, protect and fulfil the rights to non-discrimination and equality. All recommendations are based on international law related to equality, and on the Declaration of Principles on Equality, a document of international best

practice which consolidates the most essential elements of international law related to equality.

The report makes recommendations (see pages 331–346) in nine areas:

- Strengthening of international commitments related to equality;
- Constitutional and legislative reforms to amend or repeal discriminatory laws;
- Implementation and enforcement of the Law on Ensuring Equality;
- Implementation and enforcement of other laws aimed at prohibiting discrimination;
- The implementation of national policies;
- Actions to address discrimination against specific groups;
- Data collection on equality;
- Education on equality; and
- Prohibition of regressive interpretation of protections against discrimination.