



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/G/7
31 August 2004

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Items 10, 11, 13 and 14 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CIVIL AND POLITICAL RIGHTS

RIGHTS OF THE CHILD

SPECIFIC GROUPS AND INDIVIDUALS

**Note verbale dated 27 July 2004 from the Permanent Mission of Romania
to the United Nations Office at Geneva addressed to the Office of the
United Nations High Commissioner for Human Rights**

The Permanent Mission of Romania to the United Nations Office at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to bring to the latter's attention the unlawful actions and violations of the rights of the child taken by the authorities of the Transdniester region of the Republic of Moldova. A description of the closing and taking possession by militia of three schools teaching in Latin script is contained in an authoritative and impartial source, namely the spot report of the OSCE Mission in the Republic of Moldova, herewith attached.*

The Permanent Mission of Romania would like to draw attention to the fact that actions by militia and other Transdniestrian authorities against the three schools represent violations of the following provisions of the Convention on the Rights of the Child:

- Article 2 (1): Discrimination on the basis of language;
- Article 2 (2): Discrimination and punishment on the basis of status;

* Reproduced in the annex as received, in the language of submission only.

- Article 3 (3): Denial of access to institutions, services and facilities;
- Article 12 (4): Infringement of the right of the child to express views on matters affecting the child;
- Article 19 (1): Neglect or negligent treatment of the child;
- Articles 27 (1, 2, 3): Violation of the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development;
- Article 28: Violation of the right to education, in particular to regular attendance at schools;
- Article 29 (1): Denial of the right of the child to his or her own cultural identity, language and values.

The closing of the three establishments represents also violations of the Universal Declaration of Human Rights, in particular:

- Article 21: The right to equal access to public services in his country;
- Article 26: The prior right of parents to choose the kind of education that shall be given to their children.

The Permanent Mission of Romania kindly asks the Office of the United Nations High Commissioner for Human Rights:

- To circulate this note verbale and the annex as an official document of the sixtieth session of the Commission on Human Rights;
- To bring it to the attention of the Special Rapporteur of the Commission on Human Rights on the right to education;
- To inform the Committee on the Rights of the Child about the above-mentioned situation;
- To undertake any measure that it may deem necessary to stop the unlawful actions against the Moldovan children in the respective schools in order to allow them to start the new school year in normal conditions, without any attempt to intimidate and to punish them or their parents.

Annex**SPOT REPORT No. 4/2004****Transdnistrian authorities move to close remaining Moldovan schools
27 July 2004****Summary**

After a quiet weekend, Transdnistrian authorities took measures through the night of 26/27 July aimed at closing three Moldovan schools in Bendery and Ribnita. Mission members are on the scene and have contacted Russian, Ukrainian, and Moldovan officials to seek urgent deployment of military observers and peacekeepers. As yet few Transdnistrian authorities have responded to urgent Mission communications. The police actions come as the mediators are working on a potential temporary agreement between the sides to avert a larger crisis.

Approximately 60 children returned from summer camp during the night of 26/27 July and were forced to sleep on the sidewalk in front of the Internat (orphanage) in Bendery. The doors to the Internat were sealed in the afternoon of 26 July by Transdnistrian militia. Militia are currently occupying the building. Twenty parents in Bendery and as many as 50 parents in Ribnita stayed overnight in the other schools. Violent clashes with Transdnistrian militia could result.

Events in Bendery

Late in the afternoon of 26 July, the OSCE Mission began receiving reports of likely efforts by Transdnistrian militia to take possession of three of the disputed Moldovan schools teaching in Latin script in Transdnistrian-controlled territory - School No. 19 and the Internat (orphanage) in Bendery and the Gymnasium in Ribnita. Mission members visited all three schools for significant periods during the weekend and found the situation around them basically quiet. However, a number of Moldovan parents remained around the clock in School No. 19 in Bendery and the school in Ribnita, fearful of attempts by Transdnistrian local authorities to seize the schools.

In Bendery, Mission members spent most of 26 July at School No. 19, where conditions were calm. About 15 to 20 parents were staying in the school building. The Internat (orphanage) has been empty, as city authorities have cut off all utilities while the children were in summer camp. Parents and Mission members were checking the building periodically. Immediately after Mission members returned from Bendery to Chisinau the evening of 26 July, parents called to inform that three squads of Transdnistrian militia had surrounded the Internat, and were seizing the property by affixing seals to close all doors. At the same time the Mission received reports that Bendery militia were also preparing to move against School No. 19 during the coming night.

Mission members immediately returned to Bendery to check the situation, and alerted the Joint Military Command. Transdnistrian "border guards" initially refused entry to Transdnistrian-controlled territory, but relented after Mission members telephoned the military command. Military observers and the Bendery military commander reportedly deployed to the locations for an undetermined time. After investigation the military command designated a joint force of Moldovan police and Transdnistrian militia to guard the Internat building. Several staff members and teachers also planned to stay in the building overnight. The Military command was also reportedly making arrangements with local authorities to stabilize the situation at School No. 19.

During the night of 26/27 July approximately 60 children, students and residents at the Internat, returned to Bendery from the summer camp where they had been staying. The children and the counsellors are currently located on the sidewalk outside the Internat with no access to food or other facilities. An undetermined number of Transdnistrian militia are inside the Internat, and state they have orders not to allow entry to the school. Uniformed Moldovan police are also present. As of 0800 hours on 27 July, after being alerted by the OSCE Mission, military observers and the Bendery military commander had arrived at the Internat and were familiarizing themselves with the situation. The OSCE Mission is attempting to contact senior officials on the left bank to resolve the situation.

Events in Ribnita

During 26 July representatives of the Ribnita school and the city administration met in a working group formed with the assistance of the OSCE Mission on Friday, 23 July to discuss questions involving the school property, particularly the amounts already invested by foreign donors in reconstruction of the building. The Director of the school reported several threats by Transdnistrian militia during the past three days to call her in for investigation of alleged illegal conduct in management of the school. She mentioned these threats to Mission members a number of times, as they seemed to have frightened her considerably.

Two Mission members spent much of 26 July in Ribnita following developments and gathering information from school and local officials. Late in the day Mission members began to receive credible reports that local Transdnistrian militia were preparing to deploy during the night of 26/27 July to seize the school property. About 50 parents remain inside the school building, and many apparently remained there through the night. As of 0630 hours on 27 July Mission members were on the scene, which remained tense. The Mission has alerted the Joint Military Command and has requested that military observers deploy to Ribnita. Tense exchanges between city administration and school leaders continue.

Negotiations for a solution

The OSCE Mission had been in contact with the Moldovan Ministry for Reintegration on 25 and 26 July to investigate possible means of easing tensions and finding a solution to the schools issue. After consultations with the Moldovan Minister, representatives of the three mediators - Ukraine, the Russian Federation, and the OSCE - met on 26 July to draft a proposed agreement between the two sides for a temporary resolution of the issue. The OSCE Mission had scheduled a meeting with Transdnistrian negotiators the morning of 27 July to discuss the draft agreement.

In earlier efforts to ease tensions and resolve the mounting dispute, the OSCE Mission on 20/22 July facilitated the visit to Moldova of Bulgarian First Deputy Foreign Minister Petko Draganov, who met with senior Moldovan and Transdniestrian officials, school officials, and representatives of the mediators. Representatives of the three mediators consulted on 22/23 July and met on 23 July with the Moldovan Minister for Reintegration after his return from his appearance at the special session of the Permanent Council. The three mediators continued contacts into the weekend.

Comment

Any action by Transdniestrian authorities against the schools while large numbers of parents are inside risks serious clashes. The return of the children to the Internat in Bendery in particular raises the situation there to a near crisis level. The Mission is following the situation in and around all of the affected schools as closely as possible. The Mission also continues actively to request the deployment of appropriate military observers and peacekeepers to monitor the situation and to prevent clashes and violence between local authorities and agitated parents and teachers. Despite the apparent success so far in avoiding a confrontation in Bendery, in the Mission's estimation the situation remains very tense and the risk of inadvertent violence and injury is very high.
