

**Republic of Moldova**

ENGLISH only

Information on hate crimes,  
including all forms of violent manifestations of racism, xenophobia, discrimination and  
anti-Semitism

In the last few years, Moldova has taken various measures to combat racism, xenophobia, discrimination and anti-Semitism, particularly by adopting different international acts as well as modifying the national legislation in this respect.

**International legal instruments**

Republic of Moldova has signed and ratified many international legal instruments relevant to the fight against racism, xenophobia, discrimination and anti-Semitism. Republic of Moldova signed the Protocol N° 12 to the European Convention on Human Rights on 4 November 2000 and hopes that ratification will follow. In November 2001, Republic of Moldova ratified the 1951 Convention on the Status of Refugees.

Republic of Moldova signed on 11 July 2002 the European Charter for Regional or Minority Languages and the European Convention on the Legal Status of Migrant Workers. Previously Moldova signed and ratified the ILO Convention concerning Discrimination in Respect of Employment and Occupation.

The Article 4, para. 1 of the Moldovan Constitution, "constitutional provisions for human rights and freedoms" are implemented in accordance with the Universal Declaration of Human Rights and with conventions and other treaties ratified by the Republic of Moldova". In order to safeguard human rights, Republic of Moldova acts according to Article 4 para. 2, "wherever disagreements appear between conventions and treaties signed by the Republic of Moldova and its own national laws, priority shall be given to international regulations".

**Constitutional provisions and other basic provisions**

Article 16 of the Moldovan Constitution establishes the principle of equality before the law and public authorities, irrespective of race, nationality, ethnic origin, language, religion, sex, opinion, political orientation, personal property or social origin. Article 10 states that national unity constitutes the foundation of the State, and guarantees to all citizens the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity. Although these provisions only apply to citizens, ECRI points out that, under Article 19 of the Constitution, except in cases where the law has different rulings, aliens and stateless persons shall enjoy the same rights and shall have the same duties as citizens of the Republic of Moldova. Article 32-3 of the Constitution

stipulates that the law should prohibit and punish instigation to ethnic, racial or religious hatred and incitement to discrimination. Article 31 protects freedom of conscience, including freedom of religion, while freedom of opinion and expression are guaranteed by Article 32-1.

Articles 54 and 55 of the Constitution deal with the exercise of fundamental rights of the person recognized in the Constitution. Upon its accession to the Council of Europe, Moldova undertook not to apply these Articles in such a way as to restrict fundamental human rights in contradiction with international norms. Moldovan authorities will ensure that this commitment is respected.

The principle of equality of persons, irrespective of race, nationality, ethnic origin, language, religion, sex, opinion, political orientation, personal property or social origin is reflected in the Civil Code, the Criminal Code, the Law on the judicial system, the Law on the legal status of the foreigners and statelessness persons the Law on the rights of persons belonging to the national minorities and to the legal status of their organizations, the Law on the preventive arrests, the Law on the child rights, the Electoral Code, the Family Code, the Labor Code, the Law on public service, the Law on education and the Law on public health.

### **Criminal law provisions**

The Criminal Code of the Republic of Moldova adopted on 18 April 2002 stipulates criminal accountability for committing penal offence by reason of enmity or social, national, racial, religious hate. Under Article 176 of the Criminal Code, deliberate actions taken to limit the rights of citizens or to grant privileges to citizens on the ground of their ethnic or racial identity are punishable by up to three years in prison or a fine of up to 600 USD. Under the same provision, identical sanctions apply to deliberate actions to incite to hatred or cause racial or national disintegration. Moreover, the penalty may be increased if these acts involve violence, lies or threats, or if they are perpetrated by a State official. The fact that these acts are committed collectively or lead to the loss of human life or other serious consequences constitutes an aggravating circumstance leading to a prison sentence of up to ten years. The Criminal Code stipulates that grounds of national or racial hostility constitute aggravating circumstances in relation to a crime.

The actions committed deliberately by mass-media aimed to incite enmity or national, racial or religious disintegration, or to humiliate the national honor and dignity as well as to limit, directly or indirectly, the rights of citizens according to their national, racial or religious belonging are punishable by up to 3 years in prison or a fine of up to 260 USD (art.346). Penal Accountability is established as well for the desecration of tombs.

## **Civil and Administrative Law Provisions**

Civil and administrative legislation contains a number of provisions designed to combat racism, xenophobia, discrimination and anti-Semitism. For example, Article 17 of the Labour Code, in relation to access to employment and the rights and duties linked to employment, forbids discrimination against employees based on sex, nationality, race or religion. The Civil Service Act of 2 November 1995 stipulates that every citizen may be employed, irrespective of nationality or religious denomination. ECRI welcomes the adoption on 19 July 2001 of the Act on the rights of persons belonging to national minorities and on the legal status of their organisations which, in Article 4, provides that the State shall guarantee equality before the law and the protection of the law and prohibits discrimination against national minorities.

Article 4 of the Association Law forbids the establishment and the activities of associations which practise racial, religious, social or class inequality or hatred, or whose programmes propagate such ideas, or which practise methods of forcible seizure of power, war, violent propaganda, violation of human rights and freedoms, or other ideas or actions which contradict the constitutional order of Moldova and are incompatible with universally recognized norms of international law. This provision prohibits the organization and holding of a meeting or any other form of demonstration, which consists, among others, in inciting to national, racial or religious hatred.

With regard to the Transnistrian region of Moldova, as it is not under the effective control of the Moldovan authorities, the Law provisions to combat racism, xenophobia, discrimination and anti-Semitism can not be implemented. In this context, the Republic of Moldova points out over various reports of serious human rights violations in transnistrian region, particularly discrimination relating to education and freedom of religion.

The statistics on hate crimes in the Republic of Moldova are the following: only 13 cases involving hate crimes have so far been brought before the courts.