



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Seventh periodic reports of States parties due in 2006**

**Addendum**

**MOLDOVA\***

[9 March 2006]

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\* This document contains the fifth, sixth and seventh periodic reports of Moldova, due on 25 February 2004 and 2006, submitted in one document. For the initial to fourth periodic reports and the summary records of the meetings at which the Committee considered the reports, see CERD/C/372/Add.2 and CERD/C/SR.1505, 1506 and 1517.

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**List of abbreviations**

CHRM	Centre for Human Rights of Moldova
GDP	gross domestic product
ILO	International Labour Organization
NGO	non-governmental organization
NHRAP	National Human Rights Action Plan
UNHCR	Office of the United Nations High Commissioner for Refugees

## I. GENERAL INFORMATION

### A. Background

1. In accordance with the provisions of article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination and according to the general guidelines regarding the form and contents of reports to be submitted by States parties (CERD/C/70/Rev.5), the present report to the Committee on the Elimination of All Forms of Racial Discrimination describes measures undertaken in Moldova from 2001 to 2005, to implement the Convention.

2. Moldova ratified the International Convention on the Elimination of All Forms of Racial Discrimination by Parliamentary decision No. 707-XII of 10 September 1991. The Convention came into force in Moldova on 25 February 1993.

- Formal name: Republic of Moldova;
- Geographical position: Moldova is located in south-eastern Europe, between Romania to the west and the Ukraine to the east and between the Prut and Nistru rivers;
- Area: 33,800 square kilometres;
- Population: 3,388,071, as per preliminary data of the 2004 census (except for the eastern regions and the city of Bender);
- State language: Moldovan, based on the Latin alphabet;
- Population density: 118.9 inhabitants per square kilometre;
- Capital city: Chisinau (779,900 inhabitants);
- National day: Independence Day (27 August);
- National flag: three vertical stripes of red, yellow, and blue; the coat of arms is printed on the central yellow stripe of the flag;
- System of Government: Republic;
- National legislative body: unicameral Parliament, comprising 101 members directly elected by proportional representation;
- Head of State: President;
- Administrative division: 32 districts, five municipal towns, the Autonomous Territorial Administrative Region of Gagauzia (Gagauz Yeri) and the territorial administrative region on the left bank of the Nistru river;

- Joined the United Nations on 2 March 1992;
- Distribution of population (2004):
  - Urban: 41.4 per cent;
  - Rural: 58.6 per cent.
- Annual population growth rate (2001-2004): -0.25 per cent;
- External debt (2004): US\$ 1.92 billion;  
  
External debt administered by the Government (2004): US\$ 660,719,000;  
(in accordance with the 2005 State Budget Law, on 31 December 2005 the  
external debt administered by the Government should not have exceeded  
US\$ 687.2 million);
- Gross domestic product (GDP) (2004): 31,991,700 Moldovan lei; 8,878,400  
Moldovan lei (equivalent to US\$ 720.20) GDP per capita, 16 per cent more than  
in 2003; in 2004 GDP amounted to 7.3 per cent compared with 2003;
- Unemployment rate (2004): 8.1 per cent (2 per cent officially registered, according to  
the International Labour Organization (ILO) classification. Active population  
(2004) - 1,433,000; employed population (2004) - 1,316,000; unemployed  
(according to ILO) - 116,000; officially registered (at the end of 2004) - 21,000;
- Inflation rate (2004): 12.5 per cent;
- Education, enrolment rate (2003-2004): primary education - 99.8 per cent; secondary  
education - 92.2 per cent; second level of adult education (general and secondary) -  
48.1 per cent; specialized education (college) and tertiary education - 44.1 per cent;
- Other human development indicators:
  - Population growth rate (2001-2004): 99.2 per cent;
  - Annual population growth rate: -0.25 per cent;
  - Life expectancy index (years) 2003: 68.1;
  - Human development index: 0.710.

**Main demographic indicators, 2000-2004**

	2000	2001	2002	2003	2004
Total population (thousands of persons)	3 643.5	3 643.5	3 627.2	3 617.7	3 606.8
Males (thousands of persons)	1 744.2	1 740.3	1 737.4	1 733.0	1 728.1
Percentage of the total	47.9	47.9	47.9	47.9	47.9
Women (thousands of persons)	1 899.3	1 894.2	1 889.8	1 884.7	1 878.7
Percentage of the total	52.1	52.1	52.1	52.1	52.1
Urban population (thousands of persons)	1 529.2	1 501.4	1 500.2	1 499.1	1 492.9
Percentage of the total	42.0	41.3	41.4	41.4	41.4
Rural population (thousands of persons)	2 114.3	2 133.1	2 127.0	2 118.6	2 113.9
Percentage of the total	58.0	58.7	58.6	58.6	58.6
Below working age (per cent)	25.7	24.8	23.8	22.7	21.8
Working age (per cent)	58.3	59.5	60.4	63.1	64.1
Pension age (per cent)	16.0	17.7	15.8	14.2	14.1
Natural growth rate	-1.0	-1.7	-1.8	-1.0	-1.1
Birth rate (per 1,000 people)	10.2	10.0	9.9	10.1	10.6
General mortality rate (per 1,000 people)	11.3	11.0	11.6	11.9	11.6
Infant mortality rate (per 1,000 live births)	18.3	16.3	14.7	14.4	12.2
Marriage rate (per 1,000 people)	6.0	5.8	6.0	6.9	7.0
Divorce rate (per 1,000 people)	2.7	3.0	3.5	4.1	4.1

**B. Overview of State policy on the elimination of racial discrimination**

3. According to the preliminary data of the 2004 census, Moldova has 3,388,071 inhabitants, including:

- Moldovans 2,579,202 (76.1 per cent);
- Ukrainians 283,367 (8.4 per cent);
- Russians 198,144 (5.8 per cent);
- the Gagauz 147,661 (4.4 per cent);
- Romanians 70,275 (2.1 per cent);
- Bulgarians 65,072 (1.9 per cent);
- Other ethnic groups 44,350 (1.3 per cent).

4. The census data does not include the information on the ethnic composition of the eastern regions of Moldova and Bender town.

5. According to the 1989 census data, the population from the eastern regions of Moldova (Transnistria) amounts to 707,400 persons (100 per cent), including:

- Moldovans 239,900 (39.9 per cent);
- Ukrainians 170,100 (28.3 per cent);
- Russians 153,400 (25.4 per cent);
- the Gagauz 3,200 (0.2 per cent);
- Bulgarians 11,100 (1.9 per cent);

The city of Bender:

- Moldovans 41,400 (29.9 per cent);
- Ukrainians 25,100 (18.2 per cent);
- Russians 7,800 (41.9 per cent);
- the Gagauz 1,600 (1.2 per cent);
- Bulgarians 3,800 (2.8 per cent).

6. Moldova is a multi-ethnic State, comprised of Moldovans - the basic nationality of the State - together with other ethnic groups, mainly, Ukrainians, Russians, Bulgarians, the Gagauz, Jews, Belarusians, the Roma (commonly known as Gypsies), Poles, Germans, Italians, Latvians, Estonians, Lithuanians, Greeks, Koreans, Tatars, Armenians, Azerbaijani, Uzbeks, Georgians, the Chuvash, Ossetins, Udmurts and people from certain African and central Asian States. Tolerance and respect for the ethnic, cultural, religious and linguistic identity of all ethnic communities living in Moldova are common for Moldovan society. This is an inalienable condition of political sovereignty and civic peace in Moldova.

7. Moldovan, the official State language (according to article 13 of the Constitution) is used in all areas of political, economic, social and cultural life.

8. Russian, in accordance with the legislation in force, is the language for inter-ethnic communication and is used in various areas of State and social life. Russian is spoken by the majority of the Moldovan population and Russian is the mother tongue of many persons belonging to national minorities. Moldovan-Russian bilingualism is common. A significant part of the population, the majority of which is comprised of national minorities, is not proficient in the State language. Currently, the Government is trying to enhance Moldovan-Russian bilingualism, therefore one of the main facets of national policy is to ensure the learning of Moldovan. Other languages spoken are Ukrainian (mainly in the northern part of the country), Gagauz, Bulgarian (mainly in the southern regions), as well as the languages of other, smaller ethnic groups.

9. The following creeds and religious associations are officially registered in Moldova (as of 3 May 2005): the Orthodox Church of Moldova (Christian Orthodox Church) with 1,224 parishes; the Metropolitan Church of Bessarabia (Christian Orthodox Church) with 199 parishes; the Old Rite Russian Orthodox Church (15); the Roman Catholic Church (27); the Union of Evangelical Baptist Christian Churches (241); (Union Conference of the) Seventh-Day Adventist Church (1); the Union of Churches of Evangelical Christians (Pentecostal Creed) (29); Religious Organization of the Jehovah's Witnesses (158); the Federation of Jewish Communities (8); The Society of the Krishna Conscience (3); the Union of Communities of Molocani Spiritual Christians (2); the Baha'i (1); the Bible Church (3); the Union of Messianic Jewish Congregations (1); and the Evangelical Lutheran Church (7).

10. From 2001 to 2005 Moldova made significant efforts to harmonize inter-ethnic relations and eliminate all forms of discrimination based on race, colour, national or ethnic descent or origin.

11. On 19 July 2001 the Parliament of the Republic of Moldova adopted the Law on the Rights of people belonging to national minorities and the legal status of their organizations. The Law describes many significant rights of national minorities. The State guarantees equal rights before the law and protection under the law, therefore discrimination against national minorities is prohibited. The Law contributes to the creation of conditions for the preservation, development and expression of the ethnic, cultural, religious and linguistic identities of persons belonging to national minorities; creates conditions for the observance of their right to education in their mother tongue; and ensures that scientific research on the history, culture and languages of national minorities is carried out. The State guarantees that any modification in territorial and administrative organization will not affect the ethnical and demographic composition of the region. Persons belonging to national minorities have the right of appeal to public institutions verbally and in written form, both in Russian and Moldovan, and to receive a reply in the language of the appeal. They have the right, according to the Law, to establish mass media, issue literature in the languages of national minorities, determine their position on religion, observe their national holidays and memorialize their historical landmarks, perform the rites of their people, privately use their national symbols and use their name, surname and their patronymic, including in official documents, in an accepted form.

12. On 24 October 2003, Parliament adopted by decision 415-XV the National Human Rights Action Plan for 2004-2008 (NHRAP). Chapter nine of NHRAP is concerned with the observance of the rights of national minorities. NHRAP anticipates, inter alia, the ratification of the European Charter for Regional or Minority Languages in 2006; bringing legislation into line with the Charter; respect for the principle of proportional representation in the executive, judiciary, military and law enforcement power structures, effective protection of the rights of persons belonging to national minorities; a guarantee of instruction in the national minority languages; and the education of the Roma.

13. On 19 December 2003 Parliament adopted the Law on Approving Conception of the National Policy of the Republic of Moldova. The text represents principles and objectives concerning the integration and strengthening of the multicultural and multilingual linkages within Moldova, through the harmonization of national interests and the interests of all ethnic



and linguistic communities in the country. The State is fully committed to the preservation, development and free expression of the ethnic, cultural, religious and linguistic identities of all ethnic communities in Moldova. Free development of the cultures of the ethnic and linguistic communities in Moldova contributes successfully to the affirmation and development of the common spiritual and cultural heritage of the country. Preservation of this common heritage is an important concern of the State. Ethnic, cultural and linguistic diversity is the spiritual legacy of Moldova. The document is a basic instrument to help the authorities promote economic, social and cultural policies in the field of development and strengthening of the independence and sovereignty of the multi-ethnic people of the country.

14. The Criminal Code was adopted on 18 April 2002. According to article 346 of the Criminal Code, actions to limit the rights of citizens or concession of privileges to citizens on grounds of their ethnic or racial identity, as well as deliberate actions that might cause ethnic or racial discord are punishable by law; this includes liability for instigation to inter-ethnic enmity, spreading propaganda of ideas of national superiority and provoking and committing vandalism, violent acts and violation of citizens' rights on ethnic and linguistic grounds. Such acts are punishable by a fine of up to 250 conventional monetary units<sup>1</sup> (about EUR 313 or US\$ 400), or by imprisonment for a term of up to three years.

15. The Law on Combating Extremist Activity was adopted on 21 February 2003. According to this Law, extremist activity entails a public or religious association, mass media company or other organization, planning, organizing, preparing, or implementing actions with the purpose of: incitement to racial, national, religious, or social hatred, through violence or a call to violence; disgracing of the national dignity; incitement to mass disorder, hooliganism or acts of vandalism, for ideological, political, racial, national or religious hatred or hostility, as well as by reason of hatred or hostility toward a social group; promotion of exclusiveness, superiority, or inferiority of citizens according to their religious affiliation, or depending on their race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth, or social origin. The Law stipulates the main principles and directions in combating extremist activity, the authorities empowered to combat such activity, the prevention of extremist activity, responsibilities of the media regarding dissemination of materials of extremist nature and the conduct of extremist activity, the responsibilities of citizens, foreign citizens, and stateless persons regarding extremist activity and international cooperation in combating extremism.

16. The issues of harmonization of inter-ethnic relations and elimination of all forms of discrimination based on race, language, religion, national origin, membership in a national minority, etc., are reflected in the programmes of activity of the Government of Moldova.

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<sup>1</sup> The term conventional monetary unit was taken as a monetary equivalent resulting from inflation. This term is used in the new Criminal Code. Currently, a conventional unit represents approximately 20 lei (about EUR 1.25).

17. In its Action Plan for 2001-2005 called Economic Revival - Revival of the Country, the Government defines the main objectives of the regional policy and inter-ethnic relations, as follows:

- Development of inter-ethnic relations based on truly democratic ideas and values, which completely exclude discrimination on the basis of ethnic background or language and ensure equal rights to the representatives of all ethnic groups inhabiting the country; and acknowledgment of ethnic and cultural variety and inter-ethnic peace as the main national asset;
- Bringing language policy in all government agencies, spheres of education and culture, and mass media into line with the Constitution and the Law on the Usage of Languages in the Territory of the Republic of Moldova;
- Creating conditions for wide study of the Moldovan language by all national minorities, and not allowing artificial reduction of the Russian language's functions in society.

18. The Government Action Plan called Modernization of the Nation: prosperity of the people 2005-2009 has as its objective unity based on inter-ethnic harmony, acquaintance and guarantee of the rights of all citizens in the preservation, development and expression of their ethnic, cultural, linguistic and religious characteristics. In this regard, the improvement of national human rights legislation, including provisions for national minorities in line with international standards, the preservation and development of cultural and linguistic diversity, and guarantees for ethnic minorities of the opportunity to learn their native language in order to preserve their national spiritual values, are ensured.

19. In terms of legislation and government programmes, Moldova has taken the necessary measures for the preservation, development and free expression of the ethnic, cultural, linguistic and religious identity of all ethnic representatives.

20. The system of education has a key role to play in this regard. Currently, there are 531,347 students comprising a large network of 1,491 educational institutions, including primary and secondary schools, gymnasiums (grades 5 to 9) lyceums (grades 10 to 12 or public secondary school) and high schools. With regard to higher education, data gathered countrywide indicate that for the 2004/05 school year there were 36 higher-education institutions, including 16 State and 20 private institutions in Moldova. The total number of students is 114,552.

21. The State, in accordance with the law, ensures the right to choose the language of instruction and training at all levels and stages. Free education is offered at a large network of primary and secondary schools, lyceums, gymnasiums and high schools. At present, the language of instruction is Moldovan in 1,491 schools; Russian in 280 schools and mixed in 82 schools.

22. During the 2004/05 school year, students were instructed in the following six languages: Ukrainian in 54 schools and lyceums (7,091 pupils); Gagauz in 52 schools and lyceums (25,087 pupils); Bulgarian in 35 schools and lyceums (6,953 pupils); Polish in 1 school

(118 pupils); Hebrew in 2 schools (5,633 pupils); and German in 1 school (189 pupils). In 21 experimental classes, 362 pupils take all school subjects in Ukrainian and in 7 classes 114 pupils study all subjects in Bulgarian. Other languages of national minorities, such as Belarusian, Lithuanian, Greek, Azeri, German, etc., are taught at Sunday schools established by the respective ethno-cultural organizations. At the beginning of the 2004/05 school year, a course on the history, traditions and culture of the Ukrainian/Russian/Gagauz/Bulgarian people is taught at the primary and gymnasium levels in adult literacy institutions.

23. The Ministry of Education, Youth and Sports created the curriculum for primary and gymnasium schools, then based on that curriculum, developed new textbooks in Russian, Bulgarian, Gagauz and Ukrainian, trains teachers and has created a modern evaluation system. Moldova generates its own system of curriculum plans for educational institutions in the regions densely inhabited by ethnic minorities.

24. There is a large network of cultural institutions in Moldova that are not divided along ethnic lines. However, some cultural institutions promote the culture of particular ethnic minorities, including the L. Ukrainka Library of Ukrainian Literature and Culture, the M. Lomonosov Library of Russian Literature and Culture, the M. Ciachir Library of Gagauz Literature and Culture, the H. Botev Library of Bulgarian Literature and Culture, the A.P. Cehov Russian Theatre, the M. Ciachir Gagauz Theatre, the Olimpiu Panov Bulgarian Theatre and the A.S. Pushkin Museum. In total there are 1,379 libraries, 68 museums, 108 cultural entertainment halls, 1,221 cultural centres, 3,400 amateur artistic groups (Moldovans, Ukrainians, Russians, Gagauz, Bulgarians, Roma/Gypsies, Jews, etc.), including 500 minority groups of about 7,300 members in Moldova. Of the total number of artistic groups only 714 are model groups (approximately 70 are minorities). Annual traditional and cultural festivals held in Moldova include Ethnic, New Music, Classical Music, Belcanto Opera Music, Maria Biesu Invitational, Martisor and the Tezaur Republican Folk Craftsmen Market. Libraries hold book exhibitions on the theme "Culture and traditions of compatriots".

25. A specially created "Communicate" Editorial Board operating within Teleradio-Moldova State television broadcasts in the languages of ethnic minorities (Ukrainian, Russian, Gagauz, Bulgarian, Yiddish, Roma, etc.). There are regular 30-minute programmes. As a rule, a total of 1 hour 30 minutes per week is reserved for minority-language broadcasts. These broadcasts cover ethno-cultural, educational, artistic and musical topics, which deal with the specific problems of each ethnic group, various aspects of their way of life within a multicultural State and the promotion of tolerance. Broadcasts try to reflect the multifarious lives of various ethnic groups, as well as support the preservation of the identity of each ethnic group within a multi-ethnic State. Programmes of 30 to 60 minutes' duration in the languages of ethnic minorities (Russian, Ukrainian, Gagauz, Bulgarian, Jewish and Polish) are broadcast daily on Radio Moldova. Special radio broadcasts mark national days or festivities, while others are on Armenia, Bulgaria, Israel and the Ukraine. The music of ethnic minorities gets 35 per cent airplay.

26. Local radio and television stations broadcast in the languages of the national minorities.

27. There are 312 public associations registered with the Ministry of Justice, that protect and promote human rights; 22 political parties and other socio-political organizations, and 178 publishing and media agencies. Fourteen of the publishing and media houses publish in Russian and 94 in the State language, while the rest are bilingual, including French (4), English (3), German, Gagauz, Ukrainian and Jewish.

28. In order to promote minority State policy, the Government has created the following specialized governmental and parliamentary bodies:

- Bureau for Inter-ethnic Relations;
- Specialized divisions for educational and cultural issues on national minorities within the Ministry of Education, Youth and Sports and the Ministry of Culture and Tourism;
- Human Rights Committee of the Parliament of the Republic of Moldova;
- Centre for Human Rights of Moldova (CHRM);
- Institute for Inter-ethnic Studies of the Academy of Sciences of Moldova.

### **The eastern region of Moldova**

29. Currently the Transnistria region is, de jure part of Moldova but de facto under the control of the separatist authorities of the self-proclaimed Transnistria Republic, which is not recognized by the international community. Cases of human rights violations have been reported in the eastern region of Moldova. For inhabitants of Transnistria, contact with the regions west of the Nistru river is forbidden, education based on Latin remains forbidden and generally, socio-political pluralism is non-existent.

30. Although the territory comprising the Transnistria region is not under the control of the Government of Moldova, Moldovan authorities make efforts to ensure the protection of human rights and fundamental freedoms in the whole territory, in accordance with the provisions of the Constitution and other international instruments to which Moldova is a party. At the same time, the Government of Moldova takes significant measures to prevent discrimination, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination.

31. The Moldovan authorities make efforts to monitor the protection of human rights, as they consider the protection of human rights and fundamental freedoms in the Transnistria region, including those of national minorities, an issue of growing concern. International bodies, permanent agencies of Moldova in Vienna and Strasbourg, as well as the diplomatic corps accredited in Moldova monitor all cases of human rights violation in the eastern region of Moldova.

## Status of women

32. The principle of gender equality refers to protection and promotion of, and respect for, the human rights of both men and women. Moreover, gender equality means equal visibility of, empowerment of and participation by both genders in all spheres of public and private life. Gender equality aims to promote the full participation of women and men in society.

33. The Government of Moldova is taking concrete action for the elaboration and promotion of policies on gender equality. Women account for 52 per cent of the population and men 47 per cent.

34. According to article 16 (2) of the Constitution, all citizens of Moldova are equal before the law and public authorities without distinction of race, nationality, ethnic origin, language, religion, sex, political opinion, personal property or social origin. Guarantees of the equal exercise of human rights and fundamental freedoms enshrined in the Constitution are widely reflected in national legislation. In 1994, Moldova ratified the Convention on the Elimination of All Forms of Discrimination against Women. Parliament has since adopted several pieces of legislation on the promotion of gender equality including, the Promotion of Gender Equality in Society National Plan 2003-2005, which was approved on 28 February 2003; NHRAP, that was approved by Parliament on 24 October 2003, and which includes a paragraph related to women's rights; in May 2003, with the support of the United Nations Development Fund for Women the "Promotion of Equal Rights and Opportunities in Moldova through the Support to Legislation on Gender Equality and to Strengthening the Mechanism of Its Implementation" project was launched, through which a thorough analysis of national legislation has been carried out; in 2003 the first and the second periodic reports on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women were prepared by gender units at specialized central public authorities at the national level. The draft Law on Ensuring Equal Rights for Women and Men is undergoing parliamentary review.

35. An important step in the implementation of regulations and international recommendations, as well as of the objectives of the Beijing Platform for Action is the national mechanism, which puts in practice the principle of equal rights, freedoms and equal opportunities, guaranteeing the participation of women in administration bodies and in the decision-making process.

36. Centres for gender development have been opened at the local level under the Gender, Leadership and Communication Network Project 2002-2003. The aim of these centres is to advocate for and stimulate society towards the establishment of gender equality and the advancement of equal opportunities for men and women at the local level. The President's offices and Parliament have established special committees on the improvement of the status of women. A Department for Family Matters and Equal Opportunities, a specialized structure to implement the State policy on the promotion of social equality for women, was created within the Ministry of Health and Social Protection. In addition, gender units have been created within ministries.

37. No case of gender discrimination with elements of racial discrimination has ever been reported in Moldova. While the issues of gender equality and equal opportunities for women

and men are being discussed at all levels of society, racial discrimination is not being discussed. The State consistently monitors the situation in an effort to prevent the development of racial discrimination.

***Status of foreigners, stateless persons, and refugees***

38. A large number of acts concerning the migration processes and the legal status of foreign citizens and stateless persons in Moldovan territory have been adopted in Moldova. These are the Law on Migration; Law on the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Moldova; Law on the Status of Refugees; Law on Exiting and Entering the Republic of Moldova; Rules governing Stay of Foreign Citizens and Stateless Persons in the Republic of Moldova; Government Decision on Temporary Employment of Immigrant Workers, Regulation on the Education of Foreign Citizens and Stateless Persons at Educational Institutions in the Republic of Moldova; Rules on Issue, Suspension and Withdrawal of Immigrant Certificates and Work Permits and Government Decision on Issuance of Invitations to Foreigners and Stateless Persons. On the recommendation of the Office of the United Nations High Commissioner for Refugees (UNHCR), Moldova passed a law on 23 November 2001, by which it acceded to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees. The Convention entered into force on 1 May 2002 and the Protocol on 31 January 2002.

39. Foreign citizens and stateless persons enjoy the same rights, freedoms and duties as citizens in terms of the rights to work, labour protection in conformity with the law, rest, health care, etc., however they have no right to vote or be elected to the legislative, executive or other bodies. Neither do foreigners have the right to participate in nationwide polls, be members of parties or other socio-political organizations, or serve in the Armed Forces.

40. Asylum-seekers and refugees on the territory of Moldova are guaranteed protection of their rights, in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination. The Law on the Status of Refugees establishes a legal, economic, social and organizational framework for granting asylum (refugee status, political asylum and temporary protection) and regularizes the status of asylum-seekers and refugees, without discrimination as to race, nationality, ethnic origin, language, religion, sex, opinion, political membership, property or social origin.

41. In 2004, 1,706 foreigners and stateless persons (mainly from Armenia, Azerbaijan, Bulgaria, Israel, Italy, Kazakhstan, Romania, the Russian Federation, Sudan, Syria, Turkey, the Ukraine and the United States of America) emigrated to Moldova, of which 551 were immigrants with family ties to the country, 615 were students and 540 came for employment.

42. The Law on Identity Acts of the National System of Passports introduced the requirements of identity card and travel permit for refugees. The refugee identity card is issued to persons having the status of refugee, regardless of age, to be used on the territory of Moldova for a period of five years. The travel permit is issued to persons who have the status of refugee, regardless of age, for exit and entry in the Republic of Moldova. The travel permit is issued for a period of one year and can be extended for an additional year, not exceeding four times. However, technical difficulties have caused a delay in the issue of identity papers to refugees. The Central Office for Refugees (the authority that manages and solves the problems of refugees, asylum-seekers and beneficiaries of temporary and humanitarian protection) drafted the

Government decision on Approval of Model Identity Card for Refugees. This will facilitate the employment of refugees and their integration into society. At the same time, the issuing of identity cards to refugees will allow authorities to monitor them.

43. Generally, certain practical difficulties prohibit refugees from having the right to work. Additionally, the lack of identity papers, especially personal registration numbers makes it difficult for refugees to interact with financial authorities and pay taxes. Refugees and their associations frequently discuss this problem, which does not concern inter-ethnic relations and therefore cannot be considered an example of racial discrimination.

44. Regarding entitlement to economic and social rights, the Government has approved the Regulation on Financial Assistance to Refugees, by which assistance is provided to refugees who lack the necessary means of subsistence.

45. Regarding the protection of asylum-seekers and refugees, the support of international institutions has helped Moldova to comply with international standards. The authorities collaborate with non-governmental organizations (NGOs) to promote more efficient implementation of policy on the protection of asylum-seekers and refugees. The financial assistance provided by international organizations, especially UNHCR and NGOs help to create a secure environment for asylum-seekers and refugees, as well as ensure their legal rights.

46. The challenges in this area are: the registration of recognized refugees (the lack of identity papers rules out the right to work); the establishment of conditions for social integration and the decision on the legal framework for integration and assistance in implementation; lack of asylum for foreigners to be deported (persons denied the status of refugee, after exhausting all available means, have to leave Moldova within 15 days of the final decision of refusal).

## **II. EFFORTS TO IMPLEMENT THE PROVISIONS OF THE CONVENTION**

47. The provisions of the International Convention on the Elimination of All Forms of Racial Discrimination are efficiently implemented in Moldova. According to information provided by the Bureau for Inter-ethnic Relations, CHRM, the Office of the Prosecutor General, ministries and other central public authorities, local public authorities, rule-of-law organizations, NGOs, including national minority organizations, no discriminatory acts, as defined in the Convention, have been reported.

48. There are cases of non-compliance to the provisions of linguistic legislation in Moldova and citizens and communities sometimes treat these cases as racial discrimination. According to the provisions of the Law on the Usage of Languages Spoken on the Territory of the Republic of Moldova and the Law on the Rights of people belonging to national minorities and the legal status of their organizations, citizens have the right of appeal to public institutions verbally and in written form, in Russian or Moldovan and to receive the reply in the language of the appeal. On the territory of Gagauz-Yeri (the autonomous territory with special status in Moldova, i.e. a form of self-determination of the Gagauz), Moldovan, Russian, or Gagauz can be used for oral communication. In the regions where persons belonging to national minorities comprise the majority of the population, Moldovan or Russian can be used as the language of written and verbal communication, in Gagauz-Yeri, Moldovan, Gagauz, or Russian is used. Other languages

can be used as languages of verbal communication. There have been cases of persons submitting verbal or written appeals to public institutions in Russian and receiving replies in Moldovan or vice versa in the regions inhabited predominantly by national minorities. This is especially so in Taraclia district, which is inhabited by Bulgarians and Gagauz-Yeri. Non-compliance with the provisions of linguistic legislation is a violation of human rights and negatively affects persons, all these cases have not aimed at and have not resulted in violating or compromising the observance, respect or fulfilment, on an equal footing, of fundamental rights and freedoms. This state of affairs is monitored by the Bureau for Inter-ethnic Relations, which monitors respect for and violation of legislative norms in the national and linguistic spheres.

49. At times, law enforcement bodies and representatives of the authorities treat citizens belonging to national minorities, for instance the Roma/Gypsies, or people of African and Asian descent differently because they look dissimilar to the rest of the population. Nevertheless, the purpose of such behaviour is not to limit human rights and fundamental freedoms.

### **Implementation of article 2 of the Convention**

#### **Article 2, paragraph 1 (a)**

50. According to the Constitution, Moldova is a democratic State in which the dignity of people, their rights and freedoms, the open development of human personality, justice and political pluralism represent supreme values that are guaranteed by law (art. 1, para. 3). Respect for and protection of the human being is the foremost duty of the State. All citizens of Moldova are equal before the law and public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin (art. 16, paras. 1 and 2).

51. According to article 346 of the Criminal Code deliberate actions, public instigation, inclusively through written or electronic mass media, targeted to instigate national, racial or religious enmity or discord, to humiliate national honour and dignity, as well as the direct or indirect limitation of the rights or the provision of direct or indirect advantages for citizens depending on their national, racial or religious affiliation are punishable by law.

52. According to the Law on Combating Extremist Activity, the belittling of national dignity; incitement to mass disorder, acts of hooliganism or vandalism, on motives of ideological, political, racial, national or religious hatred or hostility, as well as motives of hatred or hostility toward a social group; promotion of exclusiveness, superiority or inferiority of citizens according to their religious affiliation, or depending on their race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property, or social origin are considered extremist activity. The Law stipulates that statements on the necessity, admissibility, possibility of, or opportunity to conduct extremist activities by a government official in public or while exercising his/her function, or with the indication of the position held, as well as lack of action by the official to combat extremism in the framework of his/her competencies, are subject to liability according to law. Competent State bodies and officials are obliged to take urgent measures to punish persons who commit such offences.



53. No cases of racial discrimination acts against persons, group of persons and institutions of public authorities, public, national and local institutions have been reported in Moldova.

**Article 2, paragraph 1 (b)**

54. The Government of Moldova does not encourage, defend or support racial discrimination. Discriminatory acts carried out by citizens or organizations are against the law. The legislation foresees criminal, administrative, or civil liability for practising such activities.

55. Consistent with the Law on Combating Extremist Activity, the creation and operation of public and religious associations devoted to carrying out extremist activity are illegal in Moldova (art. 6).

56. Any activity by foreign public or religious associations or other organizations and their structural subdivisions, recognized as extremist in accordance with international law and Moldovan legislation is illegal (art. 14).

57. Dissemination of extremist material and the conduct of extremist activity through the mass media are prohibited in Moldova (art. 7).

58. The use of public telecommunication network to carry out extremist activity is prohibited (art. 8). Publishing (directing) or dissemination (broadcasting) of printed, audio-visual or other materials of extremist nature is prohibited (art. 9).

59. Citizens, foreigners and stateless persons who conduct extremist activities are liable under criminal, administrative and civil law, "according to the procedure established by legislation" (art. 12).

60. Extremist activity during assemblies is prohibited. The organizer of the assembly is responsible for complying with the provisions of the Law on the Organization and Conducting of Assemblies and regulations on the prohibition of extremist activity and its timely combating (art. 13).

**Article 2, paragraph 1 (c)**

61. There are no laws or decisions adopted by Parliament, presidential decrees, Government decisions, international documents, or regulations of local public authorities, geared towards the incitement or perpetuation of racial discrimination.

62. The foremost duty of the State, according to article 16 of the Constitution, is to respect and protect the human being. All citizens of Moldova are equal before the law and public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin. Article 7 stipulates that the Constitution is the supreme law of the country. No laws or other legal acts and regulations in contradiction with the provisions of the Constitution may have any legal power.

63. Moldova is party to a number of international treaties, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, the

Framework Convention for the Protection of National Minorities. The State has acceded to the Final Act of the Conference on Security and Cooperation in Europe, the Charter of Paris for a New Europe, the Final Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Commission on Security and Cooperation in Europe, etc. Article 4 of the Constitution provides that constitutional provisions on human rights and freedoms shall be interpreted and implemented in accordance with the Universal Declaration of Human Rights and other conventions and treaties to which Moldova is a party. Whenever conflict occurs between conventions and treaties signed by the Government of Moldova and its own national laws, priority shall be given to international regulations.

64. Racial discrimination is prohibited in Moldova. According to article 16 of the Constitution, the respect for and protection of the human being is the foremost duty of the State. All citizens are equal before the law and public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property, or social origin.

65. The Law on the Rights of people belonging to national minorities and the legal status of their organizations stipulates that the State guarantees equal rights under the law and the protection of the law for persons belonging to national minorities. Discrimination against national minorities is prohibited (art. 4).

66. Consistent with the Law on Religion, no one can be pursued because of his/her religion, faith or lack thereof. Religious faith or lack thereof, or activity within a religious institution recognized by the State cannot be an impediment for anyone to obtain and exercise his/her civil and political rights, and cannot absolve anyone of his obligations under the law.

67. According to article 346 of the Criminal Code, deliberate actions, public instigation, including through written or electronic mass media, for the instigation of national, racial, or religious enmity or discord, humiliation of national honour and dignity, as well as direct or indirect limitation of the rights or provision of direct or indirect advantages to citizens based on their national, racial or religious affiliation are punishable by law.

#### **Article 2, paragraph 1 (d)**

68. Currently, there are 84 ethno-cultural minority public organizations accredited by the Bureau of Inter-ethnic Relations, thus enjoying national status. There are also organizations with local status in Moldova. Most organizations are comprised of representatives of ethnic minorities such as Ukrainians, Russians, Bulgarians, the Gagauz, Jews, Belarusian, Roma, Poles, Germans, Tatars, Armenians, Azerbaijani, Uzbeks, Georgians, Chuvashes, Ossetins, Udmurts, Latvians, Lithuanians, Greeks, Koreans and Italians. There are also other organizations representing minorities of African and Central Asian descent. All such organizations receive support, in some cases State financial assistance, as well as external contributions.

69. Under the aegis of the Bureau of Inter-ethnic Relations, the Coordinating Council of public ethno-cultural organizations operates as an advisory body. Representatives of all ethnic groups with established public organizations sit on this Council. Within the sessions of the Council, various issues relating to inter-ethnic relations, the use of languages and other issues relating to the needs of various ethnic groups are discussed. Members of the

Coordinating Council often meet with State authorities, namely the President of Moldova, the Speaker of Parliament, members of Government and representatives of international organizations. The decisions and regulations of the Coordinating Council are remitted through the Bureau of Inter-ethnic Relations to competent public authorities.

70. National cultural activities show the ethno-cultural diversity of the State, promote tolerance and strengthen the unity of the multi-ethnic State. Since 2000, Ethnic Festivals have been taking place throughout all regions in September of each year. The slogan for the 2003-2004 Festival was "Unity through diversity". There are also other cultural activities organized by all the ethnic groups.

71. Round tables, seminars, conferences relating to issues surrounding inter-ethnic relations are regularly organized with the participation of the representatives of various ethnic groups, State officials, and representatives of international organizations.

## **Article 2, paragraph 2**

72. Taking into account the specific character of the sociocultural status of Roma in Moldova, the Government makes necessary efforts for the improvement of their lot.

73. On 16 February 2001, the Government adopted the Decision on measures of support for the Gypsies/Roma in the Republic of Moldova. It approved "Main Guidelines on the Support of the Gypsy/Roma in the Republic of Moldova for 2001-2010", which sets forth measures stipulating steps for studying the problems of the Roma in the area of employment, reduction of unemployment recommendations on the study of the extent of school enrolment of their children; and forms of promotion and development of national culture among children and youth. The Guidelines allow for handicraft classes at an educational institution for Roma children, stimulation of the professional orientation of the Roma, as well as measures on the social support of the women, protection of the interests of socially vulnerable Gypsy families and measures on the social protection of families with children.

74. The institutions charged with the implementation of measures related to improvement of the sociocultural status of the Gypsy/Roma in Moldova during 2001-2010 are the Ministry of Education, Youth and Sports, the Ministry of Culture and Tourism, the Ministry of Economy and Commerce, the Ministry of Health and Social Protection, the Bureau of Inter-ethnic Relations and the Academy of Sciences of the Republic of Moldova.

75. The adoption of this decision in support of the Roma and the improvement of their situation was an important and necessary step. All responsible authorities have taken the necessary measures for implementing the main guidelines on the support of the Gypsies in the Republic of Moldova for 2001-2010. Nevertheless, this situation, which remains difficult, has been noticed by the representatives of international organizations and the State.

76. The draft Decision of the Government on Approving the Action Plan on the Support of the Gypsies in the Republic of Moldova for 2005-2010 will lead to coordinated efforts between all Roma ethno-cultural public organizations and relevant public authorities. The elimination of racial discrimination against the Roma is also included in this project.

77. There have been complaints by citizens of Gypsy/Roma origin claiming that the police exhibit bias towards them because of their features or skin colour. In this respect, a racist attitude is reflected in the selective detention of the persons who differ visually from the rest of the population, frequent checking of identity cards and home visits. This is also a common experience for persons of African and Asian origin. The problem is being examined by the Bureau of Inter-ethnic Relations and the Ministry of Interior Affairs, which, in certain cases, have taken the relevant measures for prevention of violation of human rights and fundamental freedoms. The Ministry of Interior Affairs, together with CHRMs, international experts of the Council of Europe, other organizations, including NGOs, organize regularly methodological seminars with the motto "Respect for Human Rights", "Police Ethics", "Implementation of the Code of Police Ethics"; applying other methods of improvement human rights culture within the law enforcement bodies.

78. The issue of the improvement of the sociocultural circumstances of the Roma is a real concern for the Government of Moldova. This problem is monitored by the central and local public authorities. The difficult issue of Gypsy/Roma is related, in some cases, to the low awareness that this group of the population has of being an integral part of the society. Efforts by the public authorities and the Roma NGOs are helping to bring about improvements in the state of affairs each year.

### **Implementation of article 3 of the Convention**

79. Currently, Moldovan legislation does not contain specific regulations concerning the conviction, prevention, interdiction and elimination of racial segregation and statelessness. In this regard, the norms on the interdiction of discrimination and stimulation of humiliation of national dignity apply. There is no record of racial segregation and statelessness in Moldova. The Government is currently preparing to implement the International Convention on the Suppression and Punishment of the Crime of Apartheid. In this respect, a set of documents, as well as the draft law for amending the Criminal Code have been prepared, which will make discrimination against stateless persons a criminal offence. The draft law will modify the Criminal Code, in particular the article on racial discrimination (statelessness).

80. Apartheid is a political system created for the purpose of separating groups of people and maintaining domination by groups of people of European origin over other racial groups, including systematically oppressing them. The following are punishable by imprisonment of 5 to 25 years or life imprisonment:

- (a) Denial to a member or members of a racial group or groups of the right to life and liberty of person:
  - (i) Murder of members of a racial group or groups;
  - (ii) Infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;

- (iii) Arbitrary arrest and illegal imprisonment of the members of a racial group or groups;
- (b) Deliberate imposition on a racial group or groups of living conditions calculated to cause his or their physical destruction in whole or in part;
- (c) Any legislative measures and other measures aimed at preventing a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association;
- (d) Any measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;
- (e) Exploitation of the labour of the members of a racial group or groups, in particular by subjecting them to forced labour;
- (f) Persecution of organizations and persons by depriving them of fundamental rights and freedoms because they oppose apartheid.

### **Implementation of article 4 of the Convention**

#### **Article 4, paragraph (a)**

81. The Law on Combating Extremist Activity describes an extremist activity as an activity carried out by a public or religious association, mass media agency or other organization, or of a physical entity with the aim of planning, organizing, preparing, or implementing actions with the purpose of incitement to racial, national and religious hatred, as well as social hatred, through violence or call to violence; disgrace to the national dignity; incitement to mass disorder, acts of hooliganism or vandalism, on motives of ideological, political, racial, national or religious hatred or hostility, as well as motives of hatred or hostility toward a social group; promotion of exclusiveness, superiority or inferiority of citizens according to their religious affiliation, or depending on their race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property, or social origin.

82. The law stipulates that extremist material includes documents or other information, including anonymous public information, calling for extremist activity, providing arguments or justifying the necessity for extremist activity, or justifying the practice of committing war crimes, or other crimes related to the partial or total extermination of an ethnic, social, racial, national or religious group.

83. According to this law, extremist activity includes financing or contributing in any way to the implementation of the aforementioned actions, including through provision of financial means, real estate, instruction, printing and logistic resources, telephone, facsimile and other means of communication and information services, as well as appealing to the public to conduct the aforementioned acts.

84. In accordance with article 346 of the Criminal Code deliberate actions, public instigation, including through written or electronic mass media, with the objective of instigating national, racial or religious enmity or discord, humiliating national honour and dignity, as well as the direct or indirect limitation of the rights or the provision of direct or indirect advantages for citizens depending on their national, racial or religious affiliation are punishable by law.

85. According to the Office of the Prosecutor-General, only one case of fraud was investigated under article 346 of the Criminal Code. The case was closed, for lack of evidence.

86. The Law on Combating Extremist Activity portrays an extremist organization as a public or religious organization, mass media agency, or other organization against which a final court ruling is issued on the cessation or suspension of activity for conducting extremist activity.

*Responsibility of a public or religious association or other organization for carrying out extremist activity (art. 6)*

87. It is illegal to create and operate public and religious associations, or other such organizations, the objectives of which involve extremist activity.

88. Once it is ascertained that a public or religious association or organization, including at least one of its territorial or other subdivisions is carrying out extremist activity, the organization shall receive written warning about the inadmissibility of its conduct, including concrete reasons for the warning and the violations committed. Where redress is possible, the warning shall also indicate that corrective measures must be implemented one month from the date of warning.

89. The Ministry of Justice or the State Agency on Churches and Religious Organizations shall request the Prosecutor-General or his Deputy, or the respective prosecutor or his deputy to issue the warning to the public or religious association or other organization.

90. An appeal may be brought in court, in accordance with established procedure.

91. If the warning is not disputed in court, according to established procedure, or is not ruled as illegal by the court, and if the respective public or religious association or organization or one of its territorial or other subdivisions does not correct the irregularities that generated the warning within the term provided, or if in the course of 12 months from the date of the warning new actions denoting extremism are identified, on the basis of the claim of the Prosecutor-General or his Deputy or the respective prosecutor from his subordination or his deputy or of the Ministry of Justice or the State Agency on Churches and Religious Organizations, the court shall issue a ruling on the cessation or suspension for a period of up to one year of the activity of the public or religious association or organization.

92. If the court rules, on the basis of the law, for the cessation or suspension of activity of the public or religious association or organization, the operations of its territorial or other subdivisions shall be terminated or suspended as well.

*Responsibility of a mass media agency for the dissemination of materials of extremist nature and for carrying out extremist activity (art. 7)*

93. Dissemination through mass media of materials of extremist nature and conduct by mass media of extremist activity is prohibited.

94. If a mass media establishment disseminates materials of extremist nature, or commits actions denoting extremism, the State licensing body or the Prosecutor-General or his Deputy, or the respective prosecutor or deputy will issue a written warning to the founder and/or the editorial board/editor-in-chief of the media agency, indicating reasons for the warning and the irregularities to be rectified. Where redress is possible, the warning shall also indicate that corrective measures must be implemented one month from the date of warning.

95. The warning may be challenged in court, in accordance with established procedure.

96. If the warning is not challenged in court, according to established procedure, or is not deemed illegal by the court, and if the irregularities that generated the warning are not removed in the period provided, or if in the course of 12 months from the date of the warning new actions denoting extremism are identified in the mass media agency's activity, on the basis of the claim of the State licensing body or of the Prosecutor-General or his Deputy, or the respective prosecutor or his deputy, the court shall issue a ruling on the cessation or suspension for a period of up to one year of the operations of the mass media agency.

97. In order to prevent the continuation of dissemination of extremist material, the court may suspend the sale of the respective publication or distribution of audio-visual recordings of the respective programme, or the broadcast of the respective audio-visual programme, according to procedure, in order to implement measures supporting the court ruling.

98. The court ruling provides grounds for the confiscation of the unsold part of the mass media product from the storage facilities and the retail or wholesale outlets.

*Prohibition of the use of public telecommunication networks to carry out extremist activity (art. 8)*

99. The use of public telecommunication networks to carry out extremist activity is prohibited.

100. If public telecommunication networks are used to carry out extremist activity, legal measures are taken.

*Combating the dissemination of materials of extremist nature (art. 9)*

101. Publication or dissemination (broadcast) of printed, audio-visual or other materials of extremist nature is prohibited in Moldova.

102. The extremist nature of the materials is established by the court, upon petition by the prosecutor.

103. The court decision on the extremist nature of the material provides grounds for the confiscation of the unsold part of the product.

104. If the organization disseminates materials twice within a 12-month period, the court has the power to terminate its editorial activity.

*Record of materials of extremist nature (art. 10)*

105. The Ministry of Justice keeps a registry of materials of extremist nature.

106. A copy of the court decision on the extremist nature of the material is transmitted to the Ministry of Justice, which issues an order on storing a record of the respective material.

107. This order is published in the Official Monitor of the Republic of Moldova and in the national mass media.

108. Dissemination of the materials included in the record of materials of extremist nature on the territory of Moldova is prohibited.

109. Persons responsible for the preparation, dissemination or illegal storage of extremist material with the purpose of subsequent dissemination, are punished under administrative or criminal law.

*Responsibility of the citizens of the Republic of Moldova, foreign citizens, and stateless persons in carrying out extremist activity (art. 12)*

110. Citizens of Moldova, foreigners and stateless persons who carry out extremist activities are liable under criminal, administrative and civil law. In order to ensure State security, on the basis of and in accordance with the law, any person who participates in extremist activity may be limited, by a court ruling, in access to employment in the public service, military service, law enforcement, education, private investigation and protection services, for a period of up to five years.

111. If the leader or a member of a public or religious association or other organization makes a public statement calling for extremist activity, without affirming that it is his/her personal opinion, and a final court rules that the person committed an offence of extremist nature, the respective public or religious association or organization is obliged to publicly denounce the statements or actions of this person, within a short period of time. If the public or religious association or organization does not make a statement of dissent, this may be interpreted as denoting signs of extremist activity.

*Prohibition of extremist activity during assemblies (art. 13)*

112. Carrying out extremist activity during assemblies is prohibited. Organizers of mass meetings are responsible for complying with the provisions of the Law on the Organization and Conduct of Assemblies and other regulations on the prohibition of extremist activity and its



timely combating. No logos or other attributes of extremist organizations may be displayed and extremist material may not be distributed. If this occurs, the organizer or other responsible person is obliged to take immediate action to correct the irregularities. Failure to do so will result in the suspension of the assembly by law enforcement officials and the legal liability of the organizer or other responsible person.

*International cooperation in combating extremism (art. 14)*

113. Foreign public or religious associations or organizations and their structural subdivisions may not carry out activity labelled as extremist under international law and Moldovan legislation. If there is a final court ruling on the cessation or suspension of the activities of a foreign organization, the competent State body should inform the diplomatic representation or consular institution of the State concerned within 10 days, of the cessation or suspension of the activities of this organization in the territory of Moldova and the ensuing consequences.

114. Data from the Office of the Prosecutor-General shows that, to date, the Office has not issued warnings to any public or religious organization, mass media agency, or other organization on the cessation or suspension of activities for carrying out extremist activity.

115. To date, the State Agency on Churches and Religious Organizations has not reported any extremist activity by religious organizations.

116. The Ministry of Justice reported no extremist activity by a public, or religious association or other organization.

117. In conformity with the Constitution, all citizens are guaranteed freedom of opinion, as well as freedom of public expression of thought and opinion through word, image or any other means possible (art. 32). Freedom of expression may not harm the honour, dignity, or rights of other people to have and express their personal opinion or judgement. The law shall forbid and prosecute all actions to deny and slander the State or people. Likewise instigations to sedition, war, aggression, ethnic, racial or religious hatred, and the incitement to discrimination, territorial separatism, public violence, or other actions threatening constitutional order shall be forbidden and prosecuted.

118. The Government of Moldova ratified the European Convention on Transfrontier Television, which provides that all programming and service elements, including content, respect human dignity and fundamental human rights.

119. The Television and Radio Coordination Council, a public authority, operates in compliance with the Law on Audio-Visual Broadcasting. This law regulates the activities of broadcasting companies, such as studios and channels, and determines their legal, economic and organizational principles of activity. The evaluation criteria and the requirement of a broadcasting licence should ensure pluralism of opinions, evaluation equity, quality and diversity of the programmes, promotion of free competition, creativity and national broadcasting programmes. The Television and Radio Coordination Council reported that over the last two years, there have been no reports of racial hatred in broadcasts.

120. Article 11 of the Law on Combating Extremist Activity is aimed at public officials, providing for liability for any statement they make on the “necessity, admissibility, possibility, or opportunity” of conducting extremist activities in the exercise of his/her duties, as well as any failure to combat extremism in the framework of his/her competencies. State bodies and higher officials are obliged to take urgent measures to punish persons who commit such acts (art. 11).

## **Implementation of article 5 of the Convention**

### **Article 5, paragraph (a)**

121. The Constitution provides for justice to be administered in the name of the law by courts of law only (art. 114). In accordance with the Constitution (art. 20), every citizen has the right to obtain effective protection from competent courts of jurisdiction against actions infringing on his/her legitimate rights, freedoms and interests. No law may restrict access to justice.

122. According to the Law on Judicial Organization, any person whose rights have been infringed in any way by a public authority through an administrative ruling or lack of timely legal reply to an application, is entitled to recognition of these rights, the cancellation of the ruling and compensation.

123. All citizens of Moldova are equal before the law and the judicial authority irrespective of race, nationality, ethnic origin, language, religion, sex, opinion, political choice, personal property or social origin.

124. Consistent with the Code of Criminal Procedure, everyone is equal before the law and judicial authority irrespective of race, nationality, ethnic origin, language, religion, sex, opinion, political choice, personal property or social origin, as well as other circumstances.

125. The Code of Civil Procedure provides that justice in civil matters is administered solely by the court on the basis of the principle of equality of persons before the law and the court, regardless of race, nationality, ethnic origin, language, religion, sex, opinion, political choice, personal property or social origin.

126. There is no record of infringement of the right to equal treatment before the courts or any other judicial body regardless of race, nationality, ethnic origin, language, religion, sex, opinion, political choice, personal property or social origin, or membership of national minority.

127. The use of the State language in judicial procedure is a concern for a large number of citizens, most of them national minorities as they are not fluent in the State language. In this regard, it is necessary to point out that in keeping with the Constitution (art. 118), the Law on Judicial Organization, the Code of Criminal Procedure and the Code of Civil Procedure, judicial proceedings are conducted in the State language. Persons who are not fluent in the language have the right to address the court with the help of an interpreter. Judicial procedure may be conducted in a language acceptable to most of the parties involved.

**Article 5, paragraph (b)**

128. The Constitution affirms that the State guarantees the right to life and physical and mental integrity (art. 24). No one may be subjected to torture or cruel, inhuman or degrading punishment or treatment. Until its final prohibition, capital punishment may be applied only if based on a sentence passed in a court of justice.

129. The Constitution declares that individual freedom and personal security are inviolable (art. 25). Search, detention or arrest is permitted only if on the authority of the law. The period of detention may not exceed 72 hours. Persons may be arrested only under warrant issued by a magistrate for a maximum of 30 days. The detainee may contest the legality of the warrant and have the right to a court hearing. The detention period may be extended to six months and in exceptional cases, if approved by decision of Parliament, 12 months. The detainee should be informed without delay of the reasons for his/her detention or arrest, as well as of the charges against him/her, which may take place only in the presence of a lawyer, either chosen by the defendant or appointed ex officio. If the reasons for detention or arrest have ceased to exist the person concerned must be released without delay.

130. In 2005, a new article was added to the Criminal Code, according to which initiation or organization of begging, or recruitment of persons for begging, or instigation or coercing of a person to practice begging, with the purpose of obtaining for himself or another person unjust economic benefit are punishable by law.

131. Deliberate violation by a public official of the legal procedure for ensuring and enforcement of the right to access to information, causes considerable damage to the legally protected rights and interests of the person requiring information on public health protection, public security or environmental protection. This crime is punishable by two to five years' imprisonment with deprivation of the right to occupy certain positions or carry out certain activity for a period of up to five years.

132. Moldovan legislation, especially the Criminal Code and the Code of Criminal Procedure, which came into force in 2003, envisage responsibility for crimes against life, health, freedom, honour, dignity and other constitutional rights of the person, family and minors; stipulates responsibility of the surveillance authorities for crimes against justice and judicial institutions on attempt to human rights and constitutional freedoms.

133. The Law on Police stipulates that the police have the right to apply physical force, special measures and firearms. Physical force, special means and firearms may be used only after a warning has been given and after sufficient time lapse for response, except for cases in which the delay in applying force, using special measures or firearms generate a direct threat to the health and life of people or policemen and may lead to serious consequences. Firearms are not to be used against women, minors, elderly persons, or persons with a physical disability, except in cases of armed attack, violence using firearms or group attacks, which threaten human life and health, and if such cases cannot be settled in other ways and with other means. In all cases where the application of force is unavoidable, the police are obliged to avoid harming citizen's health, honour, dignity and goods, and ensuring medical assistance is provided for victims. Excessive use of force, special measures and firearms by the police is punishable by law.

134. The Law on Pre-Trial Detention guarantees the rights and freedoms of detainees. Detainees are held in custody in conformity with respect for the principles of the Constitution, the provisions of the Universal Declaration of Human Rights and other international instruments and standards concerning the treatment of detainees, and should not allow intentional actions that cause physical and moral suffering or humiliation. Discrimination against or offering of privileges to detainees with regard to their race, sex, nationality, language, ethnic origin, personal property, religion, political choice, and affiliation to public associations, previous merits and other circumstances is prohibited.

135. According to the Law on the Penitentiary System, one of the tasks of the penitentiary system is to ensure the rule of law and legality in the penitentiary institutions and protection of the security and health of detainees. The administration of the penitentiary institutions is obliged to respect ethical professional norms, treat detainees humanely, be polite and respect personal dignity and oblige legitimate requests of detainees.

136. According to the Ministry of Interior Affairs there have been no reports of mistreatment of detainees by law enforcement officials in the territorial subdivisions. Also, there have been no reports of infringement of prisoners' rights, denial of private meetings, or sanction of inhuman and degrading treatment of detainees. The Office of the Prosecutor-General is in charge of the legality of detention of persons suspected of a crime or delinquency. Infringements and brutal behaviour by public officials are punished by law.

137. CHRM has reported a number of cases in which detainees claimed that law enforcement officers treat them badly because of their national identity. Investigations have not confirmed these allegations.

138. The Ministry of Interior Affairs, together with CHRM, the United Nations Development Programme, the international experts of the Council of Europe and other organizations, including NGOs, frequently organize methodological seminars on such themes as "Respecting human rights", "Police ethics", "Implementation of the Code of Police Ethics". There have also been seminars on the implementation of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

139. The Law on the Rights of the Child guarantees the child's right to life and physical inviolability. The State ensures the inviolability of the child by protecting him from any exploitation, discrimination or physical or mental violence, and providing for the prohibition of cruel, rude, contemptuous treatment, abuse and mistreatment, provision of protection from criminal acts, discouragement to use alcoholic beverages, drugs and psychotropic substances, gamble, beg, prevention of the inducement or coercion of the child to engage in any unlawful sexual activity, and providing for the prohibition of the exploitative use of children in prostitution or other unlawful sexual practices, in pornographic performances and materials by the child's parents, legal guardians, or relatives. Every child has the right to protect his dignity and honour. The attempt to violate the child's dignity and honour is punishable by law.

**Article 5, paragraph (c)**

140. The Constitution holds that the foundation of State power is the will of the people made known through free elections held at regular intervals and based on universal, equal, direct and free suffrage (art. 38). Except for persons banned from voting by law, all citizens of Moldova, having attained the age of 18, on or by election day inclusively, have the right to vote. All citizens eligible to vote have the right to be elected.

141. Article 41 of the Constitution states that the will of the people is the foundation of the power of the State. This will is expressed by free periodic elections, based on a universal, equal, direct, secret and freely expressed vote. The State guarantees the expression of a citizen's free will by defending the democratic principles and the norms of electoral laws. All parties and other socio-political organizations are equal before the law. The State ensures the protection of the rights and legitimate interests of parties and other socio-political organizations. Parties and socio-political organizations are declared unconstitutional if by their aims or activities they are engaged in resisting political pluralism, principles of the rule of law, the sovereignty and independence or territorial integrity of Moldova. Secret associations are forbidden. Foreign nationals are prohibited from forming parties. The organic law establishes those public offices whose holders may not join political parties.

142. The Electoral Code of Moldova provides that all citizens are free to vote and be elected, regardless of their race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.

143. There has been no violation of the right to vote and be elected, regardless of race, nationality, ethnic origin, language, religion in Moldova. Moreover, the right to be elected is not limited to those fluent in the State language. The interests of national minorities are respected through publishing the voters' lists in two languages: Moldovan and Russian.

144. The Constitution stipulates that citizens of Moldova have the right to participate in the administration of public affairs, either directly or through their representatives. Access to public office or position is guaranteed by law to all citizens. (art. 39).

145. According to the Law on Public Service, all citizens are guaranteed the right to be engaged in public service, as long as they permanently reside in the country, have the appropriate qualifications and are medically fit, without distinction as to race, nationality, gender, or religion. A person applying for a position in the public service should speak Moldovan within the limits prescribed by the Law on the Usage of Languages Spoken on the Territory of the Republic of Moldova.

146. In accordance with the Law on the Rights of people belonging to national minorities and the legal status of their organizations, the representation of the persons, belonging to national minorities in Parliament and in the local councils is obtained by elections, according to the current legislation. The persons, belonging to national minorities have the right to approximately proportional representation in executive power structures, in juridical structures of all levels, and in the army.

147. Currently, the right of persons belonging to national minorities to approximately proportional representation in executive power structures, especially in juridical structures, is an issue of concern in Moldova. This problem arose because most persons belonging to national minorities are not fluent enough in the State language to execute official obligations. This issue is under review by the State and the authorities are making attempts to improve the study of the State language by minorities. Nevertheless, this issue is not considered as an element of racial discrimination, but has to be examined from the point of view of official requirements (including fluency in the State language), which are obligatory for the public officials.

148. Persons belonging to national minorities have proportional representation in Parliament, the sole legislative authority of the State. Parliament is comprised of 101 members, including as follows: 57 Moldovans, 21 Romanians, 11 Ukrainians, 7 Russians, 3 Gagauz and 2 Bulgarians.

**Article 5, paragraph (d) (i)**

149. The Constitution guarantees the right to move freely within the boundaries of one's native country (art. 27). Every citizen is guaranteed the right to choose his place of residence anywhere within the national territory, travel in and out of the country, as well as emigrate at will.

150. Currently, there are no requirements for mandatory registration, thus a citizen can be registered at any address he pleases. At the moment, the practice of other States in keeping track of their inhabitants is under review. Another draft law on data on the inhabitants of Moldova is being developed, to allow for complete registration of and documentation on the inhabitants. The present system of record keeping by place of residence ensures the human right to free movement and free choice of residence in any region of the country, in accordance with the provisions of the Constitution and international human rights law.

151. There are reports of cases in which citizens, in particular the Roma and those of African and Asian descent have claimed that the police show excessive interest in them because of their features or skin colour. A racist attitude is said to be reflected in the frequent checking of the identity cards of persons who look dissimilar to the rest of the population. In this regard, State authorities have taken the necessary measures to prevent human rights violations and to ensure respect for the rights of citizens belonging to various nationalities.

**Article 5, paragraph (d) (ii)**

152. The Constitution guarantees every citizen the right to travel within and outside of the country, as well as emigrate at will (art. 27). In accordance with the Law on Exit and Entry from/into the Republic of Moldova, any citizen has the right to travel in and out of the country provided that he/she does not violate the laws of the respective State (if his entry/exit does not jeopardize national security, if he has not committed crimes against humanity, does not have heritage obligations towards the State, or physical and legal entities, according to the ruling of the court, etc.).

153. There have been no reports of infringement of the right of citizens to travel in and out of the country, on the grounds of race, nationality, ethnic origin, language, or religion.

**Article 5, paragraph (d) (iii)**

154. According to the Constitution, citizenship of Moldova may be acquired, retained or lost only under the conditions provided for by organic law (art. 17). No one may be deprived arbitrarily of his/her citizenship or the right to change it.

155. In accordance with the Law on Citizenship of the Republic of Moldova, the granting of citizenship is based on the following principles: the universality of the right to citizenship; non-discrimination of citizens, irrespective of the grounds for the acquisition of citizenship; the criminality of arbitrary deprivation of citizenship and the right to change citizenship; avoidance of statelessness; the change of citizenship of a spouse should not affect the citizenship of the citizen or of a child, if there is no written request by the parents to change the child's citizenship.

156. Under the law, citizenship may be acquired by: birth, recognition, adoption, recovery, or naturalization, and also on the basis of international agreements, to which Moldova is a party. Citizenship is not granted to the individual, who has committed international crimes, war crimes, or crimes against humanity; has been involved in terrorist activities; has been sentenced to imprisonment for premeditated offences and has previous criminal records or is under penal prosecution upon the review of his/her application; who performs activities that jeopardize the safety of the State, public order, people's health or their moral conduct; is a citizen of a State that did not conclude an agreement on dual citizenship with Moldova, except in cases set forth in the Law on Citizenship. Citizenship may be lost: by renunciation; by deprivation; on grounds of international agreements to which Moldova is a party. It may be revoked by a decision of the President of Moldova if the person: has acquired citizenship by fraud, false information or concealment of any relevant fact proved in court, has enrolled voluntarily in a foreign military service, has committed acts seriously prejudicing the vital interests of the State. Deprivation of citizenship should not affect the citizenship of a spouse or his/her children.

157. There have been reports of claims by foreigners, especially refugees, that the procedure for obtaining citizenship is difficult. Nevertheless, this cannot be considered racial discrimination. The conditions for naturalization as set out in the Law on Citizenship are the same for all persons, regardless of their race, nationality, ethnic origin, language, or religion. There have been no reports of refusal of citizenship on the basis of racial discrimination.

**Article 5, paragraph (d) (iv)**

158. In line with the Constitution, the family is founded based on free consensual marriage of man and woman, the equality of rights of the spouses and the duty of parents to ensure their children's upbringing and education (art. 48).

159. In accordance with the Family Code, family relationships are regulated on the following principles: monogamy, freely consented marriage of man and woman, equal rights for spouses in the family, mutual moral and material support, conjugal fidelity, priority of children's education, ensuring the support, education and protection of rights of under-age and disabled members of the family, friendly settlement of all family matters, free access, through the court, to the defence of the family members' legitimate rights and interests. An application for a

marriage licence should be personally submitted to the State Registrar's Office by the citizens seeking to get married, in their territorial jurisdiction, depending on the place of residence of one of the spouses or of that of the parents of one of them. In the marriage application, the future spouses should declare that there are no legal impediments to their marriage.

160. In accordance with the Family Code, marriage is prohibited between two persons: if one of them is already married; if they share a high degree of lineal consanguinity; if they are related by blood within the fourth degree; if they are brothers and sisters, including those who have a common parent; if they are adoptive parent and adopted child; if they are adopted child and a person who is a lineal consanguineous relative of the adoptive parent, within the second degree inclusively; if they are a guardian and the under-age person under his/her guardianship, during the period of guardianship; persons, at least one of which is disabled; convicts, if they are both serving jail terms; or if they are of the same gender. Any person can object to a marriage, if there is a legal impediment or if other terms of the law are not respected, by expressing his reasons in writing and attaching the alleged evidence. The State Registrar is obliged to verify the claims, and if they are confirmed, permission for the marriage can be denied.

161. There is no record of violations of the right to marry and choose a partner regardless of race, nationality, ethnic origin, or religion.

#### **Article 5, paragraph (d) (v)**

162. The Constitution guarantees the right to possess private property and the debts incurred by the State (art. 46). No one may be expropriated except for reasons dictated by public necessity, as established by law and against just and appropriate compensation made in advance. No assets legally acquired may be confiscated. The effective presumption is that of legal acquirement. Goods destined for, used, or resulting from crimes or offences may be confiscated only as established by law. The right to private property carries with it the duty to observe the rules regarding protection of the environment, the maintenance of good neighbourly relations and the observance of all the other duties that have to be fulfilled by owners of private property under the law.

163. In accordance with the Law on Property, the right to property in Moldova is recognized and protected by law. The proprietor has ownership, utilization and disposal rights over assets. Ownership of assets is actual possession of assets, utilization of assets is consumption of useful properties of assets and disposal of assets is determination of the destiny of assets. The proprietor is entitled to perform any actions concerning his assets which do not violate laws and which do not pose a threat to health or the environment. Any individual, legal entity, State or local self-governing body may have property rights. Assets can be held under the right of common property with defining shares (share property) or without defining shares (joint property), simultaneously to two or several persons, regardless of type of property. The owner has the right to exercise any action over his private property that does not contravene the law and does not cause damage to human health and the environment. Moldovan legislation guarantees for citizens, organizations and other owners equal conditions of development of various types and forms of property and their protection. The right to property relations is guaranteed. No one has the right to withdraw the owner's goods by force, except in cases under the law, or demand the owner to associate his property goods to someone else. In accordance with the law, the owner has the right to demand and obtain his property from a foreign illegal owner. The laws of



Moldova protect the rights of all subjects to own property in the republic and in the territory of other States. The owner may request the removal of all hindrances to his right even when these are unrelated to deprivation of ownership. The competent court executes protection of property rights.

164. There have been no cases of violation of the right to property on the grounds of race, nationality, ethnic origin, language, or religion.

**Article 5, paragraph (d) (vi)**

165. The Civil Code, in particular the right of succession, sets no limits on the right of succession on grounds of race, nationality, ethnic origin, language, or religion.

166. There are no records of violation of the right of succession on grounds of race, nationality, ethnic origin, language, or religion.

**Article 5, paragraph (d) (vii)**

167. According to the Constitution freedom of conscience is guaranteed (art. 31). Its manifestations should be in a spirit of tolerance and mutual respect. Freedom of religious worship is guaranteed and religious bodies are free to organize themselves according to their own statutes, under the rule of law. In their mutual relationships religious cults are forbidden to use, express or incite to hatred or enmity. Religious cults are autonomous before the State and enjoy the latter's support, including that aimed at providing religious assistance in the army, hospitals, prisons, homes for the elderly and orphanages.

168. In accordance with the Law on Worship, every person has the right to the freedom of thought, conscience and religion. This right shall be exercised in a spirit of tolerance and mutual respect. It implies the freedom to change one's religion or belief, to profess religion or belief either alone or together with others, both in public and privately, to manifest his/her religion or belief by teaching, practice, worship, or observance. The exercise of the freedom of religion or belief may be restricted in conditions under the by-law and only in cases when the latter include actions which are necessary in a democratic society for guaranteeing public security, the maintenance of public order, health or protection of morals, or safeguarding the rights and freedoms of other people. Establishing parties on religious criteria is prohibited. Religious organizations are free to be organized and operate in accordance with the legislation in force. Religious organizations have to be organized under statutes, according to their denominations, canons and traditions. The law prevents religious organizations from including in their statutes actions against the independence, sovereignty, integrity and security of the republic, its constitutional provisions, or against the legislation in force. Religious organizations are autonomous, separate from the State and enjoy its support. The State does not interfere with religious activity, however the financial activity of religious organizations is under State control.

169. The main tendency at the moment is to amend the provisions of the law concerning religious organizations. In this context, the draft Law on Freedom of Conscience and Religious Organizations is being developed. This draft law provides that relations between the State and religious organizations will be based on a more democratic and modern level. The draft law was revised by the Council of Europe and examined by the relevant working group. This procedure

will serve as a base for the establishment of constructive relations between the State and the Church, in accordance with domestic legislation and commitments undertaken by the Government of Moldova through international treaties.

170. Currently, persons of Tatar origin frequently claim discrimination on religious grounds when raising the issue of registration of Islam in Moldova. The State Service for Religious Issues has refused to accept the claim of the Muslim community on the grounds that the case as presented did not meet the requirements of present legislation. The case is currently in the hands of the judiciary. The case may only be reviewed after the court's final decision.

**Article 5, paragraph (d) (viii)**

171. The Constitution guarantees for all citizens the right to freedom of opinion, as well as freedom of public expression of thought and opinion, through word, image or any other means possible (art. 32). Freedom of expression may not harm the honour, dignity, or the rights of other people to have and express their own opinions or judgements. The law forbids and prosecutes all actions aimed at denying and slandering the State or people. Likewise, instigations to sedition, war, aggression, ethnic, racial or religious hatred, and incitement to discrimination, territorial separatism, public violence, or other actions threatening constitutional order are forbidden and prosecuted.

**Article 5, paragraph (d) (ix)**

172. In accordance with article 40 of the Constitution, all meetings, demonstrations, rallies, processions, or any other assemblies are free, and may be organized and take place only peacefully and without the use of weapons.

173. According to the Law on the Organization and Holding of Meetings, citizens over 18; parties, other socio-political organizations, economic units, trade units, churches and other religious organizations, public associations, registered in the established way, have the right to organize meetings. Meetings can only be held with prior notice to the municipal authorities or district (regional) councils. Meetings must be held in a peaceful way, without the use of firearms; ensuring the protection of participants and the environment; the use of public roads and hindrance of traffic is prohibited; and meetings must be held without violence which could jeopardize the integrity and life of persons, goods, etc. Involvement of pupils or other educational institutions in the holding of illegitimate meetings is illegal. Any meeting in which there is dispute or injury; urge to aggressive action, national, racial or religious hatred; instigation to discrimination, territorial separation, public violence; or attempt to change the constitutional system is regulated. It is illegal for armed persons; persons who possess explosive, inflammable, radioactive or toxic substances, substances that cause irritation and tears, or other objects and substances that can be used in violent actions and meeting disorder to attend meetings. The use of alcohol, disruption of public order, intentional obstruction of public transportation, endangering of traffic security and violation of moral norms are prohibited.

174. In accordance with the law, all citizens have the freedom to associate with parties and other socio-political associations, religious organizations (see (d) (vii) above) and trade unions (see (e) (ii) below).

175. According to the Law on Public Associations, a public association is a voluntary, independent, self-governing organization, formed as a result of the free and conscious will of citizens, cooperating on the basis of common professional and other interests for mutual realization of economic, social and cultural rights. Its objective is not financial gain. The law defines objectives and goals of public associations reflected in their statutes and other correctly registered acts.

176. It is illegal to establish public associations, with the goal or method of activity of violent change of the constitutional system, violation of territorial integrity of Moldova, promotion of war, violence and cruelty, stirring up of social, class, as well as racial, national and religious differences, or accomplishment of other punishable acts. The organization of public military associations and armed groups is prohibited. The founding and activities of public associations, infringing upon values common to all mankind, health, morals, social morals of population and rights and interests of citizens safeguarded by the Law is prohibited.

177. The territory of Moldova is home to national, local and international public associations. Public associations are established on the initiative of their founders. The founders of public associations can be individuals - citizens over 18 - and legal entities. Public associations are established by at least three people and one or several legal entities. Foreigners and permanent residents have the same right as citizens to establish public associations, providing the legislation on separate types of public associations does not specify otherwise.

178. Citizens, foreigners and residents, providing the legislation on other types of public associations does not state otherwise, may join public associations. Members (participants) of public associations can be citizens over 18, members of youth public associations can be citizens over 14, members of children's public associations can be citizens over 10. Legal entities can participate in public associations as collective members, if specified in the statute of those associations.

179. According to the Law on the Rights of people belonging to national minorities and the legal status of their organizations, persons belonging to national minorities can exert their rights individually, uniting, according to the law, as organizations (associations, communities, etc.) of a cultural, religious, charitable and enlightening character. National minority organizations have the same rights as those granted by law to public associations.

180. Currently, national minority ethnocultural organizations operate as public associations.

181. In accordance with article 41 of the Constitution, all citizens are free to associate with parties and other socio-political organizations. These organizations contribute to the definition and expression of public political will, and under the rule of law take part in the electoral process. All parties and other socio-political organizations are equal before the law. The State ensures the protection of the rights and legitimate interests of parties and other socio-political organizations. Parties and socio-political organizations are declared unconstitutional if by their aims or activities they are engaged in resisting political pluralism, the principles of the rule of law, or the sovereignty and independence or territorial integrity of the republic. Secret associations are forbidden. Parties consisting of foreign nationals are forbidden.

182. According to the Law on Parties and other Socio-Political Organizations, parties and other socio-political organizations are free will associations of citizens, based on a community of ideas, ideals and goals, which contribute to the fulfilment of the political will of a part of the population by accessing State power in a legal manner and taking part in its enforcement. Only citizens who are at least 18 years of age can be elected as a member of a party or socio-political organization. A citizen cannot be a member of two or more parties or other socio-political organizations at the same time.

183. The ruling bodies of the parties and other socio-political organizations must be located on the territory of Moldova. Foreign parties and socio-political organizations or from their subdivisions cannot be established on the territory of the republic.

184. The establishment and operation of paramilitary parties or other socio-political organizations, parties and socio-political organizations militating against political pluralism, rule of law and any attempt to remove or change by force, or by other unconstitutional means the State order; attempt to undermine the sovereignty and the territorial integrity of Moldova, instigate war, social disorder, inter-ethnic and religious conflict; authoritarian and totalitarian methods of rule and abridge natural human rights, conduct activities that contravene the Constitution and the general accepted norms of international law are in breach of the law.

185. The by-laws of a political party or other socio-political organization are registered if there are at least 5,000 active members residing in at least half of the second level administrative territorial units, but no less than 150 in each of the administrative-territorial units and has its own programme and governing bodies.

186. Representatives of international organizations, in particular the Venice Commission, as well as Moldovan experts have discussed the provisions of the Law on Political Parties and Other Socio-Political Organizations relating to the fact that the political party or the organization is registered if it includes at least 5,000 active members residing in at least half of the second level administrative territories, but not less than 150 in each of the above-mentioned administrative territories. This limits the ability of persons belonging to ethnic minorities, who live communally in a certain region, to form a party. Nevertheless, the above requirements refer more to the method of forming parties and should not prevent the participation of national minorities in public life.

187. There is no record of violation of the freedom of association on grounds of race, nationality, ethnic origin, language or religion.

**Article 5, paragraph (e) (i)**

188. According to the Constitution, every person has the right to freely choose his/her work and benefit from equitable and satisfactory working conditions, as well as to be protected against unemployment (art. 43). All employees have the right to protection. In this respect protective measures will affect security and hygiene, working conditions for women and young people, the introduction of minimum wage across the national economy, weekly rest periods, paid holidays, difficult working conditions, as well as other specific situations. The working week should not exceed 40 hours. The right of collective bargaining is guaranteed, as is the legal enforceability of collective agreements.

189. In accordance with article 44 of the Constitution, forced labour is prohibited. The activities not regarded as forced labour include military-like duty or the activities designed to replace it, carried out by those who are exempt from compulsory military service, under law; work done by a convicted person under normal conditions, in custody or on parole; and services such as those required to deal with calamities or other dangers or as considered under the law to be a part of normal obligations of civilians.

190. The Labour Code asserts that every person has the right to work, freely choose his/her occupation and enjoy safe and healthy working conditions. No one is forced to work or not work in any workplace, or exercise a particular profession. Any legislation is considered null and void if it violates these provisions. According to the Labour Code, the principle of equality is important for all employees. Any direct or indirect restriction of rights or the provision of certain direct or indirect advantages for being hired on the grounds of sex, race, nationality, language, social origin, property, housing, religion, beliefs, membership in public association, or on the grounds of other circumstances which are not related to the worker's capacity to perform his/her duties, are prohibited. Differentiation, exceptions, preferences or restrictions in hiring determined by the specific nature of a given activity or under special conditions provided by the State for persons who are entitled to an increased level of social and legal protection, are not viewed as discriminatory.

191. Refugees do not have the right to work due to specific problems in this regard, including lack of identity cards for refugees, in particular of personal index numbers, which makes financial responsibility and the paying of taxes difficult. Refugees and their associations frequently challenge this matter, which in itself is not viewed as discriminatory.

192. As regards respect for the right to work, the specific circumstances of Gypsies/the Roma is worth mentioning. In order to implement the provisions of the Government Decision on Measures to Support the Gypsies/Roma from the Republic of Moldova, a special plan was approved, which will facilitate a study of the problem of Roma employment, reduction of unemployment, recommendations on the study of the extent of Gypsy enrolment in school, as well as measures on the social support of Roma families. In this context, a social survey on Roma employment was carried out. The data reflected specific difficulties, including: one of the main problems which is a lack of functional literacy skills, mainly of women; most Roma have no identity records; they wish to work in enterprises for which special training is not required; unwillingness, in some cases, to be trained for a profession; preference for migration and seasonal work. The findings of the survey will direct efforts to improve Roma employment. Employment centres give this category of the population special treatment, in particular when they request the services of employment agencies to help them obtain a job. The survey findings are taken into account in the district employment programmes. Local public authorities make the necessary effort to employ the Roma, hiring them for public works and offering professional training. In some cases the Roma are not interested in being engaged in gainful employment.

193. This problem is being considered by competent State authorities.

**Article 5, paragraph (e) (ii)**

194. According to the Constitution, any employee has the right to establish and join a trade union in order to defend his/her interests (art. 42). Trade unions are established and carry out their activities in accordance with their statutes under the law. They contribute to the defence of employees' professional, economic and social interests.

195. In accordance with the Law on Trade Unions, trade unions are public organizations that determine methods for the protection of their members in their statutes, collective and other agreements, defend their rights and legitimate interests, as well as the rights and legitimate interests of their members. Trade unions are independent from the employer, by the mediation of the elected institutions they represent members in dealings with employers and protect their labour, professional and social rights and interests. Any activity with the aim of direct or indirect subordination of trade unions to the State or other institutions and organizations, as well as hindering the activity of trade unions is prohibited.

196. Citizens of Moldova, foreigners and stateless persons who stay legally on the territory of the State have the right to establish and be registered in trade unions, in accordance with their statutes, without the permission of public authorities. Persons who are not employed and who have lost employment, as well as self-employed persons may be involved in and may register, at their will, a trade union, in accordance with its statute, or can retain membership of trade unions of businesses, institutions, or organizations at which they are employed. Citizens of Moldova who live abroad have the right to be members of trade unions in the republic. Trade unions are authorized to request the liability and even dismissal of officials, who violate labour, collective farming, cooperative, dwelling or space as well as environmental protection legislation. Trade unions have the right to represent and protect members in State institutions and other organizations in the field of labour relations, compensation for injury, dwelling space and other social and economic interests; in settling individual and collective disputes, as well as addressing the court for the protection rights and interests of their members.

197. There has been no report of violation of the right to establish and join a trade union on grounds of race, nationality, ethnic origin, language or religion.

**Article 5, paragraph (e) (iii)**

198. A house is private property in Moldova, therefore the majority of houses and apartments are under private ownership. According to the Law on Property, the right to own property in Moldova is recognized and guaranteed by law. The owner enjoys the right to own property, use and administer it. Possession of private property implies its effective ownership; the use of private property means making use of the useful qualities of private property and its administration implies the determination of the future use of private property. The owner has the right to exercise any action over his/her private property that does not contravene the law and does not cause damage to human health and the environment.

199. At this time, a new draft of the Code on Housing is being elaborated. It will provide for the constitutional rights of people to housing, right to construct private houses, etc. Every citizen would have the right to get housing facilities from public or State housing resources, or from houses built by cooperative societies. Housing facilities from public or State housing resources

or from the houses built by cooperative societies are offered to people for an unlimited period. People have the right to own a house (or part of a house) for residential purposes in conformity with national law. No one may be removed from his place of abode except on the grounds and in the manner prescribed by law. It is illegal to use housing facilities for purposes other than their original purpose or for violation of the rights of other people or of State or public organizations.

200. There are no differences in exercising the right to housing for persons belonging to the various ethnic groups of Moldova. There are no records of violation of the right to housing on the grounds of race, nationality, ethnic origin, language or religion.

**Article 5, paragraph (e) (iv)**

201. Under the Constitution, the right to health security is guaranteed. The State shall provide minimum health insurance free of cost (art. 36). The State is obliged to take action to ensure that every person has a decent standard of living, whereby good health and welfare, based on available food, clothing, shelter, medical care and services are secured for that person and his/her family. All citizens have the right to be insured against such adversities as unemployment, disease, disability, loss of spouse, old age or other circumstances in which, due to reasons beyond one's control, one loses the source of income (art. 47). The State protects mothers, children and the young and promotes the development of institutions charged with protecting them. All efforts to raise and educate orphans and children deprived of parental care are the responsibility of the State and society. The State promotes and supports charitable activities to benefit these children (art. 49). Mothers and children have the right to receive special protection and care. All children, including those born out of wedlock, should enjoy identical social welfare benefits. Children and the youth enjoy a special form of assistance in the enforcement of their rights. The State grants allowances for children and aid for the care of sick or disabled children (art. 50). Disabled persons enjoy special protection from society. The State ensures normal conditions of medical treatment and rehabilitation, education, training and integration of disabled persons (art. 51).

202. In accordance with the Law on Health Care, the inhabitants of Moldova enjoy the right to health care without distinction as to nationality, race, social status and religion. This right is ensured through protection of health in the country, by creating decent working and living conditions, by guaranteeing qualified medical care in conformity with the requirements of a modern health-care system and by treating injury. Health care is guaranteed by a set of measures designed to ensure the highest possible standards of health through disease prevention, the development of the economic, social and cultural potential of the country and the protection of the environment.

203. The Law on the Public System of Social Security, organizes the system of social security on the basis of the principle of equality, which ensures for all participants of the public system - taxpayers and beneficiaries - non-discriminatory treatment in respect of their rights and obligations.

204. Taking into account the position of Gypsies in the society, as well as the legislation already in place, the Government adopted its Decision on Measures for the support of Gypsies in the Republic of Moldova. In accordance with the Government Decision, the Ministry of Health

and Social Protection developed and approved plans for measures of Support of the Gypsies in the Republic of Moldova for 2001-2010. The Ministry of Health and Social Protection conducted social surveys among Gypsies in order to determine their level of awareness of hygiene and disease prevention. Analysis of the results of these polls showed the need for greater and more effective instruction in living healthy lifestyles in the community. Model programmes for medical workers, including lectures, awareness-raising of children and parents and informative materials on various aspects of healthy living have also been developed. Administrators of public medical and sanitary institutions of the regions predominantly inhabited by Roma, were trained in the above-mentioned areas. In November 2004 the Socio-medical Mediators project was launched to implement the social security legislation developed by Roma NGOs together with the Ministry of Health and Social Protection and with the support of the Council of Europe. The aim of the project is to educate Roma trainers (for developing professional practice in social security and primary care medicine), who will become contact persons between communities inhabited predominantly by Gypsies and local public authorities. They were trained on preventive measures as regards venereal diseases, HIV/AIDS; drug addiction; the effects of habits such as alcoholism and smoking on health; family planning; prevention of tuberculosis; healthy living and prevention of cancer; and the role of personal hygiene in health care.

205. The law stipulates concrete measures directed at improvement of the social status of the Roma in the country. The Government physicians conduct classes for Gypsy women in the school for mothers to be and for mothers of children below one year of age in the school for mothers.

#### **Article 5, paragraph (e) (v)**

206. According to the Constitution, the right of access to education is realized through the availability of compulsory comprehensive public education, lyceum (public secondary school) and vocational education, as well as higher education and other forms of education and training (art. 35). The State enforces the right of every person to choose his/her language of instruction. At the same time, the country's official language must be studied at all educational institutions. State public education is free. All educational institutions, including those not financed by the State, must be established and function under the rule of law. Institutions of higher education have the right to be autonomous. Access to lyceum, vocational and higher education is equally open to all and based on personal merit. The State ensures under the law freedom of religious education and ensures secular education. Parents have the right to choose an appropriate educational environment for their children.

207. According to the Law on Public Education, education is, from a conceptual viewpoint, an integrated system that includes a variety of educational structures, forms, contents and methods. Educational policy of the State is built on the principles of humanization, accessibility, adaptability, creativity and diversity. The educational process is democratic and humane, open and flexible, formative and developing, and is based on universal and national values. State school education is secular, refractory to discrimination on the grounds of party or ideology choice, race and nationality. State school education is free. The right to education is guaranteed without distinction as to nationality, sex, age, social origin and status, political and religious choice, or criminal record. The State ensures equal access to State lyceum (secondary), vocational and higher schools on the basis of the student's abilities and capacity to study. The



State ensures the right to choose the language of education and training at all levels of education. The right of citizens to education and training in their mother tongue is ensured. Compulsory general education lasts nine years. Compulsory school attendance ends once the pupil attains the age of 16.

208. Taking into account the circumstances of the Roma, the problem of education of the Roma persists, often because Roma children do not attend school regularly or abandon the educational institutions prior to the end of the period of compulsory attendance. In addition to the legislative provisions in place, the Ministry of Education, Youth and Sports has tried to improve enrolment of Roma children. The Ministry and the Roma public associations conducted polls about the education of Roma in Moldova. The results have informed measures for improving the education of Gypsies. The Ministry, through the plan on measures for the support of Gypsies developed and directed the recommendations of the study on school enrolment of Roma children; is implementing various forms of sensitization and development of national culture among children and youth; and is monitoring activities at educational institutions for the Gypsy/Roma children and families.

209. According to the Regulation on organization and development of admittance at higher educational institutions in the Republic of Moldova, approved through a decision of the Ministry of Education, Youth and Sports, 15 per cent of State scholarships are reserved for the Roma (for each specialization of professional training and education, in accordance with the admission quota).

210. No violation of the right to education on grounds of race, nationality, ethnic origin, language or religion has been reported.

**Article 5, paragraph (e) (vi)**

211. The Law on Culture provides that cultural activity is an inalienable right of everyone, regardless of his nationality, social origin, language, sex, political or religious beliefs, or of other nature, housing, property, education, occupation, or any other circumstance. Every person enjoys the right to State protection of his cultural identity.

212. In accordance with the Constitution, the freedom to create scientific and artistic works is guaranteed (art. 33). Creative work may not be subject to censorship. The law protects the rights of citizens to their intellectual property and to the material and moral interests related to various forms of intellectual creation. The State supports the preservation, development and promotion of national and world achievements in culture and science.

213. There has been no report of violation of the right to take part, on equal footing, in cultural activity on grounds of race, nationality, ethnic origin, language or religion.

**Article 5, paragraph (f)**

214. The Constitution provides that all citizens of Moldova are equal before the law and the authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property, or social origin (art. 16).

215. There is no legislation in Moldova that would limit the right of access to all places and services of public use (means of transportation, hotels, restaurants, bars, theatres, parks, etc.) on the grounds of race, nationality, ethnic origin, language and religion. No violation of this right on the grounds of race, nationality, ethnic origin, language and religion has been reported.

### **Implementation of article 6 of the Convention**

216. The Constitution bestows on every citizen the right to obtain effective protection from competent courts of jurisdiction against actions infringing his/her legitimate rights, freedoms and interests (art. 20). No law may restrict access to justice. Any person, whose rights have been infringed in any way by a public authority through an administrative ruling or lack of timely legal reply to an appeal, is entitled to obtain recognition of those rights, cancellation of the ruling and payment of damages (art. 53).

217. In accordance with the Law on Judicial Organization, the judicial power is independent, separate from the legislative and executive powers and has its own attribution, exercised by the courts under the principles and provisions of the Constitution and other laws. Justice is administered in the name of law. The Courts administer justice in order to protect and exercise the rights and fundamental freedoms of citizens and their associations, enterprises, institutions and organizations. The courts hear all civil, administrative and criminal cases, as well as any other cases for which the law has no other provision. In administering justice, the Courts protect the State and the constitutional order of Moldova from any infringements.

218. In accordance with the law, any person is entitled to protection by competent courts against actions that violate his/her legitimate rights, freedoms and interests. Citizens' associations of, enterprises, institutions and organizations are entitled in the manner provided for by the law, to file lawsuits with courts in order to protect their legitimate rights and interests, which are violated.

219. All citizens of Moldova are equal before the law and judicial authority irrespective of race, nationality, ethnic origin, language, religion, sex, opinion, political choice, personal property or social origin, as well as other circumstances.

220. Judicial proceedings are conducted in Moldovan. Individuals who neither understand nor speak Moldovan are entitled to be apprised of all details of their case and address the court with the assistance of an interpreter. The judicial proceedings may be carried out in a language acceptable to the majority of the persons participating in trial. In cases where the judicial proceedings are carried out in a language other than Moldovan, it is mandatory that the judicial proceedings be reproduced in Moldovan as well.

221. Court sessions are public. Trials are held in closed sessions only in cases specified by law, under the procedure. Court decisions are read publicly. Trials are conducted only under the principle of the adversarial system.

222. During trials, the parties are entitled to be represented or, as the case may be, assisted by a defence attorney. Any obstruction of persons conducting the defence within provided limits is punishable by law. International legal assistance is requested or granted under conditions provided for by law and international conventions to which Moldova is party.

223. Justice is administered through the Supreme Court of Justice, Court of Appeal, tribunals and ordinary courts. There are also specialized courts, such as economic and military, for some categories of cases. The establishment of extraordinary circumstances is prohibited.

224. The system of administrative courts in Moldova, aims, in accordance with the Law on Administrative Courts, to counteract abuses and excesses of power by public authorities, defend the rights of persons under the law, organize the activities of the authorities and ensure legal order. Any person who considers that one of his/her legally acknowledged rights was violated by a public authority, an administrative act or by failure to solve a petition in the legal term, may bring an action in the competent administrative court in order to obtain a repeal of the act, recognition of the alleged right and repair of the damage caused.

225. There is a system in Moldova for the protection of the human rights and prevention of discrimination, including racial discrimination.

### **Human Rights Committee of Parliament**

226. The Human Rights Committee is a working body of Parliament. The Committee reports on draft bills and legislative proposals, makes parliamentary inquiries, debates and decides upon matters as required by the Parliamentary Speaker and Deputy Speakers. Public administrative bodies, other organs and enterprises, institutions and organizations may consult the Committee on the issues regarding its field of activity. At the end of the consulting session, the permanent committees send out consultative notices as recommendations.

### **Bureau of Inter-ethnic Relations**

227. The Bureau of Interethnic Relations is a central public administrative body that promotes State policy in inter-ethnic relations, upholds the constitutional rights of citizens regarding the expression of their ethnic, cultural and linguistic identity and contributes to the preservation of the State language, Russian and other languages, according to legislation in force.

228. The Bureau promotes State policy in the field of inter-ethnic relations and usage of spoken languages according to the legislation in force; contributes to the social and cultural development of national minorities, promotes optimal cohesion of the various ethnic interests of citizens and the harmonization of the inter-ethnic relations; and generalizes the practice of the law in respect of the Bureau's competence. The Bureau of Inter-ethnic Relations:

- Monitors the ethno-linguistic status in Moldova;
- Collaborates with the parliamentary commissions, local and central public administrative authorities for maintaining balance in such fields as education, culture, use of native language, revival of traditions, as well as their cultural and linguistic interaction;
- Supports the involvement of the State in national minority public associations;
- Collaborates with State bodies of other countries and international organizations on questions relating to its field of activity;

- Contributes to the fulfilment of national, cultural, linguistic and educational needs of the diaspora representatives of Moldova;
- Controls, in accordance with the legislation in force, the usage of language in the regions densely inhabited by national minorities;
- Ensures the observance of linguistic legislation and achievement of measures for settling issues in accordance with the Bureau's competences;
- Conducts ethno-linguistic surveys;
- Regularly informs the public on current issues concerning inter-ethnic relations and linguistics in the country.

229. The Bureau of Inter-ethnic Relations coordinates activities relating to the implementation in Moldova of the Framework Convention for the protection of national minorities.

### **State Service for Religious Issues under the Government of Moldova**

230. The State Service for Religious Issues oversees State relations with all religious faiths, communities and associations in Moldova. The main tasks of the State Service are: elaboration and achievement of State policy in respect of religious activities; monitoring of the religious state of affairs; exercising control over the implementation of the Law on Religion; elaboration and realization of State programmes to assist institutions in the application of legislation; advancement of projects for the improvement of legislation; contribution to the development of the spiritual development of citizens, accomplishment of constitutional guarantees of freedom of thought, conscience and opinion, ensuring the conditions and possibilities of practising religion, provision of convenient places of worship; encouragement of the participation of registered religious institutions in international legal, religious movements and forums; maintenance of relations with international religious centres and foreign religious organizations; and international collaboration on issues relating to the competency of the Service.

### **Centre for Human Rights**

231. CHRМ is a national independent institution, which consists of parliamentary advocates (ombudsmen) and auxiliary staff who ensure organizational, research, legal, financial, economic and other types of assistance to parliamentary advocates. CHRМ examines complaints on violations of individuals' rights or legal interests; contributes to national legislation amendment and its adjustment to international legal instruments; and contributes to the legal education and information of the population. The parliamentary advocates guarantee the observance of the constitutional rights and freedoms of citizens by central and local public administrative bodies, institutions, organizations and enterprises, irrespective of the type of ownership, public associations, as well as officials of all levels. Parliamentary advocates contribute to getting redress for the infringement of citizens' rights, improvement of the legislation in the area of human rights' protection, raising the awareness of the population of legal issues. Parliamentary advocates examine the complaints of citizens, foreign nationals and stateless persons residing permanently or temporarily in Moldova, whose rights and lawful interests have been infringed upon in Moldova. In cases of reliable information regarding serious or widespread infringement

of constitutional rights or freedoms of citizens, in cases of infringement with great social significance, or when necessary to protect the interests of persons unable to use on their own legal means for protection, the parliamentary advocate has the right to act on his/her own initiative and undertake measures within his/have been no reports of violation of the provisions of article 6 of the Convention on grounds of race, nationality, ethnic origin, language or religion.

### **Implementation of article 7 of the Convention**

232. According to the Law on Education, the educational policy of the State is developed on the principles of humanization, accessibility, adaptability, creativity and diversity. The educational process is democratic and humane, open and flexible, formative and developing, and is based on universal and national values. State school education is secular and does not allow discrimination on the grounds of party or ideology choice, race and nationality. A major educational goal of the school is the free, harmonious development of a person and the formation of a creative personality that can adapt to the conditions of continuous change in life. Education pursues the following objectives:

- Develop the child's personality, his/her physical and spiritual capacities and aptitudes to his/her maximum potential;
- Foster respect for the rights and freedoms of persons irrespective of their ethnic and social origin, or religion - the principles enshrined in the Charter of the United Nations;
- Prepare the child for the responsibilities of living in a free society, in a spirit of understanding, peace, tolerance, equality of sexes and cooperation among peoples and ethnic, national and religious groups;
- Engender respect for human, social, cultural, moral and national values;
- Develop acceptance of the democratic values of tolerance and intercultural dialogue;
- Make the child familiar with the national and universal literary values;
- Make the child aware of human rights and the principle of equality between nations;
- Stimulate respect for the values of and tolerance to each race, nationality, religion, way of life through fostering interest for the quality of social life, cooperation and equity;
- Foster national-cultural identity, interest in and tolerance for the literary values of other people, etc.

233. Pupils and students are educated on the spirit of their fundamental civic obligations as enshrined in the Constitution, with the aim of securing commitment to the State and Moldovan statehood, and conscious achievement of their obligations.

234. Since the beginning of the 2000/01 school year, a civic education course has been included in the curriculum for grades 5 to 9. This course provides for education of citizens in contemporary life: human rights and fundamental freedoms; general human and democratic values, responsibility for social actions and cultivation of civic pride. The civic education course develops the knowledge of pupils in a number of areas: human rights and fundamental freedoms; the principles of extra- and inter-group relations within a democratic society. Once she/he is trained, the pupil will be able to live within his/her community in a manner that promotes and protects human rights at various levels. The pupil will demonstrate: respect for democratic values and institutions; responsibility for decision-making and undertaking actions; and tolerance towards various groups of people. Students are taught the following at each course level:

- In the fifth grade: the difference between and similarities of human beings, the uniqueness of the human being;
- Interpersonal relations (family, friends, colleagues and neighbours);
- In the sixth grade: unity and diversity, tolerance, compassion;
- In the seventh grade: the principle of communication and collaboration within a group (empathy, tolerance, correctitude);
- Bias and stereotypes - demonstrations and results; conflicts (reasons, types, attitudes, ways to overcome);
- Rules of living in a democratic society (tolerance, pragmatism, cooperation, compromise);
- Human rights standards: the Universal Declaration of Human Rights, the Convention on the Rights of the Child, etc.;
- In the eighth grade: the rights of the citizens of Moldova in the context of the Universal Declaration of Human Rights and the Convention on the Rights of the Child;
- The limits of individual freedoms;
- The responsibilities of citizens, etc.;
- In the ninth grade: efficient communication, the role of feedback;
- Domestic mechanisms for the protection of human rights (judicial instances, parliamentary advocates, etc.).

235. Cultural activities are frequently organized in Moldova in order to demonstrate the ethno-cultural diversity of the State, promote tolerance and strengthen the unity of the multi-ethnic State. The Ethnic Festival takes place in the capital city and other regions of the country, with the participation of all ethnic groups. There are also other cultural activities, in

which all ethnic groups participate. Libraries hold book exhibitions with the theme “Culture and traditions of our compatriots”. Round tables, seminars, conferences relating to inter-ethnic relations issues are planned regularly and representatives of various ethnic groups, State officials and representatives of international organizations participate.

236. State television Teleradio-Moldova and other channels broadcast programmes in Moldovan and in the languages of ethnic groups. These broadcasts reflect the various concerns of national minorities living in a multi-ethnic State. The broadcasters aspire to reflect the lives of various ethnic groups, as well as support the preservation of the identities of various ethnic groups, the activity of cultural associations, promotion of tolerance, etc. The problems surrounding inter-ethnic relations are reflected in the media and special publications. The Bureau of Inter-ethnic Relations, public authorities and public associations use the mass media to promote tolerance, ethnic and linguistic diversity, and equal rights of citizens regardless of their national or religious origin.

### **Implementation of the Framework Convention on the Protection of National Minorities in Moldova**

237. The Framework Convention for the protection of national minorities is an international instrument of great importance to Moldova. The Government of Moldova ratified the Convention on 22 October 1996.

238. The Framework Convention for the protection of national minorities requires the parties to undertake to guarantee the right of equality before the law and equal protection of the law to persons belonging to national minorities. In this respect, any discrimination based on membership of a national minority is prohibited.

239. On 20 June 2000, the Government of Moldova submitted its State report for the first cycle of monitoring of the implementation of the Framework Convention. The Advisory Committee of the Council of Europe on the Framework Convention for the protection of national minorities visited Moldova from 31 October to 5 November 2001. The Opinion of the Advisory Committee on the Framework Convention for the protection of national minorities was adopted in May 2002. In October 2002, the Government submitted its comments on the Opinion to the Advisory Committee. On 15 January 2003, the Committee of Ministers of the Council of Europe adopted Resolution ResCMN (2003)4 regarding the implementation of the Framework Convention for the Protection of National Minorities by Moldova.

240. According to the resolution of the Committee of Ministers of the Council of Europe, Moldova has made commendable efforts to establish a legal and institutional framework for the protection of national minorities and has clearly demonstrated its wish to implement the Framework Convention in practice, especially with respect to education and culture. The shortcomings mentioned in respect of the implementation of the Framework Convention, included in particular:

- Shortcomings and difficulties, particularly affecting persons belonging to disadvantaged or numerically smaller national minorities, in such fields as access to media, participation in public affairs and use of minority languages;

- The legislative changes required by the Organic Law adopted in 2001 should be made without delay, in consultation with the persons concerned. It is essential to ensure, through the implementation of the relevant legislation, appropriate protection of persons belonging to all national minorities and their respective identities and cultures, including those of disadvantaged or numerically smaller minorities;
- Although a spirit of tolerance and inter-ethnic dialogue exists in Moldovan society, tensions have arisen with regard to the language policy of the Government. To avoid all manifestations of linguistic intolerance, it is essential to promote a balanced approach in this area, taking account of the legitimate interests of all national minorities, as well as of the majority;
- In view of the substantial imbalance noted between the various national minorities in the matter of their access to and presence in the media, it is important that the Government provide increased support to the national minorities which are disadvantaged in this area, and particularly to the Ukrainian minority;
- In the field of education, it is essential to consult representatives of the various national minorities, with a view to providing a balanced response to their specific needs and ensuring their equitable access to the resources available. Special attention should be paid to numerically smaller minorities and to those that are not in a position to enjoy the support of a kin-state;
- In spite of some recent initiatives by the authorities, the implementation of the Framework Convention has not been fully successful with respect to the Roma. Action is urgently needed to eliminate the manifestations of discrimination and the serious socio-economic difficulties faced by a number of Roma, and to foster their integration into Moldovan society.

241. The Committee of Ministers recommended that Moldova take appropriate account of the conclusions set out in chapter 1 above, together with the various comments in the Opinion of the Advisory Committee. It invited the Government of Moldova to continue the dialogue in progress with the Advisory Committee and keep the Advisory Committee regularly informed of measures taken in response to the conclusions and recommendations set out.

242. From 12 to 15 October 2004, the Advisory Committee of the Council of Europe visited the Republic of Moldova in its second cycle of monitoring of the implementation of the Framework Convention for the protection of national minorities in the Republic of Moldova.

243. According to the final observations of the Advisory Committee, since the adoption of the first Opinion of the Advisory Committee in March 2002 and the resolution of the Committee of Ministers in January 2003, Moldova has continued to pay due attention to the protection of national minorities.



244. Building on the Law on National Minorities of 2001, Moldova sought to improve and extend the relevant legal framework and made practical efforts to support national minorities in the fields of culture and education. Dialogue with persons belonging to national minorities continued and the Bureau of Inter-ethnic Relations has played a particularly positive role in this context. National minorities were consulted and involved in the processes, particularly concerning completed or pending changes in Moldovan legislation.

245. At the time of the adoption of the first Opinion of the Advisory Committee, the climate of intercultural understanding within Moldovan society was fraught with tension. This has since improved and there is now a higher level of tolerance and mutual understanding.

246. The population census of October 2004 represents a positive development and should make it easier to monitor the situation of persons belonging to national minorities and promote more effective policies in this area.

247. In the Opinion of the Advisory Committee the following issues of concern were highlighted:

- The question of Transnistria remains serious, especially since this conflict affects a great many developments, political and others, of importance to the whole population of Moldova, including the preservation of tolerance and inter-ethnic cooperation, the stability of the country, its territorial integrity and national sovereignty;
- Besides the question of Transnistria, efforts have been made in most of the relevant sectors in Moldova. However, the implementation of the guarantees provided by legislation on the protection of national minorities remains a problem. The difficulties are due to insufficient monitoring of the situation by the authorities, inadequate resources and, in some cases, a lack of political will, particularly at local level;
- Actions taken to support preservation and promotion of the cultures, languages and traditions of national minorities still falls below the expectations of representatives of national minorities;
- National minority cultures and traditions are still insufficiently reflected in schools. Additionally, media coverage of diversity and ethnic relations remains generally unsatisfactory. Moreover, the actions taken to ensure a more balanced use of the various minority languages in schools, in the media and in relations with administrative authorities has not produced the intended results, although there have been some positive developments. Ukrainian in particular, but other minority languages as well, is not used as much as needed in these areas; and
- Shortcomings persist in tolerance and intercultural dialogue. This is particularly so as regards attitudes reported within Moldovan society, including the police and the media, towards the Roma and non-traditional religious communities.

248. Shortcomings persist in the participation of persons belonging to national minorities in public affairs. In particular, these persons are not sufficiently represented in the public service:

- The circumstances in which many Roma find themselves remains a cause of concern in terms of equality and freedom from discrimination, and of effective participation in the socio-economic life of Moldovan society, education and decision-making.

249. The Advisory Committee recommended that the Republic of Moldova:

- Examine the shortcomings which still exist in implementation of the Law on National Minorities and the other laws governing the protection of national minorities, and take necessary action to ensure that they are effectively applied in practice, at the central and local levels;
- Respond more adequately to the cultural needs of persons belonging to national minorities;
- Continue efforts to combat discrimination and promote tolerance and intercultural dialogue, through more effective monitoring and law enforcement. In addition, an enhanced awareness-raising campaign should be addressed, inter alia, at the police and the media;
- Continue efforts to secure a more balanced use of minority languages, including in relation to Ukrainians and others, in fields such as education, media and relations with the administrative authorities;
- Pay more attention to the quality of the education provided for persons belonging to national minorities, including teaching of the State language for them;
- Ensure that suitable school textbooks are available and take additional measures regarding teacher training to expand teaching of, and in, the various minority languages;
- Take further action to reinforce the intercultural and multicultural dimension of education;
- Redouble legislative and practical efforts to increase and make more effective participation by persons belonging to national minorities in public affairs, including the numerically smaller national minorities, and giving a special attention to the Roma;
- Direct increased political attention to finding concrete solutions to problems faced by the Roma, in particular socio-economic and educational problems and adopt more resolute, practical measures in this respect, at the central and local levels.

250. The recommendations of the Advisory Committee were distributed to all authorities concerned. After the adoption of the resolution of the Committee of Ministers of the Council of Europe, the Government of Moldova will make all necessary efforts to make adjustments to implement more effectively the Framework Convention for the Protection of National Minorities.

251. The State report of the Republic of Moldova on the application of the International Convention on the Elimination of All Forms of Racial Discrimination was prepared by the Bureau of Inter-ethnic Relations on the basis of information presented by the National Bureau of Statistics, the Ministry of Economy and Commerce, the National Bureau for Migration, the Ministry of Education, Youth and Sports, the Ministry of Culture and Tourism, the Ministry of Health and Social Protection, the Ministry for Informational Development, the State Service for Religious Issues, the Office of the Prosecutor General, the Broadcasting Coordinating Council, the Ministry of Justice, the Ministry of Interior Affairs, Teleradio-Moldova State television, the Ministry for Reintegration, CHRM and the national minority ethno-cultural associations.

252. Data on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the eastern regions of Moldova (Transnistria) are not reflected in the present report, as the territorial integrity of the country has not yet been restored. Therefore, the region on the left bank of the Nistru river is effectively not controlled by Moldovan authorities. Unless otherwise stated, all references herein are to the rest of the country.

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