

Law of the Republic of Moldova on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organizations

Demonstrating its devotion to the Universal Declaration of Human Rights and other international legal acts on human rights, including the Framework Convention for the Protection of National Minorities;

confirming and developing the fundamental rights, liberties and obligations of citizens, set forth in the Constitution of the Republic of Moldova;

taking into account the ethnic, cultural, and linguistic diversity of the people of Moldova that has been established over the history;

proceeding from the international legal principles according to which the protection of national minorities, and their rights and liberties are an inalienable part of the protection of human rights;

The Parliament adopts the present organic law.

CHAPTER I

GENERAL PROVISIONS

Art. 1. – In the present law, persons belonging to national minorities shall include persons who reside on the territory of the Republic of Moldova, have Moldovan citizenship, possess ethnical, cultural and linguistic features that differ from the majority of the population (Moldovans) and consider themselves to be of a different ethnical origin.

Art. 2. – Any person belonging to a national minority has the right to freely choose whether to be considered as such and this choice or the exercise of his/her rights related to such a choice shall not be to his/her disadvantage.

Art. 3. – Relations arising in the context of realization by persons who live on the territory of the Republic of Moldova and are its citizens of their rights and liberties related to their belonging to national minorities shall be governed by the Constitution of the Republic of Moldova, the present law, other legislative acts as well as international treaties and agreements to which the Republic of Moldova is a party.

CHAPTER II

FUNDAMENTAL RIGHTS OF PERSONS BELONGING TO NATIONAL MINORITIES

Art. 4. –

(1) The state guarantees equality before the law and equal protection before the law to persons belonging to national minorities.

(2) Any kind of discrimination based on the national minority affiliation is prohibited.

Art. 5. –

(1) The State assumes the obligation to facilitate the creation of necessary conditions for the persons belonging to national minorities be able to preserve, develop and express their ethnical, cultural, linguistic and religious identities.

(2) The State ensures that scientific research in the field of history, language and culture of the national minorities shall be conducted.

(3) The historic and cultural monuments of the national minorities shall be protected by the State.

Art. 6. –

(1) The State guaranties realization of the rights of the people belonging to national minorities to pre-school education, middle school, high school and professional, undergraduate and graduate education in Moldovan and Russian, and shall also create conditions for the realization of their rights to education and training in their mother tongue (Ukrainian, Gagauz, Bulgarian, Jewish, etc).

(2) With a view to ensuring the academic process of educational institutions in which teaching is done partially or integrally in the languages of national minorities, the State shall contribute to the development of curricula and teaching materials, as well as to training of teaching staff, cooperating with other countries in this area.

(3) People belonging to national minorities shall have the right to get undergraduate and graduate education in their country of descent, as well as in other countries on the basis of international treaties and agreements.

(4) People belonging to national minorities and their organizations are entitled to create, in accordance with the law, pre-school institutions and private educational institutions of all levels. Teaching of the Moldovan language and literature, as well as of the history of Moldova in all educational institutions is mandatory.

Art. 7. – Persons belonging to national minorities shall have the right to have free use of their mother tongue, both in written and verbal form, to have access to information in this language, to disseminate it and to exchange information.

Art. 8. –

(1) The state shall ensure the publication of normative acts, official communications and other information of national importance in the Moldovan and Russian languages.

(2) In the localities which, in accordance with Art. 111 of the Constitution of the Republic of Moldova, have been granted a special autonomy status, the normative acts of local importance, official communications and other information shall be published also in other official languages established by the respective laws.

(3) In the districts in which persons belonging to national minorities constitute a considerable part of the population, the acts of the local public administration shall be published in the language of such minority, if necessary, and at the same time in the Moldovan and Russian languages.

Art. 9. – The state guarantees that the modification of the administrative and territorial organization of the Republic of Moldova will not pursue the modification of the ethnic and demographic composition of the territories. Upon the making of such modifications, there shall be taken into account the local public opinion including the opinion of persons belonging to national minorities.

Art. 10. – The name of localities, streets, institutions and public places shall be indicated in the Moldovan and Russian languages, and, in the localities that have been granted a special autonomy status, also in other official languages, established by the respective laws.

Art. 11. –

(1) Public information regarding health care, maintenance of public order and safety of citizens, as well as visual information in institutions of the Ministry of Internal Affairs, the Ministry of Justice, the Prosecutor's Office, in medical institutions from municipalities and cities, in transportation means, at bus, railway and riverboat stations, in airports, and on motorways shall be in the Moldovan and Russian languages.

(2) In the localities that have been granted a special autonomy status, such information stipulated by para.(1) may be also in other official languages established by the respective laws.

(3) In the localities in which persons belonging to a national minority constitute a significant part of the population, the information stipulated by para.(1) may be also published in the language of the respective minority, upon necessity.

Art. 12. –

(1) Persons belonging to national minorities shall have the right to appeal to public institutions in writing or verbally in the Moldovan or Russian languages and to obtain the response in the language in which the application was formulated.

(2) In the localities that have been granted a special autonomy status, the language of communication with public authorities may be one of the official languages established by the respective laws.

(3) In localities where persons belonging to national minorities constitute a significant part of the population, the language of communication with public authorities may also be the language of the respective national minority.

Art. 13. –

(1) Persons belonging to national minorities and their organizations shall have the right, in accordance with the law, to establish mass media institutions as well as to publish literature in the language of national minorities.

(2) The state shall ensure the transmission of programs in the language of national minorities on the national radio station and national TV channel.

Art. 14. – Persons belonging to national minorities shall have the right, in accordance with the law, to determine their attitude towards religion, especially to choose their religious

confession as well as to carry on, individually or jointly, religious activity of enlightenment in the mother tongue or other acceptable language, to perform rituals, to maintain religious buildings and use religious literature and objects necessary for performance of the respective rituals.

Art. 15. – Persons belonging to national minorities shall have the right to observe national holidays and to commemorate their historical dates, to participate in the performance of the traditional rituals of their people, to use their national symbols privately.

Art. 16. –

(1) Persons belonging to national minorities shall have the right to use their first name, surname and patronymic (if used in their mother tongues), including in official documents, in a form acceptable in their mother tongue.

(2) If the mother tongue of a person belonging to national minorities uses an alphabet different from the Latin alphabet, his/her first name, surname and patronymic shall be transliterated in the Moldovan language in accordance with its grammar norms of transliteration of names of foreign origin.

(3) It shall be mandatory to take into account the will of the respective person with respect to the use of the right established by Art. 17 paragraph (1) in case of registration of civil status documents and preparation of the identity documents.

Art. 17. – The state shall contribute to facilitating humanitarian contacts of persons belonging to national minorities with their historical motherland.

CHAPTER III

ORGANISATIONS OF PERSONS BELONGING TO NATIONAL MINORITIES

Art. 18. – Persons belonging to national minorities may exercise their individual rights by joining together, in accordance with the law, into organizations (associations, unions, communities, societies, etc.) of an enlightening, cultural, religious and charitable nature.

Art. 19. –

(1) Organizations of persons belonging to national minorities shall have the rights that are granted, in accordance with the legislation in force, to the public associations.

(2) No organization of persons belonging to national minority may claim monopolized representation of the interests of the respective minority.

Art. 20. –

(1) Organizations of persons belonging to national minorities shall enjoy the state support in realization of their programs in the field of culture, science, education, enlightenment, historical research, charity.

(2) Some programs established by para.(1), of particular interest selected through a contest, may be supported financially by the state.

(3) The agency responsible for selection, financing and control of the use of the funds distributed according to para. (2) shall be the Department for Interethnic Relations.

(4) Organizations of persons belonging to national minorities shall have the right to receive and use, in accordance with the law, donations made by legal and physical persons.

Art. 21. - Organizations of persons belonging to national minorities shall have the right to collaborate with institutions and departments of other countries that have authority over problems of interest to the relevant organizations in terms of realization of their statutory objectives.

Art. 22. – In case of development and promotion of the policy in the field of culture and education of national minorities, the Government, ministries, departments, local government bodies shall consult organizations of persons belonging to national minorities interests of which are affected in the respective decisions.

CHAPTER IV

RIGHT TO REPRESENTATION AND PARTICIPATION IN GOVERNMENT

Art. 23. – Representation of persons belonging to national minorities in Parliament and local councils shall be obtained as a result of elections in accordance with the legislation in force.

Art. 24. – Persons belonging to national minorities shall have the right to approximately proportional representation in the institutions of the executive branch and those of the judicial branch of all levels, in the army, in the law enforcement agencies.

Art. 25. –

(1) The agency responsible for promotion of the state policy in the field of interethnic relations including implementation of the present law shall be the Department for Interethnic Relations.

(2) Under the Department for Interethnic Relations there will function an advising body, the Coordination Council, which will comprise leaders of ethno-cultural associations as well.

(3) The House of Nationalities shall be subordinated to the Department and it shall represent the cultural and organizational center of the national ethnic and cultural organizations.

(4) The General Director of National Relations Department shall be appointed by the Government with the consent of the Parliament Commission for Human Rights and National Minorities.

CHAPTER V

FINAL PROVISIONS

Art. 26. – The realization of the rights and liberties of persons belonging to national minorities presumes fulfillment by such persons of their obligations before the state of the Republic of Moldova and may not limit the legitimate rights and interests of other persons.

Art. 27. – In the present law, nothing may be interpreted to jeopardize the independence, sovereignty and territorial integrity of the Republic of Moldova.

Art. 28. – If international legal acts in the field of human rights which the Republic of Moldova has joined establish provisions other than those of the legislation of the Republic of Moldova regarding matters of fundamental human rights and liberties, including rights of persons belonging to national minorities, the provisions of the international legal norms and treaties shall apply.

Art. 29 – Within a period of 3 months the Government shall:submit proposals to the Parliament on needed amendments in the legislation in force to be in line with the present law; adopt the necessary legal acts which will ensure implementation of the present law.

PRESIDENT of the Parliament

EUGENIA OSTAPCIUC

Chisinau, 19 July 2001

No. 382-XV

Note: We acknowledge with thanks data from the Parliament of the Republic of Moldova