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RESOURCE AND DEVELOPMENT CENTER FOR TRANSNISTRIA

Study on the right to property in the Transnistrian region

On February 19 2010, at a press conference in Chisinau, the 'Promo-LEX' Association launched the study "The right to property in the Transnistrian region of the Republic of Moldova". The study examines the situation concerning the legal status of property in the Transnistrian region, and discusses matters connected with the appearance of the right to property, its exercise, and how it is defended in the region. The study furthermore identifies the causes of various problems connected with the right to property in the region. The study offers a new vision on the right to property through the classification of property and the elucidation of the status applied to property, with reference to reports made by well-known researchers and specialists in the field of law.

Besides familiar infringements of the right to property -concerning, for instance, the passage of goods through internal customs posts; restrictions placed upon vehicles with Moldovan registration in the Transnistrian region (and the reverse, of those with TMR registration); the non-payment of pensions to the elderly and disabled; and the indexation of savings- the study discusses four further problems connected with the exercise of the right to property: Firstly, it talks about the right to property over land, which in the region is considered to belong completely to the 'state', despite the fact that, to a large degree, the land has passed into the hands of various shadowy individuals connected to the regional elite. The second problem concerns the privatization of businesses carried out contrary to the national legislation, in conditions of non-transparency. The third problem concerns violations of the rights of former deportees, who cannot benefit from the rights now offered to them by national legislation. The final problem examined has to do with the indexation of savings. In concluding, the study shows that these areas could, in the future, be focal points for various disputes and instances of litigation that could massively affect the interests of private persons, as well as of the state in general.

A further chapter explores the functioning of the mechanisms for protecting the right to property, which in principle do not exist in the region. The study points to systematic problems connected to the non-functioning of national courts, and likewise brings into view the functioning of the so-called courts and prosecutors in the Transnistrian region.

The study was realised with financial support from the Civil Rights Defenders. The study is available in Romanian, Russian and English, and can be accessed in electronic PDF format on the Promo-LEX website under the heading "Publications".

<http://www.promolex.md/index.php?module=news&item=246>

NGO IN DETAILS

"The Right to Freedom of Expression. Civic Journalism"

In democratic societies, mass media exists as a fourth power in the state. Although democracy implies more than just "saying what you want", democracy in mass media has to do with getting one's voice heard. Relevant in this area is the education of young people in the spirit of active citizenship and the representation of their common interests via media sources.

In this context, the activities undertaken by the Association "ALT-Probitas" with youngsters from the 'Alexandru cel Bun' high school in Bender, represent an

important step in developing the civic journalistic skills of a group of young people from the Transnistrian region. On the 13-14 of February, a training was held at the "Alexandru cel Bun" high school with the title "*The Right to Freedom of Expression. Civic Journalism*", attended by 15 motivated youngsters interested in creating a school newspaper.

The aim was to train the students in how to create press material that would reflect the problems they face, this being a means to promote their interests, and facilitate dialogue with their teachers and parents. At the same time, the groups exercises, debates and discussions at the training -and a simulation in which students role-played the work of editing a newspaper- also focussed the attention of the participants on the need to promote democratic values and human rights through the means of civic journalism.

Over the course of the training, the participants had the opportunity to speak freely, and to develop their team-work and public speaking skills.

To contribute to a better understanding of the essence of civic journalism as a way of realising the right to freedom of expression, the youngsters debated the question, "Should the interests of the author correspond to the interests of society?". This helped to develop a critical approach to new trends in civic journalism, and motivated participants to contribute to the final product of the project – a school newspaper. In the opinion of many of the participants, the event highlighted their own responsibilities, and their desire to get involved in creating a newspaper in the future.

The training was carried out as part of the project "Young people promoting freedom of expression and changes in the community", implemented with financial support from the Youth Action Fund / OSI Initiative.

Alla Cazac
Association "ALT-Probitas"

"Miracles happen where people believe in them, and the more they are believed the more they happen; we believe and we act!"

At the end of the year, as part of a partnership project, members of the NGO "Accolda" organised three activity sessions to instruct children in human rights and drawing. The sessions were attended by children from the Association for Parents of Children with Disabilities, 'Alye Parusa' ['Алые паруса'].

Using different colours, the children decorated sheets of white paper with objects,

animals or other pictures that they thought represented their personalities, writing their names next to their pictures. Later, the topic of 'Childrens' Rights' was discussed. Since the age of the participants ranged from 5 to 15 years, none of them, unfortunately, was aware of the fact that they had rights, and what these rights were.

We tried, in the most accessible way possible, to teach them that all children on the planet have certain rights and obligations. Likewise, they were told about the Convention on the Rights of the Child, and the United Nations. Afterwards, under the supervision of teachers, the children made sketches on the theme "My Rights". The young painters worked very hard, and very happily agreed to come to the following session.

The second session took place in an art classroom, where the participants had the opportunity to work at an easel, and to enjoy the feeling of being true artists. The children did not initially feel comfortable working at the easels, yet, nevertheless, we saw how seriously they approached their task, which was to draw something related to the theme 'My Rights', using watercolours on large sheets of paper. The teachers showed the children how to use their materials correctly. During this second session it was much easier for the photographer to work with the children, who, this time, felt more at ease being photographed. A nice surprise during this session was the publication of the first issue of the newspaper 'Exit' ['Выход'], in which all the participants found photographs of themselves, and discovered many useful and interesting things for themselves and for their parents.

The final session was the most productive, probably because the children now knew each other, and they revealed their talent with confidence. The participants were keen to realise their ideas in colour. You could tell from the looks on their faces how pleased they were to work with colours. At the same time, it could be seen how active the students had become, that they had become much more positive, proposing new ideas and coming up with different observations and comments. Some were so taken with painting that they wanted more paper for new drawings. Everything begun that day was finished in time, ready for the future exhibition.

During the coffee break, the children, teachers and parents had the chance to communicate in an informal, relaxed atmosphere. In our opinion, such informal communication is no less important for children than formal instruction.

The last meeting was very special and very friendly, and we organised a photo session on the grass amongst the spruce and birch trees.

Art and photography thus became an efficient instrument and a good way of connecting small children with society at large.

A. Stepanova, President of the NGO "Accolada"

ACTUAL

DECLARATION

The Promo-LEX association, which investigated and followed developments in the cases of the 4 young men from Oxentea, Dubăsari rayon, and of the 3 young men from Răscăuți, Ștefan Vodă raion, who were kidnapped by employees of the "security structures" and "border service" of the Transnistrian region on 27.01.2010 and 09.02.2010 respectively, welcomes the active involvement of the constitutional authorities in securing their release. These cases demonstrate that situations involving violations of citizens' rights on the left bank of the Nistru can be resolved in a positive way, provided there exists the political will on the part of the authorities.

We note, nevertheless, that the massive armed presence in the security zone, the kidnapping of citizens, the blackmailing of victims' relatives, the extortion of money, and the restrictions on freedom of movement, etc., show that freedom of movement, and the right to freedom and security of person are neither respected nor guaranteed within the security zone and the rest of the Transnistrian region of Moldova.

The Moldovan-Russian agreement of 21 July, 1992 thus remains a purely formal act, incapable of protecting people from numerous cases and situations in which fundamental human rights are violated. Likewise, Promo-LEX believes that the current peacekeeping format is ineffective and does not fulfill its stated duties.

Promo-LEX considers it necessary to change the current peacekeeping format by replacing troops currently deployed with civilian observers from third-party states not involved in the 1992 war. Only in such a situation will it be possible to guarantee respect for human rights and the rule of law in the security zone.

Legal Department, Promo-LEX
<http://www.promolex.md/index.php?module=news&item=241>

Experts in Transnistrian issue point to inefficiency of 5+2 format of talks

The Transnistrian conflict settlement talks in the 5+2 format are inefficient, say Moldovan experts in the Transnistrian issue. According to them, Moldova should insist on a new method of tackling the problem as the current format does not advantage Moldova. These conclusions were formulated in the study "Moldova

Lost in the Labyrinth of the Transnistrian Conflict” made by IDIS Viitorul expert Dumitru Manzarari. The study was discussed at a roundtable meeting on February 22, Info-Prim Neo reports.

“The real interests existing in the Transnistrian conflict run counter to the declared interests of some of the mediators. Even after the end of the armed conflict, Moldova remained trapped in formal, inefficient talks that serve only to justify Russia’s pretensions of peacekeeper in the CIS and as impetus to strengthen the separatist regime’s status of proximal,” the author says in the introduction to the study.

The author says that Moldova must discourage any direct or indirect support to the secessionist regime and calls on the European authorities and the whole international community to condemn the Russian support for the separatism. He also says that the most efficient strategy is for Moldova to avoid a direct confrontation with Russia, adopting instead a policy to actively influence its options.

Political analyst Igor Munteanu, the head of IDIS Viitorul, said the players involved in the talks have not been subject to assessment in Chisinau. “The present format of the talks cannot meet Moldovans national interests. If we do not modify the approach to the problem we will obtain no results and this will affect the internal reforms initiated recently by the new government,” he said

Deputy Prime Minister on reintegration matters Victor Osipov said Moldova needs a country reunification strategy. “Unfortunately, we have no sectoral strategies that will be aimed at the country’s reunification. The political situation on the two banks of the Nistru is rather unstable and we cannot say what progress will be made,” he said.

Analyst Oazu Nantoi, program director at the Public Policy Institute, stressed the importance of the role played by the civil society. “We must take steps to erode the separatist regime from inside as the population sees no justification for the existence of such a regime, but does not know where to run,” Nantoi said.

“Two major preconditions can help solve the conflict. The first is that Russia should be interested in resolving the dispute and want to show to the whole world that it can solve a conflict. The second is the maintenance of Moldova’s status quo. In this case, Moldova should bank on its natural allies – the United States and the European Union,” said analyst Vlad Lupan.

According to the IDIS expert Cornel Ciurea, the Transnistrian conflict became an integral party of our life. “We are condemned to be mimes and simulators when we speak about the resumption of the talks. We should change the conception,” he said.

www.info-prim.md

Tiraspol: “Штинца” [“Science”] concerned with the development of 'the Moldovan language'

At the beginning of this year, the authorities in Tiraspol, headed by Igor Smirnov, declared their intention to develop education in 'the Moldovan language'. At the same time, the 'Moldovan community' on the left side of the Nistru are awaiting the opening of a cultural centre which will promote the cyrillic alphabet, TMR officials declaring that the development of 'the Moldovan language' is the only future for Moldovans from the eastern region of Moldova.

In the meantime, the situation for school students remains the same. Only three classes of Romanian a week. This is the only access to the latin alphabet that the students have, and this in conditions in which the parents accept these lessons as optional. In the 33 schools on the left bank that use the cyrillic alphabet, teachers try for three classes a week to teach Romanian-speaking students [*their official name in the TMR Moldovan constitution – editor's note*] in the latin script. The children do not have textbooks for these classes, and the Tiraspol authorities do not see the need to print any. The students have in their schoolbags only one notebook, in which they carefully note down each letter and symbol.

Elena [real name changed – editor's note] is the mother of a girl in class 1 who studies at a school in the village of Delacău, Grigoriopol, where students study only until class 9, and only in cyrillic. She showed us the exercise books of her daughter, who is only just learning to write. Like her other 12 classmates, the young girl, during her 'writing' lessons, has carefully written in her notebook, from top to bottom, "Роман тоарнэ сук ын канэ" [Roman toarnă suc în cană – editor's note (Roman pours juice into the cup – translator's note)]. The teacher attempts to teach the children nice handwriting, but not in the latin script. For three classes a week the daughter goes to the optional lessons, to learn Romanian grammar and the latin alphabet. Elena knows that, when her daughter grows up, she will have to choose between a university in Chisinau and one in Tiraspol. "Many want to go to Chisinau, but if they do not have money, they will have to stay on the left side of the Nistru", she explains.

Not only because of money, but also because of pressure from the TMR authorities, Romanian speakers may have to make a choice against their will. Out of fear of losing their jobs, and to avoid problems with the authorities, some have left schools which teach in Romanian. We were informed about this situation by Ion Iovcev, director of a high-school that teaches in Romanian in Tiraspol, known locally only as 'the Romanian island'. "Often, parents are blackmailed by the authorities, being told that they will lose their jobs if they don't give up on the idea of their children learning Romanian", explains Iovcev. "There is a fear among the left-bank authorities which is called 'Romanophobia'", adds the director. A director of a cyrillic-script school in the same city confirmed what Iovcev had told

US.

Alexandru Burlacu remembers many occasions on which students have returned to Cyrillic script schools in the region: "Not because it was difficult for the students to study in Romanian language schools, but because their parents were constantly advised at work to make this decision", explains the director. The parents of these students are warned not only verbally, but also through official statements. In fact, both article 41 of the TMR Constitution, as well as the Law on Education on the left bank of the Nistru, state in black and white that all citizens have the right to education. The very same act however, provides for the limitation of this right: "The limitation of the citizens' right to education is permitted only in cases provided for in the legislation, in the interest of state security or public order, or to protect public morality, the health of the population, or the rights and liberties of others ". "This formula can be classed outright as false, since international norms provide for equality in rights. This is a way in which the Tiraspol authorities demonstrate the readiness of the separatist regime to violate human rights in the name of the fundamental rights and freedoms of other people", explains Alexandru Zubco, an expert with the NGO 'Promo-LEX'.

At the same time, the left bank authorities have also adopted a program entitled 'Education in the Moldovan language', the stated aim of which is "the functioning and development of education in the Moldovan language", the formation of an educational culture, and instruction in Moldovan". The authorities also recently announced the opening of a centre to be called 'Штиинца' ['Science' or 'knowledge' – translator's note] in which are being placed all hopes for the development of 'the Moldovan language'. Its opening is planned for 2010.

Gathered at the start of the month at a round-table, professors of "Moldovan" declared that the study of the language should be extended in all relevant institutions, starting with nursery school and ending with university. In this context, the official Valerian Tulgara, who also holds the position of President of the 'Moldovan Community', stated that "the Moldovan language" spoken on the left bank of the Nistru should be developed. "Our Moldovan language has every right to become in time a global language, but we can no longer talk in the primitive Moldovan of the 60s and 90s. We will do everything possible so that our language develops. Moldovans will have a future if they honour the Moldovan language", Tulgara said to the community he represents.

On the other hand, asked earlier to comment on the situation of those students who are speakers of Romanian, but who are enrolled in Moldovan-language schools, the current Minister for Education, Leonid Bujor, said that the approach of the Ministry in Chisinau was the same for all children living on the territory of the Republic of Moldova, specifying that there are to be negotiations to ensure that all things studied be in conformity with the curriculum used on the right bank of the Nistru. The minister did not say exactly when these negotiations would take place.

Anastasia NANI, Natalia SCURTUL

<http://www.zdg.md/social/la-tiraspol-%D1%88%D1%82%D0%B8%D0%B8%D0%BD%D1%86%D0%B0-preocupata-de-dezvoltarea-limbii-moldovenesti>

NOTE

The Prosecutor General is merely simulating respect for the rulings of the European Court of Human Rights concerning inhabitants of the Transnistrian region

The Prosecutor General is ignoring a decision of the European Court of Human Rights (ECHR), made in the case of 'Ilașcu and others against the Republic of Moldova and the Russian Federation', in which the reservation that Moldova made upon ratifying the European Convention was declared void by the High Court.

In its decision, the Court said specifically that "the reservation is limited in space and time, the effect of which would be to exclude from the Convention's protection, completely and for an indefinite period of time, the people who live on this "territory"; ... for this reason, the Court considers that the declaration made by the Republic of Moldova cannot be accepted as a reservation to the Convention, and, therefore, should be considered invalid".

Defying the provisions of the European Convention and of the High Court's decisions, the Prosecutor General of the Republic of Moldova continues to neglect its core functions concerning the investigation of cases of torture, and refuses to defend inhabitants of the Transnistrian region when their rights are violated, covering itself formally with the reservation to the Convention, which is in fact considered invalid.

On February 18, 2010, the relatives of Iurii Matcenco, who was illegally deprived of liberty and is being held in the No.3 prison in Tiraspol, submitted a complaint to the ECHR alleging violations of articles 1, 3, 5, 8 and 13 of the European Convention of Human Rights. The plaintiff (Iurii Matcenco) claims that MGB agents staged an execution to scare him, and that he was beaten by agents in the MGB offices, and later by members of the separatist militia. As a result of the maltreatment he felt compelled to declare a hunger strike, this being the only way to draw attention to the maltreatment to which he was being subjected, and to receive medical attention.

This case highlights the important problem of jurisdiction and responsibility vis-à-vis the situation of detainees' rights in places of detention in the Transnistrian region of the Republic of Moldova.

Legal assistance was offered to the plaintiff by lawyers of the Public Association Promo-LEX. For additional information you can contact us by telephone on: 24-35-78

Legal Department, Promo-LEX
<http://www.promolex.md/index.php?module=news&item=247>

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