



Office for Democratic Institutions and Human Rights

**Information Submitted to the  
Office of the United Nations High Commissioner for Human  
Rights  
as a Stakeholder in the  
Universal Periodic Review of Moldova**



**WARSAW, 24 MARCH 2016**

## **OSCE/ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process**

**Participating/Partner State:** Moldova

**UPR Session and Date of Review:** 26th Session, October-November 2016

### **Background**

Moldova is a participating State in the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.<sup>1</sup> The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including Moldova, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Moldova and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms.

### **Election-related activities**

November 2014 parliamentary elections<sup>2</sup>: OSCE/ODIHR deployed the election observation mission (EOM). The Statement of Preliminary Findings and Conclusions concluded that “*the 30 November elections offered voters a wide choice of political alternatives. The campaign was influenced by the country’s geopolitical aspirations and the late deregistration of one electoral contestant raised questions about timing and circumstances. Contestants enjoyed unimpeded access to the media; however, most outlets, with notable exceptions including the public broadcaster, were subject to political interference. The election administration enjoyed the confidence of most stakeholders and the process was generally well administered, with the exception of the functioning of the new electronic system for the processing of voters on election day.*”

June 2015 local elections<sup>3</sup>: a Limited Election Observation Mission (LEOM) was deployed by the OSCE/ODIHR. The LEOM concluded that “*the 2015 local elections were efficiently administered and offered the electorate a diverse choice. However, confidence in the process decreased following cases of abuse of temporary voter registration provisions during the first round. The elections were held in a context of political turmoil due to a sizeable financial scandal and the prime minister’s resignation two days before the first round. The campaign environment was strongly impacted by the division of political forces and society over the country’s future orientation. The campaign was lively and generally free, although reflected through politically influenced media, which informed the*

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<sup>1</sup> Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

<sup>2</sup> <http://www.osce.org/odihr/elections/moldova/144196>

<sup>3</sup> <http://www.osce.org/odihr/elections/moldova/178226>

*public on the campaign, but generally did not provide balanced coverage. Fundamental freedoms were respected, yet a few violent incidents occurred”.*

The findings and recommendations from OSCE/ODIHR EOM Final report on November 2014 elections and Final Report of OSCE/ODIHR LEOM on the June 2015 local elections relate to the need of a comprehensive review of the legal framework to eliminate inconsistencies and ambiguities, as well as the contradictions between the Election Code and other law, the importance to further enhance oversight of campaign finance, the need to comprehensively address high concentration of media ownership to ensure media pluralism and diversity of views, etc.

Expected Activities: The Constitutional Court (CC) has found a procedural violation committed when the Constitution was amended in 2000. As a result, according to the CC’s decision of 4 March, the Law on the Procedure of Electing the President of Moldova has been annulled and the previous provisions of the Constitution and the Electoral Code referring to the election of the President by the people have been re-enacted. Following this decision, the Parliament will have to adopt a new law on the procedure of electing the President.

Presidential elections are expected to be conducted in 2016. The OSCE/ODIHR stands ready to provide legal opinions on drafts or legal acts regulating relevant electoral legal framework should the authorities so request.

### **Legislation reviewed by ODIHR**

Upon request by authorities of a participating State, and OSCE field operation or another OSCE institution, the OSCE/ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Council of Europe’s Commission for Democracy through Law (Venice Commission), are available at [www.legislationline.org](http://www.legislationline.org)

From January 2011 until 23 March 2016, ODIHR issued 13 law reviews on draft/existing legislation of the Republic of Moldova (on topics other than elections), either independently or jointly with the Council of Europe’s Venice Commission:

OSCE/ODIHR Opinion on the Draft Amendments to the Moldovan Criminal and Contravention Codes relating to Bias-motivated Offences (15 March 2016)<sup>4</sup>. The Opinion was requested by the Ministry of Justice of Moldova. The OSCE/ODIHR commended the legal drafters for the initiative to strengthen the legal framework to fight against bias-motivated offences in Moldova. The Opinion noted that the legislative approach (broadening the scope of general sentence-enhancing provisions in the Criminal and Contravention Codes, while also providing enhanced penalties under a variety of offences when committed with a bias motivation) was much welcomed and largely corresponded to good practice in this field at the regional and international levels. It also found particularly positive

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<sup>4</sup> Available at [http://www.legislationline.org/download/action/download/id/6187/file/281\\_HCRIM\\_MOL\\_15Mar2016\\_en.pdf](http://www.legislationline.org/download/action/download/id/6187/file/281_HCRIM_MOL_15Mar2016_en.pdf).

that additional protected characteristics (particularly colour, ethnic or national origin, citizenship, gender, language, belief, disability, health, sexual orientation or gender identity) were included beyond the limited “social national, racial or religious” grounds currently mentioned in the Criminal Code. At the same time, the Opinion found that the wording of certain draft provisions of the Criminal and Contravention Codes submitted for review appeared to be too vague to meet the requirements of legal certainty, foreseeability and specificity for criminal law. It also noted that the new draft Article 346 of the Criminal Code, as it stands, had the potential to unduly restrict freedom of expression and should be more narrowly circumscribed in order to prevent potential abuse.

*Follow-up:* the Draft Amendments are currently being revised by the Ministry of Justice and in that context ODIHR recommendations are also being reviewed to inform the revision process.

OSCE/ODIHR Opinion on Draft Amendments to the Legal Framework on Preventing and Combating Domestic Violence in Moldova (9 July 2015)<sup>5</sup>. The Opinion was requested by the Ministry for Labour, Social Protection and Family in Moldova. The Opinion noted that the Draft Amendments contained many positive aspects that addressed certain recommendations made by international human rights bodies and constituted a genuine attempt to render Moldova’s legislation compliant with the Istanbul Convention. In particular, the Opinion noted that the newly introduced possibility for police bodies to issue emergency restraining orders on site was in line with international recommendations and good practices and should ensure better protection of victims of domestic violence. Moreover, ODIHR commended the drafters for a number of other amendments, particularly the criminalization of the violation of protection orders issued by courts, the willingness to exclude alternative dispute resolution mechanisms in domestic violence cases, the introduction of a new criminal offence for “acts of persecution” and of aggravating circumstances for certain criminal offences committed against a family member, as well as of a special statute of limitation in case of child victims of domestic violence, among others.

At the same time, in light of the latest case law of the European Court of Human Rights and recent reports from international human rights bodies, the Opinion highlighted that the main challenge remained the actual implementation of the relevant legislation in practice, and ensuring the effective investigation and prosecution of domestic violence cases in Moldova. The Opinion recommended that a number of provisions of the Draft Amendments be drafted in a clearer manner to ensure their effective implementation and that several additional amendments to the legal framework on preventing and combating domestic violence in Moldova be considered, particularly: (i) that a comprehensive review of the Criminal Procedure Code be carried out to ensure that appropriate provisions to protect victims’ rights and victim-friendly procedural measures are in place; (ii) enhancements of the provisions relating to multi-agency co-operation; (iii) introduction of more detailed provisions to ensure initial and continuous training on gender and human rights aspects, and how to deal with domestic violence cases, for all professionals involved in this field, particularly the police, prosecutors and judges; and (iv) provision to ensure adequate allocation of funding for the implementation of the law when adopted.

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<sup>5</sup> Available at <http://www.legislationline.org/documents/id/19858>.

*Follow-up:* On 7 October 2015, ODIHR presented its recommendations from the Opinion during an ordinary session of the Inter-ministerial Council on Preventing and Combating Violence in Chisinau, Moldova. As of February 2016, the Draft Amendments were still under discussion and were sent back to State Chancellery for review.

Joint Opinion of the Venice Commission, the Directorate of Human Rights of the Directorate General Of Human Rights and Rule of Law (DGI) of the Council of Europe and the OSCE/ODIHR on the Draft Law on the Prosecution Service of the Republic of Moldova (4 March 2015)<sup>6</sup>. The Opinion was requested by the Ministry of Justice of Moldova. At the outset, OSCE/ODIHR, the Venice Commission and DG I welcomed the draft Law for representing, overall, a substantial improvement of the current Law regulating the operation of the Moldovan Prosecution Service and reflecting a genuine effort to modernize the existing legal framework, in line with relevant European standards and best practices. The Opinion noted that the Draft Law appeared to be of good technical and structural quality. The proposed changes concerned various steps to secure the autonomy of individual prosecutors and the service's own independence from external influence, the structure of the service and its demilitarisation, the appointment, tenure and removal of the Prosecutor General, the appointment and promotion of other prosecutors, as well as performance evaluation and disciplinary procedures. The Opinion noted as particularly positive the fact that the Draft Law proposed a significant reduction of the number of tasks of the Prosecution Service by specifying that provisions not related to the Service's core role, such as its participation in civil cases and the supervision of the compliance with the law, would expire within three years from the entry into force of the Draft Law, thereby providing sufficient time to draft legislation which would transfer these responsibilities to other bodies. This would also allow the Prosecution Service to focus on its core task of criminal prosecution. While it would seem desirable to consider amending the Constitution to define the competences of the Prosecution Service more closely and narrowly, a constitutional amendment does not seem required for the changes envisaged in this regard by the Draft Law.

At the same time, the Opinion considered that the new procedure for the appointment of the Prosecutor General envisaged by the draft Law was, in the specific circumstances prevailing in the Republic of Moldova, clearly preferable to the current procedure, but could, as acknowledged by the Transitional Provisions, enter into force only once the Constitution had been amended, thus making it desirable to amend the Constitution.

The Opinion also found that the emphasis on the independence and neutrality of the prosecution service, improved rules on internal independence, the competitive recruitment of prosecutors and the focus on objective criteria in their performance evaluation, were significant steps to ensure a professional and politically independent prosecution service.

*Follow-up:* On 21 April 2015, ODIHR presented recommendations from the Joint Opinion during a Conference on the Reform of the Prosecution Service of Moldova. Many of the recommendations of the Opinion were taken into account in a redrafted version of the draft Law presented at the Conference. The Draft Law has now been approved in second reading by Parliament and ODIHR will review the adopted text once available.

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<sup>6</sup> Available at <http://www.legislationline.org/documents/id/19747>.

Opinion on the Law on the Selection, Performance Evaluation and Career of Judges of Moldova (13 June 2014)<sup>7</sup> and related Assessment of Performance Evaluation. The Opinion was prepared following the request of the Chair of the Superior Council of Magistracy of Moldova. ODIHR welcomed the fact that the Law put a significant number of safeguards in place to ensure the proper selection and evaluation of judges. The Opinion also welcomed the fact that the processes of selection and evaluation had been placed firmly in the hands of the judiciary, and that civil society would play a significant role in these processes. The Opinion however noted a number of general areas of concern. Notably, the evaluation process could interfere with the principle of irremovability of judges by leaving open the possibility of dismissing judges as an outcome of the evaluation process, thus jeopardizing the independence of judges. Other concerns related to the fairness and objectivity of the performance evaluation process, and the missing link to training opportunities that would address identified shortcomings in judicial performance.

Complementing the Opinion, upon request ODIHR also undertook an “Assessment of the Performance Evaluation of Judges in Moldova” to look into the newly established practice of performance evaluation of judges. The Assessment, similarly to the Opinion, presents recommendations to the legislature and to the Superior Council of Magistracy in Moldova on how to strengthen the implementation of these evaluations in a manner that respects the independent decision-making of judges and thus contributes to improved quality of justice services to citizens of Moldova. Amongst the shortcomings identified were the strong reliance on reversal rates of a judge to determine good performance and the lack of consistency in grading and insufficient reasoning provided in evaluation decisions.

*Follow-up:* ODIHR and the OSCE Mission to Moldova presented ODIHR’s legal opinion and the assessment report at a roundtable in Chisinau on 27 June. Major concerns highlighted in the two documents include the possibility of dismissal as a result of a negative performance evaluation which contradicts the principle of irremovability of judges, and the consideration of reversal rates when evaluating judges.

Joint OSCE/ODIHR-Venice Commission Opinion on the Draft Law on Disciplinary Liability of Judges of the Republic of Moldova (24 March 2014)<sup>8</sup>. The Opinion was requested by the Ministry of Justice of Moldova. The Opinion recommended in particular to: i) explicitly restrict removal from judge’s position to the most serious cases or cases of repetition or of incapacity, or behaviour that renders judges unfit to discharge their duties; ii) specify the criteria for selection of candidates of civil society members of the Disciplinary Board as well as the mechanism for the appointment and functioning of the Commission which is intended to select them; iii) limit the right to submit “notifications concerning actions which may constitute disciplinary offences” in order to avoid misuse of this provision to either persons who have been affected by the act(s) of the judge or to those who have some form of “legal interest” in the matter; and, iv) provide additional safeguards to ensure the fairness of the disciplinary proceedings (such as by giving the judge the right to require the hearing of witnesses or other persons during the examination of the disciplinary case; and ensuring that the same member of the Superior Council of Magistrates should not engage in all the consecutive steps of the disciplinary proceedings (including appeals procedures).

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<sup>7</sup> Available at <http://www.legislationline.org/documents/id/19100>.

<sup>8</sup> Available at <http://www.legislationline.org/documents/id/18817>.



*Follow-up:* The law was promulgated in August 2014.

Opinion on the Draft Law on the Disciplinary Responsibility of Judges of the Republic of Moldova (14 December 2012)<sup>9</sup>. The Opinion was requested by the Ministry of Justice of Moldova. While considering the Draft Law generally compliant with international standards, the Opinion also made a series of recommendations, particularly to: (i) limit intentional disregard of “uniform judicial practice” to cases of malice and provide that repeated deviation from uniform practice caused by gross negligence shall give rise to disciplinary action; (ii) provide a greater range of possible disciplinary sanctions with a view to ensuring genuine proportionality to the gravity of the misconduct; and, (iii) clarify the procedure for examining disciplinary cases in instances where the respective judge refuses to appear.

*Follow-up:* The law was promulgated in August 2014.

Joint OSCE/ODIHR-Venice Commission Opinion on Draft Legislation of the Republic of Moldova Pertaining to Financing Political Parties and Election Campaigns (11 March 2013)<sup>10</sup>. The Opinion was prepared based on the request from the Chairperson of the Central Election Commission of the Republic of Moldova. It noted that the draft Amendments and the draft Law met many international standards and good practices relevant to the funding of political parties and election campaigns. The Opinion however made a number of recommendations, particularly to: (i) delete the provision stipulating that all unused funds become private property of the contestant after the election; (ii) reconsider the imposition of an annual ceiling for all permissible donations and member fees received by a political party; (iii) remove the blanket ban on third-party expenditure which is not in line with ECtHR case law and instead consider establishing a reasonable spending limit, requiring third parties to register as taking part in the campaign and introducing adequate and transparent disclosure requirements; (iv) enhance independent scrutiny of the observance of legal provisions concerning financing of political parties and electoral campaigns; and, (v) enhance the sanctions provided in case of violation to ensure that they are proportionate to the violation.

*Follow-up:* According to the Addendum to the Second Compliance Report on the Republic of Moldova adopted by Council of Europe GRECO (December 2015),<sup>11</sup> the draft "Law amending and supplementing legislative instruments" (containing amendments to eight pieces of legislation including the Electoral Code (EC), the Law on Political Parties (LPP), the Criminal Code (CC), the Code of Criminal Procedure, the Code on Minor Offences, the Broadcasting Code, the Tax Code and the Law on the Court of Auditors) was adopted on 9 April 2015. According to GRECO, the new provisions have addressed almost all the concerns raised by GRECO (see paragraph 16 of the Report).

Joint OSCE/ODIHR-Venice Commission Amicus Curiae Brief for the Constitutional Court of Moldova on the compatibility with European Standards of law no 192 of 12 July 2012 on the prohibition of the use of symbols of the totalitarian communist regime and of the promotion of

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<sup>9</sup> Available at <http://www.legislationline.org/documents/id/17699>.

<sup>10</sup> Available at <http://www.legislationline.org/documents/id/17872>.

<sup>11</sup> Available at

[https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2015\)8\\_ADD\\_Second\\_Moldova\\_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2015)8_ADD_Second_Moldova_EN.pdf).

totalitarian ideologies of the Republic of Moldova (11 March 2013)<sup>12</sup>. The Joint Amicus Curia was prepared based on a request of the President of the Constitutional Court of the Republic of Moldova. It found overall that while States were not prevented from banning, or even criminalizing, the use of certain symbols and the propaganda of certain ideologies, the Law No. 192 of 12 July 2012 appeared to fail to meet the European standards on freedom of expression and freedom of association. In particular, it considered that: (i) the Law did not satisfy the principle of specificity of criminal law; (ii) “a pressing social need” was not clearly established; and, (iii) the risk of automatic termination of the existence of political parties and the other sanctions were disproportionate.

*Follow-up:* On 4 June 2013, the Constitutional Court ruled, by majority decision, that the ban on the use by political parties of the symbols of the totalitarian communist regime was unconstitutional because, while striving to achieve a legitimate aim, it was too vague and insufficiently foreseeable to meet the requirements of a "law". In so doing, the Court had expressly aligned itself to the Joint Amicus Curiae brief.

OSCE/ODIHR Opinion on the Draft Law on Normative Acts of Moldova (26 September 2012). The Opinion was requested by the Ministry of Justice of Moldova. While considering it a significant step in the process of enhancing the legislative process of Moldova, the Opinion also provided a number of recommendations to clarify the hierarchy of laws in Moldova, while also specifying the procedures for the drafting, examination, adoption and promulgation of a number of parliamentary acts.

*Follow-up:* On 20 November 2012, ODIHR took part in a round of expert consultations on the text of the Draft Law. Most ODIHR recommendations were taken on board, and the draft was amended accordingly.

Opinion on the revised amendments and addenda enhancing Gender Equality in Certain Legal Acts of the Republic of Moldova (12 July 2012)<sup>13</sup>

Opinion on Amendments and Addenda Enhancing Gender Equality in Certain Legal Acts of the Republic of Moldova (14 March 2011)<sup>14</sup>.

The Opinions were requested by the Ministry for Labour, Social Protection and Family in Moldova. Overall, ODIHR welcomed the gender-related amendments to the Moldovan legislation but provided a number of recommendations, particularly to: (i) clarify the reporting process and lines of responsibility of various gender equality bodies within government structures; (ii) to clarify the composition, appointment and decision-making procedures, as well as accountability lines, of the Government Committee for Gender Equality; (iii) to allow organizations with a legitimate interest to join court proceedings initiated by the Ombudsperson or by individuals; (iv) specify the nature of individual liability and exemptions from liability as well as procedures and outcomes in cases of established liability; and, (v) ensure the provision of adequate funding and training to ensure the proper implementation of the Law once passed.

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<sup>12</sup> Available at <http://www.legislationline.org/documents/id/17873>.

<sup>13</sup> Available at <http://www.legislationline.org/documents/id/17168>.

<sup>14</sup> Available at <http://www.legislationline.org/documents/id/16414>.



Opinion on the Draft Law on Preventing and Combating Discrimination of the Republic of Moldova (11 October 2011)<sup>15</sup>. The Opinion was prepared following the request of the Ministry of Justice. Following extensive debates and in a difficult political context, the Law on Ensuring Equality (Equality Law) was adopted on 25 May 2012 and entered into force on 1 January 2013. The Equality Law is aimed at protection against discrimination of persons on the following grounds: race, colour, nationality, ethnic origin, language, religion or belief, sex, age, disability, opinion, political affiliation or any other similar criteria. However, sexual orientation is not explicitly mentioned in the list of prohibited grounds of discrimination except in relation to discrimination in the workplace (Article 7). The law also establishes the institutional framework for the protection and combating discrimination which shall comprise the Council on Preventing and Combating Discrimination and Ensuring Equality (Equality Council), public authorities, and judicial courts.

OSCE/ODIHR Review of the Legislation Combating Trafficking in Human Beings in the Republic of Moldova (14 December 2011)<sup>16</sup>. The Review was prepared based on the request of the Director of the Centre to Combat Trafficking in Persons of the Ministry of Interior of the Republic of Moldova. The Review provided a number of recommendations to enhance the prevention, protection and prosecution of perpetrators of trafficking in human beings, as well as partnership in that area. Particularly, the following recommendations were made: (i) ensure the inclusion of gender- and child-sensitive provisions in the Anti-trafficking Law and Criminal Procedure Code to ensure that the special needs of women and child victims are taken into consideration at all stages; (ii) enhance the provisions relating to protection and assistance to victims; (iii) revise the Criminal Code to ensure greater alignment with international standards.

*Follow-up:* According to the Reply from the Republic of Moldova to the questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties (submitted on 11 February 2015),<sup>17</sup> a number of amendments to the anti-trafficking legal framework are under consideration.

### **Tolerance and non-discrimination issues, including incidents of and responses to hate crime**

The authorities in Moldova and other sources have provided information to ODIHR, most recently for its 2014 hate crime annual reporting cycle. Extracts from this information are included below.

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR produces an annual report on hate crime to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice agencies, prosecutors, judges and police; raises awareness of

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<sup>15</sup> Available at <http://www.legislationline.org/documents/id/16723>.

<sup>16</sup> Available at [http://www.legislationline.org/download/action/download/id/3580/file/Review%20of%20Legislation%20combating%20trafficking%20in%20Human%20Beings%20of%20Moldova\\_14%20Dec%202011\\_en.pdf](http://www.legislationline.org/download/action/download/id/3580/file/Review%20of%20Legislation%20combating%20trafficking%20in%20Human%20Beings%20of%20Moldova_14%20Dec%202011_en.pdf).

<sup>17</sup> Available at [https://www.coe.int/t/dghl/monitoring/trafficking/Source/Public\\_R\\_Q/GRETA\\_2015\\_4\\_RQ\\_MDA\\_en.pdf](https://www.coe.int/t/dghl/monitoring/trafficking/Source/Public_R_Q/GRETA_2015_4_RQ_MDA_en.pdf).

hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes. Information concerning Moldova in the most recent (2015) edition of the annual hate crimes report<sup>18</sup>, referring to incidents that occurred in 2014, includes the following:

Information from the Moldovan authorities. Moldova regularly reports hate crime data to ODIHR. Moldova's hate crime laws consist of a combination of general and specific penalty-enhancement provisions. Hate crime data are collected by the Information Centre of the Ministry of Internal Affairs, the police, the General Prosecutor's Office and the National Bureau of Statistics.

For the 2014 reporting cycle, one hate crime was reported by the Moldovan authorities as being recorded by the police and prosecuted. It involved damage to property motivated by racism and xenophobia.

Starting with its 2012 reporting cycle, ODIHR introduced a system of key observations for all countries, based on OSCE Ministerial Commitments related to hate crime recording and monitoring. In this case, ODIHR observes that Moldova has not reported information on sentenced hate crime cases to ODIHR. The authorities should also submit data on sentences imposed in hate crime cases.

Information from civil society organizations and groups. In addition to information received from national authorities, ODIHR sent requests for information on hate crimes in Lithuania to international and local civil society organizations and groups. A total of 18 incidents were reported.

World Without Nazism reported two incidents of racist graffiti. The Jewish Community of the Republic of Moldova reported an incident of graffiti in which a swastika was painted on a Holocaust memorial. The Kantor Center reported an arson attack against a Jewish cemetery.

The Information Center "GenderDoc-M" reported a series of at least seven attacks involving physical and sexual assaults against gay and bisexual men, some of which were filmed and posted on the Internet; an incident of damage to the Gender-Doc-M office in which members of staff were also pelted with eggs; one incident of property damage and threats during a pride event; and five threats.

National Developments. In November 2015, following a government proposal, the Moldovan parliament adopted a decision to declare the 27 January the Day of Commemorating the Victims of the Holocaust.

As part of the implementation of the "National Human Rights Action Plan 2011-2014", a number of conferences on the issues of discrimination and hate crimes were held. ODIHR and the Office of the Ombudsman – Centre for Human Rights co-organized a two-day workshop on combating hate crimes for employees of the Ombudsman's Office.

The Centre for Human Rights, with support from the United Nations Office of the High Commissioner for Human Rights (OHCHR) and ABA ROLI, organized two round-tables discussing hate crime provisions in national legislation. Participants included judges, investigators, prosecutors and civil society groups.

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<sup>18</sup> <http://hatecrime.osce.org/moldova>

The Ministry of Justice set up an inter-institutional working group to revise and improve Moldova's Criminal Code provisions addressing hate crimes. Regarding the law review of the Criminal Code, ODIHR issued an opinion on Draft Amendments to the Moldovan Criminal and Contravention Codes relating to Bias-motivated Offences on March 15, 2016. For more information, see the submission from ODIHR Legislative Support Unit.

A 12-hour course for judges and prosecutors on "Prevention and the fight against racial discrimination and intolerance" was introduced at the National Institute of Justice (NIJ). The course also deals with prosecuting hate crimes. A seminar for prosecutors and judges on investigating and examining hate crimes was organized at the NIJ, in co-operation with ABA ROLI. The NIJ, the International Organization of Migration (IOM) and the Moldovan Centre for Human Rights organized an additional workshop for prosecutors and judges on "Hate crimes and integration of foreigners: challenges and solutions".

The United Nations High Commissioner for Refugees (UNHCR) conducted several seminars for border police, prosecutors and lawyers that addressed aspects of hate crime investigation and responses.

### **Roma and Sinti issues**

The OSCE/ODIHR has a specific mandate to assist participating States in implementing the OSCE Action Plan for Improving the Situation of Roma and Sinti within the OSCE Area.<sup>19</sup> The most recent Status Report on the implementation of the Action Plan was issued by ODIHR in 2013.<sup>20</sup> The report included the following information about the situation of Roma and Sinti in Moldova.

The 2013 Status Report points out that, in its reply to the OSCE/ODIHR questionnaire, Moldova listed a number of specific achievements with regard to the improvement of situation of Roma.<sup>21</sup> Development and adoption of the National Roma Integration Strategy is indicated as their main achievement in that regard.<sup>22</sup> It is necessary to mention that ODIHR has supported development of the Action Plan for the support of Roma people in the Republic of Moldova for 2011 to 2015, facilitated its discussion and assisted in raising awareness on that issue at the regional and local levels.<sup>23</sup>

In addition, Moldova has reported some progress made in the area of education. This includes implementation of the Roma school mediators program run by civil society and financially supported by the state and/or other donors.<sup>24</sup> Moreover, Moldova offered scholarship programmes that Roma students could benefit from.<sup>25</sup>

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<sup>19</sup> OSCE Ministerial Council Decision No. 3/03, "Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area" (OSCE Action Plan), Maastricht, 1-2 December 2003, available at: <<http://osce.org/odihhr/17554>>.

<sup>20</sup> OSCE, *Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area: Status Report 2013* (Warsaw: OSCE/ODIHR, 2013), available at: <<http://www.osce.org/odihhr/107406>>.

<sup>21</sup> *Ibid.*, p. 19.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, p. 63.

<sup>24</sup> *Ibid.*, p. 47.

<sup>25</sup> *Ibid.*, p. 48.

## **Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)**

### Migration and Freedom of Movement.

Moldova was among seven OSCE participating States (Albania, Armenia, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Serbia and Ukraine), whose national government representatives and civil society actors participated in a two-day regional capacity building workshop on gender-sensitive labour migration policies, organized by ODIHR in co-operation with the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OSCE/OCEEA) in Warsaw on 8 July 2013. In addition to Moldovan officials participating in an expert workshop on migrant integration in Moldova and Ukraine, organized for 34 participants (11 men and 23 women) by ODIHR in co-operation with the International Organisation for Migration in Chisinau on 26-27 February 2015, ODIHR has also supported Moldova with a series of national training workshops in 2014 and 2015. In 2014, ODIHR provided two national training seminars on good practices in integration of migrants in line with the OSCE commitments for Moldovan national authorities and civil society, held in Chisinau in May and October for 59 participants in total (13 men and 46 women). In 2015, ODIHR organized two training workshops in Moldova on the rights of migrants in October and May, gathering a total of 64 participants (17 men and 47 women) from the relevant institutions and civil society actors.

Moldova was also among those fifteen OSCE participating States<sup>26</sup> represented in the international conference “Exploring challenges to political participation of migrants in the OSCE region”, organized by ODIHR in co-operation with the European University Institute (EUI) in Florence on 18-19 June 2015 to raise awareness of the importance of including migrants in democratic governance processes.<sup>27</sup>

ODIHR also supported Moldova in migration assessment in 2015. On Moldova’s request, ODIHR co-operated with the NGO Migration Policy Group and assessed migrant integration measures in Moldova according to the internationally recognized Migrant Integration Policy Index (MIPEX) methodology. The MIPEX assessment was presented by ODIHR in a roundtable held on 18 November 2015, gathering 21 participants (6 men and 15 women) from relevant Moldovan national institutions, and published in English and Romanian languages.

### Gender.

Patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society are dominant in all spheres of life in Moldova, including politics. As noted in the 2014 OSCE/ODIHR Election Observation Mission Final Report, there are no legal requirements aimed at enhancing the participation of women. Women made up almost 31 per cent of candidates, but only a few were placed in winnable positions on candidate lists during the

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<sup>26</sup> Representatives of Austria, Canada, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Montenegro, Portugal, Romania, the Russian Federation, Serbia and Switzerland participated in this conference.

<sup>27</sup> The conference provided an opportunity for 26 participants (13 men and 13 women) from the state institutions of the above-mentioned participating States and academia to exchange good practices and analyze challenges and lessons learned in implementing OSCE commitments focused on political participation of migrants in the OSCE region.

2014 Parliamentary Elections. With 21.8 per cent<sup>28</sup> of women MPs Moldova is not reaching the 30 per cent<sup>29</sup> target endorsed by the Beijing Platform for Action. In line with international obligations, ODIHR has recommended that political parties invest greater efforts to include women on candidate lists, especially in winnable positions.

In order to help address these issues of women's underrepresentation and lack of influence in public and political life, in November 2015 ODIHR initiated a gender audit of political parties<sup>30</sup> in Moldova with an aim to review internal party procedures and practices which create barriers for equal political participation of women and men. The gender audit methodology also allows parties to analyse their internal functioning as a key factor influencing their responsiveness to gender issues. After the visit and initial data collection, reports for three political parties were developed in March 2016. However, the planned second visit was postponed due to political developments in Moldova; ODIHR stands ready to further support political parties in creating gender sensitive internal practices, processes and structures in the nearest future.

### Parliamentary Ethics

The Parliament of Moldova is yet to adopt a code of conduct for Members of Parliament (MPs). However, a code of conduct has been developed (with the support of ODIHR in co-operation with UNDP Moldova) and is currently being discussed in Parliament, with expectations that it will be adopted in early April 2016. In mid-2016, the Council of Europe's Group of States against corruption (GRECO) is scheduled to visit Moldova for its fourth round of evaluations, which will include the issue of ethical standards for MPs and which is expected to assess favourably the adoption of the code of conduct, if completed before the evaluation. Following the adoption of the code of conduct, ODIHR stands ready to continue supporting the Parliament of Moldova with the code's implementation, drawing on good practice work undertaken by ODIHR in a number of OSCE participating States.

### Political Party Financing

The Parliament of Moldova adopted new political finance legislation in April 2015. ODIHR has been, and expects to continue assisting the Central Election Commission of Moldova to further improve its capabilities as the body responsible for oversight of political finance, and supporting the development of guidance for political parties and candidates on the new financial reporting procedures.

## **Other assessments and recommendations contained in ODIHR reports on thematic human issues**

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<sup>28</sup> According to the IPU data as of 1 February available at <http://www.ipu.org/wmn-e/classif.htm>.

<sup>29</sup> UN Economic and Social Council (ECOSOC) Resolution in 1990 recommended targets for increasing the proportion of women in leadership positions: 30% by 1995 and 50% by 2000.

<sup>30</sup> ODIHR developed the political party gender audit (self-assessment) methodology based on its past work to promote women's participation in political parties, in order to address women's underrepresentation in political life. The methodology comprises four key stages, including self-assessment of existing practices through which party officials gain new skills and capacity, followed by development and implementation of targets and plans which can then offer a continuing tool and cycle for improvement.