

Human Rights in the Republic of Moldova: Contributing Factors in 2007-2008 and the 2009 Situation



On November 24, 2009, in Chisinau, Promo-LEX held the roundtable “Human Rights in the Republic of Moldova: Contributing Factors in 2007-2008 and the 2009 Situation.” This roundtable is a continuation of the work of the Promo-LEX Association, which

provides legal assistance, monitors human rights and carries out strategic litigation and advocacy in the area of human rights. As part of the roundtable, Promo-LEX presented the report, “Human Rights in Moldova 2007-2008,” published with ABA ROLI assistance, through the financial support of the United States Agency for International Development.

Ion Manole, Promo-LEX Director, said, “From the findings of Promo-LEX and others, we can conclude that during 2007-2008, there were a number of systematic problems that led to violation of various rights guaranteed by international treaties to which Moldova is a party. The legal framework currently in place requires that complaints of illegal treatment be fully examined, yet the situation in this respect is quite critical, showing many instances in which, for various reasons, investigations proceed slowly and inefficiently.”

The findings and recommendations of this report are summarized below:

Right to Liberty. The study shows a decrease in the number of people deprived of liberty. However, based on data gathered in 2007-2008, 30 percent of those detained under criminal law were deprived of their liberty without the issuance of an arrest warrant. At the same time, the tendency to deprive people of liberty arbitrarily for administrative offences continued, this often being done with the intent of subsequently investigating a person's criminal involvement. Figures show that about 60 percent of administrative detentions are under the categories of offences related to insubordination, resistance or provocation of law enforcement agents.

Right to Due Process. The report records examples of failure by prosecutors to respect the presumption of innocence, to adhere to reasonable time limits when examining cases, to adequately investigate allegations of torture, and to conduct criminal proceedings transparently.

Electoral Law. In the period covered by the report, Promo-LEX recorded changes made to electoral law that have in general, aroused suspicion among the public. The threshold for gaining representation in parliament, for instance, was raised from 4 percent to 6 percent of the public vote. Additionally, the rights of those with dual or multiple nationality were restricted, and electoral blocs were banned. All these changes were made without public debate.

Property Rights. The study found that violations of property rights continued unabated. In particular, Promo-LEX noted the rights violation of former deportees and political prisoners; illegitimate privatization; violation of property rights in the eastern region of the country; the non-transparency of various fiscal transactions; and expropriation of land without adequate compensation.

Access to Information. Access to information has become a serious problem, especially as the authorities tend to impede

access to information for merely formal reasons, without justification. There is an obvious discrepancy between official declarations regarding the importance of access to information and transparency in the decision-making process on one hand, and reality on the other. There is also a great need for objective and consistent application of law in this area by government and parliament.

Right to Assembly. In 2007, many cases regarding violations of the right to free assembly were recorded. Owing to the new law on assembly which came into force on February 22, 2008, a positive change was noted with respect to the right to free assembly; nevertheless, the end of 2008 saw extraordinary actions on the part of authorities which blatantly and intentionally violated this right.

Labor and Social Welfare Rights. In the period 2007-2008, the right to employment and social protection was frequently violated. Although projects have been implemented in this area and a series of relevant decisions have been adopted by the government, the number of cases of violations of the right to a decent life, to social assistance and protection, to health care and to protection against unemployment continues to grow. According to some estimates, 40 percent of the population lives below the poverty line.

Transnistrian Region. The situation for inhabitants of the Transnistrian region remains grave. They do not benefit from social assistance and protection from the state. The constitutional authorities have justified their inability to ensure social rights on the political situation, on the existence of a separate system of social protection in the territory, and on the obstacles facing implementation of relevant laws. The rate that people are deprived of liberty in the Transnistrian region is over six times greater than the average amongst Council of Europe member countries.

The study is available in English, Romanian and Russian

languages [here](#).