

STATEMENT BY INTERIGHTS AND PROMO-LEX ON THE CASE OF CATAN & ORS V MOLDOVA & RUSSIA, STRASBOURG, 25/01/2012

On 25 January 2012 the Grand Chamber of the European Court of Human Rights heard the case of *Catan & Ors v Moldova & Russia*.

The case concerns violations of the rights to education, private life and freedom from discrimination of a group of ethnic Moldovan schoolchildren, parents and teachers in the area known as ‘Transdnistria’ – part of the sovereign territory of the Republic of Moldova but currently under the de facto control of Russian Federation-backed separatists (the Moldovan Republic of Transdnistria (MRT) administration).

In 1991 the MRT proclaimed independence of the small strip of land known as Transdnistria. The self-proclaimed MRT administration proceeded in 1992 to pass a ‘law’ which banned and criminalised the use of the written form of the Moldovan language from all public fields of life. It imposed a requirement that the “Moldovan” language spoken by the large ethnic Moldovan population must be written with the Cyrillic alphabet. It therefore prescribed that Moldovan-speaking children be educated in this language anomaly, a combination of spoken and written languages that is neither used nor recognised anywhere in the world.

The applicants in this case were faced with an impossible choice: to educate their children illegally or to submit them to an educational system that provides children with functional literacy in no recognised language at all. They established a number of schools where education was provided in the Moldovan language written in its natural form, with the Latin script. As a result they were subject to an orchestrated policy of storming and closing Latin-script schools, detention and prosecution of teachers, and threats, harassment and intimidation of schoolchildren and parents.

The case is a blatant example of discrimination on grounds of language and ethnicity against ethnic Moldovans in Transdnistria. It forms part of the broader cultural and political marginalisation and discrimination of that ethnic group and the geo-political, cultural and ethnic realignment with the Russian Federation. The situation that led to today’s case has been described by the OSCE as ‘linguistic cleansing’ of ethnic Moldovans from a territory moving ever closer to the Russian Federation.

Helen Duffy and Pdraig Hughes from INTERIGHTS said:

“The European Court of Human Rights has on a number of occasions highlighted the need to avoid any vacuum in the system of human rights protection. Yet in this case neither Moldova, the sovereign state, nor the Russian Federation, which exercises de facto control of the illegal administration, accepts that they have human rights obligations to the population of Transdnistria. The applicants today urged the court to ensure that there can be no black hole in the territory of the Council of Europe.”

The lawyers were accompanied by one of the victims – Tamara Turcanu – a teacher and parent who struggled for years to ensure her children’s rights were respected. Ms Turcanu said:

“I am glad that finally our suffering has the attention of the international community. I hope that European judges will understand our problems. I hope the governments of Russia and Moldova will finally make maximum efforts to prevent this kind of action so our children can study, be happy to have access [to education] and benefit from their rights in the future.”

Ion Manole and Alex Postica from Promo LEX, representatives of the victims added:

“The resolution of the case, in favour of the applicants, is not just of historic significance but remains important today. The violations at the heart of this case date back to 2002 and 2004, but violations also continue to the present day. It is important for the Court to confront directly the actions of the illegal administration within the territory of Moldova and find against the respondent states. Otherwise the applicants will continue to have no avenue for redress and no remedy in the face of serious violations of their rights.”

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