

The Moldovan-Administered Latin-Script Schools in Transdniestria

Background,
Current Situation,
Analysis and
Recommendations

REPORT

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Original in English, with official translations in Romanian and Russian. In cases of variation, the English version shall prevail.

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Foreword Note

The name of the State language of the Republic of Moldova is disputed on both banks of the Dniester/ Nistru river. The Constitution and legislation of the Republic of Moldova denominate “Moldovan” as the State language, while legislation also recognizes that the Moldovan and Romanian languages are identical. To clarify the positions of different stakeholders on both sides of the river in the language dispute, both denominations – “Moldovan” or “Romanian” – are used as appropriate. The denomination as “Romanian” or “Moldovan”, or the spelling of toponyms, does not, however, represent an official endorsement by the OSCE of any side’s position in this dispute.

The use of such terms as “legislation”, “law”, “minister”, “Supreme Soviet” and similar in relation to specific Transdniestrian normative acts, *de facto* authorities and institutions does not represent any recognition by the OSCE of these normative acts, *de facto* authorities or institutions. These terms are used exclusively for the convenience of the reader and to provide the most accurate identification possible of specific documents, authorities, persons and institutions.

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EXECUTIVE SUMMARY

The Organization for Security and Co-operation in Europe (OSCE) has been striving since 1993 to facilitate pragmatic interim solutions to the status, educational activity and operation of Moldovan-administered schools in Transdniestria teaching in the Latin script ("Latin-script schools"). With the restart in 2011 of political negotiations on the settlement of the Transdniestrian conflict and the resumption in 2012 of meetings in the Working Group on Education, this issue is currently being discussed both at expert and political level. In order to facilitate these discussions and to support pragmatic solutions, this report attempts to provide to both Sides and OSCE participating States a comprehensive assessment of the present situation of the eight schools in question. It also recommends solutions that are intended to enable the schools to function until a lasting solution to the school dispute can be agreed on the basis of a comprehensive conflict settlement.

The roots of the present-day school dispute can be traced back to the 1989 reintroduction of the Latin script for the Moldovan/Romanian language and its declaration as the sole State language in Moldova, to be used as the main language in all public spheres. The language issue became one of the major contributing factors to the secessionist conflict in Transdniestria, a region on the left bank of the Dniester/Nistru river, which revoked on its territory the decisions declaring Moldovan/Romanian as the sole State language and reintroducing the Latin script.

At the end of the hostilities in 1992, the Transdniestrian *de facto* authorities had established control over most of the left-bank territory and the right-bank city of Bender and made the use of the Cyrillic script for writing Moldovan obligatory. Only a few institutions on Transdniestrian-controlled territory remained under the administration of Moldovan authorities, amongst others a number of Moldovan language schools that insisted on education in the Latin script. From 1994/1995 Transdniestrian *de facto* authorities stopped funding all schools not using the Cyrillic script. Another point of contention appeared with the differences in Moldovan and Transdniestrian school curricula, especially regarding politically sensitive subjects such as history and geography.

After the schools lost local funding, the Moldovan Ministry of Education began funding the two schools in Bender, in Ribnita and in Tiraspol, and later in Roghi and Corjova. During this time parents from other towns and villages in Transdniestria also applied to local authorities to found private schools using the Latin script, but complained that these efforts were blocked and that they were harassed and intimidated. The struggle between parents and local authorities in some settlements intensified to the point where schools clandestinely teaching the curriculum of the Republic of Moldova and using the Latin script were closed and teachers were dismissed. In Dubasari and Grigoriopol, parents and teachers chose as a consequence to relocate their schools to neighbouring Moldovan-controlled villages and also began receiving funding from the Ministry of Education. Altogether eight Latin-script schools were able to continue teaching with the help of the Ministry of Education, six on Transdniestrian-controlled territory and two relocated to neighbouring Moldovan-controlled territory on the left bank.

However, the six Latin-script schools in Transdniestrian-controlled territory had no status under Transdniestrian *de facto* legislation. Although the schools are registered, licensed and accredited within the Moldovan legal and educational system, Transdniestrian *de facto* authorities demanded that they

comply with Transnistrian *de facto* legislation and register either as “private schools” to be allowed to use the Latin script, but obliged to teach the Transnistrian curriculum, or as “foreign schools” able to use the Latin-script and the Moldovan curriculum, but only on the basis of an “inter-state” agreement between Chisinau and Tiraspol. Neither option provided for a mutually acceptable solution.

In summer 2004, Transnistrian *de facto* authorities forcefully closed four schools in Bender, Ribnita and Tiraspol. Some parents and teachers were arrested, and school buildings were confiscated and school property damaged. In other cases, parents and students blockaded themselves in their school buildings to avoid closure of the school. After strong condemnation by the international community, the Transnistrian *de facto* authorities withdrew from the schools’ premises, and both Sides returned to the negotiating table. Ultimately, five of the six schools on Transnistrian-controlled territory received permanent registration in 2005 as non-state general educational institutions with the agreement in their charters that their curriculum would be co-ordinated by the Sides. Soon afterward, a mutual curriculum and textbook review was undertaken and licensing procedures were discussed by experts from the Sides. However, all expert meetings ceased in 2006 and were only resumed in 2012.

In the meantime the situation of the eight schools in question developed in a specific manner in each case. Main issues of concern remained, though to varying degrees: rental contracts and conditions of premises, freedom of movement, transport of goods, health, safety and sanitary inspections, declining student populations, pressure or intimidation on parents and teachers, legal status, and the specific situations of the property in Ribnita and the schools formerly located in Grigoriopol and Dubasari.

Generally, problems reported in the past associated with the active interference of the Transnistrian *de facto* authorities in the activities of the schools have decreased significantly, especially after the change of leadership in Tiraspol at the end of 2011. The schools report that cases of intimidation and pressure, interference during public ceremonies at the beginning and end of the school year (“First Bell” and “Last Bell”), and restrictions in the freedom of movement for students across checkpoints are substantially less than in prior years. Second, in addition to less interference, some schools report that the relationship with the *de facto* authorities has become more constructive on certain issues of past concern. This appears to be due to a pragmatic approach both by the *de facto* authorities and the schools. For example, certificates of attendance for 18 year-old male students at Latin-script schools have been recognized consistently in past years, enabling them to graduate before being called for military service. Furthermore, local authorities conduct regular health and sanitary inspections in some schools without reported problems. Also, after engaging directly with the *de facto* authorities, two schools are now allowed to transport goods across Transnistrian checkpoints without duties or other obstacles.

The more constructive approach and attitude of local *de facto* authorities in Transnistria was confirmed in meetings conducted for this study. During these meetings some local authorities indicated openness to the resolution of issues regarding the renewal and costs of rent contracts, including potentially offering free-of-charge rent contracts.

However, while some aspects of the day-to-day functioning of the eight schools have improved, the major, longstanding issues facing the schools have not been resolved. In fact, despite some school directors’ best efforts, these issues have developed into a chronic condition in the intervening six years since active negotiations took place. This indicates that, unlike some of the practical solutions mentioned above that were found by the schools and local authorities in direct consultations, these larger problems may only be resolved at the political level. Specifically, these longstanding issues include the status of the nearly-complete buildings in Ribnita constructed by the Ministry of Education but still dormant after their seizure by local authorities in 2004, as well as the status of two schools in Dorotcaia and Cocieri, whose parents and students want the schools to return to their home towns in Grigoriopol and Dubasari. Directors of schools in Ribnita and Grigoriopol/Dorotcaia have attempted to resolve these issues directly with local authorities both through meetings and, in the case of Grigoriopol/Dorotcaia, successive appeals for the provision of premises to rent – up until now without success.

In addition to these situations, many school directors still complain about the difficulty in transporting goods via Transdniestrian checkpoints, higher utility costs in comparison to other schools in Transdnistria, and uncertainty about rental contracts. Above all, they complain about the precipitous drop in the number of students, and cite this as the most significant threat to their schools' existence. Reported school enrolment figures at the eight schools in question have decreased from its largest number of 5,619 in the 1998–1999 school year to 1,800 in 2012–2013.

In the resumed meetings of the Working Group on Education, the Moldovan Side has raised the above-mentioned issues of the schools' functioning as a priority for negotiations. The Transdniestrian Side at the same time raised the definition of the schools' status within the *de facto* legal context as its priority. It is clear that the priorities of both Sides will need to be addressed within the Working Group to enable mutually acceptable solutions and agreements.

Thus, besides addressing the above mentioned issues of concern to the schools and Moldovan authorities, the process that was started in 2005/2006 of defining the status of the schools under Transdniestrian *de facto* legislation will most likely continue and may eventually be finalized. Pragmatic solutions on many of the other more technical issues mentioned above may also be reached.

Overall, the analysis in this report shows that the existing problems of the Latin-script schools continue to be urgent, particularly in light of the decline in student numbers, but are far from insurmountable. With good will, pragmatism and patience on both Sides mutually acceptable solutions can be found.

1. INTRODUCTION

The dispute about the status and educational activity of Moldovan-administered schools in Transnistria is one of the longest-standing and most complex among the many issues that are part of the broader conflict between the Republic of Moldova and the Transnistrian *de facto* authorities (“the Sides”). Within this dispute, disagreements on control over territory, on jurisdiction, as well as on policies related to history, language and education are closely interwoven.

Pending a comprehensive conflict settlement with an agreement on the status of Transnistria and a division of competences between the Sides, the Organization for Security and Co-operation in Europe (OSCE) has been striving since 1993 to facilitate pragmatic interim solutions to the status and activity of the Moldovan-administered schools that would enable them to function until a lasting solution has been agreed on the basis of a broader conflict-settlement agreement.

Although several pragmatic measures have been agreed at various stages during the past 19 years, most were never implemented. However, in July 2005, a breakthrough was achieved when several of the Moldovan-administered schools were permanently registered by the Transnistrian *de facto* authorities. This formed part of a broader discussion that also included intentions to continue negotiations on licensing the schools (the step after registration, as required by Transnistrian *de facto* legislation) and developing co-ordinated curricula. The Sides held a number of follow-up discussions throughout 2005 and 2006 to further implement these intentions.

When the settlement negotiations broke down in mid-2006, discussions on the Moldovan-administered schools were also suspended. It was not until 2012 that Moldovan and Transnistrian education experts started to meet again within the Working Group on Education, a technical working group of experts within the 5+2 negotiations process. However, the first talks on the situation of the Moldovan-administered schools in Transnistria revealed considerable discrepancies in the information provided about the situation of these schools. It appeared that, without verified and updated information, further discussions and decisions could be based on outdated information and assessments that could undermine the potential for finding mutually acceptable, pragmatic solutions.

Therefore, to facilitate the efforts of the Working Group on Education and to inform the 5+2 mediators and OSCE participating States, the OSCE Mission to Moldova, supported by the OSCE High Commissioner on National Minorities (HCNM), has prepared this report based on recent and in-depth research and fieldwork. This report describes past events in detail, as this context is necessary to frame the subsequent analysis and assessment of the schools. Based on this analysis and assessment, the report concludes with recommendations for potential solutions to the disputed issues.

Since this report is intended to facilitate discussions and solutions on the political and technical level, it does not analyse the situation of schools from the perspective of international law. The recent judgment of the European Court on Human Rights (ECtHR) in the case of *Catan and Others v. Moldova and Russia* provides this perspective in its judgment on the complaint of parents and teachers from three Latin-script schools. This judgment pertains, as do all ECtHR judgments, to specific violations alleged

during a specific period and examines these against the obligations of parties to the European Convention on Human Rights. This report, in contrast, endeavours to present the entire history of the school issue up through the present day, with a view toward informing current political negotiations. The contrasting scope and purposes of these documents, therefore, should be noted.

The report is based on data collected by the OSCE Mission to Moldova since 1993; information provided by the Moldovan and *de facto* Transnistrian authorities, as well as the schools in question; reports by the OSCE Mission to Moldova and internal OSCE memos; protocols and other documents from earlier negotiations on the schools; reports prepared by various non-governmental organizations (NGOs); academic articles; Moldovan and Transnistrian *de facto* legislation and normative acts; and decisions and materials of the European Court of Human Rights (ECtHR). The authors have also conducted a significant number of meetings and interviews with representatives of the Moldovan and *de facto* Transnistrian authorities, directors of the schools and other relevant public and private structures.

The schools covered in this report are the Theoretical Lyceum “Lucian Blaga” (formerly School No. 20) in Tiraspol, the Theoretical Lyceum “Alexandru cel Bun” (formerly School No. 19) in Bender, the Boarding School for Orphans in Bender, the Theoretical Lyceum “Evrika” (formerly School No. 12) in Ribnita, the Gymnasium in Corjova, the Gymnasium in Roghi, the Theoretical Lyceum “Stefan cel Mare si Sfint” (Grigoriopol/Dorotcaia), and the Theoretical Lyceum “Mihai Eminescu” (Dubasari/Cocieri). This report does not deal with other schools operating in Transnistria that provide instruction in Moldovan in the Cyrillic script, in Russian or in Ukrainian.

The Constitution and legislation of the Republic of Moldova denominate “Moldovan” as the State language, while legislation also recognizes that the Moldovan and Romanian languages are identical. To clarify the positions of Moldovan and Transnistrian authorities in the language dispute, both denominations – “Moldovan” or “Romanian” – are used as appropriate. The denomination as “Romanian” or “Moldovan” does not, however, represent an official endorsement by the OSCE of any side’s position in this dispute.

The use of such terms as “legislation”, “law”, “minister”, “Supreme Soviet” and similar in relation to specific Transnistrian normative acts, *de facto* authorities and institutions does not represent any *de jure* recognition by the OSCE of these normative acts, *de facto* authorities or institutions. These terms are used exclusively for the convenience of the reader and to provide the most accurate identification possible of specific documents, authorities, persons and institutions.

2. BACKGROUND

Throughout most of its history, the territory of today's Republic of Moldova was a borderland contested, fought over, partitioned and settled by neighbouring empires and States, resulting in the complex multi-ethnic and multilingual structure of its current population.

The territory on the left (eastern) bank of the Dniester/Nistru, present-day Transdnistria, did not become part of Moldova, then the Moldovan Soviet Socialist Republic (the Moldovan SSR), until 1940. Previously, this territory was the Soviet Union's Moldovan Autonomous Soviet Socialist Republic (ASSR), established in 1924 within the Ukrainian Soviet Socialist Republic. In 1940, when Soviet authorities incorporated Bessarabia (territories on the right – western – bank of the Dniester/Nistru river) into the Soviet Union, they dissolved the Moldovan ASSR and merged part of it (present day Transdnistria) with the main part of Bessarabia to create the new Moldovan SSR.

From the 1920s, the Soviet authorities promoted a nationality policy proclaiming that the Moldovans were a nation separate from the Romanians and that their language was a different language from Romanian. The Soviet authorities cited the use of different scripts as a significant difference between the Moldovan and Romanian languages.

In Romania, the Old Cyrillic script that was originally used for the Romanian language was replaced in 1862 by the Latin script. In Russian-ruled Bessarabia, however, the Old Cyrillic script was maintained after 1862 and later partially replaced by the Russian Civil (Cyrillic) Script. In the Soviet-ruled Moldovan ASSR and Moldovan SSR, a slightly adapted Cyrillic script (Moldovan Cyrillic script) was introduced to write what became then called the Moldovan language. However, under Romanian rule between 1918–1940 and 1941–1944, the Latin script was used in Bessarabia.¹ During those years, the Romanian authorities promoted a policy designed to foster a Romanian identity in Bessarabia, while the USSR did not recognize Romania's control of the region.

With the increasing political liberalization in the Soviet Union at the end of the 1980s, members of the Moldovan cultural elite openly denounced the Soviet nationality policy and demanded recognition that Moldovan and Romanian were one and the same language, reintroduction of the Latin script and the explicit declaration of Romanian as the sole State language. Some of them also demanded the unification of Moldova with Romania.

On 31 August 1989 the Moldovan Supreme Soviet amended the Constitution, and on 1 September it adopted the Law on Languages. It declared "Moldovan" as the sole State language and reintroduced the Latin script. The Law continued to explicitly call the State language "Moldovan" while simultaneously recognizing the fact that the Moldovan and Romanian languages were identical. In 1994, Moldova's new Constitution confirmed the denomination of the State language as "Moldovan".

¹ In two short periods between 1906-18 in Bessarabia and between 1932-38 in the Moldovan ASSR, the Latin script was also used under Russian/Soviet rule.

However, the national identity of the Moldovans and the name of their language continued to be disputed. Even in official documents, the denomination of the language varies and both the terms Moldovan and Romanian are used. In 1990, the Moldovan Ministry of Education introduced the subjects “Romanian language” and “Romanian literature” and “History of the Romanians”. Repeated attempts to change either the curriculum or the Constitution provoked mass protests and eventually failed. As an informal compromise, many State officials have adopted the convention of referring to the language as “the State language” without specifying its name.

At the same time, the declaration of Moldovan as the sole State language and the Law on the Use of Languages sparked fears among Russian-speakers, who made up approximately 35 per cent of Moldova’s population. The Law prescribed Moldovan as the primary language in all spheres of public life, thereby displacing the position Russian had formerly held. The Law gave Russian the status of a “language of inter-ethnic communication” to be used alongside the State language in all spheres. But since most Russian-speakers had only a limited command of the State language they became concerned that their employment opportunities could be threatened.

Meanwhile, from late 1989 the language issue became one of the major factors in the emerging secessionist conflict in the Transdnistrian region. The dispute over the Moldovan-administered schools in Transdnistria teaching in the Latin script should be seen within this context.

The Transdnistrian *de facto* authorities renounced the introduction of Moldovan as the sole State language and instead made Moldovan, Russian and Ukrainian equal official languages. With regard to written Moldovan, they rejected the Latin script and chose to retain the Cyrillic script. In their view, Moldovan written in the Latin script is Romanian and thus a different, foreign language.

From August 1991 to July 1992, the conflict over territory and jurisdiction in the Transdnistrian region steadily escalated, ultimately erupting into heavy armed confrontations between the Moldovan and Transdnistrian forces. These ended with a Russian-Moldovan Agreement on Principles of a Peaceful Settlement signed in Moscow on 21 July 1992. This Agreement created a Security Zone between the Sides and established tripartite Russian Moldovan Transdnistrian peacekeeping forces, which set up posts at all bridges and on most roads between the two territories controlled by each Side. However, both Sides unilaterally established additional checkpoints throughout the Security Zone, thereby considerably restricting the freedom of movement of people and goods.

At the end of the hostilities, the Transdnistrian *de facto* authorities had established control over most of the left bank territory except for two enclaves with predominantly Moldovan inhabited villages in the Dubasari region. They also retained control over the right bank city of Bender and several neighbouring villages. Practically all public and economic institutions in these territories are subordinated to the Transdnistrian *de facto* authorities. Only a few remained under the administration of the Moldovan authorities, including a police commissariat, a pre-detention facility and a prison in Bender, as well as the railways. Also, a number of schools in areas under Transdnistrian control resisted subordination to Transdnistrian *de facto* authorities, rejected the reintroduction of the Cyrillic script for the Moldovan language and continued to use the Moldovan school curriculum. The Transdnistrian *de facto* authorities demanded that all these institutions, including the Moldovan-administered schools, comply with Transdnistrian *de facto* legislation or be closed. Meanwhile, the Moldovan authorities insisted that the Transdnistrian region was part of the Republic of Moldova and that these institutions and schools should continue to function under Moldovan jurisdiction.

In 1993, the Moldovan and Transdnistrian Sides opened direct negotiations to find a peaceful settlement under the mediation of the Russian Federation and the OSCE. In 1995, Ukraine joined as a third mediator. In 2005, the European Union and the United States of America were accepted as observers to the negotiation process. Since then, the negotiations have proceeded within the so-called “5+2” format, officially known as “The Permanent Conference on Political Issues in the Framework of the Negotiating Process for Transdnistrian Settlement”.

As part of the settlement process, discussions on the status and activity of the Moldovan administered schools in Transnistria also started in 1993. Pending a comprehensive conflict settlement with an agreement on the status of Transnistria and a division of competencies between the Sides, the OSCE has been striving to facilitate pragmatic interim solutions to the status and activities of the Moldovan administered schools that would enable them to function until a permanent solution can be agreed on the basis of a broader conflict-settlement agreement.

3. CHRONOLOGY: THE ORIGINS OF THE SCHOOL DISPUTE AND ATTEMPTS TO RESOLVE IT²

As explained in Section 2, the dispute over the Moldovan administered schools in Transdniestria can be traced back to the late 1980s and early 1990s when Moldovan and Transdniestrian language legislation, education systems and curricula began to diverge. The dispute became increasingly entrenched as the positions of the Sides moved further apart. However, the Sides have agreed to practical measures on several occasions that can be used as a foundation to find durable solutions. This section provides a concise overview of the chronology of events regarding the Moldovan-administered schools, both regarding the origins of the dispute and attempts to resolve it.

1989–1990 On 31 August 1989, the Supreme Soviet of the MSSR declared “Moldovan” the sole State language, decreed it would return to the Latin script and, defying Soviet nationality policy, recognized that the Moldovan and Romanian languages are identical.³ In 1990, the Ministry of Education of the new Moldovan Government introduced the subjects “Romanian Language”, “Romanian Literature” and “History of the Romanians” into the school curriculum throughout the country, including Transdniestria.

After September, the Moldovan Government increasingly lost control over the local authorities administering the public schools on the left bank of the Dniester/Nistru, which continued to consider Moldovan (in Cyrillic script) and Romanian (in Latin script) to be separate languages.

1991 On 12 March, the Supreme Soviet of Transdniestria passed a “decision” on “urgent measures for preserving the identity of the Moldovan people, and their language and culture”.⁴ The decision obliged all educational institutions in the region to introduce the subject “History of Moldova and the USSR” and to stop teaching “History of the Romanians”. It also required all educational institutions to teach Moldovan using the Cyrillic script. Exceptions were to be granted, however, if parents chose a different language of education for their child and submitted a formal notification of their request to the school administration.

As a consequence, parents’ meetings were held in many Moldovan schools in Transdniestria. In several towns, a significant number of parents requested that their school administrations teach their children using the Latin script.⁵

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2. This section has been prepared on the basis of the OSCE Mission to Moldova report, “Moldovan Schools in Transdniestria” (2003), files of the OSCE Mission to Moldova.
 3. The Law on the Status of the State language of the Soviet Socialist Republic of Moldova No. 3464 from 31.08.1989.
 4. Decision no. 28 on “urgent measures for preserving the identity of the Moldovan people, and their language and culture”, 12 March 1991.
 5. “The Report on the conflict in Transdniestria regarding implementation of the laws “on languages in the Transdniestrian Moldovan Republic” and “on education”; prepared by the education adviser of the “president” V.Narovskii, files of the OSCE Mission to Moldova.

On 2 September, the first Transnistrian “constitution” was adopted.⁶ According to article 28, the three official languages of Transnistria are Moldovan, Ukrainian and Russian, each with equal status and protection by the authorities.

1992–1993 On 8 September 1992, the Transnistrian Supreme Soviet adopted a “law on languages”, still in force today.⁷ Article 3 declares Moldovan, Russian and Ukrainian as official languages on an equal basis. According to article 6, the Cyrillic alphabet is the sole written form of the Moldovan language. The law also stipulates the establishment of pre-school, primary and secondary educational institutions with Moldovan, Russian and Ukrainian as the languages of instruction. At the same time, article 26 of the law guarantees the free choice of the language of education for children as an inalienable right. Parents are thus allowed to choose an educational institution with a language of instruction different from the three official languages for their children. In that case, however, the “state” is not obliged to fund the education.

After the “law on languages” was adopted, the Transnistrian *de facto* authorities ordered all Moldovan language schools to transition to the Cyrillic script. However, Schools No. 20 in Tiraspol, No. 19 in Bender and No. 12 in Ribnita, as well as the schools in Roghi and Dubasari, continued to use the Latin script due to the preference of parents. To avoid conflicts with parents, local authorities continued to fund these schools despite some criticism from within the Supreme Soviet.

In April 1993, the OSCE Mission to Moldova started its work to support a conflict settlement and was approached for help by parents and teachers of several Moldovan schools in Transnistria. The OSCE Mission tried to facilitate pragmatic solutions that – pending a final settlement and division of competences (including on education) between Chisinau and Tiraspol – could serve as a mutually acceptable compromise to ensure the right of parents to choose the language of education for their children.

Also during this period, the first negotiations on co-operation in public education were held between Moldovan and Transnistrian experts, resulting in a signed protocol of intentions for consideration by the two leaderships. Among other things, the protocol stipulated that local authorities in Tiraspol, Bender and Ribnita would provide appropriate buildings to Moldovan schools using the Latin script and that the Moldovan authorities would fund these schools. The protocol also included the intention to elaborate co-ordinated curricula.⁸

1994 On 19 April, a “law on education” was adopted in Transnistria.⁹ This law provided specific application of the “law on languages” to the education sphere, and compelled pupils to study two of the three official languages. In case the language of instruction was not one of the official languages, the students had to learn at least one official language in addition to the language of instruction.

The “law on education” also allowed foreign States and private persons or entities to open schools. For a foreign State to open a school in the region, an agreement between Transnistria and the relevant authorities of the foreign State would be required. To open a private school, the founder was required, among other things, to demonstrate that the school would have proper premises. Before conducting any educational activities, the school would first need to register with the Transnistrian *de facto* authorities and then obtain a licence from them.

6. The first “constitution” of Transnistria is no longer electronically available from “official” sources.

7. “law on languages”, 8 September 1992 (C3MP 92-3).

8. Protocol of Intentions Between the Republic of Moldova and Transnistria in the Field of Education, 1993, files of the OSCE Mission to Moldova.

9. “law on education”, 19 April 1994 (C3MP 94-2).

This law guaranteed parental choice regarding the language of education for their children and also permitted the opening of alternative schools. However, the law also established a unified Transdnestrian education policy and corresponding curricula for all schools in the region, public or private, including those still using the Latin script. Essentially, parents could select a language of education different from one of the official languages, but private schools still had to teach the Transdnestrian curriculum. Only schools of foreign States were allowed to use a different curriculum.

Schools No. 20 in Tiraspol, No. 19 in Bender and No. 12 in Ribnita, however, continued to use the Latin script and follow the curriculum of the Moldovan Ministry of Education without applying to change their status under Transdnestrian *de facto* legislation. Local authorities continued to fund the schools.

At the same time, the parents, pupils and teachers connected with these schools complained of increasing pressure from local authorities to use the Cyrillic script and the Transdnestrian curriculum. In Ribnita, the local authorities blocked access to School No. 12 for an extended period of time. In Bender, School No. 19 was sequestered by the militia, disbanded and converted, together with a nearby Russian school, into a new mixed school using the Cyrillic script and the Transdnestrian curriculum. In reaction, parents and pupils blocked road traffic and railway lines, impacting Moldovan and Transdnestrian import and export activities.

In the autumn, the OSCE Mission to Moldova and the High Commissioner on National Minorities (HCNM) met with Transdnestrian leader Igor Smirnov. The HCNM stressed the importance of children being able to learn their mother tongue in both its spoken and written form. Mr. Smirnov confirmed that there was no impediment to the use of the Latin script in private schools.¹⁰ Following this, a compromise solution was sought by attempting to register the Moldovan-administered schools as private schools, because an agreement on opening schools of a “foreign State” in Transdnestria was not an option for the Moldovan Government.

However, since private schools could not be granted space in public buildings free of charge, the schools first needed to identify available premises, and then either pay rent to local authorities or to private landlords. The school administrations and parents therefore turned to the Moldovan Ministry of Education for support.

According to school directors, as of 1 September 1994, the Transdnestrian *de facto* authorities stopped all funding to schools in Bender and Ribnita,¹¹ though this was only formalized over a year later.¹² On 10 October, the Moldovan Government adopted the Decision on Financing of Some Schools from the Left Bank of the Dniester and the City of Bender, which stipulated that the Government would fund the three schools in Bender (Lyceum), Ribnita and Tiraspol from the Moldovan State budget.¹³ The Moldovan Ministry of Education was charged with supervising the schools.

1995

On 15 February, based on the 1993 protocol of intentions, a protocol decision was signed by the Moldovan and *de facto* Transdnestrian authorities reiterating earlier commitments to co-operation, including the elaboration of co-ordinated curricula and the provision of buildings for the three schools in Bender, Ribnita and Tiraspol by the local authorities.¹⁴

10. OSCE Mission to Moldova Report, “Moldovan Schools in Transdnestria”, 2003, Files of the OSCE Mission to Moldova.

11. The school in Tiraspol continued to receive funding until September 1995.

12. “decision on the functioning of Romanian-language schools on the territory of Transdnestria”, no. 332 from 15 09 1995 (CAMP 95 9).

13. Decision of the Government on Financing of Some Schools from the Left Bank of Dniester/Nistru and the City of Bender, no. 750 from 10 10 1994.

14. Protocol Decision on the Resolution of Issues in the Sphere of Public Education between the Republic of Moldova and the Transdnestrian Region, 15 February 1995.

However, this protocol decision was also never implemented.

In June, the OSCE Mission to Moldova received complaints from parents in Camenca, Slobozia, Dubasari, Corjova and Roghi stating that a majority of parents had expressed a preference to be allowed to use the Latin script and the curriculum of the Moldovan Ministry of Education in the new school year. They had tried to register a private school financed by Chisinau, but the local authorities had denied their request, insisting that the Transnistrian curriculum must be used in their school. The local authorities added that an optional “foreign language” – that is, Romanian – could be offered on an extra-curricular basis.

By the summer, it also became apparent that gathering all the necessary documents to register a private school was more difficult than expected. Contradictions within the Transnistrian legal framework and administrative procedures, as well as between the laws and procedures on both banks, resulted in a vicious cycle for the schools, in which documents required for registration actually presupposed an already existing registration and in which authorities on one side of the Dniester/Nistru could not act according to the procedures of the other side. Also, neither Side appeared willing to find a compromise. As a result, by the start of the new school year, the schools in Bender, Ribnita and Tiraspol still had not submitted all necessary documents to the Transnistrian *de facto* authorities to be registered as private schools.

On 15 September, the Transnistrian “government” adopted the “decision on the functioning of Romanian-language schools on the territory of Transnistria”.¹⁵ The decision blamed the Moldovan authorities for not honouring earlier agreements, stating that the Latin-script schools continued to violate Transnistrian laws on education and languages, and eventually banned the activity of these schools. It also ordered the *de facto* ministry of economy to stop financing the schools from the Transnistrian budget as of November.

By November, tensions were escalating. Local authorities were directed to submit reports on how the schools were meeting Transnistrian demands and to enforce sanctions if they were not. At the same time, the schools in Roghi and Corjova also switched to the Moldovan curriculum but did not have any funding.

By the end of the year, the Transnistrian *de facto* ministry of education agreed to issue licences to the schools in Bender and Ribnita, allowing them to conduct educational activities. This was done to enable them to register as non-state institutions (private schools). However, the *de facto* ministry warned the schools not to raise political issues during history classes or to study authors who proclaimed nationalist ideas.¹⁶ The *de facto* ministry also noted that the schools would need to be financed by the Moldovan Ministry of Education. At the same time, the Moldovan Ministry of Education announced that it would extend its financial support to the schools in Roghi and Corjova.¹⁷

1996¹⁸

During this year, the directors and teachers at the Latin-script schools began receiving salaries in Moldovan lei. After the use of cash lei was banned in Transnistria at the end of the year, the authorities blamed the schools for illegally paying their employees, but did not take further action.

15. “decision on the functioning of Romanian-language schools on the territory of Transnistria”, no. 332, 15 September 1995 (CAMP 95-9).

16. BASA press agency digest, article dated 30 November 1995.

17. OSCE Mission to Moldova Report, “Moldovan Schools in Transnistria”, 2003, files of the OSCE Mission to Moldova.

18. School-specific entries in this year are taken from the OSCE Mission to Moldova Report, “Moldovan Schools in Transnistria”, 2003, files of the OSCE Mission to Moldova.

Bender: In February, School No. 19 received an official licence for three years from the Transnistrian *de facto* authorities.¹⁹ All other Latin-script schools operated without a licence.

Ribnita: In April, School No. 12 in Ribnita learned that the city authorities were revoking the rental contract for its building.²⁰ After talks with the Moldovan Ministry of Education, city authorities reversed their decision for one year, at which time they promised to provide a new building for the school.

Over the course of the year, the solutions found in Bender, Ribnita, Tiraspol, Corjova and Roghi encouraged more Cyrillic-script schools in the Transnistrian region to also try to switch to the Latin script and follow the Moldovan Ministry of Education's curriculum, as well as apply for financial support from the Moldovan Ministry of Education.

Dubasari: After being denied a private-school registration but still preferring education in the Latin script and facing tensions within their school, about 220 pupils and their teachers left the Cyrillic script school during the winter holidays and relocated to the Moldovan controlled village of Cocieri, where they received premises in December. They opened a Latin script school in February 1997, which has functioned in Cocieri ever since.

Grigoriopol: The school switched to the use of the Latin script and the Moldovan Ministry of Education curriculum and, in reaction, local authorities banned the school from its premises. Without premises the school could not qualify for registration as a private school. In September the school building was closed, guarded by militia, and the entire teaching staff was dismissed. Those who promised to teach the Transnistrian curriculum were later rehired when the school reopened to teach using the Cyrillic script. However, some teachers started holding Latin-script classes clandestinely in the school and at the homes of teachers or parents.

Slobozia: In the summer, Moldovan School No. 1 in Slobozia applied to the Moldovan Ministry of Education for financial assistance and submitted documents to the Transnistrian *de facto* authorities requesting to be transformed into a private Latin-script school. However, the request was denied. Parents, teachers and students continued to insist on education in the Latin script. In October the school was closed by militia, and the director and teachers were dismissed. Some staff were rehired when the school reopened to continue teaching in the Cyrillic script with the Transnistrian curriculum. As in Grigoriopol, some teachers held clandestine Latin script classes in the school and at home. To this day the school continues teaching in the Cyrillic script.

Other localities: In the summer, the parents of schools from Grigoriopol (No. 1), Malaesti, Delacau, Crasnaia Gorca, Butor and Taslic (all from Grigoriopol rayon), as well as Camenca, also applied for financial assistance from the Moldovan Ministry of Education. In Camenca rayon, after negotiations with the local authorities on the provision of premises failed, many parents from Camenca city, as well as Podoima and Crasnii Oateabri villages, decided to send their children to school in Sanatauca on Moldovan-controlled territory on the right bank. To this day some children from these localities continue to commute to this school, crossing a checkpoint every day.

1997

Tiraspol: Local authorities informed the school that it had to relocate, and it therefore stopped paying rent to the authorities. However, the school did not relocate and fell into arrears on its rent payments. At the same time, the existing premises were too small, requiring classes to be held in three shifts.

19. Licence no. 4, 26 February 1996, Transnistrian *de facto* ministry of education, files of the OSCE Mission to Moldova.

20. The OSCE Mission to Moldova Report, "Moldovan Schools in Transnistria", 2003, files of the OSCE Mission to Moldova.

Ribnita: The local authorities allocated a plot of land and a building previously used by an education centre for School No. 12 and permitted new buildings to be constructed on the site, financed by the Moldovan Government.

On 10 November, the Moldovan and *de facto* Transdniestrian authorities signed an agreement establishing a Joint Commission on Socio-Economic Co-operation under which 20 permanent working groups (expert groups) started to operate. The working groups were tasked with analysing the co-operation of the Sides in their spheres of competence, taking decisions on measures within their competencies, elaborating proposals and drafting documents for decision by the Joint Commission, and implementing decisions adopted by the Joint Commission. One of the 20 working groups dealt with questions in the education sphere.²¹

1998 **Tiraspol:** In July, the school was closed by a decree of the local authorities, primarily for non payment of rent.²² After the Moldovan Ministry of Education paid the debt, the school was reopened. A three-year licence was issued by the *de facto* ministry of education, valid from 1 September.²³

2001²⁴ **Tiraspol:** In September, the local authorities noted that the lease had not been extended, and the school building had to be closed for repairs. Throughout the autumn, the school operated under the permanent threat of eviction. After the intervention of the OSCE Mission to Moldova and the United Nations High Commissioner for Refugees (UNHCR), the local authorities agreed not to evict the school, but insisted that it should find new premises.

Grigoriopol: The school officially taught using the Cyrillic script and the Transdniestrian curriculum, but clandestinely continued offering classes using the Latin script and Moldovan Ministry of Education textbooks. Parents and teachers complained to the OSCE Mission to Moldova that they were being put under pressure after they submitted requests to open a private Latin-script school to the Transdniestrian *de facto* authorities. At a meeting with the OSCE Mission to Moldova, the UNHCR and the Transdniestrian “deputy minister of education”, the parents confirmed their requests for over 500 out of 700 pupils. The Transdniestrian *de facto* authorities expressed their willingness to address the situation, but later refused to attend any further meetings.

2002 **Grigoriopol:** Parents established an initiative group to set up a private school teaching the Moldovan curriculum using the Latin script. The group proposed establishing the private school in the same building as the public Transdniestrian (Cyrillic script) school, using the premises in the afternoon. However, no agreement could be reached with the local authorities. In the meantime, classes in the Latin script continued clandestinely in the Cyrillic-script school and at home. In August, the Grigoriopol authorities closed the school and removed all Moldovan textbooks and teaching materials. All teachers were dismissed and told they would not be rehired until they had signed a declaration that they would teach according to Transdniestrian education and language laws. Thereafter, teachers, parents and students started a separate school using the Latin script and Moldovan curriculum in a school building in the Moldovan controlled village of Dorotcaia. Since then,

21. Agreement on the Organization of the Basis of Socioeconomic Co-operation between the Republic of Moldova and Transdniestria, 10 November 1997, files of the OSCE Mission to Moldova.

22. The OSCE Mission to Moldova Report, “Moldovan Schools in Transdniestria”, 2003, files of the OSCE Mission to Moldova.

23. Licence no. 208, valid from 1 September 1998 to 1 September 2001, Transdniestrian *de facto* ministry of education, files of the OSCE Mission to Moldova.

24. With the aim of preventing internal displacement, the UNHCR designed a reconciliation project that offered funding for reconstruction of buildings of schools run by both Moldovan and *de facto* Transdniestrian authorities in Transdniestria in return for finding pragmatic compromises enabling the registration of Latin script schools as private schools. With the Moldovan Social Investment Fund acting as the implementing partner of the World Bank and with the political support of the OSCE Mission to Moldova, the UNHCR started to identify possible reconstruction sites for schools starting in Tiraspol, Bender, Ribnita, Cocieri and Grigoriopol. Most of the funds were used in relatively stable situations, such as Bender, Cocieri and Corjova, rather than being used to support compromise solutions at “hot spots”, including Tiraspol and Grigoriopol.

the pupils attending this school have been commuting about 10 km from Grigoriopol to Dorotcaia, passing through checkpoints between Moldovan- and Transdniestrian-controlled territories every day.

Tiraspol: In March, local authorities offered School No. 20 premises on the outskirts of the city, which it refused in spite of the UNHCR's offer to fund the necessary reconstruction. A kindergarten that the school had been previously offered and had refused, but which the director now thought would be acceptable, had meanwhile been allocated to a different educational institution. Local authorities also insisted again on the school's registration and later licensing under Transdniestrian *de facto* legislation.

Ribnita: School No. 12 also received a notice from the local authorities that it would have to vacate one of the buildings it was renting.

2003

This year also saw the issue of the legal status of schools being reintroduced into the political negotiation process, again without result. The Transdniestrian Side stated that the schools could function as private schools, but would still need to accept the Transdniestrian curriculum or face closure by the end of the year.²⁵

Roghi: In January, the school applied for and received a certificate of permanent registration from the Transdniestrian *de facto* ministry of justice. Relations between this school and the local authorities of the predominantly Moldovan inhabited village have regularly been more constructive than in other localities.

Other schools: All remaining Latin script schools received a letter from the Transdniestrian *de facto* minister of education early in the year stating that any educational institutions remaining unregistered on 1 March would face closure by the end of the 2002/2003 school year. School directors also informed the OSCE Mission to Moldova that they were required to show evidence of Transdniestrian citizenship by May.

In February, the Head of the OSCE Mission to Moldova raised this issue with Transdniestrian leader Smirnov, who denied an intention to close the Latin-script schools but declared that they must register. As a follow-up, in March the OSCE Mission facilitated meetings between the Moldovan and *de facto* Transdniestrian education authorities to discuss registration and other procedures, as well as issues regarding the school premises in Bender and Tiraspol. The *de facto* ministry of education insisted that the schools must register before the issue of premises could be resolved. However, the availability of premises was a precondition for registration. The OSCE Mission to Moldova and the office of the HCNM retained an international legal expert to examine registration requirements and the charters (founding documents) of the schools to facilitate a compromise solution.

In July, an agreement in the form of an agreed text for the school charters was reached between the Moldovan and *de facto* Transdniestrian education authorities. On the basis of this agreement, the charters of the Latin-script schools would be registered as private schools financed by the Moldovan authorities. It was further agreed that the only law that would be used as a basis in this process would be relevant *de facto* legislation on education, and not unrelated laws regarding Transdniestrian citizenship, et cetera.²⁶

In early August, the charters of the Moldovan schools were forwarded to the Transdniestrian *de facto* authorities. However, although the *de facto* education authorities

25. The "law on education" in force at the time required accreditation and attestation of all schools, including private ones. The new "law on education" adopted in 2003 and in force today does not have this requirement.

26. OSCE Mission to Moldova Report, "Moldovan Schools in Transdniestria", 2003, files of the OSCE Mission to Moldova. Also see "Managing the Crises – Restarting the Process: The OSCE Mission to Moldova in 2004/2005"; <http://www.core-hamburg.de/documents/yearbook/english/05/neukirch-en.pdf> (short link: <http://bit.ly/P6sKOo>).

had agreed to the text of the school charters, the *de facto* ministry of justice refused their registration. In subsequent letters, the *de facto* ministry of education warned that the schools must bring their activities in line with legislation by 1 November or face closure.

2004²⁷

In January, the *de facto* minister of education reported to the Supreme Soviet that the Latin-script schools in Transdniestria were allegedly failing to respect local laws and called for their closure before the beginning of the 2004/05 school year. In February 2004, the Ribnita Administration adopted a decision²⁸ (No. 55/9) abrogating its earlier 1997 decision to allocate the land plot, reasoning that Moldovan School No. 12 (the Theoretical Lyceum “Evrika”) had not presented a handover certificate to the relevant commission in timely manner.

The OSCE Mission to Moldova and the Council of Europe managed to restart meetings of the Sides within the expert group throughout the spring, but the schools continued to receive notices from local authorities warning of their imminent closure. Local media began reporting that the schools would be closed as of 1 September and encouraged parents to enrol their children in other schools. Also, municipal companies interrupted their gas and water supplies. When these problems were raised during meetings of the expert group, *de facto* education officials stressed that these were actions entirely within the discretion of the local authorities.

Both the Council of Europe Commissioner on Human Rights and the OSCE HCNM visited Chisinau and Tiraspol to broker an agreement. During his meeting with the *de facto* minister of justice on 14 July, the OSCE HCNM received assurances that the Moldovan Latin script schools could be registered within a week. However, the next day, the Transdniestrian *de facto* authorities started forced closures of the Latin script schools.

In the early morning of 15 July, Transdniestrian militia stormed School No. 20 in Tiraspol, destroying parts of the building and removing furniture, textbooks and archives. Parents and teachers attempting to block the operation were removed by the militia. In Bender and Ribnita, parents and teachers prevented the closure of the school by guarding of Schools No. 19 and No.12 around the clock, even after the electricity and water was disconnected. In Bender, the Transdniestrian militia surrounded the school in a tense standoff with Moldovan police, who were stationed inside the school grounds.

Transdniestrian militia also occupied the orphanage in Bender and sealed the buildings. Protesting teachers and children reoccupied the buildings and stayed inside for over a month, despite having no water or electricity and the generally unsanitary conditions. Transdniestrian militia surrounded the buildings, but allowed food and water to be delivered by the OSCE Mission to Moldova and UNICEF.

On 29 July, Transdniestrian militia stormed and seized the school in Ribnita. A group of parents and teachers who had locked themselves inside the building were arrested and sentenced to administrative detention. The local authorities confiscated the school building, as well as the adjoining and nearly completed new building financed by the Moldovan Ministry of Education with the full agreement of the local authorities.

The international community roundly condemned the closure of the schools and stood firm in its position that Transdniestria should agree to some kind of compromise. HCNM Rolf Ekéus issued a statement denouncing the closure of the schools as a policy of “linguistic cleansing”.²⁹ Intensive shuttle diplomacy ensued on the part of the mediators from the OSCE, the Russian Federation and Ukraine. Ultimately, the Transdniestrian *de*

27. See: “Moldovan schools in Transdniestria: An uphill battle against “linguistic-cleansing””, OSCE Magazine, June 2005, p. 20–23, <http://www.osce.org/secretariat/15962?download=true>, (short link: <http://bit.ly/MK8eZs>).

28. Ribnita administration decision no. 55/9, 26 February 2004.

29. OSCE HCNM Press Release, “Ethnic Cleansing Underway in Transdniestria”, 15 July 2004.

facto authorities agreed to register the schools as “foreign non-state educational institutions” for one year, while negotiations on a more durable agreement on their status continued. Four of the six schools were able to begin the academic year as planned, on 1 September, with the Ribnita and Tiraspol schools starting a few months later.

The schools in Roghi, which was already registered, and Corjova, both located in predominantly Moldovan-inhabited villages and enjoying pragmatic relations with the local authorities, never faced a threat of closure during this period.

Before the end of the year, some parents, students and school directors filed applications with the ECtHR concerning violations related to the forced closures of the schools. In August, the school director and ten students from the orphanage in Bender filed applications with the ECtHR against Russia,³⁰ and were followed in October by parents, students and teachers from schools in Ribnita, Bender (the Lyceum) and Grigoriopol/Dorotcaia, who filed applications with the ECtHR against Moldova and Russia.³¹ These applications alleged violations of the rights of education, private life and freedom from discrimination. Parents and students from the school in Tiraspol also reportedly filed an application to the ECtHR, but it appears that this application was untimely and therefore, inadmissible.³²

2005

Throughout the year, the OSCE Mission to Moldova continued to press for a long-term solution to the school question, mediating nine negotiation meetings of education experts from Tiraspol and Chisinau. Ultimately, mutually acceptable formulations (for example, on the language of instruction and the curriculum and textbooks to be used) were agreed for the text of the schools’ charters, which were to be submitted with registration documents.³³

On 1 July, negotiations led to four Latin-script schools that had been temporarily registered in 2004 achieving permanent registration with the local Transnistrian *de facto* authorities: Theoretical Lyceum “Lucian Blaga” in Tiraspol (former School No. 20), Theoretical Lyceum “Alexandru cel Bun” in Bender (former School No. 19), Theoretical Lyceum “Evrka” in Ribnita (former School No. 12) and the Gymnasium in Corjova. The Gymnasium in Roghi had already received permanent registration in 2003.³⁴ With permanent registration, the schools were now considered legal entities under *de facto* legislation, and could conclude contracts for rent, electricity, and so on.

Negotiations regarding the registration of the Boarding School for Orphans in Bender were to be carried out separately, due to its different activity as an orphanage. Negotiations were also supposed to continue to resolve questions of curricula for disputed subjects (history, literature and geography) in order to eventually obtain licences from the Transnistrian *de facto* authorities.³⁵ A working group of education experts on curricula was established during the summer to examine the teaching materials used by both Sides. It was agreed that the schools were to open at the start of the academic year 2005/2006, regardless of the result on these questions.³⁶

30. Bobeico and Others v. Russia (Application no. 30003/04).

31. *Catan and Others v. Moldova and Russia*, Application nos. 43370/04, 8252/05 and 18454/06).

32. “Tiraspol Romanian school also wanted to obtain money through a European Court judgment”, Novii Region, <http://nr2.ru/pmr/410308.html>

33. Protocol of the meeting of education experts from the Republic of Moldova and Transnistria, 3 June 2005, files of the OSCE Mission to Moldova.

34. Registration certificates of schools “Lucian Blaga”, “Alexandru cel Bun” and “Evrka” and the gymnasiums in Corjova and Roghi, files of OSCE Mission to Moldova.

35. Protocol of the meeting of education experts from the Republic of Moldova and Transnistria, 1 July 2005, Files of the OSCE Mission to Moldova.

36. OSCE Mission to Moldova press release, 4 July 2005, <http://www.osce.org/moldova/46604>.

2006

During the year, six constructive meetings of the expert group were held, during which the key pending issues were discussed, including the interrupted construction of the school buildings and rental of other premises in Ribnita, the possible return and registration of the Latin script school to Grigoriopol, the procedures under Transdniestrian *de facto* legislation for licensing and accreditation, and the findings of the Moldovan Institute of Educational Sciences and the Transdniestrian Institute of Professional Development on their review of Moldovan and Transdniestrian curricula and textbooks.³⁷

In particular, licensing and registration (Grigoriopol) were discussed, with presentations by the Transdniestrian side regarding the procedures and mechanisms needed to obtain a licence for legal entities. The Moldovan side also presented relevant normative acts under Moldovan legislation, and agreed to present draft documents for the licensing of one school in Transdniestria as a pilot.³⁸ However, these agreements were never followed up, and around mid-year, all meetings of the expert group ceased in the aftermath of the overall breakdown of settlement negotiations.

Ribnita: The school director of the Lyceum “Evrika” in Ribnita met with local authorities and filed a formal request to take out a 25 year lease on the land plot at 14 Gagarin Street that had been confiscated in July 2004 on which the old school building and the Moldovan funded, newly constructed school building are situated. In September, the Ribnita local administration responded, informing the Lyceum “Evrika” director that a school named the “Ribnita School for Social Protection and Rehabilitation of Students” was already located at this address. According to local standards, the letter stated, only one educational institution could be located at an address.³⁹

2007–2012

No significant disputes occurred during this period, but due to the overall deadlock in the settlement process, no negotiations regarding the improvement of the situation of the schools could be organized either, until 2012. According to the school directors, there were individual cases of pressure on parents during this time, especially in connection with their employment if they worked in any kind of public capacity. With the exception of the case of student Alexandru Bejan in Tiraspol,⁴⁰ no new cases were reported.

The school in Ribnita reported vandalism against the school in 2008 and 2009, when windows of the kindergarten the school rents from Moldova Steel Works were broken on several occasions. In November 2009 one perpetrator was apprehended by local militia and fined.⁴¹

Many schools reported consistent problems before or during their “First Bell” (the beginning of the school year, 1 September) and “Last Bell” (end of the school year, 31 May) ceremonies, during which they raised the Moldovan flag and played the Moldovan national anthem. They reported that the electricity was cut before the ceremonies, or that they were visited by Transdniestrian militia. Many carried on with these ceremonies anyway, in one form or another. However, no major problems were reported at the conclusion of the 2011/2012 school year or beginning of the 2012/2013 school year. (See Section 5.6)

Schools in Tiraspol, Ribnita and Corjova complain about inadequate premises and uncertainty about the extension of rental agreements year to year. They also complain that this lack of stability is contributing to a steady decline in the student numbers.

37. See Section 5.2.

38. Protocol of the meeting of education experts from the Republic of Moldova and Transdniestria, 16 June 2006, files of the OSCE Mission to Moldova.

39. Letter from Ribnita administration, no. 01 13/3177, 8 September 2006, files of the OSCE Mission to Moldova.

40. Discussed on under Section 4.1.

41. OSCE Mission to Moldova Activity Reports, April 2008, October 2008, October 2009, November 2009 // Files of the OSCE Mission to Moldova.

The schools also stated that transportation of textbooks and other books, materials, food supplies and other goods from Moldova through Transdniestrian checkpoints was not allowed during this period. However, *de facto* customs authorities state that transport of these materials is permitted if the schools apply in accordance with customs procedures. The schools in Dubasari/Cocieri and Bender have recently reported improvements on this issue.⁴²

In 2011, the “Stefan cel Mare si Sfint” Lyceum in Dorotcaia (former Grigoriopol school) also complained that school buses from Grigoriopol were delayed at checkpoints and that lists of pupils’ names were requested. The Lyceum appealed several times to the Grigoriopol administration to register the school in Grigoriopol, but was informed again in April 2012 that this question was within the competence of the central Transdniestrian *de facto* authorities.

After the change of power in Transdniestria, the new “president”, Evgeny Shevchuk, replaced all of Igor Smirnov’s *de facto* ministers including the *de facto* minister of education. In meetings with the OSCE, the new administration stated repeatedly that it fully supports the rights of children to be educated in their (or their parents’) languages of choice, and that all problems related to the Latin script schools could be resolved by legalizing their operation in Transdniestria. According to the new administration, as long as the schools do not teach propaganda or support extremist and subversive acts, there should be no issue whatsoever with the legalization of their activities.

In April 2012, a Working Group on Education started meeting under the framework of the Joint Expert Working Groups on Confidence-Building Measures, linked to the restarted 5+2 process. The problems of the Latin script schools were included in the agenda of the Working Group and discussed, with special attention to the problems of premises, reduction or removal of rent costs, the transportation of children and materials across the checkpoints, and the outstanding question of licensing with the Transdniestrian *de facto* authorities.

In October 2012, the Grand Chamber of the ECtHR issued a judgment in the *Case of Catan and Others v. Moldova and Russia*, which found that there had been no violation of Article 2 of Protocol No. 1 of the Convention (right to education) by the Republic of Moldova, but that there had been an Article 2 violation by the Russian Federation.

As of 2012, children from the following Transdniestrian cities, towns and villages study in the Moldovan-administered Latin-script schools:

Cities/Towns: Tiraspol, Bender, Ribnita, Grigoriopol, Dubasari, Slobozia, Camenca

Villages: Sucleia, Caragas, Cioburciu, Tirnauca, Chitcani (Slobozia Rayon), Crasnaia, Malaiesti, Delacau, Crasnogorca (Grigoriopol Rayon), Molochisul Mare, Jura, Ofatinti, Erjova, Butuceni, Mihailovca, Stroiesti (Ribnita Rayon), Corjova,⁴³ Lunga, Dzerjinscoe, Roghi, Harmatca, Goian, Crasnii Vinogradari, Doibani (Dubasari Rayon), Podoima, Crasnii Octeabri (Camenca rayon)

42. See Section 5.13.

43. The status of the village of Corjova is contested by the Moldovan and *de facto* Transdniestrian authorities.

CHRONOLOGY: KEY MOMENTS

Key moments in the dispute and settlement process include:

September 1995

Transdniestria adopts the “decision on the functioning of Romanian language schools on the territory of Transdniestria”,⁴⁴ banning the activities of these schools and directing the *de facto* ministry of economy to stop financing the schools from the Transdniestrian budget as of November 1995. In practice, financing to most of the schools had already ceased in 1994.

January 2003

The Gymnasium in Roghi receives permanent registration from the Transdniestrian *de facto* authorities.

June 2003

An agreement is reached on the schools’ charters, whereby the Latin script schools would register as private educational institutions financed by the Moldovan Government. However, the Transdniestrian *de facto* justice authorities refuse to register the schools.

July 2004

Transdniestrian *de facto* authorities forcefully seize several schools and evict the teachers and students. The HCNM condemns this as “linguistic cleansing”. Under increasing international pressure, the Transdniestrian *de facto* authorities provide four schools with temporary registration for one year in September 2004.

July 2005

In a breakthrough agreement, four Latin script schools receive permanent registration from local Transdniestrian *de facto* authorities: Theoretical Lyceum “Lucian Blaga” in Tiraspol (former School No. 20), Theoretical Lyceum “Alexandru cel Bun” in Bender (former School No. 19), Theoretical Lyceum “Evrka” in Ribnita (former School No. 12) and the Gymnasium in Corjova. The founding charters of these schools, filed in Transdniestria, reflect that curricula will be co-ordinated by a study group of experts from the Sides. A study group conducts a mutual curriculum review.

June 2006

In negotiations between education experts from both Sides, the Moldovan authorities agree to present draft documents for the licensing of one school in Transdniestria as a pilot.⁴⁵

July 2006

Discussions between the education experts cease as a consequence of the general deterioration in relations between the Sides.

April 2012

Discussions on the schools resume within the 5+2 process in the form of the Technical Working Group of Experts on Education.

44. “decision on the functioning of Romanian-language schools on the territory of Transdniestria”, no. 332, 15 September 1995 (CAMP 95 9).

45. Protocol of the meeting of education experts from the Republic of Moldova and Transdniestria, 16 June 2006, files of the OSCE Mission to Moldova.

4. THE MOLDOVAN-ADMINISTERED LATIN-SCRIPT SCHOOLS⁴⁶

In spite of their common problems in maintaining their existence and educational activity, the eight Latin-script schools in Transnistria each exist in a particular local environment. This chapter attempts to provide an overview over the specific developments and the current situation of each school.

4.1 THE THEORETICAL LYCEUM “LUCIAN BLAGA” IN TIRASPOL⁴⁷



The Theoretical Lyceum “Lucian Blaga” in Tiraspol

Brief history. Moldovan language classes in the Latin script began in 1989 in one Russian-Moldovan school in Tiraspol after the adoption of the Languages Law in the Moldovan SSR. On 1 September 1991 the Tiraspol city administration adopted a decision which founded the first Moldovan language (Latin-script) school in Tiraspol, School No. 20.

In the period 1991-1994 the number of students in School No. 20 increased. After Transnistria’s proclamation of independence, however, the school administration was constantly pressured to adopt the Cyrillic script, which the director and teaching staff resisted. In 1994 teachers refused to use curricula provided by the department of education in Tiraspol and the director was dismissed. Parents refused to accept his dismissal, and the school went on

passive strike for three weeks: no child attended the school. Gradually, the situation came to its current stage: education is provided in the Latin script according to the curriculum provided by the Moldovan Ministry of Education.⁴⁸

As of November 1995, the Transnistrian *de facto* authorities discontinued their financial support of the Latin-script schools from the public budget and School No. 20 was thus obliged to rent premises.⁴⁹ Since that time the school has been maintained by the Moldovan Government.

46. This section has been prepared on the basis of interviews with the Latin-script schools’ administrations, data provided by the Moldovan Ministry of Education and the files of the OSCE Mission to Moldova.

47. Unless otherwise noted, the information in this section is drawn from an interview with the school director Ion Iovcev on 11 June 2012 and visits to the school. Mr. Iovcev has been the school director since 1992.

48. As described in the Chronology in Section 3.

49. “decision on the functioning of Romanian-language Schools on the territory of Transnistria” No. 332 from 15.09.1995 (CAMP 95-9).

On 15 July 2004 Transnistrian militia forced the closure of the school, destroyed part of the school building, removed furniture, textbooks and archives, and confiscated other school property. In February 2005 the school re-opened after substantive repairs and in July 2005 it received permanent registration with the Transnistrian *de facto* authorities.

After 2004, the number of students has decreased steadily. According to the director, this is due to lingering fears of parents after the forced closure of the school in 2004, as well as reported threats that they could encounter problems at work if they send their children to this school.

Registration and accreditation with the Republic of Moldova. On 7 July 2004 School No.20 was reorganized into the Theoretical Lyceum “Lucian Blaga” by a decision of the Moldovan Ministry of Education. The school’s current registration has been valid since 20 March 2007. It was accredited on 23 December 2008.

Registration and licensing by the Transnistrian *de facto* authorities. For the purpose of registration by the Transnistrian *de facto* authorities, the Department of Education of Causeni town (right-bank Moldova) acts as founder of the school. On 29 September 2004 the school was temporarily registered by the Transnistrian *de facto* authorities for one year as a non-state institution belonging to a foreign State. On 1 July 2005 the school received permanent registration as a non-state general education institution (Certificate No. 01-133-3653 from 1 July 2005).

In 1998 the school received a three-year licence from the *de facto* ministry of education to conduct educational activity.⁵⁰ The director reports that the school experienced fewer problems during this period. As of 2001, after the expiry of that licence, the school entered into a legal vacuum again per local legislation. In 2003, the school’s administration submitted documents to the Transnistrian *de facto* ministry of justice for a licence. The request was denied, and the school currently has no licence.

Number of students and teachers. The school has 166 students,⁵¹ from the following localities: Tiraspol, Slobozia town, Sucleia, Caragas, Ciobruciu, Tirmauca, Chitcani (Slobozia Rayon), Crasnaia and Malaiesti (Grigoriopol Rayon). The number of students in the school has been generally decreasing (See Table 3).

The number of teachers is 27. The student-teacher ratio at present is 6.1:1.

Pressure or intimidation of teachers and parents. No cases of intimidation or pressure were reported by parents and teachers after 2011, with the exception of the Alexandru Bejan case (below). Before 2011 different cases were reported. In particular, parents who worked in offices of the Transnistrian *de facto* administration or public enterprises stated that they had been warned not to send their children to Moldovan-administered schools.

In 2012, the criminal case of one student at the school, however, gained attention throughout the region. The student, Alexandru Bejan, is being charged by the Transnistrian *de facto* authorities with providing false information about a terrorist act, which carries a potential prison term of three years. It is unclear whether these charges have any connection with Mr. Bejan’s enrolment as a student at the Lyceum. Hearings on the case began in September 2012.

Health, safety and sanitary controls. All students of the school are vaccinated in Tiraspol and local health authorities carry out health checks of the students once per year. The city administration also carries out technical and fire inspections of the premises once per year, and sanitary inspections three times per year.⁵²

The director reports that relations between the school administration and the Transnistrian health authorities are good.

50. Licence for educational activity, issued 1 September 1998 by the *de facto* education authorities.

51. Data provided by the Moldovan Ministry of Education.

52. Confirmed by Tiraspol city administration (meeting on 25 July 2012).

Transport of students. The school has two buses which transport students every day to and from school to home. Students from Malaiesti come by public transport, and the director reports that another bus is needed for students from this village. Problems concerning students' freedom of movement have not been reported for the last three years.

Premises. The school does not have its own premises and rents a building from the Tiraspol city administration at 75 Odessaia Street. According to the rental contract signed by the school administration and the Tiraspol city administration in February 2012 the term of the contract is for 11 months but automatically renews annually for up to five years as long as both parties agree.⁵³ This is an improvement over prior rental contracts, the renewals of which were often delayed or problematic, causing a greater degree of uncertainty.

The condition of the building is satisfactory, but the premises are not entirely appropriate for school activity, as there are no sports facilities, assembly hall or dining-hall in the school building. The school director also states that a dormitory is needed for some upper-level students and young teachers.

According to the director, relations with the local administration are good. At the same time, he reports that he would welcome further co-operation with the authorities to address the following issues:

- A storm destroyed the roof of the building in 2011, and it was repaired at the expense of the Moldovan Government. The school administration would like for the full amount of these repairs to be deducted from rent costs;
- The school administration also requested to use the nearby Sports School as their sports facilities, but this has not been granted;
- The school administration also asked local authorities about the eventual acquisition or privatization of the school building by the Moldovan Government, without any answer.

The rent amounts to 15,485 Transdnestrian rubles (about 1,110 euro) per month, or 13,320 euro per year. The Moldovan Ministry of Education considers this rent to be excessive, and maintains that the funds it has invested for the repair and maintenance of the buildings should be deducted from rent costs. The school director informed the OSCE Mission that he directly requested this reduction from the Tiraspol city administration in 2011, and met with a specialized commission that reviewed his request. As a result, rent has been reduced by 200 euro per month in 2012. The school director states, however, that this rent reduction does not cover the cost of repairs.

According to representatives of the Tiraspol city administration,⁵⁴ in order to determine the base rent for municipal property, the city administration uses a specific formula approved by the city council which takes into account different qualitative characteristics of the property (see Annex 2).⁵⁵ In accordance with this formula, the base rent for Lyceum "Lucian Blaga" was set at 54 Transdnestrian rubles (approximately 3.40 euro) per square metre per year.⁵⁶

Regarding deductions from rent to compensate for maintenance and repairs the existing rental contract specifies that repair costs are to be borne by the school administration.⁵⁷ The Tiraspol city administration, however, is open to discussions regarding damage from natural disasters.

53. Contract of the municipal property rental agreement between the Tiraspol city administration and the Lyceum "Lucian Blaga", approved by a decision of the Tiraspol city administration, no. 415, 9 February 2012, Files of the OSCE Mission to Moldova.

54. Meeting with a representative of the Tiraspol city administration, 25 July 2012.

55. Decision no. 40 of the Tiraspol local council, 29 March 2007, p. 4 (files of the OSCE Mission to Moldova).

56. Decision no. 14 of the Tiraspol local council, 14 February 2008 (files of the OSCE Mission to Moldova).

57. Contract of the municipal property rental agreement between the Tiraspol city administration and the Lyceum "Lucian Blaga", approved by a decision of the Tiraspol city administration, no. 415, 09 February 2012 (files of the OSCE Mission to Moldova).

In general the Tiraspol city administration indicated a willingness to negotiate the rent price further, should a formal request be made by the school or Moldovan Ministry of Education.

At the same time it should be noted that a March 2012 Transdnistrian “government” decision on the “approval of rules for the rent of movable and immovable state and municipal property in 2012”⁵⁸ includes a formula for calculating base rents that is different from the formula approved by the Tiraspol city council. According to this different formula, a base rent of 10.5 rubles has been established for municipal rent throughout Transdnistria (see Annex 2). The “government” decision was, however, adopted after the signing of the current rent contract between the Tiraspol city administration and the Lyceum “Lucian Blaga” in February 2012. Nonetheless, according to the Transdnistrian *de facto* minister of economic development, “government” decisions do supersede earlier decisions and have priority over the acts of local authorities.⁵⁹ Therefore, the rent contract and the calculations of the rent amount could be revised according to the 2012 decision.

Financial activity. The overall anticipated expenses to be paid by the Moldovan Ministry of Education for the schools’ activity in 2012 are 2,735,900 Moldovan lei (approximately 171,000 euro).⁶⁰ (See Table 1).

The school has an account in Moldovan lei in the treasury of Causeni and the majority of its financial transactions are realized through this account. The school also has an account in Transdnistrian rubles in Tiraspol (in a private bank) and pays for public utilities and food from this account. The teachers of the school receive their salaries in Moldovan lei in cash.

Table 1. Overall Expenses of the Latin-script schools (funded by Moldova)

School	Overall expenses (MD lei)	Overall expenses (Euro)
Lyceum “Lucian Blaga” Tiraspol	2,735,900	174,128
Lyceum “Alexandru cel Bun” Bender	6,416,600	408,390
Lyceum “Evrka” Ribnita	4,461,200	283,937
Gymnasium Corjova	1,328,100	84,528
Gymnasium Roghi	1,775,300	112,990
Boarding School for Orphans Bender	5,267,300	335,242
Lyceum “Stefan cel Mare si Sfint” Grigoriopol	3,081,900	196,150
Lyceum “Mihai Eminescu” Dubasari	7,075,300	450,314

58. “government decision on the approval of rules for the rent of movable and immovable state and municipal property in 2012”, no. 26 from 15 March 2012 (CA3 12 13).

59. Meeting with Maya Parnas, 30 June 2012.

60. Data presented by the Moldovan Ministry of Education.

4.2 THE THEORETICAL LYCEUM “ALEXANDRU CEL BUN” IN BENDER⁶¹



A classroom at the Theoretical Lyceum “Alexandru cel Bun” in Bender

Brief history. School No. 19 in Bender was founded in September 1988 and was the only school teaching in the Moldovan language in the city. The school was located in premises belonging to Russian School No.1. After 1989, as with other education institutions in the Moldovan SSR, the school started teaching in the Latin script. It refused to revert to the Cyrillic script after Transdniestria declared independence.

In 1994 the Transdniestrian *de facto* authorities disbanded and united the school with a nearby Russian school, creating a Moldovan-Russian school using the Cyrillic script. This provoked mass protests of parents. In October 1994 the Moldovan Government decided to provide support to those schools in Transdniestria that

continued to use the Latin script.⁶² With this support, in November 1994 the school was able to move to the building of the State Forestry in the outskirts of Bender, which had remained under Moldovan control.

In 1995 the school additionally rented the building of a kindergarten from the city authorities. In the period 1995–2000 the number of students increased significantly (from about 900 to 2,000 students) who, given the inadequate number of classrooms of the premises, had to be taught in shifts.

In August 2003 the former School No. 19 was reorganized by the Moldovan Ministry of Education into the Theoretical Lyceum “Alexandru cel Bun”. In July 2004 Transdniestrian *de facto* authorities notified the school of its imminent closure, and teachers, students and parents occupied the school. Transdniestrian militia and Moldovan police both kept a permanent presence outside and inside the school compound, but the situation de-escalated with the withdrawal of the militia after 27 July.

Since 2004 the number of students has steadily decreased. (See Table 3). According to the director, Transdniestrian schools in Bender are not allowed to communicate with the lyceum.

Registration and accreditation with the Republic of Moldova. On 31 August 2003 the school was reorganized from School No. 19 into Theoretical Lyceum “Alexandru cel Bun” by a decision of the Ministry of Education. Its current registration has been valid since 28 March 2007. It was accredited on 28 June 2007.

Registration and licensing by the Transdniestrian *de facto* authorities. For the purpose of registration with Transdniestrian *de facto* authorities, the Department of Education of Causeni town (right-bank Moldova) acts as founder of the school. On 29 September 2004 the Theoretical Lyceum “Alexandru cel Bun” was temporarily registered by the Transdniestrian *de facto* authorities for a period of one year as a non-state institution belonging to a foreign State. On 1 July 2005 it received permanent registration as a non-state general education institution (Certificate No. 02-133-3382).

In February 1996 the school had obtained a three-year licence for educational activities from the Transdniestrian *de facto* ministry of education, which expired in 1999. It is not currently licensed.

61. Unless otherwise stated, the information in this section is drawn from an interview with school director Maria Roibu, 9 June 2012, and visits to the school.

62. Decision of the Government on Financing of Some Schools from the Left Bank of Dniester/Nistru and the City of Bender, no. 750, 10 October 1994.

Number of students and teachers. The lyceum has 578 students from the following localities: Bender, Hagimus (Causeni Rayon), Varnita (Anenii Noi Rayon).⁶³ The latter two villages are under Moldovan control. The number of students attending the school has steadily decreased. (See Table 3)

The number of teachers is 56, making the current student-teacher ratio approximately 10.3:1

Pressure or intimidation of teachers and parents. No cases of intimidation or pressure were reported by parents and teachers after 2011. Before 2011 different cases were reported. In particular, parents who worked in offices of the Transdnestrian *de facto* administration or public enterprises stated that they had been warned not to send their children to Moldovan-administered schools. According to the school director, in 2011 a teacher and his family had to leave Bender after pressure by the Transdnestrian *de facto* authorities.

Health, safety and sanitary controls. In contrast to other schools in Bender, local health authorities do not visit the school, and local authorities do not inspect the school for compliance with safety, health or technical standards. Local authorities state that they do not have access to the school while the school director states that they simply do not come.⁶⁴ However, students living in Bender receive general medical care and vaccinations in the city.

Transport of students. The school has 2 buses which provide transport for students who live in Hagimus from the lyceum to the checkpoint and back. (Crossing the checkpoint is not an obstacle, but it is not practical given other stops along its route.) Students from Bender and Varnita use public transport. Problems concerning students' freedom of movement have not been reported for the last three years.

Premises. The school uses three buildings: a kindergarten belonging to the Bender city administration at 5 Z.Kosmodemianskaia Street, a building of the Moldovan-controlled Boarding School for Orphans in Bender (Boarding School) at 13 P. Morozov Street, and the Moldovan State Forestry building at 228 Chisinaului Street on the outskirts of Bender. The buildings are located at a significant distance from one another (at least a ten minute ride by minibus or a twenty minute walk). Unlike the school building of the Boarding School, the kindergarten and forestry building have had to be adapted for educational activity. However, both these buildings are in good condition, while the Boarding School's building is dilapidated and in need of repairs.

The Boarding School offers its premises free of charge for an indefinite period. Premises in the State Forestry building are also free of charge for a twenty-five year period, until 2027.

At the same time, the kindergarten was renovated in 2003 through the "Reconciliation through Secondary Education" project of the Moldovan Social Investment Fund (MSIF). Since then the school has not paid rent for the kindergarten, per an agreement between the Bender city administration and the MSIF that the school would receive ten years of free rent as an application of the costs of the latter's reconstruction work against the rent for the building. As such, the free of charge rental contract is valid through 2013 only and the director is concerned that it will not be extended. However, she notes that, although repairs were completed in August 2003, formal documentation of these repairs was not made until 20 May 2004. Therefore, she reasons that the free of charge rental contract should be extended through 20 May 2014.

According to the Bender city administration the issue of the renewal of the rent contract should be addressed as soon as possible.⁶⁵ As mentioned in Section 4.1, lessees of municipal property pay rent according to calculations set forth by Transdnestrian *de facto* legislation and local council decisions. At the same time, the possibility of a free of charge rental contract could be examined if the school makes a formal request to the local council.

63. Data provided by the Moldovan Ministry of Education.

64. Meeting with the Bender city administration, 19 July 2012.

65. Meeting with Bender city administration, 19 July 2012.

Transport of goods. In 2012 the director sent a letter to the *de facto* customs authorities and provided them with a list of all products they plan to transport into Transdniestria this year. Since then, they have not had problems transporting furniture and food supplies.

Public utilities. Currently the school is undergoing a renewal process of its contracts for electricity and gas due to re-structuring in gas and electricity departments in Transdniestria. This process is required of all customers in Bender, i.e. not only the school, and entails approvals from seven different Transdniestrian agencies. So far, the school has obtained approvals from three agencies.

Financial activity. The overall anticipated expenses to be paid by the Moldovan Ministry of Education for the school's activity in 2012 are 6,416,600 Moldovan lei (approximately 401,000 euro). (See Table 1).⁶⁶

The school has its account in Moldovan lei in the treasury of Causeni. All financial transactions are realized through this account. The school does not have an account in Transdniestrian rubles, but suppliers of public utilities from Transdniestria have accounts in Moldovan lei into which the school directly pays bills. The teachers of the school receive their salaries in Moldovan lei in cash.

4.3 THE BOARDING SCHOOL FOR ORPHANS IN BENDER⁶⁷



The Boarding School for Orphans in Bender

Brief history. The Boarding School for Orphans in Bender (Boarding School) was founded in 1957. In 1992, 1996, 2002–2003 and 2004 Transdniestrian *de facto* authorities tried to transfer the school to their control. Teachers and children opposed these attempts.

Before 2004 it was a Moldovan/Russian-language boarding school and orphanage receiving children from Anenii Noi, Causeni and Stefan Voda Rayons (under the control of the Republic of Moldova) and Transdniestria. On 26 July 2004 Transdniestrian militia occupied the boarding school, disconnected electricity and water supply and sealed its premises. However, students and teachers entered the buildings and barricaded themselves inside, while militia

surrounded the compound. On 20 August the militia eventually withdrew.

Before 2004, the relationship with the Transdniestrian *de facto* authorities had been constructive; but after 2004 Transdniestrian *de facto* authorities stopped sending children from Transdniestria to the Boarding School. In 2005 the last students learning in the Russian language graduated, and children now come exclusively from Moldovan-controlled villages and towns.

Registration and accreditation with the Republic of Moldova. The Boarding School's current registration has been valid since 26 February 2008. As an orphanage it is not required to be accredited.

Registration by the Transdniestrian *de facto* authorities. During negotiations in July 2005 the Transdniestrian *de facto* authorities agreed to grant permanent registration to some Moldovan-administered schools, with the understanding that the registration of the Boarding School would be

66. Data provided by the Moldovan Ministry of Education.

67. Unless otherwise stated, information in this section is drawn from an interview with school director Maria Ungureanu, 30 May 2012, and visits to the school.

carried out later, owing to its additional activity as an orphanage. However, negotiations ceased before this registration could even be discussed. As a consequence the Boarding School never applied for registration with Transdniestrian *de facto* authorities.

Number of students and teachers. The school has 90 students⁶⁸ from Anenii Noi, Causeni and Stefan Voda Rayons (all under control of the Republic of Moldova). The number of children has been generally decreasing, but the director explains that this is due in large part to the ongoing national reform of the childcare system in Moldova,⁶⁹ which seeks to integrate children back into their home or host family environments. The Boarding School still receives new children, but very few. (See Table 3).

The number of teachers is 33, leading to a very low student-teacher ratio of approximately 2.7:1.

Pressure or intimidation of teachers and parents. Parents and teachers have not reported cases of pressure or intimidation since 2004.

Health, safety and sanitary controls. All necessary inspections are carried out by the Bender administration:⁷⁰ health checks of students and sanitary inspections are carried out once per year, technical and overall safety inspections are carried out once per quarter, and fire inspections are carried out twice per year. Relations between the school administration and the Transdniestrian health authorities are good, and medical care is provided on an as-needed basis.

Transport of students. Problems concerning students' freedom of movement have not been reported for the last three years. For school trips the school administration presents a list of teachers and students at the Transdniestrian checkpoint. When needed, the buses are escorted by the Moldovan police.

Premises. The buildings of the Boarding School (address: 13 P. Morozov Street) all belong to the Moldovan Ministry of Education and were originally designed for educational activity, therefore not needing to be adapted for the school's needs. Altogether the school has five buildings: one classroom building, two dormitories, one for other household uses/living quarters, and one dining hall. The Theoretical Lyceum "Alexandru cel Bun" uses the classroom building free of charge in the afternoons; it is used exclusively by the Boarding School in the mornings.

The buildings of the school are 55 years old and dilapidated, especially the dormitories. The sewage system, water pipes, windows and fences are in need of repair.

The school has not participated in projects which could support renovation and new equipment, mainly because the future and status of the Boarding School is not clear due to childcare reforms being implemented in Moldova.⁷¹

Equipment. The director reports that the school needs computers and new furniture.

Financial activity. The overall anticipated expenses to be paid by the Moldovan Ministry of Education for the schools' activity in 2012 are 5,267,300 Moldovan lei (approximately 329,000 euro). (See Table 1).⁷²

The Boarding School has its account in Moldovan lei in the treasury of Causeni. All financial transactions are realized through this account. The school does not have an account in Transdniestrian rubles. Suppliers of public utilities from Transdniestria have accounts in Moldovan lei, and the school transfers payments directly to these accounts. The teachers of the school receive their salaries in Moldovan lei in cash.

68. Data provided by the Moldovan Ministry of Education.

69. Reform of residential childcare in Moldova is currently being implemented under Government Decision no. 784 on approval of the National Strategy and Action Plan for the Reform of the Residential Childcare System for 2007-2012, 9 July 2007.

70. Also confirmed by Bender city administration in a meeting on 19 July 2012.

71. Reform of residential childcare in Moldova is currently being implemented under Government Decision no. 784 on approval of the National Strategy and Action Plan for the Reform of the Residential Childcare System for 2007-2012, 9 July 2007.

72. Data provided by the Moldovan Ministry of Education.

4.4 THE THEORETICAL LYCEUM “EVRIKA” IN RIBNITA⁷³



One of the buildings at 14 Gagarin Street in Ribnita, constructed at the expense of the Moldovan Ministry of Education

Brief history. Before 1983 only one Russian-Moldovan school existed in Ribnita. In 1989 a new Moldovan school, School No. 12, was opened in Ribnita on the premises of a kindergarten no. 13, which it quickly outgrew due to its high number of students.⁷⁴

The school refused to transfer to the Cyrillic script after the adoption of Transdnestrian laws on languages and education. Thereafter it frequently changed premises, and at certain times students had to study in three shifts with class durations of only 30 minutes. In 1995 the school began to be financed from the Moldovan State budget.

In 1997 the Ribnita city administration allocated the building and land plot at 14 Gagarin Street to the school, and the school began using the allocated building. However, this building was too small to accommodate students, and the Moldovan Government started construction of two new buildings for the school on the rest of the land plot.

In August 2003, School No. 12 was reorganized by the Moldovan Ministry of Education into the Theoretical Lyceum “Evrika”.

On 29 July 2004 the school was occupied by Transdnestrian militia and all buildings, including the two under construction, were sequestered by the Ribnita city administration. Some parents and teachers resisted this action and were arrested, with some of them later sentenced to administrative detention. Despite the fact that the school received temporary registration in time for the start of the 2004/2005 school year, it did not re-open until October on the premises of a kindergarten across town. From this point forward the number of students decreased steadily, as parents began transferring their children to other, i.e. mostly Transdnestrian-administered schools. In 2008 and 2009 the school was vandalized and windows were broken on several occasions.

Registration and accreditation with the Republic of Moldova. The school’s current registration is valid as of 15 May 2007. It was accredited on 29 March 2007.

Registration and licensing by the Transdnestrian *de facto* authorities. For the purposes of registration with Transdnestrian *de facto* authorities, the Department of Education of Rezina town (right-bank Moldova) acts as founder of the school. On 29 September 2004 the Theoretical Lyceum “Evrika” was temporarily registered by the Transdnestrian *de facto* authorities as a foreign non-state educational institution. On 1 July 2005 the school received permanent registration as a non-state general education institution (Certificate No. 06-133-3248 from 1 July 2005). The school has never been licensed.

Number of students and teachers. The number of students attending the school has decreased since 2000. (See Table 3) The lyceum currently has 181 students, from the following localities: Ribnita town, Molochisul Mare, Jura, Ofatinti, Erjova, Butuceni, Mihailovca, Stroiesti villages (Ribnita Rayon).⁷⁵

The number of teachers is 30; the student-teacher ratio is approximately 6:1.

73. Unless otherwise stated, the information in this section is drawn from an interview with representatives of the school administration, Ion Bucioc and Tatiana Scripnic, on 1 June 2012, and visits to the school.

74. See Table 1.

75. Data provided by the Moldovan Ministry of Education.

Pressure or intimidation of teachers and parents. No cases of intimidation or pressure were reported by parents and teachers after 2011. Before 2011 different cases were reported. In particular, parents who worked in offices of the Transdniestrian administration or public enterprises stated that they had been warned not to send their children to Moldovan-administered schools. In 2008 and 2009 the school's windows were broken on several occasions by vandals. In 2009 local militia arrested one perpetrator, a minor, who paid a fine.

Health, safety and sanitary controls. All necessary inspections are carried out by the Ribnita city administration: health checks of students are carried out once per year, sanitary inspections three to four times per year, and technical, fire and overall safety inspections are carried out twice per year.⁷⁶ Relations between the school administration and the Transdniestrian health authorities are good, and medical care is provided on an as-needed basis.

Transport of students. The school owns two buses which transport students every day from villages to the school and back. The Moldovan Ministry of Education also rents a minibus for the transport of students within the city of Ribnita. Problems concerning students' freedom of movement have not been registered for the last three years.

The everyday commute is too long for some students who travel from the villages of Butuceni (about 32 km) and Mihailovca (about 37 km). As a consequence, many of them rent accommodation in Ribnita. The school administration believes that the number of students attending the school from the villages would increase if some of the funds spent on bus transport were instead used to reimburse accommodation costs.

Premises. The school does not have its own premises and rents the premises of a kindergarten at 23 Valcenco Street (formerly kindergarten no. 21) from Moldova Steel Works, a large former state enterprise privatized under Transdniestrian *de facto* legislation. The rental agreement is a one-year contract expiring on 31 December 2012.

The overall condition of building is satisfactory, but in general the premises are not appropriate for the school's activity since it was originally designed as a kindergarten.

The Moldovan Ministry of Education reports that it pays about 26,305 euro per year for the rent of the kindergarten, but maintains that this rent price is too high, especially given the financial resources they have invested in the repair and maintenance of the buildings. On 19 October 2011, the Ministry addressed a letter to Moldova Steel Works with the request that the cost of these repairs be deducted from the rent.⁷⁷ The school director stated that the company responded orally to her, saying that the repairs were not necessary and that therefore the school should bear the expenses.

The administration of Moldova Steel Works, however, stated that it did not consider the current rent price for the buildings used by the school as too high.⁷⁸ They stated that the contract had been agreed between the Moldovan Ministry and the company in 2003, that the price has been stable from that time, and that they have received no requests from the school or the Ministry to negotiate a new price. The company stated that it is open for discussion on the price, as well as the terms and date of the rent contract (which can be signed to coincide with the school year) with the school, the Moldovan Ministry of Education, or the Transdniestrian *de facto* authorities. The company also stated that it does not plan to sell or otherwise change the conditions of the kindergarten and is ready to continue to rent it to the school in the future.

Meanwhile, the Moldovan Ministry of Education has renewed its request to complete the construction of new premises for Theoretical Lyceum "Evrika" at 14 Gagarin Street, which has been blocked since July 2004.

76. Also confirmed by the Ribnita administration during a meeting on 2 August 2012.

77. Letter from the Ministry of Education to Moldova Steel Works, 19 October 2011.

78. Meeting with representatives from Moldova Steel Works, 2 August 2012.

In 1997, the Ribnita administration had allocated the land plot (1.5 hectare) and building of a former educational center at 14 Gagarin Street as premises for School No. 12, and permitted construction on the plot.⁷⁹ The Moldovan Government began construction of two new buildings for the school with an expenditure of 13.3 million Moldovan lei (about 870,000 euro). By 2004, construction of one of these buildings was nearly completed and the foundation was laid for the second.

In February 2004, the Ribnita administration adopted a decision (No. 55/9) abrogating its earlier 1997 decision to allocate the land plot, reasoning that that Moldovan School No. 12 (the Theoretical Lyceum “Evrka”) had not presented a handover certificate to the relevant commission in timely manner to effectuate the approval of the transfer of the plot and building, as well as other procedures.⁸⁰ As a result the school did not become the owner of the building. The 2004 decision added that Moldovan School No. 12 was not registered as a legal entity and therefore could not carry legal obligations. Therefore, the administration reasoned, the building of the former educational center remained on the balance of the Ribnita educational authorities.

Construction of the new buildings for the Theoretical Lyceum “Evrka” was stopped by Ribnita city authorities in July 2004 after closing the lyceum and sequestering all buildings. In August the city administration registered the Ribnita School of Social Protection and Rehabilitation of Students at 14 Gagarin Street and allocated the same building (originally allocated to the lyceum) and land plot for its long-term use.⁸¹ However, when the Theoretical Lyceum “Evrka” was permanently registered in 2005, 14 Gagarin Street was accepted as its legal address.

After discussions in the Moldovan-Transdnistrian Educational Expert Group and requests from the school director, the Ribnita administration met with and informed the founder of the lyceum in September 2006 that another school had been registered at 14 Gagarin Street and that, according to local standards,⁸² the land plot at this site was only appropriate for the functioning of one school. At this meeting the director inquired about the possibility of renting the unfinished buildings, which was denied.

The Transdnistrian *de facto* ministry of education informed the OSCE Mission that the dispute regarding the plot and buildings at 14 Gagarin Street was related to property issues to be addressed by the local authorities. According to the Ribnita administration, they are ready to revisit decisions adopted in 2004 regarding this land plot, but this question should also be co-ordinated with Transdnistrian *de facto* authorities.⁸³

Mission site visits conducted to 14 Gagarin Street confirmed that construction on the site is frozen. As earlier, one building appears to be almost complete, while the foundation has been laid for the other. The buildings do not appear to be used by any other institution and have been well preserved in the meantime by caretakers paid by the Moldovan Ministry of Education.

The old building of the former educational center now appears to house the “Sports Club of Martial Arts” of the municipal institution of complementary education.

There are separate entrances from Gagarin Street to the yard for the unfinished school buildings and the building of the Sports Club. The two new buildings are situated behind the club and it does not appear that the club’s activity would be impeded should the school be allowed to use the two new buildings.

Financial activity. The overall anticipated expenses to be paid by the Moldovan Ministry of Education for the school’s activity in 2012 are 4,461,200 Moldovan lei (approximately 279,000 euro). (See Table 1).⁸⁴

79. Ribnita administration decisions no. 744 (13 August 1997) and no. 7 (23 September 1997).

80. Ribnita administration decision no. 55/9, 26 February 2004.

81. Letter from Ribnita administration no. 01 13/3177, 8 September 2006 (files of the OSCE Mission to Moldova).

82. Transdnistrian construction regulations, 30 January 2002, supplement no. 7, “urban planning. Planning and building up of urban and rural settlements”.

83. Meeting with the Ribnita administration, 2 August 2012.

84. Data provided by the Moldovan Ministry of Education.

The school has an account in Moldovan lei in Rezina and all financial transactions are realized through this account. There are several firms in Ribnita providing useful services that the school cannot use because they only have accounts in Transdnestrian rubles. As a rule, the school is supposed to pay for goods and services aside from salaries by bank transfer. The teachers at the school receive their salaries in Moldovan lei in cash.

4.5 THE GYMNASIUM IN CORJOVA⁸⁵



The playground at the Gymnasium in Corjova

Brief history. Corjova is a village on the left bank of the Dniester/Nistru River that saw heavy fighting during the 1992 conflict. Jurisdiction over the village is still disputed between the Sides to the present day. Transdnestrian *de facto* authorities consider Corjova to be a suburb of Transdnestrian-controlled Dubasari city, as it was in Soviet times, whereas Moldovan authorities consider Corjova as a separate village under their jurisdiction. There is both a Moldovan police and Transdnestrian militia presence in the village.

In 1989 the school in Corjova started to use the Latin script, but switched back to the Cyrillic script in 1992 even though this was against the wishes of the majority of parents and students.

In 1995 parents held meetings and decided to

establish a private Latin-script school in Corjova. Without consulting with the Transdnestrian-controlled Dubasari city administration, a group of parents elected a school director, claimed the premises of a kindergarten belonging to a collective farm, and organized a school. Afterwards the director and the school's administration were summoned by Transdnestrian militia and security service for explanation. They defended their case that the parents themselves had established the school based upon their express wish to have their children study Moldovan in the Latin script. No further measures against the director or school administration were taken.

In 1995 the school began to be financed by the Moldovan Government.⁸⁶

The school has two buildings on its premises: one it rents from a former collective farm and another from the Dubasari city administration. The school has also benefitted from reconstruction work of the Moldovan Social Investment Fund.

The school was not closed in 2004 despite the fact that it also lacked registration like the schools in Tiraspol, Bender and Ribnita.

Registration and accreditation with the Republic of Moldova. The school's current registration is valid as of 5 February 2007. It was accredited on 24 May 2007.

Registration by the Transdnestrian *de facto* authorities. For the purpose of registration with Transdnestrian *de facto* authorities, the Department of Education of the Moldovan-controlled Dubasari Rayon (located in the Moldovan-controlled left bank village of Cosnita) acts as founder of the school. On 1 September 2004 the Gymnasium in Corjova was temporarily registered by the Transdnestrian *de facto* authorities for a period of one year as a foreign non-state educational institution. On 1 July 2005 the gymnasium received permanent registration as a non-state general education institution (Certificate No. 05-133-3099).

85. Unless otherwise stated, the information in this section is drawn from an interview with school director Constantin Sucitu, 7 June 2012, and visits to the school.

86. Decision of the Government on Financing of Some Schools from the Left Bank of Dniester/Nistru and the City of Bender, no. 750, 10 October 1994.

Number of students and teachers. The school has 89 students, from the city of Dubasari and the village of Corjova.⁸⁷ A community center for preschool age children is also located in the school's premises. Currently ten children attend the center. The overall number of students is generally decreasing. (See Table 3)

Altogether, there are 17 teachers; the student-teacher ratio is 5.2:1.

Pressure or intimidation of teachers and parents. No cases of intimidation or pressure were reported by parents or teachers after 1995.

Health, safety and sanitary controls. Transnistrian local authorities in Dubasari carry out health examinations of students and inspections of the school's gas lines and sewage system once per year.⁸⁸ Moldovan local authorities in Criuleni carry out sanitary inspections once or twice a year. Moldovan local authorities in Cocieri also carry out technical and fire prevention inspections of the school's premises once per year, and some students receive health examinations from a doctor in Cocieri.

General medical care is provided by the Transnistrian *de facto* authorities. All students are vaccinated in Dubasari. Relations between the school administration and Transnistrian health authorities are positive.

Transport of students. The majority of students are from Corjova village and do not require organized transport. Students from Dubasari town use public transport. The students do not pass a checkpoint on their way to school. No obstacles to their freedom of movement are reported.

Premises. The gymnasium does not have its own premises and rents a kindergarten from the Dubasari administration and other premises from a producers' co-operative (a former collective farm) at 4 S.Lazo Street. All premises have been adapted for the school's needs including dining and sports areas. The conditions of the school's buildings are good. In 2005 these buildings were renovated under the "Reconciliation through Secondary Education" project implemented by the Moldova Social Investment Fund.

Before the implementation of this project, a contract was signed between the Dubasari city administration and the Moldova Social Investment Fund in which it was agreed that the city authorities would not terminate the rental contract with the school for at least fifteen years (until 2020). Since then the school has signed renewable rental contracts annually with the authorities, and has a contract with the co-operative until 2013. The director informed that a new contract with the co-operative for 2013 forward is already co-ordinated and prepared for signing.

However, city authorities may seize the buildings of the producers' co-operative, including the building rented to the school, due to the co-operative's longstanding real estate tax debt. The case is currently in court. Should the ownership over the second building pass to the Dubasari city authorities, the school would need to enter a second rent contract with the Transnistrian-controlled Dubasari administration.

However, the Dubasari administration informed the OSCE Mission that it is prepared to sign free of charge rental contracts with the Gymnasium in Corjova for 2013 and to consider longer-term contracts that would also be free of charge. The administration also confirmed that there are no plans to change or sell the buildings rented by the gymnasium. Should the local court decide that the city administration could claim the co-operative's premises, it would continue to lease the property to the Gymnasium in Corjova.

Transport of goods. Textbooks, books, materials, foods etc. are supplied from the Moldovan-controlled territory. According to the director, since 2012 there have been no problems with transportation of goods. Before 2012, the Transnistrian *de facto* authorities did not permit the transport of goods from the Moldovan-controlled territory through the Transnistrian checkpoints.

87. Data provided by the Moldovan Ministry of Education.

88. Also confirmed by the Dubasari administration, meeting on 2 August 2012.

Financial activity. The overall anticipated expenses to be paid by the Moldovan Ministry of Education for the school's activity in 2012 are 1,328,100 Moldovan lei (approximately 83,000 euro) (See Table 1).⁸⁹

The gymnasium has its account in Moldovan lei in the village of Cosnita (left-bank village under Moldovan control). All financial transactions are realized through this account. The school works with Moldovan firms (mainly from Cocieri) or Transnistrian companies (gas, electricity) which have accounts in Moldovan lei. Teachers at the school receive their salaries in Moldovan lei via bank cards.

4.6 THE GYMNASIUM IN ROGHI⁹⁰



The Gymnasium in Roghi

Brief history. The school in Roghi, as other schools in the Moldovan SSR, introduced the Latin script after 1989. In 1991 a new building for the school was almost completed with funding from the Moldovan Government. However, in that year the village came under Transnistrian control. The new *de facto* authorities completed the construction of the building but also introduced the Cyrillic script in the school. Parents and teachers protested, but the authorities dismissed the school director and maintained the Cyrillic script in the school.

As a result, parents and teachers decided to move their school to Cocieri, a neighbouring village under Moldovan control. For two years children and teachers walked every day from Roghi to Cocieri (about 8km) to attend classes. Parents in Roghi organized different meetings, demanding that the Transnistrian *de facto* authorities resolve the situation and that the Moldovan Ministry of Education take the school under its jurisdiction.

In 1993 the school returned to its original building in Roghi by popular demand of parents in the village, replacing the Cyrillic-script school. The Moldovan Government began financing the school by the end of 1995.⁹¹

The school building was in poor condition for several years due to low-quality repairs conducted in the early 1990s. In 2002 the school was extensively renovated under the "Reconciliation through Secondary Education" Project. The school encountered difficulties with the Transnistrian *de facto* authorities during the course of this project when trucks carrying construction materials for the school were confiscated, and the authorities tried to fine the school administration for violations of customs requirements. Residents protested in support of the school and the problem was resolved.

The school was the first Latin-script school to apply for and receive permanent registration in Transnistria, in January 2003. Having this registration, it did not face closure in 2004.

Registration and accreditation with the Republic of Moldova. The school's current registration is valid as of 19 February 2007. It was accredited on 22 February 2007.

89. Data provided by the Moldovan Ministry of Education.

90. Unless otherwise stated, the information in this section is drawn from an interview with school director Nadejda Ghidirimschi, 4 June 2012, and visits to the school.

91. OSCE Mission to Moldova Report, "Moldovan Schools in Transnistria", 2003 (files of the OSCE Mission to Moldova).

Registration by the Transdnestrian *de facto* authorities. For the purpose of registration with Transdnestrian *de facto* authorities, the Department of Education of Chisinau District acts as founder of the school. The Gymnasium in Roghi is registered as a non-state general education institution (Certificate No. 05-133-2396 from 16 January 2003). The term of the Certificate is not limited.

Number of students and teachers. The gymnasium has 75 students, all from Roghi. The number of students has been steadily decreasing.⁹² There are 17 teachers, leading to a student-teacher ratio of 4.4:1.

Pressure or intimidation of teachers and parents. No cases of pressure or intimidation have been reported in several years.

Health, safety and sanitary controls. Sanitary and epidemiologic control of the premises and medical care of pupils and teachers is provided by Moldovan authorities in Criuleni (right-bank Moldova). There is also a family doctor in Cocieri (the nearest left-bank village under Moldovan control), who carries out health examinations of students in case of need. Safety inspections of the school (fire prevention, technical control etc.) are conducted by Moldovan authorities once per year.

Transport of students. All students are from Roghi and do not require organized transport.

Premises. The Dubasari administration provides the school's premises at 18 Dnestrovscaia Street free-of charge. The school signs annual rental contracts with the authorities. The Dubasari administration is prepared to sign a free of charge rental contract for 2013 and to consider longer-term contracts that would also be free of charge. The administration also confirmed that there are no plans to change or sell the building rented by the school.

The premises of the school were designed for educational activity and never needed to be adapted to the school's needs. However, they were renovated under the "Reconciliation through Secondary Education" project and are currently in good condition.

Equipment. According to the director, the school needs sports equipment, a blackboard, a printer and projector.

Financial activity. The overall anticipated expenses to be paid by the Moldovan Ministry of Education for the school's activity in 2012 are 1,775,300 Moldovan lei (approximately 111,000 EUR). (See Table 2).⁹³

The gymnasium has its main account in Moldovan lei in the village of Cosnita (left-bank village under Moldovan control). All financial transactions are realized through this account. The school works with Moldovan firms (mainly from Cocieri) or Transdnestrian companies which have accounts in Moldovan lei (public utility providers). The teachers of the gymnasium receive their salaries in Moldovan lei in cash.

92. Data provided by the Moldovan Ministry of Education.

93. Data provided by the Moldovan Ministry of Education.

4.7 THE THEORETICAL LYCEUM “STEFAN CEL MARE SI SFINT” (GRIGORIOPOL/DOROTCAIA)⁹⁴



The Theoretical Lyceum “Stefan cel Mare si Sfint” (Grigoriopol/ Dorotcaia)

Brief history. The Moldovan-language School No. 1 in Grigoriopol, as other schools in the Moldovan SSR, introduced the Latin script after 1989. The number of students increased to 709 in the 2001-2002 school year (see Table 1). In 1992 the school came under Transnistrian control and had to adopt the Cyrillic script. The director was dismissed.

Nonetheless, teachers unofficially continued to use the Latin script and the curriculum approved by the Moldovan Ministry of Education. Pressure by the Transnistrian *de facto* authorities increased until, in September 1996, teachers were arrested by the Transnistrian *de facto* authorities and militia occupied the school. At the same time the Moldovan Ministry of Education adopted an order on the creation of Alternative School No. 1 in Grigoriopol, and the school was provided with all necessary materials.⁹⁵

Thus, from 1996 to 2002 the school maintained a double status. Officially, the school was a Transnistrian-administered school teaching Moldovan in the Cyrillic script, using the

Transnistrian curriculum and receiving funding from the *de facto* authorities. Clandestinely, however, the school functioned as a Moldovan-administered school teaching in the Latin script, using the Moldovan curriculum and receiving funding from the Moldovan Government. In practice all students held two sets of textbooks and learning materials, but attended classes mainly using the Moldovan curriculum and teaching Moldovan in the Latin script. The students also completed exams according to both Moldovan and Transnistrian curricula. When this was discovered the students’ bags were checked by local authorities at the entrance to the school and Latin-script textbooks and materials were removed.

A large number of parents in summer 2002 applied to the local authorities for the official opening of a private Latin-script school and the allocation of premises. When this was refused, the chairman of the parents’ committee had an altercation with the chairman of the district council, and was placed in fifteen days’ administrative detention. In August 2002, Grigoriopol authorities closed the school and removed all Moldovan textbooks and teaching materials. All teachers were dismissed and told they would not be re-hired until they signed a declaration that they would teach according to Transnistrian education and language laws. As a result of ongoing lack of progress with the authorities on opening a private Latin-script school, a majority of teachers and parents decided to transfer their school to Dorotcaia, the neighbouring left-bank village under Moldovan control (10 km from Grigoriopol).⁹⁶

94. Unless otherwise noted, the information in this section is drawn from an interview with school director Eleonora Cercavschi, on 29 May 2012, and visits to the school.

95. The OSCE Mission is not in possession of this order, but this is confirmed in Mission files and by the school director.

96. Activity Reports, August and September 2002 // files of the OSCE Mission to Moldova. Note: This description of events surrounding the closing of the school in Grigoriopol is taken from internal OSCE reports. Paragraph 60 of the *Catan* judgment describes the storming of the school by Transnistrian militia. This is not reflected in Mission documents about the closure of the school.

In September 2002, the Moldovan Ministry of Education arranged for Alternative School No. 1 in Grigoriopol to share premises with the Lyceum in Dorotcaia. Since two schools share the same premises students from Grigoriopol have to use the afternoon shift, and commute daily past a checkpoint.

In July 2004, the Alternative School No. 1 was reorganized in the Theoretical Lyceum “Stefan cel Mare si Sfint” in Grigoriopol (having a legal address in Dorotcaia).

However, parents, students and teachers have never accepted that the school will be permanently located in Dorotcaia, and firmly state that they want the school to return to Grigoriopol. There have been many appeals to the local authorities in Grigoriopol for the allocation of premises, as well as offers from the Moldovan Ministry of Education to rent premises in Grigoriopol. However, these requests have so far been denied.

Registration and accreditation with the Republic of Moldova. The founder of the school is the Moldovan Ministry of Education. The school was registered in the Republic of Moldova on 19 March 2007 and accredited on 23 December 2008.

Registration by the Transnistrian *de facto* authorities. The lyceum is situated on Moldovan-controlled territory and has no relations with the Transnistrian educational authorities.

The school administration has sent several documents and appeals to the local authorities in Grigoriopol for registration. However, according to Transnistrian *de facto* legislation the school must indicate a legal address for the school in Grigoriopol, which it does not have.

Number of students and teachers. The lyceum has 170 students, from the following localities: Grigoriopol, Delacau and Crasnogorca villages (Grigoriopol Rayon).⁹⁷

The number of students in the lyceum is stable. The number of teachers is 26, leading to a student-teacher ratio of approximately 6.5:1.

Pressure or intimidation of teachers and parents. No cases of intimidation or pressure have been reported by parents and teachers in 2012. According to parents and teachers, previously there were cases of intimidation of those parents who work in the Transnistrian *de facto* administration, militia or public enterprises, who were warned not to send their children to the Latin-script school in Dorotcaia.

Health, safety and sanitary controls. Medical care and health and safety inspections (fire prevention, sanitation service, technical control etc.) are provided by the Moldovan authorities in Cosnita. Since the school is on Moldovan-controlled territory, there are no contacts with Transnistrian *de facto* authorities on this issue.

Transport of students. The lyceum rents five buses (from Grigoriopol firms) which transport students and teachers every day from home to school and back: two buses to Grigoriopol, two to Crasnogorca and one to Delacau.

Given limited space in the school, students from Transnistria study only during the afternoon (13.45 – 18.20 or 19.10). All buses leave at one time after classes in order to minimize problems at the checkpoint; as a result several students who finish classes earlier must wait to return home, sometimes up to two hours.⁹⁸ Students report that it is even more inconvenient and difficult to travel in winter and autumn due to shorter days and snow.

The buses generally cross Transnistrian checkpoints without control and examination of documents. At the same time, there have been reported cases when Transnistrian militia stopped the buses, checked the teachers' passports and required lists of students studying at the school.⁹⁹ The last

97. Data provided by the Moldovan Ministry of Education.

98. Observations drawn from a site visit on 29 May 2012.

99. Letter from the Lyceum “Stefan cel Mare si Sfint” no. 6, 8 September 2011 (files of the OSCE Mission to Moldova).

reported case was on 8 September 2011. After the intervention of the Moldovan authorities and the OSCE Mission, the problem was resolved. No violations of the students' and teachers' freedom of movement were registered after September 2011.

Premises. The school shares its premises with the Lyceum in Dorotcaia (address: Dorotcaia village), and the Moldovan Ministry of Education pays rent to the Dorotcaia administration. The school premises were originally designed for educational activity and did not need to be adapted to the school's needs. They were renovated at the expense of the "Reconciliation through Secondary Education" project, and are considered satisfactory by the school administration.

Financial activity. The overall anticipated expenses to be paid by the Moldovan Ministry of Education for the school's activity in 2012 are 3,081,900 Moldovan lei (approximately 193,000 EUR). (See Table 2).¹⁰⁰ The school's financial transactions are similar to other schools in Moldova.

4.8 THE THEORETICAL LYCEUM "MIHAI EMINESCU" (DUBASARI/COCIERI)¹⁰¹



Temporary premises of the Theoretical Lyceum "Mihai Eminescu" in Cocieri

Brief history. The Moldovan-language School No. 3 in Dubasari, as other schools in the Moldovan SSR, introduced the Latin script after 1989. In 1992 the school came under Transdniestrian control, started to teach in the Cyrillic script, and functioned as a Moldovan/Russian-language school. Nonetheless, several parents and teachers still wished to continue education in the Latin script. There were also tensions and conflicts between students studying in Moldovan and Russian at the school.

Still preferring education in the Latin script, in 1996 about 220 students and teachers felt compelled to leave the school and establish a Latin-script school in the neighbouring Moldovan-controlled village of Cocieri. They

stayed at the Cyrillic-script school in Dubasari until the winter holidays, and then began attending the school in Cocieri when it opened on 1 February 1997. During this period several teachers at the school in Dubasari were dismissed for supporting education in the Latin script, and were hired at the school in Cocieri. The school in Dubasari continued teaching in the Cyrillic script, and is still functioning today.¹⁰²

In December 1996 the school received premises in Cocieri, and from this point forward the overall expenses of the school were paid by the Moldovan Government. The premises, where the school is still located, belong to the Moldovan Ministry of Labor, Social Protection and Family and are situated in one building of the Center for Rehabilitation of Labor and War Veterans, a retirement home. The building was never intended for educational activity and was damaged during the conflict. There was no equipment or even furniture when the school re-opened there the following February, and for the first few months students had to bring their own chairs to school. By the end of the school year the Moldovan Government had allocated financing for equipment, and parents and residents had repaired the building.

Students at the school are drawn from both Moldovan- and Transdniestrian-controlled territories. In September 2003, the school was reorganized in the Theoretical Lyceum "Mihai Eminescu" in Dubasari.

100. Data presented by the Moldovan Ministry of Education.

101. Unless otherwise noted, the information in this section is drawn from an interview with school director Ion Papusoi, 8 June 2012, and visits to the school.

102. Phone interview with deputy school director, Galina Ivanov, on 17 September 2012.

Despite the fact that parents and students have adjusted to the school's location in Cocieri, they maintain that they want the school to return to Dubasari.

Registration and accreditation with the Republic of Moldova. The school was registered on 14 February 2007 and accredited on 23 December 2008. The founder of the school is the Moldovan Ministry of Education.

Registration by the Transdnistrian *de facto* authorities. The school is situated on Moldovan-controlled territory, therefore it never needed Transdnistrian registration, and has no relations with the Transdnistrian educational authorities.

Number of students and teachers. The lyceum has 451 students, from the following localities: Dubasari city, Lunga, Dzerjinscoe, Roghi, Harmatca, Goian, Crasnii Vinogradari, Doibani (Transdnistrian Dubasari Rayon); Corjova, Cocieri, Vasilievca, Molovata-Noua, Molovata, Ustia, Oxentea, Marcauti (Moldovan Dubasari Rayon), Criuleni town.¹⁰³ (See Table 3).

The number of students in the school is decreasing.

The number of teachers is 62; the student-teacher ratio is 7.2:1.

Pressure or intimidation of teachers and parents. According to the director, before 2003 there were different cases of intimidation of teachers who worked at the school and lived in Dubasari, and of parents who worked in Transdnistrian administrations or public enterprises. Specifically, they were warned not to send their children to the school. According to the director, in order to resolve the situation he asked the head of the Dubasari administration¹⁰⁴ to organize a special meeting with participation of the school administration and local authorities. The meeting was convened in 2003 with the participation of local militia, prosecutor, fiscal inspection, local department of education as well as the school administration. All problematic questions were discussed and clarified, and no cases of intimidation or pressure on parents and teachers occurred after this meeting.

Health, safety and sanitary controls. Medical care is provided by the Moldovan-controlled Criuleni administration. Vaccination of the children is provided by the Transdnistrian-controlled Dubasari administration.¹⁰⁵

Safety of the lyceum (fire prevention, sanitation service, technical control etc.) is provided by the Moldovan authorities.

Transport of students. The school has three buses and rents one (in Dubasari) that transport students and teachers every day from home to school and back. No problems with transport of students or freedom of movement have been reported.

According to the director, parents from other localities want to send their children to this school to study according to the Moldovan curriculum and in the Latin script. The school administration intends to open new bus routes to Transdnistrian villages with a majority ethnic Moldovan population, and is waiting for two new buses from the Ministry of Education in order to implement this plan. Local administrations of these villages in Transdnistria have agreed with these plans and indicated their readiness to co-operate.

Premises. The school rents a building from a retirement home belonging to the Moldovan Ministry of Labour, Social Protection and Family at 1 b. Tarmului Street. This is a free of charge rental contract valid until 2025.

103. Data provided by the Moldovan Ministry of Education.

104. Unless otherwise specified, references to the Dubasari administration refer to the Transdnistrian-controlled administration.

105. The left-bank villages of Cocieri, Corjova and Roghi in the Dubasari region depend on Transdnistrian service providers for certain utilities and services. In most of those villages, gas, electricity, heating and water is provided by the latter for at higher Moldovan prices, as set out in local legislation (See Annex 2).

The building is inappropriate for educational activities and its overall condition is unsatisfactory. Classrooms are very small and are not designed as classrooms. The facilities also need thorough repairs.

With the help of the “Reconciliation through Secondary Education” project the gas pipes, the boiler room and the heating system were (re-)constructed and equipped. At the request of the Moldovan Ministry of Education, the Moldova Social Investment Fund currently plans to provide other repair works at the building, especially windows, doors and terracotta for a total amount of 1,000,000 Moldovan lei (62,324 EUR).

Even though the school is located on Moldovan-controlled territory, public utilities are provided by the Dubasari city administration. According to the director, the prices for the public utilities are higher than for other educational institutions in the town.

Transport of goods. Textbooks, books, materials, foods etc. are supplied from Moldovan-controlled territory. Even though Cocieri is Moldovan-controlled, goods must still cross a Transnistrian checkpoint in Dubasari. According to the director, before January 2012 it was difficult to transport goods through the Transnistrian checkpoints. It was necessary to pay different duties to the *de facto* customs authorities.

In 2012 the director sent a letter to the new Transnistrian leader, Evgeny Shevchuk, asking him to resolve the problems with transport of goods through Transnistrian-controlled territory. In response, Shevchuk instructed the *de facto* customs authorities to permit the unhampered transport of goods for the school. Since this time the school administration has only had to fill in a customs declaration when transporting goods, and has paid no customs duties. According to the director, this is the optimal solution for the time being.

Financial activity. The overall anticipated expenses to be paid by the Moldovan Ministry of Education for the school’s activity in 2012 are 7,075,300 Moldovan lei (approximately 442,000 euro). (See Table 1).¹⁰⁶

The school has its account in Moldovan lei in the village of Cosnita. All financial transactions are processed through this account. The school executes financial transactions only with Moldovan or Transnistrian service providers that have accounts in Moldovan lei (such as public utilities). The faculty of the school receive their salaries in Moldovan lei via bank cards.

106. Data provided by the Moldovan Ministry of Education.

5. COMMON FEATURES, MAIN PROBLEMS AND FINDINGS

Based on the above overview of the individual situations of the eight Latin-script schools, this chapter analyses the most important common features and main problems of the Latin-script schools with a view to informing and facilitating the further discussions of education experts of the Sides.

5.1 LEGAL STATUS

Throughout much of their history the schools have existed in legal uncertainty. The Moldovan Government is not able to enforce its legislation in Transdniestria, and Transdniestrian *de facto* authorities reject the application of Moldovan legislation in the region, applying their own instead. Thus, the schools have been caught in the discrepancy between the legislation of Moldova and the *de facto* legislation of Transdniestria. The status of the schools under Moldovan law is clearly determined. Their status in Transdniestria, however, has changed over time with often unclear implications for their activity.

Legal status in the Republic of Moldova. According to Moldovan law, the status of the eight schools does not differ from the status of other public schools. All schools are registered by the Registration Chamber of the Moldovan Ministry of Information Technology and Communications as public institutions, and are accredited by the Moldovan Ministry of Education. According to the charters of the schools, they are structural units of the educational system of the Republic of Moldova and are subordinated to the Moldovan Ministry of Education. Therefore, they are functioning in accordance with the Moldovan legislation, i.e. the Law on Education, the Law on Evaluation and Accreditation of Educational Institutions in the Republic of Moldova, and regulations adopted by the Moldovan Ministry of Education.¹⁰⁷

Registration in Transdniestria. Under Transdniestrian *de facto* legislation, five of the Latin-script schools are permanently registered as non-state general education institutions: the Gymnasium in Roghi (since January 2003), the Theoretical Lyceum “Lucian Blaga” in Tiraspol, the Theoretical Lyceum “Alexandru cel Bun” in Bender, the Theoretical Lyceum “Evrika” in Ribnita and the Gymnasium in Corjova (all since July 2005). Local education departments in neighbouring Moldovan-controlled districts are listed as the schools’ “founders”, which is the legal term used for the person or entity filing registration documents to start a private school in Transdniestria.

The Boarding School for Orphans in Bender remains the only Latin-script school on Transdniestrian-controlled territory currently without registration. The Expert Group on Education intended to address its registration with Transdniestrian *de facto* authorities. The Group’s work, however, was suspended in 2006.¹⁰⁸ The Theoretical Lyceum “Stefan cel Mare si Sfint” (Grigoriopol/Dorotcaia) and the Theoretical

107. The Law on Education, no. 547-XIII, 21 July 1995 and Law on Evaluation and Accreditation of Educational Institutions in the Republic of Moldova, no. 1257 XIII, 16 July 1997.

108. OSCE Mission to Moldova Report, “Moldovan Schools in Transdniestria”, 2006 (files of the OSCE Mission to Moldova).

Lyceum “Mihai Eminescu” (Dubasari/Cocieri) are both in temporary locations on left-bank territory under Moldovan Government control and thus were not included in the discussions on registration with Transdnestrian *de facto* authorities. At the same time, none of the eight schools holds a licence from Transdnestrian *de facto* authorities, which is an additional requirement under the “law on education” in order to practice educational activity.

The process of negotiations on the educational activity, status and registration of the Latin-script schools in Transdnestria was difficult and arduous, spanning over more than a decade. Throughout this period compromises and agreements were reached – often with OSCE facilitation – but later not implemented. A first successful registration was achieved by the Gymnasium in Roghi during negotiations of the school administration with local and regional authorities during 2002/2003. In late 2003, the OSCE HCNM retained an international expert to formulate compromise language for the charters of the lyceums in Bender, Ribnita and Tiraspol, as well as the gymnasium in Corjova, in order to facilitate their registration with the Transdnestrian *de facto* authorities.¹⁰⁹ However, in spite of an agreement on the charters between the education authorities of both Sides, the Transdnestrian *de facto* justice minister refused to register the schools. Both Sides blamed each other for failing to fulfil their commitments under the agreement.

Only in the aftermath of the forced closure of several schools in 2004 by Transdnestrian *de facto* authorities and the intervention of the co-mediators of the OSCE, Russia and Ukraine did the Sides agree in August/September 2004 on temporary and in July 2005 on permanent registration. The registration was facilitated by compromise language in the charters of the lyceums in Bender, Ribnita and Tiraspol, as well as the gymnasium in Corjova regarding the language of instruction and the curriculum to be used in the schools. According to the charters the “education and training are conducted in the State language of the founder¹¹⁰ and according to the curricula and text-books co-ordinated/agreed (“согласованные”)¹¹¹ by the education experts from the Republic of Moldova and Transdnestria”. Within the Expert Group established for the negotiations of education experts, the Sides also agreed that the co-ordination/agreement of the curriculum would continue to be examined.¹¹²

Grigoriopol and Dubasari. At the same time, the lyceums “Stefan cel Mare si Sfint” (Grigoriopol/Dorotcaia), and “Mihai Eminescu” (Dubasari/Cocieri), remain in a difficult and indeterminate state. Parents, teachers and the Moldovan authorities have not accepted the current location of these schools as permanent and want them to return to Grigoriopol and Dubasari.

The school administration in Dorotcaia has since 2006 repeatedly applied to the Grigoriopol administration for premises and registration of the school. The situation was also discussed several times within the Expert Group during 2005/2006, but without results. According to the school director, all necessary documents for registration have been prepared and presented to Transdnestrian *de facto* authorities on numerous occasions. During the latest attempt in April 2012, the Grigoriopol administration informed the director that issues of premises and registration are in the competence of the Transdnestrian *de facto* authorities in Tiraspol.

109. These charters were based on the schools’ charters under Moldovan law but had been adapted for the purpose of registration in Transdnestria. Under Moldovan legislation, only the original Moldovan charters are valid, whereas the Transdnestrian side accepts only the adapted charters as valid.

110. As the founders are the local education authorities of Moldovan-controlled districts neighbouring Transdnestria, this compromise accepts that the language of instruction is effectively “Moldovan” in the Latin script. Because Transdnestrian *de-facto* legislation stipulates that Moldovan can only be written in the Cyrillic script and if it is written in Latin script it would be considered to be Romanian and thus a foreign language, the Transdnestrian education authorities wanted to avoid expressly stating that the language of instruction would be Moldovan in Latin script. Interestingly though, the charter of the gymnasium in Roghi, which was accepted and registered in 2003, states this expressly.

111. The term “согласованные” (soglasovannie) can be interpreted to mean either co-ordinated or agreed; the actual wording used in Russian is “Обучение и воспитание в Лицее ведутся на государственном языке стороны Учредителя по Учебному плану, программам и учебникам, согласованными экспертами в области образования от Республики Молдова и Приднестровья”.

112. The Protocol of the Education Experts from Transdnestria and the Republic of Moldova, 1 July 2005 (files of the OSCE Mission to Moldova).

According to Transnistrian *de facto* legislation, the lyceum needs to indicate a legal address in Grigoriopol which it currently lacks.¹¹³ The Moldovan Ministry of Education and the Bureau for Reintegration indicated their willingness to either rent a part of the building of Moldovan (Cyrillic-script) School No. 1 in Grigoriopol, or purchase the building of the former Vocational School No. 73, which has not been used since 2005 and is up for sale. Neither offer was accepted by the Transnistrian *de facto* authorities.

Regarding the Theoretical Lyceum “Mihai Eminescu” in Dubasari/Cocieri, the Dubasari administration stated that it was ready to discuss the possibility of its registration. It also indicated, however, that the registration was in the competence of the Transnistrian *de facto* authorities in Tiraspol.

Licensing in Transnistria. Overall, the registration with Transnistrian *de facto* authorities was a step forward that enabled the five Latin-script schools who received it to operate fully in the Transnistrian legal context, enter into contracts, and resolve some basic issues of their functioning. However, while it satisfied some requirements under Transnistrian *de facto* legislation and provided the schools with some measure of status as “legal” entities under this legislation, it did not, according to Transnistrian *de facto* authorities, address some of the most important problems, i.e. those regarding their educational activity. According to the Transnistrian “law on the licensing of different types of activity” as well as “regulations on licensing educational activity” (approved by “presidential” decree No. 924 from 28.12.2011) formal educational activity must be conducted with a special permit (licence), issued by the *de facto* ministry of justice.¹¹⁴

According to the latter regulations, in order to obtain a licence, information needs to be submitted regarding the school’s general educational programme according to the “state” educational standard (the classification of specialties) as well as other educational specifics proposed by the educational organization, and co-ordinated with the executive “state” body responsible for education.¹¹⁵ Essentially, the legislation foresees the presentation of data on the type and areas of instruction (“сведения о направлениях образования”) to the *de facto* ministry of education, but does not clarify further requirements.

The “state” education standard included in the Transnistrian “law on education” is obligatory for all educational organizations, except for those accredited in a foreign country.¹¹⁶ This standard includes general requirements for the minimum content of basic education programmes and other elements of the educational process.

At the same time, it is of crucial importance to note that attestation and accreditation, which would require the adoption of the Transnistrian curriculum, are conducted on a voluntary basis only, and are not mandatory for private schools.¹¹⁷ Prior to the adoption of a new “law on education” in 2003, attestation and accreditation, and thus the Transnistrian curriculum, had been mandatory for all schools, including private schools.¹¹⁸

Thus, Transnistrian *de facto* legislation currently provides for the opening of private schools in Transnistria that are registered and licensed but have no accreditation. So far no such private schools operate in Transnistria, but these provisions create an opportunity for a compromise solution, i.e. a status for the Latin-script schools under Transnistrian *de facto* legislation that allows for the use of the Moldovan curriculum.

As noted in Section 3, some of the Latin-script schools received short-term licences at earlier times. In addition, the question of curriculum co-ordination and licensing was raised and discussed in depth

113. See the “decree of the president on the approval of forms used within the state registration of legal entities and individual entrepreneurs and the documentation requirements within the state registration of legal entities and individual entrepreneurs”, no. 707, 23 October 2007 (CA3 07-44).

114. “law on the licensing of different types of activity”, no. 151-3-III, 10 July 2002 (CA3 02-28) and “decree of the president on approval of the regulations on the licensing the educational activity”, no. 924, 28 November 2011 (CA3 48-12).

115. “decree of the president on approval of the regulations on the licensing the educational activity”, no. 924, paragraph 10, 28 November 2011 (CA3 48-12).

116. “law on education”, no. 294-3-III, article 1, 27 July 2003 (CA3 03-26).

117. “order of the ministry of education on approval of the regulations on the procedure of the certification and the state accreditation of educational organizations”, no. 271, 11 March 2005 (CA3 05-32).

118. See the “law on education”, 19 April 1994 (C3MP 94-2).

during several meetings of the Expert Group in 2006, and even a mutual curriculum review was conducted.¹¹⁹ However, neither the co-ordination/agreement of the curriculum nor licensing was achieved before the Expert Group suspended its meetings in summer 2006.

With the resumption of the 5+2 negotiations in 2011 and the re-start of the Working (Expert) Group on Education in 2012, the longstanding problems of the Latin-script schools have again been raised by both Sides and were included in the list of issues for review. The Moldovan side has proposed to deal mainly with the resolution of technical issues, such as the return of premises in Ribnita, the registration of Theoretical Lyceum “Stefan del Mare si Sfint” in Grigoriopol, the renting of premises, rental contracts, freedom of movement of persons and goods, etc. In response to these issues, the Transdniestrian side has raised the issue of licensing, and proposes a gradual approach and simplified format to the licensing procedure, discussing and agreeing to technical issues first, and addressing more difficult issues, such as curriculum, later.

Finding: The determination of the schools’ status within the *de facto* legal context has always been a critical issue in negotiations regarding their functioning. While five of the eight Latin-script schools are registered in Transdniestria as legal entities, none are currently licensed by the Transdniestrian authorities to conduct educational activity. Under Transdniestrian *de facto* legislation, licensing of the schools would not require accreditation or attestation (the adoption of the Transdniestrian curriculum) but would require the co-ordination of curriculum with the *de facto* education authorities.

5.2 CURRICULUM



Students at the Theoretical Lyceum “Lucian Blaga” in Tiraspol

The issue of the co-ordination/agreement of the curriculum has been one of the most sensitive throughout the negotiations on the school issue. Nonetheless, at different points it has been discussed in depth and compromises have been reached.

It is critical to note that educational standards in the Republic of Moldova and Transdniestria have developed differently throughout the years. Moldova has been adopting European standards and integrating its educational system and curriculum into the European educational space. Transdniestria, on the other hand, has developed its educational system and curriculum in alignment with Russian educational standards. Both Sides agree that their curriculum and

standards have grown apart since the 1990s; for example, while Moldova requires 12 grades of primary and secondary education for a student to qualify for admission to university, Transdniestria only requires 11 grades. Russia’s participation in the Bologna process could eventually impact the Transdniestrian educational system and in theory bring it closer to Moldova’s. However, the Bologna process applies exclusively to higher education and would impact on primary and secondary education only indirectly.

The Latin-script schools are accredited in the Republic of Moldova and use the standard curriculum for all public schools approved by the Moldovan Ministry of Education without additions or omissions.¹²⁰

119. Protocols of the Education Experts from Transdniestria and the Republic of Moldova, 2 February 2006, 16 February 2006, 23 March 2006, 20 April 2006, 18 May 2006, 16 July 2006, (files of the OSCE Mission to Moldova).

120. Moldovan National Curriculum for the 2012–2013 school year, http://edu.md/file/docs/File/Untitled_FR11.pdf (short link: <http://bit.ly/QbusS9>) and Moldovan National Curriculum for the 2011–2012 school year, http://nou.edu.md/files/unsorted/Planul%20cadru%20pentru%20invatamintul%20primar%20gimnazial%20si%20liceal%20pentru%20anul%20de%20studii%202011-2012%20%28RO_RU%29.pdf (short link: <http://bit.ly/UzwADp>).

However, in the case of four schools, the lyceums in Bender, Ribnita and Tiraspol, as well as the gymnasium in Corjova, the charters approved during registration with Transdniestrian *de facto* authorities (July 2005) foresee that the curriculum of the schools should be agreed/co-ordinated (согласованы) between Moldovan and Transdniestrian education experts. At the same time, the valid charters of the same schools approved during the earlier registration and accreditation with Moldovan authorities do not contain this stipulation. To start the process of co-ordinating, agreeing and possibly adapting curricula, a mutual review of the curricula of both education authorities was carried out in the framework of the Expert Group on Education in 2005 and 2006. However, due to the breakdown of negotiations in summer 2006, as of today no co-ordination of curricula has occurred.

At the same time, the charter of the Gymnasium in Roghi, which was agreed during direct negotiations of the school administration with local and regional Transdniestrian *de facto* authorities in 2002 before its permanent registration in early 2003, foresees that the educational process is based on the education plan developed by the gymnasium independently, in line with the basic educational plans of Transdniestria and Moldova, and regulated by the class schedule. In reality, however, per the school's accreditation in the Republic of Moldova on 22 February 2007, this education plan coincides fully with the standard curriculum approved by the Moldovan Ministry of Education and used also in the other seven Latin-script schools in Transdniestria. *This makes the Gymnasium in Roghi an interesting case to consider from a practical, problem-solving perspective.*

During 2005 and early 2006, in the framework of the Expert Group a mutual review of Moldovan and Transdniestrian curricula was completed as requested by the educational authorities of both Sides. This review was carried out by the Moldovan Institute of Educational Sciences and the Transdniestrian Institute of Professional Development.

The Moldovan Institute concluded that textbooks used in Transdniestria were developed fairly long ago and did not reflect modern tendencies in education. Many of the textbooks were elaborations of educational materials from Russia from the 1980s that, while good for their time, did not include sufficient application of knowledge and could not be reconciled with the curriculum in Moldova. These conclusions were similar across various subjects, including reading, mathematics, natural history, geography, biology, chemistry and Moldovan language.¹²¹

The Transdniestrian Institute concluded that textbooks and materials used in Moldova in the subjects of biology, physics, mathematics and geography provided the required knowledge and skills, and corresponded, in some aspects, to educational themes within the Transdniestrian school programme. With respect to the course on "Romanian Language" and "Romanian Literature", experts concluded that language teaching materials were sufficient, enabling students to have the similar skills, knowledge and abilities as those in the Transdniestrian system. The experts also found that, while some literary texts might glorify Romania, there were no texts contrary to the educational policy of Transdniestria.¹²²

Regarding history and geography, Transdniestrian experts concluded that Moldovan textbooks and materials provided students with necessary skills and knowledge, with two important reservations. They found that the "History of Romanians" textbook was ideological, containing more opinion than fact, and could not be used for the "History of the Fatherland" subject requirement within the Transdniestrian educational system. Also, according to the experts geography textbooks lacked sufficient information about Transdniestria and Russia, and in order to correspond to Transdniestrian standards a chapter about Transdniestrian population and economy would need to be introduced. However, the experts found that geography textbooks did not contain ideological materials contrary to the educational policy of Transdniestria.

While the mutual textbook reviews conducted in 2005 and 2006 do not guarantee how the Sides would evaluate each other's materials and curriculum today, they do reflect the divergence within their educational systems as well as some expected points of contention, especially with regard to history and geography. More significantly, however, the reviews show that the existing divergences are far from insurmountable with some good will and pragmatism on both Sides.

121. The Expertise on the Transdniestrian curriculums and textbooks by the Moldovan Institute of Educational Sciences, 19 December 2005 (files of the OSCE Mission to Moldova).

122. The Expertise on the Moldovan curriculums and textbooks by the Transdniestrian Institute of Professional Development from 31.01.2006 // Files of the OSCE Mission to Moldova.

It is worth noting that from the late 1990s through 2003 the OSCE Mission, OSCE/ODIHR and the Council of Europe supported different activities and seminars on history teaching, during which working groups with representatives of both Sides were established to work on this issue.

Finding: While Moldovan and Transdnestrian educational systems and curriculums have developed differently through the years, a co-ordination of curricula between the Sides never occurred. Mutual reviews conducted within the Expert Group in 2006 show that differences are not insurmountable, however, and that international expertise may be helpful in the review of the teaching of sensitive subjects.

5.3 REPORTING

All eight schools present reports regularly to the Moldovan Ministry of Education (fiscal, financial, statistical, medical and social insurance reports). The six schools situated in Transdnestrian-controlled territory and the lyceum in Cocieri also provide statistical reports to the Transdnestrian *de facto* authorities. The latter reports include general information on students, such as their number and age. The students' names are, however, not disclosed. Only the lyceum from Grigoriopol/Dorotcaia does not submit any regular reports to the Transdnestrian *de facto* authorities.

Finding: The schools provide some basic reporting to *de facto* education authorities.

5.4 FOOD, DIDACTIC MATERIALS, EQUIPMENT

All food, didactic materials and equipment for the eight schools are funded and provided by the Moldovan Ministry of Education. Some schools have at times also received specific materials in the framework of international development projects. With few exceptions, school directors are generally satisfied with the degree of equipment for their educational activity.

5.5 PEDAGOGICAL ACTIVITIES

All teachers of the Latin-script schools participate in pedagogical activities and conferences organized by the Moldovan Ministry of Education. At the same time, the teachers do not participate in any such activities organized by *de facto* education authorities.

5.6 FIRST BELL AND LAST BELL CEREMONIES



The "Last Bell" ceremony is carried out at the Theoretical Lyceum "Lucian Blaga" in Tiraspol

"The First Bell" and "The Last Bell" ceremonies are traditional events in the schools of most post-Soviet countries, including Moldova, and usually feature the playing of the national anthem and the raising of the national flag. The celebrations are carried out at the beginning and at the end of the school year (1 September / 31 May). All eight Latin-script schools carry out these ceremonies with varying levels of interference from the authorities. The two schools situated on left-bank territory controlled by the Moldovan Government and the school in Ribnita report no problems, but the remaining schools report that they are warned regularly by local officials and hindered by local militia from raising the Moldovan flag and playing the Moldovan national anthem during the ceremonies.

The OSCE Mission monitored both of these ceremonies in 2012. On 31 May 2012 there were no reported problems or interference in Tiraspol, Ribnita, or at the Boarding School in Bender. The Bender lyceum reported that its flagpole was damaged on the eve of the ceremony, but that it was repaired in time for the flag to be raised. In both Corjova and Roghi the school administrations were warned by Transdnistrian militia beforehand not to play the anthem or raise the Moldovan flag, and in both places children hummed the anthem and held small Moldovan flags.

On 1 September 2012 there were no reported problems at any of the schools in Tiraspol, Bender or Ribnita, and no one appeared to be present from Transdnistrian militia. In Roghi, Transdnistrian militia warned the school administration against raising the flag or playing the anthem, and the school administration did not do either. In Corjova, Transdnistrian militia observed the ceremony but did not interfere when the school director played the Moldovan national anthem at the end of the ceremony. School children held small Moldovan flags.

Finding: In 2012 most schools experienced little or no interference during their First Bell/ Last Bell ceremonies, however, schools in Corjova and Roghi were warned by Transdnistrian militia not to engage in symbolic displays.

5.7 MILITARY SERVICE

According to the Moldovan Law on Training Citizens to Defend Their Homeland¹²³ (art. 28), male citizens of Moldova aged 18 years and older can be recruited for military service. Article 31 allows for the postponement of the military service for educational purposes and for the term of the specific educational programme if a recruit is enrolled in secondary, secondary vocational or professional, or higher educational institutions. The military service period in Moldova is one year.

According to the Transdnistrian “law on general military duties and military service” (art. 22), male citizens between the ages of 18 and 27 must perform military service.¹²⁴ Article 24 states that citizens younger than 21 years have the right to postpone military service if they are studying full-time in general educational institutions and institutions of primary or secondary professional education. The military service period in Transdnistria is eighteen months.

The administrations of all eight Latin-script schools issue certificates for male students 18 years and older, confirming their education in the school. These certificates have been recognized by Moldovan and Transdnistrian *de facto* authorities alike and allow the students to graduate before being called for military service. No instance was reported in the recent past where Transdnistrian *de facto* authorities refused to postpone military service in spite of a certificate presented from a Latin-script school.

Finding: In recent years Transdnistrian authorities have recognized certificates from Latin-script schools, allowing 18 year old male students to graduate before being called to military service.

5.8 INTIMIDATION AND PRESSURE ON PARENTS AND TEACHERS

In the past teachers and parents of students at the Latin-script schools regularly complained of intimidation and pressure by the Transdnistrian *de facto* authorities, especially at their places of work.¹²⁵ Several parents reported that they were dismissed from their jobs for signing petitions requesting the opening of a private school using the Latin script and the Moldovan curriculum. It appears that this problem has diminished throughout the years, with the last reported cases of

123. The Law on Training Citizens to Defend their Homeland, no. 1245-XV, 18 July 2002.

124. “law on general military duties and military service”, no. 292-3, 5 May 2000 (C3MP 00-2).

125. These complaints are registered comprehensively for the period 2002-2004 in the ECtHR judgement on *Catan and Others v. Moldova and Russia*, cited above.

intimidation occurring with respect to a teacher in Bender in 2011 and a student in Tiraspol in 2012. However, the connection between these cases and the Moldovan-administered schools is still an open question. The new Transdnestrian *de facto* president has stated repeatedly that there is no bias against schools teaching in any language, nor any policy against the Latin-script schools.¹²⁶

Finding: Reported cases of intimidation against parents and students have decreased significantly over the years. Two cases have been reported in the last two years.

5.9 PREMISES

The situation of each school's premises varies widely (see individual school overview) and is a central topic in negotiations. The lyceums in Tiraspol, Bender and Ribnita, as well as the gymnasiums in Corjova and Roghi all rent their premises from local administrations (Tiraspol, Bender, Dubasari Administration) or local private companies (Ribnita, Corjova) in Transdnestria. While the schools in Tiraspol and Ribnita pay rent for their premises, the lyceum in Bender, and the gymnasium in Roghi currently have free of charge rent contracts with the local administration due to investments made in the renovation of the buildings. The Boarding School for Orphans in Bender is the only school with its own premises, which are owned by the Moldovan Ministry of Education.

Local public administrations in general indicated openness to discuss rent and other issues directly with school administrations or the Ministry of Education. In some cases, such as the meetings with the Dubasari and Tiraspol local authorities regarding the Dubasari/Cocieri and Tiraspol schools, respectively, these contacts can have positive results for the schools.

Finding: The situation of the schools' premises and rental contracts varies widely; local administrations indicate readiness to discuss and negotiate these.

5.10 PUBLIC UTILITIES

According to all directors, the Latin-script schools are charged higher prices for public utilities in Transdnestria than other educational institutions. They also complain that Transdnestrian suppliers often calculate prices in Transdnestrian rubles and transfer them into Moldovan lei using an unfavorable exchange rate.

In particular, according to the administration of the Lyceum "Alexandru cel Bun" in Bender, the school pays nearly one-and-a-half times more than its neighbours for electricity and water, and nearly four times more for gas. Only the price for the heating is the same as for the rest of the city.

Table 2. Prices for public utilities in Transdnestria vs. prices paid by the Lyceum "Alexandru cel Bun" in Bender*

	Price in Bender (MDL/Euro)	Price paid by the Lyceum (MDL/Euro)
Electricity	0.96/0.06 for 1 kw	1.48/0.09-1.78/0.11 for 1 kw
Water-supply	9.79/0.62 for 1 m ³	12.47/0.79-14.96/0.95 for 1 m ³
Gas	2138.33/136.21 for 1000 m ³	7913.11/504.07 for 1000 m ³
Heating	502.06/31.98 for 1 gcal	502.06/31.98 for 1 gcal

* Information provided by Maria Roibu, school director, as of January 2012.

126. Meeting of OSCE High Commissioner on National Minorities Knut Vollebaek with Yevgeny Shevchuk, 15 March 2012

According to the Transdniestrian “state” service of prices and antimonopoly activity, the rates for the school’s utilities are regulated by the “law on prices (tariffs) and pricing”, and a May 2011 decree of the *de facto* president.¹²⁷ The latter stipulates that for consumers under the jurisdiction of the Republic of Moldova, but located on Transdniestrian-controlled territory, gas, electricity, heating, hot water, and water supply, as well as sewerage services are provided at the rates established by normative acts of the Republic Moldova. If these rates are lower than those in Transdniestria, the Transdniestrian rates apply.

In accordance with the “law on education” (art. 42), non-state educational organizations with accreditation in Transdniestria can have the same utility rates as public schools.¹²⁸ At the same time, the law on education does not expressly prohibit the application of these rates to educational institutions without accreditation. With their accreditation in Chisinau, the Latin-script schools do not automatically qualify for the preferential utility rates for accredited Transdniestrian schools; however, since utility rates were determined in a 2011 “presidential” decree, the potential lowering of these rates falls within the competence and discretion of the *de facto* president.¹²⁹

Finding: As consumers under the jurisdiction of Moldova, the Latin-script schools do not qualify for the same utility rates as Transdniestrian-administered schools; however, under a “presidential” decree, they could be lowered by the *de facto* president.

5.11 HEALTH, SAFETY AND SANITARY CONTROLS

The situation of the Latin-script schools is not uniform with regard to health, safety and sanitary inspections by local authorities. The frequency and type of inspections varies for each school. Transdniestrian *de facto* authorities provide medical care and conduct health inspections in the schools in Tiraspol, Ribnita, Corjova and the Boarding School in Bender, whereas Moldovan authorities conduct health inspections in Roghi and the Bender lyceum. Health checks generally include individual checks of each student for any serious diseases. Students who are residents of Transdniestria have access to general medical services under the Transdniestrian healthcare system.

Transdniestrian *de facto* authorities conduct safety and sanitary inspections in Tiraspol, Ribnita and the Boarding School in Bender, while Moldovan authorities carry out similar inspections in Corjova, Roghi and the Bender lyceum.

Six of the schools report to have constructive relations with Transdniestrian local authorities, who appear to conduct health, safety and technical inspections on a regular basis. At the same time, the Gymnasium in Roghi and the lyceum in Bender do not interact with local authorities on these issues.

Finding: Four schools co-operate with *de facto* authorities to facilitate health inspections; while three co-operate regarding safety and sanitary inspections. The remaining schools are inspected by Moldovan authorities.

5.12 TRANSPORTATION OF GOODS AND MONEY

Textbooks, books, materials, food, salaries etc. for the Latin-script schools are supplied from Moldovan-controlled territory. Nearly all directors complain that transport of these goods and money across Transdniestrian checkpoints is not permitted and is subject to customs duties.

According to the *de facto* customs committee, there is no uniform customs policy regarding Moldovan-administered institutions on Transdniestrian-controlled territory. The committee deals with each of them individually.¹³⁰

127. “Law on prices (tariffs) and pricing”, No. 513-3-III, 31 December 2004 (CA3 05-1).

128. “law on education”, no. 294-3-III (CA3 03-26).

129. “decree of the president on fixing the tariff limits for gas supply services, electricity services, thermal energy supply services (heating and hot water), for water supply and wastewater (sewerage) services”, no. 360, 29 May 2012 (CA3 12 23).

130. Meeting with Gennadiy Kuzmichev, 12 June 2012.

In 2011, two special interdepartmental co-ordinating bodies with representatives from the Transnistrian executive and legislative structures were established to deal with the import of technical or humanitarian aid: a commission on humanitarian assistance and a co-ordinating council for technical assistance.¹³¹ Any entity can apply to these bodies and receive a permit to import goods with an exemption from customs duties, written declarations and processing at customs posts. According to the *de facto* customs authorities, information on these goods are introduced into the committee's database and customs officers then verify whether the goods arriving at the checkpoint correspond to the information in the database and the profile of the receiving beneficiary or institution. The *de facto* customs authorities may also check at a later time whether the goods arrived at their destination.

A special simplified procedure also exists for the exemption of food products from customs duties with a consignment note. The *de facto* customs committee informed the OSCE Mission that school directors and other institutions, including the Moldovan Ministry of Education, could apply for this procedure and would receive all necessary assistance from the committee.

According to the data received by the OSCE Mission, two schools have successfully engaged with the *de facto* authorities on this issue recently. The school administration in Dubasari/Cocieri addressed the *de facto* president in early 2012 for dispensation to allow the transport of goods without any duties, and has been able to transport its goods without duties throughout the year. Likewise, the administration of the Bender lyceum wrote to the *de facto* customs committee in summer of 2012, providing them with a list of all products the school intended to transport this year, and has had no obstacles transporting food, furniture and other products since that time.

Finding: Many schools do not transport their goods across Transnistrian checkpoints. However, some schools have successfully taken advantage of simplified procedures and now transport goods across checkpoints without duties or obstacles.

5.13 TRANSPORTATION OF CHILDREN, FREEDOM OF MOVEMENT



The school transport bus for pupils at the Theoretical Lyceum "Stefan cel Mare si Sfint" (Grigoriopol/Dorotcaia)

Students from the Theoretical Lyceum "Stefan cel Mare si Sfint" (Grigoriopol/Dorotcaia), must cross Transnistrian checkpoints every day (route Grigoriopol / Delacau / Crasnogorca – Dorotcaia) to attend school in Dorotcaia. They commute in buses rented by the lyceum without control and examination of documents.

However, as late as September 2011 there were cases reported by the school director when Transnistrian militia stopped the buses, checked the teachers' passports and required lists of students who study in the lyceum.

In 2012 no further incidents have been reported. Issues related to freedom of movement have been included for discussion in the Working Group on Education.

Finding: There has been no reported case of restricted freedom of movement since September 2011.

131. "government decision on free of charge assistance to the transnistrian moldovan republic", no. 33, 10 April 2012 (CA3 12-16).

5.14 DECREASING NUMBER OF STUDENTS IN THE LATIN-SCRIPT SCHOOLS

As can be seen from Table 3, the number of students in the eight Latin-script schools has decreased steadily over the past several years. The total number of students has declined from 5619 in the 1998/1999 school year to 1800 in the 2012/2013 school year, with some schools reporting a drop of 60 per cent or more of their students in the period since 2004-2005. The school directors all acknowledge this, and cite it as an existential issue and the biggest threat the schools face today. If the current trend of decline continues at the same rate, by 2020 six out of eight schools will have fallen well below 100 students.

However, the reasons for this decline are in dispute. The Transnistrian *de facto* authorities state that this decline is evidence of the lack of interest in these schools by parents in Transnistria, or of their low quality of education. They also note that *all* schools in Transnistria are suffering from dwindling student numbers due to demographic changes.

The Moldovan Ministry of Education and the school directors, however, cite the 1) forced closures and intimidations of the past, which persuaded parents to educate their children elsewhere; 2) the compromised premises and conditions under which the schools currently operate; 3) the fact that diplomas from the schools are not recognized by higher education institutions and employers in Transnistria; 4) the more attractive conditions in Russian-language kindergartens in terms of space, heating, etc., which encourage parents to begin education of their children in the Russian-language; 5) the unequal conditions with graduates from other schools in Transnistria for matriculation to higher education institutions in the Republic of Moldova, and 6) the unfair conversion of marks for students from Transnistrian public schools for admission to educational institutions in Moldova, since Transnistrian schools have a much easier curriculum than the Latin-script schools.

On these last two points, according to the Regulations on Matriculation in the Republic of Moldova,¹³² matriculation to institutions of higher learning is permitted only to those lyceum students who have graduated from the 12th grade; however, an exception is made for students in the Transnistrian educational system, which has only an 11-year secondary school system. These graduates may matriculate into higher education in Moldova on the basis of their secondary school certificate only, with no additional year of study. Therefore, graduates of the Latin-script schools must study one year longer than other students in Transnistria before they can enter university on the right bank. According to the directors, this is detrimental to enrolment rates at the Latin-script schools, as there are many cases where students from Moldovan Cyrillic-script schools transfer their studies to Latin-script schools for a few years, and then return to their old school just before their 11th year, in order to matriculate to university quicker. On the other hand, data on State-funded scholarships (*stipendia*) seems to indicate that students from Latin-script schools have a considerably higher chance of receiving a stipendium from the Moldovan Ministry of Education to study at a university on the right bank compared to their peers who graduate from Transnistrian-administered schools.¹³³

Regarding the conversion of marks, school directors also complain that the current conversion practice in Moldova for students from the Transnistria educational system also negatively impacts their enrolment. They state that Transnistria has a much easier curriculum, yet marks from this system are quantified almost equally to marks based upon the Moldovan curriculum. Transnistria has a five-point system, Moldova – ten-point. According to the Regulations of the Moldovan Ministry of Education, the conversion of marks is implemented such that grades 3, 4 and 5 in Transnistria are equivalent to 5.5, 7.5 and 9.5 in Moldova. Even though this conversion appears to disadvantage Transnistrian students by one-half point, the directors maintain that it actually favours these students since it does not completely take the higher degree of difficulty in the Moldovan curriculum into account. As a result, they argue, this also negatively impacts their enrolment.¹³⁴

132. Regulations on Organization and Effectuating the Matriculation in the Higher Education Institutions in the Republic of Moldova, approved by the Order of the Minister of Education, no. 475, 07 June 2012.

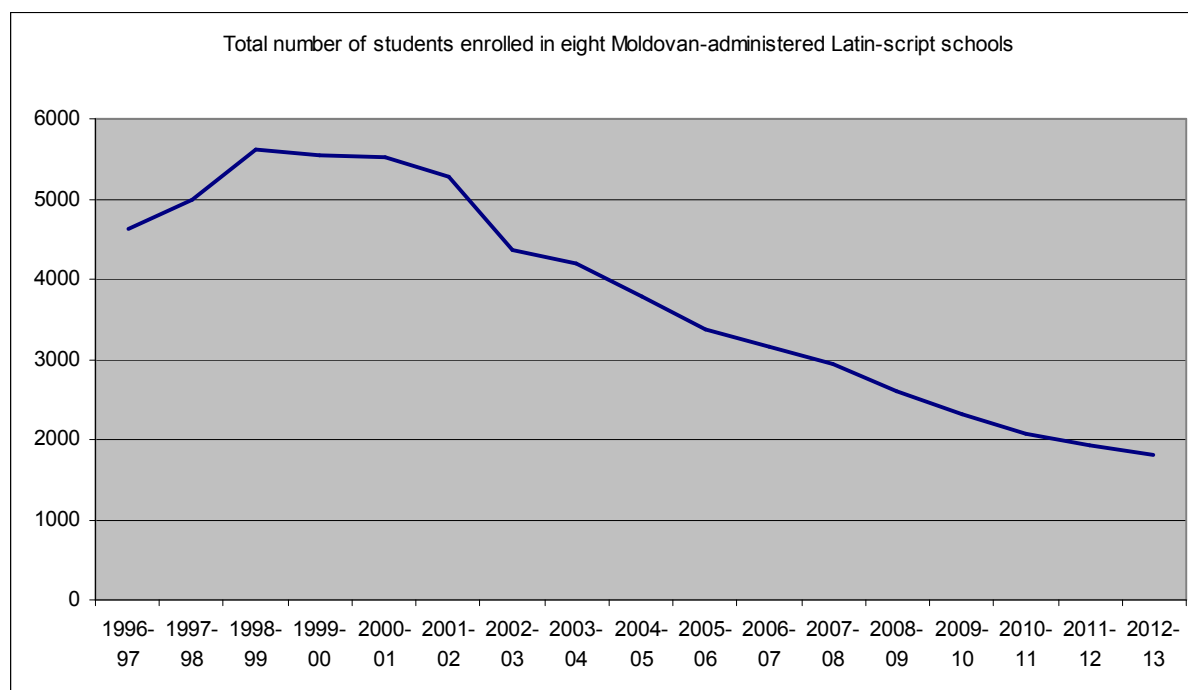
133. Dr. Nadejda Velishco, "2011 Admission to Higher Education Institutions", <http://www.edu.md/ro/evenimentele-saptaminii/rezultatele-sesiunii-de-admitere-in-universitati-in-2011-au-fost-discutate-la-sedinta-colegiului-me-12198/>.

134. The situation of the Boarding School for Orphans in Bender is distinct from that of the other Latin-script schools with respect to decreasing enrolment, as the drop in its students is mainly due to reform of the residential care system in Moldova, the objective of which is to reintegrate children into families and reduce the number of institutionalized children.

Table 3. Student Enrolment in the Latin-script schools, 1988–2012

School year	Lyceum "Lucian Blaga" Tiraspol	Lyceum "Alexandru cel Bun" Bender	Lyceum "Evrika" Ribnita	Gymnasium Corjova	Gymnasium Roghi	Boarding School for Orphans Bender	Lyceum "Stefan cel Mare si Sfint" Grigoriopol	Lyceum "Mihai Eminescu" Dubasari
1988-89	-	300	-	-	-	-	-	-
1989-90	-	360	-	-	-	-	-	-
1990-91	-	450	-	-	-	-	-	-
1991-92	247	587	242	-	-	344	-	-
1992-93	266	576	277	-	125	356	-	-
1993-94	336	755	346	-	114	404	-	-
1994-95	434	912	423	-	125	375	-	-
1995-96	643	1500	539	271	107	413	-	-
1996-97	677	1696	666	300	122	420	384	367
1997-98	746	1863	808	298	129	405	376	354
1998-99	756	2004	772	283	120	349	746	589
1999-00	748	2015	763	274	115	334	729	553
2000-01	758	1981	774	267	134	307	748	560
2001-02	697	1900	730	245	127	344	709	523
2002-03	647	1751	683	211	121	305	173	470
2003-04	594	1595	636	187	115	271	193	603
2004-05	483	1415	557	159	100	242	180	651
2005-06	282	1282	501	135	91	220	202	653
2006-07	290	1172	465	128	92	186	170	658
2007-08	293	1058	420	110	95	190	163	615
2008-09	245	895	345	95	90	182	164	579
2009-10	209	798	290	86	78	135	199	520
2010-11	189	730	245	80	79	96	176	484
2011-12	163	642	217	88	76	88	185	471
2012-13	166	578	181	89	75	90	170	451

Source: Data reported by school directors and the Moldovan Ministry of Education



Source: Data reported by school directors and the Moldovan Ministry of Education

Demographic change. While it is of course difficult to quantify and confirm the reasons for the decreasing enrolment in the Latin-script schools without extensive surveying and research, the demographic changes in Moldova and Transdnistria and the resulting impact on their educational systems overall must also be considered as a significant factor.

According to the 1989 census, the population of former Moldovan SSR was 4,335,360,¹³⁵ of which 3,657,665¹³⁶ resided on the territory controlled by Moldova today, while 677,695 resided on the territory currently controlled by the Transdnistrian *de facto* authorities. According to the most recent census data, collected separately on the right and the left banks of Dniester/Nistru river in 2004, the population of (right-bank) Moldova was 3,383,332¹³⁷ and Transdnistria - 555,500 people.¹³⁸ This represents a demographic contraction of about 7.5 per cent in right-bank Moldova and 18 per cent on the left bank. As of 1 January 2012, the National Bureau of Statistics in the Republic of Moldova estimated the population in Moldova to be 3,559,500,¹³⁹ and in Transdnistria, the *de facto* ministry of economy estimated the population to be 513,402 people.¹⁴⁰

The decrease in the numbers of school-age children on both banks is more dramatic. According to the National Bureau of Statistics, 381,400 children enrolled in primary and secondary general education institutions in right-bank Moldova during the 2011/2012 school year, a 17.6 per cent decrease in enrolment numbers from the 2007/2008 school year. On average, there are 1,071 students per 10,000 inhabitants, in comparison with 1,289 students in the 2007/2008 school year.¹⁴¹ In Transdnistria,

135. http://demoscope.ru/weekly/ssp/sng_nac_89.php?reg=9 (short link: <http://bit.ly/TGqHcH>).

136. <http://www.statistica.md/pageview.php?l=en&id=2234&idc=295> (short link: <http://bit.ly/SDCmYi>).

137. <http://www.statistica.md/pageview.php?l=en&idc=295&id=2234> (short link: <http://bit.ly/UwresC>). It has to be noted that both censuses have been criticised by international organizations in terms of their methodology.

138. <http://www.olvia.idknet.com/ol37-09-05.htm> (short link: <http://bit.ly/PrNToP>)

139. <http://www.statistica.md/newsview.php?l=ro&idc=168&id=3670> (short link: <http://bit.ly/OXegHi>)

140. <http://www.mepmr.org/gosudarstvennaya-statistika/informacziya/100-o-demograficheskoy-situaczii-v-pmr/1437-press-vypusk-qdemograficheskaya-situacziya-v-pridnestrovskoj-moldavskoj-respublike-za-yanvar-iyun-2012-godaq> (short link: <http://bit.ly/PrOd7d>).

141. http://www.statistica.md/public/files/publicatii_electronice/Educatia/Educatia_RM_2012.pdf (short link: <http://bit.ly/PI69LF>).

according to the *de facto* ministry of education, the current number of schoolchildren is 47,603, a contraction of nearly 40 per cent from 2004, when the number stood at 79,000.¹⁴²

In response to this demographic change, the Moldovan Ministry of Education has begun implementation of a school optimization programme, with the assistance of the World Bank.¹⁴³ The programme, still in its pilot stage, seeks to close and combine schools with very low student populations in order to reduce costs, increase efficiency and improve the quality of education overall, and in order to bring student/teacher ratios and GDP education expenditure percentages in line with European practice.¹⁴⁴ In 2007/2008 student/teacher ratios in Moldova stood at 13:1, with nearly 9 per cent of GDP spent on education; the European average for student/teacher ratio is 18:1, with 7 per cent of GDP spent on education.¹⁴⁵ The school optimization process sometimes leads to closure of schools with instruction in minority languages in Moldova and has been criticised by minority representatives and foreign Governments. The Latin-script schools are currently exempted from the optimization process.

Finding: The marked decline in student enrolment at the Latin-script schools has been attributed to many different causes, including intimidation, inadequate premises, unequal admission requirements for Transdnestrian and Latin-script students to Moldovan universities and a general lack of interest in the schools; however, significant demographic change, including a large-scale overall drop in student enrolment in Transdnestria, should also be taken into account.

5.15 COLLABORATION WITH LOCAL PUBLIC AUTHORITIES AND LOCAL SCHOOLS

As mentioned, all eight of the Moldovan-administered schools present all required reports to the Moldovan Ministry of Education and Moldovan authorities (fiscal, financial, statistical, medical and social insurance reports). Aside from the school from Grigoriopol/ (Dorotcaia), all schools present some information to local authorities in Transdnestrian-controlled areas and four schools also co-operate with these authorities regarding safety and health inspections.

However, during meetings with the Tiraspol, Bender and Ribnita local administrations these authorities expressed the wish for greater collaboration with the schools in their cities. Specifically, they would like to involve students and teachers in methodological/pedagogical training and in cultural and sports activities that take place on the local level. They acknowledged that the difference in educational systems and curricula may make it difficult for teachers from the Latin-script schools to participate in pedagogical activities. At the same time they believe that activities where common problems are discussed with other Transdnestrian schools are important for the Latin-script schools, and would be a good opportunity to exchange experience. The local authorities noted that any initiative on the part of the schools to participate in these activities or increase local ties would be welcomed.

Finding: Local authorities would like greater collaboration with the schools and encourage greater participation of the schools in the broader community.

142. Statement by the Transdnestrian *de facto* ministry of education on the question of children's educational-rights insurance, <http://www.olvia.idknet.com/news15-07-04.htm> (short link: <http://bit.ly/Qmhejm>).

143. See: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/ECA/2012/06/01/2808255F711D992785257A10003C6967/1_0/Rendered/PDF/PID0Appraisal0001201201338548391153.pdf (short link: <http://bit.ly/VnRoRu>).

144. Meeting with World Bank Office in Moldova, 24 October 2012 (files of OSCE Mission to Moldova).

145. "Moldova: Policy Notes for the Government" (World Bank), pp. 50–52. http://siteresources.worldbank.org/INTMOLDOVA/Resources/Moldova_Policy_Briefing_Book_eng.pdf (short link: <http://bit.ly/SzRP5S>).

6. RECOMMENDATIONS

Based on the findings of the assessment, the OSCE Mission to Moldova and the High Commissioner on National Minorities recommend the Sides to consider the following steps within the framework of the 5+2 process. The sequencing or parallel implementation of these recommendations in a manner that best builds confidence should be agreed upon by the Sides:

- 6.1 Both Sides should confirm their commitment to depoliticize the disagreements around the Moldovan-administered schools in Transdniestria and to seek pragmatic solutions to all questions related to their status, educational activities and operation. These solutions should provide temporary but stable mechanisms addressing the current problems the schools face until final solutions can be agreed in the context of a comprehensive conflict settlement agreement defining the status of Transdniestria and the division of competencies between Chisinau and Tiraspol.
- 6.2 Such temporary but stable solutions would include the registration and licensing (through the simplified procedure described in 6.3) of the Moldovan-administered schools by the Transdniestrian *de facto* authorities as “non-state general educational institutions” (private schools) without attestation and accreditation.
- 6.3 Licensing of the schools should be considered fulfilled by a simplified procedure for the basic co-ordination of educational activities that differs from the usual process of licensing for private schools in Transdniestria. This procedure would include three steps, after which licensing requirements would be considered satisfied. This procedure should first be completed by one school as a pilot, and should be limited to the following:
 - Written agreement by the schools to yearly health, safety, sanitary-epidemiological and fire safety inspections of their premises and facilities by relevant representatives from local authorities. These inspections occur without complications at many schools already, however, at an individual school’s request it should be agreed that the inspections will be conducted by representatives from local authorities accompanied by relevant Moldovan representatives. The OSCE could facilitate these joint inspections when requested;
 - Written information from the schools about the content of their curriculum and list of textbooks, with the full parameters of this disclosure to be defined within the Working Group on Education;
 - The written commitment of both Sides to undertake mutual and joint curriculum and textbook reviews, which should be started simultaneously with the simplified procedure. The objective of these reviews will be to develop joint recommendations, as described in Recommendation 6.4, and the outcome of these reviews should have no impact on the successful fulfillment of the simplified procedure, as this should be completed as soon as possible, whereas the reviews will take more time and should have only an advisory function for further joint work on mutual curriculum issues.

In order to facilitate the fulfillment of this procedure, the OSCE may convey documents if requested by the Side(s).

- 6.4 The Sides should resume the mutual and joint curricula review begun within the Working Group on Education in 2005 and 2006, which showed that the existing divergences are far from insurmountable with some good will and pragmatism on both Sides. The objective of the joint review of curricula and textbooks should be to build confidence between the Sides by engaging in good faith to learn about each other's educational processes, share and review pedagogical materials and textbooks, openly discuss their perspectives on the content of these, exchange experience, and develop joint recommendations on the teaching of sensitive subjects.

The renewal and completion of this review should be followed up with an independent curriculum review by an international organization with relevant experience, such as the Council of Europe.

As a follow-up to this independent curriculum review, Moldovan and *de facto* Transnistrian authorities should also restart their efforts on joint textbook analysis. The objective of the curriculum and textbooks review should be the development of joint recommendations for teaching, textbooks and other teaching materials for controversial aspects of certain subjects, especially geography and history.¹⁴⁶

- 6.5 After the successful completion of the simplified procedure, Transnistrian *de facto* authorities should ensure that the schools enjoy the same tariffs for public utilities and services (electricity, gas, heating, cold and warm water supply, sewage, et cetera) as Transnistrian-administered schools, as a confidence-building measure.
- 6.6 For the unhindered transportation of supplies to the schools, the school directors should provide the *de facto* customs authorities with a general description of school supplies they intend to bring into Transnistria during the school year, and the *de facto* customs authorities should provide the schools with a written exemption from customs duties, written declarations and processing at customs posts. The directors should also provide general information to *de facto* customs authorities regarding food supplies they plan to bring into Transnistria, and *de facto* customs authorities should provide the schools with a "blanket consignment note" for the entire school year exempting food products from customs duties. It should be noted that two schools have already successfully obtained exemptions. In order to facilitate communication and agreement on further procedures, the OSCE Mission should organize a meeting between the directors and relevant representatives of the *de facto* customs authorities.
- 6.7 Local authorities in Ribnita and the Moldovan Ministry of Education should enter into a package agreement including the following measures to be carried out simultaneously:
- Local Ribnita authorities allow for completion of the construction work on the two unfinished school buildings at 14 Gagarin Street by the Moldovan Ministry of Education and the immediate use of these finished buildings by the Theoretical Lyceum "Evrika";
 - The Moldovan Ministry of Education and local Ribnita authorities commit to review together different options and negotiate terms to define the ownership and long-term status of the plot and buildings; in these discussions the reinstatement of the 1997 Ribnita administration decisions¹⁴⁷ should be strongly considered, in an amended form which allows for the continued use of the original building by the current tenant (a sports school);
 - During the course of these discussions the Moldovan Ministry of Education should cover the maintenance costs of the new school buildings and the lot;
 - The Theoretical Lyceum "Evrika" should agree to offer access to students and teachers at the neighbouring school to communal areas (cafeterias, parking lot) at co-ordinated times

146. In September/October 1999 the Sides had agreed in the framework of an OSCE Mission expert seminar to set up common working groups for the analysis of history textbooks with the aim to formulate joint recommendations.

147. Ribnita administration decisions no. 744 (13 August 1997) and no. 7 (23 September 1997).

should space considerations arise, and both schools should find other ways to co-operate on practical grounds, as described under 6.10.

- 6.8 Transdnestrian *de facto* authorities, as well as local authorities in Grigoriopol and Dubasari, should facilitate the identification of suitable premises and allow the return of Theoretical Lyceums “Stefan cel Mare si Sfint” and “Mihai Eminescu” from Dorotcaia and Cocieri to Grigoriopol and Dubasari. They should also facilitate the registration of these schools, after which the schools should undergo the agreed simplified procedure.
- 6.9 The registration of the Boarding School for Orphans in Bender should be facilitated and completed by the Sides, as was intended before negotiations ceased in 2006. Given the unique status of the Boarding School and the ongoing reform of residential childcare in Moldova, the question of further measures regarding the Boarding School’s status should be discussed in the Working Group.
- 6.10 All Sides should refrain from politicizing the schools’ status, activities and operation and respect their non-political nature as educational institutions. In particular, Transdnestrian authorities should not interfere with the celebration of the “First Bell” and “Last Bell” ceremonies and, in turn, the schools should not organize events of a symbolic nature that are likely to be seen as political statement or go beyond regular practice at schools on the right bank.
- 6.11 Local public authorities, school directors and the Moldovan Ministry of Education should be in more regular contact in order to address and avoid predictable problems, such as the expiration of rental contracts. In that regard, rental contract of the Bender lyceum, which expires soon, and the rental contract of the Tiraspol lyceum, which could be revised for a lower rent rate, should be addressed at the earliest opportunity within the Working Group or with the respective local authorities.
- 6.12 For confidence-building purposes, Moldovan and *de facto* Transdnestrian education authorities should ensure that directors, teachers and students of Moldovan and Transdnestrian-administered schools exchange experience and information with each other and with local education authorities, and engage in joint activities. The following are suggestions for consideration:
- Moldovan and Transdnestrian-administered schools that are in close proximity could consider co-operating on practical grounds such as access to sports facilities and school cafeterias;
 - Teachers from Moldovan and Transdnestrian-administered schools could participate not only in the meetings, courses, seminars and other events organized by their own education authorities, but also in similar activities organized by the education authorities of the other side;
 - Students of Moldovan and Transdnestrian-administered schools could participate in joint events and invite each other to their events, such as sports and academic competitions.

These activities would help build personal relationships, increase mutual understanding and facilitate the functioning of the schools at the local level.

ANNEX 1

EXCERPTS FROM LEGISLATION OF THE REPUBLIC OF MOLDOVA¹

The Law on Education²

Article 7. State educational standards

- (1) The education system is based on the State educational standards, providing the possibility of recognition of national education certificates abroad. The standards set the minimum mandatory requirements for the various levels and stages of education. The procedure of elaboration, approval and introduction of educational standards are determined by the Ministry of Education.

Article 10. Documents on education

- (1) Public and private educational institutions, accredited in accordance with the law, issue to persons who passed the final exam certificates of education indicating the data on the levels and stages of education, domain and level of qualification.

Article 38. Content of education

- (1) The content of education is based on State educational standards, having the formative and developing character, and is differentiated by levels and stages.
- (2) The content of pre-university education at different levels and stages is provided by the curriculum and programmes approved by the Ministry of Education.

Article 40.¹ Competence of public authorities in establishment, reorganization and liquidation of the State educational institutions

- (3) Local public authorities of the second level, after prior co-ordination with the Ministry of Education, decide on establishment, reorganization or liquidation of State educational institutions of primary, gymnasium, lyceum and extra-school education.

Article 61. Financing of the education system

- (1) Financing of education is a priority. Budgetary funds are the main source of the State system of education funding. Educational institutions of primary and secondary education are funded on the basis of standard costs per student using equalization coefficients, in the order established by the Government.

Article 62. Material and technical basis of the education system

- (1) The material and technical basis of the education system consists of buildings, engineering structures, libraries, laboratories, workshops, clinics, land plots, training farms, basic schools or kindergartens, equipment, vehicles, facilities and other material and technical resources, set by the respective regulations.
- (2) Development of material and technical basis is effectuated at the expense of budgetary funds and own resources of educational institutions.
- (3) The State on a priority basis provides the development of material and technical base of education system, equipping of schools according to international standards, construction of buildings for education, sport and recreation, housing for teachers and hostels for students.

1. The above excerpts are as of 10 November 2012. Any updates to these laws should be available at the Moldovan Ministry of Justice website <http://justice.md/>.

2. The Law on Education, no. 547-XIII, 21 July 1995.

The Law on Evaluation and Accreditation of Educational Institutions in the Republic of Moldova³

Article 2. The authority effectuating evaluation and accreditation

- (1) Evaluation and accreditation of educational institutions is effectuated by the Ministry of Education.

Article 3. Basic criteria

Requirements for the schools within evaluation and accreditation regard all areas of their organization and functioning: professionalism of pedagogues, content and form of the education process, state of the material and technical basis, list of professions, financial and economic activity, ..., quality and effectiveness of educational process, corresponding the level of students to the State educational standards.

Article 5. Curriculum and educational programmes

Curriculum and programmes of accredited educational institutions must meet the requirements of the Ministry of Education and the provisions of international organizations' acts to which the Republic of Moldova joined.

Article 6. Material and technical basis

- (1) Accredited educational institutions must have the material and technical basis corresponding to the State standards.

3. The Law on Evaluation and Accreditation of Educational Institutions in the Republic of Moldova, no. 1257-XIII, 16 July 1997.

ANNEX 2

EXCERPTS FROM TRANSDNIESTRIAN *DE FACTO* LEGISLATION¹

Note: The use of such terms as “legislation”, “law”, “minister”, “Supreme Soviet” and similar in connection with specific Transdnestrian normative acts below does not represent any recognition by the OSCE of these normative acts, or mentioned *de facto* authorities or institutions.

TRANSDNIESTRIAN *DE FACTO* LEGISLATION REGULATING EDUCATIONAL ACTIVITY

The “law on languages in the Transdnestrian Moldovan Republic”²

article 26. the language of the education and training

“The free choice of the language of education and training of children is an inalienable right of the citizens and it is guaranteed by the state.

“Taking into account the interests of all nationalities concentrated in a certain locality, the Transdnestrian Moldovan Republic ensures the establishment of pre-school institutions and institutions of general education where education and training are carried out in Moldovan, Russian and Ukrainian languages.

“Groups, classes, torrents and other forms of education and training are organized for children, pupils and students in their mother tongue at different pre-school and educational institutions.

“Parents or persons who substitute them have the right to choose a pre-school institution or an institution of general education for their children in which education and training are carried out in the corresponding language.”

The “law on education”³

article 1. the basic concepts and terminology

“The state education standard is a set of requirements, determining the required minimum content of basic education programmes, the maximum educational work, the level of schooling of students, the level of cadres, the training, the methodological and logistical support of the educational process.

“The requirements of the state educational standards are obligatory for all educational organizations that implement the basic educational programmes of education levels, with the exception of educational organizations that have a certificate of the state accreditation for the rendering of educational services according to the educational programmes at this level of education, training areas (specialties), issued in a foreign country.”

article 7. the language of instruction

“The language of instruction in the state educational institutions of the Transdnestrian Moldovan Republic is determined in accordance with the law on languages in the Transdnestrian Moldovan Republic.

“In the educational institutions of all legal forms and all forms of property, apart from the language of instruction, if this is the one of the official languages of the Transdnestrian Moldovan Republic, students learn the second official language of the Transdnestrian Moldovan Republic. If the language of instruction is not the one of the official languages of the Transdnestrian Moldovan Republic, students must study one of the official languages of the Transdnestrian Moldovan Republic.”

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1. Presented extracts from de facto legislation and links should be used as approximate information. For the detailed consideration of an issue, it is necessary to use the “laws and normative acts” in their current version, which can be found at <http://www.ulpmr.ru/>.
 2. The “law on languages”, 8 September 1992 (C3MP 92-3).
 3. The “law on education” No. 294-3-III, 27 June 2003 (CA3 03-26).

article 11. educational organizations

"The organization of education in its main activity realizes one or more educational programmes, and (or) ensure the maintenance and education of students (pupils).

"The educational organization is a legal entity.

"The organization of education could be the state, municipal, private and of other forms of property.

"Non-state educational organization can be created in the legal forms stipulated by the civil legislation of the Transdniestrian Moldovan Republic."

article 16. the founder (founders) of educational organization

"The founder (founders) of the educational organization could be:

- "a) an executive body of the state authority;
- "b) a state administration, local public authorities;
- "c) organizations of all legal forms and all forms of ownership, including foreign ones;
- "d) non-governmental and religious organizations (associations) registered in the Transdniestrian Moldovan Republic;
- "e) citizens of the Transdniestrian Moldovan Republic and foreign citizens.

"The joint foundation of educational organizations is allowed."

article 27. certificates of education

"Educational organization which has the state accreditation, and is implementing the general education (except for pre-school) and professional educational programmes, issues to persons, who passed the final state attestation, a document of the state standard on education level and (or) qualification, certified by the official stamp of the organization.

"Educational organization, which has not the state accreditation, issues to persons who passed the final attestation, a document on education and (or) qualification in accordance with the special permission to carry out such activities, certified by the stamp of the organization. The form of the document is determined by the organization of education by itself."

article 34. the management of the non-state organization of education

"The management of the non-state educational organization is effectuated directly by its founder through an authorized body created by him. A representative of the local educational authority shall be a part of the authorized body.

"The management body of the non-state educational organization ensures implementation in the organization of the state educational standards, regulations and legislation of the Transdniestrian Moldovan Republic."

article 35. creation and regulation the activity of the educational organization

"The educational organization is created by the founder on his own initiative and is subject to state registration in accordance with the law on the state registration of legal entities and individual entrepreneurs in the Transdniestrian Moldovan Republic.

"The right of a legal entity for the educational organization regarding the financial and economic activity for organizing the educational process arises from the moment of its state registration.

"The right to the educational activity and facilities, provided in accordance with acting legislation of the Transdniestrian Moldovan Republic, arises to the educational organization after it will fulfill all special conditions for the activity of such organizations, foreseen by the current legislation of the Transdniestrian Moldovan Republic.

"The right of the educational organization to issue a document of the state standard to its graduates, to be included in the scheme of the central funding and the use of the seal with the state coat of arms of the Transdniestrian Moldovan Republic appears from the moment of its state accreditation, confirmed by a certificate.

“The certificate of the state accreditation confirms the status of the educational organization, the level of ongoing educational programmes, corresponding the content and quality of graduates training to the requirements of the state educational standards, the right to issue the documents of the state standard corresponding to the respective level of education.

“The state accreditation of the educational organization is conducted by the executive body of state administration responsible for education, on the basis of the application of the educational organization, based on the results of its attestation, but not later than three months after its effectuation. As the result of the accreditation, the educational organization gets an accreditation document (certificate).”

article 39. financing of the educational organizations

“Financing of the non-state educational organizations is effectuated at the expense of the founders, fees for education and other sources which are not prohibited by the current legislation of the Transdniestrian Moldovan Republic.”

article 42. the rights of the educational organization to use the financial and material resources

“The educational organization independently carries out its financial and economic activity. It has an independent balance, accounts in banks and other credit organizations.

“Non-state educational organizations that got the state accreditation in the Transdniestrian Moldovan Republic have the same rates as the state and the municipal educational organizations when paying for the public utilities.”

article 44. the material and technical basis of the educational organization

“The state administration of cities and rayons and the local public authorities can provide to the non-state educational organizations, having the state accreditation in the Transdniestrian Moldovan Republic, buildings, land plots for construction, material resources for conducting the educational process.”

article 50. the health protection of students

“The healthcare of students of the educational organization is provided by the health authorities.

“The organization of education shall provide for medics the premises with the appropriate conditions.”

“regulations on the procedure of the certification and the state accreditation of educational organizations in the Transdniestrian Moldovan Republic” (approved by the “ministry of education”)⁴

“Attestation is the main form of the state and public control over the level of the activity and quality of educational services provided by the educational organization.

“The first attestation is initiated by the educational organization and can be carried out after the first graduation, but not earlier than three years after obtaining permission for educational activities and, in the cases prescribed by the law – a licence to conduct educational activity.

“The basic principles of the educational organization’s attestation are the legality, voluntariness, objectivity, publicity, competence, adherence to teaching ethics.

“A positive conclusion of the attestation commission is the basis for the state accreditation of the educational organization.

“The main principles of the state accreditation are its state nature, voluntariness, objectivity, competence and transparency.”

The “law on licensing of different types of activity”⁵

article 18. the list of activities requiring a licence

“11) conducting educational activities, except for individual educational activities.”

4. The “order of the ministry of education on approval of the regulations on the procedure of the certification and the state accreditation of educational organizations in the Transdniestrian Moldovan Republic”, no. 271, 11 March 2005 (CA3 05-32).
5. The “law on licensing of different types of activity”, no. 151-3-III, 10 July 2002 (CA3 02-28).

The “regulations on the licensing the educational activity”⁶

- “3. As a licence applicant may be a legal person applying to the body authorized for registration and issuance the licences, with the request to issue a licence for conducting the educational activity.”
- “6. The educational institutions that have a certificate of the state accreditation in accordance with established procedure are excluded from the sphere of licensing.”
- “8. The educational activity which is subject to licensing and conducted without a special permit (licence) is illegal. Persons conducting the educational activities requiring a special permit (licence) without a licence shall respond according to the current legislation of the Transdniestrian Moldovan Republic.”
- “10. To obtain a licence the applicant shall submit to the body authorized for registration and issuance of a licence the following list of documents:
- the application on issuance or renewal the licence for conducting the educational activity;
 - the data about the material and technical base and equipment of the educational process, co-ordinated with the executive state body responsible for education (Appendix No. 1);
 - the data on the directions according to the state educational standard (the classification of specialties) of the primary, secondary, higher vocational education and the conditions of education, proposed by the educational organization, co-ordinated with the executive state body responsible for education (Appendix No. 2);
 - the certificate of the legal entity registration ;
 - the extract from the state register;
 - the constituent documents (Statute, Regulations, etc.);
 - the reference evidencing the fiscal code;
 - the reference evidencing the codes of the classifier of enterprises and organizations;
 - the data on the presence the educational and programme documentation, based on the state educational standards of the corresponding level of education and adopted in the established order, co-ordinated with the executive state body responsible for education (Appendix No. 3);
 - the data on the pedagogical staff, confirming the compliance of the staff qualification with licence requirements, co-ordinated with the executive state body responsible for education (Appendix No. 4);
 - the data on the training, educational literature on the specialties according to the level of the educational programme, co-ordinated with the executive state body responsible for education (Appendix No. 5).”
- “20. The licence conditions and requirements when conducting the licensed activity are:
- respecting the acting legislation of the Transdniestrian Moldovan Republic in the field of the licensed activity, corresponding the existing activities to the technical conditions, ecological, sanitary and epidemiological, fire prevention and other norm and regulations;
 - conducting the educational activity only within the premises indicated in the licence;
 - existing the pedagogical staff having the appropriate qualification;
 - existing the training and programme documentation composed on the basis of the state educational standards on the corresponding level of education and adopted in accordance with the established procedures;
 - existing the teaching, educational and methodic materials and equipment according to the level of the educational programme;
 - existing the material and technical basis in accordance with the type and kind of the educational institution.”

6. The “decree of the president on approval the regulations on the licensing the educational activity”, no. 924 (CA3 48-12), 28 November 2011.

The “law on education” (1994–2003)⁷

article 7. State education standards

“1. In the Transdniestrian Moldovan Republic the state education standards are set; they determine, among others, the maximum volume of education and work of students, the educational minimum of the education programmes’ content and requirements regarding the level of students training.”

article 30. The procedure of creation and regulation of the educational institution activity

“5. The right to education activities and facilities provided by the legislation of the Transdniestrian Moldovan Republic arises to the educational institution upon issuance of the licence (permit).”

“11. The licence issued to the educational institution indicates the control specifications, the maximum number of students and pupils, the term of the licence and the date of the initial attestation.”

“17. The attestation of educational institutions is conducted by a public service or, on its instruction or by attorney, by state authorities, local public authorities with involvement of leading educational institutions and the public. The attestation is conducted once in five years, unless otherwise required by law. The costs of the certification shall be paid by educational institutions.”

“18. The purpose and the content of attestation are to determine conformity of the content, level and quality of educational institutions graduates training to the requirements of the state education standards.”

The “regulations on the procedure of attestation and state accreditation of educational institutions”⁸ (not current)

“2. The attestation is the main form of state and public control over the quality of education in educational institutions.

“3. The purpose and the content of attestation is to determine conformity of the content, level and quality of educational institutions graduates training (regardless of the form of education) to the requirements of state educational standards.”

TRANSDNIESTRIAN DE FACTO LEGISLATION REGULATING FOUNDATION OF LEGAL ENTITIES

The “law on the state registration of legal entities and individual entrepreneurs in the Transdniestrian Moldovan Republic”⁹

article 24. the documents to be submitted for the state registration of the legal entity created by founding

“For the state registration of a legal entity created by founding, the following documents shall be presented to the registering authority:

“– the application for the state registration, in the form approved by the president of the Transdniestrian Moldovan Republic, signed by the applicant, with exception of the cases provided by this law.

The statement confirms that:

- 1) the provided constituent documents correspond to the requirements for constituent documents of a legal entity of this legal form, set forth by the acting legislation of the Transdniestrian Moldovan Republic;

7. The “law on education”, 19 April 1994 ((C3MP 94-2).

8. The “decision of the government of the Transdniestrian Moldovan Republic on approval the regulations on the procedure of attestation and state accreditation of educational institutions”, no. 89, 26 March 1999.

9. The “law on the state registration of legal entities and individual entrepreneurs in the Transdniestrian Moldovan Republic”, no. 222-3-IV, 11 June 2007 (CA3 07-25).

- 2) the information contained in the constituent documents and other documents submitted for the state registration, the information in the application for the state registration is reliable;
- 3) the order of foundation set forth for the legal entities of this legal form is respected during creation of the legal entity, including the order of the authorized capital payment at the moment of the state registration, and, in cases prescribed by the law, the issues of the legal entity creation are co-ordinated with the relevant state bodies and (or) local public authorities;

“– the decision of the legal entity creation in the form of a protocol, a contract or other document according to the acting legislation of the Transdniestrian Moldovan Republic;

“– the constituent documents of the legal entity on paper in duplicate and in electronic form (not applicable for non-profit organizations acting on the basis of general provisions on the organizations of this type in the cases foreseen by the law);

“– the extract from the register of foreign legal entities of a corresponding country of origin or other equivalent legal proof of the juridical status of the foreign legal entity-founder (notarized copies of documents with a notarized translation into Russian);

“– the documents certifying the mandate of the applicant (originals or notarized copies of them), according to this law;

“– the document confirming the state duty payment.”

TRANSDNIESTRIAN DE FACTO LEGISLATION REGULATING THE IMPORT OF GOODS

The “customs code”¹⁰

article 45. customs registration and customs control

“Goods and vehicles are subject to customs registration in the order and conditions stipulated by this Code.”

article 217. declaration of goods and vehicles

“Goods and vehicles moved through the customs border of the Transdniestrian Moldovan Republic, goods and vehicles whose customs regime is changing, as well as the other goods and vehicles in the cases determined by the normative acts of the president of the Transdniestrian Moldovan Republic or the state customs committee of the Transdniestrian Moldovan Republic, the rules adopted within their jurisdiction, shall be declared to the customs authority of the Transdniestrian Moldovan Republic.”

article 250. goods and vehicles subject to customs control

“All the goods and vehicles moved through the customs border of the Transdniestrian Moldovan Republic shall be subject to customs control with the exception of cases provided by the present Code.”

article 181. the simplified procedure of customs registration

“When importing to the customs territory of the Transdniestrian Moldovan Republic and exporting from this territory of ... humanitarian aid ... , the customs registration is effectuated in a simplified form and on a priority basis.”

10. The “customs code”, no. 258-3, 02 March 2000 (C3MP 00-1).

The “law on the free of charge assistance to the Transdniestrian Moldovan Republic”¹¹

article 2.

“For the purposes of this law, the following basic concepts are used:

- “– the free of charge assistance – monetary funds, goods, given to the Transdniestrian Moldovan Republic, state authorities and local public authorities, legal entities and natural persons, as well as the work effectuated and services provided for them as a humanitarian or technical free of charge assistance by the foreign states, their municipal entities; international and foreign organizations; international and foreign non-governmental organizations, as well as the foreign individuals – for which a certificate proving belonging of monetary funds, goods, works and services to a humanitarian or technical assistance is provided;
- “– the technical assistance – a kind of the free of charge assistance provided with the aim to facilitate the socio-economic development of the Transdniestrian Moldovan Republic by the foreign countries and organizations, international organizations, international and foreign non-governmental organizations. This assistance is effectuated by financing of works and services; delivery of goods; transfer of expertise and technology; organization of personnel training, necessary for the implementation of projects (programmes) of technical assistance. Funds and goods provided by natural persons, as well as works and services funded by natural persons cannot be considered as a technical assistance;
- “– the humanitarian assistance – a kind of the free of charge assistance in the form of industrial and food products; training literature; medicines; products of medical purpose; medical techniques and equipment and other goods donated free of charge to the Transdniestrian Moldovan Republic for the state and municipal organizations, subordinated to the state authorities and local public authorities, as well as with the purpose to effectuate the medical and social assistance to low-income groups of population; to assist groups of population affected by natural disasters and other emergencies, as well as in the form of expenses for the transportation, storage and escort of this assistance;
- “– the project (programme) of technical assistance – a number of actions with clear specific objectives set out in the documents of the project (programme), destined to implement the intentions of foreign states and organizations, international organizations, international and foreign non-governmental organizations concerning providing of the technical assistance;
- “– the certificate – a document confirming belonging of monetary funds, goods, works and services to the technical or humanitarian assistance;
- “– the donors of the free of charge assistance – foreign states, their municipalities; international and foreign organizations; international and foreign non-governmental organizations, as well as foreign natural persons providing assistance;
- “– the recipient of the free of charge assistance – the Transdniestrian Moldovan Republic, state authorities and local public authorities, legal entities that get and (or) distribute the assistance, as well as natural persons who are eventual users of the results of the free of charge assistance.”

The “government decision on the free of charge assistance to the Transdniestrian Moldovan Republic”, Annex No. 1¹²

- “5. The body co-ordinating elaboration and implementation the state policy in the field of the free of charge assistance providing to the Transdniestrian Moldovan Republic is the co-ordinating council for the technical assistance.

“The co-ordinating council acts on the basis of the regulations on the co-ordinating council for the technical assistance.

“The body governing the inclusion to the category of humanitarian assistance of goods, free of charge assistance offered by donors, performing the stock-taking of these goods, and the control over the accuracy of the humanitarian assistance use by the recipients in the Transdniestrian Moldovan Republic, is the state commission on the humanitarian assistance.

“The commission acts on the basis of the regulations on the state commission on the humanitarian assistance.”

11. The “law on the free of charge assistance to the Transdniestrian Moldovan Republic”, no. 249-3-V, 28 December 2011 (CA3 12-1).

12. The “government decision on the free of charge assistance to the Transdniestrian Moldovan Republic”, no. 33, 10 April 2012 (CA3 12-16).

"6. Tax, customs and other facilities foreseen by the current legislation of the Transnistrian Moldovan Republic are provided to the participants implementing the technical assistance projects, as well as to the recipients of humanitarian assistance, on the basis of a certificate issued according to the acting legislation of the Transnistrian Moldovan Republic.

"6-1. The state customs committee of the Transnistrian Moldovan Republic shall effectuate the customs registration of goods recognized the technical assistance, according to existing rules, without charging the customs tax."

Annex no. 3 to the "government decision on the free of charge assistance to the Transnistrian Moldovan Republic"

"22. Customs registration of goods classified as humanitarian, technical assistance is effectuating under the "release for free circulation" customs regime in a priority order in accordance with the normative acts of the state customs committee of the Transnistrian Moldovan Republic, regulating release of goods, which enjoy facilities or have restrictions concerning the use of these products.

"Reducing the amount of fees set out by the customs legislation for the customs registration of goods imported into the territory of the Transnistrian Moldovan Republic as a humanitarian and technical aid, and exemption of them from taxes is effectuating by the state customs committee of the Transnistrian Moldovan Republic."

TRANSDNIESTRIAN DE FACTO LEGISLATION REGULATING POLICES ON TARIFFS

The "law on prices (tariffs) and pricing"¹³

article 9. applying the regulated prices (tariffs)

"The regulated prices (tariffs) on goods (works, services) in the following areas shall be applied in the Transnistrian Moldovan Republic:

"– the natural monopolies;

"– the socially important goods (works, services);

"– the services of the state and municipal agencies;

"– the works, services of standardization, metrology and obligatory certification of products and services."

article 20. the competence of the president of the Transnistrian Moldovan Republic in the area of the state regulation of prices (tariffs) and pricing

"The president of the Transnistrian Moldovan Republic with the aim to implement the state policy on prices (tariffs) and pricing:

"– fixes the limits of prices (tariffs) and (or) fixed prices (tariffs) for the goods (works, services) produced (effectuated, rendered) in the sphere of natural monopolies;

b) fixes the limits of prices (tariffs) and fixed prices (tariffs) for the services of the state and municipal agencies."

The "decree of the president on fixing the list and tariffs limits for services in the sphere of natural monopolies of the fuel-energy complex in the Transnistrian Moldovan Republic for 2011"¹⁴

"2. For the consumers under the jurisdiction of the Republic of Moldova, located on the territory of the Transnistrian

13. The "law on prices (tariffs) and pricing", no. 513-3-III, 31 December 2004 (CA3 05-1).

14. The "decree of the president on fixing the list and tariffs limits for services in the sphere of natural monopolies of the fuel-energy complex in the Transnistrian Moldovan Republic" for 2011, no. 581, 30 July 2010 (CA3 10-30).

Moldovan Republic, the services of natural monopolies are provided at the rates fixed by the normative acts of the Republic of Moldova, but not lower the limit rates set forth by this decree. For the purposes of accounting and reporting, these rates are monthly converted into rubles of the Transdniestrian Moldovan Republic according to the acting legislation of the Transdniestrian Moldovan Republic.”

The “decree of the president on fixing the tariffs limits for gas supply services, the electricity services, thermal energy supply services (heating and hot water), for water supply and wastewater (sewerage) services”¹⁵ (for 2012)

“4.1. For the consumers under the jurisdiction of the Republic of Moldova, located on the territory of the Transdniestrian Moldovan Republic, the services of gas supply, in the electricity sector, thermal energy supply (heating and hot water), water supply and wastewater (sewerage) services are provided at the rates fixed by the normative acts of the Republic Moldova, but not lower that the limit rates set out by this decree. For the purposes of accounting and reporting these rates are monthly converted into rubles of the Transdniestrian Moldovan Republic according to the acting legislation of the Transdniestrian Moldovan Republic.”

The “law on education”¹⁶

article 42. the rights of the educational organization to use financial and material resources

“The non-state educational organizations that obtained the state accreditation in the Transdniestrian Moldovan Republic have the same rates as the state and the municipal educational organizations when paying for the public utilities.”

**TRANSDNIESTRIAN DE FACTO LEGISLATION
REGULATING THE RENT OF THE MUNICIPAL PROPERTY**

The “government decision on approval the rules of the movable and immovable state and municipal property rent in 2012”¹⁷

“10. The monthly amount of the property rent is determined by the amount of the base rent, the square of the object, the coefficients values calculated on the basis of the following criteria: the location of the object, the nature of the intended activity of the potential lessee at the object, the technical conditions of the object, the territorial location of the object based on its market attraction. The amount of the rent of the immovable object is determined by the following formula:

“ $A_{\Pi} = C * (1 + K1 + K2 + K3) * K4 * S$, where

“C – the base amount of rent per month, in Transdniestrian rubles;

“S – the area of the rented object, square meters;

“K1 – the coefficient of the location of the object;

“K2 – the coefficient of the nature of the intended activity at the object by the potential lessee;

“K3 – the coefficient of the technical conditions of the object;

“K4 – the market coefficient, taking into account the territorial location of the object.

“The base amount of the rent for one square meter per month is calculated on the basis of the expected level of the minimum wage set forth in the subparagraph “3» of the paragraph 2 of the article 53 of the law of the

15. The “decree of the president on fixing the tariffs limits for gas supply services, the electricity services, thermal energy supply services (heating and hot water), for water supply and wastewater (sewerage) services”, no. 366, 31 May 2011 (CA3 11-22).
16. The “law on education”, no. 294-3-III, 27 June 2003 (CA3 03-26).
17. “The government decision on approval of the rules of the movable and immovable state and municipal property rent in 2012”, no. 26, 15 March 2012 (CA3 12-13).

Transdniestrian Moldovan Republic No. 227-3-V from 7 December 2011 on the republican budget for 2012 and is common for use on the territory of the respective administrative and territorial unit.”

“16. In exceptional cases, the rent amount can be reduced or increased from the estimated amount of rent, established in accordance with these rules, only with providing the appropriate justification to increase or decrease the amount of rent by the owner of the state (municipal) property and approval the respective rent contract by the ministry of economic development of the Transdniestrian Moldovan Republic.”

“22. In cases of exemption from the rent foreseen by the law of the Transdniestrian Moldovan Republic on the republican budget for 2012, the object of the state ownership is offered by the contract of gratuitous use, concluded in accordance with the current legislation of the Transdniestrian Moldovan Republic.”

The “law on the republican budget for 2012”¹⁸

article 53.

“2. To establish for 2012 the following amounts and the order of the minimum wage calculation:

“3) for other purposes, including for the calculation of other taxes and obligatory payments, as well as alimony indexing, the minimum wage is 10.5 rubles.”

18. “the law on the republican budget for 2012” No. 227-3-V from 07.12.2011 (CA3 11-49).

