

**Comments of the Government of the Republic of Moldova to the country report
of Council of Europe Commissioner for human rights following her visit
to the Republic of Moldova from 9 to 13 March 2020**

The authorities of the Republic of Moldova express appreciation to the Council of Europe's Commissioner for Human Rights for accepting the invitation to visit the Republic of Moldova in order to take stock of the developments with regard to several areas of the national human rights policy and to make recommendations to the authorities with a view to improve the human rights protection in the country.

We take note of the report prepared by the Commissioner following her visit in the Republic of Moldova from 9 – 13 March this year, right before the outbreak of COVID-19 pandemic in the country. The report has been circulated among relevant authorities and the recommendations will be dully taken under consideration.

The Government of the Republic of Moldova would like to submit the following comments and observations:

With regard to the *recommendations to enhance trainings and capacity building on violence against women, persons with disabilities and other related topics*, the national authorities have conducted a number of trainings organised during 2019 by the National Social Assistance Agency, with the support of donors and civil society organisations, as follows:

(i) the workshop "Phenomenon of trafficking in human beings" (April 2019). The event was attended by a total of 25 experts, including psychologists and social workers from the National Social Assistance Agency, as well as from centers for the protection of victims and potential victims of trafficking in human beings, rehabilitation centers for children with disabilities and for the social protection of children at risk;

(ii) the workshop on the "Study regarding the respect for human rights in mental health institutions and social services in the Republic of Moldova" (May 2019);

(iii) the seminar "Implementation of the UN Convention against Torture and the UN CAT Optional Protocol in the Republic Moldova in order to prevent torture, reduce ill-treatment, abuse and discrimination", organized by the Institute for Human Rights of Moldova (June 2019);

(iv) the training on "The basic guarantees for the protection of the rights of persons in residential institutions for adults and their employees" (September, November 2019); 73 employees of the temporary placement centers were trained;

(v) the seminar/training on "Trafficking and exploitation of children - causes, trends, prevention" (December 2019). The training was attended by psychologists and social workers from several rehabilitation centers for children with disabilities and placement centers for the elderly from Chisinau, Criuleni, Taraclia, Hincesti and Orhei, as well as by the employees of the Social Assistance Agency.

With regard to the *process of deinstitutionalization of persons with intellectual and psychosocial disabilities*, the *2018-2026 National program for deinstitutionalization of persons with intellectual and psychosocial disabilities* outlines the implementation of the deinstitutionalization process of people with disabilities from residential institutions by offering social services at community level and transforming residential institutions into regional centers with competences for the development and provision of alternative services at the community level.

During deinstitutionalization, all changes in the life of the beneficiaries, including referencing them to community-based services are being made solely on the basis of the assessment of the capacity of the beneficiary and with his/her agreement. No decision with regard to the life and security of the person is to be made without the beneficiary's consent. In the decision-making process, the beneficiaries are offered all the necessary information, in an accessible format. The selection of beneficiaries for transfer to alternative services is made jointly with the civil society representatives. This involves a process of identifying the persons who can be placed in sheltered housing /community homes, based on a set of criteria and having regard to their willingness to live in the community and the degree of independence of each beneficiary.

Taking into account the need to develop alternative social services, the Centers for temporary placement of children with disabilities in Hincesti and Orhei have already taken concrete measures in order to achieve this goal. In order to carry out the deinstitutionalization procedure, the specialists of the centers made efforts to select potential beneficiaries for family reintegration, raising awareness of the biological and extended families, carrying out group and individual activities with family members, identifying those willing to become part of the social services (family support, personal assistance, professional parental assistance, foster family, etc.).

With regard to the recommendations on the right to health and tacking in to account the current circumstances related to the COVID-19 pandemic, the national authorities are making every effort to combat this disease and to ensure the right to health to all its citizens and medical staff.

With regard to the visit in Tiraspol and the subsequent observations the Government of the Republic of Moldova draws attention to a number of issues:

The report selectively focuses on a limited number of topics, bypassing an array of violations of human rights in every aspect of the live of people living in the region. Moreover, the issues under review have been superficially represented by giving undue importance to some minor positive elements without taking into account the general state of affairs and without providing any substantive observation on the violations and abuses incurred by the groups in focus – women, children, persons with disabilities and civil society representatives.

With regard to the civil society environment in the region, we would like to refer to the Report of the UN Special Rapporteur on the situation of Human Rights Defenders, pursuant to the visit in Tiraspol (2018) which presents a more comprehensive account of the situation, stating that “*Civil society organizations and human rights defenders do not enjoy a safe and enabling environment in the Transnistrian region. The Special Rapporteur received reports that human rights defenders were not able to work freely in the region, and that they were subjected to various forms of intimidation, threats (including to relatives) attacks, harassment, arbitrary detention and reprisals.*”¹

There are no mentions to the serious and widespread human rights violations perpetrated by those *de facto* in control of the region: the virtual lack of free press and free speech, the systematic use of illegal detention, the acts of intimidation and reprisals, etc.

Moreover, by not mentioning the illegal detention and the individual cases brought to the attention of the Commissioner by the Moldovan authorities prior to her visit, the Report represents a missed opportunity to show support to the victims and to raise awareness about the violations occurring in the region in an atmosphere of impunity.

¹ A/HRC/40/60/Add.3)

The Republic of Moldova has always supported the visits of international human rights monitoring mechanisms in the region as one of the very few instruments that could shed light on the violations and provide some form of accountability for those abuses.

A report that superficially analyses the situation and even more so, one that commends those who for years have been abusing human rights creates the conditions for abusers to further defy, in an atmosphere of impunity, international standards with regard to human rights. A proof to that are the measures imposed on the region by the Transnistrian structures, immediately after the visit of the Commissioner.

The human rights situation in the Transnistrian region of the Republic of Moldova remains precarious and beyond effective control by the constitutional authorities, continuing to deteriorate during the state of emergency declared in the region (16 March - 15 June 2020) and after it (the quarantine regime is to be maintained until 30 September). Under the cover of measures to prevent and counteract the COVID-19 pandemic a series of fundamental human rights have been limited and violated: right to property, freedom of movement, freedom of expression, right to health, right to work, health protection, security of the person, etc.

Tiraspol restricted the freedom of movement for individuals, economic agents and civil servants working in the public institutions of the Republic of Moldova, the entrance in the region being allowed only for persons residing in the region, diplomatic corps/representatives of international organizations and accompanying staff, as well as, on the basis of decisions issued on individual cases and of the lists received in advance, thus establishing a significant regression on three dossiers from the so-called *Berlin+ package* (access to agricultural lands of farmers from Dubasari district, ensuring the freedom of movement for teachers and students from the 8 schools with the Latin script teaching on the basis of student cards/service cards, new barriers to free movement of persons, including the simplified traffic regime suspension regarding the private visits of Moldovan officials in the region).

After 17 March 2020, the premises of the Latin script schools became inaccessible and only after the presentation and coordination of preliminary lists it was made possible for only some teachers to cross the Transnistrian posts in the direction of the educational institutions to solve urgent problems; due to the involvement of the Bureau of Reintegration Policies travel in groups was facilitated to access the ATM machines situated on the right bank to get salaries for the period March-May 2020 (3 times per institution). Moreover, the situation of these schools is perpetuating since 2004 and despite the efforts of the Moldovan authorities to properly ensure the realization of the right to education and adequate conditions for children this continues to be a systemic issue reconfirmed by the European Court for Human Rights in its 2012 judgment *Catan vs. Russian Federation*.

The impediments imposed by Tiraspol blocked in the region 95 doctors, dozens of prosecutors and judges, 22 customs officers, hundreds of state and private enterprises employees living on the left bank and conducting their professional activity on the right bank, thus blocking the institutional activity, including the provision of qualified medical services. In this context, Chisinau, with the support of the partners of the UNDP-EU Program „Confidence-Building Measures” (CBMV), had to compensate the temporary accommodation expenses in the vicinity of the workplace and on voluntary principles for 27 medical staff from the region.

The infrastructure of the Transnistrian „checkpoints” in the Security Zone was consolidated, 37 new illegal points were installed (mobile, cars, wagons, cones and reinforced concrete blocks, etc.) in addition to those existing until 16 March 2020, the main access roads to the villages under the jurisdiction of the Republic of Moldova (Corjova, Cocieri, Varnița, Copanca, etc.)

were blocked and the movement of military observers on the spot to document the incidents was intentionally blocked by Tiraspol, thus making it impossible to objectively reflect them in the reports of the Joint Military Command on the situation in the Security Zone.

During this period, Transnistrian structures committed multiple cases of abuse, such as illegal detentions of citizens for alleged violation of crossing rules through unauthorized posts, criminal persecution of people for criticizing Tiraspol's inefficient management of the pandemic situation, forced recruitment in paramilitary structures, forcing people with medical studies to provide medical services to regional structures, misinforming the population through false tests about the presence/absence of COVID-19 infection, informational censorship about the real epidemiological situation, the constant accusation of Chisinau of all the failures of Tiraspol, reinterpretation WHO recommendations following the technical visit to the region on 6 May 2020.

Chisinau's multiple attempts to convene online meetings of the „5+2” negotiation format and of health care experts, with the participation of WHO specialists in order to address urgent issues caused by the COVID-19 pandemic, were categorically rejected by Tiraspol.

The challenges with regard to the protection of human rights and Tiraspol's abuses, especially in context of the pandemic are constantly raised within the communication platforms with the People's Advocate (Ombudsman), the OSCE Mission to Moldova, relevant national and international institutions, civil society, working groups on human rights and the actors of the „5+2” negotiation format, with the request to contribute to the restoration of the human rights and their protection, to convince Tiraspol to cease the abuses and renounce the provocations and to respect the international standards of human rights protection to which Republic of Moldova has adhered.

At the same time, we reiterate our call towards representatives of international partners, including from the Council of Europe, who are visiting Tiraspol to honor the commitments established with the unitary state of Republic of Moldova, to avoid protocol formulas and avoid agreeing on measures that are in contradiction with the country's sovereignty and its territorial integrity, to address the individual cases of human rights violations by Tiraspol and insist on ensuring the respect of the requirements contained in international human rights treaties.