



Republic of Moldova

parliament

**LAW No. 121
of 25-05-2012**

regarding ensuring equality

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ADJUSTED

LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23

Note:

In the context of the law, the phrase "Council for the prevention and elimination of discrimination and ensuring equality", in any grammatical form, is replaced by the phrase "Council for equality" in the corresponding grammatical form by LP2 of 02.02.23, MO35-38/09.02.23 *art .63; in force 09.02.23*

Parliament adopts this organic law.

This law creates the necessary framework for the application of Council Directive 2000/43/CE of June 29, 2000, implementing the principle of equal treatment between persons, regardless of race or ethnic origin, published in the Official Journal of the European Union no. L180 of July 19, 2000, and Council Directive 2000/78/EC of November 27, 2000 creating a general framework for equal treatment in terms of employment and employment, published in the Official Journal of the European Union no. L303 of December 2, 2000.

Chapter I

GENERAL DISPOSITIONS

Article 1. Purpose of the law and scope

(1) The purpose of this law is to prevent and combat discrimination, as well as to ensure the equality of all persons under the jurisdiction of the Republic of Moldova in the political, economic, social, cultural and other spheres of life, regardless of race, color, national origin, ethnic and social status, citizenship, language, religion or belief, age, sex, gender identity, marital status, sexual orientation, disability, health status, HIV status, opinion, political affiliation, wealth, birth or any other criteria.

[Art.1 para.(1) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(2) The provisions of this law do not extend to and cannot be interpreted as affecting:

a) freely consented marriage between a man and a woman;

[Art.1 para.(2), letter a) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

b) adoption reports;

c) religious cults and their component parts in the part related to religious beliefs.

Article 2. General notions

For the purposes of this law, the terms below have the following meanings:

discrimination - any difference, exclusion, restriction or preference in the rights and freedoms, legitimate interests and benefits of the person or of a group of persons, as well as the support of discriminatory behavior based on the protected criteria, real or assumed, except in the case where they objectively and reasonably justified by a legitimate aim and whether the means to achieve that aim are proportionate, appropriate and necessary;

[Art.2 notion in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

direct discrimination – treating a person on the basis of any of the protected criteria, real or perceived, less favorably than the treatment of another person in a comparable situation, unless this is objectively and reasonably justified by a legitimate aim and whether the means of achieving that aim are proportionate, appropriate and necessary;

[Art.2 notion in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

indirect discrimination - any apparently neutral provision, action, criterion or practice that has the effect of putting one person at a disadvantage compared to another person based on the protected criteria, unless that provision, action, criterion or practice is objectively justified and reasonable, through a legitimate purpose and if the means to achieve that purpose are proportionate, adequate and necessary;

[Art.2 notion modified by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

discrimination by association - any act of discrimination committed against a person who, although not part of a category of persons identified according to the protected criteria, real or presumed, is associated with one or more persons belonging to such a category of persons;

[Art.2 notion modified by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

continuous discrimination - any act of discrimination that is characterized by the continuous commission, over an indefinite period, of the discriminatory action or inaction and which is consumed at the moment of their cessation or at the moment of the occurrence of some events that prevent this act;

[Art.2 notion introduced by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

prolonged discrimination – any act of discrimination characterized by two or more identical actions and/or inactions committed with a single purpose, making up a whole;

[Art.2 notion introduced by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

racial segregation - any action or inaction that leads directly or indirectly to the separation or differentiation of people based on the criteria of race, color, national or ethnic origin;

harassment - any unwanted behavior that leads to the creation of an intimidating, hostile, degrading, humiliating or offensive environment, with the aim or effect of harming the dignity of a person based on the protected criteria, real or assumed;

[Art.2 notion modified by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

incitement to discrimination – any behavior by which a person applies pressure or displays intentional conduct for the purpose of discriminating against a third person on the basis of protected criteria, real or assumed;

[Art.2 notion modified by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

victimization - any action or inaction resulting in adverse consequences as a result of filing a complaint or filing an action in court for the purpose of ensuring the application of the provisions of this law or for the purpose of providing information, including testimony, that refers to the complaint or action submitted by another person;

positive measures – temporary special actions taken until full equality is ensured and which are intended to prevent or compensate disadvantages related to protected criteria;

[Art.2 notion in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

reasonable accommodation - any modification or adaptation that is necessary and appropriate, in a particular case, that does not impose a disproportionate or unjustified burden when it is necessary to ensure a person's exercise of fundamental rights and freedoms under conditions of equality with others;

[Art.2 notion modified by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

complaint - as defined in Law no. 298/2012 regarding the activity of the Council for Equality.

[Art.2 notion introduced by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

Article 3. Subjects in the field of discrimination

Subjects in the field of discrimination are natural and legal persons from the public and private fields.

Article 4. Serious forms of discrimination

Serious forms of discrimination are:

- a) promoting or practicing discrimination by public authorities;
- b) supporting discrimination through mass media;
- c) placement of discriminatory messages and symbols in public places;
- d) discrimination against people based on two or more criteria;
- e) discrimination committed by two or more persons;
- f) continuous or prolonged discrimination;

[Art.4 letter f) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

g) discrimination against a group of people;

h) racial segregation.

Article 5. Ways to eliminate discrimination

Discrimination can be eliminated in the following ways:

a) prevention of any discriminatory acts through the establishment of special measures, including positive measures for the protection of persons in disadvantageous conditions compared to other persons. Positive measures will be applied until the establishment of equality and social inclusion of persons or groups of persons in a disadvantaged position compared to other persons;

b) mediation through the amicable settlement of conflicts arising from the commission of discriminatory acts;

c) sanctioning discriminatory behavior;

d) repairing the material and moral damage caused as a result of the act of discrimination.

Article 6. Prohibition of discrimination

Any form of discrimination is prohibited. The promotion of a policy or the performance of actions or inactions that violate the equality of rights of persons must be removed by the competent public authorities and sanctioned according to the legislation.

Chapter II

SPECIAL PROVISIONS

Article 7 . Prohibition of discrimination in the field

work and in the exercise of a profession

[Art.7 name modified by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(1) Any distinction, exclusion, restriction or preference based on protected criteria, which have the effect of limiting or undermining equality in the choice of workplace, profession, conclusion, suspension, modification or termination of employment relationships, in the direct activity is prohibited and in professional training. The prohibition of discrimination based on sexual orientation will apply in the field of employment and employment.

[Art.7 para.(1) amended by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(1¹) Any distinction, exclusion, restriction or preference based on protected criteria is prohibited, which have the purpose or effect of limiting or undermining equality in the affiliation or access to an organization of employees or employers, or in any organization whose members exercise a certain profession, including equal access to the advantages obtained by this organization, as well as to accessing or exercising a profession.

[Art. 7 para. (1¹) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(2) Actions carried out based on protected criteria are considered discriminatory, such as:

[Art.7 para.(2) amended by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

a) placing employment notices indicating the conditions and criteria that exclude or favor certain people;

a¹) establishing the conditions and criteria that exclude or favor certain persons from joining or joining a professional organization or from joining or exercising a profession;

[Art.7 para.(2), letter a¹) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

b) the unfounded refusal, based on the protected criteria, real or assumed, of employment, promotion or resignation of the person;

[Art.7 para.(2), letter b) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

c) unjustified refusal of admission of some persons to professional qualification courses;

d) unequal remuneration for equal work or work of equal value;

[Art.7 para.(2), letter d) amended by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

e) the differentiated distribution, based on the protected criteria, real or assumed, of work tasks, a fact resulting from the granting of a less favorable status to some persons;

[Art.7 para.(2), letter e) amended by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

f) harassment;

g) any other action that contravenes the legal provisions.

(3) Refusal of employment, admission to professional qualification courses or promotion of persons is considered unfounded if:

a) the presentation of additional documents to those legally established is requested;

b) it is claimed that the person does not meet requirements that have nothing in common with the professional qualification requested for the exercise of the profession or it is requested to meet any other illegal requirements with similar consequences.

(4) The employer is obliged to place in accessible places for all employees the legal provisions that guarantee respect for equal opportunities and treatment at the workplace.

(5) Any difference, exclusion, restriction or preference regarding a certain job does not constitute discrimination if, due to the specific nature of the activity in question or the conditions in which this activity is carried out, there are certain essential and determining professional requirements , provided that the purpose is legitimate and the requirements proportionate.

(6) Within the professional activities of religious cults and their component parts, differential treatment based on a person's religion or beliefs does not constitute discrimination when the religion or beliefs constitute an essential, legitimate and justified professional requirement.

Article 8. Prohibition of access discrimination

to the services and goods available

to the public and regarding their provision

(1) Any form of discrimination regarding access to the following services and their provision is prohibited:

a) services offered by public authorities;

b) medical assistance services and other health services;

c) social protection services;

- d) banking and financial services;
- e) transport services;
- f) cultural and leisure services;
- g) other services and goods available to the public.

(2) Any form of discrimination regarding the refusal to sell or rent movable, immovable or other goods available to the public is prohibited.

[Art.8 in the redaction of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

Article 9. Prohibition of discrimination in the field of education

[Art.9 the name in the redaction of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(1) Any distinction, exclusion, restriction or preference on the basis of protected criteria, real or assumed, which have the purpose or effect of limiting or undermining equality in the field of education, is prohibited.

[Art.9 para.(1) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(2) Actions carried out on the basis of protected criteria, real or assumed, are considered discriminatory, such as:

- a) limiting access to education in educational institutions of any type and level;
- b) limiting or undermining equality in the educational process, including knowledge assessment;
- c) limiting or undermining equality in the scientific-didactic activity;
- d) harassment;
- e) racial segregation;
- f) any other action that contravenes the legal provisions.

[Art.9 para.(2) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(2¹) Educational institutions ensure compliance with the principle of non-discrimination:

- a) by ensuring the accessibility of education;
- b) in the development of didactic materials, curriculum, continuous training programs and study programs;
- c) through the professional training of teaching and management staff regarding the application of methods and means of preventing acts of discrimination and reporting them to the competent authorities;
- d) by including in the internal regulations the provisions regarding the prohibition of discrimination and ensuring equality.

[Art.9 para.(2¹) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(3) The refusal of the educational institution to admit to studies a certain person whose qualifications do not correspond to the level necessary to be admitted does not constitute a limitation of the right to education.

(4) The provisions of this article do not constitute a restriction of the right of the educational institution that prepares the staff of a certain religious cult to refuse the enrollment of a person whose religious status does not correspond to the requirements established for access to that institution.

Chapter III

THE INSTITUTIONAL FRAMEWORK FOR PREVENTION AND FIGHTING DISCRIMINATION AND ENSURING EQUALITY

Article 10. Subjects with attributions in the field of prevention
and combating discrimination and ensuring equality

Subjects with attributions in the field of preventing and combating discrimination and ensuring equality are:

- a) Council for equality ;
- b) public authorities;
- c) the courts.

Article 11. Council for equality

(1) The Council for Equality (hereinafter - *the Council*) is an autonomous budgetary authority, established for the purpose of preventing and combating discrimination and ensuring equality. The Council acts in conditions of impartiality and organizational, functional, operational and financial independence towards any public authority, natural or legal person, regardless of the type of property and legal form of organization, and towards any person with a position of responsibility at any level.

[Art. 11 para. (1) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(1¹) The Council's budget is drawn up, approved and administered in accordance with the principles, rules and procedures established by the legislation in the field of public finance and budgetary-fiscal responsibility.

[Art. 11 para. (1¹) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(2) The Council is a collegial body made up of 5 members, who have no political affiliation, are appointed by the Parliament for a period of 5 years, 3 of the members being representatives of civil society. At least 3 of the members of the Council must be specialists licensed in law. The member of the Council exercises his office until a new member is appointed.

[Art. 11 para. (2) amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(3) Any person, a citizen of the Republic of Moldova, who:

- a) has higher education;
- b) has an impeccable reputation and shows a tolerant attitude towards minority groups;
- c) is a person with recognized activity in the field of human rights defense for at least 5 years;

d) does not have, in the last 5 years, in the file regarding professional integrity, entries regarding the negative result of the professional integrity test for violating the obligation provided for in art. 7 para. (2) lit. a) from Law no. 325 of December 23, 2013 regarding the assessment of institutional integrity.

e) is not prohibited from occupying a public position or public dignity, which derives from a finding of the National Integrity Authority.

(4) The President of the Council notifies the Parliament about the expiration of the mandate of the members of the Council at least 3 months before the expiration. For the appointment of candidates in the Council, the Parliament establishes a special commission made up of members of the Human Rights and Interethnic Relations Commission and the Legal, Appointments and Immunities Commission, which organizes a public competition. The contest is organized at least 30 days before the expiration of the mandate of the previously appointed members.

[Art. 11 para. (4) amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(5) Information about the organization and conduct of the competition, the requirements for candidates, the necessary documents that must be presented are placed on the website of the Parliament 30 days before the date of the competition.

(6) The procedure for organizing and conducting the competition is based on the following principles:

a) open and transparent competition, by ensuring the free access of any person who meets the necessary conditions;

b) equal treatment, through the non-discriminatory application of objective and clearly defined selection criteria, so that all people have equal chances;

c) diversity, by ensuring gender balance and the representation of ethnic and minority groups in society.

(7) Curriculum vitae of the candidates who wish to participate in the competition are placed on the website of the Parliament for public consultation.

(8) The candidates are heard by the established special commission, which draws up reasoned opinions regarding each selected candidate, which they later present to the plenary session of the Parliament. Candidates are appointed with the vote of the majority of the elected deputies.

(8¹) The members of the Council cannot be persecuted or held legally responsible for the opinions expressed and the powers they exercise according to the law.

[Art. 11 para. (8¹) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(9) The membership of the Council ceases upon the expiry of the mandate, as a result of the submission of the request for resignation, revocation or in case of death. A member of the Council can be revoked from office by the body that appointed him in circumstances that exclude the possibility of executing his mandate or at the request of the Council, adopted by the majority of

its members, in case of non-fulfillment or improper fulfillment of the duties. The new member of the Council exercises his function until the term of office of the revoked, resigned or deceased member expires.

[Art. 11 para. (9) amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(10) The membership of the Council is suspended by the body that appointed him in case of accusation of committing a crime in the exercise of the activity or for committing a crime for any reason based on a form of discrimination.

(11) The President of the Council is elected with the majority of votes from the total number of its members. The President of the Council works permanently. The other members of the Council are summoned by the president to meetings.

[Art. 11 para. (11) amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(12) Council members who are not permanently active receive an allowance of 10 percent of the average salary in the economy for each meeting.

(13) In its activity, the Council is assisted by an administrative apparatus.

(13¹) In his activity, the President of the Council may be assisted by personnel in his own cabinet, according to the provisions of Law no. 80/2010 regarding the status of personnel in the cabinet of persons with positions of public dignity.

[Art. 11 para. (13¹) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(14) The Council's activity regulations are approved by the Parliament.

Article 12. Attributions of the Council

(1) The Council has the following powers:

a) examines the compliance of the legislation in force with the standards regarding non-discrimination;

b) puts forward proposals to amend the legislation in order to prevent and combat discrimination and ensure equality;

[Art.12 para.(1), letter b) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

c) adopt advisory opinions regarding the compliance of draft normative acts with legislation in the field of preventing and combating discrimination;

d) monitors the implementation of legislation in the field;

e) collects information about the dimensions, state and trends of the phenomenon of discrimination at the national level and prepares studies and reports;

f) elaborate general recommendations in order to prevent and combat discrimination and ensure equality;

[Art.12 para.(1), letter f) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

g) contribute to the awareness and awareness of society in order to eliminate all forms of discrimination in the context of democratic values;

h) collaborates with international bodies with attributions in the field of preventing and combating discrimination;

i) examine complaints regarding discrimination;

[Art.12 para.(1), letter i) amended by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

j) carry out visits to document the facts that form the subject of the complaint or the way of executing the prescriptions/recommendations formulated by the Council;

[Art.12 para.(1), letter j) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

k) ascertains and, as the case may be, examines contraventions in accordance with the provisions of the Contravention Code;

[Art.12 para.(1), letter k) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

l) notifies the criminal investigation bodies in the event of the commission of discriminatory acts that meet the elements of the crime;

m) contribute to the amicable settlement of conflicts arising from the commission of discriminatory acts by reconciling the parties and seeking a mutually acceptable solution;

n) exercise other duties established by this law and by its activity regulations.

(2) At the beginning of each year, by March 15, the Council presents to Parliament a general report on the situation in the field of preventing and combating discrimination. The report is published on the Council's website.

Article 13. How to submit a complaint to the Council

(1) The procedure for ascertaining the existence or non-existence of the fact of discrimination is initiated by the members of the Council ex officio or at the request of the victim, including at the request of trade unions, public associations, as well as other persons who have a legitimate interest in combating discrimination and who represent a person, group of persons or community against whom the discriminatory act is alleged to have been committed.

(2) The complaint submitted to the Council must contain a description of the violation of the person's right, data regarding the time when this violation occurred, the facts and possible evidence that allow the establishment of the presumption of the existence of an act of discrimination, the name and address of the person submitting it, as well as the data that allow the identification of the person who is supposed to have committed the discriminatory act.

(3) The complaint can be submitted to the Council within one year from the date of the discriminatory act or from the date on which it was known or should have been known about its commission. In the case of a continuous or prolonged act of discrimination, the term runs from the date of the last action or inaction.

(4) The submission of the complaint to the Council does not constitute a mandatory preliminary procedure for addressing the court. The simultaneous examination by the Council and the court of a dispute between the same parties, regarding the same object and having the same grounds has the effect of terminating the procedure for examination of the complaint by the Council.

[Art.13 in the redaction of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

Article 14. Return of the complaint

(1) The Council returns the complaint if it:

- a) does not contain the identification data of the person who submitted it;
- b) was submitted in the interest of another person without their consent;
- c) does not allow the identification of the person who allegedly committed the act of discrimination;
- d) is a repeated complaint that has the same parts, the same object and the same grounds and does not contain new information and evidence.

(2) Restitution of the complaint on the grounds established in para. (1) lit. a)–c) does not exclude the possibility of submitting a new complaint after removing the omissions.

[Art. 14 in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

Article 14¹. Inadmissibility of the complaint

(1) The Council declares the complaint inadmissible if it:

- a) does not contain facts that allow establishing the presumption of the existence of a fact of discrimination;
- b) is submitted in violation of the limitation period;
- c) it is not within the competence of the Council;
- d) has an unfounded object in relation to the scope of this law.

(2) If the examination of the complaint belongs to the competence of another authority, the Council acts according to art. 74 of the Administrative Code no. 116/2018.

[Art.14¹ introduced by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

Article 15. Examination of the complaint

(1) The complaint is examined within 90 days, and if it refers to a complex volume of information or additional consultations are required, the examination can be extended by no more than 60 days, with the parties being informed. When examining the complaint, the Council has the right to request relevant data and information from any person in relation to the facts that form the subject of the complaint. The burden of proving that the act in question does not constitute discrimination rests with the persons alleged to have committed the act.

[Art.15 para.(1) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(2) At the request of the Council, legal entities and natural persons have the obligation:

- a) to make available the copies of the requested documents necessary for the settlement of the complaint;

b) to provide verbal and, as the case may be, written information and explanations in relation to the facts that form the object of the complaint;

c) to ensure the support and conditions necessary for the proper conduct of the examination of the complaint.

[Art.15 para.(2), letter c) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(3) All data, information and documents related to the discriminatory actions or behavior referred to in the complaint must be made available to the Council within 10 days. Unjustified non-presentation of the information requested by the Council is sanctioned according to the legislation in force and is interpreted by the Council against the person who does not present the requested data.

(3¹) In the process of examining the complaint or monitoring the execution of the prescriptions/recommendations, the Council has the right to visit to document the facts that form the subject of the complaint. Obstructing the activity of documentation and monitoring is sanctioned according to the legislation.

[Art. 15 para. (3¹) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(3²) In the process of examination of the complaint, at the request of the involved parties or ex officio, the interested persons may submit opinions, according to the field of competence, regarding the facts that form the subject of the complaint.

[Art.15 para.(3²) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(4) Following the examination of the complaint, the Council adopts a reasoned decision with the majority of its members' votes. The Council's decision may include prescriptions and/or recommendations in order to ensure the reinstatement of the victim's rights and to prevent similar acts in the future.

[Art. 15 para. (4) amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(5) The decision is brought to the attention of the person who committed the discriminatory act and the person who submitted the complaint within 15 days of its adoption. The Council is informed within 30 days about the measures taken, with the presentation of any evidence in this regard. The decision takes effect from the date of notification.

[Art.15 para.(5) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(6) The Council has the right to inform public opinion regarding the non-presentation within the term provided by law of the relevant information requested for the examination of complaints, as well as regarding the intentional ignoring, non-execution of the issued recommendations and other forms of hindering the activity.

[Art.15 para.(6) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

(7) The decisions of the Council are published on its web page, respecting the confidentiality of personal data.

(8) If, during the examination of the complaint, it is found that some acts have been committed that constitute a contravention, the Council shall forward the minutes and the materials of the case to the competent bodies for substantive examination.

[Art. 15 para. (8) amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(9) If the ascertained facts contain elements of the crime, the Council sends the materials to the criminal investigation bodies.

[Art. 15 para. (9) amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

Article 16. Competence of public authorities

In order to prevent discriminatory acts, public authorities, according to their functional competences, exercise the following powers:

[Art. 16 amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

a) implements the principle of equality, non-discrimination and respect for diversity in the activity carried out;

[Art.16 letter a) in the wording of LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

b) coordinates the activity in the field of combating discrimination of decentralized and deconcentrated structures;

c) contribute to educating and sensitizing the population in order to prohibit discrimination in the fields of competence;

d) exercise other duties in accordance with the legislation in the field.

Chapter IV

RESPONSIBILITY FOR FACTS OF DISCRIMINATION

Article 17 . Liability for acts of discrimination

Acts of discrimination are subject to disciplinary, civil, contraventional and criminal liability, according to the legislation in force.

Article 18. The right to protection against discrimination

[Art. 18 name modified by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(1) Any person who considers himself a victim of discrimination has the right to file an action in court and request:

a) establishing the fact of violation of his rights;

b) prohibition of further violation of his rights;

c) restoring the situation prior to the violation of his rights;

d) the reparation of the material and moral damage caused to him, as well as the recovery of court costs;

e) declaration of nullity of the act that led to his discrimination.

(2) Actions in court for the protection of persons who are considered to be victims of discrimination may also be filed by trade unions or public associations in the field of promotion and protection of human rights.

(3) The dissemination of information about the private life and identity of the victim of discrimination is prohibited. The registration, storage and use of personal information regarding victims of discrimination are done in compliance with the special confidentiality rules established by law.

[Art. 18 para. (3) amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(4) When the court examines a case in which an act of discrimination is invoked, the Council may submit conclusions in accordance with art. 74 of the Civil Procedure Code no. 225/2003.

[Art.18 para.(4) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art.63; in force 09.02.23]

Article 19. The burden of probation

(1) The person who brings an action in court must present facts and, as the case may be, statistical data that allow the presumption of the existence of a fact of discrimination.

[Art. 19 para. (1) amended by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23]

(2) The burden of proving that the facts do not constitute discrimination rests with the defendant, except for the facts that attract criminal liability.

Article 20. Prescription period

(1) The limitation period for filing an action in court based on this law is one year from the date of the commission of the deed or from the date on which the person could become aware of its commission.

(2) In case of continuous or prolonged discrimination, the limitation period begins to run from the date of the last action or inaction.

[Art. 20 para. (2) introduced by LP2 of 02.02.23, MO35-38/09.02.23 art. 63; in force 09.02.23; single paragraph becomes para.(1)]

Article 21. State tax

Persons who file an action in court regarding acts of discrimination are exempt from paying the state tax.

Article 22. Financing

(1) The public authorities empowered to implement this law are financed from the account and within the limits of the financial means approved annually in the state budget and in the budgets of administrative-territorial units.

(2) Activities to prevent and combat discrimination can be financed from other sources not prohibited by law.

Chapter V
FINAL PROVISIONS

Article 23

(1) This law enters into force starting on January 1, 2013.

(2) The Government, within 6 months from the entry into force of this law:

a) will submit to the Parliament proposals to bring the legislation into force in accordance with this law;

b) will adopt the normative acts necessary for the execution of this law.

VICE PRESIDENT OF PARLIAMENT Liliana PALIHOVICI

No. 121. Chisinau, May 25, 2012.