



Strasbourg, 24 May 2005

GVT/COM/INF/OP/II(2004)004

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

**COMMENTS OF THE GOVERNMENT OF
MOLDOVA ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON
THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
IN MOLDOVA
(received on 11 May 2005)**

**Comments on the second Opinion of the Advisory Committee
of the Council of Europe regarding the Framework Convention for the protection of
national minorities
(2004)**

These Comments are realized on the basis of the text of the second Opinion (hereafter – Opinion) of the Advisory Committee (hereafter – AC) of the Council of Europe regarding the Framework Convention for the protection of national minorities, adopted on the 9th of December, 2004, in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers.

The Comments on the Opinion are based on the conclusions of the First Monitoring cycle of the Framework Convention, published in the first Opinion of the Advisory Committee from the 1st of May 2002, and respectively the Resolution of the Committee of Ministers from the 15th of January 2003. These Comments contain the findings and recommendations made during the Second Monitoring cycle regarding the implementation of the Framework Convention in the Republic of Moldova, including the period of the years 2003(second half) – 2004.

Analyzing the situation in the Republic of Moldova, the Advisory Committee noted positive moments: existence of a constructive approach to the Framework Convention’s implementation, as a result of which interethnic relations balance is supervised and the general climate of Moldovan society is one of tolerance and of mutual respect.

The text of the Second Opinion was submitted officially to the representatives of the Republic of Moldova during the period of state Parliamentary elections. In accordance with the Article 60 of the Constitution of the Republic of Moldova, the Parliament is “the supreme body of the people and the sole legislative authority of the State in the Republic of Moldova”. The international monitoring process of the parliamentary elections, at the president’s initiative Vladimir Voronin, has been hold by the supervisors mission, formed by the delegates of PACE, OSCE, European Parliament and the OSCE Division for democratic institution and human rights.

Most of the candidates and deputies, included in political parties’ lists, candidates for Parliament leadership positions, were the representatives of national minorities. This fact confirms the equality of citizen’s rights, regardless of their ethnic origin, their participation in political life of the state. In this way, the election of the new Parliament, formed by the deputies, who are persons belonging to national minorities, is considered as one of possibilities for national minorities to participate in political life and in decision making (see the pp. 23 and 140 of the Opinion).

The interests of the national minorities’ representatives were taken into consideration in publishing the vote’s bulletins, performed in two languages: the state language and the Russian language.

The international recognition of the elections as democratic and their results according to the OSCE and Council of Europe standards and norms determines the Moldova’s process for European integration. This tendency is the major and strategic priority of our country.

The state's tendency for European integration is stipulated in the **Declaration on political partnership in view of promotion towards European integration** – the first document, unanimously approved by the members of the Parliament on March 24th, 2005.

The Declaration contains the requirements, which ascertain the following development of the Republic of Moldova:

- the assurance of the coherent and irreversible tendency for European integration,
- a peaceful and democratic solution of the Transnistria conflict,
- an efficient functioning of democratic institutions,
- *the guarantee of the national minorities' rights.*

This document also ascertains the basic directives of the political partnership, *one of which is the achievement of the political common efforts in respect of the multilateral development and strengthening of the state language role as a major language of the state's population, as well as the development of the languages and cultures of all national minorities in the Republic of Moldova in accordance with European standards.* In this way, the tendency of the Republic of Moldova for European standards is upheld once again, including the Framework Convention for the protection of national minorities.

As the AC noticed, one of the unsolved problem of the Republic of Moldova is the Transnistria conflict, which continue to be a serious concern as it affects the interests of the whole society of the Republic of Moldova, including the international collaboration, stability, territorial integrity and state sovereignty (see the 8-12 pp. of the Opinion).

The Republic of Moldova is ready to restart the negotiations regarding the Transnistria settlement, as it is noticed in the Declaration. One of the prerogatives of the political partnership is recognized the *political and diplomatic common efforts, as well as citizens' initiatives, directed for a peaceful and lasting solution of the Transnistrian conflict.* According to the Declaration, the political settlement of this problem has to be realized in accordance with the state Constitution and norms of international law, in close consultation with the OSCE, European Union, Romania, Russia, USA and Ukraine, and should foresee the faster democratisation of the Transnistria region.

The state's administration is planning to adopt the Law regarding the autonomy of the Transnistrian region of the Republic of Moldova, as the President Vladimir Voronin has noticed during his meetings with the delegates of the monitoring commission of the PACE, Josette Deurieu and Andre Quaquestad, who visited the Republic of Moldova during the period of February 16-18, 2005.

The achievement of these initiatives will allow the extension of the Framework Convention's application to the Transnistrian region, where the monitoring of Framework Convention's implementation is an issue of concern, according to the AC's opinion. Moreover, it will admit the application of the political and civil mechanism for achieving the CC's recommendations, which reflects this issue respectively (see the 9, 156, 157 pp. of the Opinion).

The Moldova's tendency for domestic integration is based on fundamental values and dispositions of the European integration regarding the several domains, like: unity achievement under the circumstances of diversity, sustain of the cultural, linguistic, religious and spiritual diversity, being the European common heritage, as is noticed in the **Action Plan " Republic of**

Moldova – European Union". This plan, adopted for a two years period, is the first step towards Moldova's cooperation and economic, politic and legislative partnership with the European community. On 22 February, 2005 in Brussels, during the 7th Session of the Council for cooperation Republic of Moldova – European Union, were signed the recommendations regarding the implementation of the Action Plan "**Republic of Moldova – European Union**". This Act was signed by the Moldova's prim-minister, Vasile Tarlev.

The paragraph on "Human rights and fundamental freedoms" of the section 2.1 "The political dialog and reforms" includes the following actions:

- ensure effective protection of rights of persons belonging to national minorities (p.4 of the Plan);
- appropriate response to conclusions and recommendations of relevant Council of Europe structures and experts on state of compliance by Moldova with the *Framework Convention for the protection of national minorities*; put in place and implement legislation on anti-discrimination and legislation guaranteeing the rights of minorities, in line with European standards (p.4 of the Plan);

The plan mentioned above includes also the section 2.2 "Co-operation for the settlement of the Transnistria conflict", which contains several suggestions regarding the peaceful arrangement of the conflict (p.16 of the Plan).

The Republic of Moldova has adopted and approved the National Plan for implementation of the Action Plan "Republic of Moldova – European Union", including the concrete measures, which the Republic of Moldova should takes in order to assure the rights of national minorities.

There was adopted a **National Program for social-economical development of the village "Satul moldovenesc" for 2005-2015 years**, according to the President of the Republic of Moldova's Decree No.2044-111, October 15th, 2004, regarding the Year of Local Communities from the Republic of Moldova.

The Department of Interethnic Relations has elaborated a number of recommendations for implementing the above mentioned Program. These recommendations comprise several domains, like the harmonization of interethnic relations, maintaining the ethno-cultural diversity, functioning of the state language and the language of national minorities. It includes, also, the implementation of the *Law on the Rights of people belonging to national minorities and the legal status of their organizations*, spreading the Moldova's National policy Concept within rural settlements, the contribution on the linguistic centres' activity for learning the state languages by adults in rural settlements; contains other methodical actions, which follow the Advisory Committee's recommendations (see the pp. 55, 97, 101, 107, 108, 119, 124 of the Opinion).

In its Opinion, the Advisory Committee noticed about an important progress regarding the integration of Gipsy population within the Moldova's society. Nevertheless, we are not agreeing with the AC's opinion, which mention that the Government's Decision "About some measures on support of the Gypsy of the Republic of Moldova" (no. 131 of 16.02.2001) has no significant results (see p. 45 of the Opinion). This Decision is the first step in the organizing process of the state system for Gipsy support, which stipulates concrete measures directed to the improvement of the social status of the Gypsy living in the republic. These measures are mentioned also in the Moldova's Report (May, 2004).

The activity on creation of NGO's of the persons belonging to the Gypsy minority has increased. 10 ethno-cultural organizations of the Gypsy having the republican status, had been accredited in January 1st, 2005 at the Department of Interethnic Relations. Leaders of these NGO's are members of the Coordinating Council of the public ethno-cultural organizations. With the Government's financing, a lot of projects are launched in respect of repairing of the roads, wiring of gas and electricity in settlements where the Gypsy are living.

The project of *Action Program on support of the Gypsy of the Republic of Moldova for 2005-2010* was adopted. This Program determines the continuance of the Decision no. 131 of 16.02.2001, and it will be coordinated, in the nearest future, with the local and central administrative centres of the Republic of Moldova, as well as with the Gypsy ethno-cultural organizations. The local and central administrative bodies are inquiring for further cooperation with the Council of Europe regarding the achievement of the AC's recommendations in respect of Gypsy's issues.

The Moldova's legislation determines the responsibility of the cases reflecting a **discriminatory** attitude, especially emanating from police towards the citizens, belonging to different ethnicity. Nevertheless, the AC noticed the cases reflecting a discriminatory and hostile attitude to the representatives of different ethnic groups, especially Gypsies. Taking into account the AC's recommendations and findings (pp.68-73 of the Opinion), the Ministry of Internal Affairs informs that one of the main activity of the domestic organs is the respect of human rights and the equal principles in front of law of all citizens, regardless of their national pertinence.

According to the comments of the Ministry of Interior Affairs, a cycle of methodical seminars "Respect of Human Rights", "Police's Ethics", "Implementation of the Code on Police's Ethics" was held together with the Centre for Human Rights in the Republic of Moldova, the UNICEF Program, the international experts of the Council of Europe; the seminars on the applying the Convention against threats or discriminatory acts, hostility or violence were also held, in this respect; and other forms of performance in the field of human rights.

At the moment, the Republic of Moldova is preparing the Report for implementation the International Convention on the Elimination of All Forms of Racial Discrimination, will be advanced to the UN Committee on the elimination of racial discrimination. The text of the Report is preparing together with the representatives of the ethno-cultural organizations of national minorities.

Taking into account the AC's recommendations (see pp. 22, 52, 89, 92, and 100 of the Resolution) regarding the satisfaction to the Ukrainian minorities' needs in studying native language, the Republic of Moldova will continue the constructive collaboration with Ukraine in supporting the Ukrainian population in the republic.

The activeness on frontier collaboration with the immediate settlements from Ukraine has increased. Thus, during the 2004, the Action Program for frontier collaboration between Republic of Moldova and Ukraine has been realized in the field of economy, culture, education, interethnic relations, customs services etc.

There were totally realized the stipulations of the Program for collaboration between the Department of Interethnic Relations and the State Administration of Odessa region in the field of supporting the national minorities, signed for a two year period (2003-2004).

During 2005 years, the negotiations for signing the Agreement between the Government of the Republic of Moldova and the Cabinet of Ministers of the Ukraine regarding the assurance of rights of persons belonging to national minorities were initiated.

For assuring more effective linguistic and cultural rights of the Lithuanians, belonging to a small national minority, the Department of Interethnic Relations signed, in 2004, the Program for collaboration with the Department for National Minorities and Emigration of the Republic of Lithuania. A similar program was signed with the Agency for Bulgarians abroad, under the Government of Bulgaria.

These actions will allow to use more efficient the potential for collaboration between states in order to put into practice the AC's recommendations regarding the national minorities, especially the Ukrainians, the smallest minorities, etc.

According to the AC's opinion, at the moment, in the Republic of Moldova is not finished yet the registering procedure of Islamic cult, an acceptable solution in response to the Tatar community's request for a Muslim cemetery hasn't been founded (see pp. 78 and 82 of the Opinion).

At the re-examinations of these issues, the administrative bodies of the Republic of Moldova will take into account all the AC's objections (see pp. 81, 84 of the Opinion).

The Advisory Committee has a true opinion, stating that media treatment is too often politicized and biased and still displays prejudiced stereotyping either of national minorities or of the majority in the way the mainstream public media reflect interethnic relations as well as issues of national importance (see pp. 66 and 67 of the Opinion).

The legislation in force of the Republic of Moldova determines the responsibility of media for incitement of interethnic dissension, but doesn't allow law enforcement bodies of the Republic of Moldova to set the political course of the media, including the encouragement to play a positive role on preservation of the interethnic harmony.

Examining the teaching process of national minorities' languages, the positive developments were mentioned. Although, not all the issues were solved, especially with regard of smaller ethnic groups, we have still problems in terms of training for journalists with respect to minority's language, and less economic possibilities of our state. Regarding the AC's recommendation of the Article 9 of the Framework Convention (see pp. 89-92 of the Opinion), the Coordinating Broadcasting Council, together with the other organs will take the adequate measures.

The Republic of Moldova expresses its gratitude to the Advisory Committee for high estimation of our positive developments and tendencies regarding the linguistic policy, functioning of the language of national minorities, educational system of national minorities, and the process of intercultural education and cultural teaching. Moreover, the objections and recommendations regarding the Articles 10, 12, and 14 of the Opinion, expressed in the Framework Convention are real and legitimate, according to the present situation in the Republic of Moldova.

The Moldova's adherence to the Bologna's process, will contribute to the efficient measures of implementation, suggested by the Advisory Committee in respect of education. The Republic of Moldova has received the official invitation at the Conference of ministries of education from

European states, that will took place in Bergen, Norway, in May, this year. The Moldavian delegation will consist of the ministry of education, the chancellor's representative and the students' representative. The Conference will examine the Moldova's perspective of the adherence to the Bologna's process. It will facilitate to adjust the national system of higher education in line with European standards, as well as to increase the national higher education quality and teaching quality of specialists from different spheres of education.

Within the "SALT" Program, achieved in 2004, at the initiative of the state's President, 468 schools were connected to the global net – Internet. At the end of 2005, other 1151 institutions will be connected, too. The Program foresees the implementation of the informational and communicative technologies within schooling education system, modernization of the educational system, regardless of their training language, the promotion of the educational technologies, which will contribute to the educational system's improvement, including for the national minorities.

The section 2.7 "People-to-people contacts" (pp. 75, 76, 77) of the "Republic of Moldova – European Union" Action Plan and the National Program of its implementation contains a lot of concrete measures regarding the cooperation in the humane field: enhance youth exchanges and cooperation in the field of non-formal education for young people; intensify cultural exchanges; increase promotion of intercultural dialogue, youth exchanges and co-operation in the field of non-formal education through the YOUTH program; develop a dialogue on cultural diversity; sustain the cultural diversity with the Media participation. The mentioned actions correspond with the CC's recommendations regarding the education of national minorities and will contribute to the further implementation of the Framework in the Republic of Moldova.

The state administrative organs examine and use the experience of the European Union member states in order to achieve the main objectives regarding the integration in the European community. Thus, on March 29-31st of this year, a group of experts from Lithuania consisting of 20 representatives from different state structures, visited Moldova. The aim of this official visit was the improvement of collaboration in respect of European integration.

A lot of bilateral meetings took place at the Department of Interethnic Relations, the National Centre of Terminology, the Ministry of Education, the Linguistic Institute of the Moldova's Academy of Science, in co-operation with the representatives of the Centre for language teaching from Latvia. Within this visit, the issues regarding the improvement of the state language were discussed, such as teaching of the state language, developing the legislative base in respect of the language teaching, determining the evaluation degree of the state language knowledge etc. Following the experience of Latvia, the Republic of Moldova would establish the necessary measures for improvement its ethno linguistic situation. Also, it will facilitate Moldova's efforts to the implementation of the State Plan for teaching of the state language by national minorities, according to the AC's recommendations (see the pp. 123, 124, 163 of the second Opinion).

The extension of the functioning of the state language sphere has to be mentioned. In this regard, the results of ethno linguistic survey *pilot* will contribute to the further development of the state language. This survey is performed according to the Common Session's Decision of the Parliamentary Commission for human rights and national minorities, the College of the Department of Interethnic Relations, and the Ruling Committee of the Coordinating Council of the ethno-cultural organizations (CDO-6 nr.278 at 27 July, 2004). The survey's results confirm the existence of stable positive developments in the Republic of Moldova. Moreover, the

survey's results can be used for the activity improvement of the public administrative organs, higher institutions and other institutions, at regional level, as well as for the whole territory of the republic, in line with the AC's objectives and recommendations.

At the same time, the Advisory Committee welcomed Moldova's efforts to protect national minorities in the field of education, ethno linguistic, social, economic and political processes. Moreover, the Moldova's official organs, responsible for improving further the implementation of the Framework Convention, are examining the concluding remarks and recommendations of the second Opinion (see pp. 156-163).

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the Opinion of the Advisory Committee, the Moldova's administrative authorities would examine the present possibilities in taking the adequate measures, contained in the 163 p. of the Opinion. These are the following:

- examining the shortcomings which still exist in implementation of the Law on National Minorities and the other laws governing the protection of national minorities, and taking the action needed to ensure that they are effectively applied in practice, at central and local level;
- stand against discrimination and promote tolerance and intercultural dialogue, through more effective monitoring and law enforcement in these areas, the same as further awareness-raising measures, inter alia addressed to the police and the media;
- secure a more balanced use of the minority languages (Ukrainian, Russian, Gagauz, Bulgarian etc) and the language of interethnic communication in fields such as education, media and relations with the administrative authorities;
- solving issues in respect of the quality of the education provided for persons belonging to national minorities, including teaching of the State language for them, publishing the school textbooks in minority languages, taking additional measures regarding teacher training and reinforcing the multicultural dimension of education;
- increase more effective participation by persons belonging to national minorities in public affairs, including the numerically smaller national minorities;
- find concrete solutions to problems faced by the Roma population, in particular in the socio-economic and educational areas at central and local level.

Within the Second Monitoring cycle, the Department of Interethnic Relations - a central public administrative body, which promotes the state policy of the Republic of Moldova in the field of interethnic relations, have coordinated the process of promoting and implementing the Framework Convention. The Department co-operates in this regard with the other public administrative bodies, including the local public administrative organs, nongovernmental organizations of national minorities, and other state and public institutes.

In order to promote an inclusive and transparent process in the implementation of the Framework Convention, and to make the present Opinion public, according to the recommendations of the Advisory Committee, the authorities has taken the following measures:

- the Opinion text has been translated into both State and Russian languages;
- the Opinion was published in the Governmental newspaper “Независимая Молдова”, at 20 of January, 2005;
- at January 19th, 2005, the round-table on “The Framework Convention for protection of national minorities: the second Opinion of the Advisory Committee of the Council of Europe for Moldova” took place, in co-operation with the representatives of the central and local public administrative organs, including those of *Gagauz-Yeri* and *rayon Taraclia*, the leaders of the ethno cultural organisations of the national minorities, and the media;
- the text of the Opinion was submitted to the central and local public administrative organs for expressing their opinions regarding the recommendations of the Advisory Committee in field of education, culture, media, Roma’s issues, and other issues on the rights of national minorities.

The Moldova’s authorities look forward to continue its collaboration with the Advisory Committee (including the financial support) in order to organize some concrete actions in promoting the Opinion and applying its recommendations, as follow:

- the methodical teaching seminars (within the regions, closely populated with national minorities);
- the publishing edition of the second Opinion in the minority languages: Ukrainian, Russian Gagauzian, Bulgarian, Roma, and the Russian language as the language of interethnic communication;
- the republican Seminar (in Chisinau) in coordinating with the representatives of the Advisory Committee of the Council of Europe and the representatives of the central and local public administrative organs;
- the teaching seminar cycle on issues regarding the promotion of tolerance in the media, in accordance with the principles of intercultural education, and consolidation of the civil society;
- the financial and advisory support in order to find concrete solutions to problems faced by the Roma.

The Advisory Committee’s sustaining of the actions mentioned above will contribute to the performing of the specific needs of national minorities’ socio-cultural interests, increasing the effective implementation of the national and international legislation in force, as well as the continuance of the implementation process of the Framework Convention for protection of national minorities in the Republic of Moldova.