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Meeting: 1521<sup>st</sup> meeting (March 2025) (DH)

Communication from the Republic of Moldova (04/02/2025) concerning the CATAN AND OTHERS group of cases v. Russia (Application No. 43370/04).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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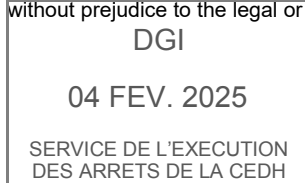
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Réunion : 1521<sup>e</sup> réunion (mars 2025) (DH)

Communication de la République de Moldova (04/02/2025) relative au groupe d'affaires CATAN ET AUTRES c. Russie (requête n° 43370/04) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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## Brief

### **on the situation of Romanian-language schools in the Transnistrian region at the beginning of the academic year 2024-2025**

#### **Historical background**

Considering the historical and political circumstances, eight schools in the Transnistrian region of the Republic of Moldova operate under the administration of the Ministry of Education and Research of the Republic of Moldova, based on Romanian language with a latin script and Moldovan curricula. These institutions are described by the separatist Transnistrian administration as “non-governmental educational institutions”.

These schools have always faced major challenges, being forced to operate in an environment of uncertainty, harassment and intimidation, including, but not only because of the so-called language policy adopted in 1992 and 1994 by the unconstitutional regime in Tiraspol, which forbidding the use of the Latin alphabet and Romanian language in schools in the region.

In the summer of 2002, the *so-called militia from the Transnistrian region* forcibly evicted the pupils and teachers from the secondary school in Grigoriopol; the school had to be transferred to premises 20 km away, across the administrative line. In 2004 three more Latin-script schools were closed down in the cities of **Bender, Râbnîța and Tiraspol**. This was done with the use of security structures, several parents and teachers being illegally detained. The OSCE High Commissioner on National Minorities, Rolf Ekeus, characterized the situation around the schools as „*nothing less than linguistic cleansing*”. In 2004, the EU has added a number of persons from the left bank of the Nistru river involved in provoking the „school crisis” on its visa-ban list of *Transnistrian representatives responsible for the deadlock in the conflict settlement process*.

The abusive closure of schools became the object of three initial complaints lodged before the European Court of Human Rights (ECHR), on behalf of 170 applicants under the title *Catan and others* and later, in 2018, the fourth complaint – *Bobeco and others*, on behalf of another 11 applicants that were classified by Committee of Ministers for Human Rights of the Council of Europe (CMDH) as a group *Catan and Others vs. the Russian Federation*.

#### **ECHR judgment in Catan and others vs. Russian Federation.**

In October 2012, the Grand Chamber of the ECHR delivered its final judgment, which held that there had been a violation of Article 2 of Protocol No. 1 of the Convention and that the Russian Federation was responsible for the violation of the applicants’ right to education, based on the *effective control* exercised by Russia over the transnistrian region which could not survive without Russia’s continued military, economic and political support.

Russia was to pay each applicant, within three months, EUR 6,000 in respect of non-pecuniary damage and EUR 50,000 for costs and expenses to all the applicants, jointly, as well as, to prove its commitment to erase all the consequences of the Convention breach found by the Court. To this date, no action was undertaken by the Russian authorities to give effect to the judgment of the Court.

With respect to the Republic of Moldova, the Court found that the Moldovan Government had taken appropriate and sufficient measures to ensure the applicant’s right to education, by paying the rent and refurbishment of new premises as well as for all equipment, staff salaries and transport costs. Therefore, given the efforts to implement its positive obligations, the European Court did not find any violation from the part of the Republic of Moldova on the Latin script schools case.

#### **Developments in latin-script schools in the transnistrian region**

As of 1 September 2024, 1936 pupils are enrolled in the educational process, 187 of which are in the 1st grade, 195 teachers and 171 technical staff are serving the mentioned educational institutions. Although the festive event “The First Bell” in the school year 2024 - 2025 took place without any obstacles, including a visit of the Deputy Prime Minister for Reintegration on the occasion of the beginning of the new school year at the Theoretical Lyceum “Ștefan cel Mare și Sfânt”, in the city of Grigoriopol, however, the Bureau for Reintegration Policies was informed about the existence of several difficulties artificially created by the Tiraspol structures.

Thus, Tiraspol has intervened with some additional conditionalities with regard to some schools: imposing the new Principal appointed in August this year at the Theoretical Lyceum “Evricea” in Ribnitsa to go through new procedures of local registration, the Theoretical Lyceum “Alexandru cel Bun” cannot obtain the local approval of compliance with fire safety standards, Theoretical Lyceum “Lucian Blaga” in Tiraspol is obliged to provide the personal data of pupils and teachers to the local military registration structures, and some illegal checkpoints are not accepted for the presentation of student ID cards and service cards. These problems have been brought to the attention of the political representative in Tiraspol and it was demanded to stop the inadmissible provocations and abuses.

Similarly, Tiraspol also uses provocations against representatives of the Writers' Union of Moldova to whom they restrict access for meetings with students from latin-script schools, an example of this being the incident of September 16, 2024, at one of the illegal checkpoints at the entrance to the city Bender, where a group of four Moldovan writers who were on their way to the Theoretical Lyceum “Alexandru cel Bun” in Bender to participate in a literary dialogues workshop with the students, were stopped, searched and abusively interrogated by the representatives of the structures of force in the Transnistrian region, with the confiscation of identity documents and magazines.

Moldovan authorities continue to apply so far a proactive approach focused on a firm commitment to solve the problems related to the functioning of the schools through dialog and prompt engagement, using all legal instruments to counter any harassment, pressure and intimidation by the Tiraspol regime on the eight Romanian-language schools.

The issue of the proper functioning of the eight schools is one of Chisinau's priorities on the agenda of political representatives and working groups in the Chisinau-Tiraspol dialogue. Since the beginning of 2012, this issue has been systematically discussed at meetings of the chief negotiators in Chisinau and Tiraspol. The subject is also on the agenda of the education working groups. In this context, it is worth noting that the last meeting of the working groups on education was held in 2022, Tiraspol constantly avoids convening this meeting of education experts, expressing interest only in working groups on the economic component.

Chisinau has consistently urged Tiraspol to refrain from any unilateral action that could damage the conditions in which these schools operate. Moldovan authorities have, over the years, been forced to engage in long and complicated negotiations over the smallest details due to the harassment tactics used by Tiraspol: lease contracts and their validity, utility prices, organization and participation in school competitions, reporting of financial activities, avoidance of double taxation, property rights, and other issues.

Due to the determination of the constitutional authorities to ensure, first and foremost, children's right to education, while avoiding political elements, several solutions have been identified to ensure the functioning of schools, but in conditions that are far from ideal. On November 25, 2017, with the aim to provide more comprehensive and lasting solutions, Chisinau and Tiraspol signed the Protocol Decision on Ensuring the Functioning of Moldovan latin-script schools, which started to be partially implemented by Tiraspol since February 2018. In October 2019, in Bratislava, the Slovak

Chairmanship of the OSCE hosted a new round of negotiations in the “5+2” format. The agenda included consideration of the implementation of the Berlin plus package, including the topic of Latin-script schools. The Moldovan delegation insisted on the imperative need to ensure adequate space and conditions for schools and on the need to restore the buildings seized by the de facto Tiraspol administration in 2004. The OSCE mission to Moldova prepared and proposed for adoption a draft protocol, which was impossible to negotiate and accept due to exaggerated demands and a firm refusal to assume any commitments on the part of the political representative of Tiraspol.

#### **Current issues of the Latin script schools:**

- Difficulties systematically arise regarding the transportation of materials/goods for the educational process. Tiraspol regime insists on the procedure of preventive coordination of the list of materials, means of transportation, couriers and verification of transported items.
- Schools are regularly visited by representatives of the Tiraspol regime's structures of force (militia, military, “mgb”).
- Pupils aged between 16 and 18 receive notifications of enlistment in paramilitary structures in the Transnistrian region, which in some cases prevents students from taking the final exam. Additionally, a request is sent to the school principals to present the nominal list of the students eligible for the military service, invoking legal liability in case of non-compliance. Chisinau has repeatedly requested the stop the practice of unauthorized processing of personal data and of inviting pupils to the so-called regional military commissariats, because they have confirmations issued by the competent authorities of the Republic of Moldova.
- The unconstitutional regime in Tiraspol periodically continues to carry out unilateral sanitary-epidemiological inspections in schools, deviating from the established procedures with the participation of Chisinau specialists. At the same time, between 22-23 August 2024, inspections on the readiness for the new school year were carried out in Romanian-language educational institutions renting premises in the Transnistrian region. The compliance with the sanitary-epidemiological requirements in force and with the fire protection rules was assessed, and it was concluded that the schools are in principle ready for the beginning of the new school year 2024-2025.
- ***Ensuring the schools with proper premises by returning them in the native settlements of the teachers and pupils*** (out of 8 schools, 4 are displaced in other settlements than their native ones). With the exception of gymnasium for orphan children in Bender which remained without children and offer spaces to Theoretical Lyceum „Alexandru cel Bun” from Bender, all schools are forced to rent buildings offered by the so-called administration from the Transnistrian region or to rent buildings offered by Chisinau. Chisinau continuously reiterates the existence of funds necessary to purchase proper premises for the educational process with their transmission to the Ministry of Education and Research, but Tiraspol constantly avoids tackling this subject.
- ***Transmission in long-term use of the lands associated to the school premises*** (at least for 99 years), respecting the proper formalities for the documentation and existence of sufficient areas for the organization of open-air events and sports activities. Tiraspol constantly avoids tackling this subject.
- **Starting from January 2024, Tiraspol regime**, continuing unilateral measures on the functioning of the 8 educational institutions, **revised the fees for communal services (doubling/tripling the tariffs)**, thus reverting to the old practices of discrimination and differential taxation. In first semester of 2024, due to the artificially increased tariffs imposed by

the regime, educational institutions paid about 1.5 million lei, compared to 0.8 million lei paid for the same period of the previous year. Equally, it is important to note that these measures exclusively concern these 8 educational institutions.

- ***Balancing the payments for house services in line with the fairs applied to other education institution from the region*** is partially adjusted, but periodically schools face some difficulties in payment mechanism taking into account unrecognized status of regional banking accounts.
- The constant politicization by Tiraspol's representatives of the issue of Latin-script schools, treating them as sources of threat to regional security, refusing to organize joint events with other schools in the region (trainings, competitions, school holiday camps).
- Constant monitoring of all activities by the so-called militia and local security services, restrictions on the delivery of textbooks/literature in Romanian, etc. The so-called Tiraspol structures continue to discriminate schools with Latin-script teaching, neglect their basic needs and exert partial pressure (presence of the militia at the opening and closing of the school year, doubling of registration and fees), while violating the right of children to receive education in their mother tongue, in conditions appropriate for the educational process.

After a break of more than two years, following multiple calls from Chisinau, on 6 December 2024, the working groups for education were successfully convened, where experts from both banks of the Nistru River discussed the current situation of the eight schools with Romanian language instruction in the Transnistrian region. For the first time, all the directors of the educational institutions concerned participated in the mentioned meeting.

Within the framework of the dialogue with Tiraspol, as a priority, the issue of providing them with their own premises was discussed, especially for the Theoretical Lyceum "Evrka" in the town of Râbnița and the Theoretical Lyceum "Ștefan cel Mare și Sfânt" in the town of Grigoriopol, temporarily located in the village of Doroțcaia.

Likewise, experts from Chisinau drew attention to the fact that Tiraspol's discriminatory and unilateral measures to increase utility fees for all schools teaching in Romanian in the region, starting 1 January 2024, are in direct contradiction with the provisions of p.1 of the Protocol Decision on Schools of 25 November 2017, and demanded compliance with these commitments, without politicization and new abuses.