



COMUNITATEA ORIGINARILOR DIN ȚARILE AFRO-ASIATICE ÎN REPUBLICA MOLDOVA

Community of Originals from Afro-Asian countries in the Republic of Moldova

United Nations Human Rights Council

26th session of the Working Group on Universal Periodic
Review, 24 March 2016

Submission of the Community of Originals from Afro-Asian countries in the Republic of Moldova (COTAARM) to the Universal Periodic Review of the Republic of Moldova

I. GLOSSARY

COTAARM – Community of Originals from Afro-Asian Countries in the Republic of Moldova

PAD - People of African Descent

BMA - Bureau for Migration and Asylum of the Republic of Moldova

RM – Republic of Moldova

II. INTRODUCTION

1. Afro-Asian Community in the Republic of Moldova COTAARM welcomes the opportunity to present its submission to the Universal Periodic Review (UPR) of the Republic of Moldova.
2. COTAARM is an independent, non-profit organization founded in 1998 by a group of young people of African descent and their wives. They understood that in order to help to integrate PAD in the RM there is need to represent community on juridical level. The major aim of COTAARM is to contribute to promotion of fundamental human rights and help PAD to integrate into Moldovan Society.

III. SUMMARY

3. The present submission will focus on human rights violations and discrimination of People of African Descent (PAD), on racism, afrophobia, hate crimes based on racial violence, integration issues of PAD, refugee rights and travel documents.

IV. DISCRIMINATION OF PEOPLE OF AFRICAN DESCENT IN THE REPUBLIC OF MOLDOVA

4. PAD People came to the RM in 1970 – 1980 before the new history record of the Republic of Moldova as independent state has began. Today the perception of PAD has not much evolved and is still boxed to exotic and unusual phenomena. During the first 10 years of independence of Moldova the number of PAD has dramatically decreased from several thousands to few hundreds. This was due to strong social economic impact which severely affected the community those reflecting general trend of the society to leave the country as an escape from prolonged socio-economic crisis along with stagnation in the enjoyment of basic human rights.
5. For now the core of the community is mainly shaped by people with family ties who decided to stay in the country and sacrificed their potential in order to keep families integral. One of the significant challenges PAD is facing is small number of people with different social status which imply complex issues in the field of integration, acceptance and inclusion. Often, members of the community are

subjected to multiple and structural discrimination. Some of the information data and documented cases will be presented below.

6. There is little data that can be found about African community in the Republic of Moldova in general and even less among the specific reports on discrimination in different studies, researches and national reports¹.

7. The lack of data about the community and common approach to it as minority among the others or somewhere lost in the target group of foreigners does not contribute to the accuracy of measurement of integration process and does not reflect the specific issues we have to deal with as racism, structural discrimination and issues of marginalization and exclusion when we want to measure social and economical and cultural representation of the community into Moldovan society.

V. AFROPHOBIA

8. One of the recent national social studies² based on perception of equality among different members of society for the first time has correctly targeted African Community as PAD in the Republic of Moldova. It has demonstrated certain degree of afrophobia which has placed PAD in the top of less tolerated vulnerable groups in Moldovan society. The same study has shown the humiliating attitudes based on considerable amount of stereotypes and prejudices towards us. For example according to participants of the poll PAD have special odor and they looked different physically and intellectually and because of this it is better to keep them on the distance. Another disturbing stereotype was that PAD is associated with threat and danger as many of them might be infected with HIV.

9. Here it might be the case of multiple discrimination when you appearance is linked to stigmatized sickness as HIV and in case of sickness we get intersectional oppression. In case member of our diverse community are Muslims the discrimination against them doubles. Interesting was to notice that the most negative stereotypes and attitude towards PAD was expressed by people who belong to high income class.

VI. RACIAL HARASSMENT AND HATE CRIME BASED ON RACIAL DISCRIMINATION

10. In May 2012 the Law guaranteeing Equality was adopted and the Council on the Prevention and Elimination of Discrimination and Ensuring Equality was established. These mechanisms for the first time gave us opportunity to bring the first 2 cases³ on racial discrimination and Council helped us a lot to bring recognition that racism towards PAD in RM does exist and in order to fight against it and limit it there is need to recognize, acknowledge, address and keep accountable for racism and racial discrimination.

11. On the contrary on the numerous attempts to address the hate crimes based on racial discrimination by members of our community⁴, the police officers, prosecutors and judges have demonstrated phenomenal reluctance to register and qualify the cases as hate crimes, instead keep qualifying these

¹ The invisibility of our presence in social studies for example the “Perception of the Population of the RM on discrimination: Sociological Study.” 2011.1 http://soros.md/files/publications/documents/Studiu_sociologic_EN.pdf 1; Fenomenul discriminării în Republica Moldova: percepția cetățeanului. Sondaj sociologic. Chisinau 2014. ; National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1* Republic of Moldova <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/150/08/PDF/G1115008.pdf?OpenElement>

² STUDIUL PRIVIND PERCEPȚIILE ȘI ATITUDINILE FAȚĂ DE EGALITATE în Republica Moldova. Chisinau 2015.

³ DECISION 06.10.2014 by Council on the Prevention and Elimination of Discrimination and Ensuring Equality on Austrian Airlines Company, Politia de Frontiera a Republicii Moldova who racially discriminated 2 Nigerian students and didn't allow them to travel and participate in 3 weeks study training in Poland; DECISION 16.12.2014 owner of the “Salva Horeca (Burger Beef) “ fast food company lunched on 31 of October so called “hallowing surprise” product a “American” burger with abbreviation O.N.O.J.E named as our member John Onoje found guilty on racial discrimination.

⁴ Case of John Onoje—documented case in 2015.

crimes as hooliganism.⁵ In spite of numerous ECRI recommendations from third 2007 and fourth monitoring cycle 2013⁶ and training courses provided in the framework of National Human Rights Action Plan of the Republic of Moldova (NHRAP) Human Rights Action Plan 2011-2014⁷ for the prosecutors and judges there is no progress and 0 reports on hate crimes towards victims among PAD.⁸

12. Unwillingness of policemen, prosecutors and judges to investigate and defer to justice the hate crimes against PAD in RM is sign of alarm which lead to sense of insecurity and vulnerability among members of our community discouraging PAD of the RM from further reporting on hate crimes. This is due to negative experience and arrogant attitudes from authorities in charge as well.

RECOMMENDATIONS:

-To insure the availability of statistical disaggregated data on PAD and to measure indicators of their integration.

- To reduce thinking based on prejudice and stereotypes and change formal education especially in school and what kind of information is given and learned about Africa with emphasize on connections and consequences of slavery times to modern times in regard to old and new forms of racism.

- To foster human rights education in school and to offer and increase non formal learning as means to provide the accurate information about African world heritage to people without categorizing them according the race-the old fiction, which proved by scientist there is one race human race!

- To create efficient mechanisms for efficient investigation and punishment of hate crimes, racial harassment and racial discrimination,

a) Formulation of a clear definition, complete and incapable of double interpretations in the new law on hate crime;

b) To criminalize all illegal acts motivated by bias, contempt or hatred;

c) Establishment of separate subdivision within the Police Commissioner with trained staff - police officers specialized in the investigation, monitoring and the follow up hate crimes, racist harassment (verbal insults).

d) Make statistics on hate crimes and outcomes of those reported and those investigated degree of success in the prosecution and sentencing of reported offences.

e) Make the online database and accessible for civil society and actively collaborate with NGO which run their own database monitor and record incidents motivated by hatred.

⁵ Case of Salifou Belemvire <http://www.europalibera.org/media/video/27086258.html>

⁶ ECRI recommendations Potrivit constatărilor ECRI90, în cel de-al IV-lea raport asupra Republicii Moldova, adoptat la 20 iunie 2013, lipsa de conștientizare a problemei și lipsa de instruire sunt ilustrate de faptul că, în mai multe cazuri de violență pe motiv clar rasist, poliția nu a reușit să deschidă o anchetă sau a efectuat o anchetă bazată exclusiv pe dispoziții legale generale sau chiar numai pe cele ale Codului cu privire la contravențiile administrative⁹¹. ECRI a fost informată, de asemenea, că poliția este reticentă la înregistrarea plângerilor privind discriminarea.

⁷ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/150/08/PDF/G1115008.pdf?OpenElement>

The first NHRAP included the period 2004–2008 and was adopted in the light of Vienna Declaration and Programme of Action (1993). NHRAP consists in granting the implementation of a unique policy and strategy of the state and civil society institutions, intended for improving the situation of human rights by identifying and formulating priority tasks and measures for implementation, set the terms of performance, evaluation indicators etc. 18. The second NHRAP for 2011-2014 represents the continuity of policies, with prevailing emphasis on accession to international instruments on human rights; the approximation of national legislation with international standards; granting free access to justice; improving national mechanisms of human rights protection; granting effective defence of political, civil, economic, social and cultural rights; strengthening the protection of national minorities and ethnic groups, as well as categories of population in need, either because of age, social dependence or other circumstances (underage, prisoners, migrants) A/HRC/WG.6/12/MDA/1 increasing the level of professional, moral and disciplinary training of the citizens in the field of human rights.

⁸ OSCE 0 Report - <http://hatecrime.osce.org/moldova>

VII. REFUGEE RIGHTS, AUTHORITIES AND MASS MEDIA.

13. There are PAD among refugees in the RM. According to BMA statistics⁹ on 26.02.2016 the total number of refugees was 566, (442 with refugee status). In May 2002 the Convention relating the Status of Refugees from 28.07.1951 Geneva entered into force for the Republic of Moldova and the Law of the Republic of Moldova on the Status of Refugees 1286-XV of 25.07.2002 was adopted and entered into force in 1.01.2003.

14. During the years COTAARM numerous times have been reporting at UNITED conferences¹⁰ about violation of fundamental human rights of refugees to free movement. As a community we are deeply concerned on how we should keep accountable for captivating Refugees during 14 years and restricting them to execute their basic rights and needs.

15. According to our beneficiaries many of refugees could not go abroad for study or professional purposes. They cannot work, participate in grant competitions and run their own business. They were unable to travel to see the world, for leisure purpose, could not go to get medical services not available on the territory of the RM. All these factors have serious impact and determines trauma for years ahead.

16. According to BMA the cost of the travel document passport is 1000 lei.

17. According to the Study on foreigners' integration in the Republic of Moldova, hate crimes and discrimination¹¹ the highest rate of unemployment is among refugees and it is about 25,1 %. COTAARM is concerned for those refugees who is unemployed and don't have financial means to pay for the passport then for how long the restriction to free movement would last?

18. On 20.11.2015 a refugee from Syria was extradited from the RM left without the right to trial.

19. He was suspected in spreading radical Islamist ideology in Moldova. This incident happened a week after terrorist attack in Paris on 13.02.2015.

20. COTAARM is deeply concerned on the fact that the refugee was not supported by any of authorities in charge of refugee rights and didn't have the right to trial. There is serious alarm how mass media¹² had reported and covered the case from an innocent Muslim refugee from Syria (innocent unless proven guilty presumption of innocence¹³), portraying this refugee as the terrorist.

RECOMMENDATIONS:

- To ensure every single refugee with travel documents.
- To keep accountable for violation of refugee rights to free movement during 14 years and to ensure compensation for material and moral damages.
- To bring to justice mass media responsible for violation of Universal Declaration of Human Rights and presumption of innocence and incited hatred towards Muslims
- To bring to justice case of extradited refugee and give him his right to trial.

⁹ <http://www.mai.gov.md/ro/content/bma-eliberat-primele-zece-documente-de-calatorie-pentru-refugiati-si-beneficiarii-de>

¹⁰ <http://www.unitedagainstracism.org/conferences>

¹¹ http://www.iom.md/attachments/110_ForeignIntegrationStudy_ENGL.pdf

¹² http://www.publika.md/un-sirian-banuit-ca-ar-propaga-in-moldova-ideile-radicaliste-ale-islamului-retinut-de-ofiterii-sis_2451551.html

¹³ The [Universal Declaration of Human Rights](#), article 11, states: "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence." The [Convention for the Protection of Human Rights and Fundamental Freedoms](#) of the [Council of Europe](#) says (art. 6.2): "Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law". This convention has been adopted by [treaty](#) and is binding on all Council of Europe members.