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## REPUBLIC OF MOLDOVA, 3<sup>rd</sup> cycle of Universal Periodic Review

UPR Working Group 40<sup>th</sup> Session

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### HATE SPEECH AND INCITEMENT TO DISCRIMINATION IN THE REPUBLIC OF MOLDOVA

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#### JOINT SUBMISSION of Promo-LEX Association and International Federation for Human Rights

**Promo-LEX Association** is a non-governmental organization that aims to advance democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring the democratic processes, and strengthening civil society.

The Promo-LEX Association was established in 2002 and was registered with the Ministry of Justice of the Republic of Moldova on 19 July 2002. Registration number - 2278. The Promo-LEX Association is an apolitical and non-profit organization. The Promo-LEX Association holds the Certificate of Public Interest. The Promo-LEX Association is a national level organization and operates throughout the Republic of Moldova. Promo-LEX is an organisation with special advisory status at ECOSOC since 2014.

**FIDH (International Federation for Human Rights)** is an international human rights NGO federating 192 organisations from 117 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights.

FIDH acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations. Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change. In 2022, FIDH celebrates its 100th anniversary.

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## **I. GENERAL DATA**

1. Following the Universal Periodic Review (Cycle II), the Republic of Moldova has undertaken several actions to implement the recommendations for realising the right to equality and non-discrimination, including women's rights and gender equality.
2. In this regard, in 2016-2020, the Government of the Republic of Moldova started the process of adjusting national legislation to punish crimes of prejudice and denial of the Holocaust, as well as the Electoral Code to prohibit the use of hate speech in election campaigns. Also, in 2016, the minimum quota of 40% of representation of one sex on the electoral lists for local and parliamentary elections was introduced. In 2018, the legislation on the financing of parties from the state budget was amended to facilitate the implementation of the gender quota.
3. However, the monitoring of hate speech in public space and in the media, as well as the evaluation of national legislation have shown, on the one hand, that the level of hate speech use and incitement to discrimination is increasing, and on the other hand, in the absence of the final reading of the proposed legislative changes in 2016 and 2020, the legal framework in this area remains incomplete, does not correspond to international standards and does not allow the sanctioning of this type of discourse.
4. In the period 2018-2020, four electoral elections took place, three of which at national level (parliamentary elections of 24 February 2019, general local elections of 20 October 2019 and presidential elections of 1 (15) November 2020), and monitoring data have shown that the dynamics of this type of discourse increases in the pre-election and electoral periods and decreases with their conclusion. Hate speech and sexist discourse against women determine their non-involvement in political life and contribute to the promotion of gender stereotypes and prejudices.
5. Hate speech and incitement to discrimination used in and out of election campaigns are affecting more and more social groups, especially women, politicians, LGBTI people and people with disabilities.
6. Thus, the report presents and provides an analysis of these findings, but also a qualitative assessment of the process of implementing the 2016 UPR recommendations by the Government of the Republic of Moldova. The next chapter focuses on the following three issues: the gap in the legal framework, the lack of national mechanisms to collect disaggregated data on hate speech and offenses motivated by prejudice, and the impact of hate speech on women's involvement in political life. Chapter III of the report presents a series of recommendations for the full implementation of the UPR recommendations, as well as the necessary actions to be taken to ensure equality and non-discrimination in the Republic of Moldova.

## II. ANALYSIS OF ACTIONS TAKEN FOLLOWING THE UNIVERSAL PERIODIC REVIEW, CYCLE II

### II.1. General information. The field of equality and non-discrimination

7. By acceding to international treaties: the International Covenant on Economic, Social and Cultural Rights (1993), the International Covenant on Civil and Political Rights (1993), the International Convention on the Elimination of All Forms of Racial Discrimination (1993), the International Convention on the Elimination of All Forms of Discrimination against Women (1994) and the Convention on the Rights of Persons with Disabilities (2010), the Republic of Moldova undertook to take all necessary actions to promote equality and prevent any form of discrimination.
8. In the second cycle of the Universal Periodic Review, the Republic of Moldova has accepted three recommendations regarding hate speech and bias-motivated crimes. Thus, the Republic of Moldova was to:
  - *ensure the collection of statistical data on incidents of anti-Semitism, xenophobia and racial discrimination (Russian Federation);*
  - *adopt the draft law amending and supplementing the Criminal Code and the Contravention Code on bias-motivated crimes and incidents based on sexual orientation, gender identity and gender expression as grounds for hate crimes (Sweden);*
  - *adopt the legislative framework that ensures protection against all crimes motivated by hatred and prejudice (Ivory Coast).*
9. At the same time, in 2016, the UN Committee on the Elimination of Racial Discrimination (CERD) in the Concluding Observations<sup>i</sup>, reminded to the Government of the Republic of Moldova about the General Recommendation no. 35 (2013) which included and called for the State to prioritise *the adoption of comprehensive legislation criminalizing bias-motivated crimes.*
10. In 2018, the authorities included in the National Human Rights Action Plan for 2018-2022<sup>ii</sup>, two important actions for the implementation of the aforementioned recommendations. The first action concerns *criminalization of illegal acts motivated by prejudice, hate or contempt* (field of intervention 5, objective I, point 6 of NHRAP), to be achieved by amending the criminal and contravention legislation in order to introduce the reason for prejudice, contempt or hatred for committing crimes and offenses according to the list of criteria protected by domestic law and the European Convention on Human Rights (ECHR).
11. The second action is aimed at *establishing a mechanism for the collection of disaggregated data on offenses and misdemeanours based on prejudice, contempt or hatred* (field of intervention 6, objective I, point 8). This action is to be carried out by: a) amending the regulatory framework on the methodology for collecting disaggregated data on the number and type of offenses and misdemeanours motivated by prejudice, contempt or hatred and b) implementing the disaggregated data collection mechanism.
12. At the national level there is no uniform definition of what hate speech is. Law no. 64/2010 on freedom of expression<sup>iii</sup> defines hate speech as “any forms of expressions that spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance.”

13. The notion offered by the Law is an incomplete one, which cannot respond to reality nor provide clarity in what the hate speech means. Thereby, on the one hand, the definition is permissive rather than restrictive, due to the phrases “any form of expression” and “other forms of hatred based on intolerance.” On the other hand, the definition is vague and can lead to the restriction of the right of freedom of speech. Even so, in the context of the lack of additional regulations and a supportive legislative framework, but also of the insufficient understanding of the phenomenon of hate speech in the Republic of Moldova, the definition does not meet the practical needs of legal framework and sanctions. The definition also has a limited list of protected features.
14. The Contravention Code does not contain any norm that comprehensively regulates hate speech.
15. The Criminal Code offers a limited classification of some dangerous forms of expression, in Art. 346<sup>iv</sup> “Intentional actions, public exhortations, including through the written and electronic media, aimed at inciting national, ethnic, racial or religious enmity, differentiation or division, degrading national honour and dignity, and limiting, directly or indirectly, rights or the establishment of direct or indirect benefits to citizens according to their national, ethnic, racial or religious affiliation.”
16. The norm is unclear and limiting. The terms “degradation of national honour and dignity” and “direct or indirect limitation of rights or establishment of benefits” are abstract, especially in the context of a lack of practical understanding of them. Also, it contravenes Art. 19 ICCPR according to which “everyone shall have the right to the opinions without interference”. Article 346 Criminal Code cannot meet current needs; in particular, it cannot provide protection to most groups affected by hate speech due to the limitation of the protected characteristics of the four: national, ethnic, racial and religious affiliation. Even if these protected characteristics correspond to Art. 20 ICCPR, however the list can be completed based on the jurisprudence of the ECHR, national jurisprudence, the case law of the Council for the Prevention and Elimination of Discrimination and Ensuring Equality (CFPEDEE), etc (e.g. marital status, migrant and asylum status, etc.).
17. Regarding the crimes motivated by prejudice, Art. 77 (1) of the Criminal Code, among the aggravating circumstances are: social, national, racial or religious hatred. This provision does not respect the basic principles regarding crimes motivated by prejudice, namely the fact that these acts represent criminal acts that have as specific a motive that is partially or totally determined by a prejudice.

### **Incomplete legal framework**

18. On December 8, 2016, the Parliament of the Republic of Moldova adopted, in the first reading, the draft law no. 301<sup>v</sup> for the amendment and completion of some legislative acts regarding the regulation of crimes motivated by prejudice and the draft law no. 277 of 20.06.2016 regarding the denial of the Holocaust. The Parliament decided to merge the two draft laws (hereinafter draft law no. 301).
19. The draft law no. 301 is a set of legislative amendments to the Criminal Code and the Contravention Code, which relate primarily to the definition of grounds for prejudice, the review of basic offenses and aggravating circumstances related to acts of hatred and

prejudice.

20. On December 13, 2016, the Constitutional Court (CC), in the context of validating the results of the 2016 presidential elections, by Decision no. PCC-01 / 139e-34/5<sup>vi</sup>, found the involvement of the representatives of the Orthodox Church in the electoral campaign for the presidential elections by using homophobic, xenophobic and sexist discourse. Thus, the CC sent an Address to the Parliament requesting the revision of the legislation and the creation of mechanisms to control and sanction the involvement of religious denominations in electoral campaigns.
21. In the context of the political crisis and the change of the Government of the Republic of Moldova following the parliamentary elections of February 24, 2019, the Parliamentary Committee on Human Rights and Interethnic Relations organized on October 22, 2019, public consultations<sup>vii</sup> with representatives of civil society, members of parliamentary committees (Committee on Human Rights and Interethnic Relations and the Committee on Legal Affairs, Appointments and Immunities) and representatives of the Ministry of Justice. Following the public consultations, the amendments to the draft law no. 301 were to be presented and discussed in parliamentary committees and factions in order to reach a general consensus, which did not happen.
22. Between November 2019 and February 2020, the Promo-LEX Association together with other civil society organizations, CPPEDAE and the Office of the People's Advocate (OPA) requested through Public Calls<sup>viii</sup> to return to the draft law and finalize it based on the recommendations proposed in October 2019, as well as international standards.
23. In February 2020, it was found that the recommendations and amendments proposed to finalize draft law no. 301, proposed during the 2019 consultations, were not introduced. Thus, on March 5, 2020, at the request of Promo-LEX, the Committee on Legal Affairs, Appointments and Immunities organized a new public consultations<sup>ix</sup>, on the draft law no. 301, in which the amendments of civil society and<sup>x</sup> the Council for the CFPEDEE were reiterated.
24. These aimed at: a) the exclusion of paragraph (2) from art. 346 of the Criminal Code, from the updated version of the draft, given the fact that it limits the scope of the basic rule and creates ambiguities of interpretation, so that the maintenance of paragraph (2) in Art. 346 of the Criminal Code will not allow the achievement of the objectives pursued and the efficient regulation of the acts motivated by prejudice; b) the completion of the Contravention Code, in the category of contraventions that violate the political, labour and other constitutional rights of the natural person, with a new norm, which should regulate separately the facts that can be qualified as hate speech and that do not represent a crime.
25. Following these consultations, the Commission was to finalize the final version of the draft law within 10 days, taking into account the amendments proposed by civil society organizations and Council to prevent and eliminate discrimination and ensure equality and in line with international standards.
26. The Promo-LEX Association presented two opinions<sup>xi</sup> on the draft law, and together with CFPEDEE, OAP and other non-governmental organizations called for the resumption of the public consultation process and its finalization.
27. From March 2020 until the dissolution of Parliament by presidential decree<sup>xii</sup>, on April 28, 2021, the Committee on Legal Affairs, Appointments and Immunities did not respond to

calls from civil society<sup>xiii</sup> on the finalization of the draft law and its submission to the plenary of the Parliament, and the reasons for the postponing of this draft are not known.

28. In December 2020, in the context of the validation of the results of the presidential elections of 1 (15) November 2020, CC, by Decision no. 30 of 2020<sup>xiv</sup>, found that “hate speech against political opponents, especially on online platforms, is reprehensible, as it can outweigh freedom of expression on the internet”. Thus, the Court 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.
29. Thus, national legislation remains incomplete. The Criminal Code contains a provision that is non-functional due to unclear terminology, ambiguous wording, limited scope and restricted list of protected features. The Contravention Code does not contain any express provision regarding hate speech, but only provisions regarding extremist symbols or the exercise of incitement to religious intolerance. At the same time, the provisions from national legislation are too broad and are open to interpretations which would limit speech which should be protected.
30. From 2016, when the draft law was voted in the first reading, until October 2019, the Parliament did not return to it. After the public consultations from October 2019 until now, the Parliament of the Republic of Moldova has dragged on the process of finalizing the draft law, as well as its adoption in the final reading.
31. **In conclusion, we consider that the competent state authorities have mimicked a process of consultations and negotiations.** During the period 2016-2021, although they had at their disposal the recommendations of the UN Committees, the opinions and recommendations of the OSCE / ODIHR, the Council of Europe and civil society, but also all the legal levers for finalizing and adopting draft law no. 301/2016, the authorities did not take any measures. Thus, until now, the legal framework remains incomplete. Offenses motivated by prejudice cannot be properly assessed and sanctioned. At the same time, the impunity of hate speech determines its continued use, and the victims of this type of speech, but also of crimes motivated by prejudice remain unprotected. **In this regard, we consider that recommendations 122.21 and 122.22 are not fulfilled.**

### **Lack of national monitoring mechanisms**

32. According to the reports of monitoring the hate speech and incitement to discrimination of the Promo-LEX Association<sup>xv</sup>, from 2018-2020, with the exception of the CFPEDEE, the other public authorities with responsibilities in the field of preventing and combating hate speech do not collect disaggregated data.
33. In 2019, the Prosecutor's Office developed the Methodological Instructions “Guide on the investigation and prosecution of hate crimes”, however the Prosecutor's Office and the courts do not have a mechanism for disaggregating data on hate speech and prejudice crimes<sup>xvi</sup>.
34. According to an analysis by the Council of Europe<sup>xvii</sup>, when sending the file to the courts, prosecutors decide whether or not to apply aggravating circumstances “on the basis of social, national, racial or religious hatred”, and data on hate crimes are not specifically disaggregated, but must be extracted manually. In the case of decisions on hate crime cases, the courts do not collect specific data and the information can only be extracted manually.

35. With regard to the mechanism for collecting disaggregated police data, we note that the same report shows that the statistical file used by police officers recording a hate crime contains the aggravating circumstance “based on social, national, racial or religious hatred” and the disaggregation criteria are very limited. In this regard, the Information Technology Service of the Ministry of Internal Affairs does not indicate or mark separately incidents related to biased crimes, so they are treated as ordinary cases.
36. Although the Audiovisual Media Services Code defines hate speech in audiovisual media and establishes by Article 84(9) express sanctions for the use of this type of speech, the Audiovisual Council does not have an internal mechanism for monitoring hate speech and collecting disaggregated data on this type of speech in the audiovisual media. The inclusion of general data on Council decisions and the sanctions applied can be found in the annual reports, but specific data shall be extracted manually from the decisions.
37. At the same time, during 2018-2020 (cumulative 16 months of monitoring), the Promo-LEX Association monitored the manifestation of hate speech and incitement to discrimination in public space and in the media (TV, Radio, online media, etc.) and recorded 1740 cases of hate speech<sup>xviii</sup>, of which 148 cases in TV shows. The groups on which the hate speech arose are: sex, political affiliation, political opinion, sexual orientation and disability.
- 38. In conclusion, the only institution that provides constantly disaggregated data is the CFPEDEE.** 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. **Thus, we consider that recommendation 121.61 is a partially implemented one.**

## **II.2. General information. The field of women's rights and gender equality**

39. By the accession of the Republic of Moldova to the Convention on the Elimination of All Forms of Discrimination against Women, the Republic of Moldova has undertaken to take all necessary measures to ensure gender equality.
40. In the second cycle of the Universal Periodic Review, the Republic of Moldova has accepted two recommendations concerning the elimination of discrimination against women in order to ensure their participation in social and political life. Thus, the Republic of Moldova was to:
- *strengthen women's representation in Parliament and Government (Greece);*
  - *take further steps to improve women's participation in decision-making bodies (Latvia).*
41. Also, on 2 March 2020, the UN Committee on the Elimination of Discrimination against Women (CEDAW) recommended in its Concluding Observations<sup>xix</sup> on the 6th periodic report of the Republic of Moldova *of adopting the Law on Hate Discourse and increasing the protection of women against this type of discourse, including through awareness-raising campaigns among politicians and monitoring the use of discriminatory stereotypes and sexist language in political discourse and ensuring effective remedies for victims.*

42. At the national level, in order to ensure gender equality and respect for women's rights, the Government of the Republic of Moldova has included in the National Plan for Human Rights 2018-2022, three actions related to monitoring and evaluating the implementation of the Strategy for Ensuring Gender Equality between women and men 2018-2022, as well as the integration of the recommendations made by the UN Committees.
43. In this sense, at national level, since 2016, the minimum quota of 40% representation of one sex on the electoral lists for local and parliamentary elections is implemented. In 2018, the legislation on the financing of political parties from the state budget was amended to create favourable conditions for women's access to politics. Thus, 10% of the budget is distributed according to the observance of the quota of at least 40% of women candidates in the parliamentary elections, and 5% according to the number of women actually elected to the position of Member of Parliament.

### **Hate speech and sexist speech against women**

44. The political and electoral space is a fertile ground for hate speech and incitement to discrimination. In 2016, Igor Dodon won the presidential election against Maia Sandu with 67,448 votes (4.22%), and the election campaign was marked by verbal aggression, multiple acts of denigration and discrimination against the female candidate (aggressive use of stereotypes and gender roles), including from representatives of the Orthodox Church.
45. In 2018, Promo-LEX recorded an average of 2 hate speech cases per day, while in 2019 the number of new cases per day increased to an average of 4.2. Thus, if in 2018, out of 457 cases, 15% were based on the criterion of sex, then in 2019, out of 835 cases, 57% were based on the criterion of sex (see Chart no. 1).

Chart no. 1

46. The parliamentary elections of February 24, 2019 were characterized by the under-representation of women which could have been caused by several factors, including the change of the electoral system (the transition from the proportional to the mixed system); women's limited access to TV products (out of 154 newsletters, women were present on TV only between 9% and 21%<sup>xx</sup>) and discouraging women through hate speech and sexism. Consequently, out of 101 elected parliamentarians, only 25 were women. In the General Local Elections of October 20 / November 3, 2019, out of 898 elected mayors, only 195 were women, which represent 22%<sup>xxi</sup>. In the two elections, out of 835 registered cases, 455 affected women.
47. The election campaign for the 2020 presidential election was also marked by hate speech and incitement to discrimination. According to the monitoring report of the Promo-LEX Association<sup>xxii</sup>, out of 448 registered cases, in 82% were targeted candidates, politicians and members of political parties (see Chart no. 1).



Diagram No: 1

48. Out of the total of 371 cases directed against politicians / electoral contestants, 17% were directed against the candidate for president, Maia Sandu, this being the second most affected candidate for hate speech (see Diagram no. 2).

Diagram No: 2

49. According to the Art. 28/1 (4) Law no. 317/1994 on the Constitutional Court<sup>xxiii</sup>, CC addresses are mandatory, in the period 2016-2020, the Parliament of the Republic of Moldova ignored the CC address formulated in 2016, regarding the prevention and sanctioning of the involvement of religious denominations in the election campaign and the use of hate speech.
50. Also, between December 2020 and April 2021, Parliament did not initiate any action to develop control and sanctioning mechanisms to prevent and combat hate speech between electoral contestants, including online, according to the CC Address formulated in 2020.
51. In May 2020, the Central Electoral Commission (CEC) began the process of adjusting the Electoral Code. The draft law no. 263/2020<sup>xxiv</sup> which contains provisions on the prohibition of the use and sanctioning of hate speech in election campaigns was voted in the first reading by the Parliament of the Republic of Moldova on July 9, 2020. In the absence of a consensus, the draft law was sent to the Venice Commission, which presented an opinion<sup>xxv</sup> in this regard. Until the dissolution of the Parliament of the Republic of Moldova by presidential decree<sup>xxvi</sup>, on April 28, 2021, the Parliament did not return to this draft law and did not vote on it in the final reading.
52. Applying the gender quota (40%) in parliamentary elections, as well as organizing women's empowerment programs are welcomed and important, but according to CEDAW, Art. 3, the State shall take in all fields, in particular in the political field, all appropriate measures for the purpose of guaranteeing women the exercise and enjoyment of human rights. At the same time, based on Promo-LEX monitoring data, we find that hate speech promotes the promotion of gender stereotypes and prejudices, discourages women in their involvement in political life, and in certain situations may lead to the justification and approval of gender-based violence, including electoral violence<sup>xxvii</sup>.
53. **In conclusion, national authorities do not have a response to sexist rhetoric that perpetuates prejudices against women, especially in the political and electoral context.** At the same time, regardless of the impact of hate speech on the electoral process and the representation of women in Parliament and Government, as well as their participation in the decision-making process, the Electoral Code does not provide mechanisms to combat this phenomenon. **Thus, the Promo-LEX Association**

**considers that recommendations 121,145 and 121,146 are partially fulfilled.**

### **III. PROPOSALS FOR RECOMMENDATIONS FOR THE REPUBLIC OF MOLDOVA**

#### **The Parliament of the Republic of Moldova shall:**

- adopt the draft law no. 301/2016 for the amendment and completion of some legislative acts regarding the regulation of crimes motivated by prejudice, according to international standards.
- finalize and adopt the draft law no. 263/2020 for the amendment of some normative acts (Electoral Code and Contravention Code) in order to define the hate speech in the electoral campaigns and to regulate the ways of discouraging and sanctioning it.

#### **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.
- 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.

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

- develop internal tools to streamline the process of identifying and sanctioning hate speech and crimes motivated by prejudice (regulations, instructions, guides, etc.).
- develop internal mechanisms for monitoring and collecting disaggregated data on biased offenses and hate speech.
- organize in-service training on identifying hate speech, sexism, racism, homophobia and their manifestations, protected criteria and prejudices in society, protected criteria and ways of sanctioning on the basis of international standards and the best practice

#### **The Audiovisual Council shall:**

- develop an internal mechanism for monitoring hate speech and collecting disaggregated data on hate speech in the audiovisual media.
- organize in-service training on the identification of hate speech, sexism, racism, homophobia and their forms of manifestation, protected criteria and prejudices in society.

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<sup>i</sup>UN Committee on the Elimination of Racial Discrimination (CEDR), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMDA%2f10-11&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMDA%2f10-11&Lang=en)

<sup>ii</sup>National Human Rights Action Plan for 2018-2022 [http://www.justice.gov.md/public/files/massmedia/PNADO\\_III.pdf](http://www.justice.gov.md/public/files/massmedia/PNADO_III.pdf)

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- <sup>iii</sup> Law no. 64/2010 on freedom of expression [https://www.legis.md/cautare/getResults?doc\\_id=83916&lang=ro](https://www.legis.md/cautare/getResults?doc_id=83916&lang=ro)
- <sup>iv</sup> Criminal Code of the Republic of Moldova, [https://www.legis.md/cautare/getResults?doc\\_id=125325&lang=ro](https://www.legis.md/cautare/getResults?doc_id=125325&lang=ro)
- <sup>v</sup> The draft law no. 301/2016 on bias-motivated offences <http://parlament.md/%d0%97%d0%b0%d0%b0%d0%be%d0%bd%d0%be%d0%b4%d0%b0%d1%82%d0%b5%d0%bb%d1%8c%d0%bd%d1%8b%d0%b9%d0%bf%d1%80%d0%be%d1%86%d0%b5%d1%81%d1%81/Proiectedeactele legislative/tabid/61/LegislativId/3349/language/ro-RO/Default.aspx>
- <sup>vi</sup> Constitutional Court, Decision no. PCC-01 / 139e-34/5 regarding the confirmation of the election results and the validation of the mandate of the President of the Republic of Moldova based on the notification no. 139e/2016 <https://www.constcourt.md/ccdocview.php?tip=hotariri&docid=602&l=ro?tip=hotariri&docid=602&l=ro>
- <sup>vii</sup> The Parliament of the Republic of Moldova, Public consultation on the Draft law No. 301/2016 [https://www.facebook.com/watch/live/?v=434006780652547&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=434006780652547&ref=watch_permalink), October 22, 2019
- <sup>viii</sup> Promo-LEX Association, Public Call | Promo-LEX calls on Parliament to adopt amendments as soon as possible to penalize acts of hatred and prejudice <https://promolex.md/16798-apel-public-promo-lex-solicita-parlamentului-sa-adopte-cat-mai-curand-amendamentele-legislative-pentru-sanctionarea-faptelor-motivate-de-ura-si-prejudicata/?lang=ro> and Public Call | Civil society organizations call on parliamentary factions to accept the amendments Draft law no. 301 regarding the sanctioning of facts motivated by hatred and prejudice <https://promolex.md/16847-apel-public-organizatiile-societatii-civile-solicita-fractiunilor-parlamentare-sa-accepte-amendamentele-la-proiectul-de-lege-nr-301-cu-privire-la-sanctionarea-faptelor-motivate-de-ura-si-prejudicata/?lang=ro>
- <sup>ix</sup> Parliament of the Republic of Moldova, Public consultations on the draft law no. 301/2016 <https://fb.watch/5A04ddbOxq/>, March 5, 2020
- <sup>x</sup> Promo-LEX Association, Opinion on the draft law no. 301, merged with the draft law no. 277, for the amendment and completion of some legislative acts, <https://promolex.md/16841-opinie-cu-privire-la-proiectul-de-lege-nr-301-comasat-cu-proiectul-de-lege-nr-277-pentru-modificarea-si-completarea-unor-acte-legislative-in-versiunea-ajustata-de-ministerul-justitiei-expediat-pri/?lang=ro>, March 2020.
- <sup>xi</sup> Promo-LEX Association, Opinion on the draft law no. 301, merged with the draft law no. 277, for the amendment and completion of some legislative acts, in the version adjusted by the Ministry of Justice sent by letter no. 03/9331 of September 24, 2019, at CDO4 - no.89 of September 3, 2019 <https://promolex.md/16841-opinie-cu-privire-la-proiectul-de-lege-nr-301-comasat-cu-proiectul-de-lege-nr-277-pentru-modificarea-si-completarea-unor-acte-legislative-in-versiunea-ajustata-de-ministerul-justitiei-expediat-pri/?lang=ro>, October 2019 and the Opinion on the draft law no. 301, merged with the draft law no. 277, for the amendment and completion of some legislative acts, <https://promolex.md/16841-opinie-cu-privire-la-proiectul-de-lege-nr-301-comasat-cu-proiectul-de-lege-nr-277-pentru-modificarea-si-completarea-unor-acte-legislative-in-versiunea-ajustata-de-ministerul-justitiei-expediat-pri/?lang=ro>, March 2020.
- <sup>xii</sup> Presidency of the Republic of Moldova, Decree on the dissolution of the Parliament <https://www.presedinte.md/app/webroot/Decrete/77.pdf>
- <sup>xiii</sup> Public Call | Civil society organizations call on the Committee on Legal Affairs, Appointments and Immunities to finalize draft law no. 301 on the regulation of bias-motivated crimes <https://promolex.md/17968-apel-public-organizatiile-societatii-civile-solicita-comisiei-juridice-numiri-si-imunitati-sa-definitiveze-proiectul-de-lege-nr-301-privind-reglementarea-infractiunilor-motivate-de-prejudicata/?lang=ro> and Public Call | Civil society organizations call on the Committee on Legal Affairs, Appointments and Immunities to finalize and submit for adoption draft law no. 301 on the regulation of bias-motivated crimes <https://promolex.md/19278-apel-public-organizatiile-societatii-civile-solicita-comisiei-juridice-numiri-si-imunitati-sa-definitiveze-si-sa-inainteze-spre-adoptare-proiectul-de-lege-nr-301-privind-reglementarea-infractiunilor/?lang=ro> and Flash mob #PUNCTPEURĂ. #VOTAȚI301 <https://www.facebook.com/monitorhatespeechmoldova/posts/3743546119105956>
- <sup>xiv</sup> Constitutional Court, Decision no. 30 from 10.12.2020 regarding the confirmation of the election results and the validation of the mandate of President of the Republic of Moldova based on notification no. 189e/2020 <https://constcourt.md/ccdocview.php?tip=hotariri&docid=751&l=ro>
- <sup>xv</sup> Promo-LEX Association, Monitoring Report “Hate speech and incitement to discrimination in public space and in the media in the Republic of Moldova”, [year 2018](#), [year 2019/1](#), [year 2019/2](#) and [year 2020](#).
- <sup>xvi</sup> Council of Europe, Report “Collection of disaggregated data on hate crimes, hate speech and discrimination in the Republic of Moldova: recommendations and situation analysis” <https://rm.coe.int/final-draft-data-collection-md-ro/16809f7475>
- <sup>xvii</sup> Council of Europe, Report “Collection of disaggregated data on hate crimes, hate speech and discrimination in the Republic of Moldova: recommendations and situation analysis” <https://rm.coe.int/final-draft-data-collection-md-ro/16809f7475>
- <sup>xviii</sup> Promo-LEX Association, Monitoring Report “Hate speech and incitement to discrimination in public space and in the media in the Republic of Moldova”, [year 2018](#), [year 2019/1](#), [year 2019/2](#) and [year 2020](#).
- <sup>xix</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Sixth Regular Report of the Republic of Moldova by the UN Committee on the Elimination of Discrimination against Women [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW/C/MDA/CO/6&La](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW/C/MDA/CO/6&La)

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<sup>xx</sup>Centre Partnership for Development, Gender Equality Index in Moldova, <https://progen.md/indexul-egalitatii-de-gen-2019-in-moldova-2/>

<sup>xxi</sup>Promo-LEX Association, Final Report. Mission of observation of the new local general and parliamentary elections of 20 October 2020 (3 November 2019) [https://promolex.md/wp-content/uploads/2019/12/Raport\\_ALG\\_2019\\_web.pdf](https://promolex.md/wp-content/uploads/2019/12/Raport_ALG_2019_web.pdf)

<sup>xxii</sup>Promo-LEX Association, Monitoring Report "Hate speech and incitement to discrimination in the public space and in the media of the Republic of Moldova within the electoral campaign for the presidential elections of 1/15 November 2020" [https://promolex.md/wp-content/uploads/2021/01/Raport\\_Discursul\\_de\\_ura\\_in\\_campania-electorala\\_din\\_2020.pdf](https://promolex.md/wp-content/uploads/2021/01/Raport_Discursul_de_ura_in_campania-electorala_din_2020.pdf)

<sup>xxiii</sup>Law no. 317/1994 regarding the Constitutional Court, art. 28/1 (4) the observations (findings) of the Constitutional Court regarding the gaps (omissions) of the normative regulations, due to the non-fulfillment of some constitutional provisions, indicated in the address, are to be examined by the court concerned, which shall, within a maximum of 3 months, inform the Constitutional Court of the results of the examination, [https://www.legis.md/cautare/getResults?doc\\_id=87443&lang=ro](https://www.legis.md/cautare/getResults?doc_id=87443&lang=ro)

<sup>xxiv</sup>Draft law no. 263/2020 regarding the amendment of some normative acts (Electoral Code no. 1381/1997 - Art. 1, 8, 15, etc.; Contravention Code of the Republic of Moldova no. 2018/2008 - Art. 52, 400, 4235 etc.) <http://parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/5118/language/ro-RO/Default.aspx>

<sup>xxv</sup>Venice Commission, Opinion on draft law no. 263/2020 [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2020\)011-e&fbclid=IwAR29ElgcncMAmfwhZ88HImfFu6GnSHWntBt2fA6fPYo200IHPCfakfhnUgs](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2020)011-e&fbclid=IwAR29ElgcncMAmfwhZ88HImfFu6GnSHWntBt2fA6fPYo200IHPCfakfhnUgs)

<sup>xxvi</sup>Presidency of the Republic of Moldova, Decree on the dissolution of the Parliament <https://www.presedinte.md/app/webroot/Decrete/77.pdf>

<sup>xxvii</sup>Roma National Center, CEDAW Shadow Report "Political participation and representation of Roma women in Moldova" [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fMDA%2f41093&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fMDA%2f41093&Lang=en) and Platform for Gender Equality from Moldova Alternative report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the Republic of Moldova [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fMDA%2f41047&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fMDA%2f41047&Lang=en)