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# **Moldova is the only European state with two separate social protection systems**

Analysis by Alexandru Zubko of the series “20 years of the start of the war. When should we expect peace?”, for Info-Prim Neo

The Republic of Moldova is probably the only European state on whose territory there are two separate and different social protection systems – a legal one and illegal one, instituted in breach of the Moldovan legislation. Moldova is probably the only European state that allows discriminating against its people residing in the Transnistrian region, in relation to its other citizens living on the right side of the Nistru River, as regards the access to social assistance and protection services.

Formally, the social assistance in the Transnistrian region seems to be a perfect one. Numerous local documents provide generous concessions and exemptions for practically all the social sections and categories. They include the provision of drugs, dental and orthopedic prostheses, tickets to rehabilitation institutions, annual leave, dwellings, preferential bank loans, installation of telephone posts, tax concessions, exemptions from paying the whole sum for natural gas, electric power, drinking water, heat and other public utilities, concessions for trips by public units of transport, depending on the category.

This is possible owing to the substantial economic support offered by Russia with a view to motivating the locals to accept the existent regime in continuation.

There is no marked difference in the quota of payments

There is no marked difference as regards the quota of salaries, allowances and other social benefits paid from the social funds of the constitutional authorities and from those of the unconstitutional regional administration. There are more noticeable differences in the aim, size or character of the social payments.

For example, the retirement age in Transnistria is 55 years for women and 60 years for men (women with three children – 52 years, while with five children – 50 years). In the rest of the country's territory, the retirement age is 57 years for women and 62 years for men. The size of the pension is almost the same, but the pensioners in Transnistria receive a bonus of about US\$15 and benefit from concessions, including when purchasing food products from the Sheriff stores and social medicines.

CNAS illegally refuses to pay benefits to the entitled Transnistrians

According to the local statistics, about 200,000 persons of the about 555,000 are socially insured in the Transnistrian region. Most of them are citizens of Moldova who enjoy all the rights, including to social assistance and protection.

The National Social Insurance House (CNAS) illegally refuse to pay social benefits to the entitled persons from Transnistria, arguing they receive money from the social assistance bodies of the region. The CNAS says the region has another social protection system and the local bodies are not open for cooperation. The House does not possess information about the social condition of the people in the region, and did not budget money for socially insuring the Transnistrian beneficiaries. Thus, this state institution flouts the law and treats the people in a differentiated way.

The discrimination in paying pensions diminishes the Transnistrian population's trust in the constitutional bodies

of Moldova. The non-payment of pensions and other allowances envisioned by the Moldovan legislation to the Transnistrians for the reason that they live on a territory that is not controlled by the constitutional authorities and/or receive a pension from the unrecognized funds is a serious violation of the human rights. In such a situation, the constitutional authorities may be held accountable for discriminating against its citizens on territory-related grounds.

The interpretations can be different, but the law is law and nobody has the right to interpret it or violate it. Unfortunately, few people in Moldova understand these fundamental details for any state and legal system. The legislation of Moldova does not envision the possibility of depriving the citizens of the right to benefit from pensions/allowances because they receive a pension or allowance from the unrecognized funds. The normative documents say nothing about 'Transnistrian pension'.

The 'Transnistrian' payments are unofficial and special

We consider that the 'Transnistrian' payments are: unofficial allowances because they are not paid from the state budget, and uncommon allowances as they are paid by institutions/persons that perform social insurance duties in the region from unrecognized funds.

In such a situation, any beneficiary from the Eastern region has the right to these payments and to the allowances guaranteed by the Republic of Moldova. As they are not regulated by legislation, these payments can be regarded as special and cannot serve as legal reason for refusing to socially insure the persons living in the region.

Moreover, the citizens' depriving of pensions and allowances for children for the reason that they receive similar allowances from illegal and unrecognized bodies is against the law and the national security and represents a violation of

the human rights.

This situation has one more negative effect. The Transnistrians' trust in the constitutional authorities decreases. As Russia provides the 135 863 pensioners from Transnistria with pensions, the population's attitude and loyalty towards these two countries is different.

Alexandru Zubco, coordinator of the Law Department of the Resource and Development Center for Transnistria of Promo-Lex Association

Source: [Info-prim.md](http://Info-prim.md)

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**Ion Manole: “Unfortunately for politicians, the lawyers have a different perspective on the issues in the Transnistrian region.”**

On January 25, in the Grand Chamber of the European Court of Human Rights (ECHR) hearings took place on the case of the students from the Transnistrian high schools whose courses are taught in Romanian. The clauses had been sent in 2004 and 2006

by the parents, teachers and students from Ribnita, Tighina and Grigoriopol towns. The document concerns the violation of the educational right, private life and the right of not being discriminated against.

Ion Manole, the head of "Promo-LEX" Association, was present at the hearings from ECHR, being one of Promo-LEX lawyers who represented the prosecutors. He told in an interview for Moldova.ORG about the way the procedures have passed, and also about the current situation of the schools with Romanian language teachings from the Transnistrian region.

Moldova.ORG: Why was the case of the students from Transnistria brought so late in front of ECHR?

Ion Manole: It's true; the time seems to be quite long. But I think that we should also take into account the complexity of this case. My colleagues have had to go through a large amount of work. On this track I would like to ask for permission to congratulate all the students, parents and teachers from the Transnistrian region which have urged to and have had the courage to send complains to ECHR.

Furthermore, I would like to thank to my colleagues from Promo-LEX, to our inner partners (Momoria Center, Expert-Group and others), as well as to those from outside, especially to those from Interrights from London.

Wasn't it possible to solve the issue in the schools with Romanian language teaching system directly by Moldova and Russia without the international organizations' involvement?

Firstly, I believe that we should clarify two things: if the culprit states want these things and what have the authorities done, separately or jointly, to solve the problems (I hereby underline that we cannot talk only about one issue) of the students, parents and teachers.

1. In my opinion, Moldova has and has always had an endless

will to solve the problem about the protection of the right to education for the students of eight schools in the Transnistrian region of the Republic of Moldova. Another issue is the fact that they did not succeed to provide a credible strategy to defend the persons whose rights have been violated and protect their fundamental freedoms. Russia doesn't want to get involved in the management of the problems the people from the region deal with, regardless of their ethnicity or citizenship. So far, Russia avoided taking any responsibility for the current human rights violations. Moreover, Russia succeeded to misinform the national and international public opinion. Today, most of the foreign politicians comprehend a wrong perspective on the conflict in Transnistria. Because of this wrong comprehension of the problem, most of the issues in the region pop up, affecting students, parents, teachers who meet in a legal and constitutional educational system.

2. The Constitutional authorities of the Republic of Moldova have mainly financially supported the eight schools in the region, but, unfortunately they have not been used to protect those who have suffered as a result of pressure, oppression and determent. For example, no one of those who vandalized buildings, abused and took hostage parents and teachers, or prohibited to provide clean water to the children, have been sanctioned. Contrarily, Russia continued to financially support and help the regional political administration, despite of giving support to the regime which has brutally and obviously violated the rights of these people.

What was Russia's attitude during the hearings?

It was the same as the previous one (of June 2009). Nothing changed. Russia continues to plead that they aren't responsible for Tiraspol administration's actions and the whole responsibility should be taken by Chisinau and Tiraspol. Unfortunately for politicians, the lawyers have a different perspective on the issues in the Transnistrian region.

What should the authorities from Chisinau do in order to avert future joyless experiences such as those happened in the schools from the Transnistrian region?

I would prefer to stop not only at the students', professors' and teachers' situation from those eight high schools. We will continue to believe and to plead on the fact that the key to solve the conflict in Transnistria is in the hands of the constitutional authorities of the Republic of Moldova. This key is called fundamental freedoms and human rights.

We will have a different situation only when Chisinau will keep its positive promises toward its citizens on both banks of Nistru River and only when the law institutions will correctly apply the national legislation and use all the instruments provided in the framework of international law. We are looking for an environment when the population in the region will have certain guarantees for their life and security, as well as respect and trust in the State of Republic of Moldova, in democratic values and of international law. If an attitude change won't be registered, not necessarily significant, the people from Transnistria will continue to be discriminated comparing to the rest of the population of Moldova, having no equal access to a fair justice and other services provided by the state of whose citizens are.

You are in a permanent contact with the teachers and students of the high schools with a teaching system in Romanian from Transnistria. What expectations do they have from the authorities from Chisinau?

Their expectations are neither absurd nor fantastic. Their expectations are innate, human and natural. They don't live in the soviet occupation era, time period when human rights were unknown and violated. They are conscious of the occurrence created and have waited for two decades in order their problems to be fairly solved. Unfortunately the things turned

the other way. Many have left. Those who chose to stay don't lose their hope. They hope for a normal life at home, where to be able to study, work and live according to their own beliefs, and their children to return after graduation from colleges from other parts of the country or from outside.

Source: Moldova.org

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