

**Resolution CM/ResCMN(2010)6
on the implementation of the Framework Convention for the Protection of National Minorities
by Moldova**

*(Adopted by the Committee of Ministers on 5 May 2010
at the 1084th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Moldova on 20 November 1996;

Recalling that the Government of Moldova transmitted its state report in respect of the third monitoring cycle under the Framework Convention on 24 February 2009;

Having examined the Advisory Committee’s third opinion on Moldova, adopted on 26 June 2009, as well as the written comments of the Government of Moldova, received on 11 December 2009;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Moldova:

a) Positive developments

Moldova has pursued a proactive approach towards the monitoring process and has taken useful steps to disseminate the results of the two first cycles of monitoring, notably by translating them into various national minority languages. The authorities have also maintained an inclusive approach in practice in the communication with representatives of the national minorities.

In the field of protection against discrimination, some positive steps have been taken in order to improve the legislative framework to combat discrimination. It is expected notably that a comprehensive anti-discrimination law will be adopted as a matter of priority. Additionally, the important work of the Parliamentary Advocates in the field of prevention and monitoring of discrimination has been pursued.

The authorities have continued to provide support to activities to preserve and develop the cultural heritage of national minorities. Public TV and radio have continued to broadcast programmes in minority languages, even though the amount and quality are reportedly insufficient and broadcasting times, as far as television is concerned, are not adequate.

Muslim believers have been allocated a specific spot for burials in Chisinau’s cemetery.

Possibilities to be taught minority languages have expanded. Particular efforts have been made to develop the supply of textbooks for minority language teaching. Efforts have also been made to expand the model of “experimental schools” providing education in minority languages. New classes aiming at fostering tolerance and mutual respect in society have been introduced in the school curriculum. Some municipalities have developed measures to increase the enrolment rates of Roma children in schools and improve their participation in education in general.

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

The authorities have developed a range of agreements aiming at developing cross border co-operation in the field of minority protection, including at regional level.

b) Issues of concern

The results of the population census of 2004 are not entirely reliable as far as ethnic origin and language are concerned. Moreover, information on the socio-economic and educational situation of persons belonging to national minorities remains limited. The systematic collection of data on discrimination-related cases is also lacking.

Although Moldovan society continues to be characterised by peaceful relations between persons belonging to different groups, it is worrying that linguistic divisions are sometimes used to stir up cleavages in society. Moreover, persons belonging to some groups, such as non-European immigrants and Roma, are often confronted with intolerance, at times fuelled by the media, and instances of racially-motivated insults and acts. Police harassment and brutality against persons belonging to these groups are also often reported.

Support allocated to the Bureau for Interethnic Relations, and other institutions dealing with minority issues, has decreased in recent years. As far as the system of allocation of support for the preservation and development of the cultural heritage of national minorities is concerned, the representatives of the latter regret that it lacks transparency and participation of minority organisations and representatives. Numerically smaller minorities would like to receive greater support to preserve their culture and languages.

Muslim organisations have not succeeded in having Islam recognised as a religion in Moldova, including following the entry into force of the new Law on religious denominations in 2008. This prevents them from effectively exercising their right to manifest their religion and establish religious institutions, organisations and associations.

The provision of adequate teaching of the state language to persons belonging to national minorities continues to be insufficient, despite the various programmes implemented by different actors in recent years. This can result in reduced opportunities to effectively participate in public affairs and in socio-economic life. Besides, further developments of the system of teaching of and in minority languages are hampered by a general lack of means, notably of textbooks and adequate teacher training.

Despite the adoption of successive specific action plans to improve the situation of the Roma and some action taken locally, many of the Roma continue to live in isolated settlements in substandard housing and extreme poverty conditions, and have low rates of participation in the education system. Their participation in public affairs also remains limited. Moreover, they often face discrimination, and sometimes hostile societal attitudes. Implementation of the 2007-2010 Action Plan could have benefitted from the allocation of greater resources.

The participation of persons belonging to national minorities in the state administration is more limited than in elected bodies. The employment of Roma and of persons belonging to numerically smaller minorities in state administration and civil service is particularly low.

Minority representatives regret that the decision-making authorities do not make full use of the potential of the Co-ordinating Council of Ethno-cultural Organisations as an advisory body on minority-related issues.

The functioning of the autonomy regime in Gagauzia is marred by a number of inconsistencies with regard to the division of competences between the central government and the authorities of Gagauzia.

2. Adopts the following recommendations in respect of Moldova:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action²

- Adopt as a matter of priority comprehensive anti-discrimination legislation; carry out, on a regular basis, monitoring of discrimination, as well as of racially-motivated or anti-Semitic acts.

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- Take more resolute measures to combat all forms of intolerance, including in the media and in political life, and promote mutual respect and understanding. Effectively investigate and sanction all forms of misbehaviour by the police.
- Take more resolute measures to ensure that the implementation of the action plan for Roma results in substantial and lasting improvement in the situation of the Roma in all areas, including by allocating adequate resources to its implementation; take steps to promote a better representation of the Roma at all levels.

Further recommendations¹

- Ensure that the next population census is carried out fully in accordance with international recommendations as far as the collection of data on ethnic origin and language are concerned.
 - Provide adequate support to the Bureau for Interethnic Relations so that it can effectively play its role as main actor of the government's policy in the field of national minorities and interethnic relations.
 - Ensure that the allocation of support for the activities of national minority organisations is made in a transparent and participative manner; pay due attention to the needs of all the national minorities in the field of preservation and development of their culture and language.
 - Ensure that Muslim believers, and persons belonging to other religions, can effectively enjoy the right to manifest their religion or belief and establish religious institutions, organisations and associations.
 - Pursue the efforts to develop a system of multilingual education, including education in minority languages. Make every effort to improve substantially the availability and quality of teaching of the state language.
 - Take further, more resolute measures to increase the participation of persons belonging to national minorities, including of numerically smaller minorities, in the state administration and in public services.
 - Ensure that the Co-ordinating Council of Ethno-cultural Organisations can effectively play its role as a consultation mechanism and enable persons belonging to national minorities effectively to take part in decision making.
 - Pursue the dialogue with a view to providing a clearer determination of the competences of the Gagauz authorities and allowing for a more effective functioning of the Autonomous Territorial Unit of Gagauzia.
3. Invites the Government of Moldova, in accordance with Resolution (97) 10:
- a. to continue the dialogue in progress with the Advisory Committee;
 - b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.