



ALTERNATIVE SUBMISSION
to the 26th UN Human Rights Council session
on the UNIVERSAL PERIODIC REVIEW
of the Republic of MOLDOVA

The Submitting Stakeholder

1. This report is submitted by the Human Rights Information Center (HRIC/CIDO), which is a Moldovan nongovernmental organization established in 2010, monitoring, collecting and disseminating human rights related information across Moldova and worldwide.

Summary

2. This report deals with the **rights and discrimination of ethno-linguistic minorities**: right to study in native language, social exclusion/marginalization of ethno-linguistic minorities in the educational system, identity rights, direct discrimination of language minorities, access to information in minority languages, political under-participation of ethno-linguistic minorities, including Roma rights and discrimination of Roma people.

Disclaimer

3. This report does not cover the Transnistrian region of the Republic of Moldova.

4. Relevant Recommendations of the 1st UPR cycle (October 2011)

- Guarantee the recognition of the rights of ethnic minorities to express their own culture and identity (Israel);
- Redouble efforts to protect the rights of members of minority religious, ethnic and social groups and particularly focus on protecting members of the LGBT community from both official and societal discrimination (United States);
- Ensure the freedom of the mass media, particularly of those media outlets that function in the language of the national minorities, including Russian (Russian Federation);
- Support and develop education programmes and institutions for national minorities in their mother-tongue (Russian Federation);
- Maintain the network of pre-university institutions with access to education in minority languages in line with the recommendation by the Committee on Economic, Social and Cultural Rights on the guarantees for the rights of ethnic minorities (Bulgaria);
- Kindly consider the possibility of speeding up the internal procedures necessary for the entry into force of the bilateral Agreement between Ukraine and the Republic of Moldova on the rights of national minorities, signed in Chisinau on 17 December 2009 (Ukraine);
- Continue efforts for the protection of the rights of marginalized and vulnerable segments of society including through legislative and institutional measures (Nepal);



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- Strengthen the protection of minorities through a reform of its criminal code, incorporating offences punishing hate crimes and incitation to hatred as well as through ensuring the effective implementation and adequate resourcing of the Action Plan for the support of the Roma (Austria);
- Address the socioeconomic issues facing Roma, including through effective implementation and adequate resourcing of the Action Plan for the Support of the Roma People for 2011-2015, as recommended by CERD (Israel);
- Adopt socio-economic measures aimed at ensuring the social and labour integration of the Roma minority (Spain);
- Adopt measures to combat and eradicate cases of xenophobia against the Roma minority (Spain);
- Promote greater public appreciation for the importance of according equal rights for the Roma, including freedom from abuse and discrimination (Australia);
- Prevent discrimination of social minorities, such as Roma people and LGBT persons and adopt a comprehensive anti-discrimination law (Poland);
- Adopt specific measures to combat discrimination against Roma (Slovenia).

Background

5. The Republic of Moldova is a multi-ethnic state. According to the 2004 population census, 25%-35% of Moldovan citizens belong to ethnic minorities. Of this number circa 400 thousand (about 15% of Moldova's population) are people whose first language is Ukrainian, Gagauz, Bulgarian, Romani.

Education in minority languages

6. In Moldova there is a number of educational institutions offering **some courses** on or in Gagauz, Ukrainian and Bulgarian languages. At the same time in the country there are no pre-school, school/pre-University, University educational institutions offering **entire programs in** Ukrainian, Gagauz, Bulgarian or Romani languages (except for 1-2 experimental/trial programs in Gagauzia). As the result children whose native language is other than Russian or the state language (Romanian), have no choice than to study in a non-native language (Russian or Romanian). This situation adversely affects both the psychological state and quality of education of such children, but also strongly discourages expression and preservation of ethno-cultural and linguistic identity of the respective ethno-linguistic minorities.

7. Recommendations:

- Moldovan authorities to immediately ratify European Charter of Regional or Minority Languages, as per previous and long outstanding Moldova's commitments;
- Moldovan Government / Ministry of Education to develop and launch programs of studies entirely or predominantly **in** Ukrainian, Gagauz, Bulgarian and Romani languages at least in pre-school and primary school educational institutions with options for pursuing studies in these languages in the upper-level educational institutions.



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Social inclusion of ethno-linguistic minorities through the educational system

8. A 2013-2014 study on discrimination in Moldovan educational system performed by our organization (HRIC/CIDO) has identified a number of serious shortcomings in the public schooling system leading to marginalization of ethno-linguistic minorities and to disruption of social cohesion and solidarity. The study finds that the majority of Moldova's school manuals (most notably manuals of history) promote the view of Moldova as the country of ethnic Romanians only, leaving all other ethnic groups at the periphery or outside the scope of the manuals (and history). Ethnic minorities are generally mentioned only occasionally and very often in a marginalizing context (Roma, for example, as former slaves roaming-around, etc). This type of approach for obvious reasons creates sentiments of frustration and alienation among non-majority pupils/students and further perpetuates society divides along ethno-linguistic lines.

9. Recommendations:

- Ministry of Education to perform a comprehensive independent human rights and anti-discrimination analysis of all its educational policies and regulations, and to reform the educational field in line with the analysis findings and recommendations;
- Ministry of Education to include recognized specialists on human rights and anti-discrimination as members with a decisive vote into the composition of the manuals review boards;
- Ministry of Education to hire inspectors on human rights and anti-discrimination in education to monitor implementation of human rights and discrimination standards within educational institutions.

Right to Culturally-Responsive Personal Names

10. Right to name is a recognized manifestation of the right to private and family life. In addition, right to culturally-responsive name is also part of (minority) right to express one's identity and culture.

11. Moldova's legislation/regulations and implementation framework with regard to personal identity and documentation continue to operate on the basis of old, obsolete and rights-incompliant models.

12. First, the Moldovan identity and documentation system operates on the basis of Romanian language using Latin script with only Romanian language specific diacritics. For this reason Moldova's ethno-linguistic minorities using culturally-appropriate personal names cannot have them expressed in culturally-appropriate form. For instance, culturally appropriate Gagauz names *Güüllü* and *Kürkcü* get transcribed into identity documents as *Ghiuliu* and *Chiurciu* using the Romanian script.

13. Second, the Moldovan naming regulations operate on the basis of exclusively Romanian-specific naming conventions, providing the space for a "surname/family name" model only. All other types of naming conventions specific for other ethno-cultural groups living in Moldova have no space for appropriate expression.

14. It is very common for Slavic ethno-linguistic groups (Russians, Ukrainians) to have patronymic (father's name put in a specific form) as part of the formal name. For many Western Europeans, North Americans, Africans and Asians currently residing in Moldova (as the result of refuge, migration, studies, work or marrying with a born Moldovan) it is common to have middle or other additional names as part of the formal name. The current Moldovan identity and documentation system does not provide accommodation for this cultural variety of naming conventions, which is a violation of individual and group rights to cultural identity and name.



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15. Recommendations:

- Moldovan authorities to fully liberalize the policies and regulations in the field of personal names with the view of ensuring **full freedom in individual choice of names** (except for express cases of hate speech names or obscene names), their number and transcription, including in non-Romanian scripts, considering significant latest technical progress fully allowing for such a reform.

Culturally-Responsive Names of Associations

16. During the 2011-2015 period CIDO received a number of reports about denial in registration of non-governmental organizations, which chose a legal name in a language other than Romanian or Russian. At least two such cases were reported from Gagauzia, where the Autonomy authorities denied registration of non-governmental organizations with names in Gagauzian language (!!!), insisting on transformation of the names either into Russian or into Romanian.

17. Recommendations:

- National and regional (incl. Gagauzian) legislation to be amended to expressly enable registration of association names inclusively in minority languages of Moldova;
- In the interim, the relevant national and regional (incl. Gagauzian) executive authorities to register associations with names inclusively in minority languages of Moldova.

Culturally-Responsive Geographical Names

18. The formally legislated exclusivist Romanian naming conventions also apply to geographical names. For instance many official names of the Gagauzian localities are made in historically and culturally inappropriate Romanian-centered manner: *Comrat* instead of historically/culturally-appropriate ***Komrat***, *Copceac* instead of historically/culturally-appropriate ***Kıpçak***. This approach violates the right of people to expression of their identity and culture.

19. Recommendations:

- Moldovan authorities to fully liberalize the policies and regulations in the field of geographical names with the view of ensuring full freedom in **choice of the respective names by the residents of the respective geographical areas** (except for express cases of hate speech names or obscene names), and in choice of transcribing such names in other than Romanian script(s).

Direct Discrimination on Ethno-Linguistic Grounds

20. Direct discrimination on ethno-linguistic grounds in enjoyment of some fundamental human rights continues in many spheres of Moldovan public life.

21. At the end of 2013 (on 30.11.2013 and on 02.12.2013) the Moldovan Equality Council in two cases submitted to it found discrimination on linguistic grounds. In one case it found discrimination in a case of a Chisinau sectorial court refusing to deal with a Russian-speaking complainant. In the other case it found discrimination in case of Balti city authorities (second largest city in Moldova) refusing to respond to a request of a Romanian-speaking resident.



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22. In addition to that HRIC/CIDO heard complaints about a court and authorities in Gagauzia (where Gagauzian language is an official regional language) to respond to written requests/complaints addressed to these bodies in Gagauzian language. In another case a psycho-pedagogical officer speaking to a Gagauzian-speaking child in Gagauzian language was demanded by her superior to switch to Russian language, despite visible child's discomfort of communicating in Russian.

23. The above cases demonstrate very serious shortcomings in Moldova's fulfilment of international standards with regard to language rights and non-discrimination of ethno-cultural minorities on its territory.

24. Recommendations:

- Moldovan authorities to develop and put in place a strong and extensive program of training activities for all public officers and officials in the area of non-discrimination, including with explanation of standards on cultural rights and non-discrimination of ethno-linguistic minorities.

Roma Rights, Roma Inclusion and Roma Inclusion Action Plan

25. Despite putting in place of 2011-2015 Roma Inclusion Action Plan the Moldovan authorities did not manage to achieve substantial progress in improving the situation of discriminated and excluded/marginalized Roma women, men, girls and boys. The recent expert evaluations of this Plan found that it was implemented in a very limited proportion leaving the majority of points effectively unaddressed. Among the main reasons for such a poor performance there are:

- **Weak mainstreaming** of Roma Action Plan points into mainstream sectorial policies and regulations in the field of education, employment, health care, social assistance, decentralization, etc – as the result the Roma Action Plan provisions remained isolated in this document and largely unknown (and thus unimplemented) by the sectorial ministries and local public authorities;
- Severe under-funding of the Roma Action Plan with majority of its action points being planned **without secured public funding** or with over-reliance on development partners and civil society.

26. Introduction of Roma community mediators was one of the major pillars of the Roma Inclusion Plan and approach. In 2014 implementation of this action point reached its peak with about two dozens of Roma community mediators being hired in communities with significant Roma population. At the same time in 2015 the situation deteriorated considerably with only about a dozen of mediators still being in place. This happened very much due to deficient national decentralization policies and disregard of Roma inclusion issues in the agenda of local public authorities.

27. Recommendations:

- Moldovan authorities to mainstream provisions of the new Roma Inclusion Action Plan into mainstream sectorial and local policies and regulations;
- Moldovan authorities to budget full amount for funding of the new Roma Inclusion Action Plan;
- Moldovan authorities to establish a system of transfers with special destination to local public authorities (LPAs) to support the positions of Roma community mediators, combined with a legislated obligation for such LPAs to establish such position(s) in communities with sizeable Roma population, and to have these positions fully filled.



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Media in Minority Languages

28. National Moldovan policies in the field of broadcasting discourage broadcasting in minority languages. Nation-wide Moldovan public broadcaster TV Moldova 1 broadcasts only once every two weeks (or even once a month) in Ukrainian, Bulgarian, Gagauz and Romani for only 30 minutes. This is a rather symbolic and inappropriate share of public broadcasting time practically amounting to effective discrimination (30 minutes once in two or four weeks equals to 0,09-0,18%¹ of public broadcasting timeshare for each of the mentioned minority languages). There are no significant newspapers, journals, magazines or Internet resources on news in Moldova in Ukrainian, Bulgarian, Gagauz or Romani.

29. Recommendations:

- Moldovan authorities to ensure timeshare of public and private nation-wide broadcasting in minority languages at least proportionally to the share of the respective ethno-linguistic minorities in the total Moldovan population (local broadcasters – proportionally to the share of the respective minorities in the local population);
- Moldovan authorities to support the development of newspapers, journals, magazines or Internet resources in minority languages in proportion to the share of the respective ethno-linguistic minorities in the total Moldovan population.

Political Participation of Ethno-Linguistic Minorities

30. Moldovan law on political parties is a restrictive piece of legislation as it requires at least 4,000 members representing at least half of over 30 Moldovan districts (with at least 120 members from each such district) to legally establish a political party. This legislative provision is not only incompliant with international and European standards on freedom of association, but is also discriminatory in nature as it effectively disallows establishment of regional (and local) political parties. The above legislative requirement makes it next to impossible establishment of a regional Gagauzian or Bulgarian party, because Moldova's Gagauzians and Bulgarians, for instance, are concentrated mainly within the Gagauzian autonomy and in the Taraclia district in the south of Moldova.

31. There are very few ethnic Gagauzians and Bulgarians, and no Roma among Moldova's national-level politicians and high level officials. This under-representation is the result of (and it also further contributes to) political marginalization of the relevant Moldovan minority ethno-linguistic groups.

32. Recommendations:

- Moldovan authorities to immediately liberalize/amend the legislation on political parties to allow for establishment of political parties by any 2-3 Moldovan citizens (in compliance with international and European standards in the field of freedom of association), thus also enabling establishment of regional and/or local political parties;
- Moldovan authorities to consider development and implementation of temporary positive measures (for instance, quotas) to ensure adequate representation of women and men from ethno-linguistic minorities among members of Parliament, Government, Constitutional Court, Central Electoral Commission, among Moldova's national-level politicians and other high level officials.

¹ <http://www.trm.md/ro/tv/>