
REPUBLIC OF MOLDOVA'S 2nd Universal Periodic Review

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JOINT SUBMISSION FROM PROMO-LEX ASSOCIATION and MEDIA CENTER

The present submission will focus on the civil society environment in the Transnistrian region

This submission has been prepared by an ad-hoc coalition established for the purpose of enhancing the participation of civil society organizations (CSOs) in the Universal Periodic Review (UPR) process.

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I. BACKGROUND

1. The international community has recognized the pivotal importance of an active civil society at all levels, which is indispensable in building peaceful, prosperous, and democratic societies.
2. In an important and relevant resolution the United Nations Human Rights Council has said that states should adopt laws and policies that support civil society actors and organizations, and end impunity for abuses and attacks against them.
3. In particular we welcome the Parliamentary Assembly Resolution nr 2095 (2016) from January 28, 2016, with emphasis on strengthening the Protection and Role of Human Rights Defenders, which stresses that the responsibility for protecting human rights defenders lies first and foremost with states, and that states may also be held responsible in some circumstances for the actions by non-state actors which aim at intimidating human rights defenders and additionally for failing to carry out adequate investigations into such action.
4. **Transnistria**, also spelled **Transnistria**, also called **Pridnestrovskaia Moldavskaia Republic** and **Pridnestrovie**, is the separatist enclave in Moldova located on the east bank of the Dniester River. The self-proclaimed (1990) Pridnestrovskaia Moldavskaia Republic is not recognized by any state. It has a national bank, national currency (the ruble), customs house, and its own flag and national anthem. The main city is Tiraspol. At the end of 1991 and the start of 1992 violent clashes broke out between the Transnistrian separatist forces and the Moldovan security forces, claiming the lives of several hundred people. A substantial Russian military presence in Transnistria strained Moldovan relations with Russia in the early 21st century. A Russian army base in Transnistria, with roughly 1,200 soldiers, has assisted to ensure the region's invulnerability. After the brief and inconclusive fighting broke out, the Russian army imposed a truce on both sides in 1992. A 1992 ceasefire agreement established a peacekeeping force of Moldovan, Russian, and Transnistrian units. The central government did not exercise authority in the region, and Transnistrian authorities governed through parallel administrative structures. There were regular reports that showed violations of human rights, including police engaged in torture, arbitrary arrests, unlawful detentions, and pressure being placed on Latin-script schools. **The facts concerning the armed conflict of 1991-1992 are set out in more detail in the case Ilașcu and Others v. Moldova and Russia** (no.48787/99, §§ 28-183, ECHR 2004-VII).¹
5. Formal negotiations to reach a settlement on the Transnistrian conflict take place in a format referred to as the "5+2" talks. Since 2005, the talks have been held in the 5+2 format that includes Transnistria and Moldova, along with the Organization for Security and Co-operation in Europe (OSCE), Russia, Ukraine, the European Union and the United States serving as mediators and observers. The OSCE chairs the negotiation process, which was interrupted for nearly six years, but resumed in 2011. Since then, the 5+2 participants have been meeting periodically to discuss issues that affect the lives of the people on both sides of the Dniester/Nistru River.
6. From the start of the conflict until today, the Transnistrian region's administration finds itself completely dependent on the Russian Federation. At the ground level, despite the isolation of information, groups of activists and elements of independent civil society continue to exist. Regardless, the secessionist administration severely restricted freedom

of association and freedom of speech, only granting the legal right of association to persons they recognized as citizens of Transnistria. All non-governmental activities required coordination with local authorities. Non-compliant groups faced harassment, which included visits from security officials. Organizations favoring reintegration with the rest of Moldova were strictly prohibited.²

7. The civil society sector has difficulties in accessing international funding as their registration is in the not internationally recognized Transnistrian region, in addition to administrative problems in receiving funds from outside of this non-recognized region.
8. Thus, support to civil society in this region requires special priorities and funding approaches. This involves confidence-building measures between both sides through joint projects in human rights, service delivery, business opportunities, and social infrastructures.³
9. Activities of CSO's are tolerated in some fields (environment, social rights) and even encouraged in some others (social affairs, vulnerable people), however they remain tightly controlled by both the *de facto* Committee for Humanitarian Assistance and the Security Committee of the authorities of the region. This is particularly true for the organizations receiving external funding. The ongoing process of aligning the legal framework of the associative sector to the Russian Federation example results in an increasingly restrictive environment for civil society development. The recent adoption of the terminology "foreign agents" in local *de facto* legislation would leave civil society in the region even more vulnerable.
10. The local anti-extremist decree⁴ had a negative impact on the activity of non-governmental organizations (NGO) from the region and discouraged the activities of civil society in the region. According to it, the actions intended to hinder the activity of state bodies, defamation of public officials, violation of human rights and freedoms, participation in public demonstrations, etc., are regarded as extremist activities. Specific activity of NGOs, particularly those promoting human rights, may be declared extremist according to the aforementioned decree. For NGOs to carry out their activities they must collaborate with the power structures and Transnistria's "department of foreign affairs". In addition, the organizations must adjust their activities upon request by the aforementioned bodies. Likewise, local organizations have to obtain the department of foreign affairs permission to invite experts and participants to their activities/events. If the NGO activity is disapproved of, they are requested to refrain from organizing the planned events.
11. According to the survey disclosed in Tiraspol at the Solidarity Lub-Hub forum entitled "Non-governmental Organizations' Stability Factors" – NGO share of GDP in the region is 1.10%, whereas in developed countries this share reaches up to 6.50%. According to the research, only 0.90% of the population work in the third sector of the region, whereas in developed countries this percentage reaches 7.10%. The representatives of NGOs argue that this is a result of the region's administration not having conducive policies toward support and development of the sector, and in particularly in the social area.⁵

II. FOLLOW UP TO THE PREVIOUS REVIEW

12. We would like to reiterate that the authorities of the Republic of Moldova assumed specific commitments when it ratified certain international tools pertaining to human

rights protection, as well as recommendations accepted within the first UPR cycle concerning that active support be provided to NGOs that carry out human rights promotion activities in the Transnistrian region.

13. We emphasize that during the Republic of Moldova's first UPR in 2011, Moldova supported 122 of the recommendations and noted one. Three of the accepted recommendations to be implemented by Moldova refer to the Transnistrian region. We will focus on the following issues and very important aspects raised by Canada, specifically the concern regarding the excessive control by Transnistrian authorities over mass media and civil society, coming with a recommendation in this regard. Republic of Moldova accepted Canada's recommendation on civil society and in particular *Moldova has accepted the recommendation to support actively NGOs that have effective programs in promoting human rights and inter-ethnic tolerance in the Transnistrian region.*
14. Taking into the consideration that freedom of association, assembly, and expression are aspects that propel the development of civil society, we also refer to these rights in this submission.

III. THE SYSTEMIC PROBLEMS ENCOUNTERED BY CIVIL SOCIETY IN THE TRANSNISTRIAN REGION

A. Risks facing civil society actors in Transnistrian region

15. As mentioned above, having full control over mass media outlets in the region and extreme censorship, one of the possibilities for approaching society problems are the peaceful meetings that take place in public places.
16. The Transnistrian "legislation" allows public assemblies but limits public assemblies to a narrow range of activities by placing restrictions against spontaneous assemblies, assemblies in certain public places, and the use of sound-amplifying equipment.⁶
17. This fact was acknowledged in a December 16, 2015 post on a social network by the Chairperson of the Legal Order Committee under the supreme soviet in which she stated that there is no freedom of expression in the region, no public platform for discussions, debates, and that freedom of the press is undermined.⁷
18. In 2015, the negative effects of the Decree on response to extremist activities started coming into force.⁸ The repressive bodies proceeded with abusive activities such as checking mail correspondence, tracking, threatening relatives, as well as forms of abuse that include pressure and intimidation. Lacking the mechanisms for protection at the local or national level, challenges had to be dealt with on their own. Not just the local secret service and the prosecutors, but also the state broadcast service are given authority to curtail any initiative they believe is undermining the security of the region. The first step was to oversee the activity of "extremist" netizens and to block suspicious websites, as a means to limit the freedom of expression of opinion in public. Thus, there were situations when pressure was exerted on persons who had an opinion other than the one promoted by the policies and propaganda of the region's administration.
19. The local administration controlled all printing houses and in certain instances threatened the continuation of printing independent newspapers, including one based in Bender and another in the northern city of Ribnita. According to transnistrian journalists, the authorities took control of several media outlets in January 2014, including TSV television, Profsoiuznie Vesti newspaper, and Novaia Volna radio.⁹

20. The administration imposes a mandatory mass-media accreditation system. The press from outside the region is not accredited if no representative office is registered with the local administration. In January 2016, the extension of accreditation to some of the news agencies was refused. New rules required foreign media seeking to operate permanently in Transnistria to open a local office and register as a legal entity. During 2015, some of the journalists were illegally arrested (Case of the reporter of TV Cocieri, reporter from “TSV”), apprehended and intimidated (Case of Publika TV reporters), and persecuted (Case of “TSV” (Televidenie Svobodnovo Vybora – Free Choice Television))¹⁰.
21. According to the report on respecting human rights in the Transnistrian region, more activities by the Transnistrian authorities and law enforcement bodies have been noted that were meant to forbid freedom of assembly. Most commonly, the local administrations are refusing permission of holding a meeting without any justification, and in some cases even arresting the organizers of the peaceful meetings.¹¹
22. Human rights defenders, journalists, human rights activists, bloggers and other civil society actors were subjected to intimidation and harassment, including judicial harassment, restrictions on freedom of expression, association, assembly, movement and arbitrary detention. The situation deteriorated during these years with the work of human rights defenders being seen as subversive and an attempt to undermine the regime and local administration.¹² This is why human rights do not have a wider representation at the local level and no effective mechanisms and institutions can monitor the situation. The pressure placed on human rights defenders from the Transnistrian region intensified in 2013–2014.
23. In an open letter addressed to the government and international organizations in December 2014, human rights NGOs voiced concern about the exerted pressures on human rights organizations in Transnistria. This letter pointed out the verbal and physical threats that human rights lawyers and defenders were subjected to in the region, with a number of human rights activists and lawyers reportedly banned from the area.¹³ Numerous representatives of civil society are intimidated and subjected to libel on a daily basis for their work to promote and defend human rights in the Transnistrian region.¹⁴
24. There have been cases of intimidation of lawyers and jurists trying to defend the rights of people in the “courts” of the Transnistrian region (cases of S. Popovschi, V. Maimust¹⁵, A. Zubco¹⁶). This is also true for independent journalists who are trying to investigate corruption issues (Cases of N. Buceatchi, L. Dorosenco¹⁷), and representatives of information portals (A. Nichiforov case).¹⁸
25. The local activists have been persecuted by threats that they would be placed in a mental institution (I. Vasilachi's case), prosecution initiation and wanted announcements (Cases of O. Hvosevschii, A. Inozemtev and others), intimidation and harassment (Cases of I. Scerbinina¹⁹, I. Sergheeva²⁰), and conviction (Cases of A. Bartos²¹, S. Ilcenco²², A. Reazanov²³). In 2015, the non-governmental sector from the region faced new types of pressure such as restrictions being placed on the carrying out of activities under the pretext that they undermine the security of the region; intimidation by representatives of the KGB; public denigration of the image of the civil society, threatening of heads of NGOs by the KGB, etc.
26. Starting in April 2015 the “Security Committee” of the region opened a criminal investigation against a NGO and all of its members, and banned them from entering the

Transnistrian region for an indefinite period of time (Case of "Promo-LEX")²⁴. Congruent with this, concerns were also raised by the Committee on Legal Affairs and Human Rights of the Council of Europe, and the rapporteur Ms. Mailis REPS²⁵ regarding the access of human rights defenders of Promo-LEX Association to this region. Mrs. Mailis Repts, author of the draft resolution [*Strengthening the Protection and Role of Human Rights Defenders*](#)²⁶, stated that too many human rights defenders are paying a high price for their work and their fate should receive much greater attention from the Council of Europe's institutions and member states.

27. During the "local elections" (September-November 2015), the "MGB" took over the administration of a number of groups on social networks (Facebook), with a view toward monitoring and identifying those criticizing the leadership.²⁷ The online debate forum "Open-pmr Info" was subject to DDoS attacks, and blocked thereafter.²⁸ The list of persons persecuted for their opinions on social networks continues.
28. On February 12, 2015, at the meeting of the KGB collegium, the leader of the region urged the secret services to enhance control on the foreign funding of NGOs in the region that engage in activities that are non-compliant with the local propaganda.²⁹

B. Lack of response by the state in the support and protection of civil society actors.

29. The Republic of Moldova is bound to international and European agreements that guarantee and protect fundamental human rights and freedoms. The Constitution of the Republic of Moldova along with its national laws and legislative acts guarantee and protect freedom of assembly, freedom of opinion and expression, the right to information and freedom of association. As a result of the monitoring of the implementation of the recommendation regarding the support of NGOs in the Transnistrian region, CSOs regret that this recommendation has not been implemented by the government of the Republic of Moldova. *The cases listed in this submission, illustrate Moldova's failure to implement this recommendation.*
30. The state's support for civil society should consist of not only statements of support, but also of concrete actions that would offer support for achieving the goals that benefit society. Moldova should undertake much more in order to consolidate the civil society actors who are working to improve the situation in the Transnistrian region and are directly conducting activities in the region.
31. According to the State Chancellery of the Republic of Moldova the only fund related to achieving the government's objective for the country's reintegration is attributed to the local and central public administration authorities. The local public administration most often initiates funding proposals for projects of renovation of the local infrastructure, modernization of social institutions, communication networks³⁰, which are all welcome, however there are not projects intended to support civil society actors in promoting human rights. According to a recently published EU funded Mapping study, *"Civil Society Organizations from the Republic of Moldova: development, sustainability and participation to the policy dialogue"* interviewed CSOs from the Transnistrian region stating that the state bodies (R.Moldova), and the local authorities are not willing enough to collaborate with public associations. As a rule, authorities only cooperate if they benefit. In the case of a new initiative requiring a partnership and financial aid,

- authorities then apologize for not being able to participate in such activities or state the lack of need for this activity.³¹
32. However, NGOs that are working in the human rights field from the Transnistrian region are facing numerous challenges both from the Transnistrian authorities on one hand and from the lack of conviction by the Government of the Republic of Moldova to increase the role of civil society in the Transnistrian region in the country's reintegration process.
 33. We appreciate the fact that on September 28, 2012, the Government of Moldova approved the Civil Society Development Strategy³² for 2012-2015 along with the Action Plan for implementing this strategy. According to the data reported in the Civil Society Development Strategy for 2012-2015, *"in the Transnistrian region of the Republic of Moldova (at the moment of adopting the decision) there were more than 1000 CSOs registered, which are contributing by both representing the interests of the citizens in the region, and by establishing the contacts between the two sides of the Nistru River..."*. However, we are detecting with regret that the Republic of Moldova hasn't included in this strategy a separate objective for establishing some actions for developing the NGOs which are active in the Transnistrian region or of those who have already implemented efficient programs in the human rights field in the Transnistrian region. This fact is also mentioned in the Report *regarding the implementation of the Civil Society Development Strategy for 2012-2015 and the execution of provisions from the Action Plan for implementing the Strategy (March 1, 2014 - February 28, 2015)*³³. The Government of Moldova has not reported any actions taken to support and develop these NGOs.
 34. According to the USAID Reports on the Sustainability Index of the Civil Society Organizations the NGOs continue to fight for survival in a hostile environment, where authorities are harassing or ignoring them. Transnistrian CSOs felt increased pressure from authorities in Tiraspol, who increasingly interfered with their activity. Transnistrian CSOs continue to rely almost entirely on foreign donors, as support from authorities in the breakaway region is nearly non-existent.
 35. According to the UN Civil Society Resolution, domestic legal and administrative provisions and their application should facilitate, promote, and protect an independent, diverse, and pluralistic civil society and strongly reject all threats, attacks, reprisals, and acts of intimidation against civil society actors, while underscoring that States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals, or acts of intimidation. Even with the appeals from a number of different civil society actors regarding the investigation of some intimidation and threatening actions by the authorities of the Transnistrian region (security services, militia etc.), the Republic of Moldova failed to carry out effective investigations on reprisals of the civil society actors. The list of intimidation, threatening actions and other attacks towards the activists and human rights defenders presented in this submission is not an exhaustive one.
 36. Considering the international principles on defenders' rights in particular, and civil society in general, States should take proactive steps to counter smear campaigns against and the stigmatization of human rights defenders, especially in the Transnistrian region, as this region continues to be a source of serious human rights violations, which require efficient mechanisms for continuing monitoring of the situation, and can only be approached by an independent, active, and viable civil society.

IV. RECOMMENDATIONS FOR ACTION TO BE TAKEN BY THE REPUBLIC OF MOLDOVA

1. In a transparent manner, fully implement the accepted UPR recommendation on the active support of NGOs that have effective programs in promoting human rights in the Transnistrian region. And specifically through:
 - a) Approving the Civil Society Development Strategy for follow up after 2015 and the Action Plan for implementing the Strategy.
 - b) Include a separate chapter focused on the development of NGOs that defend and promote human rights in the Transnistrian region in the Action Plan for implementing the Civil Society Development Strategy for the follow up period after 2015.
2. Immediately invite the *Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* and the *Special Rapporteur on Human Rights Defenders*, to visit the Republic of Moldova in order to make an independent and impartial assessment about the environment where civil society actors operate in the Transnistrian region of the Republic of Moldova.
3. To call upon international actors and the participants of the Transnistrian conflict settlement in the 5+2 format to increase the focus of a concrete solution to challenges faced by human rights organizations that are persecuted and harassed by the de facto Transnistrian authorities.
4. Ensure that an immediate, thorough, and impartial investigation into all reported cases of reprisals against human rights defenders, activists, and journalists are carried out, with a view toward publishing the results and bringing those responsible to justice in accordance with international standards.

END NOTES

¹ ECHR Case Ilascu and others v. Moldova and Russia [http://hudoc.echr.coe.int/eng#{"appno":\["48787/99"\],"itemid":\["001-61886"\]}](http://hudoc.echr.coe.int/eng#{)

² Country Reports on Human Rights Practices for 2014 United States Department of State Bureau of Democracy p. <http://www.state.gov/documents/organization/236766.pdf>

³ Joint analysis of sector 9 – Civil society cooperation, in the attention of the EU Delegation to Moldova 25.01.2016 <http://www.viitorul.org/newsview.php?l=en&idc=132&id=5020&t=/NEWS-IDIS-EVENTS/Joint-analysis-of-sector-9-Civil-society-cooperation-in-the-attention-of-the-EU-Delegation-to-Moldova>

⁴ Decree No 241 issued by E. Sevcuic on response to extremism... / Tiraspol, 2014 / Available on <http://president.gospmr.ru/ru/news/ukaz-prezidenta-pmr-no241-o-nekotoryhmerah-napravlennyh-na-preduprezhdenie-ekstremistskoy>

⁵ Media Centre Release “Non-Governmental Organizations’ Stability Factors” / Tiraspol, 2015 / Available on: <http://mediacenter.md/threktor/616-analiz-ustoychivosti-nkopridnestrovyya.html>

⁶ Country Reports on Human Rights Practices for 2014 United States Department of State Bureau of Democracy p.20 <http://www.state.gov/documents/organization/236766.pdf>

⁷ Report “Observance of Human Rights in the Transnistrian Region of the Republic of Moldova 2015 Retrospect” page.9 https://promolex.md/upload/publications/en/doc_1456905480.pdf

⁸ Decree No 241 issued by E. Sevcuic on response to extremism... / Tiraspol, 2014 / Available on <http://president.gospmr.ru/ru/news/ukaz-prezidenta-pmr-no241-o-nekotoryhmerah-napravlennyh-na-preduprezhdenie-ekstremistskoy>

⁹ Country Reports on Human Rights Practices for 2014 United States Department of State • Bureau of Democracy, Human Rights and Labor p. 19 <http://www.state.gov/documents/organization/236766.pdf>

¹⁰ Video coverage regarding public threatening of TSV journalists / Tiraspol, 2015 / Available on: <https://www.youtube.com/watch?v=3DKCaRp8eRY>

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- ¹¹ Report “Observance of Human Rights in the Transnistrian Region of the Republic of Moldova 2015 Retrospect” p. https://promolex.md/upload/publications/en/doc_1456905480.pdf
- ¹² The foreign agents may appear in Transnistria <http://mediacenter.md/aktualno/444-v-pridnestrove-mogut-poyavitsya-inostrannye-agenty.html>
- ¹³ Country Reports on Human Rights Practices for 2014 United States Department of State • Bureau of Democracy, Human Rights and Labor p. 16 <http://www.state.gov/documents/organization/236766.pdf>
- ¹⁴ 12/12/2014 URGENT APPEAL FIDH/ Transnistria: Concern on the situation of human rights defenders <https://www.fidh.org/en/region/europe-central-asia/moldova/16642-transnistria-concern-on-the-situation-of-human-rights-defenders>
- ¹⁷ TRANSDNIESTRIAN tried to blow up the independence of lawyers <http://tiras.ru/kriminalnoe-chtivo/38471-v-pridnestrove-pytalis-vzorvat-nezavisimogo-advokata.html>
- ¹⁸ NGO report: Human rights defenders are oppressed in Transnistria <http://www.moldova.org/en/ngo-report-human-rights-defenders-are-oppressed-in-transnistria/>; Newsletter Promo-LEX https://promolex.md/upload/ebulletin/en/nr95_1422613427en_.pdf
- ¹⁹ Civil Rights Defenders urges the government of Transnistria to protect human rights <http://www.civilrightsdefenders.org/news/civil-rights-defenders-urges-the-government-of-transnistria-to-protect-human-rights-in-an-open-letter/>
- ¹⁸ Country Reports on Human Rights Practices for 2014 United States Department of State • Bureau of Democracy, Human Rights and Labor p. 16 <http://www.state.gov/documents/organization/236766.pdf>
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- ²⁰ Report “Observance of Human Rights in the Transnistrian Region of the Republic of Moldova 2015 Retrospect” p.9 https://promolex.md/upload/publications/en/doc_1456905480.pdf
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- ²² Video statement “The arrest of Serghei Ilenco” / Odessa Crisis Media Centre / 2015 / Available on: <https://www.youtube.com/watch?v=-pn4EPqRCs0&app=desktop>
- ²³ JOINT URGENT APPEAL FROM SPECIAL PROCEDURES [https://spdb.ohchr.org/hrdb/28th/public_-_UA_Other_18.06.14_\(8.2014\).pdf](https://spdb.ohchr.org/hrdb/28th/public_-_UA_Other_18.06.14_(8.2014).pdf) ; [https://spdb.ohchr.org/hrdb/28th/public_-_UA_Moldova_18.06.14_\(1.2014\).pdf](https://spdb.ohchr.org/hrdb/28th/public_-_UA_Moldova_18.06.14_(1.2014).pdf); Human Rights Council Twenty-eighth session Communications report of Special Procedures doc: A/HRC/28/85 pag.14
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- ²⁵ Strengthening the protection and role of human rights defenders in Council of Europe member States Report Committee on Legal Affairs and Human Rights Rapporteur: Ms Mailis REPS, <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=22309&lang=en>
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- ²⁹ Report “Observance of Human Rights in the Transnistrian Region of the Republic of Moldova 2015 Retrospect” page.11, https://promolex.md/upload/publications/en/doc_1456905480.pdf
- ³⁰ Programs of activities for reintegration for years 2012, 2013, 2014, 2015
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