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## Advisory Committee on the Framework Convention for the Protection of National Minorities

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### Second Opinion on Moldova Adopted on 9 December 2004

#### EXECUTIVE SUMMARY

Following the adoption of the first Opinion of the Advisory Committee in March 2002 and the Resolution of the Committee of Ministers in January 2003, Moldova has taken new measures to improve the situation of persons belonging to national minorities in various areas affecting preservation of their culture, language and traditions.

Nevertheless, significant problems remain, some of them connected to the unsolved issue of Transnistria and to difficulties to find a solution, in accordance with the principles of territorial integrity and national sovereignty of Moldova.

The authorities should pay more attention to the multicultural and intercultural dimension of education, as well as to the quality of the teaching provided for persons belonging to national minorities. They should also try to expand teaching in and of the various minority languages, and find ways of ensuring a more balanced presence of those languages in the media and in relations with the administrative authorities. To meet the specific needs of different national minorities, the participation of the representatives of national minorities in decision-making should be re-enforced.

Increased efforts should also be made to promote tolerance and intercultural dialogue, including a more effective monitoring of the situation in this area.

The situation of the Roma, who are still faced with discrimination, social exclusion and marginalisation, remains a source of serious concern. Increased action is needed to improve their social, economic and educational situation, as well as their participation in public life.

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

**SECOND OPINION ON MOLDOVA**

1. The Advisory Committee adopted the present Opinion on 9 December 2004 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report) received on 14 May 2004 and other written sources and in information obtained by the Advisory Committee from governmental and non-governmental contacts during its visits to Chisinau, Comrat and Taraclia from 12-15 October 2004.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Moldova. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention contained in the Advisory Committee's first Opinion on Moldova, adopted on 1 March 2002 and in the Committee of Ministers' corresponding Resolution adopted on 15 January 2003.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Moldova.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Moldova as well as with representatives of national minorities and other actors involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

## **I. MAIN FINDINGS**

### **Monitoring process**

6. Moldova has adopted a constructive approach to the Framework Convention's monitoring process. It has hosted a follow-up seminar to discuss action on the findings with national minorities and representatives of the Advisory Committee. The fact, which was a source of satisfaction to the national minorities, that all the monitoring procedure documents (Advisory Committee's opinion, comments of the Government, Committee of Ministers' Resolution) were translated into several minority languages<sup>1</sup> for the seminar, should also be welcomed. Several other seminars on national minorities organised in Moldova – some of them under the Stability Pact for South-East Europe – have shown that Moldova is an active partner, in promoting the protection of national minorities, at both government and civil society levels, and is continuing to give these questions its special attention.

7. The authorities contacted minority representatives on the preparation of the State Report. It appears, however, that there was no real discussion of its content. Some representatives of national minorities feel that this communication initiated by the Government was not sufficient, and consider that the Report does not reflect their concerns in the manner they had hoped. In future, Moldovan authorities, as well as representatives of national minorities, should adopt a more open and active attitude, and together decide how best to ensure that the monitoring process under the Framework Convention takes due account of the views of all the parties.

### **Application of the Framework Convention in Transnistria**

8. As it did during the first monitoring cycle, the Advisory Committee focused, in preparing this Opinion, on action taken by the Moldovan authorities to implement the Framework Convention in territories under their effective control. However, the Advisory Committee is aware that settling the Transnistrian problem is one of the Moldovan Government's priorities and knows that, until it is settled, that problem will continue to affect significantly the process of domestic dialogue and reconciliation concerning such important issues as consolidation of the Moldovan State, national identity and language.

9. The present situation obviously has negative effects on the implementation and on the monitoring of the Framework Convention in territories outside the Moldovan Government's effective control. The efforts of the Moldovan authorities and certain non-governmental organisations to contact civil society representatives in Transnistria and, whenever possible, involve them in activities aiming to promote tolerance and inter-cultural understanding are laudable and should be encouraged.

10. More generally, it is up to the authorities, and all the parties involved in the negotiation process, to redouble their efforts and adopt an open and constructive

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<sup>1</sup> Bulgarian, Gagauz, Romany, Russian, Ukrainian.

approach, so that a just and lasting solution can be found without delay. In this connection, the principles enshrined in the Framework Convention must be upheld, ensuring that the rights of persons belonging to national minorities living anywhere in Moldovan territory are respected.

11. The Advisory Committee has taken note with concern of the serious difficulties recently encountered in Transnistria by Moldovan schools employing the Latin script. Like the international organisations which have already expressed their position on this question, the Committee considers that the situation of the pupils, families and teachers concerned, who are *de facto* – at least in language terms – in a minority position in Transnistria, is unacceptable. It finds that situation even more disturbing in view of the fact that children are not only deprived of their rights concerning equal access to education and preservation of their identity (of which language is one essential aspect), but have also been placed at the centre of a conflict where the issues are political, and not simply educational.

12. Although most of the pupils concerned were eventually able to start the school year without excessive delay, the schools' situation remains uncertain and is causing concern under the Framework Convention. Provisional registration<sup>2</sup> of two schools by the self-proclaimed Transnistrian "authorities" has not solved the basic problem which caused the tensions. The parties concerned should make all necessary efforts to find, without delay, a lasting solution which respects international standards, including the Framework Convention, allows these schools to function normally, and respects the right of children to preserve and affirm their linguistic and cultural identity through the schooling they receive.

### **General legislative framework**

13. As requested by the Advisory Committee in its first Opinion, with reference to Article 3 and other articles of the Framework Convention, Moldova has attempted to ensure that the Organic Law on the Rights of Persons Belonging to National Minorities and their Associations<sup>3</sup> (hereinafter the Law on National Minorities), adopted in August 2001, is effectively implemented in practice. It has also added to its legal basis for the protection of national minorities by adopting, in December 2003, the Law approving the main lines of the national policy of the Republic of Moldova (hereinafter the National Policy Law). This is a legal text with important political dimension, and it lays down strong guidelines which the public authorities are required to follow in all spheres of action relating to consolidation of the Moldovan State, and development of a distinctive state and national identity. Certain measures<sup>4</sup> to protect national minorities, in legislative and other terms, are also provided for in the National Human Rights Action Plan 2004–2008, ratified by Parliament in October 2003. Several other acts and bills having implications for the protection of national minorities have been the subject of close co-

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<sup>2</sup> As foreign teaching establishments.

<sup>3</sup> Act No. 382 of 28 August 2001, which came into force on 4 September 2001.

<sup>4</sup> Some of these measures concern Moldova's projected ratification of the European Charter for Regional or Minority Languages.

operation with the Council of Europe in recent years<sup>5</sup>. When making future legislative changes, the authorities should pay due attention to the principles enshrined in the Framework Convention, whenever questions with a bearing on protection of national minorities are being discussed. In this connection, the authorities are asked to ensure that the specific linguistic and other needs of persons belonging to all national minorities in Moldova are taken into account.

### **Implementation of the laws in practice**

14. Enforcing the law remains a major problem for Moldova, and the laws on protection of national minorities are no exception. Although the legal basis pertaining to the protection of national minorities is generally in line with the main European and international standards, there are still, according to national minorities' representatives, substantial delays and problems with implementation – particularly at local level – in such fields as education, support for cultural development of national minorities, and participation. Clearly the present socio-economic crisis affecting the country is one of the factors that make this difficult. Nonetheless, the authorities need to show political determination and mobilise available resources to ensure that all the constitutional and legislative guarantees applying to the protection of national minorities are provided in practice.

### **Collection of data**

15. Fifteen years after the previous population census in 1989, Moldova recently (October 2004) organised the first census taken since it became independent. As the Advisory Committee stressed in its first Opinion, this should provide the up-to-date picture of Moldova's ethnic composition which is needed to implement minority rights properly in various fields. When the data collected are being analysed and used, it is particularly important that the right of persons belonging to national minorities to be treated, or not to be treated as such, right enshrined by Article 3 of the Framework Convention, be fully respected, as well as all the guarantees provided by international norms on protection of personal data.

### **Tolerance and inter-cultural dialogue**

16.. The general climate of Moldovan society is one of tolerance and mutual respect, and the various official and civil society actors in public life are committed to maintaining inter-ethnic understanding and dialogue. Nonetheless, additional monitoring is needed to determine the real incidence of ethnic discrimination and intolerance. Greater efforts should be made to inform and raise awareness, targeting *inter alia* the police, the judiciary and the media, in order to extend inter-cultural dialogue and combat intolerance, particularly in the case of more vulnerable groups, such as the Roma and

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<sup>5</sup> This applies, in particular, to a Bill on Freedom of Conscience and Religious Associations, a Bill on Education, new legislation on political parties and socio-political organisations, and projected amendments to the Law on the Press and the Law On the Public Broadcasting Company, "Teleradio Moldova".

non-traditional religious communities. A more effective contribution in the field of education and the media is called for in this respect.

17. Regarding the media, which are still divided along language lines, it is regrettable that their treatment of inter-ethnic relations and diversity remains, on the whole, unsatisfactory, notwithstanding certain positive initiatives.

### **Situation of the Roma**

18. Many Roma in Moldova are still in a particularly difficult situation, which is a cause of concern. Tangible improvements are needed in a number of areas (living conditions, employment, education, participation in public life), since the measures taken by the authorities in recent years have proved insufficient. Concerted policies to redress the situation in the sectors concerned, combined with extra funding, should open the way to such improvements. Both central and local authorities are encouraged to adopt a more resolute stance, and take practical steps to help Roma to escape the isolation and marginalisation which they suffer today.

### **Education**

19. If Moldova's legislation pertaining to educational rights of persons belonging to national minorities can be considered as a generous legal basis, generally in line with international standards, this legislation is, however, not sufficiently implemented. Despite positive developments, further measures are needed, particularly concerning teacher training, textbooks and other teaching aids, in order to consolidate and develop the teaching of minority languages, and notably teaching in minority languages, at the various levels of education. Special attention should be paid to the multi-cultural and inter-cultural dimension of schooling and, more generally, to the quality of the teaching provided for national minorities, including teaching of the State language. The authorities should redouble their efforts to improve the situation of the Roma, some of whom are particularly disadvantaged in the education field.

### **Use of minority languages**

20. The 1989 Law on the Functioning of Languages is still in force. For several years, various actors have been suggesting that this law needs to be up-dated, modernised and brought into line with the new situation created since the country became independent. The linguistic question – itself a vital aspect of the building process of the Moldovan State and of people's identity – is a highly sensitive issue, and any initiative taken in this area is in instant danger of being politicised and becoming seriously divisive. This has been shown by several attempts to make changes, particularly concerning the status of Russian. The authorities admit that the language laws need up-dating, but want to preserve the social stability achieved so far, and therefore seem - at this stage - to prefer the *status quo*.



21. Whatever the course followed, it is essential, as the Advisory Committee stressed in its first Opinion, that the Framework Convention's principles be respected, and national minorities consulted on any decisions taken in this area. This is the only way to ensure that the policies and measures adopted answer to the needs and specific identities of persons belonging to the different national minorities living in Moldova.

22. In practical terms, national minorities living in Moldova globally appreciate the opportunities they are given to use their own languages. However, more resolute efforts must be made to increase the actual presence of those languages – particularly Ukrainian and the languages of the smaller minorities, including the Roma – in such sectors as media, education and relations with the authorities.

### **Participation**

23. Although persons belonging to national minorities generally enjoy favourable conditions for effective participation in public life, various improvements, both legal and practical, could be made. The authorities are urged to take further steps to enable national minorities to participate effectively in decision-making affecting them, *inter alia* by consulting national minorities more broadly on issues which concern them. Additionally, further efforts are needed to increase the number of persons belonging to national minorities in public service posts. Special attention should be paid to the numerically smaller minorities, and particularly the Roma, who are sometimes excluded to a disturbing degree from community and economic life and decision-making.

## II. ARTICLE-BY-ARTICLE FINDINGS

### ARTICLE 3 OF THE FRAMEWORK CONVENTION

#### **Criterion of citizenship in the definition of the expression “national minority”**

##### *Findings of the first cycle*

24. In its first Opinion, the Advisory Committee noted that the criterion of citizenship was included in the definition of the expression “national minority” contained in Moldovan legislation. It also mentioned the legal and procedural problems encountered by persons of foreign origin (some 4,000 to 5,000) who had been living in Moldova for several years, in their attempts to obtain Moldovan citizenship.

##### *Present situation*

#### a) Positive developments

25. The Advisory Committee welcomes the fact that the authorities are in their action maintaining a dialogue, in terms of protection of national minorities, with these persons of foreign origin, whether or not they have obtained Moldovan citizenship, and that, in accordance with this practice, these persons were included in the discussions with the Advisory Committee during its visit to Moldova. It also notes that Moldova has amended its legislation on citizenship<sup>6</sup> in such a way as to facilitate naturalisation.

#### b) Outstanding issues

26. Despite this legislative development, persons of foreign origin who have already lived in Moldova for more than ten years are still encountering difficulties in their attempts to obtain Moldovan citizenship, difficulties that appear to be connected with the lack of bilateral agreements on dual citizenship with their countries of origin.

##### *Recommendations*

27. The authorities should continue their efforts to improve the possibilities of obtaining Moldovan citizenship in order to facilitate the integration of these persons in Moldovan society as well as their access to the protection of the Framework Convention.

28. The Advisory Committee also believes that it would be possible to consider, where appropriate, the inclusion of persons without citizenship of Moldova in the application of the Framework Convention on an article-by-article basis, and is of the

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<sup>6</sup> Law No. 232-XV of 5 June 2003 amending Law No. 1024-XIV of 2 June 2000 on Citizenship of the Republic of Moldova.

opinion that the authorities should examine this issue in consultation with those concerned.

### **Data collection**

#### *Findings of the first cycle*

29. In its first Opinion, the Advisory Committee urged the authorities to organise a new population census and, more generally to take all necessary measures to obtain reliable data on the ethnic composition of the population.

#### *Present situation*

##### Positive developments

30. The organisation of a new population census in October 2004 is to be welcomed as a significant development likely to have positive effects on the development and evaluation of policies and measures on implementation of the Framework Convention in Moldova. The fact that international observers, including from the Council of Europe, were invited to monitor the census, as well as the processing and subsequent publication of its results (planned for 2005), is also to be welcomed.

31. In order to foster free expression of the ethnic identity of individuals, the question on “nationality” was optional and open, leaving it to individuals to decide whether or not to indicate that they belonged to a group they themselves named, without offering a ready-made list of ethnic groups. Similarly the question on languages, which was in three parts (mother tongue, language usually spoken, languages known), did not offer a ready-made list of languages. The census forms were bilingual (State language and Russian). Despite these precautions, the international observers concluded in their preliminary report that these questions often proved sensitive and were in some cases a source of confusion. They also noted that, while interviewees generally answered them spontaneously, the census takers appear to have tried, in some parts of the country, to influence the interviewees’ choice, in particular by discouraging them from saying that they were “Romanian” rather than “Moldovan”.

32. Non-governmental sources criticized the authorities and the media for not having prepared the population sufficiently for the census either by explaining its importance and implications or how it would be conducted, including the behaviour expected of the census takers. It has to be observed that a number of uncertainties and fears remain among the population, particularly concerning possible distortions of their declarations by census takers.

33. Despite the irregularities mentioned, the observers considered the conduct of the census to have been successful. They also called for special attention to be given to the processing of data on ethnicity and announced that they would be following the process closely.

*Recommendations*

34. In view of the particularly sensitive nature of the information on ethnicity and the use of languages in Moldova, the authorities should ensure, when the data collected during the census is processed and disseminated, that guarantees on the gathering of personal data are respected in accordance with existing standards in the field and the principles contained in Article 3 of the Framework Convention. Furthermore, the authorities should seek to ensure that the publication of the final results is not misused for political or other purposes. This is particularly important as regards information on the ethnic breakdown of the population.

**ARTICLE 4 OF THE FRAMEWORK CONVENTION**

**Developments in combating discrimination**

*Findings of the first cycle*

35. In its first Opinion, the Advisory Committee noted that official information on cases of discrimination on grounds of ethnicity was very limited and invited the authorities to improve the means of assessing the situation in this respect. The Parliamentary Advocates were encouraged to give more specific attention in their activities to issues connected with the protection of national minorities.

*Present situation*

a) Positive developments

36. The number of cases of discrimination brought to the attention of the Advisory Committee by persons belonging to national minorities remains limited. The Advisory Committee also notes that the problems of persons belonging to national minorities continue to account for only a very small number of the cases dealt with by the Parliamentary Advocates.

b) Outstanding issues

37. Like ECRI in its Second Report on Moldova<sup>7</sup>, the Advisory Committee notes that the authorities still do not have sufficient data on the situation of persons belonging to national minorities in a number of areas of economic and social life. It notes in this context that, according to different sources, a significant proportion of the Roma population still faces difficulties and discrimination in various sectors (see in this connection “The situation of the Roma” below).

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<sup>7</sup> European Commission against Racism and Intolerance (ECRI) Second Report on Moldova, adopted on 28 June 2002, CRI (2003) 6.

38. As to the Parliamentary Advocates, the Advisory Committee considers that, in order to make sure that the limited number of complaints addressed to them reflects the real situation, further efforts could be made to inform the population potentially concerned, in particular the Roma, of the opportunities this body provides for combating discrimination. The Advisory Committee takes note of the pending revision of the law governing the functioning of this body, aiming to make it more efficient, and considers that this could also be beneficial for persons belonging to national minorities.

39. In addition, the Advisory Committee notes that shortcomings are reported with regard to the conditions in which NGOs promoting human rights and fighting against discrimination work in Moldova.

#### *Recommendations*

40. The authorities should step up their efforts to find ways of obtaining a more complete picture of the implementation of the principles of non-discrimination and full and effective equality with respect to persons belonging to national minorities.

41. The authorities are encouraged to pursue their plans aiming to improve the legal framework and practical conditions for the activities of the Parliamentary Advocates. The latter are encouraged to be more active in informing the population of the mechanisms available to ensure protection from discrimination, including the possibility for non-governmental organisations to represent victims of discrimination before the Parliamentary Advocates. It is also important to ensure that appropriate attention is paid to ethnic grounds whenever they appear in a case.

42. More generally, it is important for the protection of national minorities to create in Moldova all the conditions enabling NGOs to freely pursue their activities and to support them in this.

### **The situation of the Roma**

#### *Findings of the first cycle*

43. In its first Opinion, the Advisory Committee encouraged the authorities to intensify their efforts to find appropriate solutions to the serious social and economic difficulties, social exclusion and discrimination suffered by a significant number of Roma.

#### *Present situation*

##### a) Positive developments

44. In recent years, the authorities have introduced measures in various sectors in order to improve the situation of the Roma. As mentioned in the State Report, direct

support, including financial, has been given to Roma in education, health, housing and other relevant areas.

b) Outstanding issues

45. Despite the measures mentioned, the implementation of the 2001 Governmental Programme for Roma Integration has not resulted yet in tangible improvement of the situation. A significant proportion of the Roma population of Moldova continues to face serious problems in virtually all key areas of life. In some rural areas they are still almost completely isolated in their villages, which are a long way from other localities and economic centres and in which living conditions continue to be particularly difficult – lacking basic sanitation, heating, running water and electricity. In this context, a high rate of unemployment is reported among the Roma – who have difficulty finding any source of income –, housing and health problems, difficulty accessing social services, no or very limited help from local authorities. In the educational field, it is noted *inter alia* that Roma children are isolated due to the geographic distance of their villages. There are high rates of illiteracy and absenteeism and virtually no access to education of or in the mother tongue. Similar difficulties are reported with respect to access to the courts and participation in public life (see also the comments under Articles 5, 6, 12, 14 and 15, below).

46. Although the whole population of Moldova has been suffering as a result of the serious economic difficulties of the country, the Roma suffer in addition social exclusion and marginalisation. They are the victims of prejudices and stereotypes, often disseminated by the media. Discriminatory practices against them, including, in some cases, on the part of members of the law-enforcement bodies, are reported in most areas (see also the comments under Article 6 below).

47. With the backing of the Council of Europe, there have recently been a number of consultations with representatives of the Roma on the possible adoption of a comprehensive strategy to supplement and develop the above-mentioned programme. In this context, a negotiating group composed of representatives of various Roma organisations was set up to be the Government's main partner in this process and to put forward concrete proposals in the name of the Roma. Although some governmental bodies have shown themselves to be open to this process, the drafting of the strategy at present seems to be blocked. The authorities seem to prefer the development of more specific measures, in pursuit of the Governmental Programme of 2001, than to the drawing up of the strategy mentioned above.

*Recommendations*

48. More determined efforts are needed, at both central and local levels, to achieve tangible improvements in the situation of the Roma. In particular, the improvement of their socio-economic situation is essential. The co-operation developed with the Council of Europe in this field should continue.

## ARTICLE 5 OF THE FRAMEWORK CONVENTION

### Support for minority cultures

#### *Findings of the first cycle*

49. In its first Opinion, the Advisory Committee encouraged the authorities to continue to support national minorities in their actions to preserve and develop their cultures and to involve more fully their representatives, including those of disadvantaged and numerically smaller minorities, in decision-making in this area.

#### *Present situation*

##### a) Positive developments

50. The efforts of the authorities at central, regional and local levels to support numerous cultural activities of national minorities, their artistic ensembles, the publication of literature in minority languages and their specific cultural establishments (cultural centres, museums, theatres, libraries), are to be welcomed. It is important to note that these activities are not isolated but, on the contrary, engender a great deal of interest from minorities and the majority alike. The Advisory Committee notes in this respect that, for Moldova, bilateral co-operation is a particularly important way of strengthening cultural support for national minorities and that the authorities are trying to use the potential for co-operation with kin-states as much as possible in order to compensate for the lack of resources prevailing at the national level (see also the comments under Article 18 below).

51. With regard to the Roma, the Advisory Committee was pleased to learn from the representatives of the Ministry of Culture, that Roma artistic activities are given substantial support by the State and valued by the population. The fact that Roma culture and history have for some years been the subject of academic research by the Moldovan Academy of Sciences, whose Institute for Interethnic Research now has a special section devoted to the field, should be noted as a positive development. It can only be hoped that in the medium and long terms this will have a positive spill-over effect in schools, and, more generally, in terms of societal attitudes towards persons belonging to this minority.

##### b) Outstanding issues

52. Representatives of the minorities, while appreciating the guarantees provided for by Moldovan legislation in this field and despite the efforts mentioned by the authorities, consider this legislation to be insufficiently applied, particularly at local level. The Ukrainians consider a clear political will to support the preservation and development of their culture, language and traditions to be lacking. They point out that, although they are the largest minority in Moldova, their cultural establishments receive very little Government support. Similarly, representatives of the Gagauzians, while recognising that

the Government has taken a number of measures in this field, consider that, in addition to separate actions, the Government should introduce conditions and specific support mechanisms to ensure the affirmation of the cultures of persons belonging to national minorities. The Bulgarians have noticed a strengthening in Government support in the cultural field only in recent years.

53. As for more specific expectations, the Gagauzians living in Chisinau would like to have their own cultural centre for their activities.

54. Similarly, the Roma have asked for the Government's support for the establishment of a cultural and educational centre in Chisinau. In spite of the measures taken by the authorities to support their artistic activities, the Roma consider the State's efforts in this area insufficient, which is aggravated by the fact that they cannot receive support from a kin-state.

#### *Recommendations*

55. Moldova should maintain and develop its support for the preservation and development of national minority cultures and strive to respond more adequately to existing needs. Increased attention should be paid to the expectations of Ukrainians in this field, including through the establishment of a clear and consistent policy of support for their culture, language and traditions. The authorities should also examine the above-mentioned and other demands for the setting up of cultural centres of national minorities, as well as the specific needs of the Roma in this domain.

### **ARTICLE 6 OF THE FRAMEWORK CONVENTION**

#### **Promotion of tolerance and interethnic understanding by the authorities**

##### *Findings of the first cycle*

56. While welcoming the general atmosphere of mutual respect and understanding in Moldovan society, the Advisory Committee was concerned about the language gap between the majority, who speak the State language (Moldovan), and the Russian-speaking population of the country. In the context of the tensions that appeared when the authorities announced measures on language policy and history teaching, the authorities were encouraged to continue their efforts to promote tolerance and intercultural dialogue and avoid strengthening these divisions.

##### *Present situation*

###### a) Positive developments

57. Although there are still difficulties, tensions have subsided and the tolerance level among the population seems to have improved. The concern to preserve intercultural understanding and harmony, and in this way the cohesion and stability of Moldovan



society, seems to be a priority for all the actors involved, whether the authorities or the groups concerned.

58. Although the situation has again become more tense, particularly in relation to the problems encountered by the Moldovan schools of Transnistria using the Latin script, the Advisory Committee appreciates the efforts the Moldovan authorities have made in the last few years to deblock the situation in Transnistria. It also welcomes the initiatives taken by representatives of civil society and certain state structures (such as the Department for Interethnic Relations), as well as some Moldovan media, to develop constructive dialogue with non-governmental organisations in Transnistria and involve them in activities that seek to promote interethnic dialogue and mutual understanding. In this context, special mention should be made of the solidarity expressed by the national minorities of Moldova with the children and families of Transnistria in their efforts to be able freely to exercise their rights in the educational field.

#### b) Outstanding issues

59. Despite the positive developments mentioned above, Moldovan society is still divided around linguistic questions and, more generally, questions connected with Moldova's search for and affirmation of a national and state identity. Although an increasingly balanced approach has been pursued in the last few years in addressing these questions, there are still instances of intolerance, often kept alive and sometimes fuelled by the media.

60. The question of Transnistria remains a serious concern, especially since this conflict affects a great many developments, political and others, of importance to the whole population of Moldova, including the preservation of tolerance and interethnic co-operation, the stability of the country, its territorial integrity and national sovereignty.

61. The Advisory Committee notes in addition that manifestations of intolerance are still reported in the Moldovan society with respect to persons belonging to more vulnerable groups, such as the Roma and non-traditional religious communities (see under Article 8 below).

#### *Recommendations*

62. In order to preserve and strengthen the country's social cohesion, it is essential that the Moldovan authorities continue to promote mutual respect, interethnic understanding and co-operation among persons belonging to different ethnic or linguistic groups and make efforts to eliminate any barriers or division between them. More determined efforts are needed to strengthen the role of education, the media and culture in this connection. Increased efforts should be made to improve the dialogue with, and the integration of, persons such as the Roma and non-traditional religious communities.

63. As regards Transnistria, the authorities are encouraged to continue and intensify their efforts to arrive at a peaceful and lasting settlement of the conflict as soon as

possible by adopting an open, constructive approach, fostering dialogue and interethnic understanding.

### **The role of the media**

#### *Findings of the first cycle*

64. The Advisory Committee called upon the authorities to intensify their efforts to create all the necessary conditions for the independence of the media, regardless of their language, enabling them, despite all the divisions, to make a real contribution to promoting tolerance and interethnic understanding.

#### *Present situation*

##### a) Positive developments

65. Laudable efforts have been made by media professionals in this connection. The project for diversity launched by the Centre for Independent Journalism in Spring 2004 is to be welcomed, for example. Journalists from various ethnic backgrounds and different regions of the country have formed a network to prepare bilingual publications (State language and Russian) on intercultural dialogue and diversity and to monitor how these issues are covered by the main media. Similarly, the recent setting-up, with international backing, of a forum for information and common dialogue (“Ethnoforum”) open to the various ethnic groups to make up for the shortfall in this area is also to be welcomed. It consists in particular of a bilingual, interactive Web page (State language and Russian) open to interethnic communication, and the production of a series of television programmes on the same set of issues to be broadcast by the public television channel.

##### b) Outstanding issues

66. Despite these developments, there are still serious deficiencies in the way the mainstream public media cover diversity and reflect interethnic relations as well as issues of national importance. According to these studies, media treatment of these issues is too often politicised and biased and still displays prejudiced stereotyping either of national minorities or of the majority. The lack of pluralism and alternative opinions, balance and diversity are also cited as deficiencies likely to have negative effects on tolerance and interethnic understanding.

#### *Recommendations*

67. More sustained efforts are needed in order to encourage that media play a positive role in Moldovan society as vehicles of communication and integration, whatever their positioning in the media landscape and whatever the language used. Further measures are awaited in terms of training and awareness-raising for journalists with respect to human rights and diversity. More generally, the authorities should ensure that all the conditions needed to allow the media to operate independently and pluralistically are in place,

including with regard to the public service broadcasting company, "Teleradio Moldova". The co-operation developed with the Council of Europe in this area should be pursued as a matter of priority.

### **The police and ethnically motivated incidents**

#### *Present situation*

##### Outstanding issues

68. The Moldovan authorities report that they have no information on ethnically motivated cases of threats or discriminatory acts, hostility or violence. However, it appears that members of the law-enforcement bodies sometimes display a lack of understanding towards these people, many of whom live in very difficult conditions. Non-governmental sources mention cases reflecting a discriminatory attitude on the part of the police<sup>8</sup> toward the Roma, although no formal complaint has been lodged in this connection. These sources also report instances of abusive behaviour and even violence by some police officers towards the Roma, including women and children in some cases.

69. The Roma are also subject to discrimination as regards access to the courts since the police and judicial authorities tend to be reluctant to conduct the necessary investigations and prosecute known perpetrators of violence against the Roma, especially when such acts are committed by police officers.

70. Cases of arbitrary arrest and detention of Roma and persons of foreign origin are also mentioned, as well as ill treatment of persons in custody.

71. The Advisory Committee notes, however, that Moldova has increased its efforts both at central and regional levels to combat such behaviour, seeking to familiarise the police further with European standards of human rights and the related police ethics. It is also planned to update the code of police ethics as well as to give it the force of legislation, eventually.

#### *Recommendations*

72. Since in the absence of reliable statistics it is difficult to determine the real number of ethnically motivated manifestations of intolerance and hostility, Moldova should take all the steps necessary to enable adequate monitoring of the situation in this field. It is also essential to ensure that all reported cases are investigated in the framework of the supervisory procedures within the police as well as through independent mechanisms and that, where necessary, appropriate sanctions are imposed.

73. At the same time, measures to raise awareness of human rights and tolerance, the existence of national minorities and the special characteristics of their culture and

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<sup>8</sup> For example, non-governmental sources cite Roma being targeted with respect to the checking of papers when they are carrying out one of the few activities that can bring them an income, namely retail trade.

traditions, particularly the Roma, should be continued and stepped up. These measures should be addressed to members of the police forces and the other professions concerned, such as the judiciary, the press, etc.

## **ARTICLE 7 OF THE FRAMEWORK CONVENTION**

### **Legal framework for political parties**

#### *Findings of the first cycle*

74. In its first Opinion, the Advisory Committee encouraged the authorities to examine the legal framework pertaining to political parties' organisation and functioning<sup>9</sup> in order to ensure that there were no undue obstacles to persons belonging to national minorities organising and defending their interests in the framework of political parties.

#### *Present situation*

##### a) Positive developments

75. In recent years Moldovan legislation on political parties and socio-political organisations, as well as the electoral code and other related laws, has been the subject of dialogue with the Council of Europe through a legislative expertise that covered, *inter alia*, the issues that attracted the Advisory Committee's attention during the first round of monitoring of the Framework Convention.

##### b) Outstanding issues

76. Although close co-operation has been established with the Council of Europe in order to bring legislation into line with European standards, none of the issues concerned are yet on the Moldovan Parliament's agenda.

#### *Recommendations*

77. When the necessary new legislation on political parties is enacted, the authorities should ensure that freedom of association of persons belonging to national minorities is respected, in accordance with Article 7 of the Framework Convention (see also the comments under Article 15 below).

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<sup>9</sup> The Law on Political Parties and Socio-political Organisations (17 September 1991) as amended and supplemented on 19 October 1993 (No. 1615 – XII) and 30 September 1998 (No. 146 – XIV).

## ARTICLE 8 OF THE FRAMEWORK CONVENTION

### Freedom of religion and the right to establish religious organisations

#### *Present situation*

78. Representatives of the Muslims of Moldova (the Spiritual Organisation of the Muslims of Moldova and the Central Muslim Spiritual Council) reported practical difficulties with requests to register their religion lodged several years ago with the State Department for Religions. Although Moldovan legislation<sup>10</sup> allows the free organisation and functioning of cults in the conditions established by law and the amendments made in 2002 to the Law on Cults were supposed to simplify the registration process, it seems that the requests in question are rejected for procedural reasons that are difficult to identify. Following a complaint lodged in 2002 against the State Department for Religions by the Central Muslim Spiritual Council, a case is at present before the Moldovan courts, while the Spiritual Organisation of the Muslims of Moldova has lodged an application with the European Court of Human Rights. The case is at present awaiting examination<sup>11</sup>.

79. Furthermore, this question also seems to be dealt with by the authorities from the point of view of public order and national security. The police keep a close watch on the religious practices of the members of the Muslim communities, in particular those meeting in Chisinau in premises made available by a charitable organisation. Hostile attitudes on the part of the police are reported in this context (repeated identity checks, pressure, intimidation, imposition of administrative fines). According to representatives of the Ministry of Interior, police action in this case concerns only the organisers of these meetings and not the ordinary participants. According to them, such action is justified by provisions of Moldovan legislation requiring religions to be recognised by the State in order to organise and function.

80. It may nevertheless be questioned if the public exercise of religious practices can justly be considered illegal, even if the cult concerned is not registered, given that the law allows everyone to exercise their religion freely, whether individually or communally, in private or in public (Article 1 of the above-mentioned Law on Cults)<sup>12</sup>. The only restrictions authorised are on grounds connected with protecting security and public order, health and morality and protecting the rights and freedoms of others. The effective existence of such grounds has yet to be confirmed, however.

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<sup>10</sup> See Article 31 of the Moldovan Constitution and Organic Law No. 1220 – XV of 12 July 2002 amending and supplementing Law No. 979 – XII of 24 March 1992 on Cults.

<sup>11</sup> See Case *Spiritual Organisation of the Muslims of Moldova v. Moldova*, No. 12282/02.

<sup>12</sup> See relevant case law of the European Court of Human Rights on freedom of religion, including *Metropolitan Church of Bessarabia and Others v. Moldova*, Judgment of 13 December 2001, No. 45701/99.

*Recommendations*

81. Moldova should take all the legal, administrative and other measures necessary to ensure that Muslims belonging to national minorities enjoy effective freedom of religion and the right to establish religious organisations without undue hindrance or discrimination, in accordance with Article 8 of the Framework Convention.

**The Tatars request for a Muslim cemetery**

*Findings of the first cycle*

82. In its first Opinion, the Advisory Committee encouraged the authorities to identify solutions, in consultation with representatives of the Tatar community, to enable that community to have at its disposal an appropriate location in which to build a Muslim cemetery in Chisinau.

*Present situation*

Outstanding issues

83. Despite repeated requests, the Tatar community still does not have a cemetery. Although the Mayor of Chisinau has recently suggested a solution, this is not acceptable to those concerned.

*Recommendations*

84. An acceptable solution should be found in response to the Tatar community's request for a Muslim cemetery in Chisinau.

**ARTICLE 9 OF THE FRAMEWORK CONVENTION**

**Minorities' access to the media**

*Findings of the first cycle*

85. In its first Opinion, the Advisory Committee called for efforts to ensure a greater balance between persons belonging to the various national minorities in respect of access to and presence in the media. The authorities were encouraged to support media in minority languages at local level, particularly for the numerically smaller minorities, including the Roma.

*Present situation*

a) Positive developments

86. The rapid development of private electronic media in Moldova has opened up new opportunities for access to the media by national minorities and the use of their languages in this context. Of around 150 private radio stations and television channels, about fifteen transmit their programmes, or at least some of them, in minority languages in areas where significant numbers of persons belonging to national minorities live: Russian, Gagauzian (several private radio and television channels broadcast in Gagauzia, as well as the public company Teleradio-Gagauzia), Bulgarian (in Taraclia and Gagauzia), Ukrainian (in Chisinau, Balti and the Edinet region), Polish (in Balti), Romany (in Sorooca). Those concerned are also able to follow programmes from foreign radio and television channels (in particular, Russian and Ukrainian) retransmitted in Moldova.

87. Public television and radio continue to broadcast programmes on special themes for national minorities nationwide. These are broadcast in minority languages at the rate of 30 minutes per week in Ukrainian, Gagauzian and Bulgarian respectively, and 30 minutes once a month in Roma language and Hebrew respectively. Public channels also broadcast a 30-minute programme in Russian twice a month and a monthly bilingual (Moldovan/Russian) programme that brings together representatives of the various national minorities. These programmes are produced by teams that include persons belonging to the national minorities and the television programmes are subtitled in the State language. The minorities are also represented on the Observers' Council of the Public Radio and Television Company and the Broadcasting Council.

88. With respect to the press, the existence of periodicals and newspapers published by national minority organisations in Ukrainian, Russian (by the Gagauzians, Jews and Azerbaijanis, as well as by the Russians), Bulgarian, Gagauzian and Polish is to be welcomed.

#### b) Outstanding issues

89. There has certainly been an improvement in access to and presence in the national media by Ukrainians and the Ukrainian language. Nevertheless, their representatives consider this situation unsatisfactory and would like to have more news programmes in Ukrainian, even if they were short (five to seven minutes). At the same time, further measures are still needed at local level. According to the relevant authorities, the present situation is not the result of a lack of political will, but rather to underuse of existing opportunities by those concerned, among other reasons because of continuing problems with regard to the training of journalists and problems connected with lack of resources.

90. Generally speaking, minority representatives consider that the volume and quality of the programmes mentioned above, as well as the broadcasting times allocated to them, do not respond sufficiently to their needs. Moreover, the coverage of issues of interest to the numerically smaller minorities (Armenians, Belarusians, Azerbaijanis, Tatars, Poles, Lithuanians, etc) remains limited. As for the print media, their number and quality are also considered inadequate. Most of these publications are issued only irregularly due to the fact that private funding, on which they rely, is not consistently available.

91. The use of minority languages in the media still seems largely dependent on financial resources, political interests and existing levels of professionalism. The State language and Russian are therefore still those most widely used in the media.

*Recommendations*

92. Moldova should continue to make efforts, within its economic possibilities, to stimulate the preservation and development of the media in the various national minority languages at both central and local levels. Special attention should be paid, including with respect to the training of journalists and airtime, to the requests of the Ukrainians and persons belonging to numerically smaller minorities who still consider themselves disadvantaged in this field.

**ARTICLE 10 OF THE FRAMEWORK CONVENTION**

**Developments in language policy**

*Findings of the first cycle*

93. In its first Opinion, the Advisory Committee noted that the use of languages in Moldova was governed by legislation dating from 1989, which had not been amended in any way since the country achieved independence. In general terms, the authorities were encouraged to ensure that the relevant provisions of the Framework Convention were fully implemented during the drafting of future language legislation, as well as in the context of application of the 2001 Law on National Minorities.

*Present situation*

a) Positive developments

94. In application of the Law on National Minorities, Moldova has amended a number of laws governing the use of languages in several areas of economic and social life in order to bring them into line with this new law. Thus natural persons now have the right to use either Russian or the State language for documents pertaining to those areas. This, along with other factors, should allow greater participation in economic and social life by persons belonging to national minorities.

95. Although shortcomings subsist, the efforts made in recent years to make more efficient the learning of the State language by adults and eliminate the difficulties previously found in implementing the Moldovan-Russian bilingualism required of public servants are also to be welcomed. In this connection, the more sustained organisation of Moldovan courses for adults, the publication of appropriate teaching materials for them, the formation of study groups in ministries and departments, as well as for staff working in the provinces since 2003, should be mentioned (see also the comments under Article 12 below).



b) Outstanding issues

96. Since the moratorium on introducing measures to give Russian higher status was declared in 2002, uncertainty has remained in Moldova with respect to the linguistic question. Efforts have been made to assess the linguistic situation in the country and the need to update the relevant legislation is recognized. It seems that proposals for the development of a complex state programme for the functioning of languages have already been drafted and circulated at various levels. Nevertheless, they seem to have been left on hold for the moment as a precaution in view of the complex current political situation. This also seems to be the case of the plan to ratify the European Charter for Regional or Minority Languages which requires a clear stand to be taken on the position of the various languages.

*Recommendations*

97. The authorities should ensure that legislation and the related practice provide the necessary conditions for effective implementation of the rights of persons belonging to minorities relating to the use of their languages under the Framework Convention. In this context, they should try to maintain a balanced approach that takes into account the particular features of the linguistic situation in Moldova and the sensitivities of the groups concerned (see also comments under Article 6 above).

**Use of minority languages in relations with the administrative authorities**

*Findings of the first cycle*

98. In its first Opinion, the Advisory Committee called for clarifications on the numerical threshold required for the use of minority languages in relations with the administrative authorities.

*Present situation*

Outstanding issues

99. There is no new step to report with respect to the above-mentioned numerical threshold as legislation on the functioning of languages has not been amended since the Advisory Committee's first Opinion.

100. At the practical level, it can be noted that in relations with the authorities Russian is widely used, alongside the State language. Other minority languages are used to a lesser extent. According to some representatives of national minorities, the authorities' replies and administrative forms are too often provided in the State language, even when another language has been used for the request. In this regard, representatives of the Ukrainian minority informed the Advisory Committee about a recent tendency noted

among many Ukrainians to prefer the use of the Ukrainian language rather than Russian in dealings with the administrative authorities.

*Recommendations*

101. The authorities should re-examine the existing situation, from a legal as well as a practical point of view, and take the necessary measures to ensure effective implementation of Article 10, paragraph 2, of the Framework Convention, according to actual demand and needs, in co-operation with those concerned.

**ARTICLE 12 OF THE FRAMEWORK CONVENTION**

**Intercultural dimension of education**

*Findings of the first cycle*

102. In its first Opinion, the Advisory Committee welcomed Moldova's efforts to protect national minorities in the field of education, despite limited resources. It further noted with satisfaction the authorities' will to promote the multicultural dimension of education and foster exchanges between the different ethnic groups through the education process.

*Present situation*

a) Positive developments

103. Moldovan pupils receive training in human rights and tolerance in civics classes (at secondary school) and get familiar with the basic principles of law (at high schools). In order to develop the multicultural dimension of education and facilitate intercultural knowledge, a literature textbook including works by writers from different ethnic groups has been produced by an Education Centre and, after being tried out in 15 schools, submitted to the Ministry of Education for approval. This textbook is later to be recommended to all Moldovan schools.

104. In the schools of national minorities, a subject devoted to "The people's history, culture and traditions"<sup>13</sup> was introduced into the primary school curriculum from the 2002-2003 school year. Since the 2003-2004 year, this has been extended to years V to IX.

105. Also to be welcomed, among other projects on national minorities, is the current research on Roma history, culture and language in Interethnic Research Institutes of the Academy (see also the comments under Article 5 above). Unfortunately, representatives of the academic community report difficulties in publishing and distributing monographs and other research findings, whether on the Roma or other subjects concerning the

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<sup>13</sup> The subject is devoted to the teaching of history, culture and traditions of the particular minority – Bulgarian, Gagauzian, Russian, Ukrainian.

cultures of national minorities, as a result of lack of resources and inadequate state support.

b) Outstanding issues

106. Information on the culture, history and traditions of national minorities remains limited in Moldovan schools, the initiatives mentioned above being recent and requiring energetic measures accompanied by adequate resources if they are to be effective.

*Recommendations*

107. In order to ensure the necessary quality of the teaching of the new subjects of study mentioned above, it is essential speedily to draw up and distribute the relevant syllabuses and methodologies, produce and/or distribute the necessary textbooks, as well as provide specific training for the teachers concerned. Bilateral co-operation and the support of international organisations are avenues to be explored to make up for the lack of resources at national level.

108. Special attention should also be paid to reflecting the multicultural nature of Moldovan society in the curricula and relevant textbooks of other subjects for all pupils, whether they come from the majority or national minorities. Similarly, educational, artistic and cultural activities organised in and by schools should include this intercultural dimension in order to foster mutual knowledge, closer ties and dialogue among children whatever their ethnicity.

**Content of history textbooks**

*Findings of the first cycle*

109. The changes in history teaching announced by the Government in late 2001 were the source of considerable tensions in Moldovan society from January 2002. In order to calm the situation, a moratorium on those measures was announced in the spring of that year. In its first Opinion, the Advisory Committee called for a balanced approach to these sensitive issues and considered it essential to consult all the parties concerned.

*Present situation*

a) Positive developments

110. Since then, the authorities have begun to prepare new history textbooks and sought the Council of Europe's co-operation in this. The intention is to include in the new books a multicultural dimension and to take a balanced approach to the country's history, while strengthening Moldova's distinct identity. A special committee has been set up by the authorities to work on the new contents and methodology to be proposed to schools. According to the information provided to the Advisory Committee, the new textbooks are

ready and the authorities plan to introduce them in schools from the 2005-2006 school year.

b) Outstanding issues

111. According to the information made available to the Advisory Committee, the intercultural dimension is at present lacking in the history textbooks currently used in Moldovan schools. It also seems that the introduction of the new textbooks continues to be a potentially controversial issue in Moldova.

*Recommendations*

112. Drawing on the Council of Europe's experience in this area, the authorities should try to ensure that the new textbooks give a balanced picture of the country's history and contribute to the strengthening of tolerance and mutual understanding. When the new approach to history teaching is implemented, they should try to take all sensibilities into account in order to foster the preservation and strengthening of social cohesion and interethnic dialogue.

**Equality of opportunity in access to education – education of Roma children**

*Findings of the first cycle*

113. In its first Opinion, the Advisory Committee encouraged the authorities to ensure that all national minorities, including the numerically smaller ones and those who cannot enjoy the support of a kin-state benefit equitably from their attention in the development of education policies and curricula. The Committee of Ministers' Resolution on implementation of the Framework Convention by Moldova stressed the need to consult representatives of national minorities in order better to understand and take into account their educational needs.

*Present situation*

a) Positive developments

114. The authorities have continued their efforts to improve the situation with respect to training specialised teachers, as well as the preparation and publication of textbooks appropriate for the education of national minorities, including through bilateral co-operation with kin-states.

115. The authorities have recently been more receptive to concerns expressed by the Roma and have launched new initiatives to improve the situation in the field of education. The State Report details the measures taken by central and local authorities to facilitate the integration of Roma children in the school system at the various levels. These include direct socio-economic support for families as well as special initiatives, such as introducing quotas for access to higher education.

116. The fact that there are now about forty young Roma studying in the universities of Moldova can only be welcomed. It is to be hoped that this will have a positive impact on improving the educational situation of other Roma.

b) Outstanding issues

117. Representatives of national minorities argue that resources so far allocated by the authorities to teacher training and textbooks are still inadequate. With respect to textbooks, it should be noted that the problem concerns the whole of the Moldovan education system as well as families, since parents rent textbooks for a fee, which is a problem in view of the difficult economic situation many of them are in.

118. Despite the measures mentioned above, the Roma continue to have serious difficulties in the education field. Difficult material conditions in families and the schools concerned (where the minimum conditions needed for education are lacking and children of different ages sit side-by-side, often without textbooks), the complete isolation of Roma children when they live in Roma villages far from other localities, the lack of qualified teachers and other factors are resulting in families' losing interest in education. In the absence of support measures by local authorities, the result is a large number children who do not go to school, high rates of absenteeism and underachievement at school, as well as continuing high illiteracy rates in this population. These difficulties are accentuating the marginalisation of the Roma and keeping them in a vulnerable situation in terms of effective participation in the economic, social, political and cultural life of the country, as well as in public affairs.

*Recommendations*

119. The question of textbooks and teachers trained for the education of national minorities should be dealt with as a priority. Notwithstanding the limited resources available, the authorities should try to increase their efforts in this area, including through greater use of the opportunities for obtaining international support for this purpose.

120. As for the Roma, it is essential to act without delay through concerted measures in the various sectors concerned (economic, health, etc) in order to deal sustainably with the roots of the problems and make it possible to ensure that Roma children enjoy equal access to education. Awareness-raising measures are also needed for both families and schools with a view to greater integration of these children in the education system.

**Teaching of the State language**

*Findings of the first cycle*

121. In its first Opinion, the Advisory Committee found that knowledge of the State language among persons belonging to national minorities was limited and was growing only very slowly. The authorities were encouraged to make further efforts in this respect.

*Present situation*

a) Positive developments

122. Following an evaluation of the situation, Moldova has intensified its efforts to boost learning of the State language by persons belonging to national minorities, including through programmes with international support (in the form of expertise and financial assistance). In this context, dictionaries and textbooks for both children and adults have been prepared and published for the various national minorities, and specific teaching methods have been developed and implemented. Families are now more aware of the importance of the State language as a factor of cohesion and a precondition for the future socio-economic integration of their children. This explains, *inter alia*, the growing number of persons belonging to national minorities preferring the State language as the language of instruction.

b) Outstanding issues

123. Despite these positive developments, national minorities report problems with the quality of this teaching, which, according to some sources are the result of a lack of textbooks and particularly the difficulty of finding and training teachers proficient in both languages (the State language and the minority language). In this context, the minority representatives expressed the wish for qualified teachers from their respective communities to teach the State language.

Recommendations

124. Moldova should examine the situation and requests of national minorities in this respect and take the necessary measures to improve the quality of the teaching, including by seeking possibilities to allocate increased resources.

**ARTICLE 14 OF THE FRAMEWORK CONVENTION**

**Availability of teaching of minority languages**

*Findings of the first cycle*

125. In its first Opinion, the Advisory Committee encouraged the authorities to provide a balanced response to the specific language needs of all national minorities.

*Present situation*

a) Positive developments

126. Moldova has continued to make efforts to offer persons belonging to national minorities adequate opportunities to learn their languages or study in those languages<sup>14</sup>. While Russian, Ukrainian, Bulgarian and Gagauzian children study their mother tongue as part of the normal curriculum, the numerical threshold required for such teaching being very low (four to five pupils), children from other national minorities (Armenian, Azerbaijani, Lithuanian, etc.) learn their language in so called “Sunday schools”. The authorities are continuing to support “Sunday schools”, which are an integral part of the public education system, and enable children, not only to learn their mother tongue, but also to receive information on the history, culture and traditions of their communities.

127. As for higher education, the establishment of the State University of Comrat in Gagauzia on the initiative of the authorities of the autonomous region is to be welcomed. Similarly, the opening of a State University in Taraclia on the initiative of the Bulgarian community and the district authorities, with the support of the central authorities and in co-operation with Bulgaria, should be welcomed as a positive development. However, the language of instruction in these establishments is, at least for the moment, Russian. It is to be hoped that these institutions will step up the training of qualified teachers enabling the teaching of and in minority languages to be developed, at least for some subjects. At present, specific training of such teachers is conducted – for each of the languages – by several higher education establishments in Chisinau and in the regions concerned. Moreover, effective bilateral co-operation has been reported in this field with Bulgaria, Poland, Russia, Turkey, Ukraine, etc.

#### b) Outstanding issues

128. Most national minority representatives consider the existing opportunities in this field insufficient and continue to report problems with respect to the availability of textbooks and qualified teachers.

129. Unlike the other minority languages, there is as yet no possibility of learning Roma language in Moldovan schools either in ordinary programmes or “Sunday schools”. The measures the authorities have taken recently to encourage the development of research and the training of specialists in this field should eventually make it possible to respond to any demands for such education.

#### *Recommendations*

130. Moldova should take further measures to guarantee the availability of the textbooks needed for minority language teaching and an adequate level of teacher training. Particular attention should be paid to national minorities that receive no support from a kin-state, such as the Roma.

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<sup>14</sup> Ukrainian is taught as a subject in 52 schools, Gagauzian in 52 schools, Bulgarian in 34 schools, Polish in one school, Hebrew in two schools and German in one school. Russian is compulsory in secondary schools.

## **Availability of teaching in minority languages**

### *Present situation*

#### a) Positive developments

131. The authorities generally support initiatives to enable the use of minority languages as languages of instruction<sup>15</sup>. Thus in the 2003-2004 school year, Ukrainian was the language of instruction in 18 classes, Bulgarian in 6 classes and Polish in 4 classes. While the curriculum for this type of education is already available for years I to XII, efforts are now under way to provide the corresponding textbooks in Russian, Ukrainian, Gagauzian and Bulgarian for years X to XII. Such textbooks have already been published for years I to IX.

#### b) Outstanding issues

132. The use of minority languages other than Russian as languages of instruction remains limited. At preschool level the use of other minority languages is a rare exception (Ukrainian for 0.06% of the school population during the 2003-2004 school year). Only two languages are used in primary and secondary education: the State language and Russian.

133. The situation described clearly does not in any way reflect the ethnic composition of the population. It should, however, be recognised that there is very little demand for mother tongue education other than Russian. While families want their children to be able to learn their mother tongue and receive an education in that language, when making their choice they also take into account the difficulties incurred and criteria such as resources, continuity and academic performance, as well as subsequent employment prospects. Hence the preference for education in Russian or the State language, with the possibility of studying the mother tongue as a subject.

### *Recommendations*

134. The authorities should make further efforts gradually to extend teaching in minority languages according to demand and allocate the resources necessary to ensure satisfactory quality. Particular attention should also be paid to the development of methodologies pertaining to multilingual education in order to enable teachers and pupils to deal successfully with the specific situation they face in Moldova.

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<sup>15</sup> According to the latest Ministry of Education figures (October 2004), of the 560,000 pupils enrolled in Moldovan schools, 445,000 attend 1129 schools where the language of instruction is the State language, 200 schools teach in Russian, three in Ukrainian and four in Bulgarian. There are also 100 bilingual schools (Moldovan/Russian).



## ARTICLE 15 OF THE FRAMEWORK CONVENTION

### Institutional framework and consultation

#### *Findings of the first cycle*

135. In its first Opinion, the Advisory Committee encouraged the authorities to broaden the scope of consultation with persons belonging to national minorities and enter into direct dialogue with the organisations representing each national minority.

#### *Present situation*

##### a) Positive developments

136. Moldova continues to give persons belonging to national minorities favourable conditions to their participation in various areas of social life. The work of the Government's Department of Interethnic Relations (hereafter "the Department") is well received by the national minorities. This body's concern to remain in touch with the problems of minorities is reflected, *inter alia*, by meetings organised on the ground with local authorities, national minority organisations and citizens, the processing (or transmission to the competent authorities) of citizens' petitions, the hearings granted to those concerned and efforts to facilitate meetings between national minorities and representatives of the highest government bodies<sup>16</sup>. The Department's close co-operation with the Coordinating Council for National Minorities should also be mentioned.

137. Another positive development has been the consultation of national minorities prior to the drafting of important legislation such as the National Policy Law and the fact that national minorities have been involved in discussions on constitutional reform in the last few years in Moldova.

138. With respect to the observations the Advisory Committee made regarding Article 16 in its first Opinion, it should be noted that under the new legislation enacted on public administration<sup>17</sup> the country now has a new administrative-territorial organisation that has restored districts – smaller units – as an intermediate level replacing the regions. Although some aspects of this new legislation seem to be problematic from the point of view of local autonomy, it brings a positive development for the protection of national minorities in that it lowers the numerical threshold required for the constitution of a village. It thus strengthens the possibilities for persons belonging to national minorities to take part in local public affairs.

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<sup>16</sup> Information taken from the Department of Interethnic Relations Annual Report, 2003.

<sup>17</sup> Law on the Administrative-Territorial Organisation of the Republic of Moldova, No. 764-XV of 27.12.2001

b) Outstanding issues

139. According to some representatives of national minorities, when the second State Report on implementation of the Framework Convention was in preparation, dialogue with the Coordinating Council for National Minorities was preferred to consulting national minority organisations individually. Although the representatives of the various national minorities were informed of its existence, it appears that the final version of the Report was only distributed to some of them.

*Recommendations*

140. The authorities should maintain their approach to the consultation of national minorities, giving greater attention to direct dialogue with the organisations representing them.

**Effective participation by national minorities in public affairs**

*Findings of the first cycle*

141. In its first Opinion, the Advisory Committee encouraged the Government, in consultation with those concerned, to identify ways of increasing participation in public affairs by persons belonging to national minorities, particularly numerically smaller minorities, including the Roma.

*Present situation*

a) Positive developments

142. Persons belonging to national minorities continue to be present in Moldovan public life. The situation seems to be generally satisfactory at local level with respect to participation in elected bodies, especially in areas inhabited by substantial numbers of persons belonging to national minorities and particularly in Gagauzia by virtue of the special autonomous status of this territorial entity. At national level, members of Parliament include a significant number of persons belonging to national minorities<sup>18</sup>. In this connection, the Advisory Committee also refers to the comments made under Article 7 above.

b) Outstanding issues

143. Further measures are nonetheless needed to foster a more significant presence by these persons, including those belonging to numerically smaller minorities, in state administrative structures. At present, the national minorities consider themselves

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<sup>18</sup> According to the official data provided by the Parliamentary Secretariat, out of 101 members of Moldovan Parliament, 44 belong, according to their own self-identification, to an ethnic group other than the Moldovans.

underrepresented in key structures such as the Ministry of Justice and the Ministry of Defence.

144. Roma participation in public affairs remains very limited. At local level, they are only rarely consulted about affairs concerning them and their needs are insufficiently taken into account in decision-making. They are absent from elected bodies, including where they account for a significant proportion of the local population, and their participation in state administration structures is equally limited. However, the presence of some Roma in the police forces of Moldova must be welcomed as a positive development.

145. The Advisory Committee welcomes the significant development of NGOs within the Roma community and the recent formation of a group intended to speak to the authorities in the community's name with a single voice – the above-mentioned Roma Negotiating Group (see comments under Article 4 above). The Advisory Committee hopes that constructive and lasting co-operation with the authorities will be developed using this format, as well as in other ways. In this connection, it notes that the human and logistic resources available to the Roma minority to ensure its effective participation are limited.

#### *Recommendations*

146. The authorities should identify, in consultation with representatives of the national minorities concerned, further ways of increasing and making more effective the latter's participation in public affairs. Particular attention should be paid to strengthening the presence of such persons in the various state administration structures.

147. The central and local authorities concerned should adequately involve representatives of the Roma in decision-making processes on issues concerning them. They should also provide increased financial and technical support to Roma, in order to enable them to make their views and suggestions heard.

## **ARTICLE 18 OF THE FRAMEWORK CONVENTION**

### **Bilateral agreements**

#### *Findings of the first cycle*

148. In its first Opinion, the Advisory Committee welcomed the fact that Moldova was party to a number of bilateral agreements on the protection of national minorities and encouraged the authorities to ensure their effective implementation.

#### *Present situation*

#### Positive developments

149. Moldova now cooperates effectively with a large number of states, including the Russian Federation, Ukraine, Bulgaria, Turkey, Poland, Israel, Belarus and Lithuania, in areas relating to the protection of national minorities, such as education, culture, the media etc. These relations are formalised in bilateral friendship and good neighbour treaties, as well as in specific governmental agreements with the kin-states of persons belonging to national minorities living in Moldova. Partner ministries and departments have also concluded sectoral agreements in this field (see also comments under Article 5 above).

*Recommendations*

150. Moldova should continue its approach and ensure effective implementation of the bilateral agreements concluded in fields concerning the protection of national minorities, in the interests of strengthening their protection. It is important in this connection that due attention should be paid to the establishment and appropriate functioning of joint commissions pertaining to such agreements, and that such co-operation is developed with all neighbouring countries and other relevant partners.

### **III. CONCLUDING REMARKS**

151. The Advisory Committee considers that these concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers in respect of Moldova.

#### **Positive developments**

152. Since the adoption of the first Opinion of the Advisory Committee in March 2002 and of the Resolution of the Committee of Ministers in January 2003, Moldova has continued to pay due attention to the protection of national minorities.

153. Building on the Law on National Minorities of 2001, Moldova sought to improve and extend the relevant legal framework and made practical efforts to support national minorities in the fields of culture and education. Dialogue with persons belonging to national minorities continued and the Department for Interethnic Relations has played a particularly positive role in this context. National minorities were consulted and involved in the processes, particularly concerning completed or pending changes in the Moldovan legislation.

154. At the time of the adoption of the Advisory Committee's first Opinion, various tensions were undermining the climate of intercultural understanding within Moldovan society. This climate has since improved and there is now a higher level of tolerance and mutual understanding.

155. The population census of October 2004 represents a positive development, and should make it easier to monitor the situation of persons belonging to national minorities, and to promote more effective policies in this area.

#### **Issues of concern**

156. The question of Transnistria remains a serious concern, especially since this conflict affects a great many developments, political and others, of importance to the whole population of Moldova, including the preservation of tolerance and interethnic co-operation, the stability of the country, its territorial integrity and national sovereignty.

157. Aside from the Transnistria question, efforts have been made in most of the relevant sectors in Moldova. However, the implementation of the guarantees provided by legislation on the protection of national minorities remains a problem. The difficulties are due to insufficient monitoring of the situation by the authorities, inadequate resources and, in some cases, a lack of political will, particularly at local level.

158. The action taken to support preservation and promotion of the cultures, languages and traditions of national minorities still falls short of expectations of representatives of national minorities.

159. National minority cultures and traditions are still insufficiently reflected in schools. Additionally, media coverage of diversity and ethnic relations remains generally unsatisfactory. Moreover, the actions taken to ensure a more balanced use of the various minority languages in schools, in the media and in relations with administrative authorities has not produced the intended results, although there have been some positive developments. Ukrainian in particular, but other minority languages as well, are not used as much as needed in these areas.

160. Concerning tolerance and intercultural dialogue, shortcomings subsist, in particular as regards attitudes reported within Moldovan society, including the police and the media, to the Roma and non-traditional religious communities.

161. Shortcomings persist as regards participation of persons belonging to national minorities in public affairs. In particular, these persons are not sufficiently represented in the public service.

162. The situation of many Roma remains a cause of concern in terms of equality and freedom from discrimination, and of effective participation in the socio-economic life of the Moldovan society, education and decision-making.

### **Recommendations**

163. In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the Opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- to examine the shortcomings which still exist in implementation of the Law on National Minorities and the other laws governing the protection of national minorities, and take the action needed to ensure that they are effectively applied in practice, at central and local level;
- to respond more adequately to the cultural needs of persons belonging to national minorities;
- to continue their efforts to combat discrimination and promote tolerance and intercultural dialogue, through more effective monitoring and law enforcement in these areas; in addition, further awareness-raising measures, *inter alia* addressed to the police and the media should be taken;
- to continue their efforts to secure a more balanced use of minority languages, including in relation to Ukrainians and others, in fields such as education, media and relations with the administrative authorities;

- to pay more attention to the quality of the education provided for persons belonging to national minorities, including teaching of the State language for them;
- to ensure that suitable school textbooks are available and take additional measures regarding teacher training to expand teaching of – and in – the various minority languages;
  
- to take further action to reinforce the intercultural and multicultural dimension of education;
  
- to redouble their legislative and practical efforts to increase and make more effective participation by persons belonging to national minorities in public affairs, including the numerically smaller national minorities, and giving a special attention to the Roma;
  
- to give increased political attention to find concrete solutions to problems faced by the Roma, in particular in the socio-economic and educational areas, and to adopt more resolute practical measures in this respect, at central and local level.