



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

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**COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION**
Seventy-second session
18 February-7 March 2008

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

MOLDOVA

1. The Committee considered the combined fifth to seventh periodic reports of the Republic of Moldova (CERD/C/MDA/7) at its 1861st and 1862nd meetings (CERD/C/SR.1861 and 1862), held on 27 and 28 February 2008. At its 1871st and 1872nd meetings (CERD/C/SR.1871 and 1872), held on 5 and 6 March 2008, the Committee adopted the concluding observations as set out below.

A. Introduction

2. The Committee welcomes the comprehensive report and written replies submitted by Moldova. It appreciates the frank and detailed answers provided by the delegation in response to the Committee's questions, as well as its concrete proposals for further developing the constructive dialogue between the Committee and the State party.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the eastern region of Transnistria continues to be outside the effective control of the State party, which is therefore unable to monitor the implementation of the Convention in that part of its territory.

C. Positive aspects

4. The Committee welcomes the adoption by the State party of the Status of Refugees Act in 2002, as well as of regulations based on that Act concerning the provision of material assistance to refugees (Government decision No. 1622 of 31 December 2003), and of a national programme of action on migration and asylum (Government decision No. 448 of 27 April 2006) to reduce the adverse consequences of illegal migration and to strengthen the domestic system of asylum.

5. The Committee notes with appreciation that the National Human Rights Plan of Action for 2004-2008 of the State party includes a chapter on the rights of national minorities.

6. The Committee notes with appreciation that the State party has included education on the Holocaust and the causes of the genocide of Jews and Roma between 1941 and 1944 in school curricula, and that modern history textbooks contain chapters on the Holocaust and the genocide of Jews and Roma.

7. The Committee welcomes the recent legislative initiatives of the State party to bring its domestic legislation into line with the Rome Statute of the International Criminal Court, with a view to preparing its accession to the Rome Statute.

C. Concerns and recommendations

8. The Committee notes the absence in the report of disaggregated statistical information on the enjoyment by members of national minorities and non-citizens of the rights protected under the Convention, such as the rights to work, housing and health, and on school attendance and dropout rates among minority and refugee children.

The Committee requests the State party to provide detailed information in its next periodic report on the enjoyment by national minorities and non-citizens of the rights protected under the Convention, disaggregated by gender, age, ethnic group and nationality, and recommends that a coherent system of data collection be developed for that purpose.

9. The Committee notes that the parliamentary advocates heading the Centre for Human Rights of Moldova have dealt with only a few complaints related to racial discrimination.

The Committee recommends that the State party promote the role and strengthen the activities of the parliamentary advocates in relation to complaints about racial discrimination, and consider elevating the status of the Centre for Human Rights to that of a national human rights institution, in compliance with the Paris Principles (General Assembly resolution 48/134, annex, of 20 December 1993).

10. The Committee notes with concern that the State party has not adopted comprehensive legislation to prevent and combat discrimination in all areas, and that many existing non-discrimination provisions guarantee equality before the law and equal enjoyment of human rights only to citizens (art. 2 (1) (d)).

The Committee recommends that the State party consider adopting comprehensive non-discrimination legislation protecting both citizens and, subject to reasonable differentiations, non-citizens, and that it include a definition of direct and indirect discrimination, as well as provisions on adequate sanctions, compensation and on a shared burden of proof in civil proceedings.

11. The Committee notes with concern reports regarding the decrease in the budget of the Bureau for Inter-Ethnic Relations, the central public administrative body promoting inter-ethnic relations and the rights of citizens to manifest their ethnic, cultural and linguistic identity. It also notes that the division for national minorities, inter-ethnic relations and languages of the Bureau is understaffed, and that its advisory body, the Coordinating Council of Ethnic and Cultural Organizations, has failed to represent the interests of national minorities effectively (arts. 2 (1) (e)).

The Committee recommends that the State party allocate sufficient resources to the Bureau for Inter-Ethnic Relations, in particular its division for national minorities, inter-ethnic relations and languages, and that it strengthen the independence of the Coordinating Council of Ethnic and Cultural Organizations.

12. While acknowledging that the plan of action to provide support for the Roma for the period 2007-2010 (Government decision No. 1453 of 21 December 2006) includes special measures in the fields of employment, health care, social welfare, protection of children, education and culture, the Committee notes with concern that the Bureau for Inter-Ethnic Relations has reportedly failed to elaborate annual plans for the implementation of the plan of action, and that non-governmental organizations allegedly have no access to information on the implementation of the plan of action (art. 2 (2)).

The Committee recommends that the State party elaborate annual plans for the implementation of the plan of action in support of the Roma population (2007-2010) and that information on any measures taken or envisaged to implement the plan of action be made available to the public in order to ensure that non-governmental organizations, in particular Roma organizations, can participate effectively in the implementation and monitoring of the plan.

13. The Committee notes with concern that public and religious organizations that pursue extremist activities, including incitement to racial, national and religious hatred, and mass media agencies disseminating materials of such extremist nature are not in practice declared illegal and prohibited under articles 6 and 7 of the Law on Combating Extremist Activity. It also notes with concern that only very few complaints have been registered and investigated under these provisions and under articles 135, 176 and 346 of the Criminal Code (arts. 4 and 6).

The Committee recommends that the State party ensure that articles 6 and 7 of the Law on Combating Extremist Activity and other relevant criminal law provisions are applied in full conformity with article 4 of the Convention. It reminds the State party that the absence of complaints and legal action by victims of racial discrimination may be merely an indication of a lack of awareness of the availability of legal remedies or of insufficient will on the part of the authorities to prosecute. In that regard, the Committee recommends that the State party introduce mandatory

training for the police, prosecutors, judges and other law enforcement officers on the application of criminal law provisions sanctioning incitement to racial hatred and discrimination by individuals and organizations, and that it inform the public about all legal remedies in the field of racial discrimination. It also requests the State party to provide updated information in its next periodic report on the number of complaints registered and investigated under articles 135, 176 and 346 of the Criminal Code and under the Law on Combating Extremist Activity, as well as on the types of sanctions imposed on perpetrators and on compensation provided to victims.

14. The Committee is concerned that applications by Muslim ethnic minorities, such as the Tatars, to be registered as religious communities have been rejected by the State Service for Religious Issues, apparently on purely formal grounds (art. 5 (d) (vii)).

The Committee recommends that the State party consider facilitating the registration of Muslim ethnic minorities, such as the Tatars, as religious communities, including the possibility of resubmitting required documents in cases where applications are incomplete.

15. The Committee notes with concern that the State party has only offered to designate specific areas in Christian cemeteries for Muslim burials, although Muslim ethnic minorities have repeatedly asked to be assigned separate burial sites (art. 5 (d) (vii)).

The Committee recommends that the State party ensure that members of Muslim ethnic minorities, such as the Tatars, can be buried in accordance with their beliefs and preferences.

16. The Committee notes with concern that the Roma are not represented in Parliament and that, apart from the police force, there are no quotas for the recruitment of Roma in the public service, despite the right of national minorities to an approximately proportionate representation in the executive, the judiciary and the army under the Members of Ethnic Minorities (Rights and Legal Status of their Associations) Act of 2001 (arts. 5 (c) and 2 (2)).

The Committee recommends that the State party adopt special measures, such as statutory electoral and public service targets and specific training programmes, to ensure an approximately proportionate representation of the Roma and of other underrepresented minorities in Parliament and in the public service, including at senior levels and in the judiciary, in accordance with the Members of Ethnic Minorities (Rights and Legal Status of their Associations) Act of 2001.

17. The Committee notes with concern the reported high unemployment rate among the Roma population and the lack of employment opportunities for Roma (art. 5 (e) (i)).

The Committee recommends that the State party intensify further its efforts to train unemployed Roma for the labour market, including through specifically targeted vocational training, retraining and language training programmes, and by creating favourable conditions for investment and private entrepreneurship among Roma communities, including infrastructural measures and loans for microbusinesses.

18. The Committee notes with concern that the Ukrainian, Gagauz and Bulgarian languages and cultures are taught as subjects only in a limited number of schools where the language of instruction is Russian, that Ukrainian or Bulgarian are the language of instruction only in certain classes in a few experimental schools, that there are no schools where the Roma, Azeri or Tatar language and culture are taught, and that the quality of Moldovan language education for minority children is reportedly poor (art. 5 (e) (v)).

The Committee recommends that the State party intensify its efforts to provide adequate opportunities for minority children to receive instruction in their native language and in Moldovan, and/or study their language and culture throughout the entire cycle of education, including by (a) extending the teaching of Ukrainian, Gagauz and Bulgarian to schools where the language of instruction is Moldovan; (b) increasing the number of schools where these languages are the language of instruction; and (c) introducing languages of numerically smaller minorities as school subjects whenever there is sufficient demand. The State party should also continue and intensify further its efforts to improve the quality of Moldovan language education for minority children. In that context, it is encouraged to proceed with its planned accession to the European Charter for Regional or Minority Languages, and to consider applying it also to numerically smaller minorities.

19. The Committee notes with concern the reported low school attendance and high dropout rates among Roma children, as well as reports that only very few Roma students have received State scholarships for higher education and that none has been admitted under the 15 per cent quota of the total number of places in higher education (for each subject, profession and type of college) that have been reserved for certain disadvantaged groups, including the Roma (art. 5 (e) (v)).

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, and continue and intensify its efforts to raise awareness among Roma families about the importance of education starting from preschool. It also recommends that the State party make full use of available scholarship schemes and quotas to increase Roma participation in higher education.

20. The Committee notes with concern the lack of information on, and the low number of, registered complaints about acts of racial discrimination and discrimination against ethnic minorities, including police violence against Roma, Muslims and persons of African or Asian descent. It also notes the lack of information on the number of criminal investigations and the types of sanctions imposed on perpetrators under criminal law provisions, the Code of Administrative Offences and other relevant legislation (art. 6).

The Committee recommends that the State party ensure that all reported cases of racial discrimination and discrimination against ethnic minorities, including cases of police violence against Roma, Muslims and persons of African or Asian origin are investigated and prosecuted effectively and that victims have access to effective remedies, including compensation. It requests the State party to provide, in its next

periodic report, detailed information on the number of complaints received and registered concerning such acts of discrimination, the number of criminal investigations and the types of sanctions imposed on perpetrators under relevant criminal law and other provisions, as well as on the amounts of compensation provided to victims.

21. The Committee is concerned about the persistence of negative societal attitudes and stereotypes against Roma and other persons of minority ethnic origin (art. 7).

The Committee recommends that the State party increase its efforts to combat prejudices, including among Government officials, against Roma and other persons of minority ethnic origin, and that it strengthen the activities of the Bureau for Inter-Ethnic Relations to promote tolerance and foster intercultural dialogue among the different ethnic groups of Moldova.

22. The Committee encourages the State party to consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158, annex, of 18 December 1990).

23. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I) when implementing the Convention in its domestic legal order, particularly with regard to articles 2 to 7 of the Convention. The Committee also urges the State party to include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level. The Committee also encourages the State party to participate actively in the Preparatory Committee of the Durban Review Conference in regional preparatory meetings, if appropriate, and in the Durban Review Conference in 2009.

24. The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the 14th meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites Assembly resolution 61/148 of 19 December 2006, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

25. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to those reports be similarly publicized in the official and national languages.

26. The Committee recommends that the State party consult widely with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of its next periodic report.

27. The Committee invites the State party to update its core document in accordance with the requirements of the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the human rights treaty bodies in their fifth inter-committee meeting, held in June 2006 (see HRI/GEN/2/Rev.4).

28. In accordance with article 9, paragraph 1, of the Convention and article 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 12, 14 and 19 above.

29. The Committee recommends that the State party submit its eighth and ninth periodic reports, in a single document, due on 25 February 2010, taking into account the specific guidelines for Committee documents (CERD/C/2007/1), and that the report be an update document and address all points raised in the present concluding observations.
