COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Information submitted by the Government of the Republic of Moldova
on the status of implementation of the concluding observations of the
Committee on the Elimination of Racial Discrimination

[19 March 2009]

2. The International Convention on the Elimination of All Forms of Racial Discrimination is one of the core documents of the United Nations, as it sets out the principles of the dignity and equality inherent in all human beings and the observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

3. At the national level, the Bureau for Inter-Ethnic Relations coordinates actions for the Convention’s implementation and for the preparation of periodic reports on the progress of its application to the conditions prevailing in the Republic of Moldova.

4. At its 1872nd meeting, held in Geneva on 6 March 2008, the Committee on the Elimination of Racial Discrimination heard a presentation on the periodic report of the Republic of Moldova on the status of implementation of the Convention. On the basis of the presentation and discussion of the report, the Committee adopted a number of conclusions and recommendations (CERD/C/SR.1871-1872) on the Convention’s implementation in the Republic of Moldova.

5. The Bureau for Inter-Ethnic Relations translated those conclusions and recommendations into Moldovan and forwarded the text to the sectoral ministries and other State bodies concerned for information and follow-up. The recommendations were also translated into Russian, the language used by the Republic of Moldova in its international relations under the legislation in force, with a view to their wide dissemination to civil society and ethnocultural organizations.

6. The Bureau for Inter-Ethnic Relations, in cooperation with sectoral ministries, drew up a plan of action for the implementation of the Committee’s conclusions and recommendations for the period 2008-2010. The plan was approved on 17 November 2008 at the 7th 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.

In paragraph 28 of its conclusions and recommendations, the Committee requests the Republic of Moldova to provide information, within one year of the submission of the report, on the measures it has taken in follow-up to paragraphs 12, 14 and 19, which concern, in particular, the elaboration of annual plans for the implementation of the plan of action in support of the Roma population (2007-2010); procedures for the registration of Muslim religious organizations; and support for Roma families in addressing issues related to education.
7. In accordance with the said paragraph 28, the Bureau for Inter-Ethnic Relations has assembled the following information, which describes:

- The activities of the Bureau as the central public administrative body responsible for implementing the State policy of the Republic of Moldova in the area of inter-ethnic relations
- The activities of ministries within their respective areas of competence
- The activities of Roma ethnocultural organizations as representatives of civil society

In paragraph 12 of its conclusions and recommendations, the Committee recommends that the Republic of Moldova elaborate annual plans for the implementation of the plan of action in support of the Roma population (2007-2010) and that information be made available to the public on any measures taken to ensure that non-governmental organizations, in particular Roma organizations, can participate effectively in the implementation and monitoring of the plan.


- All State bodies with responsibility for the plan’s implementation prepare and approve each year, on the basis of that plan, specific plans of action in support of the Roma population of the Republic of Moldova (para. 2)
- The Bureau for Inter-Ethnic Relations coordinates the activities of sectoral bodies in the central and local public administrations and of the Moldovan Academy of Sciences to implement the annual plans of action, and reports annually to the Government on the status of implementation of the plan, with proposals for improvement (para. 5)

9. The plan was published in the Moldovan and Russian languages in the Government’s official press organ Ofitsialny Monitor and has been posted on the Government’s official website. The ministerial and departmental plans have also been posted on the relevant websites, immediately ensuring the transparency and accessibility of the information.

10. In February 2007, in accordance with the above-mentioned decision, the Bureau for Inter-Ethnic Relations submitted an initial report to the Government on the implementation in 2007 of the plan of action in support of the Roma population of the Republic of Moldova. The report was presented at a meeting of the Bureau’s Board and a round-table discussion was held with the participation of representatives of the central and local public administrative bodies responsible for implementing the plan, as well as leaders of Roma ethnocultural organizations.

11. In February 2009 a report was submitted to the Government on the implementation in 2008 of the plan of action in support of the Roma population of the Republic of Moldova. The report will be presented at a round-table discussion to be held with representatives of sectoral ministries and non-governmental organizations.
12. In the process of implementing Government decision No. 1453 of 21 December 2006, the Bureau for Inter-Ethnic Relations cooperates with 36 non-governmental ethnocultural organizations consisting of members of the country’s Roma population, providing support for their statutory activities and various projects.

13. In 2008 the Bureau for Inter-Ethnic Relations, with support and cooperation from the European Commission and the Council of Europe and in partnership with central and local public administrative bodies and leaders of the Roma ethnocultural organizations Ograda noastra and Tărnă Rom, conducted a series of projects (training sessions) aimed at creating conditions for improving the social and educational situation of the country’s Roma population. Thus, from 14 to 16 April 2008 a training session entitled “Introduction to the system of Roma school mediators” was held in the municipality of Chișinău for representatives of the central and local public administrative bodies responsible for the implementation of Government decision No. 1453 of 21 December 2006.

14. The aims of the session were to train mediators (intermediaries) to encourage Roma individuals to enrol in the school system; introduce the system of Roma school mediators operating in European countries; analyse the situation with respect to the enrolment of Roma children in the Moldovan school system and identify measures for improving the process of bringing them into the school system; and organize information activities for Roma parents and representatives of civil society on the importance of education.

15. From 2 to 4 July 2008 a second training session was held in Soroka on the above-mentioned issues, with the participation of representatives of district-level education authorities from the northern part of the Republic of Moldova, teachers working at primary schools where Roma children are enrolled and mediators-in-training recommended by Roma community organizations.

16. The aims of the session were to expand the enrolment of Roma children in the Moldovan school system; introduce the system of Roma school mediators operating in European countries; analyse the situation with respect to the enrolment of Roma children in the Moldovan school system; and identify measures for improving the process of bringing them into the school system.

17. On 8-9 and 11-12 December 2008 a training session was held in the municipality of Chișinău for representatives of central and local public administrative bodies, representatives of district-level education authorities and police and social service entities from the southern and central parts of the Republic of Moldova, and also for leaders of Roma ethnocultural organizations.

18. The aim of the session was to provide information to the central and local public administrative bodies responsible for implementing the plan of action in support of the Roma population of the Republic of Moldova (2007-2010) on methods for defining indicators of the effectiveness of planned measures, budget performance and plan implementation, in cooperation with representatives of the Roma population.
19. In 2008, in the framework of special events organized by the Bureau for Inter-Ethnic Relations in various parts of the country with the participation of representatives of central and local public administrative bodies and leaders of local Roma community organizations, wide-ranging information sessions were held on the results of the follow-up to the implementation of Government decision No. 1453 of 21 December 2006.

20. The Bureau and other bodies of the central public administration have involved Roma ethnocultural organizations in the process of implementing and monitoring the implementation of the plan of action in support of the Roma population (2007-2010). With the assistance of the Bureau for Inter-Ethnic Relations, the members of Vocea Romilor, a coalition of Roma non-governmental organizations, among which the most active is the civil-society organization Union of Roma Youth “Tărnă Rom”, organized visits to the Districts of Khynchesht, Soroka, Drokia, Kelerash, Kriulen, Ryshkan and Synzherei and the municipality of Belts in order to study the situation of the Roma population in the areas in which it is concentrated; help to foster cooperation between local public administrations and local Roma communities; educate the population about Roma national culture, traditions and customs; and help to overcome the negative stereotypes about the Roma formed over a long historical period in certain segments of the Moldovan population.

21. The visit to Roma areas by members of the Vocea Romilor coalition made it possible to establish contacts and collaboration between leaders of national and local Roma organizations and members of local public administrations with a view to supporting the Roma population in various sectors, by means of specific measures taken at the local level. The following information may be noted by way of example:

- The district council of Kriulen allocated some 89,000 lei (US$ 9,000) to support the Roma centre “Mikhael”

- The district council of Soroka supports Roma community organizations in their activities to enrol Roma children in the school system; it plans to allocate financial resources for the organization of round-table discussions and other actions to consider the problem of raising Roma people’s standard of living and increasing their participation in community affairs. It should be noted that Soroka’s Roma population enjoys above-average living conditions. Nearly all families live in two- or three-storey detached houses, live settled lives and have secure employment. Some 1,525 Roma individuals live in the town of Soroka

- The district council of Drokia, together with the Angle o Drom, Avram and Încredere community organizations, planned measures to commemorate International Roma Day (8 April) and drew up plans of action in support of the Roma populations of the villages of Maramonovka, Okyul Alb and Ketrosu.

22. Roma ethnocultural organizations have increased their participation in activities to preserve and disseminate Roma culture and to improve the situation of Roma children.
23. Each year in the municipality of Chişinău, on the premises of the House of Nationalities, the Vocea Romilor coalition and other Roma civil-society organizations, with support from the Bureau for Inter-Ethnic Relations, hold events on Roma nationality and culture in observance of International Roma Day, with the participation of Roma performers from different parts of the Republic.

24. The National Roma Centre held a New Year celebration in 2008 for Roma children from the municipality of Chişinău, in which 30 gifts were distributed to the children. In the course of 2008 the Centre collected and sent to Roma pupils in the villages of Lukashovka, Selishte, Bursuk and Vulkanesht sets of school supplies valued at 2,500 lei, and organized the delivery of 200 medical kits to Roma families with many children.

In paragraph 14 of its conclusions and recommendations, the Committee recommends that the State party facilitate the procedure for registering Muslim religious communities, including the possibility of submitting required documents in cases where applications are incomplete.

25. Ten ethnocultural organizations are accredited to the Bureau for Inter-Ethnic Relations and registered with the Ministry of Justice as civil-society organizations with national status. They represent ethnic groups of the Muslim faith, including Azerbaijanis, Tatars, Uzbekis, Kazakhs, Turkmen and Afro-Asian ethnic groups. The heads of these civil-society entities are members of the Coordinating Council of Ethnocultural Organizations, which serves as an advisory body to the Bureau for Inter-Ethnic Relations, at whose meetings issues concerning the registration of Muslim denominations have been discussed on a number of occasions.

26. Until 2007 the registration procedure for religious denominations in the Republic of Moldova was within the competence of the State Service for Religious Affairs (dissolved pursuant to Government decision No. 1130 of 16 October 2007). Under the Religious Denominations and Religious Communities Act (No. 125-XVI) of 11 May 2007 (arts. 19-20), the registration of religious denominations and religious communities is within the competence of the Ministry of Justice, which, at the request of the Bureau for Inter-Ethnic Relations, provided the following information on the current state of affairs.

27. The Muslim organization Cărmuirea Spirituală a Musulmanilor din Republica Moldova was not allowed to register on the ground of non-observance of the requirements necessary 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), Cărmuirea Spirituală a Musulmanilor filed a complaint with the European Court of Human Rights (application No. 12282/02).

28. At its session of 14 June 2005 the European Court of Human Rights found that the applicant organization had been denied registration due to its failure to present to the Government of the Republic 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 that the State’s requirements were too onerous and thus incompatible with the provisions of article 9 of the
Convention. The Court considered that the requirement to obtain registration under the law in force served the aim of allowing the Government to ensure that religious organizations aspiring to official recognition by the State were acting in accordance with the law.

29. The application was declared inadmissible, as registration had been denied because not all of the documents necessary for registering a denomination had been submitted. The Court considered that the requirement to submit the necessary documentation was neither unlawful nor unreasonable.

30. 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 legislative requirements:

(a) The documents did not meet all the necessary conditions set out in article 18 of the Religious Denominations and Religious Communities Act (No. 125-XVI) of 11 May 2007, in particular those concerning the denomination, the basic principles of the faith, the denomination’s area of activity, the rights and duties of its members, procedures for removing members of leadership bodies and the mandate of such bodies;

(b) 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 by means of a recognized abbreviation, thereby leaving its legal and organizational form unclear;

(c) The provisions of chapter I, paragraphs 1, 2, 4 and 9, of the articles of association are incompatible with article 16, paragraphs (1) and (4), and article 17, paragraph (2), of Act No. 125-XVI of 11 May 2007;

(d) Chapter I, paragraph 9, and chapter II, paragraph 12, are incompatible with article 16, paragraph (4), and article 17 of Act No. 125-XVI of 11 May 2007;

(e) Chapter III, paragraph 36, is incompatible with article 16, paragraphs (1) and (2), of Act No. 125-XVI of 11 May 2007;

(f) Chapter III, paragraph 41, is incompatible with article 17, paragraph (2), of Act No. 125-XVI of 11 May 2007;

(g) Notwithstanding the provisions of article 18, paragraph (1), of Act No. 125-XVI of 11 May 2007 and article 186, paragraph (2), of the Civil Code, the organization’s articles of association are not signed by the founders of the denomination.

31. It was also found that:

(a) The report of the constituent assembly does not list the names of the members who were present and those who were absent;

(b) The list of the religious organization’s founding members does not include their signatures on the original;
(c) No evidence of the citizenship of the organization’s founding members was submitted.

32. As a result of the discovery of non-compliance with the legal requirements for the registration of the articles of association of a religious denomination, the Ministry of Justice, by its decision No. 9 of 23 February 2008, declined to register the religious organization Cârmuirea Spirituală a Musulmanilor din Republica Moldova. Pursuant to the Religious Denominations and Religious Communities Act (No. 125-XVI) of 11 May 2007, the decision to deny registration is not an impediment to the resubmission of documentation after it has been brought into line with the legislative requirements in force.

33. Currently, the Religious Denominations Department of the Ministry of Justice is taking the necessary measures for the review, in strict compliance with the relevant legislation, of applications for the registration of Muslim religious organizations submitted by members of national minorities of the Muslim faith, including an application from the Tatar religious community.

In paragraph 19 of its conclusions and recommendations, the Committee recommends that the State party provide financial support to Roma families to cover the cost of school books, transport and other indirect costs of schooling, offer special Moldovan language classes for Roma children, cater for the needs of Roma pupils whose parents work as seasonal workers abroad, include Roma language and culture in school curricula, continue its efforts to raise awareness among Roma families about the importance of education starting from preschool, and provide scholarships to increase Roma participation in higher education.

34. The education system in the Republic of Moldova is based on the provisions of the Constitution, the Education Act and the Education Code; the last of these legislative texts, adopted by Parliament on 20 December 2008, also guarantees equal opportunity in education for all citizens, regardless of social status, sex, race, ethnic origin, language or religion.

35. At the State level, efforts are focusing on the implementation of the right of national minorities in the Republic of Moldova to study their native language. The formation of national awareness and national identity, the preservation of national culture and the development of intercultural dialogue are recognized as part of the social function of education.

36. The Ministry of Education and Youth, as one of the entities responsible for implementing Government decision No. 1453 of 21 December 2006 approving the plan of action in support of the Roma population (2007-2010), is taking practical steps in the field of Roma education:

- Enrolment of all Roma children in preschool
- Inclusion of all Roma children between the ages of 7 and 16 in compulsory general education
- Opening of weekend schools for Roma children
- Provision of material assistance to Roma families with school-age children for the purchase of school supplies, clothes and shoes
• Loan of textbooks free of charge
• Provision of free meals to Roma pupils
• Consideration of the feasibility of starting groups and classes for the study of Roma language, history, culture and traditions
• Purchase of Roma-language textbooks in European countries (pending the publication of original Roma textbooks written in the Republic of Moldova)
• Training of teachers of Roma origin through internships in Romania, Hungary and Bulgaria
• Elaboration of programmes of study in the field of Roma history, culture and traditions
• Establishment of annual quotas for the enrolment of Roma students in higher and specialized secondary education in the Republic of Moldova
• Cooperation with Roma non-governmental organizations on education issues

37. The Ministry of Education and Youth views the full inclusion of all Roma children (ages 7-16) in compulsory education (the first nine years of schooling) as its primary responsibility. It should be noted that there was an improvement in general education indicators in the course of the 2007/08 school year. At the beginning of the year, 41 Roma children were not attending school; by the end of the year only 6 were not attending school. At the beginning of the 2008/09 school year, 14 Roma children were not in school. There is a general view that these figures underestimate the real situation. In fact, the keeping of more accurate records on Roma children is complicated by the constant seasonal migration of a significant percentage of Roma parents.

38. In order to address the problem of enrolling Roma children in the school system, special commissions have been established in districts and municipalities, consisting of members of boards of education, representatives of educational institutions and police officials. Commission members visit Roma families, clarify the reasons for children’s absence from school and draw up plans for ensuring that children attend school. The general conclusions drawn from the experience of these commissions have made it possible to identify some of the reasons for non-attendance by Roma children, including parents’ refusal to send them to school, a lack of resources in Roma families, earlier marriage among Roma girls and other factors.

39. Under Moldovan legislation on social protection, all citizens have equal rights to social support from the State, regardless of race, ethnic origin, religion or minority status. These rights have been strengthened through a series of laws and other normative instruments concerning various forms of social assistance. On 13 June 2008 the Social Assistance Act (No. 133-XVI) was adopted. The effects of such laws extend to members of the Roma minority, including Roma families that are disadvantaged or that have many children, and disabled persons.
40. The State provides social assistance to schoolchildren from Roma families, as illustrated by the information and examples set out below.

41. At the beginning of each school year all Roma schoolchildren receive material assistance paid from the budgets of local public administrative bodies and from sponsors’ and parents’ funds in educational institutions for the purchase of clothes, shoes and school supplies.

42. All Roma pupils have the use of their textbooks free of charge; all first-year pupils of Roma origin receive a spelling book as a gift. First- to fourth-year Roma pupils, like all pupils in the Republic, receive free meals; fifth- to twelfth-year Roma students are placed in the same category as students from low-income families and also receive free meals.

43. Initiatives are under way to eliminate illiteracy among Roma children through the introduction of special training programmes. For example, in the 2007/08 school year, a remedial class was offered at secondary school No. 1 in the town of Edinets, in which Roma children of various ages (7-15) participated. Eighteen Roma children completed the class and successfully went on to second-year studies in various educational institutions in that town.

44. In Khynchesht, at the initiative and with the cooperation of the civil-society organization Porozhan, a group consisting of Roma children of various ages was started at the Mikhail Eminescu Theoretical Lyceum. The group is run by two social workers of Roma origin. During the lessons, which are held outside school hours several times a week, the children talk and sing in their native language and learn about the customs and traditions of their people.

45. With a view to advancing the principles of multicultural and multilingual education and training, specialists from the Ministry of Education are developing programmes of study in the field of Roma history, culture and traditions, and the issue of introducing this subject into school curricula in villages with a high concentration of Roma people is under consideration. The implementation of these projects is closely linked to the need to provide teacher training to members of the Roma population.

46. It should be noted that most Roma graduates aspire to enter prestigious fields such as economics and law. The State, however, is interested in steering Roma youth towards the teaching profession (as teachers of the Roma language, history and culture), given the need for such teachers in Roma areas.

47. Since 2005 the State has provided for a preferential quota of 15 per cent for certain categories of young people entering higher education, including members of the Roma population. In the 2007/08 academic year 76 students of Roma nationality were enrolled in Moldovan institutions of higher education and 10 were enrolled in colleges, including 7 in the College of Ecology.

48. The Bureau for Inter-Ethnic Relations supports and sponsors two schools in which most of the pupils are of Roma origin: the primary school in the village of Skinoasa (Commune of Tisburya), where 100 per cent of the pupils are Roma, and the school in the village of Parkan (District of Kelerash). Each year on 1 September the Bureau provides the children in these schools with sets of school supplies, and for the New Year and other holidays it invites groups of children to the House of Nationalities, where they receive gifts.
49. With respect to State initiatives to ensure equal opportunity in education for members of the Roma population, it should be noted that a significant proportion of Roma parents are not interested in enrolling their children in school. In many cases, Roma parents see no need for their children to go to kindergarten or school; most Roma children complete only primary school.

50. It is important to note the positive role of Roma civil-society organizations in actions to bring Roma children and young people into the education system. Many of these organizations, with support from international entities, carry out projects that address problems related to Roma education. In implementing such projects, it is necessary to take into account the specific socio-economic, national and cultural situation of the Roma population in the Republic of Moldova and the features of the current education system.

51. With respect to the organization of special Moldovan language courses for Roma children, under article 7 (9) of the Education Code, the study of the official language of the Republic of Moldova is mandatory at all educational institutions; this rule is being put into practice in the school system. Roma children become as proficient in the Moldovan language as they are in their native language.

52. The culture and history of the Roma as part of the multi-ethnic population of the Republic of Moldova is a subject of professional study. Within the Ethnology Centre of the Cultural Heritage Institute of the Moldovan Academy of Sciences, there is a unit for the integrated study of the history and culture of the Roma population of the Republic of Moldova. Young scholars of Roma origin conduct research under the project “Roma of the Republic of Moldova”, and a number of scientific monographs have been published on the subject (e.g. I. Duminika and N. Sali, “Roma of the Republic of Moldova: between tolerance and prejudice”).

53. With respect to the activities carried out in 2008 by official entities and non-governmental organizations of the Republic of Moldova in follow-up to paragraphs 12, 14 and 19 of the conclusions and recommendations of the Committee on the Elimination of Racial Discrimination regarding the periodic report of the Republic of Moldova on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee’s attention is drawn to the process of improving national anti-discrimination laws.

54. The Government of the Republic of Moldova is currently considering a draft law aimed at preventing and combating discrimination, drawn up by the Ministry of Justice on the basis of Government order No. 2503-10 of 21 January 2008.

55. This draft law strengthens the code of definitions and terms relating to manifestations of discrimination and prohibits discrimination in various spheres (access to property and services, education, the right to work, property and home ownership).

56. It should be noted that the drafters of this proposed law include members of the Anti-Discrimination Coalition, which consists of representatives of non-governmental human rights organizations.

57. The Moldovan Parliament is considering a draft law that would amend and supplement the Criminal Code of the Republic of Moldova, in particular articles 176 and 346. The draft law was approved by Government decision No. 1459 of 24 December 2007.
58. Under the new version of article 176, any distinction, exclusion, restriction or preference in relation to an individual, group or community may be criminalized if it has the purpose of restricting or impairing the recognition, enjoyment or exercise, on an equal footing, of fundamental rights and freedoms. The victims of such violations may be either natural or juridical persons.

59. The new version of article 346 criminalizes public calls, including through electronic or print media, for the humiliation or insulting of groups of people, or the incitement of discrimination or hatred against them, on account of their race, nationality, ethnic origin, language, religion, colour, sex, age, state of health, political opinion, social status or economic disadvantage, as well as public calls for violence against a group of people on any ground whatsoever. The victims of such violations may be either natural or juridical persons.

60. The adoption of these draft laws will make it possible to ensure more effective protection of the interests of all citizens of the Republic of Moldova, without distinction of any kind on account of ethnic origin, race or other grounds.

61. Commenting on the results of the survey “Intolerance and extremism: case of the Republic of Moldova”, conducted by the Institute of Public Policy, Marin Alla, chairman of the Roma Youth Union “Țărnă Rom”, told the Omega news agency that “the attitude towards the Roma is much more tolerant in the Republic of Moldova than in other countries such as Romania and Bulgaria”. He said that, while Moldovan Roma have problems, their problems are similar to those of the majority population and cannot be attributed solely to their Roma ethnicity.¹

62. The Republic of Moldova will continue its dialogue with the Committee on the Elimination of Racial Discrimination in order to keep it informed of further actions in follow-up to the Committee’s conclusions and recommendations on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

63. Further initiatives by State bodies of the Republic of Moldova to implement the standards of the Convention will take into account the collective views of members of different national and racial minorities and will build on the potential of the centuries-old tradition of good inter-ethnic relations, in accordance with national legislation on the maintenance of security and the guarantee of equal rights and opportunities for all citizens and other categories of people who are legally present in the territory of the Republic of Moldova.

¹ www.omg.md.