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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

DRAFT LAW
ON THE ETHNOCULTURAL STATUS
OF TARACLIA DISTRICT

**To the Standing Bureau of
the Parliament of the Republic of Moldova**

Pursuant to article 73 of the Constitution of the Republic of Moldova and article 47 of the Rules of Procedure of Parliament, the draft Law on the ethnocultural status of Taraclia district is submitted as legislative initiative.

Annexes:

1. Draft law
2. Explanatory note

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**LAW
on the ethnocultural status of Taraclia district**

Showing consideration for the rights of ethnic minorities, aspiring to maintain peace and interethnic harmony, taking into account the historic conditions of the development of the Bulgarian culture, traditions and language, with a view to preserving the ethnic identity of the Bulgarians, supporting the aspiration of the Bulgarian community towards ethnocultural self-governance, taking into account the provisions of the national and international legislation in the field of protection of national minorities' rights, Parliament adopts this law, which sets the legal grounds for the ethnocultural status of the Taraclia district of the Republic of Moldova, creates legal conditions for the interaction between the state and the society for the protection of the national interests of the citizens of the Republic of Moldova in the process of choosing their ways and forms of ethnocultural development.

Chapter I. GENERAL PROVISIONS

Article 1. The notion of the status of the ethnocultural district of Taraclia

The status of the ethnocultural district of Taraclia in the Republic of Moldova is a form of ethnocultural self-determination of the citizens of the Republic of Moldova who live as a compact community on the territory of the Taraclia district and identify themselves ethnically as Bulgarians, based on voluntary self-organisation with a view to solving independently issues linked to the preservation of their identity, development of the language, education and national culture.

Article 2. Principles of the status of the ethnocultural district of Taraclia

The status of the ethnocultural district of Taraclia is based on the following principles:

- a) the freely expressed consent of the citizens to self-identification with a certain ethnic community;
- b) self-organisation and self-governance;
- c) combining social initiatives with state's support;
- d) respecting the language, culture, traditions and customs of citizens from different ethnic communities;
- e) legality.

Article 3. The objectives of the ethnocultural status of the Taraclia district:

- a) preserving and developing national identity of Bulgarians, including the Bulgarian language, history, culture, customs, traditions and other components and characteristics of the Bulgarian cultural identity;
- b) formulating and undertaking a set of measures meant for the carrying out of economic, investment and social projects for the sustainable socio-economic development of the district;

- c) the efficient functioning of all the authorities of the district, guaranteed representation in the legislative and executive bodies of the country;
- d) enhancing the cooperation at state's level, in the field of education and culture, between the Republic of Moldova and the Republic of Bulgaria, and other countries;
- e) maintaining and deepening the friendship relations among the inhabitants of the district, irrespective of their ethnical identity.

Article 4. Legal regulation of the status of the ethnocultural district of Taraclia

The legal regulation of the status of the ethnocultural district of Taraclia as a constituting part of the Republic of Moldova shall comply with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities adopted by UN General Assembly resolution 47/135 of 18 December 1992, the European Charter of Local Self-Government, the Framework Convention for the Protection of National Minorities, the recommendation of PACE Special Resolution on Moldova of 26 December 1999, articles 110, 111 and 113 of the Constitution of the Republic of Moldova, the Decree of the President of the Republic of Moldova no. 79 of 30.03.1992 regarding certain measures for the development of Bulgarian national culture, Law no. 764 of 27.12. 2001 on the administrative and territorial organisation of the Republic of Moldova, Law no. 382 of 19.07.2001 on the Rights of Persons belonging to national minorities and the legal status of their organisations, Law no. 436 of 28.12. 2006 on the local public administration of the Republic of Moldova, Law no. 741 of 20.02.1996 on the Regulation regarding the ways of settling administrative and territorial issues of the Republic of Moldova, this law and other laws and normative acts of the Republic of Moldova as well as with the unanimously recognised principles and norms of the international law and the international treaties of the Republic of Moldova.

If an international treaty of the Republic of Moldova establishes other rules than those set herein, the rules of the international treaty shall be enforced.

Article 5. The rights of the ethnocultural district of Taraclia

The ethnocultural district of Taraclia has the following rights:

- a) to receive necessary support from the authorities and local authorities for preserving national identity, development of the Bulgarian language and culture;
- b) to appeal to legislative and executive authorities and local authorities representing their ethnic and cultural interests;
- c) to establish mass-media outlets, in accordance with the legislation of the Republic of Moldova and to receive and disseminate information in the Bulgarian language;
- d) to preserve and enrich historic and cultural patrimony, to have free access to ethnocultural values;
- e) to observe national traditions and customs, to revitalise and develop popular trades and artistic handicrafts;
- f) to establish education, science and research institutions and cultural institutions and ensure their functioning, in compliance with the legislation of the Republic of Moldova;
- g) to participate through its authorised representatives in the activity of international non-governmental organisations;

h) to establish, relying on the legislation of the Republic of Moldova, without discrimination, humanitarian contacts with citizens and social organisations from other countries;

Pursuant to the legislation of the Republic of Moldova, the ethnocultural district of Taraclia may be awarded rights in the field of education and culture.

The participation or non-participation in the activity of the ethnocultural district of Taraclia may not serve as grounds for limiting the rights of the citizens of the Republic of Moldova and the national identity may not serve as grounds for limiting participation or non-participation in the activity of the ethnocultural district of Taraclia.

The realisation of the right to the status of ethnocultural district must not infringe on the interests of other ethnic communities.

CHAPTER II: PRINCIPLES OF THE ORGANISATION OF THE ETHNOCULTURAL DISTRICT OF TARACLIA

Article 6. Principles of the organisation of the ethnocultural district of Taraclia

The principles of the organisation of the ethnocultural district of Taraclia are determined by the specific geographical position of the citizens of the Republic of Moldova who identify themselves as part of ethnic community of Bulgarians and by the economic and social relations, and the established historical, cultural and linguistic traditions.

In accordance with this law, the district shall be denominated “the ethnocultural district of Taraclia”.

The ethnocultural district of Taraclia shall comprise: the towns of Taraclia and Tvardița, the villages of Albota de Jos, Albota de Sus, Aluatu, Balabanu, Budăi, Cairaclia, Chirilovca, Cialîk, Ciurnai, Corten, Cortenul Nou, Dermengi, Hagichioi, Hîrtop, Mirnoe, Musaitu, Novosiolovca, Orehovca, Roșița, Salcia, Samurza, Sofievca, Valea Perjei and Vinogradovca. The administrative centre of the ethnocultural district of Taraclia shall be the town of Taraclia.

Upon administrative and territorial reforming, the Republic of Moldova shall guarantee the preservation, integrity and full functioning of the ethnocultural district of Taraclia within its existing borders.

The right to the status of ethnocultural district is not identical with the right to national and territorial self-determination of the district of Taraclia.

The status of the ethnocultural district of Taraclia may not be changed without the consent of its inhabitants, expressed in a local referendum.

In accordance with the legislation of the Republic of Moldova, on its territory, the ethnocultural district of Taraclia may use besides state symbols, its own symbols, reflecting historic, cultural, social and economic, and other types of traditions of the district’s population.

For official communication on the territory of the ethnocultural district of Taraclia, besides the official state language, Bulgarian and Russian shall be used. Pursuant to the legislation of the Republic of Moldova, Russian is a language of interethnic communication.

This status shall ensure the compulsory functioning of the structures of all the central public authorities on the territory of the ethnocultural district of Taraclia.

Taking into consideration the peculiarity of the geographical position of the localities of the ethnocultural district of Taraclia, the state shall ensure the functioning of the emergency

care department, of the police station, the agency of the exceptional situations division and the Cadastre Bureau in the town of Tvardița.

One of the Vice-presidents of the district shall be elected from among the non-Bulgarian councillors.

Article 7. The Commission for interethnic relations and the protection of national minorities' interests

The Commission for interethnic relations and the protection of national minorities' interests shall be established under the district Council of Taraclia, being directed by a non-Bulgarian councillor. The method of establishment and functioning of the Commission shall be provided for in the normative acts of the local authorities.

The Commission for interethnic relations and the protection of national minorities' interests:

- a) shall represent and defend within the state institutions of the Republic of Moldova the cultural and social interests of ethnic communities;
- b) shall take part in the preparation of the programmes regarding the preserving and development of national (native) languages and national cultures, draft normative acts, as well as in the preparation of other decisions related to the legitimate rights and interests of the citizens of the Republic of Moldova who identify themselves with certain ethnic communities constituting national minorities on the respective territory;
- c) shall consult the Government of the Republic of Moldova and bodies of the executive power with respect to national issues of the citizens of the Republic of Moldova who identify themselves as part of the ethnic community of the Bulgarians.

CHAPTER III. ENSURING THE RIGHT TO PRESERVE, DEVELOP AND USE THE BULGARIAN LANGUAGE

Article 8. State protection of the Bulgarian language

The Republic of Moldova shall ensure the social, economic and legal protection of the Bulgarian language.

The right of the citizens of the Republic of Moldova to preserve and develop the Bulgarian language, the freedom to choose and use their language of communication, education and study is established in the Constitution of the Republic of Moldova, this law and other legislative acts.

Article 9. Ensuring the right to preserve and develop the Bulgarian language

The state authorities of the Republic of Moldova shall:

- a) ensure the achievement of the state policy aimed at maintaining and developing the Bulgarian language;
- b) provide organisational and other support to the ethnocultural district of Taraclia with a view to developing and fulfilling the state programmes in the field of maintaining and developing the Bulgarian language.

The executive authorities of the Republic of Moldova may provide support to the ethnocultural district of Taraclia for:

- a) publication of books, periodical press, organisation of TV and radio broadcasting, creation of media, both in the state language and the Bulgarian language;
- b) exchange of TV and radio programmes, audio and video materials, printed material, both in the Bulgarian language and in other languages, between the national communities of the Republic of Moldova and foreign states.

Article 10. The right to basic general education in the Bulgarian language and the right to choose the language for education and studies

The citizens of the Republic of Moldova identifying themselves with the Bulgarian ethnic communities have the right to basic general education in the Bulgarian language and to choose the language for education and studies within the limits of opportunities offered by the educational system, in compliance with the legislation of the Republic of Moldova.

Article 11. Ensuring the right to basic general education in the Bulgarian language and the right to choose the language for education and studies by the ethnocultural district of Taraclia

In order to ensure the right to basic general education in the Bulgarian language and the right to choose the language for education and studies, the ethnocultural district of Taraclia shall:

- a) create non-governmental pre-school institutions or groups within such institutions with the education in the Bulgarian language;
- b) create non-governmental (general, primary, secondary and higher) education institutions in the Bulgarian language;
- c) create other non-governmental education institutions in the Bulgarian language;
- d) participate in the development of educational curricula implemented by the subordinated education institutions, publish manuals, teaching materials, other educational materials necessary for ensuring the right to education in the Bulgarian language;
- e) advance proposals to the executive authorities of the Republic of Moldova, to the local public administration authorities on the creation of:
 - study classes, groups within the public education institutions in the Bulgarian language;
 - public education institutions in the Russian language with the thorough study of the Bulgarian language, national culture and history;
- f) participate in the development of governmental educational standards, as well as of model basic educational curricula for the governmental and municipal education institutions in the Bulgarian language;
- g) manage the training and the upgrading of the teaching staff and other categories of staff for non-governmental education institutions;
- h) conclude contracts with foreign non-governmental organisations on the creation of conditions for the fulfilment of the right to education in the Bulgarian language, in particular, contracts on the training of the teaching staff, provision of teaching, education, and scientific materials, audio and video study materials in the Bulgarian language;

- i) conduct, in compliance with the legislation of the Republic of Moldova, other measures for ensuring the right to education in the Bulgarian language, the right to choose the language of studies.

The non-governmental education institutions with the teaching in the Bulgarian language shall ensure the study of the state language of the Republic of Moldova, in compliance with the legislation of the Republic of Moldova and the governmental education standards.

Article 12. Ensuring the right to basic general education in the Bulgarian language and to choose the language of study by the executive authorities of the Republic of Moldova

The executive authorities of the Republic of Moldova, in compliance with the legislation of the Republic of Moldova regarding the functioning of languages, the Code of education and this law shall:

- a) provide for the creation of groups within governmental pre-school institutions, of classes or study groups within the governmental education institutions with the teaching in the Bulgarian language;
- b) create, taking into consideration the proposals of the national communities, governmental education institutions with the teaching in the Bulgarian language, in the state language with the thorough study of the Bulgarian language, the national history and culture, as well as institutions of complementary education (Sunday schools, optional courses, educational and cultural centres and other education institutions) for the study and promotion of the Bulgarian language and culture;
- c) contribute to the development and ensure, through pecuniary contributions, the publication and the acquisition of educational curricula, manuals, teaching materials and other professional literature necessary for the fulfilment of studies in the Bulgarian language;
- d) finance the actions aimed at ensuring the right to education in the Bulgarian language within the governmental education institutions, from the respective budgets and extra-budgetary allocations within the limits of the funds provided for education;
- e) organise, mainly at the recommendation of the national communities, the training and the upgrading of the teaching staff and other categories of staff for the educational institutions conducting the teaching in the Bulgarian language;
- f) provide material, legal, organisational and other type of support to national communities for the creation of non-governmental educational institutions and the development of other forms of education and training in the Bulgarian language.

Chapter IV. ENSURING THE RIGHT TO THE MAINTENANCE AND THE DEVELOPMENT OF THE NATIONAL CULTURE

Article 13. Providing the ethnocultural district of Taraclia with the right to maintain and develop the national culture

In order to provide the citizens of the Republic of Moldova identifying themselves with the ethnic community of Bulgarians with the right to maintain and develop the national culture, the ethnocultural district of Taraclia may:

- a) establish non-governmental institutions of national culture: theatres, centres of culture, museums, libraries, clubs, studios, archives and other culture institutions, and ensure the functioning thereof;
- b) organise creative unions, professional and amateur art groups, groups for the study of the ethnocultural heritage and the achievements of the national culture;
- c) carry out cultural public events: festivals, contests, shows, exhibitions and other actions;
- d) promote the research of the motherland, the protection of national historical and cultural monuments; create museums of the motherland, ethnographic and other public museums;
- e) create folk art organisations;
- f) publish works of historical literature, fiction, musical, folkloric, ethnographical literature in the Bulgarian language and in other languages;
- g) establish non-governmental education institutions for training teachers, creative workers and other categories of staff in the field of the national culture;
- h) develop and present to the respective state authorities and local public administration authorities proposals on the maintaining and developing of the national culture;
- i) conclude contracts with foreign governmental and non-governmental organisations regarding the cultural exchange and the cooperation in the area of maintaining the national culture.

Article 14. Ensuring by the executive authorities of the Republic of Moldova of the right to maintaining and developing the national culture

The executive authorities of the Republic of Moldova, in compliance with the legislation of the Republic of Moldova and this law, shall:

- a) take into consideration the proposals of the ethnocultural district of Taraclia while developing and fulfilling the regional programmes of ethnocultural development;
- b) consider the proposals of the ethnocultural district of Taraclia regarding the introduction of courses of history, culture, ethnography, traditional forms of work, and folk crafts in the state educational standards for the education institutions implementing educational curricula in the Bulgarian language and undertake the necessary measures;
- c) direct the work of the state and municipal cultural institutions to meet the ethnocultural needs;
- d) organise within the system of state and municipal archives corresponding sections on culture, history and social life of the citizens of the Republic of Moldova identifying themselves with certain ethnic communities;
- e) offer support to the ethnocultural district of Taraclia for the creation of non-governmental institutions of national culture, the opening of non-governmental education institutions for training of creative workers and other specialists, carrying out various public events in the field of the national culture;
- f) ensure the preservation of historic and cultural monuments from the cultural heritage of the Republic of Moldova valuable for the citizens of the Republic of Moldova identifying themselves with certain ethnic communities;
- g) carry out other activities for creating the necessary conditions for maintaining, reviving and developing the national culture, accomplish the ethnocultural rights of the citizens of the Republic of Moldova identifying themselves with certain ethnic communities.

Article 15. Ensuring the right of the ethnocultural district of Taraclia to media coverage of the activity thereof by the state authorities

The state audiovisual media shall offer airtime to the ethnocultural district of Taraclia. The frequency, the duration and the language used for the broadcast shall be determined by the contracts concluded with the TV and radio programs founders and broadcasters.

The state authorities of the Republic of Moldova shall support and encourage the non-governmental media offering to the ethnocultural district of Taraclia the possibility of free coverage for the activity thereof.

The programs of organisational and financial support for media can provide support for the media of the ethnocultural district of Taraclia.

Chapter V. THE ECONOMIC AND FINANCIAL BASE OF THE ETHNOCULTURAL DISTRICT OF TARACLIA

Article 16. The financing and supporting of the activity related to the realisation of the rights of the ethnocultural district of Taraclia

The financing of the activity related to the realisation of the rights of the ethnocultural district of Taraclia shall be carried out with the financial means of the district, institutions and organisations, individuals, as well as with other means not prohibited by the law.

The executive authorities can offer support to the ethnocultural district from the budgetary means, in compliance with the budget legislation of the Republic of Moldova. The peculiarities of the social, economic and cultural development of the ethnocultural district of Taraclia shall be reflected in the Programme for the social and economic development of the Republic of Moldova.

The local administration authorities have the right, in compliance with the state legislative acts, to offer support to the ethnocultural district of Taraclia from the local budget (except for the transfers from the state budget of the Republic of Moldova).

Chapter VI. FINAL PROVISIONS

Article 17. Enforcement of this law

This law shall enter into force on the date of its official publication.

Article 18. The Government shall, within three months, bring in line its normative acts with this law.

CHAIRMAN OF PARLIAMENT

**Explanatory Note
to the draft Law on the ethnocultural status
of the district of Taraclia**

The Taraclia District Council adopted on 21 July 2015 the Address to the leadership of Parliament and Government and the President of the Republic of Moldova regarding the need to adopt the draft law on the ethnocultural status of the district of Taraclia by the Parliament of the Republic of Moldova.

A working group for the development of this legislative initiative was created at the level of the Parliamentary Committee for public administration, regional development and climatic changes, which examined and took into consideration all the proposals submitted by the Bulgarian communities, ethnocultural associations and the leadership of the District Council.

Therefore, the draft law on the ethnocultural status of the district of Taraclia, made up of six chapters is submitted for consideration. The draft law regulates the principles, the objectives, the rights and the organisational base of the district, guarantees the right to maintain and develop the Bulgarian language, the national Bulgarian culture, the right to choose the language for education and studies, provides for the financing and support of the activity related to the realisation of the rights of the ethnocultural district of Taraclia.

We consider that by supporting this legislative initiative and respecting the rights of the national minorities, culture, language, traditions, and the ethnocultural autonomy, we shall contribute to the peacekeeping and interethnic harmony within our country.

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