



Strasbourg, 26 June 2009

ACFC/OP/III(2009)003

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

Third Opinion on Moldova adopted on 26 June 2009

EXECUTIVE SUMMARY

Since the ratification of the Framework Convention, Moldova has pursued its efforts to develop a system of protection of minority rights and implement existing legislation in this regard, notably in the field of education. Additional steps need to be taken to complete the legislative framework for the protection of the rights of national minorities. Furthermore, the human rights violations that occurred following the elections of April 2009 may have a negative impact on the subsequent implementation of the Framework Convention in Moldova.

Opportunities to be taught minority languages have been expanded and steps have been taken to develop multilingual education. However, more substantial efforts must be made to improve the provision and quality of teaching of the State language¹ to persons belonging to national minorities, so as to increase their chances to participate effectively in public affairs, as well as in the socio-economic life of the country.

Tensions around language-related debates are regularly resurfacing, although they are not as intense as they were some years ago.

Besides, persons belonging to certain minorities, as well as non-European immigrants, are often confronted to prejudices, and sometimes racially-motivated acts, even though these are rarely reported. Certain media are reportedly disseminating stereotypes and, sometimes, inciting hatred among various groups. Instances of police harassment and ill-treatment have been reported, that

¹ In this Opinion, the Advisory Committee refers to the State language as defined in Article 13 of the Constitution of the Republic of Moldova.

include targeting persons belonging to some minorities, immigrants, as well as persons affiliated with denominations other than the Orthodox Church. Resolute measures should be taken by the authorities to further promote inter-cultural - and inter-religious - dialogue and to combat all form of intolerance, including in the political sphere and media.

Steps have been taken to develop the legislative framework against discrimination, which should be pursued further. However, in practice, persons belonging to some minority groups, notably Roma, are facing instances of discrimination. The authorities have launched an Action Plan to improve the situation of the Roma in various areas, such as housing, employment, education, health care and culture. Yet further and more resolute efforts need to be made, and more resources allocated, for the Action Plan to have a tangible and lasting impact on the situation of those Roma who are facing social exclusion and marginalisation.

The population census carried out in 2004 provides an updated overview of the composition of the population, even though it is not entirely reliable as far as data on ethnicity and language are concerned. Additionally, there is still a general lack of up-to-date information on the situation of persons belonging to national minorities.

Despite the existence of the specific autonomy status granted to Gagauzia (Gagauz Autonomous Territorial Unit) in 1994, more resolute efforts need to be made to preserve and develop the Gagauz language and cultural heritage. Moreover, there is a need for a clearer determination of the competences of the Gagauz authorities in order to allow for a more effective functioning of the autonomy structures.

Public media continue to broadcast programmes in various minority languages, although usually not on prime time. Programmes in minority languages disseminated by private media, mostly from neighbouring countries, are widely accessible.

Persons belonging to national minorities are represented in elected bodies at various levels; yet, the legislation on political parties contains provisions that prevent them from creating political parties representing their legitimate interests. Their employment in State administration and public services remains more limited. The Council of Ethno-cultural Organisations gathers a wide range of minority organisations, including of immigrant background. Unfortunately, the authorities do not seem to make full use of its potential as a consultation and advisory body.

Issues for immediate action

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

TABLE OF CONTENTS

I. MAIN FINDINGS.....	5
Monitoring process.....	5
General overview on the implementation of the Framework Convention after two monitoring cycles.....	6
Legislative framework and institutional structures	7
Intercultural dialogue and tolerance	7
Right to freedom of religion.....	8
Rights of persons belonging to national minorities in the field of education	8
Situation of the Roma.....	8
Rights of persons belonging to national minorities to effective participation	9
II. ARTICLE-BY-ARTICLE FINDINGS	10
Article 3 of the Framework Convention	10
Article 4 of the Framework Convention	10
Article 5 of the Framework Convention	14
Article 6 of the Framework Convention	16
Article 7 of the Framework Convention	19
Article 8 of the Framework Convention	20
Article 9 of the Framework Convention	21
Article 10 of the Framework Convention	23
Article 12 of the Framework Convention	24
Article 14 of the Framework Convention	26
Article 15 of the Framework Convention	29
Article 18 of the Framework Convention	33
III. CONCLUDING REMARKS	35
Positive developments from the two cycles of monitoring.....	35
Issues of concern from the two cycles of monitoring	35
Recommendations	36

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

THIRD OPINION ON MOLDOVA

1. The Advisory Committee adopted the present Opinion on Moldova in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 24 February 2009, 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, from 21 to 24 April 2009.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Moldova. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Moldova, adopted on 1 March 2002 and 9 December 2004 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 15 January 2003 and 7 December 2005.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Moldova.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Moldova as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of state parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increased transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

I. MAIN FINDINGS

Monitoring process

6. The Moldovan authorities have maintained a constructive approach to the process of monitoring under the Framework Convention, including by submitting their State Report in a timely manner. Moreover, the Advisory Committee wishes to highlight as a model of good practice the fact that, as it was already the case for the 1st cycle of monitoring, its second Opinion, together with the corresponding Committee of Ministers' Resolution, was translated into six languages.² It also welcomes the organisation of a follow-up seminar in 2006, which contributed to the dissemination of the results of the second cycle of monitoring. Furthermore, it takes note with interest of the various events concerning national minorities which have been organised since 2005, including meetings in various regions convened by the Bureau for Interethnic Relations and seminars on the European Charter on Regional or Minority Languages, in 2007.

7. The Advisory Committee notes that the third State Report of Moldova was prepared by a working group, composed of representatives of the various ministries involved in minority protection and the Chairman of the Board of the Council of Ethno-cultural Organisations and headed by the Bureau for Interethnic Relations. Additionally, two meetings with the organisations which are members of the Council of Ethno-cultural Organisations were convened by the Bureau for Interethnic Relations in 2008 to discuss the content of the State Report.

8. Nevertheless, the Advisory Committee was informed that not all organisations of national minorities were consulted in the preparation of the State Report and that many of them did not have an opportunity to see the final version of the report before it was forwarded to the Council of Europe. The Advisory Committee reiterates its recommendation of the second cycle of monitoring inviting the authorities to ensure that, in the preparation of forthcoming State Reports, consultation should be more inclusive and that the views of a wider range of minority representatives should effectively be taken into account.

9. The Advisory Committee visited Moldova from 21 to 24 April. It finds that this visit, organised at the invitation of the Moldovan Government, provided a good opportunity to have a direct dialogue with the parties concerned. The additional information provided by the Government and by other sources, including by representatives of national minorities, has proved to be most valuable. The meetings took place not only in Chisinau, but also in the Otaci and surrounding localities. The Advisory Committee welcomes the co-operative spirit shown by the Moldovan authorities in the process leading to the adoption of this Opinion.

10. The Advisory Committee notes with regret that Transnistria continues to be outside of the effective control of the Moldovan Government, despite efforts made in recent years by the Moldovan authorities and by the other parties concerned to find a peaceful solution to the conflict. Consequently, the Moldovan authorities cannot ensure the effective implementation of the Framework Convention on this territory. Furthermore, the Advisory Committee understands that the unresolved conflict concerning Transnistria continues to have an impact on the implementation of the Framework Convention also in the territories under the control of the Government.

² The State language, Russian, Ukrainian, Bulgarian, Gagauz and Romani.

11. The Advisory Committee encourages the Moldovan authorities, together with all the parties concerned, to step up their efforts and maintain an open and constructive approach with a view to finding a just and lasting solution to the conflict concerning Transnistria as soon as possible. In doing so, the principles enshrined in the Framework Convention must be fully respected to guarantee the rights of persons belonging to national minorities throughout the territory of Moldova.

General overview on the implementation of the Framework Convention after two monitoring cycles

12. Findings from different sources, including other international bodies³ indicate that human rights violations occurred in Moldova following the parliamentary elections of April 2009. The Advisory Committee is deeply concerned by these human rights violations, which are not in line with the spirit of the Framework Convention and may have a negative impact on the subsequent implementation of this Convention in Moldova.

13. The Advisory Committee understands that Moldova has been facing a difficult economic situation for years, which has led to regular emigration of part of the population. It notes that persons belonging to national minorities are also affected by this phenomenon, although it does not have data on emigration disaggregated by ethnic origin and can, therefore, not assess whether persons belonging to national minorities are disproportionately taking part in migratory movements.

14. The results of the last population census, carried out in 2004, indicate that the total number of persons belonging to national minorities has substantially decreased and that the relative size of each minority group has also been altered.⁴

15. Additionally, the Advisory Committee acknowledges that the current economic crisis is having a strong impact in Moldova, including on the allocation of resources for the implementation of the Framework Convention. However, it finds important to pursue the efforts to protect national minorities developed since the ratification of the Framework Convention, to build up on the results already achieved and also to reduce the likelihood of difficulties arising in the future.

16. The Advisory Committee was unable to assess in detail the situation of persons belonging to national minorities in Transnistria. Nevertheless, it wishes to express its deep concern on the continuous violations of human, including minority rights, in Transnistria, that were brought to its attention by various sources.⁵ In particular, the situation of those attending schools which provide teaching in the State language and in the Latin script, and of those providing teaching in these schools, has not improved since the adoption of its second Opinion.

³ See Council of Europe Commissioner for Human Rights: "Report by Thomas Hammarberg, following his visit to Moldova on 26-28 April 2009". Parliamentary Assembly of the Council of Europe: "Information Note on the functioning of democratic institutions in Moldova: follow-up to Resolution 1666 (2009) on the Functioning of Democratic Institutions in Moldova", adopted on 29 April 2009.

⁴ The census of 1989 indicated that persons belonging to national minorities formed 35,5% of the Moldovan population at that time, with respectively 13,8% of Ukrainians, 13% of Russians, 3,5% of Gagauz, 2% of Bulgarians, 1% of Jews, 0,3% of Roma, etc. The total population was of 4 335 360 persons. The census of 2004 shows that the total population decreased to 3 383 332 persons and that persons belonging to national minorities now represent roughly 23,8% of the population. Ukrainians now represent 8,4%; Russians, 5,9%; Gagauz, 4,4%; Romanians, 2,2%; Bulgarians, 1,9%; Roma, 0,4%; Jews, 0,1%; other nationalities, 0,5%.

⁵ See footnote 3 above. See also European Court of Human Rights in *Caldare and 42 Others v. Moldova and Russia* (application no. 8252/05), *Catan and 27 Others v. Moldova and Russia* (no. 43370/04) and *Cercavschi and 98 Others v. Moldova and Russia* (no. 18454/06).

Legislative framework and institutional structures

17. The authorities have pursued their efforts to develop further the system of protection of minority rights and implement the existing legislation, notably in the field of education. However, it notes that no further steps have been taken to complement the existing legislative framework in the field of minority protection, although this was prescribed by the Law of 2001 on the rights of persons belonging to national minorities and the legal status of their organisations (hereinafter referred to Law on minorities). This requires that the legislation in force be amended in order to be consistent with the Law on minorities and that new legal acts be adopted to ensure the implementation of this Law on minorities.⁶ Furthermore, in general, the Advisory Committee notes with regret that the implementation of existing laws remains incomplete and that more substantial efforts are needed to ensure that persons belonging to national minorities can fully enjoy their rights, as protected under the existing laws.

18. Furthermore, it appears that the importance given to minority-related issues and minority policy by the authorities has been decreasing since the adoption of the second Opinion of the Advisory Committee. Less support (human and financial) has been allocated to the implementation of the Framework Convention, as shown by the decreasing level of resources allocated to the work of the Bureau for Interethnic Relations, the lowering of its status, and the closure of the unit dealing with minority education in the Ministry of Education. 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.

19. Since 1989 there has been no new legislation concerning the status of languages in Moldova.⁷ Yet, the discussions around the linguistic affiliations of the various groups within society are still an issue in daily life in Moldova, even though they are not as dominating as a decade ago. The Advisory Committee is concerned by the recent upsurge of tensions around language affiliation and identity issues and the potential impact of this on social cohesion in Moldova (see also remarks in paragraph 21 below).

20. Draft legislation is under consideration in order to improve protection against discrimination and better sanction incitement to hatred and racially-motivated violence. The Advisory Committee expects that these new texts will soon enter into force and will contribute effectively to combating discrimination and racism as well as to raising awareness of these problems in the society at large. In this area, the Parliamentary Advocates play an important role in combating discrimination and it is essential that they continue to be granted adequate support.

Intercultural dialogue and tolerance

21. Although the Moldovan society continues to be characterised by peaceful relations between persons belonging to different groups, a recent upsurge of tensions along the language-related and national identity issues has been reported. It is particularly worrying that linguistic divisions are used for political purposes and presented by some as a root cause for the cleavages in society. Moreover, persons belonging to some groups, such as immigrants and Roma, are on occasions confronted with intolerance, which at times is fuelled by the media, and experience instances of racially-motivated insults and acts.

⁶ See Article 29 of the Law on the rights of persons belonging to national minorities and the legal status of their organisations, adopted on 19 July 2001.

⁷ The Law on the functioning of languages has been in force since 1989.

22. The lack of pluralism as well as excessive restrictions on the freedom of the media raise particular concern. Some media are also fuelling intolerance, and sometimes hatred, notably in the context of the continuing debate on linguistic affiliations. Public media do not seem to sufficiently reflect the cultural diversity of the Moldovan society, even though there is broadcasting in a number of minority languages.

23. Even though police training in the field of human and minority rights has been conducted in the last few years, police misconduct and brutality continue to be reported by various sources.⁸ Some persons belonging to national minorities, notably immigrants and persons belonging to non-traditional religious groups, as well as Roma, allege that they continue to be confronted with verbal and physical ill-treatment, excessive use of force, abusive stop and search on the street and other forms of intimidation and harassment by the police.

Right to freedom of religion

24. Muslim organisations have repeatedly submitted requests for Islam to be recognised as a religious denomination in Moldova, including following the entry into force of the new Law on religious denominations in 2008. All of these requests have been unsuccessful so far. Furthermore, representatives of the Muslim communities complain about allegedly disproportionate scrutiny by the police and other forms of harassment.

25. It is important to open a dialogue between the authorities and the representatives of the Muslim religion on the issue of registration of Islam in Moldova. Moreover, the authorities should ensure, in the light of the decision of the European Court of Human Rights in *Masaev v. Moldova*,⁹ that Muslim believers, and persons belonging to other minority religious denominations, can effectively enjoy the right to manifest their religion or belief and establish religious institutions, organisations and associations.

Rights of persons belonging to national minorities in the field of education

26. Moldova has pursued its efforts to develop textbooks and other pedagogical tools for the teaching of minority languages. Experimental schools providing teaching in some minority languages also continue to operate. Nevertheless, further developments of the system of teaching of and in minority languages are hampered by a general lack of means, notably of textbooks and of adequately trained teachers.

27. The provision of teaching of the State language for persons belonging to national minorities, at school and in other contexts, continues to be insufficient, despite the various programmes implemented by different actors in recent years. There is a need for a comprehensive strategy of the Government to increase substantially the availability and quality of teaching in this field, as many persons belonging to national minorities continue to have little or no command of the State language. This results in reduced opportunities to participate effectively in public affairs and in socio-economic life.

Situation of the Roma

28. Notwithstanding the fact that part of the Moldovan Roma enjoy adequate living conditions, the majority of them continues to be confronted with a range of serious difficulties in

⁸ See footnote No. 3 above.

⁹ *Case Masaev v. Moldova*, Application N° 6303/05, Judgment of 12 May 2009. This judgment is not yet final (Article 44 paragraph 2 of the European Convention for Human Rights).

daily life and their conditions seem not to have substantially improved since previous opinions of the Advisory Committee were adopted. Substandard living conditions persist in many rural Roma settlements, as well as isolation and marginalisation from society. Rates of unemployment and poverty among them are higher than for the majority population. Participation in education and educational attainments of the Roma remain in general very low, despite efforts made to improve school enrolment. Effective participation of the Roma in public affairs, through elected bodies, and their representation in State administration, are extremely limited.

29. The authorities have developed an Action Plan for the Roma for 2007-2010, with several sectoral action plans in the field of education, employment, social protection and health care, and culture. The Advisory Committee reiterates its concern about the reported lack of effective implementation of many elements of this Action Plan. It believes that more resolute efforts and additional resources are needed to ensure that it results in tangible and lasting improvement of the situation of Roma. It is essential to develop further dialogue with Roma organisations and representatives and to involve them in the implementation, monitoring and evaluation of Roma strategies and action plans.

Rights of persons belonging to national minorities to effective participation

30. Persons belonging to national minorities are, in general, well represented in elected bodies, at the central and local levels. However, this does not imply that they benefit from every opportunity for effective participation in the political life of the country and in the decision-making process. In particular, the restrictions entailed in the Law on political parties of 2008 are an obstacle to the representation of the legitimate interests of national minorities and they may prevent them from effectively participating in public affairs.

31. The employment of persons belonging to national minorities in State administration appears to be limited and there is a lack of effective monitoring in this respect. The representation of numerically-smaller minorities and Roma is particularly low. Additional measures are required to train and retrain persons belonging to national minorities, including education in the State language, with a view to promote their recruitment at all levels of the State administration and civil service.

32. The Coordinating Council of Ethno-cultural Organisations continues to operate under the auspices of the Bureau for Interethnic Relations. It gathers a wide range of organisations representing various national minorities, including associations of immigrants. Minority representatives, however, regret that its role has decreased in recent years and suggest that decision-making authorities should make full use of its potential as an advisory body on minority-related issues.

33. The functioning of the autonomy in Gagauzia is marred by a number of inconsistencies in the distribution of competencies between the central Government and the authorities of Gagauzia. Further dialogue is needed with a view to allowing for a more effective functioning of the autonomy regime.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Citizenship criterion in the definition of “national minorities”

Recommendations from the two previous cycles of monitoring

34. In previous cycles of monitoring, the Advisory Committee welcomed the fact that Moldova pursued in practice an inclusive approach in its relations with national minority organisations and representatives.

35. However, it regretted that Law N° 382 of 28 August 2001 on the rights of persons belonging to national minorities and their associations introduced Moldovan citizenship as a requirement to be able to benefit from the provisions of the said Law. Furthermore, it noted with concern that persons seeking to obtain Moldovan citizenship continued to face a number of undue difficulties.

Present situation

36. Notwithstanding the positive approach underlined in paragraph 34 above, the Advisory Committee regrets that citizenship continues to be a requirement for persons belonging to minorities to access the protection offered by the Law on the rights of persons belonging to national minorities and their associations.¹⁰

37. The Advisory Committee is, however, pleased to note that the Moldovan authorities have maintained their approach in practice in communicating with the various groups living in the country and, notably, that representatives of immigrant communities are part of the Council of Ethno-cultural Organisations (see also remarks in respect of Article 15 below).

Recommendations

38. The Advisory Committee encourages the authorities to maintain an inclusive approach in dealings with persons belonging to minority groups living in Moldova.

39. The Advisory Committee invites the authorities to preserve the possibility for persons belonging to other groups, including non-citizens where appropriate, to be included in the application of the Framework Convention and to be covered by domestic legislation on minorities.

Article 4 of the Framework Convention

Combating discrimination

Recommendations from the two previous cycles of monitoring

40. In previous cycles of monitoring, the Advisory Committee noted that few cases of discrimination on grounds of ethnic origin had been reported and that there was, in general, little

¹⁰ See also the Venice Commission report, “Non-citizens and minority rights”, CDL-AD(2007)001, 18 January 2007.

public awareness of discrimination-related issues. It also underlined the need to provide additional support to the work of the Parliamentary Advocates.¹¹

Present situation

41. The Advisory Committee notes with interest that steps have been taken with a view to improving the legislative framework to prevent and combat discrimination. A draft framework law against discrimination has been elaborated, which should contribute to making the existing legislation more comprehensive and more accessible. The Advisory Committee is, in particular, pleased to note that the draft law introduces the shifting of the burden of proof and that it establishes that positive action aiming at promoting effective equality should not be considered as discriminatory.

42. Additionally, amendments to Articles 176 and 346 of the Penal Code, if adopted, should increase the scope of protection against discrimination and thus, enhance possibilities to sanction discriminatory acts, including discrimination on grounds of ethnic or national affiliation.

43. The Advisory Committee welcomes these important developments. It expects that both the new anti-discrimination law and the amendments to the Penal Code will be adopted by the Parliament with no further delays.

44. The Advisory Committee notes that few cases of discrimination on grounds of ethnic or national affiliation are being reported, even though such cases have been brought to the attention of the Advisory Committee by different sources, especially on grounds of belonging to the Roma minority. The limited number of reported cases of discrimination could be explained by various factors, including the absence of an official system of monitoring of discrimination and racism and insufficient awareness of this problem, both among potential victims, the judiciary, law enforcement institutions and the society at large. Against this background, the Advisory Committee welcomes the fact that a new Human Rights Action Plan for 2009-2011 is being elaborated and that it should, according to the information provided to the Advisory Committee, include a chapter on combating discrimination.

45. The Advisory Committee notes with satisfaction that the Parliamentary Advocates have continued to play an important role in the protection of human rights, including minority rights. Regional offices have been opened, which have improved access to this institution. The Advisory Committee notes with particular interest the commitment of the Parliamentary Advocates to raise awareness of discrimination in society. It is of the opinion that it is essential for the authorities to provide all the support required for this institution to continue to fulfil its mission effectively, both centrally and locally.

Recommendations

46. It is crucial that the new anti-discrimination law be adopted as a matter of priority. Monitoring of discrimination should also be carried out by the authorities on a regular basis. Moreover, the Advisory Committee invites the authorities to ensure full and effective implementation of the forthcoming Human Rights Action Plan (2009-2011), including on combating discrimination.

¹¹ There are three Parliamentary Advocates, who form part of the Ombudsman's institution, known as the Moldovan Center for Human Rights.

47. The Advisory Committee calls on the authorities to continue to provide adequate support to the Parliamentary Advocates so as to enable them to work efficiently and independently on preventing and combating all forms of discrimination.

Situation of the Roma

Recommendations from the two previous cycles of monitoring

48. In previous cycles of monitoring, the Advisory Committee was concerned by the socio-economic difficulties faced by persons belonging to the Roma minority, often resulting in social exclusion, marginalisation and isolation from society. Discrimination against them was also reported.

Present situation

49. Various sources indicate discrimination against Roma resulting in unequal opportunities for them in various fields, such as access to employment, housing, health care, education and access to land as a result of the past privatisation process (see also remarks in respect of Article 15 below). The Advisory Committee also notes with concern that Roma suffer from a general lack of information, including on their rights, and lack of access to justice. The Advisory Committee is deeply concerned by the fact that the situation seems not to have improved since the previous cycles of monitoring.

50. During its visit to Moldova, the Advisory Committee was informed by non-governmental sources that cases of non-registration of Roma children at birth are still reported, for various reasons ranging from lack of means to cover the late registration fees to birth while the family is working abroad. The lack of registration, resulting in lack of identity documents, has serious consequences for those concerned and it can *inter alia* lead to exclusion from health care and social protection. The Advisory Committee notes that the authorities are reviewing the situation in this respect and calls upon the authorities to ensure that, where such cases are identified, they are remedied as a matter of priority.

Recommendations

51. The Advisory Committee urges the authorities to redouble efforts to combat inequalities facing part of the Roma population. In doing so, they should emphasise measures aiming at combating discrimination in various areas. Awareness-raising on their rights should be undertaken and measures should be taken to improve their access to justice.

52. The Advisory Committee calls on the authorities to pay particular attention to possible instances of lack of identity documents among persons belonging to the Roma minority and ensure that effective and swift measures are taken to remedy such problems as a matter of priority.

Data collection

Recommendations from the two previous cycles of monitoring

53. In previous cycles of monitoring, the Advisory Committee noted that there was a lack of reliable data on the situation of persons belonging to national minorities.

Present situation

54. The Advisory Committee notes with satisfaction that the data resulting from the population census of 2004 partly alleviates the lack of information on persons belonging to national minorities.¹² However, it appears that the data related to language and ethnic origin/nationality is not entirely reliable as the approach of some enumerators was not impartial in conducting the census interviews. Moreover, there was a lack of clarity and information regarding the questions on ethnicity/language, which allegedly misled some respondents belonging to national minorities.¹³ Controversies also persist on the total number of persons belonging to the Roma minority.¹⁴

55. The 2004 census is, to date, the only official source of statistical data disaggregated by ethnic affiliation. The Population Register also contains information on the ethnic origin of the persons registered, based on replies to an optional question, but it is still under construction, according to the information received by the Advisory Committee from the authorities. No other official statistical data disaggregated by ethnic origin is being collected by the authorities. The authorities informed the Advisory Committee that they currently lack resources to do so.

56. Against this background, the Advisory Committee is of the opinion that there is a need for additional, reliable and up-to-date information on the socio-economic and educational situation of persons belonging to national minorities. The lack of such data hampers the authorities' capacity to design targeted and adapted measures to remedy existing problems facing persons belonging to national minorities. This is particularly problematic as far as the Action Plan for Roma is concerned, as it was elaborated on the basis of the 2004 census results whereas estimates of the Roma population are somewhat higher (see paragraph 54 above).

57. The Advisory Committee recalls that the collection of data disaggregated according to ethnic origin, for instance through labour force or household surveys, or through sociological surveys and studies, should effectively contribute to better policy-making on minority-related issues. It also wishes to remind the authorities of the importance, when information about individuals' ethnic origin is collected, processed and disseminated, of compliance with the safeguards which appear *inter alia* in Recommendation (97) 18 of the Committee of Ministers concerning the protection of personal data collected and processed for statistical purposes.

58. The Advisory Committee notes that the next population census is scheduled for 2012. The recommendations prepared by the International Expert Group on the Monitoring of the 2004 Census, notably those regarding the collection of data on the ethnic origin and language, form a useful basis for the preparation of the next census. It highlights the need for persons belonging to national minorities to be involved effectively, and at an early stage, in the preparation of this census. It is particularly important to involve them in the preparation of census forms in various minority languages and to consult them on entries, as the lack of clear and transparent definitions has been highlighted as one of the major problems.

¹² See footnote No. 3 above.

¹³ See "Final Report of the International Expert Group on the Monitoring of the 2004 Population and Housing Census in Moldova".

¹⁴ In the census of 2004, 12 271 persons identified as Roma (0,4% of the population). The Population Register gives a figure of 20 888 persons registered as Roma in 2008 (source: the State Report). The UNDP Survey on Roma in the Republic of Moldova (see footnote 27) estimates Roma population at 15 000. Other non-governmental sources give higher figures, up to 250 000 persons.

Recommendations

59. The Advisory Committee calls on the authorities to collect further information on the situation of national minorities, while fully respecting international standards in the field of personal data protection.

60. The authorities should also ensure that representatives of national minorities are effectively involved in the preparation of the next population census and that international recommendations regarding the conduct of population census are followed.¹⁵

Article 5 of the Framework Convention

Institutions and policies in the field of protection of national minorities

Recommendations from the two previous cycles of monitoring

61. In previous cycles of monitoring, the Advisory Committee noted with satisfaction the actions undertaken by the authorities to promote the cultural heritage of persons belonging to national minorities and, in general, to preserve the multicultural nature of Moldovan society.

Present situation

62. The Advisory Committee welcomes the inclusion in the Human Rights Action Plan for 2004-2008 of a substantial chapter on the protection of national minorities. It also notes that the Programme of Action of the Moldovan Government for 2005-2009 contained references to national minorities.

63. The Advisory Committee finds it regrettable that, according to its interlocutors, the support provided to the main institution in charge of national minorities' protection, the Bureau for Interethnic Relations, has decreased since 2004 and that its status has been lowered. The Bureau currently lacks financial and human resources in order to be able to carry out its duties effectively. Furthermore, the Advisory Committee notes with concern that the unit in the Ministry of Education in charge of dealing with minority education issues, that was highly valued by national minorities, was dismantled in 2007 (see also remarks under Article 12 below).

Recommendations

64. The Advisory Committee expects that the protection of persons belonging to national minorities will remain high on the agenda of forthcoming action plans and programmes of the Moldovan Government. The Advisory Committee urges the Moldovan authorities to provide all the support required for the Bureau for Interethnic Relations to play effectively its role as the coordinator of the Government's policy in the field of national minorities and interethnic relations.

65. More support should also be provided to those in charge of national minorities' issues in the various relevant ministries, in particular the Ministry of Education.

¹⁵ See United Nations Statistical Division: "Principles and Recommendations for Population and Housing Censuses (P&R) Revision 2", available on: www.unstats.un.org/unsd/demographic/sources/census/census3.htm

**Support for the preservation and development
of national minorities' identity and cultural heritage**

Recommendations from the two previous cycles of monitoring

66. In previous cycles of monitoring, the Advisory Committee invited the authorities to provide for greater involvement of persons belonging to national minorities in decision-making on the allocation of State support. It also encouraged them to consider increasing support to some groups, in particular the Ukrainian, Roma and Gagauz minorities.

Present situation

67. The Advisory Committee is pleased to note that the authorities continue to provide various forms of support to national minorities, such as support to museums, festivals and monuments of national minorities. The House of Nationalities in Chisinau plays an important role in the activities of national minorities' organisations.

68. However, various interlocutors of the Advisory Committee complained that the system of allocation of support to national minority organisations lacked transparency and that minority representatives were not sufficiently involved in decision-making in this field. The Advisory Committee finds it essential that representatives of national minorities, including numerically smaller groups, are effectively involved in decision-making on the allocation of public support.¹⁶

69. Although the Advisory Committee notes that some municipalities, such as Otaci, have adopted specific lines of action for Roma, it also takes note of allegations of Roma being denied support by local authorities for activities aiming at the preservation and promotion of their identity and culture.

70. Representatives of other minorities also complained of a lack of support for their activities, in particular numerically smaller groups, such as the Tatars, who find it difficult to carry out activities to preserve their language. Representatives of the Gagauz minority claim that the efforts made to preserve and promote the Gagauz language and culture are inadequate.

Recommendations

71. The Advisory Committee calls on the Moldovan authorities to ensure that the allocation of support for the activities of national minority organisations is made in a transparent and participative manner, both at the central and local level.

72. The Advisory Committee invites the authorities to pay attention to the needs of all the national minorities, including numerically smaller groups, in the field of preservation and development of their culture and language.

¹⁶ See Advisory Committee on the Framework Convention for the Protection of National Minorities: *Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs*, Strasbourg, (2008).

Article 6 of the Framework Convention

Interethnic and intercultural relations

Recommendations from the two previous cycles of monitoring

73. In previous cycles of monitoring, the Advisory Committee noted that, although harmonious interethnic relations prevailed in general in Moldovan society, the latter remained divided around the language-related issues and issues connected with Moldova's search for and affirmation of a national and state identity.

74. The Advisory Committee expressed concern at instances of intolerance against persons belonging to certain minority groups, notably Roma and non-European immigrants, as well as persons belonging to non-traditional religious groups.

Present situation

75. Although Moldovan society continues to be characterised by peaceful relations between persons belonging to different groups, divisions and tensions on language-related issues are resurface regularly. The Advisory Committee is concerned by the recent upsurge of tensions along these issues, following the elections of 5 April 2009. It is also concerned about human rights violations that occurred after the elections.¹⁷

76. The Advisory Committee finds it particularly worrying that linguistic divisions are used for political purposes and presented by some as a root cause for the cleavages in society. Additionally, intolerance based on linguistic affiliations has recently been stirred up in political discourse. The Advisory Committee is deeply concerned by these developments and considers that they harm good community relations in Moldova.

77. Information brought to the attention of the Advisory Committee from different sources also indicates that Roma and immigrants continue to often be victims of stereotyping, intolerance and sometimes racially-motivated insults and acts, even though very few complaints are recorded. Existing legislation on racial hatred and racially-motivated acts is rarely applied. In addition, those following non-traditional religions are reportedly subject to widespread intolerance. Some isolated incidents of anti-Semitism have also been recorded, such as hate speech and desecration of Jewish monuments and cemeteries.

78. Immigrants' representatives informed the Advisory Committee of the obstacles they face in practising their religion (see remarks under Article 8 below) and the visa regime they are subjected to when they want to travel abroad. These make it difficult for them to feel as an integral part of Moldovan society, even though some of them have been living in the country for many years. Moreover, the Advisory Committee notes with concern that individuals seeking to acquire Moldovan citizenship have faced undue obstacles, due to incorrect interpretations of the Law on citizenship by those in charge of implementing it which have been accompanied by other administrative obstacles.¹⁸ The Advisory Committee stresses that it is important for the Moldovan authorities to develop an effective integration strategy, in order to strengthen social cohesion.

¹⁷ See footnote No. 3 above.

¹⁸ See European Commission against Racism and Intolerance (ECRI): "Third report on Moldova", adopted on 14 December 2007, (CRI (2008) 23).

Recommendations

79. It is essential that the authorities take more resolute measures to combat all forms of intolerance and promote understanding and mutual respect, including respect for religious diversity. Measures should, in particular, be taken to prevent and combat intolerance and hate speech in politics.

80. Furthermore, all racially-motivated or anti-Semitic acts should be effectively investigated and sanctioned as necessary. Systematic monitoring of these acts should be carried out by the authorities.

81. The Advisory Committee encourages the authorities to develop a policy to promote the integration of immigrants in Moldovan society, including measures to provide concrete solutions to specific problems facing immigrants in the field of acquisition of citizenship.

Media*Recommendations from the two previous cycles of monitoring*

82. In previous cycles of monitoring, the Advisory Committee expressed concern about intolerance being disseminated by some media and a general lack of pluralism in the Moldovan media.

Present situation

83. The Advisory Committee is deeply concerned by serious allegations, from numerous sources, indicating a worsening of the situation in the field of the media in Moldova. Numerous national and international reports brought to its attention stress a general lack of pluralism as well as excessive restrictions on the freedom of the media, particular recently.

84. The Advisory Committee also notes with deep concern that some media fuels intolerance, and sometimes hatred, notably with regard to the ongoing debate on linguistic affiliations. Furthermore, stereotypes, prejudices and sometimes hate speech against Roma, Jews and foreigners continue to be disseminated by the media, even though the supervisory organs of the media have not registered any complaints in this respect. The Advisory Committee has not been informed of any specific action being undertaken by the authorities to combat such phenomena. Furthermore, there appears to be no effective consultations with national minorities on these issues. It finds that this situation is not compatible with the principles of Article 6 of the Framework Convention.

85. The Advisory Committee welcomes the adoption in July 2006 of a Broadcasting Code of the Media, which *inter alia* prohibits any form of incitement to hatred on grounds of race, religion, nationality or sex. It also contains a number of provisions regarding broadcasting in minority languages (see remarks in respect of Article 9 below). The Advisory Committee notes that the Coordinating Council of Audiovisual is in charge of monitoring the respect of this code.

Recommendations

86. Resolute measures should be taken to combat the dissemination of stereotypes or intolerant speech by the media, although these measures should not impinge on editorial

independence of the media.¹⁹ Cases of hate speech, in particular if the media incites hatred on grounds of ethnic or religious affiliation, should be prosecuted and sanctioned.

87. It is important to ensure that the agencies supervising the media and the complaint systems which exist for cases of racist speech or incitement to hatred are fully operational, known to the public and easily accessible and that they consult national minorities in their work.

88. Furthermore, public debates should be initiated, notably through the media, on issues of tolerance and intercultural dialogue and the need to combat intolerance and hatred, involving both persons belonging to the majority population and to minorities.

Police

Recommendations from the two previous cycles of monitoring

89. In previous cycles of monitoring, the Advisory Committee was concerned by instances of discrimination and ill-treatment committed by the police, affecting in particular Roma and immigrants.

Present situation

90. The Advisory Committee is deeply concerned about serious allegations, from different sources, of numerous instances of ill-treatment committed by the police following the events that took place on 7 April 2009.²⁰ Such acts may have a negative impact on the climate of tolerance and mutual respect in society.

91. Moreover, the Advisory Committee has been informed that persons belonging to certain minorities, notably Roma, non-European immigrants and persons belonging to non-traditional religious groups, continue to be confronted on occasions with verbal and physical ill-treatment, excessive use of force, abusive stop and search on the street and other forms of intimidation and harassment by the police. Racially-motivated insults are allegedly not uncommon. Muslim believers complain about frequent and unjustified police raids at their places of worship. Yet cases of police misconduct do not seem to be systematically investigated and sanctioned as necessary and there is at present no independent body monitoring the conduct of the police and investigating complaints. The Advisory Committee is deeply concerned by this situation, which is not compatible with Article 6 of the Framework Convention.

92. Against this background, the Advisory Committee finds it encouraging that police training in the field of human and minority rights, as well as on policing in a multiethnic environment, has been carried out in recent years. Regular meetings between the police and the population have been organised in various localities, including those where national minorities live in substantial numbers. The Advisory Committee also notes with interest that the quotas for Roma to access higher education (see remarks in respect of Article 12 below) also apply to the police academy and that efforts have been made to recruit Roma in the police, even though to date the latter have allegedly not made use of this opportunity. Moreover, a Code of Ethics and Deontology of the Police was adopted in 2006.

¹⁹ See also Committee of Ministers' Recommendation N° R (97) 21 on the media and the promotion of a culture of tolerance, as well as the work of the European Commission against Racism and Intolerance (ECRI) on "combating racism while respecting freedom of information", see Proceedings of the seminar of 16-17 November 2006 (www.coe.int/ecri).

²⁰ See footnote No. 3 above.

Recommendations

93. The Advisory Committee urges the Moldovan authorities to investigate effectively and sanction as necessary all forms of misbehaviour by the police. The authorities should take further, more resolute steps to put an end to police misconduct and abuses, including of a racist nature. They should set up an effective and independent body to monitor the conduct of the police and investigate complaints.

94. Further efforts should be made to promote the recruitment of persons belonging to national minorities, and notably Roma, in the police. Efforts undertaken to provide training of the police in the field of human and minority rights, as well as regular dialogue between the police and persons belonging to national minorities, should be pursued and expanded. Programmes to train the police for working in a multicultural environment should also be introduced.

Article 7 of the Framework Convention**Law on political parties***Recommendations from the two previous cycles of monitoring*

95. In previous cycles of monitoring, the Advisory Committee was concerned that the requirements imposed by the Law on political parties could limit the right of persons belonging to national minorities to form political parties and to participate effectively in public affairs.

Present situation

96. A new Law on political parties was adopted in December 2007. The Advisory Committee notes with regret that it prohibits the creation of political parties on the basis of ethnic or national origin.²¹ Moreover, under the new Law, the registration of a political party requires at least 4 000 active members residing in at least 50% of the administrative units of the country, with not less than 120 members residing in each of the administrative units.²²

97. Even though the Advisory Committee acknowledges that persons belonging to national minorities have been elected in various bodies on the lists of mainstream political parties, it is concerned that the provisions of the Law on political parties restrict the scope for persons belonging to national minorities to set up political parties representing their legitimate interests.²³ Yet such parties could make it possible for the concerns and interests of persons belonging to national minorities, particularly in the regions where they live in substantial numbers, to be better represented and possibly better taken into account in elected bodies, at the local and central levels (see also remarks in respect of Article 15 below). Therefore, the

²¹ Law on political parties of the Republic of Moldova, adopted on 21 December 2007: Article 3-6: "Establishment and operation of political parties on the basis of race, nationality, ethnic origin, language, religion, sex, wealth or racial origin shall be prohibited".

²² *Ibid*, Article 8- 1: "For the registration of a political party the following documents are submitted to the Ministry of Justice: (...) (d) "the constitution act, the list of political party members attached to it, which number shall not be less than four thousand, (...). At the time of party constitution, its members shall domicile in at least half of the territorial-administrative units of the second level from the Republic of Moldova, but no less than 120 members domiciled in each of the aforementioned territorial-administrative units.(...)"

²³ See also the Venice Commission Opinion N°431/2007: "Comments on the draft law on political parties of the Republic of Moldova", prepared by Hans-Heinrich Vogel (Sweden), endorsed by the Venice Commission at its 71st Plenary session (Venice, 1-2 June 2007). See also the OSCE/ODIHR: "Comments on the draft law on political parties of the Republic of Moldova", Warsaw, 20 March 2007.

Advisory Committee considers that these provisions raise problems of compatibility with regard to the principles of Article 7 of the Framework Convention.

98. The Advisory Committee draws attention to its Thematic Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, which states that political party registration requirements should “be designed so that they do not limit, unreasonably or in a disproportionate manner, the possibilities for persons belonging to national minorities to form such organisations and thereby restrict their opportunities to participate in political life and the decision-making process.”²⁴

Recommendation

99. The Advisory Committee urges the authorities to take all the necessary measures, including legislative, to eliminate any unjustified limitations to the creation of political parties representing the legitimate interests of national minorities.

Article 8 of the Framework Convention

The right to manifest religion

Recommendations from the two previous cycles of monitoring

100. In previous cycles of monitoring, the Advisory Committee expressed concerns with respect to the difficulties faced by Muslims in attempting to obtain the registration of Islam as an officially recognised religion in Moldova. Furthermore, they noted with concern the allegations of harassment, by the police, of Muslim believers in places where they practice their religion. It also regretted that the requests of the Tatar minority to be assigned separate burial places in Chisinau’s cemetery were not met by the authorities.

Present situation

101. The Advisory Committee welcomes the fact that a specific plot was allocated in Chisinau’s cemetery for Muslim burials and invites the authorities to maintain a dialogue with minority representatives to solve similar potential problems in the future.

102. The Advisory Committee notes that a new Law on religious denominations entered into force in August 2007. According to this Law, the task of registering religious organisations was transferred to the Ministry of Justice. Furthermore, it was expected that the new Law would alleviate some of the administrative requirements facing those willing to register a denomination.

103. At the same time, the Advisory Committee notes that Muslim organisations, and notably the Spiritual Board of Muslims, have repeatedly submitted requests for registration after the entry into force of the new law. All of these requests have been unsuccessful. The authorities have, on the one hand, explained to the Advisory Committee that these requests did not comply with the requirements of the Law on religious denominations. On the other hand, Muslim minority representatives complain that they are facing unjustified and disproportionate administrative obstacles in their attempts to have their confession registered and that the authorities refuse to engage in a dialogue with them on this issue.

²⁴ See Advisory Committee on the Framework Convention for the Protection of National Minorities: *Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs*, (2008) paragraph 76.

104. Additionally, the Advisory Committee notes with concern that Muslim believers report continuous pressure from the police, consisting in frequent raids to their premises, notably on Fridays at the time of prayer, and disproportionate occurrences of controls, including fiscal. Muslims also stress the difficulty to find premises to practice their religion, due *inter alia* to the lack of official registration.²⁵

105. The Advisory Committee finds this situation worrying. It is of the opinion that the fact that the large majority of the Moldovan population is of Orthodox confession must not prevent persons of different confessions from enjoying the right to manifest their religion or belief and to establish religious institutions, organisations and associations, as guaranteed by Article 8 of the Framework Convention.

Recommendation

106. The Advisory Committee urges the Moldovan authorities to open a dialogue with representatives of the Muslim religion on the issue of registration of Islam in Moldova. The authorities should also ensure, in the light of the decision of the European Court of Human Rights in *Masaev v. Moldova*,²⁶ that Muslim believers, and persons belonging to other religious denominations, can effectively enjoy the right to manifest their religion or belief and establish religious institutions, organisations and associations, without undue or excessive obstacles. This may require additional measures offering support and advice.

Article 9 of the Framework Convention

Legal framework for access of persons belonging to national minorities to the media

Recommendations from the two previous cycles of monitoring

107. In previous cycles of monitoring, the Advisory Committee welcomed the efforts made to increase access by persons belonging to national minorities to the electronic media, including by clarifying the existing legislation.

Present situation

108. The Advisory Committee takes note of the adoption, in July 2006, of the Broadcasting Code of the Media, which introduces new rules concerning the languages of broadcasting. The Code sets the quota of broadcasting in the State language at 70%, and 80% as of 2010, whereas it was previously set at 65%. This provision does not apply to regions where minorities live in substantial numbers, but it applies notably to the regions of Chisinau and Balti. The Advisory Committee notes with concern that, as a consequence of this quota, there would be no possibility for private media outlets to establish a minority language radio or TV channel in Chisinau or Balti, despite the fact that persons belonging to national minorities live in substantial numbers in these cities. Notwithstanding this limitation, the Advisory Committee is aware that programmes broadcast in languages other than the State language by media outlets in neighbouring countries are widely available in Moldova.

109. Additionally, the Advisory Committee notes that, in regions where persons belonging to minorities live in substantial numbers, programmes of the public broadcasters have to represent

²⁵ See European Court of Human Rights in *Masaev v. Moldova* (application no. 6303/05), judgment of 12 May 2009. This judgment is not final (Article 44 § 2 of the Convention).

²⁶ *Ibid.*

at least 20% of the programmes broadcasted and private media outlets broadcasting in minority languages have to have at least 20% of their programmes in the State language.

Recommendation

110. The Advisory Committee calls on the authorities to ensure that existing language quotas for broadcasting do not result in obstacles to the setting up of minority language media outlets.

Minority language broadcasting

Recommendations from the two previous cycles of monitoring

111. In previous cycles of monitoring, the Advisory Committee stressed that despite the existence of a number of programmes in minority languages on radio and TV, these were not sufficient to meet the needs of persons belonging to national minorities. This was especially the case for the Ukrainian minority, as well as for numerically smaller minorities. There was also a lack of programmes in minority languages in the rural areas where persons belonging to national minorities live in substantial numbers.

Present situation

112. The Advisory Committee notes that both public radio and TV continue to broadcast programmes in various national minority languages (Ukrainian, Gagauz, Bulgarian, Romani and Russian as far as TV is concerned) as well as a programme in Russian on all national minorities. The public radio also broadcasts programmes in Yiddish and Polish, in addition to the languages mentioned above.

113. However, the Advisory Committee notes with concern that the situation of minority languages broadcasting on public TV seems to have deteriorated since the adoption of its second Opinion. Minority representatives with whom the Advisory Committee met have underlined that the amount of minority language broadcasting decreased since the reorganisation of public TV in 2004 and that minority programmes are no longer broadcasted in prime time. Furthermore, they assess the quality of programmes as relatively low because of a lack of means and editorial freedom for those in charge of designing minority language programmes on public TV. According to various representatives of the national minorities, public media does not adequately reflect the multicultural character of the Moldovan society.

114. The Advisory Committee is informed that, in regions where persons belonging to national minorities live in substantial numbers, these have hardly any access to quality programmes in minority languages in prime time. Therefore, they have to rely, for information in minority languages, on programmes broadcasted by media outlets from neighbouring countries, and notably from Russia, which are widely available. Roma, as well as persons belonging to numerically smaller national minorities, have very limited access to media in their own languages.

Recommendation

115. It is essential to ensure that the provisions of the Broadcasting Code of the Media of 2006, notably those concerning representation of the cultural, linguistic and religious diversity of Moldovan society, are effectively implemented. Additional steps should be taken to ensure that public TV broadcasts an adequate share of its programmes in minority languages, including languages of numerically smaller national minorities.

Article 10 of the Framework Convention

Linguistic policy

Recommendations from the two previous cycles of monitoring

116. In previous cycles of monitoring, the Advisory Committee took note of the situation of uncertainty that continued to prevail regarding the language-related policy of the State. It recommended that, should they develop new legislation or policies in this field, the authorities should favour a balanced approach, that duly takes into account the particular features of the linguistic situation in Moldova and the sensitivities of the groups concerned.

Present situation

117. The Advisory Committee notes that the legislation regarding the use of languages has remained unchanged since the adoption of its second Opinion, even though the issue of the linguistic identity of the various groups remains at the heart of intense debates in society (see also remarks in respect of Article 6 above). Additionally, the Advisory Committee is pleased to see that Moldova has engaged in a dialogue on the ratification of the European Charter for Regional or Minority Languages, and it expects that it will result in the ratification of this instrument by Moldova in the near future.

118. In practice, representatives of some national minorities claim that the possibilities to use minority languages other than Russian in relations with the administrative authorities remain limited. The Advisory Committee is, in particular, concerned by reports from persons belonging to the Gagauz minority, which state that the existing Law on the Gagauz Autonomous Territorial Unit does not seem to meet its objective of contributing to the preservation of the culture and language of the Gagauz people, the Gagauz language being rarely used in relations with the administrative authorities (see also remarks in respect of Article 5 above).

119. The Advisory Committee understands that many persons belonging to national minorities use Russian as the language of communication with the authorities and that Russian is still considered as the language of interethnic communication. Nonetheless, it takes the view that the authorities should pay more attention to the preservation and promotion of the distinct linguistic identity of national minorities other than the Russian minority and make it possible, where the conditions of Article 10 paragraph 2 of the Framework Convention are met, to use languages such as Ukrainian, Bulgarian, Gagauz or Romani in relations with the local administrative authorities. In order to do so, support should be provided to civil servants to acquire more skills in the minority languages concerned.

120. The Advisory Committee welcomes the fact that, following an intervention of the Parliamentary Advocates in 2008, courts have been reminded by the High Magistrates Council that they should fully respect the right for every arrested person to receive information in the language he or she understands and to defend himself or herself in the same language, as protected under Article 10 paragraph 3 of the Framework Convention. This intervention was prompted by reports on various cases in which courts imparted information in the State language only. Subsequently, it appears that no new violations have been reported.

Recommendations

121. The Advisory Committee invites the authorities to maintain, when dealing with linguistic issues, a balanced and sensitive approach that takes due account of the linguistic diversity in Moldova. It also encourages them to promote, where the conditions of Article 10 of the

Framework Convention are met, the use of all minority languages in relations with the local administrative authorities.

Article 12 of the Framework Convention

Equal opportunities for Roma in education

Recommendations from the two previous cycles of monitoring

122. In previous cycles of monitoring, the Advisory Committee emphasised the fact that, despite some measures taken by the authorities to improve the situation of the Roma, the latter have continued to face serious difficulties in the education system. This increased their marginalisation and vulnerability in terms of participation in public affairs, as well as in social and economic life.

Present situation

123. The Advisory Committee welcomes the fact that the new Education Code, adopted in 2008, underlines as a major goal of the education system the need to promote equal opportunities irrespective of the social status, race, nationality, ethnic origin, religion and political affiliation. The Advisory Committee also takes note of the commitment expressed by the authorities during its visit that education should be the main priority of the Action Plan for Roma. Moreover, it understands that a curriculum for the teaching of Roma history, language and culture is being prepared and expects that it will be operational in the near future.

124. During its visit, the Advisory Committee became acquainted with initiatives taken at local level to improve the enrolment of Roma children at school and their integration in the education system. These included preparatory classes - which ease the access for Roma children to the first grade of primary education -, and various other forms of support at school and through extra-curricular activities. It welcomes the fact that these activities seem to bring about positive results locally.

125. However, the Advisory Committee is concerned that the main difficulties faced by many Roma in the education system persist: lower enrolment in education, where only 70% of Roma children attend primary education, higher drop-out rates, notably of girls, much lower educational attainments and that the illiteracy rates among the Roma remain much higher than in the majority population.²⁷ It understands that part of the difficulties, notably the drop-out and non-enrolment problems, are in some cases connected to the fact that many Roma families work abroad and migrate with their children. However, it also notes worrying allegations that in some localities (such as Schinoasa), Roma children are officially enrolled at school but do not, in reality attend school, and that not much is done to ensure their effective presence at school.

126. At the level of higher education, the Advisory Committee is informed that the existing quota reserved for Roma students to access higher education institutions has unfortunately not been contributing much to a higher participation of Roma at this level of education. Roma representatives complain that Roma students are not allowed, under this quota system, to choose the branches in which they want to study but are instead directed to less demanded branches or to the pedagogical institutes. The Advisory Committee is of the opinion that, although it is important to train Roma education specialists, it is also important to allow Roma to be trained as

²⁷ Illiteracy rate among Roma reaches 21% whereas it is of 2% for the majority population. See United Nations Development Program (UNDP): *Report on Roma in the Republic of Moldova*, Chisinau, 2007.

professionals in various fields, so as to promote their wider participation in public affairs and social and economic life.

Recommendations

127. The Advisory Committee urges the Moldovan authorities to take more resolute measures to remedy the shortcomings identified in the field of education of Roma, notably as part of the implementation of the Action Plan for Roma. Measures should be planned for the long-term and designed in close co-operation with those concerned, including persons belonging to the Roma minority.

128. The Advisory Committee invites the authorities to review the implementation of the existing system of quotas reserved for Roma graduates to access higher education, so as to ensure that Roma students can effectively take part at all levels of higher education.

Intercultural education

Recommendations from the two previous cycles of monitoring

129. In previous cycles of monitoring, the Advisory Committee regretted that, despite some efforts, information on the culture, history and languages of national minorities in Moldovan schools was insufficient and that reflection of the multicultural character of the Moldovan society was lacking.

Present situation

130. The Advisory Committee is pleased to note that the Institute of National Minorities of the Academy of Science, despite its renaming into the Institute of Cultural Heritage, continued to carry out research in the field of national minorities' culture and history and to work on textbooks for minority languages teaching.

131. The Advisory Committee welcomes the introduction of a new, optional, class entitled "Know each other better", which should enhance mutual respect among pupils from different groups of the population. Moreover, it notes that schools providing teaching of national minority languages also provide classes on the "history, culture and traditions of national minorities: Russians, Ukrainians, Gagauz and Bulgarians".

132. Nevertheless, the Advisory Committee regrets that this subject is not taught in schools providing teaching in the State language and that, in general, information on national minorities available to students seems to be rather limited. Furthermore, there seem to be little information, as part of school textbooks, on Roma history, culture and language. The Advisory Committee is of the opinion that in the specific context of Moldova, where the discussions on the linguistic affiliations of different groups remain vivid, school education must provide a fair reflection on the linguistic and cultural diversity of Moldova and continue to spread the values of tolerance, intercultural dialogue and mutual respect.

Recommendation

133. The Advisory Committee calls on the Moldovan authorities to ensure that all students, irrespective of the language of education, are provided with quality information on the history and cultural heritage of persons belonging to national minorities, including on Roma. Efforts aiming at promoting mutual respect and intercultural dialogue should be pursued.

Article 14 of the Framework Convention

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

134. In previous cycles of monitoring, the Advisory Committee noted that despite efforts made to develop the teaching of minority languages, shortcomings persisted, notably in the field of availability of textbooks and teacher training.

135. The Advisory Committee also regretted the absence of possibilities to learn Romani at school and the very limited opportunities to have minority languages (other than Russian) as languages of education.

Present situation

136. Despite continued efforts in recent years, the Advisory Committee notes that, since the adoption of its second Opinion there have been no major evolutions in the provision of minority language education as part of the overall education system. Teaching of minority languages continues to be provided only at the schools having Russian as the main language of education.²⁸ This results in persons belonging to national minorities often having a poor command of the State language (which is their third language), even though teaching of the State language is compulsory for all schools. Furthermore, this system allegedly increases the tendency of some persons belonging to national minorities to identify with the Russian-speaking minority and set aside their distinct identity.

137. This trend is reinforced by the fact that, according to representatives of national minorities, in some settlements, notably where Ukrainians live in substantial numbers, most of the teaching is provided in Russian. Consequently pupils belonging to the Ukrainian minority do not always have access to teaching of the Ukrainian language. Teaching of the minority languages at preschool education level is also, reportedly, insufficient.

138. Against this background, the Advisory Committee welcomes the development of “experimental schools”, in which part of the teaching is provided in the minority languages (Ukrainian and Bulgarian so far) and where multilingualism is promoted. It also notes with interest that the Bulgarian University of Taraclia is now providing teaching to about 300 students, in particular in the fields of history, culture and language of the Bulgarian minority. The Advisory Committee nevertheless regrets that the possibilities to study in minority languages remain so far limited. Moreover, representatives of national minorities, notably the Ukrainians, have underlined the need for more continuity in the teaching in Ukrainian, including at higher levels of education. This is needed to build upon the results already achieved in recent years, as well as to train specialists in the Ukrainian language in areas other than pedagogy.

139. Concerning other minority languages, the Advisory Committee regrets that the possibilities to learn the Gagauz language are limited and that Romani is not taught at all. Representatives of the Russian minority reported a reduction in the quality of teaching in Russian and of the teaching of Russian literature. As far as some numerically smaller minorities are concerned, the Advisory Committee is pleased to note that their efforts to teach their languages, in particular in Sunday schools, continue to be supported by the authorities and by

²⁸ Currently, 280 schools have the State language as the main language of education, whereas 145 schools have Russian as the main language of education and also provide teaching of one minority language.

“kin-states”. However, national minorities who do not have a “kin-state”, such as the Roma and the Tatars, complain about a lack of State support for the preservation of their language.

140. The Advisory Committee notes with satisfaction that the Ministry of Education has continued to develop textbooks for the teaching of minority languages. Textbooks for the teaching of Ukrainian now cover the first nine grades and the authorities informed the Advisory Committee that for the remaining two grades, new books are about to be printed. However, the Advisory Committee was informed that for other minority languages, notably Bulgarian and Gagauz, there is a persisting lack of textbooks produced in Moldova. As far as teacher training is concerned, interlocutors of the Advisory Committee also report shortcomings, notably in the field of multilingual education.

141. The Advisory Committee finds it most regrettable that, in 2007, the unit dealing with national minorities’ education at the Ministry of Education was dissolved and that only one person is now in charge of the remaining, multiple and complex, challenges in the field of minority education (see also remarks under Article 5 above).

Recommendations

142. The Advisory Committee calls on the Moldovan authorities to keep minority education high on their agenda and to allocate sufficient resources to those in charge of implementing policies in this respect.

143. The Advisory Committee encourages the Moldovan authorities to pursue their efforts to develop a system of multilingual education and to expand, as far as possible, the model of “experimental schools” providing education in minority languages. In doing so, it is essential to take additional steps to promote teacher training in multilingual education and to pursue the efforts with regard to the production of quality textbooks. The Advisory Committee also invites the authorities to consider the possibility to introduce teaching of minority languages, other than Russian, in schools where teaching is provided in the State language.

144. The Advisory Committee reminds the authorities of the need to pay particular attention to the needs, in the field of language teaching, of the Roma and of persons belonging to numerically smaller national minorities, such as the Tatars.

Teaching of the State language

Recommendations from the two previous cycles of monitoring

145. In previous cycles of monitoring, the Advisory Committee expressed concerns about persisting shortcomings in the teaching of the State language to persons belonging to national minorities, including the lack of resources allocated by the authorities.

Present situation

146. The Advisory Committee notes with satisfaction that further programmes of teaching of the State language have been implemented with the support of non-governmental actors and international organisations.²⁹ It is also pleased to learn that, according to sociological surveys

²⁹ See for example the project of linguistic training in the State language for civil servants, carried out in 2006-2007 by the Institute for Development and Social Initiatives (IDIS Viitorul) and the National Association of European Trainers of Moldova (ANTEM), in co-operation with local authorities and with support from the High Commissioner for National Minorities of the OSCE, which was attended by about 500 persons.

that were brought to its attention, there is an increasing willingness to learn the State language among persons belonging to national minorities. This is especially the case among the young.

147. The Advisory Committee understands however that, despite these efforts, the need for adequate teaching of the State language remains acute. A number of persons belonging to national minorities, notably adults living in areas with a substantial minority population, still do not have an adequate command of the State language, which can hamper their effective participation in society (see also remarks in respect of Article 15 below). There is, in particular, a need for further language training of civil servants. Non-governmental organisations involved in State language teaching, and representatives of national minorities alike, stress that the existing needs are not covered by what is available at present, whether at school or in the field of adult education. They particularly highlight a lack of qualified and bilingual teachers, a lack of adequate teaching material, methodologies and standards, as well as a lack of incentives and opportunities to learn the language in areas where persons belonging to minorities live in substantial numbers.

148. In addition, the Advisory Committee regrets that, according to a number of its interlocutors, the Moldovan Government does not have a comprehensive strategy and action plan for linguistic integration of persons belonging to national minorities who do not have an adequate command of the State language. Furthermore, a high proportion of linguistic training is provided by non-governmental organisations, with limited support from foreign donors, and not by the Moldovan authorities.

149. The limited opportunities to study the State language as part of higher education also constitute an obstacle for students belonging to national minorities having studied in schools with Russian as the main language of education. Furthermore, the Advisory Committee notes that the new Education Code establishes that teaching in branches of public university education, such as medicine, law, public security and the military, should as of now be carried out in the State language only. Students belonging to national minorities may, because of a language barrier, be disadvantaged in accessing such specialised fields and, consequently, in accessing employment in public services and central and local governments.

Recommendations

150. The Advisory Committee urges the Moldovan authorities to make every effort to improve substantially the availability and quality of the teaching of the State language, including as part of the formal education system. It recommends that the authorities, in close consultation with persons belonging to national minorities, develop a comprehensive long-term action plan for integration of persons belonging to national minorities. Furthermore, it is particularly important that the promotion of the learning of State language goes hand-in-hand with measures to protect and develop the languages and cultures of national minorities, as stipulated by the principles set out in the Framework Convention.

151. Specific additional measures should be implemented to prevent persons belonging to national minorities from being disadvantaged when accessing university education and, consequently, employment in certain areas of public services.

Article 15 of the Framework Convention

Participation in socio-economic life

Recommendations from the two previous cycles of monitoring

152. In previous cycles of monitoring, the Advisory Committee called on the Moldovan authorities to take resolute action to tackle Roma isolation and marginalisation from socio-economic life and public affairs. Furthermore, it regretted that the implementation of the programme adopted by the Government in 2001 to improve the situation of the Roma had not brought about tangible results.

Present situation

153. The Advisory Committee notes that, in general, the socio-economic situation of persons belonging to national minorities does not substantially differ from others in Moldova. However, many of them live outside the capital, sometimes in economically marginalised rural or border areas, which limits their participation in socio-economic life.

154. The Advisory Committee welcomes the adoption, in December 2006, of an Action Plan for the support of Roma for 2007-2010, which covers five major areas: education, culture, health and social protection, employment and public order. However, information brought to the attention of the Advisory Committee indicate that the implementation of the Action Plan, and the various sectoral plans which were adopted, is marred by a number of deficiencies, such as a lack of coordination in the implementation and the absence of an efficient mechanism for monitoring and evaluation of its results. Additionally, most of the interlocutors of the Advisory Committee underlined as a major problem the absence of specific budgetary allocations, at the central and local levels, for the implementation of the Action Plan. Roma representatives also informed the Advisory Committee that they consider their involvement in the implementation and monitoring of the Action Plan as insufficient. Therefore, although certain measures have been implemented and some results achieved, it appears that the impact of the Action Plan remains, so far, too limited, which is of concern to the Advisory Committee. Additionally, there is a need for further planning and for a new strategy for 2010 onwards.

155. The Advisory Committee understands that the living conditions of the Roma greatly vary in different regions of Moldova. If some families enjoy good living conditions, in particular in the Soroca and Otaci regions, others reportedly continue to live in extreme poverty and to be isolated from society, notably in villages in rural areas.³⁰ Therefore, while taking note of the measures planned as part of the Action Plan for Roma 2007-2010 in the field of employment and social protection, the Advisory Committee is concerned that participation of the Roma in socio-economic life remains very limited.³¹ Moreover, as mentioned below (see paragraph 170), they only have very limited access to public employment. Sources brought to the attention of the Advisory Committee indicate that Roma being among the most vulnerable groups in Moldova, they might be particularly hit by the consequences of the recent economic crisis.³²

156. Many Roma continue to live in substandard housing conditions without easy access to health care services. Although the Advisory Committee understands that living conditions of

30 See UNDP: *Report on Roma in the Republic of Moldova* (2007). According to this report, every second Roma lives in extreme poverty and six out of ten Roma in absolute poverty.

³¹ The unemployment rate of Roma is 50% higher than for the majority population. *Ibid.*

³² 61% of Roma live on under 2 US \$ a day (international poverty line) and almost a fifth of Roma household incomes depends on remittances from families working abroad. *Ibid.*

persons belonging to the majority population in some rural areas can be difficult as well, it is particularly concerned by the fact that many Roma settlements have been categorised as “settlements without a future”. Consequently, no investments in terms of infrastructures are being made, which reinforces the vicious circle of isolation and poverty.

Recommendation

157. The authorities should ensure that, in general, sufficient financial resources are allocated to the economic development of regions where persons belonging to national minorities live in substantial numbers. The latter should also be fully involved in any programme aiming at improving the economic situation in the regions where they live.

158. The Advisory Committee urges the Moldovan authorities to take more resolute measures to ensure that the implementation of the Action Plans for Roma results in substantial and lasting improvement in of the situation of the disadvantaged Roma. Roma representatives should be closely associated with the implementation and monitoring of this Plan.³³

159. Measures should, in particular, be taken to ensure that poor and isolated Roma settlements are included in future public investment policies and policies of infrastructure development.

Participation in elected bodies

Recommendations from the two previous cycles of monitoring

160. In previous cycles of monitoring, the Advisory Committee noted that persons belonging to national minorities were fairly well represented in central and local elected bodies. However, it invited the authorities to review the provisions of the law on political parties which represented an obstacle to the participation of national minorities in these bodies.

Present situation

161. The Advisory Committee notes that persons belonging to national minorities continue to be represented in the Parliament, including following the elections of 5 April 2009, as a result of their inclusion on the lists of some political parties. At the local level, they are represented in locally-elected bodies in regions where national minorities live in substantial numbers. Nevertheless, the Advisory Committee takes the view that the current representation of minorities in elected bodies does not imply that persons belonging to national minorities benefit from every opportunity for effective participation in the political life of the country and in the decision-making process (see also remarks in respect of Article 7 above).

162. The Advisory Committee notes that the electoral threshold has recently been reduced from 6 to 5%. This, however, only partly meets the repeated calls for lowering the electoral threshold made in recent years, at the domestic and international levels. It recalls that such changes should in principle be made well in advance of an election.³⁴

³³ See also Advisory Committee on the Framework Convention for the Protection of National Minorities: second Thematic *Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs* (2008).

³⁴ See Parliamentary Assembly of the Council of Europe: “Information Note on the functioning of democratic institutions in Moldova: follow-up to Resolution 1666 (2009) on the Functioning of Democratic Institutions in Moldova”. See also OSCE/Office for Democratic Institutions and Human Rights: “Guidelines to assist national minority participation in the electoral process”, 2001.

163. The Advisory Committee is concerned by the fact that Roma are rarely represented in elected bodies, whether at the central or local level. This is also the case for persons belonging to numerically smaller minorities, such as Italians, Tatars and others.

164. The Advisory Committee notes the legal effect of Article 13 paragraph 2 of the Electoral Code of Moldova of 10 April 2008, which prevents Moldovan citizens holding dual nationality from running for the position of member of the Parliament.³⁵

Recommendations

165. The Advisory Committee urges the Moldovan authorities to take measures to improve minorities' representation in elected assemblies, particularly by removing all undue obstacles, including those enshrined in law, to the effective participation in public affairs of persons belonging to national minorities.

166. Substantial efforts should be made to promote a better representation of the Roma at all levels. Particular attention should also be paid to the representation of persons belonging to numerically smaller minorities.

167. The Advisory Committee calls upon the authorities to consider Article 13 paragraph 2 of the Electoral Code in the light of the Joint Opinion of the Venice Commission and the OSCE/Office for Democratic Institutions and Human Rights.³⁶

Participation in the executive, in the judiciary and in public services

Recommendations from the two cycles of monitoring

168. In previous cycles of monitoring, the Advisory Committee found that the participation of persons belonging to national minorities in State administration was limited, especially at higher levels.

Present situation

169. The Advisory Committee is concerned by the fact that the level of participation of persons belonging to minorities in all fields of the State administration, as well as in public services, remains low. However, the Law on the rights of persons belonging to national minorities of 2001 requires that the representation of national minorities in the executive and in the judiciary at all levels, as well as in the army and law enforcement agencies, shall be "approximately proportional".³⁷ Insufficient command of the State language among national minorities often constitutes a barrier in accessing public employment (see remarks under Article 14 above) or for retention in public employment. However, it only partially explains this low level of employment.

170. In fact, it appears that persons belonging to national minorities are not involved at higher levels of the executive, including the Government, nor are they well represented in law enforcement, the judiciary and public services. This is the case for all minorities, from the numerically larger groups such as the Ukrainians and the Gagauz, to the Roma, whose level of

³⁵ See ECHR case *Tanase and Chirtoaca v. Moldova*, Application N°7 /08. Judgment of 18 November 2008. This judgment is not final (Article 44 § 2 of the Convention).

³⁶ Joint Opinion N° 484/2008 of the Venice Commission and of the OSCE Office for Democratic Institutions and Human rights on the Electoral Code of Moldova as of 10 April 2008.

³⁷ See Article 24 of the Law on the rights of persons belonging to national minorities and the legal status of their organisations, adopted in 2001.

representation in public services is extremely limited and does not appear to be monitored. The Advisory Committee takes the view that a better participation of Roma in employment in areas such as health, employment and social services would contribute to fighting discrimination against them and improving access of the Roma population to these services.

Recommendations

171. The Advisory Committee calls on the authorities to take further, more resolute measures to increase the employment of persons belonging to national minorities in the State administration and in public services and to monitor the situation. Additional measures to promote the recruitment, and retention in employment, of persons belonging to national minorities should be taken, including training and retraining programmes.

172. Particular efforts should be made with regard to teaching of the State language, notably to civil servants.

Consultation of national minorities

Recommendations from the two previous cycles of monitoring

173. In previous cycles of monitoring, the Advisory Committee welcomed the existence of consultation mechanisms, which enabled national minorities to take part in decision-making processes. Yet it encouraged the authorities to engage in more direct dialogue with the organisations representing national minorities.

Present situation

174. The Advisory Committee notes that 93 organisations representing national minorities are currently participating in the work of the Coordinating Council of Ethno-cultural Organisations, which has been operating under the auspices of the Bureau for Interethnic Relations since the setting up of the latter. It welcomes the fact that a wide range of organisations, including organisations representing immigrants, continue to be represented in the Council (see also remarks in respect of Article 3 above).

175. The Advisory Committee regrets that, according to various minority representatives, the Coordinating Council no longer seems to be considered as an important interlocutor for decision-makers. Communication with the Government is limited to its working relations with the Bureau for Interethnic Relations and, consequently, the Coordinating Council is now mainly dealing with cultural issues, although many of its members would welcome it having a wider participatory role with the Government. The Advisory Committee is concerned that this situation deprives persons belonging to national minorities from one of the possibilities to participate in decision-making. Moreover, it is informed that organisations not registered with the Bureau for Interethnic Relations have limited communication with the authorities.

Recommendations

176. The Advisory Committee calls on the Moldovan authorities to ensure that the Coordinating Council of Ethno-cultural Organisations can effectively play its role as a consultation mechanism and enable persons belonging to national minorities to participate effectively in decision-making. It also invites ministries and other relevant bodies to maintain direct contacts with representatives of national minorities, including with those which are not part of the Council of Ethno-cultural Organisations.

Participation of Gagauz in public life

Present situation

177. As concerns the socio-economic situation in Gagauzia, representatives of the Gagauz community reported to the Advisory Committee that there is a lack of employment opportunities and investments in Gagauzia. Additionally, despite the competences allocated to the Gagauz authorities according to the Law on the Gagauz Autonomous Territorial Unit,³⁸ they claim that they lack sufficient resources and are not in a position to develop further infrastructures and economic activities. As a result, migration from Gagauz – and especially those with a higher level of education, such as medical doctors and teachers - has increased. This has resulted in villages with substantial Gagauz population losing many of their inhabitants.

178. Furthermore, the Advisory Committee is concerned by the fact that, despite the representation of Gagauz in the elected bodies of Gagauzia as a result of the specific autonomy regime, they are not represented in the Parliament of Moldova. In general, reports brought to the attention of the Advisory Committee indicate that the functioning of the autonomy regime in Gagauzia is marred by a number of inconsistencies in the distribution of competences between the central Government and the authorities of Gagauzia. This has at times led to conflicting relations.

Recommendation

179. The authorities should ensure that, in general, sufficient financial resources are allocated to the economic development of Gagauzia.

180. Substantial efforts should be made to promote a better representation of Gagauz at the central level. The Advisory Committee encourages the authorities to pursue the dialogue with a view to providing a clearer determination of the competences of the Gagauz Autonomous Territorial Unit and allowing for a more effective functioning of the autonomy regime.

Article 18 of the Framework Convention

Cross border co-operation

Recommendations from the two previous cycles of monitoring

181. In previous cycles of monitoring, the Advisory Committee encouraged the Moldovan authorities to promote full and effective implementation of the various bilateral agreements and treaties concluded by Moldova concerning the rights of national minorities.

Present situation

182. The Advisory Committee notes with satisfaction that there are significant cross border exchanges and apparently good co-operation with Ukraine, for the benefit of persons belonging to the Ukrainian minority. Moreover, it welcomes the conclusion of inter-regional co-operation programmes in the field of protection of minority rights, respectively between the regions of Odessa in Ukraine and Southern Moldova and Chernivtsy in Ukraine and Northern Moldova. Additionally, it expects that the Agreement between Ukraine and the Republic of Moldova on co-operation in the field of protection of minority rights, elaborated in 2008, should, according to the authorities, be ratified soon by the Moldovan Parliament.

³⁸ According to the Law of 1994 on the autonomous status of the region of Gagauz Yeri, important competences in the field of local finances are devolved to the autonomy authorities.

183. The Advisory Committee welcomes the co-operation programmes agreed by Moldova and respectively Ukraine and Bulgaria in the field of education. These programmes provide for subsidised exchanges of students from national minorities between the respective countries. These exchanges should greatly contribute to the preservation and promotion of the languages and cultural heritage of the national minorities. Furthermore, the Advisory Committee finds it important that inter-institutional co-operation programmes have been agreed by the Bureau for Interethnic Relations and similar institutions in Bulgaria (Office for the Bulgarians abroad) and in Latvia, Lithuania and Estonia.

Recommendation

184. The Advisory Committee encourages the Moldovan authorities to continue to pursue their policy of developing co-operation programmes with neighbouring countries in the field of minority protection. It expects, in particular, that the new agreement concluded with Ukraine will soon enter into force and be implemented.

III. CONCLUDING REMARKS

185. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Moldova.

Positive developments from the two cycles of monitoring

186. 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.

187. In the field of protection against discrimination, some positive steps have been taken in order to improve the legislative framework to combat discrimination. The Advisory Committee expects 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.

188. 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.

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

190. 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.

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

Issues of concern from the two cycles of monitoring

192. 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.

193. Although the 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.

194. 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 complain about a lack of support to preserve their culture and languages.

195. 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.

196. 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.

197. 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 education. Their participation in public affairs also remains limited. Moreover, they often face discrimination, and sometimes hostile societal attitudes. The implementation of the 2007-2010 Action Plan has so far not led to tangible and lasting improvement in the situation, notably because of a lack of resources allocated to it.

198. 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.

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

200. 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.

Recommendations

201. 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 action³⁹

- **Adopt as a matter of priority a comprehensive anti-discrimination legislation; carry out, on a regular basis, monitoring of discrimination, as well as of racially-motivated or anti-Semitic acts.**
- **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 recommendations⁴⁰

- 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, including numerically smaller groups, 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 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 Coordinating 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.

³⁹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

⁴⁰ The recommendations below are listed in the order of the corresponding articles of the Framework Convention

- 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.