

**SUBMISSION TO THE 12TH UN SESSION ON UNIVERSAL PERIODIC REVIEW
regarding MOLDOVA**

Introduction:

1. This is a joint report, submitted by:
 - a. **HomoDiversus, national NGO,**
 - b. **Human Rights Information Centre (CIDO),**
 - c. **Association of Social and Cultural Development „Delfin”.**
2. **“HomoDiversus”** was established as an initiative group in Mai 2007, officially registered as a national NGO with the Ministry of Justice in January 2010. Our Mission is to contribute to creation of a world free of discrimination and based on social inclusion, in the framework of human rights and universal human values.
3. **Human Rights Information Centre (HRIC/CIDO)** is a Moldovan nongovernmental organization, monitoring, collecting and disseminating human rights related information across Moldova and worldwide.
4. **Association for Social and Cultural Development „Delfin”** is a local organization “Delfin” from autonomous region of Gagauzia.

Summary

5. In this document we would like to point out at a couple of problem areas and notice some alarming tendencies in the area of **discrimination** of minority groups and individuals on various grounds in connection to a number of rights.

General overview:

6. Republic of Moldova has not yet ratified the 12th Protocol to the European Convention on Human Rights of the Council of Europe, which provides a general prohibition of discrimination on the grounds that ratification can not be implemented due to lack in the national legislation of a law prohibiting all forms of discrimination.
7. Although Republic of Moldova has committed to adopt a comprehensive national Anti-Discrimination Law (ADL) by the end of year 2007, within the framework of the National Plan of Actions for Human Rights in cooperation with UNDP office (2004-2008), this didn't happen until the moment this report is being produced.
8. According to the Action Plan on Visa Liberalization Regime (December 10, 2010), the adoption of a comprehensive ADL is also a commitment R. of Moldova had taken, together with an Action Plan on Human Rights in non-discrimination policy, protection of minorities and private life, guarantee the freedom of religion, but also ratify the UN and CoE Conventions on prevention and combating discrimination.

Issues of concern:

9. Lack of a **comprehensive legal framework** to prevent and fight discrimination, together with **efficient implementation mechanism and policies** makes it impossible to address the issue legally and find an efficient redress for the victims of discrimination. This is a problem affecting a number of rights of social groups and separate individuals, particularly marginalized and stigmatized ones, such as LGBT per example.
10. During all this period (2007-2011), having **sexual orientation** as one of the grounds for discrimination included in the draft of the Law has been problematic and did stir a lot of

controversial discussions among both general society and law makers. Unfortunately, even now, when the draft Law has been passed through the Government and reached the parliament, key political and state actors are coming up with homophobic and discriminatory public messages rejecting the chance to have the law adopted integrally, with sexual orientation as grounds for discrimination.

11. There is also a huge pressure coming from the major Orthodox Church. What is even more concerning is their cooperation with radical extremist (including Neo-Nazi & paramilitary) groups within and abroad the country (e.g.: the public action in support of the ADL in 2008, organized by local LBT organization “GenderDoc-M”).
12. Discriminatory implementation of national legal provisions on **freedom of assembly & freedom of association**. Some groups and individuals in R. of Moldova are denied these rights based on criteria of belonging to religious minority groups or representing LGBT (Lesbian, Gay, Bisexual, Transgender) organizations.
13. Some NGO’s are denied official registration at all on illegal grounds (such as a Muslim, or “HomoDiversus”). Many have their registration procedure illegally delayed or interfered by the registering authority.
14. Lack of **equal access to decision making for women** in local and public administration. No efficient mechanism of implementation of the Equal Chances Law provisions, adopted earlier.
This phenomenon brings us to a low representation of women in decision making and administration, and is a direct discrimination of women in their civil and political rights based on gender criteria.
15. The principle of **separation of powers, freedom of conscience & freedom of religion** is being flagrantly & repeatedly violated in favor of the majority Orthodox Church in Moldova, and there is no efficient response to this phenomenon on the State side. On the contrary, the State institutions are regularly applying for support and are getting support in exchange from the Church in matters that are not the competence of the parties a particular context. (E.g.: the head of the Church is holder of a diplomatic passport by Moldova’s law, or the Christian Orthodox Church has received a special favorite status at the state level by the Law on Religious Cults.)
16. According to art. 31, pt. 4 of Moldova’s Constitution, the state (also education) has been proclaimed as lay one, religious cults have to be separated from it. De facto situation is different, and it brings to multiple interferences with the public and state affairs, and discrimination of a number of social groups, such as sexual & religious minorities, in some cases it affects the whole society.
17. (E.g.: putting pressure on the state institutions to withdraw “Life skills” course from public schools curricula and include Religious (Christian) Education, direct attacks on other religious cults freedom of assembly – Jewish, Protestant communities, or LGBT public actions where State institutions failed to guarantee basic human rights for the party who’s rights were infringed.)
18. **Discriminatory treatment of institutionalised children.**
We consider the policy of social **isolation** and offering **poor education & living conditions** to be a deficient, but also discriminatory practice. It lacks the progressive approach & strategy of social integration through participating in community life and general public schools.
19. The adoption procedures, being very complicated, contribute to a low number of children being de-institutionalized. There is a lack of an integration policy for these children,

including stimulating the adoption by citizens through various means and simplifying the procedures.

20. This practice contravenes the UN Convention on Children Rights, stating that de-institutionalization of children is a priority in social policies. According to statistical data in 2006-2009, in Gagauzia (Gagauz Eri, an administrative territorial unit), the number of adopted children is decreasing every year. There are cases when potential families give up the idea because of the complexity of the procedure.

Final note:

A similar, more elaborate document, describing the problems and including recommendations, has been sent to the R. of Moldova's Ministry of Justice within the frame of National Consultations process.

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