

HATE SPEECH AND INCITEMENT TO DISCRIMINATION IN THE REPUBLIC OF MOLDOVA

40th Session [January – February, 2022] of the UPR Working Group
of the United Nations Human Rights Council
3rd cycle of Universal Periodic Review

After second cycle of the Universal Periodic Review, Moldova agreed to ensure the implementation of recommendations regarding hate speech and prejudice-motivated crimes, and elimination of discrimination against women in order to ensure their participation in social and political life.

EMERGING ISSUES

INCOMPLETE LEGAL FRAMEWORK

In 2016, the Parliament of the Republic of Moldova adopted in the first reading the draft Law No 301 (a set of legislative amendments of the Criminal and Contravention Codes) amending and supplementing certain legal acts on regulating prejudice-motivated crimes. To date, the Parliament did not adopt the draft Law No 301/2016.

The Contravention Code does not provide any regulation of hate speech, while the Criminal Code provides a limited scope for some forms of dangerous expression in Article 346. Article 346 does not provide protection for most of the groups affected by hate speech, because of the limited number of protected characteristics: nationality, ethnicity, race and religion.

In May 2020, the Central Electoral Commission (CEC) began the process of adjusting the Electoral Code. The draft Law No 263/2020 was voted in the first reading by the Parliament of the Republic of Moldova on July 9, 2020.

The Electoral Code does not regulate, in any way, discrimination and hate speech within electoral campaigns.

RECOMMENDATIONS

The Parliament of the Republic of Moldova shall:

1 Adopt the draft Law No 301 on amending and supplementing certain legislative acts on regulating prejudice-motivated crimes, in compliance with the international standards.

2 Adopt the draft Law No 263 on amending some normative acts (Electoral Code and Contravention Code), in compliance with the Opinion of the Venice Commission and civil society amendments.



SUGGESTED QUESTIONS

1

What measures has the State undertaken to monitor and sanction prejudice-motivated crimes and hate speech, including during elections?

2

What measures has the State undertaken to ensure real and effective protection for victims against prejudice-motivated crimes and hate speech?

LACK OF NATIONAL MONITORING MECHANISMS

The Council for preventing and eliminating discrimination and ensuring equality is the only institution which provides constantly disaggregated data.

The database of the Ministry of Internal Affairs does not allow the marking of incidents regarding crimes motivated by prejudice or contraventions regarding cases related to hate speech. In the case of the Prosecutor's Office and the courts, the data are limited by the provisions of national legislation (aggravating circumstance and protected criteria), and the data can only be extracted manually.

The Audiovisual Council monitors hate speech only in cases of self-notification or notification, and the lack of the monitoring mechanism leads to the lack of disaggregated data.

RECOMMENDATIONS

The General Inspectorate of Police and the General Prosecutor's Office of the Republic of Moldova shall:

Develop internal mechanisms for monitoring and collecting disaggregated data on prejudice-motivated crimes and hate speech.

1

The Audiovisual Council shall:

Develop an internal mechanism for monitoring hate speech and collecting disaggregated data on hate speech in the audiovisual media.

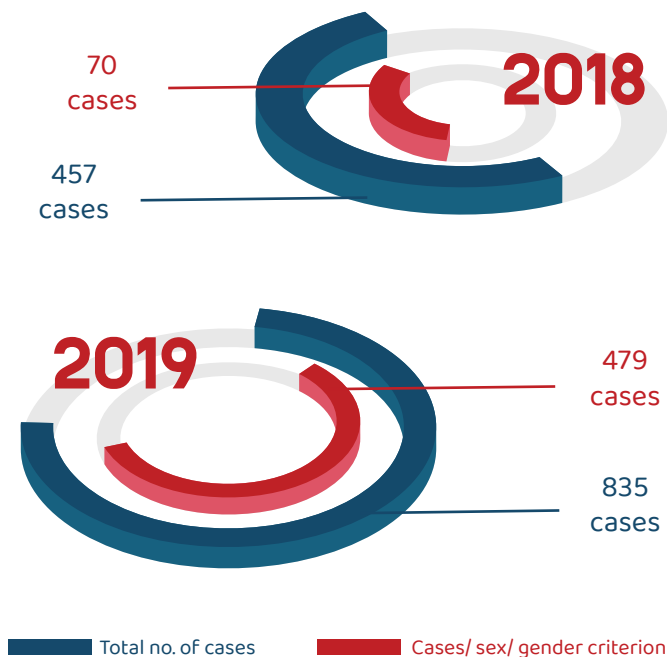
2

SUGGESTED QUESTIONS

1 What measures has the State undertaken to improve data collection systems on prejudice-motivated crimes and hate speech?

2 How the State has used the existing data to prevent the prejudice-motivated acts and hate speech?

Cases of hate speech vs. cases of hate speech based on the sex / gender criterion (2018-2019)



HATE SPEECH AND SEXIST SPEECH AGAINST WOMEN

Gender stereotypes about women are used to denigrate or ridicule the opponent parties, be they women or men, and to diminish women's political, decision-making and leadership skills.

The representatives of the religious cults and politicians who promote a conservative agenda use hate speech based on a religious rhetoric. Moreover, religious and conservative leaders increasingly label gender equality and feminism as a "danger" to women's traditional role in the family and society.

In 2016, the Constitutional Court (CC) of the Republic of Moldova found that State authorities failed to prevent and sanction the involvement of religious cults in the electoral process (presidential elections). In 2020, CC formulated a new Address to the Parliament by which it requested regulation of control and sanctioning mechanisms to prevent and combat hate speech among electoral contestants, including online.

RECOMMENDATIONS

The Government of the Republic of Moldova shall:

Develop a complex strategy for preventing and combating hate speech. The strategy should include the establishment of a hate speech monitoring mechanism and the collection of disaggregated data, cooperation between law enforcement and other relevant bodies to facilitate the prosecution of hate speech and prejudicial offenses, and improving its sanctioning mechanisms.

1

Develop and implement regular awareness campaigns on preventing and combating hate speech and biased crimes in collaboration with law enforcement, national human rights bodies, the Audiovisual Council, the Press Council, the Central Electoral Commission and civil society.

2

Manifestation of hate speech vs. affected groups
(2020 presidential election)

18 %

82 %



No. of cases
against
politicians
/ electoral
contestants (%)

448

Total no. of
cases

No. of cases
against other
social groups
(%)



SUGGESTED QUESTIONS

1

What measures has the State undertaken to limit the involvement of the representatives of the Moldovan Metropolitan Church in electoral campaigns?

2

What measures has the State undertaken to prevent hate speech against women in politics and mass-media?

Promo-LEX Association



Irina Corobcenco, Expert on Human Rights



E-mail: irina.corobcenco@promolex.md



GSM: +373 69388065

"This advocacy factsheet was prepared by Association "Promo-LEX" on the basis of its joint NGOs Submission. Please access the NGO Submission at the following link: www.promolex.md/"

Computer processing and editing: Marina Bejenari