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**Moldova:
Four Priorities for Mainstreaming
Minority Rights**

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Moldova: Four Priorities for Mainstreaming Minority Rights

The economic and political challenges currently facing Moldova are formidable. The focus of the EU's reform priorities for Moldova lie in the realms of combating systemic corruption, minimising the politicisation of state institutions, and improving judicial independence and financial governance. The general absence of volatile inter-ethnic tensions in Moldova has meant that minority rights here has received less international attention than other post-communist states. Advocating for the protection of the rights of minorities is reserved primarily for specific human rights defenders, and finds little space in the wider discourse regarding Moldova's future. Yet Moldova's geographic, historical and geopolitical location between Russia and the EU mean that it must play a delicate balancing act in which ethno-cultural harmony lies at the heart. This Issue Brief outlines the four pressing issues that currently restrict Moldova's ethnic minorities' participation in public life, and discusses opportunities for overcoming these restrictions to ensure stable inter-ethnic relations in Moldova.¹

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I. INTRODUCTION

Moldova is characterised by ethnic diversity. According to the 2014 census results (which does not include Transnistria), 73.7% of respondents identified as being Moldovan, 6.5% Ukrainian, 4.0% Russian, 4.5% Gagauz, 6.9% Romanian, 1.8% Bulgarian and 0.3% Roma.² Its geographic location between Romania and Ukraine makes it an integral part of Europe. Within the titular majority community there is also a Moldovanist/Romanist split where the Moldovanist position treats Romania and Moldova as different nations, while the Romanist position sees the Moldovan identity as being indistinguishable from the Romanian.

In the south of Moldova lies the autonomous region of Gagauzia, which gained its autonomy in 1994 and is regulated by the Law on the Special Legal Status of Gagauzia (1994). The special status of the Autonomous Territorial Unit of Gagauzia is also enshrined in Moldova's constitution.³ The population of Gagauzia accounts for 4.5% of Moldova's population according to the 2014 census results. The Gagauz tend to speak Russian rather than the state language or Gagauz, therefore most schools in Gagauzia operate in Russian.

Moldova does not control the territory from the east bank of the Dniester, which is



known as Transnistrian Moldavian Republic. This territory is under Russian control and its independence is not internationally recognised. The territory of Transnistria was not included in the 2014 Moldovan census, however, according to the 2015 census held by the Transnistrian government, the population was 475,665 persons, made up of three main ethnic groups (Moldovans, Russians and Ukrainians) as well as smaller ethnic groups, including Bulgarians, Belarusians, and Tatars.⁴ This disputed territory is the source of ongoing tensions both between Moldova and Russia, and between pro-EU and pro-Russian factions in Moldova's political sphere.

2. CHALLENGES AND REFORMS

Moldova continues to face a number of serious economic and political challenges that have pushed reform with respect to the protection of the rights of national minorities further down Moldova's list of priorities. The money-laundering and fraud scandal that broke in 2014 had significant implications, not just for Moldova's economy, but also for public trust in its institutions.⁵ Corruption is a serious issue in Moldova. According to Transparency International's 2016 corruption index, Moldova ranks 123rd out of 176 countries, reflecting a 'disappointing response to corruption'.⁶ A recent World Bank survey found that the most important development priorities for Moldova according to respondents were public sector governance/reform (50%), above tackling corruption (38%) and improving education (30%).⁷ The 2014 census results show that Moldova is also facing a significant loss of population, with the total population falling by 470,000 people since 2004.⁸

Some progress has, however, been made. In March 2017 the European Commission praised Moldova for reforms aimed at restoring the independence of the judiciary and tackling corruption, improving the efficiency of public administration and promoting economic stability, but it highlighted that further reform efforts were needed regarding respect for human rights and fundamental freedoms, particularly with respect to strengthening the justice system.⁹ It concluded that 'considerable attention to

ensuring respect for universal and European standards is needed... the EU will continue to pay close attention to developments in the field of human rights'.¹⁰ Council of Europe similarly assessed the primary challenges to bringing Moldova's legislation, institutions and practice in line with European standards in the areas of human rights, rule of law and democracy as being 'lack of public trust in the justice system, lack of transparency and accountability of the political process, widespread corruption, inefficient public administration at central and local levels and insufficient institutional capacity in certain areas'.¹¹

While successive governments in Moldova have oscillated between pro-EU and pro-Russian agendas, a clear demonstration of Moldova's commitment to a future on the EU path was made in 2014, when Moldova signed the EU Association Agreement. The agreement explicitly mentions strengthening respect for the rights of persons belonging to minorities. In terms of trade, the EU is Moldova's primary trading partner, accounting for 63% of Moldova's exports and 50% of imports.¹² Despite these strong EU links, Moldova continues to play a delicate balancing act between pro-EU and pro-Russian forces, which can be seen in its current political landscape. While the 2016 presidential election was won by pro-Russian Igor Dodon, the pro-EU Democratic Party of Moldova currently holds a majority of seats in Moldova's parliament. This divide has seen tensions between the presidency and the parliament with respect to issues such as the removal of Russian troops from Transnistria and Moldova's participation in NATO military exercises in Ukraine. Tensions escalated in January 2018 when the Constitutional Court temporarily suspended Dodon's presidential powers after he blocked Prime Minister Pavel Filip's nominations for ministerial appointments.¹³ The Russian annexation of Crimea in neighbouring Ukraine in 2014 propelled fears that Moldova, and particularly the breakaway territory of Transnistria, could be the next territory at risk of annexation by Russia.¹⁴ Allegations from pro-European politicians of Russian interference are also not uncommon.¹⁵

The frozen conflict in Transnistria is another example of the delicate relationship



that Moldova has with Russia. Unlike other examples of disputed breakaway territories in the region, there has been no ethnic cleansing in Transnistria. Moldovans, Ukrainians and Russians continue to live alongside one another, and the reality is that the status quo is peaceful co-existence. Transnistria's importance to Moldova, however, goes beyond issues of territorial integrity. As Moldova's primary electricity provider is Russian-owned and based in Transnistria, developments in relation to alternative energy providers have an important significance for Moldova's dependence on Russia.¹⁶

Moldova finds itself in the difficult position of trying to manage a delicate balancing act between enacting the reforms that are being demanded by the European Union and maintaining the close historical and economic ties that it has with Russia, while at the same time attempting to strengthen its 'Moldovan' identity. While the reform challenges facing Moldova are significant, the deepening ethnic, linguistic and educational divide, coupled with shortcomings regarding the representation and participation of national minorities in public and political life should not be seen to be of secondary importance but should instead be prioritised by the government, and addressed, in order to avoid heightened ethno-cultural tensions or else risk threatening the peaceful coexistence that Moldova has so far enjoyed.

3. PROGRESS AND REMAINING CHALLENGES REGARDING INSTITUTIONAL, POLICY AND LEGAL FRAMEWORK

While Moldova has made significant progress towards putting in place a robust institutional, policy and legal framework to ensure the protection of the rights of national minorities, there is still room for improvement. On the international stage the Republic of Moldova has demonstrated commendable commitment to the protection of the rights of its national minorities by being a state party to the core international human rights treaties most relevant to minority rights, including the International Covenant on Civil and Political Rights, the International Convention on the

Elimination of All Forms of Racial Discrimination, and the International Covenant on Economic, Social and Cultural Rights. Additionally Moldova is a state party to the Framework Convention for the Protection of National Minorities and is a member of the Council of Europe. One major shortcoming in this regard, however, remains the failure of Moldova to ratify the European Charter for Regional or Minority Languages, which it signed in 2002.

Adequate institutional and legal framework for the protection of the rights of national minorities is largely in place. There are, however, concerns in relation to implementation of legislation and the functioning and influence of institutional mechanisms. The Constitution of the Republic of Moldova establishes supremacy of international law over national legislation (Article 4), and outlines the principle of equality and non-discrimination, including on the grounds of race, nationality, ethnic origin, language, or religion (Article 16.2). The Constitution also guarantees the rights of all citizens to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity (Article 10.2). The Constitution establishes the state language as Moldovan, with acknowledgement that the state shall protect the right to the preservation, development and use of the Russian language and other languages spoken in Moldova (Article 13.2). According to the Law on Functioning of Languages on the Territory of the Moldavian SSR of 1989, Romanian is the state language (in the Latin alphabet), and Russian is considered to be the 'language of inter-ethnic communication'. The Law additionally guarantees the use of Russian, Ukrainian, Bulgarian, Hebrew, Yiddish, and Romani languages, as well as the languages of other ethnic groups living in Moldova. The Law on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organisations (2001) additionally stipulates the right to education in Moldovan and Russian and the creation of conditions for mother-tongue education for other communities, including Gagauz, Ukrainians, Bulgarians and Jews (Article 6), and specifically mentions that normative acts, official communications and other information of national importance, as well as names of



localities, streets, institutions and public places, should be published/displayed in Moldovan and Russian languages.¹⁷ Gagauzian is the official language of Gagauzia. The Law on National Minorities is generally criticised as being declarative in nature, with no provisions for detailing concrete action. Additionally it foresees no monitoring or oversight mechanisms that would ensure its implementation, and does not envisage allocation of funds.

More recently, the Law on Ensuring Equality¹⁸ was passed in 2012, marking an important development in terms of protecting the rights of national minorities. The Law aims to combat discrimination and ensure equal rights to all persons in Moldova, but also to prevent discrimination. The Equality Council is the primary body mandated to ensure the prevention and elimination of discrimination and ensuring equality. Its decisions are, however, non-binding, and a recent European Commission assessment regarded the Equality Council, which was created in 2014, as having limited powers.¹⁹ The Council of Europe also voiced concerns at internal attempts to repeal the Council.²⁰ The general lack of awareness of this Law, in both the political and public realms, means that concerted awareness-raising efforts are imperative if the Law is to have a meaningful impact on tackling discrimination in Moldova.

With regard to the institutional framework that has been established to ensure the implementation of relevant legislation regarding the rights of national minorities, concerns centre on the practical functioning and influence of existing mechanisms. The Bureau of Interethnic Relations is the main governmental body mandated with handling the wide range of issues regarding national minority protection. Concerns have been raised over capacities and funding of the Bureau, and the Council of Europe also warned that the Bureau's role appears to have been weakened by frequent changes of director.²¹ In December 2016 the government decided that the Bureau should become part of the Ministry of Education, Culture and Science.²² Within the Bureau is the Coordinating Council of Ethnocultural Organizations, which is an advisory body to ensure that government policy takes into account the needs of national minorities.

HCNM helped the Bureau of Inter-ethnic Relations to develop the Strategy for Enhancing Inter-ethnic Relations 2017-2027, drawing on the Ljubljana Guidelines on Integration of Diverse Societies. Moldova approved the strategy in December 2016, which sets out the long-term objectives for effective participation of national minorities in public life, including the necessary conditions to study and apply the state language, promoting national minority languages, as well as facilitating intercultural dialogue. The Strategy foresees improving and establishing consultative bodies at the local level within adequate institutional framework, and making existing ones (for example the Coordinating Council of Ethno-cultural Organisations) more efficient, to ensure that 'opinions and concerns of persons belonging to national minorities are systematically taken into account in all decision-making processes relevant to them'.²³ A new Human Rights Action Plan (2018-2022) was additionally developed, with the assistance of UNDP, and approved in November 2017. The Committee on Human Rights and Interethnic Relations is the parliamentary committee responsible for the implementation of the Action Plan. It is crucial that the Moldovan authorities dedicate adequate resources to the implementation of both the Strategy and the Action Plan in order to overcome previous shortcomings and make meaningful progress.

Moldova's commitment towards the EU creates considerable leverage to encourage Moldova to undertake the necessary reforms to ensure adequate protection of minority rights. The EU/Moldova Action Plan explicitly states that Moldova should 'ensure effective protection of rights of persons belonging to national minorities', and ensure an 'appropriate response to conclusions and recommendations of relevant Council of Europe structures and experts on state of compliance by Moldova with the Framework Convention for the protection of national minorities; put in place and implement legislation on anti-discrimination and legislation guaranteeing the rights of minorities, in line with European standards'.²⁴ Within the Moldovan legal framework, the preamble of the Law on National Minorities contains a statement of Moldova's commitment to complying with international



norms on the protection of minority rights, including the FCNM. Thus there are considerable incentives to compel Moldova to make the necessary commitments to make progress on the four priorities outlined below.

4. PRIORITIES FOR IMPROVING ETHNO-CULTURAL GOVERNANCE

Despite the proclaimed commitment and tangible developments with respect to enhancing the institutional and legal framework for the protection of minority rights, Moldova still faces deep ethnic and linguistic division, which additionally limits diversity in the political and public spheres. The measures taken so far have been significant in terms of enhancing the rights of minorities; however, prioritising reforms in the four areas of linguistic diversity, access to education, participation, representation and consultation of national minorities, and developing a more inclusive civic identity, will be critical in developing sustainable ethno-cultural stability.

a. Safeguarding language rights by promoting linguistic diversity

Moldova's linguistic divide pervades all aspects of society and is a significant factor in the marginalisation of Moldova's national minorities. Moldova's minorities are largely affiliated also along linguistic lines. The latest census results show that the percentage of people who identify as Moldovan/Romanian (80.6%) largely correlates with the percentage who use the state language as their main language of communication (76.3%). For other communities, if those respondents identifying themselves as being Ukrainian, Russian, Gagauz or Bulgarian are combined, this number equates to 15.3% of the total population, which largely correlates with the percentage of the population who use Russian as their main language of communication (14.1%).²⁵ Thus the Moldovan authorities need to make greater efforts to tackle the issue by mainstreaming multilingualism.

Lack of proficiency in the state language has a number of disadvantages for national minorities. Official web pages of ministries and health institutions are not translated into languages other than the state language. Information about employment opportunities in state institutions is only provided in the official language. Fluency in state language is required by Moldovan law for civil servant positions.²⁶ Poor command of the state language also raises difficulties in gaining access to university education, as the lyceum graduation examination has a specific exam on state language command.²⁷ Access to public services is also affected by language issues, with problems being reported for people making requests to public institutions in Russian language. The Equality Council cited 10 cases of discrimination regarding the violation of linguistic rights, mainly the refusal by courts to accept complaints that were submitted in Russian.²⁸ These limitations have a severe impact on the ability of members of national minorities being able to fully enjoy their rights in Moldova.

So far the policy to tackle this linguistic division has been to strengthen use of the state language over the promotion of bi-lingualism. The Bureau of Interethnic Relations undertook measures to train public sector staff from national minorities in the state language and was also involved in lobbying for allocation of budget for the publication of textbooks adapted for adult education for learning the state language.²⁹ While working to improve the state language skills of members of national minorities has a positive impact, it also has significant implications for Moldova's minorities and their language rights. Minority organisations often view language policies as aiming to gradually eliminate Russian and minority languages from the public sphere.³⁰

While Moldova generally voices its commitment to making the necessary reforms requested by the EU, language rights have proven to be a controversial issue. Although Moldova signed the European Charter for Regional or Minority Languages in 2002, it has yet to be ratified.³¹ The Council of Europe Action Plan mentions that a ratification instrument was drafted and reiterated that it strongly encouraged Moldova to consider relevant capacity building activities, for



example the simulated application of the ECRML in pilot municipalities.³² Ratification is one of Moldova's pre-accession commitments towards the Council of Europe, and in February 2017 the government declared the ratification of the Charter to be one of its major commitments within the established dialogue with the Council of Europe with regard to minority languages protection.³³

On the regional level, the linguistic divide has resulted in a number of specific issues regarding access to public services. For example, in some areas such as Taraclia and Balti, Russian is the main language in use with local administrative authorities and there have been reported cases of language discrimination towards speakers of the state language.³⁴ Additionally, there is very little use of Ukrainian in official communications in villages that are predominantly inhabited by Ukrainian-speakers. Authorities should ensure that the use of minority languages in official contacts with local authorities is actively facilitated in order to enable Moldova's national minorities not only to access crucial public services, but also to ensure a sense of inclusion that will contribute to Moldova's long-term stability. Regarding language rights in Transnistria, the Constitution of Transnistria gives Moldovan, Russian and Ukrainian equal status as official languages³⁵ but in practice it is the Russian language that dominates public life, including government, and education. For example, all documents required by the Ministry of Education can be submitted in Russian language only. Minority languages other than the three official languages are not given any legal status.

The issues highlighted above indicate that regarding policies on bridging the current linguistic divide, a balance need to be struck between protecting Moldovan minorities' linguistic rights and at the same time providing adequate opportunities for learning the state language. This is the only sustainable pathway towards genuine integration of Moldova's national minorities.

b. Ensuring the sustainable future of Moldova's ethnic diversity by providing access to education for all communities

The linguistic divide in Moldova has meant that education is also divided between state-language and Russian-language schools, with access to education in minority languages only being offered by Russian-language schools. Reported problems regarding education in these schools include a shortage of teaching materials including text books, in minority languages. Text books for these Russian-language schools are translations from the state language, containing numerous mistakes that have not been corrected. In general minority issues are not reflected in text books, meaning that Moldova's national minorities are effectively absent from the Moldovan national discourse. Additionally there are no schools teaching in mother tongue in Gagauzia and Taraclia, and Romani-language curriculum is not offered in any school, which has a significant effect on access to education for these groups.³⁶

Despite public commitments from the responsible authorities to improve the situation, there have unfortunately been a number of negative developments regarding opportunities for Moldova's national minorities to access education. Co-ordination of Russian-language schools with the Ministry of Education has become more difficult since the closure of the minority language department in 2007. Although the Bureau for Interethnic Relations has reinstated minority language specialists in the Ministry of Education, this measure is considered to be an inadequate substitute.³⁷ Additionally there is a downward trend in the number of classes and courses in Russian and other minority languages, and minority language schools that teach in the Russian language do not provide adequate instruction in the state language. Facilities for training teachers at Russian-language schools is decreasing.³⁸ Emigration of teachers also contributes to the problem.³⁹ Recent statistics indicate that the number of schools where minority languages are taught substantially decreased between the 2008-2009 and 2016-2017 academic years for



schools teaching Ukrainian, Gagauz and Bulgarian.⁴⁰ Additionally, the ‘money follows the student’ policy introduced in November 2014 has negatively affected access to education for national minorities as it does not sufficiently take into consideration the extra resources that are needed for students from minority communities.⁴¹

In Transnistria, use of the Latin alphabet for the state language in schools that are run by Moldovan authorities has been a cause of tensions. According to Transnistrian law, Moldovan language is recognised only with the Cyrillic script, and the ban on using the Latin alphabet is stipulated in Article 5.28 of the Code of Administrative Offences 2014. Affected schools have been subject to pressure and two have subsequently closed and transferred outside the Transnistrian-controlled territory,⁴² however, OSCE recently reported that substantial progress had been made in the ‘5+2’ negotiations, including regarding use of the Latin script.⁴³

On another positive note, Moldovan authorities have made some efforts to promote education of the state language in Russian-language schools. A pilot project was implemented in 19 Russian-speaking schools under which some subjects (for example music and geography) are taught in the official language, which aims to improve minorities’ access to the official language. The project has reportedly been hampered by a lack of adequately trained teachers,⁴⁴ indicating that greater efforts need to be made to address these shortcomings before extending it to encompass more schools.

As with promoting linguistic diversity, Moldova also needs to strike a balance regarding minorities’ access to education, between ensuring adequate education in the mother tongue or Russian language, and at the same time providing opportunities for learning the state language. Going forward, a comprehensive approach to linguistic integration is needed.

c. Enhancing participation, and securing equitable representation and adequate consultation of national minorities in Moldova’s political and public spheres

The current legal framework to ensure the adequate participation and representation of Moldova’s national minorities in its political and public institutions is one key area where significant reforms should be considered. While the Law on Minorities provides for persons belonging to national minorities to have representation in institutions of the executive and judicial branches approximately in proportion to their population,⁴⁵ it does not envisage any monitoring mechanisms. Moreover, there are no official statistics on the employment of minorities in state institutions to monitor whether the Law is being implemented. Additionally the Law on Political Parties (2007) inhibits the establishment of parties that represent one particular ethnic group by requiring that the party has at least 120 members in each of Moldova’s administrative-territorial units, thus posing a significant obstacle to Moldova’s geographically-concentrated national minorities.⁴⁶ This policy is not considered to be in line with European standards,⁴⁷ and has the effect of marginalising the voice of minorities in the political sphere. As with the situation regarding minorities’ access to education, recent years have also seen negative trends regarding representation of minorities in Moldova’s parliament. In the 2014 parliamentary elections, the number of MPs representing national minorities decreased from 20 in 2010, to 16 (7 Ukrainians, 2 Russians, 3 Gagauz, 2 Bulgarians, 1 Jew and 1 Pole).

The relatively centralised structure of Moldovan institutions further compounds the problem, as it means that many decisions affecting national minorities on the regional level are taken on the central level. The current inadequate representation of minorities on the central level thus means that important decisions are made without adequate consideration of how they will affect minority communities, particularly in regions where



significant populations reside. Reform of public administration as well as the development of the new education code appear to have been discussed at the central level without seeking input from the local administrations. This has led to tensions, particularly between the Gagauz and central authorities. At present there is no system in place to ensure regular co-ordination and consultation between central and local levels, which is an issue that needs to be meaningfully addressed in order to alleviate tensions, particularly with Gagauzia.

Despite its special autonomous status, there are no specific provisions for Gagauz representation in the Moldovan parliament in the Law on the Special Legal Status of Gagauzia, but there are guarantees for representation in the executive structures.⁴⁸ Additionally, new legislation will cover all of Moldova without any special status for Gagauzia, which will significantly diminish the autonomous powers of Gagauzia. Gagauzian authorities have called for direct representation of Gagauzia in the parliament as well as the right to establish local political parties, so far without success. A positive development came in 2016 when a joint working group of the Parliament of Moldova and the People's Assembly of Gagauzia demonstrated that co-ordinated decision-making is possible.⁴⁹ It is imperative that Gagauzians perceive that their interests are considered on the central level, in order to avoid any potential unrest. In February 2014 a referendum was held in Gagauzia in which an overwhelming majority of voters voted in favour of integration with a Russia-led customs union, and against closer ties with the European Union.⁵⁰ Crucially, 98.9% of voters also supported Gagauzia's right to declare independence if Moldova were to surrender or lose its own independence. This referendum increased tensions between Gagauzia and the capital, with the Prime Minister at the time declaring that the vote had no legitimacy. Such overwhelming results indicate that the Moldovan authorities need to take a much more committed approach to ensuring that concerns on the regional level are adequately addressed, if the threat of escalating ethno-cultural tensions is to be avoided.

Dedicating resources and political attention to strengthening the voice of

Moldova's national minorities in central-level decision-making processes and simultaneously to strengthening the links and consultations between the central and regional levels will contribute to Moldova's overall stability and increase the sense of inclusion for all communities at a time when greater stability is needed. Moreover, it is vital that local administrations in Moldova become sensitized about ethno-cultural issues and the protection of the rights of national minorities. Awareness-raising campaigns on the regional level would highlight the role of local administrations as key implementers of national legislation and policies in the field of national minority protection, and would additionally ensure that members of national minorities feel as though they are an integral part of Moldovan society. Effective and clear guidelines for communication between central and local administrations, especially with regard to ethno-cultural issues, are an important requirement. The drafting of such guidelines should, of course, involve the participation and representation of representatives of national minorities at all stages of planning and decision-making processes.

d. Embracing an inclusive civic identity for all Moldovans

Moldova is in need of a civic identity that can bridge the linguistic, educational and political divide, if it is to create the stability that is needed to face its contemporary challenges. Progress in this realm is vital to achieving social unity and eliminating inter-group tensions. The Moldovan-Russian linguistic and educational divide leaves little space for other ethnic communities to enjoy their rights and fully participate in public life in Moldova. The policy of strengthening use only of the state language over bi-lingualism or multi-lingualism means that teaching in and of minority languages can only be accessed in Russian-language schools. This lack of opportunities to learn the state language in these schools narrows opportunities for employment and other aspects of public life that further marginalises these communities. Minorities are forced to choose between either foregoing their guaranteed right to minority



language education by enrolling in a state language school, or attending a minority language school knowing that it could jeopardise future employment opportunities.

Moldova's Roma community particularly suffers from this marginalisation of smaller communities. Central level political representation is non-existent and Roma are under-represented on the regional level. High poverty and unemployment levels and issues regarding documentation make the Roma community most negatively affected. Access to education is also a significant issue, especially given the complete absence of opportunities for Roma children to be educated in their mother tongue. There have also been reports of segregation of Roma children in schools in Otaci.⁵¹ While the Moldovan authorities have undertaken measures to address these issues, including successive Roma Action Plans, concerns have been raised by various international human rights mechanisms in relation to the lack of provision for specific funding and inconsistent implementation.⁵² In 2013 the Law on Local Self-Government was amended to establish the Institute of Community Mediators, enabling municipalities to establish the position of a Roma mediator.⁵³ These mediators are supposed to facilitate interaction between local authorities and other service providers, and Roma people. Although these positions are greatly needed, and funding was allocated for the hiring of 48 community mediators, only nine such positions were being remunerated in 2016.⁵⁴ In some cases, the reasons for a lack of community mediator is a lack of demand, awareness-raising initiatives need to be developed. Additionally, the abolition of "Advisor for Roma Issues" position which was situated in the Prime Minister's Office is another concerning development that highlights the need for special measures to facilitate integration of Moldova's Roma community to be put back on the political agenda.

The development of an inclusive civic identity would benefit not just Moldova's national minorities, but also the titular majority. Tensions between proponents of 'Moldovanism' versus those of 'Romanism' or 'Unionism' continue to surface, as evidenced by the recent decision of the Constitutional Court to endorse a draft amendment to the

constitution to change the official name of the state language from Moldovan to Romanian.⁵⁵ Controversy over a recent documentary about Moldova's history additionally highlights such divisions. The film, which was produced with the backing of pro-Russian President Igor Dodon, and which promotes the idea that a Moldovan nation developed separately from Romania, sparked allegations from Liberal Democrats that Dodon's Socialists were using Russian propaganda narratives.⁵⁶ Going forward, advancing efforts to develop an inclusive civic identity will be critical to developing a sustainable model of ethno-cultural governance for Moldova.

4. CONCLUSIONS AND RECOMMENDATIONS

Moldova faces numerous formidable challenges. The stronger Moldova's democratic institutions and inclusion of all communities in public life, the better equipped it is to face these challenges. While the Moldovan authorities have made clear commitments to bringing Moldova in line with European standards regarding the protection of minority rights, there are indications of a number of concerning negative trends that need to be reversed if Moldova hopes to satisfy its obligations and create stability. The next few years are, therefore, pivotal to how the Moldovan government will avoid ethnic tension while at the same time succeed in meeting its international obligations regarding minority rights. Going forward, a consolidated and comprehensive approach to national minority rights protection and promotion is vital in order to ensure good ethno-cultural governance.

Recent years have seen the divide along ethnic and linguistic lines deepen. The resulting heightened tensions could threaten peaceful coexistence of Moldova's communities if not adequately addressed. Moldova's authorities must ensure that minority rights are protected to avoid heightened ethno-cultural tensions jeopardising this balance. Building a civic identity that includes all of Moldova's ethnic groups will provide the stabilising factor that Moldova needs to overcome the many challenges that it currently faces.



Moldova finds itself in a difficult position of constantly having to balance Russian and EU spheres of influence. Therefore reforms that will improve governance, including substantial progress on the issues relating to linguistic diversity, access to education, adequate participation and representation of all communities in Moldova's political and public institutions and the development of a civic identity enjoyed by all Moldovans are necessary to create a stable and sustainable model for ethno-cultural governance that will ensure Moldova's future security and prosperity.

Recommendations to the Moldovan authorities

- As a first priority, the Moldovan authorities should dedicate resources to ensure implementation of existing legal and institutional framework for the protection of minority rights, including the new Strategy for Enhancing Inter-ethnic Relations and Action Plan for Human Rights, in order to ensure the sustainability of a comprehensive model for the institutionalisation of ethno-cultural relations;
- Secondly, in order to build trust, ease tensions and improve relations between institutions and national minorities, the Moldovan authorities should ensure continuous communication and consultation with minority groups and regions on government decisions that have special importance to minority communities;
- Thirdly, in order to contribute to the improvement of future prospects for national minorities and to ensure the continuation of Moldova's ethnic diversity, the Moldovan authorities should commit to improving the quality of education in the state language for all communities while at the same time ensuring access to education for members of national minorities in their mother tongue;
- Fourthly, to make ethno-cultural governance sustainable and to improve relations, it is necessary for the Moldovan authorities to provide capacity building and training to public servants and service providers dealing directly with national minorities to ensure that the use of minority languages in official contacts with local authorities is actively facilitated;
- Finally, the Moldovan authorities should consider adopting measures that aim to strengthen the political participation of minorities in decision-making bodies that would bring Moldova in line with European standards. Ensuring that the legal framework for ethno-cultural governance is in place will ensure the sustainability of a comprehensive model that will promote tolerance, respect and security and thus will better equip Moldova to meet its international obligations and overcome existing and future challenges.



Notes

¹ This Brief is based on findings collected by the European Centre for Minority Issues through its Eastern Partnership Programme, “National Minorities and Ethno-Political Issues: Belarus, Moldova, Ukraine” – 2014-2017 supported by the Ministry of Foreign Affairs of Denmark.

² Population and Housing Census in the Republic of Moldova, May 12-25, 2014, at <http://www.statistica.md/pageview.php?l=en&idc=479&>. It should be noted that the census results have been disputed by communities’ representatives amid allegations that members of minority communities were deliberately excluded from the process (Views expressed at ECMI event in Chisinau on 4 December 2017).

³ Constitution of Moldova, Article 111.

⁴ Краткие предварительные итоги переписи населения Приднестровья 2015 года [Brief preliminary results of 2015 Transnistrian census], at <http://gov-pmr.org/item/6831>.

⁵ The “theft of the century” saw \$1 billion disappear from three of Moldova’s largest banks between 2012 and 2014. The financial implications were significant: the bankruptcy of one lender, the freezing of IMF and EU aid, double-digit inflation and devaluation of the local currency. The investigation into the fraud led to the jailing of one businessman and a former Prime Minister, and the identification of around 40 people who were either involved in or benefitted from the fraud. Political involvement in the scandal deeply affected the credibility of the government in the eyes of the public.

⁶ “Moldova”, Transparency International, at <https://www.transparency.org/country/MDA>

⁷ World Bank Group Country Opinion Survey 2016, Moldova, 9, at <http://documents.worldbank.org/curated/en/512891475236266996/pdf/108634-WP-PUBLIC-Moldova-COS-FY16-Report.pdf>

⁸ Population and Housing Census in the Republic of Moldova, *op. cit.* note 2. The International Organisation for Migration’s extended migration profile of Moldova concluded that the most common reason for this emigration is the lack of employment opportunities and low salaries within Moldova (International Organisation for Migration, Extended Migration Profile of the Republic of Moldova 2009-2014, at <http://www.iom.md/sites/default/files/publications/docs/EMP%202009-2014%20ENG.pdf>). The significant numbers of Moldovans working abroad who send remittances home have a notable impact on Moldova’s economy, with figures indicating that almost one-quarter of Moldovan households benefit from such remittances. Russian Federation hosts the highest number of Moldovans living abroad and continually receives the largest share of emigrating Moldovans. Therefore economic conditions in Russia heavily affect Moldova, as worsening conditions meant that many Moldovans returned home in recent years.

⁹ Association Implementation Report on the Republic of Moldova, SWD 110, European Commission (10 March 2017), 3, at https://eeas.europa.eu/sites/eeas/files/association_implementation_report_on_the_republic_of_moldova_2017_03_10_final.pdf

¹⁰ *Ibid*, 13.

¹¹ Council of Europe Action Plan for the Republic of Moldova 2017-2020, 1, at <https://rm.coe.int/16806cd3a5>

¹² European Commission, *op. cit.* note 9.

¹³ “Moldovan President says court’s suspension of his powers ‘shameful’”, Radio Free Europe/Radio Liberty, 02 January 2018, at <https://www.rferl.org/a/moldova-dodon-court-suspension-powers-shameful/28951494.html>

¹⁴ For a more detailed analysis of the impact of Russia’s annexation of Crimea on Moldova’s minorities, see ‘What next for Moldova’s minorities after Crimea?’, ECMI Issue Brief Series 33, 2014, at http://www.ecmi.de/uploads/tx_lfpubdb/Brief_33.pdf

¹⁵ For example in December 2017, head of Moldova’s ruling party Vlad Plahotniuc was charged in Russia with planning the attempted murder of a banker in London in 2012. According to a statement from his party to media outlets, the charges represented ‘politically motivated persecution’ of members of the party, with “fabricated” lawsuits. “Russia Accused Of Harassing Moldovan Politicians With ‘Fabricated’ Lawsuits”, Radio Free Europe. Radio Liberty (08 December 2017), at <https://www.rferl.org/a/russia-accused-harassing-moldovan-politicians-fabricated-lawsuits-plahotniuc/28904411.html>. Earlier in the year, the Moldovan government accused Russia’s security services of attempting to interfere with a Moldovan investigation into a Russian-led money laundering operation by harassing Moldovan officials as they travelled in Russia. Matthias Williams, “Moldova sees Russian plot to derail money-laundering probe”, Reuters (18 February 2018), at <https://www.reuters.com/article/us-moldova-russia-insight/moldova-sees-russian-plot-to-derail-money-laundering-probe-idUSKBN16M1QQ>

¹⁶ In the first half of 2017 the Moldovan government signed a new deal with a Ukrainian firm that would have decreased dependence on Russia for electricity, but this deal was modified, with the introduction of a new clause that allowed the government to buy electricity from the Russian-owned plant in Transnistria. The lack of transparency of these modifications was highlighted by the EU Delegation to Moldova and the EU High Level



Adviser for Energy Policy, who had taken part in the initial tender (Ana Maria Touma, “Moldova Energy Deal Raises Concerns of Russian Pressure”, Balkan Insight (09 June 2017), at <http://www.balkaninsight.com/en/article/moldova-new-energy-deal-raises-questions-over-russian-pressure-06-08-2017>)

¹⁷ Law of the Republic of Moldova on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organisations, Articles 8.1 and 10, at http://ecmi-epp.org/wp-content/uploads/2015/03/Moldova_LEGE_-Nr382_RUS.pdf

¹⁸ Law No.121 on Ensuring Equality, 26 May 2012.

¹⁹ European Commission, *op. cit.* note 9, 4.

²⁰ Council of Europe, *op. cit.* note 11, 11.

²¹ Fourth Opinion on the Republic of Moldova, Advisory Committee on the Framework Convention for the Protection of National Minorities, adopted on 25 May 2016, 6, at <https://rm.coe.int/16806f69e0>

²² Изменения в структуре правительства [Changes in the Structure of the Government], 2 December 2016, [HTTP://a-tv.md/index.php?newsid=24106](http://a-tv.md/index.php?newsid=24106); Правительство сократится на семь министерств. СМИ узнали о новой структуре кабинета [The Government staff shall be cut down by seven ministries. Mass-media have found out about the new structure of the Cabinet of Ministers], 2 December 2016, at <http://newsmaker.md/rus/novosti/pravitelstvo-sokratitsya-na-sem-ministerstv-smi-uznali-o-novoy-strukture-kabmina-28664>

²³ Comments of the Government of the Republic of Moldova on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by the Republic of Moldova – received on 7 February 2017, GVT/COM/IV(2017)001, 26, at <http://www.refworld.org/docid/58b6d8a34.html>

²⁴ EU/Moldova Action Plan, at https://eeas.europa.eu/sites/eeas/files/moldova_enp_ap_final_en.pdf

²⁵ Population and Housing Census in the Republic of Moldova, *op. cit.* note 2.

²⁶ Law No. 158 of 4 July 2008 ‘On Civil Service and Status of Civil Servants’, Article 27(1) (b) and the Law on Languages, Article 7.

²⁷ United Nations Report of the Special Rapporteur on minority issues on her mission to the Republic of Moldova, 11 January 2017, A/HRC/34/53/Add.2, para. 32, at <http://www.refworld.org/pdfid/58adaa204.pdf>

²⁸ *Ibid.*, para. 34.

²⁹ Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the Convention: Combined tenth and eleventh periodic reports of States parties due in 2014, Republic of Moldova, CERD/C/MDA/10-11, paras. 213 and 215, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FMDA%2F10-11&Lang=en

³⁰ Резолюция Республиканской конференции, приуроченной к 20-летию принятия Рамочной конвенции о защите национальных меньшинств [Resolution of the National Conference on the 20 Anniversary of Adoption of the Framework Convention for the Protection of National Minorities], June 27th, 2015. The author has a copy of the original.

³¹ European Commission, *op. cit.* note 9, 4.

³² Council of Europe, *op. cit.* note 11, 11.

³³ Government of the Republic of Moldova, *op. cit.* note 23, 20.

³⁴ Advisory Committee on the Framework Convention, *op. cit.* note 21, 24.

³⁵ Constitution of the Pridnestrovskiaia Moldavskaia Respublica (1995), Article 12, text in English, at <http://mfa-pmr.org/en/bht>

³⁶ Advisory Committee on the Framework Convention, *op. cit.* note 21, 27 and 31.

³⁷ *Ibid.*, 27.

³⁸ *Ibid.*

³⁹ International Organisation for Migration, *op. cit.* note 8, 53.

⁴⁰ Government of Moldova comments by the state on the Report of the Special Rapporteur on minority issues on her mission to the Republic of Moldova: comments by the state, 8 February 2017, A/HRC/34/53/Add.4, at https://digitallibrary.un.org/record/860678/files/A_HRC_34_53_Add.4-EN.pdf

⁴¹ Advisory Committee on the Framework Convention, *op. cit.* note 21, 29.

⁴² See *Catan and others v. Moldova and Russia*, European Court of Human Rights, Judgment dated 19 October 2012, at <https://www.legal-tools.org/doc/15be89/pdf/>

⁴³ ‘Substantial progress in Transnistrian settlement talks in Vienna, clear commitment to solve remaining issues, says OSCE Special Representative’, OSCE Press Release, 28 November 2017, at <http://www.osce.org/chairmanship/359206>



⁴⁴ European Commission against Racism and Intolerance, Report on the Republic of Moldova (fourth monitoring cycle), 2013, para. 73, 21, at <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Moldova/MDA-CbC-IV-2013-038-ENG.pdf>

⁴⁵ Law of the Republic of Moldova on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organisations, Article 24, at [http://ecmi-epp.org/wp-content/uploads/2015/03/Moldova_LEGE - Nr382_RUS.pdf](http://ecmi-epp.org/wp-content/uploads/2015/03/Moldova_LEGE_-_Nr382_RUS.pdf)

⁴⁶ Law on Political Parties No. 294- XVI of 21 December 2007, Article 8(1).

⁴⁷ See of the “Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs”, ACFC/31DOC(2008)001, point 75, 23, at <https://rm.coe.int/16800bc7e8> and the Venice Commission, “Compilation of Venice Commission Opinions and Reports concerning the Protection of National Minorities”, CDL(2011)018, 46, at [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2011\)018-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2011)018-e)

⁴⁸ Law on special legal status of Gagauzia (Gagauz Yeri), at <http://www.gagauzia.md/pageview.php?l=en&idc=389&id=146>

⁴⁹ The Parliament of the Republic of Moldova. Reports between Parliament and UTA Gagauzia, at <http://www.parlament.md/Actualitate/RaporturileParlamentuluicutaGagauzia/tabid/237/language/en-US/Default.aspx>

⁵⁰ “Gagauzia Voters Reject Closer EU Ties for Moldova”, Radio Free Europe/Radio Liberty (3 February 2014), at <https://www.rferl.org/a/moldova-gagauz-referendum-counting/25251251.html>

⁵¹ European Commission against Racism and Intolerance, *op. cit.* note 44, para. 84, 23.

⁵² *Ibid.*, 8, and Advisory Committee for the Framework Convention, *op. cit.* note 21, 6.

⁵³ “Fourth Report submitted by Moldova pursuant to Article 25”, Government of Moldova, para. 2 of the Framework Convention for the Protection of National Minorities. ACFC/SR/IV (2015) 005, Strasbourg, 16 June 2015, 28.

⁵⁴ *Ibid.*

⁵⁵ “Moldova's Top Court Endorses Proposal To Switch Official Language To 'Romanian' In Constitution“, Radio Free Europe, Radio Liberty, 31 October 2017, at <https://www.rferl.org/a/moldova-romanian-constitutional-court-moldovan/28826605.html>

⁵⁶ “Moldovan History Film Angers Champions of Romanian Ties“, Balkan Insight (24 November 2017), at <http://www.balkaninsight.com/en/article/moldovan-history-film-angers-champions-of-romanian-ties-11-23-2017>



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