

# JOINT SUBMISSION OF THE PROMO-LEX ASSOCIATION AND ANTI-DISCRIMINATION CENTRE MEMORIAL

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**Promo-LEX Association** is a non-governmental organization that aims to advance democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring the democratic processes, and strengthening civil society through a strategic mix of legal action, advocacy, research and capacity building.

**Anti-Discrimination Centre Memorial** works on protection of the rights of discriminated minorities and vulnerable groups in Eastern Europe and Central Asia, carrying out monitoring, reporting, advocacy on local and international level, human rights education.

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# CHAPTER I. WOMEN'S RIGHT TO WORK

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## INTRODUCTION

Although the reasons for gender discrimination in any society are diverse, patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in Moldovan society contribute to discrimination and impinge upon the rights of women.

In its 2011 review of Moldova, the Committee on Economic, Social and Cultural Rights expressed its concerns about the significant gender disparities in wages, resulting in women earning 76.4 per cent of the average monthly wage of men in 2009. The Committee recommended Moldova take concrete and effective steps, also within the National Program for Gender Equality 2010-2015, to ensure equal treatment for men and women in the labor market, including equal pay for work of equal value in all sectors.<sup>1</sup>

The Committee was concerned about the high level of unemployment in Moldova, in particular amongst the most disadvantaged and marginalized individuals and groups and about the large proportion of the population, which is active in the informal sector (30 per cent in 2010). The Committee recommended Moldova to take concrete steps, including through improving its national employment strategy for 2007-2015. To ensure the right to work, and to reduce significantly the unemployment rate, especially amongst the most disadvantaged groups, with a special focus on (...) women, in particular those that live in rural areas.<sup>2</sup>

Yet, despite its international obligations and the high range of domestic provisions in effect, gender discrimination remains prevalent in the workplace, and women experience inequality in many areas of employment. For example, women have higher rates of unemployment than men: 40.6% of women are unemployed, compared to 36.5% of men.<sup>3</sup>

In 2014, two national non-governmental organizations stated that the average salary for men was 12.4% higher than that of women.<sup>4</sup> The UN Working Group on the issue of discrimination against women, in law and in

practice, reported in 2013 that women earned only 72% of men's wages.<sup>5</sup>

According to the Council's for the Prevention and Elimination of Discrimination and Ensuring Equality (CPEDEE) 2015<sup>th</sup> annual report<sup>6</sup>, discrimination on the ground of sex/gender remains in the top of issues, addressed by the Council, with 21% of the total Decisions issued in 2015.

Women discrimination in employment is still one of the most critical issues in Moldova. This chapter of the submission focuses on women's discrimination in relation with so-called "prohibited or dangerous work", which negatively affects women, causing particular disadvantages in access to work.

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<sup>1</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights, E/C.12/MDA/CO/2, 12 July 2011, p.9

<sup>2</sup> *Ibid.* p.10

<sup>3</sup> National Bureau of Statistics of the Republic of Moldova, A Statistical Portrait of Men and Women in Moldova, 2014, p. 2, available at: [http://www.statistica.md/public/files/publicatii\\_electronice/femei\\_si\\_barbati/Portret\\_statistic\\_femei.pdf](http://www.statistica.md/public/files/publicatii_electronice/femei_si_barbati/Portret_statistic_femei.pdf).

<sup>4</sup> Centre "Partnership for Development"(CPD) and Platforma Pentru Egalitate de Gen, [Genderdependent Salary Inequalities in Moldova: How Each Moldovan Woman Loses 7620 lei \[€346 Euro\] Annually](#), 2015, p. 3

<sup>5</sup> Human Rights Council, Report of the Working Group on the Issue of Discrimination against Women in Law and in Practice, Addendum, UN Doc. A/HRC/23/50/Add.1, 2013, Para 64.

<sup>6</sup> [General report on the situation in the field of prevention and fight against discrimination in the Republic of Moldova](#), Council for the Prevention and Elimination of Discrimination and Ensuring Equality, 2015, pg.10

## LEGAL FRAMEWORK

Article 35 of the Constitution of Moldova establishes that all citizens of the Republic of Moldova are equal before the law and public authorities, regardless of the race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin.

Article 43 of the Constitution of Moldova establishes that every person shall enjoy the right to work, to choose freely his/her profession and workplace, to equitable and satisfactory working conditions, as well as to protection against unemployment.<sup>7</sup>

The principle of equal opportunities for women and men is guaranteed by two distinct normative acts. Law no. 5 on Equal Opportunities for women and men<sup>8</sup> and Law on Ensuring Equality<sup>9</sup>, prohibits sexism in employment and unjustified exclusion.

Articles 10 and 11 of the Law no.5 on Equal Opportunities for women and men provide specific guarantees in employment for both, women and men and prohibits any forms of unjustified discrimination. Similar provisions contains article 7 of the Law on Ensuring Equality. Among other, it prohibits unjustified refusal to employ a person.

However, article 248 of the Labor Code<sup>10</sup> establishes that works in heavy and injurious conditions and underground works, with the exception of sanitary and social-care underground works and those that do not involve physical labor, are prohibited for women. It is also forbidden for women to manually raise or carry weights, which exceed the maximum standards set for them. Article 248 also establishes that heavy or dangerous works are settled by the Classification of industries, professions and works in difficult and harmful conditions, which are prohibited for women. The Government should adopt it after consultations with trade unions and patronage organizations.

By the Government Decision no. 264 of 06.10.1993<sup>11</sup> was approved the Classification of industries, professions and works in difficult and harmful conditions, which are prohibited for women (The Classifier). The Classifier establishes the list of works and professions that women are not allowed to practice.

By the Order No.22 from 03.03.2014<sup>12</sup> of the Ministry of Labor, Social Protection and Family was adopted the Classification of occupations of the Republic of Moldova. The Classifier establishes names of the occupations (professions and functions) practiced by the active population of the Republic of Moldova and their classification by groups according to the level of homogeneity of the performed activity.

## DISCRIMINATORY LEGAL PROVISIONS

In 2013, The Committee on the Elimination of Discrimination against Women (CEDAW) expressed its concerns regarding the slow progress of Moldova's legal reform aimed at

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<sup>7</sup>[Constitution of the Republic of Moldova](#) from 29.07.1994, Article 35

<sup>8</sup>[Law no.5 from 09.02.2006 on equal opportunities for women and men](#)

<sup>9</sup>[Law No.121 on Ensuring Equality from 25.05.2012](#)

<sup>10</sup>[Labor Code of the Republic of Moldova](#), No.154 from 28.03.2003

<sup>11</sup>[Decision no. 264 of 06.10.1993](#) for the approving of the Classification of industries, professions and works in difficult and harmful conditions, which are prohibited for women

<sup>12</sup>[Order No.22 from 03.03.2014](#) of the Ministry of Labor, Social Protection and Family for the adoption of the Classification of occupations of the Republic of Moldova

harmonizing its national legislation with the Convention.<sup>13</sup> Despite the fact that Moldova succeeded to adopt important laws and improve its legal framework in anti-discrimination area (*see the chapter above*), there are still worrying gaps and discriminatory legal provisions in the national legislation, which promote gender stereotypes and traditional roles of men and women in the society. These legal provisions discriminate (directly or indirectly) either create fertile ground for different forms of discrimination by third parties.

- **LABOR CODE**

The Labor Code is the main law in Republic of Moldova, which regulates relations in the employment sector and guarantees employees' rights. Article 5 of the law establishes the principles of equality and non-discrimination. Article 8 establishes the prohibition of discrimination in employment.<sup>14</sup>

Despite Labor Code's protection of equality and non-discrimination, article 248 (*cited above*), which regulates the prohibition of certain types of works for women (considered harmful or dangerous), creates premises for various forms discrimination on the ground of sex. Thus, an employer would be justified to refuse to employ or to fire a woman, based on the article 240 of the Labor Code, and this refusal would be considered legal. Article 248 is vague and unclear as it states that "it is forbidden to use women's labor for heavy and harmful works". What is to be considered a "heavy and harmful work" is not established by any legal provision. Paragraph 3 of the article 248 refers to the Classification of industries, professions and works in difficult and harmful conditions, nevertheless the Classifier doesn't clarify what is a heavy or harmful work as well. Thus, the enforcement of the article is not supported by a clear legal background, rather by practices inherited from Soviet Union, which were at the base of the Classification of industries, professions and works in difficult and harmful conditions.

- **GOVERNMENT DECISION NO. 264 OF 06.10.1993 FOR THE ADOPTION OF THE CLASSIFICATION OF INDUSTRIES, PROFESSIONS AND WORKS IN DIFFICULT AND HARMFUL CONDITIONS, WHICH ARE PROHIBITED FOR WOMEN.**

A legal issue in ensuring equal opportunities for women and men in employment refers to the provisions of the Classifier of Industries, professions and works in difficult and harmful conditions, which are prohibited for women.

The CPEDEE noted that only gender is the reason why women are denied the right to accede and exercise professions included in the Classifier. Exclusion for the purpose of protection of women's reproductive health can't be accepted as an objective justification. Such a discriminatory approach cannot be overlooked. The legitimate purpose pursued cannot be attained if the reproductive health of the man who works in these conditions is neglected, since a healthy embryo cannot be conceived without the protection of both sexes' reproductive health.<sup>15</sup>

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<sup>13</sup> Committee on the Elimination of Discrimination against Women, Concluding Observations: Moldova, UN Doc. CEDAW/C/MDA/CO/4-5, 29 October 2013, Para. 9.

<sup>14</sup> See above note 10

<sup>15</sup> [General report on the situation in the field of prevention and fight against discrimination in the Republic of Moldova](#), Council for the Prevention and Elimination of Discrimination and Ensuring Equality, 2015, pg.13

## Examples of prohibited areas of work for women:<sup>16</sup>

*metal processing*  
*construction works and repair*  
*assembly - construction*  
*carpenter*  
*construction materials industry*  
*geological and topographical works and geodesy*  
*iron metallurgy*  
*electrical industry*  
*radio-technical and electronics industry*  
*chemical industry*  
*repair vessels*  
*furniture manufacturing*  
*stone and production processing articles of stone*  
*auto transportation*  
*railway transportation*  
*civil aviation*  
*fluvial transport*  
*telecommunications*  
*agriculture and textile industry*

Even if a woman meets all the specific requirements for a job included in this legislative act, the latter restricts her employment, simply because she is a woman.

In 2015, CPEDEE issued a decision on the case 273/15<sup>17</sup>, which referred to gender discrimination in employment. The cases focused on the provisions of two legislative acts: Classifier of Industries, professions and works in difficult and harmful conditions, which are prohibited for women and the Classifier of occupations of the Republic of Moldova. The Council argued that The Classifier reflects gender stereotypes and presumes that men may be exposed to difficult heavy works or dangerous in comparison to women. These practices, which reinforce stereotypes that men are physically stronger and resistant, on the one hand, and women are physically weaker/householders - support the misunderstanding of masculinity and femininity. It leads to a prioritization in the access to a job, based on the person's sex.<sup>18</sup>

The CPEDEE found that the Classifier is a discriminatory normative act and recommended to repeal it. Yet, until today the Decision no. 264 of 06.10.1993 for the approving of the Classification of industries, professions and works in difficult and harmful conditions, which are prohibited for women is in force, without any changes.

<sup>16</sup>[Order No.22 from 03.03.2014](#) of the Ministry of Labor, Social Protection and Family for the adoption of the Classification of occupations of the Republic of Moldova

<sup>17</sup>[Decision no.273/15 from 08.09.2015](#)

<sup>18</sup>[Decision no.273/15 from 08.09.2015](#), pg.2

- **MINISTRY OF LABOR, SOCIAL PROTECTION AND FAMILY ORDER NO.22 FROM 03.03.2014 FOR THE ADOPTION OF THE CLASSIFICATION OF OCCUPATIONS OF THE REPUBLIC OF MOLDOVA.**

The root causes of violations of the principle of equality between men and women at the work place are first of all gender prejudices and stereotypes in society. They spread more easily in the context of strong imbalance between demand and offer. In particular, gender stereotypes tend to limit women's choices and access to certain jobs, preventing them from capitalizing professional skills and abilities. The hostility of this reality is continuous as long it's supported by The Classifier of Occupations.

In the above-mentioned CPEDEE's decision no. 273/15, the Council noted that in the Classifier of Occupations only some titles of occupations have the feminine version, for example: "service woman (maid)", "nurse", "governess" and so on. Thus, it puts into practice the stereotype that only women are those to take care of children, to do cleaning and other various forms of care-services. Titles of leading occupations have only the male gender version, for example "chief", "director", "president", "minister" and others, based on the same illustration of the of gender stereotypes.<sup>19</sup>

The Council noted that titles included in the Classifier of Occupations have to be mandatory used by all the authorities, companies, organizations and institutions in Moldova, starting from 01 January 2015, otherwise they risk sanctions by fines, from 10 to 50 conventional units, according to article 56 (1) of the Misdemeanors Code<sup>20</sup> of the Republic of Moldova.

The Council further notes that it is a classic case of sexism and it is regrettable that Ministry of Labor, Social Protection and Family didn't adjusted it to international standards or didn't consulted specialized equality bodies, such as CPEDEE.

The Council recommended changing the Classification in such a way that the names of occupations are presented both in the masculine and feminine forms.

## CONCLUSION

Misunderstanding or poor understanding of social roles and gender stereotypes causes gender imbalance and discrimination, which further unfavorable affects men and women. Gender stereotypes are tenfold dangerous when they are rooted in laws and other normative acts. It is obvious that both, the Classifier of industries, professions and works in difficult and harmful conditions, which are prohibited for women; and the Classifier of occupations, are normative acts affected by gender stereotypes. ]

Moreover the prohibition for women of many popular and well-paid jobs damages their economic well-being and independence, raises unemployment among women and puts an obstacle in the career-opportunities.

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<sup>19</sup> See above note 18

<sup>20</sup> [Misdemeanors Code of the Republic of Moldova](#) no. 218 from 24.10.2008

Stereotypes promoted by the above-mentioned documents not only restrict women's access to labor, but they also create a false impression in the society that these restrictions, along with gender roles are normal and should be generally accepted in the modern society.

### Recommendation

- Government should repeal its Decision no. 264 of 06.10.1993 by which was approved the Classification of industries, professions and works in difficult and harmful conditions, which are prohibited for women. Women have to be able to get any job they want and take their own responsibility about their health and reproductive function.
- Ministry of Labor, Social Protection and Family should modify and complete its Order No.22 from 03.03.2014 by which was adopted the Classification of occupations of the Republic of Moldova, in such a way that the names of occupations are presented both in the masculine and feminine forms.

## CHAPTER II. ROMA - RIGHT TO EDUCATION

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### INTRODUCTION

After the 2009 review of Moldova on implementation of the Convention on the Rights of the Child, Committee urged the Government to improve the situation related to the education of Roma children. The Committee recommended addressing ethnic disparities in accessing education, developing and implementing strategies and programs to ensure access to mainstream education for Roma.<sup>21</sup> The Committee also recommended ensuring that appropriate safeguards are in place for the optimal enjoyment by Roma children of the right to education.<sup>22</sup>

Poor quality of education, discrimination, segregation and lack of efficient policies were repeatedly reported by national NGO's, experts and inter-governmental organizations. According to National Roma Centre, because of the persistent stereotypes, Roma are suffering high levels of disadvantages in education and support services.<sup>23</sup> According to the report "Roma in the Republic of Moldova", enrolment rates for Roma children are lower than for non-Roma at all stages of education. Primary education covers less than 70% of children and secondary education less than 50%.<sup>24</sup> Even the situation softly improved since 2007, the main issues that Roma children confront in education process were not addressed.

According to the last (2014) census, Roma represent about 0.3% (about 9400 people) of the population.<sup>25</sup> However, Roma leaders claim that real number of Roma population are much higher, up to 5% of the population of Moldova (between 50 000 and 150 000).<sup>26</sup>

This report emphasize the specific situation of Roma education in Moldova and points out the main issues existing at the time of submission – August 2017. For the purpose of monitoring and data collection for the present submission, Promo-LEX and ADC Memorial undertook several monitoring visits in the following schools in the communities with a high density of Roma population: Vulcanești (Nisporeni district), Otaci and Soroca. Representatives of Promo-LEX and ADC Memorial also interviewed leaders of local Roma organizations, inhabitants, teachers and police representatives.

### LEGAL FRAMEWORK AND POLICIES

Article 35 of the Constitution of Moldova provides for right to education that shall be ensured equally for everyone. Article 35 also establishes that the State guarantees the right to choose

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<sup>21</sup> Concluding observations of the Committee on the on the rights of the child, CRC/C/MDA/CO/3, 20 February 2009, pct.63

<sup>22</sup> *Ibid.*

<sup>23</sup> Roma National Centre, [Report on the situation on Roma Rights](#), 2011, pg.2

<sup>24</sup> SorinCace, VasileCantarji, NicolaeSali, Marin Alla, [Roma in the Republic of Moldova](#), pg.61

<sup>25</sup> [Population of Moldova Statistics](#), 2014 Census

<sup>26</sup> NicolaeRadita, [National Roma Centre statement](#), October 2012

the language of education and study of the official language shall be ensured within all types of educational institutions. State public education is free of charge.<sup>27</sup>

In 2014, the Parliament of Moldova repealed the Law on Education and adopted the Code of Education, a much more progressive law in the light of international standards and specific needs of Moldova's education system. The new Code enshrines the importance of international treaties and conventions on human rights and establishes the principles of equality, non-discrimination, intercultural dialogue, tolerance and social inclusion.

Article 3 of the Code<sup>28</sup> establishes the concept of "*Intervention measures and support services for inclusive education*", which is a set of measures and services designed to meet the demands of children, pupils and students with special educational needs in order to facilitate their access to community-based educational services.

Article 6 of the Law on the rights of persons belonging to national minorities,<sup>29</sup> establishes the right to pre-school education, primary education, general and vocational education. It also guarantees the right to higher and postgraduate education. Article 9 of the Law on Ensuring Equality<sup>30</sup> provides the interdiction of discrimination in education sector.

On 09 June 2016, the Government adopted the Action Plan for support of the Roma population for the years 2016-2020.<sup>31</sup> The action plan's objectives are: 1) Increase the participation rate of Roma children, especially of Roma girls, in the pre-school and pre-university education system; 2) Improve the educational process of Roma children (6-18 years) by compulsory schooling and reducing the rate of unmotivated absenteeism and early school dropping.

Nevertheless, previous policies regarding Roma population had a poor implementation and have been harshly criticized. The evaluation report on the implementation of the 2011–2015 Action Plan identified that the Ministry of Education and other relevant institutions had taken insufficient measures designed to create an inclusive and efficient educational system, based on the principles of equality, non-discrimination, and respect for diversity.<sup>32</sup>

## EDUCATION OF ROMA IN MOLDOVA

Education of Roma in the Republic of Moldova raises many concerns, both from national NGO's and international experts. In 2015, the UN Special Rapporteur on Extreme Poverty and Human Rights identified that Roma children were being segregated in schools.<sup>33</sup> Special Rapporteur found that some teachers are opposed to teaching Roma alongside non-Roma children because Roma children are frequently absent, fall behind and require a special curriculum that will provide "*basic proficiency in writing, reading and how to count money*". The Committee for Economic, Social and Cultural Rights (CESCR) has articulated concerns about

<sup>27</sup> [Constitution of the Republic of Moldova](#) from 29.07.1994, Article 35

<sup>28</sup> [Code of Education from 17.07.2014](#)

<sup>29</sup> [Law on the rights of persons belonging to national minorities from 19.07.2001](#)

<sup>30</sup> [Law No. 121 on Ensuring Equality from 25.05.2012](#)

<sup>31</sup> Government of Moldova, [Decision No. 734 from 09.06.2016](#)

<sup>32</sup> [Evaluation Report, Implementation of the 2011–2015 Action Plan for the Support of Roma from Moldova](#), 2016, p. 37-38

<sup>33</sup> Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, Addendum, UN Doc. A/HRC/26/28/Add.2, 2014, Para. 57.

the limited availability and accessibility of schooling for Roma children living in remote rural settlements.<sup>34</sup>

The research conducted for current submission showed that situation has improved in some areas, such as desegregation of Roma classes. Still, most of the issues (*school enrollment, quality of the studies, school dropping, and migration*) were not addressed.

## OVERVIEW OF THE MONITORED COMMUNITIES

- **OTACI**

Otaci population was 7,781 inhabitants in 2013, of which 4,175 (54%) were Roma, 390 children between 7-10 years (5.0%) and 486 between 11-15 years (6.2%). Young people (16-17 years) were 204 (2.6%) in the locality, with the adult population rising to 4,902 inhabitants (63%).<sup>35</sup> Migration is involving around a quarter (23.3%) of the population. Destination countries for both non-Roma as well as Roma migrants are mostly in the Russian Federation, Ukraine, and Kazakhstan (the latter being more characteristic for Roma).<sup>36</sup> At the time of the monitoring mission<sup>37</sup>, according to the administration of "Mihai Eminescu" school, there are studying 401 children, of which 184 are Roma.

- **VULCANEȘTI [NISPORENI DISTRICT]**

Population amounted to 1,240 people in 2013, 95.6% of whom were Roma. In 2013 there were registered 383 children aged 0-17 years. Local kindergarten has a capacity of 50 children, and has been refurbished recently. Vulcanești school provides primary and medium education for 1<sup>st</sup> to 9<sup>th</sup> grades. Recent years (2013-2014) show a decrease in the number of children enrolled in early education programs, from 12 children in 2013 to 7 children in 2014. The enrolment rate was 12.3% in 2013 and roughly 8.5% in 2014.<sup>38</sup> Migration strongly affects the village, involving over 88% of the total population. Most frequent destination countries are the Russian Federation, Belarus and more recently - Germany. At the time of the monitoring mission, according to the administration of the school, there are studying 110 children, of which almost all are Roma.

- **SOROCA**

Soroca's population amounts 37,526 inhabitants, of which Roma are about 6%. Soroca has entire neighborhoods of Roma and a region called "Gypsy Hill". There are about 1,525 Roma, but numbers vary from one source to another. Roma leaders in Soroca suggest a figure of about 4,000 Roma, while most public institutions state that they do not keep records of the population distribution by ethnic groups and thus cannot establish a precise figure.<sup>39</sup> In Soroca operate four schools, two of which are attended by the Roma: "A. Pushkin" Lyceum and Gymnasium No.1.

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<sup>34</sup> Committee on Economic, Social and Cultural Rights, Concluding Observations: Moldova, UN Doc. E/C.12/MDA/CO/2, 12 July 2011, Para 29

<sup>35</sup> [Roma children and their access to services, Participatory Assessment of Barriers](#), UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.16

<sup>36</sup> *Ibid.*

<sup>37</sup> Monitoring Mission of Promo-LEX and ADC Memorial, held on 11-15 June 2017

<sup>38</sup> Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.19-20

<sup>39</sup> *Ibid.*, pg.18

## PRE-SCHOOL EDUCATION

Monitoring mission of Promo-LEX and ADC Memorial revealed that pre-school education is one of the most important issues that Roma children face. This finding is supported by national studies and NGO's reports.<sup>40</sup>

Vulcanestivillage has a kindergarten with a capacity of 50 children. Nevertheless, after a short period of activity, local authorities decided to close it, as only a few children were attending (about 5-7 simultaneously) and it wasn't reasonable to maintain it, due to high costs.

Although there are nine operating preschool institutions in Soroca, no Roma child attended kindergarten in 2013 and only two preschool institutions were attended by Roma in previous years.<sup>41</sup> The city's preschool institutions are also overburdened. For example, Kindergarten No. 7 located near Roma residences had a waiting list of 12 children at the time of the survey. Thus, in addition to sociocultural barriers to children's enrolment in preschool institutions, a lack of spots in kindergartens for newcomers may also be noted.<sup>42</sup>

Otaci currently has two kindergartens in operation, of which only one is attended by Roma children. Through 2013-2014, the total number of children attending kindergarten has remained virtually unchanged at approximately 80 children per preschool institution (*total enrolled 159 children in the two kindergartens*). However, the number of Roma children attending kindergarten increased from 5, in 2013, to about 12 in 2014.

According to "Mihai Eminescu" school administration, because of poor or even no attendance of pre-school education, Roma children face huge barriers in primary education and are less prepared, compared to non-Roma children. School administration managed to create a "preparatory class", also called "zero class" for Roma children. About 50 children per year attend the class. Because it is not equipped with necessary tools, supplies and books, teachers are struggling to buy at least the minimum necessary from Ukrainian nearby cities, where the prices are lower. This also stresses the lack of unified practices and state policies for pre-school education for Roma children, as well as the lack of sufficient funding. According to the teachers, this measure is efficient, as it allows preparing children for school and increase their interest for educational process, which leads to the increase of attendance.

## CONCLUSION

Pre-school education plays a key role for the preparation for primary education and Roma children's attendance. Different schools have different practices and approaches to ensure pre-school education, some don't have any at all. Government doesn't have a solution and relevant policies to uniform these practices. Also authorities lack sufficient funding.

### Recommendation

<sup>40</sup>See for example [Study On The Situation Of Romani Women And Girls In The Republic Of Moldova](#), UN Women, UNDP, OHCHR 2014, Chapter III.

<sup>41</sup>Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.18

<sup>42</sup>*Ibid.*

- Ministry of Education shall develop policies to ensure pre-school education, make it attractive for Roma and uniform the practices.
- The linguistic needs of Roma children (both the need to study the language of the country and the need to be able to get educated in the native language) have to be supported.
- Government shall ensure funding for pre-school education.

## SCHOOL ENROLLEMENT AND ATTENDANCE

In Otaci, a grade-based disaggregated analysis revealed an overall rate of 52.2% of school enrolled students attending primary education (65.5% were ethnic Roma) and 34.6% attending secondary education (23.3% were ethnic Roma), with only 13.2% (of which none were ethnic Roma) being enrolled in high school.<sup>43</sup> There are only 44 children Roma studying in 5<sup>th</sup> to 9<sup>th</sup> grades. The rest of them are in primary school (1<sup>st</sup> to 4<sup>th</sup> grades).

**Diagram 1. Enrollment of Roma children in Otaci School**

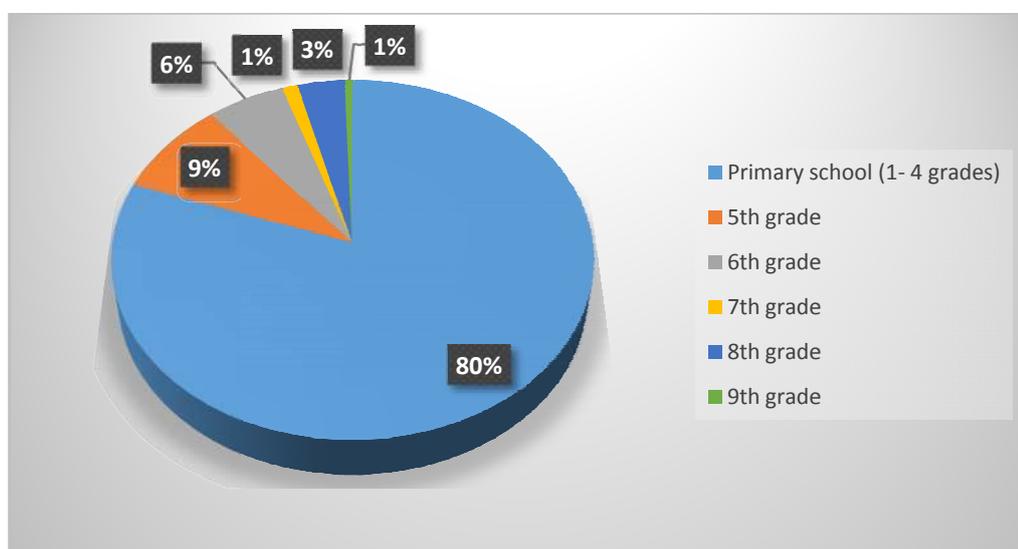


Diagram no.1 shows that school attendance reduces critically along with promotion to upper grades. According to Otaci school administration, there are various causes for this phenomenon, but most common are migration of Roma families and as a result – poor results of the children, lack of financial possibilities of the parents to support their children school attendance, discrimination and social stigma.

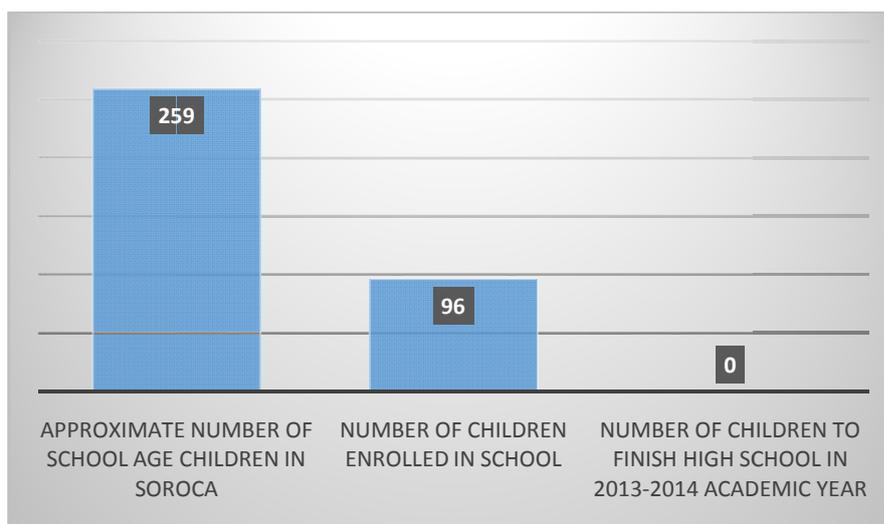
Otaci school administration uses a complaint form, which is sent to the police when a child is groundless missing classes. Police officers visit Roma families to document the case and find the reason of absence. Even though police can't sanction families, these measures have a positive impact and parents are treating more responsible school attendance of their children. Additionally, to increase Roma children performance, especially those that miss a significant part of the classes due to their family's migration, teachers use to organize additional classes for these children. Usually this takes place after ordinary classes and aims to recover with children – the part of the school program, which they missed due to migration.

<sup>43</sup>Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.16

School also implements different positive measures to encourage children’s attendance. A toy library was arranged, which is however too small to face the high number of children. School also offers boarding for children of 10<sup>th</sup> and 11<sup>th</sup> grades, which are coming outside Otaci and need a place to live during the week. Conditions of the boarding rooms are very poor, but still this is important to ensure school attendance for those children that don’t have a high school in their villages. Otaci School also uses a board of honor, where photos of the most successful pupils are exposed. At the time of the monitoring mission, at least 15 photos of Roma children were exposed. Nevertheless, graduation of Roma pupils is still a big issue, in 2016-2017 academic year, only one Roma pupil managed to finish 9 grades.

Enrollment and attendance of Roma children seems to be even worse in Soroca. According to the Soroca school census from the 2013-2014, held by the Department of Education, at least 259 Roma children of school age were living in the city. 37.1% of them (96 children) were enrolled in the education system, 62.9% (163 children) had gone abroad, and 5.8% (15 children) had personal files held by educational institutions but were not attending due to parents’ refusal. Three children were not attending the educational institution due to disability, and one girl argued that she had already got married.

**Diagram 2. Attendance of Roma children in Soroca for the academic year 2013-2014**



The most problematic communities in the sense of school enrolment and attendance seems to be rural areas with a majority of Roma inhabitants. In this respect, Vulcanesti school only offers a 1<sup>st</sup>-9<sup>th</sup> grade studying program, after the 9<sup>th</sup> grade, children can go in the nearby village – Cioreshti, where the majority of the children are non-Roma.

According to school administration, at the time of the monitoring mission, barely 50% of the total number of age school children was attending classes. Because of formal criteria’s of enrolment, a considerable number of children are not enrolled. For example, in 2016, only 10 children out of 28 were enrolled in the 1<sup>st</sup> grade. The main cause is that children don’t have the necessary documents (the birth certificate for example).

For the academic year 2013-2014, in Vulcanesti were registered 182 children of school age but not even a single pupil managed to graduate.<sup>44</sup> In 2017, at the time of the monitoring mission,

<sup>44</sup>Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.19-20

only four children were admitted to annual exams, two of which didn't show up as they migrated with their families for seasonal work.

The practice of fighting with poor attendance in Vulcănești is different to the Otaci. According to school administration, teachers usually go by themselves to find children that didn't show up for the classes. This affects the quality of education and doesn't bring significant results. According to police, they don't use to visit families of the absent children, as the Otaci police do. As a result, the attendance in Vulcănești is very low and leads to a high rate of school dropping.

## CONCLUSION

Enrollment and attendance of Roma children is higher in the mixed classes compared with schools in Roma-only communities. Migration, lack of monitoring mechanisms by the state authorities and documentation formalities are the main causes of low attendance.

### Recommendation

- Ministry of Education shall remove documentation barriers for school enrolment and facilitate the documentation of Roma children.
- Government shall develop a mechanism of monitoring and supporting the school attendance with the implication of School representatives, Social Services and Police.
- The Government shall implement urgent measures to address massive (seasonal) migration of Roma families and ensure the way to secure children from school drop-outs during family migration periods.

## QUALITY OF THE EDUCATION AND SCHOOL DROP OUT

Due to low number of children and insufficient teachers, Vulcănești school uses the practice of mixed classes. Therefore, children from the 1<sup>st</sup> grade are mixed with children from the 3<sup>rd</sup> grade and those from 2<sup>nd</sup> grade are mixed with children from 4<sup>th</sup> grade. Different ages, level of knowledges and different curricula's have a negative impact on the process of learning and children's performance.

According to administration, Vulcănești school is dealing with staff shortage. By the time of monitoring mission, school had only three teachers – director, primary school teacher and informatics teacher. Young teachers are not willing to work in Vulcănești school due to various reasons, mainly because of low salaries (approx. 150 Euro per month), high requests and poor attendance of the children. As a result, school has to employ retired teachers. According to the director, these teachers are experienced, but because of the advanced age they cannot face the needs of school program and children. The whole process of learning is affected and the quality of education decrease.

School dropping in Vulcănești is worrying. School director explained that there are many reasons for abandons, the main one remains to be migration of Roma families. In some cases, parents leave older children with the younger ones, while they migrate for seasonal work. In other cases, parents use to keep children at home for helping them with work, childcare and other home activities. School administration is struggling to document all the cases of drop out

and present the information to local authorities in order to find a solution for the problem. Still, it seems that the school administration itself doesn't have a practice of addressing the issue of drop out and needs urgent involvement from local authorities and Ministry of Education.

According to a grade-based disaggregated analysis<sup>45</sup>, during the 2013-2014 school year, no less than 30 Roma children have abandoned the undergraduate institution. As the monitoring mission revealed, in 2016-2017 school year, this number tends to grow.

Otaci high school "Mihai Eminescu" had a practice of segregated classes by 2013. With common actions of Ministry of Education, NGO's and UN Office of the High Commissioner for Human Rights, a desegregation process was initiated.<sup>46</sup> Due to the taken measures: desegregation of Roma classes and formation of mixed classes, the quality of education for Roma children improved slightly. According to school administration, Roma parents are happy that their children won't go in segregated classes and their willingness to enroll children in school has increased. Despite reported successes, segregation in various forms still persists. For example, Roma parents complain that their children are completely isolated in the classes and do not interact with classmates. They argue that they have no common interests or views, or that they dislike each other. It is seldom that the students cooperate and are friends outside of school. It results in segregation of the Roma.

#### CITATION<sup>47</sup>

*"In general, I do not talk to them. I tell them something once a month maybe, I do not enjoy talking to them. I have friends at school, but I do not like my classmates."* (M, focus group of young Roma people #2);

*"I'd rather not talk to them. I stand by the window during breaks, resting my hands and eyes."* (IDI with a young Roma beggar #4);

*"They never participate in our life and do not want us to participate in theirs."* (M, focus group of non-Roma young people #2).

Despite all the efforts, according to school administration, Roma children don't succeed to follow the study curricula and have lower performances because of high level of seasonal migration. In the migration countries, children most of the time don't go to a school, even though they should. When returning in Otaci, parents are obliged to present a certificate that would prove school attendance of the children for the period of absence. Most of the parents don't comply with this obligation and school administration has to accept children without this certificate, otherwise they won't receive education at all and will drop out.

According to official numbers, during the 2014-2015 academic year, from September to December, 20 Roma students dropped out of the school.<sup>48</sup>

Another problem, reported in Otaci, Soroaca and Vulcanești is the poor knowledge of the Romanian language by Roma children, which is the main language in the education system of

<sup>45</sup>Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.19-20

<sup>46</sup>Study On The Situation of Romani Women And Girls In The Republic Of Moldova, UN Women, UNDP, OHCHR 2014, p.3.4

<sup>47</sup>*Ibid.* pg. 61-62

<sup>48</sup>*Ibid.* pg.16

the Republic of Moldova. The monitoring mission revealed that most of the Roma children have a very low level of Romanian, many of them speak Russian and Romani, including at school and don't understand at all official language. According to school administrations, children are not even interested or willing to learn Romanian.

The situation is better in schools were possible to facilitate the learning process in Russian language, as Otaci for example. In Vulcanești, teachers are trying to use Romani language in the learning process and they even plan to translate some of the didactic materials. Still, nor of these approaches represent an efficient solution, as the quality of education is lower and children are keen to remain unintegrated in society.

## CONCLUSION

It is evident that, despite efforts to improve Roma children's education by various actors, including Romani NGOs and international organizations, the situation is still worrying. As for most marginalized groups, improving the quality of Roma children's education does not depend only on improving school performance. To this end, efforts to end discrimination, ensure inclusive education and positive measures to stimulate children's interest, facilitate the learning in Romanian language, prevent interruption of studies and school dropout and decrease the level of seasonal migration, should be thoroughly enhanced.

### Recommendation

- Take efficient measures to ensure inclusive education for Roma children
- Organize preparatory classes (within schools) for children who did not attend pre-school; support multilingualism of children, allowing them to study Romanian, Russian (if common in the family) and native Romani.
- Organizing classes with extended hours for homework help and adapted recovering programs for children returned from seasonal migration.
- Re-organize Vulcanești school as only primary school for 1<sup>st</sup> to 4<sup>th</sup> grades. Facilitate children's enrollment in the nearby Ciorești School and ensure all the needed conditions.
- Ensure sufficient financing for extra-curriculum activities, additional teachers, speech therapists and psychologists in schools with a high number of Roma children.
- Implement positive measures for the successful Roma students that graduate 9<sup>th</sup> grades, such as stipends and scholarships or awards.