



Moldova

Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor

February 23, 2001

Moldova gained its independence from the Soviet Union in 1991 and in 1994 adopted a constitution that provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. International observers considered the 1996 presidential and 1998 parliamentary elections to be free and fair, but authorities in the separatist Transnistrian region interfered with citizens' ability to vote. President Petru Lucinschi's 4-year term ends in January 2001. The Parliament, which was dismissed at the end of the year, was composed of: The Communist Party with 40 seats, centrist parties with 39 seats, a rightwing party with 9 seats, and 13 independents. The Parliament amended the 1994 Constitution on July 21 by voting to transform the country into a parliamentary republic, significantly reducing the President's powers and changing the presidential election from a popular to a parliamentary vote. The amendment also eliminated the President's ability to introduce legislation for Parliament's consideration. The Constitution provides for an independent judiciary; while the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence continued to increase.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the Ukrainian border. This separatist regime has entered into negotiations with the national Government on the possibility of a special status for the region. Progress in resolving the ongoing conflict has been blocked by the separatists' continuing demands for statehood and recognition of the country as a confederation of two equal states. The Organization for Security and Cooperation in Europe (OSCE), the Russian Federation, and Ukraine act as mediators. The two sides generally have observed the cease-fire of 1992, which ended armed conflict between them, but other agreements to normalize relations often have not been honored. In the second half of the year, Russian State Commission chairman Yevgeniy Primakov launched a new initiative for a resolution of the Transnistrian issue. A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor (Bashkan) and 35 deputies to their Popular Assembly in free and fair elections in September 1999. The stability of the agreement on autonomy was put in doubt as differences developed between the Gagauz and central authorities over the distribution of tax revenues, budget allocations, and property ownership.

The Ministry of Internal Affairs has responsibility for the police. The Ministry of National Security renamed by Parliament the Information and Security Service (ISS) was placed under Parliament's control. The Border Guards are no longer under ISS control, but are a separate agency. The ISS has the right to investigate, but not to arrest. The Constitution assigns to Parliament the authority to investigate the activities of the Ministry of Internal Affairs and the ISS, and ensures that they comply with existing legislation. Some members of the security forces committed a number of human rights abuses. General Aleksei, the head of the Anti-Organized Crime and Corruption Department under the Ministry of Internal Affairs, was suspended from his position and is under investigation for misuse of funds. The General Prosecutor's office is conducting the investigation, which was still ongoing at year's end.

The country continued to make progress in economic reform. International observers viewed the Government of Prime Minister Braghis as strongly proreform. The economy is largely based on agriculture. Citizens and foreigners can buy and sell land at market prices. However, foreigners cannot buy agricultural land, nor can agricultural land be resold for a period of 5 years. Over 900 of approximately 1,000 large collective farms have applied for the Government's land privatization program. By year's end, approximately 634,000 landowners have received title to almost 1.7 million plots of land. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The gross domestic product (GDP) is estimated officially at about \$312 (3900 lei) per capita but may be considerably underestimated because of activity in the large shadow economy and underreporting for tax purposes. According to some estimates, the shadow economy accounts for about two-thirds of the national economy. The officially reported median salary is \$33 per month (410 Moldovan lei).

According to government statistics about 80 percent of the population lives below the poverty level and 20 percent of the population is classified as extremely poor. Some 65.4 percent of the poorest people live in rural areas. According to the results of the Government's household budget survey for the first quarter of the year, the monthly disposable income per person was about \$15.50 (193 Moldovan lei) and 92 percent of the population lives on less than \$1 per day. A majority of citizens cannot afford to buy fish, meat, milk and other dairy products on a regular basis. Malnutrition is recognizable in the rates of anemia for children, and the percentage of young men not physically fit for military service. The infant mortality rate is increasing, life expectancy is decreasing, and deaths in childbirth are increasing. The GDP increased by 1.9 percent during the year. GDP per capita was \$353 (439 Moldovan lei). A program privatizing state-owned enterprises and real estate based on vouchers issued to all citizens is complete. The exchange rate remained stable for most of the year, with local currency depreciation in the beginning of the year and its slow appreciation in mid-year. Inflation for the year was 18.4 percent. The country has considerable foreign debt. The economic situation is worse in Transnistria.

The Government generally respects the human rights of its citizens; however, there were problems in some areas. The police occasionally beat and otherwise abused detainees and prisoners. Prison conditions remained harsh, with attempts to improve them are hampered by lack of funding. While the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence continued to increase. It is widely believed that security forces monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. The Constitution potentially limits the activities of the press, political parties, and religious groups. In the past, journalists have practiced self-censorship, due to fear of protracted legal battles. A recent Supreme Court decision tightened the requirements for bringing such suits. The law also imposes restrictions on some religious groups. Societal discrimination and violence against women persisted. The Constitution allows parents the right to choose the language of education for their children. Trafficking in women and girls was a very serious problem.

The Transnistrian authorities continued to be responsible for abuses, including questionable detentions, harassment of independent media, restrictions on freedom of religion, and discrimination against Moldovan/Romanian speakers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings in the country or its separatist region.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment; however, there were credible reports that police sometimes beat and abused prisoners or suspects.

From April 17 to 19, violent clashes took place in Chisinau between police and students protesting the municipal decision to cancel their free public transport privileges (see Section 2.b.). Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed and the students were subsequently released. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end. Subsequent protests over wage arrears were peaceful (see Section 1.d.).

A businessman alleged that the police kidnaped his brother for 3 days in July 1999. The police reportedly tortured him, then released him after charging him with drunkenness and resisting arrest. The businessman also charged that this was a case of racketeering and involved persons from the prosecutor's office as well as the police. The Prosecutor's Office announced in December 1999 that physical assault charges were pending against three police officers, but the case was dismissed on April 17 for lack of evidence. There was no investigation into the racketeering charges.

Conditions in most prisons remain harsh, with serious overcrowding. Cell sizes do not meet local legal

requirements or minimum international standards. Conditions are especially harsh in prisons used to hold persons awaiting trial or sentencing. These prisons suffer from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences are better only marginally. According to the 1999 Human Development Report of the United Nations Development Program (UNDP), 2.3 percent of the total number of inmates are children. There are separate facilities for children and teenaged prisoners; most are in detention camps. The incidence of malnutrition and disease, especially tuberculosis, is high in all facilities. The medical section of the Department of Penitentiaries released figures of 1,871 inmates with tuberculosis and 124 with HIV/AIDS. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continued at diminished levels. The Ministry of Justice administers the prison system. Attempts to improve prison conditions are frustrated by a lack of financing.

Human rights monitors are permitted to visit prisons. Local and international human rights monitors were allowed to visit prisons in Moldova, and Council of Europe (COE) monitors were allowed to visit some prisoners in Transnistria; however, COE monitors were not allowed to inspect prisons in Transnistria.

After questionable trials in 1993, four ethnic Moldovans continued to serve sentences in Transnistria for alleged terrorism-related crimes (see Section 1.e.). At the end of July 1999, one of the four, Ilie Ilascu, wrote a letter to the press claiming to be on his 77th day of a hunger strike and alleging a number of abuses by the Transnistrian authorities. A member of the OSCE mission visited him in July 1999 and observed that he did not appear to be in imminent danger. At the end of 1999, he still was claiming to be on a hunger strike. In December 1999, the wives of all four complained that they were not able to visit, although they were allowed to send food. In March a Commonwealth of Independent States (CIS) official visited Ilascu, but OSCE members were not allowed to accompany him. None of the visitors made any observation of imminent danger to the state of health of the prisoner. In May Moldovan Parliamentary President Diacov visited Ilascu. This was the first time a senior government official met with him. The visit was filmed and televised by local television stations (see Section 1.e.). The International Committee of the Red Cross (ICRC) visited these prisoners in 1992 and again in 1993 in Tiraspol, but later were denied visitation. The ICRC continued negotiating with Transnistrian officials at year's end to visit the prisoners with an international medical team. In June the Government of Moldova officially requested a retrial of the Ilascu group in a third country OSCE member state. In August Ilascu himself conveyed to a visiting Council of Europe official that he wanted a retrial. Some OSCE member states are considering the Government's request; however, at year's end, no state had yet confirmed its willingness to do so.

d. Arbitrary Arrest, Detention, or Exile

The former Soviet Code on Penal Procedure remains in force with some amendments, and authorities respect its provisions. New penal and civil codes and the Code on Punishment for Minor Offenses were undergoing hearings in Parliament. The July session of Parliament decided that the Prosecutor General's office would no longer supervise the implementation of laws. Its function was restricted to criminal prosecution, presentation of formal charges before a court, and overall protection of the rule of law and civil freedoms. The Prosecutor General's office is under the judiciary branch. A law was passed during the year to make the Prosecutor General's office an independent body within the Supreme Council of Magistrates. Judges issue arrest warrants based on cases being presented by prosecutors. Under the Constitution, a suspect may be detained without charge for 24 hours. The suspect normally is allowed family visits during this period. The 24-hour time limit is not always respected, especially if a person is arrested late on a Friday or on a weekend. If charged a suspect may be released on personal recognizance or pending trial. There is no system of bail, but in some cases, in order to arrange release, a friend or relative may give a written pledge that the accused will appear for trial. Suspects accused of violent or serious crimes generally are not released before trial.

The Constitution permits pretrial arrest for an initial period of 30 days, which may be extended up to 6 months. Detentions of several months are fairly frequent. In exceptional cases, Parliament may approve extension of pretrial detention on an individual basis of up to 12 months. The accused has the right, under the Constitution, to a hearing before a court regarding the legality of his arrest. According to figures provided by the Ministry of Justice, 3,477 persons of a total prison population of 9,449, were held in confinement awaiting trial at year's end (these statistics do not include persons held in Transnistria).

According to the Constitution, a detained person must be informed immediately of the reason for his arrest and must be made aware of the charges as quickly as possible. The accused has the right to a defense attorney throughout the entire process, and the attorney must be present when the charges are brought. Many lawyers point out that access to a lawyer generally is granted only after a person has been detained for 24 hours. If the defendant cannot afford an attorney, the State requires the local bar association to provide one. Because the State is unable to pay ongoing legal fees, defendants often do not have adequate legal representation.

From April 17 to 19, violent clashes took place in Chisinau between police and students protesting the

municipal decision to cancel their free public transport privileges (see Section 2.b.). Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed and the students were subsequently released. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end (see Section 1.c.).

The Transnistrian authorities have imposed a state of emergency that allows law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. Such arbitrary detention procedures usually have been applied to persons suspected of being critical of the regime and sometimes last up to several months. According to a credible report by Amnesty International (AI), many pretrial detentions in Transnistria fit this description; however, there were no reports that Transnistrian authorities used this provision during the year.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch has exerted undue influence on the judiciary. Many observers believe that arrears in salary payments also make it difficult for judges to remain independent from outside influences and free from corruption. There were continuing indications during the year that judicial independence was increasing.

Since 1997 prosecutors have the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. The Constitution provides that the President, acting on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. This provision for judicial tenure is designed to increase judicial independence. Beginning during the year, judges being considered for reappointment were required to take a specialized training course at the Judicial Training Center. At the end of this training, they are tested. The test is evaluated by the Superior Council of Judges and the results are considered when making reappointment decisions. This process was designed to increase the professionalism of the judges.

The judiciary consists of lower courts of the first instance, five appellate courts (tribunals), a Higher Court of Appeals, a Supreme Court, and a Constitutional Court. The Supreme Court supervises and reviews the activities of the lower courts and serves as a final court of appeal.

By law defendants in criminal cases are presumed innocent. In practice prosecutors' recommendations still carry considerable weight and limit the defendant's actual presumption of innocence. Trials generally are open to the public. Defendants have the right to attend proceedings, confront witnesses, and present evidence. Defense attorneys are able to review the evidence against their clients when preparing cases. The accused enjoys a right to appeal to a higher court. Because of a lack of funding for adequate facilities and personnel, there is a large backlog of cases at the tribunal and Higher Appeals Court levels. Court decisions involving the restitution of salary or a position are not always implemented.

To date no pattern of discrimination has emerged in the judicial system. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Moldovan/Romanian.

There continued to be credible reports that local prosecutors and judges extort bribes for reducing charges or sentences. In January 1999, a judge in the Chisinau economic court was arrested for allegedly accepting a bribe to reduce a fine against a firm. He was convicted and sentenced to 10 years in prison.

Prosecutors occasionally use bureaucratic maneuvers to restrict lawyers' access to clients.

The Constitutional Court showed signs of increasing independence during the year. The Court reviewed 90 cases during the year, a 40 percent decrease from 1999. The Court declared unconstitutional 16 laws, 1 parliamentary decision, and 4 government acts. In the period since Parliament passed the July 5 amendment to the constitution, the court has been called upon to issue a number of rulings on the interpretation of the amendment and subsequent implementing legislation. Despite the political rivalry between the President and the Parliament, the court's decisions have generally been regarded as fair and objective. On October 10, the Court ruled recent legislation requiring political parties be registered for 2 years before participating in elections to be unconstitutional.

There were no reports of political prisoners outside Transnistria.

In Transnistria four ethnic Moldovans, members of the "Ilascu Group," (one of whom, Ilie Ilascu, is an elected member of the Romanian Parliament but has never been able to take his seat) remained in prison following their conviction in 1993 for allegedly killing two separatist officials (see Section 1.c.). International human rights groups raised serious questions about the fairness of the trial; local organizations alleged that the Moldovans were prosecuted solely because of their membership in the Christian Democratic Popular Party (PPCD), a Moldovan political party that favors unification with Romania. Family members have been allowed access. In April 1999, the Ilascu Group filed a case with the European Court of Human Rights (ECHR) against the Government of Moldova and the Russian Federation. In June 1999, the ECHR registered the case and began examining it. The ECHR notified both Governments during the year that it would hear the case and ordered them to file their responses by September 25. Both governments submitted their documents on October 25, which were sent by the ECHR to the Ilascu Group's lawyers. Lawyers for the Ilascu Group are scheduled to present their case before the ECHR in January 2001. The President of the Parliament of Moldova, Dumitru Diacov, visited Ilascu on May 16. This was the first time a senior government official met with Ilascu. The visit was filmed and then broadcast by local television stations. International organizations continued to pressure the Transnistrian authorities to retry the Ilascu Group in another OSCE-member state; however, by year's end no country had expressed willingness to retry them. In July 1999, the Transnistrians issued a moratorium on capital punishment, which in effect suspended implementation of Ilascu's death sentence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Prosecutors issue search warrants; however, in some instances searches are conducted without warrants. Courts do not exclude evidence that was obtained illegally. There is no judicial review of search warrants. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. It also forbids searches at night, except in the case of flagrant crime.

It is widely believed that security agencies continue to use electronic monitoring of residences and telephones without proper authorization. By law the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is under way. In practice the prosecutor's office lacks the ability to control the security organizations and police and prevent them from using wiretaps illegally.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the law provide for freedom of speech and of the press, although with some restrictions. The Government does not limit freedom of speech, and the print media express a wide variety of political views and commentary. National and city governments subsidize a number of newspapers, but political parties and professional organizations, including trade unions, also publish newspapers. Most newspapers have a circulation of less than 5,000.

Although the number of media outlets that are not owned and operated publicly by the State or a political party is growing, most of these independent media still are in the service of a political movement, commercial interest, or foreign country, and secure large subsidies from these sources. There are several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. There are three independent television stations in the Chisinau area and one in the city of Balti. The Government owns and operates several radio stations and a television station that covers most of the country. A number of local governments, including Gagauzia, operate television and radio stations. The Association of Electronic Press was founded in September 1999. The Association of Independent Press was founded in July 1997.

The 1995 Moldovan Audiovisual (AV) law requires a minimum of 65 percent of broadcasting be in the state (Moldovan/Romanian) language. The law did not specify if the 65 percent rule applied to all broadcast content or only that locally produced. In August the Audio-Visual Council (AVC) suspended the licenses of two radio stations and two television channels for their failure to respect the 65 percent requirement. On September 20, the Court of Appeals affirmed the revocation of the licenses and ordered the AVC to enforce the revocation. A court case brought by the Club of Romanian and Western University Graduates, against a number of other stations for failure to respect the 65 percent rule, was decided in favor of the plaintiffs. This decision forced the AVC to suspend the licenses of several other radio and television stations. This decision caused much controversy within the country and abroad. The Transnistrian authorities immediately proclaimed it further proof of their need to be independent of Chisinau. The Communist faction in Parliament demanded that the court decisions be annulled and the audiovisual legislation be modified. Several groups, among them the Student Association at the Academy of Economic Studies and a group of performing artists and composers,

spoke out against the closure of television and radio stations under this law, as did the OSCE High Commissioner for National Minorities and the Head of the OSCE mission in Moldova. The law also elicited strong criticism from Russia. The television and radio stations continued broadcasting despite suspension of their licenses, because the AVC had no real means to enforce the suspension. In October Parliament passed an amendment to the AV law, specifying that the 65 percent rule applied only to locally produced broadcast content. This allowed the AVC to reinstate the suspended licenses, because the affected stations were primarily repeater stations for foreign produced material.

The Constitution restricts press freedoms, forbidding "disputing or defaming the State and the people" and political parties that "militate" against the country's sovereignty, independence, and territorial integrity. These restrictions lack implementing legislation and are not invoked. In the past, criticism of public figures had resulted in a number of lawsuits. Consequently to avoid lengthy lawsuits, journalists practiced self-censorship. The Supreme Court in 1999 overturned an article in the Civil Code that allowed public figures to sue for defamation without distinguishing between their public and private persons. Under the Court's 1999 ruling, parties filing lawsuits must prove that the information was false and defamatory and published recklessly or with intentional malice. Since the 1999 decision, the plaintiffs generally have lost in cases where suits have been filed against journalists and media organs.

Legislation was passed in May giving access to public information. Journalists and ordinary citizens now have the right to obtain information from government organizations, which must also provide a timetable of when they will supply the information; however, at year's end the Government had not yet put into place the necessary mechanisms to respond to public inquiries.

The Government does not restrict foreign publications. However, Western publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, and some publish a special Moldovan weekly supplement. The country receives television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers receive a variety of foreign cable television programs. Parliament prohibited the use of locally based foreign media outlets from accepting political ads and publishing editorials in favor of a particular candidate. Of the two major newspapers in Transnistria, one is controlled by the regional authorities and the other by the Tiraspol city government. There is one independent newspaper in Tiraspol and one in the northern Transnistrian city of Ribnitsa. At times the independent newspapers criticize the Transnistrian regime and have been harassed by separatist authorities. Other print media in Transnistria do not have a large circulation and appear only on a weekly or monthly basis. Nonetheless some of them also criticize local authorities. The one independent television station is trying to enlarge its broadcast radius, but produced less than 10 hours of programming per week. The official Transnistrian television station, which previously had enjoyed a virtual monopoly of advertising revenues, continued to resist the independent station's expansion. Most Moldovan newspapers do not circulate in Transnistria although they are available in Tiraspol. Circulation of all print media in Transnistria is hampered by the closed nature of the society. The independent newspaper in Tiraspol, the Novaya Gazeta, was effectively shut down from January to August 1999 through the repeated confiscation of its press run by the Transnistrian authorities. Authorities did not present search warrants or court orders authorizing these confiscations. After a number of legal proceedings in which Transnistrian courts ruled the interventions illegal, and an intervention by the OSCE, the newspaper began to publish again in August 1999, although with a sharply limited circulation and under a modified name (Samya Novaya Gazeta). An independent newspaper in Ribnitsa was almost put out of business by two costly libel suits by local officials during the year.

Article 34.5 of the Constitution prohibits censorship and the Government does not officially censor books, films, or any other media; however, members of Parliament and other government officials often contact a media outlet with complaints about their reporting, which usually results in the criticism being toned down. Internet access is not limited by the government, but is prohibitively expensive; however, Internet cafes are plentiful in major cities.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to peaceful assembly, and authorities respected this right in practice. Mayors' offices issue permits for demonstrations; they may consult the national government if a demonstration is likely to be extremely large. On March 20, approximately 5,000 teachers and other protesters went on strike in front of the government building, protesting the nonpayment and low level of teachers' salaries. Although over 500 police officers and cadets were present with riot gear and gas masks, the protest remained peaceful.

From April 17 to 19, violent clashes took place between police and as many as 20,000 students, reportedly from every higher education institution in Chisinau, protesting the municipal decision to cancel the students'

free public transportation privileges. Both police and students sustained serious injuries, including broken arms and legs (see Section 1.c.). It is estimated that some 400 students were detained over the 3 days. The incident was currently under investigation by the Chisinau municipal prosecutor's office at year's end.

On September 7, about 180 pensioners and others demonstrated peacefully in downtown Chisinau against the municipal withdrawal of free transportation on trolleys and buses for pensioners. The pensioners later enlarged their grievances to include a call for a larger increase in the size of pension deemed necessary to maintain a decent standard of living. Approximately 2,500 pensioners returned to protest on November 1, demanding an increase in their monthly payments and the provision of free public transportation. In December pensioners staged a small, peaceful demonstration protesting pension arrears; there was a similar demonstration in support of veterans who had illegally occupied a building earmarked for parliamentary delegates. Police did not use force at any of the demonstrations.

The Constitution states that citizens are free to form parties and other social and political organizations, and authorities respected this right in practice. Private organizations, including political parties, are required to register, but applications are approved routinely. The Constitution forbids parties that "militate against the sovereignty, independence, and territorial integrity of Moldova." A total of 30 parties met the requirement of the October 1998 law requiring 5,000 members and are registered officially. An amendment to this law, which required that parties must have been registered for at least 2 years before taking part in elections, was ruled unconstitutional by the Constitutional Court in October. Parties registered for less than 2 years will therefore be allowed to participate in February 2001 elections.

c. Freedom of Religion

The Government generally permits the free practice of religion; however, a 1992 law on religion that codifies religious freedoms contains restrictions that could--and in some instances did--inhibit the activities of some religious groups. The law provides for freedom of religious practice, including each person's right to profess his religion in any form. It also protects the confidentiality of the confessional, allows denominations to establish associations and foundations, and states that the Government may not interfere in the religious activities of denominations. The procedures for registering a religious organization are the same for all groups. In the territory under effective control of the Moldovan authorities the Bessarabian Orthodox Church is the only religious group presently denied registration.

Several religious organizations face difficulties registering or conducting religious activities in the area under control of the Transnistrian authorities.

The law on religion as amended to legalize proselytizing--in principle bringing the legislation in line with the ECHR--went into effect in June 1999. However, the law on religion explicitly forbids "abusive proselytizing." Abusive is defined as "an attempt to influence someone's religious faith through violence or abuse of authority." Although some Protestant groups were concerned that the previous prohibition on proselytizing could inhibit their activities, the Government has not taken legal action against individuals for proselytizing.

Although Eastern Orthodoxy is not designated in the law on religion as the official religion, it continued to be a strong religious force and exerted significant influence. A notable example has been that of the Bessarabian Orthodox Church. The Government denied recognition to the Bessarabian Orthodox Church in October 1992, March 1996, August 1996, and March 1997. The Bessarabian Orthodox Church was formed in 1992 when a number of priests broke away from the Moldovan Orthodox Church, which is subordinate to the Moscow Patriarchate. The Bessarabian Orthodox Church, which sees itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the part of Moldova between the Nistru and Prut Rivers), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. The Government consistently has refused to register the Bessarabian Church, citing unresolved property claims and stating that the Bessarabian Church is a "schismatic movement." The issue has political as well as religious overtones, because it raises the question whether the Orthodox Church should be united and oriented toward Moscow, or divided with a branch oriented toward Bucharest. (Leaders of the Moldovan Orthodox Church appear more interested in independence than in links to Moscow.) In 1997 the Supreme Court overturned an appellate court decision affirming the right of the Bessarabian Church to register with the Government. However, the Supreme Court's decision was based on a procedural issue rather than on the merits of the case. The Bessarabian Church appealed the case to the European Court of Human Rights in June 1998. The Government submitted its response in February, arguing that registering the Bessarabian Church would interfere with an internal matter of the Moldovan Orthodox Church. There was no decision by year's end.

In January 1998, authorities in Transnistria canceled the registration of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been denied or delayed. Transnistrian officials regularly confiscate religious tracts from members of Jehovah's Witnesses, most recently in January, because the group

is not registered properly. According to local leaders of Jehovah's Witnesses, two preachers were arrested and detained for several days in April 1999. The Church of the Living God has been denied registration in five towns in Transnistria. Baptist leaders have complained that they are not allowed to distribute religious literature or organize public meetings in Transnistria. Non-Orthodox groups complain that they generally are not allowed to rent property and often are harassed during religious services.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to travel freely; however, there are some restrictions on emigration. Close relatives with a claim to support from the applicant must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets. However, such cases are very rare, and none were reported during the year. It is generally accepted that a large number of Moldovan citizens are working in foreign countries without having legal status in those countries. Figures on emigration from a variety of official Moldovan sources are statistically inaccurate; however, current government estimates claim that between 600,000 and 800,000 Moldovans are illegally working outside the country due to economic deprivation. Estimates indicate that the majority of them are working in Russia, Romania, Ukraine and Bulgaria. There also are occasional news stories of arrests of illegal Moldovans in South Africa and South Korea. The Interior Ministry reported in October that 2,240 Moldovan citizens working illegally abroad had been extradited back to the country.

Travel between Transnistria and the rest of the country is not prevented. There are regularly scheduled buses and trains. However, the separatist authorities often stop and search incoming and outgoing vehicles. In May 1999, the Moldovan Government established fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria.

Moldova is not a party to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government has no processing procedures for potential refugees resident in the country. According to a representative of the U.N. High Commission for Refugees (UNHCR) about 10 to 15 people per month arrive in Moldova seeking refuge. Many originate in Chechnya, Iraq, Sudan, Afghanistan and Nigeria. Most are detained at the airport until they can be deported. The Chechens, Russian speakers who physically resemble resident Moldovans, are more successful in gaining admission. The Government formally started cooperating with the UNHCR in late 1997.

The approximately 60 to 100 Chechen refugees who arrived in Moldova during the year led to controversy between the Government and the UNHCR over the extent of legal protection refugees should receive. According to a UNHCR representative, the authorities frequently fail to inform the UNHCR of the arrival of refugees or disregard UNHCR guidance and advice. At the urging of the UNHCR, the Government accelerated the submission of a law on refugees to the Parliament, but it had not been passed by year's end.

The issue of providing first asylum has never arisen formally. There were no official reports of the forced return of persons to a country where they feared prosecution; however AI reported a case in which such a forced return took place. According to AI, a Kurdish Turk, allegedly a leader in the Kurdistan Workers Party (PKK), was seized on July 13 by unidentified men in Chisinau and flown to Turkey where he faces charges that could carry a death sentence. Local human rights organizations charge that the Government failed to follow correct procedures in the case. There are allegations that national security officers were involved; however, the authorities deny them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have voted in multiparty presidential and parliamentary elections in 1996 and 1998 respectively. International observers considered the elections to be free and fair, but Transnistrian authorities have interfered with citizens' ability to vote in these elections.

The Constitution adopted in 1994 provided for the division of power among the popularly elected President, the Cabinet, the Parliament, and the judiciary. The President as Head of State, in consultation with the Parliament, appoints the Cabinet and the Prime Minister, who functions as the head of government. A minister can be dismissed only with the assent of the Prime Minister. Some observers believe that the Constitution does not define adequately how executive powers are to be shared between the President and the Prime Minister. The President held a non-binding referendum in May 1999, asking if citizens wanted a stronger presidency. Based on a 65 percent positive response, the President proposed an initiative to revise portions of the Constitution in August 1999. The proposal sought to create a "presidential republic" with more power in the hands of the chief executive. Two groups of parliamentarians presented alternative constitutional amendments to create a "parliamentary republic." On July 5, Parliament acted on the proposals and voted to amend the 1994

Constitution to transform the country into a parliamentary republic, significantly reducing the president's powers and changing the presidential election from a popular to a parliamentary vote. The bill was sent to the President who vetoed it and sent it back to parliament. The Parliament overrode the veto on July 21 and the bill became law.

In September Parliament passed implementing legislation. According to this legislation, three-fifths of the vote in Parliament are required to elect a candidate, and the vote must be held by secret ballot. If Parliament fails to elect a candidate in the first round of voting, a runoff can be held between the two leading candidates. If the runoff fails to produce a winner, another vote can be held within 15 days. If Parliament fails to elect a president after the second round of voting, the sitting President can dissolve Parliament.

On December 1, Parliament held the first round of the presidential election. Two candidates competed for the position of President: Communist Party leader Vladimir Voronin and Constitutional Court President Pavel Barbalat. Several Parliamentarians did not respect the secret ballot and the results of the first round of voting were declared invalid by the Constitutional Court. A repeat of the first vote was held on December 4. Neither candidate secured the necessary

three-fifths majority of the vote, therefore a runoff was held on December 6; however, both candidates were again unsuccessful in securing a three-fifths majority. A second round of voting on December 21 ended in disarray when several parties boycotted the vote, preventing Parliament from achieving the required quorum to hold the vote. The Constitutional Court however ruled that the December 21 Parliamentary session, although unsuccessful, constituted the legal second round of elections. Thus on December 31, Moldovan President Petru Lucinschi dissolved the Parliament and scheduled new parliamentary elections for February 25, 2001. His decision to dissolve Parliament was made on the grounds that Parliament had failed to elect a new president according to the constitutional procedure and timeframe, a position supported by the Constitutional Court.

The Constitution states that citizens are free to form parties and other socio-political organizations. However, the controversial Article 41 of the Constitution states that organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are unconstitutional. Small parties that favor unification with neighboring Romania have charged that this provision is intended to impede their political activities. The Association of Victims succeeded in registering as a political party, but a request to change its name to the National Romanian Party, was refused. Following an appeal, the Court of Appeals ruled that the organization could change its name. The Ministry of Justice followed the decision of the Court of Appeals and registered the party under its new name in December.

A law on administrative and territorial reform went into effect in January 1999 and reduced the number of administrative districts from 42 to 12. New districts included the municipality of Chisinau, the Gagauz autonomous region, and the Transnistrian region. Citizens voted for mayors and newly created district and municipal councils in May 1999 elections. Twenty-three parties and a number of independent candidates participated in the campaign. Although the parties in Parliament won most of the posts, a leftist party, not in Parliament, gained several positions in the north, and independents were elected throughout the country. Transnistrian authorities did not allow citizens to vote in their region. The Gagauz did not participate in the May 1999 elections but held separate elections in September 1999 for governor (Bashkan) and 35 deputies to its Popular Assembly.

In 1991 separatist elements, assisted by uniformed Russian military forces in the area and led by supporters of the 1991 coup attempt in Moscow, declared a "Dniester Republic" in the area of the country that is located between the Dniester River and Ukraine. Fighting flared briefly in 1992 but ended after Russian forces intervened, and a truce has held since. Russian, Ukrainian, and OSCE mediators have attempted to encourage the two sides to reach a settlement that preserves Moldovan sovereignty and independence while granting a measure of autonomy to Transnistria. In 1997 the Transnistrian authorities signed a memorandum of understanding with the Government. Since then further negotiations have been inconclusive, and there was no significant progress towards a settlement by year's end. In August Russian State Commission chairman Yevgeniy Primakov launched a new initiative for a resolution of the Transnistrian issue. The initiative recommended the federalization of Moldova and the creation of a Russian-led OSCE peacekeeping force.

Women are underrepresented in leading positions both in government and political parties, although there are no restrictions in law or practice on the participation of women or minorities in political life. Women hold 8 of 101 parliamentary seats. All female parliamentarians formed a club in September 1999 to unite efforts to improve the social condition of women and children. The Association of Moldovan Women, a socio-political organization, competed in the 1998 parliamentary elections but was unable to gain parliamentary representation. Russian, Ukrainian, Bulgarian, and Gagauz minorities are represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate takes place in either the

Moldovan/Romanian or Russian language, with translation provided.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several local human rights groups exist. They operate without interference except in the Transnistrian region. The local Helsinki Watch Organization maintains contacts with international human rights organizations, as does the Helsinki Citizens Assembly. AI established a satellite office in Chisinau in 1997 and has become active in the country, although the authorities in Tiraspol impede its activities in the Transnistrian region. Amnesty, a local human rights nongovernmental organization (NGO) unaffiliated with Amnesty International, applied for registration in Transnistria, as required by the Transnistrian "Constitution." Their petition took 8 months to be approved (as opposed to the usual 2 months) and their members were called in separately by the police for questioning. Two members reported they had received veiled death threats.

Citizens may appeal to the EHCR in Strasbourg if they believe their rights have been violated or Moldovan laws are not in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). In the first half of the year, citizens filed 50 cases with the ECHR. The majority of the cases dealt with lack of social protection and salary and pension arrears accumulated by the Government. At year's end, none of the cases had been resolved. Most citizens are unaware of the convention and their rights to legal remedies in general.

Parliament passed the Law on Parliamentary Advocates in October 1997, which created three positions of parliamentary advocates (ombudsmen) and established an independent center for human rights. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for 5-year terms. A parliamentary advocate may only be removed from office by a two-thirds vote of Parliament, which gives them substantial independence. Parliamentary advocates are empowered to examine claims of human rights violations and advise Parliament on human rights issues. Advocates also have the right to submit any legislation to the Constitutional Court for a review of constitutionality, even if no specific case has been brought before them. The advocates oversee the operation of a human rights center, which opened in April 1998 with the support of the U.N. Development Program. The center provides training for lawyers and journalists, visits jails, tries to influence legislation, and conducts seminars and training programs. In 1999 with financial aid from the Government of the Netherlands, it organized eight seminars and 17 training sessions on human rights issues. Of the approximately 7,300 complaints handled by the center this year, the majority involved private property violations, labor rights, access to justice, personal security, right to life and personal dignity issues. The center also held approximately 80 specialized seminars and educational training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students.

The Government has supported the work of the OSCE, which has had a mission in the country since 1993 to assist in efforts to resolve the separatist conflict. The OSCE participates in the Joint Control Commission--composed of Moldovan, Russian, Ukrainian, and Transnistrian members--which reviews violations of the cease-fire agreement. The mission generally enjoys access to the security zone along the river dividing the separatist-controlled territory from the rest of the country.

The Government has cooperated with the ICRC in the past, permitting visits to prisoners from the 1992 conflict. In August Transnistrian separatist authorities agreed in principle to allow the ICRC access to the four members of the original Ilascu Group, who have remained in prison since 1993 (see Sections 1.c. and 1.e.); however, the visit had not taken place by year's end.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that persons are equal before the law regardless of race, sex, disability, religion, or social origin. There are remedies for violations, such as orders for redress of grievances, but these are not always enforced.

Women

Spousal violence is known to occur, although the Government does not keep official data on incidences of domestic violence. A prominent women's rights advocate asserts that one-half of women are victims of domestic violence. The Government supports educational efforts, usually undertaken with foreign assistance, to increase public awareness of this problem and to train public officials and law enforcement officials in how to address domestic violence. The Criminal Code does not specifically address crimes of domestic assault, and the Government rarely prosecutes domestic assault crimes under its general assault laws; however, women abused by their husbands have the right to press charges. Husbands convicted of such abuse may receive

prison sentences (typically up to 6 months). There is no law on spousal rape. The Ministry of Internal Affairs reported 382 cases of spousal abuse cases during the year, including 95 resulting in serious bodily injury, 10 murder attempts, and 72 murders.

The First Lady and the mayor of Chisinau initiated a project in October 1999 to open a women's shelter in Chisinau. The city donated a former kindergarten to a private organization to operate the shelter, and a member of Parliament was named as executive director of the organization. By year's end, the shelter had not yet opened due to lack of funds. A private organization operates a confidential service to provide support to abused spouses, including a hot line for battered women. According to knowledgeable sources, women generally do not appeal to police or the courts for protection against abusive spouses because they are embarrassed to do so and are not convinced that the authorities would react positively, as the police generally do not consider spousal abuse a serious crime. The Ministry of Internal Affairs recorded 193 cases of rape and 22 cases of attempted rape, an 11 percent decrease from the same period in 1999. Women's groups believe that the numbers of rapes and incidents of spousal abuse are underreported.

Trafficking in women is a very serious problem (see Sections 6.e. and 6.f.).

The law provides that women shall be equal to men; however, according to statistics, women have been affected disproportionately by growing unemployment. By law women are paid the same as men for the same work, although they still are victimized by societal discrimination. There are a significant number of female managers in the public sector and in banking. The president of the country's largest bank is a woman.

Children

There is extensive legislation designed to protect children, including extended paid maternity leave and government supplementary payments for families with many children. Free, basic education is compulsory for 9 years, and may be followed by either technical school or further study leading to higher education. The requirement can change at the discretion of the Minister of Education or budgetary constraints. During the year, many inadequately funded schools in the countryside started charging parents for their children's education. While not technically illegal, it runs counter to the educational guarantees of the government. This resulted in many children being kept at home by their parents. Children are sent to work in the fields or to find other work in violation of the child labor laws. Some credible estimates state that as many as 25 percent of the students in the countryside are no longer in school. The health system devotes extensive resources to childcare.

There are no statistics on child abuse, but it is believed to be widespread. Observers allege that women begging on the streets of Chisinau often sedate their babies in order to spend long hours begging without having to take time out to attend to their babies' needs. Child support programs suffer from inadequate funding.

The situation of children in the country's orphanages is generally very bad. Official estimates put the number of orphans at about 10,000, although NGO's estimate up to 30,000 children. Among the major problems are insufficient food, warehousing of children, lack of heat in the winter, and disease. Most of these problems are caused by lack of funding. One orphanage director lost his job for selling the food earmarked for the children on the black market. He also was rumored to have sterilized forcibly a teenage girl in his care.

Homeless children live on the streets of Chisinau and other large urban areas. Reliable statistical information is not available, although estimates were as high as 1,000 in 1998.

The Ministry of Internal Affairs announced in December 1999 that it had uncovered a network trafficking children for purposes of adoption between Moldova and Uzbekistan. According to the Ministry, 18 children, most of them under one year of age, were sold in Tashkent during 1998 and 1999 for an average price of between approximately \$2,000 and \$3,000 (approximately 25,000 - 37,000 Moldovan lei). The Ministry of National Security stopped a similar ring that trafficked children between Moldova and Israel in 1995.

Trafficking in girls for forced prostitution between the ages of 15 to 18 years is a very serious problem (see Sections 6.c. and 6.f.).

People with Disabilities

There is no legal discrimination against persons with disabilities; however, there are no laws providing for access to buildings, and there are few government resources devoted to training persons with disabilities. The Government does provide tax advantages to charitable groups that assist the disabled.

Religious Minorities

There were no reports during the year of incidents such as that in May 1999 when a group of about 500 Orthodox Christians led by 4 to 6 priests attacked a small group of Baptists in the village of Mingir, injuring 3 persons, and partially destroying a Baptist church.

National/Racial/Ethnic Minorities

According to the 1989 census, the population is about 4.3 million, of which 65 percent are ethnic Moldovans. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, lives primarily in the southern regions of the country. The Gagauz are largely Russian-speaking and represent about 3.5 percent of the population. Official statistics put the Roma population at 11,600, although estimates from the OSCE and Roma NGO's range from 50,000 to 200,000. The Government announced in September that it would allocate money from the budget to conduct a national census in 2001; however, no action had been taken by year's end.

The issue of minority rights and the language issue are closely related, particularly in the perceptions of the Russian speaking minority and the Moldovan/Romanian speaking majority. Moldovan/Romanian was declared at independence to be the state language; however, in 1989 Russian was designated a language for interethnic communication. The 1990 citizenship law offered an equal opportunity to all persons residing in the country at the time of independence to adopt Moldovan citizenship. The OSCE's Office of Democratic Institutions and Human Rights described the law as very liberal. A new law permitting dual citizenship went into effect in August. According to this law, dual citizenship can be obtained through birth, marriage, on the basis of a bilateral agreement (although no such agreements are in effect), or if it is provided by an international accord to which the country is a party. Naturalization requirements of the new law include a "sufficient knowledge" of the state language and constitution.

Parliament has postponed indefinitely the implementation of language testing, which was called for in the 1989 language law and was to have begun by 1994. According to the law, a citizen should be able to choose which language to use in dealing with government officials or commercial entities. Officials are required to know Russian and Moldovan/Romanian "to the degree necessary to fulfill their professional obligations." Since many Russian speakers do not speak Moldovan/Romanian (while most educated Moldovans speak both languages), they argued for a delay in the implementation of the law in order to permit more time to learn the language. The Constitution provides parents with the right to choose the language of instruction for their children.

In October 1999, the Parliament approved the Government's decision to grant district status to Taraclia, a region in the south with a 64 percent ethnic Bulgarian majority. The vote reversed the results of the territorial-administrative reform begun in January 1999, which had eliminated Taraclia's district status and subsumed it under a region where Bulgarians would no longer constitute a majority. Voters in the Taraclia district approved a referendum in January 1999 specifying they not be included in the larger district, with 88 percent of eligible voters participating and 92 percent voting in favor of the referendum.

In the separatist Transnistrian region discrimination against Moldovan/Romanian speakers continued. State schools are required to use the Cyrillic alphabet when teaching Romanian. Many teachers, parents, and students objected to the use of the Cyrillic script to teach Romanian. They believe that it disadvantages pupils who wish to pursue higher education opportunities in the rest of the country or in Romania. (Cyrillic script was used to write the Romanian language in Moldova until 1989, since "Moldovan," as it was then called, was decreed officially during the Soviet era to be a different language from Romanian, which is written in the Latin alphabet. The 1989 language law reinstated obligatory use of the Latin script. As a result of an agreement between the Government and the separatist authorities, eight schools in the separatist region obtained permission in 1996 to use the Latin alphabet, with salaries and textbooks to be supplied by the Moldovan Ministry of Education. These schools are considered private schools by the local authorities. They must pay rent for their facilities and meet local curriculum requirements, building codes, and safety standards. The Government still has no budgetary provisions to pay the high rents of such facilities. As a result, classes were held in local homes or run in shifts in the few available buildings.

After delaying its opening and threatening to keep it closed, separatist authorities allowed the Romanian Language School (Latin alphabet) in Tiraspol to open in September 1999 without restriction from the authorities. The Ministry of Education and the Romanian government supplied books to the school and the UNHCR provided furniture and vehicles. The school is running three to four shifts per day to accommodate the number of students.

Section 6 Worker Rights

a. The Right of Association

The 1990 Soviet law on trade unions enacted by Moldova's then-Supreme Soviet remains in effect and provides for independent trade unions. Laws passed in 1989 and 1991, which give citizens the right to form all kinds of social organizations, also provide a legal basis for the formation of independent unions. The 1994 Constitution states that any employee may found a union or join a union that defends workers' interests. However, there have been no known successful attempts to establish alternate trade union structures independent of the successor to the Soviet trade union system.

The successor organization is the General Federation of Trade Unions (GFTU). The GFTU's continuing role in managing the state insurance system and its retention of former official union headquarters and vacation facilities provide an inherent advantage over other groups who might wish to form a union. The growing dissatisfaction with the GFTU's policies resulted in several splits within the organization; however, these informal splinter groups have been unsuccessful in forming a new independent union. Virtually all employed adults are members of a union.

Government workers do not have the right to strike, nor do those in essential services such as health care and energy. Other unions may strike if two-thirds of the members vote for a strike in a secret ballot. There were several labor actions for payment of wage arrears, including a number of strikes by teachers, health care workers, and spouses of police officers in various parts of the country.

Unions may affiliate and maintain contacts with international organizations. The GFTU became a member of the International Confederation of Trade Unions in 1999.

b. The Right to Organize and Bargain Collectively

The law, which is based on former Soviet legislation, provides for collective bargaining rights; however, wages are set through a tripartite negotiation process involving government, management, and unions. The three parties meet and negotiate national minimum wages for all categories of workers. Then each branch union representing a particular industry negotiates with management and the government ministries responsible for that industry. They may set wages higher than the minimum set on the national level and often do, especially if the industry in question is more profitable than average. Finally on the enterprise level, union and management representatives negotiate directly on wages. Again they may set wages higher than negotiators on the industry level.

There were no reports of actions taken against union members for union activities. The 1990 Soviet law on trade unions provides that union leaders may not be fired from their jobs while in leadership positions or for a period after they leave those positions. There were no reports of such firings this year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced and compulsory labor, and it generally is not known to occur; however, trafficking in women is a very serious problem (see Section 6.f.). The Government specifically prohibits forced and bonded labor by children; however, trafficking in girls for purposes of forced prostitution is a very serious problem (see Section 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for unrestricted employment is 18 years. Employment of those between the ages of 16 and 18 is permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. The Ministry of Labor, Social Protection, and the Family is primarily responsible for enforcing these restrictions, and the Ministry of Health also has a role. Child labor is not used in industry, although children living in rural areas often assist in the agricultural sector. Education is compulsory for 9 years (see Section 5). The Government specifically prohibits forced and bonded labor by children; however there were reports of trafficking in girls (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work

There is a legal minimum monthly wage of \$9 (100 Moldovan lei), for those employed by the state and \$12.75 (150 Moldovan lei) for those employed by private firms, but this is used primarily as a basis for calculating

pensions, scholarships, and fines. The average monthly wage of approximately \$33 (410 Moldovan lei) does not provide a decent standard of living for a worker and family. The lowest wages are in the agricultural sector, where the monthly average is approximately \$17 (216 Moldovan lei). Due to severe budgetary constraints, the Government and private sector often do not meet payrolls for employees, and workers conducted labor actions to protest wage arrears several times during the year (see Section 2.b.). The Constitution sets the maximum workweek at 40 hours, and the Labor Code provides for at least 1 day off per week.

The State is required to set and check safety standards in the workplace. The unions within the GFTU also have inspection personnel who have a right to stop work in the factory or fine the enterprise if safety standards are not met; however, this right is rarely exercised. Further, workers have the right to refuse to work, but they may continue to draw their salaries if working conditions represent a serious threat to their health. However, in practice the depressed economic situation has led enterprises to economize on safety equipment and generally to show little concern for worker safety issues. Workers often do not know their rights in this area. The Ministry of Labor reported 83 serious industrial injuries, 38 of which resulted in death during the year. The Ministry of Labor has announced it will publish a new statistical report on labor standards in April 2001.

f. Trafficking in Persons

The law does not prohibit trafficking and it cannot be prosecuted under other statutes, and trafficking in women and girls is a very serious problem (see sections 5 and 6.c.). The new criminal code under consideration in Parliament does contain a prohibition on trafficking in persons. Although no statistics are available, Moldova is a source country for women and girls, who are trafficked to various locations, including Turkey, Greece, Italy, Kosovo, and Israel for forced prostitution. The International Organization for Migration (IOM) reports that more than 50 percent of the women working in forced prostitution in Kosovo are from Moldova. Turkey departs approximately 2,500 Moldovan women for prostitution yearly. Women and girls reportedly are trafficked to Italy and Greece through Romania, Serbia-Montenegro, and Albania. There are also reports that women are trafficked to Syria, Saudi Arabia, Portugal, France, Spain, and the Former Republic of Yugoslavia. A prominent women's rights activist and member of Parliament states that more than 10,000 Moldovan women are working as prostitutes in other countries. The large profits of the trafficking industry allow traffickers to exploit opportunities for the corruption of officials. There have been unsubstantiated reports by local NGO's of involvement by government officials; however, no official charges have been made. Women and girls accept job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. Then traffickers take their passports, require them to "repay" a sizeable sum, and force them into sexual bondage. It is common for traffickers to recruit women from rural villages; the women are brought to larger cities and then trafficked abroad.

Apart from a 1999 documentary shown on state television the problem, the Government has taken few steps to prevent the trafficking of women or to assist victims; however, it slowly is beginning to address the problem. In addition to participating in a Southeast European Cooperative Initiative (SECI) Human Trafficking Task Force, the Government started a working group in May to implement a project of the IOM on trafficking in women and girls. The group consists of the Vice-Prime Minister, the Ministers of Labor, Justice, and External Affairs, and three Parliamentarians involved in women's issues. The group created a special law enforcement unit within the Ministry of Internal Affairs, during the year. The Ministry of Internal Affairs proposed strengthening laws against trafficking in women in the new criminal code; however, the amendment had not yet been sent to Parliament by year's end. There are no government-operated assistance programs for victims.

Several NGO's made efforts, with foreign assistance, to combat the problem through information campaigns and job training for women. Save the Children works with victims, especially repatriated girls. There are also local NGO's involved in public school programs to educate young women about the dangers of prostitution and to establish a hot line for those in need of advice. The IOM established an office in Chisinau in January.

[End.]