



HUMAN RIGHTS INFORMATION CENTER (HRIC/CIDO)

**SUBMISSION TO THE 12TH UN SESSION ON UNIVERSAL PERIODIC REVIEW
regarding MOLDOVA**

Introduction

1. This report is submitted by the Human Rights Information Center (HRIC/CIDO), which is a Moldovan nongovernmental organization, monitoring, collecting and disseminating human rights related information across Moldova and worldwide. In this submission, Human Rights Information Center provides information under sections C and D (*as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review*):

Summary

2. This report deals with **freedom of assembly and association, freedom of conscience, right to education, right to work**, discrimination of minority groups, gender equality and International Justice.

Discrimination

3. Despite the fact that the problem of discrimination in the country is highly relevant and has been reported for various social groups, affecting hundreds of thousands of people across the country, in the Republic of Moldova there is no complete legal framework for combating discrimination, as well as no plan and mechanism to combat all forms of discrimination. Furthermore, the Republic of Moldova has not yet ratified the 12th Protocol to the European Convention on Human Rights of the Council of Europe, which provides a general prohibition of discrimination on the grounds that ratification can not be implemented due to lack in the national legislation of a law prohibiting all forms of discrimination.

4. According to the National Human Rights Action Plan for 2004-2008, Moldova undertook to adopt a law on non-discrimination until 2007, but the law was not adopted until now. The lack of the Act, *inter alia*, where would be spelled out any non-discrimination on any grounds, including sexual orientation, as well as a mechanism to combat discrimination, cannot effectively deal with discrimination.

5. Currently in the Republic of Moldova **there is no specific legislation preventing discrimination** and establishing effective law enforcement mechanisms in that area. The draft law on combating and preventing discrimination was submitted in the middle of February 2011 for consideration and approval to the Parliament; in spite of many progressive provisions present in it, it does not fully provide effective mechanisms to prevent discrimination.

6. The Republic of Moldova is a multiethnic state. 25% to 35% of Moldovan citizens belong to national minorities. The rights of Minorities in the Republic of Moldova are being systemically and systematically violated. People belonging to minority groups are constantly faced with difficulties related to employment, education, conditions and access to health care, expression of opinion, freedom of assembly and association.

7. CIDO urges:

- to adopt a law prohibiting discrimination on the grounds spelled out in the Universal Declaration of Human Rights, including sexual orientation;
- to ratify the 12th Protocol to the European Convention on Human Rights, Council of Europe, providing a general prohibition of discrimination;



- to adopt a national action plan to implement anti-discrimination policy;
- to develop and implement a national mechanism for combating all forms of discrimination in Moldova and to implement the Law and the Plan of Action for the Elimination of All Forms of Discrimination in the Republic of Moldova, with the participation and close cooperation with civil society;
- to create a favorable climate and promote diversity, tolerance and forbearance in the society.

Right to Education

8. According to a comprehensive national population census of 2004 and the Ministry of Education Republic of Moldova, nearly 400,000 inhabitants of Moldova do not have conditions for learning in their native language. These include those for which their first language is Ukrainian, Gagauz, Bulgarian, Romani. Children whose native language is other than the Russian or the State language, are forced to learn in a foreign language. This affects both the quality of education of such children, as well as preserving their ethno-cultural and linguistic identity. In addition, the level of the state language taught to these groups in the schools is often poor, which leads to difficulties in integrating them into society, and to further discrimination in employment and participation in political life.

9. The most vulnerable group are the Roma. They are often faced with the risk of social exclusion and marginalization. This is due to their poverty, the dire social conditions, high rates of illiteracy, high unemployment, exclusion from the decision-making process, stigmatization and negative stereotypes.

10. Only 4% of Roma have higher education (the national average - 38%). Every fifth Roma child cannot read or write. Children do not attend school for various reasons:

- Romani children are not admitted to school if they have no documents;
- Romani children taken to school, do not attend it due to the fact that their parents cannot afford to buy them the necessary school supplies, textbooks and clothing;
- Romani children are being offended, stigmatized and discriminated in schools by teachers and other children.

Rights to work

11. Another important area of discrimination is employment. In this area, there are recorded numerous cases of discrimination based on gender, native language, age, ethnicity, sexual orientation. Information Center for Human Rights knows at least three individual cases of discrimination on the basis of native language and age in employment. In one of the cases, a discriminatory attitude was demonstrated by middle-level managers of a key Moldovan ministry (Ministry of Foreign Affairs).

Gender Equality

12. According to the undertaken commitments under the Millennium Development Goals, Moldova undertook to ensure the representation of women in the government bodies at the minimum level of 25% to 40% by 2015.

13. At this point in Moldova is not being ensured gender equality in neither the local nor national government. Given that women constitute more than 50% of Moldova's population, only about 20% of MPs are women, only 25% of the members of the Permanent Bureau of the Parliament are women, 10% of all the chairmen of the standing parliamentary committees are women and less than 5% of the members of the Cabinet are women.

14. Moreover, Moldova has no effective mechanism to implement the Law on Equal Opportunities for Women and Men. This leads to the low representation of women in the government and the lack of access to management and decision-making processes. This is the discrimination against women in terms of their civil and political rights.



15. In early 2011, the Moldovan Government proposed to introduce a 30% quota for women's participation in the electoral lists of political parties. However, without specifying that this 30% minimum must be evenly distributed on the lists of all parties, this initiative has no effect, because the parties will continue to place women at the bottom of their lists with the known no-go places.

16. CIDO urges Moldovan authorities to immediately:

- find a way for the establishment and functioning of the post «gender unit» at all levels, responsible for developing and implementing the provisions of the Law on Equal Opportunities for Women and Men;

- ensure compliance with the obligations of Moldova within the framework of "Millennium Development Goals" to ensure women's representation in public administration at the minimum level of 25-40% by 2015;

Freedom of Conscience, Religion and the Principle of Separation of Church and State

17. Despite the fact that under the Constitution of the Republic of Moldova (Article 31, paragraph 4) religious cults should be separated from the state, in practice this principle is routinely violated in favor of the Metropolitan of the Russian Orthodox Church of Moldova.

18. In particular, the Metropolitan of the Russian Orthodox Church of Moldova (the only one head from amongst religious denominations in Moldova) by law is entitled to a diplomatic passport. This is a clear indication that the church is not separated from the state and that the metropolitan is involved in shaping and implementing the foreign policy of Moldova. No other existing religious denomination in Moldova has such a privilege.

19. Along with this, political leaders (Prime Minister, Chisinau Mayor) have repeatedly called Moldova the Orthodox Moldova, or "predominantly Orthodox" state, and under this pretext, have provided support to the Metropolitan of the Russian Orthodox Church of Moldova, including from public funds.

20. Article 35, p. 8 of the Constitution of the Republic of Moldova declares that public education is secular. However, the RM Government promotes the introduction of the object for the study of Orthodox Christianity in the school curriculum, and spends public funds on it. At the same time, up to 2010, Amnesty International Moldova unsuccessfully attempted to introduce a course on human rights in schools, and it has been repeatedly refused on the grounds of "overload of the school curriculum".

21. In 2010, the Moldovan Government has allocated funds for the preparation of an optional course on the fundamentals of Orthodoxy for schools in Moldova; Moldovan Prime Minister, Vlad Filat, has met the Metropolitan of the Russian Orthodox Church of Moldova, telling the latest on the implementation of the course in schools. None of the religious denominations in Moldova have enjoyed the same support neither from the Government, nor from the Prime Minister.

22. On February 21, 2011 another Moldovan politician, Mayor of Chisinau Dorin Chirtoaca, said that the municipality and its subordinate structures will provide all the necessary support in the restoration of a burned-out Orthodox church. And speaking at a mayoralty operational meeting on the possibility of building another church, he stated, among other things, that in his opinion, the construction of the cathedral will have a double meaning: "it will embody our Latin origins, as well as our belonging to Orthodox Christianity". The speech has been delivered in his official capacity of Chisinau Mayor.

23. This situation violates the freedom of conscience and religion, discriminates against other religious faiths, contrary to the Constitution of the Republic of Moldova.

24. CIDO urges:



- to guarantee freedom of conscience by excluding from the school curriculum the Study of Religion object;
- to terminate the policy of emphasizing the Orthodox Christianity as the favored religion, thereby discriminating against other religious faiths;
- to take measures to ensure the secular character of education in the Republic of Moldova;
- to take steps to comply with the provisions of the Constitution of the Republic of Moldova on the complete separation of religion from the state;
- to amend the provisions of existing legislation, which entitles members of religious cults, including the Metropolitan of the Russian Orthodox Church of Moldova, to diplomatic passports;
- deprive the Metropolitan of the Russian Orthodox Church of Moldova of the diplomatic passport.

Freedom of Assembly and Association

25. Until 2008, the issue on respecting the freedom of assembly was quite acute in Moldova. The law on public meetings called for the need to obtain authorization from the local government for the holding of public meetings. Often the government abused its authority by unreasonable prohibiting of holding public meetings.

26. In 2008 the law was amended. At the moment there is no need to obtain permission to hold public meetings. However, a public meeting may be prohibited by court, at the request of local government. Local governments have misused this provision to prohibit the holding of public meetings with the participation of the representatives of religious and sexual minorities.

27. The law on public meetings is not fully observed, which leads to **violations of freedom of assembly and freedom of expression**. A number of groups, "undesirable" to the state and the "privileged" Orthodox Church, are systematically prohibited public assembly, or hindered in every way. These groups include religious cults, beyond the lore of the Moldovan Metropolitan of the Russian Orthodox Church, civil society organizations involved in protecting the rights of sexual minorities.

28. Another violation of the Law on public meetings is that the government does not provide adequate protection to the demonstrators. Since 2008, have been registered several cases where police did not provide protection to peaceful demonstrators that led to the fact that the demonstrators were attacked by groups of unknown individuals. So far, nobody has been prosecuted for the attack on protesters.

29. Also, the **freedom of association** is being regularly violated. The registration of a number of public organizations and religious cults in many cases is unduly delayed. There are cases of unlawful refusal of registration. Often the cause of refusal is the lack to provide a document, not required by law, when the application for registration is made. Thus, Muslims have been repeatedly denied to register their religious cult. Public organization «HomoDiversus», dealing with issues of discrimination, has also been denied the registration in 2009, by the Ministry of Justice. It has been registered only after the trial, when the Ministry of Justice has lost the case in the court. Re-registration procedure of the Statute of Amnesty International Moldova and registration of the Statute of the Information Center for Human Rights in 2010 lasted more time than provided by law and was completed only after repeated reminders to the Ministry.

30. CIDO urges Moldovan authorities to immediately:

- ensure full compliance with the laws on public assemblies and public associations;
- discontinue the practice of unjustified delays in the process of registration of public associations and unjustified refusal to register.



Impunity in cases of Torture, Ill-Treatment, and Arbitrary Arrests

31. Despite the solemn assurances of the current leadership of the country, the investigation of mass violations of human rights by the police and the courts that followed the election of 5 April 2009 has not resulted in effective punishment of perpetrators. Encouragement of impunity for all acts of torture, inhuman and degrading treatment occurs against the background of the availability of videos and a huge number of witnesses to identify the culprits. The only progress in the investigation was the conviction at first instance, of two private policemen, with very soft sanctions.

International Justice

32. Despite the fact that the Republic of Moldova ratified the Rome Statute of the International Criminal Court in the fall of 2010, still:

- no procedure has been initiated to ratify the Agreement on the Privileges and Immunities of the Court, accompanying the Rome Statute;
- no measures have been initiated to implement the Rome Statute, particularly in regard to bringing national legislation in compliance with the provisions of the Statute.

33. CIDO urges:

- *to initiate the procedure for ratification of the Agreement on the Privileges and Immunities of the Court;*
- *to initiate actions to implement the Rome Statute, particularly in regards to bringing national legislation in compliance with the provisions of the statute.*