



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

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under  
article 9 of the Convention**

**Eighth and ninth periodic reports of States parties due  
in 2010**

**Moldova\* \*\***

[2 March 2010]

**Eighth and ninth periodic reports of the Republic of Moldova  
on the implementation of the International Convention on the  
Elimination of All Forms of Racial Discrimination**

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\* This document contains the eighth and ninth periodic reports of Moldova, due on 25 February 2010, submitted in one document. For the fifth to seventh periodic reports and the summary records of the meetings at which the Committee considered the reports, see documents CERD/C/ SR.1861 and CERD/C/ SR.1862.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## I. Introduction

1. The Republic of Moldova ratified the International Convention on the Elimination of All Forms of Racial Discrimination by Government decision No. 707-XII of 10 September 1991. The Convention entered into force for Moldova on 25 February 1993.
2. The Convention, one of the core documents of the United Nations, sets out the principles of equality of all human beings and observance of human rights and fundamental freedoms for all, without distinction as to race, ethnic origin, language or religion.
3. At the national level, activities for the promotion of the Convention and for the preparation of periodic reports on progress regarding its implementation under the conditions prevailing in Moldova are coordinated by the Bureau for Inter-Ethnic Relations.
4. In the process of implementation of the Convention and the preparation of this report, the Bureau for Inter-Ethnic Relations cooperated with the Ministries of Justice, Information Technologies and Communication, Education, Health, Labour, Social Protection and the Family, Internal Affairs, Finance, the Economy, and Culture; the General Procurator's Office; the National Centre for Human Rights; other central and local authorities; and civil society representatives.
5. On 6 March 2008, at its seventy-second session, the Committee on the Elimination of Racial Discrimination adopted concluding observations on Moldova's fifth to seventh periodic reports on the implementation of the Convention (CERD/C/MDA/CO/7).
6. The Bureau for Inter-Ethnic Relations ensured the translation of that document into the State language and transmitted the text to the sectoral ministries and the other State bodies concerned, for information, consideration and action. With a view to their wide dissemination among civil society, ethnocultural NGOs and the members of the Coordinating Board of Ethnocultural Organizations, the concluding observations were also translated into Russian, an official language of the United Nations, and, under the national legislation in force, the language of inter-ethnic communication.
7. A working group, consisting of representatives of the sectoral ministries and other central Government bodies was established under the Bureau for Inter-Ethnic Relations in order to ensure the implementation of the Committee's concluding observations and monitor compliance with the Convention. The Bureau prepared a briefing document for the Parliament and the Government with regard to the process of implementation of the Convention under the conditions existing in Moldova.
8. The existence of a separatist regime set up unconstitutionally in the early 1990s in the country's eastern or Transnistrian region, with a surface area of 4,163 square kilometres and a population of approximately 550,000, considerably impedes the implementation over the entire national territory of all international treaties to which Moldova is a party, including the Convention. Under those circumstances, the Moldovan authorities, in close cooperation with international partners, namely the Organization for Security and Cooperation in Europe (OSCE), the Russian Federation, Ukraine, the European Union and the United States, took a number of positive steps in order to settle the Transnistrian dispute and ensure the country's unity, a prerequisite for the implementation of the instruments in question throughout the Moldovan territory. Despite the lack of visible results in terms of settling the dispute, a number of relevant changes occurred in recent years, notably the introduction in 2005 of the "5+2" negotiation format through the direct involvement of the European Union and the United States as observers in the process, the designation of a special representative of the European Union in Moldova, and the undertaking of the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM).

Furthermore, on 10 June 2005 the Parliament unanimously adopted two petitions regarding the criteria of democratization and the conditions for demilitarization of the Transnistrian region, and Act No. 173-XVI of 22 July 2005 on basic provisions for the special legal status of the communities on the left bank of the Dniester (Transnistrian communities). The Moldovan authorities, in late 2006 and early 2007, promoted initiatives opening new prospects for settling the dispute, in the framework of the "5+2" format, on the basis of a comprehensive approach to contentious issues, including questions related to the special legal status of the region; and, since 2008, they have consistently taken steps to encourage mutual trust between the left – and right – bank populations and create conditions conducive to the political settlement of the dispute and the unification of the country.

9. Unfortunately, despite efforts, including the enlargement of the negotiation format, and reassuring initiatives, no progress towards settling the dispute has so far been noted. The main issue, namely working out and establishing a special legal status for the Transnistrian region while preserving Moldova's sovereignty over that area and the country's territorial integrity, remains unresolved. The principal cause of the failure to settle the dispute has been the obstructionist and inflexible attitude of the separatist leaders in Tiraspol, the administrative centre of the Transnistrian region, which steadily receives political, economic, financial and other forms of support from the Russian Federation. The presence of Russian military in the Transnistrian region and the interests of the Russian Federation, which acts as mediator, have an adverse effect on the negotiation process for settling the dispute and preserving the national sovereignty and territorial integrity.

10. In the absence of effective leverage and tangible possibilities for exercising the country's sovereign prerogatives in the Transnistrian region, the Moldovan authorities observe the development of the situation, including human rights, and seek to influence the state of affairs in a positive manner to the extent possible. Violations of human rights and fundamental freedoms by the Transnistrian regime are systematically brought to the attention of international organizations in hopes that they may compel it to comply with international principles and standards.

11. Under the current circumstances, the Moldovan authorities, together with the country's international partners, civil society and the international organizations concerned, namely the United Nations, OSCE and the Council of Europe, continue to seek the adoption of a comprehensive and lasting solution to the Transnistrian dispute and to call for the unification of Moldova in order to encourage the development of democratic institutions throughout the national territory and the exercise of human rights and fundamental freedoms enshrined in international treaties, to which Moldova is a party.

12. This report has been drawn up by the Bureau for Inter-Ethnic Relations under article 9, paragraph (1) (b), of the Convention in the light of the concluding observations of the Committee (CERD/C/MDA/CO/7).

## **II. General information**

### **A. Overview of Government policy on preventing and combating racial discrimination**

#### **1. Ethnic composition and linguistic structure of the population**

13. The Republic of Moldova is a State with a multi-ethnic and multilingual population. Moldovans – the nationality which created the State – together with members of other ethnic groups – inter alia, Ukrainians, Russians, Gagauz, Bulgarians, Jews, Romanians,

Belarusians, Gypsies (Roma) and Poles – constitute the single people of Moldova and have the Republic of Moldova as their country.

14. The population census (October 2004) helped to streamline the monitoring of the ethnocultural identity of the members of ethnic minorities and to formulate a more effective policy in that connection. Moldova's population of 3,383,332 is broken down as follows:<sup>1</sup>

- Moldovans – 2,564,849 (75.8%)
- Ukrainians – 282,406 (8.4%)
- Russians – 201,218(5.9%)
- Gagauz – 147,500 (4.4%)
- Romanians – 73,276 (2.2%)
- Bulgarians – 65,662 (1.9%)
- Other ethnic groups – (1.0%)
- Persons of unspecified ethnicity – (0.4%)

15. The membership of small ethnic minorities living in various places across the national territory is as follows:

- Armenians – 1,829
- Azerbaijanis 891
- Belarusians – 5,059
- Germans – 1,616
- Greeks – 482
- Georgians – 501
- Estonians – 77
- Jews – 3,608
- Latvians – 185
- Lithuanians – 259
- Poles – 2,383
- Tatars – 974

16. Although their membership declined by 2.9 and 3.9 per cent respectively, the Ukrainian and Russian ethnic minorities rank second and third in the country. The Gagauz population increased by 0.3 per cent, while the Bulgarian minority and "other ethnic groups" decreased by, respectively, 0.1 and 1.7 per cent. With 75.8 per cent of the population, Moldovans constitute the largest ethnic group.

17. The groups and sub-groups listed below indicated the following native languages:

Total population

- The language of their ethnic group – 78.8%

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<sup>1</sup> The 2004 census information does not include data on the ethnic breakdown of the population of Moldova's eastern region and the Tighina communities.

- A language other than the language of their ethnic group – 20.8 per cent:
- Moldovans
- Moldovan – 78.4%
- Ukrainians
- Ukrainian – 64.1 %
- Russian – 31.8%
- Russians
- Russian – 97.2%
- Gagauz
- Gagauz – 92.3%
- Russian – 5.8%
- Bulgarians
- Bulgarian – 81.0%
- Russian – 3.9%

18. The following languages are used as a rule by the indicated percentages of the population:

- Moldovan – 58.8%
- Romanian – 16.4%
- Russian – 16.0%
- Ukrainian – 3.8%
- Gagauz – 3.1%
- Bulgarian – 1.1%
- Other (including unspecified) languages – 0.4%

19. While the majority of Ukrainians, Gagauz and Bulgarians indicated the language of their ethnic group as their native language, every second Ukrainian, every third Bulgarian and every fourth Gagauz uses, as a rule, Russian. Moldovans who usually speak in Russian constitute 5.0 per cent of the total population, while 6.2 per cent of Ukrainians, 4.4 per cent of Russians, 1.9 per cent of Gagauz and 7.1 per cent of Bulgarians communicate in Moldovan.

## **2. Development of the national legal framework**

20. In the process of implementation of the Convention, Moldova achieved significant results with regard to the protection of human rights, paying considerable attention to buttressing those rights through legislation. Although at present the national legislation as a whole meets international human rights standards, the current human rights legislation is in the process of development and improvement with a view to fulfilling the country's international obligations. To that end, various new Acts were adopted and a number of bills were drafted in the period 2007-2009.

21. Amendments to Act No. 547 of 1 July 1995 on education strengthen the new educational principles, crucial to the education reform process, which is aimed at building a modern and democratic education system based on national and global values. Article 6 of

the Act provides as follows: "The right to education is guaranteed without distinction as to nationality, gender, age, social origin and status, political affiliation, religious choice or criminal record. Public secondary, vocational, special intermediate, and higher education are equally open to all on the basis of aptitude and inclination."

22. Under article 4 of Act No. 25-XVI of 2 February 2008 on the Code of Conduct for Civil Servants, officials must fulfil their decision-making and other duties in accordance with the principles of impartiality, non-discrimination and fairness, without reserving preferential treatment to individuals or groups on the basis of race, nationality, ethnic origin, language, religion, gender, views, political affiliation, property or social origin. The Act also provides that heads of public service units must know the criteria of evaluation of a subordinate's professional competence and apply them objectively when proposing or deciding on pay raises, transfers, appointments, dismissals or material or moral encouragements, to the exclusion of any form of favouritism or discrimination; and must ensure equal opportunities regarding recruitment and promotion.

23. Article 22 of Act No. 158-XVI of 4 July 2008 on public office and civil servant status stipulates strict compliance of civil servants with the Constitution, the legislation in force, international treaties to which Moldova is a party, and civil rights and freedoms.

24. The Moldovan Parliament is considering a bill amending and completing the Criminal Code, including articles 176 and 346. The bill was approved by Government decision No. 1459 of 24 December 2007. Under article 176 of the Criminal Code (Act No. 985-XV of 18 April 2002), any violation – based on gender, race, skin colour, language, religion, political or other views, national or social origin, membership of an ethnic minority, or property-, class – or other status – against civil rights and freedoms enshrined in the Constitution or other legislation is a crime and entails criminal responsibility. Under article 346 of the Criminal Code, deliberate acts and public calls, including through the print or electronic media, aimed at instigating ethnic, racial or religious enmity or discord, offending ethnic honour and dignity, or directly or indirectly restricting civil rights or providing direct or indirect advantages to citizens on the basis of ethnic, racial or religious affiliation are punishable by a fine, community service or deprivation of freedom.

25. Amendments to article 176 of the Criminal Code are necessary because the article fails to specify any particular forms of the prohibited activity. The article currently stipulates responsibility for civil rights violations which may be considered as discriminatory against persons who are not Moldovan citizens or against stateless persons. The bill in question has been drawn up with a view to enlarging the range of circumstances requiring compliance with the principle of non-discrimination. According to the bill, article 176 of the Criminal Code, on the basis of criteria established by international treaties, stipulates responsibility for any distinction, exclusion, restriction or preference not based on a reasonable and objective justification, regarding an individual, group or community. The new version of article 176 stipulates criminal responsibility for equal rights violations based on gender, race, skin colour, language, religion, beliefs, national or social origin, membership of an ethnic minority or sexual orientation and for any act involving a distinction, exclusion, restriction or preference in relation to an individual, group or community on the basis of such criteria, if the act is intended to restrict or impair the recognition, enjoyment or exercise, on an equal footing, of rights and fundamental freedoms enshrined in the Constitution, the legislation in force or international treaties to which Moldova is a party. The victims of such violations may be individuals or legal entities. The new version of article 346 stipulates punishment for public calls, including through the print and electronic media, aimed at the humiliation, instigation to discrimination against or hatred of a group or a person because of presumed or actual affiliation with a group, on the basis of race, nationality, ethnic origin, language, religion,

skin colour, gender, age, health condition, sexual orientation, political views, social position, membership of a category of disadvantaged persons or any other criterion; or aimed at acts of violence against a group or individual on such grounds.

26. In view of the lack of national legislation providing specifically for the elimination of discrimination, a draft Act on preventing and combating discrimination is being prepared (according to Government resolution No. 2503-10 of 21 January 2008) in order to strengthen the legislation in force and align it with international standards. The bill specifies such concepts as "(direct and indirect) discrimination", "oppression", "incitement to discrimination" and "affirmative measures", which are not clarified by the legislation in force; and regulates measures for preventing and combating discrimination in the key areas of employment, education, health and services. In particular, the draft Act contains provisions:

- Prohibiting any acts involving distinctions or preferences which imply, in respect of individuals or groups, restricted access to the labour market; and complementing or improving on the rules currently laid down in the Labour Code;
- Proscribing any form of discrimination in the areas of education and services (related to, inter alia, health, social protection, banking and transport);
- Improving the institutional framework by broadening the scope of the activity of parliamentary advocates, who promote the exercise of human rights and fundamental freedoms, to include protection against discrimination and the defence of equal rights;
- Establishing a Government commission responsible for:
- Developing and promoting policy on protection against discrimination;
- Initiating proposals for the promotion and introduction of legislative amendments designed to ensure and strengthen protection against discrimination;
- Submitting to central and local administration units general observations and proposals for preventing and combating discrimination.
- Allowing for the participation of civil society in the process of eliminating discrimination, by authorizing public organizations to take action in the area of preventing and combating that phenomenon;
- Specifically protecting the victims of discrimination.

The draft Act was agreed on the basis of the conclusions of the competent authorities and presented for consideration to the Government through notification No. 03/8089 of 30 September 2008.

27. The legal framework for social protection guarantees to all citizens equal rights to social support regardless of ethnic origin, religion or membership of an ethnic minority. The provision of the various forms of social support is regulated by:

- Act No. 827 of 18 February 2000 on national and local social-support funds;
- Act No. 499 of 14 July 1999 on State social benefits for certain categories of citizens;
- Act No. 933 of 14 April 2000 on special social protection for certain population categories;
- Government decision No. 1478 of 15 November 2002 on benefits for families with children.

Act No. 133-XVI of 13 June 2008 on social assistance was adopted with a view to helping poor households, including families whose members are citizens of Moldova or other States or stateless persons or refugees residing in Moldova in accordance with the legislation in force.

28. Government decision No. 1512 of 31 December 2008 on the approval of the national programme for the creation of a comprehensive social services system, 2008-2012, was adopted with a view to the improvement of the quality of life of low-income persons. The programme is based on the principle of equal opportunities, namely the right of all such persons to social services regardless of gender, age, religion, culture, language or ethnic origin.

29. The new Act on asylum, Act No. 270 of 18 December 2008, reflects the principles of equality, tolerance and dialogue; and has significantly enhanced the rights of refugees. In particular, regardless of ethnic origin, refugees are granted:

- The right to receive, as a family with children or as unaccompanied minors, any type of social assistance extended to children of Moldovan citizens in accordance with the legislation in force;
- Freedom of religion and religious upbringing of children on an equal footing with Moldovan citizens;
- The same rights enjoyed by Moldovan citizens under the system of obligatory medical insurance;
- The right to participate in social integration programmes.

30. The Parliament has adopted new Acts on assemblies and political parties, including the following:

(a) Act No. 294-XVI of 21 December 2007 on political parties. Article 3 (5) of the Act prohibits the creation and activity of political parties practicing discrimination with respect to race, nationality, ethnic origin, language, religion, gender, property status or social origin. Under the Act, political parties are created in accordance with the country's administrative and territorial system. Membership of political parties is reserved to Moldovan citizens enjoying voting rights under the legislation in force. Moldovan citizens may freely join, participate in the activity of and leave political parties. None may be obliged to belong or not to any political party.

(b) Act No. 26-XVI of 22 February 2008 on assemblies. This act guarantees all citizens' right to freedom of assembly regardless of race, nationality, ethnic origin, language, religion, gender, views, political affiliation, property, social origin or other characteristics. Under article 10 of the Act, any person intending to hold an assembly must announce the event to the local regulatory organ of the competent territorial administration unit at least five days in advance and in writing.

(c) Act No. 260-XVI of 27 July 2006 on the Radio and Television Code. The purpose of the code is to protect the right of listeners and viewers to reliable and objective information, thereby contributing to freely formed opinions, to the exercise of the broadcasters' right to freedom to publish and freedom of expression, and to the strengthening of the democratic principles underpinning television and radio in the country. The Code contains a series of provisions on the rights of ethnic minorities.

31. Under the Radio and Television Code:

- Broadcasts containing any form of incitement to hatred on the grounds of race, religion, nationality or gender (article 6 (1));

- In compliance with human rights and fundamental freedoms, the range of broadcasts and retransmissions must promote political and social pluralism and cultural, linguistic and religious diversity; and provide information, education and entertainment (article 7 (1));
  - In areas where ethnic minorities form the majority of population, local and regional broadcasters must transmit at least 20 per cent of the broadcasting volume in the State language. The linguistic aspect of the activity of Teleradio Gagauzia Corporation is regulated by the competent bodies of the Autonomous Territorial Unit of Gagauzia (article 11 (9));
  - In communities where any nationality or ethnic group constitutes more than 20 per cent of the population, broadcasters authorized to retransmit programmes must translate the retransmitted material into the language of the national or ethnic minority concerned (article 29 (4));
  - The Radio and Television Coordinating Board must ensure the protection of the information space and of the linguistic and cultural heritage of the country, including the cultures and languages of ethnic minorities (article 41 (1) (e)).
32. Teleradio Moldova Corporation, the national public broadcaster, is responsible for:
- Promoting human dignity, tolerance, public morals, civil responsibility, democratic values, national unity, equity and justice, taking into consideration the moral, political and religious views of the various population groups (article 51 (1) (d));
  - Ensuring the enjoyment of the right to information by citizens of all categories, including ethnic minorities (article 51 (1) (f));
  - Producing informational, cultural, educational and entertaining television and radio broadcasts in the State language, in the languages of ethnic minorities and in international languages in accordance with the Radio and Television Code (article 54 (a)).
33. Accordingly, Teleradio Moldova Corporation broadcasts over the entire national territory in Moldovan, Russian, Ukrainian, Gagauz, Romany, Yiddish and Polish.
34. Matters related to freedom of conscience and freedom of religion are regulated by Act No. 125-XVI of 11 May 2007 on religious denominations and religious communities. Under the Act, every person is entitled to freedom of thought, conscience and religion. That right, to be enjoyed under conditions of tolerance and mutual respect, implies the freedom to belong or not to belong to a religion, to have or not to have any given views, to change religion or views, to adhere to a religion or any beliefs as an individual or with others, publicly or privately, or through studies, worship or the performance of religious rites and ceremonies. Under article 4 of the Act, any person or religious community may without impediment join any cult; and cults are established voluntarily by individuals with full maturity and capacity to act, who are subject to Moldovan jurisdiction, with a view to worshipping in common. Cults are based on their own rules, the convictions and free will of their members, and relevant teachings, principles and traditions; and may be founded and dissolved without difficulty or need for approval, on the basis of their members' free will (article 16). Under the Act, cults or sections thereof are registered by the Ministry of Justice upon the presentation of documents specified in the Act. In the absence of any of the necessary documents, the Ministry is entitled not to consider the application for registration. If the founding documents submitted meet the requirements of the Act, the Ministry provides the cult with a registration certificate within 15 days. Cults are considered registered as from the date of delivery of the certificate and are exempted from the payment of registration fees. If the foundation documents do not meet the requirements of the Act and their terms present a threat to society, national security or the citizens' life or

health, the Ministry rejects the registration of the cult concerned, indicating the grounds for such rejection. In that case, the persons having signed the foundation documents may appeal the rejection to the courts.

35. One of the priorities of the State regarding the elimination of all forms of racial discrimination is the promotion of the principle of cultural diversity on a universal basis and the implementation of the principles of human rights and equality. These principles are buttressed by a series of Acts and practical measures embodied in long-term Government programmes, policies and strategies.

36. The principles in question underlie the new Government programme of action entitled "European integration: freedom, democracy, prosperity" and containing a chapter on the "Integration of ethnic minorities", which outlines the basic issues faced by the Government in that area, including the following:

- Preservation and development of the cultural and linguistic heritage of ethnic minorities in the national territory;
- Pursuit of a consistent and comprehensive Government policy on ethnic minorities;
- Improvement of the legal framework for ensuring the integration of ethnic minorities into the country's social, administrative, cultural, political and economic life.

37. Priority measures envisaged by the programme for achieving the tasks in question include the following:

- Development of the legal framework for protecting and promoting the cultures and languages of ethnic minorities in the national territory, including the enhancement of the system for teaching ethnic languages in pre-university education institutions;
- Formulation and implementation of a Government programme for the creation of the conditions necessary for studying and using the State language by citizens speaking only other languages, including civil servants and local elected office holders;
- Improvement of the existing legal framework governing relations between registered ethnocultural organizations and the State and, in that connection, broadening of the scope of cooperation and joint activity and alignment of current practices with international and European standards;
- State support for social solidarity programmes through assistance for registered ethnocultural organizations;
- Creation of conditions necessary and possibilities for instruction in the native language of ethnic minorities and preservation of the culture of such groups.

38. A new draft National Action Plan for Human Rights, 2009-2012, has been developed as a Government policy instrument in the area of human rights protection. The new plan is aimed at bringing about positive change in view of problems not yet resolved in that area. The main task of that political document consists in the pursuit, by the authorities and by civil society, of policies and strategies designed to improve the human rights situation. A special chapter of the new plan addresses preventing and combating discrimination and guaranteeing the rights of ethnic minorities. The draft has been transmitted to the Parliament for consideration and adoption.

### **III. Information on the implementation of the Committee's concluding observations (CERD/C/MDA/CO/7) on Moldova's fifth to seventh periodic reports (CERD/C/MDA/7)**

39. This chapter contains information on the implementation of the Committee's concluding observations (CERD/C/MDA/CO/7), and in particular those set forth in section C thereof ("Concerns and recommendations").

Paragraph 8 on access of ethnic minorities and stateless persons to the labour market and on their right to work, social protection, health care and education

40. In view of Moldova's membership of the United Nations and the International Labour Organization (ILO) and in accordance with the international treaties to which Moldova is a party and the relevant national normative instruments, Government policy on the use of labour resources and employment relations is based on the principle of non-discrimination, which also applies to all spheres of social life.

41. Under article 16 (2) of the Constitution, all Moldovan citizens are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, gender, political affiliation, personal property or social origin.

42. Article 5 of the Labour Code confirms the following basic principles governing employment relations and other closely related matters:

- Freedom to work, including the right to choose freely one's work or agree to it without coercion, the right to manage one's own occupational capabilities and the right to select an occupation and type of employment;
- Prohibition of forced (obligatory) labour and discrimination in relation to employment;
- Equal rights and opportunities for the workers;
- Guaranteed equality of workers, without any discrimination, and promotion based on productivity, skills, seniority in the trade, training, further training and upgrading of qualifications.

43. Article 8 of the Labour Code prohibits direct or indirect discrimination against workers on the grounds of gender, age, race, nationality, religion, political views, social origin, place of residence, physical, mental or psychological differences, membership or participation in the activity of a trade union, or other criteria unrelated to a worker's professional qualities.

44. Article 47 of the Labour Code prohibits any unjustified refusal to hire and, in concluding an individual employment contract, the establishment of direct or indirect privileges based on gender, race, nationality, religion, place of residence, political views or social origin.

45. Article 128 of the Labour Code prohibits discrimination on the grounds of gender, age, physical, mental or psychic differences, social origin, marital status, ethnic origin, racial or ethnic affiliation, political views, religious beliefs, or membership or participation in the activity of a trade union in relation to the determination and payment of wages.

46. The principle of non-discrimination on the grounds of race, nationality, ethnic origin, language, religion, gender, views, political affiliation, property status or social origin is affirmed in article 8 Act No. 102-XV of 13 March 2003 on employment and on the social protection of job seekers; underlies the provisions of that Act; and applies to passive social protection measures, including the payment of welfare benefits over specific periods, and to

active social protection measures (taken for job seekers and employers), including employment incentives, vocational orientation of adults, vocational training for job seekers, and job-placement services offered by National Employment Agency units.

47. The Government has introduced an ongoing monitoring system implemented by the Labour Inspectorate (established under Act No. 140-XV of 10 May 2001) and the trade unions (acting in accordance with Act No. 1129-XIV of 7 July 2000) in order to ensure compliance with the standards laid down in the legislation in force regarding equality in employment relations and other directly related matters. According to the Acts governing their operation, the Labour Inspectorate and the trade unions may submit statements in court during the hearing of cases involving violations of the principle of equality in exercising the right to work and in employment relations.

48. Under article 20 of the Constitution, every person whose rights are violated is entitled to free access to justice for effective restoration of such rights. Since free access to justice is crucial to ensuring compliance with the provisions of the legislation in force, the principle of equality before the law and in court hearings regardless of race, nationality, language, religion, gender, political affiliation, property status, social origin or other characteristics is enshrined in the Code of Offences (article 6), the Civil Procedure Code (articles 22) and the Criminal Procedure Code (article 9).

49. A system of administrative and criminal sanctions, applied as appropriate, has been set up for violations against the principle of non-discrimination, which have been established by a court. Accordingly, article 55 of the Code of Offences (Act No. 218-XVI of 24 October 2008) provides for fines ranging between 40 and 120 standard units for labour law violations (including employment-related discrimination); and article 176 of the Criminal Code (Act No. 985-XV of 18 April 2002) provides for criminal responsibility for infringements of equal rights.

50. Government policy on social protection aims to improve living conditions, ensure the corresponding social protection, promote social dialogue and combat all forms of marginalization and social exclusion. With regard to social protection, national legislation guarantees all citizens' equal entitlement to social assistance regardless of their membership of an ethnic minority.

51. Under Act No. 133-XVI of 13 June 2008 on social assistance, low-income families receive a welfare benefit designed to cover their social assistance needs and equal to the difference between such a family's estimated monthly average total income and the minimum guaranteed monthly income. The Act applies to Moldovan citizens and citizens of other States, stateless persons or refugees residing in Moldova in accordance with the legislation in force.

52. The National Programme for the development of an integrated social-services system, 2008-2012, adopted on 31 December 2008 by Government decision No. 1512, provides for a comprehensive policy on support for persons facing difficult circumstances, through effective and high-quality social services, including short – or long – term assistance to help them meet their social needs, to ease their social exclusion, to improve their quality of life, and thereby to contribute to achieving the objectives of the Government programme entitled "European integration: freedom, democracy, prosperity, 2009-2013" in the areas of social policy and integration of ethnic minorities.

53. The National Programme for the development of an integrated social-services system is expected to optimize social integration opportunities for persons in difficult circumstances (including persons of Roma origin) and ensure respect for their fundamental rights. The combination of preventive and rehabilitation measures and problem resolution at community level (without increased complexity or costs) leads to greater system efficiency, coverage of all those in need of social support, and improved quality of life.

54. In order to ensure the effective pursuit of Government policy on social protection and enhance the operational capacities of social welfare structures at the local level, the Social Welfare Service (local level) was established within the competent local units by Government decision No. 1255 of 11 November 2008.

55. The Social Welfare Service (local level) is entrusted with the following tasks:

(a) Providing information on access to social services, and ensuring the identification, prevention or timely solution of social problems at the local level;

(b) Developing and offering basic social services aimed at supporting and enhancing the capabilities of disadvantaged persons and families;

(c) Mobilizing and consolidating community resources in support of disadvantaged persons.

56. The Social Welfare Service (local level) has the following staff:

(a) One head of service per level-II territorial administration unit;

(b) One social assistant per 5,000 urban and 3,000 rural inhabitants but at least one per mayor's office.

57. A social assistant cooperates with the sectoral local-administration bodies in order to address the problems faced by persons in need of social support in a comprehensive manner.

58. Access to medical services is ensured in accordance with constitutional rights and the legislation in force. Emergency, out-patient and in-patient medical treatment in the framework of the obligatory health-insurance system is provided to all Moldovan citizens on an equal footing regardless of ethnic origin, gender or age. State care is provided to young children, pupils, vocational and special secondary education students, higher education and postgraduate students, pregnant women, mothers with many or newly born children, category I disabled children, and persons with disabilities. All medical expenses of mothers and children at all health care levels are covered by the National Health Insurance Corporation. All children are provided free of charge with vitamin D2 and ferrous chloride preparations up to 1 year of age for the prevention of rickets and anaemia. Children are also provided free of charge with medicines up to 5 years of age on a year-long basis within the framework of the integrated management of childhood illness (IMCI) programme, and with preventive anthelmintic treatment between the ages of 2 and 5. Pregnant women, including Roma ones, are registered by family physicians and provided free of charge with iron-containing and folic acid preparations. As part of national programmes and in the framework of the Ministry of Health centralized medication procurement system, medicines are provided to persons suffering from such illnesses as diabetes mellitus, tuberculosis, tumours, endocrine diseases, mental disorders and bronchial asthma. Information is provided to pregnant women, joining appropriate groups, in "schools for expecting mothers" and to mothers of newborns in "schools for mummies". Immunization is carried out among the Roma according to a vaccination schedule. Under the 2009 action programme signed by the Ministry of Health and the United Nations Population Fund (UNFPA) in the framework of the project entitled "Promoting access to basic services, human security and social inclusion among vulnerable groups in Moldova", a number of measures are taken in the area of reproductive health. In that connection, as part of ensuring the access of vulnerable groups to basic services, 40 health workers (family physicians, reproductive health office physicians, and family physician assistants) from areas with a high concentration of Roma inhabitants received reproductive-health and family-planning training in the period 22 June – 3 July 2009; and, in the period 10 September – 31 October 2009, in order to enhance the Roma's access to reproductive health services and information, the Ministry of Health, in cooperation with the local

UNFPA office, conducted a social awareness-raising campaign on the slogan "Remember! Your family's health depends on yours".

59. With regard to the registration of newborns, including Roma ones, Ministry of Information Development and Communication and Ministry of Health joint order No. 114/476 of 12 December 2008 established a mechanism for the delivery of civil status certificates in health care establishments, and rules for setting up newborn registration units in maternity centres. The Civil Status Service of the Ministry of Information Technologies and Communication is responsible for organizing the reception, in health care establishments, of the documents necessary for processing and delivering civil status certificates.

60. The Ministry of Health, on the basis of agreements with regional civil status units, has placed at their disposal free of charge, in all maternity centres, offices for the registration of newborns. In order to accelerate the formalities for such registration, pregnant women are informed, with the help of family physicians, about the need to provide, upon entering the maternity centre, its medical workers with the set of documents necessary for such registration.

#### **Status of foreign citizens, stateless persons and refugees**

61. Under national legislation, particularly Act No. 1518 of 6 December 2002 on migration, Act No. 275 of 10 November 1994 on the legal status of foreign citizens and stateless persons and Act No. 1286 of 25 July 2002 on refugee status, foreign citizens, stateless persons, asylum-seekers and beneficiaries of one of the types of protection in Moldova are entitled to employment, residence, health care and education on an equal footing with Moldovan citizens.

62. Under article 7 (1) of Act No. 275, foreign citizens and stateless persons residing in Moldova are entitled to employment and labour-related protection in accordance with the legislation in force. Under Act No. 270 of 18 December 2008 on asylum, foreign citizens enjoying one of the types of protection are entitled to employment, unemployment benefits and access to all measures taken to fight unemployment and stimulate employment on an equal footing with Moldovan citizens.

63. In the area of primary education, the national legislation provides the children of asylum-seekers, beneficiaries of one of the types of protection and refugees with access to compulsory general education on an equal footing with the children of Moldovan citizens. All children belonging to the above groups are entitled to free primary and secondary education.

64. In connection with the right to reside in the country, foreign citizens enjoying one of the types of protection in Moldova are entitled to housing on an equal footing with Moldovan citizens. According to statistical data, of those persons 95.9 per cent reside in Chişinău, 1.5 per cent live in rural and the rest in urban areas, while 86 per cent inhabit multi-storey buildings, 10 per cent occupy houses and 4 per cent are provided with temporary accommodation for asylum-seekers.

65. Under article 5 of Act No. 275, foreign citizens and stateless persons have the same rights, freedoms and responsibilities as Moldovan citizens, subject to exceptions specified by law. Foreign citizens and stateless persons are equal before the law and the authorities regardless of race, nationality, ethnic origin, language, religion, gender, views, political affiliation, property status or social origin. Article 10 of Act No. 270 and article 3 (d) of Act No. 1518 confirm the principle of non-discrimination, which implies that the legal standards in question apply without any discrimination based on race, citizenship, ethnic origin, language, religion, gender, views, political affiliation or social status. Accordingly,

the prohibition of discrimination is a basic principle underlying the national legislation on human rights.

66. At the time of drafting of this report, 131 persons from 30 countries enjoy protection (81 as refugees and 50 on humanitarian grounds) in Moldova, including the following numbers of Africans and Asians:

- Afghanistan – 7 persons
- Angola – - 1 person
- Egypt – 3 persons
- Gaza Strip – 11 persons
- India – 1 person
- Iran – 3 persons
- Iraq – 4 persons
- Jordan – 4 persons
- Liberia – 1 person
- Pakistan – 1 person
- -Sierra Leone – 1 person
- Somalia – 1 person
- Syria – 10 persons
- Tanzania – 1 person
- Turkey – 1 person
- Yemen – 1 person
- Zimbabwe – 1 person

67. In 2009, humanitarian protection was granted to two applicants from Iran, one from Afghanistan and one from the Gaza Strip, while 41 applications for asylum are currently under consideration. As part of national programmes adopted by the Government (particularly, the National Action Plan regarding Migration and Asylum), the Bureau for Migration and Asylum of the Ministry of Internal Affairs, in cooperation with representatives of international organizations accredited in Moldova and of NGOs, holds seminars and round tables in order to provide police officers with information and training regarding migration and asylum legislation. The motto for such activities is "Appropriate and decent behaviour towards asylum-seekers and refugees in Moldova".

#### **Paragraph 9 on parliamentary advocates**

68. Under Act No. 1349-XIII of 17 October 1997 on parliamentary advocates, the activity of these office holders consists in ensuring that central and local government bodies, establishments, organizations, enterprises regardless of form of ownership, civil society, voluntary associations and persons in authority at all levels comply with the human rights and freedoms enshrined in the Constitution. Accordingly, under the legislation in force, any person who considers his or her rights violated or believes that he or she is a victim of discrimination may submit a complaint to a parliamentary advocate.

69. In view of the nature of their activity, parliamentary advocates have been empowered to ensure protection against discrimination and to defend equal opportunities. Under the draft Act on preventing and combating discrimination, the process of

ascertaining that a discriminatory act has or has not taken place is initiated by parliamentary advocates on their own initiative or on the basis of a person's claim to have suffered discrimination. After examining the complaint, the ombudsman must transmit to the person denounced a notification containing recommendations for the elimination of any discriminatory acts, and inform the complainant of this measure.

70. The powers of parliamentary advocates allow them to take the following steps:

- Petition a court for protection of the interests of the alleged victim of discrimination;
- In addition to steps by the competent organs, file a request for disciplinary proceedings or for criminal liability against officials having committed discriminatory acts;
- Initiate administrative proceedings against persons ignoring the statements and recommendations of parliamentary advocates or interfering in the work of parliamentary advocates in order to influence the solutions adopted.

#### **Paragraph 10 on legislation to prevent and combat racial discrimination**

71. According to the findings of a study carried out in 2008 by the General Procurator's Office in order to determine whether national legislation is in unison with the provisions of the Convention, Moldova takes adequate legislative measures for the implementation of the Convention's fundamental provisions at the national level and this process is in constant development. Safeguards against discrimination are recognized to be indispensable. Having ratified various relevant international treaties, Moldova is required to fulfil its respective obligations by ensuring that the provisions of such instruments are effectively implemented and that an appropriate policy is pursued with a view to the elimination of discrimination. The principle of equal rights, enshrined in article 16 of the Constitution, provides for the equality of all citizens before the law and the public authorities without any discrimination. Provisions contained in various Acts prohibit discrimination based on race, nationality, ethnic origin, language, religion, social origin, views, gender, political affiliation, property status or any other characteristic and aimed at reducing or eliminating the recognized requirement for equality in the exercise of fundamental rights and freedoms or rights acknowledged by legislation in the political, economic, social, cultural or any other area of social life.

72. Moldova has no specific Act providing for the exclusion of all forms of discrimination. In view of the experience of a significant number of other States, which have adopted specific legislation aimed at averting and eliminating the phenomenon, the Ministry of Justice prepared a draft Act on preventing and combating discrimination. Moldovan legislation coincides considerably with international practice in that area and includes provisions which address most of the issues related to discrimination. On 30 September 2008, the draft Act was transmitted to the Government for review. By Government order No. 2503-103 of 18 May 2009, the draft Act was returned to the Ministry of Justice for further harmonization. To that end, on 25 June 2009 the Ministry of Justice (by letter No. 03/4144) transmitted again the draft Act on preventing and combating discrimination to the sectoral ministries and other Government bodies.

73. The first chapter of the draft Act outlines the text's basic goal, namely preventing and combating discrimination based on, inter alia, race, nationality, ethnic origin, language, religion, skin colour, gender, age, health condition, disability, sexual orientation, political views, social status or membership of a disadvantaged social group. The draft Act contains definitions, lacking in the legislation currently in force, for the concepts of, inter alia, "(direct and indirect) discrimination", "intimidation", "fomentation of discrimination" and "victimization". Article 4 specifies certain forms of discrimination, particularly discrimination through the media, posting of discriminatory statements at public places and

discrimination encouraged by the authorities. Article 5 provides for specific measures against discrimination.

74. The second chapter of the draft Act provides for preventing and combating discrimination in various areas. Any distinction, exception or preference which implies restrictions on securing work are prohibited. The proposed rules are intended to complement or improve upon current Labour Code provisions. The following acts by employers are considered discriminatory:

- Job announcements outlining conditions which imply preferential treatment of certain persons;
- Unjustified refusal to hire;
- Unequal pay for equal work;
- Harassment and persecution on any grounds.

The employer must post the basic rules governing the implementation of the Act at accessible places. The prohibition of discrimination in key areas, including employment, education, health and the provision of goods and services, is in line with General Policy Recommendation No. 7 of 13 December 2008 on national legislation to combat racism and racial discrimination, adopted by the European Commission against Racism and Intolerance.

75. The draft Act provides for the creation of a Government commission with the power to:

- Develop and promote policy on protection against discrimination;
- Formulate proposals for the introduction of legislative amendments in order to improve protection against discrimination;
- Address to central and local administration unit's general observations and proposals related to preventing and combating discrimination.

Moreover, the legislative framework in question provides for the right of public organizations to exercise specific powers in the area of preventing and combating discrimination (article 21) and thereby enables civil society to participate in the elimination of that phenomenon.

76. In order to enforce the principle of non-discrimination, violators will incur responsibility at the criminal, administrative, civil and disciplinary levels. A person claiming to be a victim of discrimination may request a court to establish the violation of his or her rights, stop such violation, order compensation for material and moral prejudice, and invalidate the act entailing the discrimination. Under article 24 of the draft law, the plaintiff must prove the facts which involving the alleged discrimination and having caused material or moral prejudice, while the burden of proof that the facts do not constitute discrimination lies with the respondent party. In order to expand the range of circumstances which may substantiate violations of the principle of non-discrimination, a draft Act has been drawn up, amending and completing in the Criminal Code, and in particular amending articles 176 and 346.

77. The new version of article 176 incriminates, on the basis of criteria established by international treaties, any distinction, exclusion, restriction or preference not founded on a reasonable and objective justification, in relation to an individual, group or community. The article also incriminates discrimination based on sexual orientation. The victims of such violations may be individuals or legal entities.

78. The new version of article 346 stipulates criminal responsibility for public calls, including through the print and electronic media, inciting to discrimination against or hatred of a group on the basis of race, nationality, ethnic origin, language, religion, skin colour, gender, age, health condition, sexual orientation, political views, social status, membership of disadvantaged social strata; or to acts of violence against certain groups. The victims of such offences may be individuals or legal entities. Under article 270 of the Criminal Procedure Code, where the object of the offence are the President of the Republic, members of the Parliament or of the Government, judges, procurators or military or law-enforcement personnel, criminal proceedings are initiated by the procurator. The draft Act was approved by Government decision No. 1459 of 24 December 2007 and is currently before the Parliament for consideration.

#### **Paragraph 11 on the activity of the Bureau for Inter-Ethnic Relations**

79. The Bureau for Inter-Ethnic Relations is the central administrative body pursuing the Government's inter-ethnic relations policy. In 2005, the Bureau succeeded the Department for Inter-Ethnic Relations, a unit renamed along with other central administration bodies formerly called "departments".

80. Under the regulation governing its activity and established by Government decision No. 1013 of 3 October 2005, the Bureau has broader powers than those of the former department. As part of central administration reform, the Government adopted in 2008 a plan for the institutional development of the Bureau in the period 2009-2011. According to the plan, the Bureau is the specialized central administrative agency formulating Government policy on inter-ethnic relations, protection of the rights of ethnic minorities, support for the Moldovan diaspora and use of languages in the Moldovan territory, through the development and implementation of a national legal framework in accordance with the principles of international law and in view of the ethnic, cultural, linguistic and regional identity of ethnic minorities.

81. The Bureau for Inter-Ethnic Relations has been maintained in the central public administration structure in accordance with amendments and additions to the Act on the Government of Moldova (article 24, version LP21-XVIII of 18 September 2009). The Bureau's activity is financed from the budget. Allocations to the Bureau, including for cultural activities, have not decreased in recent years. The funds earmarked for cultural initiatives, in which representatives of all ethnic minorities participate, are spent on festivals, conferences, round tables and other events designed to promote cultural diversity, encourage inter-ethnic tolerance and intercultural dialogue, and strengthen civil society (for instance, annual multiethnic festivals, children's multiethnic festivals, and days of Slavonic literature and culture).

82. The Bureau fulfils a broad range of responsibilities; contributes to the promotion of European principles of cultural and linguistic diversity; functions as coordinator in the area of implementation and monitoring of compliance with various international standards regarding the rights of ethnic minorities; and participates in European integration processes and other developments conducive to the consolidation of the ethnocultural identity of ethnic minorities. Accordingly, the representatives of ethnocultural organizations and the members of the Coordinating Board of Ethnocultural Organizations have repeatedly proposed upgrading the Bureau to the status of a central administration organ with comprehensive powers in the areas of Government policy development, prevention of and combat against discrimination, and defence of the specific rights of ethnic minorities. In particular, this proposal was made during the meetings of the members of the Board with Prime Minister Vladimir Filat (on 13 October 2009) and Mr. Marian Lupu, member of Parliament and presidential candidate (on 20 October 2009); and was examined during the

reorganization of the central public administration structure according to the above Act No. LP21-XVIII.

83. An updated regulation regarding the activity of the Bureau, adopted by special Government decision No. 43 of 2 February 2010, allows enhancing the body's role and significance in the process of harmonization of inter-ethnic relations in the new stage of Moldova's integration into Europe. The Coordinating Board of Ethnocultural Organizations, having the status of a public deliberative advisory body under article 25 (3) of Act No. 382-XV of 19 July 2001 on the rights of members of ethnic minorities and the legal status of their organizations, works with the Bureau, which views the Board as part of ongoing dialogue and consultation undertaken with ethnocultural organizations in formulating and implementing Government policy on cultural, educational, linguistic and other issues related to the interests and needs of the country's ethnic minorities. As a mediator between ethnic minorities and the authorities, the Board plays a positive role in defining and voicing the ethnocultural interests of the minorities concerned. In order to enhance the Board's effectiveness and democratic operation and the use made of the social potential of ethnic minorities, there are plans to:

- Update the regulation governing the Board;
- Improve the Board's organizational structure by classifying ethnocultural organizations on the basis of their profile, namely the activity (consolidating action, cultural, scientific or educational activity, or youth movement) by which they contribute to the overall process of ethnocultural identity preservation and development;
- Expand the Board's responsibilities as a component of the system for ethnic minority rights protection and as a mediator between such minorities and the relevant decision-making authorities;
- Enhance the Board's role as an element of the country's civil society and as mouthpiece of public opinion on the state of inter-ethnic relations.

84. The Board strictly complies with the principle of equal representation. Accordingly, the leaders of all ethnocultural public organizations recognized by the Bureau, enjoying national status and registered with the Ministry of Justice sit on the Board, regardless of the size of the ethnic minority concerned and the number of its registered public organizations. The Board thus includes the leaders of 87 ethnocultural associations representing 30 national minorities and including 8 Ukrainian, 11 Russian, 4 Bulgarian, 4 Jewish, 1 Belarusian, 12 Roma, 2 German, 3 Polish, 2 Tatar, 4 Armenian, 3 Azerbaijanis, 1 Uzbek and Central Asian, 1 Chuvash, 3 Latvian, 2 Greek, 1 Korean, 1 Italian and 1 Ossetian organizations.

85. One of the two co-chairpersons of the Board is an ethnocultural associations representative, elected annually among the leaders of the public organizations participating in the Board. In the process of drafting this report, meetings took place, in the framework of Board sessions, with Prime Minister Vladimir Filat (on 13 October 2009) and Mr. Marian Lupu, Member of Parliament (on 20 October 2009).

86. During these meetings, ethnocultural organization leaders had an opportunity to express their views on the state of inter-ethnic relations, related problems and the social and economic situation of the Moldovan population as a whole. A resolution was adopted noting the advisability of systematically holding such meetings and discussions with the representatives of the various branches of Government in order to enhance cooperation and joint action in accordance with the standards of current international practice.

87. A new draft regulation regarding the organization and activity of the Bureau was discussed at the latest session of the Board (on 19 November 2009). In that context, the

measures implemented and the ongoing joint activity of the Bureau and the Board in line with the recommendations of the Committee enable the Board to participate more effectively in the protection of the civil, cultural, educational and religious rights of ethnic minorities and will contribute to the integration of ethnic minorities into the social, administrative, cultural, political and economic life of Moldova.

**Paragraph 13 on the implementation of articles 6 and 7 of the Act on combating extremist activity and articles 135, 176 and 346 of the Criminal Code**

88. According to Act No. 54 of 21 February 2003 on combating extremist activity, the acts in question planned, organized, prepared or carried out by a public or religious association, a media enterprise or other organization or individual in order to:

- Incite to racial, ethnic or religious hatred or enmity, through violence or calls to violence;
- Humiliate an ethnic group;
- Instigate disorder and acts of hooliganism or vandalism out of ideological, political, racial, national, religious or social hatred or hostility;
- Advocate the exclusion, superiority or inferiority of citizens on the grounds of religious affiliation, race, nationality, ethnic origin, language, gender, views, political affiliation, wealth or social origin.

89. The Act stipulates the main principles, lines of action and bodies engaged in combating extremist activity; and regulates the prevention of such activity, the duties of public or religious associations and other organizations, holders of key posts, Moldovan and foreign citizens and stateless persons in the face of extremist activity, the responsibility of the media regarding the dissemination of extremist material and the commission of extremist acts, and issues related to international cooperation in combating extremism.

90. In the period covered by this report, the procurator's offices did not challenge any public associations or religious or other organizations or media under articles 6 or 7 of Act No. 54 for any extremist events, acts or informational material. No cases were recorded involving discriminatory acts or racial discrimination practices by public bodies or establishments or central or local administration with respect to persons, groups or organizations (see also paragraph 20).

**Paragraph 14 on the registration of Moslem religious communities**

91. Of the 17 Islamic public organizations on record in Moldova, 13 have been excluded from the State register of public associations. The court judgements for such exclusion have been based failure to submit activity reports for two years. In 2009, the Ministry of Justice did not register any public organizations with an Islamic orientation. Currently, the following four organizations are active in that area:

- Public organization "Islamic Culture Association 'ASAALAM' in Moldova", created in order to promote the popular traditions of Islamic countries and registered by the Ministry of Justice in Chişinău City on 28 July 1999 under No. 1077;
- Public organization "Syrian Citizens' Association", created in order to strengthen the links between the peoples of Syria and Moldova and promote historical and cultural studies and registered by the Ministry of Justice in Chişinău City on 7 September 1999 under No. 1118;
- "Fund for the support of Islamic culture and traditions in Moldova ", created for the promotion of Islamic culture and traditions among Moslems in Moldova and

registered by the Ministry of Justice on 25 June 2001 under No. 1851 in Chişinău City;

- Public organization "Gardens of peace", created for the preservation of the historical traditions and customs of Islamic countries and the cultural rapprochement of citizens of various ethnic groups in Moldova and other Commonwealth of Independent States (CIS) countries and registered by the Ministry of Justice on 26 December 2006 under No. 3764 in the region of Yaloven.

92. Available information shows that the above organizations do not fully comply with the requirements of the Act on public associations and its organizational provisions. In particular, these entities:

- Lack rules and regulations establishing their organizational structure;
- Have no lists of members;
- Hold no general meetings;
- Fail to draw up financial reports to their administration;
- Are subject to no review by an audit committee
- Keep no financial resource accounts.

This non-compliance with the law has been brought to the organizations' attention by procurators with a view to the elimination of the violations and the prevention of their recurrence.

93. The unit for the administration of religious groups in the Ministry of Justice endeavours to ensure that applications filed by the representatives of ethnic minorities adhering to Islam for the registration of their religious organizations are examined in strict compliance with the law.

94. The Muslim organization "Cârmuirea Spirituală a Musulmanilor din Republica Moldova" ("Spiritual Governance for Muslims in Moldova") was not allowed to register on the grounds of non-fulfilment of the prerequisites for the recognition of a religious denomination under the national legislation in force. Believing that the refusal to register its articles of association constituted a breach of articles 9, 10, 11, 13 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), Cârmuirea Spirituală a Musulmanilor filed a complaint with the European Court of Human Rights (application No. 12282/02).

At its session of 14 June 2005, the European Court of Human Rights found that the applicant organization had been denied registration because it had failed to present to the Government of Moldova a document setting out the fundamental principles of its religion. Without such a document "the State could not determine the authenticity of the organisation seeking recognition as a religion and whether the denomination in question presented any danger for a democratic society". The Court did not consider the State's requirements too onerous and thus incompatible with the provisions of article 9 of the European Convention on Human Rights.

95. The Court considered that the requirement to obtain registration under the law in force was intended to enable the Government to ensure that religious organizations aspiring to official recognition by the State were law-abiding. Since registration had been denied because not all of the documents necessary for registering a denomination had been submitted, the application was declared inadmissible. The Court held that the requirement to submit the necessary documentation was neither unlawful nor unreasonable.

96. On 11 February 2008, Cârmuirea Spirituală a Musulmanilor submitted a new application to register its articles of association with the Ministry of Justice. In reviewing the documents submitted, the authorities found that their content did not meet the legal requirements because:

- The documents did not fulfil all of the prerequisites set out in article 18 of Act No. 125-XVI of 11 May 2007 on religious denominations and religious communities, particularly those concerning the denomination, the basic principles of the faith, the rights and duties of its members, procedures for removing members of the governing bodies, and the mandate of such bodies;
- The name of the religious organization is incompatible with article 66 of the Civil Code in that it fails to specify the organization's legal form through a recognized abbreviation, thereby leaving its legal and organizational form unclear;
- The provisions of chapter I, paragraphs 1, 2, 4 and 9, of the articles of association are incompatible with article 16 (1) and (4) and article 17 (2) of Act No. 125-XVI of 11 May 2007;
- Chapter I, paragraph 9, and chapter II, paragraph 12, are incompatible with article 16 (4) and article 17 of Act No. 125-XVI of 11 May 2007;
- Chapter III, paragraph 36, is incompatible with article 16 (1) and (2) of Act No. 125-XVI of 11 May 2007;
- Chapter III, paragraph 41, is incompatible with article 17 (2) of Act No. 125-XVI of 11 May 2007;
- Notwithstanding the provisions of article 18 (1) of Act No. 125-XVI of 11 May 2007 and article 186 (2) of the Civil Code, the organization's articles of association are not signed by its founders.

97. It was also found that:

- The constituent assembly's report failed to list the members present and the members absent;
- The list of the organization's founding members did not include their original signatures;
- No evidence of the citizenship of the organization's founding members was submitted.

98. As a result of non-compliance with the legal requirements for the registration of the articles of association of a religious denomination, the Ministry of Justice, by decision No. 9 of 23 February 2008, declined to register the religious organization "Cârmuirea Spirituală a Musulmanilor din Republica Moldova". Pursuant to Act No. 125-XVI of 11 May 2007, the decision to deny registration does not preclude resubmission of the documents once they have aligned with the relevant legal requirements.

#### **Paragraph 15 on a Moslem burial site**

99. The problem of the allotment of an area for a Moslem burial site has been solved according to the application of the Tatar community in Chişinău City, where, in St Lazarus cemetery, section No. 256, 100 places have been reserved in a separate area for a Moslem burial site.

**Paragraph 16 on access to civil service**

100. Act No. 158-XVI of 4 July 2008 on public office and civil servant status does not contain any ethnic, national, religious or gender-related restrictions on the right to entering civil service. Any Moldovan citizen may hold public office. However, under article 27 (1) (a) of the Act, one of the conditions for entry into civil service is a grasp of the State language and of the official languages legally used for inter-ethnic contact in the area concerned. The same condition is stipulated in article 7 of the Act of 1989 on official use of languages in the territory of Moldova, under which the knowledge of the State language and Russian is required for work in public administration.

101. Linguistic integration is a challenge for ethnic minorities insofar as it is linked to their participation in public administration. Accordingly, specific measures are taken to enhance the accessibility and quality of the teaching of the State language to adults in pre-university education. The legislation in force guarantees the citizens' equality with respect to the right to elect and be elected regardless of ethnic affiliation and proficiency in the State language. However, exceptionally, candidates for the offices of President of the Republic and Governor of Gagauzia must speak, respectively, the State language and Gagauz.

102. The representation of ethnic minorities, including the Roma and small ethnic groups, in central public administration bodies (including ministries) does not tally with the percentage of the population accounted for by such minorities. No mechanism has been set up for the implementation of article 24 of Act No. 382-XV of 19 July 2001 on the rights of members of ethnic minorities and the legal status of their organizations. Under that article, ethnic minorities are entitled to approximately proportional representation at all levels of the executive and the judiciary.

103. Under Act No. 239-XVI of 13 November 2008 on transparency in the decision-making process, such transparency is ensured through the publication of all proposals and decisions on the web pages of the individual establishments. That information is accessible to any person without restrictions based on ethnic, national, religious or sex-related grounds. The right to participate in the decision-making process is enjoyed by organizations established in accordance with the legislation in force and by individuals, namely Moldovan and foreign citizens and stateless persons.

104. The Ministry of Internal Affairs took steps to ensure that personnel belonging to ethnic minorities is assigned to work in law-enforcement units in areas with a high concentration of such groups. To that end, officers in charge of regional administration have formed partnerships with local ethnic-minority spokespersons in order to enlist candidates from ethnic groups in the people's guard. Appointments were made at the levels of assistant commissioners of police, heads of law-enforcement sections for individual localities and officials in charge of the activity of trained people's-guard units. Ethnic minority members participating in law enforcement receive additional training and are familiarized with operational responsibilities and rules of conduct and security.

105. Representatives of ethnic minorities attend activity review meetings organized by local administration heads of unit and operational district officers and addressing problems faced in dealing with various members of the community. Local public administration units and representatives of police department staff organize meetings with ethnic minorities to present operational information on the current local situation and make proposals for preventing potential antisocial occurrences.

106. In view of the specific character of military activity and in line with article 1 (2) of the Convention, only Moldovan citizens having reached 18 years of age and regardless of race, nationality and ethnic origin are admitted for contractual military service. Prohibitions and restrictions regarding military service are stipulated in article 36 of Act 162-XVI of

22 June 2005 on the status of military personnel and apply without racial discrimination to the personnel in question.

**Per cent breakdown of the total number of persons doing military service under contract, by ethnic group**

<i>Ethnic group</i>	<i>Officers</i>	<i>Non-commissioned officers</i>
Moldovans	92.2	88.8
Ukrainians	3.1	6.6
Russians	3.6	3.3
Bulgarians	0.5	0.2
Gagauz	0.5	0.7
Other ethnic groups	0.1	0.4

**Paragraph 18 on access to instruction in and study of minority languages**

107. In accordance with national legislation, Moldova guarantees the right to choose a language of instruction at all levels of the education system. The citizens' right to education in their native language is ensured through appropriate educational establishments, classes and groups, whose operation is facilitated. Of the country's 1,534 general education establishments (elementary schools, gymnasiums, intermediate general-education schools and lyceums)), 280 offer instruction solely in Russian and 82 ("mixed schools") in two languages.

108. Since the 1992-1993 school year, the Ministry of Education has been developing curricula for classes with instruction in the native language and Romanian and for classes studying the native language and Romanian as subjects. In accordance with these curricula, the following three models for minority language instruction were established:

I. Schools with instruction in Russian, in which ethnic minority children are traditionally educated. This category of establishments comprises 280 primary and secondary schools (attended by 101,023 pupils)

II. Schools with instruction in Russian, offering Ukrainian, Gagauz or Bulgarian as language subjects (three hours per week) and a new subject entitled "History, culture and traditions of the Russian [or Ukrainian, Gagauz or Bulgarian] people" (one hour per week). Thus:

<i>Language studied</i>	<i>2001–2002 school year</i>	<i>2009–2010 school year</i>
Ukrainian	50 schools (7,011 learners)	57 schools (6,311 learners)
Gagauz	52 schools (24,056 learners)	52 schools (24,004 learners)
Bulgarian	30 schools (7,897 learners)	32 schools (6,812 learners)
Polish	1 school (65 learners)	1 school (136 learners)
Hebrew	2 schools (345 learners)	2 schools (667 learners)
German	1 school (7 learners).	1 school (18 learners)

III. Schools and experimental lyceums, in which instruction is offered in Ukrainian and Bulgarian in separate introductory classes. Such schools are, for instance, the theoretical lyceum of Ungur village, Oknitsa region; the "Vasil Levski" theoretical lyceum, Chişinău City; and the "K. Popovich" theoretical lyceum, Nikhoren village, Ryshkan region, in which Romanian and Russian are studied intensively in the first year, the study of

foreign languages is introduced in the second year, and a number of subjects taught in Romanian are introduced in the gymnasium classes.

109. Instruction takes place in Ukrainian in 21 classes (attended by 429 learners) and in Bulgarian in 7 classes (attended by 114 learners), while the groundwork is being laid for the progressive introduction of instruction in Gagauz. Basically, ethnic minority children currently need to study four languages, namely Romanian, Russian, the native language and an international language. Thus, the demands of contemporary society necessitate a multilingual (multicultural) education system. The Ministry of Education seeks optimal methods for learning the languages in question and has prepared curricula for teaching Russian, Ukrainian, Gagauz and Bulgarian in grades I-XII, a manual for following native-language learning curricula in grades IV-XII, and the following textbooks:

- Russian language and literature for grades I-IX and X-XI;
- Ukrainian language and literature for grades I-IX;
- Gagauz language and literature for grades I-IX;
- Bulgarian language and literature for grades I-IX.

110. In school year 2002-2003, along with instruction in various languages, the subject "History, culture and traditions of the Russian [or Ukrainian, Gagauz or Bulgarian] people" was introduced as a required course in elementary school and gymnasium curricula, on the basis of study schedules for grades I-IV and with the use of textbooks prepared in 2007 for grades I-II.

#### **Paragraph 20 on complaints regarding acts of racial discrimination**

111. In 2008, procurator's offices launched an investigation into cases of dissemination on the Internet, by unknown persons, of public calls inciting to hatred. Criminal proceedings were initiated, under articles 341 and 346 of the Criminal Code, in three of these cases, subsequently combined into one. It was established that, in the period November 2007 - May 2008, a group of persons using pseudonyms published repeatedly on the Internet provocative material intended to foment ethnic enmity. As part of the criminal investigation and seeking to protect human rights and freedoms, ensure security in inter-ethnic relations and prevent extremist activity in Moldova, the procurator's office of Chişinău City requested the Academy of Sciences of Moldova to carry out a linguistic expert analysis of the material in question in order to determine whether it contained elements encouraging hatred or ethnic, racial or religious discord or offending ethnic honour and dignity. The Academy of Sciences replied that it does not examine the non-linguistic impact of words, phrases or texts and, therefore, could not ascertain the presence of such elements. Accordingly, the criminal case under article 346 of the Criminal Code for publishing on the Internet incitements to ethnic hostility or enmity was dropped on 5 November 2009 for lack of evidence.

112. On 15 June 2009, the secretary of the "Jehovah's Witnesses" religious organization of Moldova filed with the procurator's office of the Dondushen region village a complaint against the priest of Tsaul village for violating the Act of 31 May 2009 on religious denominations. It was established that, in that village, citizen Ion Grama, born in 1979, violated the right of citizens Valentina Bezhenar and Lilia Andronik, members of "Jehovah's Witnesses", to express freely their religious beliefs. He escorted them to former district police inspector Victor Serdeshnyuk and, when the latter refused to enter the dispute, Ion Grama took the two women to the house of mayor Andron Mitrike. Ion Grama told the mayor that the women were visiting the village in order to proselytize its inhabitants and asked for a prohibition of such activity. The mayor then informed the

women that, to engage in the activity in question, they needed a special authorization, which they lacked.

113. Since the mayor did not take any specific measures against the women, Ion Grama took them to the village priest. As a result of Ion Grama's action, the two women were obliged to leave Tsaul village. The procurator's office of Dondushen region examined the matter in connection with article 274 of the Criminal Procedure Code and, on 14 August 2009, decided to call off the criminal investigation for lack of elements constituting an offence under articles 176 and 346 of the Criminal Code in Ian Gram's behaviour. On the same day, criminal charges were brought against him under article 54 (1) of the Code of Offences for violating the Act on religious denominations, and he received a fine equal to 5 standard units.

114. On 13 December 2009, an investigation was launched into the circumstances surrounding events which had occurred on the same day between 11.50 a.m. and 1.10 p.m. at the entrance of the "Stefan chel Mare" public park at Europe Square in Chişinău City. In particular, the parishioners of the St Paraskevi church, under the leadership of the curate, priest Anatoly Chibrik, destroyed a Hanukkah menorah, a Jewish symbol duly prepared on 11 December 2009 on the occasion the Jewish holiday of Hanukkah.

115. It was established that on 13 December 2009, after the service held in the church of the Blessed Virgin, the parishioners, armed with religious flags and led by the curate of the church, priest Anatoly Chibrik, in person, went to the afore-mentioned public park entrance. At approximately 11.50 a.m., about 120-150 persons had surrounded the menorah, set up on 11 December 2009 by members of the Jewish community. The priest ordered the assembled persons to take down the symbol, which was transported to the monument of Stefan the Great, taken apart and cast to the ground. It was found that these acts, which deeply hurt the religious feelings of the Jewish community, had been organized by the priest. His action, namely the profanation of an object and symbol venerated by the Jewish community, had offended that community's faith and, violating the Act on religious denominations, was punishable under article 54 (5) of the Code of Offences. Accordingly, on 22 December 2009, the procurator's office of the Buyukan district, Chişinău City, took legal action against him and, under article 400 of the Code of Offences, the document establishing the violation and a copy of the materials assembled were transmitted for consideration to the Buyukan district police station.

116. The events described were condemned by the Government, acting President of the Republic Mihai Ghimpu, Prime Minister Vladimir Filat, Minister of Justice Alexander Tenase, leaders of political parties and ethnocultural NGOs and the representatives of other religions. However, the Jewish community of Moldova maintains that anti-Semitic and vandalistic acts take place against Jewish cemeteries, that the Holocaust is negated, that fascism is glorified and that such attitudes are reflected in the Moldovan media (magazines, newspapers and informational web sites) and other publications. In 2009, the Ministry of Internal Affairs recorded no case of threats, discrimination, hatred or incitement to violence against ethnic minorities. The Ministry will continue to help to uphold the social fabric and build partnerships with civil society and the international bodies concerned.

#### **Paragraph 21 on measures taken to combat stereotypes against the Roma and other ethnic minorities**

117. In order to prevent discrimination and promote the implementation of the Convention, the Moldovan authorities take various measures, including the organization of training seminars and round tables.

118. The refugee administration unit of the Ministry of Internal Affairs, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR),

regularly holds seminars and round tables for judges, law-enforcement staff, border guards and the staff of local authorities. The information provided during such events concerns the current rules for granting asylum, the types of protection available in Moldova, the rights of beneficiaries of types of protection stipulated by international agreements and the national legislation, the procedures for processing asylum requests and the status of persons whose applications are under examination. In accordance with the training plan adopted through Ministry of Internal Affairs order No. 450 of 30 December 2008 on the organization and conduct of on-the-job professional training during the 2009 session, the "human rights" and "police ethics and deontology" curricula contained topics for all categories of police officers, including those working in the regions or villages with a high concentration of Roma inhabitants (Soroka, Oknitsa, Dondushen, Ataki, Kelerash, Nisporen, Ungen, Khynchesht, Komrat, Orgeev and Basarabyaska).

119. The above professional training covered such topics as:

- Observance of human rights by the police officers
- The concept and special characteristics of human rights
- Elimination of racial, ethnic, religious and gender-based discrimination
- The situation of minorities in Moldova
- Protection of the members of social minorities
- Protection of vulnerable persons.

120. A standard manual on the behaviour of law-enforcement personnel, adopted through Ministry of Internal Affairs order No. 200 of 3 June 2009, was addressed to all subdivisions of internal affairs bodies for the study of the principles contained therein and their implementation, including measures for the elimination of all forms of discrimination based on ethnic affiliation, religion and national or social origin. In order to encourage the Roma population to abide by the law, it was decided to include members of the Roma community in the people's guard, which cooperates with local administration heads of unit and operational district officers on crime prevention and repression.

121. A training seminar on the observance of the principle of non-discrimination was held on 10 June 2009 in the Ministry of Labour, Social Protection and the Family in order to familiarize the staff of the ministry with the basic provisions of the relevant international standards and national legal framework. With a view to hearing and using the experience of other European countries in addressing the social and cultural problems of the Roma minority, a Moldovan delegation including representatives of sectoral ministries visited Bucharest, Romania, on 22-27 March 2009, as part of an official development assistance project for Moldova, funded by the Romanian Ministry of Foreign Affairs and UNFPA. The purpose of this training visit was the exchange of experience with members of the respective Romanian bodies involved in ensuring access to basic services, protection and social integration for the members of the Roma ethnic minority. Meetings took place with representatives of Romanian Government bodies and NGOs, namely the Ministries of Foreign Affairs; Health; and Education, Research and Innovation; the National Health Insurance Fund; the Roma National Centre; and the Roma Centre for Social Intervention and Studies. The issues addressed in these meetings regarded cooperation between State bodies and NGOs, and the Roma's needs, special ethnocultural characteristics and social integration.

122. Moreover, representatives of the Ministry of Labour, Social Protection and the Family participated in a round table organized on 5 November 2009 by the "Tarna Rom" Association of Young Roma" on "The scholastic mediator - a key factor in the school enrolment of Roma children in Moldova" to discuss the types of activity and role of

scholastic mediators active in five pilot communities in the framework of the project "Step by step, Roma children can succeed". Conclusions and recommendations were formulated during the project review meetings.

123. In order to prevent inappropriate treatment of national minorities by the police and to reform the police force in accordance with European human rights standards, the Code of Police Ethics and Deontology was adopted by Government decision No. 481 of 10 May 2006. The Code lays down the principles which must govern the behaviour of police officers, action in such specific situations as working with the community, the use of force, investigation into events and the interrogation of suspects. The Code is also a useful tool for civil society activity.

124. The role of ethnocultural organizations of ethnic minorities in promoting the principles of cultural diversity, tolerance and non-discrimination has expanded, as indicated by the:

- Increase in the number of ethnocultural organizations: 87 public organizations of national minorities are accredited by the Bureau for Inter-Ethnic Relations and more than 100 such organizations operate at the local level;
- Increase in the number of Ukrainian, Russian, Gagauz, Bulgarian, Polish, Jewish and other ethnocultural youth organizations and the creation of the Coordinating Board of Youth Organizations attached to the Bureau for Inter-Ethnic Relations;
- Growing activity of Roma ethnocultural organizations in the framework of projects designed to meet the Roma population's ethnocultural and social needs and receiving financial support from international organizations;
- Creation, with the support of the Bureau for Inter-Ethnic Relations, of the Coalition of Roma Public Associations, with a membership of 15 organizations;
- Increase in the number of ethnocultural organizations of small minorities (accounting for up to 1 per cent of the population), namely Lithuanians, Latvians, Estonians, Georgians, Ossetians and Tatars, among others;
- Creation of the Anti-Discrimination Coalition "For Diversity – against Discrimination", consisting of NGOs (such as the National Youth Council of Moldova, the "GenderDoc-M" Information Centre, the National Roma Centre, and the League for Defence of Human Rights in Moldova (LADOM)), which participated in drawing up the draft Act on preventing and combating discrimination.

**Paragraphs 12, 17 and 19: Information on the situation of the Roma** (see also paragraphs 8, 18, 20 and 21)

125. In view of the conclusions of the Committee, it should be noted that the status of the Roma population does not differ from the status of other ethnic minorities. No legislative or regulatory text contains any restrictions preventing the Roma from the free exercise of their fundamental human rights, namely the right to life, physical and mental health, free movement, family and private life, education, employment and social protection, and the right to elect and be elected. The Roma enjoy the same rights and freedoms as all ethnic minorities in Moldova. Differences concern the special manner of perceiving and understanding the social and cultural principles and standards underlying the life of the individual ethnic minorities.

126. Government decision No. 1453 of 21 December 2006 on the adoption of an Action Plan in support of the Roma population, 2007-2010, aimed at creating the conditions necessary for the Roma's social and cultural development, confirms Moldova's intention to

ensure that group's integration into the country's social and cultural life. In view of the Committee's recommendation to take more effective measures for the implementation of the Action Plan, the following points should be noted:

- The Government decision in question is a landmark in the authorities' efforts to improve the living and social conditions of the Roma and has significantly contributed to using the potential of sectoral ministries and public administration bodies in that process.
- The coordination of the implementation of the Action Plan has been assigned to leading specialists of sectoral ministries. The civil servants' knowledge about the Roma's ethnocultural particularities and of their social, cultural and economic situation has been broadened. The need to address emerging problems has been identified, and cooperation has developed between the central public authorities and the public organizations representing the Roma.
- Within the Roma population, an ethnocultural movement is in progress and, in fact, an intellectual elite is emerging in the form of young leaders in the areas of public action, business and science.

127. Under Government decision No. 1453 of 21 December 2006:

- Key contributors to the implementation of the Action Plan include the Ministries of Health; Labour, Social Protection and the Family; the Economy; Education; Culture; Internal Affairs; and Information Technologies and Communication; the Bureau for Inter-Ethnic Relations; and the Academy of Sciences. These bodies draw up their own annual plans of action in support of the Roma;
- The annual implementation of the Action Plan is financed through the budget of the bodies concerned and with specially earmarked resources, including funding by international organizations;
- The implementation of the annual plans of action of the Government bodies concerned and the Academy of Sciences is coordinated by the Bureau for Inter-Ethnic Relations, which every year reports to the Government on the progress made and formulates proposals for improvement;
- A working group consisting of representatives of the sectoral ministries and leaders of Roma public organizations participated in the development of the Action Plan and made proposals, which were incorporated into the final version of the Action Plan.

128. As at 1 January 2010, the Bureau for Inter-Ethnic Relations had accredited the following 11 Roma ethnocultural organizations:

- "Juvlia Romani" public association of Roma women, created in 1997;
- "Bahtalo Rom" ethno-socio-cultural-educative association, created in 1999;
- Social Movement of the Roma of Moldova, created in 2001;
- "Elita Romani" scientific and cultural association, created in 2001;
- "Tarna Rom" Association of Young Roma, created in 2002;
- "Traditia Romilor" socio-cultural society, created in 2002;
- "Rubin" association of Roma of Moldova, created in 2002
- "Bare-Rom" public organization, created in 2003;
- Democratic Association of the Roma of Moldova, created in 2004;
- Roma Confederation, created in 2005;

- "Romani-Grup" public organization, created in 2005.

129. Roma ethnocultural organizations are registered by the local authorities in the cities of Chişinău, Belts, Kakhul, Komrat, Soroka, Vulkanesht and Chadyr-Lunga. The expansion of the ethnocultural movement among the Roma is encouraged by the absence of legal restrictions on the creation of associations based on ethnic affiliation and thereby proves that the Moldovan authorities reject any discrimination against initiatives undertaken by representatives of the Roma minority. The Bureau for Inter-Ethnic Relations cooperates with 36 Roma ethnocultural organizations, supports them in their stated activities and contributes to the implementation of various related projects.

130. The implementation of the Action Plan in support of the Roma population is actively pursued by the Ministries of Information Technologies and Communication; Labour, Social Protection and the Family; and Health. Under paragraph 32 of the Action Plan, the "'Registru' Centre for Government Information Resources" State enterprise has undertaken, in areas with a high concentration of Roma inhabitants, a series of information activities regarding identity card delivery services provided within the national passport system by the population registration and documentation departments. Meetings are organized, in which representatives of the local authorities inform interested members of Roma organizations about the provisions of the legislation in force regarding entry into and exit from Moldova, the conditions that foreign citizens and stateless persons must meet in order to be authorized to stay in the country, and the above procedure for the issue of identity cards.

131. With regard to the registration of newborns, including Roma infants, Ministry of Information Development and Communication and Ministry of Health joint order No. 114/476 of 12 December 2008 established a mechanism for the delivery of civil status certificates in health care establishments, and rules for setting up newborn registration units in maternity centres. The Civil Status Service of the Ministry of Information Technologies and Communication is responsible for organizing the reception, in health care establishments, of the documents necessary for processing and delivering civil status certificates. The Ministry of Health, on the basis of agreements with regional civil status units, has placed at their disposal free of charge, in all maternity centres, offices for the registration of newborns. In order to accelerate the formalities for such registration, pregnant women are informed, with the help of family physicians, about the need to provide, upon entering the maternity centre, its medical workers with the set of documents necessary for such registration.

132. Access of the Roma to medical services is ensured in accordance with constitutional rights and the legislation in force. Emergency, out-patient and in-patient medical treatment in the framework of the obligatory health-insurance system is provided to all Moldovan citizens on an equal footing regardless of ethnic origin, gender or age. State care is provided to young children, pupils, vocational and special secondary education students, higher education and postgraduate students, pregnant women, mothers with many or newly born children, category I disabled children, and persons with disabilities. All medical expenses of mothers and children at all health care levels are covered by the National Health Insurance Corporation. Up to 1 year of age, all children are provided free of charge with vitamin D2 and ferrous chloride preparations for the prevention of rickets and anaemia. Children are also provided free of charge with medicines on a year-long basis up to 5 years of age within the framework of the integrated management of childhood illness (IMCI) programme, and, between the ages of 2 and 5, with preventive anthelmintic treatment. Information is provided to pregnant women, joining appropriate groups, in "schools for expecting mothers" and to mothers of newborns in "schools for mummies". Immunization is carried out among the Roma according to a vaccination schedule. Under the 2009 action programme signed by the Ministry of Health and the United Nations Population Fund

(UNFPA) in the framework of the project entitled "Promoting access to basic services, human security and social inclusion among vulnerable groups in Moldova", a number of measures are taken in the area of reproductive health.

133. In that connection, as part of ensuring the access of vulnerable groups to basic services, 40 health workers (family physicians, reproductive health office physicians, and family physician assistants) from areas with a high concentration of Roma inhabitants received reproductive-health and family-planning training in the period 22 June – 3 July 2009; and, in the period 10 September – 31 October 2009, in order to enhance the Roma's access to reproductive health services and information, the Ministry of Health, in cooperation with the local UNFPA office, conducted a social awareness-raising campaign on the slogan "Remember! Your family's health depends on yours".

134. Government policy on social protection aims to improve living conditions, ensure appropriate social protection, promote social dialogue and combat all forms of marginalization and social exclusion. With regard to social protection, national legislation guarantees all citizens' equal entitlement to social assistance regardless of their membership of an ethnic minority.

135. Under Act No. 133-XVI of 13 June 2008 on social assistance, low-income families receive a welfare benefit designed to cover their social support needs and equal to the difference between such a family's estimated monthly average total income and the minimum guaranteed monthly income. The Act applies to Moldovan and other citizens, stateless persons or refugees residing in Moldova in accordance with the legislation in force. The National Programme for the development of an integrated social-services system, 2008-2012, adopted on 31 December 2008 by Government decision No. 1512, provides for a comprehensive policy on support for vulnerable persons through effective and high-quality social services, including short- or long-term assistance towards meeting their social needs, easing their social exclusion, improving their quality of life, and thereby contributing to achieving the objectives of the Government programme entitled "European integration: freedom, democracy, prosperity, 2009-2013" in the areas of social policy on and integration of ethnic minorities.

136. The National Programme for the development of an integrated social-services system is expected to optimize social integration opportunities for vulnerable persons (including persons of Roma origin) and ensure respect for their fundamental rights. The combination of preventive and rehabilitation measures and community-based problem resolution (without increased complexity or costs) leads to greater system efficiency, coverage of all those in need of social support, and improved quality of life. In that context, in order to develop the infrastructure and the potential for social assistance to those in need, young persons and members of their families, the Social Welfare Service (local level) was established within the competent local units by Government decision No. 1255 of 11 November 2008.

137. On 10 June 2009, Ministry of Labour, Social Protection and the Family order No. 54 established the regulation governing the operation of the above service and specified official duties for the posts of head of service, principal social assistant, and social assistant. A social assistant fulfils an important role in determining and assessing the needs of socially vulnerable groups and ensuring their access to social protection. With a view to the consolidation and integration of disadvantaged families regardless of their ethnic origin, a social assistant contributes to ensuring support for their members, particularly children, the young, older persons, and persons with particularities.

138. A training seminar on the observance of the principle of non-discrimination was held on 10 June 2009 in the Ministry of Labour, Social Protection and the Family in order to familiarize the staff of the ministry with the basic provisions of the relevant international

instruments and the national legal framework. With a view to hearing and using the experience of other European countries in addressing the social and cultural problems of the Roma minority, a Moldovan delegation including representatives of sectoral ministries visited Bucharest, Romania, on 22-27 March 2009, as part of a project funded by the Ministry of Foreign Affairs of Romania and UNFPA to provide official development assistance for Moldova. The purpose of this training visit was the exchange of experience with members of the respective Romanian bodies involved in ensuring access to basic services, protection and social integration for the members of the Roma ethnic minority. The visit included meetings with representatives of Romanian Government bodies and NGOs, namely the Ministries of Foreign Affairs, Health, Education, and Research and Innovation, the National Health Insurance Fund, the Roma National Centre, and the Roma Centre for Social Intervention and Studies. The issues addressed in these meetings regarded cooperation between State bodies and NGOs, and the Roma's needs, special ethnocultural characteristics and social integration.

139. Since the introduction of a modern national passport system for the population register of the Ministry of Information Technologies and Communication, information has been collected on 12,901 members of the Roma minority (of whom 12,138 received a Moldovan citizen's identity card, 10,836 were issued a Moldovan passport, 14 obtained a residence permit for aliens, 1 was granted an identity card as a stateless person permanently residing in Moldova, and 616 were registered under the RG project (Soviet-type passport form No. 9).

140. The General Procurator's Office engages in considerable activity in the area of safeguarding the rights of the Roma. In the second half of 2009, the office disseminated information on protecting the rights of children in pre-school education establishments and pupils aged 7-16, including children of Roma origin. According to regional procurators, population censuses and the registration and administration of school age children are particularly difficult in places where Roma families reside. For instance, in town and village schools in the Soroka region, characterized by a high concentration of Roma, of 126 Roma children on record, 87 attend school but 39 do not live in the territory. Teachers and representatives of the Roma community participated in a seminar held in Soroka city on 18-21 August 2009 regarding the problem of the school enrolment of Roma children.

141. The students of the theoretical lyceums of the villages of Rakovets and Badichen and the "Ion Kryange", "Peter Raresh" and "A. Pushkin" lyceums, the intermediate education school in the village of Tatarauka Veke, Gymnasium No. 1, and the educational establishments of the villages of, inter alia, Zastynka, Perkan and Volovita are subject to specific monitoring in view of a tendency to skip school. In the Taraklii region, a 15-year old Roma refused to attend school but the school administration and the Education Department took measures to ensure his enrolment in a vocational training school in the region's village of Chumay. Two other Roma children dropped out of school after the seventh grade, in one case because the mother forbade the child's enrolment and in the second case because the child left home as a result of constant conflict with the mother's companion. The regional authorities took no measures to ensure these children's re-enrolment in school.

142. There is a school enrolment problem in the village of Tyrnova, Ediniy region, where of 27 school age children only 6 attend school. One of the reasons of that low rate is the parents' unwillingness to allow the children to enrol. In order to find a solution, the mayor of the village had the problem discussed during municipal council meetings, in which the parents of the children concerned participated, but no significant results were thereby achieved.

143. In Chişinău City, the number of children not attending school at the beginning of the school year decreased from 89 in 2006-2007 to 30 in 2007-2008 and to only 13 in

2008-2009. At the beginning of 2009-2010, 24 children, including 5 Roma, were not enrolled in school, accounting for 0.038 per cent of the 62,897 children aged 7-16. Since 19 of the 24 children did enrol two months later, only 5 children, thanks to the efforts made, remained out of school as at 23 October 2009.

144. In Chişinău City, where, as in other places, children are admitted to school regardless of their financial situation and their religious or ethnic affiliation, 114 Roma children were enrolled in school. Roma children are not subject to special monitoring but appear in the general lists of school age children. Many Roma households, including families with such children, periodically move from one locality to another. In order to ensure that such children enjoy their right to education, there is active cooperation with police stations, child defence units and the "Tarna Rom" Association of Young Roma. They helped to resolve the problem of Sergey Kharkomich, a Roma child (born on 17 May 1997) who for a long time lived with his mother abroad and did not attend school. Currently, the child is enrolled in Gymnasium No. 34 despite opposition from the mother, who behaved inappropriately towards the members of the education commission and the school's administration.

145. In order to enhance children's education, the Roma National Centre has proposed training for social and health-sector mediators. They currently work on a volunteer basis but should have official status. In areas with a high Roma concentration, such mediators contribute to improving access to basic services and raising the school enrolment ratio. The factors underlying the inadequacy of the education received by Roma children include poverty, marginalization and increasing instability of families, alcoholism and addiction, the parents' indifference and lack of parental supervision as a result of the parents' departure abroad. These elements contribute to the children's vulnerability and to juvenile delinquency.

146. In order to prevent an increase in the rate of children not attending school, the Chişinău City municipal authorities pay low-income families a subsidy of 600 Moldovan lei (MDL) for every child to meet the cost of school supplies and related expenses. In 2009, such a benefit was paid for 1,566 grade I-IX pupils and certain grade X-XII students (orphans). Local procurators launched an investigation into a possible violation of article 63 of the Code of Offences (non-fulfillment of responsibilities regarding child support, rearing and education) by three parents whose children did not attend school. According to article 395 of the Code of Offences, the case file was transmitted to the competent judicial authority.

147. The General Procurator's Office takes appropriate steps to prompt procurators to ensure that children are enrolled in school and that legal steps are taken against parents failing to meet their responsibilities in that regard.

148. A round table on "Local-level non-discrimination policy for the Roma" was organized on 26 January 2010 in Alecu Rousso State University, Belts City, by NGOs "Roma National Centre" and "Heirs" with the support of the Bureau for Inter-Ethnic Relations. In addition to an overview of activities carried out in the period 2008-2009 to safeguard the Roma's human rights, the discussion focused on the role of the local authorities in implementing Government decision No. of 1453 of 21 December 2006 and on the results of the implementation of local activity plans in the area of education, health, access to the labour market, and social assistance for the Roma.

149. As coordinator of the implementation and monitoring of the Action Plan in support of the Roma, 2007-2010, the Bureau for Inter-Ethnic Relations will continue to promote, in line with the Committee's recommendations, a broader cooperation with Roma public organizations with a view to improving the status of the Roma in the country. In particular,

building on the results achieved under the current Action Plan, in 2010 the Bureau is working on an action plan for the following period.

#### **IV. Conclusion**

150. This periodic report of the Republic of Moldova on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination has been prepared by the Bureau for Inter-Ethnic Relations on the basis of information provided by the Ministries of Justice; Information Technologies and Communication; Education; Health; Labour, Social Protection and the Family; Internal Affairs; Defence; Finance; the Economy; and Culture; the General Procurator's Office; the Human Rights Centre; and other central and local authorities, which engage in ongoing action aimed at the implementation of the basic provisions of the Convention in accordance with the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/MDA/CO/7). The report also reflects the views expressed by the members of the Coordinating Board of Ethnocultural Organizations (organizations accredited by the Bureau).

151. The report was examined and approved on 15 February 2010 at the ninth meeting of the National Commission for the preparation of initial and periodic reports on the implementation of international instruments to which the Republic of Moldova is a party.

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