

Overview of Legislation on the Use of Languages in Education in Moldova (2005)

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1. History

The modern legislation about the functioning of languages on the territory of the Republic of Moldova began to form in the late 1980s, when the country was part of the Soviet Union. At present, in line with the Constitution of the Republic of Moldova¹ and the Law on the Functioning of Languages on the Territory of the Republic of Moldova², there are many other normative acts which regulate the function of languages. In accordance with the legislation in force, the state language of the Republic of Moldova is Moldavian, based on the Latin script and considered a language of interethnic communication. Also, this function is conferred upon the Russian language, which guarantees large use of the language in Moldova. In many cases, the sphere of its use is similar to that of the state language. In the legislation of the Republic of Moldova, with regard to the functioning of languages, Russian also belongs as an official language. The status of official languages are attributed to the main languages used in the autonomous regions which have legal status. Nowadays, there are two autonomous regions in the country – Gagauzia and Transnistria (at present this region is practically uncontrolled by the constitutional bodies of the Republic of Moldova). On the territory of Gagauzia, the official languages are Moldavian, Gagauzian and Russian, in Transnistria the languages are Moldavian, Ukrainian and Russian. The status of official language supposes its use in all the spheres of activity within the formed autonomy. Other languages, including Ukrainian (beyond Transnistria borders), Bulgarian and others are the languages of national minorities and can be easily used, including the relations with the local public authorities in the regions compactly inhabited by minorities.

Below, in chronological order, the main steps of development in the legislation on the functioning of languages on the territory of the Republic of Moldova are presented.

On 31 August 1989, the law about the status of the national language of the Moldovan SSR³ was adopted. In accordance with the provisions of this normative act, the constitution of the former Moldovan SSR was changed, adding the Article about the national language of the country, and recognizing it as Moldovan. At the same time, the conditions of development and the use of Russian language, also the languages of other ethnic groups were guaranteed.

On 1 September 1989, the Law on Functioning of the Languages Spoken on the Territory of the Moldovan SSR (the Republic of Moldova)⁴ went into force. This law is the basic normative act that controls the sphere of functioning languages on the territory of the Republic of Moldova. According to this law, the state assures the conditions for the use and development of the Russian language and the languages of other ethnic groups who live in the Republic of Moldova. The law regulates the issues concerning the use of Moldavian language, as a national language, and also provides for the use of the Russian, Ukrainian, Bulgarian, Hebrew, Yiddish, and Gypsy languages, as the languages of other ethnic groups inhabiting the country. In accordance with the law, Russian is also given the status of a language of interethnic communication.

¹ <http://www.parlament.md/law/constitution/>

² Legea cu privire la functionarea limbilor vorbite pe teritoriul RSS Moldovenesti Nr.3465-XI din 01.09.89 Vestile nr.9/217, 1989 <<http://www.iatp.md/ladom/downloads/M3.doc>>

³ Law No.3464-XI

⁴ Law No. 3465-XI

On 29 July 1994 the Constitution of the Republic of Moldova was adopted. According to the Constitution, the national language of the Republic of Moldova is Moldovan, and its writing is based on the Latin alphabet. The state acknowledged and protected the right to preserve, develop and use the Russian language and other languages spoken within the national territory of the country.

On 23 December 1994 the Law on the Special Legal Status of the Gagauzia (Gagauz-Yeri)⁵ went into force. In accordance with the law, on the territory of the formed autonomy with the special status, as a component part of the Republic of Moldova, the official languages are Moldavian, Gagauzian and Russian.

On 19 July 2001, the Law Concerning the Rights of the Persons, Belonging to National Minorities and the Judicial Status of their Organization⁶ was adopted. This law regulates the use of Moldavian, Russian, and other languages, including the minority languages in different regions. The content of the law, regulating the use of languages is based on the regulations of the Law on Functioning of the Languages Spoken on the Territory of the Republic of Moldova.

On 19 December 2003 the Law about Ratification of the National Policy Conception of the Republic of Moldova⁷ was adopted. The Conception is a basic document for public authorities to promote economic, social and cultural policies in the field of development and strengthening of independence and sovereignty of the country, and multiethnic people of the Republic of Moldova. The Conception foresees to take measures to ensure the use of Moldavian language, confirms the status of Russian language, as language of interethnic communication, guarantees the state assurance for the development of the Ukrainian, Bulgarian, Jewish, Yiddish, Gypsy (Romani) and other languages of national minorities, inhabiting on the territory of the Republic of Moldova.

On 22 July 2005, the Law on the Basic Regulations of the Special Legal Status of the Left-bank Regions of Dniester River (Transnistria)⁸ was adopted, in accordance with this, the official languages are Moldavian, Ukrainian and Russian on the territory of Transnistria – the formed autonomy with the special status, as a component part of the Republic of Moldova.

The Republic of Moldova is part of the basic international acts in the field of human rights, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the ECHR, and the Framework Convention for Protection of National Minorities. The state has also adhered to the Final Act of the Conference on Security and Cooperation in Europe (Helsinki), the Charter of Paris for a New Europe, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, etc. At present, the ratification of the European Charter for Regional and Minority Languages is examined. The Republic of Moldova has signed the Charter on 11 July 2002.

2. Language rights in education

The legislation in force in the Republic of Moldova, guarantees the right to obtain pre-school education, general education, high-school and professional education, and higher education in Moldavian and Russian languages. It also guarantees the creation of adequate conditions for the exercise of the rights of people of other nationalities to education and training in their native language (Gagauz, Ukrainian, Russian, Bulgarian, Hebrew and Yiddish etc.).

⁵ Law No. 344-XII

⁶ Law No. 382-XV

⁷ Law No.546-XV

⁸ Law No. 173-XVI

According to the Constitution of the Republic of Moldova,⁹ the right of access to education is put into effect through the compulsory comprehensive public school system, lyceal (public secondary school) and vocational education, as well as the higher education system, and other forms of instruction and training. State public education is free. The access to lyceal, vocational and higher education is equally open to all and is based on personal merit. The State ensures, under the law, the right of each person to choose his/her language in which teaching will be effected.

The basic law, which decides on the state policy in the field of education, regulating the establishment and function of the educational system is the Law on Education.¹⁰ According to this law, the state public education is refractory to discrimination on the grounds of party or ideology choice, race and nationality.

The compulsory general education lasts nine years. The compulsory attendance scholarship finishes when the pupil reaches the age of 16. The state ensures the right to choose the language of education and training at all levels of education. The right of citizens to education and training in their mother tongue is ensured through the necessary institutions of education, forms, groups, as well as through its ruling conditions.

In accordance with the Law on Functioning of the Languages on the Territory of the Republic of Moldova,¹¹ the state guarantees the right to obtain pre-school education, general education, high-school and professional education, higher education in Moldavian and Russian languages, also the creation of adequate conditions for the exercise of the rights of people of other nationalities to education and training in their native language (Gagauz, Ukrainian, Russian, Bulgarian, Hebrew and Yiddish etc.).

Pre-school institutions and general schools are based on the principle of mono-lingualism. In the special regions pre-school institutions and general schools based on the principle of bilingualism are created.

According to the Law Concerning the Rights of the Persons, Belonging to National Minorities and the Judicial Status of their Organisation,¹² the state guarantees the implementation of the rights of the persons, belonging to national minorities for preschool, elementary, secondary (general and professional) and higher education in Russian and Moldavian languages and is to create conditions for the implementation of their right to education in their mother tongue (Ukrainian, Gagauz, Bulgarian, Jews, etc.). In order to ensure the educational process in the institutions where the education is conducted in the national minority languages, the state is to contribute to the elaboration of didactic programs and literature, to the teaching of the didactic staff, collaborating in this with other countries.

The above regulations are totally available for the foreign citizens and stateless persons, who have the same rights and obligations as the citizens of the Republic of Moldova, in accordance to the legislation in force, except ones established by law (for instance, foreign citizens are exempt from some political rights, for example, they cannot be members of parties and other socio-political organisations etc.)

3. The application of the legislation in practice

Nowadays, there are institutions for general education in Russian and Moldavian languages as well as mixed institutions. Minority languages are taught in many schools and higher educational institutions. In some of these schools, the minority languages (Ukrainian and Bulgarian) are also used as the

⁹ adopted on 29 July 1994, entered into force on 27 August 1994

¹⁰ Law No. 547-XIII / 21 July 1995

¹¹ Law No. 3465-XI/ 1 September 1989

¹² Law No. 382-XV/ 19 July 2001

languages of instruction. There are private educational institutions established by the persons belonging to national minorities on the territory of the Republic of Moldova.

Curriculums on teaching the minority languages are being elaborated and implemented. The textbooks for learning Russian, Ukrainian, Bulgarian literature and language are being elaborated and published. The course “History, culture and traditions of Ukrainian, Russian, Gagauz and Bulgarian people” was prepared. Facilities for training the pedagogical staff for the educational institutions, where the minority languages are taught, have been created. Usually, the teachers pass the qualification on minority languages in Ukraine, Russian Federation, Turkey and Bulgaria.

The Constitutional Court ruled¹³ on the constitutionality control of some provisions of the Law About acts of civil status¹⁴ and the Law About the rights of the persons, belonging to national minorities and the judicial status of their organization¹⁵. In this case, some provisions of the Law concerning the rights of the persons, belonging to national minorities and the judicial status of their organization have been examined under the aspect in accordance with the Constitution of the Republic of Moldova. With regard to the functioning of languages in the field of education, the Court noted that the provisions of the law concerning the rights of persons belonging to national minorities, and the judicial status of their organisation, stipulating that the state guarantees the rights to education in minority languages, are based on the regulations of the Constitution, according to which the state ensures the right to choose the language of education and instruction. This guarantee also emerged from the provisions of the Law on the Functioning of the Languages on the Territory of the Republic of Moldova, according to which, the Republic of Moldova guarantees the right to obtain pre-school education, general education, high-school and professional education, higher education in Moldavian and Russian languages. The creation of adequate conditions for the exercise of the rights of people of other nationalities to education and training in their native language are also guaranteed. The constitutionality of these provisions is enshrined in the Framework Convention on the Protection of National Minorities. In cases of adequate necessities in the regions inhabited traditionally or numerically by persons belonging to national minorities, the parties tend to ensure the ability of persons belonging to national minorities to teach its native language on the base of their educational systems.

¹³ Constitutional Court decision No.28 of 30.05.2002

¹⁴ Law No. 100-XV of 26 April 2001

¹⁵ Law No. 382-XV of 19 July 2001