

Distr.  
GENERAL

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

ARABIC  
Original: ENGLISH

## المجلس الاقتصادي والاجتماعي



لجنة حقوق الإنسان

الدورة الحادية والستون

البنود ١٠ و ١١ و ١٣ و ١٤ من جدول الأعمال المؤقت

### الحقوق الاقتصادية والاجتماعية والثقافية

#### الحقوق المدنية والسياسية

#### حقوق الطفل

#### فئات محددة من الجماعات والأفراد

مذكرة شفوية مؤرخة ٢٧ تموز/يوليه ٢٠٠٤ وموجهة من البعثة الدائمة

لرومانيا لدى مكتب الأمم المتحدة في جنيف إلى مفوضية الأمم المتحدة

السامية لحقوق الإنسان

تهدى البعثة الدائمة لرومانيا لدى مكتب الأمم المتحدة في جنيف تحياتها إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان، ويُشرفها أن تسترعي انتباهها إلى الأفعال غير المشروعة وإلى انتهاكات حقوق الطفل التي ارتكبتها سلطات منطقة ترانسديستر التابعة لجمهورية مولدوفا. ويرد وصف لعملية قيام ميليشا بإغلاق ثلاث مدارس تستخدم الحروف اللاتينية في التعليم والاستيلاء عليها، في مصدر رسمي ومحيد، هو التقرير الموقعي الصادر عن بعثة منظمة الأمن والتعاون في أوروبا إلى جمهورية مولدوفا، المرفق بهذه الوثيقة\*.

\* مستنسخ في المرفق كما ورد، باللغة الأصلية التي قُدم بها فقط.

وتود البعثة الدائمة لرومانيا أن تسترعي الانتباه إلى أن الأفعال التي قامت بها الميليشيا وغيرها من السلطات في منطقة ترانسديستر ضد المدارس الثلاث تمثل انتهاكاً للأحكام التالية من اتفاقية حقوق الطفل:

- المادة ٢(١): التمييز على أساس اللغة؛
  - المادة ٢(٢): التمييز والعقاب على أساس المركز؛
  - المادة ٣(٣): الحرمان من الوصول إلى المؤسسات والإدارات والمرافق؛
  - المادة ١٢(١): انتهاك حق الطفل في التعبير عن آرائه في المسائل التي تمس الطفل؛
  - المادة ١٩(١): إهمال الطفل أو معاملته معاملة تنطوي على إهمال؛
  - المادة ٢٧(١ و ٢ و ٣): انتهاك حق الطفل في مستوى معيشي ملائم لنموه البدني والعقلي والروحي والمعنوي والاجتماعي؛
  - المادة ٢٨: انتهاك حق الطفل في التعليم، لا سيما في الالتحاق المنتظم بالمدارس؛
  - المادة ٢٩(١): إنكار حق الطفل في هويته الثقافية ولغته وقيمته الخاصة.
- ويمثل إغلاق المدارس الثلاث كذلك انتهاكات للإعلان العالمي لحقوق الإنسان، لا سيما لما يلي:
- المادة ٢١: حق كل شخص، بالتساوي مع الآخرين، في تقلد الوظائف العامة في البلاد؛
  - المادة ٢٦: حق الآباء، على سبيل الأولوية، في اختيار نوع التعليم لأولادهم.
- وتطلب البعثة الدائمة لرومانيا من مفوضية الأمم المتحدة السامية لحقوق الإنسان أن تتكّرم بالقيام بما يلي:
- تعميم هذه المذكرة الشفوية والمرفق الملحق بها كوثيقة رسمية من وثائق الدورة الستين للجنة حقوق الإنسان؛
  - استرعاء انتباه المقرر الخاص للجنة حقوق الإنسان المعني بالحقوق في التعليم إلى هذه المذكرة؛
  - إحاطة لجنة حقوق الطفل علماً بالحالة المشار إليها أعلاه؛
  - اتخاذ أي تدبير قد تراه ضرورياً لوضع حد للأفعال غير المشروعة المرتكبة ضد الأطفال المددوفين في المدارس المعنية، حتى يتسنى لهم بدء السنة الدراسية الجديدة في ظروف طبيعية، مع عدم القيام بأية محاولة لتخويفهم ومعاقبتهم أو ذويهم.

## Annex

### Spot Report NO. 4/2004

#### *Transdnistriean authorities move to close remaining Moldovan schools 27 July 2004*

#### Summary

After a quiet weekend, Transdnistriean 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 Transdnistriean 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 Transdnistriean 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 Transdnistriean militia could result.

#### Events in Bendery

Late in the afternoon of 26 July, the OSCE Mission began receiving reports of likely efforts by Transdnistriean militia to take possession of three of the disputed Moldovan schools teaching in Latin script in Transdnistriean-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 Transdnistriean 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 Transdnistriean 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. Transdnistriean "border guards" initially refused entry to Transdnistriean-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 Transdnistriean 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 Transdnistriean 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 Transdniestrian 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 Transdniestrian 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 Transdniestrian 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.

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