



**Consejo Económico
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COMISIÓN DE DERECHOS HUMANOS
61º período de sesiones
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**LOS DERECHOS ECONÓMICOS, SOCIALES Y CULTURALES
LOS DERECHOS CIVILES Y POLÍTICOS
LOS DERECHOS DEL NIÑO
GRUPOS E INDIVIDUOS ESPECÍFICOS**

**Nota verbal de fecha 27 de julio de 2004 dirigida a la Oficina del Alto
Comisionado de las Naciones Unidas para los Derechos Humanos por
la Misión Permanente de Rumania ante la Oficina de
las Naciones Unidas en Ginebra**

La Misión Permanente de Rumania ante la Oficina de las Naciones Unidas en Ginebra saluda muy atentamente a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos y tiene el honor de señalar a su atención las acciones ilegales y las violaciones de los derechos del niño cometidas por las autoridades de la región del Transdniéster en la República de Moldova. Como anexo del presente documento figura el informe sobre el terreno de la Misión de la Organización para la Seguridad y la Cooperación en Europa (OSCE) en la República de Moldova, fuente fidedigna e imparcial, en el que figura una descripción de la clausura y la apropiación por milicias de tres escuelas que impartían sus clases en alfabeto latino*.

La Misión Permanente de Rumania quiere destacar el hecho de que las acciones cometidas contra esas tres escuelas por milicias y por otras autoridades del Transdniéster constituyen violaciones de las siguientes disposiciones de la Convención sobre los Derechos del Niño:

* Se reproduce en el anexo como se presentó, en el idioma original únicamente.

- Párrafo 1 del artículo 2: discriminación por motivos de idioma;
- Párrafo 2 del artículo 2: discriminación y castigo por causa de la condición;
- Párrafo 3 del artículo 3: denegación de acceso a las instituciones, servicios y establecimientos;
- Párrafo 1 del artículo 12: vulneración del derecho del niño a expresar su opinión en los asuntos que afectan al niño;
- Párrafo 1 del artículo 19: descuido o trato negligente del niño;
- Párrafos 1, 2 y 3 del artículo 27: violación del derecho del niño a un nivel de vida adecuado para su desarrollo físico, mental, espiritual, moral y social;
- Artículo 28: violación del derecho a la educación, en particular a la asistencia regular a las escuelas;
- Párrafo 1 del artículo 29: denegación del derecho del niño a su propia identidad cultural, a su idioma y a sus valores.

La clausura de los tres establecimientos constituye también una violación de la Declaración Universal de Derechos Humanos, en particular de las siguientes disposiciones:

- Artículo 21 (derecho de toda persona de acceso, en condiciones de igualdad, a las funciones públicas de su país);
- Artículo 26 (derecho preferente de los padres a escoger el tipo de educación que habrá de darse a sus hijos).

La Misión Permanente de Rumania ruega a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos que tenga a bien:

- Distribuir la presente nota verbal y su anexo como documento oficial del 61º período de sesiones de la Comisión de Derechos Humanos;
- Señalarla a la atención del Relator Especial de la Comisión de Derechos Humanos sobre el derecho a la educación;
- Informar al Comité de los Derechos del Niño de la situación mencionada;
- Adoptar toda medida que estime necesaria para detener las acciones ilegales emprendidas contra los niños moldovos en las escuelas respectivas y permitirles comenzar el nuevo curso escolar en condiciones normales sin que ellos o sus padres sufran intento alguno de intimidación o castigo.

Annex

Spot Report No. 4/2004

Transdnistrian Authorities Move to Close Remaining Moldovan Schools 27 July 2004

Summary

After a quiet weekend, Transdnistrian authorities took measures through the night of 26-27 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 Transdnistrian 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 sixty 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 Transdnistrian militia. Militia are currently occupying the building. Twenty parents in Bendery and as many as fifty parents in Ribnita stayed overnight in the other schools. Violent clashes with Transdnistrian militia could result.

Events in Bendery

Late in the afternoon of 26 July, the OSCE Mission began receiving reports of likely efforts by Transdnistrian militia to take possession of three of the disputed Moldovan schools teaching in Latin script in Transdnistrian controlled territory – School Number 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 Number 19 in Bendery and the school in Ribnita, fearful of attempts by Transdnistrian local authorities to seize the schools.

In Bendery, Mission Members spent most of 26 July at School Number 19, where conditions were calm. About fifteen to twenty 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 Transdnistrian 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 Number 19 during the coming night.

Mission Members immediately returned to Bendery to check the situation, and alerted the Joint Military Command. Transdniestrian “border guards” initially refused entry to Transdniestrian-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 Transdniestrian 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 Number 19.

During the night of 26-27 July approximately sixty 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 Transdniestrian 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 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 fifty parents remain inside the school building, and many apparently remained there through the night. As of 0630 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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