

Strategic Litigation – A Tool to Promote Equality in Moldova



On 23 June 2015, [Promo-LEX Association](#) and the [Equal Rights Trust](#) organised a

round table entitled “Strategic Litigation – A Tool to Promote Equality in Moldova” where lawyers, jurists, Non-Government Organisations and public authorities discussed how strategic litigation can prevent and combat discrimination in the Republic of Moldova.

During the event, Andrei Brighidin, member of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, presented several Council decisions with strategic potential on cases of discrimination in the fields of employment, access to justice, access to public goods and services, and others.

“Besides the Council, there are also other bodies in charge of preventing and combating discrimination, which makes the

importance of strategic litigation obvious. Because the Council decisions are often annulled by courts of law or ignored by public authorities, strategic cases have an important role to play,” said Mr Brighidin. He continued, “Non-Government Organisations and lawyers have the possibility to take on these cases and use the judicial system in the Republic of Moldova, as well as the existing regional and national human rights protection mechanisms to rectify certain structural issues, discriminating behaviours or discriminating laws and practices.”

The event also heard several lawyers present strategic cases which had been represented before the Council of Equality and National Courts of Law. These not only defend and help victims of discrimination, but serve as a precedent for others in similar situations, contribute to the eradication of certain systemic problems, and enforce change in existing discriminating policies and practices.

These presentations included: the case of [Elena Voronina on the recovery of legal capacity](#) ; the case of [Cornel Baran on the discrimination in access to education because of disability and lack of reasonable accommodation](#); the case of [Alexandru Cebotari on the discrimination because of disability in access to public services and lack of reasonable accommodation](#); the case [Lawyers v. National Health Insurance Company on discrimination based on professional status and wealth](#) when determining the price of the compulsory health insurance policy; and the case of [Tatiana Machina on the lack of reasonable accommodation for persons with disabilities in penitentiaries](#). .

“The law contains important provisions protecting people from discrimination. However, research carried out by Promo-LEX and the Equal Rights Trust shows that widespread prejudice and inequality persist” said Joanna Whiteman Head of Litigation at the Equal Rights Trust.

She continued, “We have seen that Roma cannot access many services because of discrimination, people with mental disabilities are institutionalised in inhuman situations, and the political opinion of public servants determines the stability of their employment. Strategic litigation can and should be used to ensure that such violations of anti-discrimination laws are condemned and that the laws are implemented in practice so that everyone in Moldova enjoys genuine equality.”

The roundtable event was organised in partnership with the Council on the Prevention and Elimination of Discrimination and Ensuring Equality under the project entitled “Strengthening civil society organizations from Moldova, including the Transnistrian region, to combat discrimination through advocacy actions”. The project is implemented by the Equal Rights Trust and Promo-LEX Association with financial support provided by the European Union.

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