

He was born again – a young man from Bender gained his identity at the age of 21



Serghei Bondarev is originating from Bender, he is 21 years old, but has never had a Birth Certificate. Although he has all the documents issued by the Transnistrian administration, he does not have any document issued by the constitutional authorities, which limits several of his rights, such as the right to education or freedom of move.

The young man struggled intensively with the population documentation system of Moldova in order to prove his identity and obtain a birth certificate, issued by the constitutional authorities. He managed to do it in the court of law. On 15 December 2015, by the Judgement of Bender Court of Law, his application was admitted and the identity of citizen Bondarev

Serghei was established. The Judgement become final on 15 January 2016 and was executed by the Civil Registry Office, which issued the birth certificate.

Serghei's case highlights the systemic difficulties related to the documentation of the population born on the left bank of the Nistru River. For example, a person born in the Transnistrian region can be issued national documents on the request of one of the parents who has an ID card issued by a recognised authority. In spite of this, there are categories of persons who encounter major barriers in the documentation process, such as orphans or children whose parents were not issued national documents.

“So far, the procedure of recognising the identity of a person in the court of law is the only mechanism used in case of persons improperly documented from the Eastern districts of the Republic of Moldova, said Vadim Vieru, Promo-LEX lawyer. However, in the light of their positive obligations, the constitutional authorities must ensure observance of human rights on the left bank of the Nistru River and identify clear and accessible mechanisms for the documentation of the population from Eastern districts”.

Analysing this case, Promo-LEX lawyers found an interference in the private life of the applicant, which is safeguarded by Article 8 of the European Convention, in particular, the right to legal identity and identification in the social relations among other citizens or any other individuals or legal entities. In addition, the lawyers established that the young man was deprived illegally of his legal capacity, when the authorities refused to confirm his citizenship.

We remind that Promo-LEX Association reported the problems with the documentation of the population from the left bank of the Nistru River back in 2007-2008^[1].

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[1] Report on Human Rights in Moldova, Retrospective of 2007-2008. Chapter entitled Right to Life, Freedom and Individual

Safety: http://www.promolex.md/upload/publications/ro/doc_1259134469.pdf