

# Moldova: The latest example of the power of the EU to promote equality law reform

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*While Brexit has dominated the headlines since the UK's referendum, other states continue to aspire to join the European Union and are presently working toward accession. [Jim Fitzgerald](#) writes on the EU's efforts to promote equality law reform in Moldova, which signed an Association Agreement with the EU in 2014. He notes that although there has been substantial progress in establishing new legal protections, there still remains much to be done in implementing these new laws in practice.*



In the wake of the UK's historic referendum decision in favour of leaving the EU, a great deal has been written about the economic impact – for both the UK and the EU – of Brexit. This overwhelming focus on Brexit and its fiscal implications is both inevitable and understandable, given the scale of the expected impacts, but ultimately, it can obscure the many other benefits of the EU to its member states and the wider world.

One such area of benefit is that of equality and non-discrimination. The EU has been a significant force for the advancement of equality within the EU's member states. In the UK, for example, the first statutory prohibitions of discrimination on grounds of sexual orientation, religion or belief, and age in the UK were introduced in order to comply with the [EU Employment Equality Directive](#). Likewise, the UK has also played a central role in expanding equality law in the EU: as William Hague and others [pointed out](#) during the referendum campaign “the Disability Discrimination Act 1995 inspired the European Union to adopt EU-wide measures to tackle workplace discrimination against disabled people”.

Even outside the EU member states, the EU has been arguably the biggest single driver of equality law reform in the world in the last decade. This is true both on the European continent, where the EU has insisted on reforms in its negotiations with countries seeking to associate or accede, and more broadly through its [European Union Instrument for Democracy and Human Rights](#), which supports projects to promote equality and combat discrimination across the globe.

The EU has made bringing national equality legislation into line with the EU Equality Directives a condition of association and membership negotiations with states seeking closer relations with it. Between 2009 and 2013, eight states on the European continent – first Croatia, then Bosnia and Herzegovina, Serbia, Albania, Montenegro, the Former Yugoslav Republic of Macedonia, Ukraine and finally Moldova – adopted comprehensive (or near comprehensive) anti-discrimination laws. These states share an ambition to associate more closely with the EU. Croatia became the Union's 28<sup>th</sup> member state in 2013; five of the other countries are candidates for membership; Moldova and Ukraine have both signed [Association Agreements](#) with the EU in the last few years.

In all of these countries, the central role which the EU had played in driving equality law reform is clear. Indeed, in 2013, in Ukraine, I saw first-hand the [close relationship](#) between the process of equality law reform and the country's negotiations with the EU, as equality activists sought to seize the opportunities to press their case for further reforms in the days after the so-called “Euro-Maidan” protests and the flight of President Yanukovich.

The organisation I work for, the [Equal Rights Trust](#), has had the good fortune to work in a number of European countries which have recently reformed their equality laws in recent years. Our work in Bosnia and Herzegovina, Croatia, Moldova, Serbia and Ukraine has focused on supporting civil society to press for amendments to reform discriminatory laws, to promote improvements to anti-discrimination laws which are inadequate, and to improve enforcement and implementation of laws which – while strong on paper – remain largely unimplemented in practice.

Earlier this month, we published [From Words to Deeds: Addressing Discrimination and Inequality in Moldova](#), a comprehensive assessment of the enjoyment of the rights to equality and non-discrimination in the European country which enacted anti-discrimination law most recently. Our research uncovered a picture which is similar to that in Ukraine and other countries where a desire to illustrate compliance with EU standards has been the key factor in the adoption of equality legislation.

Our report finds much to praise. The Law on Ensuring Equality, enacted in 2012 in direct response to pressure from the EU, has brought the legal framework broadly into line with EU – if not international – standards. The Law prohibits all recognised forms of discrimination on an extensive and open-ended list of characteristics, in all areas of life regulated by law. It also establishes an independent body, the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, which has, among other functions, considered hundreds of discrimination cases in the few years since its establishment.

However, as the report's title indicates, our research identified countless gaps between the "words" of Moldova's most recent legislation and the "deeds" of both state and private actors. Despite the adoption of the Law on Ensuring Equality, the state has not acted to amend or repeal discriminatory legal provisions affecting groups such as lesbian, gay, bisexual and transgender (LGBT) persons and those with disabilities. The police continue to use ethnic profiling against Roma, one of many symptoms of the widespread prejudice faced by this group of people.

The state also practices appalling discrimination and abuse against persons with mental disabilities, who are systemically denied legal capacity and institutionalised in often cruel and inhuman conditions; our research uncovered instances of abuse including rape and other forms of mistreatment. The authorities have not been effective in enforcing laws which prohibit discriminatory violence, particularly against women, and have failed to take positive measures to improve protection for victims of domestic violence, despite numerous rulings against Moldova before the European Court of Human Rights.

In the private sphere, despite clear legal prohibitions, employers and service providers continue to discriminate – often overtly – on grounds ranging from race to gender and health status to age. Despite robust laws on gender equality, persistent gender stereotypes and poor enforcement of laws mean that women are underrepresented in employment, politics and other areas of life, while Moldova has yet to give effect to its obligations in respect to accessibility, non-discrimination and reasonable accommodation for persons with disabilities.

Crucially, while the state has passed a strong law, it has not empowered either the regulator established by this law or the courts to properly implement and enforce it. The aforementioned Council has established a clear record of acting in line with international standards, but lacks the power to impose penalties and sanctions and is instead confined to making recommendations or referrals. In contrast, there have been relatively few occasions on which courts have heard and dealt with equality cases in a matter compliant with international standards.

Thus, our conclusion is that Moldova – like many of its near neighbours which have enacted equality legislation in recent years, under pressure to comply with EU standards – must do a great deal more to meet its obligations in respect of equality and non-discrimination. Our report makes a series of specific recommendations, but focuses on the need to implement the Law on Ensuring Equality. Only by turning the words of this Law into deeds, can Moldova effectively address discrimination.



Căpřiana monastery in Moldova, Credit: Pieter van Marion (CC-BY-SA-2.0)

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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