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

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**COMMENTS OF THE GOVERNMENT OF MOLDOVA  
ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES  
BY MOLDOVA**

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(received on 11 December 2009)

**Comments on the Third Opinion on Moldova of  
the Advisory Committee on the Framework Convention  
for the Protection of National Minorities**  
adopted on 26 June 2009

## **INTRODUCTION**

The Council of Europe has started the third cycle of monitoring under the Framework Convention for the Protection of National Minorities in respect of Moldova in February 2009. The Third periodic report of Moldova<sup>1</sup> on the implementation of the Framework Convention under the third cycle of monitoring was submitted to the Advisory Committee on the Framework Convention<sup>2</sup> on 24 February 2009 and the Advisory Committee delegation arrived for a visit to Chisinau and the region of Otaci in the period from 21 to 24 April 2009.

The Third Opinion on Moldova<sup>3</sup> of the Advisory Committee on the Framework Convention is based on information contained in the State Report and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Chisinau and the region of Otaci. This document was submitted to the Moldovan authorities for elaboration of the relevant comments on findings and recommendations contained in it regarding the situation of the national minorities and protection of their rights in the context of the Framework Convention implementation.

It is noted with satisfaction that the European structures acknowledge and welcome steps taken by the Republic of Moldova to develop the system of protection of national minorities rights and implement existing legislation in this regard.

Generalizing the situation of the national minorities in our republic the Advisory Committee reflected the good practices which indicate that Moldova has maintained a constructive approach to the process of Framework Convention implementation and took a wide range of concrete measures to develop the system of protection of minority rights, especially in the sphere of education; in particular possibilities to study the languages of the national minorities have been widened, multilingual educational system is being developed. The Advisory Committee also notes that the Moldovan society is characterized by peaceful interethnic relations, atmosphere of interethnic tolerance and mutual respect. Steps have been taken to develop the legislative framework to prevent and combat discrimination. Activity aimed at preserving and developing of national minorities' cultural heritage has continued. Public radio and TV continue to broadcast programmes in various national minority languages, etc. Furthermore, the Advisory Committee paid a special attention to present ethno-linguistic situation and socio-political processes in the Republic of Moldova.

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<sup>1</sup> Hereinafter the State Report

<sup>2</sup> Hereinafter the Advisory Committee

<sup>3</sup> Hereinafter the Third Opinion on Moldova

The Third Opinion on Moldova was officially submitted to the representatives of the Republic of Moldova in the period of repeated parliamentary elections on 29 July 2009, the period of a new Parliament formation and appointment of a new composition of the Government. A group of deputies from different political formations, which consists of person belonging to national minorities, entered the Parliament. This fact demonstrates equal opportunities of the Moldovan citizens irrespective of the ethnic origin, including participation in the political life of the country. Thereby, presence of persons belonging to the national minorities among the members of the Parliament represents one of the possibilities provided by the legislation to participate in political, socio-cultural life and in public affairs pertaining to their interests, what, in its turn, corresponds to the recommendations of the Advisory Committee. *(See pp. 165, 171)*<sup>4</sup>

Interests of persons belonging to national minorities were taken into consideration when issuing the ballots which were made in two languages: State and Russian.

During this period of time a new Action Plan of the Government of Moldova “European integration: freedom, democracy, prosperity” for 2009-2013 was adopted. The program contains a chapter “Integration of the national minorities” which includes the following tasks of the Government in this field:

- to preserve and to strengthen cultural and linguistic heritage of the national minorities in the Republic of Moldova;
- to promote balanced and complex state policy with regard to the national minorities;
- to improve the legal framework in order to ensure integration of the national minorities in socio-administrative, cultural, political and economic life of the Republic of Moldova.

The Program defines the measures of first priority for obtaining the goals of the government, among them:

- to develop the legislative framework to support and develop national minority culture and language including teaching in minority languages in the system of pre-university educational establishments;
- to elaborate and implement a state program on providing of necessary conditions to study and use the State language for the citizens of the Republic of Moldova belonging to national minorities including public servants and those elected at the local level;
- to improve the existing legislative framework of relations among accredited ethno-cultural organizations and the State, to extend spheres of cooperation and mutual activity, to bring it in accordance with the international standards of existing practice;
- to allocate the State support to promote social cohesion with the help of the ethno-cultural organizations accredited in the Republic of Moldova;
- to ensure necessary conditions and timeliness of teaching in the native language and preservation of national minorities’ culture.

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<sup>4</sup> Hereinafter references to the corresponding paragraphs of the Third Opinion on Moldova are enclosed in brackets

Therefore, guidelines of future activity of the Government of Moldova correlate with a number of recommendations reflected in the Third Opinion on Moldova. *(See pp. 38, 64, 71, 121, 142, 150, 151)*

The Republic of Moldova pursues its European integration-oriented activity. A new Associative Treaty between the Republic of Moldova and the European Union is being elaborated. The Treaty will define the basic lines of future cooperation in common areas of concern to Moldova and the European Union, one of which is to promote the principles of equality and non-discrimination, freedom of religion and national minorities' rights as well as to study the possibilities and ways of dealing with the problems in the sphere of interethnic relations (in particular the problems with regard to the ratification of the European Charter for Regional or Minority languages, improvement of national-cultural and social situation of Roma, etc.) what, in its turn, corresponds to the recommendations of the Advisory Committee. *(See pp. 46, 51, 79, 80, 106)*

The present Comments on the Third Opinion on Moldova were elaborated by the Bureau of Interethnic Relations, a body of the central public administration which coordinates the process of implementation and monitoring of the Framework Convention for the Protection of National Minorities.

Following the recommendations of the Advisory Committee *(See p.5)* resolute measure have been taken in order to make the Opinion public. For this purpose Bureau translated the text of the Third Opinion into the State language and submitted to the ministers, other bodies of public administration and structures in charge of the Framework Convention implementation.

Therefore, the representatives of 16 line institutes of the republic have familiarized themselves with the findings and recommendations of the Advisory Committee, including: Commission of the Parliament of the Republic of Moldova for Human Rights, Parliamentary Advocates of the Center for Human Rights, Office of the Government of the Republic of Moldova, Ministry of Culture, Ministry of Education, Ministry of Internal Affairs, Ministry of Justice, Ministry of Economy, Ministry of Labour, Social Protection and Family, Ministry of Health, Ministry of Information Technologies and Communication, National Bureau of Statistics, Bureau for Migration and Refugees under the Ministry of Internal Affairs, Coordinating Council of Audiovisual, The State company "Teleradio-Moldova".

The comments on activity of the above said bodies in the context of the Advisory Committee recommendations are reflected in the present document.

It should be mentioned that experts of the Council of Europe paid a special attention to the needs and problems of national minorities of Moldova which were voiced by the leaders and members of public organizations for human rights and organizations of national minorities during meetings with the Advisory Committee delegation.

With a view to inform the members of the Coordinating Council of Ethno-cultural Organizations of National Minorities Bureau for Interethnic Relations has also translated

the Third Opinion on Moldova into the Russian language which is more popular among representatives of the national minorities. The findings and recommendations of the Advisory Committee were discussed at the meetings of the Coordinating Council of Ethno-cultural Organizations on 20 October 2009, 19 November 2009 and at the meeting of the Board of the Coordinating Council on 27 October 2009. In the course of these meetings the leaders of the ethno-cultural organizations – members of the Coordinating Council – set forth a number of considerations and opinions that is reasonable to bring to notice of the Advisory Committee members.

So, in particular, there was expressed disagreement with the opinion of the Advisory Committee that the human rights violations that occurred following the parliamentary elections of April 2009 may have a negative impact on the subsequent implementation of the Framework Convention (*See Executive Summary, indention 7, pp. 12, 75, 90*). Representatives of the Coordinating Council consider that the mentioned events shouldn't be connected with interethnic situation and rights of the national minorities and, furthermore, their assessment in the context of interethnic relations is improper.

The Report made by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to Moldova on 26-28 April 2009, to which the experts of the Advisory Committee refer, contains information on ill-treatment of persons deprived of their liberty by police as a consequence of the April events. In their Comments on indicated Report the Moldovan authorities accepted the fact that the police officers abused their powers in relation to people detained in the aftermath of the 6-7 April demonstrations and expressed preparedness to take resolute measures to fight against such phenomena. The Comments of the Ministry of Internal Affairs on the mentioned Report don't contain records of any complaints from the representatives of the national minorities about violation of their rights.

With a view to investigate the events that took place after 5 April 2009 the Parliament of the Republic of Moldova adopted a special Decision № 43 of 20 October 2009 about founding of the Investigating Commission aimed at elucidating causes and consequences of the events after 5 April 2009. In accordance with the Decision representatives of all political groups enter into the composition of the Commission; representatives of the civil society, experts and representatives of the international organizations will participate in the work of the Commission by its decision; the Commission will submit to the Parliament the report on investigation concerning events of 5 April within the period of 60 days.

The ministries and other state and public organizations concerned, including members of the Board of the Coordinating Council of the Ethno-Cultural Organizations, after examination of the Third Opinion on Moldova note that the text of this document contains the information of declarative nature, it doesn't include the concrete examples and concrete sources of information regarding violation of national minorities' rights, in particular when the cases of discrimination, harassment and other intolerant actions against representatives of certain ethnoses, confessions and immigrants are described. There is a series of inaccuracies, in particular when the system of education in minority languages, etc. is analyzed.

It is reasonable to note that with a view to implement recommendations of the Advisory Committee resolute measures have started to be taken already in the process of the given Comments elaboration. So, in relation to the status of the Bureau of Interethnic Relations (*See pp. 18, 194*) it should be mentioned that a new Regulations of Bureau of Interethnic Relations is being elaborated which after being approved by the special Government Decision will assist to increase its role and importance in the process of interethnic relations harmonization at a new stage of Moldova's European integration. In relation to strengthening of intermediary role of the Coordinating Council of the Ethno-Cultural Organizations in dialogue with the authorities (*See pp. 176, 199*) there were conducted meetings of the Coordinating Council members with Mr. Vladimir Filat, the Prime Minister of the Republic of Moldova (on 13 October 2009) as well as with Mr. Marian Lupu, the deputy, presidential candidate (on 20 October 2009). With respect to support provided to Roma minority (*See pp. 28, 29, 51, 197*) there was held the presentation of international project "Roma of the Republic of Moldova: current situation and perspectives" (on 6 November). The project is implemented by Roma public organizations in collaboration with the Ministry of Labour, Social Protection and Family and Ministry of Health with the assistance of the Bureau of Interethnic Relations.

Examination of the Third Opinion on Moldova allows to state that findings, recommendations and list of issues of concern, reflected in Section I "Main Findings" and Section II "Article-by-Article Findings" are generalized in Section III "Concluding Remarks" which contents could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Moldova. Proceeding from this fact the present Comments reflect the position of the Moldovan authorities as well as representatives of non-governmental organizations regarding the contents of Section III "Concluding Remarks", developed in pp. 192-200.

### **Comments on the paragraphs 192-200 of Section III "Concluding Remarks"**

#### **Paragraph 192**

According to the information provided by the **National Bureau of Statistics** the population census of 2004 was carried out in compliance with the "Principles and Recommendations for Population and Housing Censuses" elaborated by the Statistical Division of the Economic Commission for Europe (ECE), the Statistical Office of the European Communities (EUROSTAT) and the UN and covered all the citizens of the Republic of Moldova, foreign citizens as well as stateless people residing in the republic.

All categories of people irrespective of their ethnic origin were questioned on the basis of a common census program (common questionnaire) which contained all recommended basic entries including optional entries as to correspond to country's peculiarities. The answer on the question from entry "nationality" which in demographic sense means affiliation to *ethnic group* provided data on ethnic origin of a responder (optional entry). Information on proficiency in languages was examined from three standpoints: native language, spoken language and other languages known by a responder, which in the recommendations of the ECE, the UN and EUROSTAT were also stipulated as optional entries.

The census program (including wording of the questions) was coordinated with all public authorities concerned and was approved by the Republican Commission for population census.

Proceeding from the fact that questions about ethnical origin/language are of sensitive and biased character it should be noted that there were registered certain breaches of the questionnaire poll as by respondents so by enumerators. At the same time, they were unimportant and didn't have decisive impact on the final results of the census.

The results of the population census carried out in 2004 demonstrate that the national structure of the population has changed due to intensification of emigration of persons belonging to national minorities. That is also proved by the current statistical data. Birth-rate of all national minorities also lessened, in particular as a result of socio-economic crisis but and as a result of age structure of the population as well. The percentage of the Moldovans extended from 64,5% in 1989 to 75,8% in 2004.

At the same time, it should be mentioned that the results of the population census of 2004 to which the Advisory Committee refers, don't include the data on the population of the Eastern regions and the municipality of Bender as it was indicated in the Third periodic report submitted to the Advisory Committee in February 2009.

The separate population census in the Eastern regions of the Republic of Moldova (Transnistria) was carried out by the unrecognized authorities on 11 November 2004. According to its results the total population of the "Moldovan Transnistrean Republic" in 2004 was of 550 000 persons what clearly demonstrates substantial decrease of population in comparison with 1989 when the population of the given region was of 679 000 persons.

Ethnical structure of the given region also changed. The census of 2004 indicates that Moldovans represent 31,9%, Russians, 30,3%, Ukrainians, 28,8%, other nationalities, 9%.

It should be noted that the final Report on results of the population census reflected that 6 % of the population of the Republic of Moldova weren't covered by the procedure (the families completely went abroad).

In the process of the next census preparation (scheduled by the National Bureau of Statistics for 2012) a new census program will be elaborated. It will include the proposals and informational needs of the public authorities concerned, including recommendations made by the International Expert Group on the Monitoring of the 2004 Census.

The National Bureau of Statistics elaborated the draft Law on general census of 2012 which when adopted by the Parliament of the Republic of Moldova will form the legal framework for the population census and contribute to exclusion of subjectivism and voluntarism during the preparation and carrying out of the census.

The results of the population census regarding **Roma** minority were influenced by the fact that the majority of Roma migrate together with their families and, hence, this

number wasn't covered by the census. It should be mentioned that in the census of 1989, 11,571 persons identified as Roma (0,3% of the population). The census of 2004 showed that Roma represent 0,4% of the population (12,271 persons).

According to information provided by the **Ministry of Information Technologies and Communication** owing to certain measures taken to implement National Passport System and to introduce into the Population Register, the data on 12,901 Roma had been collected by 26 October 2009 (including 12,138 persons were issued ID cards of the citizens of the Republic of Moldova, 10,836 persons - passports of the citizens of the Republic of Moldova, 14 persons – residence permit for the foreign citizens, 1 person – ID card for the stateless persons residing in the Republic of Moldova, 616 persons were registered under the project RG (form № 9, Soviet-type passport).

Proceeding from above said statistical data it should be noted that the opinion of the leaders of public Roma organizations that the Roma minority in Moldova is more numerous than it is indicated in official data, is groundless.

### **Paragraph 193**

In the opinion of the **Parliamentary Advocates** the Advisory Committee statements that the persons belonging to some groups, such as non-European immigrants and Roma, are often confronted with intolerance correspond to reality.

In the given context, the Parliamentary Advocates encourage the authorities to consider attentively the Advisory Committee's recommendations regarding monitoring of discrimination.

The Institution of the Parliamentary Advocates in Moldova registered some cases of discrimination on grounds of the ethnic affiliation, especially on grounds of belonging to the Roma minority. The affirmations of the petitioners were confirmed during investigation of corresponding cases (xenophobic attitude of administration of a pre-school institution toward the parents of Roma origin, unjustified limitation of access to recreational facilities of persons belonging to Roma minority). The Institution of the Parliamentary Advocates conducted an investigation of these cases and urged the responsible authorities to take certain measures to prevent such cases in future. Even though only few cases of discrimination on the grounds of belonging to Roma minority have been reported this doesn't mean that there are no problems in the given domain. Awareness of Roma population of fundamental human rights and freedoms isn't sufficient. Information disseminated by media reveals the problems that lead to Roma marginalization and social exclusion. In this context, the authorities have to take steps to raise awareness of Roma people of their rights.<sup>5</sup>

Police misbehavior also was the subject of complaints received by the Parliamentary Advocates. Citizens belonging to other nationalities (who come from the African and Asian countries) alleged about police ill-treatment (for example, abusive stop on the streets under pretence of verifying the legality of residence on the territory of the

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<sup>5</sup> The Parliamentary Advocates touched upon these issues in the Report on respect for human rights in the Republic of Moldova, submitted to the Parliament in 2007.



Republic of Moldova). At the same time, the Parliamentary Advocates were informed about the foreign citizens legally residing in the country who reported about the violation of the rights stipulated by the Constitution of the Republic of Moldova expressed in biased attitude of the collaborators of the Bureau for Migration and Asylum under the Ministry of Internal Affairs. In particular, it is reported that they are faced undue difficulties in obtaining necessary documents (migrant certification) for continuation of residence permit as well as in obtaining Moldovan citizenship even though they meet all the requirements.

Examining the corresponding reports the Parliamentary Advocates stated that despite the human factor these disputes were caused by absence of Regulations regarding the procedure of issuance, prolongation, suspension and abrogation of immigrant certificate, labour permit and confirmation of repatriation in the Republic of Moldova, which was intended for the end of 2004, according the Action Plan of the Government for the 4<sup>th</sup> trimester of 2004, adopted by the Governmental Decision № 1072 of 29 September 2004.

The Parliamentary Advocates were also reported about abusive and frequent police raids at Muslim believers' places of worship. Considering the actions of the police to be inadequate to the situation, in conditions when the Constitution of the Republic of Moldova guarantees freedom of religion and urges to promote the principle of tolerance and mutual respect, the Parliamentary Advocates submitted to the Ministry of Internal Affairs a letter of advice encouraging it to prevent unjustified intimidation of Muslim believers by collaborators of the police subdivisions under its subordination.

In this context the Parliamentary Advocates support the recommendation of the Advisory Committee and insist upon extension of police training in the field of human and minority rights as well as upon introduction of programmes to train the police for working in a multicultural environment.

Following the examination of the conclusions and recommendations of the Advisory Committee **Bureau for Migration and Asylum** under the Ministry of Internal Affairs presented its commentaries.

In accordance with the Regulations of the Bureau for Migration and Asylum adopted by the order of the MIA № 234 of 18 June 2009 it is delegated authority to control and supervise the legislation in the sphere of migration, registration and issuance of certificates to the foreign citizens, to build a database regarding migratory movements, to monitor the residence regime of the foreign citizens and stateless persons in the Republic of Moldova, to combat illegal residence and migration, to take efficient measures on investigation, return, deportation, readmission and detention of the foreigners. Proceeding from these powers it is stated that there haven't been so far received any complaints or reports from the foreign citizens, stateless persons or beneficiaries of humanitarian or international protection about instances of ill-treatment or other forms of discrimination against them as well as reports or complaints from the immigrants about negative attitude, use of force, illegal detention and other forms of intimidation and harassment.

The questions concerning the mechanisms of guaranteeing and respect for fundamental human and minority rights are constantly touched upon during professional and special training and therefore, permanent training of collaborators in this sphere is ensured.

With a view to prevent criminal acts against the foreign citizens, stateless persons, beneficiaries of humanitarian or international protection, including criminal acts of Islamic character, in strict compliance with the ministerial duties and legislation in force in the sphere of migration and the Law on police № 416-XII of 18 December 1990, there are taken measures to conduct statutory investigations and to prevent criminal actions, which are based on the principles of legality, equality, non-discrimination, presumption of innocence and are of special importance for enforcement of law and public security.

Bureau takes steps to prevent and combat discriminatory actions and attitudes promoting principles of equality, non-discrimination and tolerance in work as well as training the collaborators in the sphere of human rights and freedom, peculiarities of working in multiethnic environment and providing clear determination of the ministerial duties and responsibilities.

The departure and entrance visas are issued to the foreign citizens constantly or temporary residing in the Republic of Moldova in accordance with the p. 11 of the Decision of the Government № 376 of 6 June for additional measures of implementation of national passport System (Annex 2, Rules of stay for foreign citizens and stateless persons in the Republic of Moldova), on the basis of the principles of equality, non-discrimination and on conditions of respect for laid down requirements.

The Ministry of Internal Affairs has elaborated a draft Law on regime of the foreign citizens in the Republic of Moldova that at present is under consideration of the Parliament. Adoption of this law will contribute to introduction of a new procedure of documents issuance for the foreign citizens and will assist to guarantee the right of the foreign citizens and the stateless persons to residence in the Republic of Moldova in accordance with the European standards.

One of the main lines of activity of the Bureau for Migration and Asylum consists in the foreign citizens' integration, notably from a perspective of the elaboration of complex programmes on their local and social integration which would correspond to actual peculiarities and requirements and ensure the integration of the group concerned in the society of the Republic of Moldova.

Bureau for Migration and Asylum contributes to teaching of the State language, which is a precondition for efficient and full integration in society of the immigrants and applicants for humanitarian and international protection and guarantees their involvement in labour-market which also represents a constructive form of socio-economic integration.

In addition to the conclusions of the Advisory Committee regarding manifestation of intolerance, actions of insulting and discriminatory character it is necessary to point out the opinion of the Jewish community of the Republic of Moldova expressed during the discussions of the Third Opinion on Moldova that the sphere of existing interethnic

relations is characterized by discrepancy between legislative and practical ensuring of the principles of equality and non-discrimination. Therefore, more anti-Semitic acts, acts of vandalism at the Hebrew cemeteries are being done; negation of the Holocaust, promotion of fascism find its reflection in Moldovan media (in newspapers, magazines, informational web-sites) and in publishing activities.

At the same time, following the recommendations of the Advisory Committee the Moldovan authorities will continue to spread the values of tolerance and respect for the immigrants, refugees, beneficiaries of humanitarian protection residing in the Republic of Moldova, to train the collaborators in the spirit of legal norms, principles of non-discrimination, legality and equality as well as to strengthen the legal national guarantees of fundamental human rights and freedoms.

Due to lack of special laws on prevention of discrimination in the Republic of Moldova and proceeding from the fact that a great number of states adopt special laws against discrimination, the Ministry of Justice of the Republic of Moldova has elaborated a draft law on prevention and combating discrimination. Still, it should be noted that the legislative framework of the Republic of Moldova is adjusted to the best international practices in the sphere of prevention and combating discrimination, and even without the Law against discrimination being introduced, includes provisions that regulate this sphere. Above said draft law was submitted to the Government on 30 September 2008. It was returned to the Ministry of Justice for completion by the instructions of the Government № 2503-103 of 18 May 2009. On 25 June 2009 the draft law was submitted repeatedly to the authorities concerned for proposals on its contents (a letter of the Ministry of Justice № 03/4144).

In relation to the opinion of the Advisory Committee that media fuels intolerance against above mentioned categories of people it should be noted that the Coordinating Council of Audiovisual hasn't received any complaints from the representatives of the national minorities about discriminatory acts of the media outlets under the jurisdiction of the Republic of Moldova. Even though the legislation in force, in particular Article 6 (1) of a Broadcasting Code of the Media, prevents media from broadcasting the programmes containing any form of incitement on grounds of race, religion, nationality or sex, at the same time it doesn't allow the authorities to determine the political direction of the media, including their incentive to play a positive role in obtaining interethnic concord.

#### **Paragraph 194**

It is reasonable to introduce some specifications in relation to the conclusions of the Advisory Committee stated in the given paragraph. So, according to the Law on the Government of the Republic of Moldova Bureau of Interethnic Relations is a body of central public administration which implements the state policy of the Republic of Moldova in the sphere of interethnic relations.

Bureau has become a legal successor of the Department of Interethnic Relations since 2005 when it was renamed as well as the other central administrative bodies which contained the definition "Department" in their names.

Regulations of the Bureau of Interethnic Relations, adopted by the Decision of the Government № 1013 of 3 October 2005, provides for some larger powers of this body in comparison with the powers of the Department of Interethnic Relations. In the process of reformation of the central public administration in 2008 the Government of the Republic of Moldova adopted a Institutional Development Plan of the Bureau of Interethnic Relations for 2009-2011 according to which Bureau of Interethnic Relations is a line body of the central public administration which elaborates the state policy in the field of interethnic relations, the monitoring of respect for national minorities' rights, the support of the Moldovan diaspora and the operation of languages spoken throughout the territory of Moldova by means of development and adjustment of national legislation to the international standards, taking into account multiethnic, multicultural, multilingual and regional specific character of the national minorities with the assistance of civil society and international organizations.

Bureau of Interethnic Relations has remained in the structure of the central public administration in accordance with the changes and supplements introduced to the Law on the Government of the Republic of Moldova (Article 24 in version LP21-XVIII of 18 September 2009).

Bureau's activity is financed from the State budget. The level of resources allocated to the work of the Bureau of Interethnic Relations hasn't been decreased in recent years. Recourses allocated to cultural events are used to organize festivals, round tables and other activities with the participation of representatives of all national minorities directed at promotion of cultural diversity, formation of interethnic tolerance and intercultural dialogue, consolidation of civil society (for example, annual Multiethnic Festival, children's multiethnic festivals, Days of Slavonic Writing and Culture).

At the same time taking into consideration wide spectrum of responsibilities of the Bureau of Interethnic Relations, its positive role in promotion of the European principles of multicultural and multilingual society, its function as a coordinator of implementation and monitoring of a number of international standards in the field of national minority rights and other spheres of activity aimed at supporting ethno-cultural identity of the national minorities, representatives of the ethno-cultural organizations and members of the Board of the Coordinating Council more than once made suggestions to increase the status of the Bureau of Interethnic Relations in the quality of a central public authority with a wide range of powers to elaborate state policy, prevent and combat discrimination, guarantee specific rights of the national minorities. This proposal, in particular, was made during the meetings of the Coordinating Council members with Mr. Vladimir Filat, the Prime Minister of the Republic of Moldova (on 13 October 2009) as well as with Mr. Marian Lupu, the deputy, presidential candidate (on 20 October 2009). This proposal will be examined within the reorganization of the central public administration in accordance with the Law LP21-XVIII of 18 September 2009.

A new Regulations of the Bureau of Interethnic Relations is being elaborated which after adoption by the Decision of the Government will allow to increase its role and importance in the process of interethnic relations harmonization at a new stage of Moldova's European integration.

In relation to the recommendations of the Advisory Committee concerning support provided to other institution in charge of national minorities' protection, concern of the experts of the Advisory Committee should be admitted as the unit in the Ministry of Education in charge of dealing with minority education issues, was dismantled in 2007 and nothing has so far been done to re-establish it. Whereas, the Advisory Committee formulated a number of recommendations with a view to further development of a system of teaching in and of minority languages.

In relation to the complaints of numerically-smaller minorities about a lack of support to preserve their culture and languages it is appropriate to make the following explanations.

The results of the last population census, carried out in 2004, indicate that numerically-smaller ethnical groups dispersedly live in the country, each group numbers less than 2000 people. Among them: Armenians, Germans, Tatars, Azerbaijanis, Georgians, Greeks, Uzbeks, Chuvashes, Lithuanians, Latvians, Ossetians, Koreans, Estonians, Italians, etc.<sup>6</sup> Representatives of enumerated ethnoses (14) established their public organizations of the republican level. The leaders of these organizations are full members of the Coordinating Council of Ethno-cultural Organizations under the Bureau of Interethnic Relations and constantly get involved in discussions of the issues regarding interethnic relations as well as in consultative meetings with the leaders of the State. Ethno-cultural organizations of the national minorities also operate at the local level in municipalities of Chisinau and Balti.

Representatives of numerically-smaller national minorities and their public organizations have the possibility to receive different forms of State support both legislative and practical. So, legislation in force of the Republic of Moldova guarantees equal rights and opportunities in different spheres for all national minorities irrespective of their number. There is a State system of pre-university educational establishments; the right to form public organizations<sup>7</sup> is guaranteed; the halls of the House of Nationalities<sup>8</sup> are available free of charge for organization of national-cultural events (exhibitions, festivals, meetings, "Sunday schools" classes), on Bureau's invitation mass media free of charge reports about national-cultural activities, representatives of the numerically-smaller minorities are encouraged to develop contacts, relations and to receive support from their "kin-states" – Armenia, Azerbaijan, Greece, Germany, Italy, Lithuania, Estonia, etc.

## **Paragraph 195**

The Constitution of the Republic of Moldova provides for freedom of religious denominations to function according to their by-laws within the limits of the legislation

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<sup>6</sup> The census of 2004 indicated that there are the following numerically-smaller national minorities which have their public organizations: Armenians – 1829 people, Germans – 1616 people, Tatars – 974, Azerbaijanis – 891, Georgians – 501, Greeks – 482, Uzbeks – 416, Chuvashes- 287, Lithuanians - 259, Latvians - 185, Ossetians- 147, Koreans - 116, Estonians - 77, Italians – 64.

<sup>7</sup> According to the Bureau of Interethnic Relations the number of public organizations registered at the republican level which belong to numerically-smaller minorities amounts: Armenians have 4 ethno-cultural organizations, Germans – 2, Tatars – 2, Azerbaijanis – 3, Georgians – 1, Greeks – 2, Uzbeks (including representatives from Central Asia) – 1, Chuvashes – 1, Lithuanians – 3, Latvians – 1, Ossetians – 1, Koreans-1, Estonians – 1.

<sup>8</sup> the national-cultural events that took place in the House of Nationalities during 2009 were conducted by: Germans – 4, Greeks-3, Italians -2, Georgians - 2, Estonians - 12 "Sunday school" classes.

in force. The State, in its turn, guarantees the freedom of conscience and religion in the Republic of Moldova.

According to the findings of the **Parliamentary Advocates** reports of the representatives of the Muslim religion about difficulties they face in the process of registration of Islam in Moldova certify that the authorities violate the constitutional right to freedom of conscience.

In this connection the Parliamentary Advocates underline the necessity to maintain a dialogue with the representatives of the Muslim religion in relation to registration of Islam in Moldova.

According to the comments of the **Ministry of Justice** the Department of Cults in the structure of this Ministry takes steps to examine the applications of the representatives of the Muslim religion in strict compliance with the legislation. The Ministry considers that the Spiritual Board of Muslims in Moldova has been denied registration due to infringement of registration requirements. On 11 February of 2008 the Spiritual Board of Muslims of the Republic of Moldova repeatedly presented to the Ministry of Justice the application for registration. Examination of the documents submitted with a view to register by-laws of this organization showed that they didn't meet the requirements of the law. The information concerning this issue provided by the Ministry of Justice was reflected in the Third periodic report. *(See also remarks in respect of Article 8 of the Framework Convention)*

It should be noted that with a view to implement the decision of the European Court on Human Rights regarding the freedom of religion, the Ministry of Justice has drafted and promoted the draft law for modification of Art. 54 of the Administrative Offences Code of the Republic of Moldova approved by the decision of the Government № 429 of 15 July 2009 and submitted to the Parliament. This draft law provides for abrogation of the procedure of foreign citizens' expulsion as a sanction according to the Article 54, (par. 4) for committing an offence, notably engaging in religious activities in public places without preliminary consent of the local authorities. The present draft law was elaborated to avoid future condemning of the Republic of Moldova by the European Court for Human Rights. It was coordinated with the other authorities and the civil society, underwent corruption-proof examination and submitted to the Parliament for examination on 23 October 2009 (by a letter of the Ministry of Justice № 03/6539). Indicated draft law was elaborated following the decision of the European Court for Human Rights in *Mashaev v. Moldova* where it is noted that limitation of religious freedom provided for in the Article 200 (par.3) of the abrogated Administrative Offences Code and included in a new Offences Code, didn't correspond to social needs and demands of a democratic society. The Article 54 of the Administrative Offences Code limits "any religious activities of registered or unregistered religions that run counter to the Law regarding the cults and its component parts". However, this article doesn't set limit to freedom of beliefs and religion and hence, doesn't provide sufficient basis to make an individual respect the rules for the social behaviour. In this connection the Article 54 (par.3) was revised and allows the authorities to restrict the freedom of beliefs and religion in case when its manifestation harms security, order, health, public morals and violate other persons' rights and freedoms. As a great number of Muslim believers in the Republic of

Moldova are the foreign citizens, taken measure is of special importance for guaranteeing their right to religious freedom.

It should be noted that the registration of Islam as an officially recognised religion gets a mixed reception and not always is met with support among persons belonging to other religious denominations due to peculiarities of Moldova's historical development, what was more than once mentioned by the leaders of the ethno-cultural organizations who are the members of the Coordinating Council under the Bureau of Interethnic Relations. At the same time, some leaders of the ethno-cultural organizations of the national minorities professing Islam (in particular, Azerbaijani) consider that they have to unite and by collective decision to put forward a representative of their number in charge of registration of a single Muslim religious organization.

### **Paragraph 196**

Examining all provisions and positions contained in the Third Opinion one cannot agree with many of them, in particular with the problems connected with teaching of the State language and minority languages.

It should be mentioned that the Republic of Moldova took many concrete measures with a view to solve said problems, notably modification and adjustment of national legislation to the European standards, engaging in a dialogue on the ratification of the European Charter for Regional or Minority Languages, organization of special State language courses of study for adult population as well as improvement of State language teaching in different educational institutions, etc. as it was reflected in the Third periodic report of Moldova.

According to information provided by the **Ministry of Education** in the schools where teaching is provided in other languages, the State language must be taught no less than 4 hours per week. There are additionally used the other forms oriented on extension of State language component for pupils belonging to national minorities: optional study – 1 hour, individual curricula – 1 hour, teaching of a number of subjects in the State language (history, geography, etc), introduction of teaching methodology in two languages (the State and the Russian languages).

In addition to findings contained in the Third periodic report of the Republic of Moldova in relation to the teaching of the State language to the adult population we consider it reasonable to bring to the Advisory Committee's notice information about measures aimed at linguistic integration of national minorities which are taken by the National Association of European Trainers of Moldova (ANTEM).

ANTEM (licence Series A MMII, № 030642) is a specialized organization for linguistic instruction of minority representatives and foreign citizens, promotion of intercultural dialogue and implementation of standards for State language usage in the Republic of Moldova. ANTEM is aimed at promotion of civil, socio-cultural and professional integration and interethnic tolerance by means of training and creation of favourable linguistic environment. It has the following main functions:

- to assist and train local trainers in accordance with the methodology for linguistic teaching of the adults belonging to minorities;
- to provide didactic support for different levels of training;
- to provide linguistic training of persons belonging to minorities as to ensure their integration in society;
- to provide process of training with the modern equipment;
- to organize methodologico-practical conferences;
- to ensure linguistic and cultural adaptation;
- to organize trainings for teachers;
- to launch informing campaigns;
- to extend the network.

The cooperation agreements with the local authorities of Basarabeasca, Briceni, Balti, Ceadir-Lunga, Ocnita, Comrat regions were concluded as to contribute to implementation and to provide financial support to the program of linguistic training.

Long-lasting training courses, linguistic integration training courses were organized in Chisinau, Congaz, Basarabeasca, Ceadir-Lunga, Taraclia, Cahul, Vulcanesti, Balti, Drochia, Ocnita, Briceni.

The majority of trainees motivated their participation in the training courses as follows: 26% - “I would like to know the State language”, 25% - “Job requirement”, 18% - “A possibility of promotion”, etc.

Thereby, all activities aimed at promotion of the State language and teaching of adult population is carried out on the basis of legislation in force of the Republic of Moldova with the assistance of the state authorities, including financial.

One of the priorities of the Action Plan of the Government “European integration: freedom, democracy, prosperity” for 2009-2013 is to elaborate and implement a State program for teaching and use of the State language by citizens belonging to national minorities, including public servants and those elected at the local level.

Taking into consideration common positive evaluation made by the Advisory Committee of the approach pursued by Moldova to guarantee access to teaching in and of minority languages, the **Ministry of Education** notes a number of substantial inaccuracies contained in the Third opinion on Moldova (See pp. 26, 123, 126, 130, 132, 135, 140).

The Ministry of Education has formed a teaching-didactic complex that includes teaching standards, curricula, methodological guidance, manuals, programs and tests for State examinations in the Ukrainian, Russian, Gagauz, Bulgarian, languages and literature for the grades 1-9 within the system of compulsory gymnasium education. All methodological bases for minority languages teaching are elaborated according to common conception, simultaneously and are financed from one and the same source. Beginning from the academic year 2002-2003 the Ministry has introduced a new compulsory discipline “History, culture and traditions of (Ukrainian, Russian, Gagauz, Bulgarian) nations” into curriculum and now is elaborating new textbooks for its study. The subject is taught to persons belonging to corresponding national minorities in their native languages.



Representatives of the national minorities rather than to be taught in their native language tend to choose to study it as a national component consisted of a number of compulsory subjects and out-of-school activities (native language classes – 2 hours + literature classes – 1 hour + History and culture classes – 1 hour = 4 hours per week). That is why it is incorrect to correlate indicator of the level of native languages teaching with a number of schools which provide teaching only in the native languages. At present there are indeed only several such educational institutions. Being a part of a Moldovan multilingual and multicultural society representatives of the national minorities study four languages simultaneously, including the State language, Native, Russian and one of the modern foreign languages.

One should admit that there are some difficulties with the publication of native language textbooks for the students of High school within the system of pre-university education. These difficulties can be explained by two reasons: a small number of pupils (300-500 pupils who study corresponding language) and a lack of necessary means for publication. Therewith, curricula and methodological guidance for native languages study for the students of High school are being elaborated and manuals, handed over by corresponding mother countries without compensation, are being used.

The Republic of Moldova on the basis of a number of universities ensures qualitative training of minority languages teachers. In the period 1993-2008 there was trained a sufficient number of language teachers (of Ukrainian, Russian, Gagauz, and Bulgarian language). Training of minority languages teachers is also carried out under the bilateral inter-ministerial protocols between the Republic of Moldova and Ukraine, Russia and Bulgaria, what was mentioned in the Third periodic report of the Republic of Moldova.

The Ministry of Education invited several young Roma scientists to elaborate curriculum for the teaching of **Roma history and culture**. However, elaboration is delayed due to lack of financial resources. In this connection the Ministry of Education proposes to include elaboration of this curriculum in the budget of one of the numerous European projects for the support of Roma implemented in the republic by Roma public and non-governmental organizations. Roma population in the Republic of Moldova has certain specificity. Roma are integrated and assimilated in the Moldovan linguistic environment and as a result they don't know their native language and speak only the State language, even in the areas where Roma live in substantial numbers. Romani language is spoken only in 5-6 rural Roma settlements. This fact complicates introduction of Roma language as a subject to the system of school education.

The conclusion of the Advisory Committee that 15% quota reserved for Roma students to access higher education institutions presupposes limitation in relation to branches of study doesn't square with reality. Statute of admission to higher education institutions stipulates Roma preferential admittance. 15% quota in all institutions of higher education covering all specialities is given to preferential categories of university entrants including Roma. There are no any limitations with regard to speciality and branch of study.

With a view to promote the principles of tolerance and intercultural dialogue the Ministry of Education has initiated revision of educational standards and curricula of all the

disciplines irrespective of the language of the teaching. The content of the subjects *inter alia* should reflect the values of tolerance, intercultural dialogue and mutual respect.

Parents in accordance with the legislation in force enjoy the right to choose the language of education for their children. There are 280 schools providing teaching in the Russian language. Among them 57 school provide teaching of the Ukrainian language, 54 schools - the Gagauz language, 30 schools – the Bulgarian language, 2 schools – the Jewish language, 1 school – the Polish language and 1 school – the German language.

As far as application of the Russian language in the educational system is concerned, it should be mentioned that due to historical development of the Republic of Moldova the Russian language was always used as a means of communication by the national minorities who live in the given territory. This factor generates and explains existence of a great number of schools providing teaching in the Russian language where the persons belonging to national minorities study (in comparison with the schools providing teaching in the national minority languages).

At the same time unjustified increase of a number of schools providing teaching in national minority languages might impel school leavers to go abroad due to absence of institutions of higher education providing teaching in their native languages.

### **Paragraph 197**

As far as the situation of the **Roma** in the Republic of Moldova is concerned in the context of the Advisory Committee's opinion, it should be noted that Roma status doesn't differ from the status of the persons belonging to other national minorities. None of the legislative or normative acts prevents Roma from enjoying the fundamental human rights: to life, to physical and mental health, education, free movement, family and personal life, labour and social protection or to vote and to be elected.

Therefore, the Roma have the same rights, freedoms and commitments as the other national minorities. The difference consists only in each minority peculiarities of perception, intentions and vision of the principles of socio-cultural life.

An Action Plan for the Roma for 2007-2010 was adopted by the decision of the Government of the Republic of Moldova № 1453 of 21 December 2006 with a view to create necessary conditions for socio-cultural development of the Roma national minority. This once again proves an intention of the Republic of Moldova to ensure the Roma integration in socio-cultural life of the country.

Taking into consideration the recommendations of the Advisory Committee to take more resolute measures to implement the Action Plans for the Roma it is important to adduce the following arguments. This document adoption at the level of the Government of the Republic of Moldova meant a new stage of authorities activity aimed at improvement of Roma living conditions and social participation and contributed to involvement of the line ministries and local public administration potential in that process. The line ministries appointed the coordinators responsible for implementation of this Action Plan from a number of key specialists, the public servants of different levels have advanced in

knowledge about national-cultural identity of the Roma, their socio-cultural and economic situation; there was raised the awareness of necessity to solve these problems, to develop cooperation between the authorities and Roma public organizations. The national-cultural movement among Roma became more active; the young, public, business, scientific leaders worked their way up, what allows speaking about the process of intellectual elite formation.

At the same time, in the context of the recommendations of the Advisory Committee stated in the Third Opinion on Moldova it is reasonable to present additional information about measures taken, in particular by **the Ministry of Information Technologies and Communication, Ministry of Labour, Social Protection and Family, Ministry of Health** with a view to implement the said Action Plan.

In accordance with the p. 32 of the Action Plan to support the Roma of the Republic of Moldova for 2007-2010 State Enterprise “State Information Resources Center “Registru” takes steps to inform population of localities where Roma live in substantial numbers about documenting services provided by the Direction of Evidence and Documentation of Population. There are conducted meetings with the representatives of the local authorities and Roma organizations in order to inform the persons concerned about the legislation regarding the procedure of departure and entrance to the Republic of Moldova, residence of the foreign citizens and stateless persons in the Republic of Moldova and the process of issuance of the identity documents of the National Passport System.

As far as registration of children at birth, including the Roma children is concerned, the Ministry of Information Technologies and Communication by common decree № 114/476 of 12 December 2008 established a mechanism of birth certificates issuance in medical institutions and approved the procedure of institution of the Offices for subsequent children registration in the maternity hospitals.

Therefore, the Registry Office under the Ministry of Information Technologies and Communication was charged to organize in hospitals reception of documents for registration and issuance of the acts of civil status (including complementary forms).

The Ministry of Health concluding with the Territorial Registry Offices the contracts for gratuitous use placed the Offices for newborns registration in the maternity hospitals at disposal of the Registry Offices.

At present Offices for newborns registration are opened under all maternity hospitals. With a view to increase the process of newborns registration Register Offices under the maternity hospitals with the assistance of the family doctors informs the pregnant women about full set of documents they have to present while entering a hospital for getting their newborn children registered. The medical persons of the maternity hospitals are involved in the process of necessary documents collection.

The Roma access to **health care** is guaranteed in accordance with the legislation in force and the constitutional rights.

All citizens of the Republic of Moldova irrespective of the ethnic origin, gender, age, etc. in the system of compulsory medical insurance are equally provided with acute, ambulatory and extended care.

All children under age 18, all pupils of vocational and specialized secondary education, students of higher and post-university education, pregnant women and women during 6-8 weeks after childbirth, mothers of 7 or more children, handicapped children of the 1<sup>st</sup> category, disabled persons and other enter the group of people supplied by the State.

The expenditures on a mother and children health care at all levels of health services system are covered by the National Medical Insurance Company.

The children up to one year are for free provided with Hemofer and Vitamin D2 that prevent rachitis and anaemia.

Children from 0 to 5 years old are gratuitously provided with medicines, according to the Program of Integrated Control of Children Disease in the country.

Children aged 2 to 5 receive free prophylactic treatment of dehelminthization.

The pregnant women and mothers of one-year olds belonging to that group of population are instructed at pregnant woman's and mother's schools respectively in compliance with the regulations in force.

Immunoprophylaxis among the Roma is carried out in conformity with vaccination calendar.

At the same time in accordance with the Action Plan for 2009 signed by the Ministry of Health and UNFPA the certain measures in the sphere of reproductive health are taken under the project "Promotion of access to main services, human security and social inclusion of the vulnerable groups of the Republic of Moldova".

Thus, in order to promote the access of vulnerable groups to basic services 40 medical workers from the localities where Roma live in substantial numbers were trained in the sphere of reproductive health and family planning in the period from 22 June to 3 July (family doctors, doctors of reproductive health cabinets, medical assistants).

But with a view to increase Roma access and raise Roma awareness of reproductive health the Ministry of Health in cooperation with the UNFPA office in Moldova realized a social information campaign "Don't forget! Your family health depends on your health".

Social protection policy is aimed at improving of living conditions, corresponding social protection, maintaining a social dialogue and combating marginalisation and social exclusion.

In the sphere of **social protection** the national legislation guarantees the equal right to social assistance of all the citizens of the Republic of Moldova irrespective of national minority affiliation.

The Law on social assistance № 133-XVI of 13 June 2008 was adopted with a view to ensure that the unfavourable families receive minimum monthly income by means of allocation of social assistance, fixed in accordance with the average global monthly income and the demand for social assistance.

The Law is applied to the families whose members are the citizens of the Republic of Moldova, citizens of other countries, stateless persons and refugees residing in the Republic of Moldova in accordance with the legislation.

The National program for creation of an integrated system of social services for the years 2008-2012 was adopted by the decision of the Government № 1512 of 31 December 2008. It provides for comprehensive policy to support persons in difficulty by offering efficient, high-quality social services. These social services are aimed at providing the persons with short and long-term support, meeting their social demands, reducing social exclusion and improving of quality life, at the same time corresponding to the goals of the Action Plan of the Government “European integration: freedom, democracy, prosperity” for 2009-2013, to the Sections concerning the Social policies and Integration of the national minorities.

Development of integrated system of social services will contribute to social inclusion of persons in difficulty (including of Roma origin), guaranteeing respect for their fundamental rights. The system will become more efficient from the point of view of costs, will cover all persons asking for a social support and will positively influence citizens’ living conditions only combining measures on prevention, rehabilitation as well as examination of cases at the level of the community before their worsening (and advance in the cost of their solution respectively).

In this context Social Assistance Service is being founded under the Department for social assistance and family protection with a view to develop the infrastructure and to widen social assistance provided to the persons in difficulty.

Regulations on Social Assistance Service, model of job description for a position of a Director of Social Assistance Service, social assistant supervisor and community social assistant were adopted by the decree of the Ministry of Labour, Social Protection and Family № 54 of 10 June 2009. Social assistant is an important actor in the community who identifies and evaluates necessities of socially vulnerable groups of people and ensures their access to the social assistance. He/she provides support to the families irrespective of the ethnic origin in order to consolidate and ensure their integrity and support to children, young, elderly and disabled people.

On 10 June 2009 an internal training “Respect for principle of non-discrimination” was organized in the Ministry. During the training the collaborators of the Ministry familiarized themselves with the provisions of the Framework Convention for the protection of national minorities as well as with the international and national legislative framework in the sphere concerned.

In the period from 22 to 27 March of 2009 a delegation from the Republic of Moldova consisting of representatives from a number of line ministries arrived for a visit to Bucharest, Romania with a view to study and adopt the practices of other European countries regarding improvement of socio-cultural situation of the Roma population.

The visit was organised under the project on official development assistance to the Republic of Moldova financed by the Ministry of External Affairs of Romania implemented by the UNFPA Moldova. This visit allowed exchanging experience in the sphere of formulation and implementation of the policies with the representatives of relevant institutions of Romania in charge of promotion access to basic services, protection and social inclusion of the Roma population. The program of the visit included meetings of the Moldovan officials with the representatives of the State authorities and nongovernmental organizations, notably: Ministry of External Affairs, Ministry of Health, Ministry of Education, Research and Innovations, National Health Insurance House, National Agency for Roma, Roma Centre for Social Intervention and Studies. At the same time, issues related to cooperation between the State structures and NGOs, needs of the Roma population, their ethno-cultural peculiarities and social inclusion were touched upon during these meetings.

In relation to economic development of the regions where persons belonging to national minorities live in substantial numbers, in particular Roma settlements, it should be mentioned that socio-economic transformations in the Republic of Moldova affect all the citizens of Moldova irrespective of their nationality. According to the **Ministry of Economy** the national programs and strategies provide for the activities of the Government to develop socio-economic structure of a country, notably: National Development Strategy for 2008-2011, approved by the Law № 295-XVI of 21 December 2007, Strategy for mobilization of investment and promotion of exports for 2006-2015, adopted by the decision of the Government № 1288 of 9 November 2006, etc. aimed at socio-economic development of all the localities in the country, including those where Roma live in substantial number. In conditions of unfavorable socio-economic situation of the Republic of Moldova caused by global economic crisis it is inappropriate to give preference to certain localities.

Bureau of Interethnic Relations as a coordinator of implementation and monitoring of the Action Plan for the support of Roma for 2007-2010 will continue to extend collaboration with the Roma public organizations in the context of the findings and recommendations of the Advisory Committee with a view to improve situation of Roma population in the Republic of Moldova. (*See also remarks under pp. 192, 196*)

### **Paragraph 198**

The Advisory Committee's statement about limited representation of nation minorities in State administration and civil service is grounded. There is no proportional representation of the national minorities, including Roma and numerically-smaller minorities in the central public administration. There hasn't been created any mechanisms of realization of the Article 24 of the Law N° 382 of 28 August 2001 on the rights of persons belonging to national minorities and their associations which provides for minority right to

approximately proportional representation in the executive bodies and in the judiciary both at central and local levels.

Law of the Republic of Moldova regarding civil service and status of public officials N° 158-XVI of 4 July 2008 doesn't limit access to public service on the grounds of the ethnic origin. Every citizen of the Republic of Moldova can apply for public service. Besides, in compliance with the Article 25 (1) b of the Law one of the conditions for getting a public position is a command of the State language and one of the official languages of interethnic communication spoken in the respective territory within the limits stipulated by the legislation. The same condition is regulated by the Article 7 of the Law on the functioning of languages spoken in Moldova (1989) which defines the command of the State and the Russian languages as one of the conditions for accessing public employment.

Taking into consideration that linguistic integration is one of the problems of national minorities that prevents them from wide public employment there are taken certain steps to improve quality and increase availability of teaching of the State language to adult population, including as a part of the formal pre-university educational system. (*See also remarks under p. 196*)

At the same time, legislation in force of the Republic of Moldova guarantees the equal right of the citizens to vote and to be elected, irrespective of the ethnical origin and command of the State language. The candidates for the President of the Republic of Moldova and Bashcan of Gagauzia make an exception; the President of the Republic of Moldova is required to know the Moldovan language and Bashcan of Gagauzia – the Gagauz language.

### **Paragraph 199**

Coordinating Council of Ethno-cultural Organizations has the status of a public advisory consultative body that operates under the auspices of the Bureau of Interethnic Relations and is stipulated by Article 25, p. 3 of the Law № 382 of 28 August 2001 on the rights of persons belonging to national minorities and their associations. Bureau of Interethnic Relations considers the given body to be a link in constant dialogue and consulting with ethno-cultural organizations in the process of elaboration and implementation of the state policy in cultural, educational, linguistic and other spheres pertinent to interests and needs of the national minorities in the Republic of Moldova.

Being an intermediary between the national minorities and the authorities the Coordinating Council plays a positive role in formulation and expression of minority national-cultural interests.

At the same time with a view to increase effectiveness and democratization of Council's activity and to use more the public potential of the national minorities it is being planned:

- to improve Regulations of the Coordinating Council
- to improve its organizational structure through establishment of line subdivisions which will include ethno-cultural organizations in accordance with their spheres of

activity within the process of preservation and development of national-cultural identity (consolidating functions, cultural activity, issues of science and education, youth movement, etc);

- to widen its functions as a mechanism of minority rights protection and an intermediary between the national minorities and the state authorities in charge of issues in this sphere;
- to widen its role as a part of the civil society of Moldova and mouthpiece of public opinion concerning interethnic relations.

Furthermore, the principle of equal representation in the Coordinating Council is maintained. Representatives (leaders) of all public ethno-cultural organizations which are accredited under the auspices of the Bureau of Interethnic Relations, have republican status and are registered by the Ministry of Justice of the Republic of Moldova, form part of the Coordinating Council, irrespective of national minority amount and quantity of registered public structures. Thus, heads of 93 ethno-cultural organizations enter the Coordinating Council. All in all 30 national minorities are represented in the Coordinating Council: Ukrainians (8), Russians (11), Bulgarians (4), Jews (4), Belarusians (1), Roma (12), Germans (2), Polish (3), Tatars (2), Armenians (4), Azeri (3), Uzbeks (including representatives of other ethnoses from Central Asia) (1), Chuvashes (1), Lithuanians (3), Greeks (2), Ossetians (1), Koreans (1), Estonians (1), Italians (1), Udmurts (1). (*See also remarks under p. 194*)

In the process of present Comments elaboration there were organized meetings of the Coordinating Council with:

- Mr. Vladimir Filat, the prime minister of the Republic of Moldova (on 13 October 2009);
- Mr. Marian Lupu, the member of the Parliament, presidential candidate (on 20 October 2009).

During these meetings the leaders of the ethno-cultural organizations were not only given a possibility to express their opinions about interethnic relations and issues for actions but noted a series of problems in relation to socio-economic situation of the Moldovan population as a whole. It was decided upon appropriateness to hold systematically such meetings and discussions with the representatives of different branches of power with a view to extend spheres of cooperation and reciprocal actions, to adjust existing practice to international standards.

The project of Regulations of the Bureau of Interethnic Relations which is going to be submitted to the Government of the Republic of Moldova for approval was discussed during the recurrent meeting of the Coordinating Council (on 19<sup>th</sup> of November 2009).

Thereby, indicated measures and further cooperation between the Bureau of Interethnic Relations and the members of the Coordinating Council in the context of the Advisory Committee recommendations allow making participation of the Coordinating Council in the process of protection of national minority civil, cultural, educational and religious rights more effective and will contribute to national minorities' integration into socio-administrative, cultural-political and economic life of the Republic of Moldova.



## **Paragraph 200**

According to the **Ministry of Justice** Article 111 of the Constitution of the Republic of Moldova and the Law of the Republic of Moldova on special legal status of Gagauzia (Gagauz Yeri) № 344 of 23 December 1994 provide that Gagauzia is an autonomous territorial unit with the specific status that represents a form of Gagauzes determination and being an integral and inalienable part of the Republic of Moldova, independently solves the politic, economic and cultural problems on behalf of the total population within the limits of its competences. All rights and freedoms stipulated by the Constitution and legislation of the Republic of Moldova are respected throughout the territory of Gagauzia. Representative and executive bodies functions in Gagauzia. The land, subsurface, waters, flora and fauna and other natural resources on the territory of Gagauzia represent the property of the population of the Republic of Moldova and at the same time constitute the economic basis of Gagauzia.

The budget of Gagauzia is formed in compliance with the standards contained in the Law on special legal status of Gagauzia (Gagauz Yeri). The Government exercises control over respect toward the Republic of Moldova within the limits of the legislation. The Law that regulates the specific status of Gagauzia may be modified by three-fifths votes of the members of the Parliament.

The Gagauz minority is represented in the Parliament of the Republic of Moldova. The deputy Mr. Stoianoglo Alexandru belonging to Gagauz minority was appointed to the function of the Vice President of the Parliament by the decision of the Government № 27 of 25 September 2009.

According to above mentioned Law the Governor of Gagauzia is a member of the Government, confirmed in a position by the decree of the President of the Republic of Moldova.

In accordance with the decision of the Government № 129 of 15 February 2000 regarding the Ministry of Justice of the Republic of Moldova, the Legal Department of autonomous territorial unit with the specific status Gagauzia (Gagauz Yeri) is an institution subordinated to the Ministry of Justice. According to Regulations of the Ministry of Justice approved by the decision of the Government, the Board consisting of the Minister (the President), Prime Vice Minister and Vice Minister, other collaborators of the Ministry of Justice and the Chief of the Department of Justice of Gagauzia (Gagauz Yeri) is formed under the Ministry. Besides, in compliance with the said Regulations the Ministry of Justice finances the central apparatus, the Department of Justice of Gagauzia (Gagauz Yeri) in the prescribed manner and at the suggestion of the Peoples' Assembly of Gagauzia appoints and dismisses the Chief of the Department of Justice of Gagauzia (Gagauz Yeri).

Regarding the fact that the functioning of the autonomy regime in Gagauzia is impeded by the distribution of competences between the central Government and the authorities of

Gagauzia it should be noted that a controversy between the Government of the Republic of Moldova and UTA Gagauzia is referred to the limitation of the control over the latter rather than to the limitation of competences. Therefore, the authorities of Gagauzia solicit for limitation of control exercised by the central administration controlling acts adopted by the local authorities so that it couldn't control the acts adopted by the Gagauz authority.

## **CONCLUSION**

The Moldovan authorities will promote the findings and recommendations reflected in the Third opinion on Moldova through its activity and will examine the possibility to take efficient measures to implement the recommendations of the Advisory Committee of the Council of Europe on the Framework Convention.

Bureau of Interethnic Relations will continue to coordinate and monitor the promotion and implementation of the Third Opinion on Moldova and will get the central and local authorities, non-governmental organizations of the national minorities and other public and state institutions involved into this activity.

The Moldovan authorities are interested in developing of collaboration with the Advisory Committee of the Council of Europe, including financial support to organize a number of seminars and other activities with a view to promote the Third Opinion on Moldova and implement recommendations contained in it:

- to translate and publish the Third Opinion on Moldova into numerous national minority languages, notably: Ukrainian, Russian, Bulgarian, Romani;
- to organize republican international seminar (in Chisinau) with participation of the representatives of the Advisory Committee of the Council of Europe, central and local authorities, civil society and ethno-cultural organizations of the national minorities;
- to organize a series of trainings to cultivate the spirit of tolerance in mass media, principles of non-discrimination and equality in order to ensure freedom of confession.

The Advisory Committee support of above mentioned activities will contribute to improvement of the system of adequate satisfaction of national minorities' socio-cultural interests, will increase the efficiency of implementation of the international standards and enforcement of the legislation in force and will, in general, contribute to succession of the process of implementation of the Framework Convention for the protection of national minorities.