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**REPORT SUBMITTED BY THE REPUBLIC OF MOLDOVA  
PURSUANT TO ARTICLE 25 PARAGRAPH 1 OF THE FRAMEWORK  
CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

(received on 29 June 2000)

## **OFFICIAL REPORT BY THE REPUBLIC OF MOLDOVA ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

The Framework Convention for the Protection of National Minorities is an extremely important legislative text which reflects a fifty-year period during which the generally accepted contemporary legal principles concerning protection of the rights and legitimate freedoms of persons belonging to the category of *ethnic minority* were drawn up and crystallised. Simultaneously, it represents a social undertaking by Moldova, as a member State of the Council of Europe, to ensure that these principles are embodied in its policy on the relations between the country's ethnic group, via certain domestic regulations. Application of the Framework Convention's general principles does not mean that the country's specific realities are ignored: it cannot be applied unthinkingly, even if the principles of the Framework Convention take priority over Moldovan domestic legislation, as provided for in Articles 4(2) and 8 of the Constitution.

It is significant to note that Moldova has signed and ratified the main sources used as the legal basis for the Convention, *inter alia* the Universal Declaration of Human Rights, the European Convention on Human Rights, the UN Declaration on the Rights of Persons belonging to National, Ethnic, Religious or Linguistic minorities (GA Resolution of 18.12.92) and other documents, including OSCE texts, which contain undertakings concerning the protection of national minorities.

On this basis, and bearing in mind the state's multi-ethnic nature, in which the eponymous ethnic group accounts for 64.5% of the population and minority ethnic groups account for 35.5% (Ukrainians: 13.8%, Russians: 13%, Gagauz: 3.5%, Bulgarians: 2%, Jews, etc: 1%), specialised organisations have been set up for the purpose of guaranteeing that national minorities enjoy all the civil rights provided by law. The main organisations are as follows:

- the Department for National Relations and Use of Languages;
- the Parliamentary Committee for Human Rights, Religious Groups, National Minorities and Expatriate Communities;
- the Presidential Committee for Inter-ethnic Relations, created in January 1998 and composed of 12 experts;
- a specialised service in the Ministry of Education and Science.

At the same time, civil servants in all the *judetz* administrative centres (second level of local administration) are responsible for monitoring the position of minorities and the use of languages in their respective areas.

Parliamentary Advocates are entitled to submit cases to the Constitutional Court, including applications in respect of legislative acts concerning human rights.

In the eight years since Moldova's proclamation of independence (27 August 1991), a legal and organisational base has been established to protect the country's national minorities.

The first step was the Declaration of Independence, which states that the "For Suprême de l'état" *guarantees the exercise of social, economic and cultural rights and political liberties of all citizens of the Republic of Moldova, including those of national, ethnic, religious and*

*linguistic groups, in conformity with the provisions of the Helsinki Final Act and documents adopted afterwards, and of the Paris Charter for a new Europe.*

In January 1997, the Law on Social Associations (Official Monitor No. 6 of 23.01.97) entered into force. To date, 46 ethno-cultural groups have registered with the Ministry of Justice on the basis of this law. On 1 June 1996, the Nationalities' House was inaugurated, under the authority of the Department for National Relations and the Use of Languages.

In January 1995, the Law on the Press (OM No. 2 of 12.01.95) was promulgated: this decrees liberty of expression and prohibits calls for national and religious hatred (Art. 4).

In December 1994, the Law on Libraries (OM No. 2 of 12.01.95) was promulgated. It instituted a special Council with, *inter alia*, responsibility for monitoring the promotion of a single national policy on library administration (Art. 16). Six libraries for national minorities currently operate in the Moldovan capital.

The interests of the minority population are also protected by the Law on Public Education and the Law on the Broadcasting Media, as well as by other Presidential Decrees on development of the national culture of Russians, Ukrainians, Bulgarians and Jews in the Republic of Moldova.

To date, the Republic of Moldova has acceded to 44 international texts on human rights, under the auspices of the UN, the Council of Europe, the OSCE, etc: the Helsinki (CSCE) Final Act, the Final Documents of the OSCE Copenhagen Conference on the Human Dimension, the Paris Charter for a New Europe. The Framework Convention for the Protection of National Minorities was ratified by the Moldovan Parliament on 22 October 1996.

It should be noted that the respective terminology used in this kind of document, namely *ethnic group, national group, ethnic minority, national minority, ethnic community*, is controversial from both a linguistic and legal standpoint. This is one of the reasons why the Republic of Moldova has not yet adopted a law regulating the status of persons belonging to the country's ethnic groups and national minorities. None of the three draft laws presented was accepted for adoption.

On 28 May 1998, the Moldovan Parliament promulgated the Law on Amendments to the Law on Government (OM No. 54-55 of 18.06.98). On this basis, the title of the former Department of National Relations was changed to the Department of National Relations and Language Use. In September 1998 the Moldovan Government approved the structure, regulations and staff organisation chart of the new Department (Government Decision No. 998 of 28.09.98). One of the Department's main tasks is to *promote official Moldovan policy in the area of national relations, to represent the interests of the majority ethnic group and of the cohabiting national minorities in the state administrative bodies and to ensure that use of the official state language and other languages spoken in the territory of the Republic of Moldova conforms with the linguistic legislation in force.*

This Department's Co-ordination Council is one of the effectual measures in place to protect the interests of persons belonging to ethnic minorities. Its members include leaders of national ethno-cultural organisations. While the Council's decisions are not binding, they are

important in determining national policy and in resolving numerous problems concerning the organisation of joint activities and other events.

Bilateral international agreements between specialised or intergovernmental departments, providing for reciprocal protection of minorities and assistance from their countries of origin, are another mechanism for protecting minority population's interests.

An important challenge facing the Moldovan state is that of guaranteeing (preserving) its territorial and administrative integrity and unity. The separatist policy that prevails in the region of the left bank of the Nistru river, comprising six districts (Tiraspol, Dubasari, Ribnita, Grigoriopol, Camenca and Slobozia) and a population of 505,375 persons, is not an inter-ethnic conflict. Exactly the same ethnic groups live on both the right and left banks of the river: Moldovans (Romanians) (40%), Ukrainians (28%) and Russians (25%). The problem is a political one. Foreign intervention, including continued stationing of the Russian army (in contravention of Article 2 of the Constitution, which states that "*the Republic of Moldova will not permit the stationing of any foreign military troops on its territory*") is the main obstacle to preserving the state's territorial unity.

The paradox of this situation is that the native Moldovan population resident on the left bank is considered to be a *minority*: since the rules of international law are not recognised, its members are not protected by the local authorities and ethnic discrimination is apparent, particularly in the areas of culture and education.

In spite of these serious violations of human rights, the central authorities, ie the Moldovan Government, are seeking to resolve the conflict through negotiation, by offering Tiraspol extensive political, administrative and cultural autonomy in exchange for recognition of Moldova's unity and territorial integrity.

As part of a high-level meeting held in Kyiv on 16 June 1999, attended by the Moldovan and Ukrainian Presidents, the Russian Prime Minister, OSCE experts and leaders of the separatist movement in the region, a Joint Declaration, setting out the principles for normalising relations between the Republic of Moldova and Transnistria, was adopted. According to this document, the Transnistrian problem should be solved on the basis of *the principle of shared borders and a shared economic, legal, defence and social area*.

A similar conflict in the south of the country has been settled through exclusively peaceful methods. The Gagauz, a Christian people of Turkic origin, have lived in the south of Moldova since the 19th century. From an economic perspective, this area is one of the most under-developed (backward), since it lacks the necessary water resources for agriculture; industry also lags behind. Under the totalitarian regime, the Gagauz people were deprived of education in their own language, which was neglected, and scant attention was paid to cultural development. This overall situation provoked an instinctively rebellious attitude towards the authorities. These feelings paved the way for the conflict which erupted in 1991 and which kindled separatist movements - the proclamation of an independent republic of 26 villages in the region (the Gagauz population is 153,458 persons, or 3.5% of the population). The conflict was settled by granting the Gagauz Territorial Administrative Unit a special legal status, based on considerable internal administrative and cultural autonomy. Compromise prevailed over local prejudice. (The Law on the Special Legal Status of Gagauzia (Gagauz-Yeri) was published in the Official Monitor No. 3-4 of 14.01.95).

Moldova is going through an economic crisis. According to the Agency for Business Restructuring and Assistance (ARIA), 90% of industrial concerns are experiencing severe difficulties, using the criteria for calculating economic and financial indices. Agriculture suffered from the 1999 drought. Over-estimation of the impact of the “gradual therapy”, used to justify the reforms of recent years, and the promotion of group and short-term interests, have resulted in economic stagnation and widespread poverty.

In 1998, the Moldovan economy was also severely hit by the Russian Federation’s economic crisis, which led to the blocking of Moldovan exports and extensive losses in the real economy, affected the banking sector, provoked speculation on the currency markets and caused the trade balance deficit to rise.

What measures must be taken to implement the Framework Convention’s general objectives?

**In the area of state policy:**

- development of a state programme aimed at social integration, to be preceded by a wide-ranging discussion of the problem by representatives of the country’s ethnic and social groups;
- speeding up of the procedures required for adoption of the Law on the Rights of Persons belonging to National Minorities and the Legal Status of their Organisations;
- the unacceptability of artificial changes to the ethnic and demographic profile of the new administrative and territorial units;
- preparation of the necessary mechanisms to prevent inter-ethnic conflicts by central and local public administrative bodies, and promotion of them;
- the preparation of a study programme on the official language for speakers of other languages, with the aim of ensuring their full integration in Moldovan political, social and cultural life;
- improvement of the procedure for setting up representative state bodies at different levels, with a view to enabling ethno-social groups to play a greater role in decision-making on issues that concern them;
- preparation of a specific action programme to support expatriate Moldovans;
- the unacceptability of setting up military and police units on the basis of ethnic criteria.

**In the area of information and culture:**

- education of the country's citizens in the spirit of cultural pluralism and constitutional patriotism, tolerance and respect for the cultural values of all ethnic groups and for their shared historical heritage;
- use of the mass media as a method for sharing information on the cultural values of the ethnic communities in the Republic of Moldova, by giving priority to the improvement of radio and television programmes in the languages of the ethnic minorities;
- preservation of the spiritual heritage of all nationalities in Moldova; this would also contribute to the process of integrating the country into the European Community;
- the creation of optimal conditions for full use of the official state language, and for the protection of the other languages spoken in the country.

### **In the social and economic field:**

- bringing social and economic development in the north, centre and south of the country to similar levels: this would help to harmonise inter-ethnic relations;
- rational use of the country's economic potential, including natural resources, specialists and labour force reserves, taking account of the multi-ethnic composition of the population and both the educational level and needs of the traditional homelands of Moldova's national minorities;
- co-ordinating policies for inter-ethnic relations with the priorities for economic reforms and with the country's social and economic development plans and programmes;
- rigorous implementation of the tasks set out in the state programme on guaranteeing the rights of the child, approved by Government Decision No. 679 of 06.10.95, in application of the UN Convention on the Rights of the Child.

### **Recent declarations concerning Moldova's national minorities**

On 21 June 1999, in his welcoming address to the First International Congress of Expatriate Moldovan Jews, Petru Lucinschi, President of the Republic of Moldova, highlighted the Moldovan state's open attitude towards the minority population, which constitutes more than a third of the country's population, and towards fellow nationals living in other countries, with whom the Republic of Moldova wishes to maintain the best possible relations.

The national Conference "The unity of the Moldovan people and the Problems of Ethnic Identity", held to mark the Council of Europe's fiftieth anniversary, took place in Chisinau on 4 and 5 May 1999. The topics under discussion included the problems of civic solidarity in a multi-ethnic society, as a factor for consolidating a law-based and democratic state. The participants expressed their satisfaction at Moldova's adherence to the principles and norms of the Council of Europe's basic texts, and submitted a series of specific proposals to the country's leaders.

### **Article 1**

The Republic of Moldova has adhered to 42 Council of Europe conventions concerning human rights and the protection of national minorities: of these, 18 have been ratified. The Framework Convention was perceived from the outset as a follow-on and corollary to these documents. Many of the decisions adopted by the Council of Europe in the period 1949-1999 have been reflected in Moldova's domestic legislation. For instance, Recommendation 285, adopted by the Council of Europe Parliamentary Assembly in 1961, proposing that the ECHR be supplemented by a new article providing that persons belonging to national minorities should not be denied the right to enjoy their own culture, to use their own language, to establish their own schools and receive teaching in the language of their choice, is reflected in the Moldovan Constitution (Art. 35) as well as in the Law on the Use of Languages (Art. 18). The latter Law goes even further and provides that "*the state shall guarantee the right to secondary education, non-specialised intermediate studies, specialised, technical and vocational intermediate studies, and higher education in Moldovan and Russian, and shall create the necessary conditions for observing the rights of citizens of other nationalities who are resident in the Republic to education and studies in their native language (Gagauz, Ukrainian, Bulgarian, etc)*".

Following the adoption of the Moldovan Constitution in 1994, important laws were adopted on structural reform and state re-organisation: the 1996 legal reform, transfer of the prison system to the jurisdiction of the Ministry of Justice, the abolition of capital punishment, the creation of the institution of Parliamentary Advocates and the drawing up of a programme to amend 22 legislative acts, including the Moldovan Constitution. All these activities reflect the state's wish to fulfil its obligations towards the Council of Europe, particularly those arising from the Framework Convention, as part of its policy for international co-operation.

## **Article 2**

The Republic of Moldova, which has adhered to 44 international conventions on human rights and national minorities, was prepared, both from a legal and a psychological perspective, to apply in good faith and in a spirit of tolerance the principles and obligations imposed by the Framework Convention for protecting national minorities. In a multi-ethnic state such as Moldova, where more than 120 different ethnic groups co-exist, it is impossible to apply any other policy but one of respect for the rights and fundamental freedoms of all citizens, encouragement for friendly relations between them and co-operation with neighbouring states. Moldova shares borders with two states: Ukraine to the east and Romania to the west. Cross-border co-operation with these two neighbours is characterised by close contacts at both economic and cultural level. Recent years have seen the emergence of tri-partite co-operation: Moldovan-Romanian-Ukrainian. To date, two high-level meetings have been held with participation by the heads of the three states. The first was held in Izmail (Ukraine) and the second in Chisinau (Moldova). In February 1996, an agreement was signed by the specialised Moldovan and Ukrainian Departments for the Protection of National Minorities. At the same time, a new Moldovan-Belarussian agreement on the protection of national minorities was concluded in September. A Moldovan-Russian agreement on this subject also exists.

## **Article 3**

The provisions in Article 3 of the Convention at issue are consolidated in a series of domestic laws. Suffice it to note the relevant articles of the Moldovan Constitution: 1 (3), 4(1,2), 8(1,2), 10(1,2), 13(2), 20(1,1), 23(1,2), 24(1), etc.

Several legal instruments guarantee effective protection of the principle of non-discrimination, such as:

1. The Law on Political Parties and Socio-political Organisations, which makes it unlawful to set up such organisations for the purpose of *provoking discord and hatred between ethnic groups and religions* (Art. 4);
2. The Law on Social Associations forbids *provocation to racial, national and religious hatred* (Art.4(1)).

The Criminal Code guarantees equal protection for citizens, irrespective of their ethnic origin. In addition, Article 71 condemns *violation of national and racial equality*. As regards the use of languages, Article 134 of the Criminal Code *forbids violation of the legal equality of languages and non-observance of the provisions of the Law on the Use of Languages in the territory of the Republic of Moldova* (186).

At the same time, no domestic legislative act prevents people, including those belonging to a national minority, from enjoying, whether individually or in community with others, the rights flowing from the Framework Convention. This also applies to defence of these rights in the event of violation or attempted violation.

Admittedly, there is no law on the legal protection of national minorities. Nonetheless, this problem has been brought before Parliament regularly for several years. To date, three draft laws have been submitted, but these have not been adopted. The most recent draft law, *on the rights of persons belonging to national minorities and the legal status of their organisations*, was submitted as a legislative initiative by deputies in May 1995. It was approved by Parliament in June 1997 at its first reading, with the understanding that it was to be examined by the respective parliamentary committees. This draft law, which has been improved to bring it into line with the principles of the Framework Convention (particularly articles 3, 4, 5, 10, 17 and 20) and which has already been submitted for parliamentary scrutiny, currently provides for: an individual's right freely to choose to belong or not to belong to a national minority; the right to equal protection under the law; the state's obligation to assist in preserving ethnic diversity; the right to use one's mother tongue; the right to maintain the spelling of one's name and surname, and the right to official recognition of one's ethnic origin.

The same text contains a legal definition of the syntagma "*national minority*" which has given rise to criticisms, even though it corresponds to Article 1 of Recommendation 1201 (1993) on the additional Protocol on the rights of minorities to the European Convention on Human Rights.

Demographic matters are dealt with by the Department for Statistical and Sociological Analysis, which is responsible both for population censuses and public opinion surveys. The most recent census took place in 1989 and the official figures date from this time. These indicate that Moldovans (Romanians) make up 64.5% of the population, followed by Ukrainians, who account for 13.8%, Russians (13.8%), Gagauz (3.5%), Bulgarians (2.0%), Belarussians (0.5%), Roma (Gypsies) (0.3%), Germans (0.2%) and Poles (0.1%). The other minorities account for only 0.6% of the total population.

Members of the various national groups do not live in the same regions and are dispersed throughout the Moldovan territory, the Gagauz population being the exception: the majority live in the region of the Gagauz Administrative Territorial Unit (Gagauz-Yeri). It has been granted a territory of 1831.5 km<sup>2</sup> and has a population of 172,500, of whom 78.7% are Gagauz, 5.5% are Bulgarian, 5.4% are Moldovan (Romanians), 5.0% are Russian, 4.0% are Ukrainian, 1.3% are Roma and representatives of other nationalities.

As for Transnistria, the demographic situation in this region of 4163 km<sup>2</sup>, inhabited by 750,000 people, is as follows: Moldovans make up 40% of the population, Ukrainians - 28%, Russians - 25%, Bulgarians - 1.9%, Gagauz - 0.5%, and other nationalities - 4.0%.

In the context of research in the relatively new field of *dispersed national minorities* in the Council of Europe member states, Moldova has submitted the following suggestions: given the absence of a definition for the concept in international law, and taking as a basis the situation in Moldova, a multi-ethnic state in which ethnic minorities account for more than a third of the population, we propose a criterion based on three social categories:



1. ethnic minorities;
2. “compact” and “dispersed” ethnic minorities;
3. dispersed ethnic minorities.

The classification criterion could be the territorial distribution in the state, where the key factors are:

- density per km<sup>2</sup>;
- the *distribution* area (ethno-geographic factor);
- demographic changes (historical and geographical factor).

Based on the fact that ethnic minorities in Moldova account for a third of the population, we consider that the situation of the compact minority should correspond to this proportion. If the Russian, Ukrainian, Bulgarian or other minority makes up at least a third of the population in the context of the 14 municipalities, 51 towns and 658 villages, it can be considered as a compact ethnic minority of the corresponding locality. In other cases, where the ethnic minority constitutes at least a third of the population of the corresponding locality, it is viewed as dispersed.

Under the proposed classification, ethnic minorities such as Russians, Ukrainians, Gagauz and Bulgarians should be considered to be *compact-dispersed*.

Under this classification, numerically weak ethnic groups such as the Poles (4739 persons), Germans (7335), Armenians (2873), Jews (40,000), Belarussians (19,608) etc, would be classed as *dispersed ethnic minorities*.

For the most part, the dispersed ethnic minorities have their own representative organisations (associations, unions, etc), the leaders of which are members of the Co-ordinating Council at the Department for National Relations and Use of Languages.

#### **Article 4**

The protection of persons belonging to national minorities is no different from the general system of protection applicable to other citizens. All are equal before the law and have equal rights and obligations. The principles of equality and non-discrimination between citizens apply to the country's entire legal and institutional system. According to the Moldovan Constitution "*it is the foremost duty of the State to respect and protect the human person*" (Art. 16(1)).

Equality before the law and the public authorities, irrespective of nationality, ethnic origin, language or religion, is also guaranteed by the Constitution (Art. 16(2)). Accordingly, Article 3 of the Electoral Code of 21.11.97 states that *citizens of the Republic of Moldova may vote and be elected without distinction of race, nationality, ethnic origin, language, religion, sex, opinions, political leanings, assets or social background*.

The Law on the Civil Service (OM No. 61 of 02.11.95) states that anyone can be employed by the civil service without distinction of nationality or confession. It is clear that this provision covers all areas of economic, social, political and cultural life and refers both to persons belonging to national minorities and those belonging to the majority ethnic group.

Article 19 of the Constitution states that foreign citizens and stateless persons are subject to the same rights and obligations as nationals, except in cases where the law has different rulings. The constitutional guarantees of equality of treatment are widely reflected in domestic legislation.

The principle of equality is set out in the Law on the Civil Service, No. 443 of 04.05.95, the Law on the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Moldova, No. 275 of 10.10.94, the Law on the Rights of the Child, No. 338 of 15.12.94, the Code of Criminal Procedure, the Code of Civil Procedure, the Law on the Administration of Justice, No. 514 of 06.07.95, and the Labour Code.

Moldovan legislation enshrines the principles of equality and non-discrimination and does not infringe Article 4 of the Framework Convention.

Article 71 of the Criminal Code of the Republic of Moldova reads: *premeditated actions for the purpose of provoking hatred or national or racial disintegration, threatening national honour and dignity, as well as direct or indirect limitations on the rights of citizens or concession of privileges on the grounds of their racial or national identity, shall be punishable by imprisonment for a duration of up to 3 years or a fine of up to 50 minimum salaries.*

*Where accompanied by violence, lies or threats, or where committed by a public official, the same actions shall be punishable by imprisonment of up to 5 years or a fine of up to 80 minimum salaries.*

*Where they are committed by a group of persons, or where the consequence has been the loss of human life or other serious consequences, the actions described in paragraphs 1 and 2 of this article shall be punishable by imprisonment of up to 10 years.*

However, in the east of the Republic, i.e., in the secessionist Transnistria region, Moldovans are discriminated against as regards language. In this territory, Moldovan legislation is not applied by the separatist forces who control the area. Three official languages have been proclaimed: Moldovan (not, however, in its correct Latin script, but in the Cyrillic script), Ukrainian and Russian. Furthermore, the Latin script and attempts to use it in Moldovan writing and publications are forbidden. In practice, Russian is used exclusively by the region's authorities, violating the ethnic majority's right to their language.

The Law on the Press establishes each person's right to create a press organ. The only condition is citizenship. Periodicals published in the minority languages currently account for 50% of the total.

The Law on Citizenship, adopted in 1991 following the Declaration of Independence, is an important legislative act directly concerned with the principle of non-discrimination against national minorities. Under this law (Art. 2), persons who had permanent residence on the territory of the Republic of Moldova on the day that independence was declared .. (text missing from original version). Use of the *zero option* created a genuine chance for representatives of the cohabiting national minorities to resolve the question of citizenship.

The amendments introduced in 1996 to articles 10 and 15 of the aforementioned law enabled children whose parents were stateless persons or foreigners to obtain citizenship by virtue of

birth, and allowed the problem of family reunification (parents and children) to be resolved by reducing the time period for naturalisation. This corresponds to the interests of the national minorities.

The main state structures responsible for the legal protection of national minorities are listed in the introduction to this report.

In practice, the Republic of Moldova's policy is based on respect for the fundamental principles of the Universal Declaration of Human Rights and other international conventions on human rights and national minorities. Particular attention is paid to the Framework Convention for the Protection of National Minorities. In this context, the legislation is being modernised so that it will conform fully with European standards (as provided for in Article ..(missing in original text) of the Constitution).

The Moldovan Government has drawn up a programme for amending 22 legislative acts, including the Constitution. In particular, it is hoped that amendments to articles 24, 25, 30, 32, 54 and 55 of the Constitution will enable clarification of human rights and freedoms, both in general and as they apply to national minorities, and will exclude the possibility of arbitrary interpretation. Simultaneously, amendments should be made to other legislative acts to bring them into line with the ECHR, including the Criminal Code, the Code of Criminal Procedure, the Civil Code, the Code of Civil Procedure, the Family Code, the Labour Code, the Administrative Code, the Law on Migration, and others.

## **Article 5**

In the absence of a law on the protection of persons belonging to national minorities in the Republic of Moldova, discussion of state policy in this area is fraught with contention. This is one of the factors illustrating the need for a programme of societal reintegration.

The Republic of Moldova has established a broad framework for promoting ethnic minorities' cultures. Accordingly, the following documents have been adopted since 1990:

1. Presidential Decree No. 64 of 22.02.91 on the development of the national culture of Ukrainians in the Republic of Moldova, and Government Decision No. 219 of 25.04.91 on this question;
2. Moldovan Government Decision No. 336 of 09.06.91 on measures required for development of Russian national culture in the Republic;
3. Presidential Decree No. 0604-945 of 12.08.91 on measures required for development of Jewish national culture and fulfilment of the social requirements of the Jewish population in the Republic of Moldova, and Government Decision No. 682 of 09.12.91 on the same question;
4. Presidential Decree No. 79 of 30.03.92 on measures required for development of Bulgarian national culture, and Government Decision No. 428 of 23.06.92 on the same subject.

The documents listed above set out the Moldovan state policy in this area.

Taking account of the fact that creating the necessary conditions to enable persons belonging to national minorities to develop their culture and preserve their ethnic identity, including their religion, language, traditions, customs and cultural heritage, is of benefit not only to minorities but also promotes harmony among co-habiting ethnic groups and state unity, the concepts contained in the above-listed documents have been adopted as the basis of the statutes of the ethno-cultural organisations that operate in the country.

There are currently 46 ethno-cultural associations operating in the Republic of Moldova. They make an important contribution to the country's social and cultural life and help citizens to realise their rights with regard to the maintenance, development and expression of the cultural, linguistic, religious identity guaranteed by the Constitution. These organisations take various forms: 11 communities, 14 societies, 2 unions, 4 centres, 4 foundations, etc.

In total, 18 national minorities have their own associations: the Ukrainians, Russians, Bulgarians, Gagauz, Jews, Belarussians, Poles, Germans, Roma, Greeks, Lithuanians, Armenians, Azeri, Tatars, Chuvash, Italians, Koreans and Uzbeks.

The ethno-cultural organisations are composed of Moldovan citizens belonging to certain ethnic minorities. They are based on voluntary membership, and are non-profit-making non-governmental organisations. The establishment and administration of these organisations is regulated by the Law on Social Associations. This Law does not restrict the right of association based on ethnic criteria. Similar associations have been set up in regions with Ukrainian, Russian, Bulgarian, Jewish, Polish and other populations, in the cities of Soroca, Balti, Orhei, Cahul, Comrat, Bender, Tiraspol, etc. These organisations help to preserve and developing the national traditions, native language and culture of the minority concerned, to study the history of the "home" countries and to develop ties between Moldova and the historical homeland of these minorities. At the same time, they take part in disseminating and promoting the spiritual wealth of Moldova among the national minorities.

Knowledge of the official language is a major problem. It is also one of the reasons that a section of the population does not feel particularly at ease. In order to resolve this problem, the Government has approved the structure of the Department for National Relations and the Use of Languages, creating within it a Directorate for promoting the official language and monitoring observance of the language legislation. This Directorate is also charged with protecting the minority languages spoken in the country.

In recent years a new trend has become apparent in the grouping together of persons belonging to national minorities. This concerns the setting up of "communities" - organisations which are social, cultural and humanitarian in nature. Representatives of the Ukrainian, Russian, Bulgarian, Belarussian, German, Azeri and Armenian populations have set up national communities. These communities do not restrict themselves to cultural activities. They seek to protect their members' civil, economic, social and religious rights. They aspire to a co-ordinating role for all the social associations that unite representatives of their respective minority. They also assume the right to represent and express the rights of the minority as a whole. They are attempting to develop economic activities, so as to generate material and financial support for their activities and statutory aims and provide welfare assistance to their members. This is permitted under Moldovan law.

One of the tasks of the Department for National Relations and the Use of Languages is to support the statutory activities of ethno-cultural organisations. With a view to creating the

conditions required for the activities of ethno-cultural structures in Moldova, the Nationalities' House was inaugurated on 1 June 1999: it is the headquarters for 26 minority associations. Conference and meeting rooms have become traditional fora for round tables, seminars, competitions, exhibitions, etc.

As noted above, leaders of ethno-cultural organisations are members of the Department's Co-ordinating Council. This is a consultative body that co-ordinates ethno-cultural organisations' activities with a view to achieving their aims.

However, it should be noted that ethno-cultural organisations have limited technical, material and financial resources.

There is no legislative act in Moldova promoting a policy of assimilating persons belonging to ethnic minorities. Under the language legislation in force, the process of integrating national minorities into the country's national majority provides for study of the official language on a voluntary basis.

This aspect of the integration process represents the final goal, namely linguistic integration: in other words, full use of the official state language, exchange of spiritual values between representatives of the co-habiting ethnic groups and, at the same time, development of the ethnic identity of persons belonging to national minorities.

Religious policy and the relations between confessions is discussed below with regard to Article 8.

There is no official religion in Moldova, although more than 90% of the population are Orthodox Christians. The Constitution (Art. 30) states: "*Religious groups are autonomous vis-à-vis the State and shall enjoy the latter's support, including that aimed at providing religious assistance in the army, in hospitals, prisons, homes for the elderly and orphanages*".

Religious bodies are free and organise themselves according to their own statutes. Moldova has 18 religious groups, 8 of which are oriented exclusively towards persons belonging to national minorities.

The State guarantees freedom of religious education under the rule of law. State education is secular.

The official language is mentioned in Article 13 (1) of the Constitution: "*The national language of the Republic of Moldova is Moldovan, and its writing is based on the Latin alphabet*". Equally, the current legislation on the use of languages spoken in the country's territory mentions the "*genuinely existing Moldovan-Romanian linguistic identity*".

## **Article 6**

The Republic of Moldova is part of the regional European system for international protection of human rights. Since becoming a member of the Council of Europe in 1995, Moldova has to date ratified the following international human rights instruments: the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), the Framework Convention for the Protection of National Minorities, the European Framework

Convention for Local Self-Government and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and its two Protocols.

The ECHR entered into force in the Republic of Moldova on 12 September 1997, the jurisdiction of the European Court of Human Rights being recognised. Respect for the commitments entered into is guaranteed, subject to the reservation that, until the conflict in the self-proclaimed Transnistria republic has been definitively resolved, Moldova cannot guarantee the application of this instrument's provisions with regard to actions committed by the authorities in this territory.

Relations between the various ethnic, linguistic, cultural and religious communities are being developed in line with the human spirit that permeates the international conventions to which the Republic of Moldova is party. To this end, the necessary conditions have been created for the system's smooth functioning. Thus, two social bodies operate within the Department for National Relations and the Use of Languages - the Co-ordinating Council and the Nationalities' House. These two structures provide an opportunity for ethno-cultural associations to establish contacts, discuss their problems together, take part in reaching relevant decisions and to co-operate in implementing them. These contacts promote a spiritual rapprochement between the various organisations and their members and contribute to a constant exchange of experience and cultural values between the various ethnic groups and on-going participation in various activities.

Accordingly, the Pushkin celebrations have been transformed into a completely multi-cultural event with participation by Moldovans, Russians, Ukrainians, Bulgarians, Jews and other co-habiting ethnic groups. The birthday of the great national poet Mihai Eminescu has become the occasion for a multi-national and multi-cultural festival. Multi-ethnic festivals involve representatives from the most diverse nationalities. Similar examples abound.

The Ministry of Foreign Affairs and the Moldovan diplomatic missions have made a particular contribution in this area. This attitude conforms to Moldova's foreign policy doctrine, the priorities of which include *"the promotion of the rule of law, where the rights and fundamental freedoms of citizens and persons belonging to national minorities are guaranteed and brought to the level of international standards"*.

Several legislative acts contribute to harmonious relations between the ethnic groups. Thus, Article 4 of the Law on the Press, concerning *freedom of expression and restrictions on public information* states that *"periodical publications and press agencies shall publish in accordance with their own judgement all kinds of material and information, taking account of the fact that the exercise of these freedoms which imply obligations and responsibilities is subject to formalities, conditions, restrictions and certain sanctions provided for by law and constituting the necessary measures in a democratic society for national security, territorial integrity or public order, protection of order and the prevention of crime, protection of health, morality, reputation or the defence of rights, so as to prevent the revelation of certain confidential information or to guarantee the authority and impartiality of the judicial authorities"* (Art. 4 of Law No. 564-XIV of 29.07.99).

**The Law on Broadcasting (Art. 2) states that:**

1. ... in the Republic of Moldova, the right to free expression of ideas and opinions, to the free communication of information by means of television and radio, as well as the right to truthful information, shall be guaranteed by law in the spirit of the constitutional rights and freedoms;
2. Pluralism of opinion and royalties shall be guaranteed by the state;
3. Broadcasting institutions shall not be subject to censure.

**Article 3 states:**

*Freedom of expression in broadcasting presupposes strict observance of the Constitution and may not result in injury to the dignity, honour or privacy of the individual nor infringe the right to one's own image.*

NGOs of all categories (economic, cultural, sports, scientific, etc) play an important role in collaboration between the ethnic groups. All NGOs throughout the country were recently required to re-register with the Ministry of Justice.

According to data provided by *Contact*, the National Centre for Assistance and Information on the Republic of Moldova's NGOs, there are currently 585 NGOs. Their number rose from 50 in 1992 to 450 in 1998. Their main areas of activity are: culture (22.14%), education (20.41%), sport (13.14%), human rights, including economic rights (8.82%), international relations (7.43%), ecology (6.22%), etc (2nd Edition of the Catalogue of Moldovan NGOs, 1998).

The increase in the number of non-governmental organisations is a positive factor in a society that is seeking to become democratic.

A survey of members of NGOs has revealed that one of the main motives behind the setting up of such organisations was the opportunity that they afford for satisfying certain needs that neither the authorities, political parties nor the trade unions have been able to meet. Many people view NGOs as an opportunity for affirmation, for ending the silence they were forced to endure under the former totalitarian regime. This indicates that people increasingly wish to become active participants in the on-going changes, and are seeking to ensure that their opinions are taken into consideration by the authorities.

NGOs' main activities do not directly touch on political life or collaboration with persons belonging to ethnic minorities. They are based on respect for human rights, unrestricted access to information, tolerance and human solidarity, equality and responsibility before the state and the law.

From this perspective, it may be observed that NGOs can ensure (guarantee) certain conditions for social harmony in the country.

**Article 7**

Each individual's right of association, without distinction of ethnic origin, and the principles governing the constitution, registration and operations of the various organisations are regulated by the Law on Social Associations, published in the Official Monitor of the

Republic of Moldova of 23.01.1997. Together with various movements, foundations, institutions and other citizens' organisations, Article 1 lists *national and cultural societies*. 46 ethno-cultural associations have been established on this basis. These are nation-wide organisations, operating in the country's main cities and registered with the local town halls. The Law on Social Associations provides for total or partial tax exemption. Associations may be able to use public premises and buildings, and enjoy other privileges and additional facilities provided for by the legislation in force. In particular, associations for young people and children enjoy material and financial support from the state.

Public associations may disseminate information about their activities, maintain public information structures and carry out publishing activities to further the pursuit and implementation of their statutory goals. In the same spirit, freedom of assembly, expression, thought, conscience and religion are guaranteed.

Article 40 of the Moldovan Constitution concerns freedom of peaceful assembly: *All meetings, demonstrations, rallies, processions and any other assemblies are free, and they may be organised and take place only peacefully and without the use of weapons.*

## **Article 8**

Problems concerning religious liberty and the freedom of conscience of each citizen of the Republic of Moldova are resolved in accordance with the legislation in force, in conformity with the Framework Convention for National Minorities, as well as other international acts concerning human rights and freedoms. The Moldovan Constitution guarantees the right of every citizen to preserve, develop and express his or her ethnic, cultural, linguistic and religious identity (Art. 10). All the country's citizens are equal before the law and the public authorities, without any discrimination as to their religion (Art. 16). In accordance with the Constitution (Art. 31), freedom of conscience is guaranteed. Its manifestations should be in a spirit of tolerance and respect. Religious bodies are free to organise themselves according to their own statutes. They are autonomous vis-à-vis the State and enjoy the latter's support, including that aimed at providing religious assistance in the army, hospitals, prisons, homes for the elderly and orphanages.

The creation of favourable conditions for the functioning of religious bodies is a factor in their increased numbers. 18 State-recognised religious bodies currently operate in Moldova.

The most important of these are:

1. the Orthodox Church of Moldova, which has 1000 parishes and 33 monasteries and convents;
2. the Old Rite Russian Orthodox Church;
3. the Roman Catholic Church;
4. The Union of Evangelical-Baptist Christian Churches, with 275 communities;
5. The Church of Seventh-Day Adventists, 100 communities;
6. The Union of Churches of Evangelical Christians, 92 communities;
7. The Jehovah's Witnesses religious organisation, 94 communities;
8. Judaism, 10 synagogues;
9. The Bahia Cult, one community;
10. The Society of the Krishna Conscience, one community;
11. the Protestant Church;



12. the Moldovan Organisation of Muslims;
13. the Armenian Apostolic Church;
14. the Union of Communities of Molokan Religious Christians, two communities.

A dispute has existed for several years within the Orthodox Church, following the refusal to register the confessional structure known as *the Autonomous Metropolitan Orthodox Church of Bessarabia* (which uses the old rite).

The State Service for Religious Questions, under the Government of the Republic of Moldova, describes the main events that led to this situation as follows:

*At the end of 1992, a group of clergymen, lead by His Eminence Petru, Bishop of Bălți, attempted to set up a new church structure under the pretext of reintegrating the former Orthodox Metropolitan Church of Bessarabia. In this context, it should be noted that there is currently no territorial administrative unit named Bessarabia in the territory of the Republic of Moldova. Such a unit existed between 1812 and 1918, when the territory between the Prut and Dniestr rivers was part of Russia, and during the periods 1918-1940 and 1941-1944, when it was part of Romania.*

The instigators of the reintegration of the Bessarabian Metropolitan Orthodox Church approached the Patriarchy of the Romanian Orthodox Church for support in founding the above-mentioned religious structure.

The Patriarchy of the Romanian Orthodox Church, through its patriarchal and synodal decree of 19 December 1992, reintegrated the former Bessarabian Metropolitan Orthodox Church, altering its name to the *Autonomous Bessarabian Metropolitan Orthodox Church (Old Rite)*, in canonical subordination to the Romanian Orthodox Church, and His Eminence Petru was invested as Archbishop of Chisinau, Metropolitan of Bessarabia and Prelate (further information about this divisive situation will be provided below).

The legal framework within which every person belonging to a national minority is entitled to practice his or her religion includes:

1. The Constitution of the Republic of Moldova, particularly the following paragraphs:
  - a. *Freedom of conscience is guaranteed, and its manifestations should be in a spirit of tolerance and mutual respect.*
  - b. *Religious bodies are free and organise themselves according to their own statutes under the rule of law.*
  - c. *In their mutual relations, religious groups are forbidden to express use, express or incite to hatred.*
  - d. *Religious groups are autonomous vis-à-vis the State but shall enjoy the latter's support, including that aimed at providing religious assistance in the army, in hospitals, prisons, homes for the elderly and orphanages.*
2. The Law on Creeds (N° 979-XII of 24.03.1992). Certain articles in this Law are set out in the new version of Law N° 50-XIII of 13.04.94. In 1998, the Law on amending the Law on Creeds was promulgated. The Law on Creeds and the Law on amending the Law on Creeds, published in the Official Monitor, N° 62-64, Art. 228, contain 7 chapters and 51 articles. The Law proclaims freedom of conscience and religious freedom, and provides for religious holidays, the basis for establishing religious groups, relations between the State and

religious groups, their assets and activities, non-intervention by the State in religious activity, moral and theological education, etc.

The principles and regulations contained in the legal instruments cited above concern the ethnic majority as much as persons belonging to the national minorities. It is no coincidence that eight of the eighteen religious denominations recognised by the State are focused exclusively on persons belonging to minorities (the Judaic and Bahai denominations, the Society for Krishna Consciousness, the Protestant Church, the Organisation of Moldovan Muslims, the Armenian Church, the Union of Christian Religious Molokan Communities, the Pentecostal Church).

The following are the main state structures active in this area:

1. The State Service for Religious Questions, part of Moldovan Government structures, was set up in 1993 as an advisory, information and consultancy body on various questions concerning religious groups. Its day-to-day activities are regulated by the Moldovan Law on Creeds. The Service's purpose and duties are governed by the following fundamental principles: ensuring implementation of the Law on Freedom of Conscience and Freedom of Religious Organisations, supporting all the denominations registered by the State with regard to their participation in the country's social and spiritual life; mediating relations between the denominations and the State's local and national bodies so as to respect freedom of conscience and religion.
2. The Advisory Council to the State Service for Religious Questions, composed of representatives from all the state-recognised religious denominations and legal and theological experts.

Subject to the rule of law, the State guarantees freedom of religious instruction (the Moldovan Constitution, Art. 35(8)). Ten institutions of religious training currently operate in the country. The Moldovan Orthodox Church runs an academy, two theological seminaries and a choir school. The Jewish religion has two religious schools and a college, and the Church of Seventh Day Adventists and the Pentecostal Church have one theological seminary each.

The representatives of unregistered religious movements such as the Unification Church ("Moonies"), the Inochentists, the Salvation Army and the Autonomous Metropolitan Orthodox Church of Bessarabia (Old Rite) also operate on Moldovan territory. The dispute within the majority Orthodox church continues to be the most serious problem awaiting definitive resolution. This dispute has been the subject of controversial legal debates concerning the Moldovan Government's refusal to recognise the Autonomous Metropolitan Orthodox Church of Bessarabia. In its decision of 19 August 1997, the Appeal Court ruled that the plaintiffs' applications for recognition of the Metropolitan Orthodox Church of Bessarabia were unfounded. The Supreme Court of Justice, in its judgment of 9 December 1997 then overruled the Appeal Court's decision, finding it illegal and unfounded. The Metropolitan Orthodox Church of Bessarabia has now lodged an application with the European Court of Human Rights.

The Moldovan Government's State Service for Religious Questions considers that the dispute between the Orthodox Church and those seeking the reintegration of the Metropolitan Orthodox Church of Bessarabia is a matter of canonical law and should be resolved through ecclesiastical channels.

The question of freedom of thought, conscience and religion in the Republic of Moldova was the subject of discussions during an international seminar held in Chisinau from 14 to 16 May 1998, convened on the initiative of the Moldovan Helsinki Human Rights Committee.

## **Article 9**

The right of every person belonging to a national minority to express his or her ideas freely in the minority language is guaranteed by a series of legal instruments such as the Moldovan Constitution, Article 32 of which states that all citizens enjoy freedom of thought and opinion, as well as the freedom to express publicly their thoughts through words, images or any other means possible. This Article underpins several legislative acts, including the Law on the Press and the Law on Broadcasting. Freedom of opinion and expression are closely linked to the rights of persons belonging to the national minorities to have access to all information of public interest. The official authorities are obliged to ensure that citizens are correctly informed about public affairs and matters that concern them.

The national legislation also states that state-owned or private media are obliged to ensure that correct information reaches public opinion.

## **Right to and freedom of public expression**

Neither the media nor artistic and scientific creation are subject to censorship in Moldova.

Persons belonging to national minorities are able to receive information and to exchange information and ideas in their own languages (more than 50% of the media is in a minority language) and by using radio and television channels, as well as any other means of modern communication. Thus, for example, there are special radio programmes in Russian, Ukrainian, Bulgarian, Gagauz, Yiddish and Roma targeted at national minority audiences.

In addition, all citizens, including persons belonging to national minorities, have free access to the programmes prepared by the Moldovan TV Network's 100 studios holding ordinary licences. The largest television companies are SUN TV (26 channels), NIT, CATALAN and ASPECT, as well as the Comrat and Balti television stations. Following the implementation of administrative and territorial reforms in the country, the problem of setting up new TV stations in the regional centres has arisen.

The legislation contains a provision guaranteeing citizens' right to free expression without discrimination based on ethnic origin. As confirmation of this statement, the relevant article from the Law on Audio-Visual Means are given below (Official Monitor of the Republic of Moldova, 14 December 1995):

## **Article 2**

*In the Republic of Moldova, the right to free expression of ideas and opinions and to free communication of information by means of television and radio broadcasting, as well as the right to correct information shall be guaranteed by the law, in accordance with the spirit of the constitutional rights and freedoms.*

The Law states that freedom of broadcasting expression may not defame the dignity of the person. Any individual or legal entity in the Republic of Moldova may set up a broadcasting organisation.

The Law defines the nature and structure of the Moldova Teleradio State Company as a public institution that may not be privatised. The Chairman of this company, the Director General of Television and the Director General of Radio are appointed for a period of five years by Parliament on proposals from the Co-ordination Council on Broadcasting. The Co-ordination Council on Broadcasting is an autonomous public authority, made up of 9 members who are appointed by:

- a. Parliament - 3 members;
- b. the President of the Republic of Moldova - 3 members;
- c. the Government - 3 members.

These persons act as guarantors of the public interest in the field of broadcasting and may not act in a discriminatory manner. The Co-ordination Council ensures that communications of public interest received from Parliament, the Presidential Administration or the Government are disseminated as a priority. It is also responsible for granting licences for broadcasting, via a competition open to those firms that have received preliminary technical approval. Access by social, political, ethno-cultural and religious organisations to television and radio broadcasts is provided, while observing the conditions set out in the broadcasting licence.

Persons who consider that their legitimate moral or material interests have been harmed following an broadcast are entitled to require that damages be paid and to demand satisfactory correction or use of the right of reply.

Pluralism of opinion and copyright are guaranteed by the State.

## **Article 10**

Ten years ago, on 31 August 1989, the Law on the Status of the Official Language in the Republic of Moldova and the Law on the Use of the Languages spoken in the Moldovan territory were adopted, and the Latin script was reinstated. This date was proclaimed a national holiday and is celebrated each year. A specific feature of this legislation is the democratic spirit in which it was drawn up. The Law on the Use of Languages in the Moldovan Territory notes the genuinely existing Moldovan-Romanian linguistic identity, makes Moldovan the official state language and guarantees protection of the constitutional rights and freedoms of citizens from all ethnic origins, irrespective of their language. The Law guarantees free education in the official language to all citizens, to the degree necessary to fulfil their professional obligations. In areas with a substantial Gagauz population, Gagauz and Russian have been elevated to the level of the official language and are used in various fields. Under Article 4 of the Law on the Use of Languages in the Moldovan Territory, the State guarantees the use of Ukrainian, Russian, Bulgarian, modern Hebrew, Yiddish and Roma alongside Moldovan, as well as the languages of the other ethnic groups residing in the country's territory, in order to meet their national and cultural needs.

Under Article 6, the language of oral and written communication (Moldovan or Russian) used in relations with the state authorities, the state administration and NGOs, as well as with enterprises, institutions and organisations located in the Moldovan territory, shall be chosen

by the citizen. In areas with substantial Ukrainian, Russian, Bulgarian or other populations, the relevant minority language or another acceptable language is used.

Article 9 states that the working language in the state authorities, the state administration and NGOs shall be the official language, and that documents may be translated into Russian as necessary. In regions with substantial Gagauz populations, the working language is the official language, as well as Gagauz and Russian.

The language of official administrative work in areas with substantial Ukrainian, Russian, Bulgarian and other nationalities is the official language, the minority language or another acceptable language.

Article 15 states that criminal, civil and administrative procedure shall be conducted in the official language or in a language that is acceptable to the majority of persons taking part in the procedure. Trial participants who do not know the language in which proceedings are held shall be entitled to examine the documents and to take part in the investigation and legal proceedings through an interpreter. They are also entitled to speak and make statements in their mother tongue.

In the eastern region of the Republic of Moldova (Transnistria), justice is carried out exclusively in Russian, and Moldovan and Ukrainian are totally excluded.

The Education Law and the Law on the Use of Languages spoken in the Moldovan Territory set out an essential principle, by virtue of which the State guarantees the right to choose the language of teaching and instruction at all levels and stages of education, whilst giving priority to monolingualism as a way of organising the educational process. Under these provisions, national minorities are allowed to have schools for teaching in the minority languages. A special state governmental programme exists to promote higher education in the national languages.

#### **Number of students according to the language of education for the academic year 1998/99**

<b>Language of teaching</b>	<b>Number of students</b>
Romanian	47,994
Russian	22,240
English	1284
French	791
German	137
Romanian/Russian	92
Romanian/Ukrainian	87
Ukrainian	76
Spanish	28
Total	72,729

Changes in society have also had an effect on the languages used for teaching in schools. Once Moldovan became the official state language, the public increasingly understood that it had to be studied and mastered. Whereas, prior to 1990, some Moldovans studied in schools where instruction was in Russian, many Russian children, at their parents' initiative, now prefer to study in schools where instruction is provided in the official language.

Consequently, the number of schools where instruction is provided in Russian (...text mission in original version). This phenomenon is also explained by the fact that the number of new schools with teaching in Ukrainian, Gagauz and Bulgarian has grown in recent years.

## **Article 11**

During the former Soviet period, the Moldovans, like all Soviet citizens, had a patronymic in addition to their surname and first name, which was mentioned in official documents as *name based on father's name*. The 1989 legislation, particularly Article 26 of the Law on the Use of the Languages spoken in the Moldovan Territory stated that a citizen's name *consists of his or her name (or several names) and the family name (single or double). The family name does not change for gender, and the patronym (surname) is used without a suffix. When spelling Moldovan names and family names in other languages, the features of their Moldovan spelling are preserved and are not adapted to the language concerned. The spelling of names and family names of representatives of other nationalities resident in the territory of the Republic is not governed by the present Law.*

Bearing in mind the requirements of the Framework Convention for the protection of National Minorities regarding the use of surname, name and patronymic in the minority language, and especially the right to official recognition of them according to modalities provided for in their legal systems, bilateral agreements concluded subsequent to ratification of the Framework Convention by the Moldovan Parliament illustrate that this principle is fully applied. Thus, Article 5 of the Collaboration Agreement concluded between the Moldovan Government and Government of the Republic of Belarus, under the section on guaranteeing the rights of persons belonging to national minorities, states that "*The Contracting Parties recognise the right of citizens belonging to the Moldovan and Belarussian national minorities to use their names and family names, inter alia in official documents, in accordance with the rules of their mother tongue and in conformity with the rules on transcribing proper nouns into another language, as well as the right to use, under the legislation of the state of residence, their mother tongue...*" Although the language legislation is not adapted to international requirements, in practice it is applied when concluding international agreements and in official documents for circulation in the country.

The principle set out in the Framework Convention, Article 11 (3) was reflected in the language legislation promulgated in 1989.

Article 24 of the Law on the Use of the Languages spoken in the Moldovan Territory provides that: the regions and other geographical units of the Moldovan territory have only one official name, in Moldovan or in the original Gagauz as applicable (without translation or adaptation), depending on the historical traditions of the region concerned. The correct spelling of the names of regions and other geographical units has been set out in special brochures.

The names of squares, streets, alleyways and town districts are expressed in the official language without translation (in areas populated by Gagauz, in Gagauz) and, in rural regions with substantial Ukrainian, Russian or Bulgarian populations, in an acceptable language.

Article 29 of the same Law states that the text of posters and public announcements are to be written in the official language and, if necessary, are to be translated into Russian or Gagauz. In rural regions with substantial Ukrainian or Bulgarian populations, the visual information

may also be presented in the respective language. Monitoring of observance of the language legislation is the task of the Department for National Relations and the Use of Languages and the National Committee for monitoring application of the language legislation.

Propagation of hostility or contempt with regard the language of any other nationality, the creation of obstacles to the use of the official language or of other languages in the territory of the Republic, together with violation of the rights of citizens on account of their language are punishable by law.

The identity papers of Moldovan citizens are currently being changed. The old-style Soviet passports are being replaced with identity certificates that do not include information on the person's ethnic origin. During the procedure for replacing the above documents, every citizen is entitled to maintain a family name or first name that had been changed, accidentally or intentionally, by the former Soviet authorities. In these cases, the holder's birth certificate or another document is used as the reference. Names are changed only at the applicant's request.

## **Article 12**

The Republic of Moldova encourages, on all levels, the development of culture, historical studies, linguistic studies and practice of religion among persons belonging to the national minorities and among the ethnic majority. Following the measures adopted, a democratic political framework has been created to assist in resolving the problems of ethnic, linguistic and religious minorities.

The main provisions regulating the status of persons belonging to both ethnic minorities and the majority ethnic group are included in the following instruments:

1. the Constitution of the Republic of Moldova, adopted on 29 July 1994;
2. the Declaration of Independence of the Republic of Moldova, of 27 August 1991;
3. the Moldovan Law on the Use of the Languages spoken in the Moldovan Territory, of 31 August 1989;
4. Decrees of the Moldovan Parliament concerning the implementation of the language legislation (1 September 1989);
5. the Declaration of the Moldovan Parliament on the legal status of persons belonging to ethnic, linguistic and religious minorities, in the context of the armed conflict in Transdnistria (26 May 1992);
6. the Nationalities Law of 5 June 1991;
7. the Law on Creeds of 24 March 1992;
8. the set of laws and decrees concerning the legal status of the Gagauz Autonomous Territorial Unit;
9. the Education Law of 9 March 1995;
10. the outline for the development of education in the Republic of Moldova (February 1996);
11. the Law on NGOs of 10 January 1997;
12. the Law on the territorial administrative organisation of the Republic of Moldova, N° 191-XIV of 12 November 1998 (the Official Monitor, 1998, N°116-118, Art. 705);
13. the Decrees of the President of the Republic of Moldova and the Decisions of the Government concerning the flourishing of the Ukrainian, Russian, Jewish and Bulgarian national cultures in the country.

Even in the Preamble to the Moldovan Constitution, mention is made of the aspiration to *satisfy the interests of those of its citizens that, while being of a different ethnic origin, constitute, together with the Moldovans, the Moldovan people.*

The Constitution is imbued with the idea that *the Republic of Moldova is the common and indivisible motherland of all its citizens* (Art. 10(1)). This provision, followed by the statement that *the State recognises and guarantees all its citizens the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity* (Art. 10(2)) is an important factor in identifying two general elements of social prosperity and education: ethnic identity and the guarantee of the unity of the entire people.

The ideas set out above formed the basis for the State's policy for encouraging knowledge of the culture, history, language and religion of the national minorities and the majority ethnic group in the Republic. The Moldovan Government's Activity Programme "*Legality, Consolidation and Reforms for the Nation's Wellbeing*" was developed from the same ideas. The Ministry of Culture and the Ministry of Education and Science have identified priorities for activities to promote culture, science and educational reform.

Educational reform has the following major objectives: modernisation of teaching methodologies, decentralisation of educational management, improvement of the system for inspection and evaluation of the teaching process, reorganisation of the training system and teacher development.

Recent developments linked to promotion of the reforms have included: the preparation and adoption of the Education Doctrine, the Education Law, the Law on the Protection of Children, the Law on the Accreditation of Educational Institutions and the National Programme for the Development of Education; the teaching system's structure has been revised; education standards have been identified for all levels.

In the academic year 1997/98, there were 1469 schools in the Republic with 640,393 pupils, including 1005 Moldovan schools (459,727 pupils), 257 Russian schools (121,218 pupils) and 125 mixed schools (58,891 pupils).

Depending on the language used for teaching, study programmes on the mother tongue have been prepared by institutions in regions with substantial minority populations: there are also plans to open schools where instruction will be provided entirely in the mother tongue. Thus, the Ukrainian language is studied as a discipline in 71 general schools, and 7 secondary schools, with 10,091 pupils, and 16 experimental classes, with 338 pupils, study all school subjects in Ukrainian. The Lipcani Teacher Training College trains Ukrainian language and literature teachers.

Bulgarian is studied in 27 kindergartens (13,338 children), 26 general schools (7994 pupils) and 3 secondary schools – in Taraclia, Comrat and Ciadir-Lunga (524 pupils). The country has six experimental classes, with 122 pupils, where education is provided in Bulgarian.

At Sunday classes organised by certain ethno-cultural societies based in Nationalities House, children study their native language – German, Polish, Lithuanian and Greek.

With regard to higher education in the 1998/99 academic year, 38 higher educational establishments operated in the Republic of Moldova, with 72,729 students.



In terms of ethnic origin, the students can be divided up as follows: Moldovans – 72% (52,316), Russians – 13% (9228), Ukrainians – 9% (6304), Gagauz – 4% (2663), Bulgarians – 2% (1584), Jews – 201, Roma – 43, other nationalities – 430: the total number of students belonging to the national minorities is 72,729.

Two-thirds of all students in higher educational establishments study in Moldovan and 31% in Russian. Study groups also exist in Ukrainian, English, French, German, Spanish, Bulgarian and Gagauz.

Teacher training is carried out, and 10,700 citizens are studying abroad under student exchange programmes.

The history and culture of the national minorities are studied at the Institute for Inter-ethnic Research under the authority of the Academy of Sciences of the Republic of Moldova. The Institute has five sections with specialists on Ukrainian, Russian, Gagauz, Bulgarian and Jewish history and culture.

The scientific research conducted at the Institute has resulted in the publication of 70 monographs and compendiums; the Institute's specialists have published more than 400 articles in this field.

Valuable Gagauz, Bulgarian, Russian and Ukrainian ethnographical collections have been deposited in one of the Republic's oldest museums – the National Museum of Ethnography and Natural History.

In the cultural field, it should be noted that the Law on Culture was promulgated on 28 July 1999 (Official Monitor N° 83-86 of 5 August 1999). The objectives of the Culture Law are to guarantee and protect the constitutional rights of Moldovan citizens with regard to cultural activity, to establish the fundamental principles of the State's cultural policy and the necessary legal provisions, and to ensure that culture can flourish unhindered.

Article 11 of the aforementioned Law provides that:

1. Cultural activity constitutes an inalienable right of every person, irrespective of his or her national and social origin, language, sex, political, religious or other convictions, place of residence, material situation, training, profession and other circumstances.
2. Human rights in the area of cultural activity are primordial and may not be restricted by the State or non-governmental organisations.

The Law on Culture recognises the particular role of persons engaged in creative activities and guarantees their economic and social rights as well as freedom of expression, by encouraging their activity. This Law protects the propriety and non-propriety interests of national and foreign persons engaged in creative activities. Individuals or legal entities, irrespective of their nationality, are entitled to set up foundations for financing culture in accordance with the legislation.

Under the principles of equality and universality in the culture legislation, persons belonging to the national minorities have an opportunity to develop their traditional culture and national art, and to carry out various kinds of activity in the field of intellectual creation. Thus, twelve professional drama theatres currently operate in Moldova, including the A.P. Chekhov

Russian drama theatre. The first Gagauz theatre has been inaugurated in Comrat. 30 amateur dramatics theatres currently operate in the country. A unique genre of popular theatre also exists, consisting of several plays with historical, mythical, religious and secular content, based on the ancient traditions of Ukrainian, Gagauz, Russian, Bulgarian, Turkish and Greek folklore.

The process of cultural interaction is well developed, and the 600 choral and dance groups active in several regions are promoting the idea of cultural pluralism.

Examples include the traditional *Nufarul Alb* festivals, traditionally held in Cahul, the annual *Martisor* festival, held for ten days in Chisinau and elsewhere and the ballad competition *Crizantema de argint*, the winners of which go on to participate in the Romanian *Crizantema de aur* competition. In Gagauz, twenty-four groups of amateur performers receive financial assistance from the State. Several events with participation by representatives from several of the ethnic groups cohabiting on Moldovan territory have acquired the status of traditions. For example, *Ziau orasuli* is celebrated each year in Chisinau. Representatives from all of the city's cultural structures participate at this event. Several cultural events take place in towns and rural regions to coincide with celebrations of a church's patron saint.

Cultural interaction is a phenomenon that deserves in-depth analysis by specialists, representing as it does an important avenue for bringing together all the Republic of Moldova's ethnic groups and for their spiritual enrichment.

### **Article 13**

The on-going transition towards a market economy in Moldova has resulted in a trend in the educational system towards setting up private teaching establishments: this includes those established at the initiative of persons belonging to the national minorities.

Under the Moldovan Constitution and the Law on Education, Regulations on the Evaluation and Accreditation of Teaching Establishments has been adopted.

These Regulations were published in the Official Monitor N° 80-82 of 29 July 1999. They were drawn up in accordance with the Law on Education and the Law on Evaluation and Accreditation of Teaching Establishments in the Republic of Moldova, and provide that the principles for evaluating and accrediting teaching establishments, whatever their ownership or departmental subordination, are a government prerogative, to be carried out by the National Council for Academic Evaluation and Accreditation of Teaching Establishments, a government body.

The establishment of state teaching establishments and the awarding of licences for the creation and provisional operations of private teaching establishments may occur once the formal requirements in force have been observed.

Private teaching establishments must bear the costs of evaluation and accreditation. The formal requirements also include a process of self-evaluation by teaching establishments. The guidelines for self-evaluation set out specific information regarding the teaching staff, the content of the teaching process, scientific research activity, the technical and material basis and economic and financial activity.

The process of setting up private teaching establishments in Moldova has recently gained momentum. According to the 1997 statistical data, the 28 higher education establishments in existence were composed of 13 state and 15 private institutions. According to the 1998 statistical data, the 38 higher education establishments in existence consisted of 13 state institutions and 23 private institutions, while one was in foreign ownership and another in mixed ownership.

Accordingly, both the legal instruments cited and the *de facto* situation illustrate that the provisions of Article 13 of the Framework Convention are strictly applied in the Republic of Moldova.

#### **Article 14**

With regard to the undertakings entered into through the documents to which it is Party, the Moldovan State guarantees persons belonging to national minorities the right to instruction in their mother tongue.

Article 35(2) of the Constitution is the basic reference in this matter, and states that “*the State will enforce under the Law the right of each person to choose his/her language of instruction and training*”.

This provision represents a genuine continuation of the right to linguistic identity guaranteed by Article 10(2) of the Constitution.

The Law on Education establishes that educational objectives in Moldova shall include the following:

- a. education regarding respect for human rights and freedoms, irrespective of ethnic origin;
- b. education of children so that they can assume the responsibilities of life in a free society in a spirit of friendship between peoples and between ethnic, national and religious groups;
- c. education regarding respect for the identity, language and cultural values of the people and national values of the country of residence.

Given that education in the mother tongue is a basic factor in conserving and developing the linguistic and cultural identity of every ethnic group, the State guarantees that it is free of charge and accessible through the existence of a large network of pre-school establishments, secondary schools, *gymnasia* and higher educational establishments.

With regard to the language of instruction in public educational establishments, the Law on Education (Art. 8) refers to Articles 18, 19 and 20 of the Law on the Use of the Languages spoken in the Moldovan Territory, stating the essential principle by which *the State guarantees ... the right to choose the language of instruction and education at all levels and stages of education*.

Article 18 of the Law on the Use of the Languages spoken in the Moldovan Territory provides for the creation of the necessary conditions for implementing the right of persons belonging to national minorities, resident in the Republic’s territory, to education and training

in their mother tongue, with direct reference to Gagauz, Ukrainian, Russian, Bulgarian, modern Hebrew and Yiddish.

With regard to higher education, the study of specialised disciplines is carried out in the students' mother tongue in special-purpose national groups. A university exists in Comrat, Gagauz, where the majority of students are of Gagauz origin.

A Slavic University, oriented towards the humanities and with specialised disciplines in the philology of the cohabiting Slav national minorities (Russian, Ukrainian, Bulgarian) has been opened in Chisinau. Its objective is to provide an effective solution to the problems arising from the interaction of Slavic and Romance cultures in the territory of Moldova.

The conditions established to permit persons belonging to national minorities to study their mother tongue do not impinge on study of the official language, since the official language is studied in all forms of educational establishment in the country.

### **Article 15**

Persons belonging to national minorities in Moldova enjoy real opportunities to participate in the country's cultural, social and economic life, to hold public office and to take part in decision-making on problems that concern them.

Thus, persons belonging to national minorities may develop their language and traditions, and their children may be educated in their mother tongue and become familiarised with the history and geography of their country of ethnic origin.

As noted in the analysis of the preceding articles, the legislation provides for full equality of rights and establishes the pre-conditions for taking advantage of the freedoms set out in the Constitution and other laws, including the right to participate in public and political life, to vote and to stand for office, to hold State positions in policy-making and executive structures and in central and local public administration, and in economic units (banks, industrial, agricultural, co-operative, commercial and other enterprises) and to take part in creative activity in various fields such as science, technology, literature and art.

The list of occupations in the Republic of Moldova, approved and implemented on 1 April 1998, following Decision N° 336-ST of the Moldovan Standards Authority, dated 20 January 1998 and published the same year, contains indices for 6500 occupations in Moldova. Naturally, persons belonging to national minorities are represented in all these occupations. There is no legislative act in Moldova restricting such representation. There are currently no official statistics on ethnic data, but it may be noted that persons belonging to the national minorities are represented in all fields of activity. Taking the Academy of Sciences and its specialised Institutes as an example: in the Institute of Applied Physics, the Institute of Mathematics, the Institute of Chemistry, the Institute of History, the Institute of Linguistics, the Institute of Literature, the Institute of Biology and the Institute of Inter-ethnic Research, with their corresponding divisions, sectors and units, Russians, Ukrainians, Bulgarians, Gagauz, Jews, Poles and Germans work alongside Moldovans, as do specialists of other nationalities.

If we consider the press, more than 50% of periodical publications are for the national minorities, the majority being in Russian. Publications also appear in Bulgarian, Gagauz and

modern Hebrew. Creative and scientific literature is also published in Russian, Ukrainian, Bulgarian, Gagauz and Yiddish, together with educational and informative literature in English, French, Spanish, German and other languages. Persons belonging to the national minorities are able to participate in economic, financial and commercial life.

In this context, the involvement of representatives of national minorities in decision-making and adoption processes regarding problems that concern them is important. It is appropriate to draw attention to the Presidential Consultation Committee for Ethnic Minorities, the Parliamentary Commission for Human Rights, Creeds, National Minorities and Expatriate Communities, the Co-ordination Council in the Department for National Relations and the Use of Languages and the minorities sections in the Ministry of Education and Science and the Ministry of Culture, which, for the most part, are composed of representatives of national minorities. The decisions adopted by these structures are submitted to higher bodies, or are taken into consideration when adopting decisions.

The Gagauz Autonomous Territorial Unit is a telling example of the renaissance of national culture and traditions. The Gagauz ethnic group has obtained special autonomous legal status within the Moldovan State. This status is now recognised by the international community as an example of a successful solution, by peaceful means, of an old inter-ethnic conflict (information about Gagauz is presented in this Report under the comments on Article 3).

The development of the Gagauz language and national culture is one of the important tasks facing Gagauz society.

In regions with a substantial Gagauz population, the indigenous national traditions have been maintained and are studied through research, music and amateur choreography; the applied arts and traditional crafts are also widespread. In certain regions, there are museums which preserve examples of the Gagauz' material and spiritual culture.

There is a state university with 1500 students in Comrat. A network of Gagauz primary and secondary schools is being established. The Gagauz national school curriculum will take account of distinctive local characteristics in parallel with modern educational requirements.

A Gagauz national theatre has been opened in Ciadar-Lunga. Two publications, a magazine and a children's magazine, are issued.

The special legal status adopted for Gagauz autonomy provides for Gagauz participation in preparing and adopting decisions at all levels.

## **Article 16**

The Law on the Administrative and Territorial Organisation of the Republic of Moldova, N° 191-XIV of 12 November 1998 (Official Monitor, 1998, N° 116-118, Art. 705) provides for the replacement of the former districts (*rayon*) by larger administrative units, entitled *judetz*. Naturally, this process has changed the ethnic balance in the current districts. While the new administrative and territorial reform was being drawn up and discussed, there were protests from Bulgarians, mostly those resident in the former Taraclia district.

Under the previous administrative and territorial system, Bulgarians (100,000 persons) made up the majority population (64%) in their district. Since the creation of the Cahul district,

Bulgarians now account for 17% of the population in the present district. Resolving the problem of the Taraclia district is an important element in maintaining peace and dialogue in the south of the country. Over the years, the Government has initiated and backed a series of legal instruments and activities aimed at ensuring the necessary conditions for the well-being of Bulgarian national culture, particularly in regions with substantial Bulgarian populations, namely the Taraclia district.

The Presidential Decree *On Certain Measures for the flourishing of the national culture of the Bulgarian population in the Republic of Moldova* (30 March 1992), the Decision by the Government of the Republic of Moldova *On the flourishing of the national culture of the Bulgarian population in the Republic of Moldova* (23 June 1992), Government Decision *On the establishment of the Taraclia secondary school* (9 July 1992) and several programmes in the field of Bulgarian national education, culture, art, etc, have played a positive role in achieving this goal and have also influenced inter-ethnic relations in the country and inter-state and inter-governmental relations between Moldova and Bulgaria.

In the early years of Moldova's existence as an independent state, the country's leaders supported the creation of the Taraclia district centre, a fact confirmed by the Presidential Decree of 30 March 1992.

The district's boundaries and ethnic composition then underwent certain changes due, firstly, to the granting of autonomous status to Gagauz. Thus, in 1995, three large municipalities that belonged to the Ciadir-Lunga district (now part of the GATU) were attached to the Taraclia district; these were the Tvardita, Corten and Valea-Perjii municipalities. This measure substantially altered the ethnic composition of the Taraclia district where, as mentioned above, Bulgarians previously accounted for 64% of the population.

Bearing in mind the relatively healthy economic situation in the former Taraclia district and also the need for continued flourishing of the national culture of the Bulgarian population in the Republic of Moldova, the Government decided to create the post of deputy-*préfet* in Cahul district, with responsibility for the welfare needs of the district's Bulgarian population.

The disputes arising from this situation were resolved in a rational manner, respecting the interests of the unity of the Republic of Moldova: Law N° 650-XIV of 22 October 1999 (Official Monitor, 1999, N° 120-122, Art. 581) amended the provisions on the creation of the Taraclia district contained in Law N° 191-XIV of 12 November 1998.

## **Article 17**

The Republic of Moldova has no legislative act restricting the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully resident in other States.

The legislation of the Republic of Moldova provides for *the right to move freely* (Moldovan Constitution, Art. 27). All citizens are entitled to establish their home or residence in any region of the country, to leave, emigrate and return to the country. The right to free movement confirms that Moldova is an open country, keen that all its citizens should have peaceful and collaborative relations with citizens of other states, particularly with those from neighbouring countries. The Department for National Relations and the Use of Languages facilitates contacts with persons and non-governmental organisations in other countries,

particularly Ukraine and Romania. Thus, contacts have been established between Ukrainian organisations in Moldova and non-governmental organisations in Ukraine. The Lipoveni (old rite Orthodox believers) in the Republic of Moldova have established contacts with their co-religionists in Romania. The Departments has contacts with the Moldovan diaspora abroad. Accordingly, relations are maintained with Moldovan associations in the former Soviet territory and with several prominent Moldovan expatriates in the west.

Collaborative arrangements and tangible signs of cross-border friendship are being developed (with Ukraine and Moldova).

Persons belonging to the national minorities and non-governmental organisations are able to take part in the activities of non-governmental organisations at both national and international level.

The system for visa-less travel introduced with the CIS countries, Romania, Poland, Hungary and other states facilitates such activities in this field.

### **Article 18**

In recent years, the Republic of Moldova has concluded several bilateral co-operation agreements with other States for the purpose of mutual protection of the national minorities concerned. As mentioned above, such agreements have been concluded with Ukraine (*Collaboration Agreement between the Ukrainian Ministry for the Problems of Nationalities and Migration and the Department for National Relations of the Moldovan Government*, done in Kyiv on 19 February 1996), with the Russian Federation (*Convention on collaboration in the humanitarian field between the Moldovan Department for National Relations and Use of Languages and the State Committee for Federal Problems and Nationalities of the Russian Federation*, done in Chisinau on 27 November 1993), and also with the Government of the Republic of Belarus (*Co-operation Agreement between the Moldovan Government and the Government of the Republic of Belarus on guaranteeing the rights of persons belonging to national minorities*, done in Chisinau, 9 September 1997).

The Ministry of Foreign Affairs, the relevant parliamentary committees, the ethno-cultural organisations, the Co-ordination Council at the Department for National Relations and the Use of Languages, the Moldovan Helsinki Committee for Human Rights, as well as certain permanent representations of international organisations in the Republic of Moldova play an important role in helping to prepare and conclude bilateral agreements aimed at protecting persons belonging to the national minorities concerned.

The opening of joint educational establishments in certain border areas is a new form of cross-border relations. Thus, in September of this year, collaboration between the University of Cahul, the University of Galati (Romania) and the Multi-cultural University of Cernauti, supported by the three States (Romania, Moldova and Ukraine) will begin to take effect.

Cross-border activities such as the Galati multi-ethnic festival, with participation by artistic groups from Romania, Moldova and Ukraine, and the Science Symposium *Moldova, Ukraine, Romania: paths of European integration*, are well known.

## **Article 19**

The Republic of Moldova has undertaken to respect and implement the principles enshrined in the Framework Convention without reservations.

However, the international community should take into account the particular situation facing the Moldovan State. So long as the conflict between the central authorities and the separatists in the eastern districts, where the so-called *Transnistrian Moldovan Republic* has been proclaimed, remains unsolved, as is the case to date, the Moldovan Government cannot assume obligations concerning the districts in the east over which it has no *de facto* control.

At the same time, the separatist authorities do not recognise the legislative acts and jurisdiction of the central authorities of the Republic of Moldova. Given that negotiations are taking place between the two sides and showing progress, we consider the Moldovan state's reservations to be provisional.

The central authorities in Moldova are doing everything in their power to disseminate the ideas contained in the Framework Convention, by exercising a positive influence on public opinion in the six districts on the left bank of the Dniestr which are under the jurisdiction of the separatist authorities.

## **Article 20**

Legislation in the Republic of Moldova is universal, since it does not offer any one ethnic group privileges at the expense of another: consequently, persons belonging to ethnic minorities are aware that their rights are closely linked to the obligation to respect these same rights when dealing with persons belonging to other minorities and particularly persons belonging to the majority ethnic group.

This kind of cohabitation, which has the status of a moral code, is, in the conditions of a multi-ethnic nation, the only real foundation capable of guaranteeing the unity of the people.

In all their decisions, the Moldovan authorities are pursuing the educational objective of implanting this civil spirit of solidarity towards persons of different ethnic origins, based on the idea of equality of rights and obligations.

Due to this policy, Moldova has not experienced such phenomena as aggressive nationalism, intolerance, xenophobia and anti-Semitism. No political party or public association contains provisions in its statute or programme that would evoke these phenomena.

Both foreign policy, under which Moldovan state institutions use exclusively peaceful means to resolve situations of conflict, and the tolerant internal policy contribute to this situation. The proclamation of an amnesty on the occasion of the 5<sup>th</sup> anniversary of the adoption of the Constitution of the Republic of Moldova was a recent example.

## **Article 21**

Bearing in mind that Article 4 of the Moldovan Constitution establishes that international regulations have priority over domestic legislation, and also the fact that the Republic of Moldova has signed and ratified the Framework Convention, any interpretation that would



imply an individual's right to perpetrate acts that were contrary to the principles of equality, territorial equality and the political independence of the Moldovan State is unacceptable.

### **Article 22**

As noted in the comments on the preceding articles, the domestic legislation must be brought into line with the principles of human rights and fundamental freedoms contained in the Framework Convention. The Constitution (a special committee is currently drawing up amendments to the Basic Law), certain articles of the Criminal Code, the Civil Code and the Family and other legislative acts will thus be brought into line with the provisions of the Framework Convention.

The majority of inconsistencies between the Moldovan legislation and the universally recognised principles of international law have already been eliminated (abolition of the death penalty, for example).

### **Article 23**

The rights and principles flowing from the principles enshrined in the Framework Convention are not in contradiction with those that are the subject of the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols. Thus, they accord fully with it and cannot be understood otherwise.

### **Article 30**

The replies to the questions raised in Article 30 are included in the comments on Article 19 in this report.