

## **MOLDOVA 2013 HUMAN RIGHTS REPORT**

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

### **EXECUTIVE SUMMARY**

Moldova is a republic with a form of parliamentary democracy. The constitution provides for a multiparty democracy with legislative and executive branches, as well as an independent judiciary and a clear separation of powers. Legislative authority is vested in the unicameral parliament. The Alliance for European Integration (AIE) coalition retained its parliamentary majority in the 2010 elections, which international observers stated met most Organization for Security and Cooperation in Europe (OSCE) and Council of Europe commitments. The collapse of the AIE coalition on February 13 after political conflicts within the coalition led to a vote of no confidence in the government on March 5. On April 25, the Constitutional Court issued a ruling barring the former prime minister from office based on allegations of corruption, and on May 30 a new coalition agreement was signed forming the Pro-European Coalition. Authorities maintained effective control over the security forces. Isolated cases of human rights abuses by security forces were reported.

The most significant human rights problem in the country during the year was corruption, particularly in the judicial sector. Judicial institutions resisted the implementation of anticorruption measures outlined in the justice sector reform process. Severe corruption was evident in other sectors as well, including the Tax Inspectorate and Customs. While conditions in psychiatric and social care homes have been poor for years, an increase in allegations of mistreatment, including forced medication, abuse, and forced abortion in these facilities was a second major area of concern. Mistreatment of persons in detention remained a problem.

Other significant problems included harsh and overcrowded prison conditions; erosion of media freedom, including the Supreme Court's approval of the closure of an opposition broadcaster in 2012, the opaque ownership of media outlets, and increased monopolization of media and the advertising market; restrictions on the freedom of assembly and speech by local authorities; violence against women; trafficking in persons; discrimination against Roma; harassment of lesbian, gay, bisexual, and transgender (LGBT) individuals; limited enforcement of workers' rights; and child labor.

While authorities investigated reports of official abuse in the security services and elsewhere, authorities rarely successfully prosecuted and punished officials accused of human rights violations, complicity in trafficking, or corruption. Impunity was a major problem.

In 1990 separatists declared a “Transdniester Moldovan Republic” (Transnistria) in the area along the eastern border with Ukraine. A 1992 ceasefire agreement established a peacekeeping force of Moldovan, Russian, and Transnistrian units. The central government did not exercise authority in the region, and Transnistrian authorities governed through parallel administrative structures. Transnistrian authorities previously restricted political activity and interfered with the ability of Moldovan citizens living in Transnistria to vote during the 2010 Moldovan elections. There were regular reports that police engaged in torture, arbitrary arrests, and unlawful detentions. In 2011 Transnistria held an election that resulted in a new regional administration leader, Yevgeny Shevchuk. The human rights situation in Transnistria deteriorated in some respects during the year, including new restrictions on internet freedom.

## **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 during the year. The Prosecutor General’s Office, through its department of criminal investigation within the Ministry of Internal Affairs and Customs, and the department of violations’ investigation within the armed forces examines killings and other abuses committed by security forces. The Internal Affairs Ministry’s internal security department also examines abuses committed by ministry personnel.

In January 2012 a Russian peacekeeper shot in the back and killed an 18-year-old man near the Vadul-lui-Voda checkpoint when the victim drove through a peacekeeping post without stopping. The peacekeeper was transferred to Russia before authorities completed the investigation of the incident. In December 2012 the Russian Ministry of Foreign Affairs announced that the Bryansk Military Court had found the Russian peacekeeper not guilty. The Moldovan Prosecutor General’s Office, which continued its investigation of the case, made several unsuccessful requests for information and evidence from Russian authorities. As a result of a lack of cooperation from Russian authorities, Moldovan authorities suspended the investigation in March. Following the suspension, the parents of the

victim, with the help of a prominent human rights nongovernmental organization (NGO), appealed to the European Court of Human Rights (ECHR).

The government made little progress during the year in holding officials accountable for the security force crackdown on postelection demonstrations in 2009 that resulted in three deaths. On December 24, a Buiucani court acquitted Ion Perju, the police officer accused of the killing of Valeriu Boboc in 2009, of all charges. The prosecution announced that it intend to appeal the verdict. Perju was believed to have fatally beaten Boboc on Chisinau's main square during the violent riots following the elections.

### **b. Disappearance**

There were no reports of politically motivated disappearances during the year.

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

While the law prohibits such practices, police reportedly used torture, and cruel and degrading arrest and interrogation methods. Guards beat prison inmates.

Abuse by police remained a serious problem. Despite the adoption of an antitorture action plan and the reform of law enforcement agencies, the implementation of antitorture measures was inconsistent. Police violence to force confessions or testimony was the most common abuse. The Prosecutor General's Office uncovered new police torture methods which did not leave physical traces and were more difficult to document.

According to the 2012 Prosecutor General's Office report on torture and mistreatment, employees of the Ministry of Internal Affairs perpetrated most instances of torture. During the first six months of the year, the Prosecutor General's Office received 394 allegations of torture and mistreatment, 169 of which involved the criminal police and 155 of which involved other police, including Carabinieri, a special police force responsible for public order. Prosecutors initiated 70 criminal cases. In 12 cases the victims were minors. Most torture cases were registered in police stations and penitentiaries. The Prosecutor General's Office reported 20 torture cases in pretrial detention facilities and 12 cases in military units. Torture was often applied to obtain confessions, to punish alleged criminals, to show seniority and authority over the abused victim, and to intimidate the victim.

In one case a detainee from Penitentiary No. 2 in Lipcani alleged that on the order of prison authorities, five detainees tortured him for refusing to pay 8,900 lei (\$730) to an “unofficial detainee leader.” The mother of the detainee alleged that, after a severe beating, her son was denied medical treatment and received death threats for publicizing the case. She stated that all detainees were required to pay unofficial fees to prison authorities. The prison administration denied the accusations, and the Department of Penitentiaries issued a press release claiming that forensic examination showed no signs of violence towards the Lipcani prisoner. Lawyers at the human rights NGO Promo-Lex noted that the medical examination of torture victims was often delayed to avoid signs of torture or mistreatment. Internal complaints and investigation procedures in the penitentiary system were weak, and detainees continued to have restricted access to complaint procedures.

The antitorture ombudsman made 251 preventive and monitoring visits to penitentiaries, psychiatric institutions, and army facilities in 2012. The ombudsman uncovered 82 violations of the right to physical and psychological integrity, a decrease of 146 cases compared with the same period in 2011. The ombudsman alerted the Prosecutor General’s Office and the military courts of two cases of mistreatment in Penitentiary No. 13, and the prosecutor initiated criminal investigations. The ombudsman noted that public servants often exceeded their authority and unlawfully used physical violence or psychological pressure on detained persons.

Impunity for torture and inhuman or degrading treatment remained a norm during the year.

Incidents of alleged police torture that went to court continued to be downgraded to lesser offenses, such as abuse of power, for which the penalties are lower and the statute of limitations is only three months. This allowed judges to issue suspended sentences based on the “good character” of the offending police officers or to dismiss cases if the statute of limitations had expired.

Degradation and mistreatment of patients confined in psycho-neurological institutions was another problem during the year, as reported by the Ombudsman for Psychiatric Institutions and confirmed by the Moldovan Center for Human Rights. The ombudsman visited four psycho-neurological residential institutions subordinated to the Ministry of Labor, Social Protection and Family in 2012 and found serious human rights violations, including the abuse of patients by medical

personnel. There were credible reports of forced medication, forced abortion, work exploitation, and physical and sexual abuse in psychiatric hospitals under the Ministry of Health. For example, in February police arrested a doctor of a psychoneurological institution in Balti for the serial sexual assault and abuse of patients, and criminal proceedings continued at year's end.

The Prosecutor General's Office released a summary of the results of criminal cases involving police abuse related to the 2009 postelection events. In the four years since the events, the Antitorture Section of the Prosecutor General's Office prosecuted 35 police officers, resulting in 14 convictions and 20 acquittals. Overall 72 criminal cases were initiated against police officers.

In June the Chisinau Court of Appeals sentenced another two police officers who tortured a minor during the 2009 riots to five-years' imprisonment each.

According to the criminal code, a torture conviction carries up to a 10-year prison sentence. Persons found guilty of torturing minors, pregnant women, persons with disabilities, or committing acts of torture that lead to death or suicide can be sentenced to up to 15 years in prison without the possibility of amnesty. A deliberate act by a public official that leads to physical or psychological suffering is punishable with imprisonment of two to six years, or a fine of 7,500 to 9,900 lei (\$620 to \$820), and a ban on holding public office. Suspended sentences for perpetrators accused of torture are not allowed.

During the year judges ordered five applications of the 2012 law that introduced chemical castration as a complementary criminal sanction for certain sexual crimes. Under the law courts are supposed to apply castration automatically and without regard to the consent of the convicted person. In July a court sentenced a 20-year-old man to 17 years in prison and chemical castration for raping two girls ages five and six. In all five cases, the chemical castration procedures were postponed pending a hearing on the constitutionality of the law. In July the Constitutional Court struck down the law on the grounds that it violated fundamental human rights.

According to an Amnesty International report released during the year, police continued to torture and mistreat detainees with impunity. A report on juvenile justice commissioned by the United Nations Children's Fund (UNICEF) and the EU found widespread torture and mistreatment of minors. Legal or psychological assistance for minor victims of abuse was rarely available. Of the few cases of

abuse taken to court, only two resulted in convictions, one of which received a fine and the other a suspended sentence.

According to the Prosecutor General's Office, during the year military prosecutors recorded 147 offenses in the National Army and the Carabinieri. In November a court issued four-year suspended sentences to three conscripts for repeatedly applying physical violence against 13 younger conscripts.

According to the human rights NGO Promo-Lex and various international organizations, torture and inhuman treatment continued to be a problem in Transnistrian penitentiaries during the year. In July, Transnistrian leader Shevchuk pardoned Alexandru Coliban, who was serving a two-and-a-half year prison term for "impeding the free exercise of electoral rights." Upon release he described conditions in Transnistrian prisons as inhuman and degrading. According to Coliban, the prison was overcrowded with 12 detainees held in 130-square-foot cells. He described beatings and mistreatment as routine and lost more than 60 pounds during the course of one year in prison due to a lack of food.

Reports of hazing and abuse of conscripts in the Transnistrian "army" continued. Moldovan citizen and Transnistrian "army deserter" Alexandru Pavlenco reported hazing, torture, and mistreatment during his year in the "army." He was beaten in the head and kidneys repeatedly and forced to buy drinks for his superiors. He was placed in the medical unit for 10 days due to head injuries sustained from his beatings, but was not provided adequate care. In June a Transnistrian court sentenced him to one year in prison for "desertion." Torture and mistreatment continued in the Transnistrian prison until he was able to escape. He was charged with "double desertion" in Transnistria and was seeking protection from Moldovan authorities. The case continued at year's end.

### **Prison and Detention Center Conditions**

Conditions in most prisons and detention centers, including those in Transnistria, remained harsh and did not improve significantly during the year.

Physical Conditions: As of October the total number of prisoners and pretrial detainees was 6,666, with 4,430 inmates in prisons and 2,236 individuals in pretrial detention centers. There were 19 juveniles serving terms in prison. There were 286 women held at the Rusca penitentiary for women. The target maximum capacity was 5,507 for prisons and 2,337 for pretrial detention centers.

Representatives from the government's Center for Human Rights made 60 visits to 15 of the 17 penitentiaries in 2012 within the framework of the national preventive mechanism against torture, and found similar deficiencies as in previous years, including overcrowding, lack of medical care, and inadequate prison conditions. The ombudsman found that there was an unofficial separate category of inmates called the "humiliated" who were subjected to degrading treatment such as isolation and inadequate food. The representatives reported the worst detention conditions in Penitentiary No. 13 in Chisinau. Detention conditions in the prison basement did not meet national and international detention standards. Cells were overcrowded, unhygienic, and cold, and authorities did not provide detainees with potable drinking water or permanent access to water for personal hygiene. The ECHR issued 11 judgments on detention conditions at Penitentiary No. 13 between 2007 and 2012, and the state paid damages worth 120,600 euros (\$163,000). Reports from Promo-Lex and Amnesty International confirmed the ombudsman's findings and reported that the cells in most penitentiaries, particularly in Penitentiary No. 13, were overcrowded, with little ventilation or natural light.

The ombudsman made 155 visits to 28 of 43 police stations in 2012 and noted that the detention conditions in pretrial facilities did not change much during the year. The facilities, located mostly in the basements of police stations, generally lacked access to natural light, ventilation systems, sewage systems, and potable water. Authorities repaired several cells in pretrial facilities while they fully renovated the facility at the Chisinau General Police Station according to international standards. Inmates had a daily food budget of local currency (\$1.25) and lacked adequate health care. Despite reliable reports of mistreatment in pretrial detention facilities, all 10 police officers sentenced for mistreatment received suspended sentences. In April three police officers were sentenced to five-years' imprisonment for torturing seven detainees in 2006.

Health care was inadequate in most penitentiaries since medical sections were understaffed and the government cut the budget for medicines and medical supplies for the penitentiary system by 30 percent in 2012. The shortage of psychologists in penitentiaries remained a problem during the year. During the year two detainees committed suicide. Five detainees committed suicide in 2012.

According to government regulations authorities are to separate individuals suspected of suffering from tuberculosis from the other detainees. Authorities often collocated persons with various diseases with persons with an unconfirmed diagnosis of tuberculosis, potentially exposing them to infection.

Police mistreatment of detainees remained a major problem in Transnistria. According to former detainees in Transnistria and international observers, detention facilities in the Transnistrian region did not conform to international norms and did not meet minimum requirements for long-term detention. Of the 2,819 detainees held in the three penitentiaries in Transnistria, 154 were women, 33 were minors, 77 were infected with tuberculosis, 154 were diagnosed with HIV/AIDS, and 643 were detained in pretrial detention facilities. Unofficial sources estimated a higher number of detainees. The cells were overcrowded, with one bed for every two or three inmates, who had to take turns sleeping. Most cells lacked a lavatory. Detainees and their relatives complained of a lack of potable water, medicine, and food. According to a February report by UN Senior Human Rights Expert Thomas Hammarberg, the health situation in Transnistrian detention facilities was alarming and the care substandard, particularly in the Hlinaya Prison. The condition of inmates infected with tuberculosis in the prisons was particularly serious. While Transnistrian authorities took steps to isolate those infected from other inmates, they did not isolate the inmates from one another, thereby increasing the risk of further cases of multidrug resistant infection. Another major health problem in the prisons was HIV/AIDS. Hammarberg also reported inhuman disciplinary measures. The mortality rate was high, especially among inmates infected with tuberculosis.

Administration: The main alternative sentence used in the country is a conditional suspension of the sentence, the equivalent of probation. This sentence is available to juveniles and adults alike, on the condition that the crime was not serious and the offender had no prior convictions. Probation is for a fixed term of between one and five years. In many cases public officials convicted of various offenses received suspended sentences. Other alternative sentences include community service and fines. Community service may not be imposed on convicted juveniles below age 16.

During the year the parliamentary ombudsman continued preventive visits to police stations and other institutions subordinate to the Ministries of Internal Affairs, Defense, Justice, Health, and Labor, Social Protection and Family to monitor the situation in those institutions regarding the torture of inmates and patients. The ombudsman made 251 monitoring and preventive visits in 2012. Based on the visits, the ombudsman issued 77 notices with recommendations, 22 requests to initiate criminal or disciplinary proceedings, and several proposals to amend legislation. As a result authorities initiated seven criminal cases and four disciplinary actions. The ombudsman visited three psychiatric hospitals and six psycho-neurologic residential institutions in 2012.

Authorities generally permitted prisoners and detainees religious observance.

According to the law detainees have the right to at least one short-term visit (from one to four hours) a month and at least four long-term visits (from 12 hours to three days) a year. Prisoners in the initial period of their sentences and those serving life sentences do not have the right to long-term visits. Detainees and their relatives reported a burdensome process for obtaining visit permits, which in many cases impeded such visits.

While detainees generally had the right to submit complaints to judicial authorities, some detainees reported censorship and punishment in the form of physical violence or abuse by prison personnel or other inmates before or after filing complaints.

Reliable information on the administration of prisons in the Transnistria region was generally not available.

Independent Monitoring: 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.

Although Transnistrian authorities generally did not allow visits to detention facilities, they allowed the UN senior expert on human rights in Transnistria to visit penitentiaries and talk to inmates during his fact-finding visits to the Transnistria region in 2012.

Improvements: With financial support from the Council of Europe and the EU, authorities initiated a reconstruction project to repair the country's 38 pretrial detention facilities and install video surveillance equipment to prevent torture. The government established the first renovated pretrial detention unit conforming to international standards in 2012.

There were no credible reports of improvements in the Transnistria region.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but there were cases when authorities failed to observe these prohibitions.

According to Promo-Lex, Moldovan police routinely detained persons wanted by the unrecognized Transnistrian authorities and transferred them to Transnistrian law enforcement agencies without legal due process. Moldovan courts previously ruled that the 1999 agreement establishing such cooperation was unconstitutional, but the practice continued informally.

In Transnistria there were reports that authorities engaged in the arbitrary arrest and detention of individuals with impunity. There were cases when Transnistrian authorities detained people on fabricated charges without due process.

### **Role of the Police and Security Apparatus**

The national police force is the primary law enforcement body subordinate to the Ministry of Internal Affairs. A new police law adopted in 2012 reformed the police forces into the General Police Inspectorate, subdivided into criminal police and public order police. The ministry continued reforms to combat abuse and corruption.

The Division to Combat Torture in the Prosecutor General's Office handled cases of alleged torture by security forces. Four prosecutors conducted criminal investigations of torture cases at the national level.

Police torture and other forms of mistreatment, particularly during police interrogation, remained a problem. Antitorture prosecutors faced a shortage of resources, including the inability to call on either consultants or a specialized corps of independent operational support staff. In addition the prosecution services they worked for generally depended materially on the police, which put them in a difficult position when it came to questioning the conduct of police officers.

The ombudsman's report on the national antitorture mechanism stated that authorities with the power to investigate allegations of police abuse at times failed to do so in timely fashion.

### **Arrest Procedures and Treatment of Detainees**

The law allows judges to issue arrest warrants based on evidence from prosecutors. Authorities must promptly inform detainees of the reasons for their arrest and describe the charges against them. Suspects may be detained without charge for 72 hours.

Once charged, a detainee may be released pending trial. The law provides for bail, but it was generally not utilized, due to a lack of practical mechanisms of implementation.

Detainees have the right to a defense attorney, but at times this right was restricted. Authorities generally did not grant detainees access to a lawyer until 24 hours after being detained. They often informed detainees of the charges against them without a lawyer present. The government required the local bar association to provide representation to indigent defendants, but government reimbursements to lawyers for legal fees were delayed. Indigent defendants often did not have adequate counsel.

In its 2012 report, the ombudsman stated that in general few cases of detention without charge exceeded 72 hours. In a small number of cases police detained individuals without charge for up to 10 days in police stations in Chisinau, Soroca, Balti and Comrat.

Pretrial Detention: The law permits pretrial detention for up to 30 days. The courts may extend pretrial detention upon a request from prosecutors submitted at the end of each 30-day period for up to 12 months, depending on the severity of the charges. Pretrial detention lasting several months was common.

In Transnistria detentions cannot exceed 18 months during pretrial criminal investigations and six months during the trial period, but limits were not observed. In 2012 643 persons were officially detained in pretrial detention units in Transnistria. The Transnistrian detention system also included temporary pretrial detention units subordinated to the local “interior ministry.” The number of detainees in these facilities was unknown. The practice of holding detainees for more than six months without a court hearing remained common. In some cases such detentions exceeded seven years.

Amnesty: The government generally granted amnesty to individuals sentenced to less than four years in prison. As a result such persons often served no time for their offenses. The president received 145 amnesty requests in 2012 and granted amnesty to four detainees, including one woman.

Transnistrian leader Shevchuk granted 200 amnesties in 2012. On January 9, Transnistrian authorities sentenced Moldovan police officer Alexandru Ursu to 12 years’ imprisonment for failure to appear in court for the retrial of the case for which he was pardoned in November 2012. Transnistrian authorities had detained

Ursu in Tiraspol since 2007 under charges of “illegally acquiring” an apartment in Bender. His 2012 pardon was the result of numerous requests from the Moldovan government and international community.

### **e. Denial of Fair Public Trial**

While the law provides for an independent judiciary, instances of government officials failing to respect judicial independence remained a problem throughout the year. Official pressure on judges and corruption in the judiciary continued and remained serious problems. Credible reports continued that local prosecutors and judges sought bribes in return for reducing charges or sentences.

The Superior Council of Magistrates (SCM) did not support the anticorruption initiatives promoted by the Ministry of Justice, such as integrity testing and polygraph testing. The Minister of Justice criticized the SCM for blocking anticorruption reforms in the judiciary. Judges often failed to implement the random assignment of cases and the use of recording equipment in the courtroom. There are a judicial code of ethics and inspector judges responsible for investigating and reporting cases of judicial misconduct or ethical breaches to the SCM. During the year the disciplinary board of the SCM failed to prosecute judges accused by the Prosecutor General’s Office or the minister of justice of corruption, unethical conduct, disciplinary violations, and other offenses. During the first nine months of the year, the board issued three warnings, nine reprimands, and two recommendations for dismissal. The council dismissed three judges and suspended six because of criminal cases opened against them. Another six resigned after accusations of misconduct against them. The council rejected both complaints filed by the Prosecutor General’s Office against two judges. According to the National Anticorruption Center (NAC), after six failed attempts to uncover judges engaging in corrupt practices during the year, in October the NAC and the Anticorruption Prosecutor’s Office arrested a Criuleni district court judge for receiving a 2,000-euro (\$2,700) bribe in exchange for releasing suspects. They also arrested a Telenesti judge for receiving a \$200 bribe to dismiss a case. Investigations continued in both cases.

The 2013 Freedom House report *Nations in Transit* reported that the government achieved improvement with some significant first steps in anticorruption reform after a period of relative stagnation, but also noted that a high level of corruption and political influence continued to present serious problems in the judicial system. According to the report the justice system continued to exhibit abuse of authority,

corruption, and inconsistent interpretation of legislation, while judicial decisions were inconsistently enforced.

On September 5, the Constitutional Court upheld the constitutionality of parliament's 2012 amendments to the organization of the judiciary and rejected a Supreme Court petition challenging the amendments. In February 2012 parliament passed a national action plan to implement the framework national strategy on justice sector reform adopted in 2011. This comprehensive justice sector reform initiative was intended to increase trust in the judiciary by strengthening the judicial system and combating corruption. As part of the strategy, in July 2012 parliament passed amendments to the organization of the judiciary. The amendments remove immunity from judges being investigated on charges of corruption and influence peddling. In addition if a judge is suspected of corruption, abuse of power, nepotism, or misappropriation of property, prosecutors do not need the concurrence of the SCM to begin an investigation. The amendments also created a system for evaluating judicial performance to provide a mechanism for dismissing corrupt judges. The judiciary strongly objected to the amendments.

Military courts have jurisdiction over crimes committed by active duty, reserve, and retired military personnel. Military courts may also try civilians for crimes committed against military personnel. In 2012 the Constitutional Court declared unconstitutional a 2011 law that abolished specialized courts, including economic and military courts, due to their inefficiency and endemic corruption, and parliament reinvested the military courts with full powers in March 2012. Parliament dissolved economic courts and redistributed their cases.

### **Trial Procedures**

Although the law provides defendants in criminal cases the presumption of innocence, this presumption had little effect. On some occasions judges' remarks jeopardized the presumption of innocence. As part of the justice sector reform, the government renovated a number of courts and equipped them with audio-recording equipment.

Cases are presented to a judge or to a 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 temporary defense lawyers without

allowing them to prepare adequately was common and infringed upon the right to legal assistance. The law provides a right to appeal convictions to a higher court.

During the year there were cases reported of Transnistrian authorities disregarding trial procedures and of defendants in Transnistria being denied a fair trial.

### **Political Prisoners and Detainees**

In October 2012 a Tiraspol court sentenced Alexandru Coliban to two-and-a-half years in prison for libel against Transnistrian leader Shevchuk and for impeding the free use of the electoral right in Transnistria. As a campaign worker during Transnistria's 2011 election, Coliban recruited students to distribute election materials criticizing Shevchuk and promoting another candidate. On June 27, Shevchuk signed a pardon decree, and Coliban was released from prison.

### **Civil Judicial Procedures and Remedies**

The law allows citizens to seek damages in civil courts for human rights violations. Under the constitution the government is liable when 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 often small and not enforced. Once all avenues for a remedy in the country's courts were exhausted, individuals could appeal cases involving the government's alleged violation of rights provided under the European Convention on Human Rights to the ECHR.

While the government declared a zero-tolerance policy toward torture, torture victims frequently lacked access to effective judicial remedies, especially in cases involving mistreatment in penal institutions.

A mediation law establishes an alternative mechanism for voluntarily resolving civil and criminal cases and sets forth rules for professional mediators, but the country lacked an implementation mechanism.

### **Regional Human Rights Court Decisions**

As of June there were 2,150 pending cases against the country in the ECHR. Most complaints referred to torture, inhuman and degrading treatment, failure to carry out judgments, violation of property rights, and to the right to a fair trial. In 2012 the court issued 27 decisions against the government and awarded more than

770,800 euros (\$1,040,000) to individuals for the violation of their rights. The government generally complied with ECHR orders promptly. The government has paid an estimated 13 million euros (\$18 million) for all the cases it lost at the ECHR to date. During the year as of November the government lost 20 cases at the ECHR.

In February the ECHR ordered the government to pay 10,500 euros (\$14,200) to Gheorghe Ipati, who in 2006 was arrested on suspicion of theft and taken to the Centru police station in Chisinau. Police beat Ipati at the police station to force him to confess to a crime he had not committed, denied him medical assistance despite severe injuries, and did not provide him with food or water during his detention at the police station. Ipati complained of mistreatment, poor detention conditions, and censorship of correspondence. In July the ECHR found the government guilty of tolerating repeated violence against a woman by her former husband, after authorities failed to provide protection to the victim despite previous court rulings. The court fined the government 17,150 euros (\$23,150) in moral damages.

### **Property Restitution**

The law provides for the restitution of property and compensation for victims of political repression. To receive restitution, applicants must prove a direct causal connection between political repression and the seizure of their properties. In July the government allocated 20 million lei (\$1.65 million) to victims of political repressions and deportations. The victims of political repression, whose property was seized or nationalized, along with 8,300 deportees, are expected to receive limited compensation during the year.

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

During the year there were no reports of government interference with privacy, family, home, or correspondence.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

While the law provides for freedom of speech and press, these rights were not always respected. Individuals could criticize the government publicly and privately without reprisal.

In Transnistria authorities limited freedom of speech and press, and subjected alternative viewpoints to censorship. It was difficult to register, maintain, and finance independent newspapers, radio stations, and television stations in Transnistria, although several continued to exist. Most newspapers from the rest of Moldova did not circulate widely in Transnistria, although they were available in Tiraspol.

Press Freedoms: The law prohibits the editing and publication of literature that contains “denial and defamation of the state and the people; calls for war or aggression; appeals to ethnic, racial, or religious hatred; [or] incitement of discrimination, territorial separatism, or public violence.”

While the print media expressed diverse political views and commentary, a number of newspapers were owned or subsidized by political figures and expressed well defined political views. The government owned the Moldpress News Agency, and local and city governments subsidized approximately 23 newspapers, and in most cases influenced their reporting. Political parties and professional organizations also published newspapers.

The role of online media increased considerably during the year, providing various perspectives on political, economic, and social developments. The number of online visitors to news portals exceeded the number of subscribers to major newspapers with national coverage.

Despite progress, worrying trends, such as a lack of transparency in the ownership of media outlets, and an increasing monopolization of media and the advertising market, affected media freedom. Due to ambiguous legislation and the registration of businesses to offshore companies, the owners of many media outlets were not transparent to the public. Civil society and media representatives also noted that the advertising distribution company Casa Media was a monopoly.

In Transnistria both of the region’s major newspapers, *Pridnestrovie* and *Dnestrovskaya Pravda*, were official publications of the separatist administration. Separatist authorities harassed other small, independent newspapers for publishing reports critical of the regime.

Transnistria’s largest commercial entity, Sheriff Enterprises, owned several broadcast networks, including the TSV television station and the INTER-FM radio station. The company also effectively controlled the opposition *Obnovlenie*

(Renewal) Party, which held a majority of seats in the region's "legislature." Transnistrian authorities operated the television station TV PMR. With the change of administration in the region, many private media outlets expressed alternative views on social and economic policy and criticized the "government." The Transnistrian press practiced self-censorship and avoided subjects questioning the Transnistrian goal of "independence" or criticizing the pro-Russian "foreign policy."

Violence and Harassment: On May 2, the Supreme Court upheld a Court of Appeals decision permitting the Audiovisual Coordinating Council (ACC) to withdraw the broadcast license of leading pro-opposition broadcaster NIT, which was originally revoked in April 2012 on charges that NIT did not ensure pluralism of opinions and thus violated the audiovisual code. Following the revocation, NIT stopped broadcasting. In June, NIT filed a case against Moldova at the ECHR. NGOs and international organizations criticized the revocation of NIT's license, noting that the sanction was disproportionate and eliminated a key opposition viewpoint. NIT immediately challenged the ACC's decision in court and later alleged the court case was intentionally delayed for political reasons. The ACC passed down several allegedly politically influenced decisions, and NGOs and international organizations accused it of not being objective in its decision-making.

In July several prominent political commentators and analysts received threatening messages warning them to stop criticizing Moldovan oligarchs. Police and prosecutors initiated investigations into these attempts at intimidation. Under a new law passed by parliament on March 21, intimidation of journalists and censorship are punishable by fines up to 44,500 lei (\$3,670).

Censorship or Content Restriction: In many cases journalists practiced self-censorship to avoid conflicts with the sponsors or owners of their media outlets. In the Transnistria region, journalists avoided criticizing the separatist government's goal of independence or its "foreign policy" to avoid government reprisals.

On April 1, an ACC ruling made in December 2012 went into effect. It mandated that television channels and radio stations must broadcast a minimum of 30 percent locally produced content, and 50 percent local content in Romanian during prime time. Supporters claimed that the ruling would spur the local media market, but many media outlets warned that the ruling was designed to drive smaller outlets out of business, since they could not afford to produce that volume of local content and would lose advertising money. These media outlets took the ruling to court,

which suspended the ruling for the duration of the trial period. The case continued at year's end.

In Transnistria authorities controlled all printing houses and at times threatened to stop the printing of independent newspapers, including one based in Bender and another in the northern city of Ribnita.

Libel Laws/National Security: Some newspapers practiced self-censorship and avoided controversial issues due to concern that government officials and other public figures could use civil defamation laws to retaliate against critical news reports.

During the year a case involving the former minister of transportation's suit against the Unimedia news portal and the *Timpul* newspaper was suspended when the ministry withdrew its accusations. The case began in April 2011 after Unimedia and *Timpul* published a press release from Moldavian Airlines accusing the minister of involvement in various fraudulent schemes.

### **Internet Freedom**

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or chat rooms without appropriate legal authority. According to statistics published by the International Telecommunication Union, approximately 43 percent of the population used the internet in 2012, the most recent year for which statistics were available.

On May 8, Transnistrian authorities shut down several popular internet forums, including forum-pmr.net, forum.dnestra.com, forum-pridnestrovie.ru, forum-pmr.com, and forum-pmr.ru. Transnistrian leader Shevchuk called the forums "anonymous trash cans."

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic or cultural events.

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

### **Freedom of Assembly**

While the law provides for freedom of assembly, at times authorities limited this right.

On February 28, the Balti Court of Appeals reversed a 2012 Balti municipal council ban on LGBT “propaganda” and rallies after a challenge by LGBT NGO Genderdoc M. On the same day the Balti municipal council passed a slightly changed law and expanded the ban on LGBT assemblies to include Satanists. On July 11, this law was also reversed after a legal challenge by Genderdoc M and the Balti branch of the State Chancellery. Seven other localities adopted similar anti-LGBT propaganda and rally ordinances in February and March 2012. All seven have either been overturned or challenged in court by the State Chancellery.

There were 14,483 public assemblies in Chisinau in 2012. On May 19, Genderdoc M organized the first public pride event in Moldova. The Chisinau city government authorized the march, but a city court ordered a change in the march's location and route, which Genderdoc M called illegal. Genderdoc M organized the march in a different location to avoid clashes with protesters and sued the Chisinau city government for changing the earlier approved location. The case continued at year's end.

In the Transnistria region the law permits public assemblies but imposes prohibitions, including against spontaneous assemblies, assemblies in certain public places, and the use of sound-amplifying equipment. Public assemblies were limited to a narrow range of activities.

### **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. It prohibits organizations “engaged in fighting against political pluralism, the principles of the rule of law, or the sovereignty and independence or territorial integrity” of the country.

In Transnistria authorities severely restricted freedom of association. Separatist authorities granted the legal right of association only to those they recognized as citizens of Transnistria. All nongovernmental activities had to be coordinated with local authorities. Groups that did not comply faced harassment, including visits from security officials. Organizations favoring reintegration with the rest of Moldova were strictly prohibited.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/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. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) 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. The Bureau for Migration and Asylum under the Ministry of Internal Affairs manages refugee and asylum problems.

Transnistrian authorities at times restricted travel of Transnistrian residents and other Moldovans to and from the separatist region. Transnistrian authorities often stopped and searched vehicles traveling between the region and the area controlled by the central government.

Short-term visitors to Transnistria from government-controlled areas 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 generally allowed Western diplomats stationed in Chisinau entry into the region for routine visits if the diplomats provided notification of the visits in advance.

Emigration and Repatriation: Although citizens generally were able to depart from and return to the country freely, there were some limitations on emigration. Before individuals may emigrate, the law requires that they settle all outstanding financial obligations with other persons or legal entities. The government did not strictly enforce this requirement. The law also provides that close relatives who are financially dependent on a potential emigrant must give their concurrence before the emigrant may depart the country. This law was also not enforced.

In 2011 the government adopted a national strategy in the area of migration and asylum for 2011-20 in line with the EU-Moldovan action plan. The strategy provides for better border management, promotes a model of circular migration, and facilitates readmission of illegal Moldovan migrants from EU countries.

## **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. Refugee recognition was a slow and burdensome process. Refugees are issued identity cards valid for five years, beneficiaries of humanitarian protection receive identification documents valid for one year, and asylum seekers receive temporary identification cards.

In 2012 the number of asylum claims doubled in the country, mainly due to an influx of claimants from Syria, Afghanistan, and Bangladesh. Syrians represented 41 percent of the asylum applications. The increase in Syrian asylum seekers continued during the year and made up almost half of the asylum claims. The UNHCR provided logistical, housing, and financial support to refugees. As of October there were 229 refugees, most of them from Syria, Armenia, Russia, and Afghanistan. During the first five months of the year, the Bureau of Migration and Asylum received 50 asylum requests.

In August the Bureau of Migration and Asylum signed a memorandum of understanding with the National Council for Guaranteed Legal Assistance and the Lawyers' Center which is intended to provide free legal assistance to refugees and stateless persons and to coordinate placement in the Temporary Accommodation Center for Asylum-Seekers.

## **Stateless Persons**

Citizenship may be acquired by birth in the country, inheritance from parents, adoption, recovery, or naturalization; or on the basis of certain international agreements. The law grants citizenship to persons who resided in the historical regions of Bessarabia, Northern Bucovina, the Herta region, and the territory of the Moldovan Autonomous Soviet Socialist Republic prior to June 1940 as well as their descendants. Parliament adopted statelessness determination procedures in the Law on the Regime of Foreigners in 2011. The amendments entered into effect in February 2012. Stateless persons and refugees can gain nationality through naturalization.

There were 2,013 stateless persons registered in the country, most of them residing in the Transnistria region. The largest numbers of stateless persons were ethnic

Ukrainians, Russians, Romanians, and Turks. The country issues travel documents for stateless persons.

While the law allows a stateless person who has resided legally in the country for eight years to seek citizenship, the UNHCR recommended that the government reduce the residency requirement to three or four years. The government issued residence permits for a period of up to one year to stateless persons temporarily residing in the country at a cost ranging from \$30 to \$80, depending on the urgency of the permit. Trafficking victims receive residence permits free of charge.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: According to international observers, parliamentary elections in 2010 met most OSCE and Council of Europe commitments. In March 2012 parliament ended more than two years of political stalemate by electing a president. In March the government fell in a vote of no confidence, but a new government was formed on May 30, avoiding early elections.

In September 2012 the autonomous region of Gagauzia held two rounds of elections for its 35-seat People's Assembly (local legislature). The NGO Pilgrim-Demo, which monitored the election, noted minor problems at the polls, including violation of the secrecy of vote, overcrowded polling stations, campaign materials in the proximity of polling stations, and police on polling station premises. There were some problems with voter lists, including missing names and deceased persons on the lists, but no evidence of widespread multiple voting or legitimate voters being denied the right to cast ballots. After the results were validated, a court suspended the mandate of one deputy in what some alleged was a political move to intimidate the other deputies during the People's Assembly's leadership selection.

Participation of Women and Minorities: There were 20 women in the 101-seat parliament. Members of ethnic Russian, Ukrainian, Bulgarian, Azeri, Jewish, and

Gagauz communities had representation in parliament alongside members of the majority Moldovan/ethnic Romanian community. Only one woman was elected to the Gagauz People's Assembly.

#### **Section 4. Corruption and Lack of Transparency in Government**

Corruption remained a major problem for the country. While the law provides criminal penalties for corruption by officials, the government failed to implement these laws effectively. International observers declared and government officials admitted that corruption was one of the biggest concerns in the country during the year. There was widespread corruption within the judiciary. Although slightly diminished in contrast to last year, police corruption remained a serious problem.

Corruption: In January a cover-up of a hunting incident involving the prosecutor general and other high-ranking officials that resulted in the death of a businessman became public. In the ensuing political infighting and amid corruption allegations, the government fell in a March vote of no confidence. The speaker and deputy speaker of parliament were removed. A new coalition government was established on May 30 declared the fight against corruption to be a priority. The new government did not fully implement anticorruption measures. According to the 2013 Freedom House report on Moldova, the government made limited progress in addressing corruption in a more systematic way. Despite numerous statements from the NAC regarding high-profile corruption cases, no officials were indicted. Only low-profile corruption cases involving teachers, doctors, or police officers were investigated and reported during the year. A July survey commissioned by Transparency International Moldova found the judiciary, police, health care, and education sectors highly corrupt. While ample anticorruption legislation exists, implementation remained weak, and enforcement was inconsistent. During the political crisis of the first half of the year, important government entities such as the NAC, the Constitutional Court, the Tax Inspectorate, and the Customs Service did not act impartially and often appeared to act with political motives.

The NAC reported 314 corruption cases during the first nine months of the year. According to the NAC, eight ministers, two deputy ministers, seven judges, and 35 district chairmen and mayors were investigated on corruption charges during the year. Of the 200 corruption cases sent to courts, 57 were examined. In 80 percent of the cases judges applied fines, 11 officials received suspended sentences and three officials were sentenced to jail. During the year 29 persons were detained, 27 of whom were caught in the act of corrupt practice. Courts acquitted eleven defendants. An October interagency raid on a customs post on the Romanian

border arrested 19 Customs employees and 13 Border Police employees on corruption charges. The case continued at year's end.

The Fraud Investigation Department (FID) in the Ministry of Internal Affairs has anticorruption responsibilities. The FID investigates serious economic crimes with major social impact, criminal schemes that lead to acts of corruption, and other corruption-related offenses. During the first nine months of the year, the FID investigated 686 economic crimes, including 253 cases of counterfeit currency, 160 cases of tax evasion, 99 cases of smuggling, and 27 cases of customs tax evasion. The FID reported 789 cases involving officials, including 171 bribery cases, 145 cases of passive corruption, 19 cases of active corruption, and 417 cases of abuse of power. The department sent 216 cases to court.

Whistleblower Protection: Moldovan law on preventing and combating corruption defines a whistleblower and describes how whistleblowers can provide information on corruption to authorities. A second law regulates the administrative protection to which a whistleblower is entitled. As part of the ongoing Justice Sector Reform Strategy all government agencies are also required to draft and approve additional regulations on whistleblowers. The NAC is responsible for this aspect of the reform.

Financial Disclosure: A number of laws require financial disclosure by public officials, including the law regarding the disclosure and control of incomes and property of state officials, judges, prosecutors, civil servants and officials holding leadership positions; the law on the conflict of interest; the law on preventing and fighting corruption; the law on the code of conduct of the public servant; and the law on the statute of state officials and civil servants. According to the legislation, all public officials must make their income statements public within 20 days of their appointment, and before March 31 of each calendar year for the duration of their mandate, but the government t enforced his requirement inconsistently.

In 2012 parliament created the National Integrity Commission, an independent body tasked with auditing the income statements and conflicts of interest of public officials. The commission has a five-year mandate and includes three members appointed by the government, one member proposed by the opposition, and one member representing civil society. Leading NGOs stated that the procedure to appoint the head of the new commission was strongly politicized and expressed doubts about the institution's ability to promote integrity and prevent corruption, because all but one of its members had political ties. The commission became operational in February and launched its first investigations in March. During the

first nine months of the year, the commission initiated 128 investigations of 19 judges, 10 members of parliament, seven prosecutors, four ministers and deputy ministers, nine mayors and deputy mayors, 18 public servants from the local and central government, four managers of state institutions and four managers of health and educational institutions. As a result the commission applied 207 fines worth 3,000 lei (\$250) each.

Public Access to Information: The law provides for free public access to official information, and, in contrast to previous years, the government made progress on this problem during the year. The law provides an appropriately narrow list of grounds for nondisclosure, including cases when the information constitutes a state secret, a commercial secret, personally identifiable data, operative criminal investigation data, or results of scientific and technical research. According to the law authorities have 15 days to present the requested information. This timeline can be extended by five days in cases when the request refers to a large volume of data or when additional consultations are necessary for the release of the information. Depending on the requested information, institutions establish processing fees that cover copying, translation, and delivery costs. Requesters can challenge denials of access to information through legal means. Courts of law established criminal and administrative sanctions for noncompliance.

During the year the government's e-government center launched several new services to reduce red tape and fight corruption, with limited success. The new services include the use of digital signatures, a new web portal with free access to public government data, and open data on public procurement announcements.

Members of the National Council for Participation held regular meetings and offered recommendations on various government decisions. The government increased slightly the number of recommendations which it took into account during its decision-making process.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: 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 provided training for lawyers and journalists, visited prisons and psychiatric hospitals, made recommendations on legislation, and organized roundtable discussions. Human rights NGO leaders noted that the MHRC needed to be reformed to become more effective. On September 4, the government endorsed a legislative initiative to reform the MHRC and replace it with a single People's Ombudsman appointed by parliament with a seven-year mandate. The draft initiative was pending parliament's approval at year's end. Parliament also had a separate standing committee for Human Rights and Interethnic Relations.

During the first nine months of the year, the MHRC received 1,201 complaints of human rights abuses, most of them concerning free access to justice, the right to social assistance and protection, the right to private property, and the right to work. The MHRC issued 168 decisions, including 54 recommendations to local and central authorities, and 15 recommendations to initiate disciplinary or criminal cases against public officials. As a result investigators initiated four criminal proceedings, one disciplinary action, and six other cases were under examination.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, ethnicity, or social status, but the government did not always enforce these prohibitions effectively.

In May 2012 parliament adopted the Law on Ensuring Equality, which prohibits discrimination on the basis of 11 characteristics, including sex, race, religion, and disability. It also prohibits discrimination on the basis of sexual orientation with regard to employment. In December 2012 parliament established a council to prevent discrimination and ensure equality in implementing the new law. The council became fully operational in October and as of November issued decisions on three discrimination cases. In one case the council found that a school principal and two deputies applied physical and verbal abuse against a student with a mental disability. The council fined the principal 7,000 lei (\$580) and sanctioned the two deputies.

## **Women**

Rape and Domestic Violence: The law criminalizes rape or forcible sexual assault and establishes penalties ranging from three years to life in prison. The law also criminalizes spousal rape.

Rape remained a problem, and there were no specific government rape prevention activities. During the first eight months of the year, prosecutors initiated 217 criminal cases of rape. Of these, 29 cases were dismissed and 74 forwarded to courts for trial. NGOs maintained that many rapes were unreported due to social stigma and a lengthy and often corrupt judicial process. There was an increase in reports of gang rapes during the year. In some cases officials involved in prosecutions blamed the victims.

A National Bureau of Statistics report during the year, based on a joint study supported by UN Women, the Embassy of Sweden, the UN Development Program, and the UN Population Fund, described domestic violence as widespread. The study found that 63.4 percent of women over the age of 14 experienced some form of domestic abuse in their lifetime, including 40 percent who had been physically abused. Rural women experienced violence in significantly higher proportions than urban women, and younger women (under the age of 30) experienced more emotional and sexual violence than older women.

Victims of domestic violence generally suffered in silence, since the problem received little recognition from government or society as a whole. Surveys indicated that only 11.2 percent of domestic violence victims sought medical assistance, only 12.2 percent reported the abuse to police, 6.3 percent pursued claims through the justice system, and 5.1 percent reported abuse to other municipal authorities. NGOs asserted that one reason women rarely reported domestic violence stemmed from unsuccessful previous attempts to seek protection and justice. Such attempts often failed due to unresponsive officials and judgmental attitudes from police, prosecutors, judges, and social workers. Punishment of convicted abusers was often insufficient, commonly consisting of fines and brief detentions, and failed to prevent repeated abuse. During the year convicted abusers continued to serve short prison sentences for domestic violence.

In the first eight months of the year, police registered 818 cases of domestic violence, double the number registered during the same period in 2012. Of these, 474 cases were sent to trial and 43 were dismissed.

The law defines domestic violence as a criminal offense, provides for the punishment of perpetrators, defines mechanisms for obtaining restraining orders against abusive individuals, and extends protection to unmarried individuals and children of unmarried individuals. The maximum punishment for family violence offenses is 15 years' imprisonment.

The law permits an abuser to be excluded from lodging shared with the victim, regardless of who owns the property. The law also provides for psychiatric evaluation and counseling, forbids abusers from approaching victims either at home or at work, and restricts child visitation rights pending a criminal investigation. Courts may apply such protective measures for a period of three months and can extend them upon the victim's request or following repeated acts of violence.

In September the Drochia Trial Court sentenced an abuser in a domestic violence case to compulsory rehabilitation and counseling at the local rehabilitation center. This was the first sentence of its kind issued in the country.

Progress in protecting women and children against domestic violence was slow. The Ministry of Internal Affairs underwent a series of reforms during the year, which included increased training for police officers to handle domestic violence cases. According to various NGOs and UNICEF, the issuance of protective orders and the effectiveness of their implementation depended heavily on the attitude of authorities. There were numerous reports that police officers were not diligent in ensuring either proper protection of victims or proper execution of the measures prescribed by protective orders. According to NGOs, authorities were excessively reliant on NGOs to publicize available remedies and assist victims in requesting protection. The situation continued to improve slowly with the timely issuance of an increased number of protective orders. NGOs expressed concern that authorities were insufficiently proactive in combating indifferent attitudes towards domestic violence among police, prosecutors, and social workers.

Public perception of domestic violence as a private problem persisted. Authorities generally relied on civil society to raise awareness.

NGOs reported cases in which authorities issued conflicting protection orders where both the abuser and the victim had protective orders against each other. This resulted in confusion in court.

According to NGO reports only 1-2 percent of all protective orders were issued within 24 hours as prescribed by law. In most cases the abusers continued their aggression against the victims undeterred. There were registered cases of protective orders issued one month after the aggression took place.

According to a Promo-Lex report, social workers and police officers were not fully aware of the laws on domestic violence, and 44 percent of social workers and 20 percent of police officers did not know how to respond to cases of domestic violence. While courts increased the number of protective orders, they were not always implemented effectively. Observers believed that the police's approach to domestic violence improved slightly, but that judges and prosecutors often failed to take these crimes seriously. Protection order violations continued to be classified as administrative infractions, which meant that no criminal proceedings could be opened against the aggressors unless they violated the order on multiple occasions.

The law provides for cooperation between government and civil society organizations, establishes victim protection as a human rights principle, and allows third parties to file complaints on behalf of victims.

After their release from detention abusers commonly returned to their homes and continued the abuse. Fines often had the effect of significantly reducing overall household income, further harming the spouses and children of abusers. Victims of domestic violence were also reluctant to come forward because of frequent economic dependence on their abusers, particularly if the family had children.

The government supported educational efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to instruct the public and law enforcement officials on how to address the problem. Private organizations operated services for abused spouses, including a hotline for battered women. Access to such assistance remained difficult for some.

The NGO La Strada operated a hotline to report domestic violence, offered victims psychological and legal aid, and provided victims with options for follow-up assistance. Between October 2011 and July 2012, the hotline received 540 calls related to domestic violence, 387 from victims seeking assistance, and the rest from neighbors, relatives, community groups, and professionals. The hotline also reported 17 calls from abusers. In 18 cases the abuser was an active duty or retired police officer. NGOs alleged that these cases were the hardest to resolve due to authorities' reluctance to investigate and punish police officers. NGOs reported that many victims of trafficking were first subjected to domestic violence.

In Transnistria the law does not specifically prohibit violence against women, and the extent of domestic violence was difficult to estimate. According to the results of a survey commissioned in the Transnistrian region during the year, 22.3 percent of women were subject to physical violence, 35.7 percent were subject at least once during their lifetime to physical violence from their partners, while 60.2 percent have been subject to psychological violence. Most victims of domestic violence did not file complaints with police.

Sexual Harassment: Sexual harassment remained a common problem. The law provides criminal penalties for sexual harassment ranging from a fine to a maximum of two years' imprisonment. The law prohibits sexual advances that affect a person's dignity or create an unpleasant, hostile, degrading, or humiliating environment in a workplace or educational institution. Numerous sexual harassment cases from 2011 and 2012 continued without conclusion during the year.

Reproductive Rights: Couples and individuals could decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. The government adopted laws and implemented policies to ensure free obstetric and postpartum care to all citizens. Mandatory government medical insurance covered all expenses related to pregnancy, birth, and postpartum care. During pregnancy the government provided essential medicines free of charge. Most medical institutions, both state and private, had free booklets and leaflets about family planning and contraception. The NGO Moldovan Institute for Human Rights (IDOM) reported instances of discrimination against HIV-positive women, as well as the disclosure of their status by medical personnel.

Although there were no reports of Romani women being denied obstetrical, childbirth, or postpartum care, many Romani women did not take advantage of free government-administered medical care during pregnancy.

Discrimination: The law provides that women enjoy the same legal status as men under family law, labor law, property law, and inheritance law; and in the judicial system. The National Bureau of Statistics reported that a higher proportion of women than men were employed.

Women in psychiatric institutions and social care homes suffered from forced abortions, lack of access to contraceptives, forced use of medication with side

effects, and sexual abuse. During the year the ombudsman for psychiatry registered at least 16 rapes of female patients by their doctor in a Balti psychiatric institution.

## **Children**

Birth Registration: Citizenship may be acquired by birth in the country, inheritance from parents, adoption, recovery, or naturalization; or on the basis of certain international agreements. Registration of birth is free of charge for all citizens. Civil registration offices in maternity hospitals issued birth certificates before the mother and newborn were discharged from the hospital. Registration offices issue birth certificates for all births, including home births. NGOs noted the lack of registration certificates for a number of children, especially in rural areas, particularly in Romani families. According to the Ministry of Labor, Social Protection, and Family, it was the parents' responsibility to register their children's births. Due to registration shortfalls, it was estimated that more than 1,000 children were without identification documents. According to the Civil Registry Office, more than 500 children without documentation were identified every year.

Education: Primary education was free and compulsory until the ninth grade. The Ministry of Education undertook a major reform and restructured or closed many schools in rural areas that experienced a drop in population. According to the National Bureau of Statistics, the number of children enrolled in schools decreased by more than 30 percent in the past decade. During the year the government provided 12 million lei (\$990,000), or 300 lei (\$25) per child, for school supplies for children from vulnerable families. The Chisinau mayor doubled this amount and provided 600 lei (\$50) per student for 8,000 vulnerable students in Chisinau.

The law requires immunization of children before preschool enrollment and provides for 12 compulsory vaccines. More than 1,000 children could not attend preschool because their parents refused to have them immunized. According to the ombudsman for children's rights, lawyers, and several members of parliament, the law limits children's access to preschool education. The ombudsman challenged the law on compulsory immunization in the Constitutional Court, which ruled the law constitutional on January 22.

Child Abuse: Although the law prohibits child neglect and specific forms of abuse such as forced begging, child abuse remained a problem. During the first eight months of the year, law enforcement agencies opened 911 cases of crimes against family and children, 508 of which were sent to trial and 43 dismissed. The cases

opened during the first eight months of the year included 14 cases of trafficking of children and nine cases of illegally taking a child out of country. A special unit for minors and human rights was responsible for ensuring that cases involving child victims or child offenders were handled with specialized expertise and attention. According to UNICEF, however, the section faced organizational difficulties, since its investigations and prosecutions often overlapped with those of other sections, thus creating conflicts of competencies.

In September the Ministry of Education presented the results of a pilot project on preventing child abuse. The project is intended to institutionalize the role of educational staff in preventing and monitoring cases of child abuse, neglect, exploitation, and trafficking. During the March-May monitoring period, 3,714 cases of violence against children were registered, including 1,448 cases of physical violence, 1,460 cases of psychological violence, 18 cases of sexual abuse, 666 cases of neglect, and 122 cases of labor exploitation.

A case of child abuse that resulted in the death of a five-year-old girl from Leova spurred public debate regarding the adequacy of protection children received in abusive domestic environments. Civil society members claimed and medical reports confirmed that the child's father systematically abused her. Authorities did not intervene despite the fact that the child was severely malnourished and mistreated for years.

According to La Strada, law enforcement officials asked the NGO to assist on all cases where a minor was the victim. La Strada provided psychological assistance to 100 minors, five boys and 95 girls, and conducted professional interviews with 17 boys and 25 girls as victims in continuing criminal cases of sexual abuse or trafficking.

According to the Ministry of Labor, Social Protection, and Family, inadequate victim services, a lack of reliable methods to track cases, and insufficient legal mechanisms to prevent such abuse or to provide special protection to victims hampered efforts to protect children from abuse. According to the ministry, more than 25 percent of minors reported being beaten by their parents, and 15 percent stated they lacked food and care. Approximately 10 percent of parents admitted to abusing their children emotionally or physically.

Forced and Early Marriage: The legal minimum age for marriage is 16 for women and 18 for men. There were no official statistics regarding child marriages, but they were believed to be rare, including in the Romani community.

Sexual Exploitation of Children: The Prosecutor General's Office is responsible for investigating and prosecuting child sexual abuse cases. Commercial sex with minors is punished as statutory rape. The minimum age for consensual sex is 16. The law prohibits the production, distribution, broadcasting, import, export, sale, exchange, use, or possession of child pornography, and violators face one- to three-years' imprisonment.

During the year there were reported cases of prostitution of children and child sex tourism. During the year the trial of some of the leaders of an international pedophile ring uncovered in Chisinau in 2011 continued. Members of the criminal group as well as clients were arrested throughout 2011 and 2012. Additional persons, both clients and recruiters, were apprehended based on the testimonies of the convicted pedophiles and child victims. Five perpetrators and organizers of the network were given prison sentences ranging from 15 to 21 years. According to La Strada, authorities handled the case well, and the victims were not forced to confront their abusers directly or subjected to repeated interrogation and were allowed to be accompanied by a psychologist in court.

In September police apprehended members of a criminal group involved in producing and distributing child pornography. The members of the criminal group (the manager of a shopping center, a student, two businessmen, and a priest) were released but remained under investigation. The Prosecutor General's Office opened 12 criminal cases on child pornography during the year.

Observers considered laws dealing with cyber-crimes inadequate. As a result crimes such as the grooming of a child for future exploitation or bullying via the internet were not properly investigated or prosecuted, leaving children exposed to cyber-abuse that at times led to physical abuse. The Center for Combating Trafficking in Persons established a cyber-crime unit specifically for the investigation of sexual exploitation of children via the internet. During the year, the unit was transferred to a Center for Combating Cyber-Crime established at the Ministry of Internal Affairs. NGOs reported good cooperation with the center and police openness to joint investigations, although the center's resources and capacity were limited. The center continued to investigate several cases of online sexual exploitation, grooming, and child pornography uncovered through proactive investigation techniques.

Institutionalized Children: Conditions for children in orphanages and other institutions generally remained very poor. Major problems included inadequate

food, “warehousing” of children, lack of heat in winter, and disease. NGOs estimated that approximately 25 percent of the children in orphanages had one or two living parents but were abandoned when their parents left the country in search of employment. Children abandoned by parents often lived in poverty and were particularly vulnerable to trafficking and labor exploitation. UNICEF estimated that 50 percent of institutionalized children had disabilities.

Various government ministries ran orphanages and boarding schools. The Ministry of Labor, Social Protection, and Family maintained two boarding schools for 675 children with disabilities and three asylums providing temporary (up to one year) shelter, counseling, and other assistance to up to 110 children from socially vulnerable families. The Ministry of Education oversaw 53 boarding schools with 5,813 students. The ministry reported that 35 percent of these children were orphans or abandoned, while the other 65 percent came from socially vulnerable families whose parents could not maintain basic living conditions.

Police and NGOs report that sex tourists continued to target orphanages, with sexual predators posing as school benefactors and paying off the administration of the orphanage to obtain unsupervised access to the children, even taking them for overnight stays in rented apartments.

During the year the Ministry of Education continued to implement a national action plan to reform the residential care system for children. There was little progress in de-institutionalizing children with disabilities and children under the age of three. The National Program on the Development of Inclusive Education in the Republic of Moldova for 2011-20 places inclusive education as a top priority and provides for the closure or reorganization of 23 residential institutions (including boarding schools) by 2015. The program aims to integrate 1,235 children from boarding schools into families or place them in family-type homes. During the year the Ministry of Education closed 11 residential institutions and reorganized one. The residential system in Moldova includes 55 institutions with 7,000 children while 700 children were placed in foster care housing.

During the first six months of the year, the Ministry of Labor, Social Protection, and Family oversaw 206 foster families who cared for 314 children and 84 family-type boarding schools with 346 children.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## Anti-Semitism

The Jewish community numbered between 15,000 and 25,000 persons, including 2,000 living in Transnistria.

There were several cases of anti-Semitic vandalism reported during the year. In June vandals drew a swastika on the memorial to Holocaust victims in Chisinau. In September prosecutors charged two teenagers for the desecration of a Jewish cemetery in Chisinau. The two, a 19-year-old man and a 17-year-old woman, desecrated graves and posted pictures of the graves with Nazi symbols on social media. The case continued, and the man faced up to a three-year prison sentence if found guilty, while the woman was charged as a minor and was not subject to imprisonment under the charge.

In January the Union of Moldovan Authors nominated writer Paul Goma, some of whose writings appeared to justify and deny the Holocaust, for the Nobel Prize in Literature. That same week at an International Holocaust Remembrance Day event, the chairman of the Jewish Community of Moldova criticized the government's efforts against anti-Semitism. He noted that during the course of the past 20 years the government did not sponsor any monuments dedicated to Holocaust victims, all of which the Jewish community financed exclusively. He also criticized the government's failure to fulfill its promise to open a Holocaust museum in Chisinau. He also noted that local authorities named a street after the pro-Fascist general Antonescu. In April a member of parliament refused to rise from his seat during a moment of silence in remembrance of victims of the 1903 Kishinev pogrom.

In May a presentation of the book, *The Iron Guard in Bessarabia: Documents*, took place at the Moldovan Ministry of Defense's Center for Military History and Culture. Members of the Moldovan Jewish community accused the book's authors of denying the anti-Semitic character of this movement and rejecting the definition of the Iron Guard as a "Fascist" movement.

In November, Chisinau municipal authorities reversed a decision from previous years and permitted the Jewish community to display publicly a Hanukkah menorah. In 2011 and 2012 Chisinau municipal authorities did not allow the Jewish community to display a Hanukkah menorah in a location requested by the Jewish community. In 2009 an extremist group removed the menorah that had been installed in the city center and made anti-Semitic statements.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

## Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to public facilities, health care, or the provision of other government services, but the law was rarely enforced.

In 2012 parliament passed the Law on Social Inclusion of People with Disabilities to protect the rights of persons with disabilities and ensure nondiscrimination in employment, education, health care, and public life. The law prohibits construction companies from designing or constructing buildings without special access for persons with disabilities and requires transportation companies to equip their vehicles to meet the needs of persons with disabilities. The law also requires that land, railroad, and air transportation authorities ensure access for persons with disabilities and adapt public spaces and transportation to provide access for persons in wheelchairs. The airport administration must provide an escort for persons with disabilities. The provisions of the law are in line with EU standards. There was little progress in their enforcement during the year, however.

The country had approximately 183,693 persons with disabilities, including 14,753 children, a large number of whom often faced discrimination, social exclusion, poverty, unemployment, and lack of access to public services. The state paid a monthly allowance of 500 to 1,000 lei (\$41-\$82) to persons with disabilities. According to the Ministry of Education most of the 4,400 children in residential institutions were children with disabilities. The Ministry of Health reported that 27 percent of them were children with congenital diseases, 26 percent had mental disabilities, and 20 percent had health conditions related to the nervous system.

While children with disabilities are entitled to home schooling provided by the government, officials often ignored the law or implemented it to minimal effect, particularly in rural areas. In many cases children with disabilities, even those whose disabilities would not prevent them from attending school, declined schooling to avoid discrimination. Schools were often ill equipped to address the needs of children with disabilities. A UNICEF study determined that 5,800 children with disabilities did not attend school during the year. Some children with

disabilities attended regular schools, while others were placed in boarding schools, including “special” boarding schools, or were home schooled. The reform of the residential system aims at integrating as many children with disabilities as possible into regular schools.

In Transnistria children with disabilities rarely attended school and lacked access to specialized resources.

Official regulations mandate access to buildings for persons with disabilities, and most government buildings provided such access. While many newly built or reconstructed private buildings were accessible, older buildings often were not. Persons with limited mobility complained about the lack of access to public transportation and public institutions, and the lack of designated parking places. Even in cases where institutions had ramps, they often did not fit a standard wheelchair, or were too steep or slippery. Most of the access ramps at street crossings did not correspond to the required standards for access for wheelchair users. The government provided few resources to train those with disabilities. The Social Assistance Division in the Ministry of Labor, Social Protection, and Family and the National Labor Force Agency were responsible for protecting the rights of individuals with disabilities.

The network of social services was expanded to include specialized services, such as social assistance, support, and counseling to foster the beneficiaries’ social inclusion. There were 102 community service centers for persons with disabilities in the country, including three community houses with a total of 14 children with mental disabilities and two specialized homes with a total of eight persons with disabilities. There were also nine mobile support groups providing social assistance, medical and psychological support to 614 beneficiaries, and family support services for 155 persons with disabilities. The government budgeted 9,500,000 lei (\$780,000) for services to persons with disabilities during the year.

There were 9,500 persons nationwide with visual disabilities, of whom 3,500 were fully blind. Ballots were not available in Braille, but the Central Electoral Commission started a pilot project to provide ballots in Braille for voters with visual disabilities in the next parliamentary elections.

According to the Ombudsman for Psychiatry, there were serious violations in many psychiatric and psycho-neurological boarding institutions, including physical and psychological abuses, malnutrition, and a lack of legal protection for persons with mental disabilities. Many persons with mental disabilities were isolated in

psychiatric institutions. In some areas in the Balti psychiatric hospital there was a persistent smell of urine and feces. In some units up to 30 residents were forced to share the same room without any basic commodities or furniture to store personal belongings. The Psycho-Neurological Social Care Home in Brinzeni was overpopulated. The institution hosted 311 persons, and each person had approximately 21 square feet of space, well under the 81 square feet required by government regulation. Forced labor in institutions remained a problem. Female patients of psycho-neurological institutions reported forced medication and forced abortions.

Although the law provides for equal employment opportunities and prohibits discrimination against persons with disabilities (with the exception of jobs requiring specific health standards), many employers either failed to accommodate or avoided employing such persons. The Law on Social Inclusion of Persons with Disabilities requires that 5 percent of the workforce in companies with 20 or more employees must be persons with disabilities. Its provision that persons with disabilities are entitled to two months of paid annual leave and a six-hour workday can make it more difficult for persons with disabilities to find employment. In 2012 the government increased pensions for persons with disabilities by 9.6 percent. In March parliament endorsed a government decision to provide a small additional allowance to persons with disabilities.

Transnistrian “legislation” provides for protection of the rights of persons with disabilities in the areas of education, health care, and employment. Reliable information regarding the treatment of persons with disabilities in Transnistria was lacking.

### **National/Racial/Ethnic Minorities**

Roma continued to be one of the most vulnerable minority groups in the country and were often subject to social marginalization and societal discrimination. Roma had lower levels of education, more limited access to health care, and higher rates of unemployment than the general population.

While the 2004 census counted 12,271 Roma in the country, Romani NGOs estimated the actual number to be as high as 250,000, including 100,000 persons of voting age. NGOs asserted that government census forms allowed persons to identify with only one ethnic group and that many Roma declined to identify themselves as such.

The literacy level of Roma was well below the national average. According to official estimates, one in five Roma could not read or write. Romani NGOs estimated that 80 percent of Romani children were illiterate. Approximately 43 percent of Romani children between the ages of seven and 15 did not attend school. The Romani NGO Vocea Romilor reported that more than 2,000 Romani children were unable to attend school due to poverty. The reasons for nonattendance included parents' lack of money to buy clothing and books for school or to pay unofficial school fees required for repairs, supplies, and other school expenses, as well as discrimination that Romani children faced at school. According to Romani families, their children were subject to hazing and discrimination from both fellow students and teachers. Very few Roma received a secondary education, and only 4 percent of Roma had a higher education degree, compared with 38 percent of non-Roma. An investigative report showed that Romani children were segregated even in schools in areas with a predominantly Romani population. For example, in a city in northern Moldova, Romani children studied separately from non-Romani children. According to the Romani community, this segregation contributed to the isolation and poor academic performance of the Romani children. Authorities lacked an effective mechanism to address vulnerable families whose children did not attend school.

Approximately 60 percent of Romani families lived in rural areas. Living standards were poor in many Romani communities. In 2012 Amnesty International released a report which estimated that 59 percent of the country's Roma lived in absolute poverty. More than 80 percent of Romani households did not have access to potable water, a bathroom, or sewage systems, compared with more than 50 percent of non-Romani households.

Other problems facing Roma included denial of emergency health-care services to Roma in secluded settlements, unfair or arbitrary treatment by health practitioners, a gap between Roma and non-Roma in rates of coverage by health insurance, and discrimination against Roma in the job market. The unemployment rate for Roma was 29 percent, compared with 6.7 percent for the non-Romani population. There were no Roma in elected office, and an extremely limited number worked in any capacity in public administration.

In July the government approved a decision that established local government mediators with Romani communities and allocated 460,000 lei (\$38,000) to recruit the first 15 Romani community mediators during the year. The community mediators act as intermediaries between the Romani community and local public

authorities, mediate disputes, and facilitate the community's access to public services. As of November, seven community mediators were operational.

In Transnistria authorities continued to discriminate against Romanian speakers. While the use of the Latin alphabet is forbidden by the Transnistrian "constitution," and reading or writing in the Latin script is punishable by a fine of approximately 480 lei (\$40), the extent of enforcement of this rule was unknown. Transnistrian authorities allowed eight Latin-script Romanian-language schools (five high schools and three elementary schools) under the Moldovan Ministry of Education to operate in Transnistria. Approximately 7,700 children in the region attended these eight schools.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

As of 2012 the law prohibits discrimination against LGBT persons in the area of employment. Governmental and societal discrimination based on sexual orientation and gender identity continued during the year.

On May 23, parliament introduced an amendment to Law 117 entitled "Public activities with negative impact on minors" in the Code of Administrative Offences. On July 5, the president signed the amendment into law, and it entered into force on July 12. The amendment prohibits the "dissemination of information/or carrying out acts aimed at spreading prostitution, pedophilia, pornography or some other relations than those related to marriage and family, in accordance with the Constitution and the Family Code," which several human rights NGOs criticized as being anti-LGBT. On October 11, parliament repealed the amendment after pressure from human rights organizations.

In February 2012, eight localities, including Balti, passed resolutions banning "aggressive propaganda of nontraditional sexual orientations" and "homosexual demonstrations." Moldovan Orthodox Church representatives welcomed the decision and called on other local councils to adopt such initiatives. The LGBT rights NGO Genderdoc M challenged the Balti decision in court. In July the Court of Appeals canceled the anti-LGBT decree adopted by the Balti municipal council. The other seven decisions have either been overturned or challenged in court by the State Chancellery.

In May 2012 parliament passed the antidiscrimination Law on Ensuring Equality. The Moldovan Orthodox Church and a number of political parties strongly

opposed the law because it included protections for sexual minorities in the area of employment, while human rights activists criticized the law for abandoning broader protections for sexual minorities that had been included in earlier drafts.

Genderdoc M reported an increase in hate crimes against the LGBT community during the year. Four hate crimes against LGBT persons were committed between June and August. According to Genderdoc M, the crimes were committed according to a similar pattern: The victims were selected via gay dating sites, asked out, and then beaten. In all four cases the offenders were identified and prosecuted. Two offenders were sentenced to prison for similar offenses in 2012. Genderdoc M also reported 21 total violent incidents against LGBT persons during the year. Thirteen cases were reported to police, and the perpetrators were identified. Two cases were sent to court, and five cases were settled out of court.

Civil society organizations reported discriminatory practices and harassment of LGBT individuals by police and border authorities, the inability of transgender or transsexual persons to change personal documents during or following gender reassignment, and employment discrimination.

While authorities allowed individuals to change their names (for example, from a male name to a female name), the government did not allow persons to change the gender listed on their identity cards or passports. A May 2012 court of appeals decision gave transgender persons the right to change their gender on their official documents without compulsory gender reassignment surgery, but the court later reversed itself, and the case remained pending. In November 2012 the Supreme Court of Justice issued a nonbinding recommendation to lower courts that transgender individuals be permitted to change the gender on their civil documents. In December 2012 the Ministry of Health established a commission to determine gender identity and issue certificates that can be used to apply for new documents. As of September no new identification for transgender persons had been issued. According to Genderdoc M, there were approximately 30 transgender persons living in the country.

In Transnistria consensual same-sex activity is illegal, and LGBT persons were subject to governmental and societal discrimination.

### **Other Societal Violence or Discrimination**

Persons living with HIV continued to face societal and official discrimination.

The law prohibits hospitals and other health institutions from denying admission or access to health-care services to persons with HIV or those perceived or suspected to be HIV-infected or from requesting increased fees for services from them. IDOM and UN representatives reported cases of HIV-positive patients being refused appropriate medical treatment and being discriminated against because of their status. In a Stigma Index Study in April 2012, approximately 50 percent of respondents reported that medical staff disclosed their HIV status without their consent.

Two patients were refused, under various pretexts, access to proper medical care because of their HIV status. In one case, after prolonged referrals from one hospital to another, the patient's health deteriorated so significantly that she died as a result of a lack of treatment. In a separate case, doctors in Orhei denied medical care to a pregnant patient after they discovered her HIV status. IDOM is pursuing both cases in court.

While various laws enshrine patient confidentiality as an inherent right and prohibit the unauthorized disclosure of personal medical information, NGOs reported numerous cases of an individual's HIV status being disclosed by physicians or nurses. Such instances occurred primarily in rural areas and smaller communities with relatively few patients. The government took no measures to prevent such abuses. Disclosure of a person's HIV status often resulted in the individual's children being ostracized in kindergartens and schools, and employers found reasons for dismissal. Patients whose HIV status was disclosed avoided taking action publicly against medical workers due to fear of further discrimination.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides workers the right to form and join independent unions and bargain collectively but specifically forbids police and members of the armed forces from joining unions. The law provides for the right to strike, except for government workers and workers in essential services such as law enforcement. Health-care providers and public utility employees are not allowed to strike during duty hours. Political strikes are prohibited. Compulsory arbitration may be imposed at the request of one party to a dispute. The law prohibits antiunion discrimination but does not provide for the reinstatement of workers fired for union activity.

The law does not provide effective sanctions for violations of freedom of association or stipulate penalties for violating trade union rights. Resources, inspections, and remediation were generally inadequate. According to the National Trade Union Confederation of Moldova (CNSM), prosecutors initiated no cases of criminal investigations for infringement of the right to organize and bargain collectively during the year. According to the CNSM there was little cooperation between the Prosecutor General's Office and trade unions. The CNSM leadership believed that the Prosecutor General's Office was politically affiliated and was not interested in initiating cases against the business interests of those in power.

Labor organizations reported that labor inspectorates and prosecutors' offices failed to monitor and enforce the right to organize effectively. In October the CNSM formed its own labor inspectorate to protect employee rights better. Through June this office performed 135 inspections visiting 114 companies comprising 14,000 employees, and documented 2,112 infringements, including 1,733 health and safety standard infringements and 379 labor law infringements. Some employers, refused to negotiate the creation of a trade union organization. Prosecutors may reject appeals by trade unions alleging antiunion behavior, and alleged violations of the trade union law remained unpunished during the year.

The right to bargain collectively and the right to organize were not always respected, and unions could acquire legal status only if they were members of national, sectoral, or intersectoral organizations. According to the CNSM, creation of new unions remained a problem due to employers' resistance. Workers exercised the right to strike by conducting legal strikes during the year.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, with exceptions. The law and a government decision allow central and local authorities, as well as military bodies, to mobilize the adult population under certain conditions, such as national disasters, and to employ such labor to develop the national economy. The government did not invoke this provision during the year. Resources, inspections, and remediation for forced labor were generally inadequate.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for unrestricted employment is 18. The law permits juveniles between the ages of 16 and 18 to work under special conditions, including shorter workdays, but prohibits their working night, weekend, holiday shifts, or on overtime. Fifteen-year-old children may work only with written permission from a parent or guardian. The law prohibits the worst forms of child labor. The law provides for three to 15 years' imprisonment for persons engaging children in the worst forms of child labor, and under aggravated circumstances the sentence could be life imprisonment.

Legal protections were not effectively enforced, and child labor remained a problem. Parents who owned or worked on farms often sent children to work in fields or to find other work. According to a 2010 UNICEF study of working children, an estimated 109,000 children, or 18.3 percent of children, fell into the category of child laborers, 63 percent of whom were between five and 14 years of age, and 91 percent of whom were from rural areas. The vast majority of child laborers worked in family businesses or on family farms.

In the past farms and agricultural cooperatives reportedly signed contracts with school directors to allow students to work during the harvest high season. In 2012 the Ministry of Education adopted a decision prohibiting students from agricultural work during the training/school period.

Children were reportedly subject to trafficking within and outside the country for labor and begging. Girls were mostly subject to trafficking in Turkey, Russia, Cyprus, and the United Arab Emirates. Boys were subject to labor trafficking in the construction, agriculture, and service sectors in Russia and other countries in the region. NGOs suspected that only a small percentage of cases of human trafficking were officially registered and assisted. The actual number of victims was unknown.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

There are separate minimum wages for the public and private sectors. In May the minimum monthly wage in the private sector was set at 1,400 lei (\$115) per month. The government, unions, and company owners agreed on the amount after lengthy negotiations. In June the government increased the minimum monthly wage for

the public sector by 30 percent to 900 lei (\$74). According to official data the minimum monthly subsistence income level was 1,608 lei (\$133) in the first half of the year. The labor code requires equal pay for equal work. According to the CNSM, salary arrears to employees amounted to 112 million lei (\$9.2) million as of August.

The law sets the maximum workweek at 40 hours with extra compensation for overtime and provides for at least one day off per week. The law prohibits excessive compulsory overtime. The law gives foreign and migrant workers a status equal to domestic workers.

The labor code requires work contracts for employment. The law requires registration of contracts with local officials and sending copies to the local labor inspectorate. Through July the labor inspection office reported that 197 persons were employed at 106 enterprises without such contracts. There were no reports of such contracts in the agricultural sector, and the central government did not have an effective mechanism to monitor compliance, which was coordinated by the labor inspection office.

The government is required to establish and monitor safety standards in the workplace, and the labor inspection office was responsible for enforcing health and safety standards. During the first seven months of the year, the office performed 3,637 inspections, 1,846 of which were health and safety inspections and 1,791 in the field of labor relations/legislation. The office inspected more than 3,000 companies (enterprises, institutions, and organizations) that employed more than 125,000 persons, including 61,000 women and 12 minors. It documented 41,737 infringements, including 21,392 of health and safety standards and 20,345 of labor laws.

A thriving informal economy accounted for a significant portion of the country's economic activity. Union representatives believed that the informal economy employed approximately 50 percent of the workforce. Workers in the informal economy did not have the same legal protections as formal employees.

Poor economic conditions led enterprises to spend less on safety equipment and to give inadequate attention to worker safety. During the year the Ministry of Labor, Social Protection, and Family reported that the number of labor accidents decreased and that enterprises spent 15 percent more on worker safety measures. Labor inspection office representatives noted severe financial and legal constraints on inspectors' activities, ranging from a lack of internet access, training, and fuel

for inspectors to a system of incentives that drives employers to pay minimal fines for violations rather than address underlying problems. The government reported 393 accidents, of which 92 were labor accidents, 30 of which resulted in deaths. Labor inspectors reported 62 severe accidents with 76 persons injured, including 10 women.