



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2523rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 27 April 2017, at 10 a.m.

Chair: Ms. Crickley

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined tenth and eleventh periodic reports of the Republic of Moldova (continued) (CERD/C/MDA/10-11 and CERD/C/MDA/Q/10-11)

1. *At the invitation of the Chair, the delegation of the Republic of Moldova took places at the Committee table.*
2. **Ms. Petuhov** (Republic of Moldova), reviewing the measures taken to disseminate and implement the Committee's previous concluding observations (CERD/C/MDA/CO/8-9), said that the Government's failure to provide a follow-up report within one year had been an oversight and would not happen again.
3. The Bureau for Inter-Ethnic Relations was the central administrative body responsible for developing State policy documents on relations between ethnic groups and on the use of languages, in consultation with representatives of relevant ministries and NGOs; examples included the successive plans of action to support the ethnic Roma population and the strategy on the consolidation of inter-ethnic relations for the period 2017-2027. The Bureau could also submit draft legislation and issue opinions on policies drawn up by ministries. With regard to the draft classification of nationalities and ethnic groups, for example, it had proposed, after consultation with representatives of national minorities, bringing together nationalities and ethnic groups in a single alphabetical list, under the heading "classification of national or ethnic origin", as the concepts of nationality and ethnicity were considered to be largely synonymous. A final version of the classification had not yet been adopted.
4. The strategy on the consolidation of inter-ethnic relations for the period 2017-2027 had been adopted on 30 December 2016. The Bureau was currently working on an action plan for implementation of the strategy for the period up to 2020; a draft was expected to be ready in May 2017. The strategy had been developed with expert support from the Council of Europe and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, on the basis of extensive civil society consultations.
5. A total of 96 NGOs had been accredited by the Bureau to participate in the Coordinating Council of Ethnocultural Organizations, including representatives of 30 national minorities. The Bureau organized around 400 ethnocultural events annually, including round tables and exhibitions, with financial support from various cultural bodies, donors, international organizations and the Ministry of Culture. In major cities, NGOs also received financial support from the office of the mayor.
6. Since 2010, the Office of the People's Advocate (Ombudsman) had financed national minority language training, provided by the National Association of European Trainers from Moldova, for State officials, doctors, teachers and other professionals. Courses had been attended by 5,000 participants between 2010 and 2015 and by around 300 participants in 12 locations between 2015 and 2016. Knowledge of both the State language and Russian was required of all civil servants, because official texts were issued in both languages.
7. Roma leaders and mediators had participated in the evaluation of the Plan of Action to Support the Ethnic Roma Population 2011-2015, which had found that only 40 per cent of the plan had been fully implemented. The Bureau for Inter-Ethnic Relations had incorporated all outstanding issues and activities into the plan for the period 2016-2020, which had been developed in collaboration with Roma leaders and mediators and adopted in June 2016.
8. The Ministry of Education worked closely with local authorities to improve school attendance among Roma children. Between 2014 and 2016, the Ministry had organized 105 awareness campaigns, reaching a total of 2,693 persons, with encouraging results. From October to December 2016 the number of Roma children aged 7-16 years who were not attending school regularly had dropped from 79 to 17. In January 2017, that figure had stood at 28, compared with 98 in January 2016. One major obstacle to enrolment in early education was lack of knowledge of the State language. Efforts to address the problem were ongoing. State initiatives to support vulnerable groups such as Roma families included

exemption from preschool fees. With regard to the 15 per cent quota for places in higher education institutions, subsidies were reserved for children with disabilities, children of parents with disabilities, children from large families, children from Transnistria and children from Roma families.

9. **Ms. Gherganov** (Republic of Moldova) said that all citizens were guaranteed access to employment services provided by the National Employment Agency and its 35 regional offices throughout the country. A new employment strategy for 2017-2021 had been adopted at the end of 2016, and there were plans to introduce new legislation aimed at diversifying the labour market and providing further support for vulnerable groups. Lack of education and qualifications largely accounted for the relatively high unemployment rate among the Roma population. Efforts were being made to address that problem through vocational training grants, among other measures. The level of employment among the Roma population remained low but was gradually increasing.

10. The Ministry of Labour, Social Protection and the Family and local employment agencies followed up on any reported cases of discrimination on grounds of ethnicity. The country's employment legislation prohibited such discrimination but did not provide for penalties. Discrimination was difficult to detect and punish, as employers generally claimed that job-seekers from ethnic minorities had been rejected because they lacked the necessary qualifications.

11. The roles and functions of Roma mediators had been clearly established, but it had not been possible to hire the target number of 48 mediators, primarily because financing for the initiative had been decentralized. There were plans to increase cooperation between central and local authorities in that regard in order to promote the use of Roma mediators. There was no specific programme to ensure access to housing for members of the Roma population, but they could obtain social housing if they fulfilled the necessary criteria. Around 200 flats were currently available and additional social housing was under construction in five regions. Information campaigns were being conducted to encourage the Roma community to join the national medical insurance scheme, which covered all health-care costs.

12. **Mr. Sandu** (Republic of Moldova) said that the police force currently employed around 1,270 women, including 50 in managerial positions. Women currently accounted for 19 per cent of the workforce in the law enforcement sector, including the border police and other branches. Higher targets for the employment of women, including at the managerial level, had been set in the strategy for the development of the police. Pursuant to personal data legislation, information on race or ethnic origin could not be collected during the employment process and therefore could not be provided to the Committee. There was no discrimination against ethnic minority women wishing to enter the police force. The police academy provided language training courses for those with insufficient knowledge of the State language.

13. The Criminal Code had been amended to criminalize the use of print or electronic media to incite ethnic, racial or religious discord or hatred and to define offences against the honour or dignity of a specific ethnic group. Under the new provisions, which had entered into force in November 2016, such offences were punishable by a fine or by withholding of salary. Steps were being taken to further amend the provisions of the Criminal Code with regard to hate crimes and other racially motivated offences. Under the Code of Criminal Procedure, victims of discrimination could submit complaints directly to the local prosecutor's office, and proceedings could be initiated once the complaint had been verified. In 2014, 22 cases of hate crime or extremism had been reported, compared with 17 in 2015 and 11 in 2016. Proceedings had been brought in 10 cases in 2014, 13 cases in 2015 and 7 cases in 2016.

14. **Ms. Petuhov** (Republic of Moldova) said that the decrease in the proportion of ethnic minorities in the Moldovan population could be explained partly by migratory processes and partly by changes in the way individuals, especially younger members of inter-ethnic families, identified themselves. With regard to the study of Yiddish, there was a library housing Yiddish literature in Chişinău, and language courses were available to those wishing to learn Yiddish. The Ethnology Centre of the Academy of Sciences had a section devoted to the study of Jewish history and culture.

15. The right to produce and broadcast radio and television programmes in national minority languages was guaranteed by law. Local and regional broadcasters in areas where national minorities accounted for the majority of the population were entitled to broadcast 80 per cent of their programmes in the relevant minority languages. There were currently six radio stations and eight television channels broadcasting programmes in Bulgarian, Gagauz, Russian and other languages. The Television and Radio Coordinating Council had provided financial support to 18 companies in 2014 for the production of 293 programmes in Bulgarian, Gagauz, Romanian and Russian; in 2015, it had financed a further 17 such programming projects.

16. The term “regional languages or minority languages” referred to the languages spoken by the country’s largest minority groups, whereas the term “non-territorial language” referred to languages that were spoken in the country but could not be identified with any particular region. The website of the Council for Preventing and Eliminating Discrimination and Ensuring Equality had initially been made available in three languages only, but could be translated into other national minority languages in future. It had been translated into Romani to support the study of that language.

17. Muslims were entitled to practise their religion, including holding prayer meetings whenever they wished, and to build mosques. The State was secular and therefore did not interfere in religious affairs or build places of worship. In Chişinău, two buildings were currently used as places of worship by the Muslim community. Any proposals for the construction of mosques would be examined in the light of current legislation. To date, there had been no such proposals.

18. At the end of 2016, there had been 85 asylum seekers, 153 refugees, over 200 beneficiaries of humanitarian protection and 2,000 stateless persons registered in the country. A new plan of action for the implementation of the National Migration and Asylum Strategy for 2016-2020 had been adopted in 2016. Domestic legislation on migration had been brought into line with European Union legislation and best practices in July 2016 and instructions for the Bureau for Migration and Asylum on simplified migration procedures had been adopted in December 2016. The Bureau had taken steps to promote integration and protect the rights of foreign nationals. Training on European Union refugee policy and national legislation on non-discrimination had been provided to judges, prosecutors and police officers.

19. The number of complaints submitted to the Office of the People’s Advocate (Ombudsman) had increased in recent years. The Office had received 298 complaints relating to access to justice in 2016, compared with 259 in 2015. Those complaints had concerned issues such as delays in the consideration of cases and failure to implement legal decisions. Complaints relating to inadequate social protection had also been submitted in 2016.

The meeting was suspended at 11 a.m. and resumed at 11.15 a.m.

20. **Ms. Li Yanduan** (Country Rapporteur) said that it was unclear how the implementation of the Plan of Action to Support the Ethnic Roma Population had been affected by the process of decentralization and to what extent responsibility for implementing that plan was shared between the central and local authorities. She would like to know whether the Government had considered strengthening the role of the Council for Preventing and Eliminating Discrimination and Ensuring Equality by, for example, giving it the power to investigate cases of discrimination and impose sanctions. Lastly, she understood that persons of African descent were required to undergo an extremely lengthy procedure in order to obtain citizenship, and she wondered whether the procedure was lengthy in all cases or only for certain groups.

21. **Ms. Petuhov** (Republic of Moldova) said that Roma young people generally wished to be called “Roma”, whereas older members of that population preferred the term “Tsigan” (“Gypsy”). The Bureau for Inter-Ethnic Relations had discussed the use of those terms during a meeting with representatives of several government ministries and Roma organizations, at which it had been decided that both terms should be used in the census. Various ministries were responsible for implementing the Plan of Action to Support the Ethnic Roma Population, and local authorities were responsible for developing their own plans to ensure its implementation. The overall process was coordinated by the Bureau for Inter-Ethnic Relations, which organized quarterly follow-up meetings of a working group

composed of representatives of ministries, local authorities and Roma organizations. Central government funding had been provided for the employment of 15 Roma mediators in 2013, 8 in 2014 and 24 in 2015. The total number of mediators had since dropped as a result of decentralization and the inability or unwillingness of local authorities to pay for the employment of mediators. The working group was considering the idea of restoring central funding, as proposed by various Roma organizations.

22. **Mr. Sandu** (Republic of Moldova) said that the Council for Preventing and Eliminating Discrimination and Ensuring Equality was an impartial and independent body, composed of 15 members without any political affiliation, who were appointed by the parliament for a fixed term. Its membership must include three holders of law degrees and three representatives of civil society. The Council was competent to consider complaints of discrimination in a range of areas, to decide upon appropriate sanctions, in accordance with the applicable legislation, and to request the relevant authorities to take disciplinary action against officials who had allowed discrimination to occur.

23. **Ms. Petuhov** (Republic of Moldova) said that some persons of African descent were prevented from obtaining citizenship because they were unable to pass the State language examinations. The Bureau for Inter-Ethnic Relations had taken steps to provide access to language courses for such persons. There were no other obstacles to obtaining citizenship.

24. **Ms. McDougall** said that the term “national minority” was outdated and misleading because it implied that other minorities had different or fewer entitlements. Noting the importance of taking into account race as well as ethnicity, she asked whether domestic legislation covered all the grounds for discrimination mentioned in the Convention. It was important to ensure that the competence of the Council for Preventing and Eliminating Discrimination and Ensuring Equality extended to cases of discrimination in which there was no proof of intent, in accordance with the definition of discrimination contained in the Convention. The shortage of Roma mediators reflected a worrying lack of coordination between the local and central authorities on the issue of Roma integration.

25. **The Chair** asked whether the small number of Roma mediators was solely due to local authorities’ reluctance to pay for their employment.

26. **Ms. Petuhov** (Republic of Moldova), acknowledging that the expression “national minority” was outdated, said that some people from minority communities also took issue with the term. Under the relevant European standards, all countries were entitled to determine what was meant by “national minority”. The notion was clearly set out in the Strategy on the Integration of the Ethnic Minorities of the Republic of Moldova for the period 2015-2020. Members of minority groups enjoyed the same rights and protections under the law as all other citizens of the Republic of Moldova.

27. The Government recognized the Roma community as one of the most vulnerable segments of the population and had therefore put in place a plan of action in support of the Roma population. Although funding for the plan was limited, the Government had made considerable efforts to help disadvantaged members of that population, including through free school meals and textbooks for Roma children. Allowances were given to large families, and all pregnant women, including Roma women, enjoyed access to free health care. Children also received medical treatment free of charge. Discrepancies in the statistics on the Roma population pointed to a need for more reliable data collection. Without accurate statistics, the relevant assistance programmes could not be fully effective.

28. The Government was taking a range of measures to promote the cultures and traditions of ethnic minorities at the national and local levels. To mention just a few, a festival of ethnic groups was organized every year, and exhibitions, concerts, cultural events, folk costume celebrations and language days were held with a view to showing that the Republic of Moldova was a multicultural country that was preserving the languages and cultures of its ethnic minorities.

29. **Ms. Gherganov** (Republic of Moldova) said that, despite considerable efforts, the Government had been unable to hire as many Roma mediators as it had hoped to do, in part because local authorities did not always understand the role played by such mediators. There was a need, therefore, to raise awareness about the function of the mediators and promote more effective cooperation between the central and local levels. A lack of

qualified candidates in the Roma community had also made it difficult to fill mediator positions. By law, candidates were required to have completed a secondary education.

30. **Ms. McDougall** said that the State party must be robust and aggressive in its efforts to combat discrimination if it was to succeed. Given that other social services had been functioning smoothly under the decentralization process, she wondered whether the programmes for the Roma communities had not been working well because of discrimination. If the Government was having trouble finding qualified Roma candidates to fill the posts, it might consider re-evaluating its eligibility criteria, including whether the completion of a secondary education was relevant. She wished to know whether the Government had taken back the funds it had allocated to the local authorities to recruit mediators. She would also appreciate hearing more about the State party's programmes for persons of African descent. In her view, that population was sufficiently large to merit a separate plan of action.

31. **The Chair** asked whether the mediators recruited by the State party had been trained under ROMED, the Council of Europe programme aimed at training Roma mediators.

32. **Ms. Petuhov** (Republic of Moldova) said that nearly all the mediators had been trained under the ROMED programme. A survey of Roma communities conducted to determine the number of mediators required had found that there was a need for 48 mediators for 44 districts, or 1 mediator for every 150 Roma persons. In 2013, the Government had set aside the necessary public funds to employ 15 mediators and provision had been made in 2015 for more mediators. Unfortunately, its efforts had been hindered by the shortage of qualified candidates. The Government had made every effort to ensure that Roma mediators met the selection criteria.

33. The delegation would submit additional written information on the Council for Preventing and Eliminating Discrimination and Ensuring Equality. With regard to programmes for persons of African descent, the Fatima Association for the Protection of Children of African Origin had been set up in 1999 and was registered with the Bureau for Inter-Ethnic Relations. The Chair of the Association was a member of the Coordinating Council of Ethnocultural Organizations of the Bureau and attended all Bureau meetings with members of voluntary associations, where he was able to raise specific issues of concern to the community. Events to raise awareness and promote understanding of African culture and traditions and to address language barriers were held regularly. There were also considerable efforts to promote the integration of children of African origin into Moldovan society. The Republic of Moldova had a House of Nationalities where various cultural organizations were able to conduct their activities and promote their traditions.

34. **Ms. Dah** said that the experience of the Republic of Moldova illustrated the difficulties that young States often faced when they embarked upon a decentralization process. She encouraged the Government to be open to the range of available approaches to decentralization. She would welcome more specific information on the State party's efforts to tackle discrimination against minority women and to increase the representation of women in public office, in the justice system, in the police and in the health sector.

35. **Ms. Petuhov** (Republic of Moldova) said that, once the decentralization process was fully understood at the local level, many of the problems described by Committee members would be addressed, including the issue of Roma mediators. The Government attached great importance to the participation of minority women in public life and was actively promoting it through the Strategy on the Integration of the Ethnic Minorities of the Republic of Moldova for the period 2015-2020. Gender equality was also a major objective of the Bureau for Inter-Ethnic Relations. The Government had organized round tables on the participation of ethnic minority women in political life and worked in close collaboration with NGOs and international organizations on minority women's issues. More than half of the country's cultural organizations were headed by women.

36. **Mr. Yeung Sik Yuen** said that he would be grateful if the delegation could clarify what the penalty was for offences against the honour or dignity of a specific ethnic group and whether the fines imposed were sufficient to have a deterrent effect. He also wished to know whether such offences were considered minor and whether a record was kept in the event that the offence was repeated. With regard to the case of the Skvazhina club in Soroca, he wondered, in the light of the prosecutor's decision to drop the case, whether the sign prohibiting entry by persons of Gypsy ethnicity had been taken down.

37. **Mr. Sandu** (Republic of Moldova) said that the fines for criminal offences started at 600 notional currency units, which was equivalent to about €2,500, a considerable sum for the average Moldovan citizen. Depending on the seriousness of the crime, the penalty could be as much as 3 years' deprivation of liberty. He believed that the sign at the Skvazhina club had been removed, but would verify.

38. **Mr. Avtonomov** asked whether the State party might consider ratifying the amendments to article 8 of the Convention. He would be grateful if the delegation could clarify whether the Cyrillic or the Latin alphabet was used by the Roma communities in the State party. Considering that there were several Roma groups with various dialects living in diverse areas, he wondered whether there had been efforts to harmonize the written and spoken language. He understood that the history of the Gagauz people was no longer taught in Russian at Comrat State University and would be interested to learn whether there were any plans to reintroduce the course in Russian. Offering the course in both Gagauz and Russian, or in other languages, would enable more people to become familiar with the history of the Gagauz people and help to increase awareness about the diversity of the Moldovan population.

39. **Ms. Petuhov** (Republic of Moldova) said that the Latin alphabet was currently used for publications in Romani. Two of the Roma mediators had received training in Romania specifically on the issue of literature in Romani. Roma children did not study the Romani language in school. Romani language classes had once been taught at the House of Nationalities, but that was, unfortunately, no longer the case. The Government was making efforts to promote the language by publishing various materials in Romani, including documents on inter-ethnic relations. The Constitution had been translated into five languages, including Romani.

40. The Autonomous Territorial Unit of Gagauzia had three national languages, and much attention was being given to the study of Romanian there. Moldovan schools were well equipped for language study, including through online distance learning, which made it possible for anyone in the country who so wished to study the State languages.

41. **Mr. Murillo Martínez** said that he would appreciate a reply to his question about second-generation migrants. He would also welcome information on the approach that the State party was taking to the Sustainable Development Goals, particularly in relation to the challenges facing minority groups.

42. **Mr. Marugán** said that he wished to know whether an impact assessment of the Plan of Action to Support the Ethnic Roma Population in the Republic of Moldova for the period 2011-2015 had been carried out, particularly as it related to the issue of housing. He would also appreciate further details on the State party's plans to build social housing and on the share of that housing that would go to the Roma community. A 2013 report by the European Commission against Racism and Intolerance had expressed concern about reports of discrimination against a Roma community by an Internet provider that had connected all the houses in a municipality to the Internet except those belonging to members of the Roma community. He would like to know how such discrimination was being addressed under the Plan of Action. He would also be interested in learning more about the training offered for judges, prosecutors and police officers on the application of anti-discrimination legislation and on the Convention. It was not clear how long the training courses lasted, whether they were compulsory and what they entailed. He also wished to know what was being done to combat employment discrimination, what body was responsible for preventing such discrimination and whether it was adequately funded.

43. **Mr. Khalaf** said that, while the State party's various programmes and plans of action were commendable, what really mattered was their implementation. He would be grateful if the delegation could inform the Committee of the number of times that the Convention had been cited in court cases and judgments.

44. **Ms. Gherganov** (Republic of Moldova) said that her delegation would submit written answers to some of the questions raised. With respect to second-generation migrants, the term was not widely used. In 2016, the Government had assessed the implementation of the Plan of Action to Support the Ethnic Roma Population for the period 2011-2015. Meetings had been held with members of the Roma communities and local authorities in various parts of the country, and in all regions it had been noted that the Plan of Action had had a higher rate of implementation than other plans launched since 2001.

45. The plan of action on human rights currently being finalized would include a separate section on ethnic and linguistic minorities. There were also three plans of action to implement the Strategy on the Integration of the Ethnic Minorities of the Republic of Moldova for the period 2015-2020, which would address crucial issues concerning the Roma population, such as the education of Roma children.

46. **Ms. Petuhov** (Republic of Moldova) said that the training provided to judges, prosecutors and police officers was compulsory. The delegation would provide information on the curriculum and length of the training courses in writing.

47. **Ms. Li Yanduan** said that she wished to thank the delegation for the extensive and constructive dialogue with the Committee. The wealth of information provided about the situation in the Republic of Moldova would greatly help the Committee in its future work.

48. **Ms. Petuhov** (Republic of Moldova) said that the necessary organizations and government bodies, such as the Bureau for Inter-Ethnic Relations and the Council for Preventing and Eliminating Discrimination and Ensuring Equality, were in place to promote inter-ethnic understanding and preserve languages, cultures and traditions. Their existence attested to the fact that her Government was making every effort to ensure that all citizens, regardless of their ethnic background, felt at home in the country. She assured the Committee that the Government would give careful attention to the questions and concerns raised in the course of the dialogue.

The meeting rose at 1 p.m.