

Report on the Implementation of the Minorities Rights in Moldova

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- Analysis of current policies,
- Analysis of public policy processes,
- Budgetary analysis,
- Institutional Analysis,
- Legislative analysis, regulatory impact analysis,
- Functional Analysis.

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Recommendations

With regard to the rights of the national minorities in Moldova:

Reinforcement of minority rights practical implementation with respect particularly disadvantaged and in past unjustly discriminated Roma, Gagauz, Bulgarians, Ukrainians:

With regard to the minority language rights:

- take positive measures in protecting **Gagauz, Bulgarian, Ukrainian** minorities from language assimilation in order to repair the injustices of the past of the policies of Russification;
- Change of the name of the villages and localities of ethnic Bulgarians and Ukrainians to reflect national minority origins;
- Encourage and improve proficient staff of Ukrainian language to communicate in Ukrainian, Bulgarian and Gagauz;
- Adopt a policy for the use of the Ukrainian, Gagauz and Bulgarian in public sphere, based on the flexibly criteria:
 - o communication verbally (not in written form) in Ukrainian with two options- respondent to the local authority and in both ways (requiring from a public servant to know passively the Ukrainian or actively), this could be at individual or public manner;
 - o use of the Ukrainian names and titles for the public offices along the official language names;
 - o active written information coming from the local authorities for the population (information posted out, decisions announced, etc);
 - o receiving an replying in written form on the requests, complaints in the Ukrainian language;
 - o providing the parallel functioning of two or several language where the information is provided in the Ukrainian only when requested in Ukrainian, otherwise the information is kept or delivered in the original language;
 - o obligation to provide all the information in the Ukrainian language as well;

With regard to minority education rights:

- Implementation of the minority rights obligations in respect to Bulgarians, Ukrainians, Gagauz minorities on educational rights through the effective establishment and support for the development of mother tongue education should constitute the another priority for the Moldovan government;
- Provide education at all levels, particularly pre-school, primary school, middle and high school in mother tongue as along with state language and other languages;
- Decentralize the regulation of education processes to local and regional authorities;

With regard to minority use of media rights:

- State radio and TV programs in Ukrainian, Bulgarian and Gagauz languages, specifically in the regions where they constitute compact population should be encouraged and provided public support;
- Private outlets in Ukrainian, Bulgarian and Gagauz languages should be encouraged by temporary affirmative actions of support.

With regard to establishing minority organizations and political association:

- Law on political parties and social movement should be modified so that to remove the restrictions for political association based on ethnic principles that preclude effective representation the interests of minorities through political process;
- The National Council of Minority organizations with consultative status to the Department of National Minorities should take into consideration and be proportionally composed of the community interest based minority organizations.

With regard to participation in the decision-making process:

- Greater emphasis should be placed on the representation and consultation of community based national minority organizations in the elaboration and implementation of policies relevant to the respective minorities, especially with regard to the Bulgarian, Ukrainian and Gagauz national minorities;
- Decision-making processes on education, culture, other issues should be devolved to the regional and local authorities with the compact population of the national minorities;

With regard to enforcement of provisions of the agreements:

- Implementing and enforcement of minority rights provisions should be undertaken under the initiative of the Department of the National Minorities that needs further capacity building and raising of professionalism;

The Department of National Minorities and other public authorities (Ministry of Education, etc) should closely co-ordinate their efforts in advancement minority rights obligations;

With regard to Roma rural communities in Moldova:

It is considered extremely important that local and central authorities through positive measures include the following measures that will improve the situation of the people living in rural communities of Roma:

- Take measures that will provide Roma representative counselor in local administration and political bodies and local decision-making bodies;
- Eliminate discriminatory practices with regard to allocation of public finances on education and culture for rural communities of Roma;
- Assure minimal human conditions of existence including but certainly not limiting to, running and drinking water, electricity, telephone communication, access means to the community, medical care;
- Assure access to schooling system and create minimal conditions;
- Undertake measures for compensation of past injustices regarding the privation of majority of rural Roma communities of access to asset generation (access to land privatization);
- Guarantee access to education in Romani language in those communities where the need exists;

With regard to the forcible assimilation and ethnic cleansing of more than 100 000 Moldovan children and about 300 000 Moldovans in the region taking place in Transnistria region of Moldova:

- oblige the de facto Transnistrian leadership to refrain from forbidding and punishing by law the use in private and public schools the use of Moldovan language in Latin script;
- oblige the de facto Transnistrian leadership to refrain from prosecution of children parents supporting the establishment of private and public education in Moldovan language in Latin script;
- oblige the de facto Transnistrian authorities to refrain from direct public support for aggressive anti-Moldovan propaganda, chauvinism in public media;

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1. Summary

The report represents the overview of the developments relevant to the implementation of the minority rights implementation in Moldova.

As regards the content the report concludes the failure of the Moldovan authorities to take lessons from the CoE recommendations and opinions on Moldova in almost all respects. This is regrettably since the evident misunderstanding of the national authorities of the essential observations of the Opinion have not been therefore addressed by the Moldovan authorities since. Apart from that, Moldovan policy remains substantially unchanged in a long run with regard to the most fundamental aspects of the minority rights protection in Moldova. This policy is in fact is the manifestation lack of the critical awareness of the up-to-date European concept of the minority protection.

This being said, Moldovan authorities prove also inability to take measure in practice to address the most evident and straightforward concerns to tackle in the knowledgeable and comprehensive way. This means the substantial lack of the institutional capacity to carry out and implement minority rights sensitive policies.

The major failures outlined in the report are:

- continuation of the soviet time inherited policy of the forcible assimilation (russification) of the “disadvantaged” (Ukrainians, Bulgarians, Gagauz) and “small” national minorities;
- reinforcement of the excessive centralization policies regarding education, cultural development, use of minority language in public sphere;
- brutal disregard to the plight of the institutionally discriminated Roma minority particularly in rural areas;
- institutionalization of intolerance and abusive prosecution of the new minorities as are Muslims and other unorthodox religious.

Unfortunately, the report hardly observed any measures taken in practice having the impact and effect of the improvement, apart from the show off events, declarations and political talks of the improvement.

Hopefully, the report can provide a meaningful alternative to the state submitted information and will balance the understanding by the international community of the existing realities in Moldova.

2. Issues discussion

2.1 Introduction

The Republic of Moldova is a state with population in 1989 composed of 4 500 000 people¹ of with ethnic composition is: Moldovans/Romanians (64, 5%), Ukrainians (13, 8%), Russians (13%), Gagauz (3, 5%), Bulgarians (2%), Roma (0, 3%), Jews (1, 5%), and other minorities. A similar breakdown for left bank where the population is about 700 000 is: Moldovans/Romanians (41%), Ukrainians (28%), Russians (23%) and others (10%)².

The last reference data is that of the [2004 Moldovan Census](#) and the [2004 Census in Transnistria](#):

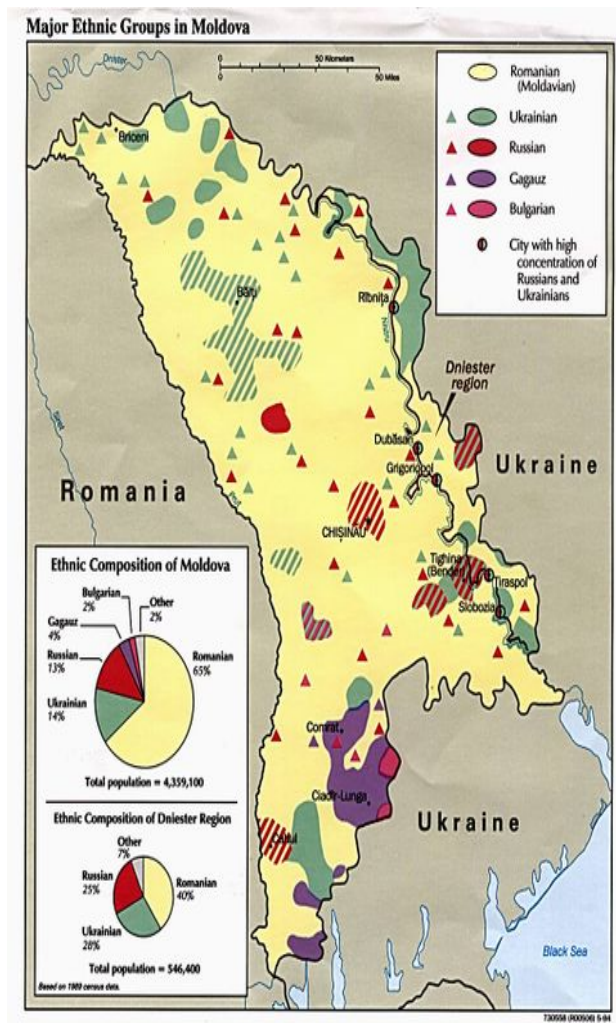
#	Ethnicity	Mold. censu s	% Mo ld	Transnis trian census	% Tra n	Total	%
1	Moldovans*	2,564,849	75.8%	177,156	31.9%	2,742,005	69.6%
2	Ukrainians	282,406	8.3%	159,940	28.8%	442,346	11.2%
3	Russians	201,218	5.9%	168,270	30.3%	369,488	9.4%

¹ Current assessment give the figures that in reality around 1 000 000 people left Moldova (including Transnistrian region and other regions proportionally) seeking better life elsewhere, including, Romanian, Ukraine, Russia, Turkey but also Western countries.

² Transnistrian region is divided into 5 small districts: **North:** Ribnita (30%-Moldovans, 47%-Ukrainians, 13%-Russians), Camenca (40%-Moldovans, 32%-Ukrainians, 28%-Russians), **Center:** Dubasari (86%-Moldovans, 12%-Ukrainians), Grigoriopol (66%-Moldovans, 10%-Germans, 14%-Ukrainians), **South:** Slobozia (47%-Moldovans), data available from the Department of Statistics of the Republic of Moldova based on census 1989.

4	Gagauzians	147,500	4.4%	11,107	2.0%	158,607	4.0%
5	Romanians*	73,276	2.2%	NA	NA	73,276	1.9%
6	Bulgarians	65,662	1.9%	11,107	2.0%	76,769	1.9%
7	Others	48,421	1.4%	27,767	5.0%	76,188	1.9%
8	TOTAL	3,383,332	100%	555,347	100%	3,938,679	100%

Note: Transnistrian authorities published only the percentage of ethnic groups; the number of people was calculated from those percentages. The number or percentage of Romanians in Transnistria was not published; it is included in "others".



2.2 Defining and naming persons/group that belong to a minority

- Interpretation

Constitutional provisions lack any reference to “national minorities” or “persons belonging to national minorities”. Bilateral treaties concluded do use the term of “national minority” linking the use to international standards and interpretation. The Moldovan law on national minorities gives the substantive explanation and the meaning of the definition used throughout the texts of bilateral agreements “of national minority”. Therefore, all governmental agreements will follow in the determination of person belonging to national minority the provisions of Law on national minority that stands higher in the legal order hierarchy. This lack of clear recognition of the existing minorities is counterproductive for the minority rights. Even, in the conditions of absence of widely agreed definition of the national

minority, the Moldovan law should have provided clear references to the de facto existing national minorities³. Moldovan law also does not provide treatment of situations of “minority-in-a minority” or “double minority”.

It should be noted that Moldovan law establishes a four step criteria: 1. *citizenship*, 2. *residence on the territory*, 3. *distinction based on ethnicity, religion, language, etc*, 4. *consider themselves as a minority*. The four criteria are more restrictive as compared for instance with the Ukrainian-Moldovan Departmental/Ministerial Agreement that requires only first three criteria or the Bulgarian-Moldovan treaty requiring “persons belonging to Bulgarian minority”. Theoretically, the Moldovan law definition can be criticized for containing the definition of “citizenship”, and “active expression” to be considered as minority⁴. In practice the understanding of the “persons belonging to national minority” tends to be understood ambiguous including separate persons belonging to a minority or a group of persons belonging to national minority, or a compactly population of persons belonging to national minority, etc with the rights and obligations bearing the same substance and equal bundles of rights. The Moldovan law also produces in practice the effect of treating all minorities indistinguishably aligning them all with Russian speaking minority. Bilateral agreements conform to the earlier failing to produce separate minority oriented improvements.

The practical application of the used definitions and criteria are unknown in specific situations. It is believed that the Moldovan law on protection of national minority is very much declarative failing to establish or set up legal provisions clear foreseeable applicability helping safeguarding minority rights in specific situations or forming up a basis for developing clear unambiguous governmental policies or situation specific rules. Similarly, the provisions of “bilateral agreements” lack necessary

³ Advisory Committee on the Framework Convention for the protection of National Minorities, 2nd February 2002, ACFC/I/Ser(02)1, comments and conclusions on art. 3 in respect to Croatia, Cyprus, Czech Republic, Denmark, Finland, Hungary, Romania, Slovakia.

⁴ As compared to: 1. groups constituting numerical minority, 2. non-dominant position in the state, 3. ethnic, linguistic, religious differences, 4. implicit solidarity to survive; principles. See discussions in Gnanapala Welhengama, Minorities Claims: From Autonomy to Secession International Law and State Practice, Ashgate, 2000, pp.46-71.

practical specificity and exactnesses with the regard to the territorial application concerning the certain rights in cases when is so required to give efficient implementation of the agreements provisions. This lack of the specificity of the territorial application of the definition⁵ makes the provisions rather unpractical and declarative, leaves too much ambiguity in concentration and in narrowing down the state obligation on one side and on the other hand depriving the minority advocates with justifiable obligations to be used as legal arguments and tools in reinforcing the rights of minorities.

The Law on protection of national minorities as well as other legal acts does not list the minorities or national minorities of Moldova⁶. This creates a practical ineffectiveness and de facto lack of legal basis for effective use and justification of minority rights. The bilateral agreements partly play the role of official recognition by the state of the respective minority⁷. However, in practice bilateral agreement recognition of Bulgarian, Ukrainian minorities do not lead so far to improvements in these minorities situation. There exists opinion that Ukrainian and Bulgarian minorities have been perfectly integrated⁸ into Russian speaking minority⁹ most importantly with regard to the use of language and therefore there is no need for bilateral agreements specification of Bulgarian and Ukrainian national minorities. We would even argue that the problem rests with the political interests, lack of professional understanding of the situation rather than budgetary constraints.

⁵ Territorial application of definition of national minority term is used to locate the definition contained in the bilateral agreement that can help developing the practical applicability of the rights provided in the agreement.

⁶ Moldovan Parliament in a declaration of 1992 mentions Ukrainians, Russians, Bulgarians, Jews, Poles, Byelorussians and others as minority persons. Governmental Report on the state of implementation of Framework Convention on National Minorities does the same.

⁷ See for an Overview of approach in Kristin Henrard, *Devising and Adequate System of Minority Protection, Individual Human Rights, Minority Rights and the Right to Self-Determination*, International Studies in Human Rights Martinus Nijhoff Publishers, The Hague/Boston/London, v.62, 2000, pp.45-47

⁸ And therefore falling outside the scope of Framework Convention on National Minorities (Florence Benoit-Rohmer, *The Minority Question in Europe: Texts and commentary*, Council of Europe Publishing, 1996) for protecting of Bulgarian and Ukrainian minorities and subsequently there is no need for Moldovan legislation clarification.

⁹ De facto the Moldovan law on protection of national minorities resembles this approach.

In practice bilateral agreement with the Ukraine should clearly state the de facto existing large compactly population of Ukrainians in North and North-East of Moldova as well as a number of small villages scattered throughout the country. Similarly, bilateral agreements with Bulgaria should clearly state for the de facto considerable Bulgarian minority in Taraclia district assigning them the status of national minority. It has been practice that in political usage the term “minorities” in Moldova was used as a generical term, meaning all minorities in one “minority”. Historically minorities were associated with Russian speakers or those who do not speak Moldovan language, fact that suited strong right political extremist to portray the others and influential Russian minority to dominate other minorities. The clear statements in the bilateral agreements believed to help overcoming the situation of forcibly assimilation of all minorities with Russian speakers and encouraging the cultivation of true identities of Ukrainian, Bulgarian minorities as opposed to Russian assimilation of these minorities.

The real situation proves for the clear satisfaction of “ethnic, linguistic” distinct characteristics of Bulgarian, Ukrainian and Russian minorities from the majority of population and from each of the separately (the rest of population). However, a number of Ukrainians and Bulgarians are claimed to have been assimilated with primarily Russian speakers, bearing important elements of other ethnic cultural peculiarities. The “religious” line of distinction fall short as historically the territory of Moldova has been dominated by Eastern Orthodox Church. Similarly, these minorities find themselves in “numerical position” from nation-wide point of view and relative regional. Regarding the “non-dominant position” only Russian “mighty” minority could be questionable need ding special protection equal to Ukrainian or Bulgarian due to its impressive economic, social and cultural presence as a historical and continuously regional factor.¹⁰ On “subjective component” the mere existence of a separate identity of particularly Bulgarian, Ukrainians (which in past but also in present due to certain political

¹⁰ See for an Overview of approach in Kristin Henrard, *Devising and Adequate System of Minority Protection, Individual Human Rights, Minority Rights and the Right to Self-Determination*, International Studies in Human Rights Martinus Nijhoff Publishers, The Hague/Boston/London, v.62, 2000, pp.35-37.

and social circumstances were subjected to forced linguistic assimilation with Russian minority) and Russians should already be a demonstration of wish for being treated as separate minorities.

One of important impediment is considered to be a lack of territorial, situation specific reference or at least the criteria on the basis of which the minorities themselves and the public authorities on the other hand can invoke and make use of the provisions of the agreements weakens the potential opportunities offered by the international bilateral already existing agreements and gives thought for the future opportunities to develop specific provisions in future.

- *Recommendations*

- agreements should state clearly the scope of the minorities referred, the de facto state and geographical (area) of residence of the minority(ies), given the applicable internationally recognized principles¹¹;
- criteria relating to citizenship and “active expression of intent” should not be relevant as concerns the possibilities of individuals or groups to benefit from the provisions of bilateral treaties;

- *Legal*

In the agreements with Ukraine, definitions of “national minority” or “persons belonging to national minority” is not found in the treaty with Ukraine but this interpretation is found in the Departmental/ministerial agreement concluded with Ukraine. It establishes the criteria which can suggest the interpretation of the persons that can claim the protection and enjoyment of the rights provided in the bilateral agreement with Ukraine. It states that in the “...scope of the present agreement persons belonging to national minorities are understood: - citizens of the Republic of Moldova (Ukraine) that reside permanently on the territory of the Republic of Moldova (Ukraine) and belong to Ukrainian (Moldovan) minority by ethnic, cultural and

linguistic distinction...”¹². The term of “national minority” and “persons belonging to national minority” are used in many instances in the agreements (treaty and governmental agreements)¹³. The treaty and other agreements make direct reference to the provisions of UN and CSCE instruments and other international principles.

In the agreements with Bulgaria, treaty and governmental agreements uses the terms of “national minority” and “persons belonging to national minority” giving no definition or criteria to judge upon who can claim belonging to national minority. Interestingly, that the treaty uses the term of “persons belonging to Bulgarian minority in the Republic of Moldova” versus “Moldovans from the Republic of Moldova” residing in Bulgaria are granted the internationally recognized rights¹⁴.

In the agreements with Russia, again terms of “national minority” and “persons belonging to national minority” are used throughout the texts but no definition or criteria proscribed¹⁵.

In the agreements with Poland and Israel no mention is given to the “national minorities” or “persons belonging to national minorities”. The treaty with Poland rather uses the terms of citizens of ...of Polish or Moldovan origin in the context of the nondiscriminatory clause¹⁶, and governmental Agreement with Israel the term of “concentration of speakers of Moldovan language” in the regions of Israel¹⁷ and no similar definition with regard to ethnic Jewish people in Moldova.

In the agreements with Byelorussia, a different term of “citizens of Byelorussia or Moldova belonging to respectively Byelorussian or Moldovan minority” and no further explanations are given¹⁸.

Moldovan Law on protection of persons belonging to national minorities gives the definition of national minority as “persons that reside on the territory of the Republic of Moldova, are citizens of it, have ethnic, cultural, linguistic and religious peculiarities that distinguish them from the

¹¹ Where possible, bilateral agreements should clearly stipulate regional and geographic areas to which certain provisions apply. For instance, where a certain minority lives compactly on a specific territory, it would be useful for provisions in agreements that address relations with administrative authorities to specifically stipulate that in that particular area, individuals should be able to communicate in their minority language in their relations with administrative authorities.

¹² Art. 1 (2) of the Departmental/Ministerial Agreement

¹³ Art. 5 of the Treaty with Ukraine

¹⁴ Art. 14 of the Treaty with Bulgaria

¹⁵ Art. 16 of the Treaty with Russia

¹⁶ Art. 16 of the Treaty with Poland

¹⁷ Art. 3 of the Protocol on specific arrangements with Israel

¹⁸ Art. 3 of the Governmental Agreement on guaranteeing the rights of persons belonging to national minorities.

majority of population-Moldovans-and consider themselves of different ethnic origin.”¹⁹

Additionally, “any person belonging to a national minority has the right to freely choose to belong to respective minority or not. The choice or the exercise of the related right should not put the person in an unfavorable situation.”²⁰ The Law does not list the minorities subject to enjoyment of the rights provided in the law.

2.3 Section II Measures to implement Committee of Ministers Resolution

2.3.1 Disadvantaged national minorities access to media, participation and use of minority language²¹

The official report fails to clearly understand the Advisory Committee opinion regarding which national minorities are the disadvantaged national minority in Moldova. The Government opinion refers exclusively to the numerically small minorities, the so called smallest minorities making up altogether less than 0.1% of the population (Tatars, Armenians, Uzbeks, Lithuanians, Greeks, Koreans, Udmurts, etc.). The situation of Ukrainians, Bulgarians, Gagauz, Roma, the national minorities that are numerically important (relatively as against the whole population) but at the same time disadvantaged national minorities does not find the adequate reply in the Government report.

The official report fails to recognize that Ukrainians, Bulgarians, Gagauz and Roma are the disadvantaged minorities. The report neglects the finding of the Advisory Committee, especially with regard to the Ukrainians (para 110) but also with regard to Roma (para 103) that these national minorities, given the historical past and even current policies, find

themselves absolutely and comparatively disadvantaged. Furthermore, recent reports with regard of Roma ([7, 8]) reveal comprehensively dimensions of their particularly disadvantaged situation. Comprehensive independent research carried out recently reveals a comparable disadvantaged situation of Bulgarians ([15, 16]). Similar situation is shared by the Gagauz national minority.

Moldovan government should adopt special measures to address specifically the situation of Ukrainians, Bulgarians, Gagauz and Roma to repair their disadvantaged situation. The comprehensive findings on the situation of these disadvantaged national minorities ([7, 8, 11, 12, 15, 16]) has become a shared common knowledge in the civil society, representatives of national minorities, minority rights sensitive decision-makers and politicians of Moldova. An extensive body of the proposals to address these problems has already become a public knowledge. It is now that the Department of Interethnic Relations, governmental Center of Human Rights, Parliamentary Commission on Human Rights and National Minorities should take the initiative to formulate participatory a comprehensive policy improving the particularly disadvantaged situation of the mentioned national minorities.

The official report does not describe the implementation measures regarding the improvement of the disadvantaged national minorities' access to media. In reply to the Resolution, the official report does not provide information on how the allocation of airtime of the public audiovisual posts have improved to air programs in the Ukrainian, Bulgarian, Gagauz, Roma language and on the various subjects related to the situation of these national minorities. Similarly, no measures are described on whether actions are carried out with regard to the printed media. The report does not describe of any adopted systematic measures to stimulate the establishment or appearance of the audiovisual information of the same national minorities in the regions of Moldova and particularly in those regions where these disadvantaged national minorities make up a substantial if not considerably part of the population.

The official report does not describe the implementation measures regarding the improvement of the disadvantaged national minorities' participation in public affairs. The

¹⁹ Art. 1 of the law on persons belonging to national minorities and juridical status of their organizations.

²⁰ Art. 2 of the law on persons belonging to national minorities and juridical status of their organizations

²¹ “Shortcomings and difficulties remain, particularly affecting persons belonging to disadvantaged or numerically smaller national minorities, in such fields as access to media, participation in public affairs, and use of minority languages”, para 2 section 1 of the Resolution

official report describes the existence of the Co-coordinating Council of the Minorities as a part of the Department of Interethnic Relations. However, the report fails to describe whether the Council has discussed the situation of the disadvantaged national minorities. The official report does not describe the extent of the work of the Co-coordinating Council is taken into the decision-making of the Department of Interethnic Relations or other authorities. In fact, the work of the Council can be characterized as insignificant. The Council is assigned the role to simulate the existence of the consultation and participating of the national minorities in the shaping of the central public policies with regard to the disadvantaged national minorities. Particularly, the agenda and the content and the overextended composition of the Council are determined by the Department of Interethnic Relations.

The official report does not describe the implementation measures regarding the improvement of the disadvantaged national minorities' use of minority language. Lack of the information, is the de facto prove of the lack of relevant measures aiming at the improvement of the situation of the disadvantaged situation of the Ukrainian, Bulgarian, Gagauz and Romani languages. Particularly, that is true in the case of the Ukrainian, Bulgarian and Gagauz languages, where the pressing need exists as have been proved in the recent multidimensional studies performed by specialized organizations and experts ([11, 12, 15, 16]). The findings of the Advisory Committee (para 61, 62, 80) have found substantial proof and have been concretized and extended with local, regional knowledge and information. The official report as well as the Government observations to the Advisory Committee opinion on Moldova takes the position and support further the past and existing policies of the linguistic assimilation of the disadvantaged national minorities of the Ukrainians, Bulgarians, Gagauz. The Government position is dominated in this respect by the position of the Parliamentary Commission on Human Rights and National Minorities (M. Sidorov) and the vice-president of the Parliament (V. Misin) that does not recognize the pressing need in the wider use of the Ukrainian, Bulgarian and Gagauz languages.

The absence of the required by the Resolution descriptions reveal the de facto absence of any actions and measures aimed to improve the

situation of the mentioned disadvantaged national minorities.

2.3.2 Implementation of the National Minorities Protection Act²²

The official report fails to provide any relevant information with regard to the measures aimed at the implementation in practice of the National Minorities Protection Act (Organic Law adopted in 2001). The report makes a reference to recent legislative changes (page 9) in some laws that have no whatsoever relevance to the Advisory Committee opinion and the Committee of Ministers Resolution. The referred changes as is recognized by the report itself contribute to the regulation in the field of the protection of the industrial property and not to the fields of use of language in public affairs and private sphere, education, media, etc. The report does not refer to the Law on Education, Law on the functioning of languages, Law on Local Public administration, Law on Audiovisual, Law on local public finances, Law of Budget, various governmental regulations.

It can be asserted that no actions and measures are taken to implement the provisions of the National Minorities Protection Act. The official report speaks about the set up of the program to study the situation of the functioning of the languages. The program will be coordinated by the Department of Interethnic Relations, Ministry of Culture, Ministry of Education, and The Academy of Science. It does not say about the specific objectives, time-table and the result of the program. The official report does not speak about the financial allocations to study, improve the knowledge of the disadvantaged minority languages, nor does it speak about the decentralization and the use of the minority language education in the areas compactly populated by the disadvantaged national minorities, it is silenced about the facilitation of the regional use of the disadvantaged national minorities language in public sphere, etc.

²² The legislative changes required by the Organic Law adopted in 2001 should be made without delay, in consultation with the persons concerned. It is essential to ensure, through the implementation of the relevant legislation, appropriate protection of persons belonging to all national minorities and their respective identities and cultures, including those of disadvantaged or numerically smaller minorities, para 3 section 1 of the Resolution.

Alternatively, the Parliament elaborated another piece of broad/framework legislation referred to as "The Concept of *National State Policy*". The Concept has been approved as a framework law and has provided little if any contribution to the implementation of the relevant to the need to improve the situation of the disadvantaged national minorities. The content and principles of the Concept directly contradicts the findings of the Advisory Committee and the recommendations of the Committee of Ministers Resolution as well as the findings of the de facto situation of the disadvantaged national minorities, specifically Ukrainians, Bulgarians, Gagauz and Roma ([11, 12, 15, 16]). The concept and other legislation do not provide ([13, 14]) (a) the possibility to adopt special measures to improve the situation of the disadvantaged national minorities, (b) for the prohibition of the indirect discrimination, (c) for the development of other national minorities and specifically linguistic identities other than Russian, (d) specific areas in the development of the education, media, participation in public affairs of the disadvantaged national minorities.

The National Minorities Protection Act contains provisions that discourage the development of the national minorities in the field of education, media, use of language, cultural identity ([14]). The National Minority Protection Act does not provide for: (a) prohibition of the indirect discrimination, (b) reversed burden of proof as requested by ECRI, (c) effective institutional obligations to prosecute discrimination, (d) abstain from measures contributing to the assimilation of the national minorities, (e) taking measures to prevent others from acting to assimilate national minorities, (f) obligation for the support of the maintaining and the development of the national minority identity, (g) obligation to take active position to prevent manifestation of the intolerance, (h) the encouragement of the formation of local and regional representation and election of national minorities in the public authorities, (i) obligation to create favorable conditions for the disadvantaged national minorities access to media, (k) use of the national minority language in public sphere, where it is justified, (l) education in national minority language contrary to the Russian linguistic assimilation, (m) decentralization of education/language/media/culture and other policies to local and regional public authorities.

2.3.3 Language policy to avoid linguistic intolerance manifestations²³

The Government has generally observed the PACE Recommendation²⁴ to refrain from the actions to enforce the study of the Russian language and related actions. Other relevant information can be found in the Report.

2.3.4 Access and presence in the media of the disadvantaged minorities²⁵

The presence and access of the Ukrainian programs and Ukrainian language in the media has not improved. The official report states that the Audiovisual Council issued the license to a private company to broadcast radio programs in the Ukrainian language in several regions of Moldova. Several private companies broadcast Ukrainian programs. However, access to these programs is limited and is charged. The public television has not been given the information to increase substantially the airtime in Ukrainian or Bulgarian programs or in these languages. Therefore, it could not be considered that the presence of the disadvantaged minorities and especially Ukrainians has increased. The mere fact of the appointment of a representative of the Ukrainian community to the Observatory Council of the national "Teleradio Moldova" broadcasting station has not contributed to the change of the language policy. The Observatory Council has limited competence to approve the general program schedule.

The degree of the Roma and Bulgarian minorities' presence has not changed since

²³ Although a spirit of tolerance and interethnic dialogue exists in Moldovan society, tensions have arisen with regard to the Government's language policy. To avoid all manifestations of linguistic intolerance, it is essential to promote a balanced approach in this area, taking account of the legitimate interests of all national minorities as well as of the majority, para 6 section 1 of the Resolution.

²⁴ Resolution 1280 (2002)¹, Functioning of democratic institutions in Moldova, <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/documents/adoptedtext/ta02/ERES1280.htm>

²⁵ In view of the substantial imbalance noted between the various national minorities in the matter of their access to and presence in the media, it is important that the Government provides increased support to the national minorities which are disadvantaged in this area, and particularly to the Ukrainian minority, para 5 section 1 of the Resolution.

before the adoption of the Resolution. The official report does not provide any relevant information on that. Even more the overall program time devoted to the national minorities decreased in 2000-2002 and in 2003 only increased with 1.7% as against the declined air time period of time. That does not present any improvement as compared to the period of time pertinent to the first reporting period. In overall, there seems to be a net decline as compared to that period of time. That represents a clear contradiction to the recommendation and the opinion of the Advisory Committee.

The legislation, including the Governmental regulations has not been changed to implement the National Minority Protection Act in practice. No regulation legislation has been passed to allocate certain quotas of airtime at the national television, nor created tax policies to facilitate the creation of the private audiovisual programs in the languages of the disadvantaged national minorities. Similarly, the central budget does not provide for the allocations to assist the creation of the local and regional radio broadcasting facilities for and in the national minorities' languages.

2.3.5 Educational rights of the disadvantaged national minorities²⁶

The official report provides no information on the measures taken in this field. The lack of the information reflects the situation of no de facto progress in the implementation of the framework convention obligations with regard to the Ukrainian, Bulgarian and Gagauz disadvantaged national minorities. As has been showed above, the relevant legislation continuously disadvantages the preschool, primarily school and high school education in the languages of the national minorities. The de facto situation comprehensively researched ([15, 16]) shows the existence of the real need in the education in the languages of the national minorities in the regions of compact population especially. The reality is clearly shown in the

²⁶ In the field of education, it is essential to consult representatives of the various national minorities, with a view to providing a balanced response to their specific needs and ensuring their equitable access to the resources available. Special attention should be paid to numerically smaller minorities and to those that are not in a position to enjoy the support of a kin-state, para 6 section 1 of the Resolution.

Annexes 2, 4, 5 to the report revealing the astonishing situation when there is no Ukrainian, Bulgarian medium of school education, with only a portion studying mother tongue (Ukrainian and Bulgarian) as separate class of 3-4 hours per week.

The current legislative framework establishes the regime of the Russian language forced as the language of the education at all levels for the Ukrainians, Bulgarians and other national minorities thus proving the Russian assimilation of the disadvantaged and small national minorities in Moldova (with some exception of Roma minorities). Children of pre-school age when coming to educational establishments, even if they are brought home in their mother tongue, are obliged by law to study in Russian, whereas at home they speak Ukrainian, Bulgarian or Gagauz. When, these children come to school they are obliged to study further in Russian, their mother tongue is only taught as a separate subject. The Law on education establishes this rule clear cut, as does the rule that only the Ministry of Education is responsible to set up the educational curriculum.

2.3.6 Socio-economic discrimination of Roma²⁷

The official report provides description of the various actions undertaken by public and private actors that is only insignificantly improves the situation of Roma. On the basis of the report it is difficult to judge the extent to which the situation of Roma can be improved. The actions of the public authorities as described in the official report primarily rely on the

The following information is based on the comprehensive research provided in the reports of the Center of Moldovan Human Rights NGOs, ([7, 15]).

- Material situation

Roma communities' material situation is extremely poor in comparative and absolute

²⁷ In spite of some recent initiatives by the authorities, the implementation of the Framework Convention has not been fully successful with respect to the Roma. Action is urgently needed to eliminate the manifestations of discrimination and the serious socio-economic difficulties faced by a number of Roma, and to foster their integration into Moldovan society, para 7 section 1 of the Resolution.

standards. The study has taken the comparative approach to the non Roma communities of the administratively related communes and comparatively to Ungheni or Chisinau judet settlements as well as to the generally accepted living standards. All of these comparisons could hardly be compared. Schinoasa, Ursari, Parcani, Huzun and Stejareni are the worst cases of the extremely inferior level of material conditions. Vulcanesti and Bursuc are somewhat better compared to the previous.

Paved or hard covered roads to or within the community were inexistent, unless a regional road would pass through the community thus the access was precluded in the time of heavy rains or snows, especially in autumn, spring and winter. Researching the public allocations for roads has revealed the pattern for the systematic negligence for Roma communities. Central government allocations or international funding agencies programs (Social Investment Fund, etc) have not been sensitive towards the Roma communities, while non-Roma villages of the same commune have received allocations for the renovations and building upon the decision of the local and regional decision-making bodies. In practice, the team has not found any of the external funding and allocations into Roma villages. The most characteristic were the example of Schinoasa, Vulcanesti, Parcani, Huzun and Stejareni communities that are situated couple of km off the main road so the people of community had to carry ill people in hands up to the main road should they need an urgent medical intervention. There was not even hundred meters of hard-paved road in Roma villages.

Houses and housing conditions were extremely poor as well. One could not even think of the houses of Roma as places where people could live. With few exceptions (parts of Vulcanesti community and Bursuc community) the houses were scarce and in extremely weak, apparently likely to fall apart. Generally houses of three rooms are common wide, still people live in only one room during cold times and men stay outside during summer over the night. The houses had only natural land ground. For heating, left over of wood or animal residues are used. For instance, in Schinoasa village one man was sentenced to 6 months for cutting one dry tree to keep the worm of his house with three children. People basically use just basic alimentation product cornflower, potatoes and some vegetables grown up during the summer.

Humanitarian aid, when reached the villages, is a very important source for survival. Meat or fish is practically absent from diet. Children wear nothing during the worm times or just clothes donated through humanitarian aid during cold times. Second hand and humanitarian aid clothes are the prime source for them. In majority of cases, as is the case of Schinoasa, Ursari, Parcani no shops of any kind (food, clothes, medicine, etc) exist.

Health care is limited to a medical point in all those places (Schinoasa exception) that would be open several hours a day and operating upon the requests. Pharmaceutical points have been considered to be removed by public authorities as considered cost-ineffective; no allocations are given to the public health care from central or local budgets. Information comes only through people coming and going out of community. Nobody subscribes to papers or listen to radio, etc for lacking money to pay. No telephone connection exists in majority of communities, as is the example of Ursari village and Schinoasa community.

No running water or wells and access to drinking water are a general features for the communities. For instance, in Schinoasa community with population of about 500 persons there were only 4 wells of which only two used for drinking purposes, but even there, the water was already visibly bad. In another example, in Ursari village, people complained of two wells drinking water as if left over the night, some condensate would be clearly visible. In majority of cases no electricity had been available for different reasons of lack of resources to pay or electricity system destroyed. For instance in Schinoasa village, the community was disconnected totally more five years and in another instance in Ursari village, as it situated on the main road, only some of the people would have the electricity close to the next Moldovan village and around the school.

- Access to income generation activities

After the establishment of Moldovan independence, Roma were systematically denied access to the assets of collective farms during the privatisation process. Land is the major asset and survival resource in the primarily rural economy of Moldova. Roma communities have traditionally been identified as "settlements without future" (asezaminte fara perspectiva), a term which set them outside the system of local

governance and set outside the target of public expenditure and allocation of public finances for decades. By treating Roma villages and settlements as temporary, makeshift “settlements” of transient people (even if they were actually permanent communities that had existed for many years), non-Roma political leaders could avoid directing resources toward the political and administrative organization of Roma communities, effectively ignoring their existence. Thus the Roma “settlements” traditionally lacked local mayoralties, which would allow them to tap into the funding system, which flowed from the central government. These policies substantially economically and socially disadvantaged the people of Roma communities in Soviet times, and this pattern of deprivation continued after the Moldovan independence. As a result rural Roma were not in a position to claim their share of the country’s resources when the privatization process began. As a guideline for the privatization of Moldovan land, the government created the “Land Code”, Law No. 228-XII, which declared that land would only be granted to individuals who had worked on a *kolkhoz*, or collective farm, during Soviet times. Though many Roma were excluded because they had never worked on the collective farms (whether or not they were given the opportunity to do so is unclear), even those few Roma individuals who *had* worked on collective farms were not allocated the shares of land to which they should have been entitled.

Historical data shows that freedom from slavery in the second part of 18 century (possession of church-many researched communities are found near churches/monasteries-, regional governors, landlords, etc) has turned for Roma rural communities into income and asset generation dependence on the same masters and evolved into other institutional forms bringing them wealth. Prior to Soviet times (before 40’s) they had been made working in the condition of servitude at forest and agricultural works on daily basis with no land or any other means to generate income and living in areas withy hard road access. In Soviet time, their situation has not changed; they continued to live in the same places with hard road access with just some land necessary to put up a small house and hard work in collective farms. Many even at that time practiced going to Ukraine for agricultural works. After the independence, they have been denied access to privatization to assets of collective farms as well.

As the land is the major asset generation and survival source in the rural communities. The rate of participation in the land privatization process, for example, in Schinoasa, a Roma community, is on average 40-50 times less than in nearby non-Roma communities, with the result that nearby fertile land was shifted largely to non-Roma communities. Local authorities qualified only 5% of persons living in Schinoasa for privatization, contrasted with 95% in a neighboring non-Roma community. In Parcani and Ursari the rate of participation in privatization is somewhat higher but in none of the communities reaching 15%, while in non-Roma components of communes it has been never less than 60%. These figures speak for themselves, and they indicate a pervasive pattern of discrimination against Roma individuals and communities. Even if the government simply carried over the discriminatory policies of the past through the structure of its eligibility rules, it has certainly failed to “undertake to guarantee that the rights enunciated in the [ICESCR] will be exercised without discrimination of any kind...”. Since the privatization process has now been completed, the new era in Moldova will unfortunately carry forward the deprivation and disenfranchisement that Roma people have long suffered, unless action is taken to correct the disproportionate and unfair distribution of land among the people of Moldova. Similar patters

No job employments opportunities exist in Roma communities either in public or private sectors or in nearby villages as Roma are considered apt to only season works or day-to-day engagements. Comparing with other localities of Moldova inhabited by this national minority, the community from Vulcanesti presents a progress in what regards Roma material situation. Nevertheless, the inhabitants of Vulcanesti community have very little land in their possession. This situation brings a lot of negative consequences upon Roma, making them to search incomes through other methods. As a result of the described practices, Roma community adults would have two primarily sources of income: earning outside of country on agricultural works (Ukraine) for 3-5 months a year and work on daily basis on agricultural works at private individuals. In first instance Roma would be frequently robbed at the border by Ukrainian customs or mafia networks linked with Ukrainian customs (as the project team was given plenty of documented examples) and their

season earnings would not averagely exceed 600-700 EURO. In the second case the daily payment would not exceed 0.8-0.9 EURO per day including food.

A look into the regional concentration of other resources (forest, lakes, water basins, wine factories, etc) has shown a pattern that all major mentioned resources have stayed in the property of centrally/regionally administered authorities with their income not played in the local budgets of the researched villages. For instance, all the forest resources were concentrated in the hands of State Forest Associations, (in all cases this region was rich with forest and actually situated surrounded by forest regions) which income would be subject of local taxes. Large lakes and water basins were the same with regional management.

The visits have also revealed another practices when in some Roma communities, particularly Ursari, Schinoasa, Parcani the attempts of local population to establish small business have been prevented by operating mafia groups so that small shops of different types were destroyed and local Roma were forced to leave their spending in non-Roma settlements. Police has never reacted promptly to curtail these illegal actions.

- Interpretation

2.4 Article-by-article information

2.4.1 Article 5 (promotion of identity, interdiction of assimilation)²⁸

The right to identity, generally, is wondered in the bilateral agreements through the “*respect, protection and development*” of national minority that is in formal compatibility with the provisions of the Moldovan Law on national minority.

The Constitution of Moldova declares “that the state recognizes and guarantees the right of every citizen to maintain, development and expression of ethnic, linguistic, religious and cultural identity”²⁹. The Law on National minorities provides that “any person belonging to a national minority has the right to freely choose to belong to respective minority or not. The choice or the exercise of the related right should not put the person in an unfavorable situation.”³⁰ Furthermore the law “guarantees persons belonging to national minority’s right to equality before the law and equal protection by law. Any discrimination on the basis of belonging to national minority will be prohibited.”³¹ As well as “State is obliged to contribute to creation of necessary conditions for *preserving, development and expression* of ethnic, cultural, linguistic and religious identity of persons belonging to national minority...”³² and finally the “state will refrain from modification of ethno-demographic composition of the territories”³³

²⁸ The following information is based on the comprehensive research provided in the reports ([8, 16]).

²⁹ Art. 10(2) of the Constitution of Moldova

³⁰ Art. 2 of the law on persons belonging to national minorities and juridical status of their organizations

³¹ Art. 4 of the law on persons belonging to national minorities and juridical status of their organizations

³² Art. 5 of the law on persons belonging to national minorities and juridical status of their organizations

³³ Art. 9 of the law on persons belonging to national minorities and juridical status of their organizations: “State guarantees that modification of territorial-demographic composition of the regions will not be perused. If they will be undertaken, the state will take into consideration the opinion of the local population, including the opinion of persons belonging to national minorities”

The provisions of the bilateral agreements provide for the both *negative* (refrain from interference, prosecution) and *positive* (maintain, respect and develop) obligations on behalf of the state in relation to the minorities that is in formal correlation with the provisions of the Law on national minority.

De facto situations, as considered, tends to be rather different and namely the minorities Bulgarian, Ukrainian and other, including in the regions compactly populated, have been exposed over decades of Soviet times to the process of re-orientation (or simply assimilation) towards the lose of their language, culture. Over this time they were subjected to the pressure gravitating towards the substitution of their own language with Russian language and in lesser extend to Moldovan language. This process has brought many minority situations into a difficult state, where in reality the intervention from the state is considered to be needed to maintain, protect and develop the language identity of the Bulgarian and Ukrainian minorities in order to protect effectively the respective minorities’ identities from the process of further assimilation with Russian speakers.

Provisions of bilateral agreements do provide general principles for the protection of identities of the mentioned minorities. However, they are not operational due to: 1. the unclear as regards to who specifically the minorities are in the Moldovan law on national minorities; 2. too general provisions of bilateral agreements (where reside, numbers, etc).

In reality before its independence and over decade of independence modest steps were undertaken to repair past injustices of systematic assimilation of Bulgarian, Ukrainian and other minorities³⁴ to primarily Russian language and culture. The worst case of minority assimilation has been taking place in urban areas and particularly in Transnistria region of Moldova where virtually Ukrainian identity in urban areas of Tiraspol, Tighina, Ribnita is almost inexistent. Since 1991, however, Moldovan authorities failed to adopt meaningful policy to even protect the mentioned minorities from further assimilation, state

³⁴ The assimilation has been taken place including with regard to Moldovans/Romanians.

support for the preserving of minority identity extended to the best of some cultural events and some modest steps in establishing experimental schools (secondary and primary) in Ukrainian and Bulgarian. The budgetary allocations for the maintain ace and development of the minority cultures has been insignificant and are well below the needs³⁵. The provisions of Law on protection of national minorities provide little if any help in this respect falling short the international obligations.

- Legal

In the agreements with Ukraine, the treaty provides that High Contracting Parties will assure that persons belonging to national minorities that reside on the territory of the state individually and in collective have the right to free expression and right to maintain and develop the ethnic, cultural, linguistic and religious originality, protection against any tentative for assimilation against their will³⁶. Further Parties agreed on the need to bring all the efforts including signing separate agreement to perpetuate and develop the ethnic, linguistic and cultural identity of citizens of respective states of the kin-state minority³⁷ and support the development of traditional types of popular art in localities compactly populated by the respective ethnic minority³⁸, give support for creating conditions for adequate religious assistance for national minorities³⁹, encourage opening of museums, theatres, and other institutions supporting the activities of national-cultural societies⁴⁰, contribution to creation of favorable conditions for free development of cultures of national minorities, maintaining, studding of cultural heritage, including historical and cultural monuments⁴¹.

In the agreements with Bulgaria, the treaty states that High Contracting parties will guarantee the realization of rights of the persons belonging to Bulgarian (Moldovan) minorities and take all necessary conditions and measures for maintaining and development of ethnic, linguistic,

cultural and religious identity⁴² through measures of extension of possibilities of study of language, history, culture and traditions, exchange in different fields⁴³.

In the agreements with Russia, the treaty stipulates that citizens of other contracting party are guaranteed the same rights and freedoms as provided by law and parties protect their citizens on the territory as provided in international standards⁴⁴. Further the parties guarantee and protect the rights of persons belonging to national minorities for free expression, maintenance and development of their ethnic, cultural, linguistic and religious identity and parties will undertake all necessary measures to prevent and prosecute any actions amounting to discrimination and violence against separate individuals or group of persons based on the national, race, ethnic and religious intolerance⁴⁵. Also the Governmental agreement guarantee free and equal development of culture of Moldovan and Russian Federation peoples that leave on respective territories and create favorable conditions for maintaining their cultural, linguistic identity necessary to realization of spiritual and religious needs⁴⁶.

In the agreements with Poland, the treaty states that Parties reaffirm the availability to create all interested persons necessary conditions for access to language and culture of other party and will support the state and private initiatives in this direction⁴⁷ and Contracting Parties confirm that citizens of Moldova (Poland) of Polish origin (Moldovan origin) enjoy the same rights and liberties as the other citizens of the state and recognize the right of these persons to free expression, maintenance and development of their linguistic, cultural, ethnic and religious identity without discrimination and with equality before the law⁴⁸ respecting national law⁴⁹.

In the agreements with Byelorussia, the treaty has no particular statement. Governmental agreement states that high contracting parties will take into consideration in their activity the interests of citizens belonging to respective national minorities that reside on respective

³⁵ Advisory Committee on the Framework Convention for the protection of National Minorities, 2nd February 2002, ACFC/1/Secr(02)1, comments and conclusions on art. 5 in respect to Croatia, Cyprus, Czech Republic, Denmark, Finland, Hungary, Romania, Slovakia.

³⁶ Art. 7(2) of the Treaty with Ukraine

³⁷ Art. 2(1) of the Governmental Agreement with Ukraine

³⁸ Art. 2(4) of the Governmental Agreement with Ukraine

³⁹ Art. 2(5) of the Governmental Agreement with Ukraine

⁴⁰ Art. 2(6) of the Governmental Agreement with Ukraine

⁴¹ Art. 4 (1) of the Ministerial Agreement with Ukraine

⁴² Art. 14(1) of the Treaty with Bulgaria

⁴³ Art. 14(2) of the Treaty with Bulgaria

⁴⁴ Art. 16 of the Treaty with Russia

⁴⁵ Art. 18 of the Treaty with Russia

⁴⁶ Art. 3 of the Governmental Agreement with Russia

⁴⁷ Art. 12 of the Treaty with Poland

⁴⁸ Art. 16(1) of the Treaty with Poland

⁴⁹ Art. 16(2) of the Treaty with Poland

countries and will contribute to creation of favorable conditioned *for maintaining and development* of their ethnic identity with the condition it will not affect the rights of other citizens and ethnicities⁵⁰. Uniquely the Governmental agreement recognizes the right of citizens belonging to national minorities to use names and family names and other names in all official and non-official documents as they are used in their mother tongue as provided in the law of the country⁵¹.

In the agreements with Israel, it is stated that High Contracting Parties will create *essential conditions* to allow the other party to teach the language, culture, national history, literature, geography, traditions⁵².

- *Recommendations*

- bilateral agreements with Bulgaria and the Ukraine should provide more explicitly the obligation for the active role of the state to protect the minorities from language assimilation and specifically emphasize the need for the affirmative actions to develop the language identities to repair the past injustices. In this regard State policies should be developed that should find correspondingly the budgetary allocation;

- a special bilateral treaty with Bulgaria should be concluded on the protection of national minority to protect further language and cultural assimilation of Taraclia compactly residing Bulgarians in the South of Moldova and Bulgarians living in a smaller numbers elsewhere in Moldova;

- special bilateral treaty with the Ukraine should be concluded on the protection of national minority to protect further language and cultural assimilation of the compactly residing Ukrainians in the North and North-East of Moldova and Ukrainians living in isolated villages elsewhere in Moldova.

- *application on national minorities*

Thus, as show the data of the survey, from 50% to 80% of respondents confirm presence of such fundamental phenomenon of the national culture as traditions that they keep in their life and mutual relations. One can note as positive such forms of social practice by local administrative authorities as celebration of

traditional national holidays. However, only 13-18% of residents are locally involved in cultural and educational activities, unfortunately, whereas wide layers of the population remain outside the amateur cultural process and spiritual self-expression. Respondents noted as unsatisfactory the existing practice of organizing concert tours to their villages by professional and amateur creative groups from the Ukraine.

Results of the undertaken survey show that in villages Tetskany, Baltsata, Bratusheny, Markautsy, Gashpar and Maksimovka the ***cultural potential of Ukrainians***, irrespective of their percentage in the total population in the above-named villages *is* mainly ***displayed*** only in the ***traditional - household culture*** due to the lack of system of training and education in the native language and the fact that they live in the foreign language environment. In the given villages, the system of book trade and film show service is not functioning. The libraries and schools do not receive any books, newspapers or magazines in the Ukrainian language.

This situation shows that the Ukrainian national culture in these villages is declining. In the given conditions, assimilation process of the Ukrainian population is developing. On the one hand, this is aggravated by the lack of really functioning ethnic and cultural infrastructure in the given villages (cultural centers with the actively functioning Ukrainian ethnic and cultural component, possible and accessible forms of familiarizing with the information field in the Ukrainian language, availability of cultural values through music, theatre, art, press, literature, etc.). On the other hand, there is insufficient attention demonstrated to the fate of the Ukrainian national minority on the part of both local and regional governmental bodies, and on the part of the kin-state. If no effective measures are taken on the state level in the nearest future, the Ukrainians of Moldova will lose their national identity and ethnic consciousness already during the lifetime of the present generation.

When resolving ethnic and social as well as ethnic and cultural problems, local governments should display greater activity, initiative, interest and enterprise in ensuring sustainability of the cultural space of villages, which should reflect really existing ethnic and linguistic palette. In places where there are interacting several languages and cultures, the ethnic and cultural policy should especially well thought

⁵⁰ Art. 1 of the Governmental Agreement with Byelorussia

⁵¹ Art. 5 of the Governmental Agreement with Byelorussia

⁵² Art. 1 of the Governmental agreement with Israel

over, weighed and flexible, promoting development and prosperity of all ethnic languages and cultures as well as associations of representatives of all ethnic groups in the uniform Moldovan community. Neglect or underestimation of the role of culture can result in distortions in the policy and economy and cause social and interethnic conflicts

Moldova concluded a number of the agreements with Russia that create distorted legal framework in the disadvantage of the disadvantaged national minorities. *In the bilateral agreements with Russia*, the Treaty states that “Considering the significance of Russian language, Moldovan party in accordance with national law, will provide respective *conditions for satisfaction of the needs in education in Russian language in the Educational system of Moldova*”⁵³. Further the provisions stipulate the cooperation of the High Contracting Parties in *elaboration of methodical and educational materials*⁵⁴, preparation of specialists⁵⁵, establishment of educational partnerships⁵⁶ and “...will satisfy the requirements of general education of population than belong to respective minority by creating conditions for education in their mother tongue...”⁵⁷.

More details could be found in the context of the subjects of the education, use of language in this report.

⁵³ Art. 20 (2) of the Treaty with Russia

⁵⁴ Art. 15 of the Governmental Agreement with Russia

⁵⁵ Art. 16 of the Governmental Agreement with Russia

⁵⁶ Art. 18 of the Governmental Agreement with Russia

⁵⁷ Art. 14 (2) of the Governmental Agreement with Russia

2.3.2 Article 7 (assembly, association, expression), Article 8 (manifestation of religion, religious organization)

- Prosecution of Muslim Believers

Police and recently created Department of Migration have been particularly harsh on the Muslim believers exercising pressure, harassment and even recouring to the physical intimidation of the Muslim believers in Moldova. Some cases illustrate their attitude⁵⁸:

- Leader of local Muslim organization detained on charges of terrorism threatening with expulsion from Moldova. Talgat Masaev,

⁵⁸ Talgat Masaev had been complaining that on many occasions police brutally intervene in the religious services in the middle of the practices; undertake searches of private places where the services are held. The Council had been seeking registration since 1999 and the court hearings had been already taken place for couple of years. The State Religious Service (central authority reporting directly to the Government of Moldova) had refused repeatedly to register the Spiritual Council of Muslims. On September 18, 2000, Gh. Armasu the head of the State Religious Service refused registration of the Spiritual Council of Muslims on the grounds that "97% of population of Moldova is Christians", "foreign citizens and persons without citizenship temporary residing in Moldova are guaranteed religious freedom without granting their association a juridical person". After Muslims Council leadership was reorganized to include only citizens of Moldova, the State Religious Service refused registration on the grounds that "majority of persons belonging to the council are foreign citizens" that allows according to art. 22(1) the Government of Moldova to deny the registration. On 12 February 2001 Court of Appeal ruled only on one of three claims stating that the Government of Moldova to "respond to the petition lodged by the Spiritual Council of Muslims". The ruling stated no terms for response or the essence of the ruling. The Spiritual Council of Muslims claimed that the Government gives the response in essence to the petition on registration within time limits provided, "recognize" the statute of the Spiritual Council of Muslims and repair the moral prejudices resulted from the refusal. The Spiritual Council of Muslims lodged an appeal with the Supreme Court of Justice on 30 May 2001 decided to send the case for re-examination in the to Court of appeal. The Supreme Court of Justice did not explain the reasons for re-examination nor did it dwell on the other requests. On 08 October 2001, Court of Appeal in a repeated examination of the case dismissed the case and did not examine stating that the decision of the Government of Moldova (a political body) cannot be contested in the court of law. The Council appealed again the decision to Supreme Court of Justice that later denied the appeal. The Council lodged complains with the European Court of Human Rights. Consequently, the Council lodged new requests for the registration and on both case received denies on the grounds that the law on religions is being amended.

Moldovan citizen, leader of the Spiritual Council of Muslims of Moldova, religion repeatedly denied registration by the Government of Moldova had been detained on 27 July 2002 (Saturday), 14.00. Talgat Masaev had been detained by two police officers presenting themselves Criminal Police Section of the Minister of Interior who came with car license-plate CJE885 (blue) in his home residence in Razeni, Ialoveni. One of the police officers presented himself Banzari had threatened Masaev that if he refuses he would be taken in by force and that he is investigated under the allegations of illegal keep of armament in the mosque of the Spiritual Council of Muslims. Officer mentioned links of the Council with the persons originating from Chechnya. Masaev had been detained for interrogation for 3 hours also on 26 of July 2002 in the offices of Criminal Police of Chisinau being threatened and subjected to psychological harassment to give up supporting the "Calauza" association and eventually the registration of "Spiritual Council of Muslims".

Police have beaten two members and seized operations of "Calauza" - association founded by a group of Muslim followers in Moldova. On 25 July 2002 police officer Veaceslav Banzari of Criminal Police of Ministry of Interior requested Talgat Masaev to come to Ministry office on 26 July (Friday) at 16.00 for a conversation with the chief of section. Masaev showed in at the requested time where he also saw the director of recreation passionate "Florica" where "Calauza" association held in June 2001 a summer camp on studying of Koran.

Masaev had been deprived of his identification documents and had been formally given many questions with regard of functioning of non-governmental association "Calauza". He is not the member of the organization but an active member of the group. He had been forced into saying who was the president of association (Rustam Ahsamov) and other details about the activity of the organization. Masaev had been forced to confess under threat. On 27 July, 2002 Saturday Ahsamov called in Masaev saying he had been invited by the police and later taken in from his house against his will and without the any legal order to do so. Same day at 12.30 Veaceslav Banzari, the criminal police officer called Masaev that he comes urgently to the Ministry at 15.00. Masaev refused saying he had to stay with his children and take of his ill wife and can make it only next day. Same day at

14.00, V. Banzari and another policeman arrived at Masaev's house in Razeni asking him to follow them at the Ministry. On the way to Chisinau two policemen kept asking "who is responsible for organizing and functioning of Calauza". Masaev had been threatened and forced to say who the other members of the organization are, the onother two member of "Calauza" organization had been detained shortly. Masaev had been brought to the Ministry, main building, searched. When asked weather he was detained or what were the accusations he had been given no answer only the threat if asking too many questions. Masaev and the others had been forced to write the explanations of what he and the other had been doing on particular days. The other two detained were beaten severely. The other two members were beaten as our sources indicate. The three detained were interrogated on the activities of the organization, their links with Muslim terrorist networks (Bin Laden mentioned as well). The organization documents were seized.

The three members were filmed. The three were released after around 19.00 the same day. No explanations were given only that the detention is provided by the art. 43 of Penal procedure Code and Law on Police. (Art. 43 of the mentioned law states only the role of the defense lawyer from the time of accusation or the moment of interrogation). Talgat Masaev had been released from 5 hours arbitrary detention by Criminal police in relation to the links to "Calauza" charity association of Muslim followers and "Spiritual Council of Muslims" - Muslim religion organization.

- Ban to Religious Practices for Foreigners and unregistered religions

On 29 November 2002, around 17.00 police inspectors of Botanica district Commissariat together with collaborators of the Department of Migration have intruded into the place where Muslim believers held religious rituals. The place has been for a long period of time known as a one of few places where the Muslim believers can gather for the religious rituals (during Ramadan holidays). The place has been rented from the private owner of the shop. The police stopped the rituals and requested to undertake a check of their identities, detaining all persons who do not hold Moldovan citizenship for violation of visa requirements and practicing « illegally» unrecognized

religion. The police brought charges on the bases of article 200 (6) of the Code of Administrative Sanctions banning the participation of foreigners in religious activities without the express consent from the authorities⁵⁹. On the basis of these provisions around 10 persons were imposed administrative fines. Cases are also known of persons being expelled from the country. Botanica district court and later Chisinau Tribunal⁶⁰ dismissed the complaints by the Moldovan Helsinki Committee lawyers' complaints of violation of freedom of religion, privacy, security and liberty rights and other.

- Religious association of Spiritual Council of Muslims

Spiritual Council of Muslims case. The State Religious Service (central authority reporting directly to the Government of Moldova) had refused repeatedly to register the Spiritual Council of Muslims. On September 18, 2000, Gh. Armasu the head of the State Religious Service refused registration of the Spiritual Council of Muslims on the grounds that "97% of populations of Moldova are Christians", "foreign citizens and persons without citizenship temporary residing in Moldova are guaranteed religious freedom without granting their association a juridical person". After Muslims Council leadership was reorganized to include only citizens of Moldova, the State Religious Service refused registration on the grounds that "majority of persons belonging to the council are foreign citizens" that allows according to art. 22(1)⁶¹ the Government of Moldova to refuse registration. On 12 February 2001 Court of Appeal⁶² ruled only on one of three claims stating that the Government of Moldova to "respond to the petition lodged by the Spiritual Council of Muslims". The ruling stated no terms for response or the essence of the ruling. The Spiritual Council of Muslims claimed that the Government gives the response in essence to the petition on registration within

⁵⁹ Article 200 (6) reads "Engagement of a foreign citizen in the religious activities, as well as practicing of some religious activities by foreign citizens without the permission of the authorities, - is penalized with a fine of up to 10 minimal salaries and the expulsion of those foreign citizens from the country.

⁶⁰ See decision of the Chisinau Tribunal of 12 December 2002

⁶¹ Art. 22 (1) says "The heads of the religious creeds of national and subordinated level elected according to the statute as well as the entire personnel of religious services should be the citizens of Moldova...."

⁶² See case Spiritual Council of Muslims v. Ministry of Justice (1), Court of appeal, judge Nelea Budai.

time limits provided, “recognize”⁶³ the statute of the Spiritual Council of Muslims and repair the moral prejudices resulted from the refusal. The Spiritual Council of Muslims lodged an appeal with the Supreme Court of Justice on 30 May 2001 decided to send the case for re-examination in the to Court of appeal. The Supreme Court of Justice did not explain the reasons for re-examination nor did it dwell on the other requests⁶⁴. On 08 October 2001 Court of Appeal in a repeated examination of the case dismissed the case and did not examine stating that the decision of the Government of Moldova (a political body) cannot be contested in the court of law⁶⁵. The Council appealed again the decision to Supreme Court of Justice. Several sessions were scheduled however for different reasons suspended. In the course of 2001 the Supreme Court of Justice ruled in favor of the Government, case is pending the European Court of Human Rights.

- Inability to honor Muslim funeral ceremony

The Tatar community of Moldova and the Muslim community of Moldova are unable to honor their religious funeral obligations given the fact that the Cisinaiu Municipal authorities and the Municipal Cemetery authority refuse allocation of the separate part for the use of Muslims. The leader of the Tatar community, A.Babaev has addressed on several occasions to these two authorities and had received declines given the reasons of the lack of the financial means to made available separate parts of the cemetery.

⁶³ As required by the Moldovan law on Religions

⁶⁴ See case Spiritual Council of Muslims v. Government of Moldova (1), Supreme Court of Justice, 30 May, 2001, judges Dumitru Visternicean, Nicolae Clima, Vera Macinskaia

⁶⁵ See case Spiritual Council of Muslims v. Government of Moldova (2), presiding judge Tudor Lazar, Court of Appeal, 08 October 2001.

2.3.3 Article 9 (nondiscriminatory access to media)

Presence of the Ukrainian language in Moldova's mass media, i.e. periodicals, radio and a television is insignificant as compared with the share of the Ukrainian population in the national structure of the country. This makes it possible to speak clearly of the actual discrimination of the Ukrainian national minority in this sphere.

The influence of all forms of mass media on modern people in general and on the people as representatives of this or that nationality is so great that it is just impossible to overestimate it. In the situation of Diaspora, besides their normal functions mass media in the native language also play a consolidating role giving a person a feeling of being a part of the whole community, to share its interests, to receive a kind of cultural and psychological "food", to express oneself, etc. There are two ways to be served by mass media, i.e. receiving local press, listening to local radio or watching local TV in the native language, or receiving such information from the kinstate. As show the data of the poll, Ukrainians in the northern and central part of the Moldova practically do not read any newspapers in the native language (there are only 0.76% of those reading press). The main source of information for them is TV. 79.2% of them watch programs in the native language. Such high indicator is due to the villages located near the boarder with the Ukraine and having an opportunity to receive TV programs from their mother country. 57% of respondents listen to the Ukrainian language radio programs including 35.7% of those listening daily, 13.2% - once a week and 8.1% - once a month.

There is only one conclusion. Due to the actual lack of local and republican periodicals in the native language as well as any press coming from the Ukraine, Ukrainians in Moldova have no opportunities to receive information about the life of the Ukrainian community both in the Republic, and outside it. As to radio and TV, the high indicators related to those using them are covered exclusively by the Ukraine.

A number of special governmental agreements had been concluded with regard to the use of the minority language in relation to press and

media freedoms. Bilateral agreements refer mainly to creation of conditions for receipt of programs in minority languages in the regions of minorities, support circulation of written press.

Moldovan authorities do not enforce in practice the provisions of the bilateral agreements with the Ukraine in this respect. *In the agreements with Ukraine*, the treaty states that High Contracting Parties will support ...*creation of favorable conditions for ...free receipt of radio, TV programs in localities compactly populated by respective national minorities and will accord respective assistance to the other High Contracting Party*⁶⁶. With regard to printed media and press, further Parties will *contribute to creation of libraries and assure for them literature and subscription of periodicals in mother tongue of respective ethnic minorities*⁶⁷ and stimulate opening of libraries and shops in districts specialized with commercialization of literature, artistic production, national music.⁶⁸ With regard to electronic media, High Contracting Parties "will...*contribute to amplification of contracts between radio and TV companies for common transmissions in the regions compactly populated by national minorities as well as creation of editorial boards for programs in respective minority languages*"⁶⁹. With regard to periodicals, "parties will constitute relations in accordance with CSCE and national law provisions"⁷⁰ and "parties will *abstain from discriminatory sanctions for impeding the dissemination of press and periodicals*"⁷¹ and "persons belonging to national minorities...right to have media in minority language"⁷². *In the agreements with Bulgaria*, the treaty states that High Contracting Parties will stimulate collaboration in the field of TV, radio, theatre cinema, etc⁷³. Governmental agreement states that state informational agencies of the countries will *exchange the information, journalists and experience*⁷⁴ and contribute to amplification of contacts between radio and TV organizations as well as *development of collaboration between them to realize the programs in Bulgarian language on Moldovan National television*⁷⁵. *In the*

⁶⁶ Art. 8 of the treaty with Ukraine

⁶⁷ Art. 2(2) of the Governmental Agreement with Ukraine

⁶⁸ Art. 2(4) of the Governmental Agreement with Ukraine

⁶⁹ Art. 14 of the Governmental Agreement with Ukraine

⁷⁰ Art. 1 of the Governmental Agreement with Ukraine on press dissemination

⁷¹ Art. 10 of the Governmental Agreement with Ukraine on press dissemination

⁷² Art. 3 of the Ministerial Agreement with Ukraine

⁷³ Art. 12(4) of the Treaty with Bulgaria

⁷⁴ Art. 15 (1) of the Governmental Agreement with Ukraine

⁷⁵ Art. 15 (2) of the Governmental Agreement with Ukraine

*agreements with Russia, the treaty states that parties will support the creation of cultural centers in cooperation between mass-media*⁷⁶.

A special Governmental Agreement is concluded to facilitate the dissemination of radio and TV programs on the territory of Moldova from Russia. Also, High Parties will *encourage the exchange of book publishing* and contribute to dissemination of editorial production of another state on its territory⁷⁷ and will give multilateral support of literature, interlibrary links, journalists, writers meetings, exchange of information in political, cultural and scientific life, publishing of journals in minority languages⁷⁸.

The law on the protection of national minorities states the guarantees for the right to establish mass-media, press in the language of national minorities, assures the radio and TV programs in minority languages on state television⁷⁹. Law on audiovisual and Law on press contain no provisions on minority language. This reveals again the weakness of the law.

⁷⁶ Art. 19(2) of the Treaty with Russia

⁷⁷ Art. 8(1) of the Governmental Agreement with Russia

⁷⁸ Art. 8(2) of the Governmental Agreement with Russia

⁷⁹ ⁷⁹ Art. 13 of the law: 1. Persons belonging to national minorities and their organizations have the right, as provided by law, to establish mass-media, public literature in their minority language. 2. The state guarantees the organization of programs on state TV and radio in minority languages.

2.3.4 Article 10 (language use in public/private, criminal procedures), Article 11 (names, signs)⁸⁰

- Linguistics rights from the perspective of law⁸¹

Linguistic rights guarantees are poorly elaborated and provide generally only basic guarantee for the use of language of choice. They are silent with regard to specific areas of communication with public administration (including various forms of compact presence), use of language in private sphere (business, etc), etc.

The Law on national minorities uses the phrase “where the minority constitute a considerable part” that a minority language, other than Moldovan or Russian can be used in relation with the public authorities. It remains unclear and no precedents known in that respect. It seems that the phrase “minority constitutes a considerable part” can be interpreted critically against the international standard formula “minorities residing traditionally in substantial numbers”. The Law on protection of national minorities imposes in practice the minorities to use alternatively Russian and not their minority language violating the international obligations⁸². The state legal arrangements disadvantage the minority creating the linguistic criterion in terms of the level of enjoyment of services and opportunities for employment. To date none of kin-minorities (Ukrainian, Bulgarian) (with exception of privileged Russian minority) enjoyed the implementation of this international obligation⁸³. The Moldovan law

⁸⁰ The following information is based on the comprehensive research provided in the reports of the Moldovan Helsinki Committee, Center for Minority Issues ([8, 16]).

⁸¹ The following information is based on the comprehensive research provided in the reports of the Moldovan Helsinki Committee, Center of Moldovan Human Rights NGOs ([11]).

⁸² See for detailed discussions in Fernand De Varennes, Language, Minorities and Human Rights, Martinus Nijhoff Publishers, The Hague/Boston/London, International Studies in Human Rights, volume 45, 1996, pp. 174-188.

⁸³ Art. 10 European Framework Convention on National Minorities, art. 10 European Minority and Regional Language Charter.

itself is considered to be in-operational in this regard lacking the implementation efficiency.

Compactly populated Bulgarians in south of Moldova, Ukrainians in North and North-East and other parts do satisfy the international criteria⁸⁴ and there apparently exist the sufficient need for the use of the minority language (Bulgarian and Ukrainian respectively) do not enjoy these rights. In practice the use of Bulgarian or Ukrainian as described is inexistent. Respective bilateral agreements with Bulgaria and Ukraine fail to meet the de facto existing needs and the Law on national minorities plays no effective role to fulfill the existing needs as well.

- Use of the Ukrainian language in the regions with compact Ukrainian population⁸⁵

The use of Ukrainian language in public sphere in Moldova has a number of dimensions. The most immediate issue of the use of the Ukrainian language is the use of language in the settlements at local rural level, where the Ukrainian population has been traditionally coexisting with Moldovan, Bulgarian or Gagauz population. Another issue constitutes the use of the Ukrainian language at regional level, specifically the region of North and North-East of Moldova, where the Ukrainians constitute in some regions as much as 40% of population. Finally, there come the issue and the status of the Ukrainian language at national and central level considering that the Ukrainians is the second largest ethnic component of the Moldovan population. In the interest of this study, here will be discussed only the first two aspects of the use of the Ukrainian language in public sphere: local and regional function and use of the Ukrainian in public sphere.

Several regions (raions at present and judet in the most recent past) of Moldova have a

⁸⁴ Mentioning is made to the provisions of the Framework Convention on National Minorities and 6% in Finland, 20% in Romania, etc is the practice of compactly populated minority.

⁸⁵ Ukrainian settlements visited by the project: - Bratuseni, Briceni raion of Edinetti judet, North of Moldova (A2); - Tetcani, Edinetti judet, North of Moldova (A2); - Gaspar, Edinetti judet, North of Moldova (B2); - Marcauteni, Edinetti judet, North of Moldova (B2); - Maximovka, Chisinau judet, Center of Moldova (A3); - Baltata, Chisinau judet, Center of Moldova (A3);

substantial population of Ukrainians: Otaci raion, Briceni raion, Edineti raion, Balti raion. A number of other raions have also Ukrainian population however in a less substantial extent or less than 15% of population. The mentioned three regions have at least the population of around 30% if not more of the Ukrainian population. That fact already per se implies certain obligations for the regional authorities with regard to the use of the Ukrainian language in public sphere. Depending on the expectations and the demands of the Ukrainian population or these regions, there could be considered relevant similar to those at the local level recommendations.

The representative pool carried out in the researched Ukrainian compactly populated six communities⁸⁶ revealed the situation.

The local Ukrainian population has kept its native (Ukrainian) language in the dialectal variants that were brought along to Moldova by the first settlers who came here some 400-100 years ago. 305 of the 395 polled Ukrainians, i.e. 77.22% named Ukrainian as their native language, which is more than on 16% higher, than the corresponding indicator appearing in the last census undertaken in the Republic in 1989. Identification of the Ukrainian language as a native one by the representatives of the Ukrainian nationality is connected both with subjective, and many objective factors and is displayed differently depending on the age qualification, educational level, availability or lack of conditions to join to learn about Ukrainian culture, to study their native language, etc. 67.59% of the polled Ukrainians consider that they speak their native language fluently, 29.11% think they know it to a certain extent and only a little bit more than 3% do not know it. This indicator is manifested differently depending on age, social status, educational level, etc.

More than 85% of respondents declared their desire to learn the literary form of the Ukrainian language, but 52.41% of them noted that they have no such opportunity. At the same time, 72.41% feel a need to read literature in the native language (in Tetskany there were 90.6% of such respondents, in Maksimovka – 86.5%, in Gashpar – 80.7%). However, only a little bit more than one third of respondents can satisfy this need but even they can do it only partly.

The Ukrainian language is actively used by the local population in their daily life. For 71.9% it is a major communication means used every day. 15.7% speak Ukrainian from time to time, 10.63% - very seldom, and only 1.77% - never do it.

Determining language priorities in communication with representatives of local public authorities, about 30% of local Ukrainians prefer their native language (in Tetskany – 41.51%, Baltasata – 32.98%). About two thirds of the polled prefer Russian.

Due to some objective reasons of political, ideological and educational nature, representatives of the Ukrainian nationality for many decades used Russian in the official relations with authorities. Practically, Russian used to have the status of an official language in all spheres of life. And today, 84% of the polled prefer Russian in their official communication with representatives of rural administrative bodies, 68.6% wish to receive official information, and 80.25% - to fill in documents in the Russian language. The existing situation shows not only the tradition of using Russian on the official level, but also the fact that the local Ukrainian population had no opportunity to learn the literary form of their native language including its written form.

At the same time, a new tendency is noted in the official use of the Ukrainian language in the relations with local administrative authorities. 9.8% of Ukrainians use their native language in such relations (in Tetskany it is 17.61%, Baltasata – 10.64%), and 2.53% use both languages, i.e. Ukrainian, and Russian (in Tetskany – 3.14%, Baltasata – 4.26%, Maksimovka – 5.41%). 7.09% of respondents wish to receive official information in the Ukrainian language, 16.71% - in Russian and Ukrainian. 17.47% of the polled prefer to fill in documents also in the Ukrainian language when dealing with local administrative bodies.

An absolutely insignificant part of the Ukrainian population polled supported the use of the state language in the official communication with representatives of rural administrative authorities. They made from 1% to 3% of the polled. This situation reflects the lowest level of command of the state language and unsatisfactory conditions ensured for its study at the present stage.

⁸⁶ ibid

Thus, as show the data of the survey, from 50% to 80% of respondents confirm presence of such fundamental phenomenon of the national culture as traditions that they keep in their life and mutual relations. One can note as positive such forms of social practice by local administrative authorities as celebration of traditional national holidays. However, only 13-18% of residents are locally involved in cultural and educational activities, unfortunately, whereas wide layers of the population remain outside the amateur cultural process and spiritual self-expression. Respondents noted as unsatisfactory the existing practice of organizing concert tours to their villages by professional and amateur creative groups from the Ukraine.

*In the agreements with Ukraine, Treaty does not provide references to the use of respective language in private and public sphere. Only the Ministerial Agreement states that "Parties oblige to reciprocally contribute to assurance of rights of persons belonging to national minorities to ...use freely mother tongue in private and public life, on obtaining and dissemination of information as well as the right to have media as provided by national law"*⁸⁷.

In the agreements with Bulgaria, no arrangements observed with regard to use of respective minority language in public and private sphere. There some general clauses related to international and European standards.

The Law on national minorities, as does the Law on functioning of languages, extensively refers to various language rights as: *use, access and dissemination of mother tongue in written and verbally*,⁸⁸ *publication of official acts in Moldovan and Russian*,⁸⁹ *publication of official acts in minority language when sufficient number of compactly populated minority*,⁹⁰ *display in regions*

⁸⁷ Art. 3 of Ministerial Agreement with Ukraine

⁸⁸ Art. 7 of Law on protection of national minorities: "Persons belonging to national minorities have the right to freely use, access and disseminate in written, verbally, exchange information in their mother tongue"

⁸⁹ Art. 8 (1) of Law on protection of national minorities: State guarantees the publication of normative acts and official communications and other important information of national level in Moldovan and Russian languages

⁹⁰ Art. 8(3) of Law on protection of national minorities: "On the territories where persons belonging to national minorities constitute a considerable part of population, acts of local public authorities are published in the language of minority if necessary and also in Moldovan and Russian" Art. 8(2) of Law on protection of national minorities: "In localities which, in conformity with art.111 of the Constitution, had been granted the special statute of

with special statute of names in other languages,⁹¹ display of information of important *public character* on health and security, etc *in Moldovan and Russian*, and in minority language⁹², use Moldovan or Russian and other minority language in relation with public authorities⁹³. A recent Constitutional Court decision invalidated a number of provisions of the Law on protection of national minorities with regard to the use of Russian as a second language. The practical impact of the decision is not known at the moment.

A recent decision of the Constitutional Court of Moldova⁹⁴ invalidated provisions of the Law on national minorities, Law on Civil Acts in the

autonomy, local normative acts, official communication and other information is published also in other official languages established by respective laws."

⁹¹ Art. 10 of Law on protection of national minorities: "Names of localities, streets, and public places are indicated in Moldovan and Russian and in *localities that had been granted the special autonomy statute in other official languages established by respective laws.*"

⁹² Art. 11 of Law on protection of national minorities: 1. "Information of public character that refers explicitly to the protection of health, assurance of public order, as well as the visual information in Ministry of Internal Affairs, Ministry of Justice, Prosecutor and medical institutions in cities and metropolis, in means of transportation, bus and railway stations, airports, roads is done in Moldovan and Russian languages.

2. *In localities which had been granted special statute of autonomy, information provided in para 1 can be in other languages established by respective law.*

3. In the territories where persons belonging to national minorities constitute a considerable part of population, information provided in para 1. Is published and displayed, upon the case, in the language of the minority."

Art. 12 of Law on protection of national minorities: "1. Persons belonging to national minorities have the right to address to public authorities orally and in writing in Moldovan or Russian and to receive the answer in the language she/he addressed.

2. *In localities that had been granted the special statute of autonomy, the language of communication can be one of the languages established by the respective law.*

3. In the territories in which the persons belonging to national minorities constitute a considerable part of population, language of communication with authorities can be also the language of this minority"

⁹⁴ 30 May, 2002, Official Gazzette nr. 28 of 13.06.2002.

Decision of Constitutional Court invalidating some of the provisions of the Law on protection of national minorities. CC declared that art.6(1), 8(1,3), 10, 11(1) and 12 (1) of the Law are unconstitutional as they create preferential treatment and disadvantage of other minorities compared to Russian one.

- *Provision on Law on national minorities*

Art. 6(1) State guarantees the realization of persons belonging to national

Art. 8 (1) State guarantees the publication of normative acts and official c

Art. 8(3) On the territories where persons belonging to national minoritie

Art. 10 Names of localities, streets, and public places are indicated in Mo

Art. 11 1. "Information of public character that refers explicitly to the pro

Art. 12 1. Persons belonging to national minorities have the right to add

- *Provisions of the Law on civil acts of perso*

5(4) Writing of civil acts as well as other records is made in sta

part of using Russian language as the preferred language of national minority in the regions where they constitute compact majority. The Court argued that the respective provisions exceeded the range of guarantees offered to Russian language by the Law on functioning of languages (Constitutional law of Moldova) and secondly this status disfavors the use of other minority languages in the regions compactly populated by minorities. Thus the Constitutional court first argument ruled contrary to the provisions of the international treaties providing that once the state adopted a favorable framework for the functioning of a language it cannot lower the area of protection as stand alone argument. Although in practice, Russian language does enjoy a favorable treatment and creates the situation of less preferential treatment of other minority languages, most notable Ukrainian, Bulgarian, Gagauz, etc, there seems to be available other means for the compensation and correction of the created inequality of minority language treatment.

The provisions of the bilateral agreements are inferiorly weak and unelaborated comparing with the provisions of the Law on national minorities and therefore in all respects the provisions would follow more detailed provisions of the Moldovan law on national minorities. The law on protection of national minorities fails in efficiency of providing in practice the use of minority languages. It is considered that the Law on national minorities tends to define two languages having the supremacy (Moldovan and Russian) over the other languages, including languages of some compactly populated minorities as the law describes. The Russian, as described before, is considered to still the play the role of language that is to serve the needs of other minorities substituting their minority languages. Therefore, the Moldovan law needs to be supplemented with the provisions of respective bilateral agreements on the use of minority languages in the respective regions where minorities reside in substantial numbers serving the sufficient need. The Law on protection of national minorities does not conform the international standards as provide for public display in minority language, use the minority language with public administration, information of public character, etc only in those regions where they have been granted a special statute of autonomy and only separately as established elsewhere in the law (none of provisions exist at the moment).

The ranges of problems discussed with regard to the use of the Ukrainian language in public sphere that are subject of dependence on the local authorities are:

- *Change of the name of the village to reflect national minority origin*

The Laws of Moldova and the international standards require the use of the Ukrainian sensitive name of the locality of residence along with the name of the locality in the official name, if there is any. It is strongly recommended that Moldovan authorities follow this practice in order to improve the confidence of the Ukrainian minority.

- *Several levels of use of Ukrainian language in public sphere*

The practice of different communities discussed in the report shows different levels of the possible use of the Ukrainian language. There is a well known instrument applied in practice to adjust the public policies to the existing needs of the specific community: sliding scale approach meaning setting out a number of decreasing levels, forms and types of the use of the minority language in public sphere. The choice should be flexible, timely and periodically revised and dependent on the current preferences of the relevant community. The study discusses a number of possible ways:

Sliding scale approach of use of the Ukrainian in public sphere:

- communication verbally (not in written form) in Ukrainian with two options- respondent to the local authority and in both ways (requiring from a public servant to know passively the Ukrainian or actively), this could be at individual or public manner;
- use of the Ukrainian names and titles for the public offices along the official language names;
- active written information coming from the local authorities for the population (information posted out, decisions announced, etc);
- receiving an replying in written form on the requests, complaints in the Ukrainian language;
- providing the parallel functioning of two or several language where the information is provided in the Ukrainian only when requested in

Ukrainian, otherwise the information is kept or delivered in the original language;

- obligation to provide all the information in the Ukrainian language as well.

It is recommended that each community, depending on the real situation existed and the demands from the community, given they are actively and periodically determined by local authorities, can adopt a local public policy to meet the demands from the local community.

- *obligation to encourage the use of the Ukrainian in private and public sphere*

The position and the role of the local authorities is important and crucial for the setting out a positive and encouraging precedents for the local Ukrainian population. The preferences of the local Ukrainian population regarding the use in public sphere of the Ukrainian language is not ultimately dependent on the position of local leaders but is depended on their position. Therefore, it is recommended that the local authorities set out positive examples of the use of the Ukrainian in public sphere and encourage the support for its use with the local population.

- *obligation of local authorities to support development of Ukrainian culture*

This is a core obligation imposed to the local authorities given an overwhelming evidence of the local Ukrainian population to have more local authorities support for the development of the Ukrainian culture. Therefore, it is strongly recommended that each local authority develops a practical and reasonable action plan aimed at the development of the Ukrainian culture.

- *need establishing of adult courses for learning the Ukrainian*

It is strongly recommended to respond on the clearly stated demands and expectations of the local Ukrainian population to provide formal and informal access to the Ukrainian language courses by means available in the community: local television or radio, evening classes, etc

- *need to have more proficient staff of Ukrainian language to communicate in Ukrainian*

It is strongly recommended that local authorities should consider adopting personnel policies to have Ukrainian language capacity to meet the

expectations of the local Ukrainian population and provide the encouraging example for it.

- *the use of the Ukrainian language not only in private but also in public sphere should be a part of the policy of the local administration and especially regarding the children*

It is strongly recommended that the policy for the promotion of the confidence of the use of the Ukrainian language in public sphere be focused specifically on the children targeting schools.

- *need to cultivate and support Ukrainian national identity, Ukrainian names and culture as a link to Ukrainian language*

As the language, exercise of spiritual and material culture and names are the most essential elements of the Ukrainian identity, it is strongly recommended to the local authorities that local authorities adopt ethnic name sensitive policies and facilitate the exercise of variety of forms of Ukrainian cultural identity.

All the mentioned issues have found the settlement specific interpretation and discussion in the report with the respective justification and argumentation for the position expressed.

- Use of the Bulgarian language in the regions with compact population⁹⁵

The use of the Bulgarian language in public sphere and the range of issues discussed in the study resembles in a substance but somewhat differs from the issues related to the Ukrainian language. The study shows that the Bulgarians of Moldova have fortunately managed to sustain the internal momentum of the cultural, linguistic and confidence self-identification of the national ethnic identity. In Taraclia region the Bulgarians fortunately exercise the substantial elements of the cultural and linguistic identity. Regional authorities should be more proactive in meeting the demands of Taraclia population as the

⁹⁵ Therefore, the Bulgarian settlements visited by the project are codified as follows: - Tvardita, Taraclia judet, South of Moldova (A1); - Kirsova, Komrat dolai of Gagauz Yeri autonomy, South of Moldova (B3); - Colibabovca, Leova raion of Lapusna judet, Center of Moldova (A3); - Larga, Cahul judet (raion), South of Moldova (C3); - Vozneseni, Cahul judet (raion), South of Moldova (C3); - Moscovei, Cahul judet (raion), South of Moldova (B3);

current offer is still lags behind the expectations. Elsewhere, in other regions of Moldova where Bulgarian population coexists with Moldovan, Gagauz and other ethnic components the situation with the realization of linguistic rights in public sphere somewhat similar and still comparatively to the situation with local population of Ukrainians is better. Still, there the efforts of the local authorities are under the expectations of the local Bulgarian population.

The use of Bulgarian language in public sphere has been studied with respect of some 7 different localities with preponderant, substantial and minority Bulgarian population. The practice has revealed some differences and many opportunities of the improvements.

Regional aspects of the use of Bulgarian language are relevant to the case of Taraclia region and also to the case of former Hincesti judet (Leova raion at the moment), Cahul judet (currently raion) and Gagauz autonomy, Komrat dolai where villages with the substantial populations of Bulgarians exist. In the case of Taraclia raion, regional authorities should consider regional public policies for the extending of the use of the Bulgarian language in public sphere: proactively inform population in Bulgarian, carry out public meetings, etc in Bulgarian, also match the expectations of the written communication in Bulgarian and set out the precedents of confidence-building in using the Bulgarian in public sphere, including by broadcasting more programs in Bulgarian and about the Bulgarian culture. In the other case, regional authorities should become aware of the needs existing substantial components of the ethnic Bulgarian population and be more supportive towards the self-realization of the identity of Bulgarian population facilitating the process of the diversity maintaining public policy of the integration.

The range of problems discussed with regard to the local use of the Bulgarian language in public sphere varies, the specific substance of the local aspects is discussed in the study, and here are the conclusions and summary of it.

- *to maintain and develop Bulgarian culture by supporting cultural activities by private and public initiatives and to encourage and support the establishment of cultural folklore groups of Bulgarian culture*

The Bulgarian culture component has been one of the crucial for the maintaining of the Bulgarian identity, in many settlements where Bulgarian population is in substantial numbers, but especially outside of Taraclia region, the local population expectation far exceeds the current and particularly past efforts of the local authorities. Therefore, it is strongly recommended that local authorities take actions and steps in supporting the development of Bulgarian culture: establishing folklore groups, facilitating access and participation of young generations, exchange and communication with Bulgarians from other settlements in Moldova, etc.

- *to supplement local libraries with more literature in Bulgarian language*

The assessment has shown the existence of the substantial expectation and wish from the local population to have access to literature in Bulgarian language. It is recommended that local authorities consult the Bulgarian specialists to supplement public libraries with books and papers in Bulgarian language.

- *to facilitate the confidence-building of local Bulgarians in use of Bulgarian language in public sphere*

The assessment shows the substantial use of Bulgarian language in public sphere in many forms. Especially in Taraclia region this practice should be supported by the regional authorities through more proactive actions. Therefore, it is recommended that Taraclia regional authorities and local authorities support and encourage all forms of verbal communication with the authorities in Bulgarian, inform proactively the local population in Bulgarian, encourage practice of written communication in Bulgarian and encourage the use of Bulgarian at public meetings, etc.

- *to support integration of Bulgarian and Gagauz/Moldovan/Ukrainian components of local communities in cultural diverse mutually respected communities and the process of further integration into a Moldovan society*

The study findings show that the integration process of Bulgarian population into Moldovan society is successful, where the integration has taken place with the maintenance and even share of the culture and language with other ethnic components. It is recommended that

relevant regional and local authorities further promote public policies of diversity maintaining policies of integration of Bulgarians into Moldovan society together with the process of learning and sharing about Bulgarian culture from other coexisting ethnic components.

- *adult educational courses for use of written Bulgarian for adult population, including by using local television*

The assessment shows that there exists an overwhelming practice of the use of Bulgarian in private sphere and a substantial practice of verbal use in public sphere, there still remains the gap with the written form of public communication and related expectation from the local population. It is recommended that local authorities take actions to facilitate the study of written form of Bulgarian language for the adult population by means of local broadcasting stations, evening courses, etc. This is true also with respect of the local capacity to communicate in Bulgarian from local authorities.

- *to practice the public announcements, names, titles in Bulgarian*

As the language, exercise of spiritual and material culture and names are the most essential elements of the Bulgarian identity, it is strongly recommended to the local authorities that local authorities adopt ethnic name sensitive policies and facilitate the exercise of variety of forms of Bulgarian cultural identity.

- *to create public council to efficiently administer and cultural and other programs at local tv broadcasting station, re-broadcasting cultural programs, need to facilitate re-broadcasting of Bulgarian tv and radio programs by local administration satellite antenna and to encourage the produce of Bulgarian language programs with the participation of young generation and creation of public council of local television*

A number of local authorities administer local and regional (re)-broadcasting stations that do but in some cases do not air also the programs and channels in Bulgarian language or about the Bulgarian culture of local or international origin. Therefore, the setting up of public councils that will help the determination of the content and best channel selection for the support of the development of the Bulgarian culture is strongly

recommended as well as the access of creative groups from the region to create original local programs.

- Language Rights of Roma minority

The research comprised Roma villages where Romani identification and Romani life differed. The project research has found several striking situations regarding Roma identification as Roma. Situation 1 (Vulcanesti, Ursari) are the villages when population speaks Romani and clearly and openly identifies with Roma. Situation 2 (Schinoasa and partly others) are the villages when population does not speak Romani but identifies with Romani (at least in majority of cases). Situation 3 (Bursuc, Parcani, Huzun, Stejareni) are the villages when the local population of these communities refused to identify themselves directly as Roma⁹⁶.

Situation 1: The project has visited communities of Vulcanesti and Ursari with total population of 800 and 600 persons who clearly identified themselves as Roma and spoke predominantly the Romani language among them and with Roma experts as members of the research team. In these communities the population uses Romani language in every day private life, communication in informal meetings, discussions in the streets, etc. In Ursari village, Roma spoke Romani and clearly identified them with Romani identity and culture as did Vulcanesti Roma.

Situation 2: In Schinoasa village, Roma would identify them as Romani but did not speak the Romani language. Some older people of the village spoke Romani and knew quite a number of expressions and words. They would relate to the team that their parents would speak much better the language and even speak jointly Romani and Romanian/Moldovan with them; however their generation already almost lost the Romani language. Local authorities allocate ZERO to the budget line culture for the community of Schinoasa village and Ursari village. Even though Schinoasa had not identified them as Roma, they would recognize that everybody (authorities, neighbor villages) considers them Roma and they do not protest

⁹⁶ The following information is based on the comprehensive research provided in the reports of the Moldovan Helsinki Committee, Center of Moldovan Human Rights NGOs, ([7, 15]).

for that and accept that they are considered Roma. At the same time Schinoasa inhabitants would also demonstrate to the team their passports of old Soviet standard where it has been saying that they were Moldovans. That mixed situation had in itself a lesson.

Situation 3: In villages of Huzun, Stejareni, Parcani and Bursuc the situation was even more different. The local inhabitants refused to be considered Roma and even got upset with the interlocutors if they would be named like that. As the team was composed of non-Roma and Roma representatives, while non-Roma started talking and asking questions about their identity and ethnic origin none would recognize or identify themselves as Roma. Many interlocutors (old generation or middle age generation) would show their passports stating that in there it is written that they are Moldovans, they do not speak any Romani and therefore they are not Roma. When communicating in private with Roma members of the team who clearly identify themselves as Roma, as Roma members of the team stated, the interlocutors would show the sign of closeness and even using the expressions of “us” meaning themselves and the Roma team members or phrases like “you understand us as you are one of us”, etc. It was not possible to repeat the same expressions while in the company of non Roma interlocutors of the team. At the same time the project team found that other non Roma communities (of the same village or villages in the region or local, regional, central authorities) treated and considered these communities as Roma communities. In many expressions and assertions the project team documented a practice of addressing to the members and population of these communities as being Roma: “They are Tigani”, “Tigani live there”, etc. When coming to different neighbor non Roma communities or villages and asking where we could find Roma communities, all without exception would point and name these communities.

Comments on Situation 2 and 3

The appearance and the language and type of expressions, accent of population of these communities could be easily distinguished from other non Roma communities from the same village (administrative unit). Even though they would not speak any other language than Romanian/Moldovan, not even a word of Romani (as Roma members of the team had

been trying to provoke them), their expressions, accent would be different. The population of Roma communities would explain themselves that they speak better Romanian/Moldovan and that they have been more isolated from the public life and therefore they preserved some different type of expressions and accent. People appearance of these communities would be typically considered as Romani based on the Romani in Romania (who identify clearly as Roma). There were cases described by people from these communities when they had traveled to Romania and identified there as Romani immediately and even addressed in Romani but they were unable to reply in Romani.

Another aspect that project team researched was whether in their every day live the population of the communities preserved patterns of life style or habits, traditions attributable to Roma in the region. In some cases Roma members of the team asserted that some traditions and habits resembled the patterns of Roma occupation (while being travelers or settled) based on the division of streams and groups of Roma.

A deeper research would be needed to understand the connection of the villages of Huzun, Stejareni, Parcani and Bursuc that were situated closely to the Orthodox temples and residence of Hincu, Capriana, Bucovat and Raciula Orthodox Church temples that hystorically held Roma population in servitude prior to second half of 18 century. The proximity of these temples to the three mentioned villages and these villages situation in the forested area with no land belonging to these villages would suggest that they had worked and earned their income being in dependence of the Orthodox Church. In the case of Schinoasa, the situation could be different with the population belonging to a landlord in the nearby village of Tibirica bearing this man name.

Cultural patterns and the occupation of the villages in situation 2 and 3 shadow direct links to the Roma origin of the inhabitants as their primarily occupation would not be settled. At the same time inhabitants would recollect that their ancestors would be famous of working out things from wood and their link with the mentioned monasteries of Capriana, Hincu, Bucovat and Raciula were proven. In Bursuc village the librarian said that she saw a short history of Bursuc village documented in Hincu monastery stating that Bursuc village belonged

to the monastery since its set up and that the people of Bursuc would be dependent on the Hincu monastery. The statement could be not verified as the team has not been given the opportunity to look into the books at Hincu monastery and that has been a different focus of the research.

3.3.5 Article 12 (education, research), Article 13 (private education), Article 14 (learn minority language, education in minority language)⁹⁷

The law on the protection of national minorities states the guarantees for the preschool, primary, general, university and post university study in Moldovan/Romanian and Russian languages and create conditions for the education in other minority languages⁹⁸; contribute to minority language education by providing didactical materials and specialists⁹⁹, persons have the right for education in their kin-states (historical motherland)¹⁰⁰; right to private educational establishment of all levels with obligatory study of history and language of Moldova¹⁰¹. Law on education reiterates the previously mentioned provisions of the law on protection of national minorities.

⁹⁷ The following information is based on the comprehensive research provided in the reports of the Moldovan Helsinki Committee, Center for Minority Issues ([8, 16]).

⁹⁸ Art. 6(1) of the Law on protection of national minorities: State guarantees the realization of rights of persons belonging to national minorities to preschool education, primary education, general (including professional) education, high and post university education in Moldovan and *Russian languages*, create conditions for the realization of their right to education in minority mother tongue (Ukrainian, Gagauz, Ivrit, Hebrew, etc...)

⁹⁹ Art. 6(2) of the Law on protection of national minorities: For the assurance of the educational process in educational establishments in minority language with partial or complete degree, the state contributes to the elaboration of programs and didactical materials, education of didactical professionalisms, cooperating with other states with this respect.

¹⁰⁰ Art. 6(3) of the Law on protection of national minorities: Persons belonging to national minorities have the right to obtain the high and post university education in their kin-states and in other countries on the basis of agreements and international treaties.

¹⁰¹ Art. 6(4) of the Law on protection of national minorities: Persons belonging to national minorities and their organizations, in accordance with the law, have the right to establish preschool education and private educational institutions of all levels. Study of Moldovan history and language in all educational establishments is obligatory.

Bilateral agreements with Ukraine provide more obligations imposed on Moldova compared with Law on national minorities since former obliges creating favorable conditions for functioning of educational establishments and their establishment in the regions with compact population whereas the last guarantees creating the conditions for functioning of educational establishments. Bilateral agreements with Bulgaria sadly are unelaborated and stipulate specifically only the establishment of two schools in Taraclia and Chisinau. In agreements with Russia the Law on national minorities provides extensive guarantees for by far exceeding the more general provisions of the agreements. In the case of Israel the educational rights provisions are balanced with the provisions of encouragement provided in the national law on minority protection.

School education is basically carried out in Moldovan and Russian. The majority of minorities (Ukrainians, Bulgarians and others) study in Russian. Only 374 children studies in Ukrainian, which is 0, 06% and 171 children, do in Bulgarian, which is 0, 02% of total pupils. Ukrainian language as a separate subject is studied only in 37 schools (5 984 children) and Bulgarian in 30 schools (7 925 children). This de facto situation reveals the alarm particularly with respect to the effective realization of the educational rights of Ukrainians of pre-school, primary, general and university education as Ukrainians represent the larges of all national minorities and compactly populate in North and North-East of Moldova. Only to a very limited extend there exist the Ukrainian minority language education. Similarly is the de facto situation with regard to Bulgarian minority compactly populating in the South of Moldova that require effective realization of the Law on national minorities.

The Law on protection of national minorities is extremely week with regard to guarantying the educational rights of national minorities. The provisions of the law actually violate the international standards. The bilateral agreements with the Ukraine are not being respected and implemented in practice. The obligation to provide Ukrainian language education is violated in a systematic manner. The provisions of Law on protection of national minorities use the condition for public school and post school education in Russian language again as a substitute for minority language contributing further to the assimilation of

minorities. It fails to conform to international standards to provide public pre-school, school and other education where there is a "sufficient demand" of a substantial number of minorities¹⁰². The situation of Ukrainians and Bulgarians are a clear example for that.

- Bulgarian minority

Respondents of the Bulgarian nationality actively use their native language; try to preserve it and to read literature in the Bulgarian language irrespective of what percentage of the Bulgarian population lives in the community. However, in the villages with mixed population such opportunities are much smaller for Bulgarians. Respondents - Bulgarians display active interest to receiving information (radio, TV and press) in their native language. They actively use even minimal opportunities for this purpose.

The overwhelming majority of respondents (90% and more) choose the Bulgarian language as an academic subject practically at all educational stages, while more than 30% of respondents assume that Bulgarian language should be a language of instruction at the level of preschool and primary school education. An absolute majority of the polled (about 70%) express clear desire that students of the Bulgarian nationality in universities and colleges should have special courses in the Bulgarian language. In the sphere of communication with local administrations, not less than 50 % respondents of the Bulgarian nationality choose their native language (30% - in the villages with mixed population).

Bulgarian respondents in all surveyed communities have a great desire to keep their national cultural traditions. However, this desire is satisfied to a greater extent in Tvarditsa, while in other villages the level of satisfaction is much lower. 22 educational institutions were visited during the study of the situation in the Bulgarian villages including 10 kindergartens, 6 grammar schools, 1 high school, 3 lyceums, 1 school of arts and 1 college. Each village is unique in its own way, which is reflected like in the mirror in the sphere of education. The difference between situations can be explained by a lot of factors such as historical,

demographic, administrative, economic and social.

There is a lot in common in the implementation of ethnic and cultural rights of Bulgarians living in these villages. Thus, for example, practically everywhere preschool institutions are functioning seasonally, April - May through November, in winter children stay at home. The language of training in kindergartens is Russian, even in those villages, where the absolute majority of the population is Bulgarians. Native language is taught, according to the curriculum, two hours a week. Ethnic and cultural education is rather of decorative nature. In fact, the kindergarten does not form but rather washes away the children's feeling of national identity.

The schools, as a rule, use the curriculum approved by the Ministry of Education for schools with Russian language of instruction for children of the Ukrainian, Bulgarian and Gagaizian nationalities according to which Bulgarian language and literature are studied 3 hours a week in grades 1 - 12. The subject of History, Culture and Traditions of the Bulgarian Nation is introduced to be taught in primary schools but there was no didactic and methodological documentation necessary at the moment of inspection. However, in Moskovyey lyceum, the curriculum envisaging obligatory study of the Bulgarian language exists only for grades 5 through 9, which breaks the logic of the native language study as well as continuity in the training and development of child. Here, the tradition of teaching of the native language in the primary school is discontinued and in the lyceum the Bulgarian language is studied only as an optional subject. With departure of the teacher of the Bulgarian language, the teaching of the native language in Lopatsika grammar school was also completely interrupted.

One should note some indisputable achievements in the teaching of the basic ethnic and cultural subjects such as language, literature, the history, which are obvious. All schools note as a very positive fact publication of local, i.e. Moldovan, textbooks in the native language and literature for grades 1 - 9. Like in former times, there still remains a problem with providing lyceums with didactic and methodological literature on the Bulgarian language. As a rule, schoolchildren and their parents positively perceive the opportunity to

¹⁰² Art. 14 of the European Framework Convention on Protection of National Minorities, art. 16 of the European Charter for Regional and Minority Languages, etc

study the Bulgarian language. Their desire is conscious and motivated. The problems and claims connected with certain discrimination in comparison with the state, Russian or western languages are fair. The position of the mark in the Bulgarian language in the secondary education certificates is lower, the price of textbooks in the native language and rent payment for them are higher than for the textbooks in the state, Russian and western languages.

The quality of teaching of the native language and culture directly depends on the material basis of the school. In this sense, as it has already been specified, it is easier to speak about things available than about the things missing. One can see everywhere shortage or complete lack of fiction, books for children and reference literature in the native language, lack of exhibits; there is practically not a single school having TV sets, video players or even ordinary tape recorders. During the analysis of the situation it was also noted that such subjects as fine arts, music and labor training are practically not involved in the ethnic and cultural education. And here, to our mind, there are big opportunities for harmonization of intercultural as well as ethnic and cultural education. It is certainly necessary to inform children about the achievements in the sphere of the Bulgarian painting and music, to tell them about Bulgarian national costumes and ornaments, about traditional Bulgarian handcrafts, Bulgarian songs, etc. along with the achievements of the world and Moldovan cultures. Unfortunately, curricula in these subjects do not envisage such work.

The attitude of village and district administrations to the problems of educational institutions is also important. And in this respect it is also necessary to state that situations are different: for example, in the same village a grammar school is a responsibility of the mayor's office, while lyceum was transferred on 1.01.2003 into the subordination of district educational authorities. The lyceum is willing to return again into the subordination of the local authorities experiencing dependence both on the long distance, and on the abundance of the paper work required as well as lack of attention that used to be paid to school activities in former times. Another aspect is complete lack of any

rights by village schools depending on helpless mayors' offices.

The villages, which we visited, are located in 3 counties: Hincesht, Kahul, Taraklia. And if in Taraklia county, the issues related to the study of the Bulgarian language and culture are given paramount attention, in Kahul county one cannot say that ethnic and cultural is in any way stimulated on the county level. However, the situation is not dramatic because inspector provides assistance if requested for help. For Hincesht county authorities the issue of education of the Bulgarian minority is evidently of absolutely no concern. One can see this in all respects. For example, inattentive attitude of the inspector when he is asked to explain the terms of teacher certification that are sent to schools only in the state language, which the teachers do not know well enough and have doubts whether they translated them correctly. The requirements set to the thesis for obtaining a didactic degree are unclear, while declaration like, for example, "I am sick and tired of you, Bulgarians" can be frequently heard. When children came to the county center to participate in the county contest on the Bulgarian language they had to go back because the county authorities failed to arrange the contest on this particular subject.

However, we can state one common fact. In numerous conversations with children we heard the same thing. Children consciously and unambiguously expressed their **DESIRE TO STUDY THE NATIVE LANGUAGE AND CULTURE** be it at the schools where the native language is taught starting with grade 1, the schools where the language is taught after the 5th grade, or the schools where the Bulgarian language and literature had not been taught for 4 years. This is not only their desire, but also their right. It is necessary to do everything possible to ensure the implementation of this right.

Pre-school institutions. Of the 50 children attending the **kindergarten** one third is of the Bulgarian origin. There is a Moldovan group in the kindergarten and a group with Russian language of instruction. Children in the group with Russian language of instruction are mainly of the Bulgarian origin who prefer their native language in everyday communication. There are no lessons of the Bulgarian language and children of the preschool age are not

familiarized with the Bulgarian culture in spite of the fact that 79% of the polled villagers were in favor of the study of the native language both at school and in the kindergarten.

Schools and lyceums. According to the data of the management, 53 of the 258 grammar school pupils are of the Bulgarian origin. The school is Russian-Moldovan: there are parallel classes with Moldovan language of instruction and with the Russian language of instruction. For the classes with the Russian language of instruction a curriculum approved by the Ministry of Education is used. It envisages the study of the Bulgarian language 3 hours a week throughout grades 1-9 classes. In the primary school children study the subject "History, Culture and Traditions of the Bulgarian Nation".

The school is understaffed, because of demographic factors the classes with Russian language of instruction are not formed each year. There are also problems with personnel: the same teachers deliver lessons in Russian and Moldovan classes. It is notable that pupils of this school know, as a rule, three languages: Bulgarian, Romanian and Russian. The results of polling confirm this fact: 82% of respondents of the Bulgarian nationality declared that they know the state language.

The pupils with great interest study the native language. However, they note the lack of fiction and periodicals published in the Bulgarian language. The "pas cu pas" methods of individual development are used in the primary school with Russian language of instruction. In the opinion of the teachers working in these classes, the results would be much more effective if instruction were done on the basis of the native language. The problem is in the lack of didactic and methodological literature in the Bulgarian language.

There is an obvious desire to cooperate with other schools and institutions. Regrettably, such contacts are difficult because of administrative isolation of the village from Tarakliya County and lack of the system of methodological and professional contacts and exchange of experience between schools with the contingent of the Bulgarian nationality pupils in the republic. Lack of information on the possibilities of further education for the students in the Republic and abroad is experienced in the grammar school.

- Ukrainians with compact population¹⁰³

Moldovan authorities do not respect the international bilateral agreements with Ukraine. *In the bilateral agreements with Ukraine*, the treaty provides for that "high parties will support the development" of originality of national minorities by creation of *favorable conditions for functioning of educational institutions* in the language of minorities¹⁰⁴. The Governmental agreement proscribes that high contracting parties "will open in *localities compactly populated* by Ukrainian (Moldovan) nationalities, upon the request of citizens, *institutions, schools* including musical and artistic with Ukrainian (Romanian!!) language in the Republic of Moldova (Ukraine) assuring for them programs, manuals, etc"¹⁰⁵. Ministerial protocol of collaboration states the "*functioning of the schools* in Ukrainian (Moldovan) languages respectively in Moldova (Ukraine)", including "...obligatory study of Ukrainian (Moldovan) as a studying discipline in schools *compactly populated* by Ukrainians (Moldovans) in Moldova (Ukraine).¹⁰⁶ Also, High Contracting Parties" ... as possibilities allow and upon the request of the other state...will provide pre-school and school establishments with manuals and methodical literature on free of charge basis"¹⁰⁷. Further it proscribes the access of citizens of Ukraine (Moldova) of Moldovan (Ukrainian) origin "...rights and *possibilities to study in high education institutions* of their kin-states as provided by the law of the countries¹⁰⁸. That is supplemented by a specific number of scholarships for high education¹⁰⁹. *In the bilateral agreements with Bulgaria*, the treaty sates no specific provisions on educational rights.

At present, Ukrainian children in Moldova, in their overwhelming majority, receive education (in all types of educational institutions) in Russian, which can be proven by the data obtained from polling. In all communities under examination, schools are teaching in Russian in

¹⁰³ Ukrainian settlements visited by the project: - Bratuseni, Briceni raion of Edinetti judet, North of Moldova (A2); - Tetcani, Edinetti judet, North of Moldova (A2); - Gaspar, Edinetti judet, North of Moldova (B2); - Marcauteni, Edinetti judet, North of Moldova (B2); - Maximovka, Chisinau judet, Center of Moldova (A3); - Baltata, Chisinau judet, Center of Moldova (A3);

¹⁰⁴ Art. 8 (1) of the treaty with Ukraine

¹⁰⁵ Art. 12(2) of the Governmental agreement with Ukraine

¹⁰⁶ Art. 2 of the Ministerial/Departmental Protocol

¹⁰⁷ Art. 3 of the Ministerial Departmental Protocol

¹⁰⁸ Art. 1 of the Ministerial/Departmental Protocol

¹⁰⁹ Art. 5 of the Ministerial/Departmental Protocol

spite of the fact that almost half of respondents used to talk exclusively in the Ukrainian language (in one of its dialects) before entering school. At the same time, a tendency is observed in the changing attitude towards the status of the native language in education. The answers to questions on the language of instruction at different stages prove this statement.

The data obtained from the survey disproves the regular opinion spread by some politicians as well as mass media about unwillingness of Ukrainians in the Republic of Moldova to study their native language and culture. 39.8% of respondents put their native language in the first place in the language education system, while 44.8% consider that it needs to be studied only as a subject. As much as 82% of the polled Ukrainians stand up for having special courses in the native language in vocational schools, colleges and universities. The legislatively formulated right of representatives of the Ukrainian nationality, as well as of other national minorities in Moldova to receive education in the native language is not used to the full due to several reasons:

- a) insufficient knowledge, poor knowledge or complete lack of knowledge of the rights regarding the choice of language of instruction;
- b) lack of didactic and methodological materials in the Ukrainian language (except for the native language and literature);
- c) passive thinking, obsolete stereotypes, passivity of the local population;
- d) latent (more often) or open (more rarely) opposition on the part of various political forces as well as local bodies responsible for public education;
- e) practically no prospect to continue education in the native language in the RM vocational schools, colleges and universities and consequently no possibility of successful social adaptation in the modern society.

Results of the survey confirm the given conclusions. Only 15% of the polled consider that training in preschool educational institutions should be done in the native language, 10.4% - at schools and 9% - in vocational schools, colleges and universities. Opinions of the rest of the polled divided approximately by fifty-fifty and namely: 46.3% are in favor of training in the Russian language;

43.4% see prospects in bilingual training (48.86% think it should be done in educational institutions for children) and 5.4% - support training in three languages. 4.5% expressed their opinion in favor of training in the state language.

As we see, teachers appear to be the most conservative group as to the place of the native language in system of language training. Speaking about possible prospects in the education for Ukrainian children in Moldova, it is necessary to bear in mind the following:

1. About 40% (39.8%) of the polled put the native language in the first place in the educational system.
2. 46.3% of the polled keeps the desire to receive education in Russian.
3. 10.4 % see the prospect in the instruction in the native and 4.5% - in the state languages. At the same time, 15 % of respondents prefer education in the native language in preschool educational institutions.
4. 43.4% of respondent think that the most perspective is bilingual education (50% of them are in favor of bilingual education at the preschool stage) and 5.4% - are in favor of receiving education in three languages.
5. For the first time, the poll registered a desire of representatives of the Ukrainian nationality to receive vocational school and university education in the Ukrainian language in Moldova (about 9%), while 82% of respondents consider that special courses in the native language should be provided in vocational schools, colleges and universities

2.3.6 Article 15 (effective participation)¹¹⁰

- Participation in public affairs of the Ukrainians with compact population¹¹¹

Participation of local Ukrainian population in the researched villages in the decision making processes. The authors divided the relevant needs into two aspects. The need for the participation by the local Ukrainian population in local decisions at village level and other decision-making that take place at regional and central authorities level. The last should also encounter the opinion of the local authorities and relevant central Ukrainian population.

Participation in local decision making process in the case of the Ukrainian villages focus on the following generic issues:

- use of the Ukrainian language in schools, Ukrainian language for adults
- use of the Ukrainian language in regional (private and public) audiovisual and printed media
- role and the contribution of local authorities in supporting the Ukrainian culture
- use and the role of the Ukrainian language in public sphere (name displays)
- consultation of the village and the community, including cultural associations on the Ukrainian language and culture

- need to consult and realize the need for the education in the Ukrainian language in school
- need to support the enlargement of library with Ukrainian language entries
- need to research the local cultural needs of the community
- need to support the establishment and support of local cultural association;
- need to set up Ukrainian language classes in school;

These issues are discussed in each case specifically and relatively to each village needs.

Participation in decision-making process at regional and central level has revealed the problem of the overgeneralization of the financial, social, cultural, educational and other type of issues. These issues are impossible or very much difficult to be addressed at only local level by local administration as there is a dependency on the central specialized decision making bodies as Ministry of Education, the Government. Regional and central policy issues related to the needs for consultation with minorities and their participation in decision-making are:

- education policies related curriculum;
- administrative divisions of the settlements;
- educational policies related to monolingual/multilingual schools;
- access and representation in regional and local administrations;
- degree of use of language in public sphere including public media outlets;
- *educational policies related to monolingual/multilingual schools;*

Educational issues are related to the use of the Ukrainian language as a means of education, developing of the cultural Ukrainian sensitive curricular, etc. The law on education provides for a straight-ford procedure on the adoption of the educational curricular for the Ukrainian schools. Firstly, the Law on education provides only the possibility for a monolingual education that means only the education in Moldovan or in Russian languages. The system of education in other languages as the Ukrainian, Bulgarian, etc are, according to the Law on education and

¹¹⁰ The following information is based on the comprehensive research provided in the reports of the Moldovan Helsinki Committee, Center for Minority Issues ([8, 16]).

¹¹¹ Ukrainian settlements visited by the project: - Bratuseni, Briceni raion of Edineti judet, North of Moldova (A2); - Tetcani, Edineti judet, North of Moldova (A2); - Gaspar, Edineti judet, North of Moldova (B2); - Marcauteni, Edineti judet, North of Moldova (B2); - Maximovka, Chisinau judet, Center of Moldova (A3); - Baltata, Chisinau judet, Center of Moldova (A3);

Law on persons belonging to national minorities only possible to the limited extend. Only monolingual schools are allowed by the respective law. Thus that makes almost impossible looking and finding the solutions in the described context of the Ukrainians and Bulgarian minorities. For instance the relevant and very much favored solution of bilingual (Ukrainian-Moldovan, Ukrainian-Russian) or trilingual (Ukrainian-Moldovan-Russian) education with different level of one language component at primary, secondary and high school (not to speak of preschool education, university education, professional and continuous education) have a strong external constraint in the legal provisions of the mentioned laws.

It is recommended that the Law on the education and other legal provisions be brought to the reality that requires the need to establish bilingual, threeilingual education in public and private sphere. Conditions should be created for the effective implementation of this policy.

- *education policies related curriculum;*

The other aspect that does not make the participation efficient and opportunities to affect the decision-making process realistic is related to the role of local authorities on the issues of educational curricular. The educational curricular is a process and a content document that ends up describing the content of the each grade and each subject educational program. Once the document is elaborated and approved it becomes the major document in the schooling process that is also linked to the financial allocations of the needed human resources for the implementation of the school program. This document is approved on the basis of the framework of the mentioned laws by a Ministry of Education special council. The educational curricular regulates as much as 95% of the program content and allows insignificant (around 5%) of subject of change or improvement.

To describe the process of the relevant decision-making process it is composed of several processes. Initially a group of experts in the educational curricular elaborate the draft (that usually a quite technical process that does not have room for the influence from the relevant constituencies of the process like minority groups, local governments, etc) that gets the

reading of the political leadership of the Ministry of Education that is later sent out for the relevant central authorities like Ministry of Justice, Ministry of Culture, etc to get the opinion and the improvement of. That document is subject of the finalization and is discussed at the mentioned curricular council. The council is composed of the vice-ministers, minister, representatives of the variety of governmental bodies (Ministry of Culture, finance, Department of National minorities, etc) some academics and very insignificant from civil society (might be asked the opinion of the national relevant association but informed on the decision taken). The council is an administrative appendix of the Ministry of Education. The Council adopts the decision after the discussion in the plenary by a procedure that usually do not provide for the extensive discussions. The Minister of Education approves later and issues the order of the enacting of the educational curricular.

None of the local authorities where the national minorities as Ukrainian or Bulgarians reside can influence the process and once the curricular is in place the financial means are also are tailored to the program and no significant or even relative of importance changes in substantial or financial part can be made. Therefore, one can see how the decision-making process is almost closed for the local administration or relevant cultural associations for the influence. That pattern brings the conclusion of little or any participatory means available for the Ukrainian minority on educational or educational curricular level.

It is recommended that the curriculum elaboration process be overhauled so that it is decentralized and more account is taken with regard to the needs of the Ukrainian communities. More power should be given to the local and regional authorities on the educational decision-making process.

- *administrative divisions of the settlements;*

As the team has researched the situation of Maximovka, Baltata, Dolinnoie and other Ukrainian villages situated in the central part of Moldova that formerly situated in Chisinau judet and now split between a numbers of raions: Anenii Noi raion, Criuleni raion it represents an additional problem. Each of the Ukrainian mentioned village is accounted to

around 2000-2500 persons. The overall population of the four villages that are situated more or less compactly make up around 7000 persons. The division of the Ukrainian villages into different raions (local autonomy of the 2nd level) contributes to the reduction of the possibilities and opportunities to collectively enjoy the cultural and exercise the linguistic rights. While the team challenged the local interlocutors this very aspect upon the administrative division has not been consulted or assessed with the local authorities or the Ukrainian cultural associations.

The team has come to the conclusion that this separation into different administrative settings of the Ukrainian population lowers the percentage of the Ukrainian population and make the exercise of the collective educational, linguistic cultural and media rights more difficult to claim, practice and effect. The relevant central authorities have not even considered this aspect while proposing the return to the Soviet time administrative territorial arrangement. Policy analysts' assess the current administrative divisions and the split out of the Ukrainian villages as a continuation of the Soviet practice of the disempowerment of the national minorities and their assimilation to the Russian linguistic minority.

It is recommended that central authorities should in future refrain from the policies described and enact procedures for the participation of the Ukrainian constituencies while deciding on the territorial borders of the administrative units. Solutions should be found to address the outlined problems.

- *access and representation in regional and local administrations;*

In the case of Ukrainians and in the context of the settlements discussed the participation of the Ukrainians at regional and central level in the decision-making process is hindered by the unfavorable legislative framework. Law on political parties does not allow the association on the ethnic basis. It also has heavy barriers on the establishment of a political party requiring the representation in at least half of the country local administration entities (raions). This precludes the development of the regional political parties or political movements that can have the local or regional agenda. The Law on public associations also does not allow the participation of the public associations in

proposing the candidates for the local councils. The formation of the local and regional elective bodies is only possible thus on the basis of the existing political structures that are rarely sensitive to the local or even real minority needs.

It is recommended that the Law on political parties is modified so that to allow the creation of the regional political movements or and Law on public associations is modified to allow for the period of local elections, the local associations to nominate their representatives in the elective local bodies.

- *degree of use of language in public sphere including public media outlets;*

The use of the Ukrainian language in local and regional public administration depends on the Law on functioning of languages, Law on the protection of persons belonging to national minorities and the practices of regional and local administrations. The use of Ukrainian language at regional level is relevant, probably with regard to primarily Briceni and Edineti regional (raional) authorities. The extent of use in formal, informal, communication, announcement, written communication or any other means has never been a subject of the consultation or the discussion.

Another important issue represents the content of Briceni and Edineti public radio and tv outlets. As the team has learned the airtime devoted to the Ukrainian culture, the air of the programs for the Ukrainian culture or in Ukrainian language is almost insignificant. This time and the content of the programs should be substantially extended.

It is recommended that the informal, unwritten and proactive communication from local and regional authorities with the Ukrainian population be done using more Ukrainian language and these needs are studied continuously and consistently. Programs in Ukrainian language and programs on Ukrainian culture should be created and occupy significant place in the regional public outlets.

- *Use of ethnic sensitive names in official identity and birth documents*

The team has observed in almost all communes with the population of Ukrainians the practice of forcible change and assimilation of the Ukrainian names into Moldovan or Russian (not

less present) ways of spelling. That practice leads to further assimilation and diminishing of the cultural and personal self-identification of the local Ukrainian population. It is strongly recommended that relevant regional and central authorities develop clear guidance and policies in assisting local authorities in the application of the Law on national minorities requiring the ethnic sensitive writing of the names.

- Participation in public affairs of the Bulgarians in the regions with compact population¹¹²

Participation of local Bulgarian population in the researched villages in the decision making has observed to be substantially better than in similar situations of the Ukrainian communes. The authors divided the relevant needs into two aspects. The need for the participation by the local Bulgarian population in local decisions at village level and other decision-making that take place at regional and central authorities level. The last should also encounter the opinion of the local authorities and relevant central Bulgarian population.

Participation in local decision making process in the case of the Bulgarian villages focus on the following generic issues:

- need to consult on the budgetary spending for culture and on the specific needs for the cultural developments;
- need to consult on the role and place of Bulgarian language in educational establishments, including pre-school education;
- need to consult on the level of use of Bulgarian in public sphere;
- need to consult the local population on the channels re-broadcasted and the presence of the Bulgarian programs as well as on the content of the locally and regionally produced programs;

¹¹² Therefore, the Bulgarian settlements visited by the project are codified as follows: - Tvardita, Taraclia judet, South of Moldova (A1); - Kirsova, Komrat dolai of Gagauz Yeri autonomy, South of Moldova (B3); - Colibabovca, Leova raion of Lapusna judet, Center of Moldova (A3); - Larga, Cahul judet (raion), South of Moldova (C3); - Vozneseni, Cahul judet (raion), South of Moldova (C3); - Moscovei, Cahul judet (raion), South of Moldova (B3);

- need to consult on the cultural activities related to the greater links between Bulgarian communities situated in the same region (case Colibabovca, Vozneseni, Troita, Troieni and case Taraclia region);
- Use of ethnic sensitive names in official identity and birth documents

These issues are discussed in each case specifically and relatively to each commune needs.

Bulgarian minority situation is in many aspects similar that of the Ukrainians. However, there is difference as well. Bulgarian minority situation has two generic cases:

- the case of regional compact population in Taraclia judet (raion) and
- the case of Bulgarian communities situated outside Taraclia region, including those situated in Gagauz autonomy.

The second case has the needs and concerns that are very much similar and identical to the needs of the Ukrainian communities. The case of Bulgarian in Taraclia region represents a difference.

Similar problems of the participation in decision-making process at regional and central level are the problem of the over-centralization of the financial, social, cultural, educational and other type of issues. These issues are impossible or very much difficult to be addressed at only local or regional level by local and regional administration as there is a dependency on the central specialized decision making bodies as Ministry of Education, the Government. Regional and central policy issues related to the needs for consultation with minorities and their participation in decision-making are:

- education policies related to curriculum development;
- administrative divisions of the settlements;
- educational policies related to monolingual/ multilingual schools;
- access and representation in regional and local administrations;
- degree of use of language in public sphere including public media outlets;
- *educational policies related to monolingual/multilingual schools;*

Educational issues are related to the use of the Bulgarian language as a means of education, developing of the cultural Bulgarian sensitive curricular, etc. The law on education provides for a straight-forward procedure on the adoption of the educational curricular for the Bulgarian schools. Firstly, the Law on education provides only the possibility for a monolingual education that means only the education in Moldovan or in Russian languages. The system of education in other languages as the Ukrainian, Bulgarian, etc are, according to the Law on education and Law on persons belonging to national minorities only possible to the limited extend. Only monolingual schools are allowed by the respective law. Thus that makes almost impossible looking and finding the solutions in the described context of the Ukrainians and Bulgarian minorities. For instance the relevant and very much favored solution of bilingual (Bulgarian -Moldovan, Bulgarian -Russian) or trilingual (Bulgarian - Moldovan-Russian) education with different level of one language component at primary, secondary and high school (not to speak of preschool education, university education, professional and continuous education) have a strong external constraint in the legal provisions of the mentioned laws.

It is recommended that the Law on the education and other legal provisions be brought to the reality that requires the need to establish bilingual, three-lingual education in public and private sphere. Conditions should be created for the effective implementation of this policy.

- *education policies related curriculum;*

The other aspect that does not make the participation efficient and opportunities to affect the decision-making process realistic is related to the role of local authorities on the issues of educational curricular. The educational curricular is a process and a content document that ends up describing the content of the each grade and each subject educational program. Once the document is elaborated and approved it becomes the major document in the schooling process that is also linked to the financial allocations of the needed human resources for the implementation of the school program. This document is approved on the basis of the framework of the mentioned laws by a Ministry of Education special council. The educational curricular regulates as much as 95% of the

program content and allows insignificant (around 5%) of subject of change or improvement.

To describe the process of the relevant decision-making process it is composed of several processes. Initially a group of experts in the educational curricular elaborate the draft (that usually a quite technical process that does not have room for the influence from the relevant constituencies of the process like minority groups, local governments, etc) that gets the reading of the political leadership of the Ministry of Education that is later sent out for the relevant central authorities like Ministry of Justice, Ministry of Culture, etc to get the opinion and the improvement of. That document is subject of the finalization and is discussed at the mentioned curricular council. The council is composed of the vice-ministers, minister, representatives of the variety of governmental bodies (Ministry of Culture, finance, Department of National minorities, etc) some academics and very insignificant from civil society (might be asked the opinion of the national relevant association but informed on the decision taken). The council is an administrative appendix of the Ministry of Education. The Council adopts the decision after the discussion in the plenary by a procedure that usually do not provide for the extensive discussions. The Minister of Education approves later and issues the order of the enacting of the educational curricular.

None of the local authorities where the national minorities as Ukrainian or Bulgarians reside can influence the process and once the curricular is in place the financial means are also are tailored to the program and no significant or even relative of importance changes in substantial or financial part can be made. Therefore, one can see how the decision-making process is almost closed for the local administration or relevant cultural associations for the influence. That pattern brings the conclusion of little or any participatory means available for the Bulgarian minority on educational or educational curricular level.

It is recommended that the curriculum elaboration process be overhauled so that it is decentralized and more account is taken with regard to the needs of the Bulgarian communities. More power should be given to the local and regional authorities on the educational decision-making process.

- *administrative divisions of the settlements;*

As the team has researched the situation of Troita, Vozneseni and Troeni but also other Bulgarian villages situated in the central-west part of Moldova in Lapusna judet and Cahul judet and now split between a numbers of raions: Leova raion, Cahul raion, Hincesti raion and others represents an additional problem.

The team has come to the conclusion that this separation into different administrative settings of the Bulgarian population lowers the percentage of the Bulgarian population and make the exercise of the collective educational, linguistic cultural and media rights more difficult to claim, practice and effect. The team has documented the case of these three villages that were subjected to an attempt to divide them administratively between several Moldovan villages. The artificial division has not taken place due an additional effort.

It is recommended that central authorities should in future refrain from the attempts described and enact procedures for the participation of the Bulgarian constituencies while deciding on the territorial borders of the administrative units. Solutions should be found to address the outlined problems.

- *access and representation in regional and local administrations;*

In the case of Bulgarian and in the context of the settlements discussed the participation of the Bulgarian at regional and central level in the decision-making process is hindered by the unfavorable legislative framework. Law on political parties does not allow the association on the ethnic basis. It also has heavy barriers on the establishment of a political party requiring the representation in at least half of the country local administration entities (raions). This precludes the development of the regional political parties or political movements that can have the local or regional agenda. The Law on public associations also does not allow the participation of the pubic associations in proposing the candidates for the local councils. The formation of the local and regional elective bodies is only possible thus on the basis of the existing political structures that are rarely sensitive to the local or even real minority needs.

It is recommended that the Law on political parties is modified so that to allow the creation of the regional political movements or and Law on public associations is modified to allow for the period of local elections, the local associations to nominate their representatives in the elective local bodies.

- *degree of use of language in public sphere including public media outlets;*

The use of the Bulgarian language in local and regional public administration depends on the Law on functioning of languages, Law on the protection of persons belonging to national minorities and the practices of regional and local administrations. The use of Bulgarian language at regional level is relevant, probably with regard to primarily Leova, Cahul, Hincesti regional (raional) authorities. The extent of use in formal, informal, communication, announcement, written communication or any other means has never been a subject of the consultation or the discussion.

Another important issue represents the content of Cahul and Leova public radio and tv outlets. As the team has learned the airtime devoted to the Ukrainian culture, the air of the programs for the Bulgarian culture or in Bulgarian language is almost insignificant. This time and the content of the programs should be substantially extended.

It is recommended that the informal, unwritten and proactive communication from local and regional authorities with the Bulgarian population be done using more Bulgarian language and these needs are studied continuously and consistently. Programs in Bulgarian language and programs on Bulgarian culture should be created and occupy significant place in the regional public outlets.

- *Use of ethnic sensitive names in official identity and birth documents*

The team has observed in almost all communes with the population of Bulgarian the practice of forcible change and assimilation of the Bulgarian names into Moldovan or Russian (not less present) ways of spelling. That practice leads to further assimilation and diminishing of the cultural and personal self-identification of local Bulgarian population. It is strongly recommended that relevant regional and central authorities develop clear guidance and policies

in assisting local authorities in the application of the Law on national minorities requiring the ethnic sensitive writing of the names.

Distinguished problems characteristic to Taraclia region Bulgarians

Authors have observed some supplementary issues of concern. These concerns are related primarily to the need of more responsible role of the central authorities:

- delegation and devolution of aspects related to culture, education, language use in public sphere;
- involvement of regional Taraclia authorities in central policies affecting the South region of Moldova;
- *delegation and devolution of aspects related to culture, education, language use in public sphere;*

It is clear that over-centralized policies and procedures related to education, culture, language use, etc have been permanently one of the sources of tensions between regional and local compact population of Bulgarians with central authorities. It is recommended that central authorities devolve more power and responsibilities to the regional and local authorities thus to make the decision-making process closer to the existing needs of the compact population of Taraclia Bulgarians.

- *involvement of regional Taraclia authorities in central policies affecting the South region of Moldova;*

Regional Taraclia authorities can play a greater role in Moldova South economic and public policies given also the proximity of Bulgaria as future the EU member state. This aspect should be seen by central authorities as an asset in the development of the South region of Moldova.

- **Participation in public affairs of Roma in the regions with compact population¹¹³**

¹¹³ The research covers the following villages and respectively Roma communities: (A) Vulcanesti Roma community of Ciorasti village; (B) Ursari Roma community of Pirjolteni village; (C) Parcani Roma community of Raciula village; (D) Schinoasa Roma community of Tibirica village; (E) Bursuc Roma community of Cristesti village; (F) Stejareni roma community of Lozova village; (G) Huzun Roma

The following information is based on the comprehensive research provided in the reports of the Resource Center of Moldovan Human Rights NGOs, ([7, 15]).

Lack of participation in decision-making process and representation in public sphere

The representation of Roma in local and regional councils is next to inexistent. In all communes visited there were hardly any Roma sitting in local or raional council. There was only one example of a Roma to be the mayor of Cristesti commune himself coming from Bursuc Roma village. All Roma communities where part of communes where Roma community/village was less than 25% of population of the commune. In the case of Schinoasa Roma community, that is a part of larger administrative entity of Tibirica locality (composed on Tibirica community, Meleseni community and Schinoasa community) Schinoasa village constituted 9% of population and none of 9 counselors of town governing body come from Schinoasa community. In Ursari village case the situation is similar and none of the counselors come from Ursari community while the about 10% of population of administrative unit are Roma from Ursari village. Rather similar situation is in the case of Huzun, Stejareni, Bursuc and others.

Participation in the local decision-making process is only possible through election of local executive and local council that is framed in such a manner that favors the rule of majority. Only political centrally registered political parties and independent candidates are allowed to run for local offices and only exceptions get elected (one example of major and no councilors). Other forms or participation are inexistent, there is no practice of informal consultation in decision-making process if the decision affects or may affect the Roma community. No forms of self-government for minority Roma communities are provided in the law or exist in practice. The territorial organization of the state does not take into the consideration the compact minority community.

In the case of Roma villages the participation of the Roma at regional and central level in the decision-making process is hindered by the

community of Micleuseni village;

unfavorable legislative framework. Law on political parties does not allow the association on the ethnic and/or regional basis. It also has heavy barriers on the establishment of a political party requiring the representation in at least half of the country local administration entities (raions). This precludes the development of the regional political parties or political movements that can have the local or regional agenda. The Law on public associations also does not allow the participation of the public associations in proposing the candidates for the local councils. The formation of the local and regional elective bodies is only possible thus on the basis of the existing political structures that are rarely sensitive to the local or even real minority needs.

The law on political parties in article 1(3) outlaws political participation of other associations (cultural, professional, etc) than political parties in the political process¹¹⁴. Article 5(2, 3) requires the rigid conformity of the Party statutes with the laws of Moldova and excessively requires the representation of at least 5000 members in at least half of the country public administration of level two.^{115, 116} Article 12 establishes a high prohibition on the finance of the political party by the foreign physical and juridical persons as well as persons without citizenship, as well as unregistered associations of citizens¹¹⁷. Article 14 forbids the formation of political parties based on employment principle and prescribes only territorial principle¹¹⁸.

¹¹⁴ Article 1(3) "The present law does not regulate the activity of other organizations of citizens associated on the bases of professional, cultural and other interests and that not pretend to participate in the creation of state bodies."

¹¹⁵ Article 5(2,3) "Party statutes should not contravene the laws of the Republic of Moldova. Party statutes or other social political organizations should be registered if: a) has at least 5000 members residing in at least half of the administrative-territorial units of level two, and not less than 600 in each of mentioned units.

¹¹⁶ Article 20(1) "Parties of justice-political organizations has to have at least representation in at least half of territorial-administrative units of level two, with minimum representatives of a number provided in the law. Report on the number of members of party, with indication of administrative and territorial units where party created its representation will be presented annually before 1 December. Ministry of Justice, within one month, will verify the presented materials and will inform the leadership of the party."

¹¹⁷ Article 12. "Financing the activity of parties and socio-political parties. It is prohibited to finance parties, other socio-political parties, as well as sending by those goods from: ...foreign physical and juridical persons, persons without citizenship, ...associations of unregistered citizens"

¹¹⁸ Article 14. "Principles of creation of parties and other socio-political organizations. 1. Parties and other socio-political parties are created on territorial principle. 2. Creation and activity of structural subdivisions of parties

Practice shows that individuals can hardly compete with political parties to win seats in the local and regional decision-making bodies as they lack resources and necessary support for this. In those cases where individuals won the competition with the political parties backed candidates they were representatives of the businesses or commune well known personalities with solid backgrounds. Few Roma can qualify, actually only one person is known.

Excessive centralization of decision-making process:

Majority of the decision-making processes are made on central or regional level with the neglected role of local authorities. The administrative reform of 2001-02 has strengthened the negative tendency. Economic assets and regulation of economic activities depend primarily on central authorities. Roma rural villages are neglected in principle by the administrative organization of the villages that minimizes the Roma community possible influence. Follows the systemized analysis of the related problems.

- education policies related curriculum;

The educational curricular is a process and a content document that ends up describing the content of the each grade and each subject of the educational program. Once the document is elaborated and approved it becomes the major document in the schooling process that is also linked to the financial allocations of the needed human resources for the implementation of the school program. This document is approved on the basis of the framework of the mentioned laws by a Ministry of Education special council. The educational curricular regulates as much as 95% of the program content and allows insignificant (around 5%) of subject of change or improvement.

To describe the process of the relevant decision-making process it is composed of several processes. Initially a group of experts in the educational curricular elaborate the draft (that usually a quite technical process that does not have room for the influence from the relevant constituencies of the process like minority groups, local governments, etc) that gets the reading of the political leadership of the

and other socio-political organizations on the basis of labor place is prohibited".

Ministry of Education that is later sent out for the relevant central authorities like Ministry of Justice, Ministry of Culture, etc to get the opinion and the improvement of. That document is subject of the finalization and is discussed at the mentioned curricular council. The council is composed of the vice-ministers, minister, representatives of the variety of governmental bodies (Ministry of Culture, finance, Department of National minorities, etc) some academics and very insignificant from civil society (might be asked the opinion of the national relevant association but informed on the decision taken). The council is an administrative appendix of the Ministry of Education. The Council adopts the decision after the discussion in the plenary by a procedure that usually do not provide for the extensive discussions. The Minister of Education approves later and issues the order of the enacting of the educational curricular.

been by the local administration of the communes.

None of the local authorities where the reside were invited or can influence the process and once the curricular is in place the financial means are also tailored to the program and no significant or even relative of importance changes in substantial or financial part can be made. Therefore, one can see how the decision-making process is almost closed for the local administration or relevant cultural associations for the influence. That pattern brings the conclusion of little or any participatory means available for locally residing Roma to have a role to play.

- *degree of use of language in public sphere;*

The use of the Romani language in local and regional public administration depends on the Law on functioning of languages, Law on the protection of persons belonging to national minorities and the practices of regional and local administrations. The use of Romani language at local level is relevant, most importantly in the case of Ursari and Vulcanesti villages. The ability to communicate informally with Ursari and Vulcanesti Roma by representatives of the respective local authorities is questionable. The team has been particularly impressed by the extent Romani language is used in Vulcanesti and Ursari. In Vulcanesti the team has met many children that could hardly communicate in any other language than Romani. The issue of the use of Romani language at least in the informal context with public authorities has not

2.4 Section III Specific Questions

2.4.1 Local public administration reform¹¹⁹¹²⁰

The local administration reform carried out in 2001-02 had direct negative affects on the Gagauz autonomy and potentially negative effects for the process of the greater self-management of the compactly populated national minorities. The administrative reforms have affected financial capacity of the local authorities; have excessively centralized a number of decision-making processes.

- Financial Independence of Local Self-governing

Moldovan parliament amended the law on local public finance administration and Law on local public administration so as to reduce the financial powers of local and regional authorities shifting the responsibility to the Government appointed representative. The transfer to the prefect of any decision-making powers with regard to the expenditure of these authorities has, *de jure* and *de facto*, already deprived the local and regional authorities of any degree of autonomy. The amendments of 22.06.2001 to art 94 (1 b, c) invested the Government representative (prefect) to exercise the function of disposer of the credits¹²¹ and responsible for elaborating of local council budget, subject to be approved by it¹²² in the law on local public administration and to

art. 10 (2), 19 (2 b, c, d), 26 (1), 15 (1), 15 (4), 15 (5), 30 (1), 35 (2) shifting the responsibility from the district council to Government representative to make payments of the budgetary sources with special destination, elaboration of the budgets of the administrative units¹²³, proposing the local budgets, contracting credits for capital investments¹²⁴, disposal of the budgets¹²⁵, responsibility for the executing of the budget¹²⁶ in the law on local public finances.

- Demolition of Democracy at Regional and Local Levels

On 28-30 January 2002, the Rapporteurs for the Congress of Local and Regional Authorities in Europe examined, during a visit to Moldova, the adoption procedure of the Law 764-XV of 27 December 2001 on Administrative Territorial Organisation of Moldova (amending the previous text of 12 November 1998) and the Law 781-XV of 28 December 2001 about the modification of the Law 186 of 6 November 1998 on Local Public Administration, both promulgated by the President of Moldova on 25 January 2002.

The Rapporteurs informed the Moldovan authorities that, insofar as procedure is concerned, the laws under consideration were an infringement of a number of

¹¹⁹ Determine the degree of influence on the situation of the national minorities by the legislation on local public administration and the legislation on the administrative territorial organization

¹²⁰ The section is based on reference [12]

¹²¹ See art. 94 (1b) "Prefect, as a representative of the Government, exercise the following principle attributions:...b) exercise the function of principle disposer of the credits"

¹²² See art. 94 (1c) "Prefect, as a representative of the Government, exercise the following principle attributions:...c) elaborates the draft of the budget of the district and draft of the ending account of the executing of the budget and presents it to district council for approval"

¹²³ See art. 19 (2) (b)

¹²⁴ See art. 15 contracting credits for capital investment (1) District prefect, in accordance with the district council, executive authority of the local public administration...have right to contract credits for long term of capital investment or refinancing of the capital investment debt" (2) District prefect, in accordance with the district council, executive authority of the local public administration ... have the right to issue securities...(4) Documents that are made upon contracting the long-term credit will include clauses by which district prefect and district council, executive authority of local public administration...are obliged to reimburse the credited amount and pay the interest only from budget incomes, without the government to have further obligations...(5)

¹²⁵ See art. 30(1) "Mayors of the villages, cities, prefects, governors of autonomous territories are the principal disposals of the credits and administrative territorial unit budgets"

¹²⁶ See art. 35(2) "Responsibility for executing of district budget and the central budget of the autonomous territorial unit has the prefect (representative of the central government) and executive authorities local public administration of the unit"

provisions laid down in the European Charter of Local Self-Government, ratified by Moldova in October 1997. Further to the Parliamentary decision scheduling early local elections for 7 April 2002, the Bureau of the CLRAE declared that the resulting shortening of the mandates of locally elected representatives would be against the principles of the European Charter of Local Self-Government.

Earlier, on 11 January 2002, one of the Parliamentary Ombudsmen had seized the Constitutional Court of Moldova with a request for examination of the constitutionality of the above laws. On 19 February 2002, the Constitutional Court ruled that the decision to hold early local elections violated the Electoral Code, thereby effectively canceling the early elections date. On 14 March 2002, the Constitutional Court of Moldova ruled that a number of provisions of the new law on local public administration were contradictory to the constitution. Amongst others, this concerns the proposed change from a direct election of mayors to election by members of the local councils.

In the opinion of Herwig van Staa, President of the Congress of Local and Regional Authorities of Europe 26 September 2002 The main problem in Moldova with local democracy is the reintroduction of a vertical power structure for central and local government, and that no adequate provision is made for consultation of local authorities. Early local elections were also scheduled, although this decision was later set aside by the Moldovan Constitutional Court, which agreed with the CLRAE that it was unlawful. Another problem was the confused situation in the autonomous region of Gagauzia, which has since been compounded by unlawful action on the part of the People's Assembly of Gagauzia. Looking more closely, however, we can see that these positive developments are overshadowed by others, which give us fresh cause for concern. There are considerable doubts, for example,

concerning the situation created in Gagauzia by the appointment of an interim Chairman to the Executive Committee, and the democratic fairness of the forthcoming elections.

- New Law on Local Public Administration violates local autonomy

In the course of 2002, Parliamentary commission on public administration has been struggling with the civil society, local administration and not in less extend with the Council of Europe Congress on Local and Regional Autonomies to keep secrecy on the draft law on the local public administration. The draft law has not been made public or sent for the expertise as requested by the Council of Europe PACE Recommendation on the functioning of the Democratic Institutions in Moldova. The chair, at that time, of the parliamentary commission Mr Vasile Iovv, lately vice-minister responsible for the implementation of the new administrative reform has played an important role in the process. The draft law has been enacted on March 17, 2003¹²⁷.

The new law on Local Public Administration sets out a new administrative organization of Moldova to be composed of 37 small rations (units) largely reflects the administrative organization of Moldova during the soviet times.¹²⁸ The law approach is that the local power is delegated from central authorities to local public administration in order to strictly fulfill the central policies of the state. The law largely resembles the centralized principles of governing that directly conflicts with Moldova obligations under the European Charter for Local Autonomy. Below is a short critique of the main provisions of the Law.

¹²⁷ See Official Gazzette (Monitorul Oficial) nr 49 (1142), March 19, 2003

¹²⁸ Moldova has reformed its administrative structure to 9 judet (regions) as second level of local public administration while a Central-Right Coalition governed Moldova between 1999-2001. The reform has been accomplished with the substantial aid from the international organizations, including World Bank, UNDP and the EU.

The law is structured in 13 chapters: Chapter 1 on main definitions, principles, competences of first and second level of local administration; Chapter 2 on local councils, attributions, functioning; chapter 3 on functions of mayor and vice-mayor; chapter 4 on secretary of local council; chapter 5 on mayoralty; chapter 6 on raion's administration; chapter 7 on Chisinau municipality; chapter 8 on secretary of rayon and Chisinau; chapter 9 on administrative control of local administration; chapter 10 on local public services; chapter 11 on local finances; chapter 12 on the terms of elections.

The Law establishes the practice when at first level of public administration; a local council is elected as well as separately a mayor for the locality. At second level of local administration a rayon council is elected that lately elects the chair of the rayon by the majority of votes of the council. The chair of the rayon is the executive power of the rayon. Councils hire upon the open competition a secretary for the council that is a public servant with law or public administration degree.

In chapter 2, article 24¹²⁹ provides that the local council secretary – a public servant hired by the council – can refuse signing the decision of the council. The elected mayor of the locality can appeal the decision of the local council to both court or territorial office of the central Government. Article 28¹³⁰ gives the possibility for the majority of

¹²⁹ Article 24 "Signature and entry in force of the decision of local council. ... (2) In case when secretary of council considers that the decision of council is illegal, he/she can refuse signing it and can ask for it re-examination. If re-confirmed by the Council, the decision should be signed by the secretary. (3) Secretary sends the decision of the council to the mayor and territorial office of State Chancellor in 5 days of signing it. (4) In case the mayor decides that the local council decision is illegal, he/she petitions the territorial office of State Chancellor or the court"

¹³⁰ Article 28 "Seating terms of mandate of a councilor. (1) Mandate of counselor is suspended in cases when: a) absent without justified reasons for 3 consecutive meetings, as proved by minutes of meeting of the council; b) violation of the

the local council to remove a councilor from his position, for arguable reasons of absenting 3 consecutive meetings or violation of laws or the interests of the community. Furthermore, article 29¹³¹ allows suspension of the local council by the Parliament upon the initiative of the mayor or territorial office of state chancellor if circumstances for the dissolution are found by court decision. Article 30¹³² allows also the dissolution of the local council if it has not taken any sits for the last 6 months or at least half of the councilors are no longer in the council. Article 37¹³³ sets out a strict legal control of all decisions issued by the mayor by the central authority that take only effect when are effectively communicated to the Government.

Constitution, other laws or interests of the community, as well as participation in the actions of ant constitutional organs, confirmed by a final court decision; c) incompatibility of function... (2) In case (1)a) Council decides on suspension on the following council session."

¹³¹ Article 29 "Suspension of local council. (1) Activity of local council can be suspended if it has adopted deliberately and repeatedly decisions on the same subject that had been annulled by the administrative court as found to violate the Constitution or other laws. (2) In conditions prescribed in (1), territorial office of state chancellor, if necessary, mayor, or the Government have the right to address the court to find the circumstances that justify the suspension of the local council. (3) Suspension of local council is done by the Parliament, as petitioned by the mayor, or by the Government, on the basis of the final decision of the court issued in accordance with (2). ... (5) Before the election of the new local council, the mayor will exercise the authority of the administrative unit."

¹³² Article 30 "Dissolution by law of the local council. (1) Local council is considered dissolved by law if: a) has not had sessions for last 6 months, b) number of councilors has reduced to less than half as established by art. 15; c) has not adopted any decisions for the 6 consecutive months, disregarding the number of sessions..."

¹³³ Article 37 "Orders of Mayor. (1) While exercising his/her power, the mayor issues dispositions. ... (2) Normative dispositions are submitted in 5 days after its signature to the territorial office of the state chancellor and are entering force after being made public. ..."

In chapter 6, article 54¹³⁴ allows the suspension of the raional council if a number of decisions are abused by the administrative court for the violation of the Constitution. The chair of the council can be revoked from his/her function if voted by the majority of the raional council. The chair drafts, as guided by the central government, as provided by article 60 (2)¹³⁵ the budget of the raion and his decisions can enter into force only after being communicated to the territorial office of the state chancellor¹³⁶.

Chapter 9 establishes broad and comprehensive administrative control of the central government over the decisions of the local and raional council; it includes the legality and the so-called unclear principle of the "opportunity" of the decisions of the councils¹³⁷. In practice the central authorities

exercise the administrative control as provided by a governmental regulation¹³⁸. Furthermore, decisions of local administration are subject to so-called obligatory legality control that supervises all the decisions with no exceptions by the central authorities¹³⁹. Similarly, all decisions of the local executive power are subject to central government as well¹⁴⁰. The law creates the framework of the total control including the institutionalization of the censorship of the decisions of local authorities¹⁴¹. The vertical controlling

¹³⁴ Article 54 "Suspension of raional council. (1) Raional council can be suspended if it adopted deliberately and repeatedly decisions on the same subject that have been annulled de the administrative court in final decision which gravely violated the Constitution and the legislation. (2) As provided by (1), territorial office of the state chancellor, if necessary, chair of the raion or the Government have the right to address the court for finding the circumstances that justify the suspension of the raional council. (3) The suspension of the raional council is done by the Parliament, as proposed by the chair of the raion or, if necessary, by the Government, on the basis of the final decision, as provided by (2)."

¹³⁵ Article 60 (2) Raional chair has attributions: 2)a coordinates, with the general direction of finances, the elaboration of the raional budget as well as the execution of the budget and submits it to the adoption of the raional council.

¹³⁶ Article 61 "Orders of the raional council chair. (1) In the exercise of his attributions, chair of the raional council issues dispositions of normative character... (2) Dispositions of normative character are submitted, in terms of 3 days after the signature, to the territorial office of the state chancellor and enter in force after their content is made public. "

¹³⁷ Article 68 "Notion and scope of the administrative control. (1) Activity of the local public administration of first and second level is subject of the administrative control of the constitution, present law and other legislation. (2) Administrative control of the activities of local public administration regards the respect of the Constitution, international treaties the Republic of Moldova is party to, present law and other normative acts of both first and second level local administration. (3) Administrative control includes the legality and the opportunity of the activity of the local public administration."

¹³⁸ Article 70 "Subject of the administrative control. (1) Territorial office of state chancellor is responsible for the organization and the administrative control of the legality of activities of the local public administration, exercised by its local structures or by means of its territorial subordinated offices (2) regulation of the organization and functioning of the territorial offices of the state chancellor are approved by the Government. (3) Institutions exercising the opportunity control: State chancellor, organs of the specialized central public authorities, other administrative authorities that act by means of decentralized services as provided in their competences. "

¹³⁹ Article 71 "Obligatory control. (1) Obligatory control are subject to the following decisions of the local public administration: a) decisions of local councils of first and second level; b) normative acts of major, chair of raion; c) acts of the organization of tenders and of the allocation of land; d) acts of engagement and firing of personnel of the local public administration; e) dispositions that involve expenditures and financial engagements that exceed 30 000 MLD of local administration of first level and 300 000 MLD of second level. ..(2) A copy of all acts mentioned in (1) are sent our obligatory at the expenses of the addressor, to the territorial office of the state chancellor within 5 days from signature. Council secretary sends as well the minutes of meeting of all sessions of the council within 15 days from the session."

¹⁴⁰ Article 72 "Optional control. (1) Before 10th of each month, council secretary sends to the territorial office of the state chancellor a list of acts adopted by the major or chair of raional council for the previous month. (2) Territorial office of the state chancellor can proceed to the control of any act that is not subject to the obligatory control within 30 days from the date of the receival of the list of the decisions mentioned in (1)"

¹⁴¹ Article 73 "Control solicited by the local authority. (1) Local council of first or second level can solicit the territorial office of state chancellor to verify the legality of any acts adopted by the local executive if considered it illegal (2) In case considering the decision the local council decision illegal, the mayor or the raional chair or the secretary can solicit the

hierarchy of the central authorities with regard to the local authorities is constituted outside the court system, with the central authorities playing the role of the judge in between the issues arising between private persons and local authorities¹⁴².

Central authorities can exercise direct control and political pressure over any decision of the local public authorities. In the conditions when in practice local authorities receive substantial subsidies from the central bodies the existing control leverage make the independence of the decision-making process of local authority rather illusory¹⁴³. However, the most outrageous interference with exercise of local power represents the so-called "opportunity" control by central authorities that allows the later to modify directly the decisions of local authorities¹⁴⁴ and act as

state chancellor to carry out a legality control...(4) Within 30 days from the receipt of the request, state chancellor adopts one of the decisions starting the procedure provided in article 75 b) refusal of satisfaction of the request"

¹⁴² Article 74 "Control upon the request of alleged victim. (1) Any physical or juridical person that is considered a victim in his or her right by an authority of local public administration can request the state territorial office of state chancellor to control the legality of the act. (2) The request for the control of the legality is lodged within 30 days from the date of publication or communication of the act. The request should enlist the allegations and violated legal provisions. (3) Within 30 days from the receipt of the request, territorial office of the state chancellor adopts one of the following decisions: a) starts the control procedure provided in article 75; b) refuses the request mentioning the reasons for it. In this case the alleged victim can petition the administrative court. (4) the alleged victim can directly petition the administrative court."

¹⁴³ Article 75 "Power of territorial office of state chancellor to control the legality. (1) Territorial office of state chancellor notifies local public authorities in case considering that issued act of local public administration is illegal, requesting its total or partial abrogation.... (3) Within 30 days from the receipt of the notification, local public authority should modify or suspend the mentioned act. (4) In case, as established by (3), the local public authority maintained its position or has not re-examined the issue, the territorial office of the state chancellor can petition the administrative court within 30 days."

¹⁴⁴ Article 77 "Power of central authorities to exercise the opportunity control. (1) With the aim of exercise of local attributions vested from central power, central authorities have the right to modify or suspend any act within 15 days from the date of its receipt on the basis of opportunity. In the case of inactivity of the local public administration even after the warning by the central authority, the later can issue an act replacing the decision of the incapable local authority. (2) In all cases provided in (1), the central authority of control opportunity notifies its decision to the local public authority

the prosecutor investigative body with regard to the local authorities¹⁴⁵. This, de facto, represents the end of local public administration in the Republic of Moldova.

- Concerns regarding Provoked and Excessive Intervention from central Authorities in Gaguzia

On 31 January 2002, a group of deputies of the Gagauz People's Assembly (the local parliament) moved to dismiss the elected Bashkan (Governor) of Gagauzia – Mr Croitoru, over the alleged irregularities related to budget expenditures and accounting. In accordance with the Law on the Special Legal Status of Gagauzia, such a decision can be taken in case of violation of Constitution and the laws by a two-thirds majority of the local parliament¹⁴⁶. The People's Assembly did not accept the proposal by the Governor's opponents. The required 2/3 majority was not reached. There is no decision recorded in due form in the records of the session. On 8 February 2002, a group of 22 Assembly members held

within 5 days. (3) In case that local public authority decides that the decision of the opportunity control organ is illegal, local public administration has the right to petition the administrative court within 30 days from the date of notification, informing the opportunity control organ that issued the decision... (5) Administrative court, within 3 days from the receipt of the petition, decides, after the hearing of the parties, upon the suspension of the act or otherwise."

¹⁴⁵ Article 78 "Power of administrative control bodies. (1) Upon the request of the administrative control bodies, local public administration is obliged to furnish, within 10 days, copies of all materials and other information requested by controlling bodies. The Council secretary is responsible for it. (2) Local public administration and its public servants are obliged to allow access in the buildings and other departments, answer questions, give explanations and present documents upon the request of the administrative control organs. (3) While executing the administrative control, controlling bodies cannot give orders to local public administration. Any request for the documents should be directed to the respective local authorities. All the documents should be presented by the council secretary in the conditions of (1)."

¹⁴⁶ Article 14 (9,10) " (1) Governor (Baskan) is the official supreme person of Gagauzia. ... (9) Suspension from function, prior to the term, of a Governor of Gagauzia is made in case when the Constitution of Moldova is not respected, present law, local laws and decisions of the Popular Assembly or if he/she committed a crime. (10) The decision of dismissal of the Governor of Gagauzia is taken with the agreement of 2/3 of the elected deputies of Popular Assembly, and the decision of dismissal of other official persons of local public authority is taken with the majority of votes of the Popular Assembly."

a rump session and voted to stage on 24 February 2002 a referendum on removal of the Governor. Under the legislation in force, the rump session has no legal standing. In addition, Moldovan law does not allow for staging of referenda at short notice, stipulating various compulsory procedures and timetables to allow for preparing of voting lists, establishing of referendum commissions, etc.

On 11 February, the President of Moldova published a written appeal to the Gagauz population to take an active part in the referendum. On 13 February 2002, the Ministry for Foreign Affairs of Moldova issued a statement asserting, in particular, that "Chisinau welcomes the decision of the Popular Assembly of the Gagauz autonomy to hold, on 24 February 2002, a referendum that will constitute an opportunity for the region's population to express democratically its attitude towards the leadership of the autonomy".

The Governor considered the referendum decision null and void. In his capacity as Head of all public administration of Gagauzia (Art. 14/1), he ordered Gagauz services not to take part in the preparations for the referendum. Thereafter, Chisinau and Comrat-capital of autonomy authorities acted in a disorganized and contradictory way, creating considerable tensions – despite the fact that the Governor of Gagauzia (as the Mayor of Chisinau) is ex officio member of the Moldovan Government. On 24 February, in some Gagauz localities a confused and chaotic semblance of voting was held. On 27 February 2002, the Prosecutor General filed criminal proceedings against the Governor of Gagauzia for obstructing the referendum.

The Bashkan stated that the recent crisis in the relations between Comrat and Chisinau is proof that the Law on the special legal status of Gagauzia (1994), elaborated with Council of Europe assistance, does not provide sufficient guarantees for the Gagauz autonomy. The Bashkan quoted examples of continuing pressure by the

central authorities: the local TV was taken off the air, the Ministry of Interior proceeded to dismissals and appointments in the Gagauz police without consulting the local authorities as prescribed by the law. On the last point, the Minister of the Interior confirmed that the dismissals were taking place in accordance with Ministry regulations (disciplinary measures).

The press also reported that the Prosecutor General had requested the lifting of the parliamentary immunity of the Speaker of the local parliament. The charges brought against the Speaker concern the obstruction of the referendum. It is to be recalled that according to the findings of the CLRAE Rapporteurs:

- a) no decision on holding a referendum was ever officially taken, in accordance with the law, by the People's Assembly of Gagauzia;
- b) no decision on holding a referendum was ever published in the official gazette of the People's Assembly, in accordance with the relevant legal provisions;
- c) the time-limits laid down by law for organizing a referendum were not observed.

The most correct decision for the Gagauzian people now would be to boycott the October 20 repeated election of Gagauzia governor, former Moldovan Ambassador to Turkey said that "A considerable part of Gagauzia residents did not go to the polls on October 6 quite consciously", the diplomat said. "Thus they expressed their protest against the rough policy of pressure on the autonomy's title nation being waged by President Vladimir Voronin and his surrounding from among parliament deputies who are ethnic Gagauzes by origin".

The elections for the new Baskan of Gagauzia were held on October 6, 2002. The election council in Comrat has not validated the October 6 election of a new bashkan (governor) in the southern Moldovan autonomy of Gagauz-Yeri because of the

low turnout¹⁴⁷. A repeated scrutiny has been scheduled for October 20. In the second round, Gheorghi Tabunscik, the Communist protégée has won the votes of the relative majority and became the Governor of Gagauzia. After the first round elections have been declared invalid with less than 50% minimum required by law, the second round (Tabunscik received 41%). Have also been challenged in the Court of Appeal, but the later rejected the examination of the case on November 8, 2002.

Since the February Communist overwhelms Parliamentary victory local public self-governing had been under strong shadows and concerns. The result waited no time to come. The Communist majority voted for removal of financial independence of the local self-governing and is considering a major reform of introducing a two level system of political representation: central authorities and fragmented and dependent on the central authorities small local entities. The new draft law on administrative and territorial organization provides that the local mayor will be elected by the majority of the council, upon the proposal of at least 1/3 of the council. In cases of violation of the law the mayors will be revoked by 2/3 of the council members and if two attempts will give no result the superior council (regional) will be involved to decide the fate of the mayor.

¹⁴⁷ Council chief Ivan Petrov told some 41 percent out of 89,700 eligible voters attended the polls at 61 polling sections in the Gagauz autonomy. According to preliminary data, 43 percent of voters attended the polls in Ciadir-Lunga area, 42 percent showed up in Vulcanesti area and 39 percent in Comrat area. In the context, Petrov said the passive attitude of the electorate was foreseen and pleaded for amending the local electoral legislation in order to cut down the number of voters needed to validate an election. According to informal reports, Communist candidate Gheorghi Tabunscik garnered the most of votes - about 40 percent. He was followed by independent candidate Mihail Formuzal, mayor of Ciadir-Lunga town, who captured about 30 percent of the votes. Other candidates won less - former chief of the external affairs department Ilia Stamat; Stepan Topal, first chief of the Gagauz administration at the start of last decade; Constantin Tausaunji, mayor of Comrat city.

2.4.2 Protection of national minorities in Transnistria region¹⁴⁸

Among the most vulnerable categories that are exposed to various risks to their physical integrity and life are parents, teachers and children of Moldovan schools in Latin script in Transnistria region of Moldova.

Moldovan Schools in Transnistria

50 000 Moldovan children of 350 000 Moldovan population of Transdnistria region of Moldova are denied education in mother tongue. Separatist regime in Transdnistrian region of Moldova outlawed the use of Moldovan language in Latin script in public and private sphere, including the education. It expressly punishes and enforces penal and administrative sanctions persons (parents, teachers, etc) for not disobey¹⁴⁹. Parents, whom children are studying in Romania or in Moldova in a Moldovan school, are dismissed from their positions. Over 10 years of existence of the regime more than 100 000 children have been denied access to education in mother tongue Moldovan language in Latin script (currently around 50 000), 70% of Moldovan parents are forced to have their children study in Russian language.

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). The existing 7 private schools that teach in Moldovan on Latin script are considered illegal, teachers are threatened with physical retaliation, children travel 10 kilometres to schools, the rest of Moldovan children study according to outdated indoctrinated educational programs and books of 70s in Cyrillic alphabet.^{150, 151}

There is abundance of relevant cases, here are some of them:

- According to “an 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.
- The Decision of Tiraspol “City Soviet” from 25. 09. 97 refused the Moldovan school NR. 20 to grant additional rooms. There are 2004 students studying in Moldovan

¹⁴⁸ Determine to what extent the authorities pay attention to the problems of protection of national minorities, in particular regarding the situation in Transnistria, within the framework of the negotiation on the possible constitutional reform in the Republic of Moldova

¹⁴⁹ 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 propaganda on enforcing the laws of DMR ‘On Education, ‘On functioning of languages in DMR’.

¹⁵⁰ Alternative report to the ICESCR, 172 pages in English (alternative ICESCR) by Moldovan Helsinki Committee for Human Rights, www.humanrights.md and 31st Session of the Committee on Economic, Social and Cultural Rights, Geneva 10-28 November 2003, 29th meeting, 10 November 2003 NGO Submissions.

¹⁵¹ “Unworthy partner: the school issues as an example of human rights abuses in Transdnistria”, Oldrich Andrysek and Mihai Grecu, Helsinki Monitor 2003, Vol. 14, No. 2, pp. 101-116.

school NR. 19 from Bender. 752 students are holding their classes in the building of the household which do not even correspond to elementary sanitary rules. At present about 250 children from Bender are forced to study in Hagimus village (traveling to the territory controlled by the constitutional authorities).

- In Grigoriopol city on the territory of Transnistria, the authorities 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 Bistрова 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.
- 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-Transnistria". 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 Labor Card limits her chances to be employed in the areas controlled by the unconstitutional separatist regime.
- There are many cases when citizens whose children are studying in the Moldovan/Romanian language became targets of attacks. The

Mayorality 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.

- 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 this period of time. Local authorities appointed a new director - a strong supporter of separatists and "inadmissibly of Latin script".

At the request of parents from Transnistria region, the Ministry of Education of the Republic of Moldova had issued the order no. 309 of 6 September 1996 "On financing the PRIVATE Moldovan schools of Grigoriopol no. 1, Butor, Malaesti, Delacau, Crasnogorca of the Grigoriopol district, Slobozia no. 1 and Dubasari no. 3". This meant commitment to finance private educational establishments, given the ban by Transnistrian authorities for the public Moldovan schools in Latin script. 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.

In July 2004 the tensions over PRIVATE Moldovan schools arose again with the Transnistrian authorities' determination to close them all and transfer the children to other schools. Parents, children and teachers have been under permanent pressure and threat of prosecution since then, OSCE authorities, in an effort to mitigate the situation has been barred to enter the region^{152, 153}. Transnistrian authorities have even banned the delivery of food to orphanage subordinated to Moldovan authorities.¹⁵⁴ OSCE High Commissioner on national Minorities and OSCE chairman¹⁵⁵ classified Transnistrian authorities' actions as linguistic cleansing.¹⁵⁶ The United States Ambassador Minikes to the OSCE Permanent Council in Vienna stated extreme concern by the forcible closure of a minority language school in Tiraspol in Moldova's break-away region of Transnistria.¹⁵⁷

The *Lucian Blaga* lyceum in Tiraspol, was seized by Transdnistrian militia on 15 July 2004, *Evrice* lyceum in Ribnita, Transdnistrian militia stormed on 29 July, both still have no access to the new building constructed this year through finances from Chisinau. Both schools remain closed as a result. Concerns remain about the other

four Moldovan schools which were able to start the school year in time. The lyceum *Alexandru cel Bun* in Benderi is still cut off from the electricity network and remains without heating. Registration of the school is still disputed, as Transdnistrian authorities refuse to implement the terms of the agreement mediated between both sides in 2003 by the OSCE. The boarding school for orphans in Benderi, after a long period of blockade, is functioning and has managed to connect water and electricity supplies without assistance from the local authorities. The question concerning the status of this school, however, remains unresolved. The middle school in Corjevo was temporarily registered on 1 September by Transdnistrian authorities, but the regional education authorities have not accepted the statutes of the school, although they had been worked out in strict accordance with the 2003 agreement.

¹⁵² http://www.osce.org/news/show_news.php?id=4289

¹⁵³ http://www.osce.org/news/show_news.php?id=4262

¹⁵⁴ http://www.osce.org/news/show_news.php?id=4262

¹⁵⁵ http://www.osce.org/news/show_news.php?id=4281

¹⁵⁶ http://www.osce.org/news/show_news.php?id=4238

¹⁵⁷ <http://usinfo.state.gov/dhr/Archive/2004/Jul/26-667338>.

3. Conclusions and recommendations

3.1 Socio-economic situation of Roma

- Related to public allocations

- Bring spending levels in Roma communities in line with spending in non-Roma communities
- Immediately take steps to modernize the infrastructure of Roma communities, including roads, electricity, gas, telephone and emergency services, bringing them in line with standards in the rest of the country.
- Construct access roads to Roma communities so that they can be reached in medical emergencies;
- To ensure effective remedy for cases of discrimination against Roma in the field of employment, housing, health care, the protection of the family, and education;
- Allocate preferentially from central fundings sources to provide the basic social needs are met by the Roma population and especially children and elderly;
- Central and regional authorities to provide for the facilities for giving small grants to Roma villages (partnerships of local authorities and local initiative groups) to meet the local social, sanitary and cultural needs;

- Related to Health area

Long-term measures should aim at:

- Review and adaptation of the health legislation and policy, together or in parallel with the social policy in order to make them comprehensive and up to the European standards;

- The unemployed should automatically get health insurance while registering in the unemployment service;
- The amount of the so called participation in the payment of the different kinds of interventions or treatment has to be reconsidered;
- Children and elderly people should be able to have health insurance under a reduced number of conditions;

- Short-term measures should aim at:

- Chronically disabled and pregnant women (including childbirth) should also be treated free of charge or minimally;
- Medicines have to be provided free to chronically disabled;
- Support, design and implement concrete projects aimed at improving the access of Roma to health care;
- Support, establish and run health cabinets/clinics in the biggest Roma communities, to provide free examination and first care medicines. Apart from a GP and a nurse, provide the health cabinets/clinics with a gynecologist, as well as with relevant equipment;
- To ensure access of Roma communities free to paramedical interventions;
- To raise the level of the health and sexual education of the Roma community in general and specifically of the Roma women and Young people.
 1. Organise seminars on Female/Male anatomy, contraception methods, hygiene, how to raise a baby, etc.
 2. Provide awareness raising and informative training to community leaders and young multipliers about basic

health legislation and system.

- Supporting, designing and implementing drug abuse prevention programs, although it is not an issue yet for the Roma community;
- Support and encourage establishment of University program for Roma medical staff;
- Establish culturally and linguistically competent public health clinics in Roma communities, with special attention to the health of mothers and young children;
- Allocate funds for public health research among the Roma in Moldova, to uncover important statistics such as life expectancy, infant mortality rate, and other major indicators, as well as barriers to accessing health care.

- Related to Income and Revenue

- Proactively recruit qualified Roma for professional positions in the national and local administration, labour offices staff, health care providers and school officials;
- Proactively recruit Roma young people for careers in medicine and public health, providing scholarships and other expenses if feasible;
- Regional and central authorities renovate and make hard-paved roads to and where necessary within the rural Roma communities;
- Materials situation to be improved in Roma rural communities;
- Small scale grants and credit schemes to be established for Roma communities;
- Regional development to target specifically Roma communities;
- Public employment opportunities should be effectively established for

Roma representatives in those areas (especially local administration);

- Professional education courses as well as professional orientation course to be made available for Roma from the communities;
- Central authorities to enter agreements with Ukrainian customs to stop rubbings at the border;
- Design projects and support programmes and projects aimed at providing professional qualification and re-qualification courses in parallel or after literacy courses. Young Roma people should be targeted in priority. The focus of professional training should be on qualification that allow Roma to be independent of the employment market such as: the building industry, professional drivers, hairdressers, swing, tapestry, handcrafts, etc.;
- Organise and implement different forms of non-formal education for the different age groups. Focus on providing social skills and awareness about basic, Human and Civil rights and as well on administrative structure and other relevant matters.
- Carry out activities for the development of the Roma localities economic planning to facilitate the income in the villages;
- Central authorities to preferentially allocate extra-sources to put in place the basic infrastructure needed for the generation of small-range businesses (roads, water, electricity, etc);

3.2 Article 8 (religious organization)

-Recommendations with regard to Right to Conscience, Religion and Thought

- Excessive limitations on passive right to religion will be eliminated and avoided;

- Exclusion of legal provisions restricting freedom of movement for religious purposes;
- Registration procedure will be substantially modified to allow clear unbiased and publicly open procedure, with possibility to contest in court of law the decision;
- refrain from physical and psychological harassment and prosecution of Muslim religion (Spiritual Council of Muslims of Moldova) and register the Muslim religion;
- lift the ban for non-governmental organizations to propagate religious beliefs in the law on Non-governmental associations;

3.3 Article 10 (language)

- general recommendations

- bilateral agreements concluded with Bulgaria and the Ukraine with regard to the provisions of language rights should be substantially revised and more elaborated at least bringing them to the existing international standards so that the use of Bulgarian and the Ukrainian language in the relevant geographical areas in private sphere should be unrestricted and in public sphere provided in relation with public administration (including the judiciary, police, public education, public broadcasting, administration, etc), making available widely used official documents and forms in the minority (Bulgarian, Ukrainian) languages, acceptance by authorities of oral and written applications and response thereto in the minority languages, being able to use the minority languages in internal work, etc;

- use of minority language should be in conformity with the European Minority and Regional Languages Charter standards which Moldova signed. The charter should be ratified as soon as possible;

- special bilateral treaty on the protection of national minorities should be concluded with Bulgaria that *inter alia* specifically protects the Taraclia Bulgarians in the South of Moldova against further language and cultural Russian assimilation;
- bilateral agreements with Bulgaria should specifically provide the use of Bulgarian language in relation with local public authorities in Taraclia region¹⁵⁸ as provided in the international standards and failed to be upheld by the national law.
- special bilateral treaty on the protection of national minorities should be concluded with Ukraine that *inter alia* specifically protects the Ukrainians in the North and East-North of Moldova against further language and cultural Russian assimilation.
- bilateral agreements with the Ukraine should specifically provide the use of Ukrainian language in relation with local public authorities in North and North-East parts of Moldova as provided in the international standards and failed to be upheld by the national law.

- Use of Bulgarian and Ukrainian in public sphere

1. Law on functioning of languages, Law on national minorities should provide that if there is at least 8% of population belong to a national minority of the community of level one or two:
 - a. local public administration should provide the right to address in verbal in the minority language;
 - b. put out public announcements in a minority language;
2. Law on functioning of languages, Law on national minorities should provide that if there is at least 20% of population belong to a national minority of the community of level one or two:

¹⁵⁸ Region populated by about 60 000 Bulgarians in very compact manner.

- a. Local administration to provide the right to address verbally and in written form in a minority language;
 - b. Put out public announcements in a minority language;
 - c. Provide all information, if preferred, in a minority language;
 3. Law on audiovisual, Law on press to provide that local/regional public administration in the localities where minority compact population is at least 8% to:
 - a. Allocate resources to the existing public media or private media, where relevant, to provide a necessary realization of the minority linguistic rights;
 - b. Create tax incentives for minority language media
 4. Law on local public administration, law on public servants to provide that in localities where at least 8% of the population are representatives of a minority
 - a. Public servants entering in contact with public to possess at least passively the language of a national minority
 5. Law on local public administration, law on public servants to provide that in localities where at least 20% of the population are representatives of a minority
 - a. Public servants entering in contact with public to possess passively and actively the language of a national minority to the extent it is needed for the satisfaction of the needs of the persons addressing in a minority language of the community
- Roma minority*
- Operate modifications in the law on functioning of the languages and local public administration providing that for Roma localities where the Roma population is 6% and more to have a public officer able to communicate in Romani language with those Roma who wish so in relation to public authorities;
 - Operate modifications in the law on press and broadcasting that in those localities where Roma constitute 6% and more airtime is allocated for Roma language and paper space is allocated for Roma language correspondingly;
 - In Ursari and Vulcanesti localities the use of Romani language should be a mandatory principle in local administration, the for public services a Romani proficient public officer should provide necessary communication with those who wish so;
 - Specialized authorities, Ministry of Education to carry out archive research to reveal the history of the villages and introduce this information and opinions in the villages pupils education process;

3.4 Article 12 (education)

The Law on protection of national minorities is extremely weak with regard to guarantying the educational rights of national minorities. The provisions of the law actually violate the international standards. The bilateral agreements with the Ukraine are not being respected and implemented in practice. The obligation to provide Ukrainian language education is violated in a systematic manner. The provisions of Law on protection of national minorities use the condition for public school and post school education in Russian language again as a substitute for minority language contributing further to the assimilation of minorities. It fails to conform to international standards to provide public pre-school, school and other education where there is a “sufficient demand” of a substantial number of minorities¹⁵⁹. The situation of Ukrainians and Bulgarians are a clear example for that.

The contradiction between agreements with the Ukraine with the provisions of Law on protection of national minorities is one factor for the violation of the right to education in minority education. The other factor is the lack of effective implementation of bilateral agreements with Ukraine.

And similarly the Advisory Committee on the Framework Convention on National Minorities observed that “79. The Advisory Committee notes that Moldovan legislation grants persons belonging to national minorities the right to learn their mother tongue and accompanies this right with legal safeguards. For example, Article 10.2 of the Moldovan Constitution enshrines the right to linguistic identity and Article 35.2 says that the state shall enforce under the law the right of each person to choose his/her language of education and

instruction. 80. Article 6 of the National Minorities Act gives further force to these constitutional provisions by requiring the state to implement the rights granted under the Constitution. As already mentioned with regard to Article 10 of the Framework Convention, the Advisory Committee notes that Moldovan law contains a non-uniform approach to minority languages used in the country. As with the state language, the Government undertakes to provide education in Russian at all levels of the education system, from pre-school to university and post-graduate level (Article 6.1). For speakers of other minority languages, however, the state only undertakes to create the conditions necessary for the exercise of their right to education and instruction in their own language (Article 6.1). In all cases, however, the state undertakes to contribute to the development of curricula and related teaching methods, and to the development of teacher training, which may include co-operation with other countries (Article 6.2).”¹⁶⁰

- *Recommendations to improve education of national minorities*

With the account of the facts stated above it is proposed:

- to develop and approve the Concept of education for national minorities in the Republic of Moldova, having determined the place and role of the native language on each level of education according to international standards and internal legislation of the Republic;
- legislation should provide adequate conditions for more autonomy, assigned to the leadership of the

¹⁵⁹ Art. 14 of the European Framework Convention on Protection of National Minorities, art. 16 of the European Charter for Regional and Minority Languages, etc

¹⁶⁰

[http://www.coe.int/T/e/human%5Frighs/Minorities/2%2E%5FFRAMEWORK%5FCONVENTION%5F%28MONITORING%29/2%2E%5FMonitoring%5Fmechanism/4. Opinion%20of%20the%20Advisory%20Committee/1. Country_specific_opinions/ACFC_INF_OP_I\(2003\)002%20%20E%20Opinion%20Moldova.asp#TopOfPage](http://www.coe.int/T/e/human%5Frighs/Minorities/2%2E%5FFRAMEWORK%5FCONVENTION%5F%28MONITORING%29/2%2E%5FMonitoring%5Fmechanism/4. Opinion%20of%20the%20Advisory%20Committee/1. Country_specific_opinions/ACFC_INF_OP_I(2003)002%20%20E%20Opinion%20Moldova.asp#TopOfPage)

- school (headmaster or board) on personnel, organizational/material and financial affairs and on content (making optimal use of the number of optional hours or the curriculum). This operation should be balanced by transparent methods which guarantee accountability and quality. Participation of the parents as the premium partners should be maximized;
- To adopt amendments to the Law on Education with regard to bilingual education as a tool of intercultural education development and promotion of integration of Moldovan society.
 - to create conditions for the study of the native language at schools and preschool institutions where there are enough children of the Bulgarian and Ukrainian languages;
 - to develop a curriculum for kindergartens with a contingent of Bulgarian and Ukrainian children;
 - to provide education and training of children of the preschool and primary school age mainly in the native language in the places with compact Bulgarian and Ukrainian population;
 - to introduce a bilingual training technique in the system of school functioning in the places with compact Bulgarian and Ukrainian population;
 - to develop and publish didactic and methodological materials for teaching History, Culture and Traditions of the Bulgarian Nation
 - adopt a concept of education for the national minorities in the Republic of Moldova, defining the place and role of the native language in each step of education in accordance with international standards and internal legislation of the Republic
- develop a curriculum for kindergartens with Bulgarian and Ukrainian contingent of children
 - envisage a Bulgarian and Ukrainian ethnic and cultural component in the curriculum on painting, labor training and music
 - arrange a training system for raising the qualification level of educators in the preschool institutions and teachers of the Bulgarian and Ukrainian language and ethnic and cultural component in education
 - find possibilities to publish textbooks in the Bulgarian and Ukrainian language and literature for lyceum classes.

- Roma minority

- To improve the access of Roma to education: not only short-term, but both long-term and short-term/immediate policies and measures should be designed.
- Raising awareness among Roma families and children about the importance of education through organising meetings with the Roma parents, involvement of role models including foreign ones, using/focusing on positive personal experiences;
- Regional education authorities to establish guidelines and best practices for all schools in addressing Roma drop-outs;
- Regional education authorities to encourage teacher recruitment: differential pay to attract equally qualified teachers in Roma communities;
- Educational authorities to elaborate and provide

teacher training program: cultural competency and Romani language, bilingual education;

- Local authorities to immediately implement preschools and kindergartens in disadvantaged communities;
- Central authorities to proactively recruit Roma young people for careers in education, providing scholarships and other expenses if feasible;
- Ministry of Education, regional education authorities approve and subsidy study of Romani language with regard Ursari, Vulcanesti children in kindergarten and schools, extra teachers of Romani language, publication of Romani language manuals;
- Local authorities make available transportation for children from Roma communities to schools;
- Local and regional authorities allocate resources for extra teachers to work with children from Roma communities;
- Local authorities make available resources to establish preschool education system for Roma community children (home kindergarten, etc);
- Central authorities make available state subsidized places in high education establishments and create incentives for Romani teachers, lawyers, economists, etc.
- Roma cultural and historical aspects are integrated in Moldovan history, in areas with compact population, history of Roma communities

is included as a obligatory additional classes;

- Department of Interethnic relations publish a study on history of Roma in Moldova;
- Supporting, designing and implementing programs/projects aimed at pre-schooling for Roma children
 - with ensured transportation of the children from their homes to school;
 - providing at least one meal free of charge at school and
 - providing the necessary materials;
- Supporting, designing and implementing programmes/projects, aimed at mentoring, within relevant format and conditions, of Roma children in secondary schools;
- Providing shoes, clothes, text books and other relevant school materials, as well the regular taxes;
- For Young Roma people that are willing to continue their education, opportunities and forms have to be provided, such as: free evening schools, scholarships, educational materials and tools, etc;
- Design and support scholarship programmes for University students, student in middle schools, and for good students in secondary school;
- Design projects that are running kindergarten activities for Roma children;
- Promote establishment of University programmes for Roma social workers and medical staff;

population of at least 8% without the consultation with minority population.

3.5 Article 15 (effective participation)

- Selected special measures recommended for the improvement of situation of Ukrainian and Bulgarian minorities

The part of the report should be read together with the recommendations produced in separate chapters that systemize the findings on the use of Bulgarian and Ukrainian languages in public sphere. Additionally, it is considered that a set of special measures should be adopted.

Participation in public decision-making

1. Law on local public administration to devolve to regional authorities at level two, where there is minority population of at least 8%
 - a. Substantial competence of the humanities educational curricular, within the national educational curricular;
 - b. Substantial competence of the cultural activities of the commune
2. Law on local public administration, Electoral Code in the localities where there is a compact minority population of at least 8%
 - a. A reserved sit in local public council at level one or two for representative of a national minority, elected directly none of the representatives have been elected in the public council
3. Law on local public administration and Law on administrative and territorial division regarding the administrative composition or its change will not be adopted affecting the localities with a minority

Provisions of the Law on Education, Law on Culture and other legal acts cannot be modified or adopted should the respective provisions having the effect on the rights of national minorities without the consultation with the local public

- Roma Minority relevant recommendations

- Political parties to reserve places for representatives from Roma rural communities for local elections;
- All decisions of public allocations and spending regarding Roma communities to be held with the presence of Roma community representatives;
- Local authorities to institute quarterly consultations within Roma communities;
- Department of Interethnic Relations to establish a unit on Roma problems and employ Roma;
- Consider administrative borders encouraging consolidation of Roma in one administrative unit;
- Public spending regarding Roma communities to aim at compensation of underdevelopment and past underspendings;
- Regional and central authorities to consider additional spending for the development of the Roma communities on basic facilities, social sphere, water, canalization, electricity, etc;
- Organize local and central coordinating councils with Roma representative to consult and involve them in the decision-making process;
- Take proactive measures to raise the number of Roma employees in public authorities and

consider it as a must for the regions and localities where Roma represent compact population;

- Introduce in the local schools and kindergarten curricular information and teaching about the Roma traditions and culture;
- Operate modifications in the law on political parties and Electoral Code that prohibit the participation and supporting by civic and ethno-cultural organizations of candidates at local elections;
- Operate modifications in the law on political parties liberalizing the establishment of the political parties at regional level;
- Mandatory consult Roma population when operating modifications in territorial and administrative divisions of public administration;
- Law on local public administration to devolve to regional authorities at level two, where there is minority population of at least 6%
 - o Substantial competence of the humanities educational curricular, within the national educational curricular;
 - o Substantial competence of the cultural activities of the commune
- Law on local public administration, Electoral Code in the localities where there is a compact minority population of at least 6%
 - o A reserved sit in local public council at level one or two for representative of a national minority, elected directly none of the representatives have been elected in the public council

3.6 Right to Association

- Interpretation

A number of Russian minority organizations exist that generally operate on the national level as does some Ukrainian organizations. However, all are predominantly national wide operating organizations that have less links with the community interest of compactly populating minorities. The associations rather tend to be more politically oriented and promote political agenda and political affiliation. That might be the reason for the express ban for the ethnically based political association by Moldovan law on political parties that probably is one of the reason for domination of the minority representative ness interests through politically motivated personalities and diminution of community based minority organizations.

Department of National Minorities had created a National Council of Minority Cultural Associations composed of some 30 minority organizations, including the national minority organizations subject of the study. The work of the national Council is primarily dominated by national-wide organizations. It also reveals the deficiency of lacking the specific links to the national minorities' communities' links and de facto representative ness.

Bilateral agreements with Bulgaria and Byelorussia provide for the state support of the respective minority representative organizations initiatives. These provisions are substantially in the line with the provisions of the Law on protection of national minorities with the last providing higher standards. Sadly, in agreements with Ukraine no similar provisions are found. Generally, practice reveals no cases of the state unjustifiable interference in the work or activities of the minority representative organizations. Still, it is deemed desirable,

that bilateral agreements provide the negative obligation of the state to refrain from any kind of interference or influence in the activity of the respective minority organizations.

Bilateral agreements and respectively minority relevant legislation should carry the obligation to encourage the creation and establishment of the community based minority interest organizations with the state.

- *Recommendations:*

- Moldovan State should undertake legal, fiscal and other measures to support the effective representation of the interests of national minority communities through community and grass root minority organizations;
- National Council of Minority organizations with the consultative status to the Department of Interethnic relations should take into consideration and be proportionally composed mainly from those organizations who express minority community interests who are primarily community grass roots minority organizations;
- Department should consider taking active position on local level to assist development of minority organizations;
- bilateral agreements should provide for the facilitation of the registration of minority cultural organizations at central and regional levels;

Provisions are modestly developed in the bilateral agreements.

- *Legal*

In the agreements with Ukraine, no specific provisions found.

In the agreements with Bulgaria, the treaty states that Parties will facilitate, as provides national legislation, activity of organizations of persons belonging to

*mentioned groups in realizing their scopes*¹⁶¹.

*In the agreements with Byelorussia, the Governmental agreement states that parties will contribute, in limits of their competence, to good carry-out of activities of representatives of their associations of other Party on its territory with the condition that their activity does not contravene the law of the country.*¹⁶²

*In the agreements with Israel, the Governmental agreements provides for the establishment of state cultural centers on their territories and also specifically in Tel-Aviv and Chisinau*¹⁶³.

Law on the protection of national minorities contains a special chapter specifying the minority associations as: that minority can exercise their *rights in association*¹⁶⁴, diversity of association and initiatives¹⁶⁵, state support, encourage the cooperation with public authorities¹⁶⁶, public policies related to minorities are coordinated with respective minority organizations¹⁶⁷.

¹⁶¹ Art. 14 (3) of the Treaty with Bulgaria

¹⁶² Art. 7 of the Governmental Agreement with Byelorussia

¹⁶³ Art. 1, 2 of the Governmental Agreement with Israel

¹⁶⁴ Law in art.19: 1. Organizations of persons belonging to national minorities have the right that have other associations. 2. None of the organizations cannot pretend to monopolies the interests of the respective minorities.

¹⁶⁵ Law in art. 20: 1. Organizations of persons belonging to national minorities benefit from the support of the state in the accomplishment of programs in the field of culture, education, historic investigations, charity. 2. Some programs, set out in para. 1, of a particular interest, selected on the competitive basis, may be supported by state. 3. Department of Interethnic Relations is the responsible organ for the selection of programs, their financial support and the control of their financial utilization as set out in para.2. 4. Organizations of persons belonging to national minorities have the right to use, as provided by law, donations made by juridical and physical persons.

¹⁶⁶ Law in art. 21: Organizations of persons belonging to national minorities have the right to cooperate with institutions and departments of other countries, which competence relate to the interest of the respective organizations in view of respective minority realization of rights.

¹⁶⁷ Law in art. 22: The elaboration and promotion of state policies in the field of culture, education of national minorities, the Government, ministers, departments, local public authorities will consult respective organizations belonging to national minorities.

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5. Annexes

Annexes are based on the report [15]

Annex 1 Study of the Native Language in Moldova: school year 2001-2002

No Crt .	Country Municipality	Total Number Students	Of them								Training in following language					Study native language as school discipline					
			Moldovan	Russian	Ukrainian	Gagauz	Bulgarian	Roma	Jewish	other	Moldovan	Russian	Ukrainian	Gagauz	Bulgarian	Ukrainian	Gagauz	Bulgarian	Polish	German	Jewish
1	Municipality Chisinau	114844	88130	14375	8173	649	1085	180	831	1421	84133	30623			88	1417	60	170	119	122	645
2	j. Balti	77252	59978	5650	10866	45	55	188	55	415	56774	2316	162			1935					
3	j. Cahul	33578	28216	1030	1352	600	1528	96	0	156	26416	4797						205			
4	j. Chisinau	67285	64807	869	1150	52	194	79	2	132	64635	2650									
5	j. Edinet	39468	29341	1925	7908	35	15	168	12	64	27506	11890	212			2027					
6	j. Lapusna	50147	45265	1963	1090	495	1064	157	7	106	44275	5872				82		180			
7	j. Orhei	51435	49973	458	817	12	8	93	12	62	49527	1908				192					
8	j. Soroca	42386	38676	1386	2111	5	1	161	10	36	38117	4269									
9	j. Tighina	30392	28445	935	591	100	194	68	1	58	27804	2588									
10	j. Taraclia	7351	1067	332	445	660	4752	40	0	55	527	6741		83	119		4259				
11	j. Ungheni	46151	43819	705	1293	1	6	283	3	41	43777	2374				50					
12	UTA Gagauzia	31365	1537	1642	805	25908	1656	89	2	208	744	30871				72	25749	1256			
	Total	591654	479254	31270	36601	28562	10558	1602	935	2754	464235	124899	374	0	171	5894	25809	6070	119	122	645
			81%	5,28%	6,19%	4,83%	1,78%	0,27%	0,16%	0,48%											

Source: Moldova Country Report at the regional conference "Education Policy and Minorities", Kyiv, 2-3 September, 2002.

Annex 2 Number of Pupils in the Secondary School and Lyceums

NUMBER OF PUPILS PRIMARY AND SECONDARY SCHOOLS, GYMNASIUMS AND LYCEUMS		
Ethnic origin	Number of students	%
Moldovan/Romanian	479.254	81,00 %
Russian	31.270	5,28 %
Ukrainian	36.601	6,19 %
Gagauz	28.562	4,83 %
Bulgarian	10.558	1,78 %
Roma	1.602	0,27 %
Jewish	935	0,16 %
Other nationality	2.754	0,48 %

LANGUAGE OF TRAINING	
Moldovan	464.235
Russian	124.899
Ukrainian	374
Bulgarian	171

NATIVE LANGUAGE STUDIED AS A SCHOOL DISCIPLINE BY:	
Ukrainian students	5.894
Gagauz	25.809
Bulgarian	6.070
Polish	119
German	122
Jewish	645

Source: Moldova Country Report at the regional conference "Education Policy and Minorities", Kyiv, 2-3 September, 2002.

Annex 3 Schooling in Roma communities

Information concerning the schooling of children between 7 and 16 years, including children from Roma families (according to statistic data of January, 2000)									
Total	Number of children between 7-16 years	Of them Roma	% of Roma as compared with the total number of pupils	Unschool ed children	%of unschooling	Unschool ed Roma:			
							% of unschooled Roma as compared with the total number of Roma pupils	Unschool ed of:	
								1 st -4 th form	V th -IX th form
Mun. Chisinău	108941	196	0,18	187	0,18	17	8,67	5	12
Counties:									
Balti	76788	243	0,32	511	0,67	16	6,58	11	5
Cahul	32076	141	0,44	728	2,27	16	11,35	13	3
Chisinău	67802	99	0,15	554	0,82	14	14,14	13	1
Edinet	38198	235	0,62	258	0,68	1	0,43	0	1
Lăpusna	50310	148	0,29	672	1,34	3	2,03	2	1
Orhei	49538	63	0,13	403	0,81	15	23,81	4	11
Soroca	42098	226	0,54	455	1,08	85	37,61	30	55
Tighina	30900	99	0,32	407	1,32	32	32,32	21	11
Ungheni	47356	373	0,79	528	1,11	38	10,19	14	24
Gagauz-Eri	31471	112	0,36	279	0,89	5	4,46	4	1
Taraclia	7578	41	0,54	72	0,95	0	0	0	0
Total	583056	1976	0,34	5054	0,87	242	12,25	117	125

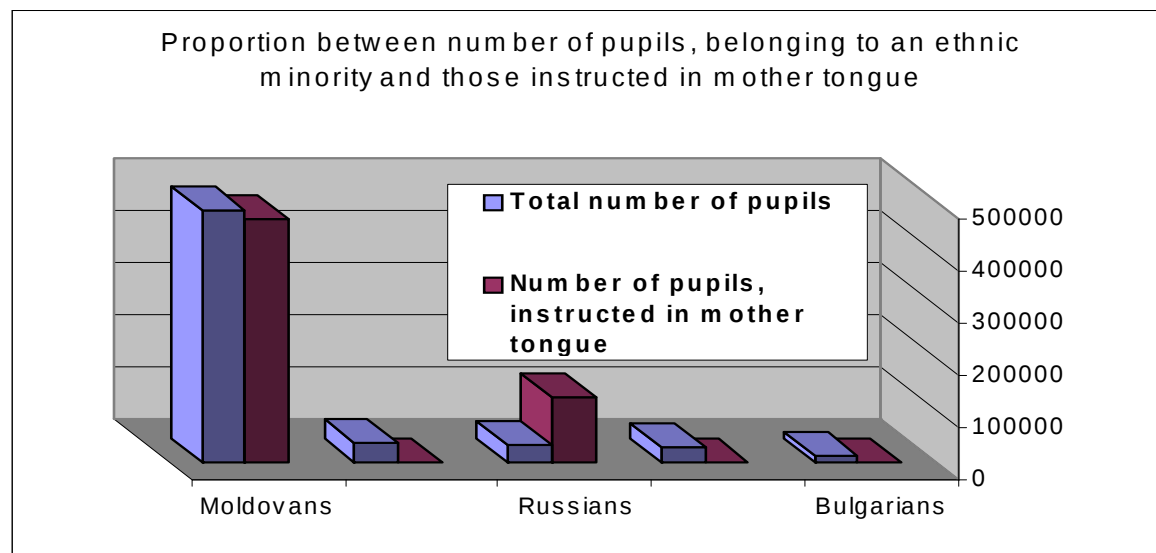
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Annex 4 Study of native language in Moldova: 2001-2002

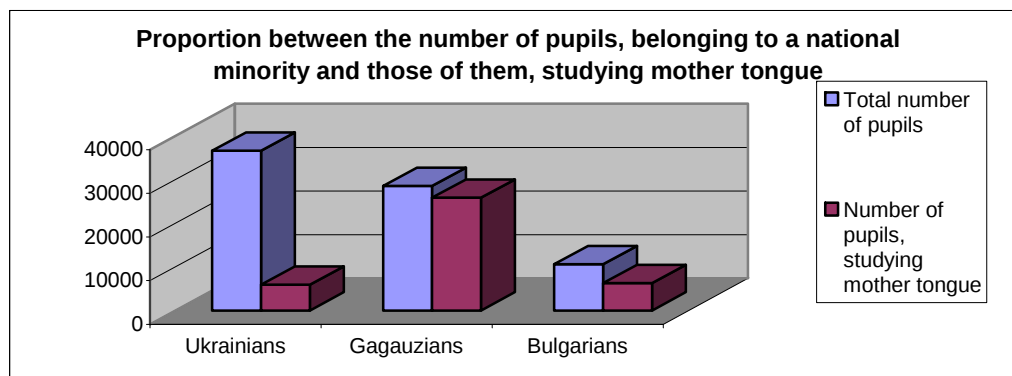
No Crt .	Country Municipali ty	Total Numb er Studen ts	From them								Training in following language					Study native language as school discipline					
			Moldova n	Russia n	Ukrainia n	Gagau z	Bulgar i	Rom a	Jewis h	other	Moldova n	Russia n	Ukrainia n	Gagau z	Bulgari an	Ukrainia n	Gagau z	Bulgaria n	Polis h	Germa n	Jewis h
1	Mun Chisinau	114844	88130	14375	8173	649	1085	180	831	1421	84133	30623			88	1417	60	170	119	122	645
2	j. Balti	77252	59978	5650	10866	45	55	188	55	415	56774	2316	162			1935					
3	j. Cahul	33578	28216	1030	1352	600	1528	96	0	156	26416	4797						205			
4	j. Chisinau	67285	64807	869	1150	52	194	79	2	132	64635	2650									
5	j. Edinet	39468	29341	1925	7908	35	15	168	12	64	27506	11890	212			2027					
6	j. Lapusna	50147	45265	1963	1090	495	1064	157	7	106	44275	5872				82		180			
7	j. Orhei	51435	49973	458	817	12	8	93	12	62	49527	1908				192					
8	j. Soroca	42386	38676	1386	2111	5	1	161	10	36	38117	4269									
9	j. Tighina	30392	28445	935	591	100	194	68	1	58	27804	2588									
10	j. Taraclia	7351	1067	332	445	660	4752	40	0	55	527	6741			83	119		4259			
11	j. Ungheni	46151	43819	705	1293	1	6	283	3	41	43777	2374				50					
12	UTA Gagauzia	31365	1537	1642	805	25908	1656	89	2	208	744	30871				72	25749	1256			
	Total	591654	479254	31270	36601	28562	10558	1602	935	2754	464235	124899	374	0	171	5894	25809	6070	119	122	645
			81%	5,28%	6,19%	4,83%	1,78%	0,27%	0,16%	0,48%											

Source: Moldova Country Report at the Regional Conference "Educational Policy and National Minorities", Kiev, September 2-3, 2002.

Annex 5 Pupils belonging to ethnic Minority and educated in Mother Tongue



Source: Ministry of Education report "Education for all - 2000"



Source: Ministry of Education report "Education for all - 2000"

Annex 6 Review of some Bulgarian villages (language, education)

The polling of ethnic Bulgarians, residents of Moldova, was carried out in eight villages. The total number of the polled is 960 persons. 819 (85.31%) of them consider Bulgarian as their native language. The statistical analysis was carried out based on the massif of 819 questionnaires.

Comparative analysis of the answers of respondents - Bulgarians living in different villages to a block of questions related to the choice of language in the social, educational and cultural spheres of life has shown the following distribution of answers.

The answers to the question, "What your social status?" showed that 80% of those covered by the polling represent a socially active part of the population. About 30% of the total number of the polled were students and pupils; the number of workers and employees almost in all villages was equal to about 50%.

What is your social status?

Question of the questionnaire, "What is your social status?"	Names of villages and number of respondents of the Bulgarian nationality in them															
	Tvarditsa		Kirsovo		Moskovyev		Lopatsika		Larga Noua		Kolibabovka		Vozneseny		Troitsa	
Worker	66	20.56 %	20	13.16 %	19	15.97 %	10	25.64 %	16	37.21 %	5	14.29 %	8	19.51 %	5	11.63 %
Employee	67	20.87 %	14	9.21 %	29	24.37 %	7	17.95 %	2	4.65 %	2	5.71 %	7	17.07 %	2	4.65 %
Student	27	8.41 %	1	0.66 %	4	3.36 %	3	7.69 %	0	0.00 %	0	0.00 %	0	0.00 %	1	2.33 %
Pupil	44	13.71 %	73	48.03 %	23	19.33 %	0	0.00 %	13	30.23 %	12	34.29 %	12	29.27 %	13	30.23 %
Housewife	8	2.49 %	2	1.32 %	3	2.52 %	1	2.56 %	7	16.28 %	0	0.00 %	3	7.32 %	6	13.95 %
Unemployed	2	0.62 %	1	0.66 %	3	2.52 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	1	2.33 %
Teacher	57	17.76 %	22	14.47 %	16	13.45 %	8	20.51 %	1	2.33 %	9	25.71 %	3	7.32 %	8	18.6 %
Pensioner	6	1.87 %	9	5.92 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	1	2.33 %
Other	44	13.71 %	10	6.58 %	22	18.49 %	10	25.64 %	4	9.30 %	7	20.0 %	8	19.5 %	6	13.95 %

Analysis of the national structure of villages under the survey showed according to the number Bulgarians the first place belongs to Tvarditsa (92.2%) and Kolibabovka (89.5%), then follow Vozneseny (70% of Bulgarians, 20% of Moldovans, 4.9% of Russians and Ukrainians), then follow Troitsa (70% of Bulgarians and about 20% of Moldovans, 4.9% of Ukrainians and 4.7% of Russians). In Kirsovo there are 50% of Bulgarians and 44% of Gagauzians; in Lopatsika - 50% of Bulgarians, 22% of Moldovans, 17% of Ukrainians and 7.4% of Russians; in Larga Noua - 38% of Bulgarians and 58% of Moldovans; in Moskovyev - 37% of Bulgarians, 32% of Moldovans, 13.7% of Russians and 13.7% of Ukrainians.

As has shown further analysis, the national structure of residents in the villages under survey is reflected in language preferences of the respondents, i.e. Bulgarians.

Functioning and choice of languages in various spheres of life

The biggest percentage of Bulgarians - residents of village Larga Noua (86% of the polled) know the state language. Such high percentage of those knowing the state language can be probably explained by the fact that Moldovans in the given village make 58% of the population. A similar picture is observed in all villages where a significant part of the population is Moldovans. Such villages are Moskovyev, Troitsa, Lopatsika etc. The lowest percentage of

respondents knowing the state language is in villages of Tvarditsa and Kirsovo, where there live less than 5 % of Moldovans.

Can you speak the state language fluently?

Names of villages and number of respondents of the Bulgarian nationality in them	The question in the questionnaire, "Do you know the state language?"	
	Yes	No
Tvarditsa	49\ 15.26%	27\ 84.74%
Kirsovo	28\ 18.42%	124\ 81.58%
Moskovyey	50\ 42.02%	69\ 57.98%
Lopatsika	9\ 23.08%	30\ 76.92%
Larga Noua	37\ 86.05%	6\ 13.95%
Kolibabovka	21\ 60%	14\ 40%
Vozneseny	22\ 53.66%	19\ 46.34%
Troitsa	30\ 69.77%	13\ 30.23%

Practically all respondents in all villages know Bulgarian language (from 93.28% to 96.8%). Positive answers to the question, "Can you speak Bulgarian fluently?" equaled from 84.87% (Kirsovo) to 100% (Kolibabovka). The percentage of those freely speaking Bulgarian is lower in the villages where there are a lot of non-Bulgarian residents (probably, because of mixed marriages): Moskovyey (about 87%) and Larga Noua (88%).

Can you speak your native language fluently?

	Names of villages and number of respondents of the Bulgarian nationality in them															
	Tvarditsa		Kirsovo		Moskovyey		Lopatsika		Larga Noua		Kolibabovka		Vozneseny		Troitsa	
Yes	289	90.03 %	129	84.87 %	103	86.55 %	37	94.87 %	38	88.37 %	35	100 %	40	97.56 %	41	95.35 %
Now	4	1.25 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	1	2.44 %	0	0.00 %
Partly	28	8.72 %	23	15.13 %	16	13.45 %	2	5.13 %	5	11.63 %	0	0.00 %	0	0.00 %	2	4.65 %

87.8% of respondents (in Vozneseny) and up to 97% (Larga Noua) answered the question, "How often do you speak your native language?" that they speak every day. This fact shows that the native language is an important means of communication in the daily life of Bulgarian respondents.

How frequently do you speak the native language?

"How frequently do you speak the native language?"	Names of villages and number of respondents of the Bulgarian nationality in them															
	Tvarditsa		Kirsovo		Moskovyey		Lopatsika		Larga Noua		Kolibabovka		Vozneseny		Troitsa	
Every day	302	94.08 %	137	90.13 %	97	81.51 %	32	82.05 %	42	97.67 %	34	97.14 %	36	87.80 %	43	100 %
From time to time	15	4.67 %	13	8.55 %	20	16.81 %	2	5.13 %	1	2.33 %	1	2.86 %	4	9.76 %	0	0.00 %
Very seldom	3	0.93 %	2	1.32 %	2	1.68 %	5	12.82 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %
Never	1	0.31 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	1	2.44 %	0	0.00 %

More than 90% of respondents - Bulgarians in all villages answered "yes" to the question, "Do you want to learn the literary form of your native language?" The exception was Tvarditsa where only 64% of respondents positively answered this question. The reason is probably in the fact that a large percentage of residents here know to some extent the literary form of the Bulgarian language.

The question, "Do you have an opportunity to learn the literary form of the native language?" was positively answered by about 50% of respondents in villages of Tvarditsa, Kirsovo and Kolibabovka and by about 40-45% - in villages of Moskovy, Troitsa and Larga Noua, The lowest percentage of positive answers to this question was in villages of Vozneseny (29.2%) and Lopatsika (25.6%).

From 80% (in. Vozneseny) up to 97% (in Troitsa) of respondents would like to read literature in the Bulgarian language. The biggest number of positive answers to the question, "Do you have an opportunity to read literature in the native language?" was in villages of Tvarditsa (68%), Troitsa (67%), Kirsovo (59%), Kolibabovka (57%), and respectively the lowest percentage was observed in villages of Vozneseny (26.8%) and Lopatsika (about 28%). The answers of respondents reflect a real situation in the educational and cultural spheres in the given villages.

Names of villages and number of respondents of the Bulgarian nationality in them	Questions in the questionnaire							
	Do you want to learn the literary form of the native language?		Do you have an opportunity to learn the literary form of the native language?		Do you want to read literature in the native language?		Do you have an opportunity to read literature in the native language?	
	Yes	No	Yes	No	Yes	No	Yes	No
Tvarditsa	208\ 64.8%	113\ 35.2%	163\ 50.78%	158\ 49.22%	194\ 60.44%	127\ 39.56%	198\ 61.68%	127\ 39.56%
Kirsovo	137\ 90.13%	15\ 9.87%	80\ 52.63%	72\ 47.37%	135\ 88.82%	17\ 11.18%	90\ 59.21%	62\ 40.79%
Moskovy	108\ 90.76%	11\ 9.24%	48\ 40.34%	71\ 59.66%	107\ 89.92%	12\ 10.08%	54\ 45.38%	65\ 54.62%
Lopatsika	38\ 97.44%	1\ 2.56%	10\ 25.64%	29\ 74.36%	38\ 97.44%	1\ 2.56%	11\ 28.21%	28\ 71.79%
Larga Noua	42\ 97.67%	1\ 2.33%	17\ 39.53%	26\ 60.47%	40\ 93.02%	3\ 6.98%	20\ 46.51%	23\ 53.49%
Kolibabovka	33\ 94.29%	2\ 5.71%	17\ 48.57%	18\ 51.43%	33\ 94.29%	2\ 5.71%	20\ 57.14%	15\ 42.86%
Vozneseny	36\ 87.8%	5\ 12.2%	12\ 29.27%	29\ 70.73%	33\ 80.49%	8\ 19.51%	11\ 26.83%	30\ 73.17%
Troitsa	39\ 90.7%	4\ 9.3%	19\ 44.19%	24\ 55.81%	40\ 93.02%	3\ 6.98%	29\ 67.44%	14\ 32.56%

An overwhelming number of respondents - Bulgarians from the majority of villages said that Russian is used as a language of instruction of children in preschool institutions. Respondents - Bulgarians from three villages of Tvarditsa (12.4%), Kolibabovka (5.7%) and Troitsa (18.6%) said that Bulgarian is used as a language of instruction of children in preschool institutions. And in some villages children in preschool institutions are taught in the Bulgarian and Russian languages (Tvarditsa - 10%, Kolibabovka - 8.5%, Vozneseny - 4.8%, Troitsa - 16.2%). As show the data given above, in spite of the fact that kindergartens in all visited villages use Russian as a language of instruction, the parents say that the native language is used as a language of instruction thus reflecting the real situation in kindergartens where teachers have to communicate with children in the Bulgarian language basing on the native language during the training process contrary to the effective curricula. In villages with mixed national structure of the population such as Moskovy, Lopatsika and Larga children do not study their native language even as a subject.

What language is your child taught in at the preschool institution?

	Names of villages and number of respondents of the Bulgarian nationality in them															
	Tvarditsa		Kirsovo		Moskovy		Lopatsika		Larga Noua		Kolibabovka		Vozneseny		Troitsa	
Moldovan	0	0.00%	0	0.00%	2	1.68%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	2.33%
Russian	92	28.66%	40	26.32%	28	23.53%	14	35.9%	6	13.95%	7	20%	10	24.39%	6	13.95%
Bulgarian	40	12.46%	0	0.00%	0	0.00%	0	0.00%	2	4.65%	2	5.71%	1	2.44%	8	18.6%
Moldovan \ Russian	2	0.62%	1	0.66%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Moldovan \ Bulgarian	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Russian \ Bulgarian	32	9.97%	2	1.32%	2	1.68%	0	0.00%	1	2.33%	3	8.57%	2	4.88%	7	16.28%
Moldovan \ Russian \ Bulgarian	3	0.93%	0	0.00%	1	0.84%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Other	152	47.35%	109	71.71%	86	72.27%	25	64.1%	34	79.07%	23	65.71%	28	68.29%	21	48.84%

Children of the respondents - Bulgarians are taught in Russian at schools. 5.3% of respondents from Tvarditsa and 4.2% of respondents from Moskovy answered that their children are taught at school in Russian and Bulgarian, while 1.2% of respondents from Tvarditsa consider that their children are taught at school in the Bulgarian language though in fact the Bulgarian language in these institutions is studied only as an academic subject. Probably in this way the parents intuitively perceive the importance of the native language in the educational system.

Annex 7 Review of Ukrainian villages (language, education)

The poll carried out in six communities in questionnaire design was undertaken with the purpose of obtaining an objective information about the studied processes in Moldova's Ukrainian environment. Four of these communities – Bratushany, Tetskany, Gashpar and Markautsy are located in the northern zone of the Republic, where the Ukrainian population lives compactly. Another two, Baltsata and Maksimovka, are in the central part, which is a zone of dispersed Ukrainian settlements.

The total number of the polled was 494 persons, with the poll covering representatives of all major ethnic groups in the given regions.

TABLE 1

TOTAL NUMBER OF THE POLLED	INCLUDING					
	UKRAINIANS		MOLDOVANS		RUSSIANS	
494	395	79.96%	70	14.17%	25	5.06%

Indicators on some communities were as follows:

TABLE 2

No	Community	Total number of the polled	Including:		
			Ukrainians	Moldovans	Russians
1.	Bratushany	156 (31.58%)	117 (75%)	26 (16.67%)	11 (7.05%)
2.	Tetskany	159 (32.19%)	139 (87.42%)	16 (10.06%)	4 (2.52%)
3.	Gashpar	26 (5.26%)	24 (92.31%)	2 (7.69%)	-
4.	Markautsy	22 (4.45%)	16 (72.73%)	6 (27.27%)	-
5.	Baltsata	94 (19.03%)	73 (77.66%)	14 (14.89%)	5 (5.32%)
6.	Maksimovka	37 (7.49%)	26 (70.27%)	6 (16.22%)	5 (13.51%)

We can briefly characterize the studied group of respondents - Ukrainians based on the major indicators:

TABLE 3

Total of Ukrainians	Including:	
	Men	Women
395	141 (35.7%)	254 (64.3%)

TABLE 4

Based on the social status:

Total	Including:					
	workers	Employees	Pupils	Housewives	Teachers	others
395	34 (8.61%)	31 (7.85%)	245 (62.03%)	15 (3.8%)	57 (14.43%)	13 (3.04%)

TABLE 5

Based on age qualification:

Total	Including the following ages:					
	14-18	19-25	26-40	41-55	56-70	others
395	246 (62.28%)	14 (3.54%)	78 (19.75%)	44 (11.14%)	11 (2.78%)	2 (0.51%)

TABLE 6

Based on educational level:

Total	Including:				
395	University degree	Vocational school degree	Secondary school certificate	Pupils	others
	66 (16,71%)	43 (10,89%)	37 (9,37%)	245 (62,03%)	4 (1,1%)

TABLE 12

№	Age group	Total of the Ukrainians polled	Including those speaking their native language fluently		
			Yes	No	Partly
1.	14-18	246	154 (62.6%)	6 (2.44%)	86 (34.93%)
2.	19-25	14	8 (57.14%)	-	6 (42.86%)
3.	26-40	78	57 (73.08%)	3 (3.85%)	18 (23.08%)
4.	41-55	44	38 (86.4%)	4 (9.1%)	2 (4.5%)
5.	56-70	11	9 (81.8%)	-	2 (18.2%)

At the same time, to our mind, it is rather symptomatic. Thus, the information related to the aspiration of the local Ukrainian population to study literary form of the native language and to ensure possibilities for its study is rather symptomatic.

86 % of young people in the age of up to 18 would like to know literary form of the Ukrainian language. However, only 53 % of them consider that they have such opportunity. 47 %, respectively, state that they do not have such conditions, though they would like to study it.

The generation of 19-25 (78.5% of respondents) also demonstrates the desire to know the native language. But 57% of them emphasize that they have no preconditions to satisfy their needs.

The third age group of 26-40 (about 83% of respondents) displayed even greater interest to the knowledge of the literary language. At the same time, over 60% refer to the impossibility to satisfy their need. Thus, more than half of all those polled (52.41%) emphasized that they do not have an opportunity to study literary form of their native language.

Let us see in a more detailed way as to how the interest of local Ukrainians to the literary language is manifested?

Majority of the polled (72%) would like to read literature in the native language. However, only a little bit more than one third from them (36.5%) consider that they have such opportunities, another almost two thirds of respondents (63.5%) have no such opportunity.

Analysis of the situation revealed very dispersed indicators expressed in percentage to the indicator under examination.

TABLE 13

№	Community	Total of the Ukrainians polled	Including:	
			Those wanting to read literature in the native language	Those having no such possibility
1.	Bratushany	117	50.6%	63.5%
2.	Tetskany	139	90.6%	38.4%
3.	Gashpar	24	80.7%	100%
4.	Markautsy	16	18.2%	86.3%
5.	Baltsata	73	59.57%	79.8%
6.	Maksimovka	26	86.5%	81.1%

Results show very high level of interest of the Ukrainian population to the reading of the Ukrainian literature. At the same time, the poll revealed the lowest degree of satisfaction of these needs.

The extent of command of the state language

The issue of knowledge of the state language is extremely important from the point of view of opportunities for social adaptation of a person in the changed conditions. Of all those polled, only 30.80% know the state language, another 69.1% respectively do not know it.

According to the age groups, the indicators spread as follows: about 30.5% know the state language in the age group of 14-18; 21.5% - in the group of 19-25 and 25% in the age group of 26-40.

Let us compare the data based on communities:

TABLE 14

Nº	Community	Those knowing the state language	Not knowing
1.	Bratushany	32 (27.35%)	85 (72.65%)
2.	Tetskany	31 (22.3%)	108 (77.7%)
3.	Gashpar	14 (58.33%)	10 (41.67%)
4.	Markautsy	8 (50.00%)	8 (50.00%)
5.	Baltsata	23 (31.51%)	50 (68.49%)
6.	Maksimovka	14 (53.85%)	12 (46.15%)

The knowledge of the state language is higher in villages with mixed national structure with an equal or prevailing Moldovan component: Gashpar, Markautsy, Maksimovka.

TABLE 15

	Type of an educational institution	Language of instruction:						
		Moldovan	Russian	Ukrainian	Moldovan - Russian	Moldovan - Ukrainian	Russian - Ukrainian	Moldovan - Russian - Ukrainian
1.	Preschool institutions	3%	25.6%	14.7%	48.86%			7.9%
2.	Primary school	3.8%	52%	12.7%	11.1%	3.3%	11%	3.3%
3.	Grades 5-9	4.8%	41.8%	9.6%	13.4%	3.5%	10.1%	6.3%
4.	Grades 10-12	3.5%	39.7%	8.9%	11.1%	2.8%	11.1%	7.1%
5.	Vocational schools	5.6%	49.4%	8.9%	10.6%	3.0%	7.6%	4.0%
6.	Colleges	5.6%	48.9%	8.9%	11.1%	2.8%	8.3%	4.0%
7.	Universities	5.3%	47.8%	9.3%	11.9%	2.3%	7.6%	5.6%

Thus, about half of the Ukrainians polled were in favor of preserving the status of the Russian language as a language of instruction. At the same time, there are appearing the first signs of understanding the perspectives of getting education in the native or the state languages while one third of respondents think it better to study in two and some even in three languages.

TABLE 22

Place of the native language in the language training system	Teachers:	Pupils:	The general parameters on all categories of the polled:
1 place	21%	41.5%	39.8%
2 place	49%	31.7%	35.7%
3 place	22%	17%	16.7%
4 place	7%	9.8%	7.8%

As we see, teachers appear to be the most conservative group as to the place of the native language in system of language training. Speaking about possible prospects in the education for Ukrainian children in Moldova, it is necessary to bear in mind the following:

6. About 40% (39.8%) of the polled put the native language in the first place in the educational system.
7. 46.3% of the polled keeps the desire to receive education in Russian.

8. 10.4 % see the prospect in the instruction in the native and 4.5% - in the state languages. At the same time, 15 % of respondents prefer education in the native language in preschool educational institutions.
9. 43.4% of respondent think that the most perspective is bilingual education (50% of them are in favor of bilingual education at the preschool stage) and 5.4% - are in favor of receiving education in three languages.
10. For the first time, the poll registered a desire of representatives of the Ukrainian nationality to receive vocational school and university education in the Ukrainian language in Moldova (about 9%), while 82% of respondents consider that special courses in the native language should be provided in vocational schools, colleges and universities

The last block of questions was aimed at determining the situation related to the present situation in the Ukrainian traditional culture in Moldova. National traditions and customs are rather strong the villages under examination. Many national holidays are celebrated by whole villages, which fact was specified in the questionnaires by about 80% of respondents, or at school (56%), and only half of the polled celebrates national holidays in the family. From 63.8% to 70.9% of the polled paid attention to the assistance and participation of the village administration in such activities.

Let us compare the data obtained from the poll based on the villages:

TABLE 23

No	Community	Holidays celebrated by whole villages	National holidays celebrated at school	National holidays celebrated in the family
1.	Bratushany	100(85.47%)	93(79.49%)	65(55.56%)
2.	Tetskany	116(83.45%)	115(82.73%)	87(62.59%)
3.	Gashpar	19(79.17%)	15(62.5%)	19(79.17%)
4.	Markautsy	13(81.25%)	11(68.75%)	8(50.0%)
5.	Baltsata	42(57.53%)	19(26.03%)	22(30.14%)
6.	Maksimovka	23(88.46%)	8(30.77%)	9(34.62%)

TABLE 24

No	Community	Does your local village (county) administration in the celebration of your national holidays?		Does your local administration help in the organization and celebration of your traditional national holidays?	
		Yes	No	Yes	No
1	Bratushany	73(62.39%)	44(37.61%)	51(43.59%)	66(56.41%)
2	Tetskany	115(82.73%)	24(17.27%)	111(79.86%)	28(20.14%)
3	Gashpar	8(33.33%)	16(66.67%)	9(37.5%)	15(62.5%)
4	Markautsy	12(75.0%)	4(25.0%)	13(81.25%)	3(18.75%)
5	Baltsata	55(75.34%)	18(24.66%)	51(69.86%)	22(30.14%)
6	Maksimovka	17(65.38%)	9(34.62%)	17(65.38%)	9(34.62%)

More than 80% of Ukrainians support the idea that such cultural activities should be held in future as well and expressed their regret that art collectives from the Ukraine come to their villages with concert tours very seldom. But, expressing their interest in the preservation and development of the traditional Ukrainian culture, the overwhelming majority of the polled show surprisingly passive attitude: only about 13% of are members of non-governmental organizations and only 17.7% participate in the amateur art activity.