



Strasbourg, 15 January 2003

ACFC/INF/OP/I(2003)002

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

OPINION ON MOLDOVA
(adopted on 1 March 2002)

Table of contents:

- I. Preparation of the current opinion
- II. General remarks
- III. Specific comments in respect of Articles 1-19
- IV. Main findings and comments of the Advisory Committee
- V. Concluding remarks

EXECUTIVE SUMMARY

Following the receipt of the initial State Report of Moldova on 29 June 2000 (due on 1 February 1999), the Advisory Committee commenced the examination of the State Report at its 9th meeting, from 27 to 30 November 2000. In the context of this examination, a delegation of the Advisory Committee visited Moldova, from 31 October to 5 November 2001, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its opinion on Moldova at its 13th meeting on 1 March 2002.

As concerns the implementation of the Framework Convention, the Advisory Committee considers that Moldova has made commendable efforts to establish a legal and institutional framework for the protection of national minorities. The Advisory Committee also notes Moldova's concern to implement the Framework Convention in practice, especially with respect to education and culture. At the same time, shortcomings and difficulties remain in fields such as access to the media, participation in public affairs, use of minority languages, particularly for persons belonging to disadvantaged or numerically smaller minorities.

The Advisory Committee notes that an organic law regulating the protection of national minorities was enacted in August 2001 and considers that the legislative changes necessary for its implementation should be made without delay, in consultation with those concerned, in order to ensure the coherency of Moldovan legislation relevant for the protection of national minorities. As this law provides for substantial state commitment in favour of the Russian language, the Advisory Committee considers that, when implementing it and the relevant new legislation, the Moldovan authorities should ensure appropriate protection of persons belonging to all national minorities and their respective linguistic and cultural identities, including those of disadvantaged and numerically smaller minorities.

In practice, while acknowledging the spirit of tolerance and interethnic dialogue present in Moldovan society, the Advisory Committee notes that tensions arose with regard to measures taken or announced by the Government in the language field. The Advisory Committee is of the opinion that, in order to reduce tensions and to avoid linguistic intolerance, a balanced approach is necessary in this area. It is essential, in order to preserve the interethnic dialogue, that the legitimate interests of the Moldovan majority as well as those of all national minorities be respected.

The Advisory Committee notes the existence of a division between the Moldovan language media and the Russian language media. It equally notes a substantial imbalance between the different national minorities, as far as their access to and presence in the media is concerned. The Advisory Committee considers that the authorities should provide greater support to the national minorities who are disadvantaged in this field, in particular to the Ukrainian minority, so as to assure a balanced access to and presence in the media.

The Advisory Committee is of the opinion that when implementing the Framework Convention in the field of education, it is essential that there is consultation with those concerned on all measures envisaged, in order to cater in a balanced manner for the particular needs of the different national minorities and ensure their equitable access to the resources available. Special attention should be paid to numerically smaller minorities and to those that do not enjoy the support of a kin-state.

In spite of certain recent initiatives by the authorities, the Advisory Committee is of the opinion that the implementation of the Framework Convention has not been fully successful with respect to the Roma. The Advisory Committee is concerned by the serious socio-economic difficulties faced by a number of Roma, as well as the discrimination against them in certain areas. The Advisory Committee considers that urgent action by the authorities is needed to improve the situation of Roma and foster their genuine integration into Moldovan society.

I. PREPARATION OF THE CURRENT OPINION

1. The initial State Report of Moldova (hereinafter: the State Report), due on 1 February 1999, was received on 29 June 2000. The Advisory Committee commenced the examination of the State Report at its 9th meeting, from 27 to 30 November 2000.
2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the Moldovan authorities on 14 June 2001. The Moldovan Government's reply to this questionnaire was received on 4 October 2001.
3. Further to an invitation from the Moldovan Government, and in accordance with Rule 32 of the Committee of Ministers' Resolution (97) 10, a delegation of the Advisory Committee visited Moldova from 31 October to 5 November 2001, in order to obtain supplementary information from representatives of the Government, NGOs and other independent sources on the implementation of the Framework Convention. In preparing this opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.
4. The Advisory Committee subsequently adopted this opinion at its 13th meeting on 1 March 2002 and decided to transmit it to the Committee of Ministers¹.
5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

¹ The Advisory Committee decided, at its 12th meeting on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting a "Proposal for conclusions and recommendations by the Committee of Ministers" (Section V of the earlier opinions) and to introduce a new section IV, entitled "Main findings and comments of the Advisory Committee". The Advisory Committee also decided to submit its "Concluding remarks" in Section V instead of Section IV. These changes are effective as from 30 November 2001 and they apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention adopted by the Committee of Ministers in October 2001.

II. GENERAL REMARKS

6. The Advisory Committee regrets that the State Report was received 17 months late and notes that the report contains information of a general nature on the legal and institutional framework for the protection of persons belonging to national minorities that existed in Moldova at the time of the establishment of the report. The Advisory Committee also notes that the State Report gives only succinct information on several Articles of the Framework Convention, in particular concerning the relevant practice, and provides no detailed information on certain national minorities.

7. The Advisory Committee was nevertheless able to obtain a considerably fuller picture of the situation, including that of the numerically small minorities, from the Government's written reply to the questionnaire and especially from the above-mentioned visit to Moldova (see paragraph 3 of this opinion). The Advisory Committee finds that the visit organised at the invitation of the Moldovan Government provided a good opportunity to have a direct dialogue with the state authorities and various sources. The additional information supplied by the Government and other sources, especially the representatives of national minorities, was most valuable, particularly in connection with the practical implementation of the relevant norms and recent developments in this field.

8. The Advisory Committee recognises the co-operative spirit in which the Moldovan authorities participated in the process leading up to the adoption of this opinion. The Advisory Committee regrets however that the Moldovan authorities did not consult extensively with national minority representatives when preparing the State Report and trusts that wider consultation will take place in the future.

9. The Advisory Committee generally welcomes the efforts the Government has made to improve awareness of the Framework Convention among the population and the authorities concerned. It notes with satisfaction that the Framework Convention is known in the relevant circles in Moldova and that, according to the information at its disposal, it contributed, at least in part, to the peaceful settlement of the Taraclia problem in 1999. Nevertheless, the Advisory Committee encourages the Government to take further measures to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through publication and dissemination of the State Report and other relevant documents.

10. It should be noted as a preliminary remark that, when examining the measures taken to give effect to the provisions of the Framework Convention, the Advisory Committee has taken into consideration only the territory under the Government's effective control. The Advisory Committee notes that Moldova made no reservation/declaration when it ratified the Framework Convention, as it did upon acceding to the European Convention on Human Rights². Neither did it make use of the possibility under Article 30 of the Framework Convention to specify the territory or territories for whose international relations it is responsible and to which the Framework Convention should apply. However, the Moldovan authorities have provided

² Declaration contained in the instrument of ratification, deposited on 12 September 1997 - Or. Mol./Fr. "The Republic of Moldova declares that it will be unable to guarantee compliance with the provisions of the Convention in respect of omissions and acts committed by the organs of the self-proclaimed Trans-Dniester republic within the territory actually controlled by such organs, until the conflict in the region is finally settled."

explanations in this respect in the State Report, in particular under Article 19. The Advisory Committee has taken note of these explanations as well as the fact that the State Report contains very limited information on the situation of persons belonging to national minorities living in areas outside the Government's effective control. Thus, the situation in those areas falls outside the scope of this opinion.

11. Concerning those areas outside the effective control of the Government, the Advisory Committee can but join all those who have expressed the hope that a lasting and just political solution to the existing problems will be found. The Advisory Committee hopes that such a solution will protect the interests of all persons concerned, in conformity with the territorial integrity of the country and the principles of international law, and in accordance with Article 21 of the Framework Convention. The Advisory Committee points out that when a political agreement does bring the conflict to an end, it must take due account of the provisions of the Framework Convention, in order to ensure that the rights of persons belonging to national minorities are respected.

12. The Advisory Committee also wishes to specify that in examining the implementation of the Framework Convention by Moldova, it has taken into account the serious economic difficulties the country is facing at present. Aware of the importance of socio-economic conditions on the implementation of policies and measures that generally necessitate adequate financial resources, the Advisory Committee welcomes the efforts made by the Moldovan authorities to protect national minorities and their concern to implement the Framework Convention.

13. The Advisory Committee notes that, at the time of the adoption of the present opinion, Moldovan political life is marked by a number of developments concerning *inter alia* the protection of persons belonging to national minorities. The Advisory Committee regrets that certain steps taken by the Moldovan authorities concerning the position of the Russian language in Moldova have caused tensions. The Advisory Committee hopes that these tensions will be solved in a balanced and tolerant way and that the legitimate interests of the Moldovan majority as well as those of all national minorities will be respected in the spirit of the Framework Convention. The Advisory Committee expresses the hope that these developments will not influence the implementation of the Framework Convention in a negative way (see also related comments under paragraphs 82 and 83 below).

14. In the following part of the opinion, it is stated in respect of a number of Articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the Article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19

Article 1

15. The Advisory Committee notes that Moldova has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this Article does not give rise to any specific observations.

Article 2

16. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this Article does not give rise to any specific observations.

Article 3

17. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Moldovan Government is therefore deemed to be the outcome of this examination.

18. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

19. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

20. The Advisory Committee notes that the right of every person belonging to a national minority to freely choose to be treated or not to be treated as such is guaranteed under Moldovan law, in particular the Law on the rights of persons belonging to national minorities and their associations (Law No. 382 of 28 August 2001, which entered into force on 4 September 2001, hereinafter referred to as the National Minorities Act).

21. The Advisory Committee welcomes the passing of this law by the Moldovan Parliament and takes note of the definition of the term “national minority” contained in it: “persons belonging to national minorities shall mean persons residing in the Republic of Moldova and of Moldovan nationality who have particular ethnic, cultural, linguistic and religious features which distinguish them from the - Moldovan - majority of the population and who consider themselves to be of different ethnic origin”. The Advisory Committee notes that the law provides no list of officially recognised national minorities, which implies that all persons who meet the criteria set out in the above definition are national minorities. Only the languages of the numerically largest national minorities are mentioned in the law by way of example, but the list is not exhaustive.

22. The State Report explains, on the strength of official statistics based on the 1989 census, that national minorities account for about 35.5 % of Moldova's population, and lists the largest national minorities: Ukrainians – 13.8%; Russians – 13%; Gagauzians – 3.5%; Bulgarians – 2%; Jews – 1%; Belorussians – 0.5%; Roma – 0.3%; Germans – 0.2%; Poles – 0.1%.
23. The Advisory Committee appreciates that in passing this law the Moldovan authorities' intention was to complete the legal framework for the protection of national minorities, which is now based, as stipulated in Article 3 of the law, on "the Constitution of the Republic of Moldova, the present law, other legislative acts and the international treaties and agreements to which the Republic of Moldova is party".
24. The Advisory Committee takes note that this law is an organic law that requires, for its effective implementation, the subsequent introduction of other laws and the harmonisation of existing legislation with its provisions. The Advisory Committee considers that the authorities should make every effort so that the legislative changes required by the aforementioned law (which were to be implemented within a period of 3 months which elapsed on the 4th of December 2001) are taken without any further delay. The Advisory Committee considers that the authorities should also ensure that the resulting body of legal provisions is effectively implemented, in consultation and co-operation with the persons concerned.
25. The Advisory Committee notes that several provisions of the law concern the use, protection and promotion of minority languages. The Advisory Committee notes that these provisions give Russian a privileged status as compared to other minority languages and provide for substantial state commitment for its teaching and use. The Advisory Committee encourages the Moldovan authorities to ensure that appropriate attention is paid to the needs of persons belonging to all national minorities living in Moldova, through policies and measures to apply the relevant legislation in accordance with the Framework Convention.
26. Concerning the right of persons belonging to national minorities to freely choose whether or not they wish to be treated as such, the Advisory Committee considers that a census is a good opportunity to enable people to express their identity. The Advisory Committee notes that the last census took place in Moldova in 1989. A new census was initially scheduled to be held first in 1999, then in April 2001, but was postponed on both occasions due to lack of resources. In view of this situation, the Advisory Committee considers that the Moldovan authorities should organise a new population census, as soon as possible, in order to obtain an up-to-date picture of the composition of the population of Moldova, and encourage persons belonging to national minorities to take advantage of the opportunity to state their affiliation (see also related comments under Article 4 below).
27. The Advisory Committee notes that the Moldovan authorities did not provide information on the existence of other linguistic or ethnic groups that the Government does not at present regard as being protected by the Framework Convention. The Advisory Committee believes it would be possible to consider, where appropriate, the inclusion of persons belonging to further groups in the application of the Framework Convention on an article-by-article basis, and is of the opinion that the Moldovan authorities should address this issue in consultation with those concerned.

Article 4

28. With regard to the implementation of Article 4 paragraph 1 of the Framework Convention, it should be noted that Article 16 of the Constitution of Moldova establishes the principle of equality of citizens "before the law and the public authorities without distinction of race, nationality, ethnic origin, language, religion, sex, opinion, political allegiance, wealth or social origin". The Advisory Committee further notes that Article 4.1 of the National Minorities Act guarantees to persons belonging to national minorities the right of equality before the law and equal protection of the law. Article 4.2 of the same legislation prohibits all discrimination based on belonging to a national minority.

29. Other laws, which apply to persons belonging to national minorities as to all Moldovan citizens, contain similar provisions concerning the principles of equality and non-discrimination: the Electoral Code, the Public Service Act, the Code of Criminal Procedure, the Code of Civil Procedure, the Labour Code, the Judiciary Act, the Associations Act. Penal provisions provide for sanctions against acts of discrimination based on linguistic grounds as well as sanctions for creating obstacles to the "functioning of the languages" on the territory of Moldova.

30. The Advisory Committee welcomes the efforts made in the legislation to foster equality and combat discrimination. It notes that judicial remedies are open to victims of unequal treatment and discrimination, but regrets that difficulties are encountered in practice. One example, according to the Government, concerns the lack of financial resources for the translation of relevant documents into minority languages during judicial proceedings (see also comments under Article 10 below).

31. The Advisory Committee emphasises the important role to be played in combating discrimination by governmental bodies and non-governmental organisations working in the human rights field in Moldova. The Advisory Committee encourages the three Parliamentary Advocates to pay particular attention in the future to issues relating to the protection of national minorities.

32. With regard to practice concerning implementation of anti-discrimination legislation, the Advisory Committee notes that only a limited number of cases of discrimination have been brought to its attention and that very limited information is available from official sources. The Advisory Committee considers it disconcerting that the authorities are not in a position to provide information on the number and nature of such cases. In such circumstances, it is impossible for the Advisory Committee to evaluate the effectiveness of the anti-discrimination mechanisms and to examine to what extent the principles contained in Article 4 of the Framework Convention are being implemented. The Advisory Committee therefore believes that it is imperative that monitoring of developments in this field be intensified.

33. More specifically, the Advisory Committee received complaints from representatives of the Roma minority, who felt that they did not receive equal treatment in terms of their official status as a national minority and in terms of support from the authorities. Although the Roma have several types of organisation (Roma women, young Roma, etc.), these have no adequate support, such as provision of premises where they can develop their activities, compared to the organisations of other minorities. Also, according to the information provided to the Advisory Committee, some Roma are facing serious problems of social exclusion. These Roma appear to have been completely ignored by Moldovan society with both the authorities and the general population unaware of the extremely difficult situation currently faced by these people.

34. The Advisory Committee notes with concern that certain Roma are facing serious socio-economic difficulties when compared with the majority and other national minorities and do not enjoy the same opportunities as the rest of the population. In some cases they lack the minimum means necessary to provide for their basic needs (food, drinking water, access to medical care, transport, communication). The Advisory Committee has been given to understand that the Roma are discriminated in fields such as employment (it appears that the unemployment rate in the Roma community is very high), housing, access to property in the context of privatisation, access to education, access to health care, participation in the running of public affairs (see also related comments under Articles 5, 12 and 15).

35. Aware of the difficulties faced by persons belonging to the Roma minority, the Advisory Committee considers that this situation, which is acknowledged by the Government, calls for the planning and application of special measures combined with appropriate financial resources. The Advisory Committee welcomes the adoption by the Government, on 16 February 2001, of Decision (No. 131) providing for long-term support measures (2001-2010) for the Roma population. This covers such fields as social protection, education and the development of the Roma language and culture. The Advisory Committee encourages the Government to consult with the representatives of this minority on a regular basis so that their living conditions and specific interests are properly taken into account, and to base its action on the guidelines laid down in Recommendation No. (2001) 17 on the economic and employment situation of Roma/Gypsies and Travellers in Europe. The Advisory Committee stresses that when special measures are introduced, particular attention should be paid to Roma women.

36. The Advisory Committee wishes to draw attention to another question likely to affect Moldovan policy on the protection of national minorities, namely the discrepancies between official government statistics and the estimates made by certain national minorities, particularly the Roma, of the number of persons belonging to the minorities concerned and their situation. The Advisory Committee considers that the lack of reliable statistical data can seriously hamper the ability of the state to target, implement and monitor measures to ensure the full and effective equality of persons belonging to national minorities, and make it more difficult for the international monitoring bodies to ascertain whether Moldova meets its obligations under the Framework Convention. The Advisory Committee therefore suggests that, on condition that the principles identified in the Committee of Ministers' Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes are respected, the Government try to identify, in view of the next census, the most appropriate ways and means of obtaining reliable statistical data. This data should be broken down by age, gender and location (see also related comments under Article 3 above).

37. The Advisory Committee considers that the Government should consult the national minorities, through their associations, on practical arrangements for the census and the content of the census forms. The Advisory Committee also supports the idea of recruiting and training observers from national minorities, who could play a useful part in advising minorities of the importance of the census.

Article 5

38. The Advisory Committee acknowledges the fact that despite the lack of financial resources the Moldovan Government has stepped up its efforts in recent years to help national minorities to preserve and develop their culture. The Advisory Committee also notes that

Moldova's multicultural character is being seen and used as a national asset and that people generally agree on the need to foster and develop this asset. The Advisory Committee expects that the Moldovan authorities, while implementing the National Minorities Act, will pay due attention to the specific needs of persons belonging to the different national minorities, including the Roma, and identify the policies most likely to guarantee that this law has a real impact on the preservation and development of their culture and identity.

39. The Advisory Committee also encourages the Moldovan authorities to endeavour to back up these policies with requisite support, and to ensure that the representatives of the different national minorities, including the disadvantaged and numerically smaller ones, are consulted on the allocation of assistance.

40. Consulting all minorities directly and actively involving them in the identification and practical implementation of such policies will help them, particularly the numerically smaller minorities, to strengthen their identity while ensuring their integration in Moldovan society. This would also help avoid the risk, reported to the Advisory Committee by certain sources, of these minorities being merged into a population sharing one common factor – the Russian language – with little room to develop their individual identities.

41. The Advisory Committee notes with satisfaction that the national minorities have access to the House of Nationalities, a cultural centre set up by the State where cultural events, debates, encounters, can be organised. The Advisory Committee also notes examples of local authority involvement in and support for national minority cultural activities. The City of Chisinau, for example, is very active in organising multicultural events with participants from different ethnic groups. Every year it gives support to the different communities' cultural projects and helps to organise events linked to their traditional religious festivities.

42. As regards the situation of the Roma, the Advisory Committee considers that their efforts to preserve and develop their traditions, culture and identity do not receive sufficient support. While welcoming the recent governmental initiatives, the Advisory Committee remains concerned at the present situation of this community and strongly urges the Moldovan authorities to take immediate practical steps to ensure that, like the rest of the population, they enjoy the conditions essential for their full integration into Moldovan society. At the same time, the Advisory Committee considers that, when implementing these measures, the authorities should take every care to ensure that the Roma are able to preserve their traditional lifestyle, culture and identity.

Article 6

43. The Advisory Committee notes with satisfaction that intercultural dialogue has continued in Moldova and encourages the authorities to keep up their efforts to foster a general climate of tolerance, mutual understanding, respect and co-operation among all the people who live in Moldova.

44. The Advisory Committee notes that, according to the information at its disposal, globally the atmosphere in Moldovan society is one of mutual respect and understanding, although there remain certain signs of inter-ethnic intolerance. The Advisory Committee notes in this context that the Penal Code provides for sanctions against incitement to racial or national hatred.

45. The Advisory Committee is concerned, however, with the existing language gap between two population groups: the majority, on the one hand, who speak the state language³, and the Russian-speaking population on the other hand, which includes not only mother tongue Russians but also other Slavic minorities whose languages do not have the same level of protection as Russian. The Advisory Committee considers that the authorities should make sure that developments in the language policy intended to give Russian a higher status do not widen the above mentioned gap. As such gap is likely to give rise to linguistic intolerance both on the part of the majority and on the part of the national minorities the Advisory Committee considers that the Moldovan authorities should pay special attention to this question when implementing the recently adopted National Minorities Act. Care should be taken that any measures in this respect - be they legislative or otherwise - help to safeguard social cohesion and intercultural dialogue. The Advisory Committee considers that the official approach calls for all the more caution insofar as all these questions arise at a time when the search for identity of both the majority and the minority communities is not yet over and remains closely linked to the linguistic component.

46. The Advisory Committee further notes a similar gap in the media between the Moldovan language media and the Russian language media. Insofar as this factor is likely to complicate intercultural dialogue, the Advisory Committee encourages the authorities to create the necessary conditions for the independence of media, whatever the language, and for an environment enabling them to play a positive role in promoting interethnic understanding. In this context, the Advisory Committee would like to highlight the concerns expressed by some representatives of the media, who consider that the press is strongly influenced by the country's major political forces.

47. The Advisory Committee also notes that certain media continue to present news in a manner likely to kindle ethnic intolerance in the public, or to include negative stereotypes of certain minority groups. The Advisory Committee considers that the principles set out in Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance should be properly implemented in Moldova. It notes in this context that Article 4.1.a of the Press Act of 26 October 1994 prohibits incitement to national, racial or religious hatred and discrimination. The Advisory Committee therefore considers the Moldovan media themselves should be watching out constantly for this type of problem through their own watchdog bodies.

48. The Advisory Committee also notes the existence in Moldova of approximately 4,000-5,000 people of Afro-Asian origin (about 0.1% of the population), including Syrians, Lebanese, Turks, Sudanese and Chinese, some of whom have lived there for more than 10 years without having been able to acquire Moldovan citizenship, because of certain legal and bureaucratic difficulties. The Advisory Committee understands that the Moldovan authorities are looking into the matter and encourages them to find an appropriate solution.

³ Article 13 of the Moldovan Constitution provides that the state language is Moldovan, and its alphabet is the Latin one. In its Preamble, the Law on the functioning of the languages (September 1989) mentions the existing Moldovan-Romanian linguistic identity. Bearing in mind the above-mentioned constitutional provision, the Advisory Committee uses the term "Moldovan language" throughout the current opinion, without taking a view as to whether or not this is a language separate from the Romanian language.

Article 7

49. The Advisory Committee notes that Article 5.3 of the Law on political parties and socio-political organisations (17 September 1991) subjects the registration of a political party, *inter alia*, to its having at least 5,000 members residing in at least half the districts in the country, with at least 150 members in each of those districts. The Advisory Committee is of the opinion that this provision is likely to limit the possibilities for persons belonging to national minorities who do not fulfil this condition to organise political parties. The Advisory Committee notes that, in practice, persons belonging to national minorities are present in the Moldovan Parliament, as certain political parties include them on their lists of candidates. Nevertheless, the Advisory Committee believes that this does not imply that these persons benefit from all opportunities to participate effectively in the political life of their country and in the decision-making process. The Advisory Committee considers that the Moldovan authorities need to examine this situation in consultation with those concerned (see also related comments under Article 15).

Article 8

50. During the Advisory Committee delegation's visit to Moldova, representatives of the Tatar community complained that in spite of repeated requests made to the Government in recent years, their community had still not received the necessary support, nor a suitable location, to build a Muslim cemetery. The Advisory Committee considers that the Moldovan authorities should examine this matter and identify appropriate solutions in consultation with those concerned.

Article 9

51. The Advisory Committee notes with satisfaction that the Moldovan Audiovisual Co-ordination Council has issued broadcasting licences to applicants from national minorities. At the request of persons belonging to the respective communities, 33 broadcasting licences have been issued to the Russians, 14 to the Gagauzians, 5 to the Bulgarians and 1 to the Ukrainians. However, the Advisory Committee is concerned by the low use of this opportunity by the Ukrainian minority and encourages the authorities to support persons belonging to this minority in order to redress this imbalance.

52. The Advisory Committee also welcomes the fact that Moldova's public radio and television services, broadcast programmes for persons belonging to national minorities, with their participation and generally in their languages, during advantageous time slots. The Advisory Committee notes that the statute of Teleradio-Moldova, the state broadcasting corporation, requires it "to guarantee the citizens' right to information, to promote the real values of the national culture, the cultures of the resident minorities and international culture" (Article 22).

53. The Advisory Committee notes that according to Article 13 paragraph 3 of the Audiovisual Broadcasting Law (1995), "audiovisual institutions, public or private, broadcast at least 65% of their audiovisual programmes in the state language. This provision does not extend to the television programmes broadcast via satellite and provided by cable, as well as foreign stations that broadcast in areas compactly populated with ethnic minorities". The Advisory Committee notes that the application of this article led to the temporary suspension by the Audiovisual Council of the licenses of certain radio stations and television stations broadcasting in Russian. This situation gave rise to controversy and criticism both at the national and

international levels and as a result an interpretative amendment was adopted in September 2000 by the Moldovan parliament.

54. The parliament in its amendment explained that this condition refers exclusively to the locally produced programmes and does not refer to the time of broadcast when audio-visual institutions that function on the territory of Moldova perform the re-broadcasting of foreign channels' programmes. The Advisory Committee is of the opinion that the authorities should ensure that the implementation of these provisions will not result in excessive limitations of the right of persons belonging to national minorities to impart or receive information in minority languages.

55. The Advisory Committee appreciates the efforts made by the Moldovan authorities at the legislative level and in terms of implementing policies in order to guarantee freedom of expression and access to the media for persons belonging to national minorities. In this respect the Advisory Committee welcomes the recent initiative of the Moldovan public service television to produce and broadcast, in addition to the existing cultural programmes, a special programme aimed at cultivating an interethnic relations culture, based on tolerance, understanding and acceptance of differences and respect for diversity.

56. The Advisory Committee nevertheless considers that additional measures are required to achieve a better balance between the various national minorities in respect of access to and presence in the media. The Advisory Committee notes that the public channels prepare and broadcast between 30% and 35% of their basic programmes (main news, cultural and social programmes) in Russian, in parallel with their broadcasting in the state language. It also notes that "Radio Russia" programmes may also be received in the capital (12 hours per day), as well as 3 cable television programmes produced in Russia. Compared to this situation, the Ukrainian minority enjoys fewer opportunities in this field. The situation is particularly acute in rural areas, where certain communities live in isolation, and lack the necessary resources to create their own media. The Advisory Committee considers the present unbalanced situation regrettable. The Advisory Committee notes that the Ukrainian minority, although numerically the largest, remains disadvantaged and needs more support from the Moldovan authorities.

57. The Advisory Committee considers that the Moldovan authorities should review this situation through bodies such as the monitoring and information division of the Department for Interethnic Relations, and seek to strike a proper balance in consultation with the communities concerned. The Government should, for example, pay special attention to supporting the creation of media at the local level, particularly in areas where there are large concentrations of persons belonging to national minorities. Local newspapers and local radio stations addressing these communities in their own languages (where there is a demand) are excellent means of helping the numerically smaller minorities, including the Roma, which seem to be the most disadvantaged in this respect, to preserve their language and identity.

Article 10

58. The Advisory Committee notes that under Section 7 of the National Minorities Act, the persons belonging to national minorities are entitled to the "free use of their own language, written and spoken, free access to information in this language, the dissemination of this language and exchange of information in this language". The Moldovan Constitution (of 29 July 1994) provides that the state language is Moldovan, based on the Latin alphabet (Article

13.1). It also provides for state recognition and protection of the Russian language and other languages spoken in the country (Article 13.2).

59. The Advisory Committee notes that the use of languages in Moldova is currently governed by the Law on the functioning of languages dating from September 1989. In this respect the Advisory Committee notes that Title VII of the Final and Transitory Provisions of the Constitution (August 1994) foresees that the above mentioned law "stays in force to the extent that it does not trespass on this Constitution" and that it "may be amended over the 7 years ensuing from the date when this Constitution has come into force". The Advisory Committee considers that, when drafting new legislation with respect to languages, the Moldovan authorities should ensure the full implementation of the relevant Constitutional provisions and those of the Framework Convention with respect to the rights of all persons belonging to national minorities. It also considers that the Moldovan authorities should find a balanced way to implement in practice Moldovan-Russian bilingualism without prejudice to the learning of Moldovan as a state language by all persons belonging to national minorities, in accordance with Article 14 paragraph 3 of the Framework Convention.

60. The Advisory Committee notes that Moldovan legislation, particularly the Law on the functioning of languages (1989), distinguishes between the different languages used in the country, according to their main function and the geographical area in which they are used. For example, Moldovan, the "state language", is also described as the "language of interethnic communication". The Russian language (previously the language of communication between the nations of the former Soviet Union) is also described as a "language of interethnic communication" alongside Moldovan. The 1989 Act refers to "genuine national-Russian and Russian-national bilingualism" (Article 3). In the "compact" areas settled by the Gagauzian minority, "the official language in the various sectors of life is the state language, the Gagauzian language or the Russian language" (Article 2). The Act also requires the state to safeguard the use of languages spoken by the various ethnic groups living in Moldova (Article 4).

61. In dealings with the administrative authorities, citizens can choose freely between the state language and the Russian language, spoken and written, or the Gagauzian language in areas where this group forms the majority. This choice is extended to other minority languages whenever the population belonging to the minority forms the majority in the locality in question (see Article 6 of the 1989 Act).

62. The Advisory Committee appreciates the flexibility of this approach. Nevertheless, it considers this majority threshold to be high from the standpoint of Article 10 of the Framework Convention. It also considers that further clarification is needed. While the 1989 Act on languages refers to the "majority", without specifying whether this means a relative or absolute majority, the 2001 National Minorities Act mentions "a considerable part" of the population. The Advisory Committee has been given to understand that for the Moldovan Government a "considerable part" means at least half of the population. The Advisory Committee considers that the threshold mentioned above should be lowered when implementing the National Minorities Act and when preparing new legislation on the use of languages (see paragraph 59 above), in order to fully comply with the principle laid out in Article 10 paragraph 2 of the Framework Convention.

63. The Advisory Committee also takes note of the difficulties arising from the imposition of the Moldovan-Russian bilingualism requirement on public administration personnel. According to information currently at the disposal of the Advisory Committee, the Moldovan

authorities have still not succeeded in finding a clear and lasting solution to this problem. After recognising that the support initially offered in this area was inadequate and/or inappropriate, the Moldovan authorities adopted in February 2001 a national programme (2001-2005) to improve the teaching of the state language for adults. The Advisory Committee notes that the measures included in this programme will be accompanied by special funding from the national budget. The Advisory Committee expects that this programme will help to eliminate problems faced by administrative personnel, as well as the public who address them, caused by their insufficient knowledge of the state language. This evolution will contribute to both full and effective equality in employment and interethnic dialogue and mutual understanding.

64. The Advisory Committee notes that Moldovan legislation contains the necessary safeguards for the exercise of the right of every person belonging to a national minority, during criminal proceedings, to be informed and defend himself or herself in a language which he or she understands. In practice though, this right is not respected systematically because of inadequate financial resources and/or a lack of qualified interpreters, particularly in the case of numerically less important minority languages. The Advisory Committee considers that the Moldovan authorities should take all necessary measures to ensure that this right is fully safeguarded (see also related comments under Article 4).

65. More generally, the Advisory Committee takes note of the particular position of the Russian language in Moldova and notes that this language is widely used by a significant number of persons belonging to national minorities as well as a substantial proportion of the majority population. The Advisory Committee notes that the recent National Minorities Act strengthens noticeably the position of Russian *vis-à-vis* the state language as well as the other minority languages.

66. The Advisory Committee welcomes, in principle, measures designed to strengthen minority languages and enabling persons belonging to national minorities to maintain and develop their linguistic identity. Nevertheless, it considers that the authorities should ensure that measures in favour of the language of a particular national minority are not taken at the expense of the languages of other national minorities. It believes that, in promoting the linguistic rights in Article 10 of the Framework Convention, the Moldovan authorities should seek a balanced approach to the various languages spoken by persons belonging to national minorities, including those that are disadvantaged or numerically smaller.

67. The Advisory Committee notes that the situation concerning language use in areas with special autonomous status, such as Gagauzia, is quite distinct. Here, Act LB344 of December 1994 on the special status of Gagauzia declares Moldovan, Russian and Gagauzian to be the official languages, and also provides for other languages to be protected alongside the three official languages.

Article 11

68. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this Article does not give rise to any specific observations.

Article 12

69. The Advisory Committee notes with satisfaction that the Moldovan authorities have made considerable efforts in schools, libraries, research institutes and museums, to foster

knowledge of the values, culture, traditions, history, language and religion that make up the identity of national minorities and of the majority population. It also notes that the Government is permanently concerned with creating the right conditions for interaction between the various ethnic groups making up Moldovan society.

70. The Advisory Committee welcomes the steps taken to give legislative backing to such measures (see Article 35 of the Constitution, enshrining the right to education, and Articles 5 and 6 of the National Minorities Act, on the state's obligations regarding education and research). Concerning the institutional support, the Advisory Committee notes that, in the early 1990s, a special division responsible for national minority issues was set up in the Ministry of Education. Its priorities include training teachers for schools for persons belonging to national minorities, preparing curricula that are consistent with those followed by the majority population, drawing up appropriate textbooks and student exchanges.

71. The Advisory Committee considers that, despite the lack of resources, the Moldovan authorities have made substantial efforts in most of the areas referred to above. For example, the number of schools attended mainly by children belonging to national minorities and providing an education in or of a minority language represent a third of the Moldovan schools. Turning to higher education, according to the State Report, the breakdown of students by their ethnic origin is not far from the respective proportion of persons belonging to national minorities within the population of the country. While recognising that certain Roma are undertaking university level education, the Advisory Committee remains concerned about the access of persons belonging to this minority to higher education.

72. The Advisory Committee notes that quotas have been established in recent years to ensure that students from national minorities gain admission to higher education and for the allocation of scholarships abroad.

73. In general, the Advisory Committee welcomes the Moldovan authorities' commitment to the continuing modernisation and improvement of the quality of education, including education for persons belonging to national minorities.

74. The main shortcomings identified by the Government include: the shortage of teachers and the difficulty of attracting qualified university graduates to the profession because of the low salary, the difficulty of finding teachers qualified in both the state and a minority language (and able to teach subjects other than languages in both state and minority languages), the lack of textbooks, the higher costs for textbooks for pupils belonging to national minorities, the difficulty of ensuring continuity of education in a minority language at different levels and, more generally, the lack of financial resources. The Advisory Committee is aware that all these problems have to be seen in the context of an education system that is being reformed and modernised. It therefore welcomes the competent authorities' determination to find solutions, while seeking to maintain the system's coherence and avoid dealing with the education of persons belonging to national minorities in isolation.

75. The Advisory Committee notes that, in view of limited resources, relations with kin-states of national minorities are given great importance. In their meetings with the Advisory Committee, the authorities spoke of fruitful relations with Bulgaria, the Russian Federation, Turkey, Ukraine etc. These countries co-operate in the organisation of training sessions and teacher and student exchanges. They also supply school textbooks in the languages of the minorities concerned based on lists of needs drawn up by the Ministry of Education in

accordance with standard national curricula. The Advisory Committee notes that certain difficulties still remain with regard to cooperation with Ukraine in this field, and encourages the Moldovan authorities to strengthen their efforts in this respect.

76. The Advisory Committee encourages the authorities to ensure that all the national minorities, particularly those that are numerically smaller or do not enjoy the support of a kin-state, benefit equitably from the special government programmes for national minorities in the field of education.

77. The Advisory Committee also wishes to draw the Government's attention to the high rates of school absenteeism and illiteracy amongst the Roma population, as well as to more specific problems, like the lack of textbooks, the lack of Roma teachers and the absence of nursery schools in certain Roma villages. The Advisory Committee considers that what has been done so far is insufficient and that substantial progress is possible through special education programmes, dialogue with families and direct financing. It believes that the Moldovan authorities should make this a priority, using as a basis the guidelines in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

Article 13

78. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this Article does not give rise to any specific observations.

Article 14

79. The Advisory Committee notes that Moldovan legislation grants persons belonging to national minorities the right to learn their mother tongue and accompanies this right with legal safeguards. For example, Article 10.2 of the Moldovan Constitution enshrines the right to linguistic identity and Article 35.2 says that the state shall enforce under the law the right of each person to choose his/her language of education and instruction.

80. Article 6 of the National Minorities Act gives further force to these constitutional provisions by requiring the state to implement the rights granted under the Constitution. As already mentioned with regard to Article 10 of the Framework Convention, the Advisory Committee notes that Moldovan law contains a non-uniform approach to minority languages used in the country. As with the state language, the Government undertakes to provide education in Russian at all levels of the education system, from pre-school to university and post-graduate level (Article 6.1). For speakers of other minority languages, however, the state only undertakes to create the conditions necessary for the exercise of their right to education and instruction in their own language (Article 6.1). In all cases, however, the state undertakes to contribute to the development of curricula and related teaching methods, and to the development of teacher training, which may include co-operation with other countries (Article 6.2).

81. The Advisory Committee acknowledges the Moldovan authorities' commitment to giving effect to the right to learn minority languages and welcomes the steps taken to achieve this. It notes, apart from the important number of schools where education in or of minority languages is provided, there have been additional initiatives including experimental classes with complete instruction in minority languages and special Sunday schools for learning minority languages.

82. The Advisory Committee recognises that for historical reasons nearly all persons belonging to national minorities have a *de facto* knowledge of Russian, as do a considerable proportion of the majority population. The Advisory Committee notes however that considerable tension arose in January 2002 following the introduction of Russian as a compulsory subject in Moldovan primary schools based on an order of the Ministry of Education from August 2001. This tension has been increased by the announced intention to grant Russian a higher status through a proposed constitutional amendment lodged with the Constitutional Court in December 2001. The Advisory Committee welcomes the Moldovan authorities' recent efforts to defuse the tension and ensure a further peaceful coexistence within Moldovan society. The Advisory Committee notes however that language issues continue to be a sensitive matter in Moldova and considers that the authorities must proceed with great caution in this area in order to avoid any potential for conflict or potential to exploit a conflict.

83. The Advisory Committee encourages the Moldovan authorities to ensure that any possible changes to the current legislation or planned measures connected with the implementation of existing legal provisions in this area are discussed with those concerned. During this process, the authorities should strive for a balanced response to the specific language needs of all national minorities, bearing in mind their particular situations and the need for existing resources to be shared out equitably. Being aware of the importance of the knowledge of the state language as a factor of social cohesion and integration, the Advisory Committee considers it important to make sure that these measures be taken without prejudice to the learning of or the teaching in the state language. The Advisory Committee recognises that knowledge of the state language among persons belonging to national minorities remains limited and is only spreading very slowly. The Advisory Committee encourages the Moldovan authorities to make further efforts to remedy this situation, particularly by developing the measures referred to in the national programme adopted in February 2001 (see above paragraph 63).

Article 15

84. The Advisory Committee acknowledges the Moldovan authorities' efforts to facilitate the participation of persons belonging to national minorities in various areas of Moldovan society. It particularly welcomes the steps taken in the fields of culture and education and the Government's commitment to maintaining its efforts in these areas.

85. The Advisory Committee notes that two chapters of the National Minorities Act are devoted to organisations formed by persons belonging to national minorities and to their right to be represented and take part in the management of public affairs. Under the Act, these organisations receive state support for their programmes in areas such as culture, science, education, historical research and humanitarian activities (Article 20.1). Article 22 of the Act requires the Government and any other state bodies involved in preparing and implementing cultural and educational policies affecting national minorities to consult these organisations.

86. The Advisory Committee also takes note of the establishment of a special department in the Moldovan Government - the Department for Interethnic Relations, whose status is formalised in the new Act - to promote government policy towards national minorities. On the national minority side, the main partner of this government department is the Co-ordinating Council, an umbrella body representing the most important national minority organisations. The

Advisory Committee also notes that there is an official responsible for national minority affairs in each second tier local authority.

87. The Advisory Committee welcomes the establishment of an institutional framework to enable persons belonging to national minorities to become involved in decisions affecting them. It hopes that this will offer a basis for practical forms of participation that really reflect the interests of those concerned and are adapted to the specific conditions of Moldovan society. In this context, it notes that a Presidential Committee had been created in 1998 with the aim of allowing these persons to make known their interests with the highest institution of the State. The Advisory Committee regrets that this committee ceased to function in 2001.

88. The Advisory Committee considers the areas in which national minorities are consulted, as defined in Article 22 of the 2001 National Minorities Act, to be too restrictive, since they are confined to the cultural and educational spheres. It encourages the authorities to extend the scope of its dialogue with persons belonging to national minorities when examining subsequent legislation and policies for implementing the National Minorities Act.

89. The Advisory Committee also considers that, in addition to the Co-ordinating Council for National Minorities, it is important for the Government to enter into contacts with organisations representing each of the national minorities. This will enable the Government to identify and respond to specific concerns and avoid a situation where the interests promoted by the Co-ordinating Council only reflect the needs of the more active minority groups.

90. Concerning effective participation in public affairs, the Advisory Committee acknowledges that in practice persons belonging to national minorities are involved in the country's political life. At local level, this is possible through the elected bodies and executives of the geographical areas where national minorities have a substantial presence (in particular Gagauzia, which has an autonomous People's Assembly and its own executive bodies and whose Governor is an *ex officio* member of the Moldovan Government, and also the district of Taraclia). At national level, persons belonging to national minorities hold seats in Parliament, even though there are no seats reserved for national minorities. They also hold ministerial posts, and positions in different government departments. The Advisory Committee encourages the Moldovan authorities to ensure that numerically smaller national minorities are also able to express their views and promote their specific interests.

91. The Advisory Committee also refers to its comments under Article 7 concerning the Law on political parties and socio-political organisations and encourages the Government to consider, in consultation with those concerned, the most appropriate ways of ensuring effective participation of persons belonging to national minorities in public affairs. It also encourages the authorities to maintain their efforts to gradually eliminate the problems encountered by certain persons belonging to national minorities with regard to their access to the civil service. As was mentioned before, these problems arise in particular from the requirement for a certain command of the state language (see also related comments under Article 10).

92. The Advisory Committee also notes that special legal status, with a wide measure of administrative and cultural autonomy, was granted to Gagauzia in 1995, to bring an end to tensions created in the early 1990s. It also notes the requests made, in October 2001, by the representatives of the Gagauzian People's Assembly, who are dissatisfied with the scope and functioning of the autonomy they have been granted, for a revision of the constitutional arrangements affecting them. The Advisory Committee appreciates the intention announced by

the authorities to include in the Constitution a provision recognizing the status of autonomy of Gagauzia and encourages the authorities to examine the situation, in co-operation with those concerned, to identify the most appropriate solutions.

93. When considering the question of effective participation in different areas of life, particular attention must be paid to the Roma minority. According to information supplied to the Advisory Committee, there are cases where Roma communities living in isolation are practically ignored by the relevant local authorities, have no representatives on local elected bodies and do not receive their proper share of local resources. The Advisory Committee notes with satisfaction the active approach of certain representative bodies of the Roma which, on the basis of their own studies and sociological surveys, have submitted concrete action proposals to the Government. The Advisory Committee considers that the role of the Roma in the implementation of policies affecting them should be strengthened and that the Government should react more actively to their proposals. The Advisory Committee acknowledges that, despite ongoing economic difficulties, certain steps have been taken recently. Nevertheless, it considers that the Moldovan authorities should intensify their efforts in this area, in order to make sure that the Roma are not marginalized in Moldovan society (see also related comments under Article 4).

Article 16

94. The Advisory Committee notes with satisfaction that the provisions of the Framework Convention contributed to the peaceful resolution of the tensions of 1999 in the district of Taraclia, an area where the majority of the population are of Bulgarian ethnic origin. This population felt its identity threatened by the prospect of the district's incorporation into a larger geographical unit, as a consequence of the boundary changes accompanying the territorial-administrative reform of the country (Administrative-Territorial Organisation Act of 12 November 1998).

95. The Advisory Committee notes in this context that, in December 2001, the Moldovan authorities undertook a further revision of the country's administrative-territorial system. This mainly involved a return to the former geographical divisions that preceded the 1998 reform, and included changes to the functioning of the public local administration. The Advisory Committee wishes to draw the Moldovan authorities' attention to the need to consult with those concerned by the administrative-territorial changes adopted, in order to ensure that these measures do not infringe the rights and freedoms enshrined in the Framework Convention, including with respect to participation in the decision-making process. Such an obligation is included in Article 9 of the National Minorities Act.

Article 17

96. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this Article does not give rise to any specific observations.

Article 18

97. The Advisory Committee welcomes the fact that Moldova is party to several bilateral treaties and cultural agreements on the protection of national minorities (the State Report refers to ones with Russia, Ukraine and Belarus) and encourages the Moldovan authorities to make

sure that the implementing mechanisms contribute to the effective protection of persons belonging to national minorities in the interests of tolerance, stability and peace.

Article 19

98 Based on the information currently at its disposal, the Advisory Committee considers that implementation of this Article does not give rise to any specific observations.

IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE

99. The Advisory Committee believes that the main findings and comments set out below could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

In respect of Article 3

100. The Advisory Committee *finds* that the implementation of the law on the rights of persons belonging to national minorities and their associations (Law 382 of 28 August 2001, which entered into force on 4 September 2001) requires, in order to be implemented, further laws to be passed and the existing legislation to be brought into line with it. The Advisory Committee *considers* that the authorities should, in consultation with those concerned, make every necessary effort to introduce these legislative changes without delay.

101. The Advisory Committee *finds* that the above law provides for substantial state commitment in favour of the Russian language. The Advisory Committee *considers* that when implementing the law, the authorities should make sure, through consultations with those concerned, that proper attention is paid to the needs of persons belonging to all national minorities living in Moldova.

102. The Advisory Committee *finds* that the last census dates back to 1989 and that there have been repeated postponements of the new census. The Advisory Committee *considers* that the Moldovan authorities should organize a new population census as soon as possible and should encourage persons belonging to national minorities to take advantage of the opportunity offered by the census to state their affiliation.

In respect of Article 4

103. The Advisory Committee *finds* that the Roma consider that they do not receive equal treatment in terms of their official status as a national minority and the support they are entitled to expect from the authorities as a result. The Advisory Committee *considers* that the Moldovan authorities should pay more attention to this minority and give it proper support.

104. The Advisory Committee *finds* that certain Roma face serious socio-economic difficulties and problems of social exclusion and are also victims of discrimination in several fields. The Advisory Committee *considers* that the authorities should step up their efforts to improve the situation of these persons, in particular by implementing, in consultation with them and having particular regard to Roma women, the long-term support measures for the Roma population provided for in the government's decision of 16 February 2001.

In respect of Article 5

105. The Advisory Committee *finds* that in order to guarantee that the National Minorities Act has a real impact on the conservation and development of the culture and the preservation of the identity of the persons concerned, appropriate policies and adequate support are necessary. The Advisory Committee *considers* that the authorities should consult the representatives of the different national minorities, including the disadvantaged and numerically smaller ones, when preparing these policies and allocating the corresponding assistance.

In respect of Article 6

106. The Advisory Committee *finds* with concern that there exists a gap between two population groups: the majority, on the one hand, which speak the state language, and the Russian-speaking population on the other hand, which include not only mother tongue Russians but also other Slavic minorities whose languages do not benefit from the same degree of protection as the Russian language. The Advisory Committee *considers* that, in order to preserve social cohesion and intercultural dialogue, the Moldovan authorities should ensure that any development aimed at granting the Russian language a higher status will not reinforce this gap.

107. The Advisory Committee *finds* that the Moldovan media are divided into Moldovan language and Russian language media and, according to certain representatives of the media, strongly influenced by the major political forces of the country. The Advisory Committee *considers* that the Moldovan authorities should create all the necessary conditions for the independence of the media, enabling them, whatever their language, to play a positive role in promoting interethnic understanding.

In respect of Article 8

108. The Advisory Committee *finds* that, according to its representatives, the Tatar community has so far not received the necessary government support, nor a suitable location, to build a Muslim cemetery. The Advisory Committee *considers* that the Moldovan authorities should examine this matter and identify appropriate solutions in consultation with those concerned.

In respect of Article 9

109. The Advisory Committee *finds* that the provisions of Article 13 paragraph 3 of the Moldovan Broadcasting Act (concerning the percentage of programmes that must be broadcast in the state language) led to the temporary suspension of certain broadcasting licenses. This gave rise to controversy and as a result led to an interpretative amendment adopted by the Moldovan parliament. The Advisory Committee *considers* that the Moldovan authorities should ensure that the implementation of these provisions do not result in excessive limitations of the right of persons belonging to national minorities to impart or receive information in minority languages.

110. The Advisory Committee *finds* regrettable the imbalance between national minorities in respect of access to and presence in the media. It *considers* that the authorities should support national minorities, in particular the Ukrainian minority, in order to assure a balanced use of the existing opportunities. The Advisory Committee *considers* that the authorities should, for example, in consultation with the persons concerned, pay special attention to supporting the establishment of minority media at the local level, particularly for the numerically smaller minorities, including the Roma.

In respect of Article 10

111. The Advisory Committee *finds* that the use of languages in Moldova is currently governed by legislation dating from September 1989, which distinguishes between the different languages used on Moldovan territory. The Advisory Committee *notes* the particular position granted to the use of Russian in various spheres of life. The Advisory Committee considers it essential that in future language legislation, the relevant provisions of the Constitution as well as

those of the Framework Convention be fully implemented with regard to all persons belonging to national minorities.

112. The Advisory Committee *finds* that the threshold for persons belonging to national minorities to use their respective languages (other than Russian) in dealings with the authorities is high from the standpoint of Article 10 of the Framework Convention. The Advisory Committee *considers* that the threshold should be lowered in the context of the implementation of the National Minorities Act as well as in the future legislation on the use of language.

113. The Advisory Committee *finds* that improvement of the knowledge of the state language on the part of persons belonging to national minorities, including through the national programme adopted in February 2001, will contribute to ensuring full and effective equality in employment and will help to eliminate linguistic problems in relations between the administrative personnel and the public.

114. The Advisory Committee *finds* that difficulties still exist in respect of the right of persons belonging to national minorities to be informed and to defend themselves in a language they understand in criminal proceedings, and *considers* that the authorities should take all necessary measures to ensure that this right is fully safeguarded.

115. The Advisory Committee *finds* that the recent National Minorities Act noticeably strengthens the position of the Russian language *vis-à-vis* the other minority languages. The Advisory Committee *considers* that the authorities should ensure that measures taken in favour of the language of a particular national minority are not taken at the expense of the languages of other national minorities.

In respect of Article 12

116. The Advisory Committee *finds* that in spite of the authorities' efforts to guarantee equality of access to education for persons belonging to national minorities, a number of difficulties remain in this domain. The Advisory Committee *considers* that the authorities should ensure that all the national minorities, particularly those that are numerically smaller or do not enjoy the support of a kin-state, benefit equitably from the special government programmes for national minorities.

117. The Advisory Committee *finds* that the Roma experience particular education problems and *considers* that improving their situation in this field through special education programmes, dialogue with families and direct financing should be a priority for the Moldovan Government.

In respect of Article 14

118. The Advisory Committee *finds* that certain tensions arose in January 2002 following the introduction of the Russian language as a compulsory subject in Moldovan primary schools and the announcement of the authorities' intention to grant this language a higher status. The Advisory Committee *notes* that language issues continue to be a sensitive matter in Moldova and *considers* that, in order to avoid conflict, all measures in this respect should be taken with great caution. The Advisory Committee *considers* that the authorities should make all efforts to provide a balanced response to the specific language needs of all national minorities, without prejudice to the learning and teaching of the state language.

In respect of Article 15

119. The Advisory Committee *finds* that the National Minorities Act confines consultation of national minorities to culture and education and *considers* that the scope should be broadened and that consultation should take place not only with the Co-ordinating Council for National Minorities but also with each national minority directly.

120. The Advisory Committee *finds* that certain difficulties exist in respect of effective participation in public affairs and access to the civil service for persons belonging to national minorities. The Advisory Committee *considers* that the authorities should examine the situation in consultation with those concerned and make sure that these persons, particularly where numerically smaller national minorities are concerned, benefit from all opportunities to participate effectively in the political life of the country and in the decision-making process. The Advisory Committee *considers* that special attention is needed to achieve effective participation of the Roma in various aspects of social life, with due heed being paid to their own initiatives.

121. The Advisory Committee *finds* that the representatives of Gagauzia have expressed dissatisfaction with the scope and functioning of the autonomy they have been granted, and *encourages* the Moldovan authorities to examine the situation, in co-operation with those concerned, to identify the most appropriate solutions.

In respect of Article 16

122. The Advisory Committee *finds* that a review of the administrative-territorial system is under way in Moldova and *considers* that the persons concerned should be consulted in order to ensure that the envisaged administrative and territorial changes do not infringe the rights and freedoms enshrined in the Framework Convention.

V. CONCLUDING REMARKS

123. The Advisory Committee considers that the concluding remarks below reflect the main thrust of the present opinion and that they could therefore serve as the basis for the corresponding conclusions and recommendations to be adopted by the Committee of Ministers.

124. As concerns the implementation of the Framework Convention, the Advisory Committee considers that Moldova has made commendable efforts to establish a legal and institutional framework for the protection of national minorities. The Advisory Committee also notes Moldova's concern to implement the Framework Convention in practice, especially with respect to education and culture. At the same time, shortcomings and difficulties remain in fields such as access to the media, participation in public affairs, use of minority languages, particularly for persons belonging to disadvantaged and numerically smaller minorities.

125. The Advisory Committee notes that an organic law regulating the protection of national minorities was enacted in August 2001 and considers that the legislative changes necessary for its implementation should be made without delay, in consultation with those concerned, in order to ensure the coherency of Moldovan legislation relevant for the protection of national minorities. As this law provides for substantial state commitment in favour of the Russian language, the Advisory Committee considers that, when implementing it and the relevant new legislation, the Moldovan authorities should ensure appropriate protection of persons belonging to all national minorities and their respective linguistic and cultural identities, including those of disadvantaged and numerically smaller minorities.

126. In practice, while acknowledging the spirit of tolerance and interethnic dialogue present in Moldovan society, the Advisory Committee notes that tensions arose with regard to measures taken or announced by the Government in the language field. The Advisory Committee is of the opinion that, in order to reduce tensions and to avoid linguistic intolerance, a balanced approach is necessary in this area. It is essential, in order to preserve the interethnic dialogue, that the legitimate interests of the Moldovan majority as well as those of all national minorities be respected.

127. The Advisory Committee notes the existence of a division between the Moldovan language media and the Russian language media. It equally notes a substantial imbalance between the different national minorities, as far as their access to and presence in the media is concerned. The Advisory Committee considers that the authorities should provide greater support to the national minorities who are disadvantaged in this field, in particular to the Ukrainian minority, so as to assure a balanced access to and presence in the media.

128. The Advisory Committee is of the opinion that when implementing the Framework Convention in the field of education, it is essential that there is consultation with those concerned on all measures envisaged, in order to cater in a balanced manner for the particular needs of the different national minorities and ensure their equitable access to the resources available. Special attention should be paid to numerically smaller minorities and to those that do not enjoy the support of a kin-state.

129. In spite of certain recent initiatives by the authorities, the Advisory Committee is of the opinion that the implementation of the Framework Convention has not been fully successful with respect to the Roma. The Advisory Committee is concerned by the serious socio-economic

difficulties faced by a number of Roma, as well as the discrimination against them in certain areas. The Advisory Committee considers that urgent action by the authorities is needed to improve the situation of Roma and foster their genuine integration into Moldovan society.

* * *