



# Assemblée générale

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## Conseil des droits de l'homme

### Quarantième session

25 février-22 mars 2019

Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,  
civils, politiques, économiques, sociaux et culturels,  
y compris le droit au développement**

## Communication du Bureau de l'Avocat du peuple de la République de Moldova\*

### Note du secrétariat

Le secrétariat du Conseil des droits de l'homme fait tenir ci-joint la communication soumise par le Bureau de l'Avocat du peuple de la République de Moldova\*\*, reproduite ci-après conformément à l'article 7 b) du Règlement intérieur figurant dans l'annexe à la résolution 5/1 du Conseil, qui dispose que la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques convenues par la Commission des droits de l'homme, notamment la résolution 2005/74 du 20 avril 2005.

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\* Institution nationale des droits de l'homme à laquelle l'Alliance globale des institutions nationales des droits de l'homme a accordé le statut d'accréditation « A ».

\*\* La communication est reproduite en annexe telle qu'elle a été reçue, dans la langue de l'original seulement.



## Annexe

[Anglais seulement]

### **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 considerably increased: with 24,6 % compared to 2017 year.

I express 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.

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