



人权理事会

第四十届会议

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议程项目3

促进和保护所有人权——公民权利、政治权利、
经济、社会及文化权利，包括发展权

摩尔多瓦人民辩护人办公室* 提交的书面材料

秘书处的说明

人权理事会秘书处根据理事会第5/1号决议附件所载议事规则第7条(b)项的规定，谨此转交下文所附摩尔多瓦人民辩护人办公室提交的来文**。根据该条规定，国家人权机构的参与须遵循人权委员会议定的安排和惯例，包括2005年4月20日第2005/74号决议。

* 具有促进和保护人权国家机构全球联盟赋予的“A类”认可地位的国家人权机构。

** 附件不译，原文照发。



Annex

Declaration of the People's Advocate (Ombudsman) of the Republic of Moldova, Mihail Cotorobai, regarding the findings of the UN Special Rapporteur on the situation of human rights defenders made on the visit in the Republic of Moldova (June 25-29, 2018)

This declaration is the first intervention of the People's Advocate Office representative to a session of UN Human Rights Council, due to the reaccreditation of the National Human Rights Institution with "A" status, the last year.

I share at large the worries expressed by the UN Rapporteur on the situation of human rights defenders in the Republic of Moldova.

Really, despite of existing national legal framework which generally corresponds to the international standards, the situation of human rights defenders is not a very good one which would permit them to activate efficiently and without obstacles.

I subscribe to the observations of the Special Rapporteur on the challenges and difficulties which face some journalists, representatives of civil society, lawyers or judges who, for their expressed critical opinions or actions in the favor of some undesirable persons for authorities, are supposed to pressures and intimidations.

The last years in the Republic of Moldova was attested a degradation of environment where activate the human rights defenders, as would be ignoring the recommendations of Ombudsman and proposals of civil society; persecution of some judges for their made decisions in the examined cases; creation of impediments to some lawyers who defense persons in sensible political cases; restricting the access to the court hearings, especially in the cases with a social and political resonance; imposing barriers for the access of journalists, especially the investigating journalists to information of public interests or their threatening, intimidation.

The journalists and representatives of non-governmental organization become the target of some smear and harassment campaigns. An eloquent example is the case of Mr. Shor, where the mayor of Orhei afforded insults and threats, including physical reckoning to the address of political opponents and journalists for their critics. The Ombudsman required the Prosecutor Office to intervene according to its competence, but there wasn't find a ground for applying the criminal law.

The civil society cannot influence the decisional process even there exist a law on transparency in the decisional process and a National Participating Council composed by 30 NGO's in order to contribute to the decision making process of public policies which would correspond to the society interests.

Currently we are the witnesses of a regression on decisional transparency insurance in the Republic of Moldova. Frequently we find out about bills of crucial importance and a big impact on human rights when they are examined by the Government and the Parliament.

Taking into account the preliminary conclusions and observation of the UN Rapporteur made public immediately after the visit in the Republic of Moldova, as well as the last evolutions, I decided to introduce through the priorities of my further activity the protection of human rights defenders. On December 6, 2018, I organized a forum of human rights defenders where I announced about this intention. Then I also informed about the fact that I will propose to the future members of the Parliament to adopt a law on human rights defenders. In this declaration, I reaffirm my intention to promote this initiative, to monitor the situation where activate the human rights defenders and to offer them the assistance they need within the limit of competence I have under the national legal framework and Paris Principles.

Finally, I want to make some remarks on observations of the Special Rapporteur related to the financial independence and the capacity of People's Advocate Office to exercise efficiently his functions. As the consequence of the negotiations with the authorities of the last summer and autumn, the financial allocations designated to People's Advocate Office for the 2019 budgetary year were considerable increased: with 24,6 % compared to 2017 year.

I expresses my hope that, maybe after the hearings on February 28, this year in Geneva and in order to realize the aspirations to get the status of Member State of the UN Human Rights Council, the Moldovan authorities also will identify the possibilities for renovating the building of People's Advocate Office and for remunerating the institution staff in compliance with the Paris Principles. Taking into account the provisions of the Law on remuneration entered into force in 2018, there is obvious inferiority of the ombudspersons and its staff remuneration, compared with other public institutions of Moldova.
