

HUMAN RIGHTS IN THE TRANSNISTRIAN REGION

Nr.2

40th Session [January – February, 2022] of the UPR Working Group of the United Nations Human Rights Council
3rd cycle of Universal Periodic Review

After second cycle of the Universal Periodic Review, Moldova agreed to ensure the implementation of recommendations regarding human rights in the Transnistrian region.

The recommendations of the UN Human Rights Council, accepted by Moldova following the second cycle of the UPR, supported the elaboration of the 2018-2022 Human Rights National Action Plan (HRNAP). However, the implementation of the 2018-2022 HRNAP is very slow and hindered by poor communication and coordination between the implementing institutions.

EMERGING ISSUES

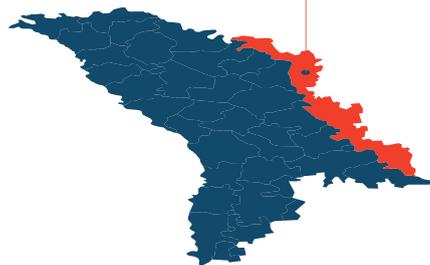
ARBITRARY DETENTION



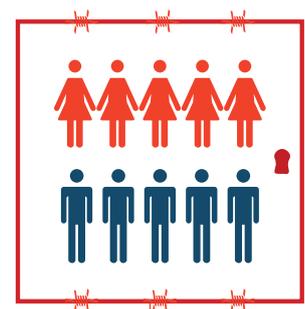
High imprisonment rate

Between 2016 and 2020, an average of 2,000 people were annually detained in the “penitentiary system” of the Transnistrian region. The number of detainees in pre-trial detention facilities of the militia is unknown.

The systemic factors can explain the high imprisonment rate in the Transnistrian region: the “Transnistrian courts” and other “Transnistrian authorities” do not meet the conditions regarding independence and impartiality; the overuse of the so-called pre-trial detention. The UN Human Rights Senior Expert Thomas Hammarberg also confirms the high rate of pre-trial detentions.



According to the last estimates, about **400,000** people live in the Transnistrian region



The imprisonment rate is about **550** per **100,000** population.



Abductions

In 2019, the ECtHR issued two important judgements on the phenomenon of abductions and collaboration between the constitutional authorities in Chisinau and the *de facto* structures in Tiraspol. The cases concern the arrest of people on the territory controlled by the Republic of Moldova and their transfer to the Transnistrian region. People were held in inhuman and degrading conditions.

ISSUES RELATED TO THE PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT



Torture not outlawed

According to the so-called “Transnistrian legislation”, there is no separate crime element that would criminalise torture and ill-treatment. Therefore, the constitutional rules are not applied in this region.

Forced enrolment and ill-treatment in military units

In addition to the fact that the functioning of paramilitary structures and forced recruitment to them are *a priori* a violation of human rights, the direct consequences of this phenomenon are equally harmful: blackmail, violence between recruits, suspicious deaths.



To date, young people in the Transnistrian region are obliged to be part of illegal paramilitary structures without viable mechanisms to guarantee their security.

Poor conditions of detention and lack of adequate medical care. Restricting access for monitoring detention facilities

In 2018, the UN Human Rights Senior Expert Thomas Hammarberg found that the detention conditions remained poor. The infrastructure of detention facilities in the Transnistrian region did not change in this period - small spaces, lack of ventilation, insufficient natural light, overcrowding, poor nutrition, moisture and mould. The shortage of health workers and the lack of ongoing monitoring creates preconditions for negative phenomena, including suspicious deaths.

Detainees released during this period confirmed that the detention conditions worsened during the pandemic. The access to custodial facilities in the Transnistrian region continues to be restricted, including for Ombudsman.

LIMITATION OF OTHER RIGHTS AND FREEDOMS

Freedom of movement

During 2016-2021, the de facto administration continued to limit the access of different categories of people into the region. This repressive measure is applied without explanations.

Right to property

Despite ECtHR decisions, farmers in Dubasari district have conditional access to their land - only after a prior registration with the local administration of the Transnistrian region.

Even though there are three judgements of the ECtHR on the violation of the right to education in the Transnistrian region, the problems described in 2016 persist:

Right to education

The Transnistrian region is still marked by the persecution and intimidation of teachers, students, and parents attending Romanian-language schools (schools teaching Romanian language in Latin script).



non-execution by the Russian Federation of the ECtHR judgements;



the lack of developments regarding the return of the schools' headquarters;



challenges in ensuring the free movement of teachers and students, goods and school supplies;



nominal invitations for students to appear at the alleged local military centres in the Transnistrian region.

LACK OF A PROTECTION MECHANISM FOR INTERNALLY DISPLACED PERSONS



Without such a mechanism, the Moldovan Government cannot honour its positive obligations to protect the victims of human rights violations in the Transnistrian region.

The Republic of Moldova does not have a special law on the protection of internally displaced persons. Because of the lack of a clear regulatory framework on the award, termination and cancellation of the status of internally displaced persons, the victims could not benefit from legal, economic and social protection and guarantees.

RECOMMENDATIONS



Encourage the Government of the Republic of Moldova to perform an independent evaluation of the qualitative and quantitative implementation of the 2018-2022 Human Rights National Action Plan.



Invite the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Moldova and the Transnistrian region for an independent and impartial assessment as soon as possible.



Encourage the Government of the Republic of Moldova to ensure that all victims subjected to torture and ill-treatment in the Transnistrian region have prompt access to appropriate rehabilitation services and investigation by the Prosecutor's Office of the Republic of Moldova.



Encourage the Government of the Republic of Moldova to strengthen the capacities of the Ombudsman.



Encourage the Parliament of the Republic of Moldova to adopt a legislative act to restrict the rights and sanction individuals responsible for serious human rights violations in the Transnistrian region.



Encourage the Government and the Parliament of the Republic of Moldova to develop and adopt a regulatory act ensuring protection for internally displaced persons.

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"This advocacy factsheet was prepared by Association "Promo-LEX" on the basis of its joint NGOs Submission. Please access the NGO Submission at the following link: www.promolex.md."