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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-second session

SUMMARY RECORD OF THE 1862nd MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 28 February 2008, at 10 a.m.

Chairperson: Ms. DAH

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY
STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifth to seventh periodic reports of Moldova (continued)

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The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifth to seventh periodic reports of Moldova (continued)

1. At the invitation of the Chairperson, the members of the delegation of Moldova resumed their places at the Committee table.
2. Ms. GONCEAROVA (Moldova) explained that the most likely explanation for discrepancies between statistical data given in the 2001 report and the 2005 report was that statistics in the former report had been based on data from the 1989 census and those in the latter, based on the 2004 census. Between 1989 and 2004, there had been a high level of immigration into Moldova, which had also affected the figures given.
3. On the questions regarding the possibility of studying in Ukrainian, she said that in the academic years 2006/2007 and 2007/2008, 57 educational establishments in Moldova, excluding those in the Transnistria region, had offered the subject of Ukrainian language and literature, including six secondary schools. Ukrainian was also studied in 30 institutions in the Transnistria region. A special department in the pedagogical institute in northern Moldova had to date trained 100 teachers of Ukrainian language and literature, and at the Chisinau pedagogical institute bilingual teachers taught both Ukrainian and Moldovan. Approximately 30 teachers attended refresher courses every year. An inter-State agreement between Ukraine and Moldova enabled 90 Moldovan children annually to attend Ukrainian schools, where they had the option of specializing in Ukrainian.
4. Regarding the possibility of studying in Bulgarian and Gagauz, she said that both languages, as well as Moldovan, could be studied throughout the education system. Taraclia State University, which had been set up four years earlier, and Comrat State University, in the capital of the Autonomous Territorial Administrative Region of Gagauzia, offered the opportunity for students of all nationalities to study in Bulgarian and Gagauz respectively. As to Yiddish, two schools were fully consistent with the requirements of the Jewish population of Chisinau, although over 50 per cent of the pupils were not Jewish. A feature of the education system in Moldova, as in other multi-ethnic countries, was that such mixing of cultures was very common. However, under education legislation, the language of a child's education was chosen by his or her parents. Linguistic monitoring was regularly undertaken by a group of bodies including the Academy of Sciences, and the most recent information showed that Bulgarian, Ukrainian and Gagauz parents wanted their children to study in their native language and to learn about their ethnic group's literature, culture and traditions.
5. In response to questions about ratification of the European Charter for Regional or Minority Languages, in accordance with the National Human Rights Action Plan it had been decided that 2006 would be a year of preparation for ratifying the Charter and that Moldova would commit to doing so by the end of 2008. A special commission was currently working on the project, comprising scientists, and representatives of cultural-heritage institutions dealing with ethnic issues, the Bureau for Inter-Ethnic Relations, cultural organizations and civil society.

Issues that needed to be resolved included monitoring of the language situation and funding of the project. It was hoped that a bill on ratification could be submitted to Parliament by the end of 2008. Moldova was prepared to assume an obligation under the Charter for Russian, Ukrainian, Bulgarian and Gagauz, with Yiddish and Romany to be added later.

6. The issue of education in the State language was being examined broadly, and not just with respect to civil servants. The study of Moldovan was one of the essential components of the process of integration of minority ethnic groups into society. A special linguistic project had been conducted by the United Nations Development Programme (UNDP), and a joint project by the Organization for Security and Co-operation in Europe (OSCE) and the Bureau for Inter-Ethnic Relations for the study of Moldovan by civil servants in densely populated areas where there were many ethnic groups. OSCE was currently considering a strategy proposal from the Bureau for Inter-Ethnic Relations whereby minority ethnic groups would study Moldovan as a foreign language. A visit by the OSCE High Commissioner on National Minorities was planned for March/April 2008, and it was hoped that the strategy, if adopted, could be initiated as of the academic year 2008/2009.

7. In response to the question whether Moldova had ideal legislation on languages and whether it was truly respected in practice, she said that in certain cases citizens had submitted complaints to the courts in one language and replies had been given in another, but such cases were exceptional.

8. On the issue of the official recognition of Islam in Moldova, she pointed out that the Moldovan authorities had never drawn parallels between Islam and extremism. A total of 12 Islamic public associations were registered, including 3 Azerbaijani cultural organizations, 2 Tatar organizations and 1 organization of peoples of Central Asia. A complaint lodged by the Spiritual Council of Muslims to the European Court of Human Rights regarding its application for registration had been declared inadmissible in 2005. On 11 February 2008, the organization had once again submitted an application for registration to the Ministry of Justice, but it had been rejected on purely procedural grounds. As to the possibility of education in Muslims' native languages, education could be provided in Sunday schools in Azerbaijani and Tatar. Referring to the question of refusals of burials and requests for a Muslim cemetery, she said the suggestion had been made that sections of public cemeteries could be set aside for Muslims, but the Muslim community had insisted that a separate cemetery should be instituted. The issue was now under discussion, since separate cemeteries had not existed in Moldova for several decades.

9. Regarding the Roma or Gypsy population, she said that the figure given in the report of 12,000 Gypsies residing in Moldova had been based on the 2004 census, during which a questionnaire had been used asking respondents to indicate which ethnic group they felt they belonged to. According to unofficial reports, the subjective nature of that question had led to a situation where persons who would normally be classed as belonging to one ethnic group - for example, the group to which their parents belonged - had classed themselves as belonging to another group that more appropriately reflected the way they felt. Such could have been the case with the Roma population.

10. On the question about nomadic Gypsies, who made up approximately half of the Roma population, she said that those Gypsies lived in settlements for most of the year and, from March to October, part of the adult population migrated to other countries to earn money, especially to

Ukraine, Russia and Poland. The children remained behind and were looked after by the community. The Government's role was to create appropriate conditions so that those children could go to school, like all other children in Moldova. The conditions might not be ideal in rural areas, but schools were provided for all children. Proposals from the Roma population to set up separate schools for Roma children had been rejected since such a practice would constitute segregation and children should be able to develop together regardless of their ethnic group.

11. The recent more positive trend in the education of Roma children had demonstrated the necessity for steps to be taken both by the State and by the Roma population themselves. An awareness-raising campaign among the Roma had been initiated, taking into account their traditional attitudes and way of life. Help had been requested from leaders of Roma NGOs who themselves were young Roma graduates, to promote the benefits of a higher education among their peers. A significant increase had been noted in the number of young Roma in higher education. Traditionally, the education system was more successful in settled Roma communities.

12. As to the question about the difference between an instrument providing for measures to support Gypsies in Moldova, adopted in 2001, and a plan of action to support the Roma population, adopted in 2007, she said that the former was a strategy and the latter set out ways in which to implement the strategy. The plan had been prepared with input from representatives of the relevant Ministries, the Academy of Sciences, the Bureau for Inter-Ethnic Relations and Roma NGOs. All parties had made suggestions, of which some had been adopted and some rejected on the basis of financial and time constraints. In April 2008, the Bureau for Inter-Ethnic Relations would attend a meeting with the Government to assess the work undertaken by the Ministries, which would include input from the Committee if appropriate.

13. The Holocaust was recognized in Moldova and school history textbooks had a whole chapter devoted to it. A monument had been erected in Chisinau commemorating the Jewish victims of the Holocaust, after a list of those who had been killed had been compiled using archive sources; it had been financed partly by public funds and partly by a collection among the Jewish community in Moldova. No monument to victims of Roma origin had been built to date; the Bureau for Inter-Ethnic Relations had received no request to do so and did not have access to the relevant archives.

14. Mr. RUSU (Moldova) said that, according to the Moldovan Constitution, non-citizens and stateless persons had the same rights as citizens of Moldova, with the exception of the right to vote and to stand for election. Such persons were guaranteed equality before the law, without discrimination on the basis of race, ethnic origin, nationality, language, gender, religion, political affiliation, property status or other grounds. Article 31 of the Constitution guaranteed freedom of conscience, stipulating that it should be expressed in a spirit of tolerance and respect. All religious services were permitted and were organized in accordance with the statutes of each religious community and with the law.

15. Various articles of the Criminal Code protected the rights set forth in the Convention. Article 5 of the Criminal Code stipulated that defendants were equal before the law and were entitled to procedural safeguards without discrimination. It also stipulated that the rights and interests of individuals could not be protected by means that violated the rights and interests of others. In addition, all the offences described in article 4 of the Convention had been defined as

such in the Criminal Code. Article 176 prescribed severe penalties, including fines or exclusion from certain functions, for violations by public officials of the constitutional rights and freedoms of citizens on the basis of gender, colour, race, language, religion, or ethnic or national origin. Article 346 prescribed fines or imprisonment for up to three years for deliberate incitement to ethnic, racial or religious hatred or discord, for undermining national honour or dignity, or for directly or indirectly infringing the property rights of others. Article 135 defined genocide as a criminal offence punishable by imprisonment for between 16 and 25 years. It also defined torture perpetrated for reasons of discrimination as an aggravated punishable offence.

16. Several articles of the Administrative Code prescribed administrative fines for propaganda inciting hatred or contempt for the language of any ethnic group or nationality, or the violation by public officials of the Law on the Usage of Languages Spoken on the Territory of the Republic of Moldova.

17. A law adopted in 2003 was aimed at combating extremism by prohibiting organizations or associations that engaged in extremist activities, including activities relating to incitement of national or social discord. Violations of that law were punished by suspending the activities of the offending organization for a period of up to one year or the dissolution of the organization if it failed to comply with the suspension. An appeal could be lodged in the courts against that procedure. Individuals who violated that law could be prosecuted in criminal or civil courts, as expressly indicated in the Criminal Code.

18. There were very few examples of criminal cases brought on the basis of the foregoing legislation because of insufficient awareness of the offences in question in Moldova. Only two cases had been recorded as violations under article 356 for incitement to ethnic discord - one in 2006 and another in 2007, which was still pending. The latter concerned the editor of a newspaper who, in the course of a business meeting, had incited ethnic hatred and advocated restriction of the rights of the Russian-speaking population of Moldova. The case was currently under investigation and the court's ruling would be handed down on the basis of the evidence presented.

19. With regard to the issue of the detention of Roma individuals on weekends, it should be noted that the Office of the Prosecutor-General conducted daily checks of all detainees held in police facilities. Persons who had been detained illegally were released. There were strict rules to ensure that some judges were available on weekends in order to enable persons arrested during the weekend to be brought promptly before a judge.

20. With regard to the Yedintsy incident (question 22 of the list of issues), five Roma men had been detained for public order offences and refusing to obey police instructions; the district court had imposed an administrative penalty. Following an appeal by all five men, they had been acquitted. The district prosecutor's office had subsequently launched an official investigation to determine whether the police had acted lawfully, and the investigation had established that they had.

21. The charge that the Moldovan police displayed prejudice towards the Roma was simply not true. It was more likely that any negative attitude displayed by the police was directed at the types of offences committed by the Roma rather than overt hostility. Moldovan police officers

received in-service training geared to preventing such attitudes, and a law enforcement code of ethics had been adopted. The Prosecutor-General's office monitored the situation specifically in order to detect discriminatory practices.

22. Mr. SIDOROV (Moldova) said that, in the past year, his country had become a transit zone for asylum-seekers from the Commonwealth of Independent States, the Middle East and Asia on their way to Western Europe. Only a few asylum-seekers actually remained in Moldova. His country had acceded to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees in 2003; it had adopted the Status of Refugees Act in 2002; and it had set up a department for issues relating to refugees within the Ministry of the Interior and a reception centre for asylum-seekers. Financial assistance was provided to refugees in accordance with the financial possibilities of the State.

23. With regard to the question on people's enjoyment of rights in the Transnistria region, it should be noted that the question of Transnistria posed a very complex problem for Moldova, one that affected its very statehood. One of the most serious obstacles was the fact that, in 1992, as a result of an inadequate plan, the political conflict in Moldova had turned into an armed confrontation, which had, in turn degenerated into a de facto civil war. Hundreds of people had been killed and thousands injured, mostly civilians. The result was that some 50,000 refugees had left Moldova, creating a host of serious problems.

24. Negotiations between the authorities in Transnistria and his Government were continuing, with assistance from delegations from the Russian Federation, Ukraine and OSCE. In 2003, observers from the United States of America and the European Union had also joined that process. While proposals to establish a status for the territory were under consideration, the Government's basic premise was that the territorial integrity and unity of the Republic of Moldova must be maintained so as to constitute a sovereign State. The authorities were currently striving to include NGOs from Transnistria in the negotiation process and were organizing meetings with them in order to improve the situation for people on both sides of the river Nistru.

25. The number of reported human rights violations in Transnistria was not currently a cause for concern. When citizens from that region lodged complaints with the Moldovan Centre for Human Rights, it either approached the relevant body in Transnistria or addressed the issue itself. All persons who had been involved in the Ilașcu et al. v. Moldova and Russia case had been released from detention.

26. His country's signing of the Rome Statute of the International Criminal Court had been significant for the Transnistria issue, given that one of its aims was to prevent armed conflict. With the help of a number of international human rights organizations, considerable work had been done to train human rights defenders in the provisions of the Statute. The regional branch of the International Committee of the Red Cross had also helped in disseminating information and working with the Government to bring domestic legislation into line with the corresponding provisions of the Statute, such as those concerning extradition and removal of immunity. A bill to ratify the Statute was currently before Parliament for its first reading, and ratification was expected in the spring of 2008.

27. Under the Law on Parties and Other Socio-Political Organizations, the Ministry of Justice had registered 29 political parties. New parties were being established and registered on a

relatively frequent basis. In January 2008, several amendments to the Law had been adopted after extensive consultations with experts from the Council of Europe and civil-society representatives. After round-table discussions on some individual provisions, the amended text had been brought into line with European and worldwide democratic standards. There were currently over 3,000 registered socio-political organizations, some of which were registered with the Bureau of Inter-Ethnic Relations.

28. Parliament considered many applications from civil society to reform or amend legislation. In 2005, it had set up a cooperation mechanism in order to facilitate civil society's involvement in the formulation and amendment of domestic legislation. In 2007, some 160 proposals had been submitted for amendments to legislation, all of which had been considered. The Government therefore received a great deal of feedback from civil society, facilitating its awareness of the incidence of racial discrimination.

29. The law on the rights of people belonging to national minorities and the legal status of their organizations had been adopted in 2001. It entitled minority groups to approximately proportional representation in the executive, judiciary, police and armed forces. In practice, there were representatives of almost all the country's minority groups in those institutions. After the 2007 local elections, the composition of local councils in both rural and urban areas had reflected that of the population. There were currently 26 ethnic-minority members of Parliament out of a total of 101.

30. In 2003, the Government had adopted the National Human Rights Action Plan for 2004-2008, which had been drawn up with assistance from UNDP and OHCHR. The Government and NGOs were monitoring implementation of the plan, which was likely to be extended, possibly focusing on issues such as the rights of detainees, refugees, children and action to combat corruption. The Government would continue its cooperation with UNDP and the OSCE mission in Moldova in pursuing the plan.

31. The Centre for Human Rights was the most accessible complaints mechanism for all citizens, foreigners and stateless persons on Moldovan territory. In March 2008 the Centre would celebrate its tenth anniversary. All persons who believed their rights had been violated could seek a remedy there. The Centre reported to Parliament every year. There were currently three ombudsmen at the Centre, and a fourth, specializing in children's rights, was to begin work there in 2008. A consultative committee for the prevention of torture was also being established.

32. Mr. LAHIRI asked the delegation whether it had considered allowing Muslim burials to take place in a specially designated part of cemeteries. That practice had been followed in many other States.

33. Mr. KJAERUM requested updated information on the dialogue between the Government and the Roma community. In particular, it would be useful to know what lessons had been learned and initiatives undertaken in the light of the failure to recruit Roma recruits to the police force. The Committee would welcome statistics on the employment of members of the Roma community in the public sector at the national and local levels.

34. He wished to know whether the State party would contemplate converting the Moldovan Centre for Human Rights into a national human rights institution functioning in line with the Paris Principles.
35. He requested further clarification of the nature of socio-political organizations.
36. Mr. AMIR, Country Rapporteur, asked why national-minority languages were taught on Sundays; that was a non-working day for Christians, but not Muslims. He also wished to know whether the community-based ethos in which the national minorities lived constituted a constitutional solution that could contribute to building a federal republic.
37. Mr. AVTONOMOV requested further details on the work of the Centre for Human Rights.
38. Mr. de GOUTTES noted that the State party had opposed the opening of special schools for the Roma minority but asked why the Roma themselves had been keen to have their own schools. Referring to reports provided by NGOs, he asked whether Moldova was a transit country for prostitutes travelling from East to West and requested information on corruption in the ranks of the police and judiciary. More information would also be welcome about allegations of racial profiling of minorities, for example the Roma, Africans, Asians and Muslims.
39. Mr. ABOUL-NASR expressed concern that the State party was still considering the recognition of Muslim organizations. According to the delegation's written replies to question 4 of the list of issues, Jewish groups were recognized; he asked when Muslims would be accorded the same attention.
40. Mr. PETER said he looked forward to the ratification by Moldova of the Rome Statute of the International Criminal Court. He welcomed the designation of duty judges to deal with urgent matters during weekends and holidays but wondered whether the general public was aware that they could take their cases before a judge even on weekends in the event of arrest or detention. He asked what type of solution the State party envisaged to the issue of Muslim burial sites. Lastly, it would perhaps be preferable in the future not to refer to religious cults, as in paragraph 167 of the periodic report; the word "cult" had a negative connotation.
41. Mr. DIACONU also welcomed the imminent ratification by the State party of the Rome Statute of the International Criminal Court. He urged caution, however, with regard to ratification of the Council of Europe's Framework Convention for the Protection of National Minorities. Given the number of minorities in Moldova and the varying degrees of protection available to them in such areas as education and employment, the process could involve very long and complex negotiations with the groups concerned. That at least had been the experience of his country, Romania, which recognized 20 minorities.
42. Ms. GONCEAROVA (Moldova), in response to Mr. Lahiri, said that Muslims had been offered the possibility of having areas of cemeteries set aside for co-religionists but that offer had not been accepted. The problem was therefore still being considered by the Ministry of Justice and she hoped a solution would be arrived at in the near future with the cooperation of the groups concerned.

43. Mr. RUSU (Moldova) acknowledged that corruption did exist in the police and judiciary, but his Government was committed to prosecuting all such cases. For example, there had been three recent prosecutions of police officers for abuse of authority, resulting in 10 convictions. Efforts to strengthen the independence of the courts were bearing fruit.
44. With regard to the transit of prostitutes through Moldova, he said that transit was easier through Transnistria and Ukraine. Although there had been a few cases of Ukrainian or Russian prostitutes passing through Moldova, such cases were rare; Moldova was in fact more a country of origin than a transit country.
45. The system of duty judges had been in place for more than five years and the public was well informed about the possibility of appearing before a judge on weekends and holidays. Special prosecutors were also available to monitor the legality of arrests by the police, and could order the release of detainees if required.
46. Mr. SIDOROV (Moldova) said that the Centre for Human Rights had carefully studied the ombudsman systems of Sweden and Lithuania and had adopted their system of general as well as specialized ombudsmen. The ombudsmen had legal training and were appointed by Parliament; there were currently three general ombudsmen and one ombudsman specializing in the rights of the child.
47. The question on socio-political and public organizations might have arisen from a misunderstanding. There were in fact political organizations linked to political parties in addition to so-called public civil-society organizations, for example for disabled people, which had no links to political parties. As to the possibility of Moldova evolving towards a more federal structure, he said that was unlikely given that all ethnic groups were present throughout the national territory, with the exception of the 150,000 Gagauzis and 70,000 Bulgarians in the south, in Taraclia district. The main problem was that of Transnistria, over which Moldova wished to assert its authority. His Government did not support the creation of political parties based on purely ethnic criteria, which it believed would inevitably lead to political and social problems. Lastly, he agreed that there should be no rush to guarantee minority rights; his Government would reflect carefully on any proposed action and learn from the experience of other countries.
48. Ms. GONCEAROVA (Moldova), referring to the question of Muslim religious classes on being held on Sundays rather than Fridays, said that had been the wish of the Muslim community in order to respect the traditional day of observance, Friday. In response to Mr. Aboul-Nasr's question on recognition of Muslim associations, she said that the Bureau of Inter-Ethnic Relations recognized ethno-cultural organizations, including Jewish as well as Armenian and Azerbaijani organizations, rather than purely religious ones. The Coordinating Council of public ethno-cultural organizations had, for example, been co-chaired by a Muslim and a Jew.
49. As to the number of Roma employed by the State, she said that there were quotas for Roma in higher education and the police, but one problem for employment with State bodies was the level of education required. She stressed, however, that there were many Roma employed in important ministries and many Roma professionals, teachers and cultural leaders. Lastly, with regard to separate Roma schools, she said that some members of the Roma community had felt their children might be less well prepared than other children, or would be harassed or might

have to be separated from their parents for long periods. Her Government had opposed separate schools and experience had in fact shown that Roma children did just as well in school as other children.

50. Mr. AMIR agreed with Mr. Diaconu that the State party should exercise caution in granting wide-ranging rights to minorities and welcomed the information provided on its efforts to deal with the sensitive issues of language, religion and ethnicity while safeguarding its national territory and identity. Poverty, which was often most acute among minority groups and affected their ability to meet the challenges posed by discrimination, was an aggravating factor that must likewise be addressed. It might in fact prove easier to promote national unity than to eliminate poverty. He wondered whether one of the purposes of the Constitution was to find solutions to ethnic, cultural and linguistic concerns with a view to promoting a more federal type of republic. Lastly, he hoped the Committee's concluding observations and recommendations would be given due consideration and encourage further dialogue.

51. Ms. GONCEAROVA (Moldova) did not agree that Moldova was a poor country; while certainly not rich, it was not poor either. The issues identified by the Committee were of an ethnic more than economic nature. She stressed her Government's commitment to resolving those issues and to implementing the Convention. The Committee's concluding observations would be submitted to the President and Parliament. She invited the Committee to visit Moldova in order to meet representatives of the Government, political parties and civil society, including minorities.

52. The CHAIRPERSON thanked the delegation for a frank and constructive dialogue. The Committee looked forward to seeing evidence of further progress during its consideration of the State party's next periodic report.

The meeting rose at 1 p.m.