

The National Social Insurance Office must immediately cease the practice of illegally suspending social payments to citizens who live in the security zone and benefit from unrecognized payments from the Transnistrian region

In 2015, the National Social Insurance Office (NSIO) issued a decision suspending social payments to some citizens residing in the city of Tighina and other communities in the security zone. The reason given by the NSIO was that those people (citizens of the Republic of Moldova) already benefitted from social payments from unrecognized sources in the Transnistrian region. In some cases, the NSIO decided to retain 20% of the monthly pension amount until the due date for the money that the beneficiaries supposedly received from representatives of the de facto administration of east of the country.

There is a reasonable suspicion that, in the course of these activities, the NSIO illegally transmitted information—including the personal data of beneficiaries—to the de facto administration without the authorization to do so. Based on existing material, an exchange of personal data took place between the NSIO and the *Center for Social Insurance and Protection in the city of Tighina*, which is controlled by the de facto Tiraspol administration.

This issue was referred to the Promo-LEX Association by people who believed that their rights had been violated. Promo-LEX

lawyers challenged the decision issued by the NSIO and its local office to cease and retain social payments. The decision was appealed in court.

The NSIO's decisions on the cessation of pension payments and the retention of some beneficiaries' pensions were declared illegal and annulled by decisions of the Center District Court on 14 April 2016 and 1 February 2017.

Promo-LEX lawyer Vadim Vieru argued that, in these types of situations, people have been illegally deprived of their social payments without legal grounds. In these types of situations, beneficiaries are not able to procure the most basic, necessary goods and services because of a lack of financial resources.

In conclusion, the Promo-LEX Association draws attention to the fact that, in its decisions related to violations of human rights in the eastern region of the Republic of Moldova in the cases *Ilașcu and Others v. Moldova and Russia [GC]*, (No. 48787/99, ECHR 2004-VII) and *Catan and Others v. Moldova and Russia [GC]* (nos. 43370/04, 8252/05 and 18454/06, §§ 102-123, 19 October 2012), the European Court of Human Rights found that the Republic of Moldova has a positive obligation to protect the rights of citizens who live in the Transnistrian region. The obligation to pay social benefits to those residents of the left bank of the Nistru who contribute to the national budget for social assistance should not be conditioned on whether or not they receive payments from unrecognized sources.

For more details, please contact: Carolina Bondarciuc, Promo-LEX Press Officer: GSM 060280980, Tel./Fax (+373 22) 45-00-24, e-mail: pr@promolex.md