

Organization for Security and Co-operation in Europe High Commissioner on National Minorities

H.E. Mr. Nicolae Tabacaru

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Dear Mr. Minister,

Thank you very much for the invitation to Moldova and for the assistance that was lent by you and your staff during my visit. As you know, I had not been to Moldova for some time and it was good to see first-hand the current situation.

I was impressed by the openness of our conversation and your willingness to find solutions to minority issues in line with international standards. I have also become more aware of the need to protect and promote State language.

Pursuant to your request for further clarification concerning my reservations about the proposed amendments to the Law of Advertisement, I would like to state the following:

The amendment in question provides in Article 8, paragraph 3, that advertisement must be in the State language, with the possibility also to include a translation into another language. Such a mandatory use of the State language in the private sphere of commercial advertising would be in contradiction of the freedom of expression as guaranteed by Article 32, paragraph 1, of the Constitution of the Republic of Moldova and by the Moldova's international commitments and obligations. Equally, the proposed amendment would interfere with the freedom of enterprise as guaranteed by Article 1126, paragraph 2, of the Constitution. Unless the subject of an advertisement would concern a matter of legitimate public interest such as public health or national security, the requirement to use State language could not be justified under international standards. Accordingly, the proposed amendment should be withdrawn. Of course, this does not mean that the Government may not take steps to encourage the use of the State language through its effective promotion.

This issue is closely linked to a number of others that relate to the strengthening of the State language on one hand, and the protection of minority rights on the other. I believe that the seminar on "Language and Education Issues in Moldova" co-hosted by my office in Chisinau on 17 and 18 May proved to be a useful forum to exchange views and the challenges and opportunities related to finding a workable balance (in line with international standards) to these considerations. Follow-up will be important to move to a more operational phase. I am currently exploring ways of becoming involved in supporting a project on Language as a Tool of Social Integration with the Department of National relations and Language Functioning.

May I also take the liberty of suggesting that the Moldovan Government (following the example of other OSCE states) consider elaboration of a comprehensive integration strategy. I would welcome the opportunity of lending the support of my office to help develop this strategy in areas including training of public officials, harmonizing various aspects of minority-related legislation, looking at the media as a tool of social integration and, of course, the

language training. Such a strategy could facilitate inter-ethnic integration in Moldova while strengthening the State language, ensuring a proper legal framework for the protection of minority rights, and sending a positive signal concerning Moldova's commitment to implement the relevant international standards.

I look forward to our further co-operation.

Yours sincerely,

Max van der Stoep
OSCE High Commissioner on National Minorities