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**Moldovan Un-Justice Produces Monsters across the Nistru River**

A study of domestic violence in the Transnistrian region reveals a shocking reality. To sum it up, through its inaction and failure to enforce the law, Chisinau left the people from the eastern region on their own. And, by doing so, it did everything to lose the trust and respect of its citizens from Transnistrian region for their country, Moldova, for democratic values and for the rule of law. For over 20 years now, out of carelessness and sometimes the fear of losing budget funds or some international aid, many officials in Chisinau have adopted attitudes that are hard to explain or legally justify, thus inadvertently fortifying the illegal Tiraspol regime on money from the international community. The government in Chisinau hesitates to enforce its constitutional authority in Transnistria, throwing the people out there in the arms of corrupt, non-transparent and undemocratic quasi-institutions, which are outside of any control or monitoring and were established by the illegal regime only to enforce the illusion of a functioning unrecognized “state”.

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Journalist Vitalie Calugareanu was hired by Promo-LEX to investigate some issues related to the protection of victims of domestic violence in the Transnistrian region.

It's been over two decades since Russia, using war, tore Moldova in two, and openly established a "Transnistrian Moldovan Republic" to harass the rest of the country and keep it in its sphere of influence. Russia does not officially recognize the formation, relying on any occasion that it respects the territorial integrity of Moldova. This causes confusion, and state officials in Chisinau don't know how to handle this situation. Often they are caught acting like a hangover crew of a submarine at a 100 meters under water, which has control of the ship, but operates it hectically, lashing at the levers and thrusters or suddenly dropping them. Naturally, instead of heading to the surface, the ship goes down.

For 20 years, Chisinau failed to enforce its constitutional authority in Transnistria, which has discouraged even the most vehement opponents of the local separatist regime. Chisinau simply did not create any constitutionally recognized institutions for those on the left bank to go to. Why? Formally, "to avoid aggravating the situation", as "they (the named institutions) would not work anyway", "because Moldova does not control the eastern region"... These are some of the official replies that NGOs and journalists receive for interpellations submitted to the constitutional authorities. These awkward and formal responses unveil a total lack of interest of the Chisinau authorities to dismantle the pyramid of the separatist regime, unit by unit, and establish a certain order of things, to create effective tools to defend the constitutionally guaranteed fundamental rights of persons living or passing through the region.

The laws are there, but they are not enforced

Moldova's development partners, its Western and European friends, have consistently called on Moldovan politicians to implement reforms to bring order, respect and transparency to the democratization of the society and the state. Laws and amendments designed to drive Moldova out of the period of instability and transition were passed, and Chisinau found itself in front of a control desk with lots of buttons, each representing a strong legal, peaceful and necessary lever, capable of helping the government to honor its obligations to all the residents and citizens of the country, including to those in the Transnistrian region.

The amendment, in 2003, of Law 514-XIII on Judicial Organization is just one example. Under the law, passed by the Parliament in Chisinau, district (local) courts were to be established for the cities of Tighina (Bender) and Tiraspol, and districts Rabnita, Dubasari, Grigoriopol and Slobozia. Residents of Camenca were assigned to the district court of Rabnita.

43 vacancies of judges

To date, the Tiraspol court, where they were to work 17 judges, has not been established (!). The Camenca court hasn't been created either, and the district courts of Rabnita, Grigoriopol, and Slobozia do not meet the court functioning criteria. They do not have a separate building or sufficient staff, using space in the premises of other courts (the ones in Rezina, Chisinau, and Stefan Voda, respectively). The number of judges is smaller than required by law. The Bender Court of Appeal has three judges out of 10 needed, the court of Bender - 4 of 6 judges, the court of Slobozia - 1 of 5 judges, the court of Grigoriopol - 1 of 4 judges, the court of Rabnita - 1 of 9 judges, and the court of Dubasari has two judges instead of four, as provided by law. We found that there was a total deficit of 43 judges in the courts for the Transnistrian region of Moldova.

Only Dubasari and the city of Bender have a complete national mechanism in place. These regions have police, prosecutors and courts (this is not to talk about how these institutions exercise

their power). In the rest of the region, the system was simply not created, and constitutional authorities voluntarily yielded their justice making duties to a clandestine, unrecognized system.

Arguments

In TV debates, politicians from Chisinau often say that opening such institutions in localities under constitutional control to serve residents of Transnistria is unnecessary, citing the assumption that residents of the region will not use them. This false assumption serves as basis for giving up on an important lever and ignoring the law law (including the law mentioned above). When writing “false assumption”, I cite the belief that, once opened, people from the left bank would not suddenly flood those institutions. But if the staff of these courts shows integrity and professionalism, surely everyone will benefit, and the citizens will get real protection and support from their state. Here are just three reasons. Firstly, NGOs dealing with human rights issues in the Transnistrian region are flooded with complaints from residents of the eastern region claiming outrageous acts of injustice. Secondly, the alleged “state” structures invented by the separatist regime are so corrupt and compromised that locals see them but as extortion houses and venues for beatings, terror and blackmail. And, thirdly, the number of disputes settled by the courts of Bender (based in the village of Varnita) and Dubasari (based in village Ustia) prove that people turn to these Moldovan institutions once the mechanism is in place.

And, after all, politicians should not be the ones to decide on the application of laws already in force. The law is the law, and no one is allowed to violate or ignore it. Those courts must be created, must have their venues, judges must be appointed, and, once there, they will establish their own mechanism under which they will perform their duties under the law.

Thugs with a Soviet mentality, and mercilessly battered women

Without the constitutional authorities there to help, residents of the eastern regions are forced to go to the local militia, prosecutors and the unlawfully created quasi-courts, controlled by the separatist regime. These bodies have a tacit understanding with the regional administration, and have a free hand at extorting goods and money from the people, often under pretense suspicions, fabricated or intentionally distorted evidence that guarantee them fatter bribes.

With such harmful levers in their hands and having an embittered Soviet mentality, people from the Transnistrian “law enforcement” are also called to intervene in cases of domestic violence. Victims of such violence have no alternative when they are abused. They ask the militia for help stop, the physical violence they had been subjected to, at least for now, while being aware of the upcoming humiliation at the police section. There the machist local militiamen will lecture the battered women on the superiority of the man over the woman. This is a common situation throughout Moldova; in Transnistria however, victims are deprived of the few legal instruments that exist on the right bank.

There is no rehabilitation center for victims of domestic violence or a center for perpetrators in Transnistria. The only working temporary placement shelter can accommodate six people. However, to get admitted, victims must meet two conditions: they must have a baby under six months old or be in the last month of pregnancy.

Ivan Cebotaru: “We are searching for the perpetrators”

Bender police commissioner Ivan Cebotaru told us that the police are trying to enforce the law with regard to cases of domestic violence in Transnistria, but the Transnistrian militiamen often prevent them from doing that. “First we summon the perpetrators to come talk to the investigator. If they don’t, they are put in the wanted list, and we go on by the procedure,” the commissioner said. Asked how the Transnistrian militia cooperates in such cases, Cebotaru said, “The officers are quite helpful, but their bosses cause us all kinds of obstacles. The issue immediately becomes politicized and things get complicated.” So any crime, violence or lawlessness can be shoved behind the curtain of politics. If that’s the case, Transnistria is a heaven for those who want or break the law. As those who violate human rights, legal rules and principles cannot be held accountable or sanctioned, impunity is a pervasive phenomenon in the region, and those who serve the illegal regime (most of them, too, citizens of Moldova with all credentials) have no restraint when they or are required to torment a person.

A phenomenon of frightening proportions

Although the illegal force bodies and “official” statistics tend to conceal the extent of domestic violence, the issue is getting worse in the region and affects the mental integrity of children. There is a “hotline” in the region for reporting difficult cases in the family. According to the data gathered by some NGOs, approximately one third of the calls received by the hotline in November 2013 are about domestic violence. However, in absence of the needed mechanism, victims usually can’t solve the occurred problem and are forced to suffer their consequences further.

INTERVIEW

Interview with Promo-LEX lawyer, Lilia Potang, about the extent of domestic violence in the Transnistrian region:

- What mechanisms to combat domestic violence are applied in the Transnistrian region - given that Moldovan laws or international conventions do not apply there?

Lilia Potîng: There is no “special law” in the eastern region of Moldova to prevent and combat domestic violence, so cases involving domestic violence are treated and punished under the provisions of the region’s criminal code or code of administrative offences regional - for example, under provisions of murder, causing medium or serious injuries, attempt at one’s life, etc.

There is no rehabilitation center for victims of domestic violence or rehab center for perpetrators in the region. The only working temporary placement shelter there can accommodate no more than six people. But, in order to get in, victims must meet two conditions: the attacked woman must have a baby under six months of age or be in her last month of pregnancy.

- What happens in practice when a resident of the Transnistrian region complains to the Moldovan police of ill treatment in the family? What do the constitutional authorities do?

Lilia Potîng: A part of the Transnistrian region is outside the control of the Moldovan constitutional authorities, which means that victims of domestic violence cannot benefit from effective protection from the Moldovan state. This is one of the reasons why the victims hesitate to seek help with the legally recognized authorities. Recently, Promo-LEX provided indirect legal aid to

a victim of domestic violence from Tiraspol. According to her, the militia in the region refuse to intervene in cases of domestic violence under various pretexts, often exerting psychological pressure. Moreover, they quote biblical theses, which postulate that a woman must submit herself to a man. The lady was scoffed at and sent home, to the source of the conflict, and her complaint was not registered. The local police told her that they do not get involved in family problems. The constitutional authorities did not respond adequately either. While an application for a protection order for victims of domestic violence under the provisions of national law was submitted, the judge at the Grigoriopol court verbally refused to accept the application, arguing that there was no point in issuing a protection order in her case, and that it was not going to help the victim in any way.

- Help us understand the extent of domestic violence in the region. Is there any report on that topic?

Lilia Potîng: According to the latest reports from the field, every fourth woman in the Transnistrian region (living in a couple or in marriage) was subjected to physical violence at home. In the first 9 months of 2012, the hotline on issues of domestic violence in the region received 134 calls related to domestic violence. And the number is growing - only in November 2013, there were 52 domestic violence related calls.

- How often do victims of domestic violence dare to seek the help of militia? And what does militia do?

Lilia Potîng: Our data show that, in the absence of an effective mechanism, most of the victims are reluctant to call for help from the local authorities - taking into account the specific procedures and humiliation that is part of the investigation and court trial. A case of domestic violence in the Transnistrian region typically ends with the isolation of the offender for a set amount of time (depending on the consequences of his attack), and a forced reconciliation between the parties, or with the victim's departure from their home. In the absence of an effective remedy, most victims are reluctant to seek help from the local bodies because of the humiliating ensuing procedures.

- Is there a "law" or "official" act issued by the separatist authorities that offers any kind of protection to victims of domestic violence?

Lilia Potîng: The region does not have a special law to prevent or fight domestic violence (a bill is underway).

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V. Calugareanu
DW Chisinau

Youths from the Transnistrian region discussed their involvement in the development of the National Youth Strategy



In the context of National Youth Week, the “Promo-LEX” Association in partnership

with the National Youth Council of Moldova organized a workshop to facilitate dialogue with the young people from the eastern region of Moldova on the national youth policy processes.

The event, held on 16 November 2013, was attended by young people from Transnistrian educational institutions, who were invited to experience and learn various ways to get involved and participate, in a friendly environment.

The discussion focused primarily on understanding the National Youth Strategy and the importance of youth participation in the consultation process of the draft National Youth Strategy for the years 2014-2020.

Young people discussed the deficiencies that exist at the local level and the impossibility of participating directly in the formulation of youth policies in the absence of real involvement mechanisms. The need for a better dialogue with the local authorities responsible for the implementation of local youth activi-

ties and a proper management of dedicated budget funds were also mentioned. In the vast majority of cases, the wrongful understanding of the notion “youth activities” leads to a mismanagement of financial resources allocated to local youth, thus depriving the young people of the chance to realize their ideas or get support for their initiatives.

“It is imperative that young people in the region have a platform for discussion and get involved in the process of formulation of national youth policies,” noted several participants at the seminar. Thus their involvement in the Youth Strategy consultation is essential to ensure an open and representative process.

The event was included in the National Action Plan dedicated to the National Youth Day – <http://www.mts.gov.md/news/?nid=1bef1514323908573837901a63ded2a8>

This activity was organized as part of the project: “Promoting Human Rights and Strengthening Civil Society in the Transnistrian Region of Moldova,” implemented with financial support by the National Endowment for Democracy (NED).

For details, contact:

Olga Gordila

Tel: 0 (22) 45-00-24

Email: crdt.buletin@gmail.com



Training: “Developing Initiatives to Promote Human Rights by Civil Society Organizations – the Experience of the CIS States”



On 14-15 December 2013, “Promo-LEX” organized a training session on the topic “Developing initiatives to promote human rights by civil society organizations – the experience of CIS states.”

The event aimed to provide new knowledge and skills in the field of human rights from the perspective of development actions and movements for human rights defenders, to representatives of NGOs from the Transnistrian region.

The agenda of the event included the following topics: findings and discussions on the work of NGOs in the region in terms of their legal products/services provided for various categories of people (primary legal consultations and legal representation, legal clinics, paralegal help, hotlines for victims of human rights violations, rehabilitation programs for victims, etc.); methods, examples and practices of NGOs from Belarus, and the analysis of successful and unsuccessful actions in defending human rights; use of media and social networking tools in the NGO work to raise public awareness and increase civil society solidarity.

The training program combined information and discussions sessions with individual and group practical exercises to foster a better understanding of the concepts of human rights defenders and defenders and actions to defend human rights. In this sense, participants in the exercises worked on specific cases where they established whether a human right was or not violated. Group exercises focused on discussing and comparing the competencies of law enforcement bodies and the work of human rights defenders.

The training session was moderated by Vladimir Labkovic (“Viasna” Center in Minsk) and Andrei Strijak, from the Partnership Center of Belarus (REIWU), and the presented examples and case studies reflected the situation in the CIS countries, particularly Belarus and Ukraine, and the participants were offered a broader perspective on the opportunities of work in the field of defending human rights.

The event was organized as part of the project “Promoting Human Rights and Strengthening the Capacities of the Civil Society in the Transnistrian Region of the Republic of Moldova”, funded by the National Endowment for Democracy.

For details, contact:

Olga Gordila

Tel: 0 (22) 45-00-24

Email: crdt.buletin@gmail.com



Promo - LEX

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**National Endowment
for Democracy**

Supporting freedom around the world

Edition coordinated by:

Carolina Bondarciuc

E-mail: crdt@promolex.md

Web: www.promolex.md

Tel/Fax: (373 22) 45-00-24

GSM: 069637849

The **Promo-LEX Association** is a Non-Governmental Organisation focused on promoting democratic values, whose purpose is to advance democracy in the Republic of Moldova, including the Transnistrian region through promoting and defending human rights, monitoring democratic processes and strengthening the civil society.

Promo-LEX Association provides free legal aid assistance on issues of human rights violations for the inhabitants from the Transnistrian region of Moldova. For consultations please contact: Tel: 022 310945

The opinions, findings and conclusions or recommendations expressed herein are those of the authors and do not necessarily express the views of the National Endowment for Democracy (NED).