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**NON-DISCRIMINATION REVIEW UNDER THE STABILITY PACT
FOR SOUTH-EASTERN EUROPE**

REPUBLIC OF MOLDOVA

PRELIMINARY ASSESSMENT REPORT

*Directorate General of Human Rights
Secretariat of the Framework Convention
for the Protection of National Minorities*

The opinions expressed in this work are those of the authors and do not engage the responsibility of the Council of Europe or any of the organs established by the Council of Europe. The texts enclosed are those as submitted by the Moldovan expert group.

I. BRIEF SUMMARY OF DISCRIMINATION ISSUES IN MOLDOVA

The Republic of Moldova declared its independence simultaneously with the disintegration of the Soviet Union, in 1991. In conformity with art.1, par.3 of the Constitution, Moldova was declared a democratic State, based on the rule of law, in which a person's dignity, rights and freedoms, a free development of a human personality, justice and political pluralism are supreme values and are guaranteed.

Side by side with other States of the post-soviet space, the Republic of Moldova acceded to the majority of the international acts relating to economic, political, cultural and other kinds of collaboration both of world and European importance, including the European Convention on the Elimination of All Forms of Racial Discrimination (the Parliament decision Nr.707-XII of 10.09.91, in force 25.02.93). The Republic of Moldova is also a party to many other regional and bilateral conventions, treaties, and pacts.

Our domestic legislation with regard to property, trade activities, currency, banking, political and governing systems has undergone positive radical changes. Unfortunately, legislative and legal reforms of the last ten years have usually a fragmentary character. The draft laws being developed by separate working groups, some normative acts from one domain contradict other ones from other domains. However, these reforms have led to some success regarding the democratization of our society, political pluralism, and the co-operation of our State with other States and with international institutions.

But, despite these positive results in the economic and political life of our society, presently the Republic of Moldova passes through a transition period, extremely difficult from the politic, economic and social points of view.

The country's economy is plunged into a deep crisis, characterized by the decline of production and labor productivity in all economic fields, by a high level of discrepancy between supply and demand, by the lack of internal and external investments, as well as by a low technical and technological production potential.

Being a young State, not having a clearly defined legislative and political conceptions, the Republic of Moldova is confronted, during these years of sovereignty and independence, with the problem of political and administrative disagreements, appearing as a result of a kaleidoscopic change of governing parties with different political views, sometimes diametrically opposite, which every time bring in considerable changes both in political-cultural domain of the society and in the administrative-territorial structure of the State. As examples we can mention here:

- Parliamentary elections ahead of schedule during the last ten years (in 1994 and 2001);
- administrative-territorial reforms during the last ten years, firstly it was carried out the transition from regions to judetses in 1999, and then backs to regions in 2002;
- elections ahead of schedule to the local bodies of public administration, caused by a new administrative-territorial reform foreseeing a return to regions, which had to take place in April 2002 and in which 30 parties and political movements were going to participate, but which were cancelled due to the decision of the Constitutional Court of 18 February 2002 stating that these elections are not constitutional;
- lately appeared tension between different political forces of Gagauzia autonomy, that have a negative influence on the relations between this autonomy and the central governing bodies of Moldova;
- the conflict between the state authorities of the Republic of Moldova and the transdnestrian separatists, which drew a boundary-line along the region of Moldova located beyond the left bank of the Dniester, where the human rights are not observed, the nationals of the Moldovan origin are forced to study their mother tongue using the Cyrillic alphabet and are limited in a free movement all over the country, as well as in a free communication with governmental and non-governmental representatives;
- protest strikes in January-February 2002 in Chisinau of studying youth and didactic personnel against the order of the Ministry of Education of August 2001, which had to be in force on 1 February 2002 and which foresees the compulsory study of the Russian language in all republic's schools beginning with the second form; the Government decision on the substitution of the subject "Romanians' History" with "Moldavian History" in the curriculums of all levels is also the reason for these strikes.

The factors and circumstances mentioned above, together with other ones, lead to some grave negative consequences, manifested through a significant decrease of economic efficiency, of the productivity of the state machinery activities, of population living standard, as well as through the increase of social instability and of uncertainty about the future.

Being aware and realizing the situation in the country, the working group has decided to reflect in the present report the following aspects:

1. Discrimination on the basis of access to education in minority languages;
2. Discrimination on the basis of membership to an unrecognized religion by the State.
3. Discrimination through the access to education in the mother tongue in private and public education system in the Transdnestrian region.
4. Discrimination of Roma with regard to access to public services, educational system and asset generation.
5. Discrimination on the basis of use of minority languages with regard to local public administration;

The working group has decided to reflect namely these problems on the present stage, since they, firstly, have provoked the large public manifestations during the last months, secondly –they concern the forming of social consciousness and a good mutual understanding among diverse ethnicities and social groups living together on the territory of the Republic of Moldova.

II. TARGET AREAS OF STUDY

2.1 Discrimination for the Reason of a Membership of a Cult Unrecognized by the State

The legislation of the Republic of Moldova as a whole and in particular the part that regulates the freedom of consciousness seem to be, at first sight, absolutely democratic and do not contain any discriminating provisions. But, a more detailed analysis of the legislation and especially of its application by the Moldovan national authorities shows that there are still many voids in the domain, which follow to be identified and excluded for the purpose of stopping and preventing the discrimination of persons for the reason of a membership of a cult unrecognized and disapproved by the State.

If we speak about the legislation in the domain, the discussion should be started with the Constitutional provisions. Thus, art.16, par.2 of the Constitution of the Republic of Moldova stipulates:

“(2) All the nationals of the Republic of Moldova are equal before law and public authorities, without distinction on the basis of race, nationality, ethnic origin, language, religion, sex, and opinion, membership of a political party, property or social origin”.

In general, this article formulates the principle of non-discrimination for the reasons indicated in it. It could seem that these reasons are sufficient, but, still a question arises: are these reasons exhaustive or not? In case when some other reasons, not indicated in art.16, par. (2) of the Constitution, were the basis of an eventual discrimination, would it be legal or not?

Art. 31 of the Constitution of the Republic of Moldova guarantee the freedom of consciousness:

“(1) The freedom of consciousness is guaranteed. It should be manifested through tolerance and a mutual respect.

(2) Religious cults are free and organized in accordance with their own statutes, on the basis of law.

(3) Any manifestations of hostility in the relations among religious cults are prohibited.

(4) Religious cults are autonomous, disestablished and enjoy the support of the State inclusive the facilitation of religious assistance in the army, hospitals, prisons, asylums, and children’s homes”.

These two Constitutional provisions create the impression that the possibility of discrimination for the reason of a membership of a religious cult is completely excluded on the Constitutional level. Still, in conformity with art.31, paragraph (2) of the Constitution, in order to avoid the possibility of discrimination, i.e. that one cult be equal to other cults and be recognized by the State, it should be registered, in conformity with the Law about cults, by the State Service for the Cult Issues, which is a body within the Government of the Republic of Moldova.

Thus, art.14 of the Constitution stipulates:

“In order to be organized and to function, cults have to be recognized through a Government decision”.

And here the problems appear.

First of all, in conformity with the civil law, there are two means of the registration (recognizing) of juridical persons: through a notification and through a permit (authorization). The procedure of the registration through a notification is the following: a juridical person submits all the necessary documents to the authorized body and from the moment of the submitting of the documents a juridical person is considered registered, without waiting a special confirmation from the authorized body about the registration. The registration through a permit foresees that a juridical person has to submit all the necessary documents to the authorized body and to wait till this body issues a document, certifying the registration of a juridical person and permitting the beginning of this person’s activity.

In the Republic of Moldova the registration of juridical persons, including cults, is carried out through the issue of an authorization.

Everything is all right when this problem concerns the registration of commercial organizations. On the other hand, when the question is the registration of a cult, the national authorities meddle with the right of persons to a free consciousness and to the association in religious cults, adducing different arguments, which does not stand up to any criticism.

Thus, on 13 December 2001, the Republic of Moldova was already condemned by the European Court for Human Rights for the violation of art.9 and art.13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms as a result of the refuse to register the Metropolitan Church of Basarabia.

Or, the refusal to register a cult, which is not covered by art.9, par.2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, leads not only to the violation of the right to the freedom of consciousness or religion, but also to the violation of the right to the freedom of thought, of expression, of association, to an effective appeal, to the protection of property.

Unfortunately, a vicious practice of the authorities of the Republic of Moldova concerning refusals to register cults without any legal basis is continuing – despite the fact that the European Court already condemned the Republic of Moldova for Human Rights for not registering the Metropolitan Church of Basarabia. Presently, the State Service for Cult Issues refuses to register the Spiritual Leadership of Muslims, violating in such a way the rights of a larger number of persons willing to associate in a cult with a view to enjoy together the right to the freedom of religion.

It should be mentioned, that these are only the cases, which became well known since these cults were not agree with the refusal of the national authorities to register them and initiated judicial procedures. However, we suppose that similar cases, not known generally, took place and the peril of their reiteration persists.

In order to prevent for the future the possibility of the violation of human rights as a consequence of the refusal of the national authorities to register a cult, a profound study of the legislation and of the practice of its application is necessary in a view to identify the existing voids, to formulate recommendations or to modify the legislation itself or to prohibit the application of the existing legislation in a manner, which leads to the violation of human rights.

2.2 Equality on the Level of Languages Use

2.2.1 Legal Framework of Functioning of Languages in Areas Compactly Populated by Minorities

The problem of non-discrimination concerning the use of languages is very acute for the Republic of Moldova.

In 1989 the movement for independence began. As a result of this movement, on 31 August 1989 the Law on the status of the State language of the S.S.R. of Moldova, the Law on the return of the Moldovan language to the Latin alphabet, and the Law on the functioning of the languages spoken on the territory of the S.S.R. of Moldova were adopted. In conformity with these Laws different legislative measures on the return of the language spoken on the territory of Moldova to the Latin alphabet and on its legalization as the State language were undertaken. At the same time, due to some circumstances, this process was not completed in full – it had not been encouraged that in the areas compactly populated by minorities the respective languages are used in relation with public authorities and administrative procedures.

Some measures for the assurance of non-discrimination regarding the use of the languages of the national minorities on the Moldovan territory were taken. But this was made in such a way, that all other languages used on the Moldovan territory, despite the State language, were discriminated in comparison with the status, given to the Russian language. Thus, art.3 of the Law on the functioning of the languages spoken on the territory of the S.S.R. of Moldova stipulates:

“The Russian language, as a communication language among the peoples of the former Soviet Union, is used on the republic’s territory together with the Moldovan language as a communication language among different nations, what assures a real national-Russian and Russian-national bilinguals”.

This situation was also legalized through the adoption, in 1994, of the Constitution of the Republic of Moldova, art.13 of which stipulates:

- “(1) The State language of the Republic of Moldova is the Moldovan language on the basis of the Latin alphabet.
- (2) The State recognizes and protects the right to preserve, to develop and to speak the Russian language and other languages, spoken on the territory of the State.
- (3) The State facilitates the study of the languages spoken world-wide.
- (4) The mode of the functioning of languages on the territory of the Republic of Moldova is stated through the organic law”.

Thus, the Constitution of the Republic of Moldova has also legalized the term “the Moldovan language”.

At the same time, the Constitution in the mentioned above art.13, paragraph (2), has accentuated the privileged status of the Russian language in comparison with the other languages of the national minorities, through the specification of the fact that the State recognizes and protects the right to preserve, to develop and to speak the Russian language and other languages.

On 19 July 2001, the Parliament of the Republic of Moldova adopted the Law regarding the rights of persons belonging to the national minorities and the legal status of their organizations. According to the name of the Law, it could seem that this was adopted for the noble purpose – the protection of persons belonging to the national minorities, but its content demonstrates that through this Law the Russian language de facto acquired the status of the second State language. This language was imposed on all the population of the Republic of Moldova, including the localities where other national minorities compactly lived. Thus, the Russian language has been promoted in all the spheres of the Moldovan social life, while other languages of the national minorities remained without any attention.

Areas of south of Moldova, where Gagauz and Bulgarians populate compactly, Northern parts of Moldova, where Ukrainians concentrated compactly require special consideration with regard to the use of respective minority languages in the local public administration and even beyond.

All these activities result in the discrimination of other languages of national minorities, including the State language, in favor of the Russian language. This fact provokes tension among population, which can lead to unforeseen circumstances.

2.2.2 Access to Education in a Native Language in the Eastern Region of Moldova

The authorities of the Transdnestrian region of the Republic of Moldova institutionally and legislatively promote an extremely suppressive and discriminating practice towards Moldovans. Moldovans constitute 42% of all the population of the region, Ukrainians –28%, and Russians –23%. According to the local legal provisions on the functioning of languages and on education in the Transdnestrian region, “the Moldovan (Romanian) language based on the Latin alphabet is forbidden in all general schools”. Therefore, all general schools, the process of education in which was conducted earlier in the Moldovan (Romanian) language on the basis of the Latin alphabet, have been teaching using the Cyrillic alphabet since 1992. For the private schools teaching in the Moldovan (Romanian) language, there were created discriminatory economic conditions, in some cases the authorities withdrew their licenses. All schools that still use the Latin alphabet (Tiraspol –20 schools, Grigoriopol –1 school, Bender –12 schools, Dubasari –3 schools, Lunca school, Rochi school, Ribnitsa –19 schools) are excessively pressured by the authorities, some parents had to take their children from these schools.

Three “State languages” – the Russian, Ukrainian and Moldovan on the basis of the Cyrillic alphabet function officially in the Transdnestrian region of the Republic of Moldova. The education process on the basis of the Latin alphabet has been prohibited. This means that the students from the Moldovan

schools are obliged to study using the Cyrillic alphabet and textbooks published during the Soviet period. On 15 September 1995, the Transnistrian authorities adopted the Decision Nr. 332, under which the schools, in which education is conducted in Moldovan (Romanian) on the basis of the Latin alphabet have been prohibited on the territory of Transnistria. The “Presidential decree” Nr. 145 “on the re-registration of the educational institutions on the territory of the Moldovan Dniestrian Republic” of 5 April 1999 foresees further restrictions on the functioning and registration of the mentioned above schools.

Out of 94 Moldovan schools (14 of them are mixed – Moldovan-Russian) from Transnistria with about 55.000 students only 7 schools (4.755 pupils) teach in the Moldovan (Romanian) language on the basis of the Latin alphabet in accordance with the study program of the Republic of Moldova. Parents and teachers as a result of protracted negotiations with the participation of OSCE mission have obtained this right. These schools are situated in Ribnitsa city, Rochi village, the school from Dubasari city has been evacuated and is presently situated in Cocieri village, Corjova village, Grigoriopol – alternative school, Tiraspol – school Nr.20, Tighina – school Nr.19. The staffs of these schools are permanently intimidated. On 30 June 1998 the Tiraspol city soviet adopted the decision on the discharge of the staff of school Nr. 20 starting with 10 July 1998.

The Moldovan schools are working in inappropriate buildings. In the school Nr. 20 of Tiraspol 889 pupils study in 9 classrooms in 3 sessions (while 33 more classrooms are necessary). Through the Decision of the Tiraspol “city soviet” of 25.09.97 the Moldovan school Nr.20 was refused additional rooms. In the secondary Moldovan school Nr. 19 of Bender 2.004 pupils study in 3 buildings. 27 classes comprising 752 pupils do their lessons in the building of the forestry management, which is far from complying with the elementary sanitary-hygienic norms. Currently, about 250 children from Bender are compelled to go to school in Hagimus village.

Seven private Moldovan schools are officially working according to the DMR “legislation” (using the Cyrillic alphabet and on the basis of textbooks published in the USSR). In reality, pupils are studying on the basis of the Latin alphabet using textbooks published in the Republic of Moldova. Children have to carry with them two sets of textbooks. If any control occurs, only textbooks in the Cyrillic alphabet are on the desks. Without any chance to resist to the pressure of the unconstitutional separatist regime, parents and teachers have decided to use this way of fighting for the right of their children to study in their mother tongue. The children are, thus, forced to develop a schizophrenic behavior, which eventually leads to resentment against the Russian speakers.

The Tiraspol administration persecutes any attempts to teach in Moldovan (Romanian) using the Latin alphabet in the educational institutions. According to the order of “the ministry of education” of 17 March 1999, L.P. – a lecturer of the Moldovan (Romanian) language of the Bender Pedagogical College has been dismissed for “a serious violation of the DMR legislation on linguistics”, in other words, for the promoting the Latin alphabet in the educational institution. The dismissal has been preceded by the numerous threats on the phone and in November 1998 she was aggressed in the building where she lived, robbed and beaten. Obviously, the reason of the dismissal written in the labor book does not leave her any chance to be employed by any institution within the territory controlled by the separatists’ regime.

As an example, the director of the only Moldovan school in Slobozia (about 25.000 inhabitants) supported the wish of parents to conduct the education process in the Moldovan (Romanian) on the basis of the Latin alphabet and to organize an evening-school for adults, who wanted to learn the Latin alphabet. In early autumn (September 1996) he was fired and forced to leave the region (as were forced many other people, not supporting the separatists’ regime, through threats, assaults, etc.). The school was closed on the ground that the heating system was not in order; all books were arrested over the night and deposited elsewhere. Children were spread for three weeks in two other non-Moldovan schools to study in the evening hours. Parents were on strike for this period of time. The local authorities appointed a new director – devoted to separatists and not admitting the Latin alphabet.

One of the decisions of the “Supreme Soviet of DMR” relating to education issues states: Having examined and discussed the report of V.N. Iakovlev, with regard to the fact that in some Moldovan schools the education is conducted in Romanian (using the Latin alphabet) on the basis of the study programs of the Republic of Moldova and Romania, it is decided: - to oblige the Government, the

executive organs, and the controlling organs to take measures to suppress the violations of the Laws “On Education” and “On the functioning of the official languages in DMR” and to call culprits to the account; to oblige the deputies of the Supreme Soviet of DMR and the deputies of local soviets to strengthen the propaganda on enforcing the Laws of DMR “On Education” and “On the functioning of languages in the Dniester Moldovan Republic”.

Thus, it can be concluded that the transdnestrian authorities have adopted and are promoting the policy of doctrines with regard to Moldovans, alleging that the Moldovans from the left bank of the Dniester are a separate nation from the ethnic, linguistic, and cultural points of view and calling them the Romanized Moldovans. The transdnestrian authorities take discriminating measures through the economic assistance of the Moldovan schools with the education on the basis of the Cyrillic alphabet and curriculums of seventies-eighties and through the promotion of Moldovans, which “think correctly”. The number of the Moldovan schools is much lower than the number of Russian schools.

The question about the right to use the Moldovan (Romanian) language verbally, in public, during demonstrations or in written form using the Latin alphabet can not be discussed. The transdnestrian authorities forbid to use the Latin alphabet in the Moldovan schools, put some discriminating economic conditions for the private Moldovan schools using this alphabet. There were reported the cases when these schools were closed in a forcible manner. The Moldovan language is not used in public or administrative issues and none of the documents is translated in Moldovan, with the exception of the Constitution of the, so called, Dniester Moldovan Republic. Though the Moldovan and Ukrainian languages enjoy the status of official languages, their active or passive utilization is equal to zero.

2.2.3 Native Languages in the Field of National Minorities Education

It is universally recognized that education is a keystone in the preservation of national identity, in the development of culture, and finally in the preservation of any ethnos. For the ethnos that are national minorities within one or another State, the problem of education and of their mother tongue’s place in the process of education is a vital one. Therefore, in the late eighties at the beginning of nineties the national elites of the most numerous ethnic communities of the Republic together with the Moldovan intellectuals raised the question about the revival of native languages and the creation of conditions for their study and functioning. The Law regarding the functioning of languages adopted by the Parliament in 1989 and the State Complex Program providing the functioning of languages on the territory of the Republic of Moldova were the first legal acts regulating this issue settlement in our country. The main provisions: about the right of national minorities to the study of their native language and to the education in their native language, about parents’ right to choose the language of education for their children, about the liabilities of the State to create the necessary conditions for the study of native languages, for education in native languages, for the learning of the State language, for receiving information in native language, and so on were consolidated, broadened and concretized in the Constitution of the Republic of Moldova, in the Law with regard to education, in the President’s Decrees and the Governmental decisions regarding the development of Ukrainian, Russian, Jewish, Bulgarian and Roma cultures in the Republic of Moldova, in the Law with regard to the rights of persons belonging to national minorities and their organizations’ statuses and in other legislative and normative acts. The foreseen guarantees are considerably supported by the fundamental international acts, such as the Universal Declaration of Human Rights, the European Convention on the Protection of Human Rights and Fundamental Freedoms, the UN Declaration on the Rights of Ethnic and National Minorities, Religious and Linguistic Diversity, the Convention on Struggle against Discrimination in the Field of Education, the European Framework Convention for the Protection of National Minorities and others, to which the Republic of Moldova has acceded for these years, and, thus, assumed the guarantees of their observance and implementation and recognized their priority on the territory of the Republic of Moldova.

As a whole, the legislative and normative basis developed in the Republic of Moldova is quite a democratic one and does not contradict the European standards – the fact, which is generally recognized, including the international experts. At the same time, the real situation is evidence of the fact that the legislative provisions are not reflected in the normative acts issued on their basis, in the instructional acts, in the governmental programs, and consequently are implemented on the minimum, fragmentarily, not providing continuity and integrity which leads to non qualitative results and can entail the discredit of the

idea of native language study and of the competitiveness of education in native language. Therefore, we consider that additional concrete measures on the consolidation of the education of national minorities in the field of native languages, history, and culture study, on the creation of conditions for education in native language, on the securing of continuity in education, on the application of a scientifically grounded approach to the study of languages in the schools for national minorities are absolutely essential.

Moldova is a poly-ethnic State, unique in its way, since three world cultures: Romanic, Slavonic, and Turkic are peacefully interlaced here. The considerable part of the population of Moldova (35.5%) is represented by national minorities. According to the data of the last official census, carried out in 1989, side by side with Moldovans – 64.5% , ca. 13.8% of Ukrainians, 13% of Russians, 3.5% of Gagauz, 2% of Bulgarians, 1.5% of Jews as well as the representatives of other minorities: Roma, Germans, Poles, Belarus, and others reside in the Republic of Moldova.

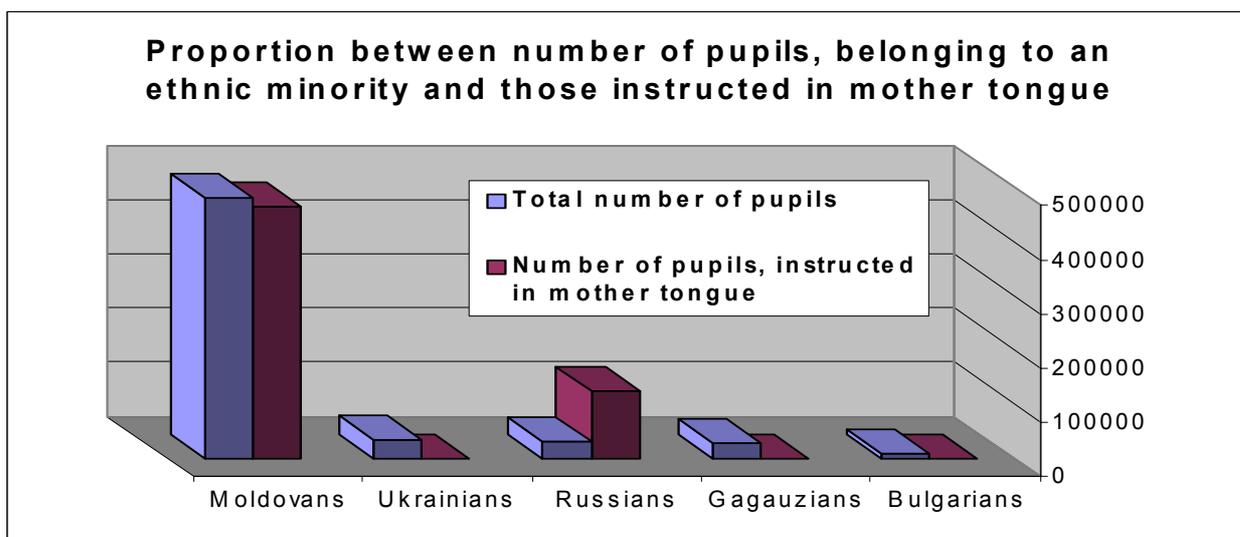
During soviet times two languages: the Moldovan and the Russian were utilized in the education system. This situation remains till nowadays, though the ratio has changed in favour of the Moldovan (Romanian) language (if in 1989 ca. 59.4% of students were taught in the Moldovan (Romanian) language and 40.6% - in the Russian language then in 2001 ca. 78% of students were taught in the Moldovan (Romanian) language and 21.8% - in the Russian language).

Thus, in the year 2001 of 1.116 pre-school institutions with 93.665 children, 789 institutions (60.983 children) functioned using the State language, 185 nursery schools (12.819 children) utilized the Russian language, in 140 mixed nursery schools separate groups using the Moldovan (Romanian) language and separate groups using the Russian language were functioning and only in one nursery school 80 children were educated in their native Ukrainian language, and in one 75 children were educated in their native Bulgarian language. The breach, at an early age, of the continuity in education in mother tongue together with other negative consequences lead to the delay in the development of a growing up personality and can not be justified by the fact that the child is prepared to the language, which he/she will use at school. It is generally known that a new language is learned much better if there is a good knowledge of native language. In Moldova the knowledge of native language is neglected, the parents being deprived of the right to choose the language of their child education at school already when he/she goes to a nursery school.

In our opinion the provision about the compulsory study of native language in the nursery school and about bringing up using native language requires a legislative securing and the creation of conditions for its putting into practice.

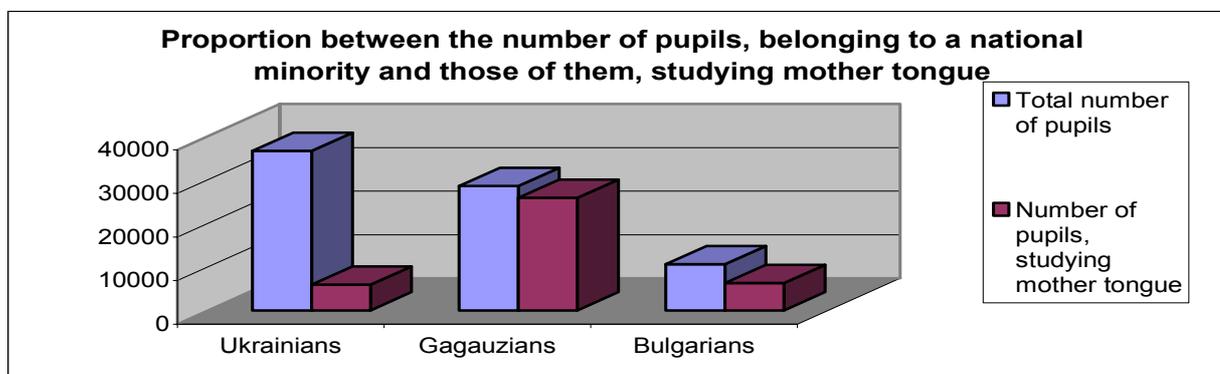
The same is with the pre-university education system where also only two languages: the Moldovan (Romanian) and the Russian are valuably represented. The majority of children, belonging to national minorities study at schools with the Russian language of teaching. Presently, 78% of the pupils of primary schools, gymnasia, secondary schools, and Lyceums study in the Moldovan language, 21.8% (131.574) – in the Russian language, 0.06% (374) – in the Ukrainian language, 0.02% (171) – in the Bulgarian language. Ivrit and Yiddish are studied only in two schools.

Table 5



Currently, in Moldova the children of Ukrainians, Gagauz, and Bulgarians study their mother tongues mainly as a subject in the schools with the Russian language of teaching. The Ukrainian language is studied in 34 schools and 3 Lyceums (5.984) (without the transdnestrian region); The Gagauz language is studied in 36 schools and 16 Lyceums (29.483); The Bulgarian language is studied in 27 schools and 3 Lyceums (7.925).

Table 6



The attempt to form classes with the Ukrainian and Bulgarian languages of teaching has shown, one more time, the advantages of education in native languages, even in conditions when there is the lack of a proper training and didactic aids, as well as of skilled personnel. But, as the State has not provided the necessary assistance, it has become impossible to increase the number of classes, in which the education process would be carried on in the Ukrainian, Gagauz, and Bulgarian languages. So, the training of personnel for teaching in the Ukrainian, Gagauz, and Bulgarian languages in the pre-school institutions and primary classes is carrying out, the corresponding chairs at the institutes of higher education for the training of specialist on the Ukrainian, Gagauz, and Bulgarian philology were set up, but the training of specialists on other school disciplines has not been thought out properly. The textbooks only of native languages are worked out and printed; the textbooks of the other disciplines are not translated into the languages of national minorities as was foreseen earlier. Only the textbook of mathematics for the first form was translated into the Ukrainian, Gagauz, and Bulgarian languages and printed in 1997. The history

and culture of national minorities are not taught in their schools despite the repeated requests of the representatives of national intellectuals and of the leaders of national communities.

The professional and technical personnel training system, where currently also only two languages: the Moldovan (Romanian) and the Russian are used, requires an analysis.

The problem of providing an equal access to higher education exists. Currently, on the level of normative acts and in practice there are obstacles limiting the access of the school-leavers of Russian schools to the college groups with the Moldovan (Romanian) language of teaching. (Some colleges receive the school-leavers of Russian schools only in the groups with the Russian language of teaching, others lay down conditions to pass entrance examinations only in the Moldovan (Romanian) language for the following study in this language, the right to choose the language for passing entrance exams is not foreseen in the Instruction of the Ministry of Education regarding entering the institutes of higher education).

The problem of the choice of language of defending a thesis for a Doctor's degree is also the subject for discussions. The complaints about the facts when the defending of a thesis was allowed only in the State language take place. The analysis of the Provision about the Supreme Attestation Commission and of the practice of its application is necessary.

The problem of the prohibition of the study of the Moldovan (Romanian) language on the basis of the Latin alphabet in the transdnestrian schools, what is a fragrant violation of the right of ethnic Moldovans, which constitute 42% of the population of this region, to the study of native language, and also prevents from the integration processes in the country requires a separate consideration.

In our opinion, the problems existing in the national minorities education sphere are the potential source of conflicts and their opportune and competent settlement will not only serve as a basis for the preserving of the national minorities' identity but also will contribute to the social integration of these people into the Moldovan civil society, to the preserving of the Moldovan nation's unity and to the consolidation of the Moldovan State system.

2.3 Roma: Access to Education, Public Services and Sources for Existence

Roma minority in rural areas and beyond¹: access to public services, to education system and to means of earning income (based on the examples of two Roma communities).

Roma have never been officially recognized and are considered a national minority. They differ from the other population through the peculiarities of culture, an unusual language and mostly through traditions. Despite the fact that the last official census, carried out in soviet times 1989, shows that the size of the Roma population in Moldova is ca. 11.600 persons, which is 0.3% of all the population, the real number is much larger and can be estimated around 150.000 which is supported by the Department for Interethnic Relations². They are considered to live disperse all over the whole country and can be found in such cities as: Chisinau, Otaci, Soroca, Balti, Edinet, Drochia, Riscani, Orhei, Calarasi, Nisporeni, Comrat, Ciadir-Lunga, as well as in the Transdnestrian region - Tiraspol.

It is deemed that about half of the Roma population of Moldova lives in compact rural communities. The situation of Roma in these communities is one of the most alarming problems concerning the minority rights. The estimated number of these communities is around 20 with population varying from several hundreds to thousands. In many cases the communities are component and physically indivisible parts of settlements, but frequently they form separate settlements being included administratively as satellites in predominantly non-Roma units. The real situation of these Roma settlements is unknown, as unknown remains the degree of the representation of the Roma interests in public policies. These communities are

¹ Based on Reports: Schinoasa Roma between miserable existence and neglected EXISTENCE, 2001 (Romanian), 20 pp. and THE STREETSIDE OF PUBLIC LIFE: REPORT ON THE URSARI ROMA COMMUNITY SITUATION, 2001 (Romanian), 20p. by the Moldovan Helsinki Committee for Human Rights

² Various data estimate Roma population from 2-3% (40 000) to 7-8% (100 000) of the total number of population of Moldova, which is about 4. 000.000.

disregarded and neglected, their interests are not represented in the processes of taking decisions, they lack self-administration to a slight possible degree exercised by a distinct cultural group^{3, 4}.

Material Situation

The material situation of the visited communities is extremely poor with respect to the generally accepted living standards and in comparison with the neighbour rural communities of Moldovans, Ukrainians, Gagauz, Bulgarians, Russians, where the material situation is relatively better. Paved or hard covered roads do not exist, thus the access to communities is closed during heavy rains or snows, especially in autumn, spring and winter. For instance, the Schinoasa community is situated a couple of kilometres off the main road, so the people of the community have to carry ill people in hands up to the main road, should they need an urgent medical intervention. Houses are scarce and extremely weak and apparently are likely to fall apart. Houses of three rooms are common, still people live in only one room during cold times and men stay outside during summer over the night. No running water or wells and no access to drinking water are general problems for the communities. In Schinoasa for a population of about 300 persons there are only 4 wells, of which only two are used for drinking purposes, but even there the water is visibly bad. In Ursari people complained about the drinking water from two wells: if it is left over the night, some sediment can be clearly seen. In the majority of cases electricity is not available for different reasons such as the lack of resources to pay or a destroyed electricity system. In Schinoasa the community has been totally disconnected from electricity for more than five years. In Ursari, as it is situated on the main road, only some of the people have electricity, mainly those who live closely to the next Moldovan village and around the school. As the local authorities strictly persecute for cutting trees nearby, leftovers of wood or manure is used for heating. In Schinoasa one man, having a family with three children, was sentenced to 6 months for cutting one dry tree to keep the worm of his house. People mainly use just basic alimentation foodstuffs, such as cornflower, potatoes and some vegetables growing during the summer. Humanitarian aid, when it reaches the villages, is a very important source for survival. Meat or fish is practically absent from the diet. Children wear nothing during warm times, during cold times they wear clothes donated through humanitarian aid. Second hand and humanitarian aid clothes are the main source for them. In the majority of cases, as in the case of Schinoasa and Ursari, no shops of any kind (food, clothes, medicine, etc) exist.

Access to Education System

Information comes only through people coming into and leaving communities, nobody subscribes to papers or listens to the radio, the cause being the lack of money to pay. Telephone connection does not exist in the majority of communities, as in Ursari and Schinoasa. In all the communities officially there are state supported primary schools with the Romanian language of teaching, in which from 20 to 50 children of various years study together in one or two rooms. In the most cases the allocations from the local budgets for the Roma schools are incomparably less than that ones for the non-Roma communities' schools and schooling. For instance, in the case of Schinoasa, the local authorities allotted 25 EURO per child from non-Roma community and 0.01 EURO, which is 200 times less, per child from Roma community. In Ursari the situation is a little better in comparison with the Schinoasa community. Children in the most cases have no books and other school accessories. In Schinoasa, during our visit, one child was crying after the paper we were writing on and took the paper. Education is carried out only in the State language. There is the lack of nursery schools in all the communities. Libraries contain a couple of hundred books, the majority of which is in the Cyrillic alphabet and only about 10-20% of books are written in the Latin alphabet. Teachers come in the communities' schools from other communities or from the nearby villages since a local person able to be a teacher or qualify for that rarely can be found. Children stay most of their childhood in the community not knowing where they live, the country of their origin, etc. We met a great many adolescents who could not read.

³ See for details Moldovan Helsinki Committee for Human Rights report: SCHINOASA ROMA BETWEEN MISERABLE EXISTENCE AND NEGLECTED EXISTENCE, 2001 (Romanian), 20 P.

⁴ See for details Moldovan Helsinki Committee for Human Rights report: ON THE STREETSIDE OF PUBLIC LIFE: REPORT ON URSARI ROMA COMMUNITY SITUATION, 2001 (Romanian), 20p.

Access to Assets and to Means of Earning Income

Land is the major asset and the source of survival in the rural communities. During the soviet times Roma communities had been given the status of localities without perspective, which put the people of these communities at a disadvantage as regards their economic and social situation. This practice was kept on after Moldova declared its independence. The people of the Roma communities did not take part in the process of land privatization due to the privatization policy pursued at that time. For instance, in Schinoasa only 5% of population qualified for privatization, which is 40-50 times less than the number of people qualified for privatization from non-Roma communities. As a result, the non-Roma communities obtained almost all-fertile land. In the majority of cases the central social assistance program is the only source for existence, though only several families qualify for it. No employment opportunities exist in the community or in nearby villages as Roma are considered only as season workers for day-to-day engagement.

Participation in public life

Roma representatives are not present in any local public governing bodies. All communities are administratively situated in local administrative units where they form a minority, i.e. less than 25% of all population. There are no Roma representatives and in the local councils due to the structure of the local election system. The Schinoasa Roma community, being a part of a larger administrative unit of Tibirica, composed of the Tibirica community, the Meleseni community and the Schinoasa community, constitutes 9% of the population of the Tibirica administrative unit and none of 9 counsellors come from the Schinoasa community. In Ursari the situation is similar and none of the counsellors come from the Ursari community while about 10% of the population of the administrative unit are Roma from Ursari.

Assimilation and the Right to Enjoy a Distinctive Culture

In many communities Roma use the Romany language in every day life, however in several communities we saw Roma assimilated to the population they live with. In Ursari Roma speak Romany and clearly identify themselves with Romany identity and culture, in Schinoasa Roma identify them as Romany but do not speak the Romany language. No education or study of Romany exists throughout the Roma rural communities of Moldova. The local authorities allocate ZERO from the local budgets for the cultural development of the Schinoasa and Ursari communities.

2.4 Access to economic opportunities in private sector

Access to employment in private sector;

Access to economic opportunities and to means of gaining income;

Ethnic and linguistic profile: the Moldovan society ethnic/linguistic composition (roughly): 65% - Moldovans (rural areas and less than 50% of the composition of big cities), 11% -Russians (mainly big cities –about 40%), 13% -Ukrainians (rural areas and also big cities), 3%-Gagauz (the autonomous region in the South), 1%-Bulgarians (compactly in the South), 0,3%- Roma (in small communities scattered all over the country).

Policies with regard to languages use: the State language is spoken by about 65-70% of Moldovans and other ethnoses. Russian language is spoken by all ethnicities with minor exceptions. Ukrainian is spoken by a part of ethnic Ukrainians (6-8%), Gagauz is spoken by a part of ethnic Gagauz (3%), Bulgarian is spoken by a part of ethnic Bulgarians (1%), Romany is spoken by a part of Roma population. Before Moldova declared its independence the Russian language had been promoted by all non-Moldovans and Moldovans to use it as a language of education on all levels and actually played the role of the administrative language. In 1989 Moldovan was declared the official language, preceding with one year the declaration of independence in 1991, Russian was given the status of the communication language among different nationalities. Bulgarians, Ukrainians, Gagauz and other ethnic minorities are not encouraged to use their won mother tongues and Russian traditionally fills in the gaps. The languages of national minorities are not used in the system of education (primary, secondary, etc.).

Economy, resources and administrative policies: The country's financial and economic resources are highly centralized in big cities as a heritage of policies pursuing during the Soviet Union and afterwards. Approximately 70-80 of all financial and economic resources are concentrated in big cities and in urban

areas. Rural areas are undeveloped and people of these areas live beyond poverty line getting an incomparable little income as compared to the income of urban population. The economy and economic activities are polarized around commercial elite, represented mainly by the Russians. A short period of 1998-2001, during which the policies of decentralization were promoted, was substituted in 2001 by a new centralization policy.

Sources for existence, economic opportunities, and financial powers: It is believed that 70% of all economic and financial resources are concentrated and are effectively controlled by a very strong, from the economic point of view, Russian ethnic minority. The interests of the Russians are well represented on political level and in the public process of taking decisions. The interests of Moldovans are also represented on corresponding levels, but mainly with regard to the use of the language in public sphere.

Although there are no specific governmental regulations, policies or laws having a discriminating character for the reasons of language or nationality with regard to the exclusion of Moldovans/Roma from private economic opportunities, the existing situation is unstable, the cause being political and historical factors from previous period.

It is considered that the Moldovan authorities should be more receptive regarding the improving of the situation of Moldovans/Roma and should follow the models of “encouragement” and ”promotion” of these nationalities’ representatives in private economic sector. These affirmative policies, programs and actions will contribute to the redressing of the existing imbalances, especially those created due to past discriminating actions. The Moldovan authorities will consider the adoption of “reasonable” and “temporary” programs relating to the increase of the representation of ethnic Moldovans and Roma in private sector. These actions will have a limited character, being used only for the purpose of correction of the existing imbalances and not for the exclusion of ethnic Russians from private sector.

III. METHODOLOGY

Normative acts regulating the analyzed domains and the practice of the legislation application have been examined; the compatibility of domestic legislation with international acts and practice has been verified.

Materials of the state and non-governmental organizations (annual statements, analytical reports, newspapers’ and journals’ articles, conferences’ materials, interviews, etc.) have been accumulated and analyzed, among them:

“Protection and Promotion of Human Rights in the Republic of Moldova” –the report of the National Conference, Chisinau 1988 (English);

“Common Country Assessment”, UNDP, Chisinau 2000;

“National Report Regarding Human Development: the Republic of Moldova”, UNDP, Chisinau 2000;

“Human Rights and Freedoms in the Republic of Moldova –1999”, National Report, Moldova Freedom House: the Center for Study and Protection of Fundamental Rights, Chisinau 2000;

“National Report Regarding Human Development: Towards Peace Culture”, UNDP, RM, Chisinau 2001;

“Education for All”, the Report of the Ministry of Education of the Republic of Moldova, 2001.

Phenomena have been analyzed in their historical evolution till nowadays.

The systematic analysis methods of the phenomena in their whole complexity of common and specific peculiarities have been applied.

Formal logic methods have been used for the formulation of conclusions and for making suggestions.

For the basic report development it is suggested to use in future the following procedures:

With regard to the discrimination for the reason of a membership of a cult

1. To prepare, on the basis of the Law regarding the access to information, a request addressed to the State Service for Cult Issues in order to obtain the information with regard to the real situation in the domain of cults: how many cults are registered, how many cults have addressed with applications for the registration, what were the reasons for refusals to register some cults.
2. To get in touch with the persons representing the cults, to which registration was refused in order to know the real situation with regard to the number of persons whose rights were violated through the refusal to register their cults.
3. To compare the legislation of the Republic of Moldova concerning the domain of cults and the practice of its application with the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, with other international instruments, as well as with the jurisprudence of the European Commission for Human Rights and European Court for Human Rights in the field concerned.
4. To develop recommendations in order to bring the legislation of the Republic of Moldova in the domain of cults and the practice of its application in line with the European Convention for the Protection of Human Rights and Fundamental Freedoms, with other international instruments, as well as with the jurisprudence of the European Commission for Human Rights and the European Court for Human Rights.

With regard to equality concerning the use of languages

1. It will be carried out a short historical research about the development of language policy in Moldova after the nineties.
2. It will be studied the development of the linguistic legislation in the Republic of Moldova, as well as the practice of its application and its compliance with the international legislation in the field concerned.
3. Recommendations with regard to the settlement of the above-stated problems will be developed.

With regard to the access to education, public services and the sources for existence of Roma in rural areas

Study of more examples of compactly populated rural Roma villages by aspects:

- geographical situation, history of the community, Roma population and the others, administrative subordination and public authorities structure, political composition, family, etc.
- housing, water, electricity, heating, roads and transportation, food, clothing, humanitarian aid, information and communication, medical assistance, etc.
- schools, education materials, teachers and language, cultural education, libraries, kindergartens, religion
- land reform and distribution, social/public benefits, every day money earning, small business, public and private engagement, etc.

With regard to equal opportunities in private sector

- Evaluation and assessment of the specific areas of private sector, where a temporary reasonable intervention is necessary for the correction of the existing imbalances;
- study by contacting the European Academy and the respective local government, which can provide with more information, the example of Sud Tyrol of Northern Italy (where initially the German-speaking minority [but a majority in the region] was very weak in most economic activities; the local government affirmative action programs proved to be successful and did not violate the human rights of the Italian-speaking population);
- study of the Quebec example, where the Government tried to assist the French-speaking majority, but economically weaker population as compared with the English-speaking, through various economic development programs;
- other similar examples regarding national minorities situation abroad will be studied through the network for analysis and examination;
- developing principles and approaches for the application of good practices to the ethnic Moldovans and Roma situation.

For the Efficient Organization of the Activities in Future:

A Steering Committee for the project's activities management, including, besides experts, the representatives of the relevant public institutions will be established. Representatives on behalf of public institutions will be nominated with the assistance of the Ministry of Foreign Affairs and in coordination with a contact person. The representatives of the Ministry of Education, Ministry of Justice, Ministry of Culture, Ministry of Labour and Social Protection will be present in the Steering Committee.

The results of the Project activities will be done publicly available for the contributions of civil society and NGOs' representatives are invited to participate as observers. The reports and information presented by civil society will be consulted.

Several round tables with the participation of public institutions and NGOs' representatives, during which the project's results and the work on reports will be discussed, are going to be organized.

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