



JUST ATONEMENT INC.

justice  
hope peace unity  
equal opportunity  
golden age  
progress sustainability democracy freedom  
human rights harmony civilization

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Just Atonement Inc. (JAI) is a global network of advocates who serve at the front lines in defending democracy, human rights, and a livable planet.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Republic of Moldova (“ROM”).

***Summary of Conclusions***

1. Rising sea levels and increasing climate change inertia pose a major threat to millions of Moldovans as well as the ROM’s continued stability. **The ROM is not prepared for the effects of climate change, and a climate breakdown is imminent.** Urgent action is needed to forestall immediate and future harm to the ROM’s citizens **in light of the imminent climate breakdown.**
2. Torture and arbitrary detention are not unheard of in the ROM. ROM detention facilities may violate international legal norms. The ROM must reduce its use of illegal torture and detention and prioritize the human rights of its citizens and of those in Transnistria.
3. Immediate action is needed to ensure that unlawful surveillance tactics, free speech restrictions, and government-related intimidation against journalists do not continue to violate individuals’ human rights. Further, anticorruption measures must be implemented.



4. Women are formally protected under law, but women are subjected to serious societal inequalities and official mechanisms to protect women's rights are lacking. Domestic and sexual violence are a problem, and women's access to education, employment, and healthcare can be limited.

5. However, the ROM should be congratulated on its human-rights successes since its last UPR, such as the election of its first female president. JAI urges the ROM improve upon this success into the future.

### *Analysis*

#### *Climate Change*

6. As a lower-income country in Europe,<sup>1</sup> the ROM is particularly susceptible to climate change. Climate change's impacts on the ROM's natural resources and physical landmass have the potential to threaten human rights. The people most vulnerable will be those with the least capability to respond.

7. Projected changes to the ROM's climate include an increase in average temperature of 2-3 degrees Celsius by 2050, with drier summers, wetter winters, and more extreme droughts and floods all predicted to take place.<sup>2</sup>

8. Climate change will have strong negative impacts on the ROM's water resources. Specifically, surface water flows are projected to decrease by up to 20 percent in the next decade, despite already limited groundwater reserves.<sup>3</sup> Increased temperatures, drought, and reduced rainfall are likely as well, creating industrial and agricultural water shortages within several decades.

9. Climate change also threatens the ROM's forests, which play an important role in its ecosystem by reducing erosion and runoff, and maintaining biodiversity.<sup>4</sup> Higher temperatures will lead to faster rates of water loss, thus causing vegetation dry-out, increasing forest fire risk, and decreases in erosion and soil nutrients. Slower vegetation growth rates will also reduce wood for fuel, which rural communities rely upon as a substitute for gas and electricity.

10. Climate change will substantially affect the ROM's agriculture and economy. Indeed, about 3 percent of GDP is already lost annually on average because of drought, heavy rains, and flooding. This is fairly significant, considering that agriculture is about 18 percent of GDP. The ROM's soils are also its main natural wealth,<sup>5</sup> but the erosion caused by climate change will significantly reduce the soil's productive potential.

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<sup>1</sup> <https://www.climate-kic.org/news/moldova-climate-change-sida-undp/>

<sup>2</sup> <https://www.climatechange.org/moldova/climate-change/>

<sup>3</sup> [https://pdf.usaid.gov/pdf\\_docs/PA00MVQ1.pdf](https://pdf.usaid.gov/pdf_docs/PA00MVQ1.pdf)

<sup>4</sup> *Id.*

<sup>5</sup> <https://www.adaptation-undp.org/explore/republic-moldova>



11. Almost 60 percent of the ROM's population lives in rural areas where agriculture is critical to sustenance and income.<sup>6</sup> Yet, 87 percent of the ROM's crops are rain-fed and thus are affected by higher temperatures and more variable rainfall. Water shortages will damage irrigated crop production, impacting high-value exports (such as grapes and apples).

12. Climate change will also exacerbate food insecurity. Rural communities will suffer the most, especially with regard to drinking water quality, hygiene conditions, and sanitation systems.<sup>7</sup> This vulnerability will increase the risk of poverty for many subsistence farmers and for attendant issues of growth stunting, anemia, and iodine deficiency.<sup>8</sup>

### *Recommendations*

13. **The breakdown and collapse of the Earth's climate system is imminent and may have already commenced.** The ROM must take appropriate steps to address climate change, including the reduction of emissions contributing to warming, investments in green technologies, promoting adaptation measures, and widespread education on climate change's cascades of effects.

14. The ROM constitution guarantees the right to food, and the ROM is a State party to the ICESCR, which recognizes the right to adequate food, housing, and improving living conditions.<sup>9</sup> As a result, the imminent climate breakdown and its negative impact on the ROM's food supply may implicate violations of international and domestic human rights. The ROM should carefully evaluate the preparedness of its food supply and welfare system, and implement economic renewal and alternative housing programs.

15. Climate change's negative effects will widely exacerbate wealth inequalities by striking at the ROM's economy and foodstuffs, which may encourage corruption and exploitation of the people. Popular unrest and dissatisfaction may also increase, encouraging political instability, further armed conflict, and increased interference in ROM affairs by outside States.

16. We note that the ROM government has an Office devoted to climate change and conservation strategies.<sup>10</sup> However, these strategies are highly fragmented, and each government sector has their own action plans on mitigation and adaptation.

### *Torture, Arbitrary Arrest, and Detention Conditions*

<sup>6</sup> [https://pdf.usaid.gov/pdf\\_docs/PA00MVQ1.pdf](https://pdf.usaid.gov/pdf_docs/PA00MVQ1.pdf)

<sup>7</sup> [http://www.fao.org/fileadmin/user\\_upload/eufao-fsi4dm/doc-training/Moldova\\_Pricop\\_OUC\\_Marc2013.pdf](http://www.fao.org/fileadmin/user_upload/eufao-fsi4dm/doc-training/Moldova_Pricop_OUC_Marc2013.pdf)

<sup>8</sup> <https://www.md.undp.org/content/moldova/en/home/sustainable-development-goals/goal-2-zero-hunger.html>

<sup>9</sup> <http://www.fao.org/right-to-food-around-the-globe/countries/MDA/en/>

<sup>10</sup> [https://pdf.usaid.gov/pdf\\_docs/PA00MVQ1.pdf](https://pdf.usaid.gov/pdf_docs/PA00MVQ1.pdf)



17. The United Nations has not recognized the separatist-controlled region of Transnistria as independent and considers the region to be part of the ROM.<sup>11</sup> The ROM, therefore, has been held liable for Transnistrian violations of human rights.

18. Although torture is forbidden under the ROM's constitution and international law, the human rights ombudsman has reported allegations of torture, and cruel, inhuman, or degrading treatment in detention facilities.<sup>12</sup> Insufficient documentation of cases and evidence, however, hamstrings official attempts to investigate and record such allegations.

19. Arbitrary arrest and detention are prohibited under the ROM's constitution and international law, but authorities in Transnistria have openly engaged in such practices.<sup>13</sup> In fact, the European Court of Human Rights concluded that Transnistrian courts did not respect the proper legal provisions by going beyond legal norms and extending sentences in defendants' absences. ROM authorities, too, appear complicit by reportedly allowing Transnistrian police to abduct individuals from ROM territory without due process.

20. Moreover, ROM and Transnistrian authorities reportedly use torture as a political tool. Denials of medical assistance to detainees are also frequent and have led to the death of inmates.<sup>14</sup> To the ROM's credit, inmates and police officers who participated in some deaths received criminal sanctions.<sup>15</sup>

21. Living conditions in many of the ROM's penal facilities are also dangerous to life and health.<sup>16</sup> Facilities are crowded, medical care is inadequate, medical disabilities are not accommodated for, and food distribution is sporadic.

### *Recommendations*

22. Prohibitions on torture are widely considered as *jus cogens* norms, from which no derogation is permitted.<sup>17</sup> The ROM government and the Transnistria region must therefore end all practices involving torture or arbitrary detention. Indeed, the European Court of Human Rights recently held the ROM liable for Transnistria's torture and inhumane treatment of Ilie Cazac, a detainee.<sup>18</sup>

23. The ROM must uphold detainees' due process rights and provide detainees an adequate path to reparations for infringements. The ROM should also expedite the release of all detainees

<sup>11</sup> <https://www.foreignaffairsreview.com/home/the-non-existing-state-exploring-the-question-of-transnistrias-recognition-1>

<sup>12</sup> <https://www.state.gov/wp-content/uploads/2020/02/MOLDOVA-2019-HUMAN-RIGHTS-REPORT.pdf>

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> <https://www.amnesty.org/en/countries/europe-and-central-asia/moldova/report-moldova/>;

<https://www.state.gov/wp-content/uploads/2021/03/MOLDOVA-2020-HUMAN-RIGHTS-REPORT.pdf>

<sup>16</sup> <https://www.state.gov/wp-content/uploads/2020/02/MOLDOVA-2019-HUMAN-RIGHTS-REPORT.pdf>

<sup>17</sup> <http://www.ejil.org/pdfs/15/1/349.pdf>

<sup>18</sup> <https://www.state.gov/wp-content/uploads/2021/03/MOLDOVA-2020-HUMAN-RIGHTS-REPORT.pdf>, pp. 5-6



who pose no legitimate security risk, provide greater transparency to the public regarding the detainees' status and crimes, and end any tacit condoning of illegal abductions by Transnistrian authorities. Detainment conditions should also be supplied with adequate medical facilities, sanitary conditions, and regular and nutritional meals.

24. The ROM must implement and maintain a credible oversight system regarding its detainees. This program should include commitments from high-level government officials, well-articulated policies, periodic reviews of the oversight program's implementation, and multiple mechanisms for confidential reporting of illegal conduct.

25. As Transnistrian authorities and detention centers are especially known to violate prohibitions on torture, the ROM must take steps to address this region's actions or implement a mechanism to investigate allegations of such torture. There is currently no such mechanism in Transnistria, aside from the practice of judicially holding the ROM responsible for Transnistria's actions *ex post*.

#### *Censorship, Political Repression, and Freedom of Expression*

26. Use of illegal wiretaps, surveillance, threats against family members, and intimidation against regional representatives have been widely reported in the ROM.<sup>19</sup> These practices interfere with journalists' and political leaders' privacy, family, homes, and correspondence, and are illegal under the ROM constitution.

27. Freedom of the press is provided for in the ROM's constitution, but there are challenges to the independence of the press. The ROM media is largely dominated by larger outlets owned or controlled by politicians and wealthy individuals.<sup>20 21</sup> These owners closely supervise their outlets' content and work to limit the independence of the broadcasting regulatory authority.<sup>22</sup>

28. Journalists are subject to intimidation, harassment, and frequent lawsuits that obstruct the freedom of the press.<sup>23</sup> Female journalists are especially targeted, and fines are commonly employed. During its COVID-19 response, the ROM also used its emergency powers to block media outlets from criticizing the government's response to the pandemic.

29. The ROM government is also restricting freedom of expression. New laws passed in 2020 provide authorities new tools to silence dissent or freedom of expression under the guise of combatting extremism.<sup>24</sup> A Transnistrian writer, for instance, was charged with extremism after publishing a book about corruption in Transnistria.

<sup>19</sup> <https://www.state.gov/wp-content/uploads/2020/02/MOLDOVA-2019-HUMAN-RIGHTS-REPORT.pdf>

<sup>20</sup> <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/moldova/>

<sup>21</sup> <https://www.amnesty.org/en/countries/europe-and-central-asia/moldova/report-moldova/>

<sup>22</sup> <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/moldova/>

<sup>23</sup> <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/moldova/>

*Id.*



30. The ROM's response to the COVID-19 pandemic has also raised human rights concerns, relating to the right to health, movement, and freedom of expression.<sup>25</sup> For instance, businesses and individuals received arbitrary fines, and government media regulators unsuccessfully attempted to limit journalists' ability to quote sources.<sup>26</sup>

31. Minorities in the ROM, such as the Roma, face high risks of marginalization, underrepresentation in political decision-making, illiteracy, and social prejudice.<sup>27</sup> Access to education, the job market, and medical services is also limited and discrimination is widespread, especially against the Roma.

### *Recommendations*

32. Freedom of expression, as well as the rights to privacy and to equality under law, are rights explicitly recognized by the ICCPR. The ROM must enact legislation or other mechanisms facilitating the expression of these fundamental rights, and either modify or rescind legislation that inappropriately restrict such rights.

33. The ROM must downgrade its heavy use of libel litigation and fines against independent media outlets,<sup>28</sup> as such expenses operate as an instrument of pressure infringing on the freedom of expression and of the press.

34. Greater transparency is required for legislation that restricts individual liberties. While the COVID-19 pandemic is an international emergency, current restrictions on individual liberties must not become a "new normal" once the pandemic has subsided. COVID-19 measures applied in a discriminatory fashion<sup>29</sup> must also be repealed or re-evaluated.

### *Democracy, Transparency, and Corruption*

35. The government and politicians often interfere with the judiciary, and judges can fail to assign cases randomly (as required under law).<sup>30</sup> Prosecutions can be politically-motivated, allegations of fabricated evidence are not uncommon,<sup>31</sup> and judicial appointment processes lack transparency and are susceptible to improper influences.<sup>32</sup>

36. Other aspects of the ROM's judiciary operate as intended. Defendants can refuse to provide evidence against themselves and have due process rights.<sup>33</sup> However, temporary defense lawyers are appointed with little time to prepare for their cases, undermining the right to legal

<sup>25</sup> <https://www.amnesty.org/en/countries/europe-and-central-asia/moldova/report-moldova/>

<sup>26</sup> <https://freedomhouse.org/country/moldova/freedom-world/2021>

<sup>27</sup> <https://www.state.gov/wp-content/uploads/2021/03/MOLDOVA-2020-HUMAN-RIGHTS-REPORT.pdf>

<sup>28</sup> <https://www.amnesty.org/en/countries/europe-and-central-asia/moldova/report-moldova/>

<sup>29</sup> <https://www.amnesty.org/en/countries/europe-and-central-asia/moldova/report-moldova/>

<sup>30</sup> <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/moldova/>

<sup>31</sup> <https://www.amnesty.org/en/countries/europe-and-central-asia/moldova/report-moldova/>

<sup>32</sup> <https://freedomhouse.org/country/moldova/freedom-world/2021>

<sup>33</sup> <https://www.state.gov/wp-content/uploads/2020/02/MOLDOVA-2019-HUMAN-RIGHTS-REPORT.pdf>





assistance. Due process rights may be poorly upheld.<sup>34</sup>

37. Freedom to participate in the political process is generally respected in the ROM. However, opposition parties have reported intimidation, harassment, criminal charges and investigations.<sup>35</sup> To the ROM's credit, no laws restrict women or minorities from participating in the political process. ROM law also sanctions political parties that use discriminatory language, but these are reportedly not enforced.<sup>36</sup>

38. Corruption is present at all government levels, and anti-corruption laws are inadequately enforced.<sup>37</sup> Business and fair competition are thus undermined, with allies of powerful individuals reportedly benefitting from selective enforcement. Anticorruption efforts are hindered through stagnant reform of the judiciary and inadequate investigations.<sup>38</sup> Bribes and offshore transactions take place, implicating officials as high-ranking as former Presidents.<sup>39</sup>

### *Recommendations*

39. Democratic principles mandate that the separation of powers must be respected. Furthermore, due process and procedural fairness are fundamental to a democratic system. States that do not respect these guarantees run afoul of international human rights law – in particular, Article 14 of the ICCPR, which the ROM has ratified.<sup>40</sup>

40. Reform is needed for the ROM's judiciary. The executive branch should cease to influence the judiciary, and new legislation must enhance the transparency behind judicial appointments.

41. Enhanced deterrence mechanisms are needed to address corruption. The ROM must strengthen existing legislation and introduce more specialized legislation aimed at corruption. These should be supplemented with periodic reviews by independent or international auditors, or an independent press.

### *Women's Rights*

42. To the ROM's credit, certain significant advances have been made, including the election of the country's first female president.<sup>41</sup> The law also requires that women fill a minimum of 40 percent of decision-making positions in government offices, and prohibits sexist and discriminatory language in media.<sup>42</sup>

<sup>34</sup> <https://freedomhouse.org/country/moldova/freedom-world/2021>

<sup>35</sup> <https://www.state.gov/wp-content/uploads/2020/02/MOLDOVA-2019-HUMAN-RIGHTS-REPORT.pdf>

<sup>36</sup> *Id.*

<sup>37</sup> <https://freedomhouse.org/country/moldova/freedom-world/2021>

<sup>38</sup> <https://www.state.gov/wp-content/uploads/2021/03/MOLDOVA-2020-HUMAN-RIGHTS-REPORT.pdf>

<sup>39</sup> *Id.*

<sup>40</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en)

<sup>41</sup> <https://www.state.gov/wp-content/uploads/2021/03/MOLDOVA-2020-HUMAN-RIGHTS-REPORT.pdf>

<sup>42</sup> *Id.*



43. However, women face persistent societal issues such as employment discrimination, and discrimination in housing, education, and public service.<sup>43</sup>

44. There is also a lack of investigation of and accountability for violence against women, and rape remains a problem with no governmental rape prevention activities.<sup>44</sup> There have also been reports of coerced abortion and involuntary sterilization by the government, although none have arisen in the past two years.<sup>45</sup>

45. Sexual harassment is also a problem in the ROM. Criminal penalties and civil remedies for harassment in employment are lacking in severity, and societal attitudes as well as law enforcement disinterest discourage women from reporting sexual harassment.<sup>46</sup>

### ***Recommendations***

46. The ROM has ratified the Convention on the Elimination of All Forms of Discrimination against Women.<sup>47</sup> Therefore, it must adhere to it in ensuring that its women are protected from gender-based violence and discrimination. Some of the ROM's current actions are, in form, compliant with this treaty, but many others run contradict it and implicate human rights violations.

47. Further legislation must be introduced to bolster the application of the ROM's current anti-discrimination and anti-sexism laws. Progressive legislation or outreach that affirmatively advances women's rights should be introduced immediately, with special protections for Roma women.

48. Wider social reform and education is needed to combat attitudes that encourage discrimination and violence against women, and domestic women's rights organizations must receive additional resources and outreach.

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### **Acknowledgement**

*This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005) and Alec Richards (University of Michigan Law School 2022)*

*Word count: 2582*

<sup>43</sup> <https://freedomhouse.org/country/moldova/freedom-world/2021>

<sup>44</sup> <https://www.state.gov/wp-content/uploads/2021/03/MOLDOVA-2020-HUMAN-RIGHTS-REPORT.pdf>

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en)