

## **Moldova's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women**

# **HATE SPEECH AND INCITEMENT TO DISCRIMINATION AGAINST WOMEN IN MOLDOVA**

### **Submission of the Promo-LEX Association**

---

Report submitted to the 75th session (10 -28 February 2020) of the Committee on the Elimination of Discrimination Against Women (CEDAW)

**January 13, 2020**

**Suggested** List of Issues relating to Women who are victims of discriminatory gender stereotypes in political discourse and media, Women who participated in political and public life.

**Promo-LEX Association**<sup>1</sup> is a non-governmental organization that aims to advance democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring the democratic processes, and strengthening civil society.

Promo-LEX Association was established in 2002 and was registered at the Ministry of Justice of the Republic of Moldova on July 19, 2002. Registration number – 2278. Promo-LEX Association is a not-for-profit and politically independent organization. Promo-LEX Association holds the Certificate of Public Benefit. Promo-LEX Association is a national level organization and operates throughout the Republic of Moldova. Promo LEX has consultative status to ECOSOC since 2014.

---

<sup>1</sup> <https://promolex.md/misiune/?lang=en>

## **CONTENTS**

|   |    |
|---|----|
| <b>1 Introduction</b> .....   | 3  |
| <b>2 General dynamic of hate speech and incitement of discrimination against women in the Republic of Moldova</b> ..... | 4  |
| <b>3 Hate speech and incitement to discrimination against women in political context</b> .                              | 9  |
| <b>4 Hate speech and incitement to discrimination against women in religious context</b> .....                          | 10 |
| <b>5 Hate speech and incitement to discrimination against women in mass-media</b> .....                                 | 91 |
| <b>6 Conclusions</b> .....  | 12 |
| <b>7 Recommendations</b> .....  | 12 |

# 1 INTRODUCTION

---

The Republic of Moldova ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on July 1 1994, the use of prejudices and stereotypes against women through public discourses by opinion leaders, media, religious actors and politicians became a normality in the Republic of Moldova, in last years.

Since, the ratification of the CEDAW Convention, the hate speech against women in Moldova has neither been covered as part of periodic report of the Republic of Moldova nor has it been addressed by CEDAW. Nevertheless, Promo-LEX Association considers the hate speech against women to be a danger for the democratic society development in general, and for the women rights, in specially.

CEDAW mentioned as issue in relation to the sixth periodic report of the Republic of Moldova, *stereotypes and harmful practices and participation in political and public life*. Based on our monitoring results of the hate speech against women in Moldova we propose the most relevant issues for the evaluation of the Republic of Moldova, as follows in the next part if this report.

## **Stereotypes and harmful practices**

From 2017, Promo-LEX Association drew the attention of public opinion to the high level of use of hate speech in the public space and the media. In 2018, from 368 cases of hate speech identified, 70 were made on the sex/gender grounds, 65 referred to women and this group was second most affected by hate speech<sup>2</sup>. In 2019, from 835 cases of hate speech identified, 309 cases were made on the sex/gender grounds, and 455 referred to women<sup>3</sup>.

Media is the most important source of spreading intolerance and most of the cases generated by journalists, article authors and media outlets referred to sexism and promotion of prejudice. Only in 2019, the total number of views of hate speech cases identified amounts to an average of 48 303 views per day.

## **Participation in political and public life**

The political and electoral context leads to an increasing number of public expression of intolerance.

In 2016, Igor Dodon<sup>4</sup> won the Presidential Elections against Maia Sandu<sup>5</sup> with 67 448 votes (4,22%). The campaign was marked by verbal aggression, multiple actions of denigration and discrimination of the female candidate (aggressive use of gender, role and other stereotypes).

---

<sup>2</sup> [https://promolex.md/wp-content/uploads/2018/11/Report\\_hate\\_speech.pdf](https://promolex.md/wp-content/uploads/2018/11/Report_hate_speech.pdf), see p. 46

<sup>3</sup> [https://promolex.md/wp-content/uploads/2019/07/A4\\_hate\\_eng.pdf](https://promolex.md/wp-content/uploads/2019/07/A4_hate_eng.pdf) see p.7 (Summary in English), [https://promolex.md/wp-content/uploads/2018/11/Report\\_hate\\_speech.pdf](https://promolex.md/wp-content/uploads/2018/11/Report_hate_speech.pdf) (Report in Romanian), [https://promolex.md/wp-content/uploads/2019/12/A4\\_hate\\_II\\_eng.pdf](https://promolex.md/wp-content/uploads/2019/12/A4_hate_II_eng.pdf), see p.13 (Summary in English) and [https://promolex.md/wp-content/uploads/2019/12/A4\\_hate\\_ro\\_II\\_web.pdf](https://promolex.md/wp-content/uploads/2019/12/A4_hate_ro_II_web.pdf) (Report in Romanian).

<sup>4</sup> Igor Dodon – politician, Chairman of “Party of Socialists of the Republic of Moldova” Political Party (2011-2016), the President of the Republic of Moldova since December 23 2016

The Parliamentary Elections of 24 February 2019, were characterized by under-representation of women, which was caused by several factors, including the change of the electoral system (transition from the proportional to the mixed system); women's limited access to TV products (women were featured in 9% to 21% of the 154 newscasts<sup>6</sup>) and the discouragement of women by using hate speech and sexism. As a result, out of 101, only 25 elected MPs were women. At the General Local Elections of October 20/November 3 2019, only 195 of 898 the elected mayors were women, accounting for 22%<sup>7</sup>.

These data highlight the insufficient actions taken by the Government of the Republic of Moldova to comply with Articles 2, 3, 5 and 7 of the CEDAW Convention. Therefore, there is a necessity for a profound assessment of this problem and for specific recommendations for the Government, whose implementation can improve the situation of women and increase the protection of their fundamental rights in the next CEDAW review.

## **2 GENERAL DYNAMICS OF HATE SPEECH AND INCITEMENT TO DISCRIMINATION AGAINST WOMEN IN REPUBLIC OF MOLDOVA**

---

During 2017-2019, Promo-LEX Association monitored the public space and the media. In 2018, 368 cases of hate speech, expressed in mass-media, public events and news stories were identified.<sup>8</sup> The overall number of cases identified refers to both, hate speech and the cases of incitement to violence, sexism, racism, incitement to discrimination and public promotion of stereotypes and prejudices, inclusive against women. Out of 368 cases identified, 70 were made on the sex/gender grounds.

All cases were distributed by a total of 740 media sources, including online media, information platforms and TV channels. The total number of views of the cases identified amounts to 3 276 216, or an average of over 18 100 views per day. According to the monitoring data, the authors of hate speech are mostly men (88%).

---

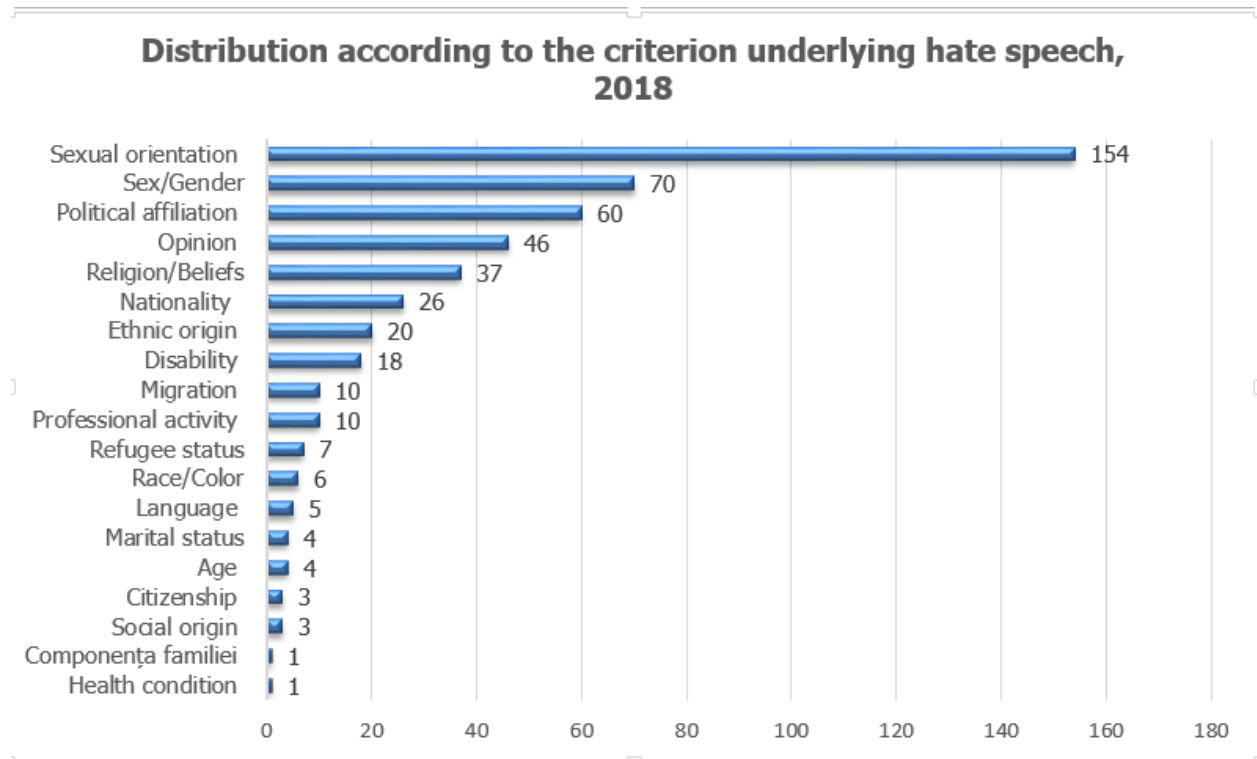
<sup>5</sup> Maia Sandu – politician, Minister of Education (2012-2015), candidate of "Party of Action and Solidarity" Political Party at presidential elections in 2016, leader of "Party of Action and Solidarity" Political Party (2016-present), Prime-Minister of the Republic of Moldova (June 8 – November 14, 2019)

<sup>6</sup> [http://www.progen.md/files/1421\\_indexul\\_egalitatii\\_de\\_gen\\_2019\\_final.pdf](http://www.progen.md/files/1421_indexul_egalitatii_de_gen_2019_final.pdf), see p. 5

<sup>7</sup> [https://promolex.md/wp-content/uploads/2019/12/Raport\\_ALG\\_2019\\_web.pdf](https://promolex.md/wp-content/uploads/2019/12/Raport_ALG_2019_web.pdf), see p. 5

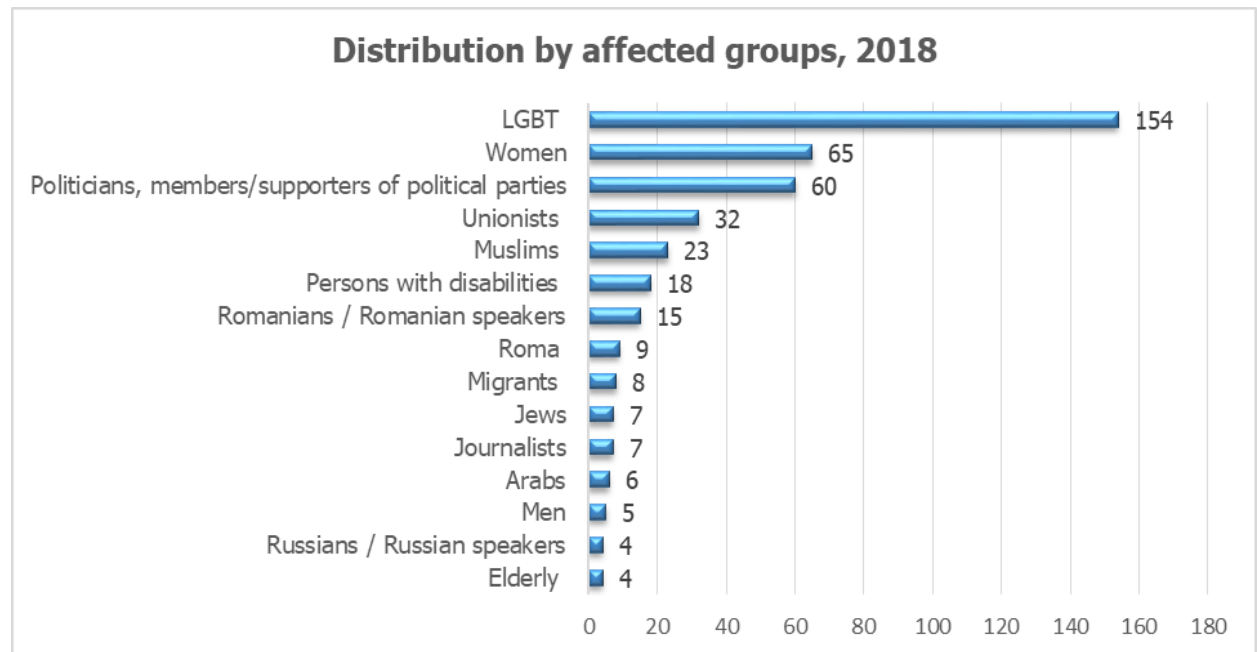
<sup>8</sup> [Promo-LEX Association, 2018, Hate speech and incitement to discrimination in the public space and media in the Republic of Moldova](#); see p. 5.1

**Figure 1.**



Women were the second most affected group by hate speech in 2018. Out of 368 identified cases, 65 referred to women.

**Figure 2.**

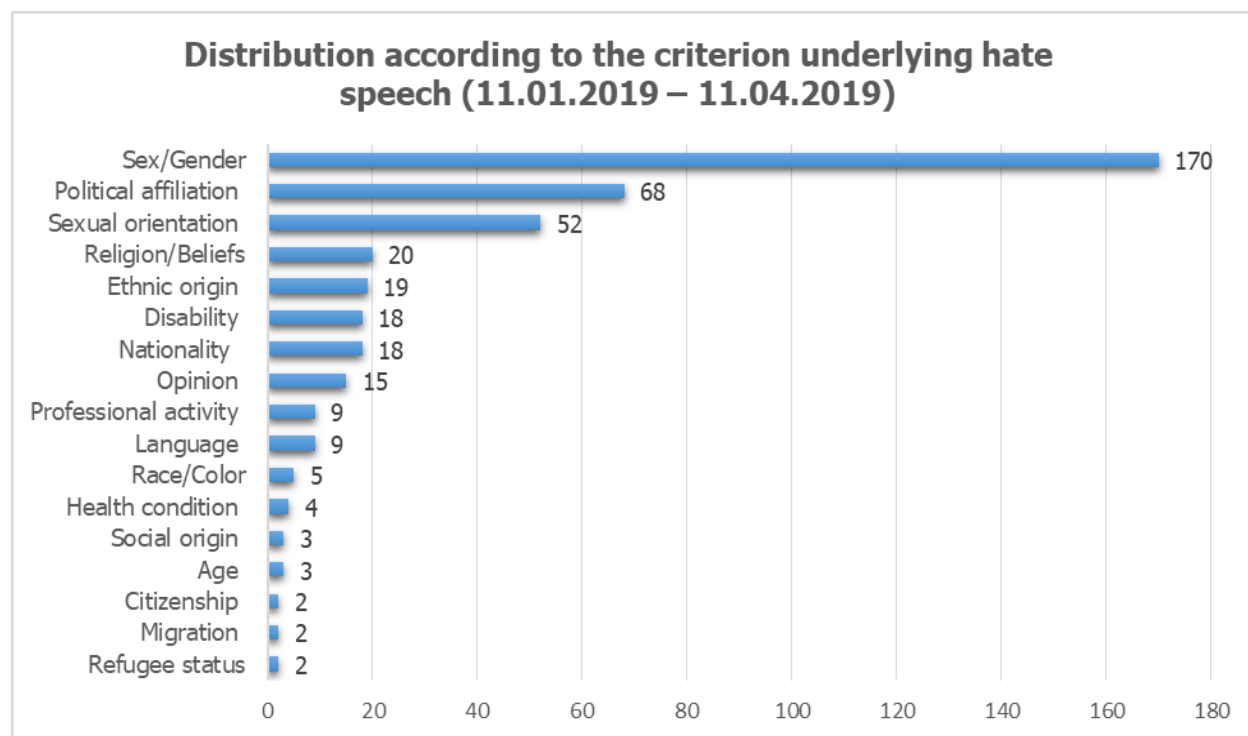


In 2019 Promo-LEX monitoring covered parliamentary elections of 24 February 2019 and local general elections of 20 October/3 November 2019. In total, 835 cases of hate speech and other forms of the public manifestation of intolerance were identified.

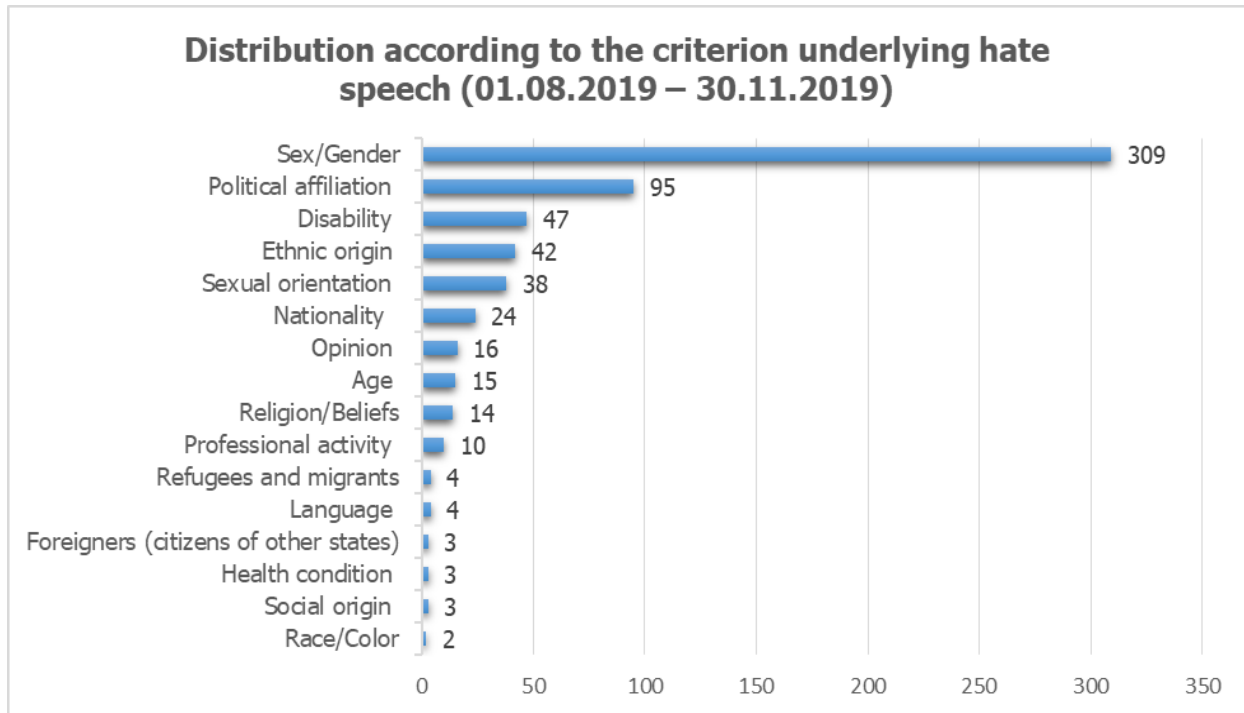
In 2018, there was an average of 2 news cases of hate speech per day, while in 2019 the number of new cases per day increased to an average of 4,2. All cases were distributed by an average of 730 sources, including online media, information platforms and TV channels. The total number of views of the cases identified amounts to 10 288 614 (an average of over 48 303 views per day).

Men use hate speech almost four times more often than women, with a ratio of 83% (men) to 17% (women). In 2018, 70 hate speech cases were made on the sex/gender grounds, while in 2019 this number increased to 479 (see Figures 3 and 4).

**Figure 3.**

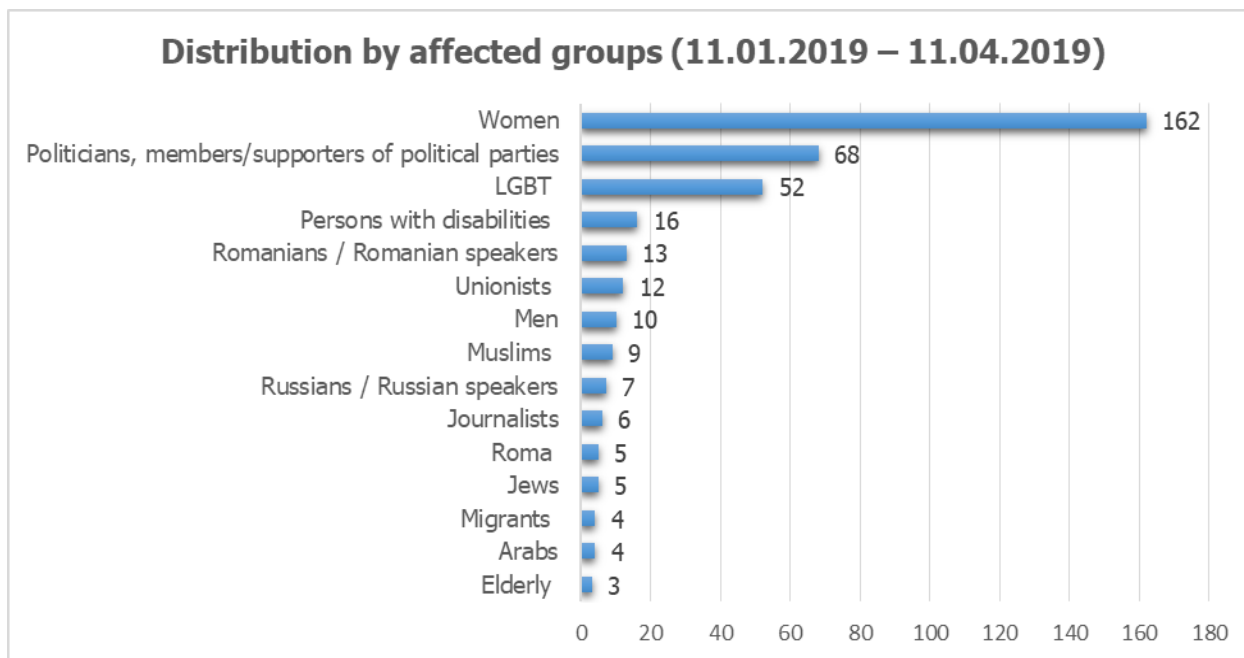


**Figure 4.**

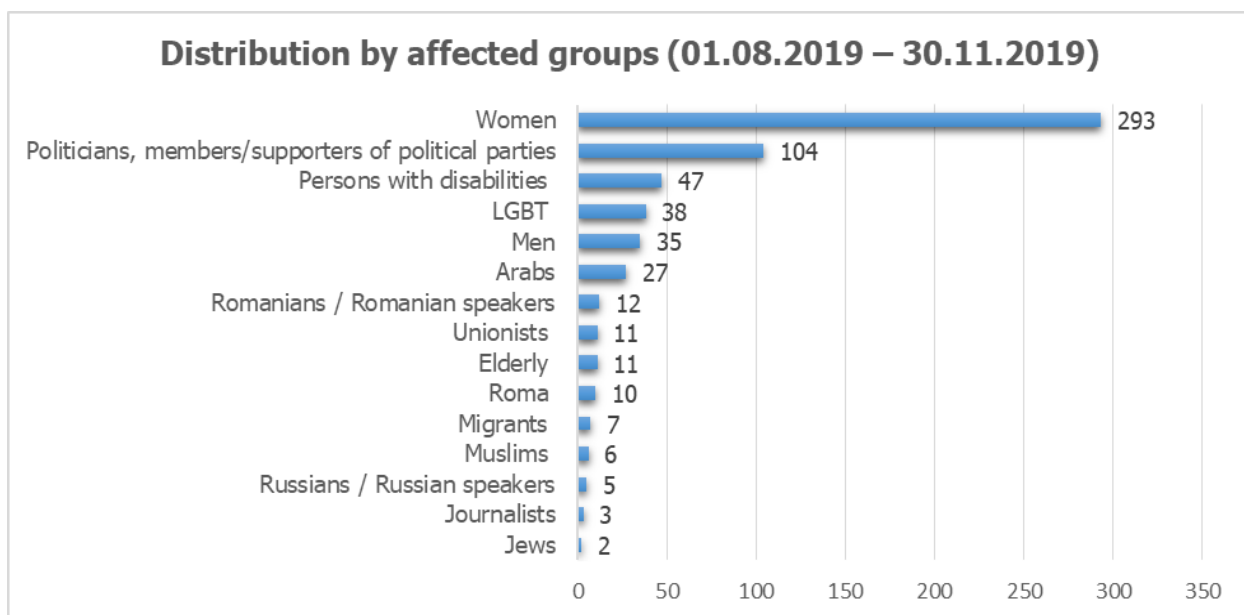


The number of cases of incitement to discrimination against women has increased in 2019 (455 cases) comparing to 2018 (65 cases) – see Figures 5 and 6.

**Figure 5.**



**Figure 6.**



**Hate speech against women is constantly increasing and is manifested mainly in a political and religious context. Most cases of hate speech are based on the gender/sex criterion, with men being the principal authors.**

### **3 HATE SPEECH AND INCITEMENT TO DISCRIMINATION AGAINST WOMEN IN POLITICAL CONTEXT**

---

In politics, gender prejudice-based comparisons are frequently used to denigrate or ridicule the opponent. At the same time, prejudices against women are used to diminish women's political, decision-making and leadership capacities, to denigrate and ridicule political opponents with sexist jokes and ironic forms of addressing.

These messages do not always target women, but they are used to offend the person they are addressed to or to contrast it to some prejudices negatively perceived by the society. The authors of these phrases build their rhetoric against opponents based on derision, inferiority and insanity, associated with the prejudices they use. Such a comparison always has women on the opposite side, one way or another.

**In 2018 and 2019, the most affected politician by hate speech was Maia Sandu, who was one of the main opposition leaders in Moldovan politics.**

In the Dialog TV show<sup>9</sup>, broadcast by BTV (a regional TV channel), Renato Usatii<sup>10</sup>, leader of the Political party "Our Party" said about Maia Sandu, leader of the Political party "Party for Action and Solidarity":

*"(...) I'm against Maia, because any time, she can put on a pair of pink shoes, put on something nice, ... get a purse of natural leather and work for Geneva City Hall".*

During a protest rally organized by SOR Party<sup>11</sup>, a participant recited a poem, referring to prejudices about the social role of women<sup>12</sup>:

*"Everyone's asking, "Sandu, what's your job?" / Instead of plotting something bad, / you'd better find a lad. / Honey, dear, better marry / and love your man forever. / Do not seek to do evil, beware of God."*

**The political context, in particular the electoral processes, shows that the authorities do not respond to sexist rhetoric which perpetuates prejudices against women. And so, regardless of the hate speech impact on the election process, the Electoral Code does not provide the mechanisms to combat this phenomenon. Thereby, Articles 2, 3 and 7 of the CEDAW Convention are not fully respected.**

## **4 HATE SPEECH AND INCITEMENT TO DISCRIMINATION AGAINST WOMEN IN RELIGIOUS CONTEXT**

---

Religious discourses have been recently used intensively as an argument by representatives of religious cults, as well as by politicians who promote a purported conservative agenda.

In religious discourse<sup>13</sup>, the main arguments reveal the role of women in the family and society, which is threatened by gender equality and feminism. Intolerance against women based on religious arguments is mostly manifested through sexist speeches.

The most eloquent example is Bishop M's speech in the 2016 presidential election campaign addressed to Maia Sandu. He said that she has no family, no children and is sterile<sup>14</sup>, here's why people, in special Christians, should not vote Maia Sandu. During the electoral campaign, these

---

<sup>9</sup> <http://ru1.md/video/videntry/1553932941326380>

<sup>10</sup> Renato Usatii – politician, leader of "Our Party" Political Party, mayor of Balti, the second biggest city in Moldova

<sup>11</sup> Political Party "SOR Party" is led by Ilan Shor, businessman and politician. After parliamentary elections of February 2019, SOR Party obtained 7 mandates in Parliament

<sup>12</sup> <http://tv8.md/2018/05/28/foto-video-manifestatie-cu-muzica-flori-poezii-si-pancarte-sor-si-a-adussustinatorii-la-un-protest-anti-pas/>

<sup>13</sup> [https://promolex.md/wp-content/uploads/2019/03/Report-Promo-LEX\\_CMF\\_en.pdf](https://promolex.md/wp-content/uploads/2019/03/Report-Promo-LEX_CMF_en.pdf)

<sup>14</sup> [Conference "Words and arguments to support a healthy and pro-orthodox moral candidate. Problems and Threats to the Country ... ", 04.11.2016](#)

kind of public and religious discourses were as many as the political ones, and neither authority reacted or sanctioned the involvement of representatives of the Moldova Metropolitan Church. At the same time, neither Maia Sandu's opponent, ID, detached himself from these messages, which supported him.

In 2016, the Constitutional Court<sup>15</sup> found the aggressive involvement of representatives of the Moldovan Metropolitan Church in the presidential elections through the use of the extreme, xenophobic, homophobic and sexist language addressed to an electoral candidate, the behaviour which is contrary to the Constitution.

**The religious context continued to represent the second propitious space for promoting of the prejudices and stereotypes against women which are based on traditional family and religious values. Though the Constitutional Court has issued an address to the Parliament in view of establishing prompt and immediate sanctioning mechanisms for any attempt of involvement of religious cults in electoral campaigns, the Parliament did not take any action. Consequently, this contravenes Article 5 of the CEDAW.**

## **5 HATE SPEECH AND INCITEMENT TO DISCRIMINATION AGAINST WOMEN IN MASS-MEDIA**

---

Media is the most important source of spreading intolerance in public space. Most frequently, hate speech is covered by the news, because concrete people produced most of the situations, many of them being public figures from the religious or political fields. At the same time, the media reflect cases of hate speech by emphasizing the most aggressive, negative or scandalous elements. The headlines of such news items most often underline the elements of discrimination, attack, denigration, aggression, hatred and violence.

### **Example 1.**

The news on [deschide.md](http://deschide.md) of 31.05.2018, which reports about a few replies from the Parliament's plenum was entitled: *"V, to Z: You, beauty, calm down!"*

Although the story, in fact, correctly reflects the situation in the Parliament, the headline immediately provokes the reader to react to the sexist discourse, one way or another.

Of course, all of this is part of the freedom that the press has in its activity. But, at the same time, we cannot ignore the fact that such an approach leads to an increase in the effect the hate speech may have on the public. At the same time, the cases of hate speech are very rarely

---

<sup>15</sup> <http://www.constcourt.md/libview.php?!=en&id=926&idc=7&t=/Media/News/Results-of-Presidential-Election-Confirmed-by-the-Constitutional-Court-of-Moldova/>

reflected by the presentation of counter-opinions, which would balance the message and offer an alternative opinion.

**Example 2.**

An article published on [bloknot-moldova.md](http://bloknot-moldova.md) entitled *"Political prostitutes - N, S and U – forced an inhabitant of Balti to attack the Parliament of the Republic of Moldova"* reports about an incident at the Parliament's building.

Although the story tells of the protagonist's discontent with the governance and some political leaders, the headline calls for gender prejudices. It denigrates the politicians by associating them with prostitutes<sup>16</sup>.

**Media remains the most important source of spreading intolerance in public space and the promoter of hate speech, sexism and other forms of intolerance. Only in 2018, the 368 cases of hate speech identified were distributed by a total of 740 media sources, and the total number of views was 3 276 216. In 2019, the total number of views of the 835 hate speech cases, amounts to 10 288 614 views. The lack of an effective sanctioning mechanism in the media filed remains an issue that violates Articles 2 and 7 of the CEDAW Convention.**

---

<sup>16</sup> <http://bloknot-moldova.md/news/politicheskie-prostitutki-nestase-sandu-i-usatyy-v-946397>

## 6 CONCLUSIONS

---

Women are the most affected group by hate speech, incitement to discrimination and other forms of the public manifestation of intolerance in the Republic of Moldova.

The political context leads to an increasing number of public expression of intolerance, especially against women.

Election processes are an additional factor of amplification of political rivalry, media presence, and interaction with voters. The authorities do not respond to hate speech. There is neither pertinent legal framework, nor mechanisms to combat this phenomenon. The general mechanisms may review the rhetoric of hate from the civil point of view, but do not provide a solution that would solve the issue from an electoral point of view. In this respect, hate speech is completely uncontrolled, regardless of its impact on the election process.

In the religious discourse, women are portrayed mostly as the keepers of family values.

The influence of the media and the online environment in the propagation of hate speech, sexism and other forms of intolerance is decisive. The lack of an effective monitoring and sanctioning mechanism in the media field leads to impunity and the amplification of this rhetoric in public space.

The Constitution of the Republic of Moldova recognizes, on the one hand, the principles of international law and Universal Declaration of Human Rights (see Article 4) and, on the other, it regulates the standards in the field of equality and freedom of expression<sup>17</sup>. The difference between Article 16 of the Constitution and similar regulations of international treaties is the closed list of characteristics in the Constitution of the Republic of Moldova, which limits the applicability of the guarantee to social groups.

Even though, the national legislation provides a special definition of hate speech, the notion is incomplete as it does not correspond to reality, nor does it provide clarity in what the hate speech means. The definition also has a limited list of protected characteristics.

Moldovan Criminal Law does not provide regulations that would offer efficient hate speech guarantees. The Misdemeanor Code doesn't provide any regulation of hate speech at all. Meanwhile, the Article 346<sup>18</sup> of the Criminal Code provides a limited scope for some forms of dangerous expression. However, the Article 346 does not meet the current needs and does not provide protection for most of the groups affected by hate speech, because of the limitation of the protected characteristics: national, ethnic, racial and religious affiliation.

---

<sup>17</sup> Constitution of Republic of Moldova, Article 16: "All citizens of the Republic of Moldova are equal before the law and public authorities, regardless of the race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin."

<sup>18</sup> Criminal Code, Article 346: "Deliberate actions, public calls, including through either printed or electronic media, aimed at inciting national, racial or religious hostility or discord, the humiliation of national honour and dignity, direct or indirect limitation of rights or offering direct or indirect advantages to citizens by virtue of their national, ethnic, racial or religious affiliation."

In 2016, the Ministry of Justice prepared and submitted to Parliament two draft laws on prejudice-motivated crimes, one covering the misdemeanour field and another - the criminal area. The draft laws were further merged into a single document - the draft Law No 301 of 1 July 2016 amending and supplementing certain legal acts on regulating prejudice-motivated crimes, version corroborated with draft No 277 of 20 June 2016 (*hereinafter referred to as draft Law No 301*).

The draft Law No 301 represents a set of legislative amendments of the Criminal and Contravention Codes, referring, first of all, to defining the ground of prejudice, reviewing the basic crimes and the aggravations that refer to the hatred- and prejudice-motivated acts.

In 2019, the Ministry of Justice sent the draft Law No 301 to the Parliament for adoption<sup>19</sup>. The Parliament, however, did not adopt the draft Law. Thus the national legislation remains non-compliant with international standards on sanctioning the hate speech.

## **7 RECOMMENDATIONS**

---

- Develop a comprehensive strategy for preventing and combating hate speech against women. The strategy should include the establishment of a hate speech monitoring mechanism, cooperation between law enforcement bodies and other relevant bodies, in order to facilitate the criminal prosecution of hate speech and improvement of hate speech sanctioning mechanisms.
- Amending the legal framework: (a) to adopt the draft Law No 301 of the Parliament of the Republic of Moldova amending and supplementing certain legal acts on regulating prejudice-motivated crimes, according to the international standards; (b) to review the electoral legal framework, especially the Electoral Code, in order to define hate speech in election campaigns and regulate ways of discouraging and sanctioning the hate speech.
- Develop and implement regular awareness-raising campaigns on preventing and combating hate speech, especially against women in collaboration with law enforcement bodies, national human rights bodies, Audiovisual Council, Press Council, Central Electoral Commission and the civil society.
- Conduct periodic trainings for law enforcement bodies and other national authorities with attributions to react to hate speech on identifying hate speech, sexism, racism, homophobia, forms of their expression, protected grounds and society's prejudices.

---

<sup>19</sup> Letter of the Ministry of Justice No 03/9331 of 24 September 2019.