



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

Recommendation CONF/PLE(2016)REC1 adopted by the Conference of INGOs on 24 June 2016

Protection of Human Rights Defenders in the Transnistrian region of the Republic of Moldova: the case of “Promo LEX” Association established in the Republic of Moldova

The Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe:

Alarmed by the stigmatisation, the “special investigation measures” and the criminal proceedings brought against Promo LEX (member of the International Federation for Human Rights (FIDH)) and its members, especially Mr Ion Manole, Executive Director, by the “Committee of State Security (KGB)” of the Transnistrian region of the Republic of Moldova.

Recalling that certain human rights activists in the Transnistrian region of the Republic of Moldova were persecuted by the administration (for example Mr Stepan Popovschi¹, Mr Nicolae Buceatchi and Ms Luiza Dorosencor, Mr Vladimir Maimust²);

Recalling that the local “de facto parliament” launched a draft law on “foreign agents” that specifically targeted civil society organisations working on election monitoring and receiving funding from abroad (FIDH and OMCT report in 2014³).

Deeply concerned by the evolution of the situation of human rights defenders and by the lack of an international legal framework that establishes clear guarantees for the protection of human rights defenders in the Transnistrian region of the Republic of Moldova.

Referring to

- The European Convention for the Protection of Human Rights and Fundamental Freedoms;
- the Declaration of the Committee of Ministers to Member States on Council of Europe action to improve the protection of human rights defenders and promote their activities (adopted on 6 February 2008);
- Recommendation 2007(14) of the Committee of Ministers to Member States on the legal status of non-governmental organisations in Europe;
- Recommendation 2085 (2016)⁴ and Resolution 2095 (2016) “Strengthening the protection and role of human rights defenders in Council of Europe member States” of the Parliamentary Assembly;

¹ <https://www.frontlinedefenders.org/en/profile/stepan-popovskey>

² <https://www.fidh.org/en/region/europe-central-asia/moldova/16642-transnistria-concern-on-the-situation-of-human-rights-defenders>

³ https://promolex.md/upload/publications/en/doc_1416394975.pdf

- Recommendation 2086 (2016)⁵, and Resolution 2096(2016) “How can inappropriate restrictions on NGO activities in Europe be prevented?” of the Parliamentary Assembly;
- the case law of the European Court of Human Rights, *Ilascu and others v Moldova and Russia* which indicates the mutual responsibility of the Republic of Moldova and The Russian Federation in the Transnistrian region of the Republic of Moldova;
- the Special Procedures engaged by the UN Human Rights Council in Geneva in the case of *Promo Lex* during its Thirty-second session on 27 May 2016 (OTH 10/2015, MDA 5/2015)⁶.

Recalling its

- Declaration adopted on 26 June 2014 on "Protection of Human Rights Defenders in Europe" (CONF/PLE(2014)DEC1);
- Recommendation adopted on 27 January 2012 on "The protection of Human Rights Defenders in the Russian Federation" CONF/PLE(2012)REC2.

Underlining that

- human rights do not have borders and that the protection of human rights defenders is an international priority which needs to be a concern of all - public authorities and civil society organisations which are called on to protect those who are fighting for the rights of others;
- the protection of human rights defenders has to be a political priority for international and intergovernmental institutions which should strive to improve the existing standards for interaction between State authorities, “de facto authorities” and non-state actors and NGOs in order to establish favourable legal, political and economic conditions for the effective functioning of civil society;
- NGOs, defined by the Recommendation CM/Rec(2007)14 are the most suitable entities allow human rights defenders to carry out their work and for this reason need to be protected too;
- “NGOs should enjoy the right to freedom of expression and all other universally and regionally guaranteed rights and freedoms applicable to them” (CM/Rec (2007/14).

The Conference of INGOs of the Council of Europe

1. calls on the “de facto authorities” of the Transnistrian region of the Republic of Moldova to stop the persecution and harassment of human rights defenders;
2. calls on the “de facto authorities” of the Transnistrian region of the Republic of Moldova to ensure an immediate, thorough, and impartial investigation into all reported cases of reprisals against human rights defenders, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
3. calls on the Republic of Moldova to publicly condemn the threats made by the non-state actors from the Transnistrian region of the Republic of Moldova against human rights defenders, and take a proactive role for their protection;

⁴ Assembly debate on 28 January 2016 (8th Sitting) (see Doc. 13943, report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Mailis Reps). Text adopted by the Assembly on 28 January 2016 (8th Sitting).

⁵ Assembly debate on 28 January 2016 (8th Sitting) (see Doc. 13940, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Yves Cruchten). Text adopted by the Assembly on 28 January 2016 (8th Sitting).

⁶ https://promolex.md/upload/docs/public - AL_Rep_of_Moldova_07.12.15_5.2015_1465815065ro_.pdf,
<https://promolex.md/index.php?module=press&cat=0&item=2030>

4. urges the Government of the Republic of Moldova to request the OSCE Mission to intervene within the “de facto administration” to request guarantees that all illegal so-called “criminal charges” against human rights defenders and any further pursuits are dropped;
5. calls on the Russian Federation to be actively involved and use their influence over the “de facto administration” to stop the pressure on human rights defenders in the Transnistrian region of the Republic of Moldova;
6. calls upon international actors and the participants of the Transnistrian conflict settlement in the 5+2⁷ format to take into account the challenges faced by human rights organisations which are persecuted and harassed by the “de facto Transnistrian authorities”;
7. urges the international and intergovernmental bodies to conduct an emergency mission to monitor the situation of human rights defenders in the Transnistrian region of the Republic of Moldova.

⁷ The 5+2 format encompasses the Russian Federation, the Republic of Moldova, the Transnistrian region of the Republic of Moldova, Ukraine, the Organization for Security and Co-operation in Europe (OSCE), and observers from the European Union and the United States.