

Moldova | Freedom House

POLITICAL RIGHTS: 24 / 40 (-2)

A. ELECTORAL PROCESS: 9 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

A prime minister nominated by the president and confirmed by Parliament holds most executive authority. The current prime minister, Pavel Filip of the Democratic Party of Moldova (PDM), took office in January 2016 after his predecessor lost a confidence vote in October 2015.

In 2016, Moldova held its first direct presidential election since 1996, after shifting back from an indirect system. The president is elected by direct popular vote for up to two four-year terms. If no candidate receives more than 50 percent of the votes in the first round, the two leading candidates compete in a second round. Socialist Party (PSRM) candidate Igor Dodon defeated Maia Sandu of the Action and Solidarity Party in the 2016 runoff, 52 percent to 48 percent. This followed a first round in which nine candidates had competed. International observers concluded that the election was largely credible. However, state resources were occasionally misallocated, and transparency in campaign funding was lacking.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Voters elect the 101-seat unicameral Parliament by proportional representation for four-year terms. Although observers praised the most recent parliamentary elections in 2014 as genuinely competitive and generally well administered, there were some significant deficiencies. The pro-Russian Patria Party was disqualified days before the vote on the grounds that it received campaign funds from abroad. The distribution of overseas polling places favored residents of EU countries over those living in Russia. Nevertheless, the Constitutional Court approved the election results, rejecting challenges by opposition parties. The PSRM took 25 seats, the Liberal Democratic Party of Moldova (PLDM) 23 seats, the Party of Communists of the Republic of Moldova (PCRM) 21, the PDM 19, and the Liberal Party (PL) 13. By the end of 2017, however, the ruling PDM had more than doubled its share of seats and become the largest party in Parliament through a series of defections from the PLDM and PCRM. The PSRM remained the largest opposition party.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4 (-1)

Elections have typically been administered professionally and impartially, despite a lack of resources. In 2018, however, the competitive and generally well-run Chișinău

mayoral election was invalidated through a series of court decisions that prompted concerns about the politicized enforcement of electoral laws.

In the Chişinău contest, held in two rounds in May and June, Andrei Năstase, leader of the reformist Dignity and Truth (DA) party, defeated PSRM candidate Ion Ceban in the runoff. While the election's result was initially recognized by the stakeholders and by international observers, a court annulled the vote on the grounds that Năstase and Ceban had violated provisions of the electoral code by campaigning on social media after the end of the legal campaign period; the Supreme Court of Justice upheld the decision in late June. (Năstase claimed that he and Ceban had simply posted messages urging citizens to vote, and had not been actively campaigning; Ceban said that only Năstase had engaged in improper activity.)

The decision to invalidate an election over a minor violation raised suspicions that the rulings were politically motivated, and the affair prompted criticism from both the EU and the United States. The EU response emphasized that the Supreme Court's decision undermined trust in state institutions, while the United States called the election's invalidation "a threat to Moldovan democracy" and the final ruling "unusual and unwarranted"; both condemned the Supreme Court decision as nontransparent. As a result of the annulment, an acting mayor was set to serve until a new election could be held in 2019.

Parliamentary elections scheduled for February 2019 would be governed by a 2017 revision to electoral rules that replaced the previous proportional system with a mixed system featuring both single-member constituencies and seats allocated proportionally by party list. The Venice Commission of the Council of Europe had strongly urged against the switch to single-member constituencies, arguing that they could allow powerful local business interests to subvert the needs of constituents.

PDM-backed legislation signed by Dodon in December will permit a referendum on reducing the number of lawmakers in Parliament to be held on the same day as the 2019 parliamentary elections. The opposition criticized the plan as politicking meant to benefit the PDM.

Score Change: The score declined from 3 to 2 because the courts took the unusual step of invalidating an internationally recognized mayoral election in Chişinău based on minor campaign violations, raising suspicions that the decision was politically motivated.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

There are no legal restrictions on party formation in Moldova. In the 2014 parliamentary elections, 21 political parties participated, and five gained seats. However, business elites, aided by weak campaign finance laws, dominate party politics, and this effectively discourages the formation and rise of new parties while

hampering the competitiveness of those that already exist.

Campaign finance laws also favor parties over independent candidates. For the 2014 legislative elections, the cap on private donations was doubled for political parties but remained the same for independent candidates. The ability of the Central Election Commission (CEC) to monitor the financing of campaigns is limited.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties have a strong presence in Parliament and other elected offices, and they are able to increase their support through elections. However, the ruling PDM has maintained power in recent years by enticing many elected opposition members to leave their parties. In some cases the defections have been accompanied by allegations of bribery and coercion.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Economic oligarchies and business interests underpin political party structures in Moldova, harming political accountability. Wealthy businessmen with political interests, principally PDM chairman Vladimir Plahotniuc, are able to use their private assets to exercise undue influence over political affairs.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women and minorities do not face legal barriers to political participation, though social obstacles prevent women from playing a more active role at all levels of Moldovan politics, and some minority groups remain underrepresented. The Gagauz, a Turkic minority concentrated in the country's south, enjoy regional autonomy, but their leaders allege that their interests are not well represented at the national level. Although the first two Romany women were elected to local councils in 2015, Roma in general face discrimination and suffer from low levels of political participation. LGBT people continue to organize and advocate for equal rights, but the harassment they encounter discourages political engagement.

C. FUNCTIONING OF GOVERNMENT: 4 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (-1)

Unelected business elites hold sway over the government and government policies. Plahotniuc has an outsized influence on policymaking, even though he does not hold elected office and his party finished fourth in the 2014 elections. He was instrumental in building a governing coalition around the PDM and effectively sets the agenda for the government, announcing government plans at regular public briefings and presenting himself as a de facto leader.

The functioning of government has been complicated by clashes between the PDM-led cabinet and Parliament on the one hand and President Dodon on the other. Dodon has repeatedly refused to promulgate legislation or approve candidates put forward by Parliament for various posts, and lawmakers have secured a series of Constitutional Court rulings that temporarily suspend Dodon from office to overcome the obstruction. The suspensions grant the Parliament speaker temporary authority to sign the bills or approve the appointments in question. The constitution allows the president to return adopted bills to Parliament for reconsideration, but he must promulgate them if they are approved a second time.

Score Change: The score declined from 3 to 2 due to the increasingly open and prominent role of Democratic Party leader Vladimir Plahotniuc, a wealthy businessman who holds no elected office or government position, in determining and presenting government policies.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a widespread problem at all levels of government, and existing anticorruption laws are inadequately enforced. Moldova is still reeling from a 2014 scandal involving the Central Bank, in which \$1 billion was stolen. In 2016, former prime minister Vlad Filat was sentenced to nine years in prison in connection with the scandal, but there have been few other high-level prosecutions.

In July 2018, Parliament adopted a controversial “fiscal amnesty” measure that permits people to declare and register assets without providing information about where they came from, if they pay a 3 percent tax on the assets they reveal. The provision, signed by the president in August as part of a larger financial reform package, came under sharp criticism from the opposition, including Năstase, who said the amnesty was tantamount to legalizing fraud. The World Bank and International Monetary Fund (IMF) also expressed concern about the package, with the former saying it could “undermine the Moldovan government’s commitment to fighting corruption.”

C3. Does the government operate with openness and transparency? 1 / 4

The government does not operate with transparency. Most political activity takes place behind the scenes in negotiations between and within political parties. A number of laws have been passed in recent years to increase transparency in decision-making processes and require public officials to disclose their assets, but they have not been effectively enforced due to lack of political will.

CIVIL LIBERTIES: 34 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16 (-1)

D1. Are there free and independent media? 2 / 4

The media environment is dominated by outlets connected to political parties,

particularly the PDM. More than 80 percent of domestic television stations are owned by people affiliated with political parties, and some 70 percent of the market is controlled by Plahotniuc. Reporters often experience political pressure from the government, such as denial of access to information, public institutions, and events, or public denunciations or threats of legal action by government officials. This contributes to self-censorship and the suppression of critical news coverage. Some independent journalists have reported suspicions of surveillance and claimed that opposition figures are reluctant to speak with them on the telephone due to fears of wiretaps.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution upholds religious freedom and establishes no religious authority in the state, though it provides special status to the Moldovan Orthodox Church. Religious minorities have reported discrimination by local officials and difficulties in establishing houses of worship.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected. However, the Gagauz community has complained of exclusion from the mainstream higher education system, as most Gagauz are more fluent in Russian than Romanian, the official language in Moldova.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4 (-1)

Individuals have generally been able to engage in discussions of a sensitive or political nature without fear of retribution. However, there are growing concerns that expressing criticism of the government or other powerful actors may result in loss of employment or damaged career prospects, particularly in the public sector. Suspicions of increased surveillance targeting journalists and civil society activists have also discouraged open political discussion among private citizens.

Score Change: The score declined from 4 to 3 due to growing concerns that individuals are subject to monitoring and retribution, including damaged career prospects, for criticism of the ruling party or other powerful actors.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is guaranteed by the constitution and mostly upheld in practice. A series of protests condemning the annulment of the Chişinău mayoral elections in 2018 proceeded peacefully. However, an LGBT march that took place in May was disrupted by counterprotesters who attempted to break through a line of police officers protecting event participants. Police responded with tear gas. In 2017, a similar march had been cut short by police, who cited the potential for a violent confrontation with counterprotesters amassed along the route.

Also in 2017, protest leader and opposition politician Grigore Petrenco had received a four-and-a-half-year suspended prison sentence for “organizing mass disturbances” in 2015, a charge that the opposition claimed was politically motivated.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4

The nongovernmental organization (NGO) sector is vibrant. However, the government tends to ignore scrutiny of its initiatives by NGOs and has excluded them from policy drafting processes, while NGO leaders continue to report that the government unfairly brands them as political partisans. Human rights lawyers and activists have endured media smear campaigns and targeted criminal investigations and prosecutions. Civil society activists have voiced concerns about wiretapping and noted the increasing number of wiretap requests approved by Moldova’s judges.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Trade unions are permitted to operate in Moldova, and the government has passed regulations protecting the rights of workers. However, collective bargaining is not allowed in some sectors, and union membership is declining. The government often fails to enforce the right to collective bargaining when it is denied by employers. Antiunion discrimination is illegal, but workers have no effective legal recourse when they are fired for union activity.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 1 / 4

Moldova’s judicial branch is susceptible to political pressures that hamper its independence, and judicial appointment processes lack transparency. Judges have been dismissed for their decisions. In a high-profile case, appellate judge Domnica Manole was dismissed in 2017 after her decision requiring the CEC to hold a referendum on constitutional amendments proposed by reform activists. Manole faced criminal charges for her ruling; her case opened in April 2018, and at year’s end it was apparently ongoing. The Supreme Court of Justice’s decision in June 2018 to annul the Chişinău mayoral election further contributed to perceptions that the judiciary is politically compromised. In December, the government named three judges considered to be aligned with the ruling party to the Constitutional Court. Their appointment came after two judges on the court had resigned before their mandates ended, without explanation; the third seat had been vacant.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process is often lacking in the Moldovan justice system. Some prosecutions are politically motivated, especially those against human rights lawyers and opposition figures. Important cases have been held behind closed doors, despite legislation mandating audio and video recordings. Lengthy pretrial detention is common. There have been relatively few prosecutions in connection with the 2014 banking scandal, and the lost funds, equivalent to 13 percent of the country’s gross domestic product

(GDP), have not yet been recovered.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Prisoners and detainees have experienced maltreatment and torture. Prosecution for such offenses is rare, and very few of those convicted in torture cases receive prison sentences. The case of Andrei Braguța, who in 2017 was jailed on a traffic violation and beaten to death by his cellmates, drew domestic and international attention to violence within the penitentiary system. Overcrowding and unsanitary conditions are also prevalent in the country's prisons.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Members of the Romany minority experience discrimination in housing, education, and employment, and have been targets of police violence.

While discrimination based on sexual orientation is not explicitly banned by the main article of the 2012 Law on Ensuring Equality, it is understood to be covered under a reference to discrimination on "any other similar grounds." Nevertheless, LGBT people face discrimination and harassment. The law prohibits discrimination in employment on the basis of sexual orientation, but not gender identity.

Despite legal protections and government programs meant to promote gender equality, women continue to face disadvantages in employment and compensation in practice.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The law protects freedom of internal movement and foreign travel, and the government generally respects these rights. There are no formal restrictions on the right to change one's place of employment or education, but bribery is not uncommon in educational institutions.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Although Moldovan law guarantees property rights, they are undermined by a weak and corrupt judiciary. Widespread corruption and related advantages for politically connected businessmen also affect normal business activity and fair competition. Allies of powerful individuals have been accused of benefiting economically from selective enforcement of business regulations.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Some personal social freedoms are protected, but domestic violence and sexual assault are common in Moldova. A joint report submitted by several Moldovan NGOs in 2016 found that more than 63 percent of women over the age of 15 have experienced at least one form of violence (physical, psychological, or sexual) in their lifetimes; the same report found that over 20 percent of men admitted to having had sex with a woman without her consent. Laws covering domestic violence are inadequately enforced, and abuse that does not result in significant injury is subject only to administrative penalties. Neither marriage nor civil unions for same-sex couples are recognized under the law.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Persistent poverty, extensive emigration, and a lack of job opportunities for trained and educated workers bedevil the Moldovan economy. Human trafficking remains a problem, although the authorities have accelerated efforts to prosecute traffickers. Despite legal protections, child labor remains a pervasive problem in the country. Regulations meant to prevent exploitative or unsafe working conditions remain inadequate.