

APPEAL | To the Special Representative of the OSCE Chairperson-in-Office for the Transnistrian Settlement Process, Mr. Franco Frattini

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26 March 2018

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"Promo-LEX" Association is a civil society organization, based in Chisinau, holding a special consultative status with the United Nations Economic and Social Council (ECOSOC). The mission of the Association is to advance democracy in the Republic of Moldova by defending human rights and monitoring democratic processes.

For almost 15 years "Promo-LEX" promotes, monitors and defends human rights in the Republic of Moldova, including the Transnistrian region. So far, "Promo-LEX" lawyers won 35 cases at the European Court of Human Rights, with 8 of these referring to serious human rights violations in the Transnistrian region (*see Catan and others v. Russia and Moldova, Grand Chamber Judgment of 19 October 2012; Pisari v. Moldova and Russia, Third Section Judgment of 21 April 2015; Mozer v. Moldova and Russia, Grand Chamber Judgment of 23*

February 2016 and other judgments which have a serious impact on the jurisprudence of the Court). A number of other 64 cases on human rights violations in the Transnistrian region are pending before the European Court and are close to the end of Convention proceedings.

Based on the conducted monitoring, Promo-LEX found that the inhabitants of the Transnistrian region cannot enjoy the minimum guarantees regarding respect for their fundamental rights and freedoms. In the absence of effective and legal instruments to promote and defend human rights, under conditions of impunity (*representatives of the de facto administration in the region bear no responsibility for their deeds and abuses*), the inhabitants of the region become often victims and are in fact hostages to political and geopolitical processes, which last for over a quarter of a century.

Since April 2015, access to the Transnistrian region for the "Promo-LEX" Association is forbidden. The monitoring of the situation in the region is carried out remotely and does not allow a complete radiography of all human rights violations or phenomena.

For these reasons, "Promo-LEX" expresses its concern that neither the political negotiation process, nor the confidence building measures between the two banks of the Nistru river **do not include issues related to real guarantees of respect for human rights and fundamental freedoms**, which would be in line with the provisions of the Universal Declaration of Human Rights and the European Convention on Human Rights.

The Association is deeply concerned about the situation of human rights defenders and the limitation of the working environment for civil society in the Transnistrian region of the Republic of Moldova. The campaign of intimidation and harassment against NGOs, the atmosphere of fear and insecurity among the population of the left bank of the Nistru river persist. Starting with 2015, the non-governmental sector in

the region faces new types of pressure, such as: banning activities under the pretext that they pose threats to the security of the region; intimidation of NGO representatives by members of local security forces; public denigration processes of civil society organizations; threats to NGO leaders by security forces in the region; adoption of "laws" restricting the activity environment of associations.

At the same time, "Promo-LEX" reiterates its regret regarding the non-transparent activity of the OSCE Mission to Moldova, which in the last 7 years has practically limited the communication and excluded cooperation with specialized organizations in the country and ignored inexplicably the findings, conclusions and recommendations of the civil society experts from the right bank of the Nistru river. We underline that these findings, conclusions and recommendations are based exclusively on international human rights standards promoted by the OSCE, and also on the final judgments of national and international courts binding to the Council of Europe and OSCE member states.

In this regard, taking into account the commitments made by the OSCE Chairperson-in-Office for the year 2018, on the occasion of the working visit of the Special Representative of the OSCE Chairperson-in-Office for the Transnistrian Settlement Process, "Promo-LEX" Association calls upon Mr. Franco Frattini to:

- Insist on the deployment of an urgent mission to monitor the situation of human rights defenders in the Transnistrian region of the Republic of Moldova;
- Address the issue of the access of representatives of "Promo-LEX" Association and other human rights NGOs to the Transnistrian region, in order to carry out their statutory activities;
- Plead for an urgent mission to monitor all places of detention in the Transnistrian region by the Committee for the Prevention of Torture;

- Require the OSCE Mission to Moldova to show transparency and an inclusive, not exclusive approach in its work, to prove broad openness and undertake consultations with various civil society groups and organizations with different visions, including – but not limited to – those who have critical views on the work of the OSCE Mission to Moldova.

"Promo-LEX" Association

(This is a courtesy translation of the [original text](#) in Romanian language)