

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

COUNCIL OF EUROPE



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**Fourth Opinion on the Republic of Moldova - adopted on 25 May 2016**

**Summary**

Moldovan authorities show a continuing commitment to the protection the rights of persons belonging to national minorities whilst also promoting their effective participation in public life. In particular, efforts have been made over the years to enhance proficiency in the state language among national minority communities. Overall, however, language barriers still exist, especially for older generations, thus impeding access to rights and contributing to a notable division of Moldovan society along ethnic and linguistic lines. Appropriate conditions for the formation of a single civic identity that is based on an inclusive narrative and respect for diversity have not yet been created. As a result, ethnic and linguistic features are further conflated with a broader East-West divide, splitting society into two larger groups: speakers of Russian and speakers of the state language.

Persons belonging to national minorities have been marginalised in this polarised environment without being given adequate space to develop their own identities and positions. Minority languages are, for instance, still taught only at Russian-language schools, which leaves persons belonging to national minorities with inadequate opportunities for gaining full state language proficiency, while also maintaining their study of minority languages and Russian. A more active promotion of the wide cultural and linguistic diversity in Moldova, including the many numerically smaller minorities, could meaningfully contribute to the development of a sense of civic identity amongst all citizens as integral elements of one diverse society, and may help in overcoming the existing divisions.

While comprehensive anti-discrimination legislation was adopted in 2012 and an equality body commenced its activities in 2013, stigmatisation and stereotyping remain widespread in society, fuelling discriminatory attitudes towards Roma and other minorities. Roma continue to face major obstacles with respect to their equal access to rights and basic services, particularly in the areas of education, employment and housing.

The views of persons belonging to national minorities are not systematically taken into account in decision-making processes that are relevant to them, and no mechanism for regular co-ordination and consultations between central and regional/local levels is in place. A lack of economic opportunities, affecting all communities, has contributed to significant emigration in recent years, in particular in rural and border regions, where national minorities reside in substantial numbers. Targeted initiatives aimed at the development of relevant infrastructures in those regions are needed so as to offer the population a better perspective and prevent further emigration.

### **Recommendations for immediate action**

- **Take all the necessary steps, in close consultation with national minority representatives, to adopt and implement a long-term strategy for the formation of a civic identity that is inclusive and firmly based on respect for ethnic and linguistic diversity as an integral part of Moldovan society;**
- **Proactively accommodate the linguistic diversity of Moldova by promoting the use of minority languages, in particular those spoken by numerically smaller groups, in official communications and in topography;**
- **Ensure, in close consultation with national minority representatives, that the education system provides persons belonging to national minorities with effective access to full proficiency in the state language, whilst enhancing access to quality teaching and learning of and in all minority languages through bilingual and trilingual education models that allow access to the languages used in Moldova and facilitate interethnic dialogue in society;**
- **Systematically ensure that persons belonging to national minorities participate in all decision-making processes, especially but not exclusively in areas immediately relevant to them, and effectively take into account their views and concerns with respect to the public administration reform, so that their enjoyment of minority rights, such as those of Bulgarians in Taraclia *rayon* (district), is not negatively impacted.**

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## I. KEY FINDINGS

### Monitoring process

1. This fourth cycle Opinion on the implementation of the Framework Convention by the Republic of Moldova was adopted 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 fourth [state report](#), submitted by the authorities on 10 June 2015, other written sources, and on information obtained by the Advisory Committee from governmental and non-governmental representatives during its visit to Chisinau, Balti, Comrat and Taraclia from 14 to 18 March 2016.

2. The Advisory Committee welcomes the authorities' overall constructive and co-operative approach towards the monitoring process and the considerable assistance provided by them with respect to the fourth cycle visit. The third cycle opinion was published promptly and a follow-up seminar was organised in November 2010 in order to discuss the findings with the main stakeholders. In particular, it welcomes the fact that the third opinion and resolution were translated into the state language, as well as into Bulgarian, Gagauz, Russian and Ukrainian. While national minority representatives were consulted in the preparation of the fourth cycle state report, the submitted version reportedly does not reflect a number of their concerns.

3. Owing to the fact that Transnistria remains outside the effective control of the Moldovan authorities, the Advisory Committee cannot direct recommendations towards a more effective implementation of the Framework Convention in that region to them. It underlines, however, its concern regarding the access to rights contained in the Framework Convention of persons belonging to national minorities residing in Transnistria and will draw attention to particular issues under the articles in question. The Advisory Committee reiterates its call to all parties concerned to take a constructive approach with a view to ensuring access to minority rights as an integral part of universally applicable human rights throughout the territory of Moldova.

### General overview of the present situation

4. The authorities have continuously demonstrated their commitment to protect the rights of persons belonging to national minorities whilst also promoting their effective participation in public life, including through measures aimed at improving the level of state language proficiency among national minority communities. Overall, however, minority rights appear to be viewed mainly as an issue of cultural preservation. Limited attention is paid to the promotion of equal access to rights of persons belonging to national minorities as an integral part of the broader human rights agenda. While there is no hostility towards speakers of Russian or other minority languages on a personal level, Moldovan society remains divided along ethnic and linguistic lines. Despite some efforts being invested over the years, appropriate conditions for the formation of a single civic identity that is independent from the influences of neighbouring countries and based on an inclusive narrative and the respect for diversity have not yet been created. As a result of this uncertainty with regard to Moldovan civic identity, ethnic and linguistic features appear to be conflated with a broader East-West polarisation, where Russian speakers are viewed as aspiring to closer ties with Russia, while

speakers of the state language are regarded as supporting a pro-European agenda and even possible unification with Romania.

5. Persons belonging to numerically smaller minorities have been marginalised in this environment. Depending on their actual or assumed language abilities, they are affiliated with one of the two larger groups, that is either with Russian speakers or with speakers of the state language, without being given adequate space to develop their own identities and positions. Minority languages continue to be taught only at Russian-language schools,<sup>1</sup> leaving persons belonging to national minorities without sufficient opportunities to acquire state language proficiency whilst also maintaining their learning of minority languages and Russian. The Advisory Committee considers that a more active appreciation and promotion of the wide cultural and linguistic diversity in Moldova, including the many numerically smaller minorities, could meaningfully contribute to the development of a sense of civic identity amongst all citizens as integral elements of one diverse society, and may help in overcoming the existing divisions.

6. Stigmatisation and stereotyping are widespread in society, fuelling discriminatory attitudes towards Roma and other minorities. There have been calls by representatives of some political parties as well as the leader of the Moldovan Orthodox Church when addressing parliament to repeal the Law on Equality due to its destabilising effect on society and undermining of Christian values. Roma continue to face major obstacles with respect to their equal access to rights and basic services, particularly in the areas of education, employment and housing. While the lack of economic opportunities affects all communities and has contributed to significant emigration in recent years, the situation in rural and border regions, where national minorities reside in substantial numbers, is particularly critical. Targeted initiatives aiming at the development of relevant infrastructure in those regions are needed so as to give the population a better perspective and prevent further emigration.

#### **Assessment of measures taken to implement the recommendations for immediate action**

7. The Law on Ensuring Equality was adopted in May 2012 and a specialised body to combat discrimination was established at the end of 2013. An increasing number of decisions have been taken by the Council on the Prevention and Elimination of Discrimination and Ensuring Equality (hereinafter Equality Council) and these have contributed to promoting equal access to rights for persons belonging to national minorities. There is a continued need to raise awareness about the council's mandate and operational framework so as to further enhance understanding of the relevant legislative framework and legal remedies available in instances of racial discrimination. In addition, it is essential that the body is given adequate powers and resources to ensure that it can effectively fulfil its important role. While some efforts have been made to combat all forms of intolerance, including through amendments of the Criminal Code, the number of investigations of hate crimes is still very small and only a few cases have been brought before the courts. No independent mechanism exists to monitor possible forms of misbehaviour or abuse of power by the police.

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1. The term "Russian-language schools" refers to schools where Russian is used as medium of teaching and learning, while the term "minority language schools" refers to schools where Russian is used as the medium of instruction and where minority languages are taught as subjects. The term "state language schools" is used for schools where the state language is the medium of instruction and learning.

8. The Roma Action Plan 2011-2015, adopted in consultation with national minority and civil society representatives, contained a range of measures to overcome the persistent disadvantages and discrimination faced by Roma. However, implementation has been inconsistent as the allocation of competencies for concrete action between the various levels of authority was not always clearly defined, and the allocated resources proved to be largely insufficient. It is regrettable, for instance, that the plan for the employment of 48 Roma mediators by the end of 2015, which was considered to be a crucial step towards promoting the access to rights of Roma in the areas of employment, education and social services at local level, was not fully realised. Only nine mediators are reported to be in service in early 2016. A new action plan is in the process of being prepared in close consultation with national minority representatives. Equally, they must effectively be involved in the adoption and implementation of the plan, including at senior level, and in the monitoring and evaluation of all future measures aimed at improving the situation of Roma, also including at senior level.

### **Assessment of measures taken to implement the further recommendations**

9. A comprehensive population and housing census was conducted in May 2014 amid some criticism regarding the data collection process. Publication of the complete results is still outstanding. While respondents were free to self-identify, they were not informed about the possibility of indicating multiple affiliations on the census form, and as a result few individuals did so. In addition, there were reportedly incidents where enumerators filled out the forms by themselves, based on their own assumptions about the respondent's name or appearance. The Advisory Committee regrets that there appears to be little trust amongst the population in the census process in general.

10. The Bureau for Interethnic Relations continues to have an important role as the main governmental body responsible for the protection and promotion of the rights of persons belonging to national minorities. However, the body is generally viewed as not fulfilling its responsibilities actively enough, partially because its powers and resources have not been increased in recent years. On the contrary, the bureau's role appears to have been weakened by frequent changes of director and by a resulting lack of vision and strategic direction. While the cultural associations of national minorities receive some support for their activities both at central and local level, the amounts remain insufficient to enable those belonging to numerically smaller minorities in particular to preserve their identities. There is no specific budget line available for them and more efforts should be made to ensure equal access to resources, and to involve the representatives of national minorities, including women and youth, in the relevant decision-making processes with respect to the allocation of funding.

11. Teaching of the Bulgarian, Gagauz and Ukrainian languages and cultures continues to be offered for four hours per week in Russian-language schools that are located in areas where persons belonging to national minorities live in substantial numbers. Some efforts have been made to enhance the availability of minority language education, including through the introduction of multilingual teaching methodology in pilot schools. Overall, however, the number of students attending minority language schools is decreasing, as the establishments face continued difficulties in recruiting suitably trained teachers, and are not always provided with sufficient quantities of high quality teaching and learning materials. Moreover, the availability and quality of state language teaching at these schools has not significantly progressed since the previous monitoring cycle, despite repeated expressions of government commitment in this regard. Targeted and long-term efforts are required to design an education

model that advances the quality of learning of the state language, while adequately protecting and promoting the educational rights of persons belonging to national minorities. Contemporary language-learning methodologies must be introduced so that minority language schools remain attractive, high quality establishments that offer their graduates equal opportunities for a successful university and professional career in Moldova.

12. No significant progress has been made with respect to the effectiveness of participation in public life of persons belonging to national minorities. Their representation in both elected bodies and in public administration is mainly limited to the local level, while public institutions at central level are reportedly becoming increasingly mono-ethnic. The views of persons belonging to national minorities are not always taken into account in decision-making processes that are relevant to their concerns, and there appears to be no system in place to ensure regular co-ordination and consultation between central and regional/local levels. The Advisory Committee considers that close consultations and effective dialogue are indispensable to ensure the involvement of regional and national minority representatives in broader political processes, including in discussions on how to meet the legitimate concern of administrative efficiency without reducing the effective enjoyment of minority rights.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Personal scope of application

##### *Present situation*

13. There has been no change in the legislative framework regarding the scope of application of the Framework Convention since the third cycle of monitoring. Its protection, according to the Law on the Rights of Persons Belonging to National Minorities, formally still extends only to citizens of the Republic of Moldova.<sup>2</sup> In practice, however, this limitation continues to be disregarded, as no proof of citizenship is required in daily life when accessing minority rights. A number of non-citizen associations continue to form part of the Co-ordinating Council of Ethnocultural Organisations, set up under the Bureau for Interethnic Relations in line with Article 25 of the above law (see also Article 15). While welcoming this inclusive approach, the Advisory Committee notes that statelessness continues to affect persons belonging to national minorities in particular (see Article 4), and reiterates its established position that the formal use of exclusive criteria for the enjoyment of minority rights may have a discriminatory effect. Instead, whether there is a legitimate ground to differentiate access based on citizenship must be determined for each right separately.<sup>3</sup>

##### *Recommendation*

14. The Advisory Committee encourages the authorities to pursue a flexible case-by-case approach to any requests for the enjoyment of minority rights by non-citizens belonging to national minorities.

#### Census

##### *Present situation*

15. A comprehensive population and housing census was conducted in May 2014.<sup>4</sup> While preliminary results were presented in December 2014, the publication of the complete data is still outstanding. According to the preliminary results, 2.9 million questionnaires were filled out manually by enumerators who visited households throughout the country, with the exception of the Transnistrian region. This number includes some 330 000 persons who were abroad at the time. Over 26 000 households refused to take part in the census, the majority of which were in Chisinau. The Advisory Committee further learned that the actual data entry and processing, supplemented by basic information held by the administrative population registries, would only begin in April 2016, following the recruitment and training of a substantial number of temporary staff. The comprehensive results of the census are therefore

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2. Article 1 of Law No 382–XV of the Republic of Moldova on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organisations (July 2001) reads: “In the present law, persons belonging to national minorities shall include persons who reside on the territory of the Republic of Moldova, have Moldovan citizenship, possess ethnical, cultural and linguistic features that differ from the majority of the population (Moldovans) and consider themselves to be of a different ethnical origin”.

3. See also the Report on “non-citizens and minority rights”, adopted by the European Commission for Democracy through Law (Venice Commission) at its 69th session on 15-16 December 2006.

4. The population census was not conducted in the region of Transnistria. Last official data on the composition of the population stems from a parallel census that took place in 2004.



expected to be available in spring 2017.<sup>5</sup> The Advisory Committee regrets this significant delay as the availability of updated information with respect to the make-up of the population, including on employment and educational levels, plays a significant role in the design of targeted equality promotion policies and measures (see Article 4). At the same time, it wishes to underline that population statistics cannot be exclusively relied upon.<sup>6</sup> While they should be collected regularly, they should be complemented with information gathered through independent research and should be carefully analysed in consultation with minority representatives, in particular when using statistics as a basis for the application of minority rights (see also Article 10).

16. The Advisory Committee notes significant concerns among civil society and minority representatives regarding the process and methodology used for the census. According to their reports, a third of the population was not enumerated at all and there are doubts as to how the information was gathered.<sup>7</sup> While questionnaires had in principle been prepared in various minority languages, the forms were not always available in the appropriate language where needed, and many of the enumerators were reportedly unable to provide further information when required. It is to be welcomed that questions on ethnic affiliation and religion were non-obligatory and that blank space was left for entering information. While respondents were free to self-identify as they wished, including with respect to multiple affiliations, many respondents appear not to have been informed adequately of that right.<sup>8</sup> According to the interlocutors of the Advisory Committee, however, while respondents were free to self-identify, they were not informed about the possibility of indicating multiple affiliations on the census form, and as a result few individuals did so. In addition, there were reportedly incidents where enumerators filled out the forms by themselves, based on their own assumptions about the respondent's name or appearance. These irregularities, as well as the significant delay in the publication of the results, have triggered a considerable level of distrust amongst the population in the census process in general.

#### *Recommendation*

17. The Advisory Committee calls on the authorities to engage in an open dialogue with civil society and minority representatives regarding the methodology applied with respect to the 2014 census in the gathering and processing of data, which is ongoing. The comprehensive results should be published as soon as possible and analysed in close co-ordination with minority representatives, particularly where they are used as the basis for the enjoyment of minority rights.

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5. See the census publication calendar at <http://www.statistica.md/newsview.php?l=ro&idc=30&id=5169> (accessed on 19 May 2016).

6. See also Thematic Commentary No. 3 – The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, paragraph 21.

7. The Advisory Committee was informed by the relevant authorities that in the capital alone, over 145 000 individuals were not enumerated.

8. The lack of official information on how to fill in the forms in line with the right to free self-identification reportedly left room for unofficial sources, who provided advice on how to fill in the forms “correctly”.

## Article 4 of the Framework Convention

### Legal and institutional framework relating to the equal access to rights of persons belonging to national minorities

#### *Present situation*

18. The legislative framework regarding the rights of persons belonging to national minorities was supplemented in May 2012 with the adoption of the Law on Ensuring Equality.<sup>9</sup> The Advisory Committee welcomes the establishment of the Council to Prevent and Combat Discrimination and Ensure Equality on 1 January 2013 as a specialised body.<sup>10</sup> The Equality Council consists of five members appointed by parliament, three of whom must be from civil society. Since becoming fully operational towards the end of 2013, the council has received some 385 complaints and has also opened a number of cases on its own initiative. In total, it has issued over 200 decisions, finding discrimination to have occurred in some 75% of admissible cases,<sup>11</sup> the majority of these relating to discrimination based on age or disability as well as language (see also Article 10). The Advisory Committee is pleased to note that the Equality Council appears to have gained considerable trust among civil society and national minority representatives. It further welcomes its active engagement in a number of training and awareness-raising activities, as well as in public information campaigns to increase its outreach.<sup>12</sup> According to its own representatives, a good third of the complaints received are inadmissible, however, which generally points to a still limited understanding in society of the provisions of the law and the mandate of the Equality Council. The Advisory Committee further notes the series of proposals for amendments of the relevant legislation that the Equality Council has presented in order to increase its effectiveness and address the operational shortcomings that have been exposed since the commencement of its activities. In particular, the body must be empowered to adequately investigate the facts surrounding complaints submitted to its review.<sup>13</sup> Moreover, the fact that the Equality Council may only establish discrimination to have taken place without having the power to apply administrative sanctions has been criticised by a variety of interlocutors of the Advisory Committee as seriously hampering its impact.

19. The Advisory Committee further notes the adoption in April 2014 of the Law on the People's Advocate (ombudsman), according to which the Centre of Human Rights was reorganised and the number of "parliamentary advocates" was reduced from four to two "people's advocates".<sup>14</sup> The institution, accredited as a National Human Rights Institution with

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9. Law No. 121 on Ensuring Equality of 25 May 2012.

10. The Equality Council was meant to be operational as of 1 January 2013, yet appointment of its members was only completed in June 2013. It has been *de facto* operational as of October 2013. See state report, p. 10.

11. As of January 2015, the Equality Council also issues decisions of inadmissibility, while in 2014 official letters were used to inform the petitioner of the inadmissibility of the claim.

12. Building strategic partnerships with relevant government and non-government stakeholders, the strengthening of its presence in the regions, and the identification of cases with collective impact are included in the Council's declared priorities. See the Activity Report of the Council on Prevention and Elimination of Discrimination and Ensuring Equality for 2014, p. 33.

13. See also the Submission prepared by the Council on the Prevention and Elimination of Discrimination and Ensuring Equality for the Universal Periodic Review (UPR) of the Republic of Moldova, 26th session, 23 March 2016, p. 2.

14. The reform of the ombudsman's office was included as one of the priorities of the Human Rights Action Plan 2011-2014. The adoption process of Law No. 52 "On the People's Advocate" of 3 April 2014, originally drafted by the Ministry of Justice in close consultation with civil society and international experts, was very lengthy. Over 100

“B” status, is completing a reform process aimed at strengthening its effectiveness, as repeatedly recommended over recent years.<sup>15</sup> While welcoming the commitment to strengthen its competences, the Advisory Committee notes that insufficient resources and funding remain obstacles to the efficient functioning of the ombudsman’s office. It is still housed in unsuitable premises and has not been provided with the means to recruit an adequate number of professional staff.<sup>16</sup> More importantly, however, targeted measures to enhance its independence remain outstanding.<sup>17</sup> According to the 2014 law, the institution’s budget should be directly approved by parliament as part of the regular state budget. In practice, however, the Ministry of Finance reportedly still holds the right to veto, through a separate approval process. Moreover, following the one year delay in the appointment of the ombudsperson by parliament in April 2015, and the continued lack of agreement regarding a suitable second ombudsperson with a mandate for the protection of children’s rights, trust in the institution’s powers amongst civil society and the public remains limited. While it still receives some 2 000 complaints per year, the numbers are decreasing, particularly since the existence of the Equality Council. It is to be welcomed, however, that both bodies have been co-operating in a number of areas, including with regard to training and raising of public awareness.

20. Overall, the Advisory Committee notes with concern that the understanding of the nature of minority rights and the legal remedies available to persons belonging to national minorities for the promotion of their access to rights remains rather unclear amongst the communities as well as the wider public. The Law on National Minorities of 2001 mainly reproduces the provisions contained in the Framework Convention without providing specific guarantees on how to give effect to the various rights in the specific context of the Republic of Moldova. In its discussions with governmental and non-governmental interlocutors, the Advisory Committee gained the impression that minority protection is viewed mainly as an issue of preservation of cultures and traditions, yet there appears to have been little reflection on how to promote equal access to rights of persons belonging to national minorities as an integral part of the broader human rights agenda. The resulting confusion about the nature of minority rights seems to have prompted apprehension on both sides and led to a situation where, on the one hand, minority representatives do not always address the appropriate national institutions and available domestic mechanisms with their requests, while, on the other hand, public officials interpret common requests for recognition or access to minority rights as signs of disloyalty or demands for “autonomy” (see also Article 15).

### *Recommendations*

21. The Advisory Committee calls on the authorities to increase their support for the efficient and fully independent functioning of the ombudsman’s office in line with the Paris Principles by ensuring proper funding and by providing the institution with suitable premises. The ongoing reform process must be completed without further delay and awareness should

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proposals for amendments were made in parliament, reportedly resulting in the adoption of a law that requires further amendments for the institution to be established in line with the Paris Principles.

15. See, among others, the Human Rights Commissioner’s Report on Moldova, following his visit in March 2013, at <https://wcd.coe.int/ViewDoc.jsp?p=&id=2102463&direct=true>.

16. The People’s Advocate has representative offices in Balti, Cahul, Comrat and Varnita with at least two staff in each office. According to its officials, over 50% of vacancies have not been filled in March 2016.

17. See also the Venice Commission’s Opinion on the Law on the People’s Advocate (ombudsman) of the Republic of Moldova, adopted 19-20 June 2015, paragraph 9.

be raised, including through its regional offices, about its mandate and competencies in the promotion of human and minority rights throughout the territory of the republic.

22. It further calls on the authorities to enhance their support for the efficient functioning of the Equality Council by proceeding with the necessary amendments of the respective laws and bestowing adequate investigation and sanctioning powers on the institution to enable it to properly fulfil its role as an equality body, and by providing adequate human and financial resources.

23. It further encourages the authorities to enhance their efforts to raise awareness of the anti-discrimination legislative framework amongst public institutions, the population as a whole, and in particular amongst groups who are prone to discriminatory attitudes or affected by structural disadvantages, and to enhance public understanding of the Framework Convention and the nature and relevance for society of minority rights as an integral part of human rights.

### **Measures to promote the full and effective equality of persons belonging to national minorities**

#### *Present situation*

24. The Advisory Committee notes ongoing efforts in early 2016 towards preparation and adoption of an intermediary Human Rights Action Plan for 2016 under the co-ordination of the Ministry of Justice, following the expiry of the previous Human Rights Action Plan.<sup>18</sup> A comprehensive new Human Rights Action Plan for the period 2017-2020 is expected to be developed following the Universal Periodic Review (UPR) which Moldova is undergoing in autumn 2016. There have been only limited and ad hoc references to the concerns of national minorities in previous action plans. The intermediary plan, for instance, does not mention the rights of persons belonging to national minorities, except for a reference to the preparation and training of Roma community mediators. The Advisory Committee considers the inclusion of minority rights as an integral part of the broader human rights agenda and priorities and thus an important means of ensuring that the needs and concerns regarding access to rights of persons belonging to national minorities are comprehensively addressed rather than marginalised into the segments of culture and language preservation.

25. The Advisory Committee notes with concern that many Roma, in particular, continue to face serious obstacles in accessing a number of important rights, including in the fields of education (see Articles 12 and 14), employment and social services (see Article 15). Roma women are especially affected by multiple layers of structural inequalities and discrimination, which impede their enjoyment of basic rights.<sup>19</sup> The adoption of the Roma Action Plan 2011-2015 was welcomed as a significant achievement and it is further welcomed that Roma representatives have been involved in preparing an evaluation report. According to them, the vast majority of measures foreseen in the action plan were not implemented, as the allocation of competencies for taking concrete action remained unclear and funding was grossly inadequate. In addition, the plan did not contain effective measures to address the widespread discrimination faced by Roma in their daily life, for instance when looking for employment.

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18. See draft available at [http://justice.gov.md/public/files/drepturile\\_omului/2016/Pnado-intermediar.pdf](http://justice.gov.md/public/files/drepturile_omului/2016/Pnado-intermediar.pdf). The second human rights action plan 2011-2014 expired at the end of 2014.

19. See for background, *Study on the situation of Romani women and girls in the Republic of Moldova*, produced by UNDP Moldova in co-operation with UN Women and OHCHR, 2014.

There are numerous reports of Roma being overtly or implicitly shown that their candidatures for existing positions are not being considered based on their ethnic affiliation.<sup>20</sup> A new Roma Action Plan 2016-2020 is being prepared by the Bureau for Interethnic Relations in co-operation with the various line ministries. The Advisory Committee welcomes the fact that the proposal of minority representatives to include a gender perspective into the various chapters of the new action plan is reportedly likely to be accepted. However, it notes with concern that the main shortcoming of the previous action plan as emphasised in the evaluation report, namely its lack of implementation and supervisory mechanisms, risks not being comprehensively addressed.

26. The Advisory Committee further notes that no comprehensive solution has been found to the issue of documentation amongst Roma, despite the inclusion of this goal in the action plan. Lack of identity documents, often still caused by the absence of birth certificates, and lack of registration with the municipalities where they reside continues to seriously hamper the access of Roma to rights, while also rendering them at risk of statelessness.<sup>21</sup> It is highly welcome that birth certificates are now issued directly in hospitals and efforts are also made to issue certificates free of charge to those born at home. Adults without a birth certificate, however, have to address the courts to establish their identity, which tends to be costly.

27. The Advisory Committee is pleased to note in this context the determination and commitment on the side of the authorities to conduct a large campaign in 2013 and 2014 aimed at preventing statelessness and addressing the situation of the over 223 000 persons who were still registered on 1 January 2013 as living in Moldova with old Soviet passports.<sup>22</sup> In the course of the campaign, close to 213 000 individuals were issued with valid registration and identity documents free of charge.<sup>23</sup> As of 1 January 2016, 10 486 persons remain registered as persons with old Soviet passports, but the majority is estimated to no longer live in the republic. The Advisory Committee further notes that just over 2 000 persons have been registered as stateless, with an additional 664 for whom the statelessness determination procedure is ongoing. The UNHCR further considers some 2 300 to be at risk of statelessness, as they have old Soviet passports containing a stamp designating them as having “undetermined citizenship”. Overall, some 5 000 individuals remain affected by statelessness or the risk thereof, a significant number of them belonging to national minorities, including Roma.

28. The Advisory Committee further notes the continued lack of reliable and disaggregated data on the particular situation regarding the access to rights of persons belonging to national minorities, which continues to hamper the preparation of targeted measures to promote their effective equality (see also Article 3). According to the 2004 census, for instance, the number of Roma in Moldova is just under 12 300. The independent data collection conducted by Roma organisations in 2013 in the various locations where Roma reside, resulted in the figure of over

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20. See “No Jobs for Roma”: Situation Report on Discrimination against Roma in Moldova, Equal Rights Trust, The Equal Rights Review, Vol. Fifteen (2015).

21. See also the ECRI Report on the Republic of Moldova (fourth monitoring cycle), adopted on 20 June 2013.

22. In 2012, the Republic of Moldova ratified the 1954 United Nations Convention relating to the Status of Stateless Persons and the 1961 UNHCR Convention on the Reduction of Statelessness, and subsequently developed a statelessness determination procedure. See the UNHCR Factsheet on the Republic of Moldova, December 2015.

23. As per Government Decision No. 210 of 24 March 2014, as of September 2014, old Soviet passports are not considered to be valid identity documents when applying for pensions or other benefits in the Republic of Moldova. See <http://lex.justice.md/md/352324/>.

102 000 Roma,<sup>24</sup> while other estimates refer to up to 250 000.<sup>25</sup> Efforts have been deployed by the Ministry of Labour, Social Protection and Family as well as the Ministry of Health to gather data through relevant mapping exercises and the collection of information available in the registers of local family doctors.<sup>26</sup> While welcoming these initiatives to obtain a more accurate understanding of the specific situation of persons belonging to national minorities in the various regions with a view to effectively addressing persistent inequalities, the Advisory Committee underlines that the right to free self-identification must be observed in all instances. In addition, a unified methodology should be applied in the collection of locally available information in close consultation with national minority representatives, including women and the elderly, to ensure that the common phenomenon of multiple discrimination is adequately considered.

### *Recommendations*

29. The Advisory Committee calls on the authorities to prioritise the adoption of the Human Rights Action Plan and to ensure that the promotion of equal access to rights for persons belonging to national minorities, including women, youth, and persons in particularly disadvantaged situations, is appropriately included as an integral part of human rights.

30. It further urges the authorities to adopt a comprehensive strategic vision in the preparation and adoption of the Roma Action Plan 2016-2020 and to ensure that its implementation is prioritised, including through the allocation of an adequate budget, and effectively co-ordinated within all relevant line ministries. Roma representatives must be effectively involved in all steps of the process.

31. It further encourages the authorities to pursue the organisation of independent surveys and research on the living conditions and concerns with respect to access to rights of persons belonging to national minorities, including numerically smaller minorities, to ensure that quantitative and qualitative data is regularly made available for the design of targeted policies and measures aimed at the promotion of effective equality.

## **Article 5 of the Framework Convention**

### **Support for the preservation and development of national minority identities and cultures**

#### *Present situation*

32. A number of cultural associations and projects such as the organisation of festivals and the printing of books, continue to receive financial support from the Ministry of Culture and some local authorities. The Advisory Committee takes note of reports, however, that the available funding is widely considered to be insufficient to maintain and develop the various minority cultures, particularly with respect to the numerically smaller minorities. There is no

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24. See Letter No. 66 from the Elizabeta Foundation of 4 November 2013 regarding the outcome of the data collection exercise.

25. See, for instance, the NGO Promo-LEX press release on the occasion of the International Day for the Elimination of Racial Discrimination, 21 March 2014 at <https://promolex.md/index.php?module=press&cat=0&item=1449&Lang=en>.

26. According to information presented to the Advisory Committee during its visit, the Ministry of Labour and Social Protection estimates the number of Roma to be around 48 000. Some 22 000 are registered with family doctors.

established procedure for the allocation of funds to minority cultural associations within the Ministry of Culture and no specific budget line set aside for that purpose, as all applications for cultural projects go through the same process. The rules regarding these procedures, however, are reportedly not available in minority languages or in Russian, which hinders access to information and is particularly disadvantageous for newly formed associations, which do not have long-standing experience with local or central level decision-making procedures regarding the allocation of cultural support. As a result, the available support mechanisms appear to concentrate on the preservation of traditional music or folklore and the translation of books about the adaptation of newer and more contemporary expressions of minority cultures, which contributes to the perception of minority cultures as stagnating and marginalised rather than as integral parts of present-day Moldovan society. The Advisory Committee is concerned by the fears expressed in particular by representatives of numerically smaller minorities regarding the growing assimilation with dominant languages and cultures amongst their communities (see also Article 10).

33. The Bureau for Interethnic Relations further provides some support to national minority cultural associations by making the House of Nationalities, located at its premises in Chisinau, available for the organisation of events. However, the premises are reportedly unsuitable for larger or regular gatherings, including of youth, which has resulted in a loss of interest amongst some communities.

34. In addition, representatives of national minorities report that the requests for the registration of their non-governmental organisations with names indicating languages other than the state language or Russian, have been rejected. Despite the co-official status of the Gagauz language, associations in Gagauzia have reportedly been asked to change their Gagauz names into either Russian or the state language in order to be registered.

35. The Advisory Committee further notes that the restitution of expropriated communal property of cultural heritage sites is not comprehensively legislated, which remains of particular concern to persons belonging to the Jewish and Armenian communities. According to their representatives, private efforts to restore and protect heritage sites have not received public support but instead, on the contrary, have been obstructed by various layers of bureaucracy, thus remaining unsolved.<sup>27</sup> Requests for the restitution of property to religious communities other than the Moldovan Orthodox Church have reportedly not been answered, with one case being submitted to the European Court of Human Rights by the Catholic Church in 2012 concerning the restitution of a cathedral and other church properties. The case remains pending in 2016.<sup>28</sup>

36. The Advisory Committee welcomes the reference to the fact that cultural diversity is prioritised in the strategy implemented by the Ministry of Culture.<sup>29</sup> It notes with regret, however, reports of some resistance exhibited by the ministry to promoting multicultural projects or making the various cultural schemes and events available to diverse audiences through, for instance, the use of subtitles. Attempts by representatives of national minorities to have their traditions and cultures reflected in national holidays have not been successful

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27. Since 2010, efforts to restore the synagogue in Chisinau, for instance, appear to have been blocked by a disagreement between the office of the mayor and the Public Property Agency regarding the ownership status of the land, the building plans and the investment programme. The ownership of the territory on which the Armenian Apostolic Church was built in 2003 reportedly also remains unclear.

28. See Application No. 841/13 *Episcopia Romano-Catolica v. Moldova*, which is yet to be communicated.

29. See state report, p. 23.



amid a perceived tendency to give precedence to the promotional activities of only one cultural identity in Moldova. Indeed, the Advisory Committee notes that the website of the Ministry of Culture is accessible only in the state language and in English, which appears to disregard the cultural interests of a significant part of the population with diverse language backgrounds.<sup>30</sup> It considers that a more active appreciation and promotion of the wide cultural and linguistic diversity in Moldova, including the many numerically smaller minorities, could meaningfully contribute to the development of a sense of civic identity amongst all citizens as integral elements of one diverse society and may help in overcoming the existing divisions (see Article 6).

### *Recommendations*

37. The Advisory Committee calls on the authorities to increase the available support for the cultural activities of persons belonging to national minorities and to ensure equal access to resources for representatives of all groups, including numerically smaller minorities, the rural population, women and youth. An additional and specific budget line should be made available for the preservation and development of minority cultures and heritage, and representatives closely involved in relevant decision-making processes on the allocation of funding.

38. It further calls on the authorities to prioritise, in consultation with national minority representatives, the promotion of minority cultures as valued and integral parts of Moldovan diversity and to demonstrate their commitment to the formation of an open and inclusive society through the adoption of a corresponding cultural policy.

## **Article 6 of the Framework Convention**

### **The promotion of tolerance and intercultural dialogue**

#### *Present situation*

39. The Advisory Committee is pleased to note that interethnic relations overall have remained friendly and respectful over recent years. However, a recent study on equality perceptions and attitudes in the Republic of Moldova reveals considerable hostility amongst the public towards Muslims, persons of African origin, and Roma (see also below).<sup>31</sup> The study further indicates that the negative attitudes against the latter groups are fed by common stigmatisation and stereotyping, and significantly decrease when there is personal experience and contact with representatives. The Advisory Committee notes that according to the study, attitudes towards Russians and Russian speakers are generally very positive.<sup>32</sup> Despite the absence of any enmity on a personal level towards speakers of Russian and other languages, which was also confirmed by the delegation during its visit, society remains divided along ethnic and linguistic lines. Successive governments appear to have been unsuccessful in the formulation of a convincing agenda towards the creation of a single Moldovan state identity that is independent from the influences of neighbouring countries and based on an inclusive

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30. See <http://www.mc.gov.md/> (accessed on 15 April 2016).

31. See [http://md.one.un.org/content/dam/unct/moldova/docs/pub/ENG-Studiu%20Perceptii%202015\\_FINAL\\_2016\\_Imprimat.pdf](http://md.one.un.org/content/dam/unct/moldova/docs/pub/ENG-Studiu%20Perceptii%202015_FINAL_2016_Imprimat.pdf). The study was prepared in 2015 by the Equality Council and the Office of the United Nations High Commissioner for Human Rights (OHCHR), in consultation with the United Nations Development Programme in Moldova (UNDP Moldova).

32. Russians living in Moldova and Russian speakers had the lowest social distance index score (0.9, with 0 indicating the distance to family members, 1 indicating the distance to friends, and 2 indicating the distance to neighbours. Romanians living in Moldova scored 1.6). *Ibid.*, p. 18.



narrative and the respect for diversity. As a result of this uncertainty with respect to Moldovan civic identity, ethnic and linguistic features appear to be conflated with a broader East-West polarisation in the political discourse, where speakers of Russian are generally depicted as aspiring to closer ties with Russia, while speakers of the state language are regarded as supporting a pro-European agenda for the country or even possible unification with Romania. It is of concern to the Advisory Committee that national minorities, including numerically smaller minorities and their specific concerns, remain marginalised in this environment, as they are, depending on their actual or assumed language abilities, affiliated with one of the two larger groups without being given space to develop their own identity and position (see also Article 5).

40. The Advisory Committee welcomes in this context the considerable efforts made by the authorities over recent years to develop a strategy for the integration of society.<sup>33</sup> Substantial expertise and advice was provided by the Office of the OSCE High Commissioner on National Minorities and a draft “Integration Strategy of National Minorities of the Republic of Moldova for 2015-2020” was presented for public consultation in April 2015.<sup>34</sup> The Advisory Committee regrets, however, that the process appears to have stalled somewhat since then. Adoption of the strategy is still outstanding, despite the prolonged and thorough preparation process of the draft, which in its final version also takes account of comments received during several rounds of public consultations, including with national minority and civil society representatives, and the demonstrated commitment from successive directors of the Bureau for Interethnic Relations to proceed with adoption of the strategy. In addition, it remains uncertain as to what procedure is applicable for adoption, as the Advisory Committee received inconsistent explanations as to whether such a policy document requires adoption by government only or indeed must go through parliament.<sup>35</sup>

41. The Advisory Committee was further informed that a draft strategy, entitled “Strategy for Interethnic Relations Consolidation in the Republic of Moldova for 2016-2023” has been submitted to the Council of Europe Secretariat for an additional expert opinion with respect to its compliance with the Framework Convention.<sup>36</sup> In view of the Advisory Committee, the adoption of an integration strategy, which has been regarded a high priority by successive

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33. According to the government action plan for the years 2012-2015, the Bureau for Interethnic Relations was tasked to develop a state programme for the improved study and use of the state language by persons belonging to national minorities and to develop an integration strategy that “is targeted at societal integration through proficiency in the Romanian language that provides for recognition by all citizens of its role in consolidation of the Moldovan society and ensuring mutual understanding”. See state report, p. 17. Development and implementation of an “Integration Strategy of the National Minorities of the Republic of Moldova” was also introduced as a priority in Chapter XV of the government programme for 2015-2018, which is devoted to national minority protection issues. See state report, p. 12.

34. See *ibid.*, p. 13.

35. In May 2016, a draft government decision for the adoption of the “Integration Strategy of National Minorities of the Republic of Moldova 2016-2025” appeared on the website of the Bureau for Interethnic Relations, which seems to suggest that the strategy must be approved by government. (<http://www.bri.gov.md/index.php?pag=proiecte&opa=view&id=80&start=&l=ro>, as accessed on 24 May 2016).

36. Both drafts are available on the state language website of the Bureau for Interethnic Relations (<http://www.bri.gov.md/index.php?pag=proiecte&l=ro>, as accessed on 23 May 2016), while only the original “Integration Strategy” is available on the Russian language website of the bureau. (<http://www.bri.gov.md/index.php?pag=proiecte&l=ru>, as accessed on 23 May 2016). The Advisory Committee further noted inconsistencies between the state language version and the English language version submitted to the Council of Europe.

governments and has received substantial international contributions and encouragement,<sup>37</sup> is a significant step that affirms the government's determination to take appropriate measures towards the implementation of minority rights in an integrated and multilingual society, based on respect for diversity. It considers that a further delay in the adoption process should be avoided and could even be counterproductive, as it may raise doubts as to the continued political will to follow through with the commitment at the level of a strategic vision for society. Concrete implementation measures must indeed be developed at a later stage and in close consultation with national minority representatives to ensure that their views and needs are closely taken into account in the actual realisation of the strategy. The Advisory Committee reminds the authorities that the implementation of the strategy must be carefully monitored and regularly evaluated to ensure that it constructively builds on the existing absence of tension in society, while contributing towards a deeper cohesiveness of society across ethnic and linguistic lines.

42. The Advisory Committee further considers that the strategy that is finally adopted must address society as a whole and must not appear to leave the task of integration to national minority communities alone. A comprehensive vision is required in particular to address the existing discrepancy with respect to the use of languages. While persons belonging to national minorities are often regarded as unwilling to learn the state language and as hostile towards the development of an independent and unified Moldovan society, insufficient opportunities are made available to them to effectively obtain proficiency in the state language without either giving up their distinct identity or the ability to communicate in the Russian language (see also Article 14). In addition, it appears essential to the Advisory Committee that the negative public discourse, which at times has involved the use of "enemy" images by some politicians for the further polarisation of society and has been aided by the continued propagation of stereotypes by some media (see Article 9), is actively discouraged and steered by public officials towards the consistent promotion of an inclusive society, based on a unified civic identity that accommodates and values diversity as an integral part of Moldovan society.

#### *Recommendation*

43. The Advisory Committee calls on the authorities to finalise and adopt without further delay a strategy for the formation of an integrated society that is based on respect for diversity. Further efforts must then be made and an adequate budget allocated to ensure that targeted measures are designed, implemented and regularly evaluated at expert level and in close consultation with national minority and civil society representatives, in particular in the fields of education and media.

### **Protection from hate crime**

#### *Present situation*

44. The Advisory Committee notes with interest that some amendments to the Criminal Code were adopted in December 2012 with the aim of remedying the ineffectiveness of the

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37. See the Report on the Implementation of the European Neighbourhood Policy in the Republic of Moldova – Progress in 2014 and recommendations for action ([http://eeas.europa.eu/enp/pdf/2015/republic-of-moldova-enp-report-2015\\_en.pdf](http://eeas.europa.eu/enp/pdf/2015/republic-of-moldova-enp-report-2015_en.pdf)), particularly the priority areas for Moldova (hereinafter Progress Report): "This will include ratifying the European Charter for Regional and [or] Minority Languages and further developing and implementing a strategy on the integration of national minorities, in close cooperation with the OSCE High Commissioner on National Minorities" (p. 4).

criminal legislative framework in combating racism and racial discrimination.<sup>38</sup> While aligning some of the provisions regarding racial violence and incitement to hatred with international standards, the amendments did not address all of the identified shortcomings. Racial hatred is still not considered to be a criminal offence in itself but only serves as an aggravating circumstance according to Article 77(1)(d) of the Criminal Code or as a qualifying element in some provisions.<sup>39</sup> Moreover, it is of particular concern to the Advisory Committee that the available legal remedies against racial offences are still not systematically applied, and criminal law investigations into alleged racial offences remain exceedingly rare. According to interlocutors of the Advisory Committee, there have been very few cases of hate crime before the courts, despite the continued anecdotal reports of hostilities and violence exhibited in particular against Roma, but also against persons of African origin.<sup>40</sup>

45. While welcoming the official recognition of the Holocaust Memorial Day in 2015 and noting reports by representatives of the Jewish community regarding a certain decrease in instances of anti-Semitism during the monitoring cycle, the Advisory Committee remains concerned by the generally inadequate response to such hate crime by law enforcement.<sup>41</sup> In addition, it notes with concern that incidents of violence against Jewish cultural and religious sites, including cemeteries, have been observed more frequently, such as the spraying of a swastika on the wall of the Jewish school in Chisinau in October 2015 and the vandalism of the Jewish cemeteries in Soroca and Chadir Lunga in Gagauzia in May 2016. It is essential that all incidents of hate crime are promptly and adequately investigated, prosecuted and sanctioned as such in line with the Criminal Code to prevent the emergence of a climate of impunity.<sup>42</sup>

46. Members of the Islamic League report reduced levels of discrimination against Muslims, yet incidents continue to occur, such as situations where access to public transport is impeded to members of the Muslim community, without receiving an adequate official response.<sup>43</sup> It is welcome that a contact point for hate crime exists within the National Institute of Justice, which collects information on all criminal cases invoking racial discrimination and incitement to hatred, to ensure that awareness is raised and special expertise developed.

47. The Advisory Committee further welcomes reports of a series of training and awareness-raising activities to promote understanding amongst the judiciary, prosecution services and the police about the available legal remedies against hate crime and appropriate techniques for special investigations, including as part of the implementation of the 2011-2014

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38. For further background information, see the ECRI Report (op. cit. footnote 21), paragraphs 25 ff.

39. See also the Submission prepared by the Council on the Prevention and Elimination of Discrimination and Ensuring Equality for the UPR of the Republic of Moldova, 26th session, 23 March 2016, p. 6.

40. There are a number of reports, for instance, of police officers not even accepting complaints from persons of African origin or of downplaying incidents as “hooliganism”, thereby hampering investigative efforts that could lead to more appropriate sanctioning.

41. The violent removal of the Chanukiah from a central park by a group of Orthodox believers in December 2009, for instance, remains unsanctioned, as does the case for the anti-Semitic speech and incitement to hatred by a Church representative. See the 2010 US Department of State Report on Moldova.

42. One of the few cases where hate crime was sanctioned was the deliberate vandalism of a Jewish cemetery accompanied by gestures invoking the glorification of fascism, committed by a young couple in July 2013. It resulted in a combined sentence of four years for the male perpetrator for the profanation of graves based on ethnic or religious hatred, in combination with the offence of involving a juvenile in a crime. See Decision No. 1a-855/14 of 29 April 2014 of the Chisinau Penal Court of Appeal. Apart from this case, assaults and other offences have usually been tried under the Code of Administrative Offences.

43. See the International Religious Freedom Report, Moldova 2014 at <http://www.state.gov/documents/organization/238622.pdf>.

Human Rights Action Plan.<sup>44</sup> At the same time, it notes continued concerns by national minority and civil society representatives that the capacity of the police to adequately deal with alleged cases of racial discrimination remains very low. According to information received from relevant Ministry of Interior officials, out of the 126 cases of alleged hostile behaviour against Roma reported to the police, not a single one was confirmed during the following investigations. It appears to the Advisory Committee that such a striking outcome may rather attest to flawed investigation techniques or a lack of appropriate methodology in the treatment of witnesses than to the absence of racial behaviour in Moldova. In addition, it remains concerned by the continued reports regarding abuse of power or racially motivated hostilities against Roma and members of the Muslim community exhibited by members of the law enforcement authorities themselves. While an internal mechanism has reportedly been established within the Ministry of Interior to fight corruption and abuse, the Advisory Committee reiterates its view that any entity that is mandated to investigate complaints of racial behaviour and misconduct of law enforcement agents must be fully independent in order to carry out its function effectively.

### *Recommendations*

48. The Advisory Committee urges the authorities to ensure that the available legal remedies against hate crime and racial violence are widely known amongst the public, in particular amongst groups that are most exposed to such behaviour, and that relevant public officials engaged in law enforcement are adequately trained and instructed to effectively investigate, sanction and monitor all related complaints.

49. It further calls on the authorities to promote trust in the police amongst minority communities by increasing their outreach activities, including through the employment of minority representatives in law enforcement authorities, and by ensuring that all alleged instances of misconduct and abuse of power by police officers are scrupulously and independently investigated and promptly sanctioned.

## **Article 8 of the Framework Convention**

### **The right to manifest one's religious belief**

#### *Present situation*

50. The Advisory Committee notes with interest that the Islamic League of Moldova, which applied for registration with the Ministry of Justice in 2008, was registered as the first legally recognised Muslim association in March 2011. The registration was followed by public protests that were reinforced by some representatives of the Moldovan Orthodox Church.<sup>45</sup> The Spiritual Gathering of Muslims of Moldova reportedly decided to register as a non-governmental organisation, as its repeated requests for registration as a religious group had failed.<sup>46</sup> While representatives of the estimated 17 000 Muslims in Moldova, who include persons belonging to national minorities, continue to report low levels of public acceptance of

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44. See ECRI report (op. cit. footnote 21), paragraph 40.

45. See, among others at

[http://www.rferl.org/content/moldova\\_recognition\\_of\\_muslims\\_angers\\_conservatives/24177283.html](http://www.rferl.org/content/moldova_recognition_of_muslims_angers_conservatives/24177283.html).

46. According to the International Religious Freedom Report of 2014, the group no longer believed in a positive outcome, while the Ministry of Justice referred to incorrectly submitted documentation as the reason for the rejection of the group's applications. See <http://www.state.gov/documents/organization/238622.pdf>.

their religious beliefs by the majority religious group and instances of discriminatory treatment still occur, the situation is generally considered to have improved in recent years. Furthermore, minority representatives still refer to a range of advantages that are extended to the Orthodox Church, including as regards the allocation of land and property for the building of suitable houses of worship and burial grounds, as well as to the continued predominance of Orthodoxy in religious teaching at schools (see also Article 12), which together constitute barriers to the free manifestation of religious beliefs by persons belonging to national minorities.<sup>47</sup>

#### *Recommendation*

51. The Advisory Committee calls on the authorities to facilitate registration of the religious organisations of persons belonging to national minorities in consultation with representatives of the concerned communities, in order to ensure that persons belonging to national minorities can effectively enjoy the right to manifest their beliefs in appropriate places of worship.

### **Article 9 of the Framework Convention**

#### **Broadcast and print media in minority languages**

##### *Present situation*

52. The Advisory Committee notes that broadcast and print media in minority languages have been further reduced, particularly at central level, since the previous cycle of monitoring. According to the Audiovisual Code, 80% of countrywide programmes must be in the state language, while 20% may be in other languages. In practice, however, most of the 20% quota is filled with Russian-language programmes. This also includes news bulletins that are broadcast three times per day, which, however, are considered to be too short, too superficial, and aired at inconvenient times. The broadcasts of other minority languages combined amount to under 0.5% of public TV airtime, which is clearly insufficient to meet the needs of a multilingual society.<sup>48</sup> In addition, national minority representatives consider the programmes on offer to have little appeal for the communities, as they feature mainly traditional culture and music programmes, without giving national minority representatives the opportunity to influence the content or raise awareness of their upcoming cultural activities. Furthermore, there are no significant newspapers, journals, magazines or Internet resources on news in Moldova in the Bulgarian, Gagauz, Romani or Ukrainian languages. The lack of an attractive selection, including regular news and quality entertainment on contemporary issues of interest to national minority communities reportedly contributes to a sense of marginalisation amongst them and results in the consumption of foreign media by many people belonging to national minorities.

53. According to Article 11(9) of the Audiovisual Code, local and regional broadcasting in areas where national minorities constitute the majority of the population shall be only 20% in the state language, while 80% is left to the discretion of the broadcaster. The company Taraclia TV and radio, for instance, offers additional broadcasts in the Bulgarian language, however, its frequencies do not cover all areas in Taraclia *rayon*. Difficulties in this regard are also reported in Gagauzia and in Cahul *rayon*, as the southern region has reportedly not yet been equipped with all the technical facilities that are required for the ongoing transition to digital

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47. See also Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/19/60/Add.2 of 27 January 2012.

48. There are reportedly biweekly 30 minute broadcasts in Ukrainian and monthly broadcasts of 30 minutes each in Bulgarian, Gagauz and Romani.

broadcasting. In practice, the vast majority of regional and local TV and radio programmes are broadcast in the Russian language, often through the re-broadcasting of shows produced elsewhere. There is reportedly very limited technical capacity at local level, as well as a serious shortage of funding to produce quality programmes in minority languages, in particular during the digitalisation process. The Advisory Committee considers it vital that media professionals and journalists obtain adequate training to increase their awareness of and sensitivity towards the specific and contemporary needs and concerns of diverse groups in society, and ensure that they are able to portray minority communities as an integral part of society, including by actively involving representatives in the preparation and presentation of both mainstream and minority language programmes.

54. The Advisory Committee welcomes the efforts of the Audiovisual Co-ordinating Council in this context to implement projects aimed at the promotion of minority language TV and radio programmes, including support provided for the establishment of a children's channel in the Gagauz language. It further notes that, according to the above Council, which is responsible for monitoring the content of broadcast media for possible violations of the Audiovisual Code, there have been only two cases involving disrespectful references made towards national minorities in the past two years, which does not appear to square with the unanimous reports from national minority and civil society representatives to the effect that media play a significant role in the propagation of stereotypes and the formation of hostile attitudes against some minorities, without paying attention to their ethical responsibilities. In their view, the overall media environment, where over 70% of outlets are dominated by one individual, is not conducive to media pluralism and presents a particular disadvantage to independent providers and those targeting minority audiences. Draft amendments to the Audiovisual Code of 2011 aimed at improving ownership transparency, editorial freedom, media plurality and the independence of the Audiovisual Co-ordinating Council have yet to be adopted.<sup>49</sup> The Advisory Committee notes with concern apparent attempts in 2014 to influence the editorial freedom of some media by political and business interest groups.<sup>50</sup>

#### *Recommendations*

55. The Advisory Committee calls on the authorities to increase significantly the availability of broadcast and print media in minority languages, in particular those of numerically smaller groups and at regional level, and to ensure that quality programmes of interest to national minority communities are effectively available in public service broadcasting at all levels, including through use of subtitles.

56. It further calls on the authorities to take all the necessary steps towards the promotion of a pluralist media environment where diversity is presented as an integral and valued part of society, including through the training and recruitment of persons belonging to national minorities in public service broadcasting.

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49. See, among others, the submission presented by the Independent Journalism Centre on 28 March 2016 at <http://media-azi.md/en/stiri/ijc-submitted-authorities-set-recommendations-preventing-concentration-mass-media-ownership>.

50. See also the Progress Report (op. cit. footnote 37), p. 5.

## Article 10 of the Framework Convention

### Use of minority languages at central and local level

#### *Present situation*

57. The 1989 Law on Languages, which, though widely considered to be outdated,<sup>51</sup> remains in force, and establishes the state language in the Latin alphabet as the only official language, and Russian as “language of interethnic communication”, which is meant to guarantee the “fulfilment of real national-Russian and Russian-national bilingualism”.<sup>52</sup> While Gagauz has co-official language status in Gagauzia, other minority languages are much less protected.<sup>53</sup> Article 6 of the law provides citizens with a choice of using either Russian or the state language (or Gagauz in Gagauzia) when approaching central administrative authorities. Overall, however, the Advisory Committee observes that implementation of these provisions remains inconsistent throughout the country. The Equality Council has found discrimination on the basis of language, in particular with respect to access to justice, citing a number of cases where courts refused to respond to complaints submitted in the Russian language, referring to Article 24(2) of the Code of Civil Procedure, and the possible use of interpretation services.<sup>54</sup> The Gagauz language, despite its special status in Gagauzia, is reportedly used only very rarely in official communications and even less in written correspondence.

58. The Advisory Committee acknowledges the practical difficulties encountered by the various institutions in ensuring implementation of the individual’s right to choose the language of communication with central authorities, in particular as it has reportedly become an increasing challenge to identify suitable staff who are proficient in both languages. It further notes with concern that the services of interpreters, which are often necessary to implement the law and constitute a heavy financial commitment, are not foreseen in the respective budget allocation processes by administrations at all levels. The lack of consistency with respect to the implementation of the language legislation by public institutions is further demonstrated by the different practices applied to the respective bodies’ websites. The Ministry of Culture site is available in the state language and in English (see Article 5), while the Ministry of Interior maintains its site only in the state language, thus raising issues of access to information for persons belonging to national minorities. The Equality Council and the ombudsman office both run their websites in the state language and in Russian (in addition to English), which is highly welcome.<sup>55</sup>

59. The legislative framework further provides that in localities where persons belonging to the Bulgarian, Russian and Ukrainian minorities constitute the majority of the population, “the native or other convenient language is used”.<sup>56</sup> The level of implementation of this provision,

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51. See, for instance, p. 14 of the state report, which refers to monitoring conducted by the Bureau for Interethnic Relations in 2012.

52. See Article 3 of the Law No. 3465-XI of 1 September 1989 “On the Functioning of the Languages Spoken in the Territory of the Republic of Moldova” (hereinafter the Law on Languages).

53. Article 4 of the Law on Languages guarantees the use of “Ukrainian, Russian, Bulgarian, Hebrew, Yiddish, Romani languages and languages of other ethnic groups living on the territory of the Republic, for satisfaction of national-cultural needs”.

54. See the Activity Report of the Council for Equality 2013 op. cit., p. 24.

55. The Advisory Committee was informed, for instance, that 33% of the total of complaints to the ombudsman’s office in 2015 were received in the state language, while in its Comrat Office, 87% of complaints were made in the Russian language.

56. See Article 6(2) of the Law on Languages.



however, also varies significantly. In some areas, such as Taraclia and Balti, mainly Russian is spoken in contacts with local administrative authorities, even to the point that issues of language discrimination towards speakers of the state language arise.<sup>57</sup> As regards Ukrainian, minority representatives report that there is very little use of Ukrainian in official communications in their villages. The Advisory Committee further regrets that Romani is reportedly not used in any official contacts, not even in Otaci and other localities where Roma constitute the majority of the population. Rather, it notes with concern that the aim of “real bilingualism” appears to have led to a situation where speakers of lesser-used languages are mainly assimilating into either one of the two larger language groups, in effect becoming monolingual as a result. Since, in addition, the number of speakers overall who are fully bilingual in the state language and in Russian is decreasing (see also Article 14), the Advisory Committee considers that the aim of “real bilingualism” has not been achieved. In practice, it has rather contributed to the formation of two parallel and mutually exclusive public spheres that rely on either the state language or on Russian as main language of communication, thereby cementing and enhancing existing divisions.

60. The Advisory Committee further notes that a number of efforts have been made towards the ratification of the 1992 European Charter for Regional or Minority Languages, which was signed by the Republic of Moldova in 2002 and remains due for ratification in line with Moldova’s pre-accession commitments towards the Council of Europe.<sup>58</sup> A co-ordinated list of commitments foreseen in charter provisions was developed in relation to eight languages.<sup>59</sup> The Advisory Committee understands that following a number of feasibility studies, a review of the resulting financial implications is currently ongoing. It regrets that there have been no tangible results thus far as it considers the ratification of the charter in particular beneficial for the sustained protection and preservation of the lesser-used minority languages, including Gagauz, Yiddish, Tatar and Romani, as part of Moldova’s unique cultural heritage.

### *Recommendations*

61. The Advisory Committee calls on the authorities to implement more consistently the rights contained in Article 10(2) of the Framework Convention by ensuring that the use of minority languages in official contacts with local authorities is actively facilitated in an effort to accommodate the linguistic diversity in the country through the effective promotion of multilingualism.

62. It further calls on the authorities to prioritise the recruitment at local level of civil servants with appropriate language skills over the employment of interpreters, in order to ensure that the active use of all relevant minority languages is encouraged in the public sphere and in official communication with municipal employees where applicable.

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57. The Equality Council found language discrimination by the Balti city authorities in refusing to respond to a request in the state language (decision of 2 December 2012), for instance.

58. ETS No 148, [http://www.coe.int/t/dg4/education/minlang/AboutCharter/Promoting\\_Ratification\\_en.asp](http://www.coe.int/t/dg4/education/minlang/AboutCharter/Promoting_Ratification_en.asp).

59. These are Bulgarian, Gagauz, German, Polish, Romani, Russian, Ukrainian and Yiddish.



## Article 11 of the Framework Convention

### Personal names

#### *Present situation*

63. Following amendments to the Law on Identity Documents and National Passport Systems adopted in December 2012, personal names in identity documents issued as of March 2013 are recorded in the state language only, despite the fact that field titles are indicated in both the state language and in Russian (in Cyrillic script).<sup>60</sup> The changes were reportedly adopted despite the sustained objections brought forward by national minority representatives (see also Article 15), with the explanation that the use of several languages could not be accommodated on the smaller format of identity cards that is compliant with European Union regulations. The Advisory Committee points out that the practice in European Union member states shows that different languages and scripts can indeed be used in parallel without any obstacle. In addition, it reiterates its viewpoint that the script is an integral part of the minority language and must not be subjected to a separate rule.<sup>61</sup> Moreover, there are reportedly no efforts made to ensure that the transliteration of Russian language names into the Latin script is done consistently and in line with international unified standards. As a result, the same names are reportedly spelled differently by the various authorities that issue documents, which has significant practical repercussions for the document holders, such as when property title must be proven or in the context of inheritance proceedings.

64. While, according to Article 11 of the Framework Convention, authorities may require that personal identity documents contain a phonetic transcription of the personal name into the official language, the Advisory Committee notes with concern reports regarding the practice of adjusting the personal name in line with the state language norms, which results in at times substantial changes, such as from “Sergei” into “Sergiu”. In addition, only state language diacritics are reportedly used, thus changing the Gagauz names “Güüllü” into “Ghiuliu” or “Kürkcü” into “Chiurciu”, for instance. The Advisory Committee considers that the new practice raises serious issues with regards to the right to use one’s personal name in a minority language and to have it officially recognised, which is widely viewed as a core linguistic right that is closely linked to personal identity and dignity.<sup>62</sup>

65. Moreover, since the above-mentioned legislative amendments, personal names in identity documents are entered exclusively according to a binary naming convention, that is, one that no longer allows the possibility of entering patronymics, middle names or other additional names.<sup>63</sup> This change is of deep concern, not only to persons belonging to the Russian, Ukrainian and other national minorities using Slavic language traditions, but also to Roma, for instance, who have, over decades of residing in Russian-speaking regions, adopted the tradition of carrying their fathers’ names as an integral element of their personal names. The Advisory Committee notes with interest a decision released by the Riscani District Court in

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60. Article 3(6) of Law No. 304 of 26 December 2012 provides that the identity card is completed in the state language, while Article 3(7) states that the field titles are to be written in the state language and in Russian. Before March 2013, identity cards were issued in the state language on the front, while fields were indicated and completed in Russian (Cyrillic script) and English on the back. Identity cards issued in the state language and in Russian in line with the previous legislation remain valid until their expiry date.

61. See Thematic Commentary No. 3 op.cit., paragraph 60.

62. See, among other documents, Thematic Commentary No. 3 op.cit., paragraph 61.

63. See Article 3(2)(g) and (h) of Law No. 304 of 26 December 2012.

Chisinau following a complaint by an individual because an identity card had been issued to him that did not contain his patronymic. The court ordered the respective body to re-issue the identity document with the complete name of the individual, in line with the applicable legislative framework.<sup>64</sup> The decision was reportedly overruled by the Chisinau Court of Appeal in April 2016, however, with the argument that the respective body could not issue a document with a patronymic because the relevant application form did not contain that information.<sup>65</sup>

### *Recommendation*

66. The Advisory Committee urges the authorities to take all the necessary measures, including through the development of a coherent legislative framework, to ensure that persons belonging to national minorities have their personal names officially recognised in the minority languages, including in their identity documents, in line with Article 11 of the Framework Convention. It specifically calls on them to ensure that international standards regarding the transliteration and transcription of names are respected, making full use of contemporary technological facilities in the use of diacritics.

## **Topographical signs and indications**

### *Present situation*

67. The Advisory Committee notes that in general, it is mainly the state language that is used on topographic signs, which appears not to be in line with Article 10 of the Law on National Minorities.<sup>66</sup> In some regions, Russian appears to be used on topographic signs, and the Ukrainian language is reportedly also sometimes visible, such as when indicating the name of a school or a public building. There is, however, no systematic application of rules regarding bilingual or trilingual signposting, as persons belonging to national minorities appear unaware of the available mechanisms through which they could address such requests. Representatives report that the few signs that are available have often been there for many years without being maintained and sometimes display spelling mistakes. The Advisory Committee regrets this apparent lack of appreciation for the important role that the use of minority languages on place names can have for the development of a sense of inclusion amongst the population, and to demonstrate that the diverse character of a specific region, traditionally and at present, is acknowledged and valued.

68. The Advisory Committee further notes that strict naming conventions that are exclusively based on the state language are also applied to topography, which is regrettable as the transformation of traditional names may be interpreted as disrespectful and unappreciative of the specific identity and history of a locality.<sup>67</sup> While recognising the necessity of maintaining official lists of place names for administrative purposes, the Advisory Committee notes that the exclusive use of the state language has resulted in a situation where the officially accepted use of minority languages is hindered. It notes, for instance, a decision of

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64. See Decision No. 3-183/2015 of 14 August 2015, referring among others to Article 16(3) of the Law on National Minorities as well as Article 11(1) of the Framework Convention.

65. As of 25 May 2016, the decision is not yet public.

66. Article 10 of Law No 382-XV of the Republic of Moldova on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organisations (July 2001) reads: "The name of localities, streets, institutions and public places shall be indicated in the Moldovan and Russian languages and, in the localities that have been granted a special autonomy status, also in other official languages, established by the respective laws."

67. The Gagauz localities of "Komrat" and "Kıpçak", for instance, are referred to as "Comrat" and "Copceac".

the Audiovisual Co-ordinating Council of January 2016, where the practice of 13 television channels is criticised for incorrectly referring to place names in their Russian language broadcasts.<sup>68</sup> The Advisory Committee notes with interest that the question was referred to the Academy of Science for its consideration of the issue from a linguistic point of view. While commending the decision to seek expert advice on a complex question, it considers it vital to comprehensively consider the symbolic significance of place names in a multilingual environment, and to ensure that persons belonging to national minorities are closely consulted and their views and concerns taken into account in the identification of a suitable solution.

### *Recommendations*

69. The Advisory Committee calls on the authorities to raise awareness of the legislative framework in place with respect to the use of minority languages in topography, and to promote close consultations between local authorities and representatives of the population regarding the display of bilingual or trilingual signposts in relevant locations as a meaningful demonstration of the presence of diversity and of its appreciation.

70. It further calls on the authorities to comprehensively assess, in close consultation with national minority representatives, the current practice with respect to the use of naming conventions and official lists of place names and to develop a system for the use of place names in minority languages that is in line with Article 11 of the Framework Convention.

## **Article 12 of the Framework Convention**

### **Teaching materials, teacher training and intercultural education**

#### *Present situation*

71. The Advisory Committee is pleased to note the continued efforts of the authorities to provide minority language schools with textbooks and education materials. Overall, however, a number of important shortcomings remain. Textbooks in minority languages are only provided for the first nine grades and only for the study of language and literature. Reportedly, they are based on outdated language learning methodology and are reviewed with less frequency than other textbooks. There are no textbooks for the study of minority cultures, and still no curriculum has been adopted for those classes. Textbooks used in Russian-language schools are translations from the state language and, according to national minority representatives, contain a number of mistakes that have not been corrected despite repeated requests. In their view, contact and co-ordination with the Ministry of Education has become much harder since the closure of the minority language department that existed until 2007. The Advisory Committee welcomes recent plans of the Bureau for Interethnic Relations to reinstate the positions of minority language specialists in the Ministry of Education in order to ensure that educational standards and curricula in the specific languages can be better co-ordinated at ministerial level, in consultation with the respective school directors and communities.

72. According to national minority representatives, the number of suitable pedagogical facilities for the preparation of teachers at Russian-language schools, where national minority languages are taught, is also decreasing. Following the closure of the philological department for Bulgarian at Chisinau University as well as of Taraclia College, teachers of the Bulgarian

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68. See the decision of 21 January 2016, pointing out among other things that the use of the term “Chisinov” for the capital is incorrect, even when used in Russian language programmes, and should be instead “Chişinău” as per the official list of place names. <http://www.cca.md/files/D.1-1%20din%2021%20ianuarie%202016.pdf>.

language can only be prepared at the University of Taraclia, which, despite its existence since 2004, has not yet been accredited. It is reportedly particularly problematic to recruit suitably trained teachers for the study of maths, physics and other natural sciences at Russian-language schools. As a result, the increasing age of teachers and their lack of qualifications are presented as important reasons for the decrease in student numbers at such schools that has been observed over recent years (see Article 14).<sup>69</sup>

73. The Advisory Committee regrets that, in general, very little information regarding the wide diversity of Moldovan society is contained in the curriculum and textbooks used in public schools. Efforts to agree on a curriculum of Moldovan history have failed thus far amid ideological differences. According to national minority representatives, only the “history of Romanians” is taught in schools, with few or unfavourable references to other cultures and identities, thus leading to a sense of their being overlooked and marginalised. This is not conducive to the formation of an integrated society in which persons belonging to national minorities are perceived as an integral part (see Article 6).<sup>70</sup> In addition, teachers are not always well equipped to deal with linguistic and other diversity in their classrooms and to promote appropriately respectful intercultural dialogue. Moreover, there is reportedly some unfriendliness amongst teachers against Roma students and incidents of mobbing or bullying from other students are frequently addressed inappropriately.<sup>71</sup>

74. The Advisory Committee further notes reports that the study of religion in schools, while optional, still appears to reflect mainly Orthodoxy, as the religious curriculum receives input in particular from the Moldovan Orthodox Church, and children who do not attend are not always effectively protected against possible pressure from school administrations.<sup>72</sup>

#### *Recommendations*

75. The Advisory Committee calls on the authorities to ensure that the teaching of minority languages is supported through adequate supplies of teaching materials and that there are effective opportunities for the preparation of suitably skilled teachers in all subjects, including for teachers of numerically smaller languages, in particular for the introduction of multilingual teaching methodologies.

76. It further calls on the authorities to ensure that curricula and textbooks adequately reflect the diversity of Moldovan society, including with respect to the appreciation of multiple perspectives in history, and that teachers in all schools are effectively trained to accommodate diversity in the classroom and promote intercultural respect and dialogue.

### **Equal access to education**

#### *Present situation*

77. The Advisory Committee welcomes sustained efforts to improve access to education for Roma, in particular through the enhanced attention paid to primary school enrolment.<sup>73</sup> Indeed, while the numbers of students with a Roma background have increased as a result,

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69. See the overview provided in the state report, p. 55.

70. The Advisory Committee was astonished to find out that indeed history textbooks seem not to discuss the history of the Holocaust and its effects on Moldovan society.

71. See *Study on the situation of Romani women and girls* (op. cit. footnote 19), pp. 19 and 30 ff.

72. See also Report of the Special Rapporteur on freedom of religion or belief, op. cit.

73. According to the 2013 UN publication “Roma in the Republic of Moldova”, 52% of Roma girls and 55% of Roma boys attend primary school, and 14% (17% respectively) attend secondary school.

mainly owing to the engagement of Roma community mediators and civil society, under-representation is still an important issue, in particular at preschool level. Comprehensive research regarding access to education for Roma children points to a variety of interrelated obstacles, such as high poverty levels, unaffordability of the hidden costs of education, practical issues with transport from remote and often sub-standard neighbourhoods, as well as the persistence of very low quality education for Roma that contributes to the phenomenon of early school drop-outs.<sup>74</sup> Roma girls are disproportionately affected, resulting in only 63% of Roma women between 16 and 24 being literate, compared to 99% of non-Roma women in that age group.<sup>75</sup> The Advisory Committee notes with particular concern reports of segregated education continuing in 2016 in Otaci, where Roma children are reportedly all taught together in one class with a significantly lower quality of education.<sup>76</sup> In addition, the Advisory Committee understands that the non-use of the Romani language at schools and the absence of teachers and education assistants with such specific skills also constitutes a barrier for Roma children, who often speak Romani at home but attend schools where the medium of instruction is either Russian or the state language.<sup>77</sup>

78. The Advisory Committee further notes the concerns expressed by the Equality Council with respect to the principle that “money follows the student”, included in the new Education Code, which entered into force in November 2014. In the view of the Council, this principle does not sufficiently take into account that persons belonging to national minorities who attend additional language and culture classes (such as in Bulgarian, Gagauz, Russian and Ukrainian, see Article 14) follow a heavier curriculum, implying more work for the teachers and school administration, and thus requiring more funding. The Advisory Committee notes the proposal made by the Equality Council to amend the new Education Code to address this situation of indirect discrimination with respect to access to education.<sup>78</sup>

#### *Recommendations*

79. The Advisory Committee urges the authorities to address comprehensively the continued obstacles to equal access to education experienced by Roma children in co-operation with the respective line ministries and local authorities, and in close consultation with minority representatives. Instances of segregated education must be discontinued without delay and effective measures taken, including through the employment of adequately trained teachers and education assistants, to pursue and support the ongoing efforts of civil society towards inclusive education.

80. It further calls on the authorities to address the shortcomings in the new Education Code, including with respect to equal access to education as identified by the Equality Council.

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74. See *Study on the situation of Romani women and girls* (op. cit. footnote 19), p. 31.

75. See “Roma in the Republic of Moldova” (op. cit. footnote 74), p. 22; 77% of Roma men between 16 and 24 years of age are literate.

76. A UNICEF report of 2010 indicated repeated cases of segregation in other localities too, such as in Edineț and Leova districts, and in Chisinau.

77. According to minority and civil society representatives, some 60% of Roma in Moldova speak Romani at home.

78. See the Activity Report of the Council for Equality for 2014, p. 12.

## Article 14 of the Framework Convention

### Instruction in and of minority languages

#### *Present situation*

81. The Advisory Committee is pleased to note the continued support for minority language education in Moldovan schools. In line with Article 6 of the Law on National Minorities, the special status of the Russian language is also anchored in the education system, where instruction in the Russian language from preschool level through to university is guaranteed. Altogether, there are 259 schools in which the Russian language is the medium of instruction. Other minority languages are taught additionally in some of those schools for four hours per week (three hours for the minority language and literature and one hour for the minority culture).<sup>79</sup> In addition, there are two schools that pilot the use of Ukrainian as the medium of instruction in some subjects and one school piloting instruction in the Bulgarian language at primary level. Altogether, however, the education system provides too few opportunities for persons belonging to national minorities to learn their languages at a satisfactory level. Moreover, the fact that such an option is still available only in Russian-language schools limits their choice with respect to further educational and employment opportunities. Given the continued shortcomings in the teaching of the state language at Russian-language schools (see below), many persons belonging to national minorities feel obliged to choose between either foregoing their guaranteed right to minority language education by enrolling in a state language school, or attending a minority language school, knowing that their professional future in Moldova will be compromised by their low state language proficiency (see also Article 15).

82. The Advisory Committee further notes with concern that persons belonging to national minorities are in addition faced with declining levels of quality in education in their minority languages as well as in Russian. Persistent shortcomings in minority language schools regarding the adequate supply of educational materials and teacher training opportunities (see Article 12) have led to a reduction in the number of students at such schools over recent years.<sup>80</sup> Fears for the maintenance of the schools are now compounded by the entry into force of the new Education Code in 2014 and recent regulations from the Ministry of Education that introduce stricter rules regarding the minimum number of students required to maintain a lyceum.<sup>81</sup> While efforts have reportedly been made thus far to avoid the closure of minority language schools, in particular when they constitute the only option for studying in minority languages within a certain locality, the lack of legal certainty regarding the continuity of those schools has led to significant concerns amongst parents. In addition, the new code foresees a re-certification of all school directors which is to be performed in the state language, thereby placing many of the current directors in a very disadvantaged position.

83. The Advisory Committee considers that the merger of schools, which may in some cases be a reasonable response to the general decline in student numbers, must not necessarily lead to assimilation, as some national minority representatives fear. Indeed, if accompanied by

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79. In the school year 2015/2016, Gagauz is taught in 48 schools, Ukrainian in 42, Bulgarian in 30, Hebrew and Yiddish in two and German and Polish jointly in one.

80. See also information provided in the state report, p. 55.

81. According to minority representatives, new regulations prescribe that lyceums in urban environments must be able to fill two classes of 25 students per year in order to remain open. In rural areas, the number is reduced to 20 students per class.

specific measures to guarantee continued education in minority languages, and through the promotion of bilingual and multilingual education methods, school mergers may offer opportunities for children from diverse language backgrounds to continue their education, while promoting intercultural understanding and awareness. It is essential, however, that the integration of small minority language schools into larger and multilingual organisational units is conducted gradually and in close consultation with the respective school administrations and teachers to ensure that the views of parents and students are effectively taken into account. Attention must also be paid to ensuring that transportation to schools does not become too difficult as a result of school mergers.

84. The Advisory Committee welcomes in this context the current efforts to revive the former minority language department in the Ministry of Education and to recruit specialists for the various languages to ensure that the standards of education in minority language schools are effectively monitored and that adequate attention is given towards high quality education. It is further pleased to note the substantial increase of support provided to education in and research of the Gagauz language, as well as the plans to open preschools with Gagauz and Bulgarian as languages of instruction in Comrat and Taraclia respectively. It reiterates its concern, however, with respect to the fact that the study of Romani is not included at any school, as no apparent efforts have been made to develop a corresponding curriculum or prepare teachers and education assistants for the study of and in Romani.

85. As regards access to university education and vocational training for persons belonging to national minorities, the Advisory Committee notes with concern that the opportunities reportedly continue to decline. Following previous changes to the Education Code, the faculties that used to provide instruction in the Russian language are cutting courses and transposing their modules into the state language. In addition to the effect that this development has had on access to services for persons belonging to national minorities (see Article 15) and the implementation of the language legislation (see Article 10), the Advisory Committee also notes with concern that an increasing number of graduates of Russian-language schools decide to leave Moldova for their further studies, as they see limited opportunities for their future if they stay. The particularly large number of scholarships on offer for studying abroad that are available supports them in this choice.<sup>82</sup>

#### *Recommendations*

86. The Advisory Committee urges the authorities to enter into a close dialogue with minority representatives, parents and school administrations to enhance the available opportunities to study in minority languages through the introduction of modern bilingual and multilingual teaching methodologies and through the accommodation of high quality learning of different languages in integrated education environments.

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82. The Advisory Committee learned that there are 600 scholarships available each year to citizens of Moldova to study in Bulgaria, and some 200 scholarships available for them to study in the Russian Federation. In addition, there are 5 000 scholarships available to citizens of Moldova to study in Romania, although these are only available to ethnic Romanians. In addition, some 85 scholarships are available to persons of non-Romanian background from all over the world. However, until 2013, this option was not available to citizens of the Republic of Moldova. Following a complaint in 2013 to the Romanian National Council on Combating Discrimination, these scholarships have also been opened for applicants who are citizens of Moldova. See Decision No. 663/13.11.2013 of 13 November 2013 of the Romanian National Council on Combating Discrimination.

87. It further calls on the authorities to ensure that minority language schools remain attractive and high quality educational establishments that offer their graduates the perspective of a successful academic and professional career in Moldova.

### **State language learning**

#### *Present situation*

88. The Advisory Committee notes with regret that the limited availability and quality of state language teaching in Russian-language schools remains one of the main concerns of minority representatives. Against the common perception prevailing amongst the majority of the population that the low levels of mastery of the state language amongst minority communities is due to a lack of motivation, the Advisory Committee notes that significant private means are deployed by persons belonging to national minorities to attend private courses. According to minority representatives, the situation is particularly problematic in Gagauzia and Balti, where students are surrounded by an almost entirely Russian-speaking environment and therefore are particularly reliant on schools for their state language learning. The efforts made to promote state language proficiency amongst teachers and the adult population strongly rely on the non-governmental sector, which appears at odds with the expressed government commitment to promoting the state language as the main tool for public communication. The Advisory Committee welcomes in this context the continued functioning of 35 Russian-language pilot schools where, in addition to the study of the state language, some subjects such as civic education and geography have been taught using the state language as the medium of instruction. The experiment is reportedly successful and well-liked by parents and students alike, yet it remains to be replicated in other schools. The Advisory Committee considers that more opportunities should be made available to persons belonging to national minorities to learn their minority languages as well as the state language and other languages and to gain adequate proficiency through the introduction of multilingual education methodologies.

89. The Advisory Committee regrets that the study of the Russian language in state language schools, which, according to the new Education Code, is compulsory in all schools until 2018, has been adapted without adequate changes being made to the curriculum. As of 2014, the Russian language has been introduced in the 5th grade and taught until 9th grade, while formerly it was taught as of the 2nd grade. According to the interlocutors of the Advisory Committee, schools continue to use the same Russian language textbooks as before, without adjustments, which presents difficulties for the learning process. Moreover, it appears unclear from the new Education Code what the status of the Russian language in the education system will be after 2018.<sup>83</sup> It considers that there should be close consultations with relevant communities before any changes are introduced which may have a significant impact on language abilities in society and thereby on the overall societal climate. Indeed, while sustained and comprehensive efforts must be made to raise knowledge of the state language amongst those belonging to national minorities, including by promoting its use as a common tool for communication, a reduction in Russian language skills amongst the population does not appear to be an appropriate measure. In fact, it may rather result in less dialogue and less

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83. Article 9(8) in combination with Article 152 of Law No. 152 of 17 July 2014 implies that as of the school year 2018/2019, the Russian language may have the same status in the education system as English or French. See [http://www.erasmusplus.md/sites/default/files/field/artcile/file/education\\_code\\_en.pdf](http://www.erasmusplus.md/sites/default/files/field/artcile/file/education_code_en.pdf).



understanding across linguistic lines, thereby possibly jeopardising the high regard in which Russians and Russian speakers are currently held in Moldovan society (see Article 6).

90. The Advisory Committee finally notes with deep concern the persistent practical obstacles and administrative pressures faced by students and teachers of the eight schools in Transnistria that continue to teach the state language in the Latin script.<sup>84</sup> It welcomes the commitment of the authorities to resolving the situation through dialogue and to promoting the right to equal access to education of the students at these schools,<sup>85</sup> and notes in particular the resumption of the activity of the working group on education in 2014.

#### *Recommendation*

91. The Advisory Committee again urges the authorities to design comprehensive and long-term measures to substantially enhance the availability and quality of state language teaching in the public education system through a balanced approach that contains parallel measures to adequately protect and promote the languages of national minorities, including through the introduction of multilingual teaching methodology.

### **Article 15 of the Framework Convention**

#### **Consultation and participation in decision-making processes**

##### *Present situation*

92. The Co-ordinating Council of Ethnocultural Organisations under the Bureau for Interethnic Relations, which was designed as the main mechanism for the participation of persons belonging to national minorities in decision making, and established in line with Article 25 of the Law on National Minorities, continues to carry out its advisory role and is composed of a variety of organisations that represent 30 national minorities as well as other societal groups.<sup>86</sup> While welcoming the existence of a platform for the exchange of views amongst associations of national minorities and other civil society groups with government representatives, the Advisory Committee notes that most national minority representatives do not consider the Co-ordinating Council to be an important tool for ensuring that their views and concerns are effectively taken into account by the various levels of government. There is reportedly very little follow-up given to the issues raised by them during the various meetings and it is unclear to what extent their concerns are channelled into the decision-making processes of the various line ministries, including with regard to draft pieces of legislation. In addition, the Bureau for Interethnic Relations, as the main governmental body tasked with handling the wide range of issues pertaining to national minority protection, appears not to play a meaningful role within the government. It has undergone a period of frequent changes in management and continues to be housed in unsuitable premises, operating with a limited budget and 17 staff. Despite its broad responsibilities, it is viewed as focussing mainly on cultural preservation issues without, however, having an adequate budget even for that task

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84. See also the Statement of the European Union regarding the situation of the schools using Latin-script in the Transnistrian region of the Republic of Moldova of 19 March 2014.

85. See, for more background, the judgment of the European Court of Human Rights of 19 October 2012 in Applications Nos. 43370/04, 8252/05 and 18454/06 in *Catan and Others v. Moldova and Russia*, which held that there had been a violation of Article 2 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms in respect of the Russian Federation.

86. 93 organisations continue to be represented in the Council. See the list of organisations available on the site of the Bureau for Interethnic Relations at <http://www.bri.gov.md/index.php?pag=sec&id=56&l=ro>.

(see Article 5) and is viewed by minority representatives as having lost further political clout, particularly in recent times.

93. There are other national platforms, such as the National Council for Participation, which are designed to promote consultation with civil society and participation in the decision-making processes at central level. However, persons belonging to national minorities have only rarely been able to use these platforms, as they frequently lack the relevant information as well as resources and capacity to do so. At the local level, where national minorities constitute a significant part of the population, such as in Balti, consultation mechanisms with an advisory function have also been created. While shortcomings have been reported with respect to unclear competencies and little follow-up given to the discussions held in these local advisory bodies, the Advisory Committee notes that in addition, there appears to be no system in place to ensure that the local issues of concern are regularly taken up and considered by the Co-ordinating Council and the Bureau for Interethnic Relations or other government bodies at central level (see also below).

#### *Recommendation*

94. The Advisory Committee reiterates its call on the authorities to ensure that national minority representatives are effectively consulted at central and local levels on all issues that concern them, not only those related to culture, and that their views are seriously taken into account during relevant decision-making processes. The competencies of and resources available to the Bureau for Interethnic Relations as the main body responsible for dealing with issues pertaining to national minority protection must be enhanced, including through relevant capacity building measures, which should also be made available to the Co-ordinating Council.

### **Representation in elected bodies and in public administration**

#### *Present situation*

95. National minorities continue to be represented in elected bodies, yet mainly at local level. The fact that Article 8 of the 2007 Law on Political Parties effectively prevents the registration of regionally based political parties limits their opportunities to represent their specific regional and minority interests at central level, as few mainstream political parties engaged in central level politics reach out to national minority communities and their specific interests.<sup>87</sup> While personal contacts with decision makers in mainstream parties, such as members of parliament, may be used to bring forward specific issues of concern, the effectiveness of such avenues is compromised by political instability. The Advisory Committee considers that representation at national level remains of particular concern despite modest progress in decentralisation, since many of the decisions affecting national minority populations in the regions continue to be taken in the capital, with limited consultation or co-ordination with the regions.<sup>88</sup> A reform of public administration, for instance, appears to have been discussed at central level in some detail without seeking input from the local administrations, which appears to be not in line with Article 19 of the Law on National

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87. Article 8 of Law No. 294 of 21 December 2007 on Political Parties provides that in order to be registered, a political party must present a list of at least 4 000 members who should reside in at least half of the administrative units, with no less than 120 members in each unit.

88. In 2012, the parliament adopted the National Decentralisation Strategy, the main policy document in the area of local public administration, aimed at transferring competences and financial resources from the central authorities to local ones. Limited progress has been made in its implementation, however.

Minorities.<sup>89</sup> This has caused apprehension in particular in Taraclia *rayon*, where the Bulgarian minority constitutes 65% of the population. It is feared that a possible upcoming merger with Cahul *rayon* into one larger district could result in a loss of decision-making authority for the Bulgarian minority, as well as a reduction in accessible public services. Its local council submitted a request for the establishment of Taraclia *rayon* as a “national cultural district”, which was rejected in a government decision in February 2016.<sup>90</sup> The Advisory Committee considers that close consultations and effective dialogue are indispensable to ensure the involvement of regional and national minority representatives in broader political processes, including in discussions on how to meet the legitimate concern of administrative efficiency without reducing the effective enjoyment of minority rights.

96. The Advisory Committee further notes in this context that the elected members of the People’s Assembly of Gagauzia are not represented in the Parliament of Moldova, which continues to inhibit close co-ordination between the central and regional legislatures.<sup>91</sup> It appears that the concept of autonomy and what it may entail for the promotion of the effective participation of persons belonging to national minorities, remains unclear to many of those involved, which has led to skewed expectations and sometimes disagreement and tension between the central and regional authorities. Unresolved questions remain, for instance, with respect to the legislative competencies of the People’s Assembly. One example is in the field of education, where it is unclear whether Gagauzia is competent to adopt its own Education Code.<sup>92</sup> It is welcome in this context that a Moldova-Gagauz parliamentary working group, composed of five members of parliament and five members of the People’s Assembly of Gagauzia, was established in late 2015 as a permanent mechanism with international support. It held its first meeting in February 2016, with the aim of clarifying the respective competences and promoting a more effective functioning of the autonomy structures in line with the legislative framework.

97. The level of representation of national minorities in the public administration continues to be low, in particular at central level, where public institutions are reported to be increasingly mono-ethnic. The Advisory Committee notes with concern that the long-standing inadequacies of the education system with respect to the quality of state language teaching (see Article 14) has resulted in a situation where persons belonging to national minorities are not able to meet the language requirements in the entry tests for public service. At the same time, no provision has been made to accommodate applicants that bring other languages and skills, such as through the application of different standards in the evaluation of tests, nor does the

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89. Article 9 of Law No 382-XV of the Republic of Moldova on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organisations (July 2001) reads: “The state guarantees that the modification of the administrative and territorial organization of the Republic of Moldova will not pursue the modification of the ethnic and demographic composition of the territories. Upon the making of such modifications, there shall be taken into account the local public opinion including the opinion of persons belonging to national minorities.”.

90. The Advisory Committee was also informed of a draft “Law on the ethnocultural status of Taraclia district” prepared by a parliamentary working group in the course of 2015, but which was reportedly not approved following inter-ministerial consultations.

91. The Governor (*Bashkan*) of Gagauzia is, however, automatically also a member of the Moldovan Government.

92. On 28 April 2016, the “Gagauz Education Code” was adopted by the People’s Assembly. It has, however, not yet been signed by the *Bashkan* and is therefore not yet in force. While education is specified in the 1994 Law on the Special Status of Gagauzia as one of the spheres where the People’s Assembly may pass local laws, the 2014 Education Code of Moldova, according to its Article 1, “sets the legal basis for relations related to planning, organization, functioning and development of the education system in the Republic of Moldova”.

recruitment system reflect an effort to increase the representation of national minorities and promote multilingualism in the public service (see also Article 10). While noting some developments with respect to the election of local councillors, the Advisory Committee further notes with concern that the representation of Roma is particularly low at all levels of state administration.

### *Recommendations*

98. The Advisory Committee urges the authorities to ensure that the views and concerns of persons belonging to national minorities are systematically taken into account in all decision-making that is relevant to them and that may have an impact on the enjoyment of minority rights at central and local levels. In particular, any steps towards reforming the system of public administration must be closely consulted with relevant regional and minority representatives to ensure that the effective enjoyment of minority rights, such as those of Bulgarians in Taraclia *rayon*, is not negatively affected.

99. It further calls on the authorities to take the necessary legislative steps and policy measures towards increasing the representation of national minorities in elected bodies and public administration at all levels, including within the context of broader decentralisation measures.

100. The Advisory Committee further recommends the authorities to incentivise the outreach of political parties to national minority communities and their regional concerns and to enhance their efforts towards the promotion of a constructive and institutionalised dialogue with local authorities and with the Gagauzian authorities in order to ensure that their specific concerns and interests are adequately taken into account in all decision making.

## **Effective participation in socio-economic life**

### *Present situation*

101. While the official unemployment rate remains under 5%, estimates of the hidden figures are much higher, in particular with respect to youth and the populations in the regions. Regional development thus remains a major issue of concern for the government. While the lack of economic opportunities affects all communities and has contributed to significant emigration in recent years,<sup>93</sup> the situation in rural and border regions, where national minorities reside in substantial numbers, is particularly critical. Steps taken for the socio-economic development of Gagauzia are welcome in this context. Following amendments to the Law on Public Local Financing in 2014, the Gagauzian authorities retain all tax income and are authorised to directly co-ordinate with international donors, which has raised hopes for some economic investment in the territorial unit. Other districts continue to depend on central budgeting, which is viewed critically by some local authorities, for instance in Balti.

102. The Advisory Committee further notes that access to public services is reportedly becoming increasingly problematic without proficiency in the state language. Persons belonging to national minorities report difficulties, for instance, when seeking to pass the driving test, which is administered only in the state language, or when addressing certain health services. While there are reports of intentional discrimination of individuals for speaking either the state language or Russian (see Article 4), there are also instances where public

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93. According to the preliminary results of the 2014 census, published in December 2014, some 330 000 Moldovan citizens were living abroad for an extended period in May 2014.

services can effectively not be provided to citizens because of language barriers.<sup>94</sup> The Advisory Committee considers it crucial that appropriate opportunities for professional and career development, including vocational training, are also made available in minority languages, in order to promote access to services in minority languages (see also Article 10) as well as to prevent further emigration.

103. Roma continue to experience particular obstacles in finding employment (see also Article 4) as well as persistent discrimination in access to goods and services.<sup>95</sup> Statistics collected in 2011 show a significant gap between the employment rates of Roma and non-Roma.<sup>96</sup> Civil society organisations estimate, however, that the hidden unemployment among Roma is much higher than the published figure, as only very few Roma are registered with the national employment centres.<sup>97</sup> This limits their opportunities for vocational and other professional training and impedes access to full health insurance. The Advisory Committee further regrets that significant measures foreseen in the Roma Action Plan 2011-2015 were not implemented. One of its priority areas, for instance, was the recruitment of 48 Roma community mediators by the end of 2015 to facilitate access to services in Roma communities.<sup>98</sup> While 25 mediators were recruited by the end of 2014 by the Ministry of Labour and Social Protection, a change in the legislative framework resulted in their services as of 2015 no longer being co-ordinated and paid at central level but by the local government units. Owing to the hesitation reportedly shown by many mayors in allocating the respective salaries within their local budgets, the number of mediators decreased to 14 in 2015 and then further to nine in early 2016.

104. Furthermore, no comprehensive effort has been made to address the housing concerns of Roma, leaving a large part of the population living in sub-standard conditions with limited access to drinking water, canalisation and a regular power supply, thus affecting children in particular.<sup>99</sup> While the Advisory Committee welcomes the adoption of the Law on Housing in April 2015, which establishes needs-based criteria for the allocation of social housing, it notes with concern that the repeated requests of civil society representatives for an adequate response to the critical housing situation of Roma have thus far been responded to with references to the generally unfavourable conditions for access to social housing and budget restraints rather than concrete actions.

### *Recommendations*

105. The Advisory Committee urges the authorities to prioritise the economic revitalisation of areas where persons belonging to national minorities reside with respect to suitable infrastructure and employment opportunities, and to ensure that information on relevant public services is made readily available to communities, including in minority languages.

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94. The Advisory Committee received reports of a case submitted to the Equality Council where a complaint to the police in Taraclia *rayon* could effectively not be made because no state language-speaking official could be found. According to civil society representatives, there are no establishments left where mid-level medical professionals are trained in the Russian language, resulting in a shortage of staff in hospitals in the regions where Russian is spoken by a majority of the population.

95. See also the decision of the Equality Council of 13 February 2015, on case 190/2014.

96. See "Roma in the Republic of Moldova" (op. cit. footnote 74), p. 45.

97. See also state report, p. 30.

98. See state report, pp. 26 ff.

99. In 2007, this was reported to be the case in over 80% of households. See [http://www.undp.md/publications/roma%20\\_report/Roma%20in%20the%20Republic%20of%20Moldova.pdf](http://www.undp.md/publications/roma%20_report/Roma%20in%20the%20Republic%20of%20Moldova.pdf), p. 14. Minority representatives consider that the situation has improved only insignificantly since then.

106. It further urges the authorities to prioritise the employment of Roma mediators in relevant locations to effectively promote access to education, health and social services. The dire housing conditions of many Roma must in particular be addressed without delay in order to overcome existing patterns of marginalisation and extreme poverty.

## **Articles 17 and 18 of the Framework Convention**

### **Bilateral co-operation**

#### *Present situation*

107. The Advisory Committee is pleased to note the existence of co-operation agreements on a variety of issues and in a spirit of good neighbourly relations with a number of countries such as Bulgaria and Romania, as well as at the inter-regional level. There is substantial co-operation particularly in the educational field, involving the exchange of teachers and professors, as well as regarding opportunities for scholarships (see Article 14). The Advisory Committee reminds the authorities, however, that the responsibility to protect minority rights, as part of general human rights, lies primarily with the state in which the minority resides. The accessibility of viable options for tertiary education for persons belonging to national minorities, for instance, may therefore not be made dependent on the diplomatic relations with neighbouring countries but must be addressed domestically. In addition, the Advisory Committee considers that national minority representatives should be consulted on issues concerning them with respect to such co-operation activities, in an effort to identify practical solutions to some of the remaining challenges through the enhanced development of people-to-people contacts across borders and the active facilitation of linkages between neighbouring societies.

#### *Recommendation*

108. The Advisory Committee encourages the authorities to pursue their efforts to promote good relations within the region and to enhance in particular the effective participation of persons belonging to national minorities in the development and implementation of relevant co-operation agreements.

### III. CONCLUSIONS

109. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by the Republic of Moldova.

110. The Moldovan authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion.<sup>100</sup> In particular, they should take the following measures to improve further the implementation of the Framework Convention:

#### Recommendations for immediate action<sup>101</sup>

- **Take all the necessary steps, in close consultation with national minority representatives, to adopt and implement a long-term strategy for the formation of a civic identity that is inclusive and firmly based on respect for ethnic and linguistic diversity as an integral part of Moldovan society;**
- **Proactively accommodate the linguistic diversity of Moldova by promoting the use of minority languages, in particular those spoken by numerically smaller groups, in official communications and in topography;**
- **Ensure, in close consultation with national minority representatives, that the education system provides persons belonging to national minorities with effective access to full proficiency in the state language, whilst enhancing access to quality teaching and learning of and in all minority languages through bilingual and trilingual education models that allow access to the languages used in Moldova and facilitate interethnic dialogue in society;**
- **Systematically ensure that persons belonging to national minorities participate in all decision-making processes, especially but not exclusively in areas immediately relevant to them, and effectively take into account their views and concerns with respect to the public administration reform so that their enjoyment of minority rights, such as those of Bulgarians in Taraclia *rayon* (district), is not negatively impacted.**

#### Further recommendations<sup>102</sup>

- Publish the comprehensive results of the 2014 census and pursue an open dialogue with civil society and minority representatives regarding the analysis of the data, particularly where they are used as the basis for the enjoyment of minority rights; complement statistical data with independent qualitative and quantitative research and ensure that the right to free self-identification is effectively ensured in all data

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100. A link to the Opinion is to be inserted in the draft resolution before submission to the GR-H.

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

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

collection exercises;

- Actively facilitate the efficient and fully independent functioning of the Equality Council and of the ombudsman office by ensuring that adequate resources are provided without delay and by taking all necessary steps at legislative level to enhance their competences; raise awareness of the anti-discrimination legislative framework amongst the public and amongst relevant officials;
- Adopt a comprehensive strategic approach in the preparation and adoption of both the Roma Action Plan 2016-2020 based on the evaluation of the measures undertaken thus far, and of the National Human Rights Action Plan, an integral part of which should include the protection of minority rights;
- Increase support for activities at central and local levels aimed at the preservation and promotion of all national minority identities and cultures as an integral part of Moldova's diversity, and ensure equal access to resources; closely involve minority representatives in the relevant allocation procedures;
- Ensure that the available legal remedies against hate crime and racial violence are widely known amongst the public, in particular amongst groups that are most exposed to such behaviour; adequately train and instruct relevant public officials engaged in law enforcement to effectively investigate, sanction and monitor all related complaints; independently investigate and sanction instances of police misconduct;
- Significantly enhance the availability of high quality broadcast and other media in minority languages; take all the necessary steps, including in the digitalisation process, towards the promotion of a pluralist media environment where diversity is presented as an integral and valued part of society, including through the training and recruitment of persons belonging to national minorities in public service broadcasting;
- Prioritise the recruitment of civil servants with minority language skills at local level; ensure that persons belonging to national minorities have their personal names officially recognised in the minority languages, in line with international transliteration and transcription standards;
- Ensure that curricula and education materials adequately reflect the diversity of Moldovan society and support the broader aim of creating an inclusive civic identity that is based on respect for diversity; ensure that teachers at all schools are adequately trained to accommodate diversity in the classroom;
- Effectively co-ordinate with Roma representatives all measures taken to enhance the access of Roma to rights and public services and pursue the targeted employment of mediators to proactively promote the equal access to education for Roma children in particular;



- Take the necessary legislative steps and policy measures to increase the representation of national minorities in elected bodies and public administration at all levels, including by promoting the outreach of political parties to national minority communities and their regional concerns and by enhancing efforts towards the promotion of a constructive and institutionalised dialogue with local and regional authorities;
  
- Prioritise the economic revitalisation of areas where persons belonging to national minorities reside, including with respect to suitable infrastructure and employment opportunities.