



## 2008 Human Rights Report: Moldova

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

**2008 Country Reports on Human Rights Practices**

**February 25, 2009**

Moldova\* is a republic with a form of parliamentary democracy. The country has an estimated total population of 3.57 million, including 528,600 in the secessionist-controlled region of Transnistria. An estimated 900,000 citizens, including approximately 250,000 Transnistrians, live outside the country. The constitution provides for a multiparty government with power shared by the president, the executive, a unicameral parliament, and the judiciary; however, in practice, the three branches of government were heavily influenced by the president. Parliamentary elections in 2005 generally complied with most international standards for democratic elections. Communist Party leader Vladimir Voronin was reelected by parliament in 2005 as president for a second and final term. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, security forces beat persons in custody and held persons in incommunicado detention. Prison conditions remained harsh, and security forces occasionally harassed and intimidated the political opposition. There were reports of judicial and police corruption, arbitrary detention by police, and occasional illegal searches. The government attempted to influence the media and intimidate journalists, maintained some restrictions on freedom of assembly, and refused official registration to some religious groups. Persistent societal violence and discrimination against women and children; trafficking in women and girls for sexual exploitation; discrimination against Roma; difficulties registering minority religious groups; limits on workers' rights; and child labor problems were also reported.

In 1990 separatists supported by Soviet military forces declared a "Transdnister Moldovan Republic" (Transnistria) in the area along the eastern border with Ukraine. The central government had very limited authority in the region, and Transnistrian authorities governed through parallel administrative structures. The most commonly spoken language in the region was Russian, although many Transnistrians spoke Romanian and Ukrainian as their mother tongue. A 1992 cease-fire agreement established a tripartite peacekeeping force composed of Moldovan, Russian, and Transnistrian units. Although voting in the 2005 Moldovan parliamentary election did not take place in Transnistria, over 8,000 residents of Transnistria voted at polling stations in government-controlled areas. Transnistrian authorities held "legislative" elections in 2005 and "presidential" elections in 2006. Transnistrian elections were neither recognized nor monitored by international organizations.

The human rights record of the Transnistrian authorities remained poor. Authorities imposed some restrictions on the ability of residents to freely change their government and interfered with the ability of Moldovan citizens to vote in Moldovan elections. Transnistrian residents were expected to vote in the 2005 and 2006 Transnistrian elections, but were unable to stand without hindrance as candidates, while authorities prevented the media from reporting freely on candidates or issues. Torture and arbitrary arrest and detention continued to be problems, and prison conditions remained harsh. Transnistrian authorities continued to harass independent media and opposition lawmakers, restrict freedom of association, movement, and 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, including Transnistria.

b. Disappearance

There were no reports of politically motivated disappearances during the year in the country, including Transnistria.

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

The law prohibits such practices and criminalizes inhuman treatment and torture; however, there were credible reports that police used cruel and degrading arrest and interrogation methods and that guards beat prison inmates. Under the law, inhuman treatment carries a sentence of eight to 15 years' imprisonment; torture carries a sentence of 16 to 25 years. The law provides enhanced punishments for torture committed in wartime. Coercing an individual to testify is punishable by up to three years' imprisonment, and if such coercion involves cruel, inhumane or degrading treatment, it is punishable by three to eight years' imprisonment. Torture inflicted by an official in order to punish, intimidate, or obtain information from a person is punishable by two to five years' imprisonment.

The local Helsinki Committee reported that on April 3 Alexander Ivanovich Malina, an employee of the Taraclia penitentiary insulted, threatened, and beat prisoner Serghei Bezman. Bezman claimed that guards kicked him in the chest for writing complaints to officials, and they then forced him to eat his written complaint.

During the year the Helsinki Committee reported that a German citizen prisoner suffered malnutrition and was forced to repair his jail cell out of his own funds. Prison authorities transferred the man to four different prisons during the year; each time he repaired his cell, he was transferred again.

An ombudsman who visited Cricova Penitentiary in February interviewed two inmates who showed signs of torture. The inmates accused penitentiary officer Sergiu Perdeleanu of being responsible for their injuries. On an unannounced visit several days later, the ombudsman encountered Perdeleanu instructing the inmates to write letters to penitentiary officials denying that they had been tortured. As a result of the ombudsman's efforts, the Prosecutor General's Office (PGO) opened a criminal investigation on September 21. No charges were filed by year's end, and Perdeleanu remained on duty.

In July the UN special rapporteur on torture stated that police mistreatment remained common and that prosecutors, judges, medical staff, and staff at penitentiaries failed to promptly investigate allegations of mistreatment and torture. Torture methods included severe beatings, electro-shock, asphyxiation through gas masks, and putting needles under fingernails.

In November 2007 the Council of Europe Committee for the Prevention of Torture (CPT) reported that approximately one-third of the persons interviewed during CPT's prison visits made credible allegations of torture and other mistreatment. International and local NGOs stated that judicial authorities tacitly condoned the use of torture, and that officials engaging in torture remained unpunished. Guards accused of torture were occasionally dismissed from their jobs or transferred to other prisons.

According to the UN special rapporteur on torture, mistreatment of suspects during their initial period in police custody was widespread. Torture was often used to obtain confessions from suspects, including in the Transnistrian

region.

Although the law provides victims of torture and mistreatment the right to file complaints, in practice, they had little chance of being heard. At times courts declined to hear their complaints, and long delays in legal process caused petitioners to abandon their claims. Victims carried the burden of proving that they had been mistreated, which was difficult since prisoners often remained in detention for months before having access to courts. By the time they were able to appear in court, the physical evidence of abuse had disappeared.

On January 31, Gagauz activist and separatist Ivan Burgudji, who had been imprisoned on charges of misappropriating funds, was released from prison. In June 2007 Burgudji complained to visiting officials from the Organization for Security and Cooperation in Europe (OSCE) that, during his interrogation, authorities mistreated and subjected him to humiliation and that prison officials refused to provide him with prompt medical treatment for severe back pain. Burgudji was released after the charges against him were downgraded, and he received full amnesty.

On June 17, the European Court of Human Rights (ECHR) ruled against the country in a case involving inhuman treatment of Victor Savitchi while he was under arrest in 2000. The ECHR ordered the government to pay Savitchi, a former police inspector, 8,000 euros (approximately \$12,177) in damages. A videotape of the incident showed five police officers kicking Savitchi in the chest and lower back while his hands were tied, after which they arrested him on charges of bribery.

In the separatist region of Transnistria, torture and mistreatment took place in detention centers. Mistreatment of military conscripts was also reported. NGOs and international bodies working in the region reported that local "prosecutor's offices" failed to examine detainee complaints of torture and did not initiate criminal cases against police officers engaging in torture. An independent torture monitoring mechanism did not exist in the region.

In Transnistria, the closed military court system regularly ignored reports of alleged hazing and abuse of conscripts in the Transnistrian "army." According to a Chisinau-based NGO, some conscripts were forced to march and run in boots that were several sizes too small.

On January 2, Anatol Mospan died in a military unit in Tiraspol. Although local doctors noted heart failure as the cause of death, photographs released to the media revealed marks on his body consistent with physical abuse. Local NGOs reported that separatist authorities placed Mospan's family under surveillance for having asked central government authorities to investigate the matter. Following an investigation, the Prosecutor General's Office (PGO) in Chisinau and the Supreme Soviet in Tiraspol separately announced that Mospan's heart failure was due to natural causes due resulting from heart disease.

On February 6, the body of 19-year-old Ukrainian citizen Eugen Kolobyshko, who served in a Transnistrian military unit, was found in the Dniester River. Kolobyshko's relatives reported to NGOs that his body bore signs of violent injuries and that he had complained that others in his military unit were humiliating and insulting him and extorting money from him. Following the death, the military unit offered Kolobyshko's parents 7,000 euros (approximately \$9,800) in compensation. A PGO investigation was ongoing at year's end.

There were no further developments in the 2006 case of Mihai Corsacov, who accused two police officers of torture. In 2006 the ECHR ruled in favor of Corsacov; the PGO opened a criminal investigation of the officers and passed the findings to the Hincesti court to examine their merits.

Prison and Detention Center Conditions

Conditions in most prisons, including those in Transnistria, remained harsh, dangerously overcrowded, and in some instances life-threatening, notably in the Balti and Tiraspol prisons. Both prisons and pretrial detention facilities fell far short of meeting international standards.

Conditions were particularly harsh in pretrial and presentencing facilities, where suspects were sometimes held for months or years awaiting trial. Pretrial detention facilities remained dark and overcrowded. Inmates' access to healthcare was also inadequate. Juveniles were routinely held together with adults, and prisoners suffered from insufficient ventilation and low quality food. Prisons did not provide for recreational activities. Cell sizes did not conform to local law or international standards. Incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons.

During the year the UN special rapporteur on torture noted slight improvements in the treatment of pretrial detainees and an increase in space for prisoners after the government built additional facilities. According to the rapporteur, prisoners and advocates made fewer complaints of mistreatment involving Ministry of Justice-administered detention centers; most complaints of mistreatment involved the pretrial detention center administered by the Ministry of the Interior (MOI).

According to the rapporteur, the practice of placing some prisoners serving life sentences in year-long solitary confinement amounted to inhumane treatment. Such prisoners were placed in solitary confinement if prison officials believed they presented a threat to other inmates or as punishment for violating prison regulations.

The government permitted independent monitoring of prison conditions by local and international human rights observers, and prison officials generally allowed observers to interview inmates in private. The government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners in accordance with the ICRC's standard practices.

According to the UN special rapporteur on torture, who conducted research in the country in July, the government was generally cooperative, responded to information requests, and allowed visits to all detention facilities. The rapporteur also noted that reprisals were a problem, as prisoners had at times been punished for speaking to the rapporteur.

In July Transnistrian authorities allowed the special rapporteur to visit detention facilities. The rapporteur expressed concern about the practice of permanent solitary confinement for persons sentenced to life imprisonment or execution.

Transnistrian civil society representatives complained that it was extremely difficult to gain access to Transnistrian detention facilities. Conditions in those facilities were grave, particularly in Tiraspol prison. Sick and contagious prisoners shared quarters with healthy prisoners.

#### d. Arbitrary Arrest or Detention

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

An ombudsman regularly visited various places of detention, including police stations and detention rooms at psychiatric hospitals, railway stations, and the Chisinau airport. The ombudsman found that many arrestees were not registered in log books, and that railway police arbitrarily arrested citizens before their trains departed and released them after their trains left the station. Police at the airport often detained travelers for document checks, and then released them without explanation. Most of the persons placed in detention at police stations were arrested for petty crimes, insulting policemen, or for document checks, even though they were carrying valid

documents.

On May 29, Moldovan border police allegedly detained and verbally harassed the chairperson of the Transnistrian youth organization Proryv as she traveled to the Transnistrian region; she was held for two hours at a Moldovan checkpoint near the city of Bender.

On May 22, in the government-controlled village of Dorotcaia, Transnistrian authorities arrested 26-year-old Stefan Berzan for allegedly passing counterfeit currency. Berzan had earlier reported the counterfeit currency to Transnistrian police, who directed him to accompany them to the separatist-controlled city of Grigoriopol, denying his request that Moldovan police also accompany him. According to NGO reports, Berzan was mistreated during detention and was forced to confess to the crime. On August 11, the Grigoriopol court convicted Berzan and sentenced him to six years in prison, but released him with five years' probation. On September 5, the Ministry of the Interior fired Berzan from his job as a fireman because of the criminal conviction.

#### Role of the Police and Security Apparatus

The national police force is the primary law enforcement body. It is subdivided into regional and city police commissariats, which are subordinated to the MOI. Police corruption remained a problem.

The PGO is responsible for investigating police activities. According to PGO staff, the MOI often ignored, or only superficially examined, their reports of violations by police. An internal affairs unit that reported to the ministry investigated incidents of impunity and corruption.

A Transparency International survey conducted between February and March reported that 51 percent of the persons interviewed said they paid bribes to the police. In 2007, according to the latest available statistics, 600 citizens lodged complaints regarding abusive police behavior with prosecutors' offices. Following the complaints, 258 criminal cases were opened, 32 police officers were dismissed, 12 were prosecuted for bribery, and 24 former officers were imprisoned.

#### Arrest and Detention

The law allows judges to issue arrest warrants based on evidence from prosecutors. Authorities must promptly inform detainees why they were arrested and describe the charges against them. Suspects may be detained without charge for 72 hours. Although the law provides accused persons the right to a court hearing, these rights were not always respected in practice.

Once charged, a detainee may be released on personal recognizance pending trial. The law provides for bail, but it was rarely permitted, and the bail system did not function well. Authorities generally did not authorize bail for detainees accused of violent or serious crimes.

Detainees have the right to a defense attorney; 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, questioned them without a lawyer present and subsequently detained them as suspects. Detainees were often informed of the charges against them without a lawyer present. The government required the local bar association to provide an attorney to indigent defendants but did not pay legal fees; such defendants often did not have adequate counsel. Detainees were generally allowed access to family members.

The law permits pretrial detention for up to 30 days. The courts may extend pretrial detention for up to 12 months, depending on the severity of the charges. Pretrial detentions lasting several months were common.

According to a November 2006 OSCE report, trials were frequently postponed because of the absence of a key participant. In over half of the trials that were monitored, prosecutors, defense attorneys, victims, or witnesses failed to appear in court without explanation or prior notification.

#### Amnesty

The government generally granted amnesty to persons sentenced to less than four years in prison, which meant that such persons rarely served jail time. On July 18, the government issued a one-time amnesty for persons under the age of 21, mothers with custody of children under the age of eight, and pregnant women who had committed minor infractions.

On February 4, a court in Gagauzia granted amnesty to Gagauz activist and separatist Ivan Burgudji, who was sentenced in June 2007 to 12 years in prison on charges of embezzling 81,900 lei (approximately \$7,874) in 2002 from the Gagauz regional budget and using the funds to operate an office in the Transnistrian city of Tiraspol. Moldovan police arrested Burgudji in 2006 without a warrant and did not promptly inform him of the charges against him.

On April 2, the Supreme Court of Justice reversed a July 2007 Chisinau appeals court decision granting amnesty to former defense minister Valeriu Pasat. Pasat was arrested in 2005 on charges of defrauding the government of millions of dollars and for unlawfully selling state property. In 2006, following a closed civilian trial, a court sentenced Pasat to 10 years in prison; an appeals court subsequently acquitted Pasat of some of the charges and reduced his sentence to five years. Pasat, who supported opponents of the country's president in the 2005 parliamentary elections, claimed the charges against him were politically motivated.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, official pressure and corruption remained problems. There continued to be credible reports that local prosecutors and judges occasionally asked for bribes in return for reducing charges or sentences, and observers asserted that courts were sometimes politically influenced.

Political factors played a role in the reappointment of judges. According to Freedom House, judges were appointed and promoted on the basis of subjective and nontransparent factors. Younger judges, who held initial five-year appointments, were particularly vulnerable to influence by the executive branch.

On April 22, national bar association president Gheorghe Amihailachioaie stated that lawyers, particularly those involved in actions against the government and those representing opposition parties, were politicized and discriminated against. Amihailachioaie also claimed that the judicial system favored the prosecution, and that judges favored the ruling authorities. One example in which courts were accused of favoring the prosecution was the case of Fiodor Ghelici. On September 24, Ghelici, owner of a transportation company, accused police of violating his right to free movement. He had been detained and subsequently convicted for a July 2 incident in which he attempted to park his four trucks in front of a government building during a protest rally. His conviction was subsequently overturned on appeal.

Some politicians claimed judicial harassment. Serafim Urechean, leader of the largest opposition political party, was acquitted on May 26 of charges that he abused his office for personal gain while mayor of Chisinau. On September 8, the PGO appealed the decision.

Nicolae Andronic, leader of the Popular Republican Party, reported that the court in Buiucani was again pursuing charges against him for authorizing withdrawal of 200 tons of wheat from the state reserve as a loan to a private

company during his term as deputy prime minister in 1998-99. Andronic claimed that the case was a politically motivated action and aimed at eliminating his party from the 2009 parliamentary election.

Between 1991 and year's end, the government lost 132 ECHR cases, 58 of which concerned denial of fair trial rights. Of the 28 cases lost during the year, 11 concerned, in part or in whole, denial of a fair public trial.

According to a European Union (EU) report published on April 3, recent positive developments included the development of a judicial code of conduct in November 2007 and the establishment of the Department for Judicial Administration in January. The Department is responsible for monitoring the organizational, administrative, and fiscal effectiveness of the courts and for proposing improvements. The EU report also stated that implementation of reforms was lacking.

The judiciary consists of lower courts, courts of appeal, and the Supreme Court of Justice. A separate Constitutional Court has exclusive authority in cases relating to 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. By law the PGO is autonomous and answers to parliament. It is responsible for overseeing criminal investigations, filing charges, and protecting the rule of law and civil freedoms. Prosecutors may open and close an investigation without bringing the matter before a court, which gave them considerable influence over the judicial process. Many NGOs and opposition politicians considered the PGO to be under the political control of the ruling party.

The military court system is separate but generally experienced problems with corruption and inefficiency similar to the civilian courts. The jurisdiction of military courts extends to crimes committed by active duty, reserve, and retired military personnel. Military courts can also try civilians for crimes committed against military personnel.

#### Trial Procedures

The law provides that defendants in criminal cases are presumed innocent; however, a prosecutor's recommendation carried considerable weight and limited this right in practice. On some occasions, judges' remarks jeopardized the presumption of innocence. NGOs expressed concern that the practice of keeping defendants in handcuffs and metal cages during court proceedings went beyond what was necessary to secure public order and derogated the presumption of innocence.

Cases are presented to a judge or to panel of judges. 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 indigent defendants. The practice of appointing ex officio defense lawyers without allowing them to prepare adequately was common and infringed upon the right to legal assistance. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review evidence against their clients when preparing cases. The law provides a right to appeal convictions to a higher court.

According to a May OSCE report, legal guarantees of a fair trial functioned only partially. While recent legal reforms helped provide an improved framework for guaranteeing a fair trial, implementation remained a problem.

Although the law provides for defendants to have an interpreter, the OSCE observed a shortage of interpreters, a lack of knowledge of legal terminology, and a tendency to mix Romanian and Russian terms. Nearly 40 percent of court interpreters did not translate in a fully satisfactory manner. The OSCE also noted that judges at times ordered proceedings to be conducted in Russian, even though some participants complained they could not understand the language.

During the year, the OSCE released a report, based on a six-month project that monitored thousands of hearings in

hundreds of criminal cases at all levels of the justice system. The report noted that proceedings were often not open to the public; court facilities were inadequate; and a large number of judges, prosecutors, and defense lawyers failed to treat victims and witnesses with respect. A 2006 OSCE report found that 80 judges in Chisinau had access to only 12 courtrooms; as a consequence, 71 percent of trial hearings were held in judges' offices, where they were often interrupted. While most judges acted professionally, others engaged in frequent ex parte communications with prosecutors and defense attorneys, creating an appearance of impropriety. Space limitations during proceedings placed victims and witnesses in close proximity to defendants. Public access to trials was hindered because many judges did not publicly post their calendars or schedules of cases. Most court clerks were not diligent about their duties and some did not properly record trial proceedings. Delays and postponements bred disenchantment and eroded respect for trial proceedings.

On June 27, the government adopted a witness law to ensure the protection of persons whose life and property are threatened as a result of their participation in trial proceedings.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The law provides for citizens to 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 commit misconduct during prosecution. Judgments awarded in such cases were small and frequently not enforced. Citizens may also seek damages for human rights violations in the ECHR. During the year the ECHR issued 28 adverse decisions on human rights violations, bringing the overall total since 1991 to 132.

While the law provides for restitution of property and compensation for victims of political repression, commissions established to receive petitions were not funded to make payments. In Chisinau, where 6 million lei (approximately \$576,823) of funding was allocated for compensation, no commission existed to make payments. Applicants must prove a direct causal connection between political repression and the seizure of their properties to receive restitution.

In June 2007 parliament adopted a mediation law, which established an alternative mechanism for resolving civil and criminal cases voluntarily between parties, and set rules for the status of professional mediators. The law entered into force on July 1.

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

Although the law prohibits such actions, the government did not respect these prohibitions in practice.

It was widely believed that authorities, including the MOI, the PGO, and the Security and Information Service, continued to conduct illegal searches and wiretaps. Judges may authorize legal wiretaps only in cases where a criminal investigation is underway; however, in practice the judiciary lacked the ability to prevent illegal wiretaps by security organizations and police. Courts continued to accept evidence that was obtained illegally.

In contrast to previous years, there were no reports from opposition figures that government authorities illegally monitored their activities.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

Although the law provides for freedom of speech and of the press, the government sometimes restricted these rights and on occasion journalists were intimidated into practicing self-censorship. According to an EU report released on April 3, a number of recent laws affecting media freedom had not been implemented in a manner that promoted media plurality. The 2006 broadcasting law requires Teleradio Moldova to be a genuine public institution, although it remained financially dependent on the government, was widely viewed as strongly pro-government in its programming, and rarely aired opposing viewpoints. The law decriminalizing defamation was widely viewed as allowing pro-government media even greater latitude to insult opposition leaders, while at the same time not being clear enough eliminate the perceived need for self-censorship by independent media, nor prevent spurious lawsuits and investigations against opposition activists and media.

Individuals could generally criticize the government without restriction; however, members of the media and local NGOs believed that authorities attempted to impede criticism made by influential persons. International NGOs that monitor media practices reported that overall media freedom deteriorated despite some progress with media law reform. Freedom House considered the country's media to be "not free," a situation that remained unchanged since 2003.

The print media expressed diverse political views and commentary. There were 243 newspapers and magazines. The broadcast media were weaker in this regard because local private broadcasting was limited. The government continued to influence the media through its role in distributing broadcast licenses and its financial support for privatized media outlets, including the public radio and television broadcaster Teleradio Moldova (TRM), which covered most of the country.

The broadcasting code regulates the activity of private television and radio stations, the government-controlled public broadcaster TRM, and the government's main regulatory authority for broadcasting, the Audiovisual Coordinating Council (ACC). Local media NGOs expressed concern that the code places all public television and radio stations under TRM's control, which could stifle local independent media.

The government owned the Moldpress News Agency; local and city governments subsidized approximately 25 newspapers. Political parties and professional organizations also published newspapers with circulations of less than 15,000. The government did not restrict foreign publications, but most were not widely circulated because of high cost. Newspapers from Russia were available; some published special weekly local editions.

Several privatized newspapers, including the formerly government-owned *Moldova Suverana* and *Nezavisimaia Moldova*, continued to publish favorable reports about the government's activities and to exclude reports about opposition figures and alternative viewpoints. Newspapers, such as *Flux* (owned by the Christian Democratic Party) and the independent *Timpul*, *Jurnal de Chisinau*, and *Ziarul de Garda*, published more diverse views and articles critical of the government and its policies.

On February 22, parliament passed a public service ethics code as part of a government reform process designed to remove red tape and boost the effectiveness of public service. Media observers expressed concern over a code provision stating that only official spokespersons have the right to communicate with media organizations. Observers feared that this could lead to less transparency in the work of public institutions.

Although libel is no longer a criminal offense and the law limits the amount of fines that can be claimed for slander, some newspapers continued to practice self-censorship and avoid controversial issues out of concern that

government officials and other public figures could use civil defamation laws to retaliate against critical news coverage.

On June 26, parliament passed amendments to the editing law, making it illegal to edit and publish literature that contains "denial and defamation of the state and the people; calls to war or aggression, to ethnic, racial or religious hatred; [or] incitement of discrimination, territorial separatism, or public violence." Several private publishing houses opposed the new law, claiming that it imposed censorship.

On February 12 and July 7, the ECHR sanctioned the government for violating freedom of expression by bringing defamation charges against *Flux* newspaper, after *Flux* journalists made statements in 2003 and during the year regarding a former leader of the Party of Communists (PCRM) and a former prosecutor general.

On April 29, a district court in Chisinau froze the bank account of the *Jurnal de Chisinau* to sequester funds in a libel case. The case was filed against the newspaper by a former prosecutor, who sued for alleged damages inflicted on him by articles published in 2003 and 2004. The newspaper appealed and, on May 7, the appeals court unblocked the bank account and sent the case back to the Chisinau court for reconsideration.

According to the ACC, the agency that regulates and licenses broadcasters and assigns frequencies, 46 radio stations and 205 television stations and cable providers operated in the country. Most stations rebroadcast programs from Romania, Russia, and Ukraine and offered limited locally produced programming. Other foreign programs, including international news broadcasts, were available by subscription from private cable television operators. Some local governments, including that of Gagauzia, operated television and radio stations and newspapers.

According to NGOs, many of the major television channels were owned by business persons affiliated with the ruling PCRM and displayed a political bias towards the party. As a result, there were fewer outlets for opposing viewpoints.

In joint statements released on May 7, NGOs and media representatives criticized the ACC for disproportionately allocating radio and television frequencies to progovernment stations. In May the ACC distributed 40 provincial television frequencies to two progovernment stations, which significantly expanded their coverage; the ACC did not consider other applications.

Government influence over public broadcaster Teleradio Moldova, one of the few stations with nationwide reach, continued. In February, two Teleradio Moldova board members published an article criticizing the lack of progress in turning Teleradio Moldova into a broadcaster open to and serving all members of the public. The board subsequently prohibited its members from publicly expressing opinions without prior consent of all board members.

In September 2007 the ACC suspended rebroadcasts of the Romanian station TVR1 in the country, despite an existing license agreement. Media observers expressed concern that this was another method to restrict outside views. In February and March, listeners who had called in to the Vocea Basarabiei radio station claimed that they were summoned by the MOI to be interviewed on their participation in the station's live broadcasts.

Opposition members of the Balti municipal council criticized the nontransparent manner in which the public broadcaster Teleradio Balti was being privatized, noting that the privatization commission was staffed exclusively by councilors belonging to the majority PCRM.

On September 2, the Gagauz people's assembly decided to dissolve the supervisory board of the public company Teleradio Gagauzia, raising major concerns among the company's journalists, who feared that this was an attempt by Gagauz authorities to control regional public television.

Journalists and NGOs reported that the government denied independent media access to various official events involving the president. On January 18, members of the president's security detail prevented journalists from several media outlets from attending a public event with President Voronin, despite a prior invitation to the media to attend. The president's security detail forced Pro-TV journalists to erase their footage of Voronin. On July 23, the president's security detail denied a reporter from the Romanian news agency NewsIn access to President Voronin's press conference because she lacked accreditation, although she had submitted her accreditation request several months before the event.

Opposition ACC members continued to complain about central government pressure, principally in the form of what they called abusive and arbitrary investigations of extortion.

The ACC reversed its publicly stated position and decided to allow PRO TV and other broadcasters with expiring broadcasting licenses to continue operations until some unspecified time after the parliamentary elections. According to the ACC, doing otherwise would have been seen political interference.

In Transnistria, authorities greatly limited freedom of speech and of the press. Alternative viewpoints were subject to widespread censorship, and residents were wary of voicing alternative opinions and engaging in meaningful debate over key issues affecting the separatist region.

It was difficult to register, maintain, and financially sustain independent newspapers, radio stations, or television stations in Transnistria, though several existed. Most newspapers from government-controlled areas did not circulate widely in Transnistria, although they were available in Tiraspol. Foreign publications, including publications edited in Chisinau, were difficult to obtain as separatist authorities imposed a 100 percent customs duty, doubling their price.

Both of Transnistria's major newspapers, *Pridnestrovie* and *Dnestrovskaya Pravda*, were official publications of the separatist administration. One independent weekly newspaper was published in Bender and another in the northern city of Ribnita. According to a study by a western academic researcher, the Ribnita-based *Dobryi Den* newspaper did not publish any articles critical of Transnistria or separatist authorities. Separatist authorities harassed independent newspapers for critical reporting of the Transnistrian regime. Independent newspapers in the region, such as *Novaia Gazeta* and *Chelovek i yevo Prava* (Man and His Rights) were published, but had a limited circulation of about 3,000. Authorities controlled all printing houses and at times threatened to cease printing independent newspapers.

Other Transnistrian media that printed reports critical of secessionist authorities also had small circulations and appeared either weekly or monthly. There were few Romanian and Ukrainian language publications available to the ethnic Ukrainians and Moldovans in the region. Apart from the publicly financed *Gomin* (Ukrainian) and *Adevarul Nistrean* (Romanian in Cyrillic script), and the political party-controlled newspaper *Drujba* (Romanian in Cyrillic script), most publications are in the Russian language.

The majority of television and radio stations in Transnistria were controlled by the authorities, who largely dictated editorial policies and financial operations. Some broadcast networks, such as the TSV television station and the INTER-FM radio station, were owned by Transnistria's largest commercial entity, Sheriff Enterprises. The enterprise also effectively controlled the Obnovlenie Party, which held a majority of seats in the region's legislature. The other major television station, Transnistrian Moldovan Republic Television, was operated by the Transnistrian government. While these outlets on occasion expressed alternative views on social and economic policy, Transnistrian authorities sharply criticized any mention of compromise with the central government or questioning of the Transnistrian goal of "independence."

## Internet Freedom

There were no reports of government restrictions on access to the Internet. Government monitoring of e-mail or Internet chat rooms occurred on at least one occasion during the year. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail. However, on one occasion, the judiciary took action against a group of teens expressing their views online.

On June 10 and 11, the Chisinau municipal prosecutor's office interrogated 12 teen bloggers, and, on the basis of a June 4 court-issued warrant, seized their computers to ascertain whether they were planning radical, destabilizing events or advocating interethnic violence in Internet postings critical of the government. The prosecutor's office charged that the postings constituted a public call for the violent overthrow of the constitutional order, incitement to interethnic violence, promotion of unification with Romania, and dissolution of Moldovan statehood.

According to the National Telecommunication Agency regulator, the number of mobile Internet users increased during the year, reaching 1,110,000 persons by year's end. There were 41 Internet service providers in the country. While few could afford computers and private access to the Internet, public access at cafes in major cities around the country was readily available.

In Transnistria, Internet connections were available in most parts of the region, and most residents accessed the Internet through publicly available computers at cafes. One company, Sherriff Enterprises, was the sole Internet service provider in the region.

## Academic Freedom and Cultural Events

There were no government restrictions on academic or cultural events. However, on March 26, Radu Gorincioi, director of the Moldova Information and Documentation Center on the North Atlantic Treaty Organization (NATO), stated that he had been forced to resign by a government official who threatened him with a criminal investigation; the official accused Gorincioi of supporting Romania's irredentist ambitions in Moldova.

### 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.

On February 22, a new law on public assembly entered into effect. While the previous law required rally organizers to seek authorization from local authorities for holding events, the new law only requires organizers to notify local authorities. Such written notice must be submitted directly to local authorities no less than five days prior to the planned event. In addition, while the previous law allowed public authorities to prohibit rallies, the new law provides that only the courts can do so

In spite of these changes, NGOs continued to express concern that the government limited freedom of assembly. On April 22, several NGO leaders publicly stated that the government frequently violated the right to peaceful assembly and that gaps in the law often led law enforcement bodies to abuse the application of specific legal provisions. On April 22, the day the new law entered into force, a group of five activists attempted to test the law by holding a protest on the steps in front of the president's office. Police arrested them, claiming the steps were part of the presidential premises and that the law does not allow protests on such sites.

On April 30, during a demonstration in front of the National Palace in Chisinau by the NGO Hyde Park, police

interrupted the protest and detained four activists at a police station for 22 hours. On May 8, police held Oleg Brega, one of the demonstrators, in detention for 72 hours. On May 10, Ghenadie Brega, Oleg's brother, was detained by the police for 48 hours at the Buiucani police station for insubordination and insulting police officers after initiating a hunger strike in front of a government building.

On May 8, Chisinau municipal authorities barred the gay rights organization GenderDoc-M from holding a pro-tolerance, antidiscrimination rally. Authorities cited the need to avoid societal tensions and religious organizations' disapproval of homosexuality as reasons for the denial. On May 11, security forces observed passively from a distance as hundreds of persons aggressively blocked a bus carrying GenderDoc-M supporters to a public meeting in the National Assembly Square to call for the adoption of an antidiscrimination law. The attackers confiscated GenderDoc-M campaign material and followed the bus to the organization's headquarters.

On May 15, rights organizations criticized the lack of police intervention during the May 11 incident, accusing authorities of discrimination based on the perceived sexual orientation of participants, and called for a government investigation into the lack of police protection. On May 29, the European Commission delegation to the country urged the MOI to analyze the role played by the police during the incident and to address the question of ensuring freedom of assembly in instances when there are conflicting simultaneous assemblies. At year's end no investigation had yet been opened.

During a June 17 pensioners' rally in Chisinau to protest minimal pensions and increasing food prices, a group of unarmed, mostly retired protesters forcefully attempted to enter a government building, and several were injured when they were pushed back after an unsuccessful attempt to break the police line. At year's end the government had not initiated an investigation into the incident.

After a subsequent pensioners' rally in Chisinau on July 15, police forcefully escorted seven pensioners and the event organizer to the Buiucani district police headquarters. Police opened criminal investigations against the eight before releasing them. As of year's end, the arrestees had not been charged in relation to their arrests. During the rally, which involved protesters traveling to various government offices and the OSCE building, police admonished the protesters for being noisy, and seized their posters and megaphones.

In Transnistria, authorities generally discouraged free assembly. On those occasions when they issued permits for demonstrations, authorities often harassed organizers and participants and ordered that the demonstrations take place in obscure locations away from city centers. Permits for demonstrations and public meetings were issued predominantly to organizations and groups loyal to the authorities.

On May 17, police arrested two members of the Pridnestrovie Communist Party, Oleg Horjan and Nadejda Bondarenko, in Tiraspol as they distributed materials for a antipresidential rally planned that day to protest government policy and the increasing prices of food and utilities. Although the rally was authorized, Transnistrian authorities disrupted it by playing loud music over loudspeakers on Tiraspol's main square. The two party members were later released. Transnistrian authorities denied the Pridnestrovie Communist Party authorization to stage subsequent rallies. On May 30, authorities arrested and detained six members of the party and its leader, Oleg Horjan, for several hours for distributing leaflets without authorization.

#### 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.

Some political parties accused the government of restricting their freedom of association in advance of spring 2009 parliamentary elections. On May 13, the court of appeals reconfirmed a Justice Ministry decision to deny registration to the European Action Party. Liberal Democratic Party leaders accused the government of intimidating members of the new party by calling the members in for police questioning. According to the new law, the parties needed to adjust their bylaws to meet new requirements by October 1. By year's end all 28 existing parties had submitted registration requests. According to the ministry, seven parties registered successfully; one party's application was rejected; seven applications were being reviewed by the ministry; and review of the remaining 13 parties was pending.

In Transnistria, separatist authorities granted the legal right of association only to citizens of Transnistria. However, separatist authorities restricted freedom of association in practice, either by intimidation and prosecution for alleged offenses or on the basis of fabricated charges. All associations favoring reintegration with the Moldovan national government are strictly prohibited.

In August 2007 the Transnistrian government promulgated a law that gives the authorities broad and vague powers to fight extremism, which is defined as promotion of mass disorder, public defamation, or acts to change the constitutional order.

In October 2007 the Tiraspol city court gave Pridnestrovie Communist Party leader Oleg Horjan a suspended prison sentence of 18 months and fined him 1,000 Transnistrian rubles (approximately \$120) for organizing unauthorized protest rallies in March and resisting arrest. Horjan was not permitted to participate in election campaigns during the period of his prison sentence and would be subject to mandatory prison time if found guilty of any further offense.

#### 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 unregistered religious groups. Although there is no state religion, the government gave favorable treatment to the Moldovan Orthodox Church. For example, the Metropolitan of Chisinau and All Moldova held a diplomatic passport, a privilege not accorded to any other religious leader.

In Transnistria, separatist authorities continued to deny registration to a number of minority religious groups and harassed their members.

In July 2007 parliament passed a law on religion requiring religious groups to register with the Justice Ministry. Previously, religious groups were required to register with the State Service for Religious Affairs (SSRA). Unregistered religious groups may not buy land or obtain construction permits to build houses of worship or seminaries.

The 2007 law notes the special status of the Moldovan Orthodox Church in the country's history and culture and simplifies registration procedures. However, it includes a requirement that groups must obtain signatures from 100 citizens to register as a new national religious organization. The law allows religious groups greater access to public places, and permits congregations to switch denominational allegiance. It also expands the definition of "abusive proselytism" to include psychological manipulation and subliminal techniques.

The SSRA was dissolved in October 2007. All registration files were to be transferred to the Ministry of Justice within two months and unresolved applications were to be transferred within 15 days to the ministry. Of the 24 groups that submitted applications after October 2007, only the Unification Church registered successfully, on May

25. In its decision to reject the remaining 23 applications, the ministry cited various provisions of the civil code (which normally applies to the conduct of businesses). Religious groups declined to appeal the rejections, arguing that the religion law, rather than the civil code, should govern their activities. The Ukrainian Orthodox Kyiv 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.

In Transnistria, Jehovah's Witnesses faced significant difficulties operating. Only two of more than 30 Jehovah's Witnesses' congregations had legal status. Court cases brought by Jehovah's Witnesses were prolonged by the Transnistrian officials. Occasional court victories were overturned and new trials ordered.

Despite a 2007 Tiraspol court decision stating that Jehovah's Witnesses should be accredited and permitted to import literature, Transnistrian authorities attacked the legal status of Jehovah's Witnesses by: challenging their 1994 registration in Tiraspol; refusing to accredit the leaders of the Tiraspol community; refusing to register new Jehovah's Witnesses charters in Tiraspol, Ribnita, Grigoriopol, and Tighina; seeking to cancel their tax identification number; confiscating religious literature; illegally confiscating the Ribnita community's registration certificate; interfering with a religious ceremony in Parcani; and fining and sentencing members to one-year probation terms.

Transnistria has no law providing alternative civilian service. Consequently, since 1995 more than 20 Jehovah's Witnesses have been prosecuted because of conscientious objection to military service. Some received probationary sentences of up to one year in prison and others were fined approximately \$450. Some members of Jehovah's Witnesses complained of being summoned before the court repeatedly, although they were already sentenced and had fully complied with the court's orders.

Foreign missionaries, like other foreigners, may enter the country for 90 days on a tourist visa. Although the law prohibits "abusive proselytizing," the government did not take legal action against individuals or organizations for proselytizing. Police and other local authorities frequently called visiting foreign missionaries into police stations for extensive questioning about religious and charitable services they offered.

The law provides for restitution of property confiscated from religious communities during the Nazi and Soviet regimes. Claims by the Moldovan Orthodox Church were frequently favored over those of other religious groups, and the church had recovered nearly all of its property. In cases where property was destroyed, the government offered alternative compensation. Property disputes between the majority Moldovan and minority Bessarabian branches of the Orthodox Church remained unresolved; representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. While the Lutheran Church reported that authorities had not returned or provided compensation for any of its pre-World War II properties, the Jewish community had several of its properties restored.

#### Societal Abuses and Discrimination

Members of Jehovah's Witnesses complained that local town councils, Orthodox priests, and laypersons continued to impede their ability to freely practice their faith. Jehovah's Witnesses complained that on March 22, in the Transnistrian town of Parcani, local police harassed their members after local inhabitants protested Jehovah's Witnesses' religious services with signs denouncing the religion as a "sect" and opposing the Witnesses' supposed support of the country's NATO membership bid. Local militia members carrying whips accompanied the demonstrators. Shortly after 7:10 p.m. the demonstrators left the scene. Jehovah's Witnesses reported similar incidents in other Transnistrian villages during the year.

In Transnistria, non-Orthodox groups complained that they were generally not allowed to rent property and were often harassed during religious services. They also complained that they were refused permission to construct

religious buildings.

The Jewish community has approximately 25,000 members, including 2,600 living in Transnistria. Synagogues functioned openly in the country without harassment.

For a more detailed discussion, see the *2008 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. Transnistrian authorities at times restricted travel of its residents to and from the separatist region. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. On several occasions during the year, Western diplomats stationed in Chisinau were denied entry into the secessionist region for routine visits. However, on other occasions, they were allowed entry.

Transnistrian authorities often stopped and searched vehicles traveling between the region and the government-controlled area. According to the local Helsinki Committee, waits of up to two hours at Transnistrian checkpoints occasionally occurred, as did arbitrary fines and seizures of goods from persons entering or exiting the region.

Short-term visitors from government-controlled areas to Transnistria were permitted to remain for 10 hours. A longer stay required an official letter of invitation and registration at a local passport office. Transnistrian authorities allowed farmers from government-controlled villages in the Dubasari region of Transnistria to travel to areas outside Transnistria to sell their produce.

The law prohibits forced exile, and the government did not employ it. There were no reports that Transnistrian authorities exiled persons from their territory during the year.

Although citizens generally were able to depart from and return to the country freely, there were some limitations on emigration. Before persons are allowed to emigrate, the law requires that they satisfy all outstanding financial obligations to other persons or legal entities. This requirement was not strictly enforced in practice. The law also provides that close relatives who are financially dependent on a potential emigrant must give their concurrence before the emigrant is allowed to depart the country; however, this law was not enforced in practice.

#### 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 UN convention or its 1967 protocol. Through November 30, 49 persons applied for asylum; 23 persons were granted protection (including four who received Convention status and 19 who received humanitarian protection), and 45 persons were rejected. The cases of 26 persons were closed for administrative reasons. As of November 30, 151 refugees were residing in the country (including 66 with humanitarian protection) and 37 persons were awaiting legal or administrative decisions on their applications. Refugees and asylum seekers came from over 20 countries; most, however, originated in the former Soviet Union (Russia, Chechnya, and Armenia), the Middle East,

and Africa.

#### Stateless Persons

Citizenship is derived by birth within the country's territory and from one's parents. According to UNHCR statistics, there were 1,752 stateless persons in the country at the end of September. At year's end, the government and UNHCR reported that there were no stateless persons with permanent or temporary residence in the country.

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

The law provides citizens 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 for those over 18; however, authorities at times harassed and intimidated the political opposition.

In Transnistria, authorities restricted the right of residents to vote in elections and interfered with the right of Moldovan citizens to vote in Moldovan elections.

The constitution provides for a form of parliamentary 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.

Some citizens and party representatives reported interference with their political activities during the year. Between March 24 and June 23, the newly created Liberal Democratic Party (PLDM) collected signatures for a petition to amend the constitution to allow direct election of the president. Although the constitution requires 200,000 signatures to initiate a constitutional amendment, on June 21, the Central Election Commission demanded 340,000. Many PLDM members were summoned to local prosecutor's offices for questioning about their political activities after authorities took their contact information from petitions. During the PLDM's registration period in January, some PCRM and Christian Democratic Party mayors refused to recognize the PLDM's petition to establish itself as a new party.

Mihai Tarsa, an opposition official from the village of Criva, claimed that, on June 20, the Criva mayor physically and verbally assaulted him for leading the signature collection effort for the constitutional amendment in the village. An investigation into the matter continued at year's end.

#### Elections and Political Participation

Multiparty parliamentary elections in 2005 complied with most international standards for democratic elections. While the balloting was free and fair, an OSCE election observation mission 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, particularly at the local level, hampered the campaigns of some opposition candidates.

There were 21 women and 26 members of ethnic minorities in the 101-seat parliament. Six women, including the prime minister, sat in the 21-member cabinet. Members of ethnic Russian, Ukrainian, Bulgarian, Azeri, and Gagauz communities were represented in parliament.

On May 14, the government promulgated amendments to the election code that prohibited parties from forming electoral blocs before an election and raised the threshold for a party to enter parliament from four to six percent of the popular vote. The law made it more difficult for small parties to gain parliamentary seats. The amendment also

requires holders of dual nationality to declare their non-Moldovan citizenship before running, and give it up if they win election.

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 voting for governor of Gagauzia in 2006 were held in a generally orderly manner and complied with most international standards.

On March 16, first-round elections for the Gagauzia People's Assembly took place. Campaigns and voting mostly complied with international standards for democratic elections. International observers noted minor problems, including a shortage of ballots at some polling stations and inconsistencies in applying election rules. Problems with the mobile ballot box (taken to the homes of persons physically unable to come to polling stations) occurred in three constituencies during the March 30 runoff elections; international observers noted that some letters requesting the mobile ballot box were written in the same script and that, contrary to law, telephone requests were accepted.

On April 23, the Comrat court of appeals annulled the results of the March 30 election in Tomai because of a finding of fraud. An independent candidate who opposed the PCRM and favored Gagauz Governor Formuzal had won the March 30 election. Following a repeat election on May 25, the Gagauz Election Commission challenged the results of the repeat election, alleging irregularities with the mobile ballot box during the voting. The PCRM candidate won the May 25 election and was subsequently seated.

The Gagauz People's Assembly had difficulties electing a speaker, and the media alleged violations of democratic procedures including violation of the secret ballot.

During the country's local elections in June 2007, Transnistrian authorities aggressively blockaded a polling station at the Transnistrian town of Corjova, which was technically under central government administration, and beat local councilor Iurie Cotofana and detained him for 12 hours. Transnistrian authorities subsequently refused to release details of any charges against him. Police also arrested mayoral candidate Valentin Besleag and a court later sentenced him to 15 days imprisonment for "distribution of propaganda materials" in Transnistria.

In Transnistria, authorities interfered with citizens' ability to vote. Lack of education about voting rights, lack of transparency regarding the location of polling places, restrictions on media, widespread progovernment propaganda, and complex rules for transferring one's right to vote to one's district of residence interfered with residents exercising their right to vote. Since most election monitoring organizations did not recognize Transnistria or its elections, international monitoring was conducted only on an informal basis by Russian NGOs, and it was difficult to determine whether Transnistrian elections met international standards.

During the 2006 Transnistrian "presidential" elections, authorities interfered with the electoral process and there were indications of vote-rigging. Igor Smirnov was reelected "president" after receiving 82.4 percent of the vote according to official results, while exit polls indicated that he received 63.3 percent of the vote. Although three candidates ran for office, authorities denied registration to a fourth candidate, Andrei Safonov, alleging that some of his signatures of support were forged.

Transnistrian authorities also interfered with the ability of Moldovan citizens living in villages under Transnistrian control to vote in Moldovan elections. Transnistrian residents were expected to vote in the 2005 and 2006 Transnistrian elections, but in one case an individual was unable to stand freely as a candidate, while authorities prevented the tightly controlled media from reporting freely on candidates or issues.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement these laws effectively, and corruption was reported by various NGOs and international organizations to be pervasive throughout government and society. A Transparency International survey released on April 22 revealed that 39 percent of rural citizens and 53 percent of business people said they gave bribes to customs officers, police, medical and educational institutions, fiscal inspectors, courts, or utility meter-readers.

Corruption in the educational system was also widespread. The law penalizes university rectors, deans, and chairs for acts of corrupt practices including grade buying and influence peddling, with fines or imprisonment of two to seven years. However, the law does not apply to professors and lecturers. Teaching regulations from the Ministry of Education and Youth fail to address corruption explicitly, and the bylaws of the country's major universities do not provide sanctions for cheating or bribery.

The government acknowledged that corruption was a major problem and established special law enforcement agencies, such as the Center for Combating Economic Crimes and Corruption (CCECC), and judicial units to fight corruption; NGOs asserted that authorities used these units to harass political opponents.

During an April 22 news conference, a Ministry of the Interior official stated that the head and deputy head of the ministry's antinarcotics subdivision, the head of the Transport Police Authority, and nine district commissars and police officers had been reprimanded for inefficient work in fighting sales of illegal narcotics.

During the first 11 months of the year, the PGO recorded 233 cases of bribery, 27 allegations of active corruption, and 175 cases of passive corruption, and initiated nine criminal cases based on these allegations. During the year, the PGO reported that 59 criminal investigation officers, 44 public servants, eight customs officers, and 86 other persons were convicted of corruption-related charges. Punishments ranged from imprisonment to fines to community service.

Although the law provides for free public access to official information, implementation remained incomplete. According to a 2006 Freedom House report, 82 percent of ministries and state agencies provided required information. By contrast, only nine percent of town halls, 24 percent of local police stations, and 25 percent of courts responded to requests for information. NGOs complained that gaining access to information required repeated, often unsuccessful, requests to authorities. Court decisions ordering release of information were not implemented fully or in a timely manner.

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

Domestic and international human rights groups generally operated in the country without government restriction, investigating and publishing their findings on human rights cases. Government agencies were frequently cooperative and responsive to their views.

In contrast to previous years, the International Organization for Migration (IOM) and other local antitrafficking organizations reported that government ministries significantly improved cooperation with NGOs in providing assistance in the repatriation of victims, their secure reception at ports of entry, and rehabilitation upon return.

During the year police prevented members of Hyde Park, an NGO which defends freedom of expression, from holding public protests, and police detained several Hyde Park members when they gathered to test implementation of the new law on public assembly, which provides the right to gather without authorization from the local authorities.

In March parliament organized public hearings on ECHR decisions against the country and issued a statement noting that the government failed to ensure the observance of human rights or sanction public officials whose activity led to violations of human rights and fundamental liberties. Parliament also criticized the lack of action by the Superior Council of Magistrates and the Supreme Court of Justice against judges who made rulings that were inconsistent with the law.

In Transnistria, authorities continued to impede activities of human rights groups. For example, the migration service of the "ministry of interior" frequently blocked entry into the region by NGOs seeking to meet human rights counterparts and contacts.

On February 22, Transnistrian police arrested and interrogated Igor Gavrilov, director of the NGO Accord Travel, for illegally downloading NGO-related documents. Although Transnistrian authorities registered the organization in November 2007, they warned the organization to halt its activities on various occasions.

While the government continued to cooperate with the OSCE, Transnistrian authorities frequently limited OSCE access to the separatist region, including the four- to eight-mile security zone dividing Transnistria from the rest of the country. In August 2007 authorities in Transnistrian-controlled Bender forced the OSCE to close its regional office in the city without explanation. Authorities also intimidated property owners to prevent them from renting new office space to the OSCE. In September 2007 the OSCE found office space near Bender in a building not under Transnistrian control.

The law provides for four parliamentary ombudsmen who make up the independent Moldovan Human Rights Center (MHRC). Parliament appoints the ombudsmen 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. MHRC personnel also provided training for lawyers and journalists, visited prisons, made recommendations on legislation, and organized roundtable discussions.

In July 2007 parliament enhanced the powers of the ombudsmen, granting them authority to independently select the places and persons they visit and to use audiovisual equipment and the assistance of specialists such as physicians, lawyers, and NGOs. In March parliament increased the number of ombudsmen from three to four, with one concentrating on children's rights.

On March 3, parliament criticized the MHRC for its failures to take more vigorous actions on human rights violations. According to NGOs, cumbersome and non-transparent procedures for appointing new ombudsmen, after one died and the terms of two others expired, created uncertainty and impeded the MHRC's ability to function effectively.

In 2006 the MHRC reported receiving 1,913 petitions (1,008 of which came from prisoners) and granting 1,715 interviews. The MHRC also received more than 6,000 calls to its hot line and hits on its Web site. The MHRC reported little or no progress in improving access to justice and a fair trial or executing of court decisions, and no improvement in prison conditions.

In Transnistria, authorities continued to control and intimidate NGOs by "inviting" NGO representatives to meetings with security officials and pressuring landlords not to renew leases for office space. Authorities restricted NGOs to providing legal advice and other assistance on apolitical programs, such as domestic disputes, access for the handicapped, and pension rights.

Although Transnistrian authorities no longer prohibited NGOs operating in Transnistria from receiving private funds, the authorities encouraged NGOs to cooperate with Russian, Abkhazian, and South Ossetian organizations, rather

than western NGOs and those operating in the rest of Moldova.

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

The law prohibits discrimination based on race, gender, disability, or social status; however, the government did not enforce the law effectively. Trafficking in persons and societal discrimination against women and some ethnic minorities, particularly Roma, were serious problems.

##### Women

The law criminalizes rape or forcible sexual assault; penalties range from three years to life in prison. On September 18, the Law on Preventing and Combating Domestic Violence came into effect. The new law defines domestic violence as a criminal offense, identifies appropriate punishments for perpetrators, defines mechanisms to obtain restraining orders against abusive individuals, and addresses spousal rape. The law extends protection to unmarried individuals and children of unmarried individuals. It also contains a number of important provisions, such as the possibility of granting protective orders obliging the perpetrator to stay away from the victim; cooperation between public administration and civil society organizations; the protection of the security of the victim as a human rights principle; and the possibility for third parties to file complaints. According to the local NGO La Strada, there are no standards for the quality of services, or for the identification, assessment or monitoring of cases of domestic violence.

Rape remained a problem and there were no specific government activities to combat rape. During the first eleven months of the year, 249 cases of rape were reported to the MOI. Of that number, 147 cases were prosecuted. NGOs believed that many rapes were not reported.

Domestic violence against women and spousal abuse remained widespread problems. Although a law to combat domestic violence entered into effect in March, the government had not yet adopted effective mechanisms to enforce the law.

A survey conducted during the year indicated that at least 40 percent of women in the country had been victims of a violent act at least once in their lifetime. Domestic violence was closely linked to the problem of human trafficking, as local NGOs reported that at least 80 percent of trafficking victims had previously been victims of domestic violence.

Victims of domestic violence generally endured in silence, as the problem received little recognition from government, society, or women themselves. Unless such violence resulted in serious injuries, it was accepted as a normal aspect of private life by both men and women and not considered a problem warranting legal intervention.

Women's groups continued to assert credibly that incidents of spousal abuse were underreported. According to the MOI, 2,519 cases of spousal abuse were reported in 2007; in 2006, 2,855 domestic violence complaints were reported. The actual numbers were believed to be much higher.

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 in ways 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. Access to such assistance remained difficult for some. Local NGO La Strada reported in 2007 that because of cultural concerns, a large majority of domestic violence victims interviewed did not request assistance for specialized services.

Violence against women and within the family was a widespread phenomenon. Following a July visit, the UN special rapporteur on violence against women noted that government officials and public authorities did not recognize violence against women as a systemic problem; rather, they treated such assaults as a single law enforcement event. Police failed to intervene effectively in cases of violence against women. There was insufficient care available for victims and only one shelter where victims and their children could seek refuge.

In Transnistria, there is no law prohibiting violence against women.

Prostitution is punishable by a fine of 50 to 75 euros (approximately \$65 to \$97) or administrative arrest for up to 20 days. Pimping is a crime with penalties ranging from two to seven years in jail. Advertising prostitution in the media is punished with a fine of 150 euros (\$195).

Sex tourism existed, and the government failed to implement laws or programs to prevent it. The IOM worked to raise awareness of the problem among hotel staff and owners.

Trafficking in women for commercial sexual exploitation was a serious problem.

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

Although the law provides for full gender equality, in practice, women experienced high levels of unemployment and were concentrated in poorly paid jobs. According to an EU report released on April 3, the country's implementation of a 2006 law on equal opportunities for men and women was slow. Women also encountered strong patriarchal attitudes and deep-rooted stereotypes that served to perpetuate the subordinate position of women in the family and in society.

#### Children

The government remained committed to improving children's rights and welfare; however, conditions for children in the country remained difficult.

Primary education was free and compulsory until the ninth grade, although 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 300 lei (\$29) to children from vulnerable families for school supplies.

The law prohibits child neglect and specific forms of abuse, such as forced begging; however, child abuse was believed to be widespread. According to the Ministry of Social Protection, Family, and the Child, during the first five months of the year, the ministry received over 100 reports of children as victims of sexual violence. During the first 11 months of the year, law enforcement agencies registered 459 reports of crimes against children including 118 reports of sexual abuse and 22 reports of serious bodily injuries to children. The MOI was responsible for investigating and prosecuting cases involving child sexual abuse receiving reports of child sexual violence. Although the ministry's Department of Minors and Morals maintained statistics on the extent of the problem, the department declined to release those statistics.

The Ministry of Social Protection, Family, and the Child stated that protection of children was hampered by problems including: inadequate victims' services, lack of reliable data tracking, and insufficient legal mechanisms to prevent such abuse or to provide special protection to victims. According to the ministry, over 25 percent of minors admitted to being beaten by their parents, 20 percent said they experienced parental verbal abuse, and over 15 percent said they lacked food and care. Approximately 10 percent of parents admitted to emotionally or physically

abusing their children.

From March 10-14, the government hosted and participated in a regional conference against child exploitation that focused on fighting child pornography, sex tourism, and other forms of exploitation. Participants from five countries discussed the growing problem of Internet distribution of child pornography and recognized deficiencies in laws that otherwise could be used to combat child pornography and sexual exploitation of children.

Trafficking of children for the purpose of commercial sexual exploitation and begging remained a serious problem. According to the Center for Combating Trafficking in Persons (CCTIP), 28 minors were trafficked in the first 10 months of the year. The actual numbers were believed to be much higher. Police forwarded 19 cases to prosecutors, and prosecutors referred 11 to courts for trial.

Conditions for children in orphanages and other institutions remained generally very poor. Underfunding caused major problems such as inadequate food, "warehousing" of children, lack of heat in winter, and disease. In its 2006 report, the MHRC stated that 85 percent of 10,350 institutionalized children were not orphans; one or both parents were living, and had entrusted their children to institutions because of poverty or departure to work abroad.

#### Trafficking in Persons

The law prohibits all forms of trafficking in persons and provides for criminal penalties; however, trafficking was a serious problem, and the country remained a major source, and to a lesser extent, country of transit, for trafficked persons, particularly women and girls for sexual exploitation and labor.

Women and children were trafficked for sexual exploitation to Turkey, Israel, the United Arab Emirates, Ukraine, Russia, Cyprus, Greece, Albania, Romania, Hungary, Slovakia, the Czech Republic, Austria, France, Italy, and Portugal. Men and children were trafficked to Russia and neighboring countries for forced labor and begging. The trafficking of men for work in the construction, agriculture, and service sectors is an increasing problem. Of the approximately 900,000 citizens working abroad, slightly under one percent were believed to be victims of trafficking.

The country was to a lesser extent also a transit point for trafficked victims from Ukraine. There were reports of some internal trafficking of girls from rural areas to Chisinau.

Some victims were trafficked through false newspaper advertisements promising well-paying jobs abroad. NGOs working with trafficking victims noted that, in recent years, face-to-face contact, most frequently with friends or relatives who have worked abroad, had become the leading means of recruitment. The International Labor Organization's (ILO) program for the elimination of child labor reported that in many cases traffickers of children were Roma.

Victims were transported across borders by car, van, train, or on foot. Sometimes false documents were used, but increasingly victims traveled willingly by plane with genuine documents, believing that they were headed for legitimate jobs. Some of the principal traffickers were travel and employment agencies. During the first nine months of 2007, the MOI reported that it conducted 62 raids to inspect 195 travel and employment agencies; it withdrew the licenses of 14 (six travel and eight employment agencies) for suspected trafficking. Fines were levied amounting to 61,900 lei (approximately \$5,951).

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

International organizations and NGOs working with trafficking victims noted a significant decrease in trafficking for commercial sexual exploitation and a possible decrease in trafficking overall. In 2007 the IOM registered 273 new trafficking cases compared to 295 in 2006 and 265 in 2005. Women and girls made up the bulk of the IOM beneficiaries. A majority of assisted victims in 2007 were trafficked for sexual exploitation, 63 percent of all victims, down from 82 percent in 2005. Trafficking for labor increased from 9 percent of all cases in 2005 to 22 percent of cases in 2007. The government claimed that trafficking overall was decreasing as a result of better cooperation between government agencies, law enforcement, NGOs and international organizations.

On May 23, the Chisinau court of appeals sentenced Alexandru Covali to 21 years in prison for human trafficking, including trafficking in children and pimping in Moldova, Romania, and Ukraine from 2001 to 2006. Police rescued and identified 24 teenage girls, including 11 minors. Four of Covali's accomplices received sentences ranging from four to 20 years.

According to a November CCTIP report, judicial authorities and police opened 201 trafficking cases during the first 10 months of the year. Of these, 133 cases were referred to prosecutors, who sent 77 to courts for trial. Additionally, authorities opened 28 cases of trafficking in children, and forwarded 19 to prosecutors, who sent 11 to court for trials.

On July 8, the Cahul Court of Appeals convicted six members of a trafficking network to 21 to 23 years in prison. The defendants were found guilty of organizing, creating, and leading a network of traffickers in Moldova, Turkey, and Ukraine. They were also found guilty of recruiting 16 girls, half of whom were minors.

During the first 11 months of 2007, the MOI registered 507 trafficking cases. During the first quarter of the year, the MOI registered 214 trafficking cases, a 23 percent increase compared to the same period in 2007. Of these, 100 criminal cases went to the court, and 35 persons were convicted and sentenced.

There were continued anecdotal reports that both low- and high-ranking government officials, as well as border guards and police officers, were involved in trafficking. International organizations and foreign governments criticized the government for making insufficient efforts to investigate, prosecute, convict, and sentence complicit officials. During the year the government increased its efforts to address allegations of officials' complicity in trafficking. The PGO began criminal investigations into allegations that former MOI antitrafficking employees protected some criminal networks under investigation. For example, prosecutors investigated allegations that former ministry employees received bribes in exchange for protecting members of the Covali group convicted on June 20.

On June 30, President Voronin accused the CCTIP of having a poor record, stating that some of its employees protected criminal schemes that trafficked citizens abroad and failed to file or close cases in exchange for monetary compensations. On July 16, the president appointed a new CCTIP director and temporarily suspended CCTIP staff, pending reinvestigation of employees. On September 11, the government announced the restructuring of the center, increasing total staffing to 105 employees from 63. Of the 63 staff members investigated, only 18 elected to stay or were retained. One of the staff members who left was being investigated for possible corruption.

The MOI also reported that in the first 10 months of 2007, it investigated and closed 33 illegal migration and trafficking networks. Of that number, 18 trafficked for sexual exploitation, two for labor exploitation, one for begging, and two for internal pimping.

The government had few programs to assist victims, in part because of limited resources. During the year the government increased hiring of social workers to focus on vulnerable populations, created a pilot program for the referral of trafficking victims to protective services, and approved an antitrafficking action plan stipulating allocation

of funds for NGOs. On August 7, the government approved a new regulation on the repatriation of trafficked persons and victims of illegal migration, with special provisions for minors, victim protection, rehabilitation, and monitoring.

The government continued to rely primarily on NGOs and international organizations for victim assistance and actively cooperated with NGOs. Several NGOs offered repatriation assistance, temporary housing, medical care, and job training for victims. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. Local NGO La Strada provided informational and educational services as well as a national toll free hot line. The IOM continued a public information program aimed at helping citizens going abroad to avoid exploitation. Local NGOs also operated public school programs to educate young women about the dangers of prostitution.

There were reports of a significant amount of trafficking from and through the separatist region of Transnistria. The only major effort in the region to fight trafficking and provide assistance to victims was by the local NGO Interaction. According to Interaction, which operated a hotline, the group received 664 calls during the first six months of the year. Five hundred were for information on the legitimacy of foreign job offers, and 106 were emergency calls. Interaction also provided emergency assistance, help in resettlement, and psychological counseling to victims, close to half of whom were ages 16-18. Authorities in Transnistria neither helped nor hindered Interaction's activities.

The State Department's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities; however, the government generally did not enforce the law. The local NGO Gaudeamus reported continued widespread discrimination against students with disabilities.

Although national strategies existed for reforming the residential child care system, and rehabilitating and integrating persons with disabilities, the government lacked funds to implement them.

Government regulations mandate access to buildings for persons with disabilities; however, few government resources were devoted to training persons with disabilities. The Social Assistance Division in the Ministry of Social Protection, Family, and Child, and the National Labor Force Agency are responsible for protecting the rights of persons with disabilities.

On June 10, the deputy minister of the Ministry of Social Protection, Family, and Child stated that the numbers of persons with disabilities in the country was growing, totaling over 170,000. ILO attributed this increase to greater public awareness. She noted that government assistance to persons with disabilities did not satisfy their needs. The director of the Center for Services for Students with Disabilities stated that the structure of educational institutions and the lack of materials for teaching the deaf and blind were examples of the failures to meet the needs of persons with disabilities.

In Transnistria, children with special educational requirements rarely attended school and lacked access to specialized resources for children with special needs.

#### National/Racial/Ethnic Minorities

Roma suffered violence, harassment, and discrimination. Romani NGOs reported that Roma were denied medical services, were told that promised jobs are already filled when they reported to employment centers, and were

subjected to arbitrary arrests. Roma were the country's poorest minority group 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 existed elsewhere in the country. Many Romani children did not attend school, very few received a secondary or higher education, and the government did not provide education in the Romani language. Romani NGOs estimated that 80 percent of Romani children were illiterate. According to a 2007 UNDP report, 43 percent of Romani children between the ages of seven to 15 did not attend school, compared to approximately 6 percent of non-Romani children.

Official statistics put the number of Roma at 11,600. However, Romani NGOs estimated it to be 200,000, arguing that government census forms allowed persons to only identify with one ethnic group, and that many Roma declined to identify themselves as Roma.

In Transnistria, authorities continued to discriminate against Romanian speakers. Under a temporary arrangement, eight Romanian-language schools were allowed to use the Latin script for instruction. School employees complained that the arrangement, which applied to all Romanian-language schools, could be rescinded arbitrarily at any time by the authorities. Libraries did not stock books in Latin-script Romanian. Approximately 5,000 children attend eight Latin-script Romanian-language schools in Transnistria.

On August 8, Transnistrian police in Dubasari summoned the director of the Romanian-language Harmatca school after an NGO initiated a fundraising drive to repair the building and prepare it for the upcoming school year. Police interrogated him about the July fundraising events and prohibited him from participating in the campaign to collect funds and equipment. Police also threatened and intimidated other school officials.

At year's end negotiations between the central government and local Transnistrian educational authorities on the operation of Romanian-language schools had not resumed, nor was there progress on returning the confiscated school buildings of the Evrica high school in Ribnita and the Stefan cel Mare high school in Grigoriopol. The Evrica high school continued to meet in temporary quarters rented from a local steel plant after authorities confiscated its building just after the central government finished construction in 2004. The central government provided Grigoriopol students with transportation and facilities in the government-controlled town of Dorotcaia.

In contrast to previous years, there were no reports that nonwhite foreigners were denied entry into Chisinau businesses because of their ethnic origin.

#### Other Societal Abuses and Discrimination

There were reports of governmental and societal discrimination based on sexual orientation. According to the gay rights NGO GenderDoc-M, lack of community recognition, negative media portrayals, and condemnation by the Orthodox Church often led to public ostracism of gays, lesbians, bisexuals, transgendered persons, and their families.

During the year public officials spoke out against homosexuality. In a speech before parliament on May 15, deputy speaker Iurie Rosca stated that Moldovans should respect personal privacy and the freedom to choose sexual orientation, but reject "public displays" of homosexual behavior. He noted that parades and such "public displays" have a negative impact on children's psychic and moral development.

During a May 11 protest organized by GenderDoc-M, security forces observed from a distance as hundreds of people aggressively blocked the bus carrying GenderDoc-M participants. Police failed to address emergency calls from the participants. According to one participant who called the police emergency line, a police officer said: "Yes, we know you are being attacked; what do you want us to do about it?" Although the Chisinau mayor's office initially

approved the group's plan for the march, on May 9 Mayor Dorin Chirtoaca withdrew permission, claiming that he did so to avoid violence.

In Transnistria, homosexuality is 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.

The NGO Pacifists without Borders accused military centers and conscription commissions of violating the rights of the persons who have reached the age of conscription for military service (18). The NGO stated that, to reach its conscription targets, military centers and conscription commissions declared some young men were physically and mentally fit for conscription without medical exams and without taking into account their beliefs and values.

## Section 6 Worker Rights

### a. The Right of Association

The law provides workers the right to form and join independent unions; however, this right was not respected in practice. Approximately 50 percent of the workforce was unionized. The law also provides for the right to strike, except for government workers and workers in essential services such as law enforcement. Healthcare providers and public utility employees were not allowed to strike during duty hours. Workers exercised this right by conducting legal strikes during the year. The law provides for the right for unions to conduct their activities without governmental interference; however, the government did not always respect these rights in practice.

In June 2007 the Trade Union Confederation of Moldova (TUCM) and the Confederation of Free Trade Unions Solidaritate (Solidarity) merged to form the Moldova National Confederation of Trade Unions (MNCTU). Although the two organizations were at odds and Solidarity was believed to enjoy government support, the merger took place without complaint by members of either organization.

During the year, the government refused to register a trade union association. On February 3, delegates from 30 workplace organizations convened in Chisinau to establish the Trade Union Association of Public Administration and the Civil Service. However, the Ministry of Justice refused to register the new trade union, asserting that the district organizations of the 30 entities had not been registered. Labor rights groups noted, however, that the law requires only national registration and makes no provision for registration of district trade union associations. After several court cases and appeals, on November 12 the Supreme Court declared that the ministry's refusal to register the union was legal. Without registration, the union lacked legal personality, and therefore could not operate. This decision was criticized by the International Trade Union Confederation and other international and domestic labor rights organizations.

On February 14, unknown assailants set a fire outside the home of labor activist Grigore Slanina, a leader of the Trade Union Association of Public Administration and Civil Service. Slania had previously received anonymous threats.

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

The law provides for collective bargaining and the right to organize; however, the government did not always respect these rights in practice.

The law does not stipulate penalties for violating trade union rights. As a result, prosecutors may reject appeals by

trade unions against antiunion behavior by employers and the government; violations of the trade union law remained unpunished.

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, with exceptions. The laws and a government decision encourage compulsory labor by allowing central and local authorities as well as military bodies to mobilize the adult population under certain conditions, and use such labor to develop the national economy. However, the government did not use this provision during the year. Men, women, and children were trafficked for commercial sexual exploitation and labor.

The law prohibits forced or compulsory child labor. However, there were anecdotal reports that such practices occurred, particularly in the countryside during the harvest season when some children were compelled to work in fields. According to the Labor Inspection Office (LIO), no cases of forced labor or forced child labor were discovered in the 2006-07 period.

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

Although 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, 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. According to a 2007 ILO report, two-thirds of rural children were engaged in farm work by the age of 14. There were also reports that farms and agricultural cooperatives signed contracts with school directors to have students help with harvesting during the high season in autumn; the children were paid for the work.

A 2006 UN Children's Fund study on intrafamily violence found that four out of 10 children between the ages of 10 to 16 were unable to complete their homework, rest, or participate in social activities with friends because their families forced them to engage in house and farm work after returning from school.

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. Children aged 15 were permitted to work if they obtain written permission from a parent or guardian. According to figures gathered by the ILO from the National Bureau of Statistics, there were 7,100 persons under the age of 18 in the workforce, or approximately 1 percent of all workers. However, these figures likely understated the problem because labor inspectors visited only 4 percent of all companies. The government did not track the number of children under 15 who were employed.

There were reports that children were trafficked within and to points outside the country for commercial sexual exploitation, labor, and begging. 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.

Efforts to enforce child labor laws did not deter violations. The most common violations involving persons under 18 involved failure to issue work contracts, illegal overtime, scheduling work during school hours, and underpayment or nonpayment of wages. In 2007 the LIO reported that, of 371 child labor cases it investigated, 298 cases concerned hazardous conditions of work. Fifteen of these cases were deemed abusive and involved children working cultivating mushrooms, assembling boxes for agricultural goods, and smoking fish. The cases classified as

nonabusive but hazardous involved children working without medical checks; children working evenings, late, or extended hours; and children under the age of 16 working without parental consent. Children also worked illegally in the production of factory goods such as clothing, toys, and automobile electrical parts. Children also commonly worked in theaters, car washes, and in carpentry, agriculture, trade, and transportation.

In December 2007 the Moldovan Council of the National Federation of Employers in Agriculture and Food Industry adopted a code of conduct for eliminating the worst forms of child labor in the agriculture and food industry.

e. Acceptable Conditions of Work

The legal minimum monthly wage was 400 lei (\$38) per month. According to the National Bureau of Statistics, the average gross salary was 2,609 lei (\$251) per month as of October. The government estimated that the minimum living wage was 1,315 lei (\$126). Average disposable income was only 1,094 lei (\$105) per month. The LIO is responsible for enforcing the minimum wage. The government as well as private sector employers often did not pay wages on time.

In 2007 the LIO performed 6,362 checks on state and private workplaces, representing 4 percent of all enterprises in government-controlled areas. Through visits and complaints from the public, LIO registered 63,728 violations of labor laws. Only 78 of these violations were forwarded to the law enforcement bodies. In 2007 the LIO found 140 illegal workers at 40 enterprises.

On July 2, the new labor code entered into force. According to the code, work contracts must be concluded even by private farmers, who have to register their contracts with the mayor's office and send copies to the local labor inspectorate. However, there were no reports of such contracts being entered into, and the central government did not have a mechanism in place to monitor compliance with this requirement.

A thriving labor black market accounted for a majority of the country's economic activity. Analyst Veaceslav Ionita estimated that there was a turnover of some 50 billion lei (approximately \$4.8 billion) in the black labor market and that, while official statistics indicated only 620,000 persons of the 2.3 million labor force were officially employed, over 1.2 million persons were actually working.

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. LIO field visits led to the sanctioning of violations when discovered, but staff and funding deficiencies limited the frequency of such visits. While the country had few foreign or migrant workers, the law provides equal status to foreign and domestic workers.

The government is required to establish and monitor safety standards in the workplace, and the LIO was responsible for enforcing health and safety standards. For example, during the first four months of 2007, the LIO conducted 2,001 health and safety inspections. The PGO accused the LIO of limiting its activity to finding violations, while failing to undertake measures necessary to ensure future compliance. Monitoring carried out by prosecutors revealed that the most frequent violations related to citizens' rights to work (including reasonable conditions of work and right to a paid vacation), payment and labor protection, and social and medical assistance.

In April the government expanded a list of hazardous jobs for which employees receive small amounts of additional compensation. According to the LIO construction, transportation, and agricultural sectors tend to be the most dangerous.

The law provides workers the right to refuse work if conditions represent a serious health or safety threat; there were no reports that workers exercised this right in practice. Poor economic conditions led enterprises to economize

on safety equipment and provide inadequate attention to worker safety.

---

\*Unless otherwise noted, all references in this report exclude the secessionist region of Transnistria.