

MOLDOVA

NGO Report Replies to the List of Issues (CCPR/C/MDA/Q2)

Resource Center for Human Rights (CReDO)
Moldovan Institute for Human Rights (IDOM)
National Roma Center
Promo-lex

Chisinau, Sept. 2009

With the support :



**REPLIES & COMMENTS FROM MOLDOVAN NGOs
TO THE LIST OF ISSUES
TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF MOLDOVA
(CCPR/C/MDA/2)**

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Recommendations based on the questions in the list of issues and the information provided:

Regarding the Center for Human Rights (the Ombudsman),

- improve procedures for the appointment of the Ombudsman, so that they ensure the appointment of persons with professional and human rights societal recognition, capable and knowledgeable in the area;
- promote financial and working autonomy and independence of resources of the National Preventive Mechanism in full compliance with the OPCAT and human rights civil society statements and positions;
- strengthen Human Rights Center's effectiveness and strategic orientation towards prioritized issues of torture, child rights, freedom of assembly rights and other issues by making use of all available instruments that the Center possesses and the comparative advantages it has over NGOs such as: policy recommendations, situational reviews, constitutional petitions, negotiation powers, etc.

Regarding nondiscrimination:

- adopt new comprehensive legislation on combating discrimination and ensure the establishment of an adequate institutional framework to enforce the prevention and combating of the discrimination, including by involving the Center for Human Rights;
- enforce the right to freedom of assembly for the LGBT community by acting promptly to protect the LGBT assemblies and take public positions on cases of violence against them;

Regarding Roma:

- take substantial measures and put in place policies and mechanisms to considerably promote the rights of Roma in the area of material wellbeing, medical services, right to education, inclusive study of mother tongue and particularly access to assets;
- promote informational campaigns against societal negative perceptions on Roma;

Regarding torture:

- Conduct a thorough, transparent, and independent investigation into the policing of demonstrations, pay particular attention to allegations of unlawful use of force by law enforcement officers, including force leading to death, and to allegations that police failed to act in a timely and appropriate manner to control violent elements in the crowd, and examine both individual responsibility and command responsibility.
- Enact and enforce legislation that requires all law enforcement agents, including riot police and members of the Special Forces, to wear identification, and provide all law enforcement agents with uniforms that include appropriate identification;
- Review the training given to law enforcement officials on use of force to ensure that it fully integrates established human rights principles and obligations
- Conduct a thorough, independent and transparent investigation into the allegations of ill treatment by police officials during apprehension and in custody.
- Ensure that all persons deprived of their liberty on charges of a penal nature have the right to confidential access to a lawyer, to notify a family member or other person of their choosing of their arrest, and to humane conditions of detention, including access to independent medical care;
- Amend the Criminal Procedure Code to specify a time frame within which prosecutors should act to open a criminal investigation into any credible allegation of torture or ill-treatment, and clarify that prosecutors must consider the individual and cumulative physical and mental impact of treatment or punishment,
- Ensure full and unrestricted access to all places of detention by the National Preventive Mechanism in all places as provided in OPCAT as well as giving access to all relevant information necessary to execute its mandate;

- Investigate all cases of refusal to National Preventive Mechanism to visit places of detention and apply sanctions to responsible persons;
- Investigate the process which resulted in judges holding hearings in police commissariats in conditions falling short of international fair trial standards, and take appropriate disciplinary action against judges found to have violated articles 32, 215, or 218 of the Code of Criminal Procedure, which require judges to provide well-reasoned justifications whenever they hold a hearing outside the court, to take measures to protect trial participants at risk of violence, and to record and inform prosecution officials of any breach of human rights revealed in the course of hearings
- Reform the law and practice to ensure that all persons deprived of their liberty or charged with a criminal offense receive legal assistance in accordance with international standards. To that end, the Bar Association and the National Council on Legal Aid should investigate the practice of the provision of legal aid to persons apprehended or charged in the April events, and take appropriate disciplinary action against lawyers who failed to exercise their professional responsibilities.

Regarding freedom of religion:

- remove all barriers and obstacles in by-laws and in the practice for the registration of Muslim groups and other religions;
- provide thorough investigation of all violations of the right to religious association and remedy for violations;
- refrain from abusive practice of interference of the religious practices in public and private places of Muslims and hold accountable the perpetrators;

Regarding freedom of expression and media:

- refrain from the abusive intervention of the National Television and National Radio, enforce the autonomy and the guardianship of the Audiovisual Council and Observatory Council, including by providing that media professional organizations are fully represented in these bodies;
- refrain from the practice of political assignment of the frequencies and licenses to private media outlets, ensure the transparency of the Council of Audiovisual frequency allocation practice,
- refrain from practice of fiscal and police infringement with the functioning the private media.

Regarding freedom of assembly:

- ensure police cooperation in the facilitation of carrying out assemblies by the organizers;
- ensure public order officers are held accountable for the failure to implement freedom of assembly rights;
- take actions to develop the capacity of the police in facilitating freedom of assembly rights;
- ensure that the policing of assemblies is carried out free from political intervention;

Regarding national minorities

- ensure national minorities, particularly Ukrainians, Bulgarians and Gagauz and other groups receive education in the minority language and in the state language to facilitate their effective integration into the society;

Regarding freedom of association

- refrain from the abusive practice of the interference with the freedom of association of non-profit organizations by putting restrictive measures in the procedural and unjustified aspects in the registration;
- make integrally transparent the list of NGOs registered;

-hold accountable public servants responsible for the abusive interference with the freedom of association rights.

Regarding situation in Transnistria

- Government should actively evolve the promotion of human rights in the region, by engaging with the authorities and the governments of the Russian Federation, Ukraine and others;
- Government should comprehensively follow and report at all levels the violations of human rights in the region.

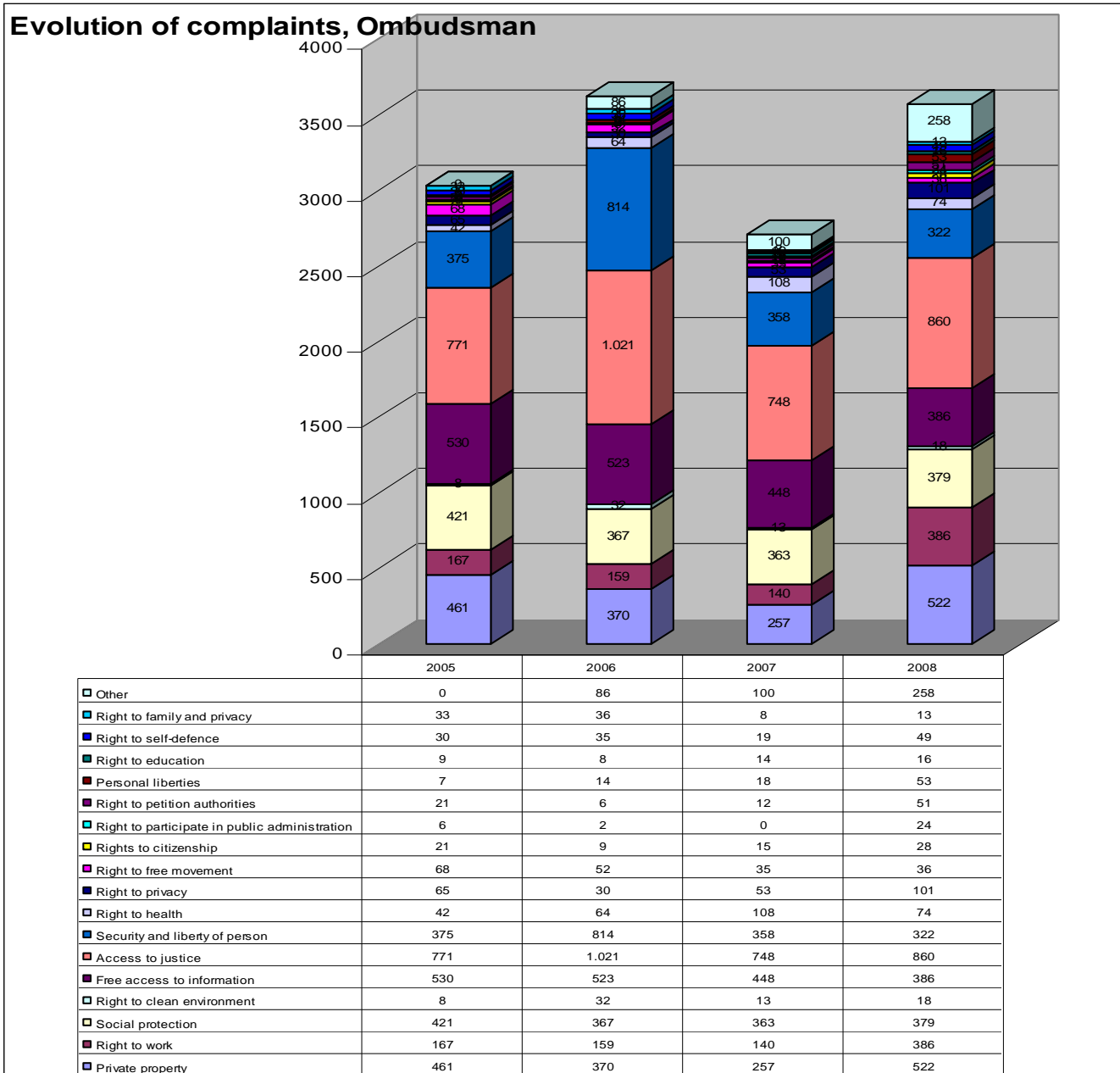
Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (art. 2)

1. *Please cite examples of cases and if available, statistics in which the provisions of the Covenant have been invoked before and by the courts and to what effect.*

To the knowledge of the editing team, there are few cases when the Covenant has been cited in court proceedings. Based on the information and knowledge from the lawyers' community, there is a trend that judges don't use references to the Covenant but use the case law of the ECHR. This is determined by their knowledge and experience on the Convention in favour of the human rights mechanisms established by the European Convention on Human Rights.

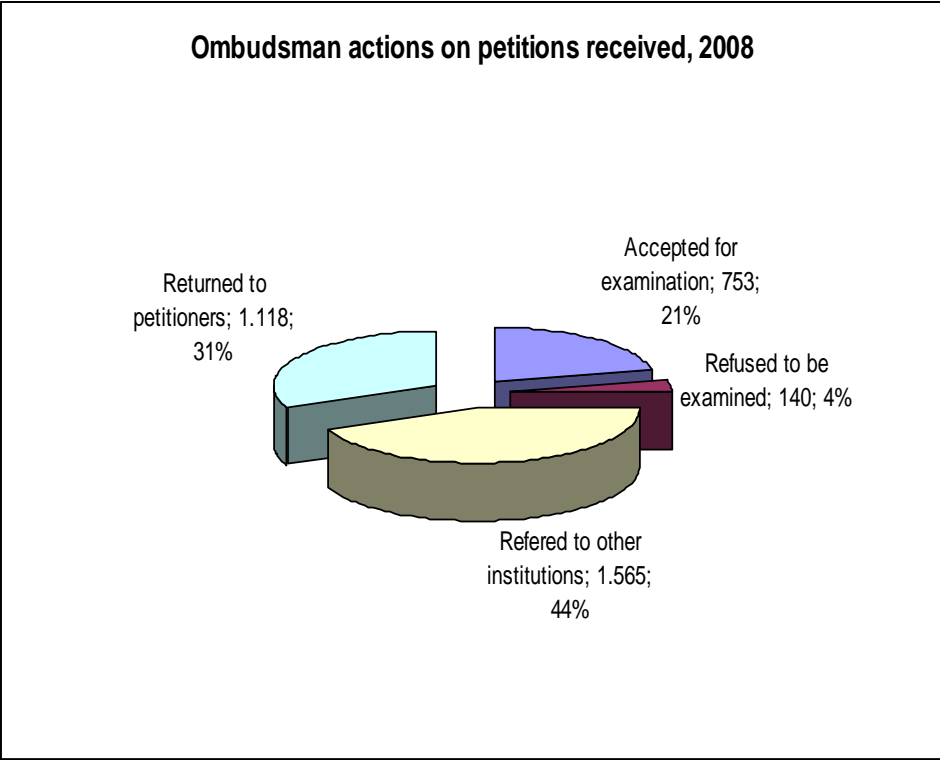
3. *Please provide detailed information on the mandate of, and the human and financial resources allocated to, Parliamentary Advocates and the Centre for Human Rights. Please also provide updated information on the number and nature of complaints addressed to these bodies over the past five years, the investigations undertaken by them and their outcome, as well as information on the measures taken by the relevant authorities by way of follow-up on their recommendations. (CCPR/C/MDA/2, paras. 143-147, 213, 219, 228-229, 233-234, 240, 248, 322, 375, 442, 453, 475, 483, 575-576, 619, 623-624) What steps has the State party taken to increase awareness about the existence and functions of these bodies among the general public?
Counter terrorism measures and respect for rights guaranteed in the Covenant*

Center for Human Rights (Ombudsman) does not publish information on the financial resources used in the course of the year. The information published on its website allows the classification of the information as below:

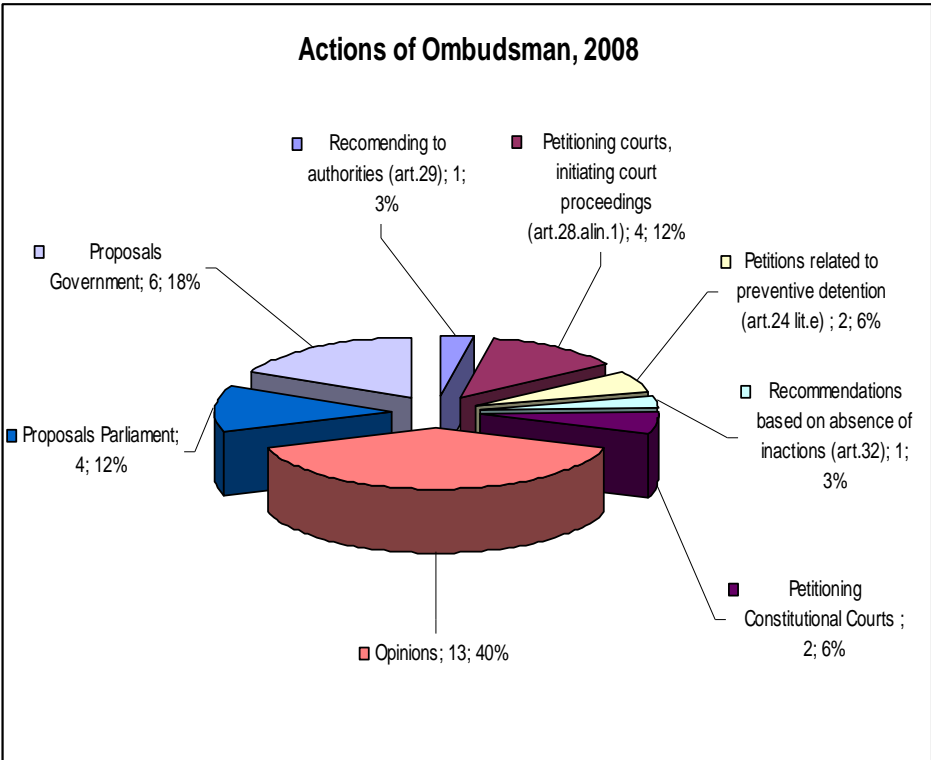


Most of the complaints fall under the area of "access to justice and fair trial", "right to legal aid", "right to petition authorities", "social protection", "private property" and "right to work".

In 2008, the ombudsman accepted for examination only 21% or 753 complaints and 44% or 1 565 were referred to other institutions.



Ombudsman's actions on the accepted petitions:



4. Please provide additional information on the counter-terrorism legislation and policies adopted by the State party. Is there a definition of terrorism, and are there any derogations from

ordinary criminal law and procedure in the Law on Combating Terrorism (Law No. 539-XV of October 2001)? Does any part of this legislation amount to a derogation from rights guaranteed by the Covenant? (CCPR/C/MDA/2, paras. 127, 172-182)

Non-discrimination and equality (arts. 2 and 26)

5. *Does the State party envisage reviewing the existing anti-discrimination legislative framework and adopting comprehensive anti-discrimination legislation prohibiting discrimination in all areas of life and on all grounds, including in particular, ethnic origin and sexual orientation?*

The Ministry of Justice drafted the law on the prevention and combating of the discrimination in late 2008. During late 2008 and the beginning of 2009, the draft law has been discussed with the representatives of the civil society and received a general support, but a number of improvements have been suggested.

The Moldovan Government has so far failed to carry out its obligations under the Plan of Action Moldova-EU to adopt an anti-discrimination legislation framework, which aims at the harmonization of all the Moldovan legislation concerning promotion of equality and banning of discrimination. There is no legal disposition, nor even internal Ombudsman's office rules, requiring the elaboration of any systematic and coherent set of rules for the collection, production and use of equality data. Nonetheless, there is a huge amount of data produced mainly in Statistics of Moldovan Government and analyzed in an ad-hoc basis by different bodies and it is possible to find the whole repertoire of types of equality data for the Moldovan population or parts of the population. The problem with all this data is, of course, that the lack of regularity in its collection (also, of course, in the methods being used) and analysis prevent the use of the data for monitoring, policy design and policy evaluation purposes. A huge amount of data from different sources can be analyzed by gender, origin and age, but there is a complete absence from official registers of any variable related to sexual orientation, disabilities, religion and spoken language.

The Moldovan civil society group Anti-Discrimination Coalition (www.nediscriminare.md), in cooperation with the Organization on Security and Cooperation in Europe Mission to Moldova proposed a draft law to the Ministry of Justice in 2007. In 2008 the Ministry of Justice launched an initiative to draft a new law that prevents and fights discrimination.

After one year of consultation with the civil society and other governmental bodies, the law received comments and changes and was sent for review in the Government. A specific problem with the draft law is that the religious civil society lobbied the Ministry of Justice to exclude the expression "discrimination on grounds of sexual orientation".

These proposed changes on behalf of the civil society (Nondiscrimination Coalition, Resource Center for Human Rights (CReDO)) endeavour to:

- strengthen the institutional framework that will ensure the implementation of non-discriminatory policies, particularly the creation of a Nondiscrimination Council (with large representation from the specialised civil society and professional associations), as part of the Ombudsman (Center for Human Rights) that will be examining cases of alleged discrimination and create an interministerial commission that will periodically review the results of current non-discrimination policies and propose changes;
- introduce provisions on indirect discrimination and multiple discrimination
- introduce the notion of and practical provisions for affirmative actions to target particularly disadvantaged groups of the population and address past injustices;
- provide a solid elaboration for the remedies available for the victims of the discrimination, including civil, disciplinary and criminal nature as well as detailed guidance on using them;
- obligation of the governmental bodies in various areas to collect information and statistical data to facilitate the monitoring of non-discrimination;

- provision for the assisted legal aid for cases of alleged discrimination when the discriminated does not have means to support themselves in the legal proceedings;
- introduction of "sexual orientation" as a ground of discrimination.

These proposals for the improvement of the draft law on prevention and combating of the discrimination have not been considered by the Ministry of Justice. The new Government Program of Activities: 2009-2013 does not provide for the adoption of legislation that prevents and combats discrimination. Government sources refer to the draft Action Plan on Human Rights elaborated by the previous government, that provides the elaboration and adoption of the law on prevention and combating of the discrimination.

6. *Please provide detailed information on the effectiveness of the efforts undertaken by the State party to combat discrimination against persons belonging to ethnic and national minorities, including Roma and immigrants of African and Asian origin, in the fields of employment, housing, healthcare, education, social assistance and access to public services. Please also provide updated information on the measures - including training for judges, prosecutors and law enforcement officers - adopted by the State party to ensure that racially motivated offences are effectively investigated and perpetrators are prosecuted and punished.*

Roma situation

The Centre for Human Rights of Moldova has only received about 5 cases of discrimination on grounds of ethnicity. None of them has been investigated by the criminal authorities in accordance with articles 176 and 346 of the Criminal Code of the Republic of Moldova. Research by the Roma National Center shows that there is lack of information regarding this issue. In February 2008 the Moldovan Government has submitted its periodic report to CERD Committee and thus has failed to answer all questions regarding government initiatives towards improving employment, housing, healthcare, education, social assistance and access to public services for Roma people.

The official report provides a description of various actions undertaken by public and private actors that 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. Actions of the public authorities, as described in the official report primarily rely on the following information are based on a comprehensive research provided in the reports of the Center of Moldovan Human Rights NGOs (CReDO) and Roma National Center.

- Material situation

Roma communities' material situation is extremely poor in comparative and absolute 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 communities are among the worst examples with extremely poor material conditions. Vulcanesti and Bursuc are somewhat better than these communities. Paved or hard covered roads to or within the community are non-existent, unless a regional road passes 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 a pattern of systematic negligence for Roma communities. Central government allocations or international funding agencies programs (Social Investment Fund, etc) have not been sensitive towards Roma communities, while non-Roma villages of the same commune have received allocations for renovations and building upon the decision of local and regional decision-making bodies. In practice, the team has not found any external funding and allocations

in Roma villages. The most characteristic were the examples of Schinoasa, Vulcanesti, Parcani, Huzun and Stejareni communities that are situated couple of km off the main road so these people had to carry ill people by hand up to the main road should they need an urgent medical intervention. In total, there is not even hundred meters of hard-paved road in Roma villages.

Generally houses of three rooms are common, but people live in only one room during cold times and men stay outside overnight during summer. Houses had only natural land ground. For heating, scraps of wood or animal residues are used. For instance, in Schinoasa village one man with three children was sentenced to 6 months for cutting one dry tree to keep his house warm. People basically use just basic alimentation product: cornflower, potatoes and some vegetables grown up during the summer. Humanitarian aid, when it reaches the villages, is a very important source for survival. Meat or fish is practically absent from the diet. Children wear nothing during the warm 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 requests. Public authorities have considered removing pharmaceutical points as they are 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 listens to the radio, etc due to lack of money. No telephone connection exists in majority of communities, as is the case in Ursari village and Schinoasa community.

Lack of running water, wells and access to drinking water are a general features for the communities. For instance, in Schinoasa community with a population of about 500 persons there are only 4 wells of which only two are used for drinking purposes, but even there, the water was already visibly bad. In another example, in Ursari village, people complained that if water from the two wells of drinking water was left overnight the contamination was clearly visible. In the majority of cases no electricity was available either because of lack of resources to pay or because the electricity system has been destroyed. For instance in Schinoasa village, the community was totally disconnected during more than five years and in another instance in Ursari village, as it situated on the main road, only some people would have electricity (people close to the next Moldovan village or 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 privatization 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.

The land is the major asset 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 assessed only 5% of the people living in Schinoasa as qualifying for land during 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. No job or employment opportunities exist in Roma communities either in public or private sectors or in nearby villages as Roma are only considered suitable for seasonal or day-to-day work.

Compared with other localities of Moldova inhabited by this national minority, the community from Vulcanesti presents some progress in material situation of the Roma. 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 for income through other methods. As a result of the described practices, Roma community adults would have two major sources of income: earning outside of the country in 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, on average, exceed 600-700 EURO. In the second case the daily payment would not exceed 0.8-0.9 EURO per day including food.

Roma discrimination cases

Housing

In general, housing issues are related more to poverty than to justice. There are some cases that demonstrate vividly the vulnerability and instability of the situation and are connected to other rights such as health, private life, property and in some cases even the right to life. Poor living conditions are mostly caused by the fact that Roma families are numerous and live narrowly in dwellings of a few square meters, do not have utilities or are even cut off from them. Housing problems are also related to the issues of residence registration. Mostly the Roma who do not have registered residence have difficulties in accessing/requesting the housing rights.

a) Pinonic Maria had lived in the town of Vatra (Chisinau municipality) for over 40 years and has a domicile registration respectively in Vatra town. She has nine children of which one is disabled, and five nephews who also live with them. She lives in squalid conditions and is mainly dependent on the state's social assistance as she cannot work due to her bad health condition. From 1990 on she has approached the local authorities asking them to improve her living conditions as her house was in a very bad condition and she was forced to find a new place to live in a 45 m² basement of a house block. Mrs. Maria Pinonic informed the local authorities of the move and they agreed to let her stay in the basement of the housing block until her situation was clarified. This move enabled her to improve her living conditions including enabling her to connect to water, electricity and gas, paying monthly for the utilities. In July 2007 after the local elections Regia Communal Locative of Vatra sent a letter informing Mrs. Pinonic Maria that she was to be

evacuated by force. The Parliamentary Commission of Human Rights, local and central authorities were informed of her situation. For the period of 2007-2008, the local mayor decided that during the cold period the Pinonic family could stay in the basement flat and they were even offered some financial support. However to this date Mrs. Pinonic has not been informed of any improvements in her regard.

b) Bogdan Babulina was born and lives in the town of Vatra. She has five children and has lived with her parents for many years. In July 2006 she made a asked the local council to include her in the list of beneficiaries of land for construction. In August 2006, according to the local council, a decision was made in her favour. In 2007 the planning of the land and the lists of the beneficiaries were made public. However, Mrs. Bogdan Babulina was not on the list. In 2008 a new inquiry was made regarding why she was not on the list. According to the Mayor, Bogdan Babulina was excluded first because no more sites were available and because she was no longer entitled to be included as the criteria had been changed.

c) Olimpiada Bogdan, lives in the village of Maramonovca, Donduseni district with her four children. She is disabled and dependent of social benefits. From 1983 on, she has approached the local authorities because of her bad living conditions. In an inspection made back in 1983 it was confirmed that the house needs to be demolished and that it cannot be repaired. New assessments were made in 1996 and 2005 which stated that Mrs. Bogdan Olimpiada's would not be repaired. In September 2007 Mrs. Bogdan Olimpiada appealed to the Head of the District Council and requested that she be offered either support or a house with better conditions. In October 2007, the council issued decision nr.3/10 refusing to provide financial support for Mrs. Bogdan Olimpiada with a reference that such financial means are not available in the local budget.

Health

Health and medical assistance are basic rights that are protected by the Moldovan Constitution and international conventions. In general, the health situation depends mainly on living conditions, way of life, socio-economic factors and the level of education. The UNDP report "Roma in the Republic of Moldova" from 2006 refers to health indicators (life expectancy, infant mortality, maternal mortality, etc) that are the most important indicators on human development in every society and these indicators referred to the Roma population are lower than those of the general population of Moldova.

On the other hand, the poor health of the Roma people is also indirectly a consequence of unequal treatment by doctors, lack of infrastructure and facilities, and high costs of medical services and medication.

Bogdan Ion from the village of Suruceni, Ialoveni district, had been suffering from tuberculosis since 1983 and in 2007 his sickness had progressed and was diagnosed as fibro-cavity lung tuberculosis as BAHR +, fourth category. He is categorized as a first-degree invalid. At the same time Mr. Bogdan Ion is dependent on the state's social benefits that are equivalent to 70 MDL (5 Euro) per month. He also lives with his old mother and is supporting and raising a daughter of 16 years who suffers from the same illness. In March 2007, he was hospitalized in the Phtiziopneumology Clinic Hospital, section number 3 in Chisinau. In the same hospital there were other patients who were treated with 1) Ethionamidi 0,25 and 2) Paraminosalycilic 0,5 – special medication for the gravity of this sickness offered according to the DOTS program, which is financed by Global Fund for combating HIV/AIDS, Tuberculosis and Malaria, under the supervision of the Ministry of Health. In the investigation we found out that he was offered other medication such as 1) Izoniazidă, 2) Cicloserină, 3) Pirazinamidă, 4) Canamicină, 5) Ofloxacină that are considered to be insufficient for Mr. Bogdan. Mr. Bogdan asked his doctor Mr. Sain why he receives this medicine as it does not help him. The doctor replied that he is a gypsy and a poor person. In a letter sent to the Ministry of Health Mr. Bogdan Ion was included later in the special program DOTS. In June 2008, Mr. Bogdan Ion died.

Children with HIV

Discrimination on the grounds of ethnicity, gender, and health condition (e.g. disabilities) is common in our country. Child focused care and support programmes are virtually absent within the framework of the national response to HIV/AIDS in Moldova (including psychological support for affected children and their caregivers, child-care capacities strengthening, and the promotion of community care for children without family support). In addition, there are formal barriers that are evidently discriminatory and considerably affect the social inclusion of HIV infected/affected children (particularly Ordinance Nr. 47 of 04.11.1994 that prohibits the adoption of not only children with HIV/AIDS or congenital syphilis, but also of children who have one biological parent infected with HIV or syphilis). Although addressing the vulnerability and needs of children and adolescents at risk is critical in preventing HIV among this group and in ensuring the long-term effectiveness of prevention programmes in general, there are virtually no initiatives in this area for orphans and vulnerable children (OVC) in Moldova. The establishing of the guardianship on child with disabilities by a person with disabilities (except people with mental disabilities) is prohibited. This kind of prohibition discriminate the people with disabilities (except people with mental disabilities) in comparison with people who do not have disabilities.

7. *Please comment on reports that discrimination based on sexual orientation appears to be widespread at all levels of society, and indicate what measures the State party intends to take to combat this form of discrimination, including training programs for police officers and health-care professionals, as well as campaigns aimed at raising awareness among potential victims of their rights and the existing mechanisms for redress.*

On 11 May 2008 participants in the Seventh Moldovan Pride were precluded from marching peacefully in support of anti-discrimination legislation and tolerance in the centre of Chisinau. Police did not guarantee the right to freedom of assembly. Large aggressive coordinated groups, including extremist religious groups, members of the neo-fascist movement "New Right", and legionnaires blocked the bus, forced the door, violently hit the windows, and attempted to remove the engine, while shouting "lets get them out and beat them up".

The police distanced themselves from the event and remained passive observers. GenderDoc-M had informed the local authorities and the Ministry of Internal Affairs as early as 21 April about the route of the march and asked for protection. The law on freedom of assembly of Moldova guarantees the right to peaceful assembly to everyone and obliges the police to guarantee the exercise of this right and the safety of participants. The police did not facilitate the exit of Pride participants from the bus into the street, did not prevent the rival aggressive groups from intervening and through their passivity encouraged an escalation of violence and the build-up of a hostile atmosphere. Independent human rights observers witnessed hate speech, such as "Beat them to death", "Don't let them escape".

About 60 people were blocked in the bus for over 45 minutes. Two unidentified well-built men wearing the signs of the rival groups forced the doors from both sides of the bus and demanded all march materials (banners asking for anti-discrimination law and tolerance, European Union and Moldovan flags and rainbow balloons) as a condition for lifting the blockage of the bus.

According to the estimates of independent observers, between 200 and 400 people surrounded the bus. The core of the crowd were teenagers, some dressed military-style, some wearing black masks and others skinhead-like carrying A4 posters with derogatory messages and signs. The outer ring of the crowd was mostly middle-aged men wearing black clothes who encouraged the former. The observers at the bus identified no police, although some six traffic police cars stood approximately 100 meters away without taking any action whatsoever. GenderDoc-M made nine unsuccessful attempts to call the police. After gathering all materials, the two men ordered the unblocking of the bus and allowed it to go. The bus headed towards GenderDoc-M office, and was followed by a car with members of the crowd. The Pride participants left the bus in dispersed groups on alert of possible repeated attack by the crowd.

Another crowd of approximately several hundred people surrounded the GenderDoc-M office demanding that Pride participants exit the office. Two police cars and an ambulance observed the events from a distance. The office remained blocked for several hours. In parallel to the events described above, several hundred people of all ages, men and women, gathered at the Great National Assembly Square, carrying banners saying "Family is the Union between Man and Woman", "Homosexuality is a Sin", "Immorality Ruins Society", "Moldova – Christian Country", and "Do Not Turn Sin into Virtue". GenderDoc-M has no information whether these various groups had their manifestations authorized.

Equality between men and women (arts. 2, 3, 23, 25 and 26)

9. *Does the State party intend to raise the minimum legal age of marriage for women to the same age as that for men, in line with articles 2, 3, 23 and 26 of the Covenant? (CCPR/C/MDA/2, paras. 678-680)*

Law nr. 120 from 29.05.2008, made amendments to art. 14 of the Family Code which established the minimum legal age of marriage as 18 years for women and men (par. 1) and the possibility of reducing the matrimonial age for some specific reasons (par. 2)

The conjunction of par. 2 art. 1 (*patient's legal representative*) of the law nr. 263 from 27.10.2005 on rights and responsibilities of the patient with the provision of the par. 3 art. 20 of the Civil Code, regarding the recognition of the full legal capacity, results in the requirement of the parent's consent if a minor requests a medical intervention or abortion.

Prohibition of torture and inhuman and degrading treatment and punishment (art. 7)

11. *Please indicate what measures the State party intends to adopt to increase safeguards against torture and ill-treatment in police custody, and to ensure that allegations of torture and ill-treatment are promptly and thoroughly investigated and that perpetrators are prosecuted and punished. Please also provide detailed information on the number of complaints registered by the Courts and the Parliamentary Advocates concerning alleged acts of torture and ill-treatment perpetrated by law enforcement officials, on prosecutions launched and sanctions imposed on law enforcement officials, as well as information on reparation awarded to victims. (CCPR/C/MDA/2, paras. 23, 213-225, 331-334)*

Events following the Parliamentary elections in April 2009

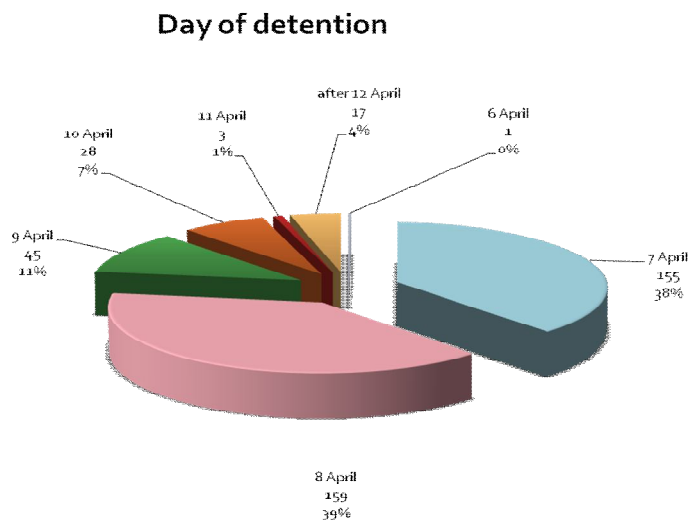
The Moldovan government has consistently denied that its law enforcement officers engaged in widespread abuses against demonstrators and detainees, saying that any injuries to demonstrators can be attributed to lawful use of force against persons who were resisting arrest and who had earlier jeered and thrown stones at police. Yet multiple interviews with demonstrators and by-standers point to a pattern of torture and inhuman or degrading treatment against detainees in police custody, and excessive use of force against demonstrators and bystanders who at the time posed no threat to police and who sometimes did not even know that plainclothes officers arresting them were police. The fact that authorities attempted to disguise the identities of the law enforcement officers participating in abuses and to restrict detainees' access to family members, to lawyers of their own choosing, and to members of Moldova's national torture prevention mechanisms, only underscores the unlawful nature of these acts.

Statistics as of June 29, 2009 and an Initial analysis of earlier versions of the database appear in Institute for Human Rights and Resource Center for Human Rights, Security, Liberty, and Torture: April 2009 Events in Moldova, <http://credo.md/arhiva/documente/MoldovaLibertyTortureApril2009%20v8.pdf>.

Conclusions from findings:

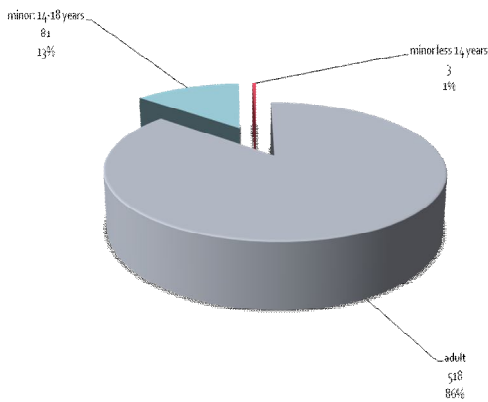
- Police responded with blunt brutality and untargeted, largely unjustified arrests, beatings and intimidation;
- Arrests and detention in the Ministry of Interior custody has been widely and systematically used as a response by the police;
- In a substantial number of cases there was no explanation of the motives and reasons for detention;
- An significant number of minors and children have been detained (some ill-treated);
- Police has widely and systematically used ill-treatments during the arrest, and in the places of detention;
- Access to legal aid and juridical assistance has not been provided in a substantial number of cases (amounting to systematic);
- Access to doctor and medical services have not been provided;
- Police actions resulted into life casualties (at least 2, with strong evidence) and required hospital and ambulatory treatment;

Persons detained: 1) Most of the persons have been detained on 7th (38%) and on 8th (39%) April, 2) Detention of persons continued on 9th, 10th, 11th and after 12th April with decreasing rate;

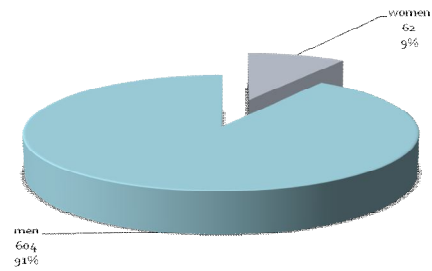


Age of the detained: 1)14% of the detained have been minors of up to 18 years; 2) Available data shows that around 100 minors have been detained by the police, 3) - 9% of the detained are women, mostly of student age;

Age of the detained

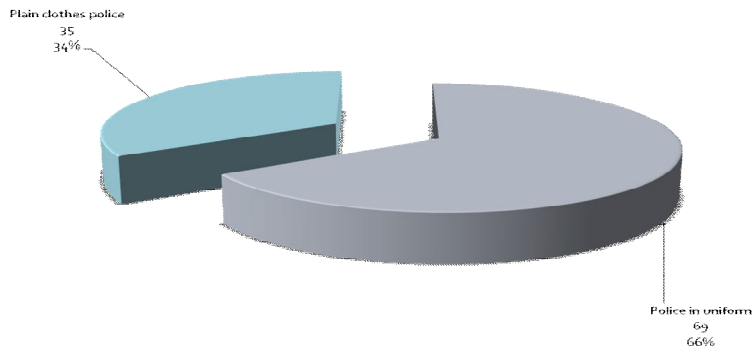


Gender Perspective of detained persons



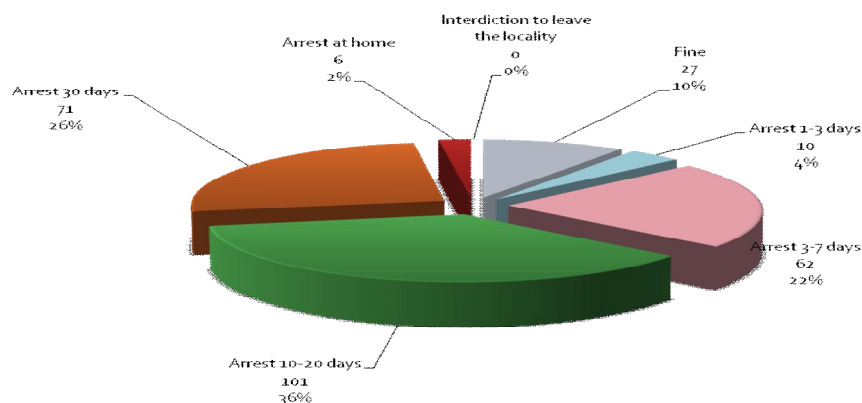
Detention authorities: 1) 34% of the detained interviewed claimed they were detained by the plain clothes persons acting as in behalf of public order agents; 2) In most cases persons have not identified themselves as police;

Who detained?



Severity of sanctions and penalties: 1) Most widely used sanction has been the administrative arrest for 10-20 days (36%), followed by 30 days arrest (26%); 2) Arrest at home (2%), interdiction to leave locality (0%), fine (10%) amounts to only some small fraction of all detentions; 3) Authorities prefer administrative arrest for maximum period of time;

Severity of the detention sanction



According to authorities, as of July 15, 2009 the Chişinău Military Prosecution Office had received 97 complaints of police ill-treatment in relation to the April demonstrations, including 48 complaints of excessive force during apprehension and 49 complaints of ill-treatment inside police commissariats. Of these, the Prosecution Office had only opened criminal investigations in nine cases; in 35 cases it had refused to open criminal investigations, and 51 cases were still pending.

The UN Special Rapporteur is concerned by the long periods of police custody (see par. 32, A/HRC/10/44/Add.3). Article 25 (3) of the Constitution and Articles 63 (2) (i); 165 (1); 166 (4) CCP provide for a period of custody of 72 hours, after which the person is to be brought before a judge. (CCP article 66 (4)). This period can be prolonged by 6 to 12 months depending on the crime of which a person is accused (CCP article 186 (3)). Police detention of minors can be prolonged by 30 days up to 4 months. Prolongation of police detention is decided by the investigating judge upon request of the prosecutor. Detention may be legally challenged at a hierarchically superior court.

The UN Special Rapporteur is concerned by the extensive periods of pretrial detention. Several of his interviewees had spent up to three or four years in detention without a final judgment. This concern is exacerbated by the fact that the conditions in the pretrial facilities (SIZO) are often worse than in facilities for convicted prisoners (detainees are held in overcrowded cells for 23 hours per day). Spending prolonged periods in such conditions constitutes a violation of the principle of the presumption of innocence and, in some cases, may amount to inhuman treatment. A disproportion between people detained based on administrative arrest. E.g. in case to the ECHR of Matasaru vs. R. Moldova which was detained with people arrested for high crime, another person is leaving with HIV/AIDS with disclosed status. Even are not registered complains, we have certainty that in same situation were people arrested after April 7 events.

On 30 September 2009, Alexandru Tanase, the newly appointed Minister of Justice, declared that the Government of the Republic of Moldova accept and recognize the facts related in complaints to ECHR. At the same time the Government indicated its willingness to formulate a declaration to recognize the violations held during April 2009 events and to sign **peaceable transactions**. However, it has not taken any further action in relation to the rehabilitation of other hundreds of people arrested and beaten/tortured after the April 2009 events.

Prohibition of slavery or forced or compulsory labour (arts. 8 and 24)

Liberty and security of the person (art. 9)

13. Please explain whether persons in police custody have access to a lawyer during the initial period of interrogation, as provided for in articles 9 and 14 of the Covenant. Please also comment on the reported excessive length of custody in police cells and pre-trial detention, and on the alleged lack of separation between detainees awaiting trial and convicted prisoners. (CCPR/C/MDA/2, paras. 298-322).

The UN Special Rapporteur has expressed concern at the long periods of police custody. Although article 18 of the Code of Police Ethics stipulates that deprivation of liberty shall, if possible, be limited, registered and applied by taking into consideration the vulnerability of each detainee, de-facto, most detainees are kept in police custody for several weeks/months and regularly return there for "further investigation" or for their trial or appeal, which makes them vulnerable to reprisals if they file complaints about ill-treatment (see par. 75, A/HRC/10/44/Add.3). During the above mentioned visit, the Special Rapporteur saw that administrative detainees have no access to lawyers for up to 30 days (see par. 77, A/HRC/10/44/Add.3) and recommend the legal safeguards for administrative detainees be improved.

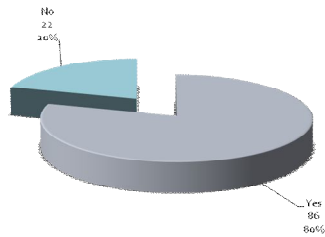
To the knowledge of the editing team, there are few cases when persons in detention complained that they have limited or restricted access to a lawyer during the initial period of interrogation. Based on the information and knowledge from the lawyers' community, they usually bring these complaints in appeal bills.

Access to lawyer in the aftermath of April 2009 events.

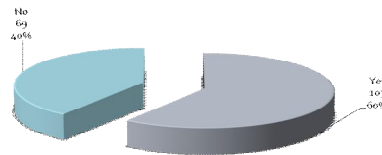
Statistics as of June 29, 2009. Initial analysis of earlier versions of the database appear in Institute for Human Rights and Resource Center for Human Rights, Security, Liberty, and Torture: April 2009 Events in Moldova, <http://credo.md/arihiva/documente/MoldovaLibertyTortureApril2009%20v8.pdf>.

Access to defense, lawyer: 1) 40% of the detained claim they have not had access to the lawyer within the legally provided term under the law; 2) 64% of the detained say they have been asked to sign documents on the accusation and depositions, they did so in the absence of the juridical assistance; 3) only 3% of the detained say they have signed the accusation and deposition documents in the presence of the juridical assistance; 4) 20% of the accused detained say they had not juridical assistance during the court proceedings against them (resulting in arrests);

Presence of the lawyer in court



Access to lawyer (3 hours adult, 1 hour minor)



Treatment of persons deprived of liberty (art. 10)

14. Please provide detailed information on the measures adopted by the State party to reduce overcrowding and improve living conditions in police detention facilities and prisons, which reportedly remain harsh and sometimes life-threatening, especially for tuberculosis patients and prisoners serving life sentences. Please also provide detailed information on the mandate of, and the human and financial resources allocated to, the Committee for Complaints. (CCPR/C/MDA/2, paras. 30-37, 226-263, 323-386, 435)

Detention conditions in most penitentiary institutions under the administration of constitutional authorities are hard and sometimes endanger the life of detainees. There are still persistent cases of ill-nutrition, diseases, tuberculosis, small cells in comparison with the number of persons in it, and lack of ventilation systems. The visits of the Consultative Council for the prevention of torture, parliamentary advocates, NGOs and international institutions' representatives ascertain the existence of several problems within penitentiary institutions: insufficiency of financial means, overpopulation, disagreeable conditions (sanitary-hygienic, bad illumination and lack of ventilation) and even dangerous for life; negative attitude towards detainees, limited possibilities of integration into the working process; low quality feeding etc.

In 2008, the European Committee for preventing inhuman or degrading treatments and punishments has positively estimated the efforts of penitentiary management with the view of ensuring the rights of detainees. According to the UN special Rapporteur on the Prevention of Torture, preventive detention conditions under police custody represent a source of danger, especially those in Balti and Tiraspol, where persons are detained in small cells, badly ventilated, overpopulated and with no access to the daylight. Most of them are preventively arrested without a definitive decision, a fact that seriously infringes the principle of assumption of innocence.

Built in the period 1839-1864, the penitentiary Nr.13 from Chisinau has, according to specialists, of the most unfavorable detention conditions of all penitentiaries from Moldova. The prison has a capacity of 651 detention places, while 1076 persons are currently detained there. In this context, it is alarming that there are increasing numbers of cases of law infringements committed within penitentiaries, including by those institutions' employees. More than two thousand persons are yearly discharged from detention places, and 60% of them reoffend and return to penitentiaries.

According to PID, at present there are more than 7 thousand persons detained in Republic of Moldova's penitentiaries, 5 thousand of them being able-bodied. Only 36% of detainees are drawn into working

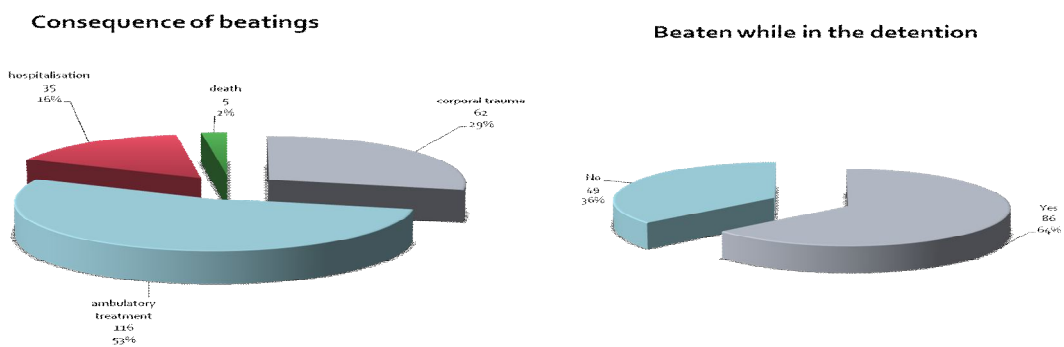
process. According to the Execution Code of Republic of Moldova, penitentiary detainees “can be drawn into work”. Thus, detainees have more than once claimed inaccuracy in calculating working hours and that these were not deducted from the prison term, according to the sentence; and NGOs from this field claim that detainees are drawn into work both within the institution, and outside of it, and are not being remunerated for all the work performed. It happens that the detainee repairs on his own account the cells in all penitentiaries where he is transferred. However, once being discharged from detention places, economic agents and services for provision of employment are reticent while hearing about hiring persons with criminal antecedents. Ex-convicted persons are encountering the same problem while going to a medical consultation or obtaining their identity papers.

The UN Special Rapporteur has recognized efforts made by the Government to reduce the overcrowding in prisons, such as e.g. the application of alternative measures to deprivation of liberty (see par. 32, A/HRC/10/44/Add.3). Furthermore, during 2009, improvements in living conditions were made: e.g. within the Penitentiary nr. 9 is opened from August 2009 a “Child and mother’s home”, for imprisoned mothers and their child up to 3 years.

De facto, the Committee for Complaints is not functional because it depends on financing from the Government.

Treatment of the detained in the aftermath of April 2009 events in Moldova

Beatings: 1) 81% of the detained have been beaten and ill-treated in the moment of apprehension; 2) 64% of the detained state they have been beaten and abused while in the detention custody; 3) 5% claim they were also beaten in the police cars while transported to the places of detention; 4) Of those beaten in detention, 56% witness they have been beaten with legs and punched; 42% were beaten with ribbons (bastons) and 2% of the detained claimed sexual abuse by the police; 5) 5 cases of the alleged death as a result of the police brutality are reported and documented (2 with strong evidence, filed cases at the European Court of Human Rights); 16% of the detained say they underwent the hospital treatment after ill-treatment by the police; 53% of the detained state they underwent ambulatory medical treatment;



Right to a fair trial before an independent and impartial tribunal (art. 14)

15. *In addition to the information contained in the report, please provide further information on measures taken to ensure that the judiciary is independent from the executive branch, free from political pressure and protected from corruption. Please also provide information concerning the measures the State party intends to adopt to address effectively the main problems concerning the proper administration of justice, including (a) non-execution of court decisions; (b) inefficient and unprofessional administration of courts; (c) lack of adequate courtrooms; and (d) shortage of interpreters. (CCPR/C/MDA/2, paras. 128; 435-486)*
Juvenile justice (arts. 9, 10, 14 and 24)

(c) Even though there were arranged a lot of courts for trials, judges are bound to develop judgment activities in their own offices - that is prohibited by the Superior Court of Magistracy's decision. People continue to be brought in handcuffs in front of the Judge in his office not in the Judgment Office. Superior Court of Magistracy motivates it by the lack of free space related to the examined cases number.

(d) At 05.08.2009 by the Government decision number 459, the Regulation that establishes inter-alia and continuous training of interprets and translators was approved. Although, up to this date there is no regulation in this respect and the translating services were of bad quality and have not been monitored by a professional body.

Fair trial in the aftermath of April 2009 events

On April 8, 2009, in Balti and April 10, 2009, in Chişinău, judges held hearings in at least three police commissariats to review prosecution requests for preventive measures under the Criminal Procedure Code and issue sentences under the Administrative Offenses Code. According to the Chairperson of Moldova's Superior Council of Magistrates, these were the first such hearings in the country's history, and reflect an extraordinary effort to respond to a large number of apprehensions. Lawyers representing clients at the General Police Commissariat describe a chaotic scene, with regular judges apparently acting as investigating judges, and prosecutors and judges issuing formulaic charge sheets and arrest warrants that lacked reference to the specifics of individual cases and often were riddled with errors. In many cases accused persons had no lawyer, or only a lawyer arranged by the police who failed to provide an effective defense. Accused persons described attending hearings they didn't understand, sometimes held in the presence of police who had abused them, and presided over by judges who failed to ask about ill-treatment or order forensic examinations or medical care, even when the accused had visible injuries.

A Lawyer described the scene at the General Police Commissariat on April 10, 2009, when he defended six clients facing prosecution under article 285(3) of the Criminal Code:

"In the narrow corridor of the police station I saw 30 persons standing face to the wall waiting for police to call them. Initially they were brought to the prosecutor to sign a statement—the quality of the suspect—and then they were taken to a judge. I was there from 09:00 to 18:00 accompanying my clients. There were other lawyers there and we all had to wait for hours. On average each person stood up for four hours facing the wall. Generally they were allowed to turn their heads, it wasn't that strict. The lawyers could approach their clients [as they stood facing the wall]. The offices with the judges were very small, only the judge and the court clerk sat in a chair. The detainee would come in one by one with a lawyer, prosecutor, and a police officer. The process was pretty much formulaic with the decisions pretty much filled in. The lawyers wanted to protest against the process and against the trials being held in the same institution as the detention. One lawyer even told a judge he was part of the governing party and the judge said

there was an order allowing these trials. The judges said the statement was by the Superior Council of Magistrates. There does exist an article in the Code of Criminal Procedure that allows in an exceptional situation that the judge may hold the trial elsewhere. But there was no statement, so we lawyers are using this as the basis for our appeal. No one has seen such a document; it doesn't exist".

Freedom of religion (art. 18)

19. *Please provide detailed information on the measures adopted by the State party to combat religious intolerance and harassment perpetrated by public authorities, particularly the police, against persons belonging to minority religious groups, especially Muslims. Please also provide information on the steps undertaken to improve the mechanism of registration of religious groups so as to avoid unnecessary bureaucracy and ensure that any refusals of registration are based on objective criteria and are subject to judicial review. (CCPR/C/MDA/2, paras. 545-551)*

The Moldovan authorities have not registered two Muslims religious organizations. Spiritual Council of Muslims headed by T.MASAEV has endured more than 5 years of the permanent refusal of registration. Currently, the Supreme Court of Justice is examining the case of this group. Another group headed by A.Babaev faces a similar situation.

The national authorities have not complied with the UN Human Rights Committee and UN Committee for the Elimination of all Forms of Racial Discrimination (twice) recommendations for the registration of the Muslims groups.

Non-registration of the Muslim groups present serious problems with their practice of religious worship in public places and respect for the funeral services.

Freedom of opinion and expression (art. 19)

20. *Please comment on reports that freedom of the press has deteriorated in recent years and that journalists are often intimidated into practicing self-censorship. Please provide detailed information, including specific examples, on measures taken by the State party to ensure that allegations of politically motivated intimidation or harassment of journalists are promptly and impartially investigated and perpetrators prosecuted and punished. (CCPR/C/MDA/2, paras. 552-597).*

Based on the Report elaborated by the Independent Journalism Center

http://www.ijc.md/eng/index.php?option=com_content&task=view&id=204&Itemid=52

- Situation with audiovisual media

Several incidents involving Moldovan audiovisual media in 2008 were politically motivated. The BBC World Service closed its press service in Romanian on 1 August and the Audiovisual Coordinating Council (CCA) suspended the broadcasts of Romanian TV station TVR 1. Both had a negative impact on access to information and on the diversity of information sources, and Moldovan media space has been taken over by Russian language outlets as a result.

Civil society vehemently criticized CCA for how it conducted the contest for assigning radio and TV frequencies on 7–8 May. The contest was announced on 26 February, and 49 applicants applied: 11 to extend their licenses, 25 to extend their broadcasting range and 13 to create new stations. The contest results were published on 3 June in the *Official Gazette of Moldova (Monitorul Oficial al Republicii Moldova)*. A number of organizations signed a declaration in which they complained about the interference of state authorities in the process including their attempt to suppress opposition media and critical voices. Although the Audiovisual Code stipulates that the, "...issuance of a broadcasting license shall correspond to the principle of ensuring pluralism in broadcasting, excluding the possibility of creating preconditions for the

establishment of a monopoly and concentration of property in broadcasting and in mass media in general, taking into account the level to which current licensed broadcasters already comply with this requirement," none of the stations that offer air time to the opposition or that broadcast critical opinions about the current government obtained frequencies.

The radio station Vocea Basarabiei did not obtain any of the eight frequencies in the FM band it had applied for. It is interesting that all 26 of the frequency applications made by this station have been rejected. On the other hand, the radio station Antena C that belongs to the Communist Party of Moldova (CPRM), obtained five frequencies, including one in Chisinau. PRO TV Chisinau did not obtain any of the seven frequencies for which it had applied (some frequencies remained unassigned), while Euro TV, run by the People's Christian Democratic Party (PCDP), obtained nine frequencies and station NIT which belongs to CPRM got 12. A case study conducted by ten NGOs under APEL (the Broadcasters Association) established that the contest deviated from the legislation and that the CCA decisions did not contain any convincing arguments or explanations that would justify the results.

In 2008, civil society charged that the process of implementing professional standards as stipulated in audiovisual legislation and by ethical considerations was stagnating at Teleradio-Moldova. Moreover, experts thought that the situation in this institution was deteriorating as parliamentary elections approached because the news it broadcast favored only politicians who were currently in the government or those representing state authorities. The study entitled "Teleradio-Absurdistan, or Nonexistent Reforms at the Public Broadcaster", experts criticize the management of Teleradio-Moldova for its financial subordination to CPRM. Valentin Todercan filed a complaint in court against the study's authors.

- Cases of journalists intimidation.

On 18 January 2008, a group of journalists from PRO TV Chi in u, TV Dixi, and *Jurnal de Chi in u* were prevented from reporting on an evening performance featuring the writer and humorist Gheorghe Urschi because they did not have "invitations." In addition, the PRO TV cameraman was forced to delete the shots of President Voronin he took when the President was entering the National Palace.

On 31 January, President Voronin requested the Information and Security Service (ISS) to track and halt any illicit funding of political parties and the media, including resources coming from outside the country. He made this request during an extended ISS plenary session. The President had previously expressed his discontent that certain media outlets were funded from abroad, especially from Romania, but this was the first time he asked an official institution to act. Subsequently, on 20 February 2008, ISS director Artur Re etinicov made it clear in an interview with Moldpres that he would undertake all necessary actions to halt any funding of Moldovan media and political parties from abroad as requested by President Voronin.²⁰

On 11 February 2008, the General Prosecutor's Office instituted a criminal case against Constantin Tcnase, the director of the newspaper *Timpul de diminea*, "due to his actions aimed at stirring dissention or national, racial or religious strife." An NGO, however, established that the allegations were not based on evidence that would prove the ill will of the accused thus casting doubt on the lawfulness of the legal

action. In a speech delivered at a meeting on 3 February, Constantin Tănăsescu had stated among other things that, "Moldova must get rid not only of Voronin and the communists but also of the Russians." According to the Media Monitoring Agency, this sentence provoked responses from Russian media and officials. Later, Mr. Tănăsescu published a clarification in *Timpul* saying he was referring to the Russian Federation and not to ethnic Russians living in Moldova. He noted in his clarification that, "There is one simple problem with the ethnic Russians: we want them to learn the language of the local population and to integrate as soon as possible into the life of this country which has unconditionally granted them citizenship."

On February 2008, a correspondent from the newspaper *Moldavskie vedomosti* was not allowed to attend the meeting the European Commissioner for External Relations and European Neighborhood Policy, Benita Ferrero-Waldner, held with the students of Moldova State University. The university administration, backed up by security guards, blocked the journalist's entry into the building citing various excuses while they allowed other journalists to attend the event.

- Situation in Transnistria

Based on the Report from Promolex, "Human Rights Situation in Transnistria region"
http://www.promolex.md/upload/publications/en/doc_1233068241.pdf

The weak development of local press can also be explained by the lack of a single information space for both sides of Nistru River. Certainly, such a common area would favor an increase in circulation and in the volume of publicity in the region, which would lead to securing a high-level editorial independence and to decreasing the dependence on *administrative structures*. There is a legal framework for the creation of a single information area, but it is not applied. On 16 May 2001, almost immediately following his designation to the office of president of the Rep. of Moldova, V. Voronin together with the separatist leader from Tiraspol, I. Smirnov, signed a Protocol "on support measures for the activity of mass information sources, distribution of periodical publications and transmission of radio and TV programs on the territory of the Rep. of Moldova and Transnistria". However, the *document* was never applied.

Experts believe that the unofficial boycott against the creation of a unified information area has political and ideological reasons. This is particularly true in the case of the Tiraspol *administration*, which does not allow this area to access sources that would promote the position of constitutional authorities and the civil society of Moldova. This would endanger the existence of the pretended Transnistrian *state*, because access to various information sources would allow locals to see the difference.

Moldovan journalists have limited access to the territory under control of the separatist regime because the separatist administration imposes certain restrictions. For instance, the publication registration rule applies to all foreign journalists, including Moldovan, practically requiring their repeated registration to receive accreditation from the pretended *Ministry of Information Technologies*. The experience of journalist Gh. Budeanu from "Timpul" publication is typical of the situation.

In 2003 it took him more than two months to receive *accreditation*, meaning a permission from the separatist administration to interview several *veterans* of the 1992 war. Even after having received the *accreditation* he was nevertheless detained by the *frontier-men*, and during his interview with the *veterans* he was assisted by *MGB* officers. Gh. Budeanu further declared that he could not be sure of the fact that the *veterans* expressed their own opinions, given that they had been warned about the nature of discussions, and *MGB* representatives assisted during the interviews.

Thus, we can conclude that the local information area continues to be dominated by Russian and regional mass information sources controlled by the separatist administration. They do not offer diverse opinions to the public. Instead, they justify the policy promoted by the separatist regime and treat the issues regarding the resolution of the Transnistrian conflict in a unilateral way. The distribution of certain national

information sources (those of the Rep. of Moldova) in the area controlled by the separatist regime and transmitted information is sometimes distorted by the regional propaganda. A journalist from Moldova observed that the Transnistrian mass media has not evolved since the Soviet era. It is still an important ideological tool in the hands of the Tiraspol administration. In order to change the situation it is necessary that constitutional authorities, donors, journalists from the Western part of the country as well as from various international structures provide increased assistance to their Transnistrian colleagues.

Rights of persons belonging to minorities (arts. 25, 26 and 27)

21. Please indicate what measures the State party has taken to promote the equitable representation of persons belonging to ethnic, national or linguistic minorities, in particular Roma, in Parliament, Government, the judiciary and other positions in the public service, including the police. Please provide recent statistical data, disaggregated on the basis of ethnic or national origin, language and gender regarding the participation of persons belonging to minorities in publicly-elected and appointed bodies, as well as in the judiciary and the public administration.

In general the education system in Moldova is monolingual, carried out in Russian. Only 0.06% of Ukrainian children (374 children) receive some of their instruction in Ukrainian and only 0.02% of Bulgarian children (171 children) receive some of their instruction in Bulgarian. The situation for national minorities studying their own language (but receiving instruction in Russian) is only slightly better, with 37 schools offering Ukrainian as a separate subject and 30 schools offering Bulgarian.

These figures demonstrate that the public education system fails to conform with international standards requiring it to provide public pre-school, school and further education where there is a sufficient demand or a substantial minority population. The dominance of Russian as a language of instruction has also started to erode the use of minority languages. In particular research shows that speakers of minority languages identify knowledge of Russian and the State language as important for integration and employment prospects.

Another problem is the centralisation of education policies, in particular the establishment of the curriculum, so that local authorities can do little to adapt the generalised curriculum to the particular needs of the population in that area. However, Ministry of Education and Youth (MET) has passed a decision that in the areas where national minorities desire it, a national minority language could be studied as a discipline for 2-3 hours per week. Moreover, additional disciplines of national history and the culture of national minority could be studied having up to 2-3 hours per week. MET has drafted the respective educational plans for this subjects and elaborated methodological support books for the teachers.

Research has shown that the Ukrainian and Bulgarian minorities welcome the possibility of multi-lingual schools, with instruction in the minority language alongside Russian and the State language.

A more detailed assessment of the situation of linguistic minorities in the education system and evidence from research on the Evaluation of Linguistic Educational Policies for National Minorities in Moldova by the Resource Centre for Human Rights (CreDO) focusing particularly on the perception of rural Ukrainian and Bulgarian communities is included in an annex to this report.

- Situation in Transnistria

50 000 Moldovan children of 350 000 Moldovan population of Transnistria region of Moldova are denied education in mother tongue. Separatist regime in Transnistrian 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 on persons (parents, teachers, etc) who

disobey¹. Parents, whose 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.²

Based on the Report from Promolex, "Human Rights Situation in Transnistria region"
http://www.promolex.md/upload/publications/en/doc_1233068241.pdf

There are 203 officially registered Russian-, Moldovan- and Ukrainian-script pre-schools in the region. However, most of them teach in Russian, less than 20% teach in Moldovan, while there are practically no Ukrainian-script pre-school institutions on the left side of the Nistru River. The number of institutions that teach in various languages does not correspond with the number of inhabitants. Also, there is the issue regarding the excessive educational curriculum imposed on children.

The undergraduate educational system in the Transnistrian region includes 187 elementary and secondary educational establishments (elementary schools, gymnasiums, lyceums, general schools, evening schools and special schools), including: 133 (71.1%) Russian-script institutions, 33 (17.6%) Moldovan-script institutions (Cyrillic alphabet), 18 (9.6%) are mixed (14 Russian-Moldovan and four Russian-Ukrainian), three (1.7%) are Ukrainian-script institutions. The six Romanian-script institutions (Latin alphabet) from the region are under the jurisdiction of constitutional authorities from Moldova.

Another issue is related to grade equivalents. Educational establishments from the territory evaluate their pupils' knowledge according to a five-point grading scale, while those placed under the jurisdiction of Moldovan authorities use a 10-point grading scale. Hence, the grades of Transnistrian graduates of any level, who decide to continue their studies in other institutions in the country are „transformed”, so that they can get a maximum 9.5 points for a 5. Under such circumstances, children are discriminated and disadvantaged in relation to those who are graded according to the grading system applied in the rest of Moldovan territory.

At the same time, we have to note that the problem related to freedom of movement affects the right to education in a substantial manner. Pupils in the region are often prevented from participating in various contests, Olympiads and educational events held on the right side of Nistru River. Even today there is an obvious unwillingness from the part of Transnistrian authorities to guarantee proper functioning of the eight Moldovan Latin-script schools. In 2004 regional authorities refused to register Romanian Latin-script

¹ 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'.

² "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.

schools and required them to adopt the curriculum instituted by local authorities in Cyrillic alphabet. In such conflicts between Moldovan school pupils and teachers and non-constitutional authorities, the latter do not hesitate to use local militia forces. Some parents or teachers who had pleaded for the Latin script were even arrested. The Transnistrian education system promotes and mimics the Russian education system. Graduates of non-Russian schools who wish to study in countries other than Russia face difficulties or barriers because of the difference in education systems (this generally applies to graduates of Moldovan schools from the region).

22. *Please provide detailed information on the implementation of the 2007-2010 Plan of Action (Government Decision No. 1453 of 21 December 2006) to provide support for Roma and on the concrete outcome of measures taken to combat discrimination against Roma, in particular in the sphere of housing, employment, education, access to healthcare and social welfare. Please also indicate the extent to which Roma can participate effectively in the implementation and monitoring of the plan of action.*

Data on unemployed persons is not disaggregated by ethnic criteria in the Republic of Moldova. The Plan of Action on Support of Gypsy / Roma from the Republic of Moldova for 2007-2010 foresees realization of the following actions:

- ensuring specialist training in professions and traditional trades of the Roma in professional educational institutions, monitoring of employment of Roma graduates;
- informing and consulting Roma on questions about vacancies on the labour market, and assistance for their professional training and retraining;
- revival and development of traditional Roma trades, creation of ethno-craft zones in places with a substantial Roma population;
- assistance to development of private business among Roma.

The representatives of the Roma non-governmental organizations did not participate in the elaboration of the Plan of Actions on Support of Gypsy / Roma from the Republic of Moldova for 2007-2010, approved by the Government on 21 December 2006. Therefore the Plan of Actions does not include a number of activities which need to be undertaken for the support of Roma and combating of racial discrimination. In accordance with the Plan of Actions, ministries and departments have to elaborate annually plans for implementation of the Governmental decision. The only ministry which did not elaborate its internal plan for 2007 is the Bureau of Interethnic Relations. The Roma and other NGOs don't have the possibility to carry out effective monitoring of the implementation of the Plan of Actions on Support of Roma, because the Bureau of Interethnic Relations keeps back the information about the ministries and department's plan of actions for 2007 - 2008 and the information about the realization of the Plan in 2007.

The state admits the fact their dissimilar appearance serves an argument for local authorities to treat Roma/Gypsies differently (p.49 of Governmental actual report) and is a cause of racial discrimination. This position appears to misinterpret or fail to take into account Article 1(4) of the Convention, which provides for differences to be made between impermissible racial discrimination and permissible special measures "[...] taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights or fundamental freedoms [...]".

To date, the Government has totally failed in bringing up the issue of Roma on its agenda. The government's commitment to adopting special measures to improve Roma situation is shown by its failure to allocate any financial support for these policies in the State budget. First of all the respective Plans of Action lack a clear mechanism for implementation and a specific method to evaluate or monitor the implementation of the Action Plan, nor does it have a clear timeframe and allocation of responsibilities to relevant public authorities to implement the Plan of Action.

Despite the fact that Roma NGOs have proposed a Plan of Actions (2003) – the respective state public authority has replied in a manner – that reserves the rights to select its “33 points” without making them public until the adoption of the Action Plan on 21st December 2006 by the Government.

a) Under the New Action Plan our Center has encouraged the Government to consider adherence to Roma Decade of Inclusion 2005-2015 (www.romadecade.org). The Steering Committee of Roma Decade has several times invited the Moldovan Government to its meetings (in May 2005 by Romanian Government, in August-September 2006 by Bulgarian Government, in October 2007 by Hungarian Government), which has shown a complete indifference of attending, even when in some situation financial means were provided by the organizers. Under the arguments of public officials that the member fee is very high (twenty thousand Euro) the World Bank proposed to the Government a special loan, however the benefits of the Decade for improving the Roma situation are fifty times higher.

b) RNC is not aware of any single activity where the state has implemented any measures from the New Action Plan adopted in December 2006 up to today, February 2008.

Finally, in its Report, the Government has provided a wealth of information on measures taken to secure the cultural rights of minorities. Based on the information provided in the Government Report, it is apparent that Government measures to secure the cultural rights of Roma pale in comparison to those for other minorities. For example, in the description of the Government:

- There is half an hour per month of broadcasting "in the Gypsy language" on a state radio station;

- There are a number of Romani "ethnic-cultural organizations" officially registered with the Ministry of Justice; and

- The Government's Department for National Relations and Languages has "[taken] part in a number of meetings, round tables and other activities dedicated to the history of the Ukrainians, Jews, Germans, Gypsies, etc."

By contrast, other minorities have secured schools in the native language, including 394 schools in which Russian is a language of instruction, and other schools in which Bulgarian, English or Ukrainian are one or more of the languages of instruction. Moreover, it is not clear to what extent the right to the use of the Romani language is secured at all in Moldova, and if so, in what contexts.

Recent concerns on Roma

Law-enforcement bodies, the police in particular, manifest a discriminatory attitude, hostility, abusive behaviour and even violence towards the Roma and display lack of understanding towards these people, many of whom live in highly difficult conditions.

Therefore The Roma National Center presents a few cases in regard to the law enforcement attitude³.

1. Money extortion from a Roma family from Floresti district

In May 2008, around noon in the village Trifanesti, Floresti district, three men wearing civil clothes stopped their car, model OPEL, at the house of C.N. (52 years old). They presented themselves as police officers and came into the house to search for drugs. C.N was at home with his eldest son, C. M. (20 years old, disabled) and his wife C. M. In reply to the police officers Mr. C.N. requested the prosecutor decision and asked why they had not invited the local community police officer. The police officers replied that such

³ The Roma National Center does not give full names in the cases described below in order to assure protection and security of the Roma victims but they are available in our database of cases collected during the 2008 year.

laws do not exist and they do not need such a decision. After Mr. C.N. replied that they do not have any drugs and they can search if they want but demanded to invite some other people to witness the search. The police officers ignored the request of Mr. C.N. During the house search one police officer (identified later as Ghenadie Varvarovici, police officer in Floresti District Police Station) interviewed C.N. outside writing down notes while the others (these two police officers were identified later being from Chisinau, working in the Buiucani Police Station and their names were Mr. Jurcovschi Pavel and Mr. Ghiba Oleg) started to search the house. They searched all the four rooms but did not find anything and then Mr. Jurcovschi asked Ms. C.M to bring the ladder so that they could look at the roof. Ms. C.M could not follow them but saw how Mr. Jurcovschi Pavel threw a small thing under the bed and asked her to pick it up. The police officers came out of the house with a tiny bag (having a size of a fist) and found drugs (cannabis) inside of it. Ms. C. M replied that they did not have drugs in the house and the bag was thrown by the police officers. The police officers got very angry and asked Mr. C.N to follow them to the Floresti Police Station. At the police station Mr. C.N. was brought to the office of Ghenadie Varvarovici. They kept him in the office next to the wall for a few hours and then started to interrogate him, asking Mr. C.N where he had got the drugs from. Mr. C.N replied that the drugs do not belong to him and he is not going to touch the drugs. The police officers left Mr. C.N. in the office with another local police officers, who was making bad jokes about him. Later when Mr. Jurcovschi came it was around 19.00 in the evening and hit him in the head and said "...do you want to go to the jail or you'll give us USD 500 and we'll forget everything?"

The police officers had pressured Ms. C.M. who also followed to Floresti district Police Station in order to find out what was going on. She showed her willingness to pay only USD 300 and asked the officers to release her husband immediately. On the second day, Ms. C.M. filled a complaint against the police officers at the Floresti Prosecutor office, which was registered by Mr. Ion Timofeevici Vacari. On the next day, Mr. Ghiba Oleg, one of the police officers invited Ms. C.M. to Floresti district police station where he asked her to withdraw her complaint from the prosecutor. After one week Ms. C.M. was again asked to come to Floresti district Police Station, where she met Mr. Oleg Ghiba. She was asked to sign some documents regarding the rights and obligations under the article 64 of Penal code. Later the local police officer from the village Trifanesti, Floresti district met Mr. C.N. and asked what problems he had had with the police. He did not clarify the situation and replied that they had bothered him because he is a gypsy.

In an intervention of the Roma National Center our monitor never got a reply from the police officers that such a case had ever existed and that this is something made up by the Roma. The Roma National Center has suggested filling a complaint at court against the police officers, but Mr. C.N. and C.M refused to do this as they do not have confidence in the judiciary system.

2. Misconduct of police officers with the Roma from Straseni.

At the beginning of October 2008, in the town of Straseni, around 10 O'clock in the morning two men who introduced themselves as police officers entered the courtyard of Mr. C.V. (who is 24 years old) and asked Mr. C.V. to follow them to the police station because he was claimed for having committed a theft. There were two cars, and in the other one he saw one of his brothers and his sister-in-law who were picked up from the bus station in Straseni. They shackled Mr. C.V. and put him in the second car. Driving down the streets in Straseni near the center of the town they saw another brother of C.V., Mr. C.N. and forced him also to get in the car. Then they left for the police station in Chisinau (Buiucani district) where they arrived around 11 O'clock. They took all four people into different offices. After a few hours that Mr. C.V. had been standing next to a wall alone, one of the police officers came in and asked him to sign some papers. He obviously refused as it was written that a mobile phone had been stolen and he was witnessing the incident. Then the police officer mentioned that if he does not sign the paper he will beat him or he will be put in a prison. After several attempts the police officer left him alone again. Then another policeman came in and they went into another office where there were more policemen present and there he was verbally injured on the grounds of his ethnicity, and one of the policemen started to imitate as he would

take off the clothes and dance, after which he punched Mr. C.V in the head. Mr. C.V mentioned also that his request to go to the toilet went ignored as the police officers pretended that they had not heard him.

Similarly, mistreatment and psychological pressure was applied by policemen to Mr. C.V's brothers Mr. C.N and Mr. C.P as well as his sister in law Ms. A.T who reported later to the Roma National Center that they had been forced to confess a theft. They were all kept in the police station for over nine hours, without food nor water and even being able to use the toilet. For instance, Ms. A. T. was interrogated if she had stolen the phone and further threatened that the brothers would stay in prison if she did not tell who did it. They were all kept in the police station until 19.00 in the evening after which Ms. A.T was taken into another office to be identified by the victim and then she was summoned to be present at the police station again the following day. After one week Ms. A.T reported to the Roma National Center that she was imposed a fine of MDL 300 (~23 euro) as an administrative offence under the art. 167 Administrative Code.

In the intervention of the Roma National Center, we witness that all the persons brought to the police station were kept more than three hours and they were not accused officially. They were not even recorded in the visitors' registry. In a discussion with the vice-chief of the criminal police station of Buiucani, Mr. Roman Railean had unofficially mentioned that "he had spent gasoline bringing them to Chisinau and they must think what to do". At the end, no official accusations were brought to them.

3. A Roma family from Mereni Noi, Anenii Noi district was harassed by local policemen.

In May 2008, in the village of Merenii Noi, Anenii Noi district, around 5 O'clock in the morning, four men entered the house of Mr. F.P. and presented themselves as policemen and said that they had to search the house, because a valuable object had been stolen. There was only his son, Mr. F.P. at home and he did not allow them to commit the house search as long as his father was not at home and claimed that they did not have such a thing in their house. The policemen insisted that they had all the necessary papers for the investigation although they failed to present them when asked. The son of Mr. F.P wanted to invite some neighbors to witness the examination. The policemen pulled Mr. F.P. back to the house calling him "a stinky gypsy". During the house search, the policemen broke some furniture, for example a bookshelf. After the house search they did not find anything and asked the son of Mr. F.P. to sign some papers, and when leaving, they said: "this time we didn't find anything but next time we'll do it for sure!" Mr. F.P. reported to the Roma National Center that the local policemen from Merenii Noi village do not like the Roma and they always try to intimidate their family and this was not the first time. A few months ago he was also taken to the police station with his brother and sister and they were accused for having committed different illegalities.

It was at the end of August 2008, around 8 O'clock in the morning when the son of Mr. F.P., Mr. F.M. was close to the Mayoral Office that a local policeman, Brailean Victor drove there with an unknown person. The policeman took Mr. F. M. and told him to get in the car. They went to the police station in Anenii Noi and entered an office where there were three other policemen. They accused him of stealing 1000 euro from a person from the village. Mr. F.M. told them he had not stolen the money. One of them took him to another office, locked the door and kicked his legs and abdomen. After this, he was taken into another office where there was also the head of the police station, who told him to do what they wanted or otherwise they would beat him. The policeman had used an aggressive tone and called him with bad words, injuring his ethnicity. Mr. F.M. stayed there from 8.00 morning until 19.00 evening, without being able to sit or make a call to inform his parents. After that, the local policeman took him and they went to the local police station where he was given a paper for signing in order to be liberated of all this. After this case Mr. F.M. was not able to walk for a month because of the pain in his legs. (case under monitoring)

4. The police officers harassed a Roma woman.

On October 10th 2008, around 15 O'clock a Roma woman Ms. B.B. who works as a trader in the Central Open Market in Chisinau was insulted on the grounds of her ethnic origin by a person dressed in civil clothes who introduced himself as a police officer. The man attacked her and asked her to stop selling goods. When the Roma National Center got involved the other two policemen from the Central Open Market came to the place in order to clarify the situation. Later Ms. B.B was invited to follow to the police station to explain what had happened. The policemen did not ask Ms. B.B to write a written declaration, so the RNC helped Ms. B.B. to fill in a complaint against the policemen. The case is still under investigation.

23. *Please provide detailed information on progress made, and difficulties encountered, in implementing the legislation on the use of minority languages in contacts with public authorities, and indicate to what extent such languages are effectively used before the courts and administrative authorities of the State party. Please also provide additional information on the measures taken to enhance the opportunities for members of national minorities, including Roma, to receive instruction in their language and on their culture at the primary and secondary school levels. (CCPR/C/MDA/2, paras. 731; 740-761)*

Roma and Education

a) A Roma boy from Durlesti beaten in the school.

One morning in January 2008, a non-roma woman Ms. Dinu Elena came to the school Nr.5 "A. Donici" in Chisinau and entered the class room VI. She started to beat Mr. Timbal Vladimir (13 years old) with her fists in his face, pulling his hair and with inappropriate words injuring his ethnicity calling him a "stinky gypsy" and threatened that she would send him to a reformatory school. All this occurred in front of the other pupils and in the presence of the assistant director Mrs. Vornicescu Tatiana and labour teacher Ms. Tasca Vasillii. Ms. Vornicescu Tatiana encouraged Ms. Dinu to hit him more. Mr. Timbal Vladimir felt very bad and left home. One of the following days he visited a doctor and got medical examination certificate nr.210 from 15 January 2008. Mr. Timbal Vladimir did not attend school for the next two months.

Some days after the incident, Mrs. Elena Parapir, Mr. Timbal Vladimir's mother, submitted a complaint to the Child Protection Office, Buiucani district, the Chisinau municipal.

In July 2008, Roma National Center collected evidence on the case interviewing the head of the Child Protection Office, Mrs. Tamara Lesnic, the headmistress of the "A. Donici" school, and witnesses. All of them confirmed that the incidence had taken place, and that the Direction of Child Protection had documented the case and there was already a sentence emitted. Mrs. Tamara Lesnic also informally added that Mr. Timbal Vladimir is a disobedient child: "nasty, not attending the school, does not learn anything, and runs away from the classes. She also denied that Mrs. Dinu Elena would have hit Mr. Timbal Vladimir and stated that she had just asked Mr. Timbal Vladimir to lay off her son. She suggested that the RNC could work more with the illiterate Roma children who do not even have birth certificates. She also mentioned that the Roma do not want to attend the school and do not want to work.

In July 2008, the Roma National Center sent a letter to the police station of Buiucani district concerning the case and requested the court decision. We never got a reply.

On 18 July 2008 the RNC tried to have a talk with Mrs. Vornicescu Tatiana, who could not be reached. However, we managed to have a discussion with Ciobanu Rodica, the class teacher who mentioned that Mrs. Dinu Elena did not beat Mr. Timbal Vladimir and the case was closed.

The only person who mentioned that the incident had occurred was Mr. Tasca Vasillii who also intervened and asked Ms. Dinu Elena not to beat him but to find other ways to solve the situation.

In the following study year 2008-2009, Mrs. Elena Parapir transferred Mr. Timbal Vladimir to another school nr.64 from the town of Durllesti.

b) A Roma girl refused free admission to school.

Ms. Lepadatu Regina is 18 years old and has graduated from „N. Levitchi” Upper Secondary School in Chisinau. In August 2008 she handed in matriculation acts at Nr.1 Vocational High School in Chisinau requesting to study there for a period of three years. However, she was told by the Admission Committee member Mr. Ion Stratulat that she can study there just for one year and has to pay the study fees as she has too poor marks. The case was solved by the Roma National Center’s intervention and she was admitted to study for three years receiving thus a state scholarship.

c) Upper secondary school is refusing to accept Roma children.

In July 2008, the Headmistress of the Upper Secondary School “A. I. Cuza” refused an admission to Stan Romina and Stan Daniel to continue their studies in the school, and asked Mr. Ion Coniuc (the father) to find another school because the program was too challenging for his children. In August 2008, the RNC had a discussion with the Headmistress Maria Grosu, who stated that Stan Romina and Stan Daniel had poor marks, skipped the classes and did not attend the school. She said that she had earlier had some unpleasant disputes with their grandmother Mrs. Ahtirseia Eugenia who came to the school and made a big scene, which reminded her of a “gypsy bazaar”. She claimed that the school did not support her grandsons. During the interview, Mrs. Maria Grosu’s assistant Eugenia Burlacu, mathematics teacher Mrs. Rimis Parascovia, and psychologist Chicu Irina supported the Headmistress for the refusal of the admission. However, there are regulations for the admission and they can compete but she suggested them to go to the school nr.46 where they have more Roma children. At the time being, the children are not enrolled in any school.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

24. *Please indicate what steps the State party has taken to disseminate information about the submission of the present report, its examination by the Committee and the Committee’s previous concluding observations on the initial report. Please also provide information about the measures taken to raise public awareness of the Covenant and its Optional Protocol among judges, public officials, police and law enforcement officers, legal advisers and the public at large.*

The authorities of the Republic of Moldova have not organised any event to disseminate the information relating to the Covenant and the Optional Protocol.

Additional issues to be raised:

1) Freedom of association

Right to association has been seriously restrained particularly in the course of 2006-09. Many nonprofit organizations and foundations cite difficulties in registration or registration amendments to their bylaws or even changes in the components of their governing bodies. Over the period of March 2009 until now (moment of writing of report), the authorities, and particularly Ministry of Justice responsible for the registration of the nongovernmental associations effectively banned and refused registration of any

association. There are at least 10 cases of various NGOs that have been refused registration on the grounds that are incompatible with the law on nonprofit associations. Council of NGOs from Moldova stated that

Case 1. Center for Democracy and Human Rights.

A group of individuals lodged the application to register the Center for Democracy and Human Rights in April 2009, Ministry of Justice refused registration citing 3 reasons that the name of the organisation is already similar to the name that already exist therefore could not be registered (yet not providing the similar name it referred to in order to facilitate the founders to find another name or change as necessary), the bylaws should be amended to explain the mandate of the executive committee and some minor changes. The law provides for the procedure of suspension of the registration if the submitted bylaws contain some provisions that are not in conformity with the Law on nonprofit association and after the amendment of the bylaws submitted the nonprofit association will be registered. Ministry of Justice has preferred to refuse the registration on these unclear grounds. The founders have complied with all requests of the Ministry and resubmitted the files and the bylaws, Ministry of Justice refused again the registration, this time (again not following the law and suspending the examination) finding that some more provisions should be changed in the bylaws and that some documents required are missing from the file, yet the whole package of the documents have been submitted. The founders addressed for the third time with the whole package of the documents to the Minister of Justice in the procedure of administrative review of the refusal, this time, the founders received the refusal citing that there are no reason to review the earlier decisions. The founders appealed to court procedure and await the court hearings.

Two more cases are the Institute of Leadership and Center for Research and Social Policies. Both were refused first time and second time registration at the Ministry of Justice citing some minor changes necessary in the bylaws in order to comply with the law on associations. Cases pending court examinations.

2) Freedom of peaceful assembly

Freedom of assembly in Moldova in the past years can be analyzed in the light of two different legal frameworks that regulate the exercise of this freedom. On April 22, 2008 in Moldova came into force a new law on assemblies. The period prior to this date is characterized by multiple violations of freedom of assembly. Until 22.04.2008 the authorization procedure was in force creating the possibility of imposing more restrictions and obstacles from local authorities and police.

On 22 April 2008, the new law on assembly entered into force. The new law is the culmination of a long-term effort to create a more favorable legal framework to facilitate the realization of freedom of assembly rights in Moldova. The old law on assembly had been the source of constraints on the realization of freedom of assembly, and in some cases before the European Court of Human Rights, the Court found violations of the ECHR against the Republic of Moldova for violations of freedom of assembly rights.

The introduction of the notification procedure has meant that restrictions on assemblies are imposed by the police during the event. The new law introduced further guarantees for assemblies and their organizers. The evidence shows that in practice there is some progress regarding the use of restrictions by the police, while monitoring has shown that at times the police still intervene unjustifiably with assemblies. The courts' rejection of police interventions proves this hypothesis, while the imposed restrictions rely on legislation on administrative sanctions rather than on the new law on assemblies. *This means that the new law has managed to outlaw unjustifiable police intervention under the assembly law and has imposed more scrutiny, yet the police have unjustly used the administrative sanctions law to impose restrictions. This situation will require awareness-raising and a shifting in police attitude to ensure they work to the spirit of the new law.*

Concerns remain with regard to the positive obligations of the police to protect and facilitate the assemblies, the cooperation of the police with the local authorities and the prosecution of the perpetrators of the freedom of assembly rights.

The evidence shows that in practice there is some progress regarding the use of restrictions by the police. The monitoring shows that the police still intervene unjustifiably with assemblies. The courts' rejection of police interventions proves this hypothesis, while the imposed restrictions rely on the legislation on administrative sanctions rather than on the new law on assemblies. *This means that the new law has managed to outlaw unjustifiable police intervention, under the law on assemblies, and has imposed more scrutiny on the police to intervene with the assemblies, yet the police have started to unjustly use the administrative sanctions law to recourse to the imposition of the restrictions. This situation will require awareness-raising and a shifting in police attitude to ensure they work to the spirit of the new law.*

Growing number of the aggressive third party intervention in the assemblies is not properly matched by the police actions. The positive obligations of the police to enforce the law by facilitating assemblies remain one of the critical problems. These could be possibly explained by the lack of the sufficient capacity and not adequate attitude towards the role of the police in facilitating the assemblies. *The failure to exercise the positive obligation jeopardizes the exercise of the freedom of assembly rights.*

Prosecution of the perpetrators of the freedom of assembly rights has not been endorsed in practice by the Prosecutor's office. The evidence presented shows that there is an increasing unjust interferences with the exercise of the assembly rights on behalf of the aggressive third party actors as well as by the police. In both cases the assemblies result in de facto suspension and/or seizure not agreeable to the organizers of the assemblies. In some cases courts even endorse that interferences with the assemblies are illegal. Relevant complaints to the prosecutor to act on the cases of the violation of the freedom of assembly rights remain unanswered. *The failure to prosecute the perpetrators of the freedom of assembly rights creates the police and aggressive third party impunity and unaccountability.*

Case studies illustrating the above findings

Case studies on police intervention

18.12.2008.

On 18.12.2009, Anatol Mătășaru intended to carry out a peaceful assembly using a donkey and a pig in police and prosecutor clothes showing his attitude towards the work of these institutions. Anatol Mătășaru has been detained before the demonstration at his place, so that the animals and his car were blocked by police. Police limited Matasararu right to movement, no charges have been brought. At a moment, one policeman declared that Matasararu urinated in public space and immediately 3 policemen in civilian clothes detained him, while the other policemen in police clothes watched the happening. Overall, there were more than 10 policemen in uniform and 9 policemen in civilian clothes, 2 road policemen, 5 police cars and a special operational police from General Police Commissariat.

Video recording of the event:

http://www.publictv.md/ro/Retinut_in_troleibuz_de_politisti-20.12.2008

29.01.2009

On January 29, 2009 Mr. Anatol Matasararu pursued a solitary protest in front of the General Prosecutor office in Chisinau. The action took place on the pavement in front of the building of the General Prosecutor. During the protest A. Matasararu used graphic and sound hyperbolized satirical means. The protest was interrupted by police representatives after less than 15 minutes under the accusation that the

protester did not comply with the conditions of the declaration. The protester was violently detained by police 4 officers.

The court acquitted the protester A. Matasaru in a process initiated by the police upon these events.

Video recording of the event: http://www.publictv.md/ro/protest_porcuror_de_ziua_procuraturii-29.01.2009

30.04.2008 Case of Oleg Brega

On 30.04.2008, 3 members of the Hyde Park organization held a protest against the editorial policy of the national TV station. The protest was held in front of a concert hall, where a 50 years anniversary concert of the TV station was going to take place. One of the protesters wore a canvas with inscriptions: "Courage, Protest" and "50 years of lies". Immediately after the arrival of the protesters in front of concert hall they were surrounded by several plain clothes police officers, including high position officers in the municipal police. For almost 10 minutes the policemen blocked discreetly physically the protesters. At one point, under the pretext of committing violence, the protesters were detained by police and taken to the police station.

All protestors were detained in the police station for 21 hours. In the trial initiated by the police, all the protesters were acquitted, but not before one of them completed a 3 days sentence of administrative arrest.

Video recording of the event: http://www.publictv.md/ro/20080430_hyde_park_palatul_national-17.03.2009

10.05.2008 case of Ghenadie Brega

On 10.05.2008, Ghenadie Brega had come out to protest on National Square, because he could not find out where his brother, Oleg Brega, was. His brother had been detained for 2 days under the administrative arrest for the peaceful manifestations carried out earlier. Gh. Brega asked to be told where his brother had been. After 15 minutes of peaceful assembly, - 2 policemen approached (V. Olaru – deputy chief operational police Chişinău and C. Avornic chief special police "SCUT"). The later aggressed verbally and physically the demonstrator and detained him transporting to the police station. Gh. Brega has been detained for 48 hours, the court acquitted him. The two policemen have been sanctioned disciplinary later on.

Video recording of the event: http://www.publictv.md/ro/20080510_ghenadie_brega-17.03.2009

Case studies on the positive obligation of police to ensure order and security during assemblies

05.10.2008 Bălţi

On 05.10.2008 Liberal Party has organized a protest action in Balti in front of the entrance in city park next to the City Hall. The decision to protest in this place followed the refusal to allow the protest in the front of the Stefan cel Mare statue. The meeting had as an objective the protest against the presence of the Russian Army in Transnistria and calling for its withdrawal. Around 20 policemen participated in the demonstration, carrying posters and disseminating flyers. Around 15 minutes later, a group of 30 persons approached the demonstrators and started to verbally aggress the demonstrators, they have also attacked the posters, turned them down, destroyed, have seized the informational materials and have left the place. The protest has continued. In a while, the violent group returned and deprived the demonstrators of the rest of the materials by physically aggressing the demonstrators. Both groups have entered into violent clashes. The demonstrators had to stop the protest. The police have always been present on the spot and had not intervened. The protest has been dully notified.

03.02.2009 Human rights organisations protesting in front of General prosecutor Office

On 03.02.2009 around 40 people, representatives of several NGOs protested in front of the General Prosecutor Office in Chisinau asking for compliance with the rights to freedom of assembly. The peaceful protesters were violently attacked with spray and abusive words by a group of 6 aggressors. Within 1-2 minutes altercations and violence occurred between aggressors and demonstrators. After 2-3 minutes the aggressors left. Although representatives of the police were present at the assembly in plain clothes, they have not intervened in any way to ensure public order and security of the peaceful assembly. Police limited its actions only to the video shooting of the incident.

Video recording of the event:

http://www.publictv.md/ro/manifestare_ong_libertatea_de_intrunire_si_altercatii_la_procuratura-04.02.2009

Detailed information about freedom of assembly in Republic of Moldova can be found in the periodic monitoring reports prepared by the Resource Center for Human Rights (CREDO),

<http://www.credo.md/assembly/>:

- [Account of assemblies on 6-7 April 2009](#);
- [Implementation of Assembly Legislation in Moldova in 2008](#);
- [Monitoring Freedom of Assembly Monitoring Report: 2007](#)

Informational sources:

Resource Center for Human Rights:

- [Freedom of assemblies in the electoral context 2009](#)
- [Implementation of freedom of assembly polices in Moldova - 2008](#)
- [Policy paper on the linguistic educational policies for the national minorities of Moldova](#)
- [Security, Liberty and Torture in the Aftermath of April 2009 events \(together with Moldovan Institute for Human Rights\)](#).
- [Analysis and account of the events on 6-7 April 2009 \(updated\)](#)
- [Analysis of the budgetary policies in educational area and the cost of educational policies administration](#)
- [Monitoring freedom of assembly policies and legislation in the Republic of Moldova - 2007-](#)
- [Shadow report on the implementation of the UN Convention on the elimination of all forms of racial discrimination \(CERD\), drafted together with National Roma center and Center for Inteethnic Research](#)
- [Policy brief on the adoption and implementation in practice of the nondiscrimination policies in Moldova](#) (elaborated to facilitate the implementation of obligation 2.1 (4) para 4 from EU-Moldova Action Plan);
- [Policy paper on the creation of national preventive mechanism against torture to implement the provisions of the Optional Protocol \(OP CAT\) to UN Convention against Torture ratified by Moldova in March 2006 \(includes specific legislative and normative amendments\), \(elaborated to facilitate the implementation of obligation 2.1 \(4\) para 2 from EU-Moldova Action Plan\);](#)
- [Policy research of strategic estimate of the Transnistrian conflict solution proposed in April 2007](#)
- [Paper on Policy alternatives on the ratification of art.22, art.21 to UN Convention against Torture and creation of the adequate institutional framework for the implementation, \(elaborated to facilitate the implementation of obligation 2.1 \(4\) para 2 from EU-Moldova Action Plan\);](#)
- [Paper on Policy alternatives on the ratification of First Optional Protocol to UN Covenant on Civil and Political Rights and creation of the adequate institutional framework, \(elaborated to facilitate the implementation of obligation 2.1 \(4\) para 2 from EU-Moldova Action Plan\);](#)
- [Opinion on modification of the law on nonprofits associations, \(elaborated to facilitate the implementation of obligation 2.1 \(10\) para 1 from EU-Moldova Action Plan\);](#)
- [Assessment of the Refugee Generation Factors from Moldova;](#)
- [Assessment of the Public Policies on Concluding Bilateral Agreements: Minority Rights Dimension;;](#)


- [Assessment of the Minority Language Policy in Areas with Compact Population of Ukrainians and Bulgarians](#);

Promolex Association

- Research "Human Rights in Moldova's Transnistrian Region" , [PDF 1.14Mb](#),
- The Right to Freedom of Movement in the Transnistrian region of Moldova, [PDF 890.24Kb](#),
- Report on human rights violations in Moldova - 2006 Retrospective, [PDF 852.99Kb](#)

Roma National Center, <http://www.roma.md>

1) Human Rights Report on the situation of Roma in Moldova-2009,



Annex - The situation of Ukrainian and Bulgarian Minorities in Education

This section will analyze how Ukrainians and Bulgarians in rural areas⁴ perceive the use and the meaning of their native, state and Russian languages in the education.

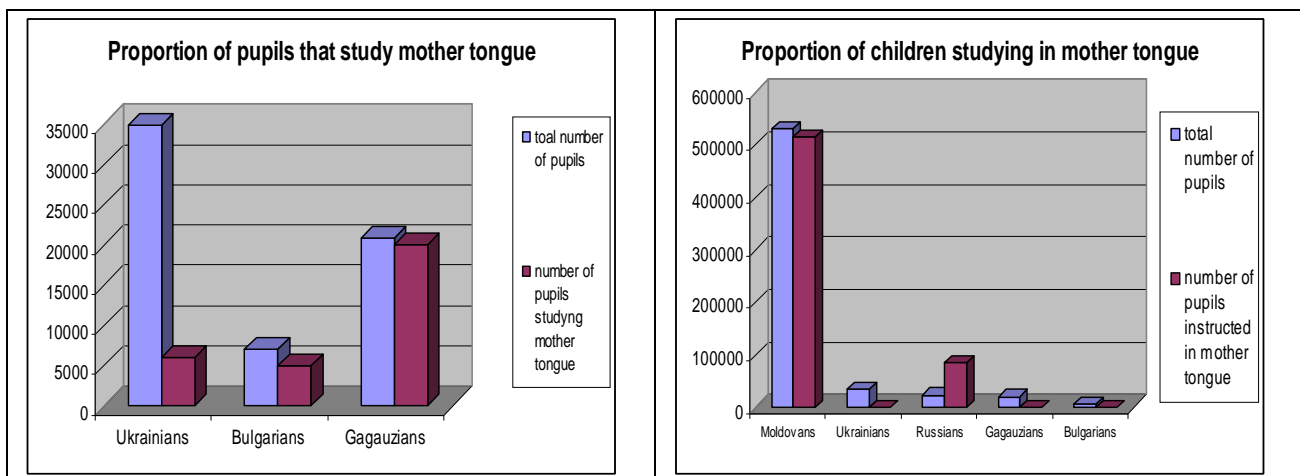
The review is based on the Paper regarding the evaluation of Linguistic educational policies for national Minorities in Moldova by Resource Center for Human Rights (CRDO):

<http://credo.md/arhiva/documente/MoldovaMultiLingualEducationConciseTitle%20v2.3%20abridged.pdf>

Education system in Moldova stands for only monolingual education. School language education for minorities is carried out in Russian language. Only 374 children study in Ukrainian as language of instruction, which is 0,06% of all Ukrainian children. 171 children study partially in Bulgarian, which is 0,02% of total. Ukrainian language as a separate subject is studied in 37 schools (5 984 children) and Bulgarian in 30 schools (7 925 children).

The law on protection of national minorities provides for the education in public schools only. 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 minorities⁵. The situation of Ukrainians and Bulgarians are a clear example for that.

Graph 3.1 (Proportion of pupils that study mother tongue), graph 3.2 (proportion of pupils that study in mother tongue)



Source: unofficial data from MET, 2005-6 (no official data could be obtained)

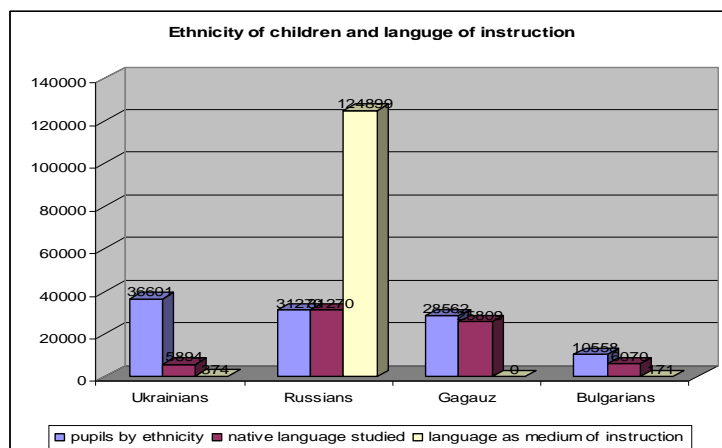
The curriculum for the national minorities (Ukrainians and Bulgarians) is a generic one. All the subjects are taught in Russian, the Russian is considered the language of instruction from the kindergarten to high education (Universities). Ministry of Education and Youth (MET) passed the decision that in the areas where national minorities desire so, a national minority language could be studied as a discipline for 2-3 hours per week. Moreover, additional disciplines of national history and the culture of national minority

⁴ "Rural areas" refer to Bulgarians and Ukrainians living outside of Chisinau city or Balti city municipalities, where the research has been carried out.

⁵ Art. 14 of the European Framework Convention on Protection of National Minorities, art. 16 of the European Charter for Regional and Minority Languages

could be studied having up to 2-3 hours per week. MET has drafted the respective educational plans for this subjects and elaborated methodological support books for the teachers.

Graph 3.3



Source: Unofficial data from MET, 2005-6 (no official data could be obtained)

Educational policies are very much centralized; the role of the local authorities in education is limited. MET sets out 95% of the content of the educational program content. Local authorities together with the school administration can decide on the rest 5% of the educational curriculum in terms of the disciplines. The curriculum is very much centralized and is subject of rigorous inspection from the rayon educational inspectorates and the MET. Local authorities, namely rayon council's educational administration can provide for the educational variations within 5% limit. This means effectively, 2-3 hours of the educational curricular per week only.

Section conclusion:

- Ukrainians and Bulgarians study in schools with Russian language as the medium of instruction,
- less than 1% of Ukrainians and Bulgarians study in their native language as the medium of instruction,
- less than 10% of Ukrainians and around 50% of Bulgarians study their own language,
- 95% of the content of the educational curricular, including language of instruction component is decided by the central authorities.

- Perception by Bulgarians

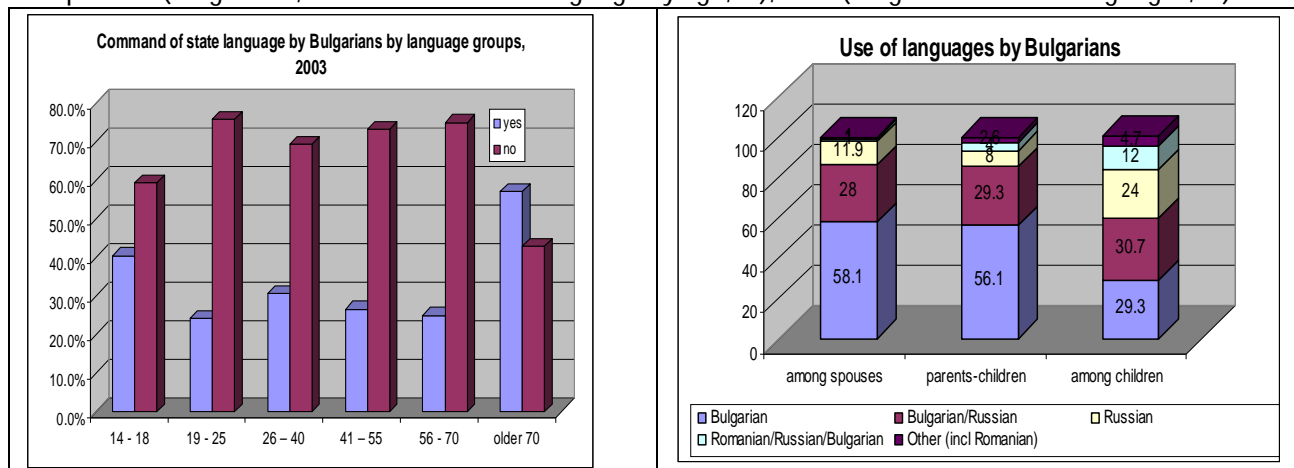
Data from 2003 shows⁶ that knowledge of the state language differs according to the age structure of the respondents. 55% of the population segment of 70 and older speak state language. A similar pattern is almost matched for the segment 14-18 years, where almost 40% speak state language. The lowest knowledge of the state language is registered for the segment of 19-25 years (20%), followed by 41-55 years, 56-70 years (22-24 %).

The use of the Bulgarian language among spouses is substantial. It reaches 58% and together with the use of mixture of Bulgarian and Russian reaches 86%, less than 12% speak among themselves only Russian. The use of languages among parents-children shows a rather similar pattern, where Bulgarian is used in 56% and plus a mixture of Bulgarian and Russian reaches 87%. The use of only Russian is only in 8%. The use of

⁶ Research conducted by Center for Minority Rights and Resource Center for Human Rights in 2003 [3].

Bulgarian, among the children, decreases almost twofold to 29% and together with the use of mixture of Bulgarian and Russian to 60%. The use of only Russian registers an increase to 24%. *One can see that the place of Bulgarian is being taken over by Russian and partly by mixture of Russian/Bulgarian/Romanian languages.*

Graph 2.12 (Bulgarians, command of state language by age, %), 2.13 (Bulgarians: use of languages, %)

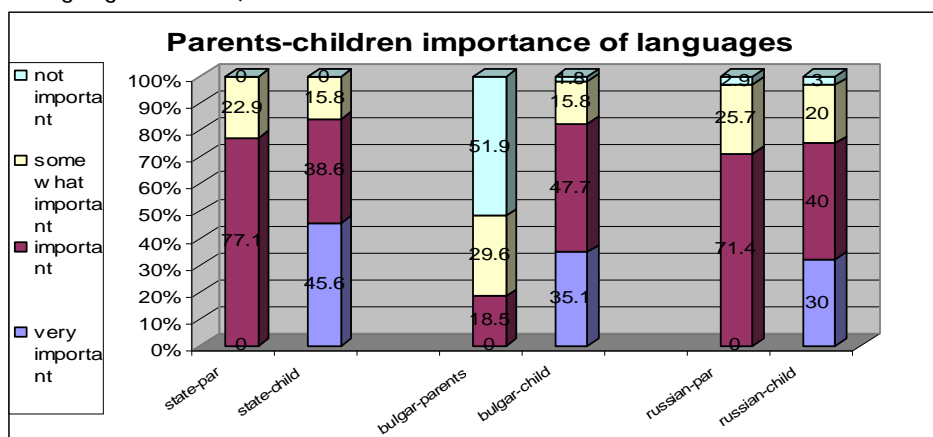


Source: Sociological investigation by the author's team, 2008

The following graphs show parents-children language communication. 77% of respondents consider state language as important, 23% somewhat important, while 46% of children consider state language as very important and 39% consider it as important. *One can see that children give a higher value to the state language than their parents.* The situation with Russian language mirrors the state language situation.

There is a significant difference in children appreciation of the Bulgarian language as compared to the value that is given by their parents. The pattern of importance of the Bulgarian language in children perception is somewhat similar to the responses given to the state and Russian languages, yet the importance for Bulgarian languages is higher than of Russian and less important than state language. The value of the parents for Bulgarian language is considerable smaller than those of the children.

Graph 2.14 (parents-children importance of language, % in columns: 1) state language-parents, 2) state-language children, 3) Bulgarian language-parents, 4) Bulgarian language children, 5) Russian language-parents, 6) Russian language-children)

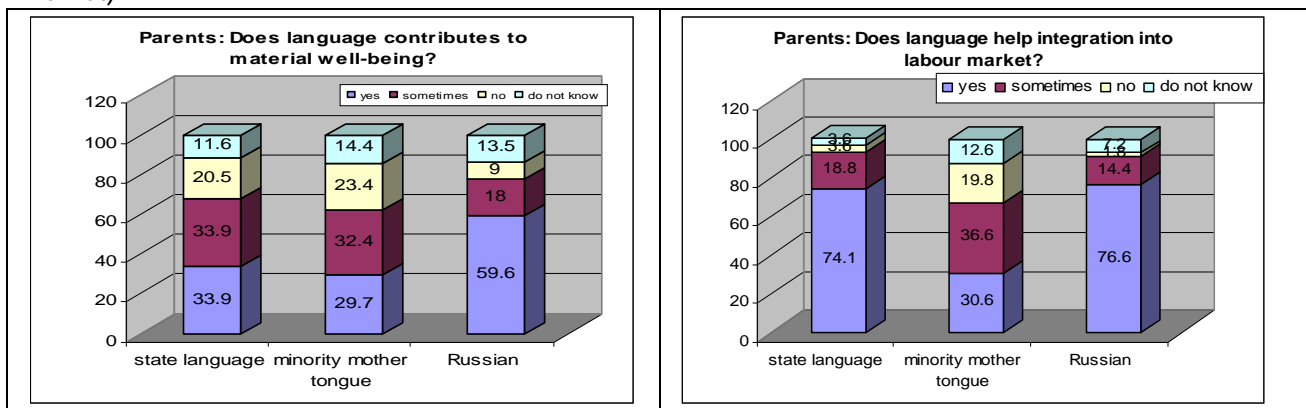


Source: Sociological investigation by the author's team, 2008

The graph below shows that children’s proficiency in understanding, speaking and writing in state languages. 14.7% of children state that they understand very well and 57% well with preferences in some areas, overall, more than 71% say they understand very well and well. Speaking pattern differs, only 13% said they can speak very well and only 21% say they can speak well with preference in some areas, overall only 35% (half) can speak state language. A substantial rate of 32% say they can speak only in some areas and 13% speak with difficulty. *One concludes that children have good understanding and writing skills.*

The overwhelming majority of parents consider state and Russian languages are important for the integration in the labor market. 94% (74% yes and 19% sometimes) and 92% (76% yes and 14% sometimes) of parents consider that correspondingly state language and Russian language are important for the labor market integration. Only 66% (31% yes and 37% sometimes) consider that Bulgarian is important for the integration into labor market.

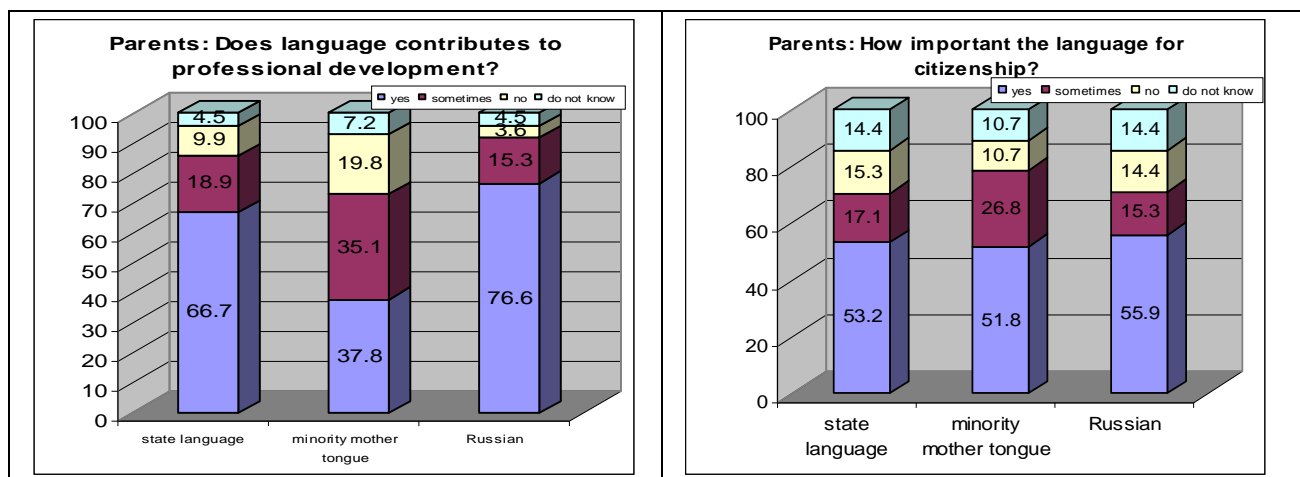
Graph 2.16 (Parents: Language contribution to well-being), 2.17 (Parents: Language integration in labour market)



Source: Sociological investigation by the author’s team, 2008

The overwhelming majority of parents consider state and Russian languages are important for the professional development. 96% (67% yes and 19% sometimes) and 92% (77% yes and 15% sometimes) of parents consider that correspondingly state language and Russian language are important for the professional development. Only 73% (38% yes and 35% sometimes) consider that Bulgarian is important for the professional development.

Graph 2.18 (Parents: language and professional development: 1) state language, 2) mother tongue, 3) Russian), Graph 2.19 (Parents: Language and Citizenship)



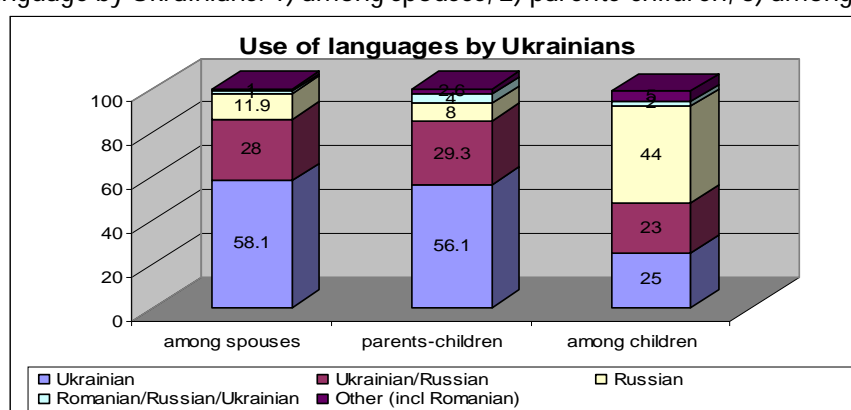
Source: Sociological investigation by the author's team, 2008

2/3 of respondents consider that all three languages: *state, Bulgarian and Russian have equal value*. Indeed, only 10-15% does not know whether languages represent the importance for the citizenship, and 10-15% consider that the languages are irrelevant for the citizenship determination. Around 70% consider all and separately languages determinative for the citizenship.

- Perception by Ukrainians

The use of the Ukrainian language among spouses is substantial reaching 58% and together with the use of mixture of Ukrainian and Russian reaches 86%, less than 12% speak among themselves only Russian. The use of languages among parents-children, shows a rather similar pattern, where Ukrainian is used in 56% and plus a mixture of Ukrainian and Russian reaches 87%, the use of only Russian is only 8%. Among the children, the use of Ukrainian decreases more than twofold, to 25% and together with the use of mixture of Ukrainian and Russian to only 48%. The use of only Russian registers increase to 44%. *One can see that Russian language has been taking over the place of the Ukrainian.*

Graph 2.20 (Use of language by Ukrainians: 1) among spouses, 2) parents-children, 3) among children)



Source: Sociological investigation by the author's team, 2008

Graphs that follow show the importance of the languages in material well-being and in income-generation activities. Parents score almost equally the contribution of the state and Ukrainian languages for the material well-being, overall 78% (53% "yes" and 23 "sometimes") for state language and only 59% (28% "yes" and 31% "sometimes") for Ukrainian language. Russian language has higher score for the material well-being, up to 90% (72% "yes" and 17% "sometimes"). *2/3 of parents consider that state and Russian*

language skills contribute to the material well-being, while Ukrainian skill is considered by only half as an important skill.

The overwhelming majority of parents consider state and Russian languages are important in order to integrate into the labor market. 86% (74% yes and 12% sometimes) and 90% (81% yes and 9% sometimes) of parents consider that correspondingly state language and Russian language are important for the labor market integration. Only 55% (32% yes and 24% sometimes) consider that Ukrainian is important for the integration into labor market.

Citizenship and language relationship has been explored, so that 2/3 considers that all three languages: *state, Ukrainian and Russian have almost equal value*. Indeed, only 10% does not know whether languages represent the importance for the citizenship, and 10% consider that the languages are irrelevant for the citizenship determination, note that already 24% consider that state language knowledge is not linked to citizenship. Around 70% consider all and separately languages as determinative for the citizenship.

Section conclusion:

- Russian language gradually takes over⁷ Bulgarian and Ukrainian,*
- understanding and writing skills are present in 70% of the children and speaking with 35%,*
- Bulgarian and Ukrainians children have substantial 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 skills as an important contributor to the well-being,*
- overwhelming majority of parents consider state and Russian languages are important for the integration into 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,*
- 2/3 of respondents consider that all three languages: the state, Bulgarian or Ukrainian and Russian have equal value and represent the citizenship foundation of the society.*

- Bulgarian communities' perception in 2008

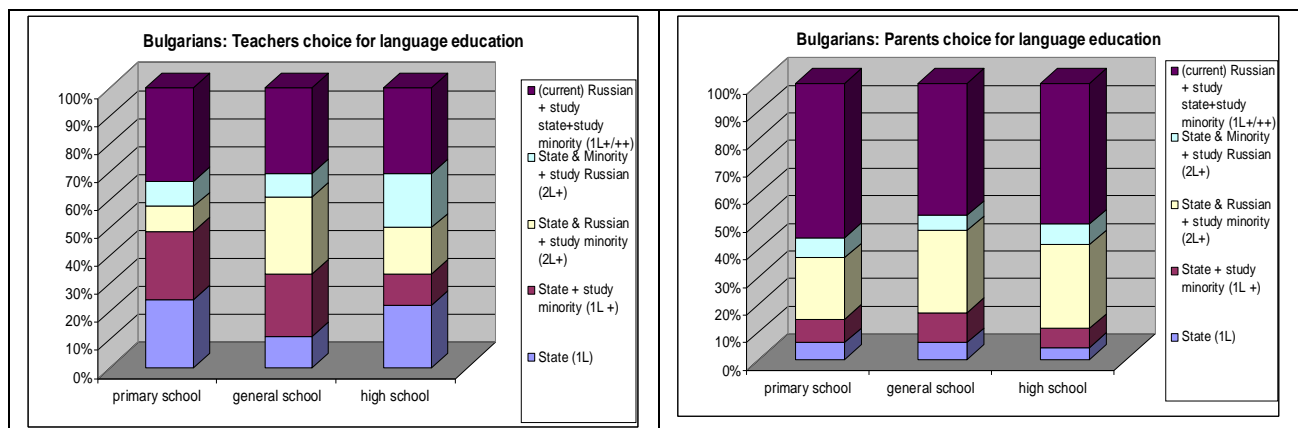
Bulgarian community opt for the shift from monolingual education towards bi or even multilingual education for their children with the much stronger presence of the state language as a medium of instruction. The two graphs presented below show that teachers of Bulgarian schools see the presence of state language as a medium of instruction as a very important change in the linguistic educational policy. 70% of the teachers consider that state language should be present as one of the languages of instruction. 25-50% considers that the state language should play the leading role as the language of instruction and 15-40% considers it should play this role along with the Bulgarian and Russian languages. Bulgarians parents' choice is slightly different; up to 50% of the parents see a considerable improvement in the role of the state language as the medium of instruction. Those parents that opted for the state language as the language of instruction, mostly prefer to have state language along Russian language as the medium of instruction while studying Bulgarian as a subject.

This shift in the preference has been taking place in virtually absence of any public debate and widely disseminated relevant information. Indeed, teachers represent a more informed group in the society, there were some activities discussing the linguistic educational options for the children related to European Charter for Regional and Minority languages and the European Framework Convention where some of

⁷ partly by mixture of Russian/Bulgarian/Romanian language

them have participated, therefore their preference could be more informed and educated than of the parents. Half of the parents prefer a shift towards multilingual education with a much stronger presence of the state language as the medium of instruction. The discrepancy between the teachers and parents' choice of about 20% could be explained by the lack of the relevant information for the parents. Another difference consists in the parents preferred choice of the state and Russian playing the leading role as the language of instruction, while teachers opt for a far stronger role of the state language of instruction, sees Bulgarian as one of the languages of instruction.

Graph 3.4 (Bulgarians: teachers choice for language education), Graph 3.5 (Bulgarians: Parents choice for language education)⁸



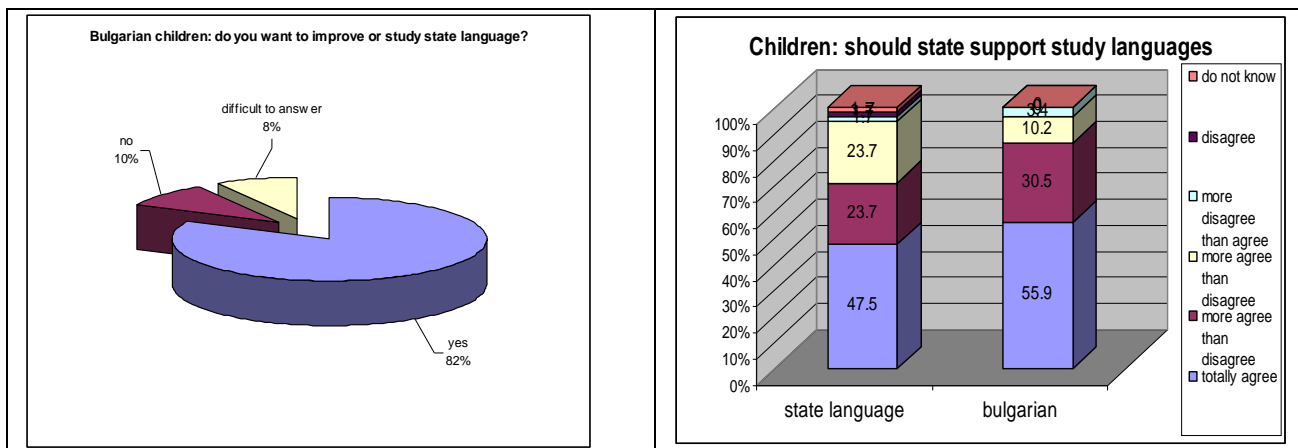
Source: Sociological investigation by the author's team, 2008

The results support stronger role of the Bulgarian language in the education. 10-20% of teachers consider that Bulgarian should play alongside state language the role of the language of instruction. 5-10% of the parents see Bulgarian alongside state language as the medium of instruction. In both cases, the greater role of the Bulgarian language is seen at the expense of the Russian language as the medium of instruction and along Russian as the 3rd language of instruction.

The stronger role of the state language in the process education is matched with the children strong support for the role of the state language in the school. 82% of the Bulgarian children consider that they, given what they have now, want to improve or study more state language. Only 10% consider it negatively. This overwhelming support for the increase of the state language is coherent with the above preferences of the teachers and parents. Children consider that the state should play an important role in promoting the study of the state and Bulgarian languages. This is a signal, that this objective should not be left out to the private actors only, and that governmental programs should be in place to achieve this objective.

Graph 3.6 (Bulgarian children: intention to study state language), graph 3.7 (Bulgarian children: state support to study state language)

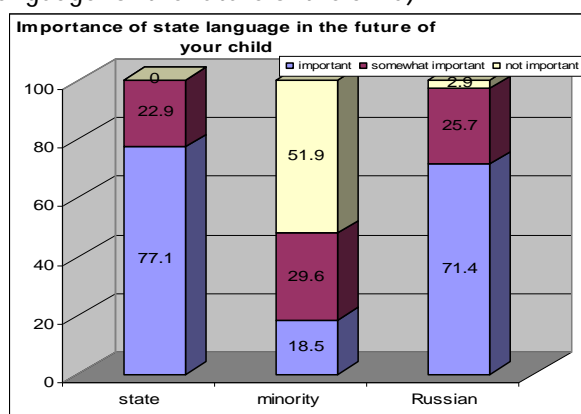
⁸ Note on conventions: “1L” – refers to one language medium of instruction, “2L” or “1L + L” refers to two language medium of instruction. “+” refers to studying additional language. Therefore “2L+” model means use 2 languages as medium of instruction, for instance state and Russian language and studying Ukrainian or Bulgarian as a subject.



Source: Sociological investigation by the author's team, 2008

Bulgarian community considers important state language for the future of their children. The importance of the state language is matched with the traditionally strong role of the Russian language in the minority community. State language role and place has even slightly outpaced the role of the Russian language. At the same time, one can see from the graph below that only 40% consider Bulgarian language as important one in the future of their children.

Graph 3.8 (Importance of state language for the future of the child)

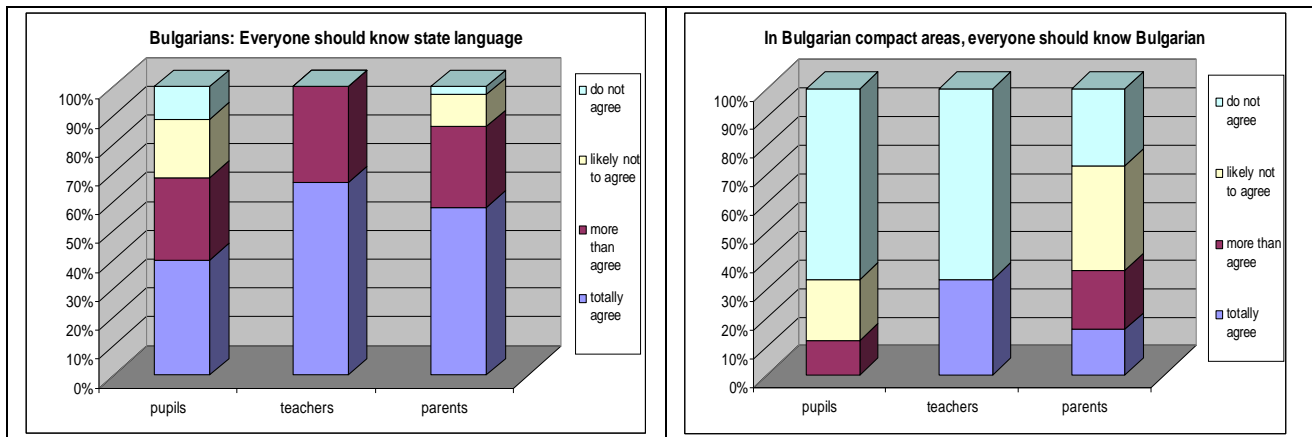


Source: Sociological investigation by the author's team, 2008

The following two graphs support in detail the above statements. Support for the universal knowledge of the state language ranges from 70% (children) to 100% (teachers) with parents at 88%. This strong support differentiates along the three studied respondent groups. The difference might lie in the teachers advanced understanding of the realities, their higher knowledge of the state language and more educated choice.

The knowledge of Bulgarian language by others than Bulgarians in the compact areas where Bulgarians live has some sizable support as well. 30% of teachers and even parents consider it so and 10% of children. Teachers are again the most linguistically conscious group.

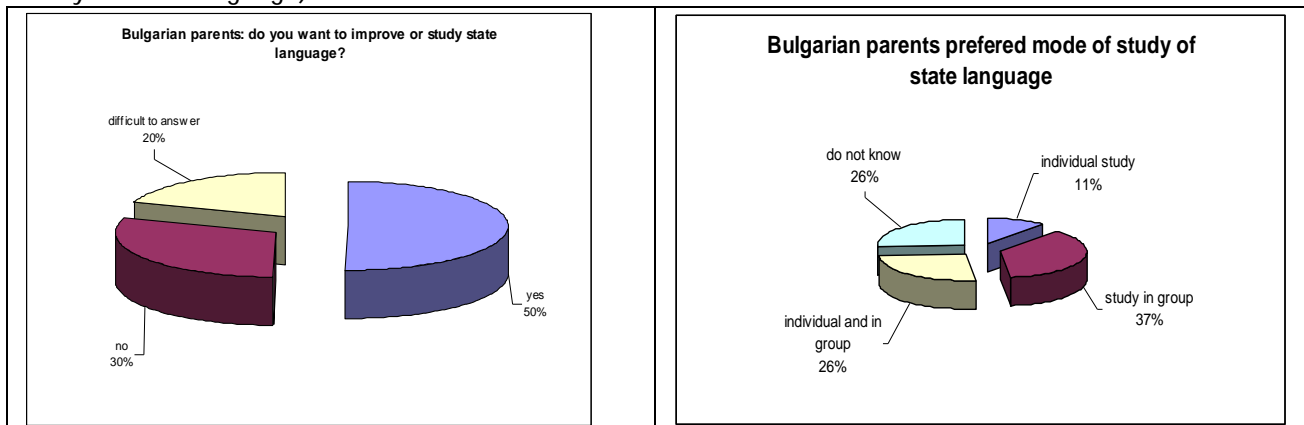
Graph 3.9 (Bulgarians: Should everyone should know state language), 3.10 (Bulgarians: in Bulgaria dominated areas)



Source: Sociological investigation by the author's team, 2008

The study has also explored learning of state language by adults. 50% of Bulgarian parents want and consider improving and studying state language themselves. This is an important sign if considering their commitment to the role of the state language in the educational process of their children. The most preferred mode of study is combination of group and individual study.

Graph 3.11 (Bulgarian parents: intention to study state language), Graph 3.12 (Bulgarian parents: mode of study of state language)



Source: Sociological investigation by the author's team, 2008

Study also shows that almost 25% of the parents' respondents are willing to pay for the state language learning. Amount available for pay varies from 50-200 MDL (3-15 EURO). The largest group is not available to contribute to the payment.

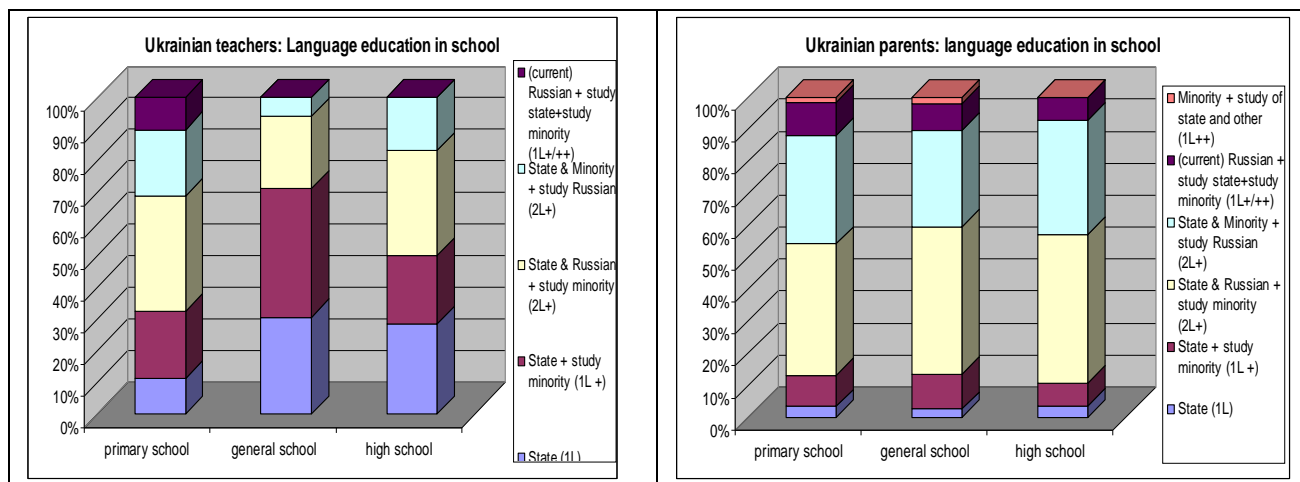
- Ukrainian communities' perception in 2008

Ukrainian community's preference shifts from monolingual education towards bi or even multilingual education for their children with the much stronger presence of the state language as a medium of instruction. Most notable is the fact that the choice of teachers and of the parents does not differ substantially, only in particularities of the realization of the multilingual education. The two graphs presented below shows similarly to Bulgarians that teachers of Ukrainian schools see the presence of state language as a medium of instruction as a very important change in the linguistic educational policy. 70-90%

of the teachers consider that state language should be present as one of the languages of instruction. 20-60% considers that the state language should play the leading role as the language of instruction and 20-40% considers it should play this role along with the Ukrainian and Russian languages. Similarly to Bulgarians, Ukrainians parents' choice is only slightly different from the choice of the teachers. Up to 80% of the parents support the considerable improved role of the state language as the medium of instruction. Ukrainian parents equally opted for the state language, alongside Russian as the language of instruction, and for the Russian language, alongside state language as the medium of instruction while studying Ukrainian as a subject.

This shift in the preference has been taking place in virtually absence of any public debate and widely disseminated relevant information. Indeed, teachers represent a more informed group in the society, there were some activities discussing the linguistic educational options for the children related to European Charter for Regional and Minority languages and the European Framework Convention where some of them have participated, therefore their preference could be more informed and educated than of the parents. Half of the parents prefer a shift towards multilingual education with a much stronger presence of the state language as the medium of instruction. The discrepancy between the teachers and parents' choice of about 20% could be explained by the lack of the relevant information for the parents. Another difference consists in the parents preferred choice of the state and Russian playing the leading role as the language of instruction, while teachers opt for a far stronger role of the state language of instruction, sees Ukrainian as one of the languages of instruction.

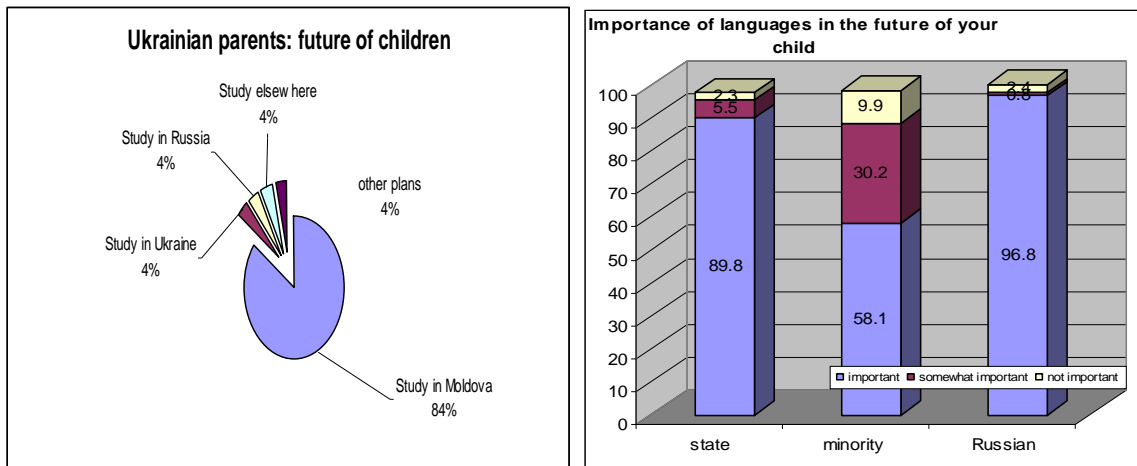
Graph 3.14 (Ukrainian teachers: language education at school), graph 3.15 (Ukrainian parents: language education in school)



Source: Sociological investigation by the author's team, 2008

Most of the Ukrainian parents see their children future in Moldova. More than 80% of the parents see their children study and work in Moldova. Therefore, integration and the state language importance are easily explained.

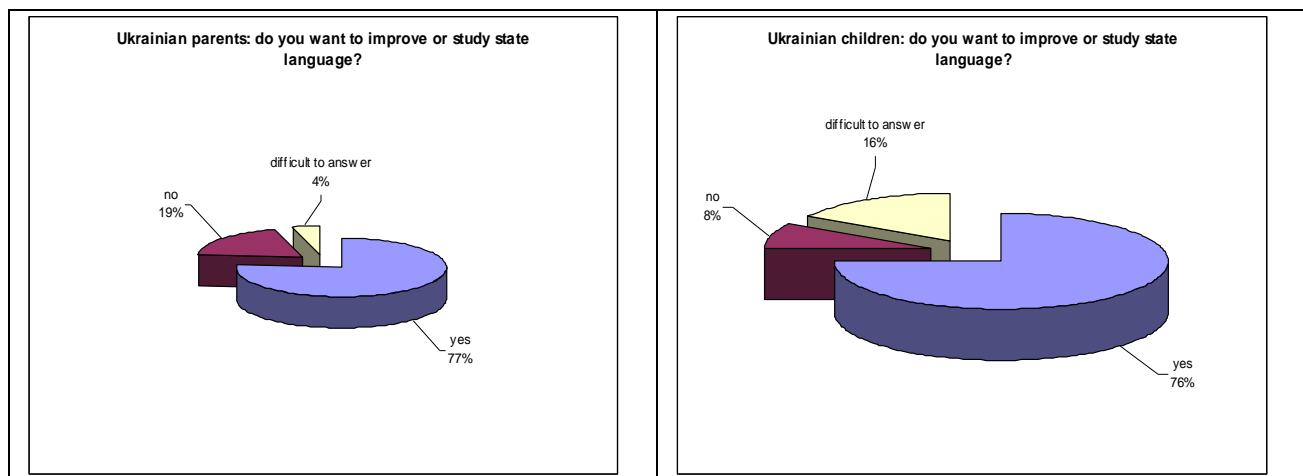
Graph 3.16 (Ukrainian parents: future of children), 3.17 (Ukrainian parents: importance of langue for future of child)



Source: Sociological investigation by the author's team, 2008

The importance of the state language is proven by the following two graphs. Both parents and children preference is more than 75%.

Graph 3.18 (Ukrainian parents: intention to study state language), graph 3.19 (Ukrainian children: intention to study state language)



Source: Sociological investigation by the author's team, 2008

Study also shows that almost 20% of the parents' respondents are willing to pay for the state language learning. Amount available for pay varies from 50-200 MDL (3-15 EURO). The largest group is not available to contribute to the payment.

Section conclusion:

- Bulgarians and Ukrainians opt for the shift from the monolingual education towards bi or even multilingual education for their children with the much stronger presence of the state language as a medium of instruction and the native language, along the use of the Russian language,
- $\frac{3}{4}$ of Bulgarian and Ukrainian children want to improve or study more state language.
- Bulgarians and Ukrainians overwhelmingly see the importance of the state language in the future of their children.