



THE REPUBLIC OF MOLDOVA

SIXTY-FIRST SESSION
OF THE UN COMMISSION FOR HUMAN RIGHTS

STATEMENT

BY

H.E. MRS. EUGENIA KISTRUGA,
FIRST DEPUTY MINISTER OF FOREIGN AFFAIRS,
HEAD OF DELEGATION OF THE REPUBLIC OF MOLDOVA

Geneva, 17 March 2005

Check against delivery

Permanent Mission of the Republic of Moldova
to the UN Office and other International Organizations in Geneva
28, Chemin du Petit-Saconnex, 1209 Geneva
Tel.: 022.733.91.03, Fax: 022.733.91.04
e-mail: mission.moldova@ties.itu.int

Mr. Chairman,
High Commissioner,
Distinguished delegates,

We join others in congratulating you on your election as Chair of this Commission and extend our congratulations to the other new Bureau members. We express our sincere appreciation to the outgoing Chair and Bureau. We also wish, at the outset, to congratulate the High Commissioner, Louise Arbour, on her appointment and to assure her of our full support.

Mr. Chairman,

The Republic of Moldova is fully **committed to the multilateral system of the United Nations** and the role it plays in the promotion and protection of universal human rights. We share the view that all of the global challenges facing the UN have a human rights dimension, whether it is the international response to terrorism, the existence of armed conflict in various parts of the world, the crisis of people-trafficking, the scourge of HIV/AIDS, or the continued existence of extreme poverty. These are trans-national issues that require multilateral engagement.

In addressing them, it is crucial that the UN system, in particular the UN human rights institutions, operates with maximum effectiveness. As a **global standard-setting institution** the Commission on Human Rights is regarded as a universal body to promote the **respect for human rights worldwide**, react and respond promptly to human rights violations and assist countries in strengthening their human rights capacity. To accomplish these tasks more effectively and efficiently, the representatives of the Member States indicated, at the previous sessions, that Commission would undergo through a **process of reforming and restructuring**. The proposals in this respect have been further developed and incorporated in the **Report of the High-Level Panel on Threats, Challenges and Change**.

While the **report emphasizes the problems and difficulties** of the Commission, it also outlines the possible **solutions** for final settlement. Bearing in mind the centrality of the concept of human rights, integrated throughout the work of the United Nations, the proposal to expand the *Commission on Human Rights* to universal membership is very attractive to my delegation. Further consideration should be given, however, to the question of interrelation and interaction between the Commission on Human Rights and the Third Committee of the UN General Assembly, as well as the ECOSOC. The recommendations on setting up an advisory council or panel to the CHR, on the annual report on human rights worldwide, as well as on the interaction of the High Commissioner on Human Rights with the Security Council also deserve, in our opinion, full support. The idea of creation in the longer term of a *Human Rights Council* as a Charter body alongside the Security Council and ECOSOC opens a promising perspective, consistent with the weight and importance of human rights.

Mr. Chairman,

The proposals stipulated in the Report have explicitly one major goal – **to increase the Commission's capacity** for performing effectively and ensuring that the Office of the High Commissioner for Human Rights fulfills its mandate and functions better. We should, therefore, give them further consideration and to seek to implement them in the broader context of the UN reform process.

Distinguished delegates,

The High Level Panel Report rightly points out that human rights are integrated throughout the work of the United Nations agencies in order to support the development of **strong national human rights institutions**, particularly in the countries affected by conflicts. This is especially important when the UN agencies are embarking on the process of assessing the needs of those countries and planning the long-term assistance for them. In the case of Moldova, the new five-year programming cycle started at the beginning of this year. The **Common Country Assessment (CCA)** process, which will focus on assessment and analysis of national development situation, will set up the priority areas for UN joint support and the **United Nations Development Assistance Framework (UNDAF)** will define the common strategic framework for the operational activities of the United Nations system at the country level. From the very beginning we stressed that the above-mentioned process should have a **human rights based approach** aimed at supporting national efforts in building country's capacity in this field. We believe it will work through the United Nations Development Goals mechanisms to improve the quality of the human rights content of this process.

As the process has a major focus on Millennium Development Goals, we will ensure, together with our partners from UN agencies involved in this work, including the Office of High Commissioner for Human Rights, that the human rights are integrated in the common analytical and programmatic frameworks for UN development and humanitarian activities in my country.

Mr. Chairman,

As pointed out by other delegations, the primary responsibility for promotion and protection of human rights rests with national Governments, the civil society, media and NGOs playing an important role.

Assisted by United Nations Development Programme, the Moldovan Government has previously adopted a **National Human Rights Action Plan**, which comprises the period of 2004-2008. The Plan provides for a wide range of concerted actions by central and local authorities aimed at improving the legal framework, strengthening the democratic institutions and increasing the public awareness.

A substantial part of the Plan is dedicated to education and training in human rights with the purpose of creating, in particular, a human rights culture in the society. In this respect, the pertinent governmental bodies have successfully cooperated with various national and international non-governmental organizations with a substantial expertise in this field, including Amnesty International, Helsinki Committee on Human Rights and the American Bar Association. The last three NGO's, I referred to, have concluded **Agreements on Partnership and Cooperation** with the Moldovan Ministry of Education. We believe that such an approach will create a solid basis for further common actions of Government and NGOs, moving from the stage of criticizing each other to the level of partnership and cooperation.

Apart from implementing actions foreseen in National Human Rights Action Plan, the Moldovan Government has already started to implement the **EU Moldova Action Plan**, which is a document laying out the strategic objectives of the cooperation between Moldova and the EU, including in the field of human rights, with a view to support Moldova's further integration into European economic and social structures. According to this document, my country is expected, in particular, to **ratify and adhere to 24 UN Conventions and Protocols** in the field of human rights.

Mr. Chairman,

The human rights treaty bodies play a vital role in the promotion and protection of human rights at the national level. At the same time, we all are conscious of the burden of human rights treaty body reporting and implementation on small states. According to the above-mentioned National Human Rights Plan, my country has to elaborate and submit this year **three periodical reports** this year. This is a big challenge for the relevant national institutions. We will do our best to fulfill our obligations under the treaties. Nevertheless, we will appreciate any assistance from the relevant UN bodies to support our endeavours in this respect.

Moldova has recently submitted its second and third periodic report under the **Convention on the Elimination of All Forms of Discrimination Against Women**. In that report, we outlined the practical measures aimed also at improving the lives of women and ensuring that they can enjoy equal opportunities within society. Those measures were also in line with our commitments under **Beijing Declaration and Platform of Actions**, as well as those under Final Documents of the 23rd Special Session of the UN General Assembly.

I would like to take this opportunity to welcome the High Commissioner for Human Rights' early indication that support for the treaty bodies is one of the highest priorities for her Office. Indeed, a reporting system that is accessible and innovative will lighten the load for States, and will facilitate States meeting their reporting obligations, whilst maintaining a robust process for monitoring national human rights situations. It will also be important to maintain and strengthen focus on technical assistance to help States, particularly small States, to fulfill their reporting obligations.

Distinguished delegates,

One of the greatest challenges of the international community nowadays is to further devise **effective responses to human rights violations**. In this context we should spare no efforts to make the best use of the mechanisms and instruments that we have created to protect and promote human rights and **react firmly and decisively to the violations**, wherever they occur.

The Transnistrian region of the Republic of Moldova, where an authoritarian, separatist regime disregards any notion of human rights and fundamental freedoms, is lately referred to by many governments, including in the recent *Chisinau Declaration of the Presidents of the Republic of Moldova and Georgia* as "**the black hole of Europe**".

Indeed, the human rights are constantly and systematically violated in the uncontrolled separatist territory. Repressive measures are in place in order to **suppress the freedom of speech and expression**, newspapers are closed down and journalists have been intimidated or threatened by the security forces of the regime. **Political opposition** is regarded as a **threat** to the authoritarian regime, political **parties in opposition** to the regime are **either banned** or have their activities **temporarily suspended**.

The right to ownership and its protection is violated both for individuals and companies. Hotels, buildings and other premises are being seized without any explanation, let alone warrants or court orders. **Arbitrary detentions and arrests** are widely spread, **freedom of thought, conscience and religion** is severely **limited**.

Six months ago, in the summer of 2004, we witnessed an appalling situation when children from the Moldovan schools with Latin script from the Transnistrian region became victims of dirty blackmailing games played by the separatist regime. Innocent children have been deprived of the **elementary right to education**. The schools have been assaulted by the security and militia forces of the regime, pupils and their teachers have been taken hostages, while children's parents were harassed and intimidated. The Committee of Ministers of the Council of Europe expressed

its deep concern on that issue and stressed that using children as political pawns was totally unacceptable from a human rights perspective. We deem it appropriate if the Commission aligns the Council of Europe **in condemning the violation** of the right to education by the separatist regime.

Although the schools are functioning at present, the problem has not been solved completely and we may envisage the occurrence of new difficulties in the next school year.

A matter of great concern for the Government of the Republic of Moldova is the ongoing imprisonment of two members of the "Ilascu Group", convicted in 1993 by an illegal court in Transnistria. On 8 July 2004 the **European Court of Human Rights** ruled, unanimously, for their "immediate" release and called upon the respondent States to put an end to their arbitrary detention. Despite the decision of the Court, the responsible authorities of the Russian Federation defied, so far, to implement the ruling. We use this unique opportunity to call upon the members of the Commission on Human Rights in particular, and international community at large, to use all their available means in order to support the fulfillment of the European Court of Human Rights decision.

The international community has the **responsibility to protect** human rights, and the responsibility to protect **implies**, above all, **the responsibility to react** to situations of compelling need for human protection. When preventive and legal measures fail to resolve the situation and when a state is unable or restrained to redress the situation, interventionary measures by other members of a broader community of states is required. These measures, coercive and proportionate, may include political, economic or judicial measures towards those responsible for human rights violations.

Mr. Chairman,

We are convinced that the CHR, in order to remain credible, must strive to end human rights violations wherever they occur. The prevention of gross violations of human rights can serve also to prevent conflict. The Commission is the body mandated to bring to the attention of the international community issues of fundamental concern regarding the promotion and protection of human rights.

We must all work together, Mr. Chairman, to ensure that the Commission on Human Rights meets the responsibility entrusted to it by the countries of the United Nations. The Commission members must ensure that they act collectively in the best interests of human rights. This is a serious and vital challenge. We are committed to working with the High Commissioner and the Commission to meet this challenge.

Thank you, Mr. Chairman.