

European Court of Human Rights finds Russia violated right to education of ethnic Moldovans living in Transdnistria

(London 19 October 2012) European Court of Human Rights finds Russia violated right to education of ethnic Moldovans living in Transdnistria.

The Court, in a judgment delivered today, awarded compensation for violations of the right to education of ethnic Moldovans living in Transdnistria, a breakaway region in the territory of Moldova. The applicants – children, parents and teachers – took the case as a result of the adoption of a law by the separatist administration in Transdnistria banning and criminalising the use of Latin script in schools.

The case was taken against Moldova, where the territory is situated, and Russia, as it was critical to the establishment and maintenance of the separatist administration in the region.

Following the introduction of the law in 1994, parents of Moldovan ethnicity faced a dilemma: either to educate their children in a way that was illegal or subject them to an educational system conducted in a way that would leave them without functional literacy skills. Many bravely fought to maintain their linguistic and cultural identity and sent their children to schools that were opened in defiance of the administration and that continued to provide education using the Latin script. The applicants in this case all suffered serious violations of their rights in pursuing these goals.

The separatist administration subjected the applicants to harassment, forcing the closure of schools that defied the ban. Parents of children attending these schools were threatened with losing their parental rights and their jobs. The children were forced to attend premises without adequate facilities, where electricity and water supplies were purposely cut off. They were also forced to undertake long journeys to and from school and were subjected to overbearing and intimidating security measures such as bag searches and identity checks.

This campaign reached its height between 2002 and 2004 and its purpose and effect must be considered in the context of the political, social and cultural circumstances in Transdniestria. The breakaway administration, in seeking to align the region with the Russian Federation, has discriminated against ethnic Moldovans resident in Transdniestria and sought to marginalise them. It has, with the support of the Russian administration, introduced measures with the aim of bringing the region closer, in political, social and cultural terms, to the Russian Federation. The Court found that the actions of the separatist administration in this case were consistent with its overall aim to enforce the 'Russification' of the Moldovan community living in Transdniestria.

The actions of the Russian-supported administration are a blatant example of discrimination on grounds of language and ethnicity. In that regard it is worth noting that the situation that led to today's case has been described by the OSCE as 'linguistic cleansing' of ethnic Moldovans from a territory moving ever closer to the Russian Federation. It forms part of the broader cultural and political marginalisation and discrimination of that ethnic group and the geo-political, cultural and ethnic realignment with the Russian Federation.

The Court awarded each of the applicants €6,000 in damages as

well as €50,000 jointly in costs and expenses.

The case was taken by lawyers from PROMO LEX, an NGO based in Moldova, assisted by INTERIGHTS, the International Centre for the Legal Protection of Human Rights, based in London.

Alex Postica from Promo-LEX, stated that:

“The decision of the court in the applicants’ favour is important not just because it recognises violations that took place a number of years ago but also because these violations continue to the present day. The Court has asserted the rights of the applicants to be educated in their national language and has directly confronted the illegal actions of the Russian-supported administration within the territory of Moldova. The decision affirms that the rights of people of Moldovan ethnicity cannot be trampled on by an unlawful administration seeking the ‘Russification’ of the territory.”

Padraig Hughes of INTERIGHTS said that:

“The decision of the Grand Chamber is a welcome signal that it will not tolerate legal ‘black holes’ in the territory of the Council of Europe. The Court, through its decision, has ensured that in this case the European Convention on Human Rights has been given meaningful effect and affirmed that ethnic Moldovans in Transdniestria are entitled to legal protections on the same basis as individuals throughout the territory of the Council of Europe.”

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