



Uniunea Tinerilor Romi din RM „Tărnă Rom”



Asociația Obștească „Falun Dafa” din RM



ALTERNATIVE SUBMISSION to the 26th UN Human Rights Council session on the UNIVERSAL PERIODIC REVIEW of the Republic of MOLDOVA

The Submitting Stakeholder

1. This report is submitted jointly by the Association for the Support of Persons with Intellectual Disabilities “DOR”, The Association for the Promotion and Protection of the Rights of Persons with Psychosocial Disabilities, the Union of Young Roma People of Republic of Moldova “Tărnă Rom”, the Roma Women Network, the Union of Pentecostal Churches, the Islamic League as well as the “Falun Dafa” Associations of Republic of Moldova. To the present report also has contributed particular individuals coming from groups vulnerable to discrimination such as Elena Rădiță, roma community mediator, Dragoman Natalia, Roma member of the local council, Padureanu Rada, representative of Roma women community.

Methodology

2. The present report was developed by the non-expert organisations working directly with people coming from groups vulnerable to discrimination as well as by representatives of those groups. Prior to the drafting of the report, the reporting organisations benefited of several empowerment training sessions on the monitoring and reporting human rights violations, the UPR mechanism as well as reporting to the UN treaty bodies. They were also guided throughout the drafting process by the experts of the Human Rights Information Centre a NGO specializing in the promotion of human rights, democracy and rule of law.

Summary

3. This report deals with the **rights and discrimination of people with disabilities, inclusively people with psychosocial disabilities, rights of Roma people, and rights of religious minorities.**

I. Rights of persons with disabilities

1.1. Right to social protection of people with disabilities

4. Past recommendations of the UN Human Rights Council and the Committee on Economic, Social and Cultural Rights:

- Implement the Law on Social Protection of Disabled Persons as well as international obligations that Moldova has agreed regarding people who are disabled (A/HRC/19/18, para. 75.13);
- [...] ensure the full implementation of the reform of the residential care system for children, focusing especially on the re-integration of children with disabilities. [...] to ensure the prevention of the separation of children from their families, and the re-integration of de-institutionalized children, including those with disabilities, through adequate family substitute and family support services as well as community-based services. [...](E/C.12/MDA/CO/2, para.15);
- [...] to take all the necessary measures, including through its national development strategy 2012-2022, to ensure that poverty alleviation and social assistance programmes are targeted at the most disadvantaged and marginalized individuals and groups, including [...] persons with disabilities [...](E/C.12/MDA/CO/2, para.19)

1.1.1 The personal assistant institution

Background

5. The institution of personal assistant was created in 2012 and started to be implemented in 2013. Its aim was to enhance the social inclusion of persons with disabilities as well as their deinstitutionalization. Considering the small number of officially employed personal assistants it might be inferred that the institution is not effective.

6. According to the article 53 of the Law No. 60 on the social inclusion of persons with disabilities and article 57 (1) of the Framework regulations on the organization and functioning of the personal assistance service, the implementation of the personal assistance service shall be accomplished by the local division of the social services authorities and financed from the local budgets. The lack/insufficiency of the financial resources for covering the costs of the service which is raised by the representatives of the local authorities is limiting the access to the service of a considerable number of beneficiaries. For now, in Republic of Moldova there are 184345 persons with disabilities (of which 13021 are children), inclusively 27625 persons with severe

disabilities.¹At the same time, only 1892 persons are employed as personal assistants.² In all country's districts people with severe disabilities in need of personal assistance is outnumbering the amount of available personal assistants. Often, the lacks of financial resources local authorities are not even starting the process of assessment of eligibility of persons with disabilities for beneficiating of personal assistants.

7. The lack of financial resources should not stand as an argument for the lack of availability of the services of personal assistants as in fact the state is saving great amount of money through deinstitutionalization of people with disabilities. Therefore, the maintenance of a person with disabilities in a residential institution amounts from 55000 to 100000 MDL annually³ (data for 2015), whereas the implementation of the personal assistant service for each person with disabilities costs 25000 MDL annually⁴.

Recommendations:

8. Passing the legal provisions obliging the local authorities to have a human rights based approach to the budget planning process;

1.1.2 The right to security and social protection of persons with psychosocial disabilities

9. The institution of personal assistant for persons with psychosocial disabilities is not an effective one in Republic of Moldova. On receiving the severity degree of disability, persons with psychosocial disabilities go through the same assessment procedure as people with physical disabilities. Because of the specificity of the diseases, these people even if they do not have mobility impairments and their disability is not obvious still are facing difficulties in social integration. Thus, for people with mental disabilities it is harder to get the severe degree of disability as the assessment is made through the prism of lack of physical accessibility of the social environment.

10. As only persons with severe disability are entitled to a personal assistant, those with psychosocial disabilities cannot benefit of these services. For instance from 20 beneficiaries of the reporting organization, only 2 of them have personal assistant. Despite the fact that there are beneficiaries who do not have legal capacity and which would require services of a personal assistant they cannot beneficiate of it as they were granted only second grade of severity of disability.

11. According to data from the social insurance budget available for 2016 the average pension of a person with disabilities amounts to 613.1 MDL, or 27.6 EUR, while the minimum subsistence level per month is 1724 MDL, or 77.6 EUR. Current social payments system does not ensure the minimum subsistence level, people with disabilities are positioned in a situation where they have to live in extreme poverty. It

¹According to data obtained from the Ministry of Labor, Social Protection and Family.

² Ibid

³ 2 300 – 4600 Euro

⁴ 1250 Euro

might be inferred that people with psychosocial disabilities are victims of systemic discrimination in access to benefits and social protection without being able to get out of this vicious circle.

1.1.3 The right to social integration of persons with psychosocial disabilities

12. The Law no. 169 from 09.07.2010 on approving the strategy for social inclusion of people with disabilities (for 2010-2013), does not contain standards that would contribute to the social integration of persons with psychosocial disabilities. Providing shelter for people with this type of disability it is not among the state's priorities. There are no alternatives to the deinstitutionalisation process. People are deinstitutionalised and go straight to the streets as there are no family homes, protected housing, or other social housing for these people. The institution of depriving of legal capacity of people with psychosocial disabilities has no alternatives. As there are no support mechanisms in decision-making, these people often become victims of scams, who deprive them of their property. For instance, 2 beneficiaries of the reporting organization were left without property after the death of their trustees.

Recommendations:

13. Integrate efficient mechanisms for social integration needs of people with psychosocial disabilities;

14. Reform the system of assigning the degree of disability in order to exclude social discrimination against people with disabilities in the process of qualification of the severity of disability;

15. Provide personal assistant services for all people with psychosocial disabilities having the first and second degree of severity of disability.

II. The rights of Roma people

16. Previous recommendations issued by the UN Human Rights Council:

- Adopt socio-economic measures aimed at ensuring the social and labour integration of the Roma minority (A/HRC/19/18, para. 73.4.)

- Adopt measures to combat and eradicate cases of xenophobia against Roma minority (A/HRC/19/18, para. 73.5.)

- Promote greater public appreciation for the importance of according equal rights for the Roma, including freedom from abuse and discrimination (A/HRC/19/18, para. 73.10.)

- Prevent discrimination of social minorities, such as Roma [...] and adopt a comprehensive anti-discrimination law (A/HRC/19/18, para. 73.24.)

- Adopt specific measures to combat discrimination against Roma (A/HRC/19/18, para. 73.25.)

- Strengthen the protection of minorities through a reform of its criminal code, incorporating offences punishing hate crimes and incitation to hatred as well as through ensuring the effective implementation and adequate resourcing of the Action Plan for the support of the Roma (A/HRC/19/18, para. 75.32.)

- Address the socioeconomic issues facing Roma, including through effective implementation and adequate resourcing of the Action Plan for the Support of the Roma People for 2011-2015, as recommended by CERD(A/HRC/19/18, para. 73.61.).

1.1. Systemic obstruction of access to employment for Roma people

Background

17. The situation of Roma in the labour market remains an ongoing problem under high unemployment in Moldova and the lack of programs for training/ retraining for vulnerable people. The low educational level, performing seasonal work and employment in the informal sector places Roma people in position of inequality in relation to the majority population and creates difficulties in earning the income for essential needs. All this creates preconditions for increasing poverty among the Roma population, and massive migrations;

18. Lack of professional qualification leads Roma people to be employed in low-income positions or expand activities on their own. According to their statements, territorial agencies for employment provides unqualified jobs as scavenger, chamber maid etc., for unemployed Roma people. These jobs are low paid and do not match the professional qualification of the candidate.

19. The overwhelming majority of Roma people say they never conclude a labour contract and the employment opportunities were obtained by verbal agreements, which limits the access of Roma to social benefits, including medical insurance and pension.

Recommendations:

20. Approving and implementing a comprehensive plan focused on integration of Roma in the labour field;

21. Conducting public information campaigns, targeted towards eliminating stereotypes concerning Roma people.

2.1 The right to education of Roma children

Background

22. According to the 2004 population census, there are 12 271 Roma people living in Moldova. They represent approximately 0.4% of the entire population.

23. The report "Roma people of Moldova living in Roma communities"⁵ shows that during 2010-2015, 77% of Roma children aged 3-6 years have not attended any educational institution, which is 4,3 times less compared with non-Roma children population. Only 19% of Roma children attend a public kindergarten or preparatory

⁵ Available at: http://www.md.undp.org/content/moldova/ro/home/library/democratic_governance/romii-in-republica-moldova-in-localitile-preponderent-locuite-de.html

classes compared to 69% for non-Roma children. Regarding the presence of Roma children in private pre-school system or their integration into primary education at the age of 6 years, it should be noted that was impossible to perform a representative analysis in this context, due to the limited number of cases in the study.

24. School attendance of Roma children is a major problem in ensuring their rights to education. According to the above mentioned report only 73% of Roma pupils attend the school daily. According Roma respondents the main reasons for low presence and early school dropout are: inability to cover costs of education - 46%, assessment that is sufficiently trained - 13%, need to work - 8%.

Recommendations:

25. To solving socio-economic problems of Roma people such as housing conditions, unemployment, access to healthcare, access to education;

26. To create role models for Roma community by extending participation of Roma in the social and political life;

27. To organize optional lessons for studying Romani language in schools, organizing Sunday schools for Roma children;

28. Reflecting the history of Roma community in textbooks.

2.3 Rights of Roma women and girls

2.3.1. Roma women in local and national authorities

29. Although Republic of Moldova had developed a series of strategic document oriented towards the promotion of the equality and non-discrimination of Roma people they are not effectively implemented, have no clear methodological orientation and what is more important they do not contain proofs that they have been used to the benefit of Roma women.

30. In July 2011 the government had adopted the Action plan for the sustainability of Roma people of Republic of Moldova for 2011 – 2015. The policy document is centred on the priority domains such as education, employment, access to health services, social assistance, participation to decisional processes and infrastructure aspects for isolated localities inhabited by Roma people.

31. The Action plan for 2011 -2015 acknowledges the importance of the empowerment of Roma women but contains a small number of activities focused on the improvement of the situation of Roma women and girls.

32. Thus, in Republic of Moldova there are no women elected or appointed in high raking public position. Roma women are mostly excluded from election process. They do not participate to national elections as candidates nor as members of election bodies. The presence of Roma women in local authorities remains insignificant.

2.3.2 Promotion of the right to quality education of Roma girls

33. The school performance of Roma girls is lower than of non-Roma pupils making them to drop out school. 45% of Roma women do not have education background (not

even primary school education). By contrast only 2% of non-Roma women are in the same position whereas 335 of Roma men share the same status.

34. Although there are numerous obstacles in accessing education services both for Roma boys and girls, still certain aspects are gender biased. Roma girls have separate roles servile to the family and in the society they experience the pressure to drop out school when they reach puberty. As a result, Roma girls become especially vulnerable to school drop outs have low level of education and face serious social exclusion often with high negative impact on their health.

35. There is a high level of illiteracy among Roma women in comparison to Roma men and non-Roma women. Only 63% of adult Roma women have at least some level of literacy compared to 99% of non-Roma women and 77% of Roma men;

36. Only 4% of Roma population have graduated a college or university, compared to 38% of non-Roma population.

Recommendations:

37. Combat the absenteeism and school drop outs among Roma children specially among Roma girls by insuring their reintegration in the schooling system;

38. Ensure for Roma children effective means of transportation to and from school;

39. Take further steps to intensify the positive actions (scholarship schemes, educational programs continuous education) in the view of significant augmentation of number of Roma women studying and graduating colleges or universities.

III. Rights of religious minorities, freedom of conscience and association

40. Past recommendations of the UN Human Rights Council and other procedures:

- Adopt further measures to foster inter-religious communication and public culture of promoting socio-cultural and religious diversity, the Report of the Working Group (A/HRC/19/18, para. 73.3);

- “[...] among the followers of different religions and beliefs, including those who identify themselves as non-believers, generally seem to be peaceful in the country. When observing the interaction between members of different religious groups, however, the Special Rapporteur had the impression that a culture of interreligious communication still needed to be developed [...]”, the Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt (A/HRC/19/60/Add.2, para. 35);

- “[...] a culture of interreligious communication still needs to develop in the Republic of Moldova. [...] a representative of one religious community maintained that there was little dialogue even among the various Orthodox churches. [...]”(A/HRC/19/60/Add.2, para. 44)

Background

41. From the first cycle of the UPR the situation in the field of religious tolerance and development of policies in the view of ensuring the social acceptance of religious diversity has not changed, on the contrary it worsened. Thus, the religious minorities’ organisations reported a number of religious hate crime cases. For instance, the

Pentecostal religious cult experienced discrimination from the state authorities at three levels. First level is the refusal of the authorities to accept the change the destination of the real estate belonging to the cult from private house to place of worship⁶. Second level is the lack of effective investigation of hate crimes committed against the cult⁷. At least 4 cases of vandalism in the churches belonging to the cult have been reported to the police. The police are not investigating the cases from the perspective of hate crimes but as ordinary hooliganism. Third, is the infringement of the right to free public gathering of the cult.⁸

3. Islamophobia and instigation to discrimination

42. Islamophobic discourses and those instigating to discrimination have been employed by religious and political leaders on a permanent basis since 2012. Moreover the media outlets are broadcasting those speeches and employ them as subject of discussions on their talk shows. Moreover, often the Muslim community is deprived of the right to reply to allegations related to their activity. As an result, after the media institutions are broadcasting a islamophobic speech or media report, the Muslims, especially women wearing headscarves start to experience harassment in the public spaces.

43. Islamophobic discourses are employed by public persons more often during the pre-election campaigns as national/Christian solidification tool. For instance, the Moldovan Orthodox Church leader the Metropolitan Vladimir in the context of the registration of the Islamic League declared: "In an Orthodox country it is a humiliation for Christian Orthodox people⁹. I believe it is not good this cult to be registered in a predominantly Orthodox country." Subsequently the participants protesting in the streets against the registration of the Islamic League used slogans such as „morals decline” in the Moldovan society, "insecurity", the need to preserve a "clean" country and religion, the will to stay of the religion they were born in (as if someone is willing to change their religion).

Recommendations:

44. Prohibit expressly by law the actions and declarations of Islamophobic character and instigation to discrimination;

45. Create effective mechanisms for the investigation and punishing the hate crimes and hate speech based on religious grounds;

46. Adjust the public policies on mass-media outlets in the view of combatting the broadcasting of Islamophobic speeches and missuses of expressions related to Islam.

⁶ In Republic of Moldova in order to obtain the status of place of worship the real estate should be recognized as such by the local authorities. Four cases of refusal of the local authorities to change the status of the real estate have been reported since 2010 in Pirlita village, Falesti rayon, Borceag village, Cahul rayon, Cinișeuți village, Criuleni rayon, Caracui village, Florești rayon.

⁷ Vandalism in the churches of the cult happened in 2015 in Doroțcaia village, Dubăsari rayon, Glinjeni, village, Fălești rayon, Balatina village, Glodeni rayon, Aluniș village, Rîșcani rayon

⁸ One case of prohibition of religious public gathering was registered in 2015 in Chioselia village, Cantemir rayon

⁹Referring to the registration of the Muslim cult.

4. Halal food in prisons and schools

47. The penitentiaries are discriminating against Muslim people as they do not offer halal food to Muslim detainees. Therefore, Muslim people who are detained in Moldovan prisons refuse the food they are offered and eat only food that is brought by their family.

48. The same situation persists in schools where the children of Muslim parents cannot benefit from halal food as in the schools pork and its derivative is served on a permanent basis.

Recommendations:

49. Insure the accommodation of the specific dietary needs of Muslims being in the state's custody.

5. Right to employment of Muslims

50. Women wearing headscarves (hidjab) are being refused to be employed because of the so called "dress code". Even though the person might have the necessary abilities for the job she has applied she is refused based on unfounded excuses. The same situation is available for Muslim men who are refused to be employed because they are bearded. The attitudes are motivated by existing stereotypes and prejudices in the society that Muslims may be dangerous.

Recommendations:

51. Develop and implement efficient measures for the elimination of stereotypes related to the Muslim community;

52. Promote the interreligious dialogue through the creation of a common platform for joint activities of religious cults.

6. Limitations of the freedom of conscience and association of the Falun Dafa disciples

53. For 10 years Falun Gong in Moldova is exposing the genocide that the communist regime in Beijing is committing against the followers of Falun School.

54. The Chinese Embassy in Chisinau is employing all the means it has at hand to stop the activities of Falun Dafa organisations. Hence, In December 2013 Hrenova Elena, former communist member of the Chisinau local council who then became member of Socialist party and is currently Socialist MP has sued the Falun Dafa Association and Falun Gong under the pretext that the emblem of the Chinese school

would have an extremist connotation¹⁰. She therefore asked the associations to be dissolved.

55. Although there was a final judgment of 2010 of a national court of law stating that the Falun symbol has no extremist connotation, on 20 January 2014, the judge of Buiucani district court Dulghieru D., currently President of the Court, adopted "urgently" an opposite decision obliging the Ministry of Justice to introduce Falun symbol in the Register of extremist materials.

56. The decision was appealed, however, on April 2, 2014, the panel of judges of the Court of Appeal composed by the judges V. Pruteanu A. Lie and Iu. Cimpoi decided to maintain the decision qualifying the symbol as an extremist one.

57. Another appeal was declared, on 28 January 2015 after five postponements of the hearings, the Supreme Court panel composed of N. climate, V. Doagă, A. Cobăneanu, Moldovan S. and N. Thomas, upheld the Court Appeals.

58. By the same scenario, in early April 2014, El. Hrenova submitted urgently a requests for the dissolution of Falun Gong and Falun Dafa Associations of Moldova which in her view were developing extremist activity . It is worth mentioning that from formal point of view, the Falun symbol is not registered officially as an emblem of the Associations.

59. The judge V. Orîndaş of commercial district court with enviable efficiency on 18 April 2014 in the absence of representatives of associations dissolved them.

60. Being challenged by appeal on 15 July, 2014 Court of Appeal judges - M. Anton, Iu. Clim E. Cotruță maintained first-instance judgment.

61. On 11 February 2015, the CSJ judges Iu. Oprea, I. Corolevschi, G. Stratulat, I. Druță and D. Mardari reject the appeal filed by the Falun Dafa Association and Falun Gong, maintaining the decision of the Court of Appeal to dissolve the Associations. Last hope that the Supreme Court will do justice has been shattered.

62. The representatives of the Falun Dafa organisations are positive that the decisions of Moldovan courts on the Falun issues were taken under pressure from the Chinese Embassy in Moldova.

63. On 23 February 2015 the exhibition of paintings "Truthfulness, Compassion and Tolerance" has been cancelled as a result of the pressure from the Chinese Embassy in Chisinau. The Embassy through the Ministry of Foreign Affairs and Ministry of Education has influenced the State University Moldova to not allow the exhibition.

Recommendations:

64. Amend the Law No. 54 on combating the extremist activity by introducing the exhaustive list of the extremist symbols.

65. Insure the annually monitoring, evaluation and reporting of authorities and civil society on the independence of the legislative, executive and judicial powers, to insure the security of legal relations by unifying the jurisprudence.

¹⁰The school emblem contains Taiji symbol (known as Yin-Yang) and symbol Wan (called swastika - a symbol older than 2,500 years, found in archaeological relics from many countries which symbolizes luck, or the sun in some cultures, and has a positive connotation. The symbol was plagiarized by Adolf Hitler during the period of the Second World War).

66. Insure the strict limitation of the influences of foreign states (in the present case the PRC) by adopting concrete policies. (Currently, the web page of the Chinese Embassy in Chisinau contains defamatory information on Falun Gong disciples, Moldovan authorities had no reaction on that);
67. Ensure the fortification of the independence of national institutions in their activities for the protection of the rights of religious minorities.