

THE CASE OF CATAN AND OTHERS v. MOLDOVA AND RUSSIA, *Applications nos. 43370/04, 8252/05 and 18454/06*, GC - 19 October 2012

In these cases, the Court found that the facts complained of by the applicants fall within the jurisdiction of the Republic of Moldova and Russian Federation. The court found that there has been a violation of Article 2 of Protocol No. 1 to the Convention in respect of the Russian Federation. Decided that Russian federation has to paid EUR 6,000 (six thousand euros), in respect of non-pecuniary damage, to each applicant; EUR 50,000 (fifty thousand euros), in respect of costs and expenses.

The Court noted:

First, Article 6 of the “MRT” “Law on Languages” was in force and the use of the Latin alphabet constituted an offence in the “MRT” (see paragraph 43 above).

Second, it is clear that the schools had to move to new buildings, with the Alexandru cel Bun School divided between three sites and pupils at the Ștefan cel Mare School having to travel 40 kilometres each day.

Third, according to figures provided by the Moldovan Government, the number of pupils enrolled in the two schools still in “MRT”-controlled territory was approximately cut in half between 2007 and 2011, and there has also been a significant reduction in children studying in Moldovan/Romanian throughout Transdnistria. For the Court, these uncontested facts serve to corroborate the general thrust of the allegations contained in the 81 affidavits submitted by the applicant parents and pupils describing the constant harassment they suffered.

During the meeting it was stressed the current problems referring to the Latin Script Schools:

arbitrary increases in the tariffs for water and sewage for educational institutions by the secessionist administration;

prohibition on transporting goods and foodstuffs to the schools;

the persecution of employees and former employees;

opening a criminal file on the jurists and lawyers of the Promo-LEX Association;

So far, the responsible authorities of the Russian Federation did not take any action with regards to paying the pecuniary amounts as moral damages and costs and expenses for the benefit of the applicants. Previously, both the applicants and their representatives filed applications whereby they requested for the adjudged amounts to be transferred on bank accounts.

It was presented our recommendations for Russian authorities to introduce in their action plan:

- Based on Rule 7 (1), the applicants requested that the case be included in every sitting of the Committee of Ministers until it is executed in full.
- The elimination of all provisions that restrict the use of the Latin alphabet in the functioning of the Romanian language in the Eastern region of the country (Article 6 of the “*Law on languages*” of the region, Article 12 of the region’s “*Constitution*”, Article 200/3 of the region’s “*Code of Administrative Offences*”, decision of 18 August 1994 on the prohibition of the use of the Latin alphabet in schools)

- To request that the Russian Federation guarantee the free activity of the members of the Promo-LEX Association and applicants' representatives in the region, in particular direct access to applicants and to the premises of the Latin-script schools for their representatives.
- The annulment of the obligation that educational institutions operating in Transdnistria that use the curriculum approved by the Moldovan Ministry of Education or wish to work in the region on the basis of that curriculum register with the so-called 'record keeping' bodies of the MRT.
- The removal of any prohibition on the introduction of books and textbooks for study in educational institutions using the Latin script.
- Repeal provisions of the so-called local authorities of the towns of Ribnita, Bender and Grigoriopol in regard to the eviction of high schools from buildings owned by them.
- The restoration of the buildings used before the eviction of the schools to an appropriate standard so that they can be used as places of education: the building on Gagarin Street in Ribnita formerly used by the "Evrica" High School, the building on Kosmodemianskaia Street in Bender formerly used by the "Alexandru cel Bun" High School, and the building formerly used by the "Stefan cel Mare" High School in Grigoriopol prior to its eviction in 2002.