

**SHADOW REPORT**  
**ON**  
**THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION ON**  
**NATIONAL MINORITIES**  
**BY THE REPUBLIC OF MOLDOVA**  
**(INCLUDING TRANSNISTRIA REGION)**

**JULY 2000**

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1. As follows from Article 25 paragraph 1 of the Framework Convention the report is to contain full information on the legislative and other measures taken to give effect to the principles set out in the Framework Convention. The aim of this outline is to facilitate both the work of those providing the information and that of the Committee of Ministers and the Advisory Committee.

2. This outline pertains only to the first reports to be submitted by Parties following the entry into force of the Framework Convention.

The report is to consist of two parts, and is to be submitted in one of the official languages of the Council of Europe as well as in the original language version. It should in its first part (Part I) contain an introduction on the way in which the Party has sought to implement the Framework Convention. This introduction should provide a coherent global overview and framework for understanding the specific information provided in the second part (Part II) of the report. Part I should therefore include:

- (a) recent general statement(s) on the policy of the State concerning the protection of national minorities;

Moldova was among the first countries that has ratified the EFCNM back in 1996 well before the European Convention on Human Rights and Fundamental Freedoms became applicable since September 12, 1997. Political majority (Socialist Party and Agrarian Democratic Party) of the Moldovan Parliament at that time felt necessary to accede to it in the wake of Moldova's independence in 1991, expressing largely the will in providing an internationally binding legal obligations in this respect and fear of exclusion of Russian speaking population that also included largely Gagauz and Bulgarians in the South of Moldova.

There has been created Gagauz autonomy (Gagauz-Yeri) in 1995 and recently in November 1999, the Moldovan Parliament took a decision to form up a new Taraclia county (judet) on the basis of compactly leaving Bulgarians.

Moldovan Government has made public the document on juridical status of Transnistria, subject of approval of guarantors and parties involved in the conflict. The document provides a larger autonomy than of Gagauzia. Several provisions related to independency of judiciary, fiscal and financial organizations are strongly criticized as being incompatible with democratic practices.

- information on the status of international law in the domestic legal order;

- **Policy**

It has been gradually becoming a practice that courts cite in their decisions the provisions of international human rights law, especially superior courts. Citation

of norms of the European Convention on Human Rights (ECHR) is the concrete example. However, courts limit as a rule to only citation of norms provided in the articles of ECHR. Judges and courts lack appropriate knowledge and understanding of ECHR jurisprudence and its interpretation. As an exception one can find in court decision a reference to a concrete case.

- **Legal**

According to art. 4 ((1) Constitutional provisions for human rights and freedoms shall be understood and implemented in accordance with the Universal Declaration of Human Rights, and with other conventions and treaties endorsed by the Republic of Moldova. (2) Wherever disagreements appear between conventions and treaties signed by the Republic of Moldova and her own national laws, priority shall be given to international regulations. ) and art. 8 (...the Republic of Moldova undertakes obligation to respect UN Charter and treaties to which it is party, to build its relations with other states on basis of principles and norms unanimously recognized by international law...) of the Constitution of the Republic of Moldova, the international human rights treaties take precedence over the national laws and lately are interpreted in the meaning of the former. International human rights treaties are directly enforceable before the judicial authorities. In a decision of Constitutional Court (nr. 55 dated 14.10.99) stated that "in case when international human rights treaties and national laws are not in accordance, there applied provisions of the former....international human rights treaties have precedence only over national laws and not over constitutional norms." Supreme Court of Justice in a recent (June, 2000) explanatory decision stated that "...when judging concrete cases court has to verify if the law or other subordinated act applicable affecting human rights and freedoms provided in ECHR are compatible with the later, bringing corresponding motivations..." ("...la judecarea cazurilor concrete, instanta de judecata urmeaza sa verifice daca legea sau actul subordonat ei care urmeaza sa fie aplicat, care reglementeaza drepturi si libertati garantate de CEDO sint compatibile cu prevederile acesteia si in caz de incompatibilitate instanta urmeaza sa aplice direct prevederile Conventiei, motivand acest fapt in hotarirea sa")

- information on the unitary or federal character of the State;

1. According to art. 1 of the Constitution of the Republic of Moldova, the state has a unitary structure, where the special autonomous status, according to art. 111 to left Dniester bank as well as some localities of South Moldova might be given autonomous forms of governing by the organic laws. There is an autonomous region Gagauz Yeri and there is ethnically Bulgarian based Taraclia judet. The Republic of Moldova is organizationally divided into 12 counties (judet). County is a local public self-administration unit. The status of Gagauz Yeri local autonomy is higher than of a county, including Taraclia (ethnic Bulgarians) county. Left bank of Moldova is composed of one Dubasari county.

2.The Gagauz autonomy formed out of former several districts of Moldova which population, according to 1989 census were 153,500 people. Presently, the population of Gagauz autonomy is 169,300 of which 137,500 (78,7%) people are ethnic Gagauz and the rest are Moldovans (5,4%), Bulgarians (5,5%), Ukrainians (4%), Russians (5,0%), Roma (1,3%). Its area is 1,800,000 km<sup>2</sup>. The preponderant religion is Orthodox Christian. Gagauz speak Turkish group language on the basis of Latin script. It has local Legislative Assembly and the Governor directly elected by people of Gagauzia.

3.Recently created Taraclia county is to be composed of former Taraclia district and several towns of Gagauz autonomy where the majority are ethnic Bulgarians. The total population is about 30,000 people, where about 65% are ethnic Bulgarians and the rest are Moldovans, Ukrainians and Russians. The preponderant religion is Orthodox Christian and the language is Bulgarian on Cyrillic basis.

4.Left Dniester bank or Transdnistria region of Moldova is de facto under no control of the constitutional authorities of Moldova, being de jure recognized by no one. The 1992 arm conflict between constitutional forces and separatist leaders with the direct support of the stationing there 14<sup>th</sup> Russian Army came to a cease-fire after two months of fighting being negotiated by OSCE, Russian Federation, the Ukraine and Romania. The peacekeeping forces, composed of Russian Federation army, constitutional forces and the local forces were pulled in between alongside Dniester river. The negotiations over the future of the region are in deadlock due mainly to the “unconstractive” position of the Transdnister authorities. The urban population of Transdnistria is preponderantly Russian speaking while rural areas are populated by ethnic Moldovans and Ukrainians.

- a summary overview of the relevant historical development of the country;

1.The Republic of Moldova, between its current frontiers, was established in 1940 by the Decision of the Supreme Council of USSR as the Moldovan Soviet Socialist Republic (MSSR). In 1940, according to provisions of the additional secret protocols of the Molotov-Ribbentrop Pact, the USSR annexed the territory between Prut and Dniester rivers with historical name of Basarabia. For many ages this territory was on the way of expansionist interests of the Russian Empire in this area. Starting with the 16th century, Danube Principalities, Wallachia and Moldova were under the protectorate of the Ottoman Empire. The Russian-Turkish War of 1806-1812 ended up with peace in Bucharest. As a result of this event, the Russian Empire attached to its territories Basarabia, which at the beginning enjoyed a certain degree of autonomy while the Romanian language was further on used in the local administration in parallel with the Russian language. The autonomy of Basarabia and the local legislation were eliminated already in 1828. The process of russification and colonization of this territory started to be carried out by representatives of other ethnic groups of the Russian Empire. When the Russian Empire, as a result of the coup

d'état organised by Bolsheviks in November 1917, practically collapsed, in Basarabia the representative local body called "Sfatul Tarii" was created. In conditions of a total chaos and of the civil war on the territory of the former Russian Empire, on 27 March 1918, "Sfatul Tarii" adopted the decision to unify Basarabia with Romania. When Moscow decided to create the "Soviet Socialist Republic", Basarabia was for 22 years a part of Romania.

2. The territory of the MSSR was composed of Basarabia (except the Southern Basarabia assigned to Ukraine) and a part of the territory of the former Autonomous Moldovan Soviet Socialist Republic (Trans-Dniestria), founded in 1924 within the territory of Ukraine as a bridge head to strengthen the communist ideology expansion in Romania and, especially, in Basarabia. In the document confirming the establishment of the Autonomous Soviet Socialist Moldovan Republic (ASSMR) of 12 October 1924 the West frontier of this pseudo-state was traced out not along the Dniester River but the Prut River. In the ASSMR the ideology of the anti-Romanian Moldovanism had been consistently and strictly applied. It was tried even to introduce a "Moldovan" language, non-Romanian and totally artificial alleged to be "of a Slavonic origin" that was different from the Romanian language by its grotesque primitivism, in the Russian alphabet and abundant in Russisms. Attempts to restore the Latin alphabet in the 30s ended up with the physical extermination of the small number of intellectuals who were forced by the totalitarian regime to serve the anti-Romanian ideology. Another historical event which contributed to the future implementation of the anti-Romanian feelings constituted Romania's behaviour in the World War II. At the beginning, Romania was an ally of the Fascist Germany. Romania's involvement in the aggression against the Soviet Union was justified by the political regime of that moment and the necessity "to release Basarabia from the Bolshevik occupation". Atrocious acts peculiar to the war, reprisals against Jews and "Bolsheviks" among the local population objectively had a negative impact on the memory of the population of Transnistria and contributed finally to the consolidation of the Romanian-phobia. All these elements had been subsequently used craftily by the ideological machinery of the communist regime. An example of this policy's efficiency to influence the public opinion in a totalitarian society constitutes the image of the post-war period in the MSSR implemented in the public opinion. Recollections of the local population about the forced deportations (1940-1941, 1944-1948, 1949), which led to the physical destruction of the social state that was socially and economically the most elevated and active state, had been erased. In 1946-1947, as a result of the famine organised in the MSSR (according to some data of certain scientists; official data are not published until nowadays), died around 300 thousand people and many cases of cannibalism occurred. In addition, the population of the former ASSMR, as a part of the Ukrainian Soviet Socialist Republic, had to suffer also from the awful famine in the 30s when in Ukraine several millions of people died. However, the truth about these crimes of huge proportions produced an insignificant impression on the society and did not serve as a strong argument in political confrontations even on the right bank of Dniester. Therefore, those inherited stereotypes, amplified at a large scale by the UCWC (Unified Council of Working Collectives) and mass media of Transnistria were to be only consolidated on the

background of political confrontations in Chisinau. The ideological machinery of the unconstitutional separatist regime, following traditions of the 30s in the USSR, made its best to transform the feeling of Romanian-phobia and the irrational fear of the Republic of Moldova's unification with Romania into an extremely efficient instrument to manipulate the public opinion, to create the image of the enemy from the other side of the Republic of Moldova.

3. The analysis of the existing situation in the Republic of Moldova should be also examined and judged taking into consideration the fragile position of the official language as the result of historical developments prior to Moldova's independence. The complex of current situation regarding the linguistic rights of fragile minorities from social and economic perspectives and at a lesser extend public usage perspective should be featured. Another peculiarity of situation is that it is rather incorrect to speak of a Russian language speaking minority either in rural or urban areas of Moldova, since almost 90% of Moldova's population speak Russian language, including Moldovans, Ukrainians, Bulgarians, Gagauz, Jewish, etc. It is though not true to say that the knowledge of Russian of Moldovans in rural areas is comprehensive enough to be admissible for court proceedings, etc. In opposite, traditionally, Gagauz, Bulgarians would receive their education in Russian. At the same time the knowledge of Moldovan language among Gagauz, Russians, especially in urban areas, is very low. Ukrainians in rural areas, basically possess Moldovan passively, as well Bulgarians and some Gagauz in rural areas since they cohabited with Moldovans for centuries.

- relevant information on the demographic situation in the country;

According to 01.01.1997, the total population, including Transnistria region, is 4, 489, 657 (est.) Moldovans/Romanians-64,5%; Ukrainians-13,8%; Russians-13%; Gagauz-3,5%; Bulgarians-2%, Jewish-1%, Roma-0,3%, Germans-0,2, Polish-0,1, others-0,6%.

The total population of Transdnistria region is about 700,000 as of 1989 census out of which Moldovans/Romanians-40,0%, Ukrainians-28%, Russians-24%, Bulgarians-1,9%, Gagauz-0,5, others-4,0%.

In Gaguz Yeri autonomy the total population is 170.000, with Gagauz-78,7%; Bulgarians-5,5%; Moldovans-5,4%; Russians-5,0%, Ukrainians-4,0%, Roma-1,3%, others.

In Taraclia county the total population is 30 000 with 65% Bulgarians, the rest are Moldovans, Ukrainians, Russians.

- information on the existence of so-called minority-in-minority situations in certain areas;

As one can see from above data there are several distinct and different from

demographic composition perspective situations. In Gagauz Yeri one can speak of Moldovans, Ukrainians, Russians, Roma as minority-in-minority. In Taraclia county the situation is inversed compared with the overall Moldova demographic composition with Bulgarians constituting 65% of county population. Moldovans, Ukrainians, Russians are minority-in-minority situation.

There is no absolute ethnic majority in Transnistria region. While Transnistria Moldovans and Ukrainians live in rural areas, Transnistria Russians concentrated in big cities as Tiraspol, Ribnita and Tighina.

In big cities of Moldova, as for instance, Chisinau, Balti-almost half of population is Russians and Ukrainians, speaking basically Russian; Tiraspol, Tighina-more than half are Russians and Ukrainians, speaking Russian.

In North part of Moldova, there are some rural areas populated by Ukrainians.

- basic economic data such as Gross Domestic Product (GDP) and per capita income.

**The official relevant data is:**

National product: GDP - purchasing power parity - \$11.9 billion

National product real growth rate: -30%

National product per capita: \$2,670

Inflation rate (consumer prices): 7.6%

Unemployment rate: 1%

Electricity: *capacity*: 3,000,000 kW

*production*: 8.2 billion kWh

*consumption per capita*: 1,830 kWh

**Population**: 4,489,657 (July 1995 est.)

Age structure: *0-14 years*: 27% (female 588,155; male 609,372)

*15-64 years*: 64% (female 1,487,170; male 1,386,293)

*65 years and over*: 9% (female 258,958; male 159,709)

Population growth rate: 0.36% (1995 est.)

Birth rate: 15.93 births/1,000 population

Death rate: 10.05 deaths/1,000 population

Net migration rate: -2.25 migrant(s)/1,000 population

Infant mortality rate: 29.8 deaths/1,000 live births

Life expectancy at birth: *total population*: 68.22 years

*male*: 64.81 years

*female*: 71.8 years

Total fertility rate: 2.16 children born/woman

**Ethnic divisions**: Moldovan/Romanian 64.5%,

Ukrainian 13.8%,

Russian 13%,

Gagauz 3.5%,

Jewish 1.5%,

Bulgarian 2%,  
other 1.7% (1989 figures)

**Religions:** Eastern Orthodox 98.5%,  
Jewish 1.5%,

Baptist (only about 1,000 members) (1991)

**Languages:** Moldovan (official; virtually the same as  
the Romanian language),  
Russian, Gagauz (a Turkish dialect)

**Literacy:** age 15 and over can read and write (1989)

*total population:* 96%

*male:* 99%

*female:* 94%

States are invited in this part to highlight measures, practices and policies which they consider to have worked particularly well in promoting the overall aim of the Framework Convention.

Furthermore States are requested to indicate the efforts they have made to promote awareness among the public and the relevant authorities about the Framework Convention.

States are also invited to indicate issues on which they would particularly welcome the support and advice of the Advisory Committee.



## PART II OF THE REPORT

### Article 1

**The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.**

Upon the ratification of the European Convention on Human Rights and Fundamental Freedoms, Moldova formulated a reservation, which also included a declaration so that it “cannot assure the respect for dispositions of the European Convention on Human Rights in connection of the omissions and acts committed by the authorities of self-proclaimed Transnistria Moldovan Republic (DMR) on the territory controlled by these authorities until the definitive solution of the conflict in the region”. Upon the ratification of the Framework Convention of National Minorities on 22.10.1996 that proceeded the ratification of the European Convention on Human Rights, applicable as of 12.09.1997, no declaration or reservation was made. Therefore, juridically the protection of national minorities with extend to provisions provided in the Framework Convention extends clearly over the territory of Transnistria region (geographically the territory of the self-proclaimed “DMR”) as well. The de facto authorities of Transnistria declared unilaterally yet in 1992, compliance and adherence with major international human rights conventions, including International Bill on Human Rights and the European Convention on Human Rights.

Russian Federation, which 14<sup>th</sup> army (subject to withdrawal as specified in the still unhonored obligation before the Council of Europe) played decisive role in creating the so-called “DMR” in Transnistria region of the Republic of Moldova, is a party to both the European Convention on Human Rights and the Framework Convention on National Minorities.

### Article 2

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.**

### Article 3

**1 Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no**

**disadvantages shall result from this choice or from the exercise of the rights which are connected to that choice.**

**2 Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.**

### *Paragraph 1*

- **Narrative**

Moldovan Law does not expressly oblige one to declare person's belonging to any national minority. However, in a number of official papers, as for instance: registering marriage, applying for high education institution, etc, there can be found questions of which ethnic group the person assigns himself/herself. It is usually required to write in the line "nationalitatea" (question refers to ethnic background) -"Russian", "Moldovan", "Gagauz", etc. This information then collected and processed statistically by the public institutions. One cannot say that this procedure leads apparently somehow in practice to discrimination or disadvantages, unless the procedure itself. At the same time some say that this data has been used at the early stage of Moldova's independence (early 90's) to raise number of public Moldovan language schools.

### *Paragraph 2*

- **Narrative**

1. In a decision of the Parliament dated May 1992, while the armed conflict was under way in Transdnistria, there has been restated Moldova's interpretation of 'Ukrainians (13,8%), Russians (13%), Gagauz (3%), Bulgarians (2%), Jews (1,5%) and others (2,2%)' as persons belonging to ethnic, linguistic and religious minorities. It has also been stated that the Parliament expresses its intention 'to adopt as soon as possible a law on guaranteeing rights of persons belonging to ethnic, linguistic and religious minorities, so as to provide new dimension for cohabitation of Moldovans, Ukrainians, Russians, Gagauz, Bulgarians, Jews and other citizens of Moldova'. This decision is significative for it does give a reference of what national minorities expressly are considered as recognized national minorities in Moldova.

2. The juridical concept and definition of "national minority" has though recently appeared in the usage in Moldova. In 1993 opinion of 52 scholars of Moldovan Academy of Science were expressed that there are no national minorities, but ethnic groups defined as "component part of an ethnicity that left its constituting hystorical basis and emigrate to territory of hystoric and ethnic of a different

peoples". Also, there were recognized Russians, Ukrainians, Gagauz, Bulgarians, and Jews as ethnic groups. The mentioned opinion played crucial role in formulation of respective provisions of art. 16 of the Constitution of the Republic of Moldova adopted in July 1994 as "...citizens of another ethnic origin...". A similar opinion expressed by an extreme right paper in 1994 would support that "on the territory of Moldova, there are no national minorities, disregarding the fact that apart of Romanian population there are representatives of Russian, Ukrainian and Bulgarian, etc minorities. They are minority ethnic groups with no compactly populated territory."

3. A rather different approach was undertaken in the law on Gagauz autonomy, adopted in 1995 that refers to the peoples of Gagauz autonomy (Gagauz are 'less numerous people'-see art.3 of the law on special status of Gagauz autonomy) having a right to external self-determination, if the Republic of Moldova to change its status as an independent state. The Constitutional Court in its decision in respect to the law on Gagauz autonomy expresses that this right is given not to the Gagauz minority but rather to population of Gagauz autonomy.

4. Several draft laws have been subjects of discussions in the Moldovan Parliament, since independence. There have been used several definitions: national groups, national communities (proposed by Interethnic Consultative Council, 1992), citizens belonging to national linguistic and religious groups (proposed by Parliamentary Commission on human rights, 1992). The most recent, and the forth since the independence, draft law on persons belonging to national minorities and juridical status of their organisations uses the definition of "persons belonging to national minority". It requires permanent residence in Moldova, distinct ethnic, linguistic and cultural values from the majority (Moldovans) and identifying themselves as persons belonging to respective national minority. Persons of non-Moldovan citizenship, belonging to national minorities are subjects of the law. Mentioned draft proposal does not distinguish explicitly the situation of minority-in-minority.

5. A different way of expressing the Government recognition of the minority status of some ethnic groups living in Moldova is through bilateral governmental agreements. In several bilateral agreements though, as for instance, agreement on co-operation between the Government of Moldova with respectively the Government of Bulgaria, the Government of Russia, the Government of the Ukraine, Government of Belarus ratified subsequently by Moldovan Parliament. It has been referred to respective minorities as distinguished groups and persons belonging to national minorities. (Art. 1. - Se ratifica Acordul de colaborare dintre Guvernul Republicii Moldova si Guvernul Republicii Belarus in domeniul asigurariidrepturilor persoanelor apartinind minoritatilor nationale, semnat la Chisinau la 9 septembrie 1997. Nr.1448-XIII din 28.01.98).

6. Roma are not officially ever recognized and seen as a national minority. Roma constitute compact population in North of Moldova in several towns and in Central-West part of Moldova also in several towns. The total population is roughly

estimated to 100 000-200 000 persons, however they seems to be more. Although, they are seen quite distinct from the other population through peculiarities of culture, distinguished language and mostly traditions, they have not been recognised a status of an ethnic groups, ethnic community, national minority, etc in all scholar or another discussions.

7. Another aspect of the interpretation of “national minority” has been approached by the Official Report of the Republic of Moldova on the implementation of the Framework Convention on National Minorities. It is staed that ‘...Moldova proposes ...the following criteria, distinguishing several categories of minorities: 1. Compact national minority, 2. Disperse-compact national minority, 3. Disperse national minority. The classification criteria are a). density per square meter, b). area of living (ethnic-geographic factor), 3. Demographic dynamics (historic-geographic factor). Taking that aproximately 1/3 of the population constitute national minority of Moldova, consider that criteria has to correspond this one thirds barier. Russian, Ukranian, Bulgarian, etc minorities take part in of 14 cities, 51 towns and 658 villages at least 1/3 of the respective population, therefore it can be considered compact ethnic minority in the respective localities. In other cases, when the ethnic minority forms up less than 1/3 of population it is disperse minority. Russians, Ukrainians, Gagauz, Bulgarians, according to the classification also take part in disperse-compact national minority. Polish (4739), Germans (7335), Armenians (2873), Jewish (40 000), Belarussians (19 608), Cazahs (2000), Asers (2 642), etc according the classification are dispers ethnic minorities’ (see the report). The proposed classification has so far only doctrinar character, having no implementation in juridical regulations or government practice. The potential effects of the advanced doctrene presents though a subject for at least several relevant suggestions and ideas. It is not clear what is the intention of giving the classification of different types of minorities. There are some provisions in the Convention and in generally recognizable rights that do not admit discriminatory attitude based on the developed approach on behalf of the state, as it would be for instance, freedom of expression in private sphere or institutionalising private education, etc. One however cannot recognise a rather large margin of appreciation when speaking of obligation of authorities to provide public education for and in minority language or communication with authorities in a minority language. Also, if the criteria is to be used in the last mentioned examples, a rather rigid standard imposed of one third of the population of a certain locality may produce clearly unjustifiable results. Therefore, the effects of proposed criteria is to be monitored and researched as it going to progress into the legislative provisions.

- **Legal**

Constitution of the Republic of Moldova-art 10 states ‘Unity of Peoples and right to identity. 1. The state has a fundament the unity of people of the Republic of Moldova. The Republic of Moldova is an indivizible common motherland of all

citizens 2. The state recognise and guarantees all its citizens the right to maintain, develop and express their ethnic, cultural, linguistic and religious identities' (Unitatea poporului si dreptul la identitate. 1. Statul are ca fundament unitatea poporului Republicii Moldova. Republica Moldova este patria comuna si indivizibila a tuturor cetatenilor sai. 2. Statul reconoste si garanteaza dreptul tuturor cetatenilor la pastrarea, la dezvoltarea si la exprimarea identitatii lor etnice, culturale, lingvistice si religioase).

Art. 13 states 'Official language, functioning of other languages. 1. The official language of the Republic of Moldova is Moldovan, functioning on the basis of Latin script. 2. The state recognises and protects the right to maintain, develop and functioning of Russian and other languages spoken on the territory of the state. 3. The state facilitates studying of languages of international circulation. 4. Functioning of languages on the territory of the republic of Moldova is established by an organic law' (Limba de stat, functionarea celerlalte limbi. 1. Limba de stat a Republicii Moldova este limba moldoveneasca, functionand pe baza grafiei latine. 2. Statul recunoaste si protejeaza dreptul la pastrarea, la dezvoltarea si la functionarea limbii ruse si a altor limbi vorbite pe teritoriul tarii. 3. Statul faciliteaza studierea limbilor de circulatie internationala. 4. Modul de functionare a limbilor pe teritoriul Republicii Moldova se stabileste prin lege organica.)

Art. 16 (2) states 'All citizens are equal before the law and before the public authorities disregarding race, nationality, ethnic origin, language, sex, religion, opinion, political belongings, property or social origin' (Toti cetatenii sunt egali in fata legii si a autoritatilor publice, fara o deosebire de rasa, nationalitate, origine etnica, limba, sex, religie, opinie, apartenenta politica, avere sau de origine sociala).

Art. 4 states 'Human rights and liberties. 1. Constitutional human rights and liberties dispositions are interpreted and applied in accordance with the Universal Declaration of Human Rights, international treaties and conventions, to which the Republic of Moldova is a party. 2. If there are inacordances between human rights treaties and conventions and internal legislation, the priority have the international legislation'. (Drepturile si libertatile omului. 1. Dispozitiile constitutionale privind drepturile si libertatile omului se interpreteaza si se aplica in concordanta cu Declaratia Universala a Drepturilor Omului, cu pactele si cu celelalte tratate la care Republica Moldova este parte. 2. Daca exista neconcordante intre pactele si tratatele privitoare la drepturile fundamentale ale omului la care Moldova este parte si legile ei interne, prioritate au reglementarile internationale.)

Art. 8(2) states 'Entrance into force of an international treaty, containing dospozitions that contravene the Constitution will require the revision of the last' (Intrarea in vigoare a unui tratat international continand dispozitii contrare Constitutiei va trebui precedata de o revizuire a acesteia.)

The Parliament adopted in 1989 the constitutional rank Law on functioning of languages-art.2 provides that 'in localities where the majority constitute Gagauz

population, the official language in different spheres of life is the state language, Gagauz language or Russian' (In localitatile in care majoritatea o constituie populatia de nationalitate gagauza limba oficiala in diferite sfere ale vietii este limba de stat, limba gagauza sau cea rusa).

### **Transdnistria region**

- **Narrative**

The actual situation of non-Russian speakers in Transnistrian region desires much improvements. In generally one cannot speak of exercise of right to use Moldovan/Romanian (hereinafter the use of Moldovan or Romanian substitutional, unless expressly stated otherwise) language orally in public during demonstrations or in written in Latin script on displays, etc. Transnistrian authorities ban Moldovan schools in Latin script, impose discriminatory economic conditions for Moldovan private schools in Latin script. There are also examples of forced closure of these schools. Moldvan language is not used in public and administrative affairs and none of legal document is translated in Moldovan, with exception of Constitution of so-called DMR. Although Moldovan and Ukranian receive also the status of official languages their active or passive use is equalised to zero.

- **Legal**

Art. 12 states of the Constitution of so called "Dnister Moldovan Republic" (hereinafter DMR if referred to a legal provision or document issued by under DMR authority) states 'The status of official language are given to Moldovan (in cyrilic script), Russian and Ukraninan languages.' (Статус официального языка на равных началах придается молдавскому, русскому и украинскому языкам.)

Art. 17(1) states 'Everyone has equal rights and liberties and everyone is equal before the law disregarding sex, race, nationality, language, religion, social provinenence, social position.' (Все имеют одинаковые права и свободы и равны перед законом без различия пола, расы, национальности, языка, религии, социального происхождения, убеждений, личного и общественного положения.)

Art. 8 (3) of the Constitution of DMR states 'There are forbidden functioning of nongovernmental organizations, associations, their representatives and organs, directed against the suzerenity of DMR, against forcible change of the constitutional foundations, against undermining the security of the state, creation unlawfull military organizations, inciting religious, national and racial hatred ' (Запрещается деятельность общественных формирований, их органов и представителей, направленная против суверенитета Республики, на

насильственное изменение основ конституционного строя, на подрыв безопасности государства, создание незаконных вооруженных формирований, разжигание расовой, национальной и религиозной розни.)

Art. 10 (2) states 'Universally recognized principles and norms of international law, as well as international agreements of DMR are the basis of cooperation and relations with other states being the component part of its law structure' (Общепризнанные принципы и нормы международного права, а также международные договоры Приднестровской Молдавской Республики являются основой отношений с другими государствами и составной частью правовой системы.)

- **Policy**

There are no any official document or public opinion, except of declaration of break away, where the issue of national minority would occur.

### **Gagauz Yeri autonomy**

- **Narrative**

The trend towards autonomy is traced back to 1990 when the Gagauz Republic was unilaterally proclaimed. As a result of political and physical confrontation, the parliament of Moldova adopted in 1996 the Law on Gagauz territorial autonomy.

- **Legal**

In the preambula of the law on Gagauz Yeri it is stated "Considering that the primarily carier of statute of Gagauz Yeri autonomy-place where live Gagauz-is the multinational Gagauz people...Reaffirming rights of all citizens living within the territory of autonomy, disregarding national belonging..." (Ucitivaia, cto pervicinim nositelem statusa gagauzii-Gagauz Yeri-mesto, gde projivaiut Gagauzi-iavleatsea mnogocislennii gagauzkii narod...podtverjdaia prava vseh grajdan, projivaiusih v sozdavaemom teritorialinom avtonomnom obrazovanii, nezavisimo ot nationalnoi prinadlejnosti...).

Recommendation: The Moldovan Parliament should draft a law on national minorities containing a comprehensive and concrete set of norms compatible with European practices.

### **Article 4**

#### **1 The Parties undertake to guarantee to persons belonging to national**

minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2 The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3 The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

### ***Paragraph 1***

- **Narrative**

In respect to discrimination based on belonging to a national linguistic minority, since 1989 when the law on functioning of languages adoption, the employment in public sector, imposes the condition of knowing, at the respective necessary extent, of the official language (Moldovan). Moreover, public servants are required to pass a commission on the level of knowing the official language. The representatives of Russian minority would challenge it and allege the discrimination on the linguistic basis. There are also known cases when non-speakers of official language public servants would be dismissed from public positions.

Also, some representatives of Russian speakers would claim that the number of public schools in Russian language would decrease in number comparing with the previous times. In reality, the number of Russian schools lowered, however it is rather difficult to follow direct link between the state policy to forcibly decrease or close up the schools. At the same time it is becoming clear the tendency when Russian speaking parents would prefer Moldovan language schools, notwithstanding the massive return of Moldovans to Moldovan language schools.

There are also examples, in Chisinau city, when goods trade marks are not exhibited with translation in Russian as well, since almost a half of Chisinau population are Russian speakers.

Apart from these general clauses there is no a specialised law on prohibition of discrimination on the grounds belonging to national minorities.

- **Legal**

In addition to general nondiscrimination clause, there are the following provisions.



Art. 17(1) of the Labour Code states 'No limitations direct or indirect of rights or establishing of some advantages at work on the basis of sex, race, nationality, language, social origin, material position, residence, attitude towards religion, thoughts, belongings to associations, or any other basis are not admitted' (Nici o limitare directa sau indirecta a drepturilor sau stabilirea unor avantaje directe sau indirecte la angajarea la lucru pe temeiul sexului, rasei, nationalitatii, limbii, originii sociale, starii materiale, domiciliului, atitudinii fata de religie, convingerilor, apartenetei la asociatiile obtesti, precum si pe temeiul altor circumstante, ce nu tin de calitatile de lucru ale salariatilor nu se admite.)

Art. 13 of Law on culture states 'any person has the right of his/her cultural identity protected by the state' (Orice persoana are dreptul la protectia din partea statului a identitatii sale culturale);

Art. 11 of the law states 'Right to cultural activity. 1). Cultural activity constitutes an inalienable right of everyone, disregarding national belonging, social origin, language, sex, political opinions, religion or other nature, residence, material position, education profession, etc. 2). Human Rights in the field of cultural rights are the priority and cannot be limited by the state or private parties.' (Dreptul la activitatea culturala. 1). Activitatea culturala constituie un drept inalienabil al fiecaruia, indiferent de apartenenta nationala si origine sociala, de limba, sex, convingeri politice, religioase si de alta natura, de domiciliu, situatia materiala, studii, profesie si de alte circumstante. 2). Drepturile omului in domeniul activitatii culturale sint prioritare si nu pot fi limitate de catre stat sau organismele nestatale.)

Art 11 of the law on advertisements states 'Amoral ads. 1). It is considered amoral ads that a). violates norms unanimously accepted of humanity and morals that by defaming offences, comparison, spots regarding race, nationality, profession..., language, religious opinion...b). defame art works of national and universal cultural heritage; ...2) Amoral publicity is forbidden. ' (Publicitatea amorală. 1). Se considera amorală publicitatea care: a) incalca normele unanim acceptate ale umanismului si moralei care prin ofense, comparatii si imagini defaimatoare privind rasa, nationalitatea, profesia, ..., limba, convingerile religioase, filosofice, ...b). defaimeaza operele de arta ce constituie patrimoniul culturii nationale si universale; ...2). Publicitatea amorală este interzisa.)

Art. 6(1) of Law on Education states 'Right to education is guaranteed, disregarding nationality, sex, age, origin, social state, political and religious belongings, criminal convictions' (Dreptul la invatatura este garantat indiferent de nationalitate, sex, virsta, de origine si starea sociala, de apartenenta politica sau religioasa, antecedentele penale. )

Art. 134(1) states 'Action aimed at propagation of hatred, disconsideration of languages of some nationalities, creation of obstacles for functioning of languages of other states or other languages on the territory of Moldova, as well as violation of rights of citizens on the language grounds undertaken repeatedly within one year is sanctioned with up to 30 minimal salaries' (Faptele indreptate

spre propagarea dusmaniei, desconsiderarea limbii oricarei nationalitati, crearea obstacolelor pentru functionarea limbii de state si a altor limbi pe teritoriul Republicii Moldova, precum si lezarea in drepturi a cetatenilor din motive de limba comise in mod repetat in decursul anului dupa aplicarea sanctiunii administrative se pedepsesc cu amenda de pana la 30 de salarii minime)

Art. 144 states 'Impedement of exercise of religious rituals, if they are not resulted in disorder and attpmts to rights of others are sanctioned with up 100 minimal salaries...' (Impiedicarea exercitarii riturilor religioase, daca ele nu tulbura linistea publica si nu sunt insotite cu atentate la drepturile cetatenilor se pedepseste cu amenda de pana la 100 de salarii minime sau mustrare publica)

Art. 16 of the Law on Consumer protection states 'Informations will be written in Romanian, disregarding the country of production. For products of import, text in Romanian can be suplimented with translation in other languages, decided by the Government.' (Informatiile trebuie sa fie inscise in limba romana, indiferent de tara de origine a produsului. Pentru produsele din import textul in limba romana poate fi completat cu traducere in alte limbi, care vor fi stabilite de Guvern)

Art 254 of the Code of Administrative Sanctions provides that 'Person supposed the administrative sanction has the right to take knowledge with the materials of the dossier, be informed, present evidence, make proposals, use legal representation, take a word in mother tongue and use the services of a translator, if lack good knowledge of the language of procedure...' (Persoana, care este trasa la raspundere administrativa, are dreptul sa ee cunostinta de materialele din dosar, sa dea explicatie, sa prezinte probe, sa formuleze cereri; sa se foloseasca in timpul examinarii cazului de asistenta juridica a avocatului; sa ee cuvintul in limba materna si sa se foloseasca de serviciile traducatorului; daca nu cunoaste bine limba, in care se desfasoara procedura;)

Code of Civil Procedure-Art 9 provides: 'Civil procedure is held in Moldovan. Persons that do not know or speak Moldovan have the right to know all acts and dossier through a translator. The civil procedure can take place in another acceptable for the majority language. In this case all the acts are also translated in Moldovan' (Procedura judiciara se desfasoara in limba moldoveneasca. Persoanele care nu posedea sau nu vorbesc limba moldoveneasca au dreptul de a lua cunostinta de toate actele si lucrarile dosarului, de a vorbi in instanta prin interpret. Procedura judiciara se poate efectua si intr-o limba acceptabila pentru majoritatea persoanelor care participa la proces. In cazul in care procedura judiciara se efectueaza in alta limba, documentele procesuale judiciare se intocmesc in mod obligatoriu si in limba moldoveneasca.)

Art 198 of Family Code provides that 'Adoption of a child that is a citizen of Moldova by a foreign citizen is an exceptional case, if there is not another option...to be adopted by a Moldovan citizen. Upon the decision of adoption it is considered the continuation of child education, ethnic origin, cultural religious and mother tongue aspects' (Infierea unui copil, care este cetatean al Republicii

Moldova, de catre cetateni straini se face numai in cazuri exceptionale, daca nu exista posibilitatea de a infia copilul sau a-l pune sub tutela (curatela) cetatenilor aflati in rudenie cu el indiferent de cetatenia lor, ori a cetatenilor Republicii Moldova. La procedura unei astfel de infieri se ia in considerare continuitatea educatiei copilului, provenienta lui etnica, apartenenta la cultura si religie, limba materna.)

Recommendation: The Moldovan Parliament should adopt a fairly comprehensive law on prohibition of any forms of discrimination on the grounds belonging to national minorities and other grounds.

### **Transdnistria region**

- **Narrative**

In Transdnistria region, in reality local leaders, as for instance, Gh.Maracuta-president of local legislative assembly-would publicly use "good Moldovan" term in the sense of Moldovan being loyal towards the existing regime and share the opinion that Moldovan language is a distinct one from Romanian and is on Cyrillic alphabet, supporting the ban for Moldovan schools in Latin script.

In the area controlled by the unconstitutional separatist regime there had been many cases when persons compelled over 1992-1999 to leave for the right bank of Dniester had their apartments taken away by decisions of the local courts. There are a number of such cases in Dubasari town (see attached copies of relevant decisions. Mr. A. T. from Slobozia had been persecuted only because he was involved in activities of the editorial staff of "Noutatile Sloboziene" newspaper. After being forced to leave for the right bank, he lost his apartment. Mrs. N. P. from Larga village, Dubasari district found herself in a similar situation. She had expressed her political opinions during 1989-1992 by participating in protest meetings, elections, etc. After the armed conflict had stopped, she tried to return to her village, but she found her house already occupied. There were many cases when apartments belonging to persons who had been forced to displace were occupied by Cossacks who arrived to Trans-Dniestria in 1992 as mercenaries.

- **Legal**

Legal norms have similar structure as those contained in the legislation of Moldova as in Transnistria they apply basically legal norms of former Soviet Socialist Moldovan Republic. The legal norms of Moldova, however, have been progressively modified and adapted, while Transnistrian tend more to adopt and evolve towards Russian Federation norms.

*Paragraph 2*

- **Narrative**

It is perceived that positive measures with regard to Roma minority are almost nonexistent. It has been given little, if any support for measures to assist Roma language education of primarily level or within the existent educational system. In some central areas of Hincesti sector, Lapusna county of Moldova, Roma compactly populated villages (Scinoasa, etc) are extremely poorer with no water canalization facilities, comparing with the neighboring Moldovan villages. Comparing with other small minorities (Bulgarians, Germans, Polish) Roma does not have Roma cultural centers, libraries, books published in Roma language. Their language is not studied or researched on University level. There are no even a single audiovisual program on public television. Moldovan Government lacks a program on development of Roma cultural community. In rural areas majority of Roma study in Moldovan schools, Roma language exist only verbally.

Recommendation: A program of concrete special actions considered urgent in the field of education, social and economic development regarding Roma minority in Moldova.

**Transnistrian region**

- **Narrative**

One cannot speak of any positive measures undertaken by Transnistrian authorities with regard to Moldovans, Ukrainians, and Bulgarians as to promote development of their education, culture in respective languages.

Recommendation: The situation on respect of linguistic rights of Moldovans, especially in the field of education, oral and written public use of Moldovan language as well as in communication with administration, discrimination on this ground with respect to employment, participation in public affairs, etc should be on the top agenda of negotiations regarding the status of Transnistria region. The parties guarantees to the process and mediating international organizations should permanently monitor and bring the issue in the attention.

*Paragraph 3***Transnistrian region**

- **Narrative**

Authorities of Transnistria adopted and promote the policy of indoctrination of

ethnic Moldovans, sustaining that Moldovans left bank of Nistru are ethnically, linguistically and culturally a separate nation from Moldovans of right bank, which they blame to be romanised Moldovans. Authorities undertake discriminatory measures to advantage "right way thinking" Moldovans, by gross disproportionate economic support of Moldovan schools in Cyrillic script with teaching programs dated back 70-80's filled with communist-socialist doctrine. The number of all (Cyrillic-public and Latin-private) Moldovan schools is disadvantageously disproportionate comparing with number of Russian schools. While the authorities forbid public and in practice private Moldovan schools in Latin script, they established exemplary with excellent, computerised classes, free food and rich extra curricular activities Moldovan school in Tiraspol.

With the only private Moldovan school in Latin script functioning in Tiraspol for South rural region of Transnistria (Slobozia district -population over 100 000 people) where more than 1 000 children study in three shifts and children needed to make sometimes 20 km, authorities support in Tiraspol a Moldovan Cyrillic school for only 100 children.

Local authorities exercise positive discrimination of Moldovans in order to reverse and build their separate identity from Moldovans of right bank of Nistru.

## Article 5

**1 The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**

**2 Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

### *Paragraph 1*

- **Narrative**

Apart from Bulgarians, Polish, Gagauz, Ukrainians, where special high education and primary education public classes exist and specialized programs in respective languages, the Government of Moldova has not taken any measures to promote culture, language of Roma minority.

- **Legal**

Art. 4 of law on functioning of languages provides that 'it guaranteed the usage of Ukranian, Russian, Bulgarian, Hebrew, Idis, Romani language, and languages of other ethnic groups for the satisfaction of their national-cultural necessities ' (...se garanteaza folosirea limbelor ucraineana, rusa, bulgara, ivrit, idis, tiganeasca, a limbelor altor grupuri etnice, care locuiesc pe teritoriul republicii, pentru satisfacerea necesitatilor lor national-culturale);

### **Transdnistria region**

- **Narrative**

The cruel reality of situation in Transnistria with respect to national minorities, in the author's understanding, amounts to pragmatistical policy of assimilation of any diversity based on ethnic linguistic other grounds aimed at producing a unified thinking amorphous body of indoctrinated soviet people. This is true not only with respect to Moldovans but with respect to Ukranians and Bulgarians of Transnistria. Legal norms, regarding rights of linguistic ethnic minorities, are neglected and not enforced. The official fake of three languages having the status of official languages (Moldovan, Ukranian, Russian) is reduced in practice to the "traditional" use of Russian on the basis of decision of the respective administrative body or the Government.

- **Legal**

Article 30 of the DMR Constitution states "Freedom of religion is guaranteed. Every one has the right to worship any religion or to abstain from it. Forcible religios proselitize is prohibited." Статья 30. Свобода совести гарантируется для всех. Каждый имеет право исповедовать любую религию или не исповедовать никакой. Недопустимо принудительное насаждение религиозных взглядов.

The law on functioning languages-art. 3 provides that 'On the territory of "Moldovan Dniester Republic" (DMR) all languages have equal statute and have equal protection by the state. The official languages are Moldovan (on cyrillic basis), Russian, and Ukranian. In concrete localities the priority to use one of the named language is ditermined upon the decision of republican or local state body or by overall referendum of the citizens of DMR or by decision of a coresponding administrative and territorial entity' (Статья 3. Правовой статус языков. На территории Приднестровской Молдавской Республики все языки наделены равным правовым статусом и обеспечиваются одинаковой защитой и поддержкой государства. Статус официального языка на равных началах придается молдавскому, русскому и украинскому языкам. В конкретных населенных пунктах приоритетность использования одного из названных языков в качестве официального определяется решением республиканского или местного органа власти либо посредством всеобщего голосования (референдума) жителей республики или соот-ветствующей административно-территориальной единицы.)

Art.5 of the law provides that: 'The language of interethnic communication. In accordance with the established historical and cultural traditions on the territory of DMR, Moldovan, Russian and Ukrainian are equally declared as means of interethnic communication. The same status can have another language that functions on the territory of DMR' (Статья 5. Языки межнационального общения В соответствии со сложившимися на территории Приднестровской Молдавской Республики историко-культурными традициями равнозначными средствами межнационального общения признаются молдавский, русский и украинский языки. Таким статусом может быть наделен и иной язык, функционирующий в Приднестровской Молдавской Республике.

Art. 6 of the law provides that "Written form of Moldovan language. The written form of Moldovan in all cases is its original Cyrillic script. Imposing Latin script to Moldovan language implies responsibility, provided by the law" (Статья 6. Письменная форма молдавского языка. Письменная форма выражения молдавского языка во всех случаях его использования является исконный кириллический алфавит. Навязывание молдавскому языку латинского алфавита влечет за собой ответственность, предусмотренную законодательством.)

## Article 6

**1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**

**2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

## *Paragraph 1*

### • **Narrative**

See also the report on Moldova (9 November 1999, [www.ecri.coe.int](http://www.ecri.coe.int)) of the

European Commission against Racism and intolerance.

The Moldovan Government takes fewer initiatives to promote intercultural tolerance hostility towards national minorities through education and media. Slavic ethnic and linguistic, religious minorities get less and in later case no attention on behalf of public authorities. There are no special classes or educational programs either in schools or broadly available to promote mutual tolerance. The results of the Transnistria armed conflict, although being absolutely not ethnically motivated, still kept in peoples mind due to both parties propaganda a hate speech. In the society, there is still politically motivated by politicians tension between different ethnic groups (ethnic Moldovans, Russians, Gagauz, Bulgarians) and especially towards religious “nontraditional” nonorthodox minorities.

- **Legal**

Art. 71 of the Criminal Code states “Intentional actions directed to inciting racial or other hatred, downing national dignity and honor as well as direct or indirect limitation of rights or establishing direct or indirect disadvantages on the national racial grounds is penalised with deprivation of liberty...” (Actiunile premeditate, indreptate spre atitarea vrajbiei sau dezbinarii nationale ori rasiale, spre injosirea onoarei si demnitatii nationale, precum si limitarea directa sau indirecta a drepturilor ori stabilirea avantajelor directe sau indirecte ale cetatenilor in dependenta de aparteneta lor rasiala ori nationala se pedepsesc cu privatiune de libertate...)

## ***Paragraph 2***

- **Policy**

The legislation of the Republic of Moldova does not contain any limitations on insulting expressions against certain groups of people. The only exception is the norms of the Criminal Code and the Administrative Code that punish violations of language equality. These are actions directed at propaganda of hatred, disrespect for the language of any nationality, obstruction of functioning of state language and other languages on the territory of the Republic. Violations of rights of persons on the basis of language entails a fine of up to 5 times the minimal wage. There are no known cases of its application.

Some private and politically motivated mass media identifiably labels and practice hate speech towards Russian speakers. Also, orthodox media, Orthopress and Alfa si Omega, label and cultivates expressly xenophobia towards “nontraditional” religious minorities. As for instance, extremely right wing parties papers: “Flux” and “Tara” towards Russian speakers and Slavic ethnic minority as well as towards religious nonorthodox minorities. Even some quite professional non-political party affiliated papers, as “Jurnalul de Chisinau” sometime publish intollerant conclusions regarding Russians. On the other hand



there are papers, as for instance "Delovaia gazeta", published in Moldova that publish intollerant information towards Moldovans. Extremely left wing communists papers, "Communist", publish anti-religion propaganda.

One can find numerous examples of this kind in Moldovan press.

- **Legal**

Art. 32 (3) of the Constitution states: The law shall forbid and prosecute all actions aimed at denying and slandering the State or the people. Likewise shall be forbidden and prosecuted the investigations to sedition, war, aggression, ethnic, racial or religious hatred, the incitement to discrimination, territorial separatism, public violence, or other actions threatening constitutional order (art. 32(3) Sint interzise si pedepsite prin lege contestarea si defaimarea statului si a poporului, indemnul la razboi de agresiune, la ura nationala, rasiala sau religioasa, incitarea la discriminare, la separatism teritorial, la violenta publica, precum si alte manifestari ce atenteaza la regimul constitutional.)

Criminal Code states in Article 134.1 "Violation of language equality Activities directed on propaganda of enmity, disregard to national languages, creation of obstacles for functioning the state language and other languages on the territory of the Republic, and also infringement of human rights on the language basis, performed repeatedly during a year after administrative penalty is punished with reformatory works for a term up to a year or by a fine in amount of up to thirty minimal salaries". (Articolul 134.1. Incalcarea egalitatii in drepturi a limbilor. Faptele indreptate spre propagarea dusmaniei, desconsiderarea limbii oricarei nationalitati, crearea de obstacole pentru functionarea limbii de stat si a altor limbi pe teritoriul republicii, precum si lezarea in drepturi a cetatenilor din motive de limba, comise in mod repetat in decursul anului dupa aplicarea sanctiunilor administrative, - se pedepsesc cu amenda in marime de pina la treizeci de salarii minime (in redactia Legilor din 10 iulie 1991, din 23 februarie 1993; Nr.205-XIV din 25 noiembrie 1998).

Code of Criminal Offences in Article 200/3 states: "Violation of the regulations on language equality. The activities directed on propaganda of violence, ignorance to the language of any nationality, hindering functioning of languages on the territory of the republic and also infringement human rights on a language basis involves a fine in amount of up to five minimal salaries." (Articolul 200.3. Incalcarea egalitatii in drepturi a limbilor Faptele indreptate spre propagarea dusmaniei, desconsiderarea limbii oricarei nationalitati, crearea de obstacole pentru functionarea limbii de stat si a altor limbi pe teritoriul republicii, precum si lezarea in drepturi a cetatenilor din motive de limba -atrage dupa sine aplicarea unei amenzi in marime de pina la cinci salarii minime (in redactia Legilor din 10 iulie 1991 - Monitor, 1991, nr. 11-12, art. 100; din 23 februarie 1993 - Monitor, 1993, nr. 4, art. 90).)

Also, it states in Article 200.4 "Violation of the Law on "Functioning of the Languages on territory of the Republic of Moldova" Non-observance of the law

on "Functioning of languages on the Territory of the Republic of Moldova" by leaders of state managing bodies, officials, public organisation, companies and institutions located on the territory of the Republic of Moldova involves a fine in amount of up to ten minimal salaries." (Articolul 200.4. Nerespectarea cerintelor Legii Republicii Moldova cu privire la functionarea limbilor pe teritoriul Republicii Moldova Nerespectarea de catre conducatorii organelor puterii de stat, administratiei de stat si ai organizatiilor obtesti, precum si de catre conducatorii intreprinderilor, institutiilor si organizatiilor, aflate pe teritoriul Republicii Moldova a Legii Republicii Moldova cu privire la functionarea limbilor pe teritoriul Republicii Moldova - atrage dupa sine aplicarea unei amenzi in marime de pina la zece salarii minime (in redactia Legilor din 10 iulie 1991 - Monitor, 1991, nr. 11-12, art. 100; din 23 februarie 1993 - Monitor, 1993, nr. 4, art. 90).

Law on functioning of languages in Art. 31 provides that 'Propagation of hostility, degrading attitude about a language of national minority, creation of obstacles of functioning of state language or any other language on the territory of Moldova, as well as violating the rights on the basis of language implies the responsibility according the law' (Propagarea ostilitatilor, a dispretului fata de limba oricarei nationalitati, crearea obstacolelor la functionarea limbii de stat si a altor limbi pe teritoriul republicii, precum si lezarea drepturilor cetatenilor din motive de limba implica raspunderea in modul stabilit prin legislatie.)

The by-laws of TeleradioMoldova –a state company states "24. The Company's programmes cannot include any appeal to war and aggression, to racial, class, religious fight, for violence, terrorism, territorial separatism, propagate ideas, views and manifestations that contradict moral norms. It is prohibited to broadcast information that can cause to the state security. 25. Information that is included into the programmes should not cause any damage to dignity, honour and private life of the citizens."

### **Gagauz autonomy**

- **Narrative**

Local papers once (especially in the period of Transdnister conflict and prior to 1995) being very intolerant towards Moldovans, seeing in the process of cultural rebirth of Moldovans a threat. Nowadays, Gagauz papers more tolerant with no direct ethnic based hatred with exception possibly towards nonorthodox religions.

Recommendation: It is highly recommended that the government adopt a set of concrete actions aimed at promotion of public education on all levels free from xenophobia, hatred, descrimination.

## **Transnistria region**

- **Narrative**

Transnistrian media, papers and audiovisual practice excessive hatred towards “romanised” Moldovans of right bank, blaming for the use of Latin script romanisation of Moldovan language adopting French and English neologisms.

Transnistria papers blame nonorthodox religions for being messangers and spies of West.

- **Legal**

Legal norms are similar to those applicable in Moldova, as they are rooted in Soviet legislation.

### **Article 7**

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

### *Peaceful Assembly*

- **Narrative**

The law on peaceful assembly provides a complicated procedure to get authorisation to hold meetings (see also chapter “Human Rights and Social Cohesion” in 1998 UNDP Report on Human Development of the Republic of Moldova). The organisers has to file a request with local authorities (City Hall) 15 days in advance. Refusal can be contested in court. The assembly can be seized if the public order is not respected or they did not comply with the police order. The organisers are themselves responsible for their security. There are numerous examples of persons sanctioned and detained on this grounds, however none of them, to our knowledge, are with regard to national minorities.

- **Legal**

Constitution of RM states “Article 40. The Freedom of Assembly All meetings, demonstrations, rallies, processions or any other assemblies are free, and they may be organized and take place only peacefully and without the use of weapons.” (Art. 40 “Libertatea intrunirilor. Mitingurile, demonstratiile, manifestarile, procesiunile sau orice alte intruniri sint libere si se pot organiza si desfasura numai in mod pasnic, fara nici un fel de arme”); and “Article 45. The Right of Striking.(1) The right to strike is acknowledged. Strikes may be started

only if aimed at defending the economic, social and professional interests of employees.(2) The law will establish the conditions requested in the exercise of this right, as well as the responsibility involved in the illegal start of strikes.” (Art. 45. Dreptul la greva. (1) Dreptul la greva este recunoscut. Grevele pot fi declansate numai in scopul apararii intereselor profesionale cu caracter economic si social ale salariatilor. (2) Legea stabileste conditiile de exercitare a dreptului la greva, precum si raspunderea pentru declansarea nelegitima a grevelor”)

Law on peaceful assemblies states in art. 5 “Declaration of assemblies. Assemblies can take place only after being declared by the organizers at local city halls.” (Art. 5. “Declararea intrunirilor. Intrunirile se pot desfasura numai dupa ce au fost declarate de catre organizatorii la primariile orasenesti (municipale), satesti (comunale)”);

Article 11, “Prior declaration. (1) Organizers of assembly will deposit with city hall with at least 15 days before the date of manifestation a prior declaration of assembly, where specific data will be annexed in accordance with this law...” (Art. 11. “Declaratia prealabila. (1)Organizatorul intrunirii ca depune la primarie, cel mai tarziu cu 15 zile inainte de data intrunirii, o declaratie prealabila, al carui model este expus in anexa, ce face parte integranta din prezenta lege....”)

Art. 12(2) “City hall, while examining the prior declaration within ordinary or extraordinary meeting, discusses terms of holding of manifestation and take the corresponding decision.” (Art. 12(2) “Primăria, in cadrul examinarii declaratiei prealabile in sedinta ordinara sau extraordinara, discuta forma, timpul, locul si alte conditii de desfasurare a intrunirii si ia decizia respectiva.”)

Art. 7 of the law on peaceful assembly states ‘Peacefull assembly can be siezed if there are acts or cases of ...incitment to war of agresion, nationalistic or religious incitment, incitment to discrimination, separatism teritorial, public violence, ... ’ (Se sisteaza intrunirile, la care se constata fapte sau actiuni de ... indemn la razboi de agresiune, la ura nationala sau religioasa; incitare la discriminare la separatism teritorial, la violenta publica;...)

Code of Administrative Offences in art. Art. 174/1 (2) states “Organization and holding of unauthorized by city hall assemblies, as well as violating of prescribed terms of organization is penalised...” (Art. 174/1 al. 2 “Organizarea si desfasurarea intrunirii fara avizarea primariei sau fara autorizatia ei, precum si incalcarea conditiilor (forma, locul, timpul) desfasurarii intrunirii, indicate in autorizatie”)

Code of Administrative Offences in art. Art. 174/1 (4) states “active participation in the conditions of art. 174/1(2) is penalised ...” (Art. 174/1 al 4. “Participarea activa la intrunirea desfasurata in conditiile alineatului doi din prezentul articol.”)

Similar provisions contain art. 164 Code of Administrative Offences penalising the use of “vulgar expressions in public”.

### *Political, Religious and other Association*

#### • **Narrative**

Law on political parties provides that a political party should have representatives at least in half of country counties. These provisions are considered by some compactly residing minorities, as Gagauz for instance, unjustifiable limitations to political associations of minorities and active participation on nation wide scale. Law also provides state support to only parliamentary political parties. The law does not provide for a maximum amount of donations or support from private parties for political parties.

In practice Russian, Ukrainian and Jewish minorities and in a much lesser extend Bulgarian and Gagauz minorities are represented in the Parliament on political parties lists.

#### • **Legal**

Constitution of RM states "Article 41. The Freedom of Political Association. (1) All citizens are free to associate in parties and other social and political organizations. These organizations contribute to the definition and expression of public political will, and under the rule of law take part in the electing process. (2) All parties and other social/political organizations are equal before the law. (3) The State shall ensure the protection of the rights and legitimate interests of parties and other social/political organizations. (4) Parties and social/political organizations are declared unconstitutional if by their aims or activities they are engaged in fighting against political pluralism, the principles of the rule of law, the sovereignty and independence or territorial integrity of the Republic of Moldova. (5) Secret associations are forbidden. (6) The activity of parties consisting of foreign nationals is forbidden. (7) The organic law shall establish those public offices whose holders may not join political parties." (Articolul 41. Libertatea partidelor si a altor organizatii social-politice. (1) Cetatenii se pot asocia liber in partide si in alte organizatii social-politice. Ele contribuie la definirea si la exprimarea vointei politice a cetatenilor si, in conditiile legii, participa la alegeri. (2) Partidele si alte organizatii social-politice sint egale in fata legii. (3) Statul asigura respectarea drepturilor si intereselor legitime ale partidelor si ale altor organizatii social-politice. (4) Partidele si alte organizatii social-politice care, prin scopurile ori prin activitatea lor, militeaza impotriva pluralismului politic, a principiilor statului de drept, a suveranitatii si independentei, a integritatii teritoriale a Republicii Moldova sint neconstitutionale. (5) Asociatiile secrete sint interzise. (6) Activitatea partidelor constituite din cetateni straini este interzisa. (7) Functiile publice ai caror titulari nu pot face parte din partide se stabilesc prin lege organica.)

Art. 4 of the Law on social political associations stats 'It is forbidden to create parties and other social-political organizations and semi-military organizations aimed against political pluralism, principles of rule of law, proposing forcible change or make use of other unconstitutional methods to submine suzeranity

and territorial integrity of the Republic of Moldova, organizations that propagate wars disorder and social religious, ethnical hatred, authoritarian methods of governing, proposes violations of human rights, organize other activities that contravene constitutional order and are incompatible with unanimously recognized international law' (...Se interzice crearea si activitatea partidelor si altor organizatii social-politice paramilitare, a partidelor si a altor organizatii social-politice care militeaza impotriva pluralismului politic, principiilor statului de drept si isi propun drept scop rasturnarea sau schimbarea prin violenta, prin alte metode anticonstitutionale a orinduirii de stat subminarea suveranitatii si integritatii teritoriale a Republicii Moldova, care propaga razboiul, atita discordie si vrajba sociala, interetnica si religioasa, metode autoritare si totalitare de conducere, atenteaza la drepturile omului, desfasoara alte activitati care contravin orinduirii constitutionale ale republicii si sint incompatibile cu normele recunoscute ale dreptului international).

Law on religion organisations provides that a religion can activate only after being recognised by the Government of Moldova. The Government of Moldova directly is responsible agency. State agency on Religious Affairs is a consultative agency, composed of representatives of some religious organisations, to recommend the Government on registering the religion or religious organisation. The law expressly gives no protection to unregistered religion or religious association. (see "Commentary on the Moldovan law on religions" in "Freedom of Religion, Conscience and Thought in Moldova" by the Moldovan Helsinki Committee for Human Rights (Romanian)). A religion is forbidden the registration if it is headed by a foreigner.

### **Transdnistria region**

#### *Assembly and association*

- **Narrative**

No political parties are registered in the region. As to very recently a political association was not legally possible as there was not Law on political parties. However, communist party of Moldova successfully runs electoral campaign in the region. Other parties are forbidden. In late spring 2000, the Supreme Soviet of DMR passed amendments to law on associations that equalized nongovernmental organizations with political and social movements and required at least 150 persons to set up an organization.

There are several cultural organizations of minorities as "Association of Russians", "Association of Ukrainians", etc and even "Association of Moldovans" who militate for maintaining of traditional roots with slavic origin of Moldovans.

On the left bank of Nistru, there were founded also other public organizations,

whose members tried to oppose to separatists manifestations ("Integrity", for example). But their activity became impossible in that atmosphere of aggressiveness from Transnistria.

Several nonorthodox denominations as Jehovah Witness, Baptists faced unregistration problems and frequently impeded to exercise in public.

- **Facts**

In 1996, the "ministry of security" from Transnistria blocked the activity of the foundation "Incredere (For Confidence Building)" on the left bank of the river. This non-governmental organization managed to organize in 1995-1996 a number of actions in the field of popular democracy with the participation of inhabitants from the both banks of Nistru. But in the autumn of 1996 the young people who openly supported and actively participated at the actions organized by the "Incredere" Foundation (Vlada Lisenco, student at the Corporative University of Tiraspol etc.) became the aim of the "ministry of security" pressures (visits to home made by the officers of this ministry, were issued writs against them, threatening with the exclusion from the University etc.). In Transnistria there were some attempts to organize a branch of the Women Organization in Moldova – a civical initiative, that in 1997 was registered in the registration Chamber of DMR. In connection with it an avalanche of papers and radio and TV attacks started in order to discredit and destroy this organization. The strongest resistance was from the patriotically transnistrian organization "viteazi" side which, in its speech addressed to general prosecutor of DMR, published in the paper "Republic" from 28.11.97 required the most drastic measures to be taken, in order to forbid this organization on the territory of DMR considering it the fifth column of the Republic of Moldova.

In 1998 M. Corobelnicov the inhabitant of Tiraspol City, being the leader of the Union of Liberal Yang People (organization registered i the Republic of Moldova and m.n.r.), going to one of the meetings of the organization was arrested on the way by the officers from the national security of DMR. He was detained for 2 weeks, and then released. Later he and his wife dissapeared. This is the way how administration settle accounts with those who associate in organizatios with a different political orientation than the oficial one.

Back in 1989 in Tiraspol was founded a branch of the Popular Front in Moldova with its leader Ilie Ilascu (political prisoner at Tiraspol since 1992, convicted to death by an unconstitutional court). But the members of this political formation from the very beginning were compelled to activate in semi-legal conditions, in an atmosphere of hostility from the side of local administration and OSTK. The "bodies" of DMR have destroyed this branch and a part of its members, as it was demonstrated above, were arrested, and then illegally convicted to different time of prison, Ilie Ilascu – to death penalty.

Moldovan Helsinki Committee branch in Tiraspol (an initiative group of several people) allege permanent control and supervision, telephone tapping on behalf of local authorities.

- **Legal**

Constitution states in art. 33 “Citizens of DMR have the right to assembly in trade unions, political parties and other associations, take part in assemblies that are not forbidden by law” (Статья 33. Граждане Приднестровской Молдавской Республики имеют право объединяться в профессиональные союзы, политические партии и другие объединения, участвовать в массовых движениях, не запрещенных законом.)

There is not a law on social movements or political parties. Law on nongovernmental organizations contain similar provisions as Moldovan law.

Law on religions contain similar provisions.

## **Article 8**

**The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.**

- **Narrative**

Orthodox Christian Church is a dominant religion in Moldova. It is believed that orthodox church receives direct and indirect support from the state. High ranking Moldovan politicians and elected public authorities often affiliate themselves with Orthodox Church. Moldovan Government has been quite sensible towards the so called “untraditional” religions. Since 1991, as the law on religions adopted and before the Constitution of Moldova adopted in July 1995, till beginning 1999 religious proselytising has been illegal. That would include direct or indirect actions of active manifestation of religious beliefs with the scope to convert or without it. Limitations to religious manifestations would be provided according to the law applicable in Moldova at the same extent as to religious beliefs. The State Agency on Religious Affairs is composed of some representatives of “recognised” (i.e. being registered by the Government of Moldova) religions mainly orthodox and exclusively Christian orientation. There are about ten functioning and “unrecognised” religions or religious organisations in Moldova.

In the beginning of 1999, Moldovan Parliament has been disputed the modification of law on religions regarding proselytising. Orthodox churches and their representatives in the Parliament heavily pressured to maintain outlawing



the religious proselytising. Yet, the Parliamentary commission on human rights, religion and national minorities voted almost completely the formulation of art.9 of the European Convention on Human Rights, also it restricted abusive proselytising implied from the respective law of Greece. Ministry of Justice of Moldova strongly supports the outlawing of abusive proselytising.

Moldovan Government intends to introduce religion into schools as an optional subject, unless parents declare expressly their refusal that children attend religious classes. As teachers, there would be invited orthodox bishops.

- **Legal**

Constitution of RM states "in Article 31. Freedom of Conscience. (1) The freedom of conscience is guaranteed, and its manifestations should be in a spirit of tolerance and mutual respect. 2) The freedom of religious worship is guaranteed and religious bodies are free to organize themselves according to their own statutes under the rule of law. (3) In their mutual relationships religious cults are forbidden to use, express or incite to hatred or enmity. 4) Religious cults are autonomous vis-a-vis the State and shall enjoy the latter's support, including that aimed at providing religious assistance in the army, in hospitals, prisons, homes for the elderly and orphanages." (Articolul 31. Libertatea conștiinței. (1) Libertatea conștiinței este garantată. Ea trebuie să se manifeste în spirit de toleranță și de respect reciproc. (2) Cultele religioase sunt libere și se organizează potrivit statutelor proprii, în condițiile legii. (3) În relațiile dintre cultele religioase sunt interzise orice manifestări de învrăjbire. (4) Cultele religioase sunt autonome, separate de stat și se bucură de sprijinul acestuia, inclusiv prin înlesnirea asistenței religioase în armată, în spitale, în penitenciare, în aziluri și în orfelinate.

Law on religions provides strict and by case control of religious personnel going in or out Moldova to take part in different religious manifestations. Until recently religious proselytising was expressly forbidden by law. In the beginning of 1999, the Parliament modified the law, specifying that only abusive religious proselytising is forbidden that would include make use of person's psychological weakness, economic and social disadvantage, forcible actions, use of subordination.

Recommendation: Moldovan parliament should draft and adopt a law on religious denominations that would be in compliance with European practices and relevant international human rights principles.

## **Article 9**

**1 The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the**

framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

**2 Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3 The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4 In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

### *Paragraph 1*

- **Narrative**

The Constitution, Press law and Law on audiovisual expressly forbid the defamation of people, nation, state and state symbols. Penal Code (also newly drafted one) and Code of Administrative Sanctions contain provisions that forbid the insult upon the state symbols, police and public institutions and their representatives at duty and provides along with economic penalties also preventive detention for up to 30 days. Moldovan Civil Code (also newly drafted) contain provisions on defending one's reputation and honour while burden unless defendant proves that information is true and correspond reality. There are many cases known when journalists and/or press are sanctioned economically some of them stopped publishing for a while due to this, however no cases of national minority related reported.

In 1998, Coordinating Audiovisual Council (CAC) proposed modifications in the law on audiovisual that would oblige all (public and private) audiovisual institutions to broadcast 65% of airtime in official language, with exception of regions populated compactly by national minorities, and 30% of indigenous programs. The Parliament after intervention of the President approved the proposed modifications only with respect to public audiovisual institutions.

A recent initiative of the president of Union of Journalists, vice-president of Department of National Minorities and Functioning of Languages, supported by the Government provided the modification of the law on advertisements, obliging all adds, including leaflets, etc be exclusively in the official language. The Governmental initiative however has been approved in the second reading,

imposing all adds, including leaflets, etc be in the official language as a primary with translation in any language desired as a secondary information. The draft is not intended to the regions of compact and autonomous population of national minorities. Many Russian papers, including public and commercial advertisement (mainly in Russian) papers in Chisinau urge substantial restrictions on freedom of expression including commercial. The proposed draft fails to distinguish ads of purely private nature, information targeted only on representatives of national linguistic minorities, placement of ads on streets and in papers, etc. The draft covers illogically also the leaflets, etc targeted and distributed exclusively among the members of a national minority.

- **Infrastructure**

Public radio and television situates under direct control of the Parliament of Moldova. Parliamentary political majority appoints the director of public television and the director of public radio. According to law on audiovisual matters prior to 1998, the Coordination Audiovisual Council (CAC), composed of the 9 nominees equally from the Parliament, the Government and the Presidency would propose for subsequent approval by the Parliament. The dismissal procedure would not be explicitly specified in the law. In 1998, Constitutional Court delivered a decision confirming the interpretation of the Parliament that the directors of both public institutions be dismissed without the consent of CAC, thus making the position politically dependent. Later the Parliament changed the law excluding completely CAC from that procedure.

CAC and Ministry of Communication and Transportation are both responsible for licensing private audiovisual institutions. The procedure though is heavily dependent on the respective ministry. CAC and the ministry may apply sanctions and initiate the procedure of withdrawal of licence, subject to appeal in the court, if the institution does not comply with ambiguously worded applicable law. The Law invests the CAC with two basic functions: to provide regulatory framework for functioning of private audio-visual institutions; to assure the independence of public audio-visual mass media in view of providing democratic pluralism of opinions. As we will see later the CAC, in exercising the first objective lacks essential exclusive legislative provisions and therefore suffers from substantial interference by the Government (Ministry of Communication and Information); and to the second objective lacks functional autonomy that is substituted by the discretion of the Parliamentary majority.

The Law on Audio-visual fails to guarantee fully statutory and functional independence of the CAC from the interference of other public authorities. Art. 7(2) of the law refers to the procedure of appointing audio-visual officials of the public mass media institution. The stipulations in the law appointment procedure essentially infringe upon the independence of the CAC and public mass media institutions. The declared autonomy of CAC, in art.14, is overlapped by interference on behalf of the legislative. The current political parliamentary majority validates the proposal of CAC.

Moreover, the withdrawal procedure of public mass media officials was not even stipulated in the first version of the law as of October 1997. Subsequently, in November 1997, the Parliament interpreted the appointment procedure as the right to withdraw without even prior approval of CAC. The CAC is simply excluded from assuring public mass media independence with the legislative directly exercising functions of the autonomous public authority.

The CAC does not have exclusive functional jurisdiction to issue authorization and licenses for the functioning of an audio-visual institution. On several steps, as one can see according to the law, the Ministry of Communication and Information (MCI) requires its acknowledgment and approval. The technical based grounds for nonapproval or nonacknowledgment by the MCI used, as many private audiovisual mass media institutions alert, to question and undermine the independence of the CAC and exercise actually content-based restrictions.

- **Legal**

Constitution of RM states in Article 32. "Freedom of Opinion and Expression. (1) All citizens are guaranteed the freedom of opinion as well as the freedom of publicly expressing their thoughts and opinions by way of word, image or any other means possible. (2) The freedom of expression may not harm the honour, dignity or the rights of other people to have and express their own opinions or judgements. (3) The law shall forbid and prosecute all actions aimed at denying and slandering the State or the people. Likewise shall be forbidden and prosecuted the investigations to sedition, war, aggression, ethnic, racial or religious hatred, the incitement to discrimination, territorial separatism, public violence, or other actions threatening constitutional order." (Libertatea opiniei si a exprimarii. (1) Oricarui cetatean ii este garantata libertatea gindirii, a opiniei, precum si libertatea exprimarii in public prin cuvint, imagine sau prin alt mijloc posibil. (2) Libertatea exprimarii nu poate prejudicia onoarea, demnitatea sau dreptul altei persoane la viziune proprie. (3) Sint interzise si pedepsite prin lege contestarea si defaimarea statului si a poporului, indemnul la razboi de agresiune, la ura nationala, rasiala sau religioasa, incitarea la discriminare, la separatism teritorial, la violenta publica, precum si alte manifestari ce atenteaza la regimul constitutional.)

Constitution of RM in Article 34 states "The Right of Access to Information. (1) Having access to any information of public interest is everybody's right, that may not be curtailed. (2) According with their established level of competence, public authorities shall ensure that citizens are correctly informed both on public affairs and matters of personal interest. (3) The right of access to information may not prejudice either the measures taken to protect the citizens or the national security. (4) The State and private media are obliged to ensure that correct

information reaches public opinion. (5) The public media shall not be submitted to censorship.” (Articolul 34. Dreptul la informatie. (1) Dreptul persoanei de a avea acces la orice informatie de interes public nu poate fi ingradit. (2) Autoritatile publice, potrivit competentelor ce le revin, sint obligate sa asigure informarea corecta a cetatenilor asupra treburilor publice si asupra problemelor de interes personal. (3) Dreptul la informatie nu trebuie sa prejudicieze masurile de protectie a cetatenilor sau siguranta nationala. (4) Mijloacele de informare publica, de stat sau private, sint obligate sa asigure informarea corecta a opiniei publice. (5) Mijloacele de informare publica nu sint supuse cenzurii.)

There is a recently adopted specialised law on access to information in Moldova whose relevant provisions are below.

Article 4. The principles of the state policy on access to official information. (1) Any person has the right to seek, obtain and spread official information of any kind. (2) The exercise of the right provided for in par. (1) may be restricted for specific reasons, in accordance with international law, including the protection of national security or the intimacy of private life. (3) The restrictions on freedom of information, including those related to national security, will not involve in any way discrimination on the basis of race, nationality, ethnic origin, language, creed, sex, opinion, political affiliation, wealth or social origin. (Articolul 4. Principiile politicii statului în domeniul accesului la informațiile oficiale. (1) Oricine, în condițiile prezentei legi, are dreptul de a căuta, de a primi și de a face cunoscute informații oficiale. (2) Exercițarea drepturilor prevăzute în alineatul (1) poate fi supusă unor restricții pentru motive specifice, în spiritul principiilor dreptul internațional, inclusiv pentru apărarea siguranței naționale sau vieții private. (3) Exercițarea libertății de informare nu va implica nici într-un caz discriminarea bazată pe rasă, naționalitate, origine etnică, origine socială, limbă, religie, sex, opinie, apartenență politică sau alte criterii sociale.

Article 13. Means and forms of accessing official information. (1) The means of accessing information are: a) auditing the information passable of verbal exposing; b) examining the document or information (or parts thereof) on the institution's premises; c) releasing a copy of the requested document or information (or parts thereof); d) releasing a copy of the document's or information's translation (or parts thereof) into a language different from the original one, for an additional fee; e) sending by mail (including e-mail) the document's or information's copy (or parts thereof), a copy of the document's or information's translation into another language, upon the applicant's request, for a corresponding fee. (2) Excerpts from registers, documents, information (or parts thereof) may be made available to the applicant, upon the applicant's request, in a reasonable and acceptable form that allows its: a) examination on the institution's premises; b) retyping, photocopying or copying by another method that would ensure the safety of the original; c) recording onto an electronic carrier, recording on audio or video tape or on any other bearer resulting from technological progress. (Articolul 13. Modalitățile și formele accesului la informațiile oficiale. (1) Modalitățile accesului

la informații sînt: a) audierea informației pasibile de o expunere verbală; b) examinarea documentului (unor părți ale acestora) la sediul instituției; c) eliberarea copiei documentului, informației solicitate (unor părți ale acestora); d) eliberarea copiei traducerii documentului, informației (unor părți ale acestora) într-o altă limbă decît cea a originalului, pentru a taxă suplimentară; e) expedierea prin poștă (inclusiv poșta electronică) a copiei documentului, informației (unor părți ale acestora), copiei traducerii documentului, informației într-o altă limbă, la cererea solicitantului, pentru o taxă respectivă.

Article 14. The language in which the requested information is to be supplied. (1) The information and documents requested in accordance with the present law will be supplied to the requesting party in the state language or in the language in which they have been drawn originally. (2) If the documents have been drawn in a language different from the state language, the information supplier is under the obligation to supply-upon the applicant's request-a copy of the information's or document's official translation into the state language.” (Articolul 14. Limba în care se vor prezenta informațiile solicitate. (1) Informațiile, documentele, solicitate conform prezentei legi, vor fi puse la dispoziția solicitanților în limba de stat sau în limba în care au fost elaborate. (2) În cazul în care documentele au fost elaborate într-o altă limbă decît cea de stat, furnizorul de informații va fi obligat să prezinte, la cererea solicitantului, o copie al traducerii autentice a informației, documentului în limba de stat.)

Article 20. Fees for providing official documents and information. ... (2) The fees will not exceed the costs incurred during the search for and processing of the information or parts thereof, copying, sending it to the applicant and/or translating from the state language, based on the solicitor.” (Articolul 20. Plăți pentru furnizarea informațiilor, documentelor oficiale ... (2) Mărimile plăților nu vor depăși mărimile cheltuielilor suportate de către furnizor pentru efectuarea copiilor, expedierea lor solicitantului sau/și pentru traducerea din limba de stat Într-o altă limbă, la cererea solicitantului....

The Law on advertisements-art. 8(3) provides that ‘advertisements are disseminated in the official language and upon the wish of the furnisher of adds in other languages, with exception of exterior adds. Dissemination of exterior adds in another languages is admitted only with dublication of the message in the official language (with the exception of commercial mark)’ (Publicitatea se difuzeaza in limba de stat, iar la dorinta ffurnizorului de publicitate, si in alte limbi, cuexceptia publicitatii exterioare. Difuzarea publicitatii exterioare in alte limbi se admite doar ca o bublare a comunicatului scris in limba de stat (cu exceptia marcii comerciale inregistrate))

Articles 54 and 55 of the Constitution of Moldova contain higher restrictions to the rights and liberties than stipulated by the European Convention on Human Rights and Fundamental Freedoms. Upon adherence to the Council of Europe, Moldova undertook expressly an obligation not to apply provisions of articles 54 and 55. Recently, in a decision of the Constitutional Court, relating though to another matter, it has been expressly made reference to the limitations on the exercise of

freedoms and liberties provided in articles 54 and 55 of the Constitution.

Article 54. Restricting the Exercise of Certain Rights or Freedoms. (1) The exercise of certain rights or freedoms may be restricted only under the law and only as required in cases like: the defence of national security, of public order, health or morals, of citizens rights and freedoms, the carrying of the investigations in criminal cases, preventing the consequences of a natural calamity or of a technological disasters. (2) The restrictions enforced must be in proportion to the situation that caused it, and may not affect the existence of that right or liberty. (Articolul 54. Restrângerea exercitiului unor drepturi sau al unor libertati. (1) Exercițiul unor drepturi sau al unor libertati poate fi restrins numai prin lege si numai daca se impune, dupa caz, pentru: apararea sigurantei nationale, a ordinii, a sanatatii ori a moralei publice, a drepturilor si a libertatilor cetatenilor; desfasurarea anchetei penale; prevenirea consecintelor unei calamitati naturale ori avarii. (2) Restrângerea trebuie sa fie proportionala cu situatia care a determinat-o si nu poate atinge existenta dreptului sau a libertatii. si Articolul 55. Exercitarea in sistem a drepturilor si a obligatiilor. (1) Fiecare cetatean are obligatii fata de stat si fata de societate acestea derivind nemijlocit din drepturile si libertatile garantate. (2) Respectul fata de drepturile si interesele legitime, fata de demnitatea altor cetateni este obligatoriu.)

### **Transdnistria region**

- **Narrative**

In April 1992, Boris Akulov, with the help of illegal paramilitary formations of Cassocks had occupied by force the radio transmitter from the locality Maiac (the left bank of Nester), undertaking the control above them. In present Boris Akulov has thhe position of “the chairman of the State Committee for press and radio-television matters ” of DMR.

In Transnistria was created a very aggressive informational environment towards any deviation from the official ideology and relating to the policy promoted by the state structures of the Republic of Moldova. All the support was confirmed by the Tiraspol leaders themselves. Thus, being the “chairman” of the Supreme Soviet of DMR, G. Maracuta, in his interview to the studio “Novaia studia” (TV company “Ostankino”) said that those who do not agree the Tiraspol policy, who don’t recognize the DMR, Sevto-Antiufeev added,: “it is necessary to pull out of the circulation a certain number of people!”. The answers to the questions of the paper “Baltiscaia gazeta” the above indicated person explained the meaning of these words: “today in DMR as well as in the ex USSR, was created a similar situation as in Moscow. We have an attitude towards this situation according to the position of the 1980-1990 years, and this is not right. We have to have an attitude like in 1945-1947, when all activities directed against the order was equal to a crime against the

state order.” This is the ideology, these are the principles on which is based the state independence of the DMR.

All these indicated above have as a strong argument the number of pro-military members, of the detachments of a special destination and of securest in the DMR that reaches the number for about 8,000-10,000, that make this territory, with a population for about 700,000 inhabitants be one of the militarized zone of the Europe. The mass-media is activating in the conditions of a serious censorship, imposed by the Tiraspol administration. Already for 8 years by the means of mass-media is very insistently created the image of the enemy that is for them the constitutional power from Chisinau and all the attempts to relieve the situation from a tolerant point of view is considered as a betrayal. As an example of the freedom of expression is the one of the paper “Novaia gazeta”. On January 28, 1999 the officers of the “ministry of security” confiscated without any legal support the circulation of the paper “Novaia Gazeta” only because this paper published more opinions regarding the perspective of solving the transnistrian conflict. Although the general prosecutor of Transnistria considered these actions illegitimate, later were confiscated two papers more. On June 4, 1999 the “ministry of security” confiscated again the circulation of the paper.

The examples mentioned above and many others led to the only conclusion that the freedom of opinion and expression in Transnistria doesn't differ from the transnistrian position in general, and mass-media means are in the position of the pocket means. The “access” to information in the self-proclaimed DMR is extending in the way indicated above and over the other spheres. The statistic year-book of the Republic of Moldova for the last years, even from the first pages we are prevented that it doesn't contain all the data from whole territory of the Republic of Moldova, exception being the data regarding the localities from the eastern part of the Republic of Moldova (Transnistria), being under provisional occupation of the Army XIV and of the regime from Tiraspol, that doesn't supply the necessary information. It doesn't allow the performing of some serious analysis and dynamical comparing.

- **Legal**

There is a Press Law in Transnistria containing in principal similar provisions to Moldovan law both based on typical soviet law. Recently (end of July 2000), the Press Committee, the agency responsible for press regulation in Transnistria has been reformed in Ministry of Telecommunication and Information whose objective is to promote authorities policy and build up Transnistria informational security, as I.Smirnov, the president of DMR says.

## ***Paragraph 2***

- **Narrative**



### *Registration and license*

The procedure for registration is established by Art.6 of the Press law and by chapters 2 and 3 of the Law on TV and radio. Periodicals and press agencies are registered by the Ministry of Justice. In case the mass medium has, besides its basic activity, commercial activities, the registration is made by the State Registration Chamber, under the auspices of the Ministry of Justice, in accordance with the Law on entrepreneurship and enterprises. The refusal to register is possible in case of violation of the order established for the creation or discrepancy between the constituent documents and the legal provisions.

There were reported several cases, Bassa Press is an example, when procedure of issuing the licence would be untransparent and subject to arbitrary interpretation and refusal to reply officially by the head of CAC. There have been cited even in Moldovan press words of Mr Ciubasenco, head of CAC declaring that he would not allow an audiovisual institution set up by Bassa Press.

There is no difference between registration of state and private publications. The law does not specify the necessary print run for registration. After registration the periodicals and press agencies receive the status of legal person. The procedure is more complex in the case of registration of a teleradioorganisation. In accordance with chapter 2 of the relevant law a teleradioorganisation must obtain:

1. a technical conclusion from the Ministry of Communications and Informatics, which supposes the conformity to technical conditions necessary for securing the quality of transmission and observance of international agreements in the radio communications field. The technical licence determines the conditions and stages of putting into operation of the transmitting stations;
- 2.a broadcasting licence from the Coordinative Council on Television and Radio (CCTR) which determines types of information destined for transmission. The Council determines the number of licences offered for competition, based on the conclusion of the Ministry of Communications and Informatics. The criteria for determining the winners and the licence requirements must secure a pluralism of opinion, equal conditions for all participants to the competition, the quality and diversity of programs, fostering of free competition, creativity, and national TV/radio production, independence and objectiveness of the teleradioorganisation programs. The *broadcasting licence* is issued for a limited time: 5 years for television and 3 years for radio from the moment of receiving the permit for network exploitation;
- 3.a technical licence - permit issued by the Ministry of Communications and Informatics and allowing the use of transmission equipment in accordance with the parameters provided;
- 4.a permit for network exploitation issued by the CCTR on the basis of the previously received licence for broadcasting and the technical licence.

The holder of a broadcasting licence loses the right it confers if, within 30 days after the licence has been issued (s)he did not request a technical licence or if, within one year, did not secure the observance of technical conditions for

broadcasting. Even with such strict rules some radio stations managed to obtain a frequency “without competition”.

Law on audiovisual also provides that CAC stipulates access of representatives of national minorities to public audiovisual, and takes in consideration the representation of national minorities in Moldovan society while issuing the licence.

- **Legal**

Law on audiovisual broadcasting in Article 13. States “...(3) Audiovisual institutions, public or private, broadcast at least 65% of their audiovisual programs in the state language. This provision does not extend to the TV programs broadcast via satellite and provided by cable, as well as foreign stations and stations that broadcast in areas compactly populated with ethnic minorities. (4) At least 50% from the programs of public audiovisual institutions will consist of products made in the Republic of Moldova.” (Articolul 13. ...)(3) Institutiile audiovizualului, publice sau private, transleaza cel putin 65% din volumul emisiunilor si programelor audiovizuale in limba de stat. Aceasta prevedere nu se extinde asupra emisiunilor si programelor de televiziune transmise prin satelit si distribuite prin cablu, precum si ale posturilor straine si posturilor care difuzeaza in raza teritoriilor populate compact de minoritati etnice.(4) Cel putin 50% din volumul programelor institutiilor publice ale audiovizualului va constitui productia creata in Republica Moldova.)

And in Article 37. States “(1) The TV & Radio Coordination Council establishes compulsory rules regarding the implementation of the present law in the audiovisual institutions activity. (2) The TV & Radio Coordination Council, with the agreement of the Central Electoral Commission, establishes for the public audio-visual companies the airtime and the electoral campaigns presentation conditions. (3) All discussions related to the issue of the broadcasting licenses are made in public; also, the taken decisions are announced to the public. (4) The TV & Radio Coordination Council has to inform the free frequencies, which can be used for the broadcasting by various users. (5) The TV & Radio Coordination Council guarantees, by its conditions and criteria of issuing the broadcasting frequencies and channels, certain priorities for producers and broadcasters of local audiovisual creations mainly in the state language. (6) In the case if more audiovisual agents solicit a broadcast license, the preferential right to obtain one is granted to the former license holder, depending on the amount that it invested in the national audiovisual development in its previous period of activity. (7) In the case if more solicitors have equal chances of obtaining the broadcasting license, the TV & Radio Coordination Council is entitled to decide the division of the frequencies (channels), issuing a broadcasting license to each solicitor. (8) The TV & Radio Coordination Council offers to audiovisual institutions from the Republic of Moldova and from abroad, as well as to agencies from other domains, paid services and consulting. The fees are determined on a

mutual agreement basis. The amount for services and consulting, as well as for registration of the audiovisual institutions, is transferred to the transfer account of the TV & Radio Coordination Council. "(Articolul 37 (1) Consiliul Coordonator al Audiovizualului stabileste norme obligatorii referitoare la aplicarea prezentei legi in activitatea institutiilor audiovizualului. (2) Consiliul Coordonator al Audiovizualului, de comun acord cu Comisia Electorala Centrala, stabileste la institutiile publice ale audiovizualului timpul de antena si conditiile de prezentare a emisiunilor destinate campaniilor electorale. (3) Dezbaterile privind atribuirea licentelor de emisie sint publice, iar deciziile adoptate si motivarea acestora se dau publicitatii. (4) Consiliul Coordonator al Audiovizualului asigura publicitatea frecventelor disponibile pentru transmisiunile de radio si de televiziune, destinate publicului. (5) Consiliul Coordonator al Audiovizualului garanteaza, prin conditiile si criteriile de acordare a frecventelor si canalelor de emisie, anumite prioritati pentru producatorii si difuzorii creatiilor audiovizuale autohtone cu preponderenta in limba de stat. (6) In cazul in care mai multi agenti din domeniul audiovizualului solicita licenta de emisie, de dreptul preferential de primire a ei se bucura fostul titular de licenta in functie de volumul investitiilor alocate de acesta in dezvoltarea audiovizualului national in perioada precedenta de activitate. (7) In cazul in care mai multi solicitanti au sanse egale de a obtine licenta de emisie, Consiliul Coordonator al Audiovizualului este in drept sa decida partajarea frecventelor (canalelor), eliberind licenta de emisie pentru fiecare solicitant. (8) Consiliul Coordonator al Audiovizualului presteaza institutiilor audiovizualului din Republica Moldova si de peste hotare, precum si agentilor dintr-un alt domeniu de activitate, servicii si acorda consultanta contra plata. Cuantumul platii se stabileste pe baza de intelegere intre parti. Plata pentru prestarea de servicii si acordarea de consultanta, precum si pentru inregistrarea institutiilor audiovizualului, se transfera pe contul de decontare al Consiliului Coordonator al Audiovizualului.)

### ***Paragraph 3***

#### **Transnistria region**

Transnistrian press law forbids creation of media by foreign citizens as citizens of Moldova are considered.

At the monment there are no non-state or state papers in published in Moldovan, Ukranian or other languages in the region. There are several programs on state transnistrian television (mainly official news) in Moldovan language and the same in Ukranian with total time about two hours per day. There are no private audiovisual operators in any language, according to rule, only the Government of Transnistria may set up an audiovisual media.

#### **Paragraph 4**

- **Narrative**

Roma community is the most disadvantaged minority, whose access to media, including public is nonexistent. There are no programs in Romani language or programs in other languages about Roma culture, etc. Roma community does not have a printed media or other way to cultivate their identity, the public authorities give no concern with this regard.

- **Legal**

Apart from legal provisions included in paragraph 9(1), 9(2) relevant provisions of Moldtele-radio - a state run television and radio by-laws state: "10. The main goals of activity of the Company are: - true and objective reflection of social, political, economic and cultural life of the republic, and also external relations of the state; - reflection of the interests of all social levels; - promotion of peace and humanistic ideas, democratic values, observance of human rights; - creation, collection, preservation and distribution of national and international cultural values. 11. The programmes of the company shall: - reflect primarily local problems; - contribute to the creation of national self-awareness; - contribute to active exchange between different cultures; 22. The Company is obliged: - to reflect objectively and truly the reality of social, political life in the country and abroad; - to guarantee the rights of citizens for information, to promote real values of national culture, culture of minorities living in the country, and also international culture;"

#### **Article 10**

**1 The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**

**2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**

**3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an**

interpreter.

### ***Paragraph 1***

- **Narrative**

As already discussed above, the requirement to broadcast 65% of airtime in the official language for all audiovisual institutions seems to be a rather rigid criterion. At least several arguments justify this position. Printed media has now similar restriction and therefore from this perspective, taking into consideration the trend to apply similar provisions to audiovisual and printed media reveals different approach by Moldovan authorities. The intention of the authorities to promote through special measures of positive discrimination the standing of Moldovan language, seems to have less receptive grounds, since in reality audiovisual plays largely a role in people's private life than in their public life. Also, it seems that the purely restrictive administrative measures are not adequate to the perceived objectives. The law refers to some "areas compactly populated with ethnic minorities" as the exception to the law. It is then not clear if these provisions refer only to Gagauz autonomy and Taraclia county, excluding Chisinau and other regions.

The position of CAC warnings if the provisions of the law will be enforced by mainly administrative measures.

- **Legal**

Law on audiovisual of Moldova in Article 13. states "... (2) The audio-visual companies, public or private, are required to inform within the established period of time about the emergency situation and natural calamities.

(3) Audiovisual institutions, public or private, broadcast at least 65% of their audiovisual programs in the state language. This provision does not extend to the TV programs broadcast via satellite and provided by cable, as well as foreign stations and stations that broadcast in areas compactly populated with ethnic minorities.

(4) At least 50% from the programs of public audiovisual institutions will consist of products made in the Republic of Moldova." (Articolul 13....(2) Instituțiile audiovizualului, publice sau private, sunt obligate să difuzeze în termenele stabilite informația ce vizează starea de urgență și calamitățile naturale.

(3) Instituțiile audiovizualului, publice sau private, translează cel puțin 65% din volumul emisiunilor și programelor audiovizuale în limba de stat. Această prevedere nu se extinde asupra emisiunilor și programelor de televiziune transmise prin satelit și distribuite prin cablu, precum și ale posturilor străine și posturilor care difuzează în raza teritoriilor populate compact de minorități etnice.

(4) Cel puțin 50% din volumul programelor instituțiilor publice ale audiovizualului va constitui producția creată în Republica Moldova.

## **Gagauz autonomy**

- **Narrative**

According to the local Law on functioning of languages on the territory of Gagauz autonomy the control for respect of the provisions of the law exercises Popular Assembly (Narodnoi Sobranie)-the local legislative body of Gagauzia-and local public authorities. In the areas where the local law on functioning of languages are not providing guidance art. 18 of the law states that Moldovan law on functioning of languages is applicable with the consent of Popular Assembly and Governor (Baskan) of Gagauzia

- **Legal**

Law on functioning of languages in Gagauzia-art.1 provides: 'Official languages in Gagauzia are Moldovan, Gagauz, Russian. Along with the official languages in Gagauzia, it is guaranteed the functioning of Bulgarian, Ukrainian and other languages to satisfy the national and cultural needs of ethnical groups living in Gagauzia.' (Ofitalinimi iazikami Gagauzii iavliautsea moldovaskii, gagauzkii I ruskii iaziki. Nariadu s ofitalinimi iazikami na teritorii Gagauzii garantiruiutsea funtionurovanie bolgarskogo, ukrainskogo I drugih iazikov dlea udovletvorenia nationalino-culiturnih potrebnosti etniceskih grup, projivaiusih v Gagauzii.); art.3 provides that 'In respect of communications with state authorities, nongovernmental organizations, as well as agencies, organizations situated in Gagauzia, the language of oral and verbal communication are Moldovan or Gagauz or Russian, depending on the conditions.' (V otnoseniah s gosudarstvennimi organami, organami publicinogo upravlenia I obsestvennimi organizatiami, a takje s predpiatiami, organizatiami I ucrejdeniami, raspolojennimi na teritorii Gagauzii, iazikom dlea pismennogo I ustnogo obrasenia iavliautsea moldovskii iazik ili gagauzkii ili ruskii, ishodea iz mestnih uslovii.); art.5-10 stipulate that 'Moldovan or Gagauz or Russian' are the languages used in public authorities, local public authorities, organizations, etntities, judicial proceedings, court proceedings, civil state bodies.

## **Transnistria region**

- **Legal**

Art. 3 of the law on functioning of languages provides that 'Language of mass media. The Government provides citizens of DMS rights to use mother tongue upon receiving and disseminating in massmedia according to the legislation on languages in DMR.' Статья 3. Язык средств массовой информации. Государство обеспечивает право граждан Приднестровской Мол-давской

Республики на использование родного языка при получении и распространении массовой информации в соответствии с законодательством о языках Приднестровской Молдавской Республики.)

## Paragraph 2

### • Policy

In 1995, the Parliament of Moldova passed the law on Gagauz Yeri to create administrative territorial autonomy of Gagauz in South of Moldova with the capital in Comrat. Local legislative assembly passed the law on functioning of languages, according to which public administration is to be conducted in one of three languages: official language, Gagauz in latin script or Russian. Effectively, Russian is the only language used in administrative authorities. Local legislative acts are passed and worked out only in Russian.

In November 1999, Moldovan parliament, upon the proposal of the Government adopted a decision to create Taraclia judet, on the basis of several villages populated compactly by Bulgarians of 30 000 persons.

In Chisinau city where the Russian speaking population make up almost half of total population the official documents of Chisinau City Hall issue only in Moldovan and translation is provided only by request.

### • Legal

Law on functioning of languages provides the following:

art.6 provides that '...in relations with authorities where the majority constitute population of Ukranian, Russian, Bulgarian or another nationality is used their mother tongue or another acceptable language for communication' (...In localitatile in care majoritatea o constituie populatia de nationalitate ucraineana, bulgara sau alta nationalitate se foloseste pentru comunicare limba materna sau alta limba acceptabila);

art. 9 provides that '...in localities where the population of Gagauz nationality is the majority, the official language of the administration are the official language, Gagauz language or Russian. The language of manifestations and of administration in localities where the majority are the Ukrainians, Russian, Bulgarian or any other nationality, are the official language, the respective mother tongue or any other acceptable language' (...In localitatile cu populatie de nationalitate gagauza limba de lucru si limba lucrarilor de secretariat in organele puterii de stat, administratiei de stat si organelor obtesti este limba de stat, limba gagauza sau cea rusa. Limba manifestatiilor si lucrarilor de secretariat in organele puterii de stat, administratiei de stat...in localitatile, in care majoritatea o constituie populatia de nationalitate ucraineana, rusa, bulgara sau de alta nationalitate este limba de stat, cea materna sau o alta limba acceptabila);

art.10 provides that 'In localities, with population of Gagauz nationality, official acts of the administration are made and adopted in the official language or in Gagauz or in Russian to be translated. In localities where the majority are the population of the Ukrainians, Russians, Bulgarians, or another nationality, the official acts can be adopted in the respective mother tongue or in another acceptable language with following translation in the official language' (Actele organelor puterii de stat, administratiei de stat si organizatiilor obtesti se intocmesc si se adopta in limba de stat, urmand sa fie traduse in limba rusa. In localitatile cu populatie de nationalitate gagauza-in limba de stat ori in limba gagauza sau in cea rusa, urmand sa fie traduse. Actele organelor ale puterii de stat, administratiei de stat si organizatiilor obtesti situate pe teritoriile, unde majoritatea o constituie populatia de nationalitate ucraineana, rusa, bulgara sau de alta nationalitate, pot fi adoptate in limba materna sau intr-o alta limba acceptabila, urmand sa fie traduse in limba de stat);

### **Gagauz autonomy**

- **Narrative**

In practice, the "or" conjunction to use any of Moldovan or Russian or Gagauz language means giving too much latitude to the administration to decide upon. Moreover the vague formulation "on the basis of local conditions" to choose the language of correspondence easily provokes policy leading to subtractive bilingualism. The same is unfortunately true regarding the lack of obligation from the state to respond in the same language they were address (see articles 6, 7, 8).

- **Legal**

Law on special status of Gagauz autonomy-art.3 provides that 'Official languages of Gagauzia are Moldovan, Gagauz and Russian. It is guaranteed the functioning of other languages. Communication with public authorities of Moldova, entities outside Gagauzia is made in Moldovan and Russian languages.' (Ofitalinimi iazikami Gagauzii iavlaiytsa moldavski, gagauzkii I ruskie iaziki. Naradu s ofitalinimi iazikami na teritorii gagauzii garantiruiutsea functionirovanie I drugih iazikov. Perepiska s organami publicinogo upravlenia Respubliki Moldova, predpriatiieami, organizatiami, ucrejdeniami, raspolojennimi za predelami Gagauzii, osusestvleaetsea na moldavskom I ruskom iazike.);

Local Law on functioning of languages provides that: art. 3 In relation with state institutions, institutions of public governing and nongovernmental organizations as well as with other organizations, entities, enterprises, residing in Gagauz autonomy, the language for written communication and verbal communication are Moldovan or Gagauz or Russian languages on the basis of local conditions". (V otnoseniah s gosudarstvennimi organami, organami publicinogo upravlenia I obsestvennimi organizatiami, a takje s predpriatiami, organizatiami I



ucrejdeniami, raspolojennimi na teritorii Gagauzii, iazikom dlea pismennogo i ustnogo obsenia iavleautsea moldavskii iazik ili gagauzkii ili ruskii, ishodea iz mestnih uslovii.)

Art. 5 states “In localities of Gagauzia, the working languages of state institutions, local public authorities, nongovernmental organizations entities, enterprises are Moldovan or Gagauz or Russian languages.” (Statia 5. V naselennih punktah Gagauzii rabocimi iazikami vipolnenia deloproizvodstva v organah gosudarstvennoi vlasti, mestnogo publicinogo upravljenja, v obsestvennih organizatiah, na predpriatiah, ucrejdeniah i organizatiah iavleautsea moldavskii ili gagauzkii ili ruskii iziki.)

Art. 6 states “documents of state institutions, local public authorities, nongovernmental organizations are composed and adopted in Moldovan or Gagauz or russian language.” (Statia 6. Documenti organov gosudarstvennoi vlasti, mestnogo publicinogo upravljenja, v obsestvennih organizatii sostavliautsea i primaiutsea na moldavskom ili gagauzkom ili ruskom izike.)

Art. 7 states “State institutions, local public authorities, nongovernmental organizations, entities, enterprises address citicens and citizens them in Moldovan or gagauz or Russian language.” (Statia 7. Organi gosudarstvennoi vlasti, mestnogo publicinogo upravljenja, obsestvennih organizatii, predpriatii, ucrejdenii i organizatii obraseautsea k grajdanam, a grajdane - k visenazvannim organam na moldavskom ili gagauzkom ili ruskom iazike.)

Art. 8 states “Communication between state institutions, local public authorities and nongovernmental organizations, as well as between entities, enterprises, other organizations residing on the territory of gagauzia, is being made in Moldovan or Gagauz or Russian language.” (Statia 8. Perepiska mejdu organami gosudarstvennoi vlasti, mestnogo publicinogo upravljenja i obsestvennimi organizatiami, a takje mejdu predpriatiami, ucrejdeniami, organizatiami, raspolojennimi na teritorii gagauzii, osusestvleaetsea na moldavskom ili gagauzkom ili ruskom iazike.)

### **Transnistria region**

- **Narrative**

In reality the language of state administration in DMR is Russian exclusively.

The provisions of the law states that citizens may use other than Russian language in the official contacts but the same time administrative officials are not required to know these languages and also in all cases the administration or the Government decides upon which language should be taken the working language. The created situation results in the policy of subtractive bilingualism where the native language is being forced to be substituted with the language decided by the administration (in practice Russian). That has subtractive effect in

majority of localities especially in rural areas, with probably some exceptions in Tiraspol city (Moldovans are only about or somewhat less than 20%), Tighina city (Moldovans are 40%) and Ribnita city (Moldovans are less than 20%). For some cities as Dubasari, Grigoriopol, Slobozia Moldovans form up the majority and they still compelled to write in Russian for otherwise the authorities see it as a sensitive issue of state security.

- **Legal**

Law on functioning of languages in Transnistria provides the following:

Art. 20 of the law on functioning of languages states: 'language of communication between citizens and the authorities, entities, organizations on the territory of DMR. The citizens are entitled to address to authorities and public organs, entities with proposals, appeals, complaints in one of the official languages of DMR they possess. The answers on proposals, appeals and complaints of the citizens, forwarded to the public authorities, entities and organizations are given in the language of the addressee.' Статья 20. Язык обращения граждан в государственные и общественные органы, на предприятия, в учреждения и организации Приднестровской Молдавской Республики. Граждане вправе обращаться в государственные и общественные органы, на предприятия, в учреждения и организации с предложениями, заявлениями и жалобами на одном из официальных языков Приднестровской Молдавской Республики, которым они владеют. Ответы на предложения, заявления и жалобы граждан, направленные в государственные и общественные органы, а также на предприятия, в учреждения и организации, даются на языке обращения.

Art. 21 states that 'The language of documentation and administrative work. Documentation and administrative work language in public authorities and associations, entities and organizations is done in one of the official languages (Moldovan, Russian or Ukrainian). The concrete language of administration and documentation is determined by a decision of the respective authority or entity, council of workers of the entity subject to consultation with the Government of DMR and local executives of people representatives.' (Статья 21. Язык делопроизводства и документации. Делопроизводство и документация в государственных и общественных органах, на предприятиях, в учреждениях и организациях ведутся на одном из официальных языков (молдавском, русском или украинском). Конкретный язык делопроизводства и документации определяется решением государственного и общественного органа, совета трудового коллектива предприятия, учреждения и организации, согласованного соответственно с Правительством Приднестровской Молдавской Республики и с исполкомом местных Советов народных депутатов.

Art.9 states 'Language of work of the administration and organs of governing. In administration and governing organs, their structural entities (Councils of people's representatives of all levels of DMR, meetings of the Council of Nationalities, Council of Republic, sessions of Supreme Soviet, commissions, Government, etc) the working language is one of the official languages (Moldovan, Russian or Ukrainian) upon the decision of the organ or its structural entity. Persons, that do not speak the official languages of the entity or administration of work are granted to speak in their native language or in any other language of CIS upon desire. The translation is given or provided upon necessity.' (Статья 9. Язык деятельности органов государственной власти и управления. В органах государственной власти и управления, их структурных образованиях (Съезды народных депутатов Советов всех уровней Прид-нестровской Молдавской Республики, сессии Верховного Совета Прид-нестровской Молдавской Республики, заседания Совета Национальностей, Совета Республики, Комитетов, Комиссий, Президиума Верховного Совета ПМР, Правительства и др.) работа ведется на одном из официальных языков (молдавском, русском и украинском) по решению этого органа или его структурного образования. Лицам, не владеющим официальным языком деятельности органов государственной власти и управления, предоставляется право выступать на родном языке или на любом языке народов СНГ по их усмотрению. При необходимости выступления обеспечиваются переводом.)

Art. 10 states 'Language of laws. Laws and other legislation of republican or local organs of administration in DMR are published in Moldovan, Russian and Ukrainian. All variants have equal official character and have equal juridical force.' (Статья 10. Язык опубликования Законов и других правовых актов. Законы и другие правовые акты республиканских и местных органов государственной власти и управления Приднестровской Молдавской Республики публикуются на молдавском и русском и украинском языках. Эти акты имеют равнозначный официальный характер и обладают одинаковой юридической силой.)

Art.11 states 'Language of electing representatives and referenda. The preparation of election and undertaking of elections in representatives organs and referenda in DMR is done in the language of majority of the locality. Documentation on elections is done in one of the official languages subject to decision of the Central Electoral Commission. Electoral bulletins are printed in the languages, the population of the locality use.' (Статья 11. Язык проведения выборов в законодательные органы и референдумов. Подготовка и проведение выборов в законодательные органы и референдумов в Приднестровской Молдавской республике осуществляется на языке большинства населения данной местности. Документация о выборах оформляется на одном из официальных языков по решению Центральной избирательной комиссии. Избирательные бюллетени для выборов и

референдумов печатаются на языках, которыми пользуется население избирательного округа.)

Art. 17 states: 'Language of Procuracy supervision. Acts of Procuracy supervision are made in one of the official languages (Moldovan, Russian, Ukrainian) determined by the decision of the Government of DMR, subject to consultation with local executives of people's representatives. The same language is the language of communication with citizens, organizations, associations located in DMR.' (Статья 17. Использование языков в прокурорском надзоре. Акты прокурорского надзора составляются на одном из официальных языков (молдавском, русском, украинском), определяемом по решению Правительства Приднестровской Молдавской Республики, согласованному с исполкомами местных Советов народных депутатов. На этом же языке осуществляется переписка с гражданами, а также с государственными и кооперативными предприятиями и учреждениями, общественными организациями и другими формированиями, расположенными на территории Приднестровской Молдавской Республики.)

### ***Paragraph 3***

- **Narrative**

There are reported at least some cases of refusal to give court decisions in Russian language. Also, in Chisinau city in some places the names of street and public buildings are exclusively in Moldovan.

- **Legal**

... Also, Art 153 (also art 233 of Criminal Procedure Code) provides that 'the presiding judge give explications to the interpreter the obligations to translate explications, depositions, requests of persons that do not know the language of the hearings and to the persons including pleadings and decisions of the court. The translator bears responsibility in accordance with art.196 of the Penal Code for inaccurate wrong translations, as well as subject to penalties' (Presedintele sedintei explica interpretului obligatia acestuia de a traduce explicatiile, depozitiile, cererile persoanelor ce nu cunosc limba in care se desfasoara judecarea procesului, iar acestor persoane - continutul explicatiilor, depozitiilor, cererilor, documentelor citite in instanta, precum si depozitiile presedintelui sedintei, incheierile si hotarirea instantei. Presedintele sedintei il avertizeaza pe interpret asupra raspunderii ce o poarta, in conformitate cu articolul 196 din Codul Penal, in caz de traducere intentionat gresita. In caz cind traducatorul se sustrage de la prezentarea in instanta de judecata sau de la indeplinirea obligatiilor sale, pot fi aplicate fata de el masuri de iniriure obsteasca sau i se poate aplica o amenda de pina la 30 de ruble).

Art. 309 provides that 'Among motives for recourse/appeal could be ... when there were violations of the regulations as regards the language provisions of the

court hearings' (Temeiurile pentru depunerea recursului Partile pot declara recurs in cazurile cind:

...5) in timpul judecarii pricinii au fost incalcate regulile cu privire la limba in care s-a judecat procesul).

Code of Criminal Procedure in Art 6 –Security and liberty of person provides that 'Every one detained or arrested is to be informed, at most within 3 hours, in a language he/she understands. The motives and reasons for detention as well as juridical calification of the actions the person is being investigated on, subject to be written in the mandate of arrest or detention document' (Libertatea si siguranta persoanei... Oricarei persoane retinute sau arestate trebuie sa i se aduca la cunostinta, in cel mult trei ore, in limba pe care o intelege, motivele retinerii sau arestarii sale si calificarea juridica a infractiunii de savirsirea careia ea este banuita sau invinuita, fapt despre care se face o mentiune in procesul-verbal de retinere sau in mandatul de arestare.)

Art 59 provides that 'The witness can make depositions in mother tongue'. (Martorul are dreptul: sa faca declaratii in limba materna)

Art 43 provides that 'It is obligatory in a criminal procedure the participation of a legal representative if person ...does not know the language of the court hearings, investigation procedure...immediately from the moment of detention or bringing the charges or first interrogation'. (Participarea aparatorului la efectuarea cercetarii penale, la ancheta penala si la dezbaterile judiciare este obligatorie in procesele ... precum si in procesele persoanelor ce nu cunosc limba in care se desfasoara procedura judiciara. In aceste cazuri aparatorul este admis sa participe la proces din momentul indicat in alineatul intii al prezentului articol. Aparatorul ales sau numit de oficiu este admis sa participe la proces din momentul punerii sub invinuire, iar in cazul retinerii sau arestarii banuitului sau invinuitului - din momentul comunicarii lui a procesului-verbal de retinere sau prezentarii mandatului de arest.

### **Gagauz autonomy**

- **Narrative**

In practice all judiciary or other juridical procedures are held exclusively in Russian.

- **Legal**

Local Law on functioning of languages in art. 9 states "Court procedures, civil and administrative cases are trialed on the territory of Gagauzia, in Moldovan or Gagauz or Russian language" (Statia 9. Sudebnaia protedura, grajdanskie i administrativnie dela na teritorii Gagauzii vedutsea na moldavskom ili gagauzkom ili ruskom iazike.)

In art 10 it states “Procedures at public notary as well as in state civil organs, on the territory of gagauzia, is being made in Moldovan or Gagauz or Russian.” (Statia 10 Deloproizvodstvo v notarialinih kontorah a takje v organah ZAGSa, nahodeasiesea na teritorii Gagauzii, osusestvleatsea na moldavskom ili gagauzkom ili ruskom iazike.)

### **Transnistria region**

- **Narrative**

In practice all judiciary or other juridical procedures are held exclusively in Russian.

- **Legal**

Law on functioning of languages in Art. 12 states ‘Language of law enforcement and in administrative aspects. Language of law enforcement in DMR is done in one of the official languages (Moldovan, Russian, Ukrainian) or in a language of majority of the people in the locality. Persons of the process who do not know the language of the process are given the right to get acquainted with all the materials, take part in law enforcement process through the translator and right to plead in his/her mother tongue. All related documents are given, upon the request, in the respective mother tongue or another language they know. The violation of the right is the basis for overturning the decision.’ (Статья 12. Использование языков в судопроизводстве и в производстве по делам об административных правонарушениях. Судопроизводство в судебных органах Приднестровской Молдавской Республики осуществляется на любом официальном языке (молдавском, русском, украинском) или на языке большинства населения данной местности. Участвующим в деле лицам, не владеющим языком, на котором ведется судопроизводство, обеспечивается право полного ознакомления с материалами дела, участие в судебных действиях через переводчика и право выступать в суде на родном языке. Следственные и судебные документы в установленных законодательством случаях выдаются лицам, принимающим участие в деле, по их требованию, в переводе на родной язык либо другой язык, которым они владеют. Нарушение правил о языке судопроизводства является основанием к отмене судебного решения.)

### **Article 11**

**1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**

**2 The Parties undertake to recognise that every person belonging to a**

**national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**

**3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

## **Paragraph 1**

### **• Policy**

There were reported at least several cases of compulsory “romanisation/moldovenisation” of Slavic ethnic background person names while issuing the acts of birth by local civil organs as well refusal by central civil organ of the Ministry of Justice to challenge the situation. The second name after father would be written cutting the Slavic suffix, as for instance “Mihailovich” will be changed into “Mihail”. The civil organs would motivate it by the rules of Romanian/Moldovan language, making reference to the instruction given by their superiors unabling though to demonstrate a written document.

The procedure of issuing of new identity documents since 1996 did not provide that persons with Slavic background be asked of the way their names be written, maintaing the aforementioned suffix. They were motivated that this requires the internal rules of the Romanian/Moldovan official language.

There have been reported several cases of refusal to issue birth certificates in Russian language together with Moldovan/Romanian.

### **• Legal**

Civil Code, law on notarial activity, law on identity documents provide that the name can be changed according to the wish of the person, maintaining the peculiarities of personal national background. The procedure provides that the person files the request with the local civil organs that are to be satisfied within one month period of time against a price of 18 lei.

Art. 3(5,6) of the Law on Passports and identity cards provides that ‘Identity cords are completed in the official language, in Russian and in English. Filling in the identity documents in Russian, upon the request of the person belonging to a national minority, the patronimic is indicated in conformity with rules of mother tongue. If in rendering in mother tongue in script other than Latin, than the name

and patronimic in English and Moldovan orthographically is done according to the rule and grammatical norms of Moldovan language regarding the transliteration of foreign names' ((5) Buletinele de identitate se completeaza in limba de stat, in limbile rusa si engleza. (6) La intocmirea buletinelor de identitate in limba rusa, la cerinta persoanei care apartine unei minoritati nationale se indica patronimicul in conformitate cu normele limbii sale maternе. (7) Daca in limba materna a titularului buletinului de identitate se foloseste un alt caracter decit cel latin,, atunci la redarea numelui si a prenumelui in limba moldoveneasca si engleza ortografierea se face conform normelor gramaticale ale limbii moldovenesti de transliterare a numelor straine.)

### **Gagauz Autonomy**

- **Legal**

Art. 10(2) of the Local Law on functioning of languages states: "Personal names on identity cards or other documents identifying the person of Gagauz nationality are written taking into consideration the orthograpghy of Gagauz language." (Statia 10(2) Pri zapolnenii udostoverenia licinosti, documentov nationalinoi pasportnoi sistemi dlea grajdan gagauzkoi nationalinosti, napisanie ktorih opredeliaetsea orfograficeskimi normami gagauzkogo iazika.)

### **Transnistria region**

- **Narrative**

In Transnistria, there is no passports or identity cards issued by Transnistrian authorities. Here it is used the documents of old soviet model with a special attachment (a sheet of paper in three languages-Russian, Moldovan (cyrilic) Ukranian) confirming DMR citizenship. The attachment is easily detached from the passport, so that the identity cards remain them. Personal manes are filled in according to Russian orthograpfy rules with further's name written in a slavic way with suffix "-ich". All institutions prersume that it is the way it should be done.

- **Legal**

Transnistrian law on function of languages provides:

Art. 42 provides 'Personal names. In DMR personal names and family names are used in accordance with national name-language tradition, rules of the language or the nation and rules of rendering of foreign personal names' (Статья 42. Язык личных имен. В Приднестровской Молдавской Республике личные имена и фамилии употребляются в соответствии с национальной имено-словесной



традицией, законами языка той или иной нации и правилами передачи иноязычных собственных имен.)

Art. 34 states 'Language of official documents, identifying the person or data. Official documents, identifying the person or respective data (passports, labour cards, military cords, birth certificates, certificates of education, death, marriage) are done in Moldovan, Russian and Ukrainian. While writing personal names, family names, anthonyms the orthography of national languages is respected. Their rendering through other languages is done in accordance with literary norms of the respective language. The disputes are subject to judicial decision.' (Статья 34. Язык официальных документов, удостоверяющих личность или сведения о ней. Официальные документы, удостоверяющие личность или сведения о ней (паспорта, трудовые книжки, военные билеты, аттестаты, дипломы об окончании учебных заведений, свидетельства о рождении, браке, смерти), оформляются на молдавском, русском и украинском языках. При написании личных имен, отчеств, фамилий, антонимов соблюдается орфография национальных литературных языков. Их передача посредством других языков осуществляется в соответствии с литературными нормами этих языков. Возникающие при этом споры разрешаются судом в порядке установления фактов, имеющих юридическое значение.)

## ***Paragraph 2***

- **Narrative**

However recently as of beginning of this year there were several initiatives signed by the president of the Union of Journalists of Moldova, vice-director of Department of National Minorities and Functioning of Languages and passed in second reading of the Parliament of a draft law on modification of law on advertisement. Although the initial version was much more restrictive, the draft passed the second reading may affect also minority signs, inscriptions and other information of a private nature visible to the public. The draft law provides that "Advertisements are placed in the official language and upon the request of the person placing ads with a parallel translation in other acceptable languages. Exteriors advertising in other languages than the official are admitted only by duplication in the official language (with the exception of the registered trade mark). The text in the official language is written as primary one. It is not admitted placement of the advertisements in media, dissemination of leaflets, other written carrier only in the language other than the official one" The Moldovan Parliament passed in its second reading an amendment to Art. 8(3) of the Law on advertisements that would pose limits and threats to freedom of commercial expression. The modifications, if adopted and enforced, would eventually lead to the closure of several commercial advertising papers, most of which publish in Russian, a matter dictated by market circumstances. Also, the amendments fail to distinguish ads of private character from others, and impose greater restriction on commercial expression in the language other than the official one.

- **Legal**

Law on functioning of languages in art. 29 provides that 'Adds and other visual information are written in the official language and when necessary, are translated in Russian, and in respective localities-in the official language, as well as in Gagauz or in Russian. ...The character of the information in official language should not be smaller than in Russian. ...In rural localities, where the majority constitute the Ukrainians, Russians or Bulgarians, visual information can be represented in the respective languages.' (Textele afiselor, anunturilor publice, textele de publicitate si alte texte de informare vizuala se scriu in limba de stat si, in caz de necesitate, se traduc in limba rusa, iar in localitatile respective-in limba de stat, precum si in limba gagauza sau in cea rusa. ...Corpul caracterelor din textele scrise in limba de stat nu trebuie sa fie mic decat cel al caracterelor din textele scrise in alte limbi. In localitatile satesti, in care majoritatea o constituie populatia de nationalitate ucraineana, rusa sau bulgara, informatiile vizuale pot fi prezentate si in limbile respective.);

### **Transdnistria region**

- **Narrative**

As according to the law on functioning of languages of DMR the use of Latin script is forbidden in relation with Moldovan language, there were reported many cases when the titles of Moldovan private schools written in Latin were destroyed by private persons in some cases with immediate participation of local heads. In reality no public displays of private nature in any language other than Russian seen.

- **Legal**

Law on functioning of languages in Art. 38 states 'Language of advertisements and communications. Official texts of communications, announcements, posters, advertisements and other visual information are made in Moldovan, Russian, Ukrainian languages.' (Статья 38. Язык объявлений и сообщений. Тексты официальных сообщений, объявлений, плакатов, афиш, рек-ламы и другой визуальной информации выполняются на молдавской, русском и украинском языках.)

Art. 40 states 'Names of state or nongovernmental organizations, entities, organizations are given in Moldovan, Russian languages. Moldovan in on top left, Center bottom in Russian, right top in Ukrainian. Variants of different placement is determined by executives of respective local soviets.'. (Статья 40. Наименования государственных и общественных органов, предприятий,

учреждений и организаций. Официальные наименования государственных и общественных органов, предприятий, учреждений, организаций и других формирований даются на молдавском, русском и украинском языках. Располагаются наименования слева (сверху) - на молдавском языке, в центре (внизу) - на русском и справа (сверху) - на украинском языке. Варианты иного расположения наименований определяются исполкомами соответствующих местных Советов народных депутатов.)

### **Paragraph 3**

- **Policy**

- **Factual**

- **Legal**

Law on functioning of languages in art. 24 provides that 'Localities and geographical places have single official name in its Moldovan form or, respectively, in original Gagauz (without translation or adaptation), taking into account the historical traditions of the respective locality. ...Name of places, streets, locations are formed in the official language without translation (in localities with population of Gagauz nationality in Gagauz), and in localities where the majority of population are Ukrainians, Russians or Bulgarians-in an acceptable language.' (Localitățile și alte obiective geografice de pe teritoriul republicii au o singură denumire oficială sub forma ei moldovenească sau, respectiv, gagauză originară (fără traducere sau adaptare), ținându-se cont de tradițiile istorice din localitatea respectivă. Scrierea corectă a denumirilor de localități și de alte obiective geografice se stabilește în îndrumare specială. Denumirile de piete, străzi, strădele, se formează în limba de stat fără traducere (în localitățile cu populație de naționalitate gagauză-în limba gagauză), iar în localitățile sătești, în care majoritatea populației este de naționalitate ucraineană, rusă sau bulgară-într-o limbă acceptabilă); art.26 provides that 'Orthography of names and family names or representatives of other nationalities, that live in the republic is not regulated by the present law' (...Ortografia prenumelor și numelor de familie ale reprezentanților altor naționalități, care locuiesc în republică, nu se reglementează prin prezenta lege.);

### **Gagauz autonomy**

- **Narrative**

- **Legal**

Local law on functioning of languages in art. 13 provides that ‘Localities or geographical objectives in Gagauzia have only one official name Moldovan or Gagauz or another in accordance with the historical tradition of the place’(Naselenia punkti ili geograficeskie obiekti na teritorii Gagauzii imeiut toliko odno ofitalinoie nazvanie moldavskoie ili gagauzkoie ili inoie v sootvetstvii s istoriceskimi traditieami mestnostis);

And in art.14 provides ‘Names of public authorities, organizations, entities are written in Moldovan, Gagauz and Russian in consequence.’ (Nazvania organov gosudarstvennoi vlasti mestnogo publicinogo upravlenia, predpriatii, ucrejdenii, organizatii i ih podrazdelenii pisutsea na moldovaskom, gagauzkom i ruskom iazikah b posledovatelinosti.);

And in art.15 provides ‘Information on the name of the streets, squares, towns are made in Moldovan, Gagauz and Russian, where Gagauz is on up, Moldovan center-below and Russian below right. Texts of adds or other information are written in Moldovan or Gagauz or Russian. The same rule applies to displays of names of goods, instructions for use of goods and goods handling and management.’ (Ukazateli plosiadei, ilut, pereulkov, gorodov, sel i.t.d bipoleaiutsea na moldavskom, gagauzkom i ruskom iazikah. Teksti raspologaiutsea (sverhu) na gagauzkom, v tentre (snizu), na moldavskom sprava nije na ruskom. Teksti afis, publicnih obievenii, nagleadnoi informatii i t.d. pisutsea na moldovaskom ili gagauzkom ili ruskom iazikah. Takim je obrazom predstavleautsea nazvania (etiketki) tovarov, instructii po trgovle i tovarnomu proizvodstvu.)

### **Transnistria region**

- **Narrative**

- **Legal**

Law on functioning of languages in Art. 41 provides that: “Language of localities and geographical places. In DMR names of geographical places, administrative and territorial entities, squares, streets, rivers, etc are given in Moldovan, Russian and Ukrainian languages. Toponimes can be given also in a national language of the majority living in the place. The expression of national toponimes in a different language is made by transcription. Toponimes from abroad of DMR are given in the official languages of DMR with transcription in the language of the original. Maps editions to used in DMR, are prepared and published in Moldovan, Russian and Ukrainian languages” (Статья 41. Язык топонимов и картографических изданий. В Приднестровской Молдавской Республике топонимы (наименования населенных пунктов, административно-территориальных единиц, лиц, площадей, рек и т.д.) даются на молдавском, русском и украинском языках. Топонимы могут передаваться также на

национальном языке ольшинства жителей той или иной местности. Воспроизводство национальных топонимов на ином языке осу- ществляется в транскрипции. Топонимы из-за пределов Приднестровской Молдавской Республики даются на официальных языках республики в транскрипции с языком оригинала. Картографические издания, предназначенные для использования в Приднестровской Молдавской Республике, готовятся и публикуются на молдавском, русском и украинском языках.)

## **Article 12**

**1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

**2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**

**3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

## **Paragraph 1-3**

art. 12 provides that 'In gagauzia there are created conditions, necessary for scientific and cultural activities in Gagauz, and in another languages, functioning in Gagaizia' (V Gagauzii sozdoiutsea uslovia, neobhodimie dlea naucinoi I kolturnoi deiatelinosti na gagauzkom, a takje na drugih iazikah, funtioniruiusih na teritorii Gagauzii);

## **Article 13**

**1 Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**

**2 The exercise of this right shall not entail any financial obligation for the Parties.**

## **Transnistria region**

- **Narrative**

1. The Tiraspol regime deprives the Moldovan population of the right of their children to be educated in their native language. On the left bank of Dniester there are three “state languages” – Russian, Ukrainian, Moldovan (in the Russian alphabet). At the same time, in 1994 the educational process in the Latin alphabet has been forbidden. This means that pupils of Moldovan schools are obliged, respectively, to study in the Russian alphabet, using materials published during the Soviet Union’s times. According to the data of the cultural society “Trans-Dniestria” (public organisation dealing with the protection of rights of the Republic of Moldova’s citizens on the left bank of Dniester). In localities on the left bank of the Dniester and Bender town there are 94 Moldovan schools (14 of them are mixed – Moldovan-Russian) with some 55 thousand children. In six villages under the Republic of Moldova’s jurisdiction schools are working in a normal way, facing, however, financial difficulties. As for the rest, only 7 schools (4,755 pupils) teach on the basis of the Latin alphabet and in compliance with the educational curricula of the Republic of Moldova. This right was obtained by teachers and pupils’ parents as a result of protracted negotiations asided by the OSCE Mission. The banning of the Latin alphabet and books published in the Republic of Moldova generated a sudden degradation of the level of knowledge among graduates of the Moldovan schools. Being aware of this fact, teachers and parents started to fight for the right of their children to study on the basis of the Latin alphabet and in compliance with the educational curricula of the Republic of Moldova. The activity of all educational establishments using the Latin alphabet was developing in absolutely abnormal conditions. The unconstitutional separatist regime constantly threatens these educational establishments. Parents, pupils, pedagogical staff are compelled to continue their activity in an atmosphere of real psychological terror. Representatives of the pro-separatist political organisations organised pickets. Cossacks occupied some buildings and teachers were arrested with the aim to be intimidated, etc. Especially grave confrontations took place in the district centre of Grigoriopol. The local administration used militia authorities and Cossacks to stop the normal activity of the Moldovan school no. 1. On 28 September 1996, militia and Cossacks occupied the school building and on 2 October teachers of this school Mr. Mihai Hircaiala, Mrs. Eleonora Jmacov and Mrs. Nelea Bistrova were arrested and transported to Tiraspol. After being detained for several hours at the “ministry of interior”, they were transferred to the “ministry of security”. Only on the evening of 7 October they were released as a result of the intervention of the President of the Republic of Moldova, Mr. Mircea Snegur and the OSCE Mission in Moldova. Finally, the only compromise reached with the administration of Tiraspol was that these schools have a status of “alternative schools” (private). At the request of parents, the Ministry of Education of the Republic of Moldova had issued the order no. 309 of 6 September 1996 “On financing the Moldovan schools of Grigoriopol no. 1, Butor, Malaesti, Delacau, Crasnogorca of the Grigoriopol district, Slobozia no. 1 and Dubasari no. 3”. This meant that the Republic of Moldova committed itself to finance these educational establishments. Nevertheless, in reality, the above-mentioned schools continue

to work in extreme conditions. The practice of intimidating teachers persists. Schools are working in inappropriate buildings. In the school no. 20 of Tiraspol 889 pupils are studying in 9 classrooms in 3 shifts (while 33 more classrooms are necessary). In the secondary Moldovan school no. 19 of Bender there are studying 2,004 pupils in 3 buildings. 27 grades comprising 752 pupils go to their class hours in the building of the forestry management, which is far from complying with the elementary sanitary-hygienic norms. At present around 250 children from Bender are compelled to go to study in Hagimus village.

2.The administration of Tiraspol persecutes any attempts to teach in the Latin alphabet in educational establishments under its subordination. Recently, a special case took place in Bender town, where on the basis of the instruction issued by the "ministry of education" of Tiraspol on 17 March 1999, Mrs. L. P., teacher of the Moldovan language, was dismissed from her position at the Pedagogical College "for the grave violation of the linguistic legislation of the DMSSR" (the United Nations High Commissioner for Refugees in Chisinau has referred this case to the OSCE). Her dismissal had been preceded by many threats on the phone; moreover, on November 1998 Mrs. L. P. was aggressively attacked at the entrance of her dwelling, she was robbed and beaten. It is obvious that one entry in her Labour Card severely limits her chances to be employed in the areas controlled by the unconstitutional separatist regime.

3.On 5 April 1999, Igor Smirnov, leader of the Tiraspol regime, signed the "presidential decree" no. 145 "On the re-registration of educational establishments on the territory of the Moldovan Trans-Dniestrian Republic". This "decree" is interpreted as a new attack against schools that teach in the Latin alphabet.

4.Simultaneously, there are many cases when citizens whose children are studying in the Romanian language became targets of attacks. At present (since April 1999) at the Mayoralty of Chisinau is examining a request of Mrs. T. N., inhabitant of Bender town. Given the fact that her elder daughter is studying in Romania and the other child is attending the Moldovan school of the town, Mrs. T. N. has been dismissed from her position and her family became the target of permanent pressures. Now Mrs. N. is seeking protection in order to move from Bender town.

5.Currently, there clandestinely five more Moldovan schools where pupils are studying on the basis of the Latin alphabet are working. These schools are officially working according to the DMR "legislation" (in the Russian alphabet and on the basis of textbooks published in the USSR). In reality, pupils are studying on the basis of the Latin alphabet using textbooks published in the Republic of Moldova. Children have to carry with them two sets of textbooks. If any control occurs, only textbooks in the Russian alphabet are in the desks. Without any chance to resist to pressures of the unconstitutional separatist regime, parents and teachers have resorted to use this way of fighting for the right of their children to study in their mother tongue. The children are thus forced to develop a schizophrenic behaviour, which eventually creates resentment to Russian

speakers.

6. In the other Moldovan schools of the area controlled by the Tiraspol regime, around 48 thousand pupils are forced to study on the basis of textbooks in the Russian alphabet and according to curricula of a state that already disappeared (USSR). These children are deprived in practice of any real perspectives to continue their studies in a higher educational establishment.

- **Legal**

Law on education provides:

Art. 26 states 'Language of education. Free choice of language of education is inalienable right of citizens, guaranteed by the state. DMR guarantees, taking into consideration the interests of nationalities compactly living in certain localities, creation of preschool and medium general education schools in Moldovan, Russian and Ukrainian languages. In different preschool educational entities, there are organized groups, classes and other forms of education of children, students in their mother tongue. Parents or other invested with this right persons, have the right to choose for children preschool and medium general education entity with the respective language of education'. (Статья 26. Язык воспитания и обучения. Свободный выбор языка воспитания и обучения детей является неотъемлемым правом граждан, гарантируемым государством. Приднестровская Молдавская Республика обеспечивает с учетом интересов национальностей, компактно проживающих в определенной местности, создание дошкольных и средних общеобразовательных учреждений с воспитанием и обучением на молдавском, русском и украинском языках. В различного типа дошкольных учреждениях и учебных заведениях организуются группы, классы, потоки и другие формы воспитания и обучения детей, учащихся и студентов на их родном языке. Родители или лица их заменяющие, имеют право выбрать для детей дошкольное учреждение и среднее общеобразовательное учреждение с соответствующим языком воспитания и обучения.)

Art. 11 provides that 'Education in preschool entities, medium schools are in Moldovan or Gagauz or Russian languages. Citizens of other nationalities, living in Gagauzia have the right to education in their mother tongue' (Обучение и воспитание в дошкольных, в средних учебных заведениях Гагаузии, осуществляется на молдавском или гагаузском или русском языке. Граждане других национальностей, проживающих на территории гагаузии, имеют право на обучение и воспитание на родном языке.);

Art. 18 provides that 'It is guaranteed the right of preschool education, high school, specialized school and high University education in the official and Russian languages and creates the necessary conditions for the realization of the right of citizens of different nationality, that live in the republic, to education in their mother tongue (Gagauz, Ukrainian, Bulgarian, Ivrit, Idis, etc)' (Se garanteaza



dreptul la educatie prerscolara la studii medii de cultura generala, medii de specialitate, tehnico-profesionale si superioare in limbele moldoveneasca si rusa si creaza conditiile necesare pentru realizarea dreptului cetatenilor de alte nationalitati, care locuiesc in republica, la educatie si instruire in limba materna (gagauza, ucraineana, bulgara, ivrit, idis, s.a.); art.20 provides that ‘...for the satisfaction of necessities of economic and cultural nature, there are created groups in another languages that function in the republic (Gagauz, Ukranian, Bulgarian, Idis, etc). In national groups with special destination teaching of the subjects is effectuated in the respective mother tongue of the students’ (...Pentru satisfacerea necesitatilor de ordin economic si cultural ale republicii se creaza grupe si serrii cu instruirea in limbele ce functioneaza pe teritoriul republicii (gagauza, ucraineana, bulgara, idis s.a.). In grupele nationale cu destinatie speciala predarea disciplinelor de specialitate se efectuiaza in limba materna a elevilor si studentilor.);

#### **Article 14**

**1 The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**

**2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**

**3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

#### **Paragraph 2**

- **Narrative**
  
- **Legal**

Law on Education in art 8 provides that ‘State assures, according to Constitution and articles 18, 19 and 20 of Law on functioning languages in Moldova, right to select the language of education and teaching at all levels of education. 2. The right of citizens to education and teaching in mother tongue is aguaranteed by creating the necessary number of educational institutions, classes, groups as well as the conditions for their functioning’ (1. Statutul asigura, conform Constitutiei si articolelor 18, 19 si 20 din Legea cu privire la functionarea limbilor

pe teritoriul Republicii Moldova, dreptul de a alege limba de educare si instruire la toate nivelurile si treptele de invatamant. 2. Dreptul cetatenilor la educatie si instruire in limba materna se asigura prin crearea numarului necesar de institutii de invatamant, clase, grupe, precum si a conditiilor de functionare a acestora.)

### **Transnistria region**

- **Narrative**

There are 110,000 pupils at public schools, which makes an average of 150 pupils per one thousand people. In the countryside there are still many incomplete secondary education schools and 9 primary schools. New private schools are emerging. About 80 % of the pupils receive their education in Russian as their language of teaching, while the rest receive education in Moldovan. In several schools of Ribnitsa and Kamenka districts secondary education is conducted in the Ukrainian language.

DMR preomotes institutionally and legislatively extremely suppressive and discriminatory practice towards Moldovans/Romanians. Moldovans constitute here 41% of population of region with 28% of Ukrainians and 23% Russians. According to the local legal provisions on functioning of languages and education in Transdnistria region, "Romanian/Moldovan language in Latin script is forbidden in public schools". Therefore since 1992 no public schools left in Moldovan/Romanian in Latin script, they were all ordered to teach in Cyrillic. For private schools in Romanian/Moldovan language, there were created discriminatory economic conditions, authorities withdrew licenses. As a result all schools that still used Latin script (Tiraspol 20 school, Grigoriopol 1 school, Bender 12 school, Dubasari 3 school, Lunca school, Rochi school, Rabnita 19 school) excessively pressured by authorities, some parents were to take children out of the schools. Three teachers from private school from Dubasari 3 school were arrested and detained for more than one month.

On the left bank of the river Nistru there are declared 3 "state languages" – Russian, Ukrainian and Moldovan with Cyrillic alphabet. At the same time there has been prohibited the education process with Latin alphabet. This means that the students from Moldovan schools are obliged to study using Cyrillic alphabet and handbooks published during the Soviet period. Influenced by public opinion and international organisms, the Tiraspol administration, according to the decision of protocol from February 15, 1995, has admitted the necessity to introduce in schools the study with Latin alphabet, but on September 15 1995 the Government of "m.n.r." adopted the Decision nr. 332 under which the schools that teach in Romanian with Latin alphabet are prohibited on the territory of Transnistria.

Out of 94 Moldovan schools from Transnistria, where about 55 000 students are studying, only in 7 schools the studies are with Latin alphabet and according the

study program of the Republic of Moldova. (They are situated in Ribnita city, Roghi village, the school from Dubasari city has been evacuated and is presently situated in Cocieri village; Corjova village, alternative school from Grigoriopol, school nr. 20 from Tiraspol, school nr. 19 from Tighina. On June 30, 1998 the Tiraspol city soviet adopted the decision on suspension of the staff of school nr. 20 starting with July 10, 1998).

From the very beginning the activity of the study institutions working on the basis of Latin alphabet was unfolding in regular conditions. As the secessionist regime was strengthening parents, children and staff were forced to face a psychological tension. The representatives of pro-secessionist political organizations were staking the headquarters, the Cossacks have conquered them, the staff was apprehended in order to browbeat them, etc. In the district center Grigoriopol there have taken place a lot of confrontations. The local administration has used the militia and the Cossacks to stop the regular activity of the Moldovan school nr. 1. On September 28, 1996 militia and Cossacks have conquered the headquarters and on October 2, 1996 and professors Mihai Hircaioala, Eleonora Jmacov and Nelea Bistrova have been arrested and transported to Tiraspol. After being held for a few hours at the "ministry of interior", they have been transferred to the "ministry of security". Only on October 7, 1996 in the evening as a result of the interventions of the President of the Republic of Moldova and the OSCE Mission the professors have been released.

The staffs of the Transnistria schools are the targets of a permanent intimidation. There are over 850 students studying in three shifts in school NR. 20 from Tiraspol where there are only 9 lecture rooms (there are suppose to be 33 rooms).

The Decision of Tiraspol "City Soviet" from 25. 09. 97 has refused the Moldovan school NR. 20 to grant additional rooms. There are 2004 students studying in Moldovan school NR. 19 from Bender. 752 students are holding their classes in the building of the household which don't even correspond to elementary sanitary rules. At present about 250 children from Bender are forced to study in Hagimus village.

Tiraspol administration persecutes any attempt to teach in Romanian using the Latin alphabet in the institutions subordinated. According to "a n order of the ministry of study" on March 17 1999 a professor of Moldovan language, Lidia Pocitarencu, Bender Pedagogical College, has been dismissed for "serious violation of the legislation on linguistics in m.n.r." for promoting the Latin alphabet in the study institutions. The dismissal has been preceded by numerous threats on the phone and on November 1998 Mrs. Pocitarencu has been aggressed in the building where she lived, robbed and beaten. Obviously the dismissal reason stated in the labour book doesn't leave her any chance to be employed by any institution within the territory controlled by the secessionist regime.

- **Facts**

V. O. a director of the only Moldovan school in the town of Slobozia (about 25 000 inhabitants) supported the wish of parents to teach Moldovan/Romanian in latin script as well as was organizing evening school for adults who wanted to learn latin script. In early autumn (september 1996) he was fired and forced to leave (as were forced many others public servants through harassment, physical threats etc) the region as he could not find a job there to Chisinau. The school was closed on the grounds that the heating system was not in order, all books were arrested over the night and deposited elsewhere. Children were spread for three weeks in two other non Moldovan schools to study in the evening hours. Parents were on strike for these period of time. Local authorities appointed a new director - a strong supporter of separatists and "inadmissal of latin script".

### • Legal

Decision of the Supreme Soviet of DMR states: 'Having examined and discussed the motion of V.N. Iakovlev, in respect of the fact that in some Moldovan schools the education is conducted in Romanian (using Latin graphic) on the basis of educational programs of the Republic of Moldova and Romania, it is decided:

1. Oblige the Government, law enforcement authorities and controlling organs take measures to prosecute the violations of the laws of DMR 'On Education' and 'On functioning of official languages in DMR' and hold the guilty accountable.
2. Oblige the deputies of the Supreme Soviet of DMR and deputies of local soviets to strengthen the propoganda on enforcing the laws of DMR 'On Education, 'On functioning of languages in DMR'.' (Рассмотрев и обсудив депутатский запрос Яковлева В.Н. о том, что в части молдавских школ обучение ведется на румынском языке (с применением латинской графики) по программам Молдовы и Румынии, Верховный Совет Приднестровской Молдавской Республики

#### ПОСТАНОВЛЯЕТ :

1. Поручить Правительству, правоохранительным и контрольным органам принять меры по пресечению нарушения Законов Приднестровской Молдавской Республики "Об образовании" и "О языках в Приднестровской Молдавской Республике" и привлечению виновных в их нарушении к ответственности.
2. Обязать депутатов Верховного Совета Приднестровской Молдавской Республики и местных Советов усилить пропагандистскую работу по соблюдению Законов Приднестровской Молдавской Республики "Об образовании" и "О языках в Приднестровской Молдавской Республике".)

### • Facts

On April 5, 1999, Igor Smirnov, the leader of the unconstititutional regime from

Tiraspol has signed the “presidential decree” NR. 145 “on the registration of study institutions on the territory of DMR.”. Educational institutions on the territory of DMR it is obviously that the emitted decree has only one purpose – to start a new attack against the schools with the Latin grafie teaching. At the same time there are many cases when the citizens, whose children are studying in Romanian language, become the aim of the local administration attacks. In April 1999 the inhabitant of municipal Bender drew up a petition to the mayoralty of municipal Chisinau claiming to establish in Chisinau on the reason, that because her daughter is studying in Romania and her second child is going to a Moldavian school, she was dismissed and her family is the aim of the permanent pressures.

The actions of intimidation and oppression of the students and teachers from the national school from the self-proclaimed still continues. With the occasion of the winter holidays, the folkloric group of the school nb.1 from Grigoriopol, invited by SOROS Foundation came to Chisinau with a musical program. As soon as the children returned to their home, the actions of intimidation began KGB had taken measures in order to trace out which of the children enabled to do such an enemy action and who are their parents. The chief of the district department of education Tamara Halina warned their music teacher Svetlana Jitarinc, who accompanied the children to Chisinau, imposing her to draw up a petition of dismissal. An order was emitted which forbids in the future to take out in an organized way the students away from the m.n.r. borders without the permission of the district department of education. Halina have also appointed two persons to trace out whether the children and teachers use the manuals in Latin.

In Tighina there is the same manner to action: the administration invented a reason to forbid the exploitation of the bus given by the mayor of Cisinau to school nb. 19 and refuses the matriculation of the bus on the reason that the school didn't pay the custom tax when brought the car in zone.

## Article 15

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular.**

- **Narrative**

As was described before Moldovan law on political parties requires at least half of counties representation for registration. This requirement precluded political association on solely ethnic minority grounds. At the moment, when political movements matured it seems that this requirement disadvantage some of minorities, as Gagauz or Bulgarians. However, political parties

have on their list representatives of these ethnic minorities it appears to be that the representation of interests of these minorities is not adequate. There are no provisions in Moldovan law that would require a certain number of minorities in the supreme legislative body or cabinet positions or supreme judicial authority or constitutional court. In some cases (supreme legislative body-parliament) the informal understandings for allocating seats for national minorities considered more or less adequate. It is difficult to judge with respect to others.

The decision of the Government imposing the obligation to public officials of different rank the knowledge of official language at different levels provoked hot discussions in the Moldovan society. There are no restrictions to elected positions. The obligation to possess official language in the extent of function to perform appears to be justifiable with regard to public officials. With regard to private organizations (see chiefs of NGOs, other organizations) the law seems to be unreasonable.

- **Legal**

The decision of the Government on the application of the Law on functioning of languages that prescribes public officials susceptible to art.7 of the law, i.e. obligatory to know the official language: 'I. Chiefs and members of the legislative, executive bodies and public administration; chiefs of departments of the same bodies at all levels. II. Chiefs of public economic agencies and chiefs of their respective departments at all levels. III. Public servants that have direct contact with citizens according to their obligations. IV. Chiefs and servants of non-governmental organisations (trade-unions, political parties, NGOs, etc). V. Arm forces, Ministry of Interior, Security forces personnel.' (I. Conducatorii si membrii ai organelor legislative, executive si ai administratiei publice, sefi de compartimente din cadrul organelor legislative, executive si din administratia publica. II. Conducatorii de unitati ale economiei nationale: sefi unitatilor economice, comerciale, culturale, de invatamant, de ocrotire a sanatatii, stiintifice, mass-media, justitiei si de ordine publice, de prestari servicii, transport, comunicatii; sefi de compartimente la nivel republican, municipal, raional etc. III. Functionarii din toate ramurile economiei nationale care, in virtutea obligatiilor lor de serviciu, vin in contact cu cetateni. IV. Conducatori si functionari ai organizatiilor obtesti (sindicate, partide, uniuni de creatie, asociatii, etc). V. Personalul scriptic de conducere din fortele armate, organele de interne si ale securitatii nationale)

Also, the decision provides the evaluation for knowing the official language in three categories; 'Category I: chiefs of the executives, chiefs of public big economic agencies, Army forces, Ministry of Interior personnel chiefs, general directors, presidents and other superior servants of trade unions and political and NGO organizations should know and use the literary language as a tool in their domain of activity; Category II: Chiefs of departments, labs, directions, specialists from public administration, financial and bank system, lawyers, doctors, public relation servants, receptionists, commercial inspectors, service

oriented personnel, security and public order personnel, arm forces and security forces personnel should know the professional terminology lexics, can correspond and prepare reports, communicate with inferiors and clients at functional level; Category III. Intellectuals, scholars, engineers, teachers of all grades and levels, archives, librarians should know the language within their professional occupation' (Categoria I: membri ai organelor executive, conducatori de unitati economice mari, personalul de conducere din fortele armate, organele de interne si ale securitatii nationale, directori generali, presedinti si alti functionari superiori din sindicate, organizatiile politice si obstești trebuie sa cunoasca si sa foloseasca limba literara ca instrument de lucru in domeniul in care activeaza. Categoria II: conducatori de compartimente, specialisti in administratia publica, sistemul financiar-bancar, juristi, medici, functionari in serviciu cu publicul, functionari la receptie si informare a clientelei, administratori, lucratori in restaurante, cantine, pensiuni, inspectori si agenti comerciale, prestatori de servicii pentru populatie, personalul de paza si de mentinere a ordinii publice, personalul din fortele armate si organele securitatii nationale trebuie sa cunoasca lexiconul terminologic profesional, sa poata intocmi corespondenta, rapoartele si darile de seama in limba literara, sa perfecteze formularistica, sa comunice cu subalternii, beneficiarii si cu clientela la nivelul obligatiunilor lor functionale; Categoria III: specialisti cu ocupatii intelectuale si stiintifice, cercetatori stiintifice, ingineri, tehnicieni, invatatori si profesori de toate gradele, arhivisti, bibliotecari trebuie sa cunoasca terminologia de specialitate la nivelul obligatiunilor profesionale.)

## Article 16

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

## Article 17

**1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**

**2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.**

- **Narrative**

### **Transnitria Region**

The Moldovan language related contacts, either of educational or social or economical aspects are strictly controlled and monitored by the authorities. There are many examples when books in Moldovan in Latin script are confiscated or locked out in sigled schoolrooms untill one day dissapear. In this regard, the example of the only Moldovan school nr.1 in Slobozia is characteristic, when back in 1994 Moldovan Government provided the school with manuals in Latin script, the local authorities came over and with support of local security persons and para-military forces locked them all out in a sigled room. At the same time children lacked any manuals even those in Cyrillic. One night they were loaded in a track and no one knows what was their fate.

### **Article 18**

**1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**

**2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.**

### **Transnistrian region**

- **Narrative**

DMR authirities create in an intentioned way the impediments for the inhabitants of the villages of the left side of the river, that in the armed conflict from 1992 have resisted and remained under the jurisdiction of the Republic of Moldova. Although, the administration of Tiraspol signed the "protocols decision regarding the solving of the problems appeared in the field of custom services of the Republic of Moldova and Transnistria. " of January 7, 1996 it engaged itself to liquidate the custom posts along the Nistru, these custom posts at this mment are used like pressure instruments. At this customs are colected custom duties sometimes unbearbale. For instance, in Molovata Noua village in winter of 1998-1999 could not be transported 150 tones of coal, received as a humanitarian help, because at the custos is requested a payment in USA dollars. The "frontier guard" accompanies these posts. The customs challenge consciently time loss and economic damages to economi agents who have relations with the right bank of Nistru.

Persons who are moving from one side of the river to an other (all citizens of the Republic of Moldova) are imposed to fill in the custom declarations and subjected



to a humiliating search.

In contrast to International Acts to which Moldova is a party to, in Transnistria was introduced a personal standard of the matriculation numbers of the vehicles.

Because these numbers do not comply with international standards, the owners of these vehicles are in need to registered their cars in Transnistria as well as in the Republic of Moldova in order to move outside the republic. Militia from Transnistria promotes a policy of illegal defalcation of the number of matriculation of the cars. In bender City since 1994 were illegally defalcated about 4100 numbers of matriculation, 4600 technical passports, 6600 car licenses. So for example on June 29, 1998 the inhabitant from Ribnita, S. Feofanov started from Ribnita City to Chisinau City, at the customs from the bridge across the Nistru the police officer of the DMR stopped him and took his drive license just because it was issued by the competent bodies from the Republic of Moldova. He didn't traffic rules. Transnistrian militia forbids the passing of the vehicles with numbers matriculated in Romania. The leaders of the industrial units who possess the vehicles are threatened with the dismissal in case when these vehicles were registered on the right bank of Nistru.

The frequent violation of human rights mentioned above, that lasts more than for 7 years, is in contradiction with the art. 51 of the Agreement on the principles of peaceful adjustment of the armed conflict in the transnistrian region of the Republic of Moldova of July 21, 1992, that provides that: "will be immediately removed any obstacles of the way of people, goods, services circulation..."

## Article 19

**The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.**

### • Legal

Art. 54 of the Constitution provides 'Restrictions in exercising of some rights or liberties. 1). Exercising of some rights or liberties can be restricted only by law and only if imposed, depending on case, for protection of national security, public order, health, public morals, rights and liberties of citizens, law enforcement, preventing the consequences of natural disasters. 2) Restrictions have to be proportional to the situations that determined it and cannot touch the existence of the right or liberty.' (Restrangeri exercitiului unor drepturi sau al unor libertati. 1).

Exercitiul unor drepturi sau al unor libertati poate fi restrans numai prin lege si numai daca se impune, dupa caz, pentru: apararea sigurantei nationale, a prdinii, sănătății ori moralei publice, a drepturilor si alibertatilor cetatenilor; desfasurarea anchetei penale; prevenirea consecintelor unei calamitati naturale ori avarii. 2). Restrangerea trebuie sa fie proportionala cu situatia care a determinat-o si nu poate atinge existenta dreptului sau a libertatii.)

Art. 55 of the Constitution states 'Exercising in system of rights and obligations. 1). Every cotizen has obligation before the state and the society, these deriving directly from rights and liberties guaranteed. 2). Respect before the legitime rights and interests, before dignity of other citizens is obligatory.' (Exercitarea in sistem a drepturilor si a obligatiilor. 1). Fiecare cetatean are obligatii fata de stat si fata de societate acestea derivand nemijlocit din drepturile si libertatile garantate. 2). Respectul fata de drepturile si interesele legitime, fata de demnitatea altor cetateni este obligatorie.)

### **Transdnistria region**

- **Legal**

Art. 18 of the DMR Constitution states 'Limitations of liberties and rights of person and citizen admitted only in the cases of provided by law, in the interests of state security, public order, protection of morals, health, rights and liberties of others. No one can use the privileges, against the law ' (Статья 18.Ограничение прав и свобод человека и гражданина допускается только в случаях, предусмотренных законом, в интересах государственной безопасности, общественного порядка, защиты нравственности, здоровья населения, прав и свобод других лиц. Никто не может пользоваться преимуществами и привилегиями, противоречащими закону.)

### **Article 20**

**In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.**

### **Article 21**

**Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary**

to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

#### **Article 22**

Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.

#### **Article 23**

The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.

#### **Article 30**

1 Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.

2 Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.