**SUBMISSION**

**towards the Call for written submissions aiming to inform the preparation of the 2024**

**Report of the Special Rapporteur on Minority Issues to the UN General Assembly**

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Conceptual Considerations

Regular, free and fair elections, functioning parliamentarism and rule of law (often seen as the substance of democracy) on their own cannot guarantee human rights and, in particular, minority rights. The main reason for this is that all these democratic institutions function on the basis of majority decision-making. In most modern democracies the central power is held and controlled by the ethnic, linguistic and religious majorities of the respective countries. These majorities often adopt decisions which reflect only the political will and interests of these majorities, while the minorities cannot outvote them due to numerical considerations.

There are multiple examples from the Republic of Moldova that prove this thesis (please see the full submission for details). Therefore, the answer to question 4 from the Call for Submissions is this: In the context of Moldova, the majority-based decision making during elections, in the Parliament, in local councils and many other public authority bodies is the main institutional arrangement and political practice that *de jure* and *de facto* marginalizes persons belonging to minorities in terms of effective participation in decisions at the national and local levels. It is to mention, that the representation of minorities in the Moldovan central authorities is low, and the absolute majority of the decision-taking members of the Moldovan central authorities have no knowledge of the international human and minority rights standards, they also have a vague understanding of minority needs.

Thus, to make minority rights work, special institutional arrangements and mechanisms have to be established to uphold minority rights, including in cases of decisions adopted by the political majority. Ideally, the independent courts system and the independent national human rights institutions (human rights commissions, ombuds institutions, etc) should temper minority-abusive political decisions. But this can only work if these institutions themselves are minority sensitive and responsive. This could be achieved through a good training **system** on minority issues and through effective adoption of minority-inclusive views by the non-minority members of the judiciary and NHRIs. It could be also achieved through sufficient inclusion of trained minority members into the composition of these institutions. The Republic of Moldova can provide examples of both, successful and unsuccessful institutional arrangements and mechanisms in this regard.

Agency for Interethnic Relations

Agency for Interethnic Relations (ARI) is the central governmental body in charge of implementation of public policies in the field of interethnic relations and functioning of languages in Moldova.[[1]](#footnote-1) This body was first established in 1991 and over the past years underwent a number of reforms. In essence, ARI functions on the basis of understanding that minority and language issues are “a field” of public affairs, which should be managed as any other such field, like education, healthcare, internal affairs, etc. At the same time, the ARI was endowed with very limited powers and resources to carry out its mandate. As the result, ARI ended up dealing mainly with organization and coordination of ethno-folkloric events, such as the annual Ethno-Cultural Festival, Holocaust commemoration events, Roma day events, etc. ARI does not work and does not have powers to work in such important (for minorities) domains as education, healthcare, employment, social protection, etc. Overall, ARI proved to be an institution with limited impact on upholding of minority rights in Moldova.

Standing Commission of the Parliament on Human Rights and Inter-Ethnic Relations

Another key structure in charge of legislating and oversight over the minority rights in Moldova is the Standing Commission of the Parliament on Human Rights and Inter-Ethnic Relations.[[2]](#footnote-2) On paper this Commission has a vast mandate, inclusive of:

* Human rights;
* The problems of national minorities;
* The problems of religious cults;
* Monitoring the implementation of the legal framework in the field of non-discrimination, economic, social and cultural rights of the person;
* Promoting policies and strategies in the field of human rights, as well as monitoring of their implementation;
* Examining the petitions assigned according to the field of activity and resolving them according to the provisions of the legislation in force.[[3]](#footnote-3)

Despite this broad mandate and significant Parliamentary powers, this Standing Commission did not play a notable role in the upholding of minority rights (or representation of minorities) in Moldova. Parliamentary activity in Moldova is highly politicized, meaning that laws and other acts are processed in the Parliament mostly based on the political authorship of such acts. The initiatives and acts proposed by the ruling party and its government are usually promoted and voted for quickly and easily, while the initiatives and acts proposed by the opposition are mostly blocked or rejected. Historically, during the allotment of the chairmanships over the Parliamentary committees at the beginning of every new legislature, the Standing Commission of the Parliament on Human Rights and Inter-Ethnic Relations is usually allotted to the opposition, because this Commission is deemed to be one of the most weak and unimportant Parliamentary committees. This practice, on the one hand, is indicative of the importance given to human and minority rights by the Parliament of Moldova and by political parties acceding to the power. On the other hand, this practice explains why this Standing Commission was unable to play a significant minority related role in Moldova.

Specialized Strategies and Plans

Another institutional mechanism used by Moldova to advance minority rights are specialized strategies and programs (in the past – plans): 2017-2027 Strategy on Consolidation of Interethnic Relations in the Republic of Moldova, programs on implementation of the mentioned Strategy (the current one is for the period 2023-2025) and programs on the support of the Roma population (the the current one is for the period 2022-2025). All these documents share one common feature: they remain mostly unimplemented, because they are not backed by funding and strong institutional arrangements. Suffice to say that the main authority in charge of the implementation of all these specialized documents is the Agency of Interethnic Relations, which, as described above, lacks the mandate, powers and capacities to work substantially on the implementation of minority rights.

The 2018-2022 National Human Rights Action Plan had a chapter dedicated to the rights of the minorities.[[4]](#footnote-4) Only 13% of the minority-related targets from this Plan were fully or partially met by 2022 (the final year of the document’s cycle).[[5]](#footnote-5) The new National Human Rights Program for 2024-2027 treats minorities in terms of cultural-folkloric aspects and minority issues were *de facto* ignored by the Government in the rest of the Program despite multiple recommendations of UN and CoE human rights mechanisms, as well as proposals of the Equality Council and minority NGOs.[[6]](#footnote-6)

The National Human Rights Council and the National Human Rights Secretariat

In 2018-2019 a new institutional mechanism for implementation coordination and monitoring of human rights has been introduced in Moldova. Most notably, this innovative mechanism included the newly established National Human Rights Council and the National Human Rights Secretariat. The National Human Rights Council is made of heads and representatives of all key Moldovan public authorities meeting periodically to report and decide on the implementation of human rights. The National Human Rights Secretariat (now renamed into the Direction on Human Rights and Cooperation with Civil Society) is a new permanent division in charge of coordinating implementation and monitoring progress in the field of human rights on a day-to-day basis. The overarching idea of these two new institutional structures was to mainstream human rights into the everyday management of public affairs.

Unfortunately, despite calls from the UN and civil society, these two structures were not appropriately staffed and positioned administratively. In particular, there is no one in these two structures made explicitly in charge of minority rights, and, as a result, minority rights remained mostly under the radar in their activities. Although with no tangible effect on minority rights so far, this institutional arrangement is not a failure. If it is strengthened in terms of mandate and power, and in terms of inclusion of officer(s) specifically in charge of minority rights, this institutional arrangement can prove its success.

Community Mediators

Roma people are one of the most marginalized and discriminated groups in Moldova in such fields as education, employment, healthcare, social protection, housing and many others. Inspired by a similar practice in Romania, the first Roma community mediators were piloted in Moldova around early 2010s. Roma community mediators were subsequently institutionalized by the Government of Moldova in 2013. In present, Roma community mediators function in the Republic of Moldova as part of the local mayor’s offices in circa 50 local communities. This functioning of Roma community mediators as part of the local executive teams contributed significantly to the inclusion of the Roma voices into the local decision making. This could be considered a positive practice.

Building on the successful example of Roma community mediators, in 2022-2023 the Moldovan NGO “Human Rights Embassy” proposed and piloted the function of Ukrainian community mediators as the mechanism for short-term assistance and long-term integration of Ukrainian refugees in Moldova. Ukrainian community mediators are not yet institutionalized formally.

Minorities Expert Group by the National Human Rights Institutions

As described above, historically Moldova did not have an effective mechanism for inclusion of minority perspectives into public decision-making, including concerning minorities themselves. In 2023, the Moldovan Equality Council and the Ombuds Office (two NHRIs), with the support of OSCE Mission to Moldova, established a new and innovative mechanism for the inclusion of minority perspectives – the Minorities Expert Group by the National Human Rights Institutions. This Expert Group composed of minority community members and minority rights experts meets regularly and advises the two NHRIs on matters of public interest affecting minorities. Since its establishment in the end of 2023, the Expert Group met four times and its individual members had, *inter alia*, an impact on a set of retrogressive legislative amendments concerning access to projects of normative acts in minority languages. Following the repeated public calls made by the members of this Group, the retrogressive amendments were revoked. Although this is a brand new and still “young” structure, the Minorities Expert Group by the National Human Rights Institutions has a good chance to become a strong channel for inclusion of minority perspectives into the public decision-making (so much needed in Moldova). This potential success, though, requires strong buy-in and engagement of the two NHRIs – the Equality Council and the Ombuds Office – as well as a strong support from the UN and other international development partners (this support is now very weak).

Minority Diversity in the Key Human and Minority Rights Institutions

Appointment of minority members into the key positions in public institutions plays a major role in ensuring attention to inclusion of minority perspectives into the public decision-making. The Equality Council of Moldova (the national equality body) is, probably, the most minority-inclusive central public authority in Moldova. Among its five members from the previous composition (July 2018 - March 2024) three members, including the Council’s Chair, were members of Moldova’s minority communities (and renowned non-discrimination figures) due to the legal provision requiring “representation of ethnic and minority groups”[[7]](#footnote-7) among the Council members. A Deputy of the Moldovan Ombuds Office (the former Chair of the Equality Council) is also a member of a minority community. Namely these two institutions pioneered the establishment of a minority advisory body – the Minorities Expert Groups described above – to advise them on minority perspectives in their activities.

A contrasting example in this sense is the Moldovan Constitutional Court. This important rights-protecting institution is not minority-inclusive and, in fact, is minority-blind. No surprise that this institution regularly adopted questionable decisions concerning minority rights (for example, in its Ruling No. 4 from 21 January 2021 – more details in the full submission).[[8]](#footnote-8)

Regional Autonomy as a Means of Effective Minority Protection

The Republic of Moldova has several minority regions, including a region predominantly populated by Gagauzians (Gagauzia), an area predominantly populated by Bulgarians (Taraclia) and communities populated predominantly by ethnic Ukrainians and Roma people. In 1994 central Moldovan authorities managed to negotiate an arrangement with the Gagauzian leaders providing the Gagauzian minority with autonomy on the territories predominantly populated by them. The Bulgarian minority residing just “next door” to Gagauzians did not obtain such an autonomy.

The comparative data one these two minority communities – Gagauzians and Bulgarians – and areas predominantly populated by them, clearly demonstrate evident benefits of the autonomous status. According to the statistical data (the Yearly Statistical Reports of the National Statistical Bureau of Moldova), the “Bulgarian” Taraclia district has one of the worst demographic indicators in the entire Moldova, times worse than in neighboring Gagauzia. For example, according to the latest Yearly Statistical Report (2023), page 54:

* The average annual birth rate in the whole of Moldova was 10.6 births per 1,000 population, in Gagauzia it was 10.1 and in the “Bulgarian” Taraclia district it was 8.5 (15-20% worse than the Moldova’s and Gagauzia’s average);
* The average annual mortality rate in the whole of Moldova was 14.2 deaths per 1,000 population, in Gagauzia it was 12.7 and in Taraclia district it was 14.4 (almost 15% worse than in neighboring Gagauzia);
* The natural growth/decline balance for the whole of Moldova was (-3.6) per 1,000 population, in Gagauzia it was (-2.7) per 1,000 population and in Taraclia it was (-5.9) per 1,000 population (i.e. more than twice worse than in neighboring Gagauzia);
* All other important data, such as the official employment and unemployment rates, the proportion of students making it to the postsecondary educational institutions, the rate of doctors and other medical staff per 100,000 population show that indicators for Taraclia are significantly worse than in neighboring Gagauzia and Moldova’s average.

The data from the previous editions of the Yearly Statistical Reports demonstrate that the worse indicators of Taraclia are a persistent pattern throughout years and decades.

Referring to the ethnic and linguistic characteristics of Gagauzians and Bulgarians in the Republic of Moldova, the comparison of data from the 2014 and 2004 population censuses (the latest available at the moment) shows some progress for Gagauzians and decline for Bulgarians:

* The share of ethnic Gagauzians in Moldova **grew** from 4.38% in 2004 to 4.57% in 2014 of the Moldova’s population who declared their ethnicity, i.e. a relative growth of 4,5% (the share for 2014 to 2004);
* The share of ethnic Bulgarians in Moldova **declined** from 1.95% in 2004 to 1.88% in 2014 of the Moldova’s population who declared their ethnicity, i.e. a relative decline of 3,5% (the share for 2014 to 2004);
* The share of persons who declared Gagauzian as their native language **grew** from 4.09% in 2004 to 4.21% in 2014 of the Moldova’s population who declared their native language, i.e. a relative growth of circa 3% (the share for 2014 to 2004);
* The share of persons who declared Bulgarian as their native language **declined** from 1.62% in 2004 to 1.53% in 2014 of the Moldova’s population who declared their native language, i.e. a relative decline of circa 5% (the share for 2014 to 2004).

We anticipate that the 2024 census data unfolding in Moldova now will show a similar trend.

CONCLUSION

As described in the section concerning existing institutional arrangements, the overall approach adopted by the Moldovan authorities is dealing with ethnic and linguistic minority issues as a separate (and marginal) “field” of public affairs, rather than as an important dimension of all mainstream areas, such as education, healthcare, social protection, internal protection, justice, etc. This approach alienates the minority issues and the minorities themselves. An opposite approach – active mainstreaming of minority dimension into all public affairs and accommodation of minority diversities – has not been implemented so far. At the same time, the described positive developments show that active inclusion of minorities into the composition of decision-making bodies or through establishment of minority advisory bodies genuinely connected to the decision-making process yields positive results.

The statistical and census data from Moldova clearly demonstrate that provision of substantial territorial and administrative autonomy (like the one of Gagauzia) results in significantly better outcomes than the non-provision of the autonomy (as in the case of ethnic Bulgarians in the south of Moldova). The data show the decline of Bulgarians in Moldova, both in terms of their numbers and of the Bulgarian language speakers. In contrast the situation of Gagauzians in Moldova in terms of their numbers and Gagauzian language is significantly better (in our view, mostly due to the autonomous status of Gagauzia). The socio-economic indicators for the “Bulgarian” Taraclia district (birth and death rates, employment and unemployment rates, educational rates, healthcare related rates, etc.) are also significantly worse than those of Gagauzia. To conclude, in case of Moldova provision of strong territorial and administrative autonomy results into significantly better outcomes for the minority communities.

1. Agency of Interethnic Relations, *About the Agency of Interethnic Relations* section of the Agency’s website, <https://www.bri.gov.md/ro/content/despre-agen%C8%9Bia-rela%C8%9Bii-interetnice> [↑](#footnote-ref-1)
2. Parliament of Moldova, Standing Commission of the Parliament on Human Rights and Inter-Ethnic Relations <https://www.parlament.md/StructuraParlamentului/SecretariateleComisiilorpermanente/tabid/84/CommissionId/42/language/en-US/Default.aspx> [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. Parliament of Moldova, *National Human Rights Action Plan for 2018-2022*, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376768> [↑](#footnote-ref-4)
5. National Human Rights Action Plan 2018-2022 Evaluation Report (2023), p. 70: <https://cancelaria.gov.md/sites/default/files/raport_de_evaluare_pnado_2018-2022.pdf> [↑](#footnote-ref-5)
6. Communication by a member of the Equality Council at the meeting of the Expert Group in January 2024 [↑](#footnote-ref-6)
7. Art. 11, part (6), letter c) of the Law on Ensuring Equality No. 121/2012: <https://www.legis.md/cautare/getResults?doc_id=141518&lang=ro> [↑](#footnote-ref-7)
8. Para. 40 of the Ruling: <https://constcourt.md/ccdocview.php?l=ro&tip=hotariri&docid=757> [↑](#footnote-ref-8)