

# REPUBLIC OF MOLDOVA'S 2ND UNIVERSAL PERIODIC REVIEW (UPR) 2016

## CIVIL SOCIETY ENVIRONMENT IN THE TRANSNISTRIAN REGION

In the first UPR cycle, the recommending States raised concern on the excessive control made by the Transnistrian de facto authorities over mass media and civil society actors, and reaching a recommendation. Republic of Moldova accepted to support actively NGOs which have effective programs in promoting human rights and inter-ethnic tolerance in the Transnistrian region. However, the Republic of Moldova has not made any progress toward the implementation of this recommendation.



## EMERGING ISSUES

### LACK OF LEGISLATIVE AND POLICY MEASURES

#### DESCRIPTION

*Lack of a clear strategy to support and develop NGOs which promote human rights and inter-ethnic tolerance in the Transnistrian region.*

At September 28, 2012, a strategy of developing civil society for the period 2012-2015 was adopted, along with an action plan for the implementation of this strategy. The strategy and action plan goal is to create a conducive environment for developing an active civil society, one which can contribute to societal development in the country. However, this action plan provides no real action for support of the civil society organizations (CSOs) in the Transnistrian region, particularly for those whose activity is aimed at promoting and defending human rights. According to the State Chancellery of the Republic of Moldova the only fund related to achieving the Government's objective for the country's reintegration is attributed to the local and central public administration authorities. The local public administration most often initiates funding proposals for projects of renovation of the local infrastructure, modernization of social institutions, and communication networks. All proposals are welcome, however, there is no link with the (CSO) sector.

At present, no official strategy exists for the upcoming years.

#### RECOMMENDATION

Completely and transparently implement the accepted UPR recommendation on the active support of NGOs that have effective programs in promoting human rights in the Transnistrian region, specifically through:

- Approving the Civil Society Development Strategy for follow up after 2015 and the action plan for implementing the strategy.
- Include a separate chapter focused on the development of NGOs that defend and promote human rights in the Transnistrian region in the Action Plan for implementing the Civil Society Development Strategy for the follow up period after 2015.

## SUGGESTED QUESTIONS

- *What legislative and policy measures are in place to create an enabling environment for human rights defenders to carry out their work in the Transnistrian region?*
- *How many CSOs which have human rights promotion programs in the Transnistrian region received funding or other forms of assistance from the government of the Republic of Moldova?*

## LACK OF ADEQUATE REMEDIES

### DESCRIPTION

*Lack of an enabling legal environment for CSOs, free from harassment and pressure in the Transnistrian region and lack of the national mechanism for the protection of human rights defenders (HRDs). The total impunity for those who violated these rights in Transnistrian region.*

According to the UN Civil society space Resolution (A/HRC/27/L.24), States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals, or acts of intimidation.

It is the duty of the State to enable HRDs and other civil society actors to engage freely in their activities, protect them and thoroughly investigate violations of their rights and fight against impunity. Lacking the mechanisms for protection at the local or national level, challenges had to be dealt with on their own.

HRDs, journalists, human rights activists, bloggers, and other civil society actors monitoring human rights in the Transnistrian region have faced intimidation and threats. According to numerous statements and reports relating to human rights in Moldova for 2015, separatist authorities granted the legal right of association only to those they recognized as citizens of Transnistria. All non-governmental activities had to be coordinated with local authorities. Groups that did not comply faced harassment, including threats from the Transnistrian security agency ("KGB").

The most relevant recent case is with "Promo-LEX" Association. On April 17, 2015, the "KGB" (the security agency) of the Transnistrian region, issued a statement describing this NGO as a threat to Transnistrian security and that a criminal investigation had been opened against the members of this NGO. Even if the Moldovan General Prosecutor office opened a criminal case against the representatives of "KGB", the members and employees of "Promo-LEX" are banned from entering the Transnistrian region for an indefinite period of time. No progress has been made in the criminal case that began almost a year ago.

There are many other individual cases that highlight the problem with prosecution of the human rights activists (S.Ilicenco; A.Reazanov; A.Zubco; S.Popovschi and others).

### RECOMMENDATION

1. Invite the *Special Rapporteur on the promotion and protection of the rights to freedom and expression and the Special Rapporteur on Human Rights Defenders*, to visit the Republic of Moldova and make an independent and impartial assessment on the environment in which civil society actors operate in the Transnistrian region of the Republic of Moldova.
2. To call upon international actors and the participants of the Transnistrian conflict settlement in the 5+2 format to increase the focus of identifying a solution to challenges faced by human rights organizations that are persecuted and harassed by the Transnistrian de facto authorities.
3. Ensure that an immediate, thorough, and impartial investigation into all reported cases of reprisals against human rights defenders, activists, and journalists are carried out, with a view toward publishing the results and bringing those responsible to justice in accordance

## SUGGESTED QUESTIONS

- *After the threats made by the "KGB", what measures have been taken by the Moldovan Government to support the "Promo-LEX" Association or other CSOs that carry out its human rights promotion program activity in the Transnistrian region?*
- *How many cases of threats, harassment or intimidation of human rights defenders, lawyers, journalists and other civil society actors that have been undertaken by the Transnistrian de facto authorities, were investigated and prosecuted?*