

Human Rights are Not Optional

[Human Rights Day](#) is marked annually on 10 December[1]. On 10 December 1948, the General Assembly of the United Nations adopted the Universal [Declaration](#) of Human Rights, which along with other two Covenants [2] form “the International Bill of Human Rights”.

The Republic of Moldova has joined most of the international human rights treaties and ratified the International Covenant on Civil and Political Rights without any reserves[3]. Moldova ratified in 2007 the Optional Protocol, which empowers the Committee ***to examine individual requests regarding the violation of human rights.***

This document was ratified with a territorial reserve – the Transnistrian region,[4] respectively, the Protocol is effective only on the territory effectively controlled by the authorities of the Republic of Moldova.

With the international commitments assumed when ratifying these important documents, the Republic of Moldova must safeguard the rights of each person who is under its jurisdiction, on the entire territory of the country. Even though the constitutional authorities of Moldova have limited ability to influence the process of remedying the situation, the *Tiraspol administration* has no legal status in the international law, while other states, except for Moldova, have not declared their jurisdictional competence over the situation from the Transnistrian region.

Practically, the territorial reserve made by Moldova upon ratification of the Optional Protocol, pleads for recognising the existence of a “legal vacuum” in the Transnistrian region. Which is inadmissible, because this territory does not fall under the term *terra nullius* from the international law, and the international community regards it as an integral part of

the Republic of Moldova.

In this context, withdraw of the reserves would be a clear advantage for the persons whose rights have been violated in the Transnistrian region.

Promo-LEX Association

[1] In 1950, the General Assembly passed Resolution 423 (V), inviting all States and interested organisations to celebrate 10 December of each year as Human Rights Day

[2] The International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

[3] The Republic of Moldova ratified, without any reserves, the International Covenant on Civil and Political Rights on 28 July 1990 by Government Decision No 217-XII, that entered into force on 26 April 1993, assuming the responsibility to fulfill the obligations stated in the main UN document on civil and political rights.

[4] By Law No 260 of 06.12.2007, Moldova ratified the Optional Protocol to the International Covenant on Civil and Political Rights, with the following territorial reserve – the Transnistrian region: “Until the full restoration of the territorial integrity of the Republic of Moldova, the Protocol shall be effective only on the territory effectively controlled by the authorities of the Republic of Moldova”.