

Shadow Report
on the implementation of the Framework Convention
for the Protection of National Minorities
by the Republic of Moldova

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PREAMBLE

Starting from 1989 the Republic of Moldova elaborates and implements its proper politics in the field of interethnic relations. Gradually, necessary conditions for preserving, development and expression of the ethnic, cultural, language and religious identity of national minorities were created. Efforts of the Republic of Moldova in ensuring of national minorities' rights and harmonisation of interethnic relations were appreciated by authoritative international structures.

Starting from 2004 the considerable regress in this field is observed. Any new practical measures were not made in 2004 - 2009. Achievements from previous periods were not developed, moreover they are reducing to zero.

One of the problematic issue is the fact that authorities still do not have sufficient data on the situation of persons belonging to national minorities in a number of areas of economic and social life. International bodies – UN Committee on the Elimination of Racial Discrimination, UN Committee on Economic, Social and Cultural Rights, European Commission against Racism and Intolerance, Advisory Committee on the Framework Convention for the Protection of National Minorities – have noted the absence of disaggregated data, including data disaggregated by ethnic origin, and recommended that the government presents such data. Recommendations of these bodies were not taken into consideration by authorities, especially – the Bureau of Interethnic Relations.

SPECIFIC COMMENTS IN RESPECT OF ARTICLES 4-18

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

There no special Low on Elimination of Discrimination in the Republic of Moldova, including racial discrimination.

Provisions concerning discrimination are dispersed in different legislative acts (more than 20). However, the Moldovan legislation does not provide such provisions as direct and indirect discrimination, institutional mechanisms for elimination of discrimination, collection of data concerning discrimination etc. The existing anti-discrimination provisions in civil and administrative law have declarative nature and lack essential elements in accordance with the Council of Europe standards as elaborated by General Policy Recommendation 7 of the European Commission against Racism and Intolerance as well as in accordance with the European Union equality directives.

According to the Republic of Moldova – European Union Action Plan (chapter 2.1, paragraph (4), the republic had to elaborate and implement the legislation on elimination of discrimination. This obligation was not respected by the Republic of Moldova.

Republic of Moldova has not ratified Protocol No 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Reasoning from the luck of respective legal provisions concerning discrimination, including racial one, combating of this phenomena is not effective. Because of luck of anti-discrimination

legislation, the monitoring and combating of acts of discrimination is very problematic in the Republic of Moldova. The authorities do not have concrete data on racial discrimination. They prefer not to elaborate respective mechanisms and to report that racial discrimination does not exist in the Republic of Moldova.

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

I. Legislation

The issue of the legislation in force observance remains problematic. Especially, the Parliament, the Government permit themselves neglect of the Law on the Functioning of Languages on the Territory of the Republic of Moldova when adopting juridical acts, in their daily activity.

Now the problem of Moldovan legislation in the field of interethnic relations development remains urgent, including:

a) Amendment of some juridical acts:

- modification of the Law on Function of Languages on the Territory of the Republic of Moldova from 1989: it is necessary to eliminate such expressions as “Moldovan SSR”, “USSR” and other; to introduce amendments concerning official languages in Gagauzia and Transnistria; to abrogate provision concerning possibility of minorities languages using, especially Ukrainian and Bulgarian, in relations with local public authorities only in localities where national minorities constitute majority of population (this threshold is very high); to abrogate provision concerning possibility of minorities languages using, especially Ukrainian and Bulgarian, in relations with local public authorities only in verbal form; to abrogate provision concerning toponymy names of localities, especially compact populated by national minorities, only in Moldovan language;
- elimination of numerous gaps between different acts regulating interethnic relations.

b) Adoption of new juridical acts:

- adoption of the Law on Elimination of Discrimination;
- elaboration and adoption of the a State strategy for support of national minorities. Now any governmental programme or strategy in this field does not exist. Unfortunately, the Government Activity Program for 2008 – 2009 “Progress and Integration”, National Development Strategy for 2008 – 2011 do not foreseen activities for support of national minorities. At the same time, the National Human Rights Action Plan of the Republic of Moldova for 2004 – 2008, the Republic of Moldova – European Union Action Plan, which provided activities for national minorities support, became invalid;
- adoption of the Regulations on Financial Support of the Programs and Projects of Organisations of the Persons Belonging to National Minorities, which have to foreseen open and transparent assign and expense of financial resources for support of cultural programs of national minorities’ organisations. Now all decisions concerning allocation of funds are approved individual by the director of the Bureau of Interethnic Relations individually, that is unacceptable and result in significant abuse.

c) Acceding to international acts and initiatives:

- ratification of the European Charter for Regional or Minority Languages;
- ratification of the Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms;
- ratification of the Amendment to the art. 8 of the International Convention on the Elimination of all Forms of Racial Discrimination;
- adoption of the declaration on recognising the competence of the Committee on the Elimination of Racial Discrimination according to the art. 14 of the International Convention on the Elimination of all Forms of Racial Discrimination;
- acceding to the Decade of Roma Inclusion 2005 – 2015. Unfortunately, initiatives of Roma NGOs to become part of this Decade are not supported by the government.

d) Signing of bilateral agreements with other states:

- signing of bilateral intergovernmental or interstate agreements on ensuring of the persons belonging to national minorities' rights with Ukraine, Russia and other states. Now the only bilateral intergovernmental agreement is the convention between governments of Moldova and Belarus from 1997.

II. Institutional framework

For promote the conditions necessary for the national minorities' identity preservation respective bodies were created in Moldova: the Commission for Human Rights of the Parliament of the Republic of Moldova; the Bureau of Interethnic Relations by the Government of the Republic of Moldova, responsible for the state policy in the field of interethnic relation implementation; the Centre for Human Rights of Moldova (ombudsman institution); the Institute of Cultural Heritage of the Moldovan Academy of Science.

The activity of some of these bodies in the field of national minorities' protection is not effective sometimes.

1) The Bureau of Interethnic Relations

The most problematic is the actual situation of the Bureau of Interethnic Relations. Last time the activity of the Bureau of Interethnic Relations causes particular alarm. All problems mentioned in presented Shadow Report, which accumulate as a snowball, not only are not resolved, they even are not seriously examined. Now the Bureau of Interethnic Relations is discredited as a public authority, being in a profound coma.

a) Starting from 2004 actual director of the Bureau reduces its activity mainly to organisation of different cultural activities, striking out the serious work from the priorities of this state body.

b) More and more obvious becomes loss professionalism of the main sub-unit of the Bureau - the Division of National Minorities, Interethnic Relations and Functioning of Languages. During last four years collaborators of the Division are implicated practically only in organisation of cultural activities and are disabled to exercise their direct official responsibilities, to raise their proficiency. Therefore the experience of the collaborators accumulated in previous period, practically lost. Nearly all officials crossed pension age. The Division is permanently understaffed. About 2 years there was no chief of the Division of National Minorities.

c) The Bureau of Interethnic Relations does not have sufficient data on the situation of persons belonging to national minorities in a number of areas of economic and social life.

d) Locations in the House of Nationalities (cultural centre of republican ethno-cultural organisations by the Bureau of Interethnic Relations), destined for organisations of national minorities, are rented to business organisations. Considerable spaces are occupied by the personal

business organisation of the director of the Bureau – “Olexpo” company, contrary to provisions of the legislation in force. The main room for ethno-cultural organisations meetings is used by the director’s business organisation (“Olexpo”) as a production space.

At the same time general director of the Bureau of Interethnic Relations refuse accordance of locations in the House of Nationalities to active minorities’ NGOs. For example, now one of the most active Roma NGO – Roma National Centre – has to be at law with the Bureau for possibility to have office in the House of Nationalities.

Now the House of Nationalities was transformed in a business house.

e) The problem of implementation of legislation on the state financial support of cultural activities organised by national minorities’ organisations became very actual. Legislation foreseen possibility of national minorities’ nongovernmental organisations to elaborate projects in the field of culture, education and to present them to the Bureau of Interethnic Relations for financing. The laws on the budget for the relevant years provide for the Bureau of Ethnic Relations funds to support the socio-cultural activities. In 2004 208,500 MDL were assigned, in 2005 – 118,700 MDL, 2006 – 128,400 MDL, 2007 – 140,000 MDL. The level of utilisation of these funds is about 100%. In 2008 there were allocated 152,200 MDL.

At the same time, special regulations, which would provide organisation of the competition for the selection of projects and their funding, do not exist. In practice, all decisions concerning allocation of funds are approved individual by the director of the Bureau of Interethnic Relations individually, that is unacceptable and result in significant abuse. Financial resources destined for support of national minorities organisations’ activities are spend by the general director of the Bureau at her own discretion, in many cases - in personal, selfish ends. Director’s business organisation “Olexpo” is one of the principal recipients of funds for support the socio-cultural activities.

f) On 31 May 2006 the term of office of the ordinary member of the Advisory Committee on the Framework Convention for the Protection of National Minorities in respect of the Republic of Moldova expired. Authorities of the Republic of Moldova had to submit to the Secretary General of the Council of Europe names and CV of at least two experts who have the required qualifications and capacity to serve on the CoE Advisory Committee. In July 2007 the Ministry of Foreign Affairs and European Integration of the Republic of Moldova has addressed to the Bureau of Interethnic Relations and requested organisation of the public and transparent competition for the selection of respective candidatures for the Advisory Committee. Unfortunately, general director of the Bureau of Interethnic Relations has not informed public about the possibility of participation to the selection for the Advisory Committee. Any public competition has not been organised. The public had not have possibility to propose their candidatures for the mentioned-above position. Regrettably, the situation similar with the selection of the judge in respect of Moldova for the European Court of Human Rights repeated.

g) General director of the Bureau of Interethnic Relations illegally participates in the activity of the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN).

Governments of all member states of the Council of Europe are entitled to appoint representatives with the relevant qualifications in the field of protection of national minorities to take part in the work of the DH-MIN. According to the Moldovan legislation (Governmental Decision No 1209 from 09.10.2003), administrative servants of ministries and departments are delegated for participation in the Council of Europe bodies. Directors of departments and bureaus have not right to be members of these bodies. Administrative servants are appointed by the Ministry of Foreign Affairs and European Integration. So, actual general director of the Bureau of Interethnic Relations has not right to be member of the DH-MIN Committee. Any decision of the Moldovan Ministry of Foreign Affairs concerning appointment of this person as a member of DH-MIN does not exist. Director of the Bureau of Interethnic Relations appointed herself as a member of DH-MIN contrary to Moldovan legislation and procedures of the Council of Europe.

2) The Parliament Committee for Human Rights

Activity of the Parliament Committee for Human Rights is not very effective. In 2004 - 2008 this Committee was responsible for the permanent control of the National Human Rights Action Plan of the Republic of Moldova implementation. From the basic 17 paragraphs of the Plan, concerning ensuring of national minorities' rights, 12 were not implemented, including:

- preparation of the European Charter for Regional or Minority Languages ratification;
- adjust of the legislation to the standards of the European Charter for Regional or Minority Languages;
- preparation of the CIS Convention on the protection of the rights of people belonging to national minorities (dated 21.10.1994) ratification;
- observance the principle of proportional representation within public authorities, the judiciary, the police, and the army;
- ensure the teaching of the State language at professional training and higher education institutions with groups studying in Russian, as well as carry out final examinations on the proficiency in the State language;
- study the possibility of Roma language teaching at some educational institutions;
- set up groups of students studying in Russian for all majors at public professional training and higher education institutions;
- publish a guide on establishing and running of ethno-cultural organisations;
- include topics on interethnic relations in the curricula of the Academy of Public Administration by the President of Moldova;
- start a periodical publication of the Bureau of Interethnic Relations;
- include (if possible) representatives of the public associations of national minorities in official delegations, in intergovernmental and interdepartmental commissions;
- set criteria of Moldovan language proficiency for public officials, depending on their position.

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

There no special Law on Elimination of Discrimination in the Republic of Moldova, including racial discrimination. Because of lack of anti-discrimination legislation, monitoring and combating of acts of discrimination is very problematic in the Republic of Moldova. Investigations of discrimination acts are not practically undertaken by the criminal investigation authorities. The lack of anti-discrimination legislation and mechanisms for detection of discriminatory acts does impossible respective investigations.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Now the problem of national minorities assembly in political organisations is very actual.

According to the Law on Political Parties and Socio-Political Organisations (December 2007), in order for a party to be registered, it must have 4,000 active members residing in no less than half of administrative districts (32 districts, Chisinau, Balti, Gaguzia and Transnistria), with no less than 120 members in each of these districts. Creating and registration of regional parties is not permitted.

These provisions limit possibility of the persons belonging to national minorities, who live mainly in a certain region, to create a party. Especially it is not possible to create parties of Gagauz, Bulgarians, Roma.

Situation becomes redoubled because of lack of any special mechanisms ensuring real representation of national minorities in the Parliament and local councils. Representation of national minorities in these structures depends exclusive on decisions of political parties concerning including of minorities in the electoral lists.

Representatives of international organisations, in particular the Venice Commission, mentioned this fact, but Moldovan authorities did not effectuate necessary studies.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Until now, the Islamic cult is not registered in the Republic of Moldova. It seems that the authorities do not permit registration of the Muslim confession. Instead of juridical and organisational support of Muslims, the Moldovan Ministry of Justice raises different formal pretexts for refusing of Muslim confession registration. It is an evident case of direct discrimination of respective confession in Moldova.

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

There are no special mechanisms for supporting of printed mass media in national minorities' languages in Moldova. So, periodical editions in Ukrainian and Bulgarian languages appear accidentally in dependence of financial and organisational possibilities of ethno-cultural organisations.

One of the problematic issues is language of TV and radio broadcasting. Before 2006 the Law on TV and radio acted in Moldova. The law stipulated that no less than 65% of programs, broadcasting on the territory of the republic, had to be transmitted in the State

language. At the same time, these provisions did not apply to the stations broadcasting on the territories compact populated by national minorities. This provision covered Chisinau, Balti towns, some districts of Moldova.

After adoption on 2006 of the TV and radio Code of the Republic of Moldova, the special provision came into force. According to this, on 1 January 2007 no less than 70% of emissions, prepared on the territory of the Republic of Moldova, have to be in the State language. In 2010 their rate has to be 80%. This provision is not applied to the regions where national minorities constitute majority of population.

Now, for example, TV and radio companies broadcasting majority of their programs in national minorities' languages can not be created in Chisinau (national minorities constitute about 200,000 pers. - 25%) and, even, Balti town (national minorities constitute about 58,000 pers. - 47%).

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

The problem concerning visual information remains critical. Visual information in districts (except of Gagauzia and Taraclia district), especially in social institutions (medical institutions, social welfare institutions, transport stations, ministries, other state institutions) is shown, in majority cases, in Romanian / Moldovan language only, without translation in Russian language (still now the main language of interethnic communication for absolute majority of national minorities) and other languages. There were no local authorities' decisions concerning making of visual information in Russian and other languages, especially in regions with compact population of national minorities.

According to the Law on consumerism, adopted on March 2003, all information, including verbal one, about produces, services proposed to consumers, has to be presented in Moldovan language or Moldovan and one of international communication languages. This provision excluded obligatory presentation of information about products in also Russian language (still now the main language of interethnic communication for absolute majority of national minorities) along with the State language.

Doubling of social information in Russian language remains actual in Moldova, because only 30% of national minorities know fluent Moldovan / Romanian language (40% - Ukrainians, 35% - Russians, 12% - Gagauz, 35% - Bulgarians).

The Law on Function of Languages on the Territory of the Republic of Moldova from 1989, foreseen the legal possibility of minorities languages using, especially Ukrainian and Bulgarian, in relations with local public authorities only in localities where national minorities constitute majority of population (this threshold is very high) and possibility of minorities languages using in relations with local public authorities only in verbal form. These legal provisions essentially limit frameworks of national minorities' languages using at local level.

Article 11

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**
- 2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**
- 3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

Now different act of civil status, especially marriage certificate, certificate of divorce, certificate of adoption, do not foreseen possibility of surname (patronym) utilisation for persons belonging to national minorities. This problem is important for many national minorities, especially of Slavic origin, because surname is a part of their name. There were some appeals to authorities from national minorities' nongovernmental organisations, but they were not complied.

Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

The Division of National Minorities Education by the Ministry of Education and Youth was liquidated. This fact will influence very negative development of national minorities' education in future.

Now the problem of Roma population access to education remains very importance. Enrolment rates for Roma children are lower than for non-Roma for all stages of education. Primary education does not cover significant part of Roma children. Secondary education covers only a half of Roma children.

Article 13

- 1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**
- 2. The exercise of this right shall not entail any financial obligation for the Parties.**

Based on the information currently at our disposal we consider that implementation of this article does not give rise to any specific observations.

Article 14

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**
- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

Existing system of education needs future development. The following problems remain unsolved today:

- only pupils who study in schools with Russian languages of training have possibility to study Ukrainian, Gagauz and Bulgarian languages. Pupils belonging to national minorities (Ukrainians, Gagauz, Bulgarians), who prefer studying in Romanian language, have not possibility to study their native language;
- the total number of schools where the Ukrainian language is studying is extremely insufficient. There are 55 schools in which the Ukrainian language is studying (6 from them are in Chisinau), 2 - with Ukrainian language of studying. But, the number of settlements where Ukrainians makes majority of population is more than 100. The number of Ukrainian children who study Ukrainian language is about 6,300 pers., but the total number Ukrainians is 280,000, from them children – about 1/5;
- in settlements compact populated by Ukrainians, where Ukrainian language is not studied, the subject “History, culture and traditions of Russian people” is taught. This fact influences very negative the ethnic identity of Ukrainians from Moldova;
- the system of multilingual education (in native, Romanian, Russian and foreign language), education in native languages of national minorities do not exist in Moldova;
- there are no practice of the Roma history, culture and traditions, Romani language studying.

One of the most problematic is the issue of Romanian language studying in schools. Young people from the settlements compact populated by national minorities after leaving schools do not speak the State language on the high level. Thus, only 30% of national minorities know fluent Moldovan / Romanian language (40% - Ukrainians, 35% - Russians, 12% - Gagauz, 35% - Bulgarians). The State language practically is not studying in the higher education institutions (practically only during of first year of education). Methods of the State language teaching in schools are very imperfect. In schools with Russian language of studying the State language is taught as native language and not as foreign one (being de facto foreign language for national minorities).

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

There are no special mechanisms ensuring real representation of national minorities in the public authorities, which reduce to zero guarantees foreseen by the legislation. There are no real mechanisms of the national minorities’ opinion consideration. The obligation of state authorities to take into consideration opinion of national minorities in the decisions making process is absent.

Parliament

Persons belonging to national minorities are represented in the Parliament of the Republic of Moldova (their number permanent varies and constitute about 20%).

However, representation of national minorities in the Parliament depends exclusive on decisions of political parties concerning including of minorities in the electoral lists. Any quota for national minorities or other mechanisms are not foreseen by the legislation.

National minorities represented in the Parliament are constraint in their action by their parties' programs. Moreover, they have not responsibility before ethnic communities, because they are not delegated by these communities.

Examples: 1) in 2005 former Parliament Committee for Human Rights and National Minorities was reorganised in the Committee for Human Rights, nobody from national representatives of national minorities official objected this decision; 2) now the problem of the European Charter for Regional or Minority Languages ratification is frozen in fact. Nobody from representatives of national minorities – members of the Parliament, active raises this problem.

Central executive bodies

No special mechanisms ensuring real representation of national minorities are foreseen by the legislation. Moreover the mechanism of competitive engaging of government personnel, provided by the law, does not work in practice.

According to the evaluation data, the percentage of national minorities in central public authorities is very low.

Local level

Representative bodies. There are no special mechanisms ensuring real representation of national minorities foreseen by the legislation. National minorities are represented in some extent in local councils (districts, towns, villages) of the regions where they constitute significant part of population.

Executive bodies. Representation of national minorities in local executive authorities is not proportional.

Advisory and consultative organs

The existing mechanisms of national minorities' participation in the decision making process are permanent declining. In the period 2001 - 2009 the following consultative bodies were abolished: Commission for interethnic relations by the President of the Republic of Moldova, Parliament Committee for Human Rights and National Minorities, guaranteed representation of national minorities in the "Teleradio-Moldova" Company Supervisory board. The function of the vice-minister of education - representative of national minorities responsible for education of minorities, Division of National Minorities Education by the Ministry of Education and Youth were liquidated.

Now the Coordinating council of ethno-cultural organisations activates by the Bureau of Interethnic Relations as an advisory body. Members of the Council are leaders of republican ethno-cultural nongovernmental associations of national minorities.

The mechanism of consultations with the Coordinating council does not exist. There is no real consideration of national minorities' opinion by the state bodies and the mechanism of influence on decisions taking by authorities.

Because of lack of real consultation mechanism, this advisory body does not work effective. For example, during reform of the Bureau of Interethnic Relations, reform of the Ministry of Education (when liquidation of the Division of National Minorities Education) in 2005 - 2006, any consultation with the Coordinating council by the Bureau of Interethnic Relations or ethnic communities was not realised.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Based on the information currently at our disposal we consider that implementation of this article does not give rise to any specific observations.

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Based on the information currently at our disposal we consider that implementation of this article does not give rise to any specific observations.

Article 18

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

Now the practice of signing of bilateral intergovernmental or interstate agreements on ensuring of the persons belonging to national minorities' rights with other states is practically absent. The only bilateral intergovernmental agreement in this field is the convention between governments of Moldova and Belarus from 1997. Lack of such agreements with Ukraine and Russia, other states, influences negative ensuring of Ukrainians, Russians, other national minorities' rights in Moldova. Authorities act very slowly in this field. So, the problem of bilateral agreement with Ukraine is discussing during many years.

SITUATION OF ROMA

Roma population in Moldova has been identified as a particularly vulnerable group by a number of international and European bodies.

According to different information Roma population in Moldova face social exclusion and social problems. For identification of these causes it is necessary to carry out respective investigations. However, to present day there are no official documented in-depth data on the situation of Roma children in Moldova. This complicates elaboration of respective politics in the field of Roma support.

The main unofficial report in this field "Roma in the Republic of Moldova" was published in 2007. Elaboration of the Report was coordinated by UNDP Moldova.

According to the Report, majority of Roma families live in poverty – every second Roma lives in extreme poverty, and six out of ten live in absolute poverty. The income of Roma families constitutes less than half of this minimum.

Poverty risk for Roma is more than twice higher than for non-Roma. The consumption expenditures per person in the case of Roma population is one-third lower than the consumption per person in non-Roma families.

Lack of regular adequate incomes coupled with reduced access to land leads to increased food insecurity for Roma families.

The indices of infant mortality in case of the Roma population are twice higher than the non Roma. Roma children under 14 are less covered by the vaccination programme. Majority of Roma are not covered by the compulsory medical insurance system (and do not have insurance policies). One of the serious barriers of access to health services and limited coverage by medical insurance is the lack of identification documents (identity cards, birth certificates) of some Roma. Another factor that explains the differences in access to health services is the distance to the medical institutions.

Insecure living conditions represent a major problem for a significant part of Roma families. Many Roma households do not have access to a secure dwelling; they live in dwellings which are in very poor conditions or even in ruins.

Enrolment rates for Roma children are lower than for non-Roma for all stages of education. Primary education does not cover significant part of Roma children. Secondary education covers only a half of Roma children. Many Roma children at the ages of 7-15 do not attend school. There is no education in Romani language.

It is obvious that Governmental actions for reduction of poverty, health protection, education have insufficient influence on Roma population.

Governmental strategy

The major policy document for improvement of Roma situation in Moldova is the Government Action Plan for support of Roma in the Republic of Moldova for the Period 2007-2010, adopted in December 2006. The Plan outlines government actions for improving the situation of Roma in five thematic areas: education, culture, health and social protection, employment and public order. In addition, the plan lists a number of general measures.

The Government Action Plan is an important strategy for systematic actions by public authorities to improvement Roma situation in Moldova. However, this document suffers from major deficiencies both in its substantive part and in the financial resources for its implementation.

The Government Action Plan does not take a comprehensive and detailed approach to the problems facing Roma in Moldova. It does not contain a narrative section explaining what the problems are and providing justification for the measures elaborated in the plan. The areas covered by the Government Action Plan, present a list of activities which are neither comprehensive, nor articulated in clear terms. The Plan does not foresee financial resources necessary for its implementation.

Based on the Government Action Plan ministries and other government bodies were tasked with developing their own annual plans and reporting on implementation. The review of the individual Ministries Action Plans for 2007 and 2008 reveals that these documents replicated the deficiencies of the Government Action Plan 2007-2010. The individual Action Plans lack concreteness – in many instances the general measures in the Government Action Plan are simply reiterated in the individual ministerial plans; they overlook crucial areas of intervention; do not provide any indicators for measuring progress; and do not specify funds allocated for the implementation of the respective activities.

Information provided by the respective ministries regarding implementation of the Government Action Plan in 2007 show that many activities have been implemented, however, they are not sufficient.

Reports on the implementation of the Government Action Plan provided by ministries, reveal that there is no coordinated and consistent actions on Roma inclusion. These reports listed a few haphazard actions, without a clear strategy and goals. There has been no assessment of the effects of these actions, in many instances the reports did not even provide the numbers of Roma beneficiaries. Many of the reported activities were general measures, not specifically targeted on

Roma. Due to lack of any data, it is not possible to evaluate the impact of these general measures on Roma.

Now the existing Government Action Plan for support of Roma in the Republic of Moldova for the Period 2007-2010 is not an adequate tool for the development of systematic measures for the integration of Roma. The Bureau of Interethnic Relations should undertake a thorough revision of the existing Action Plan in close cooperation with a wide representation of Roma organisations and other organisations who have worked on the integration of Roma.

At present Roma and other nongovernmental organisations have not possibility to carry out effective monitoring of the implementation of the Plan of Actions on Support of Roma, because the Bureau of Interethnic Relations keeps back information about the ministries and department's plan of actions and information about realisation of the Plan.

We think that the Government of the Republic of Moldova has to effectuate the in-depth analysis of the situation in the field of interethnic relations, to have the more serious and professional approach to this problematic in future.