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**Comments of the Government of the Republic of Moldova on the Fifth Opinion of the
Advisory Committee on the implementation of the Framework Convention for the Protection of
National Minorities by the Republic of Moldova**

received on 17 October 2023

COMMENTS
OF THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA
ON THE FIFTH OPINION OF THE ADVISORY COMMITTEE
ON THE IMPLEMENTATION OF THE FRAMEWORK
CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES
BY THE REPUBLIC OF MOLDOVA
adopted on 7 June 2023

INTRODUCTION

The Advisory Committee on the Framework Convention for the Protection of National Minorities (hereinafter “the Advisory Committee”) adopted its fifth-cycle Opinion on the implementation of the Framework Convention for the Protection of National Minorities by the Republic of Moldova (hereinafter “the Fifth Opinion”) on 7 June 2023 in accordance with Article 26(1) of the Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”) and Rule 25 of Resolution (2019)49 of the Committee of Ministers. This document is based on information contained in the Fifth State Report on the implementation of the Framework Convention for the Protection of National Minorities by the Republic of Moldova (hereinafter “the Fifth State Report”) and additional information submitted to the Advisory Committee on 22 May 2019 and 22 December 2021 respectively, other written sources and information collected by the Advisory Committee from public authorities, non-governmental organizations during and after the country visit of the Advisory Committee delegation from 19 to 23 September 2022, including to Chişinău, Briceni, Edineţ, Comrat and Ceadâr-Lunga

The Government of the Republic of Moldova expresses its gratitude to the Advisory Committee for its evaluation of Moldova’s inclusive and pragmatic approach to give effect to the principles set out in the Framework Convention and reaffirms its readiness to continue the implementation of the obligations in this regard through a constant dialogue with the Advisory Committee.

The present comments were elaborated by the Ministry of Education and Research and the Agency for Interethnic Relations in consultation with the line ministries and other competent institutions: Ministry of Justice, Ministry of Internal Affairs, Ministry of Culture, Ministry of Labour, Social Protection and Family, Ministry of Health, National Bureau of Statistics, Equality Council, the People’s Advocate, General Inspectorate of Migration, National Public Broadcasting Company ‘Teleradio-Moldova’, Audiovisual Coordinating Council.

While thanking the Advisory Committee for acknowledging the positive findings, the Government of the Republic of Moldova is pleased to provide further clarifications and complementary perspectives on specific issues, opinions and recommendations expressed by the Advisory Committee, as detailed below.

SUMMARY OF THE FINDINGS

Paragraph 2

The Advisory Committee observes that “*Since February 2022 more than one hundred thousand of them [of the Ukrainian refugees] requested temporary protection*”.

Since the introduction of the temporary protection mechanism on the 1st of March 2023 by Government Decision No.21/2023, 21937 persons from Ukraine were registered to receive temporary protection in the period 01.02.23 – 13.09.23.

The Government Decision No. 21/2023 implements art. 21 of the Law No. 270/2008 on Asylum in the Republic of Moldova, which partially transposes Council Directive 2001/55/EC of 20 July 2001 and Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection

Legal, institutional and policy frameworks for combating discrimination

Paragraph 6

In addition to positive observations under this paragraph the Advisory Committee may wish to note the following recent developments of legal framework for combating discrimination in the Republic of Moldova.

In the period April-May 2023 the Government of the Republic of Moldova approved the following policy documents:

1. The Program for promoting and ensuring equality between women and men in the Republic of Moldova for the years 2023-2027 (the Government Decision no. 203 of 12.04.2023).

The strategic commitment regarding gender equality for the period 2023-2027 aims at increasing significantly the gender equality in areas such as health, education, labor, entrepreneurship, social protection and local development. All measures included in the program are matched with 5 general targets: (1) Reducing structural gender inequalities through gender-sensitive policies and budgets; (2) Increasing social protection for people who are involved in long-term care activities for family members; (3) Reducing the gender pay gap for equal work or work of equal value; (4) Increasing the number of men promoting gender equality; (5) Promotion of women, including women from underrepresented groups, in leadership and decision-making positions at central and local levels.

2. The National Program on prevention and fighting violence against women and family violence for the years 2023-2027 (the Government Decision no. 332 of 31.05.2023).

The aim of the Program is to develop a robust framework of comprehensive inter-sectorial policies. Also, to establish a partnership with the main actors from the public, private, civil society, and mass media for a coordinated response at the national level, aimed at preventing and combating all types of violence against women and girls and domestic violence, focused on the needs of women victims and their children.

The program will be achieved by reaching the following 4 (four) general targets: (1) Women and men of the Republic of Moldova and national authorities adopt zero tolerance towards all forms of violence against women and family violence; (2) Strengthening the protection and assistance mechanism for victims of violence against women and family violence through the multidimensional approach, according to the provisions of the Istanbul Convention; (3) The justice system ensures the investigation, effective prosecution and trial of all forms of violence against women and family violence with the prosecution and re-education of the aggressors; (4) Public authorities in partnership with civil society implement comprehensive policies to prevent and combat violence against women and family violence, ensuring good coordination and monitoring¹.

Racial discrimination and intolerance

Paragraph 11

According to the Advisory Committee *“some cases of ethnic racial profiling at border controls, a few attacks against Roma, antisemitic graffiti and a different treatment of Roma refugees have been reported and need to be more systematically prevented, condemned and sanctioned”*.

¹ The adoption of these two programs is part of the Action Plan for the implementation of the steps proposed by the European Commission in the Opinion on the Republic of Moldova's application for membership of the European Union, approved by the National Commission for European Integration on 4 August 2022.

Moldovan Government considers that the information contained in this paragraph is of general nature and doesn't accurately report the alleged cases of discrimination without specifying by whom they were admitted, and what actions were taken in this regard. It is worth mentioning that the General Inspectorate of the Border Police, as the authority responsible for authorization to cross the state border, has no information on discriminatory actions admitted by its employees during the border crossing control process.

Furthermore, the Internal Affairs Ministry's areas of activity, such as integrated management of the state border and the management of migration flows, asylum and integration of foreigners, are largely regulated by the Law No. 283/2011 on the Border Police, Law No. 215/2011 on the State Border of the Republic of Moldova, Law No. 200/2010 on the Legal Status of Foreigners in the Republic of Moldova, Law No. 270/2008 on Asylum in the Republic of Moldova and the Law No. 274/2011 on the Integration of Foreigners in the Republic of Moldova.

Respect for the fundamental human rights and freedoms is one of the basic principles enshrined in specified laws. While the authorities and public institutions under the Internal Affairs Ministry manage daily the flux of foreigners from over 100 countries, the principle of non-discrimination in their work is strictly observed.

In addition, the Moldovan authorities mention that border crossing control is carried out with full respect for human dignity, regardless of race, nationality, ethnic origin, language, gender, religion, opinion, political affiliation, property, social origin, disability, and age. Being also in charge with facilitating access of foreigners to integration measures throughout the country, the Internal Affairs Ministry within the limits of its functional competence takes necessary measures to resolve and prevent any discriminatory acts against any person.

In the same paragraph the Advisory Committee notes that *"Roma continue to face major obstacles with respect to their equal access to rights and basic services, particularly in the areas of education, employment and housing"*.

The Advisory Committee may want to consider the following information: The Public Order and Security Programme for 2022 - 2025, approved by the Government Decision no. 913/2022, expressly provides for a series of measures aimed at strengthening the capacities of public order and security services in interaction with Roma communities², as follows:

- development and implementation of a mechanism for interaction of public order and security services with Roma communities;
- conducting information and promotion campaigns among the Roma communities on the possibility to enrol and study on a state-funded basis at the "Stefan cel Mare" Academy under the Ministry of Internal Affairs;
- Conducting recruitment campaigns for Roma people aimed at facilitating their employment in law enforcement bodies.

Furthermore, in the context of readmission of Roma people to the territory of the Republic of Moldova, mainly from the Federal Republic of Germany, with a view to ensuring their integration process, the Internal Affairs Ministry cooperates with local public authorities, according to the places of returnees' domicile, for the pursuit of Roma families' inclusion in reintegration and work placement programmes, schooling of Roma children and implementation of individual integration plans for women and minors.

² Action 1.3.16 of the Action Plan on the implementation of the Public Order and Security Programme for 2022-2025, approved by Government Decision No 913/2022, https://www.legis.md/cautare/getResults?doc_id=135818&lang=ro

RECOMMENDATIONS

Further recommendations

Paragraph 22

The Advisory Committee reiterates its call on the authorities to take all the necessary measures to ensure that persons belonging to national minorities may have, upon request, their full personal names, including patronymics, used in their identity and administrative documents in Latin script. In this regard, international standards regarding the transliteration and transcription of names, surnames and patronymics should be fully respected. The authorities should also consider the possibility to introduce bilingual identity documents in Romanian and Russian, using both Latin and Cyrillic scripts.

In response to this recommendation the Moldovan authorities would like to reiterate that art.13 of the Constitution of the Republic of Moldova expressly provides that the state language of the Republic of Moldova is Romanian, operating based on the Latin script, while civil status documents are issued by the national authorities in the state language. Also, in article 13 of the Constitution, the state acknowledges and protects the right to the preservation, development and use of the Russian language and other languages spoken within the territory of the State.

The national legislation of the Republic of Moldova provides also for the possibility of issuing other types of civil status documents with a special purpose and destination, in particular multilingual extracts from civil status documents, issue/recognition of which is ensured under the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.

At the same time, the Public Services Agency, as the authority issuing identity documents, maintains its previously expressed position, when examining *the 4th Opinion of the Advisory Committee of the Framework Convention of the Council of Europe regarding the Republic of Moldova*, and considers it inappropriate to return to the version of writing personal data with the indication of the patronymic of the person in the identity documents of the citizen of the Republic of Moldova, taking into account the ethnic diversity of the Republic of Moldova (over 150 ethnicities registered in the State Population Register). Also, it should be considered the fact that not all ethnicities in their onomastic system uses the patronymic, thus respecting the principle of equality of all citizens, enshrined in articles 10 and 16 of the Constitution of the Republic of Moldova.

The content and form of the second-generation identity card (ID-I format), put into circulation by the authorities of the Republic of Moldova starting with March 7, 2013, were aligned with the practice of the EU countries, and developed in accordance with the recommendations of the technical standard "International Civil Aviation Organization (ICAO), Machine Readable Travel Documents, Doc 9303", part 3.

The practice of some European states (*Bosnia and Herzegovina, Bulgaria, Croatia, Montenegro, Poland, the Czech Republic, the Republic of Macedonia, Serbia, Slovakia and Slovenia*) indicates that identity documents issued by these countries, contain personal data, such as: name and surname, date of birth, sex, place of birth, home address and state identification number, thus contributing to the unification of the external appearance of an identity document and the rationalization of the use of mechanizable documents of the format ID-I in European Community countries.

Bearing in mind that on June 23, 2022, the European Council granted the Republic of Moldova the status of a candidate country for the accession to the European Union, the Republic of Moldova

has to harmonize its national legislation with the legislation of the European Union including in the field of issuing identity documents.

According to the provisions of point 36 of EU Regulation 2019/1157 of the European Parliament and of the Council of the European Union on strengthening the security of the identity cards of European Union citizens and residence documents issued to European Union citizens and their family members who exercise their right to free circulation, residence documents issued to Union citizens should contain specific information, to ensure their identification in this capacity in all member states. This should facilitate the recognition of the exercise by Union citizens of their right to free movement and the rights inherent in this exercise, but harmonization should not go beyond what is necessary to remedy the shortcomings of the current documents. Member States are free to choose the format in which these documents are issued and could issue them in a format that corresponds to the specifications in ICAO document 9303.

Consequently, based on the recommendations of ICAO document 9303, identity cards must be produced in ID-I format, contain an area that can be read automatically and meet certain specifications and security standards, including the size, appearance and content (*name, gender, nationality, date of birth, optional personal characteristics, document number and expiry date*). The data elements included in the identity documents must maintain sufficient uniformity to ensure the global interoperability of all types of machine-readable documents.

Considering the above stated, the authorities consider that the identity documents put into circulation in the Republic of Moldova correspond both in form and content to the international normative acts and to the technical requirements of the identity documents established by the international standards in the field.

In terms of the Advisory Committee's recommendations regarding the use in civil status documents of the full name, including the patronymic of persons belonging to national minorities and officially recognized in minority languages, the following aspects to be highlighted.

The patronymic is an element of the name that is a derivative, as a rule, from the father's first name, which is formed with the help of suffixes "-ovici/-ovna", "-evici/-evna" used in certain cultures, predominantly Slavic, especially in Eastern Europe and some parts of Asia.

It is important to note that not all cultures use the patronymic and that it may be used in different ways in different countries and regions.

According to the opinion of the Republican Commission for the Regulation and Protection of National Names, as well as the Institute of Philology of the Academy of Sciences of the Republic of Moldova, the patronymic in the Roman space, means the name that all members of a family bear (after the father), i.e. "name by family". From an etymological point of view, patronymic means exactly "father's (surname) name".

Therefore, the onomastic formula of the Moldovan people is composed of first name plus surname, and patronymic (patronymic) is synonymous with "family name", different from the concept of patronymic specific to Russian culture.

In the case of registering the patronymic of persons of Russian origin and those of Moldovan origin in the civil status documents, it will be written differently (eg: "Ivanovici" and "Ion").

Thus, the registration of the patronymic according to the orthographic rules of the Russian language, (*it is being one of (but not only) the minority languages spoken on the territory of the Republic of Moldova*), would generate confused interpretations and dissatisfaction on the part of

the holders, at the same time outlining an unfair approach in relation to other ethnic groups, as well as harming the right of representatives of other ethnic minorities to use the name and surname (patronymic) in the form accepted in their native language. This would be inconsistent with the principles regarding the guarantee of the rights of national minorities, as well as with the principle of equality of all citizens before the law, enshrined in articles 10 and 16 of the Constitution of the Republic of Moldova.

According to the data of the State Population Register, over 150 ethnicities are attested in the Republic of Moldova, and the fact that not all ethnicities, according to their onomastic system, use the patronymic (or in case it is used - it has different meanings), it is considered inappropriate to write the owner's patronymic in the civil status documents/certificates.

At the same time, it is problematic to register a patronymic for generations of children born on the territory of the Republic of Moldova to parents of minority ethnicity, due to the lack of appropriate information regarding its correct form, given that the parents, as citizens of the Republic of Moldova, identify themselves by name and first name. When assigning the child's name and first name at the time of registration of the child's birth certificate, the formation of the patronymic (and the correct writing of the form of the patronymic for different types of nationalities) does not belong to the competence of the authority empowered to register the birth certificates (which can be the civil status service of Public Services Agency, the village (community) mayor's office, the diplomatic mission of the Republic of Moldova abroad), with the risk of registering incorrect forms persisting.

To be mentioned that art. 2 of *Law no. 121 of 25.05.2012 regarding ensuring equality* provides that, discrimination is any distinction, exclusion, restriction or preference in the rights and freedoms of the person or a group of persons, as well as supporting discriminatory behaviour based on the real criteria stipulated by this law or on assumed criteria.

Also to be noticed that, in order to ensure the protection of national minorities and their rights, according to *the Decision of the Constitutional Court no. 22 of 11.12.2013* and the provisions of *Law no. 382 of 19.07.2001, regarding the rights of persons belonging to national minorities and the legal status of their organizations*, the patronymic of the person is entered only in the content of civil status documents, in the column "Mentions", in Latin characters, at the request of foreigners or national minorities/ethnicities that according to the specifics of the name in the country of origin use the patronymic.

Under the aspect of practical arrangements undertaken to continue the implementation of the Framework Convention on the civil status segment, we can mention the development of the mechanism for transcription or transliteration of the name or first name of persons belonging to national minorities established for the implementation art. 11 of the Framework Convention.

As a result of reporting some problematic aspects in the activity of the civil status services in determining the correct way of writing the name or first name of foreign origin and/or those worn by citizens of other ethnicities, recourse was made to the generalization of some basic rules and the procedure of modification of the civil status documents, which were later transposed into *the Rules regarding the writing of the surname and first name in the civil status documents following their change, rectification or transliteration, approved by Order of the Minister of Justice no. 566 of May 26, 2016*.

To be noted that the Rules regarding the writing of the surname and first name in civil status documents following change, rectification, or transliteration they do not require, under any

circumstances, to change the person's name according to the spelling of the Romanian language, this being done only at the owner's request.

Data collection and population and housing census (Article 3)

Paragraph 39

The Fifth Opinion states that *The Advisory Committee was informed by a representative of the National Bureau of Statistics that the census questionnaire has already been prepared and will be similar to the 2014 census form and will include questions about 'ethnicity', 'mother tongue' and 'main language of communication'.*

The Moldovan Government agrees in general with the statement but would like to bring further clarifications that „the *draft* census questionnaire” has already been prepared and will be similar to the 2014 census form and will include questions about ‘ethnicity’, ‘mother tongue’ and ‘*usually spoken language*’.

Institutional and policy framework concerning the protection of national minorities (Article 4)

Paragraph 64

Regarding the role and competence of the Ministry of Culture in relation to the Institute of Cultural Heritage, under the Academy of Science of Moldova, it is worth recalling that in compliance with the Government Decision no. 147/2021 on organization and functioning of the Ministry of Culture, the Institute of Cultural Heritage is a public institution in relation to which the Ministry of Culture acts as a founder.

Currently, the Institute of Cultural Heritage is in the process of institutional reorganization with the scope to strengthen its capacities and attributions. The Ministry of Culture is committed to take into account the recommendation of the Advisory Committee reflected in the Fifth Opinion to supply the Institute of Cultural Heritage and the Ethnology Center respectively, with sufficient and sustainable financial resources to effectively fulfil their mandate.

To be noted also that the mandate and competences of both the Institute of Cultural Heritage and the Ethnology Center refer to the area of science and innovation, in accordance with the Government Decision no. 1326/2005. Accordingly, these institutions operate in compliance with the Science and Innovation Code of the Republic of Moldova no. 259/2004. Article 88, para. (3) of the Code no. 259/2004, with subsequent amendments, states that funding of projects in the fields of research and innovation is provided through the National Agency for Research and Development³, within the limits of the allocations approved for this purpose in the State Budget Law for the respective year.

National Strategy and Action Plans for Roma Inclusion (Article 4)

Paragraphs 67-74

The Moldovan Government emphasizes the following progress in the implementation of the 2022 – 2025 Programme for the Support of the Roma Population in the Republic of Moldova.

³ The National Agency for Research and Development is the central administrative authority subordinate to the Government, pursuant to the Government Decision no. 196/2018 on organization and functioning of the National Agency for Research and Development.

The focus continues to be on developing and strengthening the Roma community-based mediator service. Thus, the Ministry of Finance adjusted the medium-term budgetary framework for the employment of additional 5 units of Roma community mediators as of 1 May 2023. This brought the total number of community mediators planned to be employed for the budget year 2023 to 59. As of September 2023, 43 mediators out of 59 planned positions have been employed in Moldova.

At the same time, the Agency for Interethnic Relations initiated collaboration with the ROMACT programme - a joint initiative of the Council of Europe and the European Commission that promotes the inclusion of Roma at local and regional level.

In March 2023 a fact-finding visit to the Republic of Moldova by the ROMACT representative was organized by the Agency for Interethnic Relations. The visit was of preparatory character aiming at adaptation of the ROMACT Programme to Moldova's conditions.

On 23 June 2023 the Agency for Interethnic Relations and the Council of Europe co-organized a roundtable entitled "Improving the situation of disadvantaged communities, including the Roma communities. From national strategies to local planning and implementation" that brought together representatives of the central government, local and public authorities, members of Parliament of the Republic of Moldova, as well as Roma community mediators and experts in local development and Romanian municipality representatives to address the problems of disadvantaged communities, including the Roma.

On the International Roma Day (8 April) from 3 to 8 April 2023 the Roma Culture Week took place in the Republic of Moldova, held by the Agency for Interethnic Relations in partnership with the humanitarian organization INTERSOS and other members of the Roma Task Force. It was marked with actions across the country that sought to celebrate Roma culture and to raise awareness of the general public of the difficulties and discrimination faced by the Roma community.

On 2 August, on the occasion of the European Roma Holocaust Memorial Day, a commemorative event took place in the House of Nationalities, with participation of the representatives of the Government of the Republic of Moldova and different NGOs and included panel discussions and the screening of the documentary film "The Persecution from Bessarabia" which presents the stories of survivors of the Nazi deportations of Roma during the Second World War. The action was implemented by the Agency for Interethnic Relations, Intersos Moldova and the National Roma Centre, with the support of the European Union.

Support for the preservation and development of minority identities and cultures (Article 5) Paragraph 85

The Fifth Opinion states *"The Advisory Committee calls on the authorities to increase the available financial support for the cultural activities of persons belonging to national minorities, ensure access to resources available for all minorities, in particular numerically smaller ones, and include more contemporary expressions of minority cultures. Representatives of national minorities should be closely involved in relevant decision-making processes on the allocation of funding."*

The Moldovan authorities continue support for the preservation and development of minority identities and cultures. National minority organizations are provided with the organizational and financial support through the House of Nationalities, acting as a cultural and documentation centre of ethno-cultural organizations under AIR. Access to the premises and resources of the House of

Nationalities is open to all ethno-cultural organizations irrespective of their ethnic, linguistic affiliation or size of ethnic group they represent.

The Agency for Interethnic Relations elaborated, consulted with the Co-ordinating Council of Ethno-cultural Organizations and adopted a new *Regulation on granting statutory support to the national minorities NGOs accredited to the Agency for Interethnic Relations*. The aim of this Regulation is to make the process of state funding allocation more transparent and to ensure access to resources available at the Agency for all minorities, including numerically smaller ones.

In the period from January to September 2023 the total budget allocated to support ethno-cultural organizations amounted to 423.3 thousand MDL.

Support for the preservation and development of minority identities and cultures (Article 5) Paragraph 86

The Advisory Committee strongly encourages the authorities to clarify the current status and the future protection of the Russian language taking into account its historical and practical specificities in Moldovan society. And throughout the text of the Opinion concerning the reference of the use of Russian language in Moldovan society as “co-official and/or language of interethnic communication by persons belonging to several national minorities”:

The Law no. 234 of December 16, 2020 regarding the functioning of the languages spoken on the territory of the Republic of Moldova was abrogated through the *Law No. 95 of 14.04.22, in force since 20.06.22*. Pursuant to art. 13 para. (4) of the Constitution, the legislator has the power to establish by law the mode of operation of languages on the territory of the Republic of Moldova. Even though the Constitution does not prohibit the legislator from outlining a certain language, the content of the para. (1) of the same article states that only the Romanian language, having the status of the state language in the Republic of Moldova, is to be used in all spheres of political, economic, social, scientific, and cultural life. Moreover, the constitutional norm from art. 13 para. (4) should not be interpreted in the sense that the Parliament is to adopt a law with the regulatory object reserved to "the functioning of the Russian language on the territory of the Republic of Moldova as a language of inter-ethnic communication".

By Decision no. 4/2021 the Constitutional Court held that: "59. Article 13 of the Constitution recognizes only one state language and does not contain the syntagm "language of inter-ethnic communication". The constitutional status of the state language precisely implies the function of the state language to be the language of communication between all citizens of the Republic of Moldova, regardless of their ethnic origin. In this sense, the provisions of article 10 para. (1) of the Constitution, according to which the state is based on the unity of the people of the Republic of Moldova, which is the common and indivisible homeland of all its citizens."

The preferential treatment of the Russian language compared to the other languages of the ethnic minorities, makes the prescription of art. 10 para. (2) of the Constitution to be emptied of substance regarding other ethnic minorities who speak a language other than Russian (see, mutatis mutandis, Venice Commission Opinion no. 605/2010, CDL-AD(2011)008, § 70).

In Decision no. 4/2021 for the control of the constitutionality of the **Law no. 234 of December 16, 2020 regarding the functioning of the languages spoken on the territory of the Republic of Moldova (abrogated through the Law No. 95 of 14.04.22, in force since 20.06.22)**, Constitutional Court noted that:

42. ... the obligation imposed on the state by article 13 para. (2) of the Constitution to recognize and protect the right to the preservation, development and functioning of other languages spoken on the territory of the **country has in mind the mother tongues of its citizens, not the languages usually spoken by the citizens**. This obligation also emerges from Article 10 para. (2) of the Constitution, according to which the state recognizes and guarantees the right of all citizens to preserve, develop and express their ethnic, cultural, linguistic, and religious identity.

Promotion of intercultural dialogue and mutual respect (Article 6)

Paragraph 88

Please see the Government's comments under Summary of the Findings (para. 11). The same applies here.

Paragraph 90

The Fifth Opinion reports that *"Since February 2022, more than 800 000 refugees from Ukraine, out of which almost 109 000 have requested temporary protection in the Republic of Moldova and been accommodated in more than 100 authorized placement centers and emergency shelters, whilst approximately 710 500 were redirected by air, land and rail to other country destinations. In April 2023, there were approximately 87 924 foreigners on the territory of the Republic of Moldova, out of which 81 529 were Ukrainian citizens and 6 395 were citizens of other countries"*.

The Moldovan authorities would like to mention the following updated data: From February 2022 to 1 September 2023, 917,873 foreigners (816,140 Ukrainian citizens and 101,733 citizens of other countries) entered the Republic of Moldova from Ukraine, of which 695,464 left the Republic of Moldova, and 93,270 remained on the territory of the country (85,560 Ukrainian citizens, 7,710 citizens of other countries).

In the period from 1 April 2023 to 1 September 2023, 20,453 applicants for temporary protection were registered, of which 14,962 (14,789 Ukrainian citizens, 173 citizens of other countries) became beneficiaries of temporary protection (men 38.1%, women 61.9%, 67.1% adults, 32.9% minors)".

Protection of persons belonging to national minorities from racism and hate speech, including in the media, and law enforcement and respect for equality and human rights (Article 6)

Paragraph 111

With reference to the recommendation reflected in paragraph 111, it should be noted that the list of non-discrimination criteria which are the subject of regulation by the Law No. 121/2012 on ensuring equality has been extended through the recent amendments to the legislative act (Law no. 2 of 02.02.2023) and provides for ensuring equality of all persons under the jurisdiction of the Republic of Moldova in all spheres of life, regardless of any criterion. Ethnic origin is one of the criteria covered by the domestic legislation and guarantees inclusion of, inter alia, the Roma people in the list of stakeholders protected by the Law.

Use of minority languages in public life at central and local levels and in courts (Article 10)

Paragraph 131

The Advisory Committee encourages the authorities to fully implement the existing Law on National Minorities as regards the use of the Russian language and, in the case of the ATU Gagauzia, also the Gagauz language, in relation with public officials. The authorities should also continue providing public information in Russian, Ukrainian, Gagauz, Bulgarian and Romani minority languages, whilst inviting them to pay more attention to languages spoken by numerically

smaller minorities. The authorities should value linguistic competences in minority languages for the recruitment of civil servants at all levels of public administration and in the judiciary and find ways to accommodate requests from persons belonging to national minorities to use the language of interethnic communication in their contacts with the judiciary.

With reference to "the use of Russian language in relation with public officials" - In Decision no. 4/2021 for the control of the constitutionality of **Law no. 234 of December 16, 2020 regarding the functioning of the languages spoken on the territory of the Republic of Moldova (abrogated through the Law No. 95 of 14.04.22, in force since 20.06.22)**, the Constitutional Court noted that:

"38. From the provisions of Article 13 of the Constitution, it can be deduced that it recognizes and protects two values: (i) the official character of the Romanian language as the state language and (ii) the right to the preservation, development and functioning of other languages spoken on the territory of the country.

[...]

42. ... the obligation imposed on the state by article 13 para. (2) of the Constitution to recognize and protect the right to the preservation, development and functioning of other languages spoken on the territory of the **country has in mind the mother tongues of its citizens, not the languages usually spoken by the citizens**. This obligation also emerges from Article 10 para. (2) of the Constitution, according to which the state recognizes and guarantees the right of all citizens to preserve, develop and express their ethnic, cultural, linguistic and religious identity.

The preferential treatment of the Russian language compared to the other languages of the ethnic minorities, makes the prescription of art. 10 para. (2) of the Constitution to be emptied of substance regarding the other ethnic minorities who speak a language other than Russian (see, mutatis mutandis, Venice Commission Opinion no. 605/2010, CDL-AD(2011)008, § 70). We highlight the fact that, through the Framework Convention for the Protection of National Minorities, the right of any person belonging to a minority to equality before the law and equal protection of the law is guaranteed, any discrimination based on belonging to a minority being prohibited. However, according to art. 20 of the given Convention, the protection of the rights of persons belonging to national minorities must be carried out while respecting the rights of other persons.

The constitutional provisions are detailed in Law no. 382/2001 regarding the rights of persons belonging to national minorities and the legal status of their organizations. In accordance with art. 5 para. (1) of the Law No. 382/2001, the state assumes the obligation to contribute to the creation of the conditions necessary to preserve, develop and express the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities.

Thus, pursuant to art. 7, 12, 13 of Law No. 382/2001, persons belonging to national minorities have the right to free use of their mother tongue, both in writing and orally, to have access to information in this language, to disseminate it and to exchange information (art. 7), they have the right to address public institutions orally and in writing, in Romanian or Russian, and to receive an answer in the language in which they formulated the address. In localities that have been granted a special status of autonomy, one of the official languages established by the respective laws may serve as the language of communication in relations with public authorities. In territories where persons belonging to a national minority constitute a considerable part of the population, the language of this minority may also serve as the language of communication with the public authorities (art. 12). Persons belonging to national minorities and their organizations have the right, under the law, to found mass

media, to publish literature in the languages of national minorities. The state ensures the organization of programs in the languages of national minorities on state radio and television (art. 13).

The mode of operation/use of the Russian language and/or other languages spoken on the territory of the country in various fields of political, economic, social, scientific and cultural life is regulated for each individual case in laws with special regulations, taking into account the availability of the means necessary for implementation, here we refer to funding, personnel, materials in these areas and taking into account the needs of people belonging to national minorities.

In respect of the use of the minority languages in courts - In order to guarantee people's access to justice, both for civil and criminal proceedings, it is stipulated that during the judicial session, participants in the trial and their representatives, as well as witnesses who do not speak the state language in which the proceedings are held, the right to use their mother tongue or another language they possess is guaranteed. At the same time, the participants in the process are provided with the opportunity to learn about the materials of the file through the intermediary of the interpreter. Thus, the person who does not possess or does not speak the state language has the right to learn about all the documents and materials of the file, to speak in front of the investigating body criminal and in court through an interpreter.

Article 24, Civil Procedure Code, Procedural language and the right to an interpreter

- (1) The trial of civil cases in the courts is conducted in the Romanian language.
- (2) The persons interested in the settlement of the case who do not possess or do not speak the Romanian language have the right to take cognizance of the documents, the works of the file and to speak in court through an interpreter.
- (3) By decision of the court, the trial can also take place in a language acceptable to the majority of trial participants.
- (4) If the trial takes place in another language, the court must issue the decision in Romanian as well.
- (5) The documents of disposition of the court are handed to the participants in the trial, being completed in the language in which the trial is conducted or, upon request, in Romanian.

Similar regulations can be found in Article 16 of the Criminal Procedure Code. The status of the interpreter is regulated by the relevant law.

Learning of the state language (Article 14)

Paragraph 167

The Advisory Committee may wish to consider information on the progress made in the implementation of the 2023-2025 National Program for the learning of the Romanian language by persons belonging to national minorities, including the adult population⁴.

The strategic goal of the document is to provide persons belonging to national minorities in the Republic of Moldova with continuous opportunities to increase their language skills necessary to develop proper intellectual potential in areas of personal, professional, and social interest, aiming at ensuring their smooth adaptation to the imperatives of these times, particularly those related to sustainable development. The Program ensures the continuity of the National Program to improve the quality of the Romanian language learning in general education institutions with instruction in minority languages (2016-2020), approved by the Government Decision No. 904/2015. Furthermore, it defines the priorities and actions to address the challenges faced by the educational

⁴ Adopted by the Government Decision 115/2023 on 7 April 2023

system with respect to multidimensional sociolinguistic integration of national minorities in the social life of the state by ensuring, respecting, and guaranteeing their rights.

The Program also provides for the implementation of multilingual education, which implies, inter alia, teaching of non-linguistic subjects both in Romanian and in the national minority languages. Concrete actions are also foreseen to expand the linguistic environment of communication in Romanian through extracurricular activities (educational camps, competitions, workshops, didactic symposiums), as well as the development of special programmes to improve the language skills of employees.

In line with the National Program, during the next two years, the Ministry of Education and Research will organize free Romanian language courses for adults belonging to national minorities interested to learn it.

As a result of the Program the Ministry of Education and Research expects that about 6 thousand teachers and managers of the general education institutions will receive Romanian language training. Another 13 thousand adults from various professional categories (justice, medicine, economy, arts, central and local public administration), including adult refugees from Ukraine, will learn Romanian through free courses. In addition, about 4,000 national minority pupils, including refugee children from Ukraine, enrolled in educational institutions of the Republic of Moldova, will participate in various educational programmes in Romanian.

After the call for enrolment into the Romanian language courses was published, more than 8900 people from all over the republic have applied.

1. Stages of the Romanian language courses organization:

Targeted: July - December 2023 (6500 people trained)

- 1st stage: 3 July - 24 September
- 2nd stage: 25 September - 7 December
- 3 regions: North, Centre, South + online studies

2. Training-of-trainers programme

Number of trainers trained - 200 persons:

- Chisinau - 67 trainers
- the Southern region - 40 trainers
- the Northern region - 28 trainers
- All regions + the Eastern region - 36 trainers
- Online training - 29 trainers

3. Total situation per region by 15 September 2023

Region	Learners	Groups	Trainers
The Northern region	394	20	20
The Central region	454	22	16
The Southern region	1010	50	34
TOTAL offline	1858	92	70
Online	400	20	20
TOTAL	2258	104	82

4. A1 level completion results

Region	Learners
The Northern region	144
The Central region	414
The Southern region	497
TOTAL offline	1055

5. By 25 September 2023

Region	Learners	Total
The Northern region	668 – A1 173 – A2	841
The Central region	542 – A1 342 – A2	884
The Southern region	460 – A1 560 – A2	1020
TOTAL offline		2745
Online	260 – A1 640 – A2	900
TOTAL		3645

6. ROMANIAN LANGUAGE CURRICULUM FOR ADULTS belonging to national minorities. Level A1, A2, B1, B2 (approved by the Order no. 804 of 30 June 2023)

7. GUIDELINES FOR THE IMPLEMENTATION OF THE ROMANIAN LANGUAGE CURRICULUM FOR ADULTS belonging to national minorities. Level A1, A2, B1, B2 (in the process of finalization).

8. Elaborated in manuscript form:

- Romanian language learning manual for adults, level A1
- Workbook for the Romanian language study, level A1
- GRAMMAR TABLES. Course support for the Romanian language study

In the process of drafting:

- Romanian language learning manual for adults, level A2

- Workbook for the Romanian language study, level A2
- Course support for the Romanian language study, A2 level

In order to implement the training-of-trainers programme entitled "Curricular perspectives and didactic approaches to the study of the Romanian language by adults belonging to national minorities" a digital teaching aid has been developed, which includes the following:

- Power Point presentations for each workshop
- Teacher worksheets
- Supplementary didactic support

Cultural Immersion Educational Programme for children belonging to national minorities

During the summer season from 5 to 31 July 2023 the Ministry of Education and Research realized a Romanian language cultural immersion educational programme for pupils belonging to national minorities. Several summer camps were selected as the target locations for the programme's implementation, where participants had the opportunity to improve their Romanian language skills and develop vocabulary through games and educational activities.

About 1000 children aged between 7 to 16 from all over the country became the beneficiaries of the programme.

The objectives pursued under this programme were the following:

- developing communicative skills through useful and pleasant organization of leisure time;
- promoting respect for national and universal values;
- building on linguistic and reading experiences in various non-formal communication contexts with a view to ensuring socio-cultural integration of children.

Mentioned activities were organized by the Republican Centre for Children and Youth "ARTICO".

Effective participation in socio-economic life – Roma access to healthcare, employment, and social services, including during the Covid-19 pandemic (Article 15) Paragraph 187

The Advisory Committee states that *"A number of issues persist within the Roma minority, such as the lack of healthcare insurance (due to the lack of registration of residence and the lack of identity documents), the difficulty to access expensive surgery services, and the prevalence of children and adults with disabilities"*.

The Advisory Committee may want to consider the following information. In the Republic of Moldova the maternity medical institutions issue birth certificates which according to existing legislation serve as a basis for requesting the birth registration at the Public Services Agency. Currently, the Ministry of Health is developing an electronic module of birth and death medical certificates, which will transmit the electronic data to the Public Services Agency, thereby facilitating the registration of all births on the territory of the Republic of Moldova.

The Moldovan authorities note that the right to health of all citizens of the Republic of Moldova is ensured, regardless of race, nationality, sex, social affiliation, and religion, as provided for in art. 17 of the Health Protection Law no. 441/1995. According to the national legislation, Roma people have the same rights and obligations in the field of compulsory health care insurance on equally terms with other citizens of the Republic of Moldova.

By the Order no. 272/2023 "On implementation of the Programme for the support of the Roma population in the Republic of Moldova for the 2022-2025, approved by the Government Decision no. 576/2022" issued by the Ministry of Health with a view to implementing respective Programme the Ministry, inter alia, obliged the heads of the medical institutions to take the following measures:

- to inform the medical staff of provisions of the Programme for the support of the Roma population in the Republic of Moldova for 2022-2025;
- to raise awareness among the medical staff on ethno-cultural peculiarities of the Roma traditional environment and to eliminate discrimination in the process of counselling and mediation while providing the medical services;
- to provide health care services to the Roma population in the volume provided for by the Single Programme of Compulsory Health Insurance and normative acts, including prescription of fully and partially compensated medicines, instrumental and laboratory investigations, prophylactic and screening examinations within the primary healthcare system;
- together with the district hospitals to plan and organize joint field trips of specialized medical specialists in localities densely populated by Roma to perform medical examinations, including of children, according to normative acts and quarterly reporting on the results.

According to the operational information submitted by health care providers in the first semester of 2023, 9434 Roma people, including 2745 children, 2908 women and 506 people with disabilities were registered with the family doctors. The persons benefited from primary healthcare services, reproductive health and family planning services, investigations, and consultations in accordance with the provisions of the National Clinical Protocols and normative acts, corresponding to clinical indications.

All patients, on demand, had access to specialized outpatient healthcare services, which include medical examination by a specialist physician for risk group classification and engagement, as appropriate, in educational, informational, and prophylactic programmes and medication within outpatient or inpatient care.

In the first Semester of 2023, 800 Roma people, including 289 women, 71 children and 12 persons with disabilities, received inpatient treatment, including 306 people in district hospitals, of which 9 children, 160 women and 10 persons with disabilities, and 494 people, of which 129 women, 62 children and 2 persons with disabilities benefited from the hospital treatment, consultations and investigations in republican hospitals.

At the same time, according to the information provided by the Republican Dispensary of Narcology, 149 Roma people are under medical supervision of psychiatry and narcology specialists. A total of 219 persons were treated in the Republican Dispensary for Narcology under inpatient care conditions. 13 persons are part of the Opioid Pharmacotherapy Programme.

It is worth mentioning that under the compulsory health insurance, the Roma people benefit from the healthcare services in the amount established by the Single Programme of Compulsory Health Insurance, on an equal footing with the rest of the population.

The Ministry of Health promotes policies to ensure equitable access to quality health services for the entire population, including Roma, while combating and preventing discrimination in the process of communication and provision of healthcare services.