

A safe and enabling environment for Human Rights Defenders in Moldova – Speech at the UN Human Rights Council

United Nations Human Rights Council
34th Regular Session,
Agenda Item 6: *UPR Outcomes Republic of Moldova*

16th March 2017

Oral Statement of the Promo-LEX Association (Promo-LEX)

Mr. President,

The Promo-LEX Association welcomes the adoption of the outcome of the Universal Periodic Review of the Republic of Moldova, which contains a number of important recommendations that the Moldovan Government supports.

Regarding the implementation of the recommendations on the protection of human rights in the Transnistrian region, a **breakaway region of Moldova**, the Promo-LEX Association's assessment is that the Government's performance in fulfilling its commitments during the period of the first UPR cycle has been far from satisfactory.[\[1\]](#)

At the same time, Promo-LEX is pleased to note Moldova's acceptance of 6 recommendations regarding the promotion and *protection of civil society space in Republic of Moldova*, especially the recommendation to *recognize explicitly the legitimacy of the job done by Human Rights Defenders and ensure that their work is carried out in a safe and enabling environment, without fear of reprisals, intimidation or acts*

of violence, which should be sanctioned, and those responsible be taken before justice[\[2\]](#). Thus, Moldova has reaffirmed its commitment to the UN Declaration on Human Rights Defenders[\[3\]](#) and the Resolution on the protection of Human Rights Defenders adopted by the UN Human Rights Council[\[4\]](#) with the co-sponsorship of more than 60 States (including Moldova) on 24 March 2016.

States must now act to implement this resolution at the national level. There are specific challenges when protecting human rights in conflict zones. Similar situations exist in post-conflict areas, such as the Transnistrian region. The effective protection of civil society is extremely important when increased pressure on Human Rights Defenders working in conflict or post-conflict zones undermines human rights monitoring efforts[\[5\]](#). There is a need for special, strengthened protection for Human Rights Defenders in such countries at the national level. National-level legal recognition and protection of Human Rights Defenders is essential for ensuring a safe environment for their work.

In the Transnistrian region, Human Rights Defenders, journalists, human rights activists and other civil society actors have been subjected to intimidation and harassment, including judicial harassment, restrictions on freedom of expression, association and movement, and arbitrary detention.[\[6\]](#) The situation has deteriorated during recent years, as the work of human rights defenders has come to be seen as subversive and as an attempt to undermine the regime and local administrations.[\[7\]](#)

During the 26th session of the Moldova UPR Working Group, the Moldovan representative (the Deputy Minister for Foreign Affairs and European Integration of the RM) expressed his concerns regarding human rights observance in the Transnistrian region, especially concerning the challenges that Human Rights Defenders face in the Transnistrian region as a result of actions taken by representatives of the

Tiraspol security structures. Referring to the case of the Promo-LEX Association, the Moldovan delegation stressed its *commitment to raising the issue of the protection of HRDs in existing negotiation formats.*

Thus, we would like to reiterate the recent appeal of the Special Rapporteur on the situation of human rights defenders, [8] calling on the Government of the Republic of Moldova to take all necessary measures to ensure the security of human rights defenders operating in the Transnistrian region and their protection against retaliation, de facto or de jure prosecution, pressure or any other arbitrary action as a consequence of their legitimate work.

We hope that the above-mentioned encouraging statements of the Moldovan delegation and the acceptance of the UPR recommendations on the Protection of HRDs will be reflected in the actions of the Moldovan government. In this context, Promo-LEX calls on the Moldovan Government to take concrete steps to explicitly recognize the legitimacy of the work done by Human Rights Defenders and to implement the landmark HRC Resolution on the protection of human rights defenders at the national level.

Finally, we call on the Government to ask that international partners, mediators and observers in the 5+2 negotiation format on the Transnistrian settlement intervene and request that the *de facto* administration to immediately stop all persecution of HRD in the Transnistrian region.

Thank you Mr. President

Delivered by: Alexandru Postica, Promo-LEX Human Rights Program Director

[1]

https://promolex.md/wp-content/uploads/2016/08/UPR-1_FINALA_civil-society_UPR_240316.pdf

[2] A/HRC/34/12, recommendations: 121.133 (Romania), 121.134

(Austria), 121.135 (Poland), 121.136 (Uruguay) 121.137 (Belgium), 121.175 (Georgia);

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/MDSession26.aspx>

[3] Declaration's full name is the **"Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms"** – with this longer title is frequently abbreviated to **"The Declaration on human rights defenders"**; <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

[4] Resolution adopted by the HRC on 24 March 2016 – 31/32. Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/31/32; Over 180 NGOs from all over the world, including the Promo-LEX Association united to call on Member States of the Council to adopt the resolution.

[5] Resolution No.12/AA/2016 (draft Resolution No.15/AA/2016) November 29, 2016, Brussels Resolution of the Eastern Partnership Civil Society Forum on the effective monitoring of human rights in conflict areas by strengthening the protection of human rights defenders in the Eastern Partnership countries:

http://eap-csf.eu/wp-content/uploads/ResolutionNo12_EN_final.pdf

[6] Recommendation CONF/PLE(2016)REC1 adopted by the Conference of INGOs on 24 June 2016 Protection of Human Rights Defenders in the Transnistrian region of the Republic of Moldova: the case of "Promo LEX" Association established in the Republic of Moldova:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680684cac>

[7] JOINT SUBMISSION FROM PROMO-LEX ASSOCIATION and MEDIA CENTER/26th Session of the Working Group on the UPR United Nations Human Rights Council:

https://promolex.md/wp-content/uploads/2016/08/UPR-1_FINALA_civil-society_UPR_240316.pdf

[8] A/HRC/34/52/Add. 1/ 20 February 2017 / Report of the
Special Rapporteur on the situation of human rights defenders,
Michel Forst:
[https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/038/21/PDF/G
1703821.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/038/21/PDF/G1703821.pdf?OpenElement)