



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 3066th meeting

Held at the Palais Wilson, Geneva, on Friday, 19 April 2024, at 10 a.m.

Chair: Mr. Balcerzak

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The meeting was called to order at 10 a.m.

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

Combined twelfth to fourteenth periodic reports of the Republic of Moldova (continued) (CERD/C/MDA/12-14; CERD/C/MDA/Q/12-14)

1. *At the invitation of the Chair, the delegation of the Republic of Moldova joined the meeting.*
2. **The Chair**, welcoming the delegation of the Republic of Moldova to the meeting, said that some members of the delegation would be participating via video link.
3. **Ms. Stavrinaki** (Country Rapporteur) said that she wished to know what measures had been taken to ensure that adequate restitution was made to victims of acts of racial discrimination, regardless of whether or not those acts constituted criminal offences. She wished to know also how many complaints of racial discrimination had been made and how many investigations, court proceedings and convictions those complaints had led to. It would also be helpful to know what damages had been awarded.
4. She would welcome a comment from the delegation on the reported failure to fully investigate the cause of the damage that had been done to a synagogue and Jewish cemetery in Orhei. The Committee would also welcome an indication of whether the authorities intended to take steps to facilitate the identification and investigation of crimes motivated by bias and the collection of relevant data. In addition, it would be helpful to learn whether the Government planned to develop a stronger support system to provide victims of racial discrimination and hate crimes with effective access to justice, assistance and protection services, in particular for those who did not speak the local languages or have access to digital information on the remedies available to them.
5. She wondered whether the Government had a means of monitoring hate speech in social media, whether anyone engaging in or facilitating such speech had been prosecuted and whether the authorities planned to set up a data-collection mechanism that would make it possible to keep track of the number of complaints of hate speech, as well as the number of investigations, prosecutions, convictions and victim compensation awards related to hate speech. She also wondered whether any of the cases of hate speech listed in the annex to the report of the Council for Preventing and Eliminating Discrimination and Ensuring Equality (the Equality Council) had led to any investigations or prosecutions and, if so, whether the perpetrators had been held liable and the victims had been compensated.
6. In view of the reference in the State party's periodic report to instances of incitement to hatred in political or religious contexts, she wished to know whether any politicians or other public officials had been prosecuted for engaging in hate speech, and what measures had been taken to ensure that they complied with their obligation not only to refrain from hate speech but also to condemn it. The Committee would like to find out what efforts had been made to ensure that law enforcement officials, judges, lawyers and other State officials were aware of their duty to protect ethnic minorities and non-citizens from racial discrimination and what the Parliament did to combat prejudice and intolerance and to promote cultural diversity. It would be useful to find out whether any steps had been taken to reach out to the general public, in educational institutions in particular, in a bid to raise awareness of the importance of combating prejudice and intolerance. She also asked whether the media had been involved in anti-racism campaigns and whether civil society organizations, in particular those representing communities affected by racial discrimination, played an active role in educational and awareness-raising activities.
7. **A representative of the Republic of Moldova** said that answers to the questions on legislation to combat discrimination would be provided in writing.
8. **A representative of the Republic of Moldova** said that, in 2022 and 2023 there had been 28 criminal cases involving hate speech. Three convictions had been handed down in 2023, and four criminal cases were currently ongoing on the grounds mentioned. There had also been a total of 98 administrative offences involving hate speech in 2022 and 2023. Four had involved hate speech by persons running for public office.

9. In 2021, the Moldovan police, with the support of the Council of Europe, had begun training for trainers on narratives to counter hate speech and hate crime. The police force currently had eight such trainers, and between 2021 and 2023 more than 2,000 police officers had attended training sessions on the prevention of hate speech and hate crime. The police were also making efforts to win the trust of population groups whose members were vulnerable to racial discrimination and hate crime.

10. **A representative of the Republic of Moldova**, noting that hate speech, incitement to hatred and racial discrimination were viewed as clear threats to the cohesion of Moldovan society, said that the Parliament had made several changes to strengthen the country's anti-discrimination framework. In 2021, for example, it had amended the Criminal Code to make Holocaust denial and the dissemination of racist or xenophobic material criminal offences. Under another amendment to the Criminal Code, criminal motives that included social, national or religious prejudice were considered aggravating circumstances. Relevant amendments had likewise been made to a number of articles of the Contravention Code. Under article 52 (3), for example, hate speech and incitement to discrimination by candidates for public office had been explicitly prohibited. Act No. 121 of 2021, the Equality Act, had been amended in 2023 to expand the list of grounds on which discrimination was prohibited.

11. The ability of the Council for Preventing and Eliminating Discrimination and Ensuring Equality (the Equality Council) to combat discrimination had been enhanced. Officials from the Prosecutor General's Office had, for their part, begun playing a more active role in supporting the victims of racial discrimination.

12. **A representative of the Republic of Moldova** said that, between 2020 and 2023, there had been a series of courses on combating hate speech and crimes motivated by bias, for prosecutors, judges, judicial assistants, court clerks and others. The courses had covered such topics as non-discrimination and equality, universal standards for the protection of human rights and fundamental freedoms and the application of the case law of the European Court of Human Rights at the national level. Similar topics were also covered in the programmes of study followed by prospective judges and prosecutors at the National Institute of Justice.

13. **A representative of the Republic of Moldova** said that responsibility for the preservation of a Jewish cemetery had been transferred to the country's Jewish museum. Funds, including some \$200,000 from abroad, had been set aside for the restoration of the cemetery.

14. **Ms. Stavrinaki** said that she would welcome particular figures that shed light on what happened when a complaint of discrimination was made. It would be useful to know first how many complaints had been filed in a given time period, and then how many of them had resulted in investigations, prosecutions and convictions. To know only the number of reported cases was insufficient. It would also be helpful to learn whether the courts had ever invoked the Convention and whether there was a specific focus on the Convention in the human rights training given to prospective judicial officials or those in office. She welcomed the Government's plan to preserve the State party's Jewish heritage, but she wished to know whether an investigation had been carried out in relation with the damage that vandals had done to a synagogue and Jewish cemetery in Orhei.

15. **Mr. Yeung Sik Yuen** (Country Rapporteur) said that he wondered how the many amended laws referred to by the delegation were applied. Legal codes were one thing, but what was happening in the State party's courts?

16. **Mr. Diaby** said that he would welcome an update on the activities of the mechanism for the compensation of victims of racial discrimination. He wished to know, too, whether the minority groups that had no members of their communities as representatives in the Parliament did not have the same privileges as the minority groups that did, whether the make-up of the population of the State party's prisons reflected the composition of the population as a whole and what conditions imprisoned members of the minorities faced.

17. **Mr. Guissé** said that he wished to know how the State party had handled the arrival of non-Europeans who had fled Ukraine since 24 February 2022. He also wished to know whether there was a law on the reception of Roma persons.

18. **A representative of the Republic of Moldova** said that the Agency for Inter-Ethnic Relations, which he represented, did not develop policy or take measures in the field. The Agency could, however, step in as a third party when it was asked to do so by another institution. The country's institutions did not necessarily collect population data broken down by ethnic origin.

19. The Republic of Moldova did not have a law establishing a quota of seats in the Parliament that should be held by representatives of ethnic minorities. The electoral system was based on party lists, and the political parties were responsible for the selection of their candidates.

20. Moldovan laws applied equally to everyone and did not provide for the special treatment of particular minorities. However, the Government had adopted specific policies to address the situation of the Roma community. The Act on the Rights of Persons Belonging to National Minorities and the Legal Status of Their Organizations contained provisions to advance the human rights of minorities and ensure their access to public services.

21. **A representative of the Republic of Moldova** said that the delegation did not have any information on the situation in prisons or disaggregated data on the composition of the prison population. In September 2023, the Ministry of Education and Research had issued instructions to facilitate access to education for the children of refugees fleeing conflicts in all countries, not only Ukraine.

22. **Mr. Yeung Sik Yuen** said that the Committee had received reports that the Plan of Action to Support the Ethnic Roma Population in the Republic of Moldova 2016–2020 had not been properly funded and had not been monitored or evaluated. The Committee would therefore welcome information on its implementation and the results that had been achieved. The Committee had also been informed that the Programme to Support the Ethnic Roma Population in the Republic of Moldova 2022–2025 was inadequately funded and did not sufficiently address the recommendations of international human rights mechanisms. He would be glad to receive details on the Programme's budget and activities and on the mechanisms for monitoring its implementation.

23. According to the Equality Council, the Roma community remained the most disadvantaged minority group in the country; its members faced persistent stereotypes and prejudice, leading to discrimination and exclusion in multiple spheres. In that context, he wished to know whether online hate speech was becoming more prevalent, whether the State party monitored and maintained statistics on the problem and whether any social media companies had been prosecuted for failing to address it. He wondered whether any politicians had been prosecuted for stigmatizing minority ethnic groups or for instigating discrimination and inter-ethnic hatred, and whether any of the five cases reported by the Equality Council in the annex to its alternative report had resulted in prosecution.

24. Noting that Moldovan legislation provided for various judicial or administrative proceedings in discrimination cases, and that victims could seek redress through different channels, he said that the delegation might provide information on the functioning of the Equality Council, the People's Advocate (Ombudsman) and the courts, on the demarcation of their respective mandates and on areas of cooperation between them.

25. The Committee had received reports that factors such as stigma, poverty and negligence contributed to a high dropout rate among Roma children at all levels of education. He would therefore welcome information on the number of Roma students enrolled in education, on dropout rates and on measures to combat school abandonment in the Roma community. He would be interested to know how many Roma teachers worked in the education system and what steps had been taken to assess the quality of education provided to Roma students.

26. The delegation might provide clarification of the functioning of the mandatory health insurance system. In the light of reports that only 52 per cent of Roma persons had health insurance, he wished to know what measures had been taken to ensure access to health-care services and health insurance for members of their community, especially those living in rural areas and in poverty. As racial discrimination was allegedly a factor in the low employment rate in the Roma community, he wished to know what measures the State party had taken to

eliminate discrimination against Roma persons in the workplace and to increase their access to job opportunities.

27. The Committee welcomed the fact that the Government implemented policies to promote the enjoyment of the rights of members of ethnic minorities, especially through the work of the Roma community mediator service. However, he was concerned about reports that not all Roma community mediator posts had been filled, that mediators were poorly paid, that some mediators had not been provided with offices and that local authorities had subjected mediators to reprisals for submitting complaints to the Equality Council about discrimination in the workplace. He therefore wished to know how many Roma community mediator posts had been created and how many had been filled; whether they were full-time posts; whether mediators formed part of the civil service; whether they were required to be of Roma ethnicity; whether they worked from offices or in the field; and what their remuneration was. What measures had been taken to enhance cooperation between Roma community mediators and local authorities?

28. The Committee had been informed that the Coordinating Council of Ethnocultural Organizations – an advisory body of civil society organizations under the Agency for Inter-Ethnic Relations – was ineffective and did not include the voices of all minorities in decision-making processes. There had also been complaints that the Agency had harassed or excluded certain organizations working in the area of ethnic minority rights. It would be useful to the Committee to receive information on the mandate, composition and activities of the Coordinating Council and to find out whether any assessment of its activities had been carried out, whether any investigations had been conducted into the allegations of exclusion and harassment and whether the State party had any other mechanisms for consultation with civil society organizations working in the area of ethnic minority rights.

29. The Committee would appreciate statistics on refugees, asylum-seekers and stateless persons belonging to Roma communities in the Republic of Moldova. The delegation might also explain the difference, in domestic law, between persons recognized as stateless and persons of undetermined nationality.

30. The ongoing armed conflict in Ukraine had led to the Republic of Moldova becoming a country of transit and destination for refugees and asylum-seekers. Children of Ukrainian refugees in the Republic of Moldova reportedly had a low school enrolment rate, owing to the lack of schools providing education in Ukrainian. He wondered what steps the State party had taken to address the barriers that Ukrainian refugee children faced to receiving education in their mother tongue.

31. In the light of reports of racial discrimination against Ukrainian refugees and asylum-seekers from the Roma community and restrictions of their rights, including segregation in the provision of housing, he wished to find out what had been done to prevent segregation in the allocation of temporary accommodation and to remove barriers to access to rented housing. What steps had been taken to address low school enrolment among Ukrainian refugee children of Roma ethnicity?

32. The delegation might also comment on reports that the Moldovan authorities had turned away non-Ukrainian migrants, refugees and asylum-seekers at the border without assessing their asylum requests or temporary protection needs. In the light of reports that the State party had returned to Ukraine some 35 Ukrainian men who had been banned from travelling abroad, as they might be required to enlist in the armed forces, he asked whether those persons had applied for asylum in the Republic of Moldova and, if so, whether their applications had been examined on the merits.

33. He would be grateful for additional information on the case in which the Moldovan security services, acting in collaboration with their Turkish counterparts, had allegedly abducted seven Turkish teachers – who had requested asylum in the Republic of Moldova – and rendered them to Türkiye, where they had been charged with belonging to a terrorist group and given lengthy terms of imprisonment. Such information might include clarification of the sentence imposed on the then head of the Moldovan security services, who had subsequently been prosecuted for his role in the renditions.

34. **Mr. Gwalawala Sibande**, noting that article 4 of the Constitution of the Republic of Moldova established the primacy of international human rights law over domestic law, said that he would be interested to know about any cases in which the Moldovan courts had applied the Convention.

35. **Mr. Diaby** said that he would like to know whether any mechanisms had been put in place to facilitate access to the health system for persons belonging to ethnic minorities who might not be fluent in Romanian. The Committee would appreciate information on measures taken to ensure birth registration, particularly for children from minorities and Ukrainian refugee children, and thus prevent statelessness. He wondered whether persons belonging to the Roma community and other minorities were required to demonstrate Romanian language proficiency in order to be granted Moldovan citizenship.

36. **Ms. Shepherd** said that she would be grateful if the delegation could clarify whether or not the State party collected statistics on ethnicity. If it did not, she would like to know how the Government targeted its strategies for vulnerable minority groups.

37. **A representative of the Republic of Moldova** said the Agency for Inter-Ethnic Relations paid special attention to the Roma community and sought to uphold the right of Roma persons to be treated equally with other citizens. The Plan of Action to Support the Ethnic Roma Population in the Republic of Moldova 2016–2020 had helped to bring about an increase in the number of Roma children enrolled in education, including at the preschool level. Under the Plan of Action, Roma children had been provided with textbooks and other learning materials and with transport to school. Information campaigns had been conducted to increase parents' awareness of the importance of education. The subject of Roma history, culture and tradition had been integrated into the curriculum. More than 80 Roma youths had attended vocational, technical and higher education institutions. Over 1,000 police officers had been trained to work with members of the Roma community. The number of Roma persons registered as unemployed had increased, and the National Employment Agency had provided training and support for more than 1,900 unemployed members of the Roma community, the majority of whom had been women. The procedure for obtaining identity documents had been simplified for certain categories of persons, including Roma persons. A health information campaign had been carried out. The Roma community mediator service had been consolidated, and the number of mediators had increased from 16 to 48.

38. In August 2022, the Government had adopted the Programme to Support the Ethnic Roma Population in the Republic of Moldova 2022–2025, which had a broader scope than the Plan of Action and encompassed the areas of education, health care, labour, entrepreneurship, social protection, housing, participation in public life, culture and media, efforts to combat discrimination and the activities of Roma community mediators. The Programme's aims included promoting the economic inclusion and visibility in society of the Roma population and preserving and reinforcing Roma cultural identity. The inter-institutional working group responsible for monitoring the implementation of the Programme included Roma representatives from civil society and from State institutions. The Programme provided for the capacity-building of local authorities, Roma community mediators and civil society leaders. Workshops, seminars and information campaigns had been organized to raise public awareness of Roma issues. The authorities planned to carry out projects to combat discrimination, stereotypes and prejudice towards the Roma community. Activities to promote Roma cultural traditions and to include members of the Roma community in cultural life would be organized. The Programme contained a separate chapter on measures to ensure the rights of Roma migrants and to prevent trafficking in persons. It encouraged local public administrations to develop local actions plans to support and meet the needs of Roma residents. So far, 16 local action plans had been adopted. Monitoring and evaluation of the Programme was carried out by the Ministry of Education and Research, with the support of the Agency for Inter-Ethnic Relations. The total budget of the Programme stood at approximately 14 million lei.

39. The Government conducted extensive consultations with Roma civil society during the drafting of Roma-specific policy documents, of which there were several. All recommendations were studied, debated, and either incorporated into the document or omitted. Roma civil society representatives usually attended meetings of the inter-institutional working group responsible for monitoring the implementation of the

Programme in order to report on best practices and any problems and issues that arose. Roma organizations formed part of the Coordinating Council of Ethnocultural Organizations, which, under the supervision of the Agency for Inter-Ethnic Relations, served as a platform for dialogue between the State and national minorities and contributed to the formulation, implementation and monitoring of State policies in the areas of inter-ethnic relations, promotion of the interests of national minorities and prevention of discrimination and intolerance. Participation in the work of the Coordinating Council was restricted to ethnocultural organizations accredited by the Agency.

40. The Government had taken steps to improve the situation of Roma community mediators, who performed an important role in strengthening Roma communities, ensuring cooperation between State and community institutions and facilitating communication and collaboration. The number of mediator posts had risen to 56, all of which were funded from the State budget. A few of those posts were currently vacant, owing to staff turnover. The Government, recognizing the need to retain existing staff and to attract highly qualified professionals, had raised mediators' salaries.

41. **A representative of the Republic of Moldova** said that the 2024 population and housing census would include six questions of an ethnocultural nature, including questions on ethnicity, mother tongue, language of habitual use and languages spoken.

42. The Ministry of Education and Research coordinated an interministerial working group on education for refugees, which paid particular attention to the school enrolment of Roma refugee children from Ukraine. Representatives of the Government, the United Nations Children's Fund (UNICEF) and the Coaliția "Vocea Romilor" ("Voice of the Roma" Coalition) had visited a school to take stock of the educational integration of Roma children. As a result, it had been decided to conduct further visits and to provide further support for educational integration. According to data from the Ministry of Education and Research, between 2020 and 2023, 1,114 Roma children had enrolled in primary and secondary education, and 701 Roma children had completed secondary education. As at 1 September 2023, 2,293 Roma children aged up to 6 years had been enrolled in school. The Government recognized the problem of low attendance among Roma students. Educational institutions regularly developed action plans to prevent school dropout and home visits were conducted to combat absenteeism.

43. **A representative of the Republic of Moldova** said that persons of undetermined nationality were individuals whose nationality and legal status could not be definitely confirmed, whereas stateless persons had the recognized status of not being the citizens of any country. The Public Services Agency had recognized the stateless status of some 1,900 persons and the General Inspectorate for Migration had recognized such status for 530.

44. In recent years, the Citizenship Act had been amended so that children born to stateless parents in the Republic of Moldova could acquire citizenship. The Act provided that citizenship could be acquired by birth, recognition, adoption, recovery or naturalization. Citizenship might be granted upon request to a foreign national or stateless person who had passed a Romanian language test and who had a legal source of income. Applicants must reside legally and habitually in the Republic of Moldova for at least 10 years, or, in the case of stateless persons, refugees and beneficiaries of humanitarian protection or political asylum, 8 years. Citizenship could also be granted to persons who resided in the Republic of Moldova for 5 years before reaching the age of 18; to those who had been married to a Moldovan citizen for at least 3 years; and to those who had been residing in the Republic of Moldova for at least 3 years with parents or children who were Moldovan citizens. The Government still had to establish the procedure for assessing applicants' knowledge of provisions of the Constitution and of the Romanian language.

45. **Ms. Stavrinaki** said that, while she appreciated the figures provided on the school enrolment of Roma children, she would be particularly interested to know how many Roma refugee children from Ukraine were now living in the State party, and of those, how many were enrolled in school.

46. The Committee had been pleased to learn that the State party had introduced a quota system whereby 15 per cent of higher education places must be allocated to students from vulnerable groups, including Roma students. She would be grateful for an explanation of how

the quota was implemented in practice, as some groups might be seen as more vulnerable than others.

47. The Committee had received reports that the State party, in an effort to encourage school attendance by Roma students, had introduced a cash benefit that was granted to families that could prove that they belonged to the Roma community. The Committee would like to hear how beneficiaries proved that they were Roma persons. Would it not be more appropriate to grant the benefit on the basis of self-identification?

48. **Mr. Yeung Sik Yuen** said that he understood that about 60 Roma children received scholarships each year. It would be useful to the Committee if the delegation could confirm the amount of funding allocated for scholarships and inform it of the amount received by each beneficiary.

49. **Mr. Gwalawala Sibande** said that, in May 2022, Human Rights Watch had published a report on the unequal treatment of refugees in the Republic of Moldova, which described the segregation and racial profiling of Roma refugees. According to the report, the authorities had housed Roma refugees in an abandoned university building. He wished to know whether the Government was aware of the report and what had been done to put an end to the segregation of refugees, which was a clear violation of the Convention.

50. **Mr. Diaby** said that he would be interested to know how many people acquired Moldovan citizenship through naturalization each year and how many applications were rejected. He wondered whether the State party had adopted a national action plan in the framework of the Global Action Plan to End Statelessness 2014–2024. Lastly, he wished to know whether the State party had collected census data on African students or people of African descent and whether it would support the declaration of a second international decade for people of African descent.

51. **A representative of the Republic of Moldova** said that the State party had made the declaration under article 14 of the Convention recognizing the Committee's competence to receive and consider individual communications. No such communications had been submitted to the Committee in relation to the refugee crisis.

52. In addition to the 15 per cent quota in higher education, which was intended to benefit all vulnerable groups, in 2023 the Government had launched a special programme to provide educational support for Roma children, which included the scholarships mentioned by Mr. Yeung Sik Yuen. Scholarships had been awarded to 49 Roma students.

53. The Republic of Moldova did not have a national action plan on statelessness. All refugees, including Roma persons from Ukraine, received the same treatment; their needs were addressed in accordance with the Government's strategy for supporting refugees.

54. **A representative of the Republic of Moldova** said that there were 49 Roma refugee children who were known to have enrolled in schools. It should be remembered, however, that not all refugees declared their ethnicity. In 33 refugee accommodation centres, there were 603 Roma refugee children aged between 3 and 17 years.

55. **A representative of the Republic of Moldova** said that the Ministry of Labour and Social Protection had issued a decree setting out the standards that must be met by refugee accommodation centres, and that the centres were not permitted to open until the Government was satisfied that those standards had been met. One of the centres mentioned in the Human Rights Watch report, located in a sports arena, had been opened at the outset of the crisis to house the massive influx of refugees, and it had subsequently closed. Some centres accommodated more Roma refugees than others, which could be explained by the fact that larger families could be more easily accommodated in larger centres. In some cases, Roma persons had asked to be placed in the same centre as other members of their community. Reports that some centres offered poorer living conditions and served lower quality food were inaccurate. Services were centralized and funded by the Ministry of Labour and Social Protection, international organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and foreign donors. There was no question of cost-cutting by the State. The same company had provided catering services for all centres.

56. According to the latest data, the vast majority of the 100,000 Ukrainian refugees in the Republic of Moldova were women, children and older persons; very few were men. Only about 20,000 were able to work.

57. **A representative of the Republic of Moldova** said that the dialogue with the Committee had been fruitful and had provided much to reflect upon. She hoped that the issues raised by the Committee would be addressed and that the situation would improve during the subsequent reporting cycle.

The meeting rose at 12 noon.