



REPUBLIC OF MOLDOVA

A Migrant Integration Policy Index assessment

Carried out by



September 2015

Acknowledgements

The MIPEX assessment has been carried out by Mr Thomas Huddleston of the Migration Policy Group in accordance with the MIPEX methodology.

INTRODUCTION

Implementation of OSCE commitments on migrant integration

- Recognizing the importance of migrants' integration, OSCE participating States have made specific commitments: The need for their national migration practices to comply with their respective international obligations and OSCE commitments¹;
- The obligation to combat discrimination, intolerance and xenophobia towards migrants and their families²;
- The need to take appropriate measures to enable migrants participation in the life of the society of the participating States³, including measures to facilitate the familiarization of migrant workers and their families with the languages and social life of the respective participating State⁴;
- The obligation to promote the integration of migrant workers in the host societies of participating States, in which they are lawfully residing, while encouraging their active participation in the integration processes⁵.
- The need to include respect for cultural and religious diversity and promotion and protection of human rights and fundamental freedoms in the national integration policies of the OSCE participating States⁶;
- The need to address⁷ and to promote integration of migrants with respect for cultural and religious diversity and facilitating dialogue, partnership and co-operation on migration related issues between the OSCE participating States⁸;
- The need to elaborate or strengthen national strategies and programmes for the integration of regular migrants, which also requires active engagement of the latter⁹;
- The need to create the conditions for promoting equality of opportunity in respect of working conditions, education, social security and health services, housing, access to trade unions as well as cultural rights for lawfully residing and working migrant workers."¹⁰

¹ Decision No. 5/09 on Migration Management of the Athens Ministerial Council.

² For example, see statements in the documents of the Sofia Ministerial Council (Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination), or the Athens Ministerial Council (Decision No. 5/09 on Migration Management).

³ Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991 (Paragraph 38.2).

⁴ Concluding Document of Helsinki - The Fourth Follow-up Meeting, Helsinki, 10 July 1992 (Decisions, chapter VI, paragraphs 37,38 and 45).

⁵ Concluding Document of Budapest, 6 December 1994 (Decisions, chapter VIII, Paragraph 31).

⁶ Document of the Thirteenth Meeting of the Ministerial Council, Ljubljana, 5-6 December 2005 (Decision No. 2/05 on Migration).

⁷ Ibid, Paragraph 5.6.

⁸ Document of the Fourteenth Meeting of the Ministerial Council, Brussels, 4-5 December 2006, (Ministerial Statement on Migration, Paragraph 5).

⁹ Document of the Fifteenth Meeting of the Ministerial Council, Madrid, 29-30 November 2007 (Paragraph 7).

¹⁰ Concluding Document of Helsinki - The Fourth Follow-up Meeting, Helsinki, 10 July 1992 (Decisions, chapter VI, paragraphs 37, 38 and 45).

Achievements made in the area of migrant integration by the OSCE participating States are noteworthy. However, more remains to be done. Progress is uneven across the region as migrants continue to experience various barriers, indirect and direct, that prevent them from integration in the life of the societies of their receiving countries.

The Republic of Moldova (hereinafter – Moldova) has been confronted with the issue of integration of migrants only recently. The number of various categories of migrants entering Moldova is still low, although statistics show a gradual increase in figures over the last few years.

The issue of migrant integration is relevant in view of Moldova's membership of the OSCE and its adherence to implementation of the OSCE commitments. Being an EU Associated Country Moldova also continues to work on approximation of its legislation in line with the provisions of European Union law as a part of the process of establishing a country's closer co-operation with the European Union.

Moldova is one of the few OSCE participating States that has adopted a special Law on the Integration of Foreigners to facilitate the integration of migrants. It was developed as part of efforts of the competent state authorities to implement the National Strategy on Migration and Asylum and the National Action Plan, as well as the National Program for the Implementation of visa liberalization regime with European Union. The co-operation of Moldova and EU Member States in the area of fair treatment and the integration of regular migrants is also a part of the EU-Moldova Association Agreement signed on 27 June 2014.

The Bureau for Migration and Asylum under the Ministry of Internal Affairs is the administrative authority responsible for the coordination of the integration process of foreigners on the territory of the Republic of Moldova. In October 2014 the Ministry of Internal Affairs of the Republic of Moldova requested ODIHR to conduct a MIPEX assessment for Moldova. Based on this request MIPEX assessment was conducted by ODIHR in co-operation with Migration Policy Group.

The MIPEX assessment is a tool that authorities can use to identify and advance issues relevant for migrant integration in order to make further progress in meeting related OSCE commitments. The assessment identifies key issues pertinent for migrants' integration, such as labour market mobility, family reunion or anti-discrimination measures. Most of all, the assessment provides solid data on the basis of which the authorities can make further policy improvements. It provides Moldova with information about the best practices of other participating States in the area of migrant integration, giving access to comparable data for scrutiny and debate. The MIPEX assessment allows Moldova to share its experiences on migrant integration with other countries in the region and also learn about new integration measures introduced by states with a longer migration experience. It may facilitate a meaningful dialogue on migrant integration with relevant regional actors, such as neighbouring migrant sending countries, as well as internal stakeholders, such as civil society. In addition, the results of the assessment also permit the authorities to monitor and evaluate progress achieved in migrant integration in the future.

What is the Migrant Integration Policy Index?

Integration actors can struggle to find up-to-date, comprehensive research data and analysis on which to base policies, proposals for change and projects to achieve equality in their country. Instead they may find anecdotal, out-dated information and piecemeal statistics that are too disconnected from the real impact on people's lives to assist in formulating improvements.

The Migrant Integration Policy Index (MIPEX) is a reference guide and fully interactive tool to assess, compare and improve integration policy. By now MIPEX was used to measure integration policies in 41 OSCE participating States, as well as Australia, New Zealand, South Korea and Japan. The recent version, published on 30 June 2015, covers 38 countries in Europe, North America, Asia and Oceania in order to provide a view of integration policies across a broad range of differing environments. Using 167 policy indicators in eight policy areas, MIPEX establishes the extent to which all residents are legally entitled to equal rights and responsibilities as well as to any support that addresses their specific needs to make equal opportunities a reality.

Uses for policymaking

Policymakers and civil servants obtain a quick reference guide to assess the impact of their policy changes and get an overall impression of their country's strengths and weaknesses. This allows governments to see the effects of their approach and policy changes. It highlights policies that score well and possible areas for improvement. They can compare these strengths and weaknesses with other countries, either across the OSCE region, Europe and North America, or all the countries covered in MIPEX at once. They can find inspiration for policies and learn lessons from their objectives, implementation, and results. Since policies are one factor influencing integration, MIPEX can be used as a starting point to evaluate how policy changes can improve integration in practice. Its research findings can be complemented by further information from official statistics, budgets, project and scientific evaluations, government reporting, and evidence from NGOs, courts and migrants.

What are the highest standards used by MIPEX?

MIPEX demonstrates how countries can do better in creating the legal environment in which immigrants contribute to a country's well-being, where they have equal access to employment and education, live in security with their families, become active citizens and are protected against discrimination. For each of the 8 policy areas: labour market mobility, family reunion, education, health, political participation, long-term residence, access to nationality and anti-discrimination, MIPEX identifies the highest European and international standards aimed at achieving equal rights, responsibilities and opportunities for all residents. These standards establish a basic rule-of-law approach, which have helped to improve policies in European Union and Council of Europe Member States, all of which are OSCE participating States. Where only minimum standards exist, policy recommendations are used from international research networks and civil society.

How does MIPEX obtain its scores?

The 167 policy indicators have been designed to benchmark current laws and policies against the highest standards through consultations with top comparative researchers as well as international and European institutions. A policy indicator is a question relating to a specific policy component of one of the 8 policy areas. For each answer, there are 3 options. The maximum of 3 points is awarded when policies meet the highest standards for equal treatment. A score of 2 is given when policies can be judged as being halfway to meeting the highest standards, and a score of 1 is given when they are furthest from the highest standards. Where a country has no policies on a specific indicator, it is given a default value of 1.

Within each of the 8 policy areas, the indicator scores are averaged together to give one of 4 dimension scores which examine the same aspect of policy. The 4 dimension scores are then averaged together to give the policy area score for each of the 8 policy areas per country which, averaged together one more time, lead to the overall scores for each country. In order to make rankings and comparisons, the initial 1-3 scale is converted into a 0-100 scale for dimensions and policy areas, where 100% is the top score.

MIPEX key legend (0-100)

0	Critically unfavourable for integration
1-20	Unfavourable
21-40	Slightly unfavourable
41-59	Halfway favourable
60-79	Slightly favourable
80-100	Favourable for integration

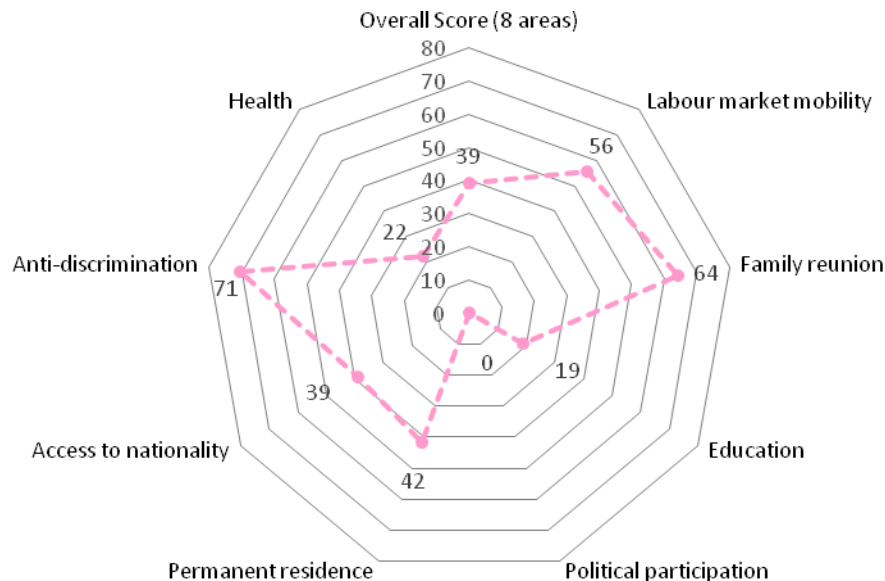
Who gathered the data?

Unlike indexes based on expert opinion, MIPEX is based on public laws, policies and research. In every country, an independent expert in migration law, education and anti-discrimination, filled out the score for each indicator based on the country's publicly available documents as of 1 January 2015. All scores were anonymously peer-reviewed by a second expert. The team was headed by Dr. Valeriu Mosneaga and included Ms. Nadejda Hriptievschi and Ms. Alina Russu. The Migration Policy Group moderated any discrepancies and checked the completed questionnaires for consistency across "policy strands" and countries over time. Migration Policy Group wrote up this country report based on its official scoring and analysis of the questionnaire results, following the established MIPEX procedure. Comparisons are made with the average practices in most MIPEX countries and EU Member States. Special attention was paid to those OSCE participating States, which are the EU's 'new' Member States and new immigration countries, particularly their recent progress in establishing basic procedures and residence statuses.

REPUBLIC OF MOLDOVA

A MIPEX assessment

OVERVIEW



A major country of emigration for economic reasons, Moldova is a negligible country of immigration or transit, according to UN Population statistics and the IOM's 2013 Migration Profile. Most of the foreign-born (391,508 in 2013) were not international migrants but former residents of other Soviet republics. In 2010, Moldova was home to an estimated 20,100 foreigners, mostly working-age, male and educated (Israeli 21%; Ukrainian 14%; Romanian 12%; Russian 11%, Turkish 10%, stateless 10%). These foreigners and stateless persons represented only <0.5% of Moldova's total population. 3/4 are permanent residents, while the rest are evenly split among temporary residents for family, study and work reasons. The annual number of legal immigrants is estimated at around 2,000, with 1/3 coming from Ukraine and 1/4 from Russia. This population has grown slightly in recent years, with around 2,000 new arrivals every year, including 1/3 from Ukraine and 1/4 from Russia.

Migrant integration is relevant in terms of Moldova's membership of the Organization for Security and Co-operation in Europe (OSCE) and Council of Europe and its plans for closer cooperation with the EU. Moldova has created emigration, immigration and anti-discrimination policies based on its objectives for harmonisation with EU standards. The 16 July 2010 Law on Foreigners No. 200 made procedures clearer and simpler for work and residence permits. The 27 December Law on the Integration of Foreigners No. 274 regulates the process and ways to facilitate the integration of foreigners in the Republic of Moldova, and proposed basic support for integration, including individual integration programmes for beneficiaries of a form of protection. In 2008, the Law on Asylum was also drafted (18 December 2008 Law on Asylum No. 270-XVI) and 10 July 2008 Law on Labour Migration No. 180. Internationally,

Moldova has signed most of the major ILO Conventions, Council of Europe Conventions and UN Conventions relevant for migrant integration, except for the 1997 Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level and, most notably, the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Families.

As Moldova prepares to benefit from future immigration and EU standards on integration, this special MIPEX assessment confirms that the country's overall policy is still slightly unfavourable for integration. Overall, Moldova's legal framework scores 39-out-of-100 points and ranks similar to Lithuania and Slovakia but below other 'new' destination OSCE participating States in Eastern Europe, such as Armenia, Bulgaria, Poland, Romania and the Western Balkans countries.

Moldova comes closest to the EU standards on anti-discrimination, family reunion and labour market mobility. Legally resident foreigners should be able to benefit from basic targeted information and language courses, access to social protection, health insurance, inclusive laws to reunite with their family, several mechanisms to enforce broad anti-discrimination laws and even dual nationality in some cases as well as citizenship for their children born in Moldova. Several of Moldova's weaknesses on integration are shared with other 'new' destination countries in Europe. Immigrants to Moldova face highly discretionary procedures for family reunion, permanent residence and access to nationality. Moldova's integration law are missing key areas in the European Union's 2004 Common Basic Principles for Immigrant Integration Policy. Notwithstanding a few positive pilots and developments the law has not yet led to systematic policies and programmes to help foreigners acquire sufficient language skills, find the right job, become civically and politically active or obtain appropriate schooling and health services for themselves and their family. Furthermore, Moldova's policies on the eligibility and conditions for permanent residence and the exclusion of foreigners from public life fall far below the established European and international standards.

INTERNATIONAL MIGRATION STATISTICS ON THE REPUBLIC OF MOLDOVA

Country of net migration since:	No
Foreign-born as part of population ¹	13.4%
Non-EU-born as part of the foreign-born population ²	94%
% of non-EU-born from low-or-medium-developed countries (HDI) ³	9%
Women as part of foreign-born population ⁵	58.9%
Refugees as part of foreign-born population ⁶	18.2%

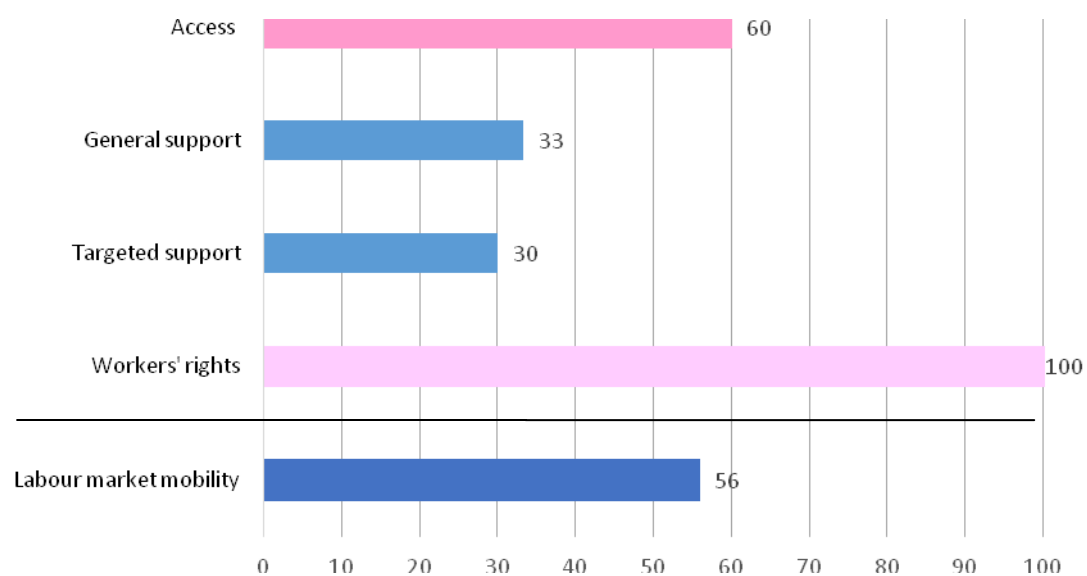
¹ 2013 data, United Nations (2013), Trends in International Migrant Stock: Migrants by Destination and Origin, United Nations, Department of Economic and Social Affairs, Population Division (United Nations database, POP/DB/MIG/Stock/Rev.2013).

² *ibid.*

³ *ibid.*

⁴ *ibid.*

LABOUR MARKET MOBILITY

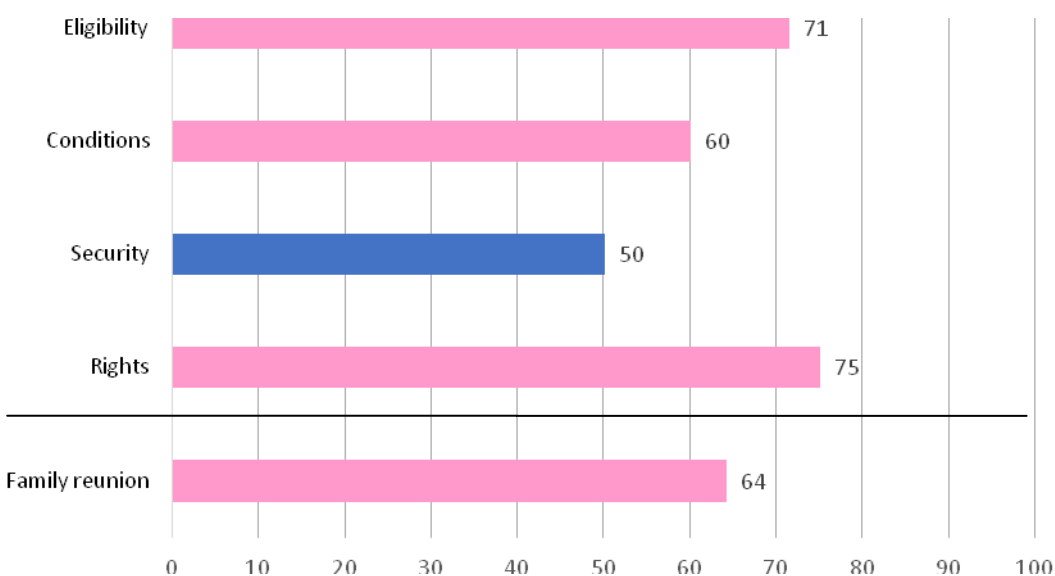


Moldova sets only halfway favourable conditions for temporary migrant workers and their working-age family members to contribute to the economy, due to the strengths and weaknesses of the Law on Integration. Stateless and foreign workers are supposed to enjoy the same rights as workers in Moldova, as in several leading countries of immigration. For example, they should enjoy equal access to housing and social security (similar to 14 MIPEX countries including most of Northern and Southern European OSCE participating States). Temporary migrant workers and their working family members are tied to their job/sector for several years. All can now access the mainstream employment services and get targeted information on their rights and the recognition of their foreign qualifications. Beyond this orientation, Moldova's commitments in its Law on Integration have not translated into job-specific language training or specific labour market integration programmes. These situations are common in many new countries of immigration, including in Eastern European OSCE participating States. But immigrants' options to improve their skills are more limited in Moldova than in most other countries. Qualified foreigners can be excluded by language or citizenship requirements for certain private and public sector jobs. Foreigners may or may not get their foreign academic and professional qualifications recognised, depending on different bilateral and multilateral agreements. Temporary migrant workers are denied equal access to the mainstream education, vocational training and study grants that Moldovan citizens use to improve their skills and qualifications.

Equal access to general support

The so-called EU Single Permit 2011/98/EU guarantees most non-EU migrant workers equal access to public employment services, education and vocational training (with some exceptions), the recognition of foreign qualifications, and branches of social security, and goods and services available to the public as well as targeted information on their rights. EU Member States are in the process of 'transposing' this EU Directive into national law. As a result, all foreign citizens enjoy equal legal access to education and training in most countries as well as to study grants in 10 OSCE participating States, including several Central European countries.

FAMILY REUNION

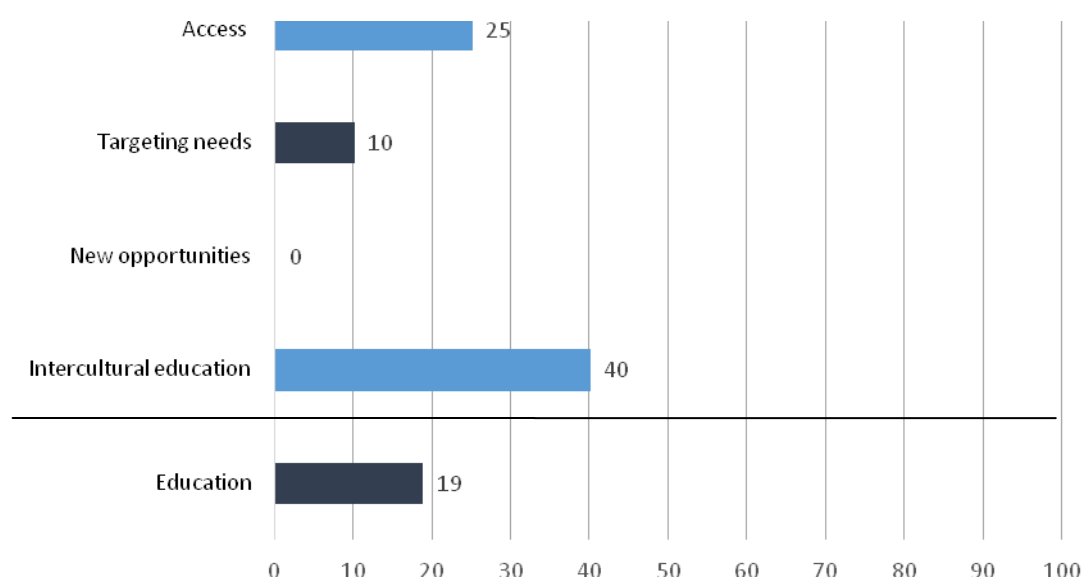


Moldova obtained its 2nd highest score on family reunion because reuniting families can benefit from a slightly favourable legal framework, apart from a few gaps in legislation not in conformity with EU law. The eligibility and legal conditions for family reunion are favourable in Moldova, as in several new immigration destinations in Central and Southeastern Europe. Permanent and temporary residents, except students, can apply for their close relatives, including their spouse, unmarried minor children, persons under tutorship/guardianship (e.g. adult children), and, in certain cases, their parents. For applicants, the procedure should be short and not too costly and successfully reunited family members should enjoy the same socio-economic rights as their sponsor. However, family reunion is not yet specified as a right in Moldovan law, as it is in EU law and most OSCE participating States covered in MIPEX. Consequently, the major area of weakness is the authorities' wide discretion in the procedure. Applicants may be required to demonstrate disproportionately high levels of income (one average monthly salary for each family member). Applicants can be rejected without due account taken of their personal and family circumstances. Access to an autonomous permit is not a right and open to all adult family members.

The right to family reunion enshrined in law

EU law 2003/86/EC established that family reunion is a right for all non-EU sponsors and families who meet the requirements clearly specified in law. Since 2003, most European countries surveyed in MIPEX have established family reunion as a right and explicitly require an individual assessment in cases of rejection or withdrawal. However gaps remain and procedures are still rather discretionary in Central and Southeastern European OSCE participating States.

EDUCATION



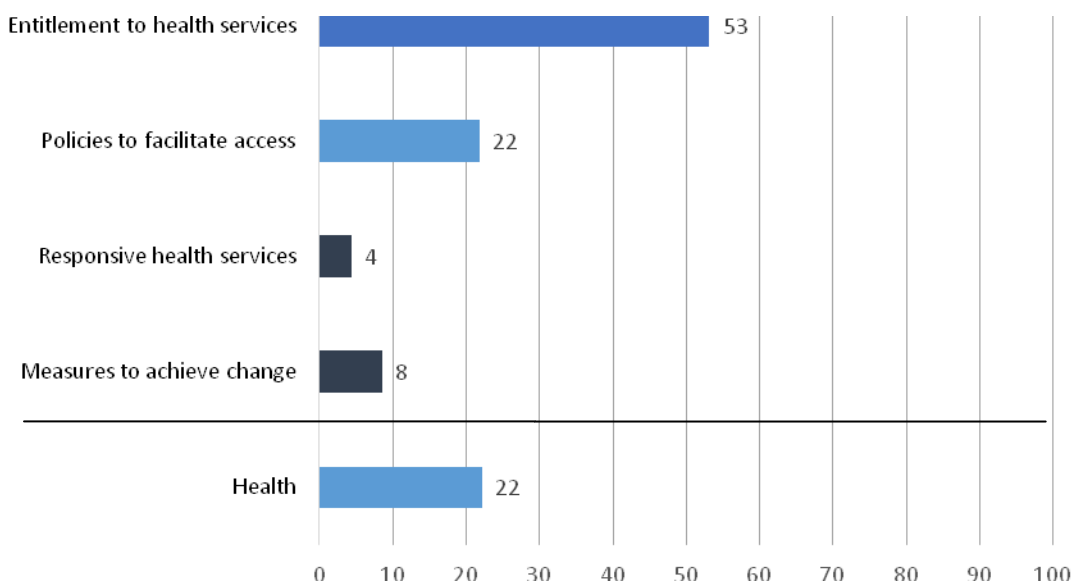
The education of immigrant children is an area of weakness for most MIPEX countries, especially the Central and Southeastern European OSCE participating States which are new countries of immigration. Nevertheless, Moldova obtained one of the lowest scores on education policies compared to the 38 other MIPEX countries covered by MIPEX assessment in 2015, most of which provide basic integration programmes for immigrant pupils. Firstly, access is slightly unfavourable in Moldova. All foreign and stateless children are supposed to enjoy full access to the education system, although problems with documentation in practice can create obstacles, especially for the children of undocumented migrants residing in the country. Beyond legal access, the different levels of the Moldovan education system is not required to offer specific types of support to immigrant pupils. The education system is supposed to gather statistics about immigrant pupils and pay for language courses for beneficiaries of international protection. Furthermore, intercultural education is only an optional course and a general objective across the curriculum, with limited central guidance and training for practitioners. Existing standards and activities are exclusively focused on the language of the state and national minorities.

Adapting schools in recent countries of immigration

For comparison, most MIPEX countries, including Central and Southeastern European OSCE participating States, provide free additional tuition or immigrant pupils to master the official language, specific materials or interpreters for immigrant parents and additional funding, training or teaching assistants for schools with immigrant pupils. Most also support the teaching of the major immigrant languages and cultures during the school day.

Estonia provides all migrant newcomers with compulsory, continuous and standardized support to learn Estonian as well as their own language and culture. Similarly in Czech law, language courses should be needs-based, professionally taught, and regularly evaluated, while mother tongue and cultures should be available. Czech teachers can integrate multicultural education into their curriculum through state-supported pedagogical materials and teacher trainings like the much-used information portal (www.czechkid.cz). Slovakia also recently introduced 'multicultural education' into its curriculum as well as intercultural education training for qualifying and working teachers.

HEALTH

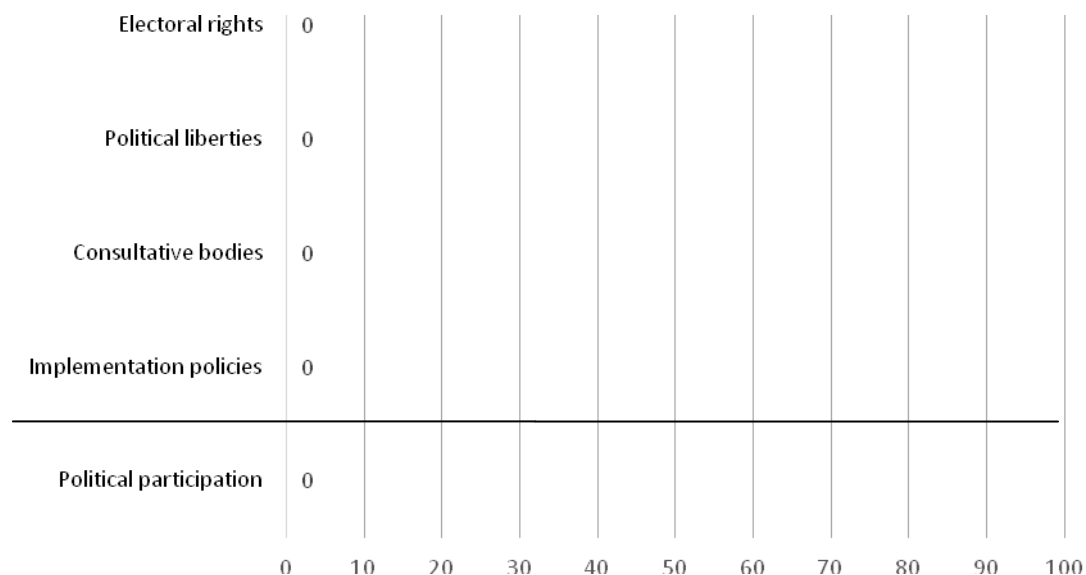


Moldova's health policies are poorly adapted to the diverse needs of migrant patients, as are the health policies in several OSCE participating States (e.g. Western Balkan countries, Poland and Greece). Those legal migrants entitled to mandatory health insurance are poorly informed about health services and issues and potentially receiving inappropriate care. Legal migrants on several temporary permits must insure themselves on an individual basis, while asylum-seekers and undocumented migrants are excluded from the mandatory health insurance system. Access is granted to primary and emergency care for asylum-seekers and to emergency care for undocumented migrants, but often limited to only life-threatening conditions and special exemptions under the Unique Program (e.g. infectious diseases, elderly, cancer, mental illness, addiction). Legally resident migrants are informed about the insurance system through integration activities organised under the Integration Law, such as leaflets in Romanian, Russian, Arabic and English. Beyond that, only general information exists in Romanian and Russian about health issues and services. Health services and policies have not yet developed their capacity to respond to any specific health needs among migrants, for example through cultural mediators (in 18 other MIPEX countries), interpreters (in 14), training (in 21) or the involvement of migrants (in 21).

First attempts at migrant health policies in Central and Southeastern Europe

Romania has gone further than most Central and Southeastern European OSCE participating States to integrate migrants into the health system. The rather inclusive entitlements for asylum-seekers and undocumented migrants take into account integration and health concerns. Migrants can access basic information on these entitlements and health issues through initiatives by the Immigration Inspectorate (GII) and National Healthcare Insurance House (NHIH). Patients have the right to information and services that are interculturally competent, responsive to individual needs and respectful of their religion/culture, according to Law 95/2006 standards now applied by several hospitals, mostly in Bucharest and often by newly trained staff, foreign doctors and migrant health professional organisations. In the Czech Republic, healthcare entitlements include most migrant patients (permanent residents, employed temporary residents, free for asylum-seekers and access to private insurance for certain undocumented migrants). Migrants can get basic information about their entitlements from Health Ministry's multimedia presentation in 5 languages, while cultural mediators are starting to be trained through ad hoc NGO projects. Rules on 'informed consent' oblige service providers to make available interpretation services of various kinds. The Czech Integration Concept (2013) explicitly states health and healthcare objectives for the Health Ministry, though implementation measures and monitoring are needed.

POLITICAL PARTICIPATION

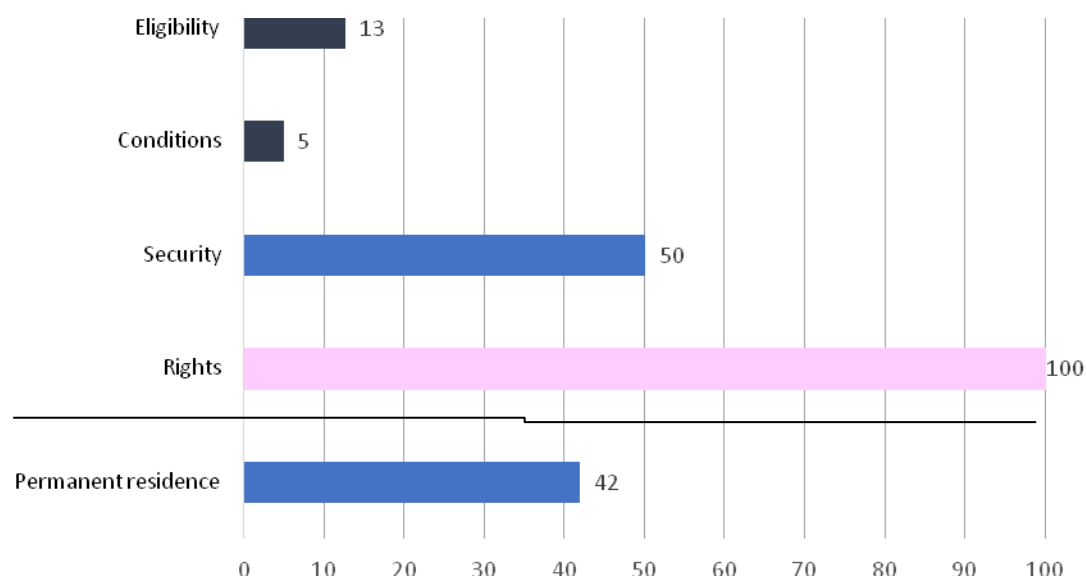


Moldova's migration and integration policies aim for transparent decision-making based on consultation with civil society. Foreigners and stateless people are completely excluded from public life in Moldova. Such a critically unfavourable situation exists in only one other MIPEX country (Romania). In other Central and Southeastern European OSCE participating States, foreigners' opportunities are limited but improving in recent years. In Moldova, foreigners and stateless people cannot vote in any elections, unlike in nearly half of OSCE participating States covered in MIPEX, including Estonia, Lithuania, Hungary, Slovenia and Slovakia. Nor can they join or found political parties or other socio-political associations. Such restrictions are still found across Central and Eastern Europe, but not as extensive as in Moldova and Romania. Not surprisingly, immigrant socio-political associations are not structurally financed or consulted by national and local governments in Moldova. Consultative bodies including immigrants are missing in most Central and Southeastern European OSCE participating States, though projects have piloted in a few (e.g. Greece, Czech Republic, Baltic States).

The participation of foreigners in public life at local level

The relevant European standard is the Council of Europe Convention 144 on the participation of foreigners in public life at local level. Signatory countries commit to inform foreigners of their political rights and to encourage and facilitate the creation of consultative bodies with representatives either elected by foreign residents themselves or appointed by their associations. Most of OSCE participating States, which are EU Member states, have used a new European Integration Fund to support associations working on integration. Local and national authorities in Portugal, Spain, and Ireland have started to dialogue and consult with associations of foreign residents. For example, the Spanish Forum for the Social Integration of Immigrants has an independent chair and issues opinions or reports on any drafts affecting social integration. The Forum has the right to prepare reports, plans, programs on request or own initiative and to formulate its own proposals and recommendations. Members participate extensively on reports and resolutions and secure much government consensus around their recommendations.

PERMANENT RESIDENCE

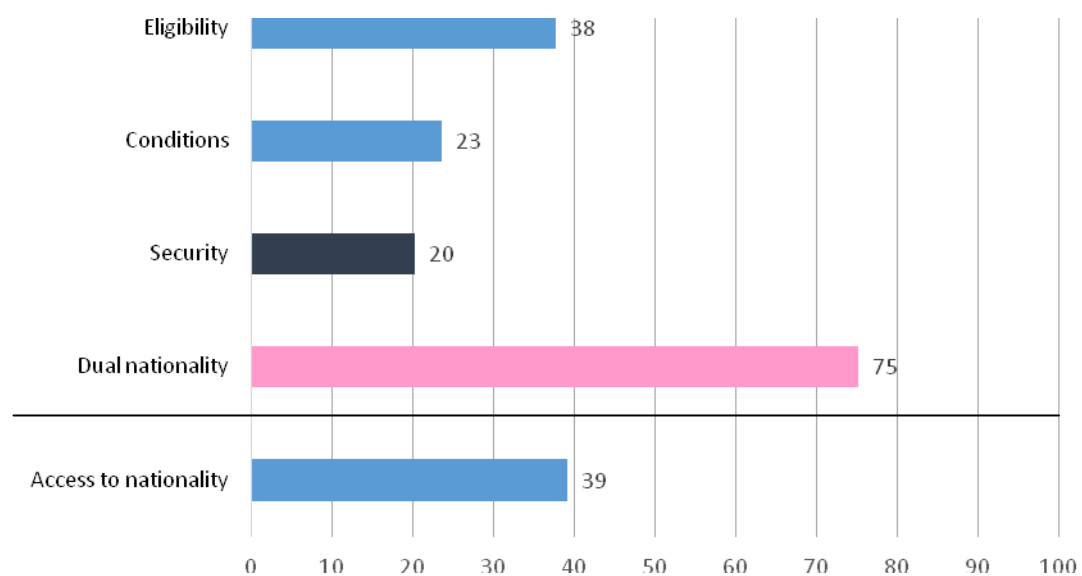


Foreigners' access to permanent residence is more restricted in Moldova than in nearly all other OSCE participating States, which are EU Member States or candidate countries, with the only exceptions of Cyprus and Turkey. Several restrictions are contrary to EU law. Positively, eligible foreigners can apply after 5 years (3 years for spouses of Moldovan citizens), go through a short procedure and obtain a permanent status with equal socio-economic rights as Moldovan citizens. These strengths are common to most European countries. However, access under Moldovan law is excluded for workers, contrary to EU law, and students, contrary to international best practices and trends. Also potentially contrary to EU law, applicants have pay high fees by Moldovan standards and may have to demonstrate disproportionately high economic resources and language skills, without clear exemptions or enough guaranteed courses and study materials to pass. The procedure to grant or withdraw permanent residence is also relatively discretionary in Moldova, as in most Central and Southeastern European countries.

An entitlement to long-term residence

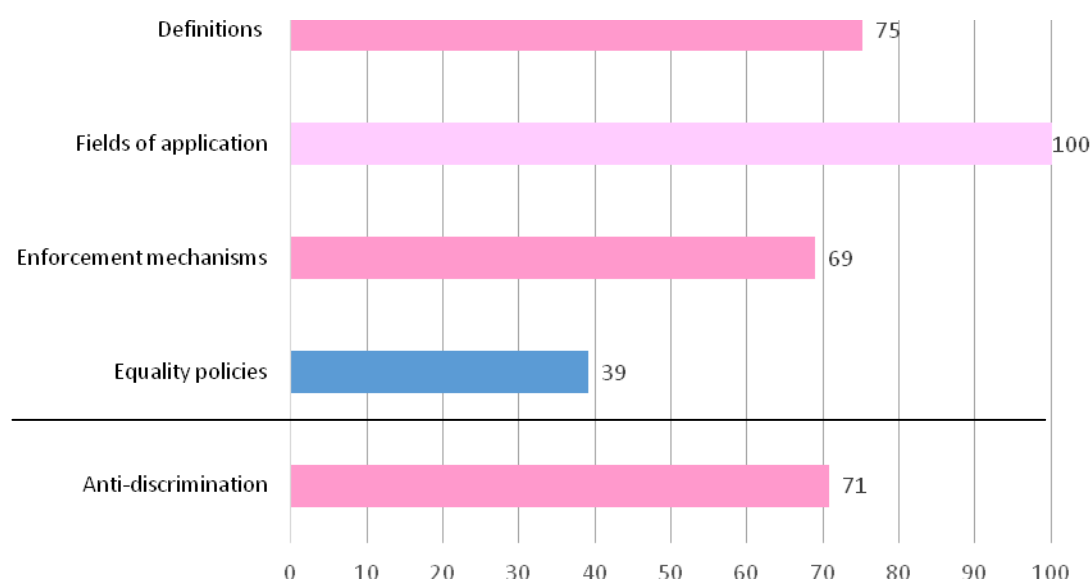
EU Member States agreed and implemented the EC long-term residence directive (2003/86/EC), with the common objective that the integration of long-term residents will promote economic and social cohesion. Since then, several new immigration countries introduced the entitlement to long-term residence for most temporary residents. For example, Portugal's 2007 law opened long-term residence to nearly all categories of legal residents and protected them from deportation anyone born in the country, living there since childhood, or raising their children there. EU law requires that applicants could have been absent from the territory for 6 consecutive months or 10 months total. Half of the time of former international students may also be taken into account. Case-law from the European Court of Justice has required changes to disproportionate fees, conditions and exclusions of temporary permit holders (e.g. Netherlands and Italy). Unlike Moldova, many MIPEX countries do not make long-term/permanent residence conditional upon the average monthly wage (lower in 20 countries), language skills (none in 14) or high fees (relatively low in 20).

ACCESS TO NATIONALITY



Immigrants face a slightly uncertain path, with a few significant obstacles, to becoming Moldovan citizens. Favourably, children become Moldovan citizens when born in the country to foreign or stateless parents, as in the majority of MIPEX countries. Dual nationality is allowed for these children and for other foreigners under certain conditions (e.g. renunciation is impossible or unreasonable, marriage to Moldovan citizen or international agreements). Foreigners who become Moldovan citizens cannot become stateless unless they committed fraud to obtain it. However the process to become a Moldovan citizen is one of the longest, most discretionary and most cumbersome. Ordinary foreigners must wait 10 years (8 for stateless people and beneficiaries of international protection) and pass vague good character and income requirements as well as pass/fail tests on the state language and Constitution without a clear link to the state-sponsored language courses (see also permanent residence). Authorities can reject or accept applicants on many discretionary grounds in Moldova, as in most Central European OSCE participating States.

ANTI-DISCRIMINATION



Similar to most other MIPEX countries, Moldova's slightly favourable definitions and mechanisms on anti-discrimination law now need to be fully enforced with stronger powers and support from the state's equality policies and equality body. Moldova's Anti-Discrimination Law No. 121 prohibits many forms of discrimination in all areas of life on many grounds, including discrimination based on two or more grounds. Similar comprehensive definitions are on the books in most MIPEX countries, due to implementation of EU legal provisions, including nearby Romania, Bulgaria, Hungary and Slovakia. Potential victims of discrimination can bring forward cases through judicial and administrative procedures, including the quasi-judicial procedure of the Non-Discrimination Council. These victims should benefit from protection against victimisation, a shift in the burden of proof and some legal aid and interpretation services, as in nearly all MIPEX countries. Trade unions and NGOs can also engage in proceedings in their support or on their behalf, including through class actions, as in the majority of countries. Moldova could strengthen the mechanisms to enforce the law through wider use of situation testing and statistical data as evidence of discrimination, action popularis and a wider use of sanctions. Victims could benefit from greater support from a state equality body like the Non-Discrimination Council. Currently, the Council cannot provide legal advice to victims (unlike in most countries), engage in proceedings specifically on their behalf or issue enforceable decisions (see best practice examples below). The Moldovan state has not taken on specific legal commitments to prevent and punish discrimination among staff and service-providers in the public sector. Nor has it led public dialogue and information campaigns on people's rights as victims.

Where are the strongest equality bodies in the region?

Bulgaria's Protection Against Discrimination Commission, Hungary's Equal Treatment Authority, and Romania's National Council on Combating Discrimination offer victims independent advice and can issue binding appealable decisions. Romania's council is an independent administrative body with a jurisdictional mandate. Hungary's Authority also has the legal standing to intervene on behalf of the complainant, while also instigating its own procedures, although only against certain public bodies. In the policymaking process, Bulgaria's Commission can submit legally binding recommendations to the parliament and government to prepare bills and abolish discriminatory laws.