

“Litigating cases of discriminatory ill-treatment and discrimination based on gender”



The theme of the public lecture held on the 2nd of November 2010 was “Litigating cases of discriminatory ill-treatment and discrimination based on gender”. The event was produced and presented by Promo-LEX in partnership with the Equal Rights Trust. The event took

place at the National Institute of Justice.

The lecture presented the fourth edition of the Newsletter “The Equal Rights Review” translated into Romanian. The Equal Rights Review is a biannual publication edited by the Equal Rights Trust, which focuses on promoting equality as a fundamental human right and as a basic principle of social justice.” The strategic role of this publication is to promote the non-discrimination Act. Promo-LEX’s contribution is important as it produces a Romanian translation of the bulletin, allowing it to reach a wider audience, thereby producing a greater impact”, said Mrs. Libby Clarke, a lawyer and expert on Human Rights in Equal Rights Trust

The main issues addressed at this event were related to discriminatory actions against women, namely domestic violence and rape. According to the statistics, victims of violence in the family and sexual assaults are mainly women. Unfortunately, in the Republic of Moldova protection in cases of rape is afforded mainly to two categories: women who can

prove they have actively resisted certifiable by physical injuries and girls aged up to 13 years, "said Doina Ioana Straisteanu, Lawyer and expert on Human Rights. The discussion focused on legal provisions and their weak enforcement in preventing and prosecuting these crimes.

According to Law No. 45 on preventing and combating domestic violence a new protection order was established, which aims to provide emergency protection to the victim, such as: ordering the aggressor to leave the joint residence and / or prohibition of approaching the victim (including a distance specific restraining order). However, enforcement of these protection orders is highly deficient, as the police and social workers who are required by the law to carry them out are not performing their duties in preventing and combating domestic violence to an acceptable degree. The main reasons for this are: firstly – they are unaware of their duties in the field and are ignorant of the law, and secondly – the perception of this phenomenon as an irrelevant action and not a crime.

Another issue on violence against women is the way in which the rape is investigated. The prosecution focuses on the behavior of the victim, not the aggressor, giving the impression that the investigation focuses on collecting evidence to undermine and contradict the victims story. "Methodological Guidelines on investigation of sexual crimes", issued on August 15, 2008, by the General Prosecutor's Department of criminal investigation, included a set of practical recommendations for prosecutors in the prosecution of sexual offenses. According to this, the prosecution must be based on a demonstration of the victim's physical resistance to the act. Under such a system the guide would seem to encourage a form of constrained yet still forced sexual act: "Since it is typical teenage behavior to be shy when sexual intercourse takes place voluntarily, the partner is faced with applying an appropriate form of some physical effort. (...) such

“violence” cannot be classified as physical restraint in the context of rape”, or “whether the victims’ resistance was circumstantial (formal) rather than categorical (ie could be interpreted in the sense of an acceptance of intercourse), the committed cannot be classified as rape”, as quoted by the Guidelines.

The event was organized within the project “Strengthening Legal Protection from and Raising Awareness of Discriminatory Ill-Treatment in Republic of Moldova, including Transnistria”, with financial support from the European Union and co-financed by the United Nations Development Programme, Moldova.

The full version of ERR Bulletin No. 4 in the Romanian language is available [here](#)

Final Monitoring the national constitutional referendum of 5 September 2010



October 6, 2010. Promo-LEX Association has released [the Final Monitoring the national constitutional referendum of 5 September 2010.](#)

Promo-LEX carried out a nationwide monitoring effort to observe the national constitutional referendum of 5 September

2010 in the period from 7 July 2010 to 10 September 2010. The findings of the monitoring mission are based on direct observation of the electoral process carried out by a network of 42 long-term observers in all the rayons (districts) of the country. On voting day, other 300 short-term observers were involved in the observation, being assigned to select polling stations from a nationally representative sample.

The final monitoring Report includes the findings and the recommendations made in the period preceding the referendum campaign, during the campaign and on the voting day.

During the monitoring period Promo-LEX observers found that the public and election authorities were overall prepared satisfactorily to cope with the tasks related to the poll. The observation revealed no cases of discrimination against the referendum participants or voters by the public or election authorities. However, the voters residing in the Transnistrian region were confronted with unfavorable conditions for their right to vote.

During the referendum, the monitors observed that the number of applications for mobile voting was lower than in the previous campaigns. Massive mobile voting had in the past raised concerns about the fairness of the electoral process. At the same time the overall turnout was also considerably lower in this latest poll.

The Promo-LEX monitoring effort revealed a number of deficiencies related to the legal framework adopted in the period preceding the referendum, which partly contradicted the Election Code. Shortcomings were registered in the process of organizing the poll, both due to flawed development and implementation of the Timetables established by the CEC. Other problems were observed in the process of compiling, publishing and verifying the electoral rolls and in sending invitations to voters. Shortcomings were also observed in relation to the establishment of and supply arrangements for the electoral

bureaus of the polling stations (PEB). Other objections were formulated with respect to the level of instruction and the activity of PEB members on voting day in a number of locations.

Two political parties represented in Parliament failed to delegate representatives to electoral bodies of first and second levels. Hence, the electoral bodies were predominantly formed by the "majority" political parties and in some cases with the contribution of the local authorities.

A number of political parties and sociopolitical organizations officially registered with the CEC as referendum participants submitted incomplete and overdue financial reports to the election authorities. Almost every second referendum participant failed to present financial reports to the CEC in the established time limits. For its part, the CEC made insufficient efforts to verify the information presented by the participants in their financial reports. Also, the referendum participants generally had a disregardful attitude towards the Code of Conduct.

Additionally, Promo-LEX observers found multiple and worrisome cases of undue influence exerted on voters, in particular on the voting day. The monitors reported cases of undue influence exerted on voters by the representatives of some public institutions, local authorities and universities. Cases of intimidation were also registered with respect to the voters residing in the Transnistrian region, who were prevented by the representatives of the Tiraspol administration from exercising their right to vote. The observers also noted a number of cases where the participants made financial donations to voters or entities in an electoral context.

The Promo-LEX monitoring effort found numerous instances when local authorities' representatives engaged in campaigning in favor of certain referendum participants. Observers also noted numerous activities aimed at boycotting and obstructing the

electoral process by some referendum participants and representatives of local authorities. Such activities were prevalent on the voting day.

Other cases concern the abusive use of campaign advertising by a number of referendum participants, which was partly due to imperfections in the electoral legal framework.

Among the positive tendencies, specifically in the context of organizing the voting abroad was the fact that most of the Moldovan diplomatic missions had posted on their web pages information on the Referendum and the voting process.

One of the key recommendations formulated by the Promo-LEX monitoring mission is the need to develop a set of functional mechanisms for the proper implementation of the electoral legal framework by the local and election authorities. There is also a need to introduce additional measures to improve financial reporting and create favorable conditions for the exertion of the right to vote across the entire national territory, with the imposition of sanctions for the public authorities which violate this right.

The findings and recommendations of the Promo-LEX monitoring effort are formulated in good faith and aim at improving the electoral processes and the voter confidence in this fundamental democratic exercise.

This project is financially and technically supported by the Organization for Security and Co-operation in Europe (OSCE), the United States Embassy, and the East Europe Foundation, with resources from the Swedish International Development Cooperation Agency (Sida), the Ministry of Foreign Affairs of Denmark, the National Endowment for Democracy (NED), and the United States Agency for International Development (USAID) through the Eurasia Foundation. Any opinions expressed belong to the authors and do not necessarily reflect the opinions of the donors.

The report is available [here](#).

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Final monitoring report on voting process abroad for the national constitutional referendum on 5 September 2010



September 17, 2010. Promo-LEX Association has released the [Final monitoring report on voting process abroad for the national constitutional referendum on 5 September 2010](#).

The monitoring of the national constitutional referendum, which took place on September 5, is a project implemented by the Association Promo-LEX in partnership with “Moştenitorii” Association as part of the Civic Coalition for Free and Fair Elections “Coalition 2009”.

A number of 79 national observers monitored the voting process in the constitutional referendum at 40 polling stations in Belgium (Brussels), the Czech Republic (Prague), Greece

(Athens, Heraklion, Thessaloniki), France (Paris, Toulouse), Germany (Berlin, Munich, Hamburg), Spain (Madrid, Santander), Portugal (Lisbon, Faro, Portimao), Romania (Bucharest – 2, Galați, Timișoara, Cluj, Iași), the Russian Federation (Moscow, Domdedovo, Mozhaisk, St. Petersburg), Ukraine (Odessa), Italy (Rome – 2, Mestre – 2, Milan – 2, Padua – 2, Bologna -2, Parma, Turin, Verona, Naples).

This project is implemented with support from the Democracy Support Programme in Moldova, a joint initiative between the European Union and the Council of Europe.

The expressed opinions belong to the authors and do not necessarily reflect the opinions of the donor.

Summary

On Election Day the independent observers assigned to the 40 polling stations opened abroad aimed to monitor all the electoral processes taking place at the polling stations as well as to monitor the results of the education and information efforts destined for the voters abroad.

The observers noted a high degree of satisfaction and enthusiasm among the Moldovans who voted at the polling stations opened in the foreign cities where Moldova does not have embassies or consulates. There wasn't recorded any case of intimidation of the voters or observers by the election officials, who, on the contrary, demonstrated receptivity and a constructive attitude. Some of the members of the Electoral Bureaus of the Polling Stations (EBPS) cooperated with the local authorities from the cities which hosted the polling stations to provide these with transparent ballot boxes and polling booths.

At the same time, the observers noted an unsatisfactory level of competence of the EBPS members, who often had little knowledge about the voting procedures. Furthermore, the monitors revealed cases where some EBPS members had had no

specific training at all. In certain cases the EBPS members didn't even know if their work was voluntary or they were going to be paid for it.

The monitors observed numerous cases where the polling stations were opened to voters later than 07:00, in some cases with delays of half an hour. Of particular concern was also the widespread unauthorized absence of some EBPS members on Election Day, most often these were members delegated by the referendum participants.

Another serious concern is related to the extremely weak, and sometimes even inexistent, education and information campaign destined for the voters abroad. Particularly concerning were the often cases where the voters didn't know which identity documents to produce to be allowed to vote – 360 voters were unable to vote because they had only an identity card (buletin de identitate) to show. In the same context, there were many complaints from the voters related to the extremely poor information efforts concerning the referendum; in particular, concerning its purpose, its essence, the potential effects, etc.

The monitors express their concern over the often cases of presence of the law enforcement officers at the voting sites. While refraining from direct contact with the voters, the presence of the police officers could nevertheless intimidate some of the Moldovans who stay abroad without authorization.

Considering the findings made and the concerns formulated, the observers developed a set of recommendations for the electoral actors aiming to improve the quality of the electoral process. Among these the most important is the appeal addressed to the election authorities to carry out more extensive education and information efforts for our citizens abroad and provide better training for the EBPS members. The public authorities are encouraged to collaborate with the local law enforcement bodies in order to avoid the presence of their uniformed and

armed representatives near the polling stations on voting day.

The referendum participants (and electoral candidates in the future) are recommended to discipline the members they delegate to the EBPS abroad in order to ensure the presence of all the EBPS members on Election Day and their active participation in all the electoral proceedings. Additionally, the campaigners are encouraged to carry out more extensive information activities aimed at familiarizing the voters abroad with the positions they promote.

The report is available [here](#).

Note: For further information contact the Legal Department Promo-LEX, Alexandru Postica, tel. (+373 22) 211-622.

Promo-LEX Association launched the preliminary report on voting day



September 6, 2010. Promo-LEX Association launched the preliminary report on voting day on the national constitutional referendum of 5 September 2010.

The monitoring of the national constitutional referendum, taking place on September 5, is a project implemented by the Association Promo-LEX as part of the Civic Coalition for Free

and Fair Elections.

The monitoring effort by Promo-LEX includes 42 long-term observers, who monitor the electoral process in all the electoral constituencies in Moldova in the period from 13 August 2010 to 10 September 2010. The long-term observers were assisted by some 300 short-term observers (15% of the total polling stations, distributed across the territory of Moldova, based on a representative sample) who monitored the electoral process on election day. The activity of all the observers will be coordinated by a central team whose structure was conceived prior to the poll.

CONCERNS

- 1.Many EBPS were insufficiently prepared by the local public administration;
- 2.In a series of cases it was impossible to solve the problems within the polling stations because the EBPS would not meet the quorum necessary for adopting a decision;
- 3.The voting process was negatively affected by the fact that the EBPS were improperly arranged;
- 4.A wider range of electoral frauds were employed (inappropriate issuance of ballots, voters using more than one ballot, introduction of deceased persons in the voters' rolls);
- 5.The transparency of EBPS was restricted during the voting process (observers were not allowed to film or take pictures);
- 6.There was a notable decrease in the authorities concern in ensuring the voter's right to a secret voting;
- 7.Citizens from the Transnistrian region were restricted in enjoying their voting rights;
- 8.There was a lack of access to information on the voting process of the central electoral administration;
- 9.In a number of cases the voters' options were susceptible to influence by the campaign advertising displayed in the proximity of the polling stations;
- 10.There were cases of abusive influence on the voting process

by the local public administration and the observers representing participants in the referendum;
11. The free enjoyment of the right to vote was hampered through intimidation and restrictions imposed on the free movement by the separatist forces.

RECOMMENDATIONS

1. Develop and introduce measures to penalize EBPS members who do not comply with their legal obligations;
2. Pay more attention to the appropriate arrangement and equipment of EBPSs;
3. Identify a clear mechanism for preventing and penalizing frauds in the voting process;
4. Ensure necessary conditions for the enjoyment by citizens from the Transnistrian region of their right to vote, by creating EBPSs on the right bank and providing transportation to the polling stations;
5. Improve the legislation on outdoor campaign advertising;
6. Identify a clear mechanism for preventing and penalizing public administration for abusively influencing the voters' choice.

The report is available [here](#).

Note: For further information contact the Legal Department Promo-LEX, Pavel Postica, tel. 211 622.

**Voting process abroad /
Republican Constitutional**

Referendum of September 5, 2010



6 September 2010. The “Promo-LEX” Association in partnership with “Moștenitorii” Association monitored the voting process in the constitutional referendum at 40 polling stations located out of the Republic of Moldova*.

According to preliminary results, 11,517 people cast their votes in 34 out of the 40 monitored polling stations. Of the total number of valid votes, 98% were in favor of the proposal put forth in the referendum, 1.9% were against, and less than 0.1% of the ballots were declared invalid.

In the great majority of cases, the election authorities demonstrated a cooperative and proactive attitude and didn't create obstacles to the voting process or its monitoring by the observers. Even if the members of the electoral bureaus were not always well-informed about their duties in organizing the voting process, they didn't hesitate to consult the opinion of the observers, the provisions of the Election Code and other electoral rules.

However, inadequate knowledge of the voting procedures led to cases where voters were allowed to the voting booth upon producing other documents than a passport or a seaman's book. For example, in the Italian city of Padua, 2 persons voted with their identity cards (buletin de identitate). At one of the polling places in Milan, Italy, unauthorized persons were observed staying inside the station throughout the day and the members of the electoral bureau justified their presence by

saying that those persons were “hosts who won’t cause any trouble”. Several cases were observed at the same polling stations in which two voters entered the same voting booth at a time. In contrast, at the polling station in Lisbon, Portugal, the election officials barred accompanying children from entering the voting booth together with their parents.

The observers noticed an unsatisfactory degree of information and education efforts destined for voters abroad. Some 300 voters in over 20 locations were not allowed to vote because they didn’t have the required identity documents (passport or seaman’s book) with them. Furthermore, many people expressed their indignation at the poor, and often inexistent, information campaign concerning the vote. Such situations were observed in a great part of the voting stations located in Italy, the Czech Republic, France (Paris), and Greece (Athens, Heraklion). In Portugal (Faro) and in Italy (Padua) there were observed billboards instructing voters to vote with their identification cards.

Many polling stations abroad were opened with delays ranging from 10 minutes to 1 hour and 20 minutes, in breach of procedures. This happened in Germany (Hamburg, Munich), Italy (Mestre – 2 stations, Milan – 2 stations), Portugal (Portimao), Spain (Madrid), and Ukraine (Odessa). In most of the monitored polling stations, some of the members of the electoral bureaus were not present at the opening hours. This was observed at all the polling stations in France and Greece, in the Czech Republic, at three stations in Italy and Russia, and in the French city of Toulouse.

The presence of local law-enforcement officers near the polling places at distances smaller than 100 meters in Germany (Berlin), Greece (Athens), Italy (Mestre and Turin), Portugal (Lisbon), Russia (Moscow) didn’t cause any events that could be perceived as evident intimidation, such as demanding of ID papers or any of the sort. However, it is likely that some of the Moldovan citizens who stay illegally in the respective

countries were afraid to turn out for the vote, a fact confirmed by accounts of voters in the towns where there were no law-enforcement officers near the voting stations. In many cases, it was the election officials who requested the presence of the law-enforcement officers, citing the need to ensure order and voters' safety, and in Madrid citing concerns of potential terrorist attacks.

Over 98% of the people who voted, a total of 11,323, were listed in supplementary electoral rolls. In some polling stations there were no primary voter rolls at all. Such situations were observed in Greece (Heraklion), Italy (Mestre and Bologna), and Spain (Santander). At the same time, in Hamburg (Germany) a number of voters were unsuccessful in finding their names in the primary electoral rolls despite submitting on-line requests to that effect on the Central Election Commission's website. Also in Hamburg, the primary electoral list was obtained by e-mail only at around 8:00 in the morning on election day.

In Russia, the packs of ballots destined for the polling station in Domodedovo were sent to the station in Mojaisk and vice-versa. Another faux pas happened with the electoral supplies destined for the polling stations in Bucharest and Lisbon.

In Italy, not any of the polling stations received voting boxes, with two of them using cardboard boxes in stead.

Instances of campaigning activity inside or near the voting station on election day were sporadic and didn't amount to a trend. One person was observed campaigning in favor of a political party outside the polling station in Mestre, Italy, and a number of newspapers of another political party were observed near the same station.

Rather concerning, however, are cases of intimidation of voters before the day of the referendum reported in a number

of towns – Italy (Mestre, Milan and Padua), Russia (Mojaisk and Moscow). Even in the absence of direct proofs, the repeating of the same stories of intimidation in different places is a concern.

* A number of 79 national observers monitored the voting process in the constitutional referendum at polling stations in Belgium (Brussels), the Czech Republic (Prague), Greece (Athens, Heraklion, Thessaloniki), France (Paris, Toulouse), Germany (Berlin, Munich, Hamburg), Spain (Madrid, Santander), Portugal (Lisbon, Faro, Portimao), Romania (Bucharest – 2, Galați, Timișoara, Cluj, Iași), the Russian Federation (Moscow, Domdedovo, Mojaisk, St. Petersburg), Ukraine (Odessa), Italy (Rome – 2, Mestre – 2, Milan – 2, Padua – 2, Bologna -2, Parma, Turin, Verona, Naples).

This project is funded by the “Democracy Support Programme”, a joint initiative between the European Union and the Council of Europe.

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First preliminary report on voting process abroad / National Constitutional Referendum



The “Promo-LEX” Association in partnership with “Moștenitorii” Association monitored the voting process in the constitutional referendum on September 5, 2010 at 40 polling stations located out of the Republic of Moldova*.

A number of shortcomings marked the voting process at the polling stations abroad monitored under this initiative:

A number of out-of-country polling stations were opened with delays and in breach of procedures. In the Italian town of Mestre, the polling station (PS) no.323 opened one hour and a quarter later than it should have, while the electoral bureau of that station had never assembled for a formal meeting until shortly before the start of the poll. The start of the vote was also delayed in Milan (PS no.356), Madrid (PS no.339), Santander (PS no.370), and Odessa (PS no.350).

In most of the monitored polling stations, there were members of the electoral bureaus who were not present at the opening hours. Such situations were registered at the polling stations in Greece, at some polling stations in Italy and Russia, and in Toulouse and Odessa.

Of particular concern was the presence of law-enforcement officers in the immediate vicinity of the polling places abroad. For example, when the polling place no.338 opened in Moscow, there were 15 uniformed policemen outside the station (when the Romanian version of this report was first issued in the course of election day, the group of policemen had dispersed, but one or two were periodically reappearing). Similarly, 6 police officers were observed near the polling station hosted by the Moldovan Embassy in Athens, Greece. A police patrol was stationed outside the polling place in

Madrid, Spain. The polling station in Turin was opened close to a police station. In most of the cases, it was the election officials who requested the presence of the law-enforcement officers, citing the need to ensure order and voters' safety, and in Madrid citing concerns of potential terrorist attacks.

In some cases, the members of the electoral bureaus had a very poor knowledge of the voting procedures. In Padua, Italy, two cases were registered where voting was allowed with an identity card (buletin de identitate). Most of the voters were entered on supplementary lists as the primary electoral rolls were imperfect. Some polling stations didn't have primary voter rolls at all. This was observed in Heraklion, Greece, and at both polling stations in Mestre, Italy.

In Russia, the packs of ballots destined for the polling station in Domodedovo were sent to the station in Mojaisk and vice-versa. Another faux pas happened with the electoral supplies destined for the polling stations in Bucharest and Lisbon.

In Italy, most of the polling stations didn't receive voting boxes, with two of them using cardboard boxes in stead. The same problem in Greece was solved in cooperation with the Greek public authorities, which offered polling booths and transparent boxes for the referendum.

* A number of 79 national observers monitored the voting process in the constitutional referendum at polling stations in Belgium (Brussels), the Czech Republic (Prague), Greece (Athens, Heraklion, Thessaloniki), France (Paris, Toulouse), Germany (Berlin, Munich, Hamburg), Spain (Madrid, Santander), Portugal (Lisbon, Faro, Portimao), Romania (Bucharest – 2, Galați, Timișoara, Cluj, Iași), the Russian Federation (Moscow, Domdedovo, Mojaisk, St. Petersburg), Ukraine (Odessa), Italy (Rome – 2, Mestre – 2, Milan – 2, Padua – 2, Bologna -2, Parma, Turin, Verona, Naples).

This project is funded by the “Democracy Support Programme”, a joint initiative between the European Union and the Council of Europe

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Promo-LEX launched the second pre-referendum monitoring report on the electoral campaign for the national constitutional referendum on 5 September 2010



Chisinau, September 3, 2010. Promo-LEX Association launched [2 report on the electoral campaign for the national constitutional referendum on 5 September 2010](#). Monitoring period: August 14th-September 2nd, 2010

The Promo-LEX monitoring effort has found during the August 14th- September 2nd monitoring period that the public and electoral administrations performed in an overall non-discriminatory manner, but has also noted several shortcomings both in terms of organization of the electoral process and in terms of the performance of electoral participants.

During the monitoring period the Promo-LEX effort did not observe discriminatory treatment of the electoral participants by the public authorities. Another positive practice observed was the fact that the diplomatic missions of Moldova published on their web-sites information about the Referendum and the voting process.

At the same time the Promo-LEX effort found a series of shortcomings in the organization of the electoral run. Almost half of the voter lists have been compiled by the local public administrations and presented to the CEC with a considerable delay. The CEC itself has failed to place the lists on the CEC website as was initially planned and announced, while the precinct electoral bureaus have displayed the lists for verification by the voters with delay.

The precinct electoral bureaus have been formed late in many localities. In the case of two localities the bureaus have not yet been formed by the time of publication of the report.

A series of parties and socio-political organization registered by the CEC as participants at the referendum have submitted incomplete and late financial reports to the electoral administration. Almost half of the participants have failed to present to the CEC the requested financial reports. At the same time the CEC has taken few steps to verify the data presented by the participants in the submitted reports.

Promo-LEX observed several cases of undue influence on the voters. The observers found that representatives of some of the public institutions, including universities, exerted undue pressure on the voters. Electoral participants continue to offer the so-called electoral gifts to the voters and institutions on various occasions.

The Promo-LEX monitoring effort is implemented through direct observation that is carried out by a network of 42 long term observers from all the rayons nationwide. The findings and

recommendations of the effort are written in bona fide and aim at improving the electoral process. The Promo-LEX effort is conscious that his kind of electoral exercise is conducted for the first time in Moldova and aims at contributing in a constructive manner to the establishment and improvement of democratic practices in Moldova.

Promo-LEX will monitor the electoral process on the 5th of September, through deployment of 300 observers in national, representative sample of polling stations. The Promo-LEX effort will publish intermediary reports on the Referendum day findings and a compilation of findings immediately after the day of the Referendum. The methodology of observation will not allow Promo-LEX to estimate independently the voter turnout. The Promo-LEX will carry out a Quick Count of voting results and will release the results of the count immediately upon the availability.

This project is financially and technically supported by the Organization for Security and Co-operation in Europe (OSCE), the United States Embassy, and the East Europe Foundation, with resources from the Swedish International Development Cooperation Agency (Sida), the Ministry of Foreign Affairs of Denmark, the National Endowment for Democracy (NED), and the United States Agency for International Development (USAID) through the Eurasia Foundation. Any opinions expressed belong to the authors and do not necessarily reflect the opinions of the donors.

The report is available [here](#).

Note: For further information contact the Legal Department Promo-LEX, Pavel Postica, tel. 211 622.

Summer School on Human Rights



Between 9-15 August, 2010, The Promo-LEX Association organised a summer school on Human Rights. The event was part of Promo-LEX's Human Rights Education Programme, the aim of which is to promote democratic norms and values, as well as internationally recognised human rights standards, through non-formal education.

The participants at the school were 23 young people from the Transnistrian region. The summer school's programme centred upon two basic themes: Civil Society and Human Rights, given that the former is the most active agent in promoting and defending the latter.

The agenda for the summer school included topics such as: citizens and civic activism; the role of civil society in the democratisation process; why human rights are necessary; the principles and classification of human rights; the national and international mechanisms for defending human rights; human rights in Moldova; and the experience of Moldovan and foreign NGOs in promoting human rights.

The school's programme, moreover, featured many practical activities, including debates, discussions, group-work sessions, role-plays, screenings of short films on the theme of human rights, and even a 'talk-show' with a guest speaker. At one point, participants were also asked to imagine that they were investigative journalists in the field of human

rights. On a different occasion, they had to put themselves in the position of directors who had made short films on the topic of human rights.

Participants expressed their appreciation of the event, hailing it as a success, and said that they felt fortunate to know more about human rights and the mechanisms for defending them. One of the participants stated that events of this kind should be organised as often as possible, with the participation of young people from both sides of the Nistru.

The summer school was held with the financial support of the Embassy of the Federal Republic of Germany in Moldova.

The Republic of Moldova and The Russian Federation – accused once again at the European Court of Human Rights

The Republic of Moldova and The Russian Federation stand accused at the European Court of Human Rights (ECHR) in connection with torture and the illegal deprivation of liberty, and for restricting the rights to freedom of movement and expression in the security zone.

On July 15, 2010, the ECHR decided to communicate the case Beșleaga v. Moldova and Russia nr. 48108/07, submitted to the ECHR on the 1st of November 2007 by the lawyer Alexandru Postica, Executive Director of Promo-LEX, in the interests of

Valentin Beşleaga.

The governments (of Moldova and Russia) will have to explain the legality of the arrest and detention of Valentin Beşleaga in connection with an administrative case started against him following his participation in the general local elections in Corjova, Dubasari rayon, in 2007. Mr Beşleaga was arrested on the 2nd of June 2007 in Corjova, which falls under the jurisdiction of the Republic of Moldova, but under the de facto control of separatist bodies. Following an obscure and non-transparent process, a so-called judge of the Dubasari court -under the control of the separatists- sanctioned Mr Beşleaga, a citizen of the Republic of Moldova, to 15 days' detention. The process took place in the very basement of the 'Militsia' Commissariat in the city of Dubasari. After his arrest, Beşleaga could not continue campaigning for the office of Mayor of Corjova, neither for the vote on June 3, nor for the vote on June 17, 2007. Furthermore, for the entire duration of his detention, Beşleaga was held in inhuman and degrading conditions which resulted in his falling ill. The ECHR has reiterated questions previously put to the respective governments regarding the jurisdiction over the territory. It has raised the question of the exhaustion of all the routes for effective redress. Likewise, the ECHR has asked the governments to respond to the question of whether or not, as a result of his detention in such conditions, the claimant's following rights were violated: The right to liberty and security; the right to a fair trial; the right to freedom of expression; and the right to freedom of movement.

Lawyer and Executive Director of Promo-LEX, Alexandru Postica, states that, "This is the first case communicated by the ECHR to the defendant governments in which the question is raised of the violation of the right to freedom of movement in a region occupied by separatists, in a locality falling fully under the jurisdiction of the Republic of Moldova. Another very important aspect is that it also evidences the problem of

exercising the right to vote for citizens of the Republic of Moldova who lack the opportunity to choose and be chosen in the local administrative bodies on the left bank of the Nistru”.

The Promo-LEX Association would like to make it known that the local elections of June 2007 in the locality of Corjova, Dubasari, failed due to the fact that the secessionist bodies in the cities of Dubasari and Tiraspol destroyed polling stations in the village of Corjova, while the candidates for the offices of mayor and councillor were persecuted and intimidated.

Note: For more information contact Alexandru Postica, at the Legal Department of Promo-LEX, on tel. 069104851.

Police and Social Services from the Ocnița rayon and the Police Commissariat in Rîșcani are defying the Law: Failure to enforce Protection Orders for the Victims of Violence within the Family encourages aggressors to

continue their abuse of the victims

The Promo-LEX Association calls upon:

.The Ministry of Internal Affairs and the Ministry for Work, Social Protection and Families, with a view to carrying out protection orders and stopping violence towards victims of violence within families, and;

.The Prosecutor General, to take notice and to bring to account the following: Police employees Ion Casap, Ion Pungă, Marian Alexandriuc (village of Lipnic); Social Services employee Maria Dub (village of Lipnic); Prosecutor Mihail Vinogradov (Ocnița rayon); and Rîșcani Police Commissariat employees Ion Țâra and Fiodor Moscoglo (Chișinău). The aforementioned have encouraged violence towards certain victims of violence within the family through the fact that they were aware of violence committed against the latter, but have not undertaken any effective action to protect the victims.

Through Law nr. 45 of 01.03.2007 on the Prevention and Combating of Violence within Families, a mechanism for protecting victims of violence within families was established that allows for the issuing of protection orders by the courts. It is the duty of the police and social services to enforce such orders.

Having represented many victims of violence within families, the Promo-LEX Association has encountered obstacles in the way of executing protection orders, originating from employees of the Ministry of Internal Affairs and the Ministry of Work, Social Protection and Families. These obstacles come in the form of: 1) The reluctance of such employees to execute protection orders; 2) A lack of knowledge of the legislation in force regarding the penalties for those who break

protection orders; 3) Ignorance of the mechanisms for protecting the life and health of victims of violence within families.

Miss X from the village of Lipnic, Ocnița rayon -her name has been withheld so as not to aggravate her situation- has suffered violent treatment at the hands of her former husband for more than 20 years. Her complaints -addressed to the police in Ocnița, in which she requested protection and the cessation of the violent treatment dealt her by her former husband- have not met with any response. In May 2010, her case came to the attention of the Promo-LEX Association who, in addition to notifying the police of Ocnița and Lipnic, obtained a protection order for Miss X by court decision on June 22, 2010. According to the order, the former husband is obliged to leave the residence of Miss X, and to not subject her to psychological, economic and, especially, physical violence.

So far, Promo-LEX has not received a response to any of the notifications it has addressed to the Ocnița police and the social services bodies in Lipcani. Countless phone conversations with police officers Ion Casap and Ion Pungă have ended with them saying that the former husband has nowhere to go and that they do not know what to do. They have also said that they cannot help Miss X, and that she is not the only person suffering such violence.

Miss Y, from Chișinău -again, her name has been withheld- has suffered violence within her family at the hands of her former husband for many years. The complaints of Miss Y -addressed to the police headquarters in Rîșcani, in which she requested protection and the cessation of the violent treatment dealt her by her former husband- have not met with any response. The (former) husband was taken to the police headquarters in Rîșcani for one hour, after which he merely returned home and beat Miss Y even more cruelly. In June, Miss Y sought the help of the Promo-LEX Association, who on June 30 obtained a

protection order for her. According to the order, the former husband is obliged to leave the residence of Miss Y, and to not subject her to psychological, economic and, especially, physical violence.

The numerous complaints that Miss Y has addressed to police, seeking their help in ensuring that her former husband complies with the protection order, have come to nothing. Furthermore, police officer Ion Țâra of the Rîșcani police commissariat has tried to convince Miss Y that her former husband has in fact 3 months to leave her residence, while another police employee has said that the protection order should be dropped.

In both cases, the protection order has not been executed, in spite of the fact that the victims involved continue to suffer psychological and physical violence. Despite the numerous notifications made by both the victims and the Promo-LEX Association, the police at the Ocnița and Rîșcani commissariats refuse to fulfill their obligations, citing various formal reasons. The inaction of the police effectively denies the rights of victims of violence within the family, while making the provisions of the Law on the Prevention and Combating of Violence within Families meaningless, and the mechanism established by this law completely inefficient.

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