



## U.S. DEPARTMENT of STATE

### Moldova

#### Country Reports on Human Rights Practices - [2006](#)

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Moldova is a parliamentary republic, with a population of approximately 3.39 million, excluding the estimated 555,000 residents living in the secessionist-controlled region of Transnistria. The constitution provides for a multiparty representative government with power divided among a president, cabinet, a unicameral parliament, and the judiciary. Parliamentary elections in March 2005 generally complied with most international standards for democratic elections. In April 2005 parliament reelected Communist Party leader Vladimir Voronin as president for a second term. In 1990 separatist elements supported by Russian military forces in the area declared a "Transdnister Moldovan Republic," which lies east of the Dniester River along the border with Ukraine. The government has no authority in Transnistria. Unless otherwise stated, all references herein exclude the secessionist region. Voting for March 2005 parliamentary election did not take place in the area east of the Dniester River; however, more than 8,000 voters residing in Transnistria were able to vote at polling stations established by the government on government-controlled territory. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. Security forces beat persons in custody, there was incommunicado detention, and prison conditions remained harsh. Other problems included selective official harassment and intimidation of the political opposition; judicial and police corruption; monitoring by security forces of political figures through unauthorized wiretaps and, at times, illegal searches; intimidation of journalists; obstacles to official registration of some religious groups; persistent societal violence and discrimination against women and children; trafficking in women and girls for sexual exploitation; discrimination against Roma; limits on workers' rights, and child labor.

The human rights record of the Transnistrian authorities remained poor. The right of citizens to change their government was restricted and authorities interfered with the ability of residents to vote. Authorities reportedly continued to use torture and arbitrary arrest and detention. Prison conditions remained harsh, and two members of the so-called Ilascu group remained in prison despite a 2004 ruling by the European Court for Human Rights (ECHR) to end their imprisonment. Transnistrian authorities continued to harass independent media and opposition lawmakers, restrict freedom of association and of religion, and discriminate against Romanian-speakers.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings in the country or in the separatist Transnistrian region.

###### b. Disappearance

There were no reports of politically motivated disappearances during the year. There were no developments in the police investigation into the 2004 disappearance of Sergei Gavrilov, who was imprisoned in Transnistria during the early 1990s and allegedly witnessed mistreatment of "Ilascu group" members.

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

The law prohibits such practices; however, there were credible reports that police used cruel and degrading arrest and interrogation methods, and that guards beat prison inmates. In June 2005 parliament approved a law criminalizing torture.

Nongovernmental organizations (NGOs) reported several cases of cruel, inhuman, or degrading treatment of prisoners and detainees during the year. In contrast with 2005, no new cases of police beating Roma were reported (see section 1.d.).

On April 4, the ECHR ruled unanimously in favor of Mihai Corsacov who accused two police officers of torture. Corsacov was arrested for theft in 1998 and alleged that A. Tulbu and V. Tubceac kicked, punched, and beat him with batons. He spent 70 days in a hospital as a result of injuries. Corsacov's mother opened a case against police; the investigation lasted more than three years, and the case was closed and reopened 12 times. The ECHR ruled that Corsacov was a victim of police torture, and stated that the practice of *falaka* (beating of soles) was "a particularly reprehensible form of ill-treatment." This was the first such ECHR ruling on torture by police in the country. In its April ruling, the ECHR also found that the prosecutor general's office failed to effectively investigate Corsacov's allegations and deprived him of a remedy

against mistreatment by refusing to open a case against the police officers. In September the prosecutor general's office opened a criminal investigation into charges against the two officers.

According to Amnesty International (AI), the prosecutor general's office refused to charge the police officers who reportedly tortured Vitalii Kolibaba on April 25 and Serghei Gurgurov in October 2005. Kolibaba, who was arrested on April 21, allegedly was hung from a crowbar stuck under his elbows and beaten. He later attempted to commit suicide in his jail cell. Kolibaba was released May 15 following an intervention by AI with the authorities. In December Kolibaba filed a complaint with the ECHR.

#### Prison and Detention Center Conditions

Conditions in most prisons in the country and in the separatist Transnistria region remained harsh, and in some instances were life threatening, with serious overcrowding. Cell sizes did not conform to local legal requirements or to international standards. The incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons. Conditions were particularly harsh in pretrial and presentencing facilities. On July 12, a detainee died in a hospital after being beaten by a group of police officers while in pretrial detention. The prosecutor general's office launched a criminal investigation into the death. Other detainees reported being denied food and water and confined in underground facilities without medical care, fresh air, ventilation, and proper sanitation.

In June 2005 several hundred inmates of a prison in the Transnistrian city of Tiraspol started a violent hunger strike to protest the conditions of their confinement and treatment. Representatives from the Organization for Security and Cooperation in Europe (OSCE) were later allowed to visit the prison, where conditions continued to be harsh.

On August 14, 170 inmates at the Leova prison 50 miles southwest of Chisinau staged a four-day hunger strike to protest overcrowding, insufficient drinking water, violation of their right to private meetings with lawyers, physical abuse, and intimidation. The Ministry of Justice acknowledged problems at the prison and stated they were due to insufficient state funding. The local office of the International Helsinki Commission reported that authorities denied them permission to visit the Leova prison during the protests. On September 15, a Helsinki Committee mission confirmed that prison authorities segregated prisoners into two groups: prisoners who cooperate closely with authorities, and prisoners who complain about poor conditions.

During the year the Bender prison remained disconnected from municipal water and electricity services. Prison authorities used a generator to provide power and the Department of Penitentiaries arranged special water delivery and improvised outdoor toilets for the 113 prisoners confined to the facility. Bender city officials disconnected the prison in 2003 from water and sewer services out of fear of contamination from inmates infected with tuberculosis. The Helsinki Committee represented nine inmates, who filed court cases to claim compensation for poor detention conditions. The director of the Penitentiary Department denied the prison received running water from Bender and stated that all tuberculosis-infected inmates had previously been transferred to another prison.

In the case of Valeriu Pasat, the country's former defense minister, prison authorities repeatedly refused to abide by three court decisions to allow an independent medical commission to examine Pasat. He was instead examined by Ministry of Interior doctors in the presence of police (see sections 1.d. and 1.e.).

Pretrial detainees generally were held separately from convicted prisoners, although there were reports of convicted prisoners remaining in detention facilities because of prison overcrowding. Children convicted of crimes were sent to adult prisons, where they were held in separate cells.

The government generally permitted independent human rights observers to regularly visit prisons. As a rule, observers are accompanied by prison officials during visits. Generally, however, prison officials allowed observers to talk in private with inmates, when privacy was requested. The government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners in accordance with standard practices. In Transnistria authorities there allowed the ICRC to visit the Ilascu group prisoners once per year.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, in practice the authorities did not observe these prohibitions.

On August 30, police arrested nine members of the NGO Hyde Park during a sanctioned protest. They were detained without food or water for 40 hours in badly ventilated cells (see section 2.b.).

#### Role of the Police and Security Apparatus

The national police force is the country's primary law enforcement body. It is subdivided into regional and city police commissariats, which are subordinated to the Ministry of Internal Affairs. Police corruption remained a problem. During the first eight months of the year, authorities brought 135 criminal cases against ministry employees, 105 of them for abuse of office by using of violence and torture. Another 1,190 ministry employees received disciplinary sanctions.

Impunity was also a problem. The prosecutor general's office is responsible for investigating the activities of the police. However, the prosecutor general's office stated that it believed the interior ministry often ignored or superficially examined reported violations. An internal affairs unit that reported to the Ministry of Internal Affairs investigated minor incidents of corruption.

#### Arrest and Detention

The law allows judges to issue arrest warrants based on cases presented by prosecutors. Authorities must promptly inform detainees of the reason for their arrest and the charges against them. Suspects may be detained without charge for 72 hours. The law provides accused persons the right to a court hearing on the legality of their arrest. However, these rights were not always respected in practice.

Once charged, a detainee may be released on personal recognizance pending trial; in some cases friends or relatives were allowed to give a written pledge that the accused would appear for trial. The law provides for a bail system, but it was rarely used and did not function well. Authorities generally did not release detainees accused of violent or serious crimes.

On September 26, the government's Center for Combating Economic Crimes and Corruption arrested Eduard Musuc, a prominent opposition political party leader, on charges of alleged fiscal impropriety concerning a real estate deal while director of Megadat.com, which is a leading Internet provider. On October 11, a court set bail at the unprecedented sum of \$154,000 (two million lei). Musuc failed to pay bail and remained in detention. On November 14, a court dropped the bail requirement and released Musuc pending trial. The case remained pending at year's end.

Detainees have the right to a defense attorney; however, at times this right was restricted. Authorities generally did not grant detainees access to a lawyer until 24 hours after being detained. Police often told persons that they were witnesses in a case and questioned them without a lawyer present, then subsequently detained them as suspects. Detainees were often informed of the charges against them without a lawyer present. The government requires the local bar association to provide an attorney to defendants who are unable to afford one, but the government did not pay legal fees, and defendants often did not have adequate counsel (see section 1.e.). Detainees were generally allowed access to family members.

In contrast to the previous year, local and international NGOs did not report arbitrary arrests or incommunicado detention of Roma.

There were occasional detentions that some observers regarded as politically motivated and retaliation for criticism of government officials. On September 7, police arrested Genadie Braghis, sales director of the independent Pro-TV media company, on allegations of bribery. He was held incommunicado and without effective access to legal counsel. Braghis met with his lawyer only at the time of the arrest and at the court hearing; four requests to meet Braghis were denied either because meetings rooms were not available or visiting hours were over. He was released September 11; the charges were dropped September 17 for lack of evidence, but reinstated on October 7. PRO-TV officials claimed there was a connection between the arrest and critical PRO-TV reports about the interior minister (see section 2.a.). The case remained under investigation at year's end.

In July 2005 according to AI, the police detained more than 30 Romani men and boys, some as young as 12, during a raid in the town of Edineti. Most were held for two days before a local court ordered their release, and most were released without charge. Three others were held incommunicado for several weeks and released without charge.

In October 2005 local authorities briefly detained Mikhail Formuzal, mayor of Ciadir-Lunga in the autonomous Gagauz region and a leading opposition figure, on charges of abuse of office and misuse of funds. Formuzal was forbidden to leave the city during the investigation. According to Formuzal, the prosecutor general's office opened as many as 18 criminal cases against him to thwart his election bid for the office of the Gagauz governor (Bashkan). However, Formuzal was elected governor December 17 with 56 percent of the vote (see section 3).

There were no new developments during the year in the 2003 trial of Chisinau water utility head Constantin Becciev and the case remained pending at year's end. Becciev was held in preventive detention for six months in 2003. In October 2005, in a separate case initiated by Becciev with the ECHR, the court concluded that he had been held in inhuman and degrading conditions and did not receive a fair trial. The ECHR also determined that Becciev should be compensated for moral damages and legal expenses.

The law permits pretrial detention for an initial period of 30 days. The courts may extend pretrial detention for up to 12 months on an individual basis, according to the severity of the alleged crime. Detentions of several months were fairly frequent; in rare instances, pretrial detention was extended for several years. During the year a total of 8,614 persons were being held in detention facilities and prisons. Of that number 234 were minors, 440 were women, and 1,917 were pretrial detainees.

In Transnistria authorities continued to harass and detain persons suspected of being critical of the regime.

On August 17 and 18, the Transnistrian security agency arrested four members of the Slobozia-based NGO Dignitas on charges of alleged involvement in the August 13 explosion of a trolleybus in Tiraspol. The authorities searched the Dignitas office without an arrest or search warrant. All four men were released on August 22.

#### Amnesty

In May 2005 Gagauz authorities granted amnesty to Ivan Burgudji, an official of the Gagauz autonomous region and a well-known Gagauz nationalist. He was sentenced in 2003 by the Chisinau tribunal court to five years in prison for abuse of power and malicious hooliganism in connection with his opposition political activities. On December 17, Moldovan police, acting without a warrant, arrested Burgudji in Ceadir-Lunga after he voted in the Gagauz elections for governor. Police did not file formal charges at the time he was detained, and Burgudji remained in police custody at year's end.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, official pressure and corruption of judges remained a problem. There continued to be credible reports that local prosecutors and judges asked for bribes in return for reducing charges or sentences, and observers asserted that courts were sometimes politically influenced. Political factors played a large role in the reappointment of judges.

The judiciary consists of lower courts, courts of appeal, and the Supreme Court of Justice. A separate Constitutional Court has exclusive authority in cases regarding the constitutionality of draft and final legislation, decrees, and other governmental acts. The Constitutional Court was the only court generally regarded as fair and objective.

The prosecutor general's office is autonomous and answers to parliament. It is responsible for overseeing criminal investigations, presenting charges before a court, and protecting the rule of law and civil freedoms. Prosecutors may open and close investigations without bringing the matter before a court, giving them considerable influence over the judicial process.

There is a separate military court system, which generally has the same problems as the civilian courts. The jurisdiction of military courts extends to crimes committed by active duty military personnel and crimes committed by reserve or retired military personnel while they were on active duty. Military courts can also try civilians for crimes committed against military personnel if the plaintiff presses charges through the military prosecutor's office.

#### Trial Procedures

While defendants in criminal cases are presumed innocent, in practice a prosecutor's recommendation carried considerable weight and limited a defendant's presumption of innocence. Trials were generally open to the public; however, because of a shortage of courtrooms, many cases were heard in judges' chambers. Court-session information, such as trial times, locations, and verdicts, was rarely posted publicly as required by law; this lack of information limited public access to court proceedings. Cases were presented to a judge or panel of judges depending on the complexity of the case. Defendants have the right to a lawyer, to attend proceedings, to confront witnesses, and to present evidence. The law requires the local bar association to provide an attorney to defendants who are unable to afford one; however, since the government did not pay legal fees, defendants often did not have adequate counsel. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review evidence against their clients when preparing cases. Convicted persons have the right to appeal to a higher court.

The January 17 conviction of former defense minister Valeriu Pasat for unlawfully selling state property followed a civilian court trial held behind closed doors (see section 3). Observers said the proceedings raised questions about the fairness and independence of the judiciary.

The law provides for the accused to have an interpreter, both at the trial and when reviewing documents of the case; however, because of a lack of resources, persons requiring interpretation often had their hearings repeatedly postponed. If the majority of participants agree, trials may be conducted in Russian or another language instead of Romanian.

There is no juvenile justice system, and children accused of crimes usually were tried by criminal courts. There were judges in each region and in Chisinau specializing in cases involving minors.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

However, in March 2005 police arrested former defense minister Valeriu Pasat on charges of defrauding the government of millions dollars. Many observers considered the arrest politically motivated. On January 17, a court sentenced Pasat to 10 years in prison on charges of damaging the state. On February 7, the prosecutor general's office opened a second criminal case, accusing Pasat of attempted murder and usurping power. A third criminal case was launched in September on charges of "weapons smuggling" and abuse of authority. On October 16, an appeals court acquitted Pasat of some of the original charges and reduced his 10-year sentence to five. He remained in prison; the two new cases were pending at year's end (see section 3).

In Transnistria authorities continued to refuse to comply with a July 2004 ECHR ruling to release two members of the Ilascu group convicted in 1993 of killing two Transnistrian officials; their sentence expires in June 2007.

#### Civil Judicial Procedures and Remedies

By law, citizens can seek damages in civil courts for human rights violations. Under the constitution the government is liable in cases where authorities violate a person's rights by administrative means; fail to reply in a timely manner to an application for relief, or make damaging errors during prosecution. However, judgments awarded in such cases are small, rarely exceeding \$2,000 (26,000 lei) and are frequently not enforced. As of August the ECHR issued 13 decisions faulting the country for failure to enforce judgments for human rights violations. The decisions were part of 44 ECHR findings issued over the last decade against the country for human rights violations.

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

The law prohibits such actions; however, the government did not respect these prohibitions in practice.

It was widely believed that authorities, including the interior ministry, the prosecutor's general office, and the Security and Information

Services (SIS), conducted illegal searches and wiretaps. Judges may legally authorize wiretaps only in cases where a criminal investigation is underway; in practice, however, the judiciary lacked the ability to control security organizations and police to prevent illegal wiretaps. Courts did not exclude evidence obtained illegally.

During the year several opposition politicians alleged that government authorities continued to monitor them illegally.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government sometimes restricted these rights and on occasion intimidated journalists into practicing self-censorship.

Public criticism of the government is generally allowed; however members of the media and NGOs believe that authorities try to impede criticism when it is made by influential persons.

The print media expressed a wide variety of political views and commentary. The government owned a news agency; local and city governments subsidized approximately 25 newspapers. Political parties and professional organizations also published newspapers, most of which had a circulation of less than 15,000. The government did not restrict foreign publications, but most were not widely circulated because of high costs. Russian newspapers were available; some of them published special weekly supplements for the country.

In contrast to previous years, there were no reports of random beatings or violence against journalists.

According to the government's Audiovisual Coordinating Council, there were 44 radio stations and 194 television stations and cable operators broadcasting in the country. Most of them rebroadcast programs from Romania, Russia, and Ukraine, offering only a limited amount of locally produced programming. The government controlled a national radio and television station, Teleradio Moldova (TRM), which covered most of the country. Some local governments, including in Chisinau and in the autonomous territorial unit of Gagauzia, operated television and radio stations and newspapers. A number of cable television operators provided a variety of foreign television programs, including international news programs, to an estimated 202,300 subscribers.

The number of media outlets not owned and operated by the government or a political party increased slightly during the year, but many remained in the service of, and secured large subsidies from, the government and political movements.

In June 2005 authorities sold two government-owned newspapers, *Moldova Suverana* and *Nezavisimaya Moldova*. The sale fulfilled one of the conditions by the parliamentary opposition in return for supporting President Voronin's re-election in April 2005. The two newspapers continued as independent publications but retained a strong progovernment stance.

The restrictive regulatory framework for media coverage of the March 2005 parliamentary election campaign made it difficult for citizens to get information about the candidates. In February 2005, responding to international and domestic concerns, the Central Election Commission (CEC) revised regulations to increase airtime for debates on public stations and allowed news programs to cover the campaign. However, the CEC decision came less than two weeks before the election.

The law prohibits foreign governments from funding or supporting domestic publications. In practice, however, publications supported by the Romanian government complied with the law by receiving funds from specially-created "foundations." The government did not prosecute publications receiving funds from other countries.

In October 2005 the Audiovisual Coordinating Council (CCA) suspended the license of the Analytic Media Group (AMG) to rebroadcast the Russian ORT television channel on a nationwide television network, awarding it to a new company, Media Satellite, which is believed to have ties to individuals close to President Voronin. AMG filed a court case against CCA calling the action illegal on the grounds that it had both a valid license to broadcast on a major frequency and possessed the sole contract to rebroadcast the Russian ORT channel. However, in December 2005 an appeals court ruled in favor of the CCA's action. In the meantime, CCA awarded AMG a new but weaker frequency to allow it to continue broadcasting. Foreign observers in the country expressed concern over the lack of transparency and independence of the CCA in granting broadcast licenses and frequencies.

On July 27, parliament adopted the Audiovisual Code that combined and revised several media laws according to OSCE and Council of Europe recommendations. The new code regulates the activity of private television and radio stations, the government-controlled public broadcaster Teleradio Moldova (TRM), and the CCA. However, critics and local media NGOs expressed concern that the law, which placed all public television and radio stations under TRM, would hurt media independence and stifle independent and dissenting media.

On December 14, the Chisinau Municipal Council dismissed the directors of two local public broadcasters, Radio Antena-C and Euro-TV Chisinau, and put both stations up for sale. Journalists at both stations protested the action, and opposition parties, NGOs, and the international community expressed concern about possible muzzling of independent media. On December 16, Radio Antena-C FM broadcasting was abruptly stopped, but its outdated cable network, connected to residences was allowed to continue broadcasting.

Controversy continued over alleged government control of TRM, despite efforts begun in August 2004 to transform the broadcasting entity into an independent public company. TRM employees charged that selection of employees for the new TRM was biased against journalists who were critical of the government. Several journalists who had been dismissed sued TRM to be reinstated. In one case, a local court

upheld the legality and competency of TRM's hiring committee; other lawsuits remained pending at year's end. At least nine other dismissed TRM journalists, including Larisa Manole, filed cases with the ECHR, accusing the broadcaster of censorship. The cases remained under special ECHR review.

Both print and broadcast journalists reportedly continued to practice self-censorship out of concern that government officials and other public figures may use civil defamation and calumny laws in retaliation for critical news coverage. While journalists and media outlets continued to face potential fines for libel under the civil code, there were no new reported libel cases during the year.

In July, following the Council of Europe's recommendations, parliament amended the civil code to place a ceiling on the fines imposed for moral damages for libel. The new law established criteria that judges may take into consideration when deciding the amount of libel awards, such as the social impact of the information on the aggrieved person and the gravity of moral and physical suffering.

On July 12, a court ordered the *Moldavskie Vedomosti* newspaper to pay a penalty of \$2,000 (25,000 lei) in connection with a \$50,000 (620,000 lei) "moral damages" civil suit filed by the head of the government-owned Moldovan railroad. The independent Russian-language newspaper appealed the order to the ECHR; the case was pending at year's end.

In 2004 the weekly newspaper *Timpul* lost a lawsuit in which the Daac-Hermes Company alleged \$2 million (24.8 million lei) in damages for publishing "calumnious" information. In response, the newspaper voluntarily closed down and re-registered under a new name, *Timpul de Dimineata*.

In Transnistria authorities limited freedom of speech and of the press. Alternative viewpoints were stifled by widespread censorship, and residents were wary of voicing alternative opinions and engaging in meaningful debate over key issues affecting the region. It was difficult to register, maintain, and financially sustain an independent newspaper, radio, or television station in the separatist region. In November 2005 Ion Iovcev, the principal of a Romanian-language school in Transnistria and active advocate for human rights as well as a critic of the Transnistrian leadership, received threatening calls that he attributed to his criticism of the separatist regime.

Both of region's major newspapers, *Pridnestrovie* and *Dnestrovskaya Pravda*, were controlled by the authorities. There was one independent weekly newspaper in Bender and another in the northern city of Ribnitsa. Opposition newspapers, such as *Novaia Gazeta* and *Chelovek i yevo Prava* (Man and His Rights), had limited circulation and impact. Separatist authorities harassed independent newspapers for critical reporting of the Transnistrian regime. Other print media in Transnistria did not have a large circulation and appeared only on a weekly or monthly basis; some of the publications also criticized local authorities. Most Moldovan newspapers did not circulate widely in Transnistria, although they were available in Tiraspol.

Most television and radio stations and print publication were controlled by Transnistrian authorities, which largely dictated their editorial policies and finance operations. Some broadcast networks, such as the TSV television station and the INTER-FM radio station, were owned by Transnistria's largest monopoly, Sherriff, which also holds a majority in the region's legislature. While these outlets on occasion expressed alternative views for political purposes, in general their editorial policy did not greatly differ from government-owned and controlled media.

In July 2005 the Transnistrian Supreme Soviet amended the election code to prohibit media controlled by the Transnistrian authorities from publishing results of polls and forecasts related to elections.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. According to the country's technology regulatory agency, 712 companies are authorized to provide information technology services in the country. Internet penetration was estimated at 11.5 percent, and more than 394,000 persons in the country used the Internet during the year.

In Transnistria the Internet is not readily affordable and broadband access is rare. Only a small segment of the population uses and has access to the Internet.

#### Academic Freedom and Cultural Events

On August 22, the Ministry of Culture refused for the third consecutive year to install a bust in central Chisinau of Romanian writer Liviu Rebreanu, stating that it had not received an authentication certificate. The Union of Writers, the Academy of Science, and several NGOs protested the ministry's refusal. On August 30, nine Hyde Park NGO members were arrested and detained during a protest against the ministry's refusal (see section 2. b.).

On October 11, several hundred historians, politicians, teachers and students protested in the capital against a new "Integrated History" course introduced by the education ministry to replace the History of Romanians and Universal History courses. Protest organizers claimed that new textbooks reflect Stalinist ideas and promote xenophobia and anti-Romanian sentiments. The ministry stated that the textbooks had been compiled with wide input from the academic community and would be subject to any necessary revisions in the future.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The law provides for freedom of assembly; however, at times the government limited this right in practice. In several instances authorities arrested and detained citizens during peaceful protests and released them hours later without charges.

On April 28, the Chisinau authorities refused for a second year to issue a permit to the NGO GenderDoc-M for a peaceful demonstration in connection with the country's fifth annual gay pride events (see section 5).

On August 30, police arrested nine members of the NGO Hyde Park, which campaigns for freedom of expression, during a lawful protest and detained them for 40 hours (see section 1.d.). Authorities ignored a court-issued permit for the protest and charged them with participating in an unsanctioned meeting and resisting arrest. The NGO members were subsequently acquitted on both charges. However, on November 1, the Supreme Court upheld a decision by municipal authorities to disregard the court-issued permit.

On November 22, the Buiucani Prosecutor's Office in Chisinau summoned two members of the Social Democratic Party of Moldova (PSDM) for questioning about their participation in a sanctioned protest and alleged threats against the constitutional order of the country.

On November 15, the Supreme Court declared illegal the refusal by the city government to permit AI to hold a protest on October 10 against the death penalty at the embassies of two foreign governments.

The OSCE's Office for Democratic Institutions and Human Rights' (ODIHR) observer report on the country's March 2005 parliamentary elections noted several cases where local officials either did not authorize campaign meetings or obstructed access.

In Transnistria authorities usually did not permit free assembly; on those occasions when permits were issued for demonstrations, authorities often harassed organizers and participants. Permits for demonstrations and public meetings are issued only to those organizations and public movements that are loyal to the authorities, such as the youth group *Proryv* (Breakthrough), and other organizations that the authorities consider to be patriotic.

#### Freedom of Association

The constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, the constitution also prohibits 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. While authorities have not applied these provisions to prevent groups from forming, organizations favoring unification with Romania charged that the provisions were intended to impede their political activities. Authorities routinely approved applications to register private organizations, including political parties.

In Transnistria authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on fabricated charges. In April Transnistrian leader Igor Smirnov issued a decree prohibiting external financing of NGOs. After criticism from the international community and Transnistrian NGOs, Smirnov later changed the decree to prohibit external financing of only those NGOs that are directly "engaged in political activities" (see section 4).

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of some religious groups. There is no state religion; however, the Moldovan Orthodox Church received special treatment from the government. For example, the Metropolitan of Chisinau and All Moldova and other high-ranking Orthodox Church officials received diplomatic passports.

In the separatist region of Transnistria the authorities continued to deny registration and harassed a number of minority religions groups.

The law requires religious groups to register with the State Service for Religions (SSR). Unregistered religious groups may not buy land or obtain construction permits for churches or seminaries. Unregistered groups often conduct services, but at the risk of harassment.

At year's end the SSR still had not registered the True Orthodox Church of Moldova, despite a 2002 Supreme Court ruling in the church's favor. The Church of Jesus Christ of Latter-day Saints (Mormons), The Ukrainian Orthodox Kiev Patriarchate, the Central Muslim Spiritual Board of Moldova, a variety of Protestant congregations, and the Spiritual Organization of Muslims in Moldova continued to encounter bureaucratic obstacles to registration.

However, on December 29, the SSR, responding to a supreme court of justice ruling, registered the Church of Jesus Christ of Latter-day Saints (Mormons), ending its six-year legal struggle to obtain official government recognition. In a September 27 ruling, the court said the government had a duty to legally recognize the two local Mormon congregations, which have a total of approximately 250 members.

With regard to the Muslim organizations, the SSR continued to maintain that they had failed to present necessary documents for registration. The Spiritual Organization of Muslims reported continued harassment by the police who conducted document checks and took pictures of members at Friday prayers. For example, on May 19, police filmed attendees during Friday prayers and tried to bring charges of administrative violations. The court dismissed the charges as unfounded. Police claimed the services were illegal because the organization was not registered and the meeting place was not being used in accordance with the organization's status as a charity. During the year authorities did not follow up with the group on the March 2005 Ministry of Justice letter, which demanded that the organization stop propagation of an "unregistered cult."

There were no legal developments in the 2004 case of the halted construction of a Baptist church in Capriana, despite Baptist appeals to both district and central authorities

In Transnistria on May 13, the Jehovah's Witness community received an order from the Tiraspol city prosecutor to bring the group's charter into harmony with the law. The community responded with a petition that stated it was not able to change its charter because the Office for Religious Cults had not responded to its request for registration documents to apply for accreditation. The prosecutor rejected the petition, saying that the matter should be resolved in the courts. The case was pending at year's end.

Foreign missionaries may enter the country for 90 days on a tourist visa. Although the law prohibits "abusive proselytizing," which is defined as "an attempt to influence someone's religious faith through violence or abuse of authority," the government has not taken legal action against individuals or organizations for proselytizing.

The law provides for restitution of property confiscated during the Nazi and Soviet regimes to religious communities; however, claims of the Moldovan Orthodox Church have been favored over those of other religious groups, and the church has recovered nearly all of its property. In cases where property was destroyed, the government offered alternative compensation. Property disputes between the Moldovan and Bessarabian branches of the Orthodox Church have not been resolved; representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. There were no developments in a 2005 ECHR case the BOC brought by the Bessarabian church against the country.

According to Jewish community representatives, authorities have not returned Jewish community property.

#### Societal Abuses and Discrimination

Members of Jehovah's Witnesses complained that local town councils and Orthodox priests and their adherents continued to impede their ability to practice their religion freely. In April local authorities from Farladeni village, acting on the insistence of the local Orthodox community, terminated the contract that allowed Jehovah's Witnesses to rent a public building for worship. The Jehovah's Witnesses reported similar problems in obtaining and maintaining construction permits to build houses of worship. Baptists also reported that townspeople in several localities physically or verbally abused them at the instigation of local Orthodox priests.

In Transnistria non-Orthodox groups complained that they were generally not allowed to rent property and were often harassed during religious services.

The Jewish community had approximately 25,000 members, including 2,600 living in separatist-controlled Transnistria. In May 2005 six tombstones were destroyed in the Jewish cemetery in Chisinau. Three young men, two from Chisinau and one from Tiraspol, were arrested in connection with the vandalism; their motives were unclear, but Jewish community leaders stated that they did not consider the vandalism an act of anti-Semitism. In November 2005 unknown persons destroyed another 25 tombstones. Police failed to find the perpetrators, and the Jewish leaders also did not consider the vandalism an act of anti-Semitism.

According to the Stephen Roth Institute, most anti-Semitism in the country is expressed on the Internet, which is used to spread ultra-nationalist and revisionist ideas.

In Transnistria there was no progress in the investigation into several anti-Semitic acts that took place in 2004 when more than 70 tombstones were desecrated in the Jewish cemetery in Tiraspol and unknown persons attempted to set fire to the Tiraspol synagogue. Transnistrian authorities believed the attacks were carried out by the same individuals.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice. Transnistrian authorities sometimes restricted travel to and from the separatist region.

Transnistrian authorities applied a transit fee to Moldovan nationals crossing Transnistria and often stopped and searched incoming and outgoing vehicles. Transnistrian authorities allowed farmers from government-controlled villages in the Dubasari region of Transnistria to travel to areas outside Transnistria to sell their produce, and no longer blocked farmers' access to their farmland.

The law prohibits forced exile, and the government did not employ it.

Citizens generally were able to depart from and return to the country freely; however, there were some restrictions on emigration. Persons wishing to emigrate must meet all outstanding financial obligations to other persons or legal entities before emigrating. However, this legal requirement was not strictly enforced in practice. Close relatives who are dependent on a potential emigrant for material support must give their concurrence. Although the government may deny permission to emigrate if the applicant had access to state secrets, no such cases have been reported for several years.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status and asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 UN convention and its 1967 protocol and provided it to seven persons. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. During the year the government substantially revised procedures to expedite issuance of identification cards and travel permits to refugees. All Chechen refugees in the country were repatriated; none reported any mistreatment.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice in most of the country through periodic, generally free and fair elections held on the basis of universal suffrage, although authorities harassed and intimidated the political opposition. Authorities in Transnistria restricted the right of citizens to change their government.

The constitution provides for a parliamentary form of government. Parliament elects the president by a three-fifths majority vote. The president appoints the prime minister, who in turn names a cabinet. Parliament must approve both the prime minister and the cabinet.

#### Elections and Political Participation

In March 2005 citizens voted in multiparty parliamentary elections, which according to OSCE/ODIHR election observers complied with most international standards for democratic elections. While the balloting was free and fair, the OSCE reported that campaign conditions and media coverage preceding the vote "were not satisfactorily equitable." As a result, the elections fell short of meeting standards "central to a genuinely competitive election process." Restrictive legal provisions and interference by authorities, in particular at the local level, hampered the campaigns of some candidates, particularly those representing the opposition. In addition, restrictive media provisions in the electoral code and state media bias prevented equal campaigning opportunities. Election observers noted other shortcomings, including inaccurate and incomplete voter lists and group voting. The law requires political parties to have a minimum of 5,000 members in order to register, a threshold that the Council of Europe considered to be a serious barrier to the maintenance of political parties.

The authorities generally allowed international observers to monitor the elections, registering a record number of international and local observers. Several persons from Russia and other countries in the Commonwealth of Independent States who claimed to be observers were refused registration and expelled from the country during the campaign for conducting "illegal activities." Authorities accused them of campaigning for and illegally funding one of the candidates.

The government selectively enforced regulations, including inspections and tax audits of individuals and businesses that belonged to or supported opposition parties. There were reports that police and officials from the Center for Combating Economic Crime and Corruption visited printing houses that published opposition party campaign materials and prevented transport companies from providing buses to political parties to bring individuals to voter assemblies.

Members of parliament were elected from nationwide party lists. Two parties and one block won seats in the 101-seat parliament: the Communist Party won 56 seats; the three-party Democratic Moldova Bloc (BMD) gained 34 seats, and the Christian Democratic People's Party won 11 seats. In April 2005 the new Parliament reelected Communist Party leader Vladimir Voronin president to a second term.

There were 21 women and 26 members of ethnic minorities in parliament. There was one woman and three minority members in the 21-member cabinet. Russian, Ukrainian, Bulgarian, Azeri, and Gagauz minorities were represented in parliament.

The July 2005 mayoral elections in several towns, including Chisinau, were generally free and fair; there was greater media access and less government interference than in 2003. However, voters in Chisinau failed to elect a mayor four times because voter turnout did not reach the required minimum of one-third of registered voters. The next local elections across the country are scheduled for 2007.

The Gagauz Christian Turkic minority enjoyed local autonomy in Gagauzia in the southern part of the country. According to the OSCE and the Council of Europe, the two rounds of Gagauz Bashkan elections on December 3 and 17 were held in a generally calm and orderly manner and complied with most international standards. Opposition candidate Mikhail Formzal was elected governor for a four-year term.

In Transnistria authorities restricted the right of residents to change their government and interfered with the ability of residents to vote.

On September 17, Transnistrian authorities conducted a referendum on the separatist region's independence and future accession to Russia. While authorities claimed that an overwhelming majority of Transnistria's voters supported the proposal, the referendum was not monitored by independent observers. The authorities prevented free expression of alternative viewpoints and were suspected of falsifying the final results.

On December 10, elections for "president" of Transnistria returned the incumbent Igor Smirnov to power. The head of the separatist region's electoral commission said Smirnov won 82.4 percent of the vote. However, the election was marked by problems. Access to information was severely restricted and the authorities generally stifled alternative viewpoints of three competing candidates. As with previous elections, the December 10 balloting was not monitored by internationally recognized observers and results could not be independently verified.

In December 2005 authorities also interfered with the ability of residents to vote in elections for the region's Supreme Soviet. Voting was not monitored by internationally recognized election observers and it was considered to be neither free nor fair.

#### Government Corruption and Transparency

Corruption was believed to be pervasive throughout government and society, as reflected in numerous public opinion polls and reports by NGOs. For example, Transparency International (TI) again reported that corruption remained a severe problem in the country. Although the government has special law enforcement and judicial units to combat corruption and acknowledged the problem, some critics charged that authorities used these units to persecute political opponents.

During the year, the country received a score of 3.2 on TI's 10 point composite index of the degree to which corruption is perceived to exist among a country's politicians and public officials. The score marked an improvement on the 2005 score of 2.9 out of 10, where 10 indicates the lowest level of corruption.

During the year the Chisinau Central District Court found Valeriu Mostovoi, a former deputy minister of labor and social protection, guilty of corruption and banned him from occupying public office for five years. He was arrested in April 2005 by the government's Center for Combating Economic Crime and Corruption (CCECC) on charges of extorting a bribe.

In March 2005 police arrested former defense minister Valeriu Pasat on charges of illegally selling fighter jets in 1997 to a foreign government. Many observers considered the arrest to be politically motivated, because of Pasat's association with previous government administrations and his vocal support of the opposition Democratic Moldova bloc during the March 2005 election campaign. On January 17, a court sentenced Pasat to 10 years in prison; it was reduced to five years on October 16 (see section 1.d.). On December 19, a court deferred Pasat's amnesty request to the Supreme Court; the case was pending at the year's end.

There were no developments in the CCECC's on-going investigation into allegations of graft and corruption against Our Moldova Alliance (AMN) opposition party leader Serafim Urechean and three other members of parliament two of them from Urechean's political faction. The AMN members had accused the authorities of politically motivated harassment. In October 2005 at the request of the Prosecutor General's Office, parliament voted to lift their immunity from prosecution to allow the authorities bring charges against Urechean and his two colleagues.

In October 2005 authorities released the former secretary of the Chisinau City Council, Vladimir Sarban, who was in detention since 2004 for alleged corruption. Sarban was released following an ECHR ruling that the government's reasons for prolonging his detention were neither relevant nor sufficient. At year's end criminal investigations continued into the activities of other Chisinau officials who were arrested in 2004 as a result of joint efforts by the CCECC and the prosecutor general's Office.

The law provides for free public access to official information; however, the government generally denied access to public information and ignored requests from independent media. For example, the investigative weekly newspaper *Ziarul de Garda* did not receive a detailed response to its June 2005 request for a copy of a contract the president's office signed with a private company. In 2004 the newspaper *Timpul* filed a complaint against parliament for refusing to provide transcripts of its sessions; the Supreme Court dismissed the suit. Parliament subsequently changed its regulations and now provides transcripts of debates on the parliament's Internet Web site and also allows transcripts of sessions to be published.

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

A number of domestic and international human rights groups generally operated in the country without government restriction, investigating and publishing their findings on human rights cases. In Transnistria authorities continued to impede activities of human rights groups in the separatist region.

However, international observers noted that authorities and other officials generally were not cooperative or responsive to the views of local independent NGOs, and that the vast majority lacked the institutional capacity to meaningfully influence civil society or the government.

The local Helsinki Committee for Human Rights maintained contacts with international human rights organizations. Amnesty International also maintained an office in Chisinau and was active in the country.

In January, a new NGO, the Anticorruption Alliance, composed of civil society and private sector representatives was established to work with the government to fight corruption. It made recommendations to improve the country's new national anticorruption strategy and commented on a wide range of draft laws.

In the run up to the March 2005 parliamentary elections, more than 200 local NGOs united to form the Civic Coalition for Free and Fair Elections to monitor the elections. It effectively pressured the government to comply with international standards, and issued several reports on its long-term observation findings.

The government cooperated with the OSCE mission in the country on efforts to resolve the long-standing Transnistrian conflict. The OSCE participated in the Joint Control Commission, which monitors compliance with the 1992 cease-fire agreement that the government negotiated with Russian and Transnistrian officials. Transnistrian authorities frequently limited OSCE access throughout the breakaway region, which includes the three-mile security zone dividing Transnistria from the rest of the country. On November 12, however, authorities allowed a one-

day visit by a delegation of OSCE officials. The visit included an inspection of the Russian Colbasna ammunition depot, which is located in the northern section of the region. It was the first time since March 2004 that OSCE officials gained access to the Colbasna site.

The law provides for three parliamentary advocates (ombudsmen) and an independent center for human rights, the Moldovan Human Rights Center (MHRC). Parliament appoints the ombudsmen for five-year terms. They have equal rights and responsibilities and are empowered to examine claims of human rights violations, advise parliament on human rights problems, submit legislation to the constitutional court for review, and oversee MHRC operations. In practice, however, the ombudsmen dealt mostly with low-level cases. MHRC personnel provided training for lawyers and journalists, visited jails, made recommendations on legislation, and organized round tables.

On June 30, the MHRC in its annual report to parliament on activities in 2005 stated that it had received 1,422 petitions and granted 3,194 interviews, and that 136 cases dealing with violations of individual rights were successfully concluded. The report also stated that there were 1,141 calls in 2005 to MHRC's hotline, and 704 petitions from prisoners. During the first six months of the year, the MHRC stated that it received 968 petitions.

The report also described revisions to the law that the MHRC drafted and saw through passage by parliament, the difficulties faced by the 2,551 prisoners released in 2005, and failures by public authorities to provide rights to arrested minors.

In Transnistria authorities continued to control and intimidate NGOs in the region by "inviting" NGO representatives to meetings with security officials and by pressuring landlords not to renew rental leases for office space.

In March the "president" of Transnistria signed a decree "to ensure security" in the region that prohibited NGOs from receiving foreign funding, and empowered authorities to close any organization that violated the decree. Following international criticism, Igor Smirnov altered the decree to prohibit only funding of NGOs directly engaged in political activities. The international community stated the decree would severely impair the ability of NGOs to operate in the region. While still unduly restrictive, the modified version of the decree expanded the NGOs' range of operation.

The Chisinau-based NGO Promo-Lex reported that unidentified persons in Transnistria continued to follow their representatives and tap their telephones. In contrast to previous years, Promo-Lex did not report new office break-ins.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides that all persons are equal before the law regardless of race, sex, disability, or social origin; however, societal discrimination against women and some ethnic minorities, particularly Roma, persisted.

##### Women

Domestic violence against women remained a widespread problem, and the law does not specifically address domestic assault.

In the first eight months of the year, the Ministry of Internal Affairs reported that it received 212 domestic violence complaints. Of that number eight resulted in serious bodily injury and seven in death. In 2005 the MIA said it received more than 3,000 domestic violence complaints. Women's groups, however, continued to assert credibly that incidents of spousal abuse and rapes were underreported.

The government supported education efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public and law enforcement officials to address the problem. The city of Chisinau operated a women's shelter for victims of domestic violence. Private organizations operated services for abused spouses, including a hotline for battered women.

The law criminalizes rape but does not specifically address spousal rape. There were 154 cases of rape reported to the interior ministry in the first eight months of the year, but most observers believed that many rapes went unreported. There were no specific government activities to combat rape.

Prostitution is not a crime but a violation of civil law punishable by a fine or administrative detention of up to 30 days. Prostitution was widespread, and observers noted that sex tourism, which was particularly prevalent in upscale Chisinau hotels, continued to grow.

Trafficking in women for sexual exploitation was a serious problem (see section 5, Trafficking.)

The law does not prohibit sexual harassment, and it was a common problem.

The law provides that women and men enjoy equal rights. In practice women, who constituted approximately 50 percent of the workforce, received pay equal for equal work; however, women did not hold high-paying jobs in the same proportion as men.

##### Children

There is extensive legislation designed to protect children, and the government provided supplementary payments for families with many children.

The law mandates the government to provide free, compulsory, and universal education for at least nine years. However, many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not illegal, such fees contradicted the government's policies and resulted in some parents keeping their children at home. Government and local authorities provided annual assistance of approximately \$23 (300 lei) to children from vulnerable families for school supplies. The government reported that net primary school enrollment was 91 percent. Secondary school enrollment was approximately 88.5 percent, with little difference in the rates for boys and girls.

Although the healthcare system devoted a large portion of its limited resources to care for children, childcare professionals considered the assistance inadequate. Nonetheless, during the year UN Children Fund (UNICEF) reported that between 96 and 98 percent of children were immunized against tuberculosis, DPT, polio, and measles.

While the law prohibits child neglect and specific forms of abuse, such as forced begging, child abuse was believed to be widespread. Although there were no comprehensive or official statistics on the problem, the National Center for Child Abuse Prevention NGO registered 116 cases of abuse during the year. Observers alleged that women begging on the streets of Chisinau continued to sedate their infants to spend long hours begging.

Trafficking of children for the purpose of sexual exploitation and begging remained a problem. (see section 5, Trafficking).

Child labor was a problem (see section 6.c. and 6.d.).

The situation of children in orphanages and other institutions was generally very poor. Low funding caused major problems such as inadequate food, "warehousing" of children, lack of heat in winter, and disease. In 2005, according to the Ministry of Education, there were approximately 11,500 institutionalized children. Not all institutionalized children were orphans; the number of children entrusted to the government by needy parents or by parents leaving the country to look for work reportedly continued to grow. The government estimated that the number of children entrusted to relatives or placed in boarding by parents working abroad was approximately 20,000.

During the year, the interior ministry reported that its records of troubled minors included 231 alcoholics, 146 drug addicts, 897 homeless minors, and 733 children who stopped attending school. However, according to NGOs, the numbers of troubled minors may well exceed the government's official statistics.

#### Trafficking in Persons

The law prohibits trafficking in persons and it carries criminal penalties. However, trafficking remained a serious problem and the country is a major source for trafficked persons, particularly women and girls for sexual exploitation.

To a lesser extent the country is also a transit point for trafficking victims, and there were reports of some internal trafficking of girls from rural areas to the capital.

A significant amount of trafficking continued to occur in the breakaway region of Transnistria, which is outside of the government's control. The separatist region remained a significant source and transit area for trafficking in persons.

Women and children were trafficked for sexual exploitation, and men and children were trafficked to Russia and neighboring countries for forced labor and begging. The country was also a transit point for victims trafficked from Ukraine. Victims were increasingly trafficked to Russia and countries of the Middle East, such as Turkey, Israel, and the United Arab Emirates (UAE). According to International Organization for Migration (IOM), 12 percent of the trafficking victims it assisted were minors under 18 years of age. The IOM also noted that the percentages of victims trafficked from rural and urban areas closely corresponded to residence statistics from the country's 2004 census. Most victims had suffered some form of sexual or physical abuse at home and were willing to face significant risk to escape abuse.

The government's newly-formed Center to Combat Trafficking in Persons (CCTIP) stated that information indicated that men were trafficked for agricultural and construction work to the Baltic States and to the Commonwealth of Independent States (CIS). There also were reports that women were trafficked to Lebanon, Greece, Macedonia, Serbia (including Kosovo), and Montenegro, Bosnia and Herzegovina, Poland, Croatia, the Czech Republic, Belarus, France, the United Kingdom, and Austria.

Newspaper advertisements promising well-paying jobs abroad also lured many victims. The International Labor Organization's (ILO) program for the elimination of child labor reported that in many cases traffickers of children were Roma.

Trafficking of orphans reportedly decreased during the year, according to the Center for Prevention of Trafficking in Women. The center also reported that parents or husbands pressured some young women to work abroad.

Victims were transported by car, van, train, and on foot across borders. Sometimes false documents were used, but increasingly victims traveled by plane with genuine documents.

The law provides criminal penalties for trafficking ranging from seven years to life imprisonment depending on the circumstances and severity of the offense.

During the first 11 months of the year, authorities opened 333 trafficking-related investigations. According to CCTIP, during the year authorities convicted 62 persons for trafficking, 85 for pimping, 13 for organizing begging, seven for trafficking in children, four for organizing

illegal migration, and two for forced labor. Of the 173 convictions, 67 persons were sent to prison, 36 received a suspended sentence, 59 were fined, and 11 were amnestied or acquitted.

During the first eight months of the year the interior ministry reported that it conducted 35 raids to inspect 143 travel and employment agencies; it withdrew the licenses of four for suspected trafficking.

In 2005 the government merged the interior ministry's antitrafficking section into a new national entity, the CCTIP, which is composed of senior officials from all relevant government ministries and includes prosecutors, analysts, and investigators. There is also a multiagency task force under the leadership of the prosecutor general's office to monitor trafficking law enforcement activities, coordinate intelligence, provide witness protection, and provide advice on prosecuting complex cases.

During the year the government improved cooperation with other member countries of the Southeast European Cooperative Initiative, Interpol, and with other trafficking destination countries such as Italy, the United Arab Emirates (UAE), and Turkey, resulting in a number of convictions.

On February 8, the government ratified an agreement with Turkey to combat trafficking as part of a broad effort to fight illegal drug trafficking, international terrorism, and other organized crime.

There have been longstanding reports of involvement by some government officials in trafficking. On October 18, the Ministry of Interior dismissed several senior officials for trafficking, including a former CCTIP deputy director, Ion Bejan, who was under investigation on charges of protecting a major trafficker. According to the interior ministry, other government investigators and prosecutors were also involved in the protection scheme and are under investigation. The ministry also reported that, in the first 11 months of the year, it investigated and eradicated 39 trafficking networks. Turkey was the destination country in 14 of the cases; UAE in five; Russia in five; the Kosovo region of Serbia in three; and other countries in the remaining 12.

Elsewhere in the country, widespread corruption and lack of resources prevented adequate border control and monitoring of traffickers, particularly in areas near Transnistria. Observers alleged that corrupt low and high-level Moldovan government officials were either involved in or routinely ignored trafficking crimes. In September trafficking charges levied in November 2004 against a former policeman who was deported from the UAE back to the country were downgraded to pimping; he was amnestied. The prosecutor and the victims' lawyer appealed the court decision.

On June 20, police arrested Alexander Covali, an alleged leader of a trafficking ring. He was charged with trafficking after police found confined women on his properties. He was released on bail and arrested again on August 4 when an investigation revealed that he had received police protection. He remained in jail in year's end awaiting a court hearing.

On December 27, Ion Gusin was convicted of trafficking in persons and sentenced to 22 years in jail for his role as pimp and translator for a foreign sex tourist.

On October 20, the finance ministry created a special fund to pay for free social services for trafficking victims, including modest medical and psychiatric services, new identity documents and residence permits, legal counseling, vocational training, and professional counseling. The fund is part of a comprehensive trafficking in persons law passed by parliament in October 2005.

The government had no other programs to assist victims. Several NGOs offered repatriation assistance, temporary housing, and medical care for victims, as well as job training. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. The NGO La Strada Moldova provided informational and educational services as well as a national toll-free hotline.

During the first eight months of the year IOM assisted 193 returned trafficking victims, the majority of whom had been trafficked to Turkey, Russia, and the UAE.

The government took some steps to prevent the trafficking of persons and to assist victims through its network of national antitrafficking committees. Local committees in each region of the country and officials from a variety of ministries and local governments were required to present reports on their antitrafficking efforts. In August 2005 the government approved a new national action plan for combating trafficking in persons, which was developed in conjunction with international organizations.

Local NGOs operated public school programs to educate young women about the dangers of prostitution. During the year, the IOM continued its information program aimed at providing information to help citizens going abroad to avoid exploitation.

#### Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities; however the government generally did not enforce these laws and there were reports of discrimination. The local NGO Gaudeamus reported continued widespread discrimination against students with disabilities.

There are no laws mandating access to buildings, and there were few government resources devoted to training persons with disabilities. The Social Assistance Division in the Ministry of Health and Social Protection and the National Labor Force Agency are responsible for protecting the rights of persons with disabilities.

## National/Racial/Ethnic Minorities

Ukrainians and Russians are the two largest minorities. A Christian Turkic minority, the Gagauz, makes up a small percentage of the population living primarily in the Gagauz Autonomous Region in the south of the country. Official statistics put the number of Roma at 11,600, but Romani NGOs estimated the number to be much higher.

Roma suffered violence, harassment, and discrimination. However, in contrast to the previous year, local and international NGOs did not report arbitrary arrests or incommunicado detention of Roma (see section 1.d.).

The European Roma Rights Center continued to report that officials discriminated against Roma with regard to housing, education, and access to public services. The Roma were the poorest of the minority groups and continued to live in unsanitary conditions in segregated communities lacking basic infrastructure. These conditions often led to segregated education and schools with even fewer resources than that elsewhere in the country. Many Romani children did not attend school, very few received a secondary or higher education, and there was no Romani-language education.

Minority rights and language were closely related problems. Romanian is the only official language, but all official documents are also translated into Russian, which was used for interethnic communication. Russian speakers were not subject to discrimination in education or employment, and a citizen has a legal right to choose either language to interact with government officials or commercial entities. Officials are required to know both Romanian and Russian "to the degree necessary to fulfill their professional obligations." The law provides parents the right to choose the language of instruction for their children, and the government observed this right in practice.

Authorities in the separatist Transnistrian region continued to discriminate against Romanian speakers, although to a lesser extent than in previous years. They continued to refuse to observe the country's language law, which requires use of Latin script, and required schools in the region to teach Romanian using the Cyrillic alphabet. Many teachers, parents, and students objected to the requirement, asserting that it disadvantaged persons who wished to pursue higher education opportunities in the rest of the country or in Romania, where the Latin script is used. Under a temporary arrangement, Romanian-language schools were allowed to use the Latin script for instruction. However, they complained that the arrangement, which applies to all Romanian-language schools, could be rescinded at any time by the authorities.

In July 2005, under an OSCE-negotiated formula, Transnistrian authorities allowed Latin-script schools in the region, which were registered with the Moldovan Ministry of Education, to register locally and to begin the school year in September. In 2004 regional police closed Latin-script schools in Ribnitsa, Tiraspol, Dubasari, and Corjova, stating that the institutions violated the Transnistrian legal requirement for the schools to register locally and to use the Cyrillic alphabet for instruction. The schools have since reopened and are allowed to teach in Romanian.

## Other Societal Abuses and Discrimination

There were reports of governmental and societal discrimination based on sexual orientation.

According to the NGO GenderDoc-M, lack of community recognition, negative media portrayals, and condemnation by the Orthodox Church often led to public ostracism of gays, lesbians, and their families. On April 28, the Mayor of Chisinau denied the NGO's request to organize an event in support of gay rights out of fear that religious groups would organize protest actions if the rally went ahead. Chisinau authorities had refused a similar request in May 2005 by GenderDoc-M for a demonstration to support antidiscrimination legislation for sexual minorities.

GenderDoc-M reported that there were on-going cases of gay children being asked to leave home by their parents, and incidents of villages shunning a family because of a gay child. The NGO also reported that police continued to threaten gays and lesbians with public exposure if they did not pay bribes.

In Transnistria, homosexuality was illegal, and gays and lesbians were subject to governmental and societal discrimination.

Several NGOs reported instances of discrimination against persons with HIV/AIDS, particularly in rural villages.

## Section 6 Worker Rights

### a. The Right of Association

Neither the Penal Code nor the Code of Administrative Offences stipulates any specific sanctions for violating trade union rights. As a result, prosecutors may reject appeals by trade unions against any antiunion behavior by employers and governments; violations of the Trade Union Act remain unpunished.

The law provides workers the right to establish or join unions; however, there were reports that the government continued to pressure individual unions to join a confederation that supported government policies. Approximately 50 percent of the workforce belonged to a union. The law also provides for the right to strike, except for workers in essential services, and workers exercised this right by conducting legal strikes.

There were two unions, the Trade Union Confederation of Moldova (TUCM) and the Confederation of Free Trade Unions Solidaritate (Solidarity). The latter advocated government positions and was widely believed to enjoy government support. During the year, the

government continued to pressure local unions to quit TUCM and join Solidarity. On June 30, a representative of the state wine agency interfered during a meeting of the trade union of the National Institute of Wine and Viticulture to prevent the transfer of the trade union to Solidarity.

#### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, the right to organize, and the right to conduct activities without government interference; however, the government did not always respect these rights in practice (see section 6.a.).

On July 21, parliament passed a new law to create a national commission for collective consultations and bargaining that will include trade unions, employers, and government representatives.

The government, company management, and unions negotiated national minimum wages in tripartite talks. Arbitration committees typically settled workplace labor disputes. If an arbitration committee failed to settle a dispute, parties could take it to the court of appeals.

Public officials and workers in essential services such as emergency healthcare, water and energy supply, telecommunications, air traffic control, law enforcement, judges, and military employees do not have the right to strike; the law provides for arbitration of disputes in these sectors with court mediation as a final option to ensure due process.

There are no special laws or exemptions from regular labor laws in export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred, particularly in the countryside during the harvest season when some children were compelled to work in fields.

#### d. Prohibition of Child Labor Practices and Minimum Age for Employment

The law sets standards for child labor, including the minimum age for employment, hours of work, and working conditions, and prohibits the worst forms of child labor; however, the government did not effectively enforce these protections.

Child labor was a problem. Because of poor economic conditions, parents often sent children to work in fields or to find other work, and those children living in rural areas often assisted in the agricultural sector. The law provides for 10 to 15 years' imprisonment for persons involving children in the worst forms of child labor; under aggravated circumstances, the sentence could be life imprisonment.

The minimum age for unrestricted employment was 18 years. Persons between the ages of 16 and 18 were permitted to work under special conditions, including shorter workdays, no night shifts, and longer vacations.

In September the Ministry of Education, Youth and Sports issued two child labor orders without consulting either the Labor Inspection Office (LIO) or the ILO. The orders for working in the annual harvest did not define hazardous work and did not set limits on weights children could carry or types of hazardous equipment. There also were no instructions for teachers who accompany children who work in fields.

In September 2005 the education ministry issued a similar decree that in effect ordered educational institutions to participate in the annual harvest. The decree, which was in contradiction to labor laws, allowed children between 11 and 14 to help with harvesting. The ministry decree also provided for forced labor of children "under the condition of a penalty," such as poor grades, for not participating in the harvest. The ministry later agreed that the decree was wrong.

Trafficking in children was a serious problem (see section 5.)

Efforts to enforce child labor laws did not deter violations. The LIO is responsible for investigating possible child labor violations. However, the office does not have the institutional capacity to fully monitor child labor laws. During the year the LIO sanctioned 10 enterprises for failing to create proper work conditions for minors. The ILO, in cooperation with the government, implemented aspects of its international program to eliminate child labor by strengthening local antitrafficking committees, establishing community-based youth centers, training representatives of employers' organizations and trade unions, promoting employment for at-risk youth and parents, and improving care for child victims of trafficking.

#### e. Acceptable Conditions of Work

The legal minimum monthly wage was approximately \$25 (320 lei) for public sector employees and approximately \$53 (700 lei) for private sector employees. Neither wage provided a decent standard of living for a worker and family. The Labor Inspection Office is responsible for enforcing the minimum wage and opened several administrative cases against employers who violated it. Severe budgetary constraints often prevented government and private sector employers from meeting employee payrolls.

The law sets the maximum workweek at 40 hours with extra compensation for overtime, and the law provides for at least one day off per week.

The government is required to establish and monitor safety standards in the workplace, and the LIO is responsible for enforcing health and safety standards. In the first 10 months of the year, the LIO's 81 territorial inspectors conducted 7,086 workplace inspections in approximately 180,000 registered enterprises and noted over 50,000 health and safety violations. Of the number of workplaces inspected, 824 received administrative fines. Workers have the right to refuse to work if working conditions represent a serious health threat, but there were no reports that workers exercised this right in practice. Poor economic conditions led enterprises to economize on safety equipment and give inadequate attention to worker safety. In the same period, the LIO reported there were 295 workplace accidents in which 35 persons died.