



Universal Periodic Review - Republic of Moldova, 26th session
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**Resource Center for Human Rights (CReDO)¹ and
Roma National Center (CNR)²**

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¹ CReDO (www.CReDO.md) promotes human rights and functioning of democratic institutions. CReDO provides public and decision-makers with evidence for the best policy choice and advocates its effective accomplishment in the area of human rights, justice and democratization.

² CNR (www.ROMA.md) promotes Roma rights and implementation of positive actions aimed at supporting the Roma community, their participation in political and public life, right to employment, right to education, right to health, discrimination and anti-gypsyism.

1. Activists, Whistleblowers, Freedom of Expression, Assembly

1.1 Whistleblowers and retaliation from government, parties and group of interests:

Some participants in peaceful demonstrations expressing disturbing opinions toward some actions of the government or political decisions, public exposure, social networks and the Internet, critical opinions are discouraged by unjustified coercive measures from representatives of the prosecuting authorities and judicial institutions. Examples:

1. Constraints directed against journalists who criticize the government publicly are intimidated by the start of contraventional and criminal investigation³,
2. Blocking premeditated submissions on the Internet of bloggers using the tools of censorship inconsistent with standards of pluralism of opinions,⁴
3. Attracting criminal liability of a civic activist for disturbing public messages exposed as having excentric target anticorruption agency and Prosecutor.⁵
4. Intimidation of civic activists by judicial proceedings in civil procedure in order to impose pecuniary sanctions for exercising their rights to free expression and exposure of justified criticism about the management of public enterprises with the tacit acceptance of the Board's majority state-owned companies.⁶
5. Whistleblowers inside the parties are facing exclusion and retaliation and they are not protected from retaliation as whistleblowers and as witnesses by the government and not in compliance with Guja v. Moldova case. Mass media resources which are publishing the speaking up are still facing intimidation and harassment by abusive judicial procedures.⁷

³ V. Ungureanu case: on 02/06/2015 has received the summon from the General Directorate of Criminal Investigations by he reporter of the portal www.Deschide.md V.Ungureanu, as a suspect in a criminal case initiated by the General Prosecutor on the basis of Art. 285 of the Criminal Code: "Preparing the organization or management of mass disorder, accompanied by violence against people, pogroms, arson, destruction of property, application of firearms, violence or military and resisting to the representatives of authorities in particularly large proportions" <http://deschide.md/ro/news/social/10741/EXCLUSIV-B%C3%A2ta-comunist%C4%83-%C3%AEmprumutat%C4%83-de-%E2%80%9Eeprou-europenii%E2%80%9D-de-la-Chi%C8%99in%C4%83u.htm>

⁴ Blogger S.Vatamaniuc blocked immediately after posting a critical article of the policy of public figures, blogger Luchianiu blocked after posting article critical of a public political journalist V. Calugareanu and many other public figures blocked after posting a critical questions political public figures

⁵ 2 Cases A. Matasaru: <https://www.opendemocracy.net/od-russia/claudia-ciobanu/meet-anatol-matasaru-moldova-s-pussy-riot>

1- Sentenced to two years probation, with a trial period of 3 years. The decision was issued by magistrates Riscani court and occurs after 2013 protested in front of the general prosecutor bringing a phallus that was the image of a politician

<http://unimedia.info/stiri/video-anatol-matasaru-a-fost-condamnat-la-doi-ani-de-inchisoare-89663.html>

2- Anatol Matasaru's arrest in 2016, after the protest on the toilet bowl in front of the National Anticorruption Center and Anticorruption Prosecutor's Office

<http://www.moldova.org/tot-ce-trebuie-sa-stii-despre-retinerea-lui-anatol-matasaru/>

<http://politik.md/articles/social/cazul-matasaru-are-ecou-societatea-civila-cere-inctetarea-retinerilor-abuzive-doc/35924/>

<http://www.rferl.org/media/video/toilet-protest-by-moldovan-activist/27528222.html>

Voloc Case: <http://tribuna.md/ru/2016/01/27/exclusiv-actorul-sergiu-voloc-a-fost-achitat/>

<http://www.realitatea.md/actorul-sergiu-voloc-a-fost-achitat-de-curtea-suprema-de-justi-ie-33570.html>

⁶ Cases A. Fonari Vice-President NCP www.cnp.md and V. Negruta, ex Minister of Finance, intimidated by lawsuits because of public expression of opinions about the administration and business management of Tobacco CTC exposed in the first case, in promoting health policy tobacco control a priority of NCP and within hearing court as a witness and giving an interview on this occasion, in the second case.

<http://agora.md/stiri/6347/video--judcata-tutun-ctc-vs-antonita-fonari--negruta-un-dosar-menit-sa-inchida-gura>

⁷ Veaceslav Ionita the biggest whistleblower his speaking up and his testimony/complaint were the start of the investigations on some missing funds, the missed billion included in further evolutions of the affair.

eng <http://moldova24.info/en/2015/07/noilib-talif-return-the-billion/>

<http://www.realitatea.md/ionita-face-noi-dezvaluiri-despre-schemele-prin-care-filat-ar-fi-fraudat-banca-de-economii-8952.html>

Recommendations:

- 1) Refrain from intimidation of peaceful political and civic events for the public expression of dissent and expression of dissident opinions,
- 2) Reconfirm public and political representative's unconditional adherence to democratic values of freedom of expression to invalidate speculation circulated by political pressure exerted on the actions of public bodies referring to exposed cases,
- 3) Adhere in judicial practice activity, the basic principles and institutionalized European jurisprudence on freedom of expression on peaceful public demonstrations, freedom of speech in cyberspace⁸
- 4) Adopting regulation protective of the rights of the whistleblowers and witnesses, in line with the international standards.

1.2 Withdrawals of media broadcasting licenses⁹

CCA decision of 10.05.2012 of the withdrawal of the channel NIT broadcasting licence, although apparently legal form contrary to the principles of freedom of speech. In substance it violates the right to freedom of speech in that it is not necessary in a democratic society and is proportional to protect legitimate interests.¹⁰

1.3 Undemocratic and inappropriate enactments of press regulation

The activity of the independent press on an already overconcentrated and problematic sector: the law on the limitation of the broadcasting licences and the Law on the Post and distribution of the periodics.¹¹

Modification of the regional audio-visual regulation in UTA Gagauzia which is denounced as a limitation of liberty of expression by the local and national civic organisations.¹²

retaliation and intimidation: <http://inprofunzime.md/stiri/politic/veaceslav-ionita-exclus-din-fractiunea-pldm-si-din-functia-de.html>

⁸ CReDO opinion 03.03.2015, <http://www.credo.md/pageview?id=490?&lang=en?&lang=ru?&lang=ro?&lang=en>

⁹ UPR recommendations: 53, 54

¹⁰ CReDO on Decision (42 of 04.05.2012) CCA withdrawal NIT license, <http://www.credo.md/pageview?id=36?&lang=en>

¹¹ <http://www.europalibera.org/content/article/27619318.html>

<http://www.europalibera.org/content/article/27555997.html>

¹² <http://tribuna.md/2016/03/02/expert-proiectul-de-lege-privind-compania-publica-teleradio-gagauzia-a-fost-adoptat-cu-mai-multe-incalcar/>, <https://www.youtube.com/watch?v=v-ZTSHT6yBg>

Recommendations:

1. Protection of space domestic propaganda and unfair competition from broadcasters' propaganda is a legitimate aim, but requires the use democratic instruments. They should be amended. CCA (Audiovisual Council – media regulatory body) sanctions and strengthening capacity to sanction irresponsible behavior during the election is welcomed¹³
2. CCA during 2010-11 and appropriate sanctions applied correctly across the editorial line and journalistic behavior and political nepluralist affiliate of NIT's. CCA should apply sanctions of administrative offenses, to initiate a criminal investigation against the producers, editors, columnist programs - as provides - and not the company as a whole.

¹³ Public opinion CReDO regarding modifications to the freedom of expression and press regulation
<http://www.credo.md/pageview?id=491?&lang=en>
<http://agora.md/stiri/7313/alarma-deputatii-pd-si-pldm-vor-sa-faca-modificari-la-codul-audiovizualului-fara-consultari>

2. Decision-making Transparency, Institutional Independency

2.1 Decision-making Transparency¹⁴

1. *Failure to observe the consultation requirement at the decision drafting stage.*

733 or 32.4% (30% - in the previous report) of the subjects put on the agendas of Government meetings did not fully observe the consultation procedure, i.e. were not identified on the website of the responsible institution and the portal www.particip.gov.md or were not posted for a 15 day term as provided by the Law on Transparency in Decision Making. Perhaps, the number of decisions failing to meet the transparency requirements is even higher because there are other provisions of the law not observed. Of them, 489 subjects, or 21.6% (18.4% in the previous period) of the total, were draft legislative and normative acts, and 244 subjects, or 10.8% of the total, were advisory opinions to the legislative acts initiated by the members of the parliament.

2. *Transparency requirement avoided via the procedure of endorsing legal acts initiated by MPs.* For this category of decisions, there is currently no single decision-making transparency mechanism in place. Hence, the central public authorities avoid subjecting such endorsements to the transparency procedure, thus promoting onto the agenda of the Cabinet important draft laws unsubjected to the transparency procedure. The monitoring identified complex draft laws and sectorial regulations that most likely had been prepared by ministries and subsequently promoted as initiated by MPs, thus avoiding the consulting procedure at the ministry level.

3. *Failure to meet the transparency requirements at the decision-making stage:* For 723 subjects, or 32%, the 3 day term for communicating the subjects and sending out the materials for the Government meeting was not observed. Of them, 597 subjects, or 26.4% of the total, were announced additionally on the day of the meeting, or after working hours in the evening before the day of the meeting. Other 126 subjects, or 6.25%, were put on the agenda during the meeting of the Cabinet of Ministers at the initiative of ministers.

4. *Systematic practice of failing to subject acts to the anticorruption expertise* is attested by the fact that over 9% of the drafts liable to this procedure **had not been sent for expert examination** by the authors and were included in the meeting for examination by the Cabinet of Ministers without having conducted the mandatory anticorruption expertise. **The RIA was missing in over 60%** of the drafts liable to this procedure. **None of the individual privatization decisions** (putting public property into use) followed the transparency requirements.

5. *Possible causes that explain the lack of full transparency that persist in decision drafting and making:* Implicit interpreting of exceptions from the decision making transparency procedure; Ambiguity and declarative character of the requirements for transparency in decision-making; Inefficiency and unclearness of the mechanisms for invalidating decisions in the conditions of non-observance of transparency requirements; Inefficiency of the mechanisms of individual accountability for failure to observe the transparency requirements; Inadequate capacities for observing the transparency requirements (skills, technologies); High costs for conforming to the transparency requirements.

6. *The Government rejected the proposals for amending and strengthening the transparency in decision-making during 2014,* the reasons invoked were procedural, not substance-related.

¹⁴ System deficiencies in observing of the transparency of the decision-making of the Moldovan Government, (CReDO), National Participation Council (CNP), <http://www.credo.md/pageview?id=478>, http://www.credo.md/site-doc/CNP_MoldovaTranspGuvern_2012-14_ENG.pdf

2.1.2 Main recommendations:

- Regulatory:

- 1) Introduce the obligation that highest body to examine *ex officio* the observance and conformity to the requirements of transparency in decision drafting or making;
- 2) Assure the right of interested parties to notify the body responsible for decision drafting or passing or its highest body, as necessary, about the failure to observe the positive transparency requirements and obligations, including the efficient remedy that would require the responsible body to comply with the transparency requirements;
- 3) Provide individual disciplinary and other types of sanctions for violating the transparency requirements;

- Capacity-building:

- 1) Assign a unique code to each draft act to facilitate the traceability of the draft act;
- 2) Develop a new IT infrastructure environment that would facilitate covering the entire process of initiation, drafting consultation, and making of decisions according to the existing positive practices;
- 3) Include feasibility studies, RIA¹⁵, anticorruption expert examinations, and other relevant materials in the package of additional materials for the Government meetings.

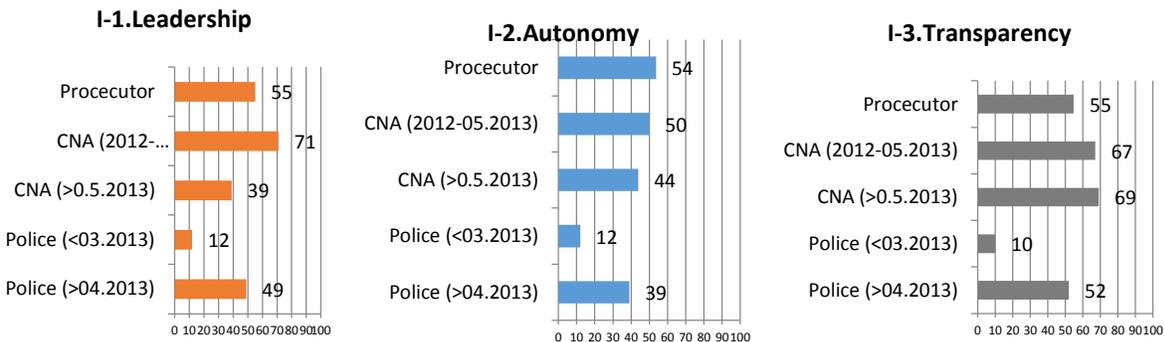
- Specific for the privatization process, RIA, and anticorruption expertise:

- 1) For privatizations, the law on transparency in decision-making shall be observed: posting the announcement of intention and the invitation; publishing the decision on the applicants selected for participation with reasoning; publishing the final decision and the sale contract with the implementation clauses; publishing the periodical reports and relevant decisions for the post-privatization monitoring.
- 2) For RIA: subject the decisions and opinions of the Commission for regulating the entrepreneurship to the transparency in decision-making procedure; creating a dedicated website (www.air.mec.gov.md); communicate the agenda and the materials related to the decision as well as invite the stakeholders, at least 3 days prior to the date of the Commission's meeting.
- 4) For the anticorruption expertise: none of the normative acts shall not be accepted for approval by the Cabinet without the anticorruption expertise; the term of anticorruption expertise by the National Anticorruption Center shall be observed; the entire set of documents related to the normative act shall be posted to be website of the Cabinet.

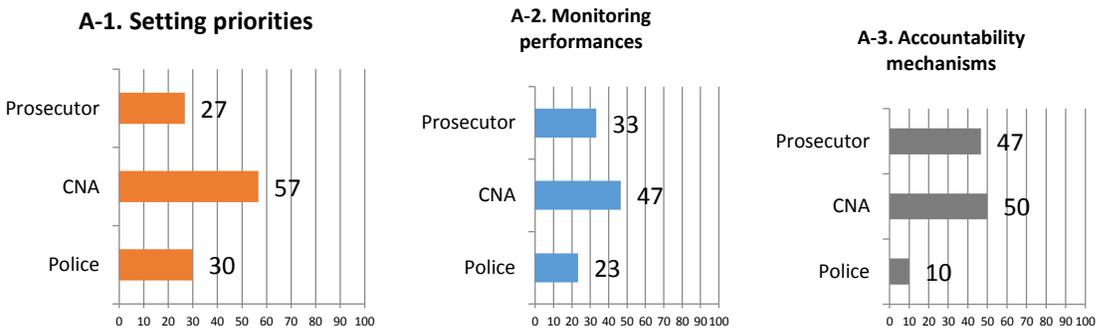
¹⁵ RIA- Regulatory Impact Analysis

2.2 Institutional Independency and Accountability of Law-enforcements¹⁶

The research goes for: Prosecutor’s Office, National AntiCorruption Center (CNA), General Police Inspectorate (GPI-Police). Research effort has covered 3 more institutions, including Intelligence Service, Ombudsman Institute, National Integrity Commission and Border Police. Why these institutions have not enjoyed the credibility and trust on one side and effectiveness on the other side? The effectiveness is understood as the change produced in the society – the combating of the corruption, criminality, keeping better public order, reducing criminal behavior, etc. In this research we limited to only 2 aspects of the effectiveness of the 4 recognized namely are: 1) institutional independence, and 2) institutional accountability.



Institutional independence. Leadership of the institution is at the core of the independence guarantees. Criteria, duration of mandate, destitution have been manipulated to undermine the institutions. Operational autonomy at the level of the institution and at the individual level are key to pursue the priorities established and defend the institution from the un-due external influence that is still the reality including through the interference with the budget aspects. Openness on the individual cases, provision of the adequate information about the institutional performance are at the core of the building the trust.



¹⁶ CReDO: How lack of institutional independence and absence of the institutional accountability faults law-enforcement institutions of Moldova: Prosecutor Office, Police Agency and National Anticorruption Center <http://www.credo.md/pageview?id=483>, [http://www.credo.md/site-doc/IndepAccountResearch_prefinal_20.01.2015\(1\).pdf](http://www.credo.md/site-doc/IndepAccountResearch_prefinal_20.01.2015(1).pdf), CReDO: Assessing the level of independence of public institutions and authorities responsible for policy implementation in the justice field in the Republic of Moldova, <http://www.credo.md/pageview?id=226>, [http://www.credo.md/site-doc/ExecutSummaryInstIndep10\(1\).pdf](http://www.credo.md/site-doc/ExecutSummaryInstIndep10(1).pdf)

Institutional accountability. The practice for the setting priorities is generally not in place. The evaluation shows that the indicators are below the basic requirements. Given the fact that priority setting is not an inclusive, rational and participatory process frequently they are blamed as politically motivated. The absence of the evaluation of the institutional performance framework makes the institutions responsive and not bound to the evaluation from the society. Holding the law-enforcement institutions accountable requires procedures, information based on the priorities already set and the comprehensive information collected as well as the active use of the existing mechanisms.

Recommendations:

1. Regarding the appointment and dismissal of the institution's leadership

- 1.1 All relevant procedures should be governed **by the law**, and not secondary legislation, in a **clear and foreseeable manner**,
- 1.2 Apart from professional qualifications, there need to be clear criteria for candidates, including **professional reputation and moral standing** in the society.
- 1.3 Several candidates need to be assessed by a **joint commission, with professional groups and civil society participating**, as well as representatives of the policymaker and the institution monitoring policy implementation in the field.
- 1.4 **Transparency of the selection and appointment process** needs to be ensured.
- 1.5 Political discretion of appointment on the basis of a qualified opinion of the aforementioned commission (several candidates can be proposed).
- 1.6 The mandate should be **longer than 4 years**, and preferably **should not coincide with the mandate of elected officials**; a single (**non-renewable**) long mandate is optimal.
- 1.7 The law should establish a list of **clear and relevant motives** to initiate a dismissal procedure, the motives being **proportional to the impossibility to continue the exercise of function**.
- 1.8 Grounds for the dismissal should be clearly spelled in the law, these should hold high rational exigencies, and be applied when is justified **in exceptional cases**, proportionally **to the violation and the public interest damage created**, the procedure should be based on the open process of the rational evaluation of the performance of the leadership (preferably with the participation of the professionals), the concerned person should have the right to reply on all accounts invoked before the decision of dismissal,

2. Regarding functional independence and autonomy

- 2.1 Laws regulating the activity of these institutions should **expressly guarantee functional and operational independence and autonomy**. These guarantees should cover and forbid not only **interference in individual cases**, but also **political recommendation to examine and investigate certain cases and situations**.
- 2.2 In case of institutions responsible for combating phenomena involving high-level decision-makers, independence should be ensured by regulating all of the institution's activities **only through laws adopted by the Parliament**.
- 2.3 For institutions and authorities **subordinated to the Executive, guarantees of institutional independence should be mandatory and emphasized**. Interference in functional and operational activity by the Executive should be sanctioned. **Institutions may be subject to control only relating to legality**.

- 2.4 Budgetary autonomy means that the institution should be able to formulate its own budget, The institution should be granted *sufficient financial resources to perform its operational activity. Reduction of the institution's budget throughout the year should be expressly prohibited* by law.
- 2.5 The law should establish efficient mechanisms to *protect the institutions' employees from unjustified influence from outside or from within the institution*. Efficient mechanisms will include accessible procedures for denouncement of such cases, launching internal investigations and operative activities, sanctions and penalties for such influences.
- 2.6 Ensuring *integrity of the entire process of management of the cases investigated and managed by the institution (facilitated by IT solutions)*, subject of the internal discrete review by the internal integrity protection unit,
- 2.7 Procedural, administrative and logistical independence of staff responsible for qualification of cases.
- 2.8 Insurance of the **stability of the allocation and management of the institutional budget for the entire year**, diminishing of the institutional budget has to be rationally and foreseeably correlated to the reduced priorities.

3. Regarding institutional transparency

- 3.1 The model of administrative and operative subordination should be replaced by *performance reporting* on policy implementation objectives and tasks set before the institution. Institutional reporting is a *modern model for strengthening the separation of policy making and monitoring from implementation functions*.
- 3.2 institutions will draft *institutional plans covering products offered to the society, results and indicators that need to be achieved and expected impact on the field of intervention*.

4. Recommendations on the elaboration of institutional priorities:

4.1 On the elaboration of priorities

- carrying out comprehensive sectorial strategies for which the prosecutor has the institutional responsibility, Action plans in various criminal areas should be closely correlated as the annual institutional objectives,
- consolidation institutional capacity for the collection and systematization of the necessary data and evidence for the formulation of the priorities,

4.2 On the adoption of the priorities

- ensuring consistency of all programmatic priorities of the institutions given the development of the necessary capacities,

4.3 On the implementation of the priorities

- reevaluation of the situation with the formulation of the indicators for this is required of the relevant institutional capacities and skills,

5. Recommendations on the monitoring of the institutional performances:

5.1 On the performance indicators

- forming practice to align the institutional priorities with the financial ones and adequate reporting of the two in a consistent manner,
- Introduction of the result, impact and efficiency indicators at the institutional and department levels,

5.2 On ensuring integrity of data

- elaboration of the electronic platform that will ensure the collection of the data and information on the performances about also the files tracking and their integrity.

5.3 On systematic evaluation

- presentation of data and information in accordance to the criteria to be published in the accessible format on the web-page of the institution along with the evidence of the impact of the activity of the institution,

6. Recommendations of the institutional accountability mechanisms:

6.1 On the external responsibility

- elaboration of the institutional reports should be focusing on the performance and the social impact on the situation,

6.2 On the internal responsibility

- creation of the institutional procedures that provide the rules for the review of the suspension of the investigations on particular cases.

6.3 On transparency and public communication

- publication of the summary accusation as per example of Georgia, Romania, Croatia and other countries,
- adopting institutional practice of the publication of the results of the investigation as per cases that have been submitted to the courts and especially those the most sensitive ones,
 - publication of activity reports on the activities,

2.3 Justice in Transnistria region¹⁷

Recommendations

1. Pre-trial detention should be reduced to 48 hours. Make preventive measure house arrest as a viable alternative for the custodial detention.
3. Remove application of art. 78 CCP – detention and arrest - as default option for any non-resident of the Transdnistria.
4. Carry out an effective investigation into the allegations of ill-treatment on the left bank and bring to justice those responsible for. Arrest ordered by the investigating judge.

Independence of judges and the judicial system

1. Eliminate any influence from the executive decisions on detention;
2. Carry out the reform and improvement of the system of self-government of the judiciary in order to free her from the decision-making bodies of the executive / presidential power on issues such as discipline and encouragement, through the creation of an independent judicial council with such powers as the selection and promotion of judges and their application to disciplinary measures; in particular, to eliminate the higher powers of the judiciary and judicial bodies that contradict the independence of the judiciary and judges.
4. Reform the appointment of judges, eliminating the role of the executive branch to the final stage. As a minimum, to establish a mechanism of selection, which would be assigned a major role independent of the executive and the legislature body, of which would include a significant amount of the judges elected to this body of their colleagues and the public.
6. Make the second level of cases, such as the Court of Appeal, because of depth, comprehensive review of legal and factual aspects of the case.
7. Revise for formal consideration of appeals. Judges must be willing to work with both sides, focusing on significant legal and factual issues that could potentially change the nature of the sentence. The appeal does not necessarily make immediately after the oral hearing so that the judge had enough time to study the issues raised.
8. Distribute cases between judges on the basis of the extent possible, objective and transparent criteria established in advance by law or by special acts on the basis of the law, for example, the charter of vessels, it is best to distribute them randomly. Exceptions must be reasonable;
9. Provide training for judges in order to eradicate the practice, which leaves the impression of having a court accusatory.
10. Provide training for prosecutors, in particular with their obligations in order to familiarise with international legal instruments in view of ensuring the fundamental rights and freedoms.
14. Delete reminder of the death penalty in the Criminal Code.

For more details on freedom of assembly¹⁸, religious association¹⁹, NGO association²⁰ in Transnistrian region

¹⁷ CReDO: Analysis of Justice system functioning in Transnistria region of Moldova, <http://www.credo.md/pageview?id=506>, [http://www.credo.md/site-doc/JudIndependTransnistria_RU_v_170\(7\).pdf](http://www.credo.md/site-doc/JudIndependTransnistria_RU_v_170(7).pdf)

¹⁸ CReDO: Analysis of the formal freedom of assembly, in effect left bank of the Dniester region, and its compliance to International Standards on Human Rights <http://www.credo.md/pageview?id=136?&lang=en>, [http://www.credo.md/site-doc/Freedom-researchFINAL_eng\(0\).pdf](http://www.credo.md/site-doc/Freedom-researchFINAL_eng(0).pdf),

¹⁹ CReDO: Analysis of the Legislation on Religious Associations that is in effect in the Left-Bank Region of the Republic of Moldova <http://www.credo.md/pageview?id=134?&lang=en>, [http://www.credo.md/site-doc/Religion-researchFINAL_eng\(0\).pdf](http://www.credo.md/site-doc/Religion-researchFINAL_eng(0).pdf)

3. Rights of National Minorities

3.1 Roma minority rights ²¹

Pro-active measures to address Roma inclusion

On the 8th of July, 2011, the Moldavian Government adopted decision No. 494 of the the Roma Action Plan 2011 – 2015, which is the only official document that addresses the issues and difficulties of Roma in Republic of Moldova. The document covers the following areas: 1) the promotion of the Roma mediators; 2) education; 3) labor and economic wellbeing; 4) health and social security; 5) culture and mass-media; 6) public administration, public order and documentation; 7) housing.

The Government has allocated over 1.6 Million MD lei (73,700 Euros/\$82,470 USD) to hire 48²² Roma community mediators in 44 Roma communities, with adoption of the normative and institutional base. By the end of March 2016 there were 11 Roma community mediators hired in the following communities: Schinoasa, Talmaza, Parcani, Hincesti, Carpineni, Minjir, Gribova, Nicoreni, Mihaileni, Otaci, Balti. As a result of decentralization reform, Local Public Administrations were made responsible for hiring the mediators from their own local resources. The number of hired Roma mediators significantly decreased from 21 (in 2014) to 11 in 2016. To date, the State has quazi-failed to continue to offer adequate support to the work of Roma community mediators.

The State report evaluating the implementation of the Roma Action Plan 2011-2015 has presented serious consistent problems for coordination efforts with central and local public administration. Due to lack of appropriate budget allocation, the Roma Action Plan has been poorly implemented, monitored, and evaluated. Periodic monitoring of the plan's mplementation was not conducted. A comprehensive report with aggregated data on mid-term and final evaluations, a means of measuring the progress and impact of the plan thus far, was not provided. The National Bureau of Statistics has, to date, failed to present the disaggregated data on Roma following the census conducted in 2014. The Moldovan Government has failed to include measures to combat and eradicate cases of discrimination against the Roma minority and measures to ensure the effective participation of Roma women in all areas mentioned above.

Lack of representation of Roma in decision making processes and public life.

Roma are largely absent from local and national political decision-making and public life. The official invisibility of Roma people negatively affects public funding that could help Roma communities with healthcare, education, employment, and housing.

²⁰CReDO: Analysis of the Legislation on NGO Association is in effect in the Left-Bank Region of the Republic of Moldova <http://www.credo.md/pageview?id=171?&lang=en?&lang=ro?&lang=en>

²¹ UPR recommendations: 4, 5, 10, 25, 61, 97

²² A study on mapping the settlements densely populated by Roma in Moldova https://www.academia.edu/6491363/RAPORT_Cartografierea_localitatilor_dens_populate_de_romi_din_Republica_Moldova

The Social Political Movement of Roma is the only political party in Moldova that addresses the issues of the Roma community. In 2010 the movement participated in the parliamentary elections in Moldova, but with only 0,14 % of votes they did not pass the electoral threshold. Furthermore, the party did not participate in the parliamentary elections in 2014, nor in national elections in 2015. For the first time in Moldova, in 2015, two Roma women were elected as local councilors in Chetrosu village (Drochia district) and Riscani town, but still the rate of Romani women participation is still very low compared to that of non-Roma women and Roma men.

Education of Romani children – an unresolved problem.

Republic of Moldova under the Millennium Development Goal has committed itself to increase the enrolment rate in secondary school education from 93.8% in 2010 to 100% in 2015. Having stated this, Moldova still faces challenges to increase the enrolment rate in pre-school and school education, to reduce the dropout rate and rate of illiteracy among Roma, as well to create an inclusive education environment for Roma pupils.

The data published by UNICEF Moldova²³, shows that in 2013 only half of Roma children from compact and mixed communities attended primary and secondary education, compared to almost 100 per cent for non-Roma children. The situation is even worse in pre-school education, where only 1 in 5 children go to kindergarten. Another survey²⁴ found that every fifth Roma cannot write and read, while the percentage of Roma with college or higher education constitutes only 4%.

Reasons for school non-attendance and the high rate of dropouts include lack of financial capability to support their children's education (the case of Parcani village from Calarasi district where the school was decided to be closed by local public authorities), unfriendly and discriminatory school environment, early marriages and the migration abroad of the entire family to find work. In past years, Roma parents reported a large number of cases regarding school bullying. In April 2015, there was a reported case from village Mihaileni, Riscani district, which was documented by Roma National Center. The case was taken to the Equality Council, who issued a decision of inadmissibility due to lack of evidence.

Increasing phenomenon of anti-Gypsyism, discrimination and xenophobia

Over the last four years, there has been a rise in instances of discrimination and xenophobia against Roma. Civil society is concerned about the increasing phenomenon of anti-gypsyism, in terms of societal perceptions and media reporting on Roma topics.

The recently conducted study²⁵ on the phenomenon of discrimination in Moldova regarding perceptions of the population shows the integrated indicator of acceptance of Roma people fell from 21% in 2010 to 12% in 2014, meaning that only 12% accept the Roma people as neighbors, coworkers, friends and family members.

²³ http://www.unicef.org/ceecis/media_26249.html

²⁴ <http://www.undp.md/publications/roma%20report/Roma%20in%20the%20Republic%20of%20Moldova.pdf>

²⁵ <http://www.soros.md/files/publications/documents/The%20Phenomenon%20of%20Discrimination%20in%20Moldova.pdf>

There are numerous protections against discrimination in Moldovan law which should operate to protect Roma. However, these legal protections seem to have had little tangible effect on Roma. A high number of discrimination cases still remain unreported, largely due to lack of knowledge regarding the activity of National Human Rights Institutions, or/and low level of trust in the institutions. For 2014²⁶ the Council for Combating and Preventing Discrimination and Ensuring Equality issued one decision regarding discrimination against Roma.

The media tends to reproduce racist stereotypes and prejudices through a xenophobic depiction of Roma, often mentioning ethnicity in news reports as a means of giving credence to the myth that Roma are criminals and often provide an ethnocentric point of view.

Recommendations

1. Allocate adequate budgeting for the implementation, monitoring and evaluation of the Roma Action Plan 2016 – 2020;
2. Allocate adequate budgeting on central level for hiring 48 Roma mediators in 44 communities;
3. Create a permanent secretariat position or designate an existing institution at the national level to monitor and evaluate the work of Roma mediators;
4. Support and develop education programmes with a focus on Romani children, in order to improve their participation in pre-school, grade school and higher education, as well as to increase the level of literacy among the Roma community;
5. Adopt proactive measures to combat and eradicate cases of discrimination against the Roma minority in education, employment, healthcare, public and political participation;
6. Ensure effective and equal participation of Roma women in education, employment, public life and decision making process, by including positive measures in Roma Action Plan 2016 – 2020;
7. Combat anti-Gypsyism expressed in the media while ensuring that the legislation is indeed applied to those media that incite discrimination, hatred or violence against Roma;
8. Encourage the media to adopt a code of conduct for preventing in the meantime any presentation of information that conveys prejudice or might incite discrimination, hatred or violence against Roma;
9. To ensure protection of Roma by reforming the criminal code to incorporate offenses to punish hate crimes, incitation to hate as well to ensure adequate investigation of those offences committed against Roma.
10. To ensure participation of Roma in decision making process by employing them in key positions at the central and local level of State administration.
11. Ensure support to learn, public use and printing of materials in their mother tongue!
12. To ensure employment of Roma in the Council for the Prevention and Elimination of Discrimination and Ensuring Equality.

²⁶ For 2014, the Council for Combating and Preventing Discrimination and Ensuring Equality issued in general 65 decisions

3.2 Education in mother tongue^{27, 28}

Conclusions on the situation:

- Russian language gradually takes over Bulgarian and Ukrainian,
- understanding and writing skills are present in good extend with 70% of the children and speaking with 35%,
- Bulgarian and Ukrainians children have substantial present skills in their native language principally drawn from the communication with their older relatives,
- 2/3 of parents consider that state and Ukrainian or Bulgarian languages is a contributive skill to the material well-being,
- more than 2/3 consider Russian language skill as an important contributive skill to the well-being,
- overwhelming majority of parents consider state and Russian languages are important in order to integrate into the labor market,2/3 of parents consider Bulgarian (only half Ukrainian) an important asset in integration into society,
- overwhelming majority of parents consider state and Russian languages important for the professional development,

Recommendations:

Based on the collected evidence and available information, the paper constructs several realistic policy options. The policy options are constructed along several independent axes: a) negligent to strong role of the minority language as the medium of instruction (additive against subtractive bilingualism), b) negligent to strong role of the state language as the medium of instruction (additive against subtractive bilingualism) c) top-down against bottom-up approach in the implementation.

The analysis of the options produces the recommendation for the preferred policy option:
-Greater role of the state language as the medium of instruction in the minority schools. This element is being supported by the most of the political parties and there will be an increased political support for the more important role of the state language in the schooling of the minorities.

-Growing role of the minority language, primarily as a separate subject in as much as possible schools with the minority children, given there is a strong demand in the minorities' community. A consideration should be given for the piloting of the minority language as the medium of instruction through technical assistance and governmental funds.

-Preserving the policy largely centralized. This option is dictated by the fact that the decentralization of the educational policy requires substantial institutional and structural adjustments.

²⁷ UPR recommendations: 9, 116, 118, 119

²⁸ CReDO: Evaluation of Linguistic Education Policy Options for Bulgarians and Ukrainians in Moldova, http://www.credo.md/site-doc/MoldovaMultiLingualEducationConciseTitle_v2.3%281%29.pdf

3.3 Moldovan schools in Transnistria²⁹

Moldovan schools population decreased substantially from 12 thous in 1993 to 5 thous in 2013, whereas general population remained more or less stable in percentage expression (around 30%). To compare Ukrainian school population, the situation is even worse (28% of population and less than 2% of school population). According to the regional authorities, although in 1999 the Moldovan nationality students were 32.6% of all Transnistrian students, only 13% went to the Moldovan schools. In 2004, in special professional education and in higher educational institutions only 6% of students are enrolled in Moldovan language (Cyrillic).

²⁹ CReDO: Moldovans/Romanians and “Moldovan” language schools in Cyrillic alphabet in the Eastern part of the Republic of Moldova (Transnistria) <http://www.credo.md/pageview?id=398>, [http://www.credo.md/site-doc/TransnistriaBrief_En\(1\).pdf](http://www.credo.md/site-doc/TransnistriaBrief_En(1).pdf) This findings do not reflect the situation with the Romanian latin script shools.