

TREATY BODY MONITOR

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REPUBLIC OF MOLDOVA, 5TH AND 7TH REPORT

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Information submitted to the Committee

On 6 September 2006 the Republic of Moldova submitted its combined fifth and seventh periodic report to the Committee on the Elimination of Racial Discrimination (the Committee) regarding its implementation of the *International Convention on the Elimination of All Forms of Racial Discrimination* (the Convention).¹ Moldova ratified the Convention on 10 September 1991 with no reservations.

The 50-page report described measures undertaken by Moldova from 2001 to 2005 to implement the Convention. It provided some, but not sufficient,² statistical data and demographic indicators as well as an overview of State policy on the elimination of racial discrimination. The report set out the country's contentious language issue;³ the status of women, foreigners, stateless persons and refugees; and the Government's legislative efforts to harmonise inter-ethnic relations, notably by creating a number of specialised governmental bodies to promote the State's minority policy⁴ and by adopting the *Criminal Code*

¹ CERD/C/MDA/7, available at www2.ohchr.org/English/bodies/cerd/cerds72/htm.

² The report lacked sufficient data on health care, employment, education, and allegations of discrimination brought to court.

³ Moldovan is the official language, and is used in all areas of political, economic, social and cultural life. Russian is the common inter-ethnic language and is used in various areas of official and social life. However, a significant part of the population, mainly comprising people belonging to a national minority, is not proficient in the State language (State report, para 7-8).

⁴ The Bureau for Inter-ethnic Relations; specialised divisions for educational and cultural issues on national minorities within the Ministry of Education, Youth and Sports, and the Ministry of Culture and Tourism; the Human Rights Committee of the Parliament

(2002), the *Law on Combating Extremist Activity* (2003), and a *National Human Rights Action Plan* for 2004-2008.

The Committee's country rapporteur provided the State party with a list of issues on 30 July to 18 August 2007.⁵ Most questions focused on the implementation and realisation of ethnic minorities' civil, political, economic, social and cultural rights. The country rapporteur also requested information on the political participation of the Roma population and issues concerning the freedoms of association and expression. Further clarification was requested concerning the rights to adequate housing and education; violent and racist behaviour among law enforcement officials; the application of the principle of non-discrimination with regard to non-citizens; and updated unemployment figures pertaining to ethnic minorities. Moldova submitted its written reply to the list of issues on 9 August 2007,⁶ which, along with a core document⁷ with general background and legislative information, was made public on the day of examination.

The Resource Centre for Human Rights and the National Roma Center, in partnership with the Centre of Interethnic Research of the Republic of Moldova,⁸ submitted a joint alternative report on Moldova's implementation of the Convention⁹, which responded to the country rapporteur's list of issues. The comprehensive report highlighted the insufficiency of Moldova's institutional mechanisms to properly address systematic cases of racial discrimination, and the absence of legal provisions addressing direct and indirect discrimination. Of particular concern were the patterns of discrimination against Roma, Bulgarians, Ukrainians, and Muslims, as well as denial of access to education in the Moldovan language in schools in the Transnistrian region.¹⁰

Themes and Issues

Mrs Olga Goncareova, General Director of the Interethnic Relations Department of the Government of Moldova, headed the Moldovan delegation. She was accompanied by Mr Mihail Sidorov, Vice-President of the Parliamentary Commission for Legal Issues, Appointments and Immunities (Ombudsman), Mr Eugen Rusu, Prosecutor and Chief of the Human Rights Protection Division at the General Prosecutor's Office, and Ms Corina Calugary, First Secretary of the Permanent Mission of the Republic of Moldova to the UN Office in Geneva.

Mrs Goncareova opened by noting that the Convention was the first international treaty to be ratified by the Republic of Moldova. She further stated that the 1994 Constitution stipulated that all people were equal before the law without distinction, and informed the Committee that Moldova had taken measures to improve its legal framework to address issues involving minorities. She advised that the Bureau for Interethnic Relations,¹¹ charged with implementing the Convention, had 'achieved major results' in combating and preventing racial discrimination. Of particular note was the *National Human Rights Action Plan 2004-2008*,

of the Republic of Moldova; the Centre for Human Rights of Moldova; and the Institute for Inter-ethnic Studies of the Academy of Sciences in Moldova.

⁵ CERD/C/MDA/Q/7, available at www2.ohchr.org/English/bodies/cerd/cerds72/htm.

⁶ CERD/C/MDA/Q/7/Add.1, available at www2.ohchr.org/English/bodies/cerd/cerds72/htm.

⁷ 'Core document forming part of the reports of State parties,' 14 May 2001 (HRI/CORE/1/Add.114).

⁸ On behalf of the Coalition for Promotion of Nondiscrimination Policies in Moldova.

⁹ 'Opinion of the Nondiscrimination Coalition on the progress of the implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination (UN CERD),' available at www2.ohchr.org/English/bodies/cerd/cerds72/htm.

¹⁰ According to the NGO report, the separatist regime in the Transnistrian region of Moldova has banned the use of the Moldovan language in the public and private spheres. Penal and administrative sanctions are enforced upon those who actively oppose the ban. For example, parents whose children study in Romania or Moldova are dismissed from their positions (p.38).

¹¹ Mrs Goncareova explained that the Bureau for Interethnic Relations was the central public administrative body that promoted State policy in interethnic relations and upheld the constitutional rights of citizens with regard to the expression of their ethnic, cultural and linguistic identity.

which ensured the effective protection of the rights of national minorities and provided a framework to resolve the Transnistrian conflict, an issue of continued concern for the Government.¹² On integrating the Roma population into Moldovan society, the head of the delegation asserted that the adoption of the *Action Plan on the Support of the Gypsies in the Republic of Moldova for 2005-2010* would ‘encourage a healthy life style’ and help eliminate racial discrimination against the Roma in all spheres of society.

Mr Nourredine Amir, the Committee member serving as country rapporteur on Moldova’s report, commended Moldova for enshrining human rights in its Constitution, which, he noted, was also in line with the norms of the Council of Europe countries. However, he went on to question Moldova’s population statistics, and noted that Moldova seemed to lack accurate figures on its ethnic minorities, particularly with regard to the Roma population.¹³ The issues of freedom of religion and belief were also highlighted, as there appeared to be no provision specifically protecting the rights of Muslims in the country. Mr Amir spoke in strong terms about the protection of the Muslim minority, commenting that ‘it appeared as if Moldova was content to let that small community die out’. Other issues raised by the country rapporteur included the clearly discriminatory treatment of citizens belonging to ethnic minorities by law enforcement officials,¹⁴ and a new law that punished begging.¹⁵

Throughout the review the Committee members were predominantly concerned with the multi-ethnic character of Moldova’s society,¹⁶ and the types of laws and initiatives that had been implemented to protect minorities’ rights, particularly those of the Roma population and stateless persons. It was noted by several members that the language issue was very sensitive and highly problematic in Moldovan society, and needed to be well managed. There was a relatively heated debate between some Committee members and the delegation on the actual enjoyment of the freedoms of religion, thought and association by the Muslim and Roma communities. Another contentious issue was the alleged racist attitude of law enforcement officials against minorities. Many questions and concerns raised by the Committee members were derived from information provided by NGOs, thereby implicitly giving significant room for civil society participation.

Status of the Convention in domestic law

Provisions regarding discrimination are contained in more than 20 different legislative acts.¹⁷ A draft proposal for a single *Anti-Discrimination Bill* to prevent and combat discrimination was therefore of particular interest to the Committee.

The Committee requested more information on the national human rights plan for 2004-2008, and the involvement of NGOs in the discussion and preparation phase. On a similar note, Committee member Kjaerum posed a question to the Moldovan Centre for Human Rights on whether it was planning to become a ‘fully-fledged’ national human rights institution (NHRI) in compliance with the *Paris Principles*.¹⁸ The delegation explained that a number of NGOs had been involved in preparing the State report. Moldova had

¹² Transnistria declared itself to be an autonomous region after the breakup of the Soviet Union. The declaration of independence led to a war between the region and Moldova, which ended with a ceasefire in July 1992. The ceasefire still holds, but the territory’s political status remains unresolved. Although it is not recognised by any State or international organisation, it is *de facto* independent with its own government, parliament, military, police and postal system.

¹³ There was a ‘grave discrepancy’, Mr Amir stated, between the State figures (about 12.000) and other records (50.000-200.000) on the exact number of Roma living in the Republic of Moldova. ‘This makes a difference, of course, as to how to assess the situation for this minority,’ Mr Amir said, and added that the figures for the Russian and Ukrainian communities were also questionable.

¹⁴ Mr Amir referred to this discriminatory behaviour, of which the Government was well aware, as examples of ‘racial profiling’.

¹⁵ Here, Mr Amir objected to poverty being penalised. ‘Poverty is the final result of human deprivation,’ he said, and expressed doubts that ‘social peace could be created by penalising poverty’.

¹⁶ There are officially considered to be six main ethnic groups in Moldova: Moldovans, Ukrainians, Russians, Gagauzis, Romanians, and Bulgarians, along with other ethnic groups (0.4 per cent). Each of these groups or peoples has its own cultural traditions and quite distinct social and cultural characteristics.

¹⁷ According to the NGO report, neither civil nor administrative legislation defines the notions of ‘racism’ or ‘direct and indirect discrimination’. Notably, ‘colour’ and ‘sexual orientation’ are not included in the list of prohibited grounds for discrimination.

¹⁸ General Assembly *Resolution 48/134*.

looked at the experience of other States, such as Sweden and Lithuania, which had specialised Ombudsmen, before formulating a national plan of action on human rights. The delegation informed the Committee that the Bureau for Interethnic Relations monitored the implementation of the plan, with much assistance from NGOs. In the future, more focus would be placed on eradicating torture and corruption and strengthening the rights of children, refugees, and detainees. The delegation added that the Centre for Human Rights was the key body for persons who felt discriminated against, as it allowed any foreigner or stateless person in the territory to raise relevant issues and seek remedies. The delegation did not provide a direct answer to Mr Kjaerum's question on an NHRI.

Referring to the extremely low number of cases of racial discrimination brought before the courts, Committee member De Gouttes suggested that the current legislation was 'insufficient' and advised the delegation to speedily adopt the drafted bill on racial discrimination. Following up on this point, Committee member Avtonomov drew attention to the fact that the absence of information regarding complaints may be the result of high legal fees or fear of reprisals, rather than an absence of racial discrimination. Mr Avtonomov asked about the dissemination of the Committee's concluding observations and the preparation of the State report, and specifically inquired whether the observations were available in the Moldovan language. He suggested that the State report should have also been prepared in Russian so as to more easily involve civil society. No response was offered on this point. Lastly, several Committee members welcomed the signing and upcoming¹⁹ ratification of the *Rome Statute* of the International Criminal Court.

In its concluding observations, the Committee noted the low number of complaints relating to racial discrimination dealt with by the Centre for Human Rights.²⁰ It recommended strengthening the role of the Centre and considering elevating its status to that of a national human rights institution in compliance with the *Paris Principles*. Detailed information on the enjoyment by national minorities and non-citizens of the rights protected under the Convention, disaggregated by gender, age, ethnic group and nationality was requested, and the Committee recommended developing a coherent system of data collection for that purpose.

Language and education

Language was one of the most contentious and sensitive issues raised.²¹ In effect, the Committee questioned whether Moldova's legislation on languages was adequate, and whether its language policy complied fully with the Declaration.

The Committee queried why the 1992 *European Charter for Regional and Minority Languages* (the Charter) had not yet been ratified.²² The delegation responded that Moldova was committed to ratifying the Charter in 2008 and that a special commission was working on resolving the outstanding issues of concern, namely the monitoring and funding of language projects. It declared its preparedness to meet its Charter obligations with respect to the Moldovan, Russian, Bulgarian and Gagauz languages, and, at a second stage, Romani and Yiddish. Interestingly, later in the session, Committee member Diacuno recommended that Moldova *not* ratify the Charter, as it was a complex convention and demanded a high level of implementation for each minority language. The delegation concurred with his statement and said that Moldova was 'not hurrying', as it needed to find the best solution to the linguistic problems in the country.

¹⁹ A draft bill was, at the time, undergoing its first reading in the Moldovan Parliament. The *Act of Ratification of the Rome Statutes* was to be adopted in March 2008.

²⁰ CERD/C/MDA/CO/7, March 2008, available at www2.ohchr.org/English/bodies/cerd/cerds72/htm.

²¹ Committee member Diacuno suggested that language rights were 'perhaps too important' and 'perhaps acted as camouflage' for other conflicts within Moldovan society.

²² The Charter is a European treaty that was created to protect and promote historical regional and minority languages in Europe (see <http://conventions.coe.int/treaty/en/Treaties/Html/148.htm> for more information). In the Moldovan State report it was announced that a ratification of the Charter had been planned for 2006.

The Committee requested that Moldova clarify whether national minorities were able to study in schools in their own language or only in Moldovan or Russian, as was suggested in the NGO report. In response, the Government explained that there were indeed possibilities for Ukrainians and Bulgarians to study in their own languages from pre-school to high school. Several educational establishments offered ‘these subjects,’ and some regions had special bilingual institutions. Mrs Goncharova noted that, under the education law, the parents could choose the language of education. She added that a group of experts from the academia of sciences monitored the education system, including the need for parents to provide teaching of children in their own language.

An additional source of concern to the Committee was that some state officials did not always speak the local language, which sometimes led to discrimination against a majority in a given area. The delegation replied that, ‘in some cases people are displeased about the fact that answers to a registered complaint are sometimes given in a different language,’ but added that the country was indeed bilingual.

In its concluding observations, the Committee recommended that the State party provide adequate opportunities for minority children to receive instruction in their native language, as well as in Moldovan. Efforts to improve the quality of Moldovan language education should also be intensified.²³

Racial discrimination in the judicial system

Questions regarding racial discrimination and ill-treatment of persons belonging to an ethnic minority by law enforcement officials, as well as the alleged detention of Roma, Muslims and Afro-Asians during weekends, were raised on several occasions.

Statistics on police abuse were requested and Committee member Prosper asked whether people did not complain out of fear, or due to a lack of an institutional mechanism to receive complaints on this matter. ‘There might be some cases of this kind,’ the delegation acknowledged, ‘but the Government tries in all cases to put an end to illegal detention, particularly with regard to the Roma population.’ It further explained that judges were on duty during weekends precisely to deal with such cases. The Committee then inquired about people’s awareness of the existence of these judges who monitor the legality of detentions during holidays and weekends. The delegation stated that ‘the population was well aware’ of its access to these judges. Mr Ruso, the Government’s legal representative, disagreed with the notion that Moldovan police officers have a racist attitude against minorities. Despite having worked as a prosecutor for 30 years, he had ‘never seen this phenomenon’. He maintained that the police had recently undergone training on human rights and that a *Code of Ethics* for policemen had been adopted.

Some Committee members openly questioned the independence and impartiality of the Moldovan courts. Mr De Gouttes drew attention to recent NGO reports that expressed concern about pressure brought against judges and widespread corruption in the justice system. Mr Ruso, the legal representative in the Moldovan delegation, answered that it was not realistic to deny incidents of corruption: three cases of corruption had ended with convictions, and ten people who were accused of abuse of authority had been convicted last year. He hoped that the implementation of the *National Human Rights Action Plan 2004-2008* would further improve this situation.

In its concluding observations, the Committee recommended that the State party ensure that all reported cases of racial discrimination, including cases of police violence, be effectively investigated and prosecuted. It also recommended introducing mandatory training for all law enforcement officials on the application of criminal law provisions with regard to racial hatred and discrimination, and informing the public about all relevant legal remedies.

²³ The Committee encouraged the State party to proceed with its planned accession to the *European Charter for Regional and Minority Languages* and consider applying it also to numerically smaller minorities.

Racist organisations and appropriate punishment

With regard to punishing organisations that engage in extremist activity and racial defamation,²⁴ the Committee considered existing measures (an initial warning, and later a suspension of activities for a year) to be far too weak. It reminded the delegation that the Convention calls for such organisations' members to be punished and the organisation to be banned, and stated that there should at least be a fine applied. The delegation in turn explained that an organisation could be dissolved if warnings were not heeded, and that people who violated the law on combating extremism could be prosecuted in a criminal court. As there were only two known cases of this kind, the delegation maintained that there was little need for concern in this sphere.

In its concluding observations, the Committee recommended that the State party ensure the compliance of the *Law on Combating Extremist Activity* and other relevant criminal law provisions with the Convention.

Discrimination against the Roma population

As the country rapporteur before him had done, Committee member Thornberry requested clarifications of the notable discrepancy between official census statistics and NGO reports. He asked about the technical aspects of the census questionnaire and enquired what choices and questions were given to people to tick with regard to ethnicity. He suggested that, because of the 'prevailing climate' of discrimination against Roma, people were discouraged to state their ethnicity and preferred to associate with other groups.²⁵ The delegation responded that there had been a misunderstanding regarding the statistics: the data in the report was based on censuses carried out in 1999 and 2004, and the substantial discrepancy noted by the Committee was mainly due to a high level of immigration in recent years. With regard to the questionnaire, a question on nationality was included, to which each person could choose whichever nationality was appropriate. The delegation insisted that the Roma population was thus given the right to associate itself as it saw fit.

Some Committee members raised concerns that both unemployment and illiteracy rates amongst the Roma minority were extremely high. Committee member Peter asked about the effectiveness of the adopted plan of action on supporting the Roma minority, particularly regarding children's education. The head of the delegation gave a lengthy answer, in which she acknowledged that the Government's task was to create suitable conditions so that all children could go to school, but also pointed out the difficulties that the Roma lifestyle itself posed to this task.²⁶ The Government had rejected a demand from the Roma community to establish separate schools for their children, as this was regarded as ethnic segregation. A Government initiative to address two issues of concern, namely education and problems between the Roma minority and law enforcement officials, had been ignored by the community,²⁷ and the delegation stressed that steps must be taken by both the State and the Roma community to have a real impact on attitudes.

The delegation assured the Committee that the Government would meet in April 2008 to assess the work of the Departments on the plan of action to support the Roma population. In the interest of 'lessons learned',

²⁴ In the *Law on Combating Extremist Activity*, an extremist organisation is defined as 'a public or religious organisation, mass media agency, or other organisation against which a final court ruling is issued on the cessation or suspension of activity for conducting extremist activity' (State report, para. 86).

²⁵ Mr Thornberry suggested that private research institutes could be used to undertake the next census. He added that 'creative solutions' were encouraged to get 'at least a rough estimate of the population you are trying to help.'

²⁶ The delegation explained that a large part of the adult Roma population migrates to Poland and Russia for employment from March to October, leaving behind many children who cannot live with their parents. Due to the massive emigration, many Roma children are placed in institutions or in the care of distant relations or other persons while their parents travel abroad. (On this matter, the Committee on Economic, Social and Cultural Rights in 2003 expressed its concern that these children are at great risk of abuse and neglect.)

²⁷ The Government had suggested free police training for young Roma people, the delegation said, but not a single application was received from the Roma community.

Committee member Kjaerum suggested that the Government look into the reasons why the Roma community wanted separate schools and why the police initiative had failed so badly.

In its concluding observations, the Committee recommended that the State party elaborate annual plans for the implementation of the *Plan of Action in support of the Roma population* and make information on envisaged or implemented measures available to the public. It also recommended intensifying efforts to train unemployed Roma for the labour market, providing financial support to Roma families to cover the costs of schooling, and raising awareness among Roma families about the importance of education. Efforts to combat negative social attitudes against persons of minority ethnic origin should also be intensified.

Stateless persons and the freedom of association

Article 19 of the Moldovan Constitution of National Unity stipulates that citizens, foreigners and stateless persons should have the same rights and obligations before the law and other authorities. Non-citizens are, however, not allowed to be members of political parties or social political organisations. This was of concern to the Committee, which requested the delegation to clarify the meaning of the phrase ‘social political organisation’ and to explain why non-citizens were not permitted to be members of these organisations or of political parties.²⁸ In addition, Committee member Kjaerum noted that non-citizens were not allowed to be public employees. He inquired whether there were positions in the civil service where nationality was not required, such as postmen. Mr Kjaerum said that he could understand if stateless persons could not run for election or be ‘top-members’ in the public sphere but argued that ‘there should be room for nuances on the other end of the scale’.

The delegation explained that there was a law in Moldova that governed the formation and actions of non-political organisations and that more than 3.000 such associations were registered at present. At a later stage, the delegation declared that there must have been a translation problem, as there were no ‘social political’ associations but rather ‘public organisations’ in the country. ‘Great attention’ was currently being paid by the Government to civil society’s suggestions to reform and amend the legislation. No explanation was offered however as to why stateless persons were not allowed to become members of these public organisations.

In its concluding observations, the Committee noted with concern that many existing non-discrimination provisions guaranteed equality before the law and equal enjoyment of human rights only to citizens. It recommended that the State party consider adopting comprehensive non-discrimination legislation protecting both citizens and non-citizens.

Religious discrimination

Several Committee members somewhat heatedly elaborated on what appeared to be religious discrimination with regard to Muslims and the Tatar community in Moldova. In particular, the Committee was concerned about the refusal to allow special burial grounds for Muslims and the difficulties faced by Islamic organisations in registering as legal associations in Moldova. Referring to the ban on religious practices for foreigners and unregistered organisations, and the Government’s unwillingness to recognise the Spiritual Council of Muslims,²⁹ some Committee members suggested that Moldova seemed to ‘draw parallels between Islam and terrorism’. This allegation was immediately denied by the delegation, which stated that 12 Islamic organisations were in fact registered. It further explained that ‘procedural points,’ such as invalid or inadmissible documents, were usually the reason why several Islamic organisations’ applications for legal

²⁸ Committee member Kjaerum also asked what happened if a regular citizen wanted to be a member of more than one social political organisation, which was currently illegal. No response was given to this question.

²⁹ According to the NGO report, the police had interrupted religious rituals on various occasions and undertaken identity checks, detaining all persons who did not hold Moldovan citizenship for violation of visa requirements and the ‘illegal’ practise of an unrecognised religion. The State Religious Service has refused to register the Spiritual Council of Muslims on the grounds that, ‘the majority of persons belonging to the council are foreign citizens.’ (p.37).

registration had been denied by the Bureau for Interethnic Relations. ‘There were no religious problems in Moldova’, the delegation firmly stated.

The atmosphere in the room became somewhat tense as the Committee and the delegation debated the repeated refusal to allow for a Muslim burial ground. Mr Peter found it ‘very disturbing’ that Muslims are denied burial of their own people, and exclaimed that, ‘people are therefore discriminated against literally to their grave! It is as if there are no Muslims in Moldova!’ In response, Mrs Goncharova maintained that the Muslim community had turned down an offer to use an attributed part of the public cemetery and instead had demanded a separate cemetery. She declared that Moldova did not have separate cemeteries for various religions, but that the question was under discussion. One Committee member, Mr Aboul-Nasr, responded that this ‘thinking process’ was taking far too long. Committee member Lahiri recommended that the delegation draw inspiration from other countries, such as France, which designated separate cemeteries to Muslims.

Committee member Peter criticised the use of the phrase ‘religious cults’ in paragraph 167 of the State report. He hoped that it was simply a translation mistake, as the word ‘cult’ had a strong negative connotation in most parts of the world. Committee member Kjaerum posed a question to the delegation about anti-Semitism in Moldova, saying that this was not expressed in regular media but rather on the Internet. He wondered whether the law on extremism applied also to cyberspace. The delegation briefly replied that it did not know of any such cases.

In its concluding observations, the Committee recommended that the State party consider facilitating the registration of Muslim ethnic minorities as religious communities, and ensure that these members can be buried in accordance with their beliefs and preferences.

Minority representation

Committee member Peter enquired about minorities’ rights to proportional representation in the parliament and other executive and legislative power structures. In particular, he asked whether representatives from a national minority worked in the Parliament on behalf of their own group, or for their political parties. Mr Peter also asked how the Government intended to ensure that minority representatives could enter the Parliament in their own right to represent the minorities’ agendas. Mr Kjaerum asked the delegation whether people were registered according to their ethnicity, and he requested figures setting out Roma representation in the executive bodies. In response, the delegation affirmed that Members of Parliament (MPs) who represented different ethnic groups had ‘every right to fully participate’ in the political arena. The MPs now included more than 30 representatives from national minorities, of which 18 were women.³⁰ Replying to Mr Kjaerum’s questions, the delegation said that the Roma population was represented in the Ministries of Health, Culture and Foreign Affairs, and worked in a wide range of professions, notably as teachers and doctors. No figures could be provided to the Committee, however.

In its concluding observation, the Committee noted with concern that the Roma were not represented in Parliament. It recommended adopting special measures³¹ to ensure an ‘approximately proportionate representation’ of the Roma and other under-represented minorities in Parliament and in the public service.

The question of Transnistria

Several Committee members brought up the vexed issue of Transnistria, a separatist and mainly Russian-speaking region that, for two decades, had been demanding independence.³² The members expressed their

³⁰ According to the NGO report, no Roma was represented in the Moldovan Parliament (p.12).

³¹ Such as statutory electoral and public service quotas, as well as specific training programs (para.16).

³² Another region, the Gagauz Republic, declared its independence at the same time as Transnistria. A compromise solution was found and the region was accorded special autonomous status in December 1994.

concern over the lack of political solutions to that situation, and the absence of relevant human rights information. Mr De Gouttes wondered how the Government could try to ensure the protection of human rights in Moldova when a portion of its territory was no longer under ‘direct control’. Mr Diacuno spoke of the region as a ‘no-mans-land’ and told the delegation that ‘respect for the integrity of the Republic of Moldova should be ensured’. Committee member Amir said that a political agreement must be reached before the situation escalated into an interethnic conflict. Information from ‘other sources’ showed that the language issue in the region was of serious concern, which could escalate into severe interethnic conflict. Mr Amir then suggested that the community-based existence of the national minorities could be used as an example to help contribute to a federalist republic.

On monitoring human rights in the region, the delegation replied that human rights violations were not of a ‘massive nature’, but acknowledged that certain violations did take place, as Transnistria was neither a recognised State, nor under the Moldovan State’s control. There had been an Organisation for Security and Co-operation in Europe (OSCE) mission in Transnistria since 1993, which had been contacted when cases of human rights complaints were brought to the attention of the Centre for Human Rights. The Government also tried to bring together Transnistrian NGOs to cooperate and participate in seminars and conferences. In response to Mr Amir’s question, the delegation responded that, given most minorities were dispersed throughout the country, any sort of federalism was not likely. The delegation hoped that Transnistria would be integrated into Moldova. There had not yet been a political solution due to insufficient policy clarity from both parties, and ‘political mistakes’. There was an ongoing negotiating process, which was ‘not easy’ and involved mediation from the United States of America and OSCE. The process aimed to unify Moldova’s territory into a fully sovereign State.

Conclusions and next steps

As the session ended, Mr Amir, the country rapporteur, acknowledged that the questions and replies probably required more time than was available. It remained to be seen how national unity could be achieved. Mr Amir reiterated that language was a very sensitive issue, as was ethnicity and religion. There was one issue that had not been sufficiently addressed, namely poverty and its impact on the capacity to react to racism and discrimination. Mr Amir noted that Moldova was one of the poorest countries in Europe,³³ and suggested that reducing poverty could be used as a tool to deal with the question of sovereignty. On a different note, he said that the State report had respected the standards and methodology that the Committee had asked for, but that it was not perfect. Mr Amir concluded by asking the delegation to bear in mind the Committee’s recommendations in its next report, particularly those paragraphs where responses were sought from Moldova as part of its follow up.

Mrs Goncharova thanked the Committee for its ‘careful attention’ to the issues and problems in the country, which the Government intended to solve by building a unified State. She was touched, she said, by Mr Amir’s statement on poverty, and commented that the country ‘was not rich’ but that ‘poverty issues are not of an ethnic nature’. Mrs Goncharova informed the Committee that all conclusions would be brought to the attention of the highest levels in the Government. She ended by inviting the Committee to visit Moldova.

A number of UN treaty bodies made previous concluding recommendations and observations on the same issues addressed by the Committee. The Committee on Economic, Social and Cultural Rights urged Moldova to strengthen its efforts to combat corruption and work towards ensuring better remuneration for civil servants and judges. It was also concerned about the high rates of unemployment among the Roma population, which

³³ The Committee on Economic, Social and Cultural Rights noted that an estimated 40 per cent of the Moldovan population lived in absolute poverty and that extreme poverty was especially pronounced in rural areas and among children (CERD 2003).

had prompted many to work illegally without social insurance or legal protection.³⁴ The Committee on the Rights of the Child was concerned that the principle of non-discrimination was not fully implemented with regards to children of Roma origin and other ethnic minorities, especially in terms of their right to education, health and social welfare.³⁵ The Committee against Torture expressed concern about the ‘dysfunctional’ criminal justice system; the numerous allegations of acts of torture and degrading punishment of detainees in police custody; the lack of adequate access by persons in custody to legal and medical assistance; and the absence of an independent oversight mechanism to deal with complaints against the police.³⁶

The Committee invited Moldova to submit its eighth and ninth periodic reports by 25 February 2010.

Last revised and updated: 5 May 2008.

³⁴ E/C.12/1/Add.91 (CESR 2003), paras. 33 and 14.

³⁵ CRC/C/15/Add.192 (CRC 2002), para. 26.

³⁶ CAT/C/CR/30/7 (CAT 2003), para. 5 (a), (b), (e), (f), (h).

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