



U.S. DEPARTMENT of STATE

Moldova**Country Reports on Human Rights Practices - 2002**

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The Constitution of Moldova, adopted in 1994, provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. Parliament amended the 1994 Constitution in July 2000 transforming the country into a parliamentary republic and changing the presidential election from a popular to a parliamentary vote. In December 2000, after several tries, Parliament was unable to elect a president, and President Petru Luchinschi dismissed the Parliament. In February 2001, parliamentary elections were held, which resulted in a new communist-majority Parliament and Government. International observers considered the parliamentary elections to be generally free and fair; however, authorities in the separatist Transnistria region interfered with the ability of residents there to vote. In April 2001, Parliament elected Communist Party leader Vladimir Voronin as President. The Constitution provides for an independent judiciary; however, observers reported that judges remained subject to outside influence and corruption.

In 1991 separatist elements, assisted by Russian military forces in the area, declared a "Dniester Republic" in Transnistria between the Dniester River and Ukraine. The Moldovan Government does not control Transnistria. Unless otherwise stated, all references herein are to the rest of the country.

The Ministry of Internal Affairs has responsibility for the police. The Information and Security Service (ISS) controls the other security organs, except for the Border Guards, which are a separate agency. The Constitution assigns to Parliament the authority to investigate the activities of the Ministry of Internal Affairs and the ISS and to ensure that they comply with existing legislation. The ISS has the right to investigate crimes but not to arrest individuals. There were reports that the security forces committed some human rights abuses.

The country has a population of approximately 4.35 million, of whom approximately 750,000 live in Transnistria. The Government was engaged in a program of privatization; agriculture, the most important economic activity, largely has been privatized. The majority of manufacturing sector enterprises were owned privately, but small equity positions (even 5 to 10 percent) gave the Government disproportionate influence in the affairs of these enterprises. Most small shops and virtually all service sector businesses were owned privately. The "shadow economy" reportedly accounted for 30 to 70 percent of the economy. According to government statistics, approximately 82 percent of the population lived below the officially designated "subsistence minimum."

The Government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transnistria authorities was poor. Citizens generally have the right to change their government, although this right was restricted severely in Transnistria. The Government allegedly engaged in extralegal maneuvering to remove the popularly elected governor of the autonomous region of Gagauzia. There were some reports that authorities tortured and beat persons, particularly persons in police custody and Roma. Prison conditions remained harsh, with attempts to improve them hampered by lack of funding. The judicial system, while underfunded and subject to outside influences and corruption, continued to demonstrate independence from the Government and Parliament. It is believed widely that security forces monitored political figures, used unauthorized wiretaps, and at times conducted illegal

searches. There were some restrictions on freedom of the press, including defamation and calumny laws that encouraged self-censorship. There were legal limits on freedom of association. Religious practice generally was unrestricted; however, a few religious groups encountered difficulties in obtaining official registration. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the U.N. High Commission for Refugees (UNHCR). Violence and societal discrimination against women and Roma persisted. There were some limits on workers' rights. Trafficking in women and girls continued to be a very serious problem that began receiving greater attention from the Government. Moldova was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The Transnistrian authorities reportedly continued to use torture and orchestrated a serious physical attack against an NGO leader on at least one occasion. Arbitrary arrest and detention remained a problem. Prison conditions in Transnistria remained harsh, and three ethnic Moldovan members of the Ilascu group remained in prison despite charges by international groups that their trials were biased and unfair. Human rights groups were not permitted to visit prisoners in Transnistria. The Transnistrian authorities harassed independent media, restricted freedom of association and of religion, and discriminated against Moldovan/Romanian-speakers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents in the country or its separatist region.

b. Disappearance

There were two reports of politically motivated disappearances.

Member of Parliament and Deputy President of the opposition Popular Christian Democratic Party (PPCD) Vlad Cubreacov disappeared on March 21 and reappeared in good health on May 25. The disappearance has not been explained, but Cubreacov was actively involved in organizing PPCD-led anti-Communist protests, has worked as counselor for the Bessarabian Metropolitan Church, and has been a loud and critical voice in the country's delegation to the Council of Europe's Parliamentary Assembly.

On August 2, Deputy Director of the Department of Informational Technologies Petru Dimitrov was kidnaped and remained missing at year's end. Law enforcement officials stated that witnesses saw two men kidnaping Dimitrov.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The Constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were allegations that police arrest and interrogation methods were cruel and degrading and unconfirmed reports by inmates that prison guards beat them.

On March 7, officers of a special detachment of the Ministry of Interior Affairs allegedly beat and detained Gagauz official, Ivan Burgudji (see Section 1.d.).

The European Roma Rights Center reported that law enforcement officials regularly subjected Roma to torture or other cruel, inhuman, or degrading treatment or punishment (see Section 5).

The Chisinau municipal Prosecutor's Office began investigating the case of violent clashes in Chisinau between police and students in 2001, but it has never released the results and the case was suspended during the year.

The Helsinki Committee reported that local authorities used torture in Transnistrian Prison Number Two during a military training exercise there in August 2001. According to the Helsinki Committee, approximately 50 convicts sustained injuries during these "lessons in behavior." Transnistrian authorities and part of the Transnistrian press denied that soldiers tortured the prisoners.

There were unsubstantiated reports by local nongovernmental organizations (NGOs) of involvement by government officials in the trafficking of women and girls (see Section 6.f.).

Conditions in most prisons in both Transnistria and the rest of the country remained harsh with serious overcrowding. Cell sizes did not meet local legal requirements or international standards. Conditions were especially harsh in prisons used to hold persons awaiting trial or sentencing. As of September 1, 3,020 individuals were awaiting trial (see Section 1.d.). These prisons suffered from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences were only marginally better. The incidence of malnutrition and disease, especially tuberculosis, was high in all prison facilities. The medical section of the Department of Penitentiaries released figures at year's end showing that 1,035 inmates had active tuberculosis and 191 had HIV/AIDS. The mayor of the Transnistrian-controlled city of Bender insisted that the central Ministry of Justice abandon a hospital-prison for tuberculosis-infected inmates in his city. Bender authorities intermittently cut off utilities to the prison, blocking them permanently in late September. Attempts to improve prison conditions continued to be frustrated by a lack of financing. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, was reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continued at diminished levels.

Female prisoners were held separately from male prisoners. According to UNICEF, the country had only one small facility, similar to a detention camp, for juveniles convicted of crimes, and one women's prison had a small section for juvenile girls. There is no juvenile justice system (see Section 1.e.). Children accused of crimes usually were tried by the criminal courts and, if sentenced, sent to adult prisons where they were held in separate cells. Pretrial detainees were held separately from convicted prisoners, although according to one report, there were cases in which convicted prisoners remained in pretrial detention facilities after conviction due to overcrowding in prisons.

In general both government and independent human rights observers were permitted to visit prisons. The Moldovan Center for Human Rights made regular prison visits during the year. The Government has cooperated with the International Committee of the Red Cross (ICRC) in the past, permitting visits to prisoners from the 1992 conflict; however, an ICRC request for permission to visit the Ilascu Group, imprisoned in Transnistria, was denied.

d. Arbitrary Arrest, Detention, or Exile

The Soviet Code on Penal Procedure, which prohibits arbitrary arrest and detention, has remained in force with some amendments since before independence, and authorities generally respected its provisions. On April 18, Parliament adopted a new Penal Code, which was scheduled to come into effect on January 1, 2003. Experts from the Organization for Security and Cooperation in Europe (OSCE) and the American Bar Association/Central and Eastern European Law Initiative assisted a parliamentary commission in drafting the new code. Judges issued arrest warrants based on cases presented by prosecutors.

Under the Constitution and the Penal Procedure Code, detainees must be informed immediately of the reason for their arrest and must be made aware of the charges against them as quickly as possible. As a result of a constitutional change that took effect in August 2001, a suspect may be detained without charge for 72 hours, an increase from 24 hours. Under the Constitution, the accused has the right to a hearing before a court regarding the legality of his arrest.

A suspect normally is allowed family visits and has the right to a defense attorney throughout the entire process (see Section 1.e.). The attorney must be present when the charges are brought. Many lawyers pointed out that access to a lawyer generally was granted only after a person had been detained for 24 hours, and often the accused were presented with the charges against them without the presence of a lawyer.

If charged, a suspect may be released on personal recognizance pending trial. No system of bail exists, but in some cases, to arrange release, a friend or relative was allowed to give a written pledge that the accused will appear for trial. Suspects accused of violent or serious crimes generally were not released before trial.

On March 7, Gagauz official and well-known Gagauz nationalist, Ivan Burgudji, was beaten and arrested in his local government office by what is believed to have been a special detachment of the Ministry of Internal Affairs. A week earlier he and two other local officials were charged with disrupting a February 24 referendum organized in the region by pro-Communist local leaders to attain a popular vote of no confidence in then-Governor of Gagauzia, Dmitry Croitor. However, the official charges for his arrest were "abuse of power" and "malicious hooliganism." Burgudji was held until April 17, when he was released on bail. The case against him was still ongoing at year's end. Because the February 24 referendum was not organized in accordance with national legislation, critics charged that political reasons led to the charges and Burgudji's detention.

Local and international NGOs reported arbitrary detention and arrests of Roma without cause or warrants, often without access to a lawyer (see Section 5).

The Constitution and the Penal Procedure Code permit pretrial detention for an initial period of 30 days, which a court may extend to 12 months. Parliament may also approve the extension of pretrial detention to 12 months on an individual basis. Detentions of several months were fairly frequent, and in some rare cases pretrial detention was extended for several years. At year's end, according to figures provided by the Ministry of Justice, 3,020 persons of a total prison population of 10,837 were held in confinement awaiting trial. The total prison population of minors was 251. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the UNHCR (see Section 2.d.).

At times during the year, the Transnistrian authorities used a 1994 decree to impose a "state of emergency" in the region that allowed law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. Such arbitrary detention procedures usually were applied to persons suspected of being critical of the regime and sometimes lasted up to several months. According to a credible report by Amnesty International (AI), many such persons were held in pretrial detention in Transnistria during the year. The decree was formally lifted in October 2001; however, the authorities in Transnistria continued to exercise arbitrary detention as common practice. The most recent example of this was the 2-week August detention of Nicolae Speian, director of the Grigoriopol-based school using the Latin script for instruction of Romanian/Moldovan (see Section 2.a.). Speian was charged with hooliganism for insulting the Chairman of the Grigoriopol district and received an administrative punishment of 15 days of detention.

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

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, many observers believed that arrears in salary payments made it difficult for judges to remain independent of official pressure and free from corruption. On July 25, Parliament passed a salary increase for all judges and prosecutors that went into effect on November 1.

The Constitutional Court showed strong signs of independence during the year. The Court issued a number of rulings balancing out several controversial initiatives of the Communist authorities that both the opposition and the Parliamentary Assembly of the Council of Europe (PACE) criticized. These included two decisions resulting in the annulment of the most controversial parts of a

retrogressive Soviet-style territorial-administrative change: A March 14 decision struck down key parts of the public administration law, including the provision that mayors no longer be popularly elected; and a February 19 decision led to the cancellation of early local elections. The Court also struck down provisions regarding an increased use of the Russian language, which helped relieve the tense situation between authorities and the opposition during months of protests (see Section 2.b.). The Court's decisions generally were regarded as fair and objective; however, critics charged that the government's reappointment decisions were based on judges' political loyalty. Critics frequently charged that other courts were corrupt or politically influenced, but these charges remained hard to prove.

The judiciary consists of lower courts, five appellate courts (tribunals), a Higher Court of Appeals, and a Supreme Court. The Supreme Court supervises and reviews the activities of the lower courts and serves as a final court of appeal. A separate Constitutional Court has authority exclusively in cases regarding the constitutionality of draft and final legislation, decrees, and other government acts.

The Constitution provides that the President, acting on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. This provision for tenure was designed to increase judicial independence. Beginning in 2000, judges being considered for reappointment have been required to take a specialized training course at the Judicial Training Center, after which they were subject to tests evaluated by the Superior Council of Judges. The results were considered when making reappointment decisions. This process was designed to increase the professionalism of the judges.

The Prosecutor General's office is an autonomous office within the judiciary branch that answers to Parliament. Since 1997 prosecutors have had the right to open and close investigations without bringing the matter before a court, which gave them considerable influence over the judicial process. The Prosecutor General's office is responsible for criminal prosecution, the presentation of formal charges before a court, and the overall protection of the rule of law and civil freedoms.

There is no juvenile justice system (see Section 1.c.). Children accused of crimes usually were tried by the criminal courts.

By law defendants in criminal cases are presumed innocent; however, in practice prosecutors' recommendations still carried considerable weight and limited the defendant's actual presumption of innocence. Trials generally were open to the public. Defendants have the right to a lawyer and the right to attend proceedings, confront witnesses, and present evidence. If the defendant cannot afford an attorney, the Government requires the local bar association to provide one. Because the Government was unable to pay ongoing legal fees, defendants often did not have adequate legal representation. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review the evidence against their clients when preparing cases. The accused has a right to appeal to a higher court. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Moldovan/Romanian.

Due to a lack of funding for adequate facilities and personnel, there was a large backlog of cases at the tribunal and Higher Appeals Court levels. According to the Justice Ministry, only approximately 75 percent of all court rulings were carried out due to the economic crisis, a lack of judicial and prosecutorial resources, and the absence from the country of many working-age individuals against whom judgments were levied.

There continued to be credible reports that local prosecutors and judges extorted bribes for reducing charges or sentences. There was no progress in the case of the 2001 request by the Prosecutor General to dismiss a judge so that he would lose immunity and could be prosecuted; the judge had freed an alleged leader of an organized crime group specializing in targeted killings and kidnappings, reportedly for a large bribe.

The country has a military justice system, whose courts have generally the same reputation as

civilian courts. A military prison, used only for disciplinary cases for members of the armed forces, is housed at Marculesti air force base.

In Transnistria three ethnic Moldovan members of the Ilascu Group remained in prison following the May 2001 release of their leader. The European Court of Human Rights (ECHR) has not yet ruled on a case that the wives of the Ilascu Group filed in 1999 against Moldova and Russia and did not withdraw after the leader's release last year. Ilascu, who subsequently became a Romanian parliamentarian, and international organizations continued to urge the Transnistrian authorities to release the remaining members of the Ilascu Group or retry them in a proper court under international monitoring, despite a decrease in public attention following Ilascu's release. Transnistrian authorities denied the ICRC's repeated requests during the year for permission to see these prisoners (see Section 1.c.).

There were no reports of political prisoners other than those in Transnistria.

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

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

No judicial review exists for search warrants, which prosecutors issue. It was believed widely that the security agencies conducted illegal searches without proper authorization. Courts did not exclude evidence that was obtained illegally. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. The Constitution also forbids searches at night, except in the case of flagrant crime, and this prohibition generally was respected. By law the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is underway; however, in practice the prosecutor's office lacked the ability to control the security organizations and the police or to prevent them from using wiretaps illegally. It was believed widely that security agencies continued to monitor residences and telephones electronically.

Since September 2001, police reportedly informed persons of Middle Eastern origin that they were being monitored carefully. As of September, police again reportedly enhanced their surveillance of foreign Muslim students.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the law provide for freedom of speech and of the press; however, there were some restrictions on these rights. The Government generally did not limit freedom of speech; however, it used provisions of the electoral law and a calumny law against some critics, and journalists practiced some self-censorship. Nevertheless there was an active independent media.

The print media expressed a wide variety of political views and commentary. National and city governments subsidized a number of newspapers. Political parties and professional organizations, including trade unions, also published newspapers. Most newspapers had a circulation of fewer than 5,000 copies. There were several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. Three independent television stations operated in the Chisinau area and one in the city of Balti. The Chisinau licensed stations mostly rebroadcast programs from other stations, along with local news shows and some of their own programs. The Government owned and operated several radio stations and a television station that covered most of the country. Some local governments, including Gagauzia, operated television and radio stations; however, during the year central authorities sought to limit Gagauz media independence.

The number of media outlets that were not owned and operated publicly by the State or a political party grew. However, most of these independent media remained in the service of and secured

large subsidies from political movements, commercial or ethnic interests, or, until last year, foreign governments. In July 2001, Parliament amended the Press Law to prohibit funding or support of Moldovan publications by foreign governments. Observers presumed that the amendment was aimed at Romanian government support for opposition groups; however, the new prohibition also may apply to publications funded as part of international aid programs and potentially could hinder human rights groups, foreign donors, sponsors of democratization projects, and other nonpolitical organizations. At year's end, no cases had been opened against any publications for receiving financial support directly from foreign donors. Romanian-supported publications circumvented the law by receiving funds from "foundations" created for this purpose, while the Government has not attempted to prosecute publications receiving direct funds from other states.

The state-run Audio-Visual Council (AVC) requires cable television companies to carry state television shows. In February 2001, Catalan-TV, an independent station that was in arrears for nonpayment of its station license fees, ceased operations after the AVC withdrew its license, ostensibly because of the arrears. However, observers noted that despite repeated warnings, Catalan had continued broadcasting materials during the parliamentary elections that were in violation of the electoral law, which limits broadcasting time to each party.

A 1995 law requires that a minimum of 65 percent of broadcasting be in the state (Moldovan/Romanian) language. In August 2000, the AVC issued citations to several radio and television channels and threatened to revoke their licenses for their failure to respect this requirement. This action led to renewed controversy over the status of the Russian and Moldovan/Romanian languages (see Section 5). In 2000 following protests from both domestic and foreign groups, Parliament approved an interpretation of the law that 65 percent of locally produced content, rather than 65 percent of total airtime, had to be in the state language. In 2001 Parliament also eliminated the legal requirement that all advertisements be accompanied by a translation in the state language and allowed advertisers to use any language.

Although the Constitution restricts press freedoms and some speech by forbidding "disputing or defaming the State and the people," these restrictions lack implementing legislation and were not invoked. However, a calumny law prohibits defaming high-level public officials. In the past, criticism of public figures resulted in a number of lawsuits. As a consequence, journalists practiced self-censorship to avoid lawsuits. The Supreme Court in 1999 overturned an article in the Civil Code that allowed public figures to sue for defamation without distinguishing between their public and private persons. Under this ruling, parties filing lawsuits must prove that the information was false and defamatory and published recklessly or with intentional malice. Since then, plaintiffs generally have lost in cases in which suits have been filed against journalists and media organs. Under the calumny law, the Prosecutor General investigated and prosecuted the former head of the Department to Combat Corruption and Organized Crime, General Nicolae Alexei, who had become a parliamentary deputy and a member of the opposition Christian Democratic Party. Many observers believed that this affiliation was the real reason for his being charged. The Supreme Court of Justice did not rule on Alexei's case by year's end.

The Constitution prohibits censorship, and the Government officially did not censor books, films, or any other media; however, members of Parliament and other government officials often contacted a media outlet with complaints about their reporting, which usually resulted in the criticism being toned down. On February 26, an estimated 4,000 demonstrators, including many employees of state television, protested what they termed censorship by the national public broadcasting company "Teleradio-Moldova." They protested the station's failure to cover antigovernment demonstrations in downtown Chisinau and its exclusion of opposition viewpoints from broadcasts. A special commission was formed on March 7 to address these charges. In an effort to comply with a Council of Europe recommendation for the creation of an independent public broadcasting system, on July 26, Parliament adopted a new law on the national public broadcasting company "Teleradio-Moldova." The law nominally transformed the state broadcasting company into an independent public television and radio broadcaster; however, articles 12 through 19, which outline the administrative structure of the company, suggest that the Government maintains significant control. Critics and PACE urged authorities to revise the law based on input from associations representing the media and the political opposition and the recommendations on the Council of Europe.

Print and broadcast journalists reportedly practiced self-censorship regularly due to government and public figures' use of the electoral and calumny laws to sue for defamation and complaints from authorities of news coverage.

In November 2001, the Government charged an independent publication, Kommersant Moldovy, with being a danger to state security for its alleged support for the separatist Transnistria regime and closed it on the grounds that it was having financial troubles. The paper re-opened under the name Kommersant Plus only a few days later and maintained a pro-Transnistrian political view.

The Government did not restrict foreign publications. However, some foreign publications were not widely circulated due to high costs. Russian newspapers were available, and some published special Moldovan weekly supplements. The country received television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers received a variety of other foreign television programs, including news programs. Few residents had satellite television. Parliament has prohibited the use of locally based foreign media outlets for political campaigning.

In 2000 legislation was passed giving the public access to information from government organizations; however, few individuals knew of this right and government organizations largely did not comply with the law, claiming a lack of resources.

The Government did not limit Internet access. Private Internet accounts were prohibitively expensive; however, Internet cafes were plentiful in major cities.

Of the two major newspapers in Transnistria, one was controlled by the separatist authorities, and the other by the Tiraspol city government. There was one independent weekly newspaper in Benderi and another in the northern Transnistrian city of Ribnitsa. At times the independent newspapers criticized the Transnistrian regime, for which the separatist authorities harassed them. Other print media in Transnistria did not have a large circulation and appeared only on a weekly or monthly basis; some of them also criticized local authorities. Most Moldovan newspapers did not circulate widely in Transnistria, although they were available in Tiraspol.

The Government did not restrict academic freedom; however, during the year Transnistrian authorities increasingly pressured schools in the region teaching Moldovan/Romanian in Latin script (rather than Cyrillic script used in Soviet Moldova) and using the curriculum of the central Ministry of Education (see Section 1.d.). Authorities sanctioned a public school in Grigoriopol for clandestinely teaching in Latin script after petitions by a joint parent-teacher group to the local authorities proved unsuccessful. In September the Grigoriopol school was shut down, after which children took day trips to another city. In December the parents of these children were threatened with dismissal from their jobs in enterprises and institutions run by the Transnistrian authorities. Regional authorities repeatedly proposed evacuating schools No. 12 in Ribnitsa and No. 20 in Tiraspol and moving the students to locations outside the city center.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Mayors' offices issue permits for demonstrations and may consult the national government if a demonstration is likely to be extremely large; permits were issued routinely and without bias.

From January 9 to April 29, the opposition PPCD organized unauthorized protests against certain policies of the Communist authorities, such as measures to make Russian a second official language, extension of the teaching of Russian language in schools, and changing the history curriculum in schools from the current "History of the Romanians" course to a "History of Moldova" course. Protesters, who called for the resignation of the Communist party leadership, numbered at various times between several hundred and an estimated 30,000 supporters, though the opposition-controlled press greatly inflated the numbers. Smaller demonstrations took place in several towns across the country. During the last 4 weeks of demonstrations, protesters stayed around-the-clock in tents in front of the Parliament and the Presidential office buildings, blocking traffic on the central street. The PPCD asserted that the police impeded supporters from outside Chisinau from entering

the city, but the demonstrations took place without interference from the police, and there were no reports of violent clashes.

On April 24, tensions between the authorities and the PPCD decreased, and the protests ended after the Council of Europe adopted a resolution recommending that the PPCD cease its protests and that authorities introduce a moratorium on pushing new legislation on language and history issues, suspend criminal proceedings against PPCD M.P.s, and broaden opposition rights. Using the ambiguity of certain provisions in the Law on the Status of Deputies that pertained to parliamentarians' right to meet with their voters, the PPCD contended that these protests were "meetings with voters," which did not require municipal government permission. In July Parliament adopted a series of amendments to several laws, requiring M.P.s to request authorization from city governments for "meetings with voters." Subsequently, the PPCD requested a permit for a meeting with voters on August 31, a national holiday in the country. The mayor's office in Chisinau rejected the request in connection with the holiday events but issued a permit for September 1, when the event took place without incident.

In 2001 authorities began an investigation of violence that occurred during the April 2000 student demonstration, but they suspended the case during the year and never released the results.

The Transnistrian authorities usually did not permit free assemblies, and on those occasions when they did issue permits, they often harassed organizers and participants. Unregistered religious groups were not allowed to hold public assemblies, such as revival meetings (see Section 2.c.). Regional authorities at times organized mass rallies in their own support and called them "spontaneous rallies by the people."

The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, the controversial Article 41 of the Constitution states that organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are unconstitutional. Small parties that favor unification with neighboring Romania have charged that this provision is intended to impede their political activities; however, no group has been prevented from forming as a result of this provision. Private organizations, including political parties, were required to register, but applications were approved routinely. There were 27 parties at year's end.

The law on parties and other social-political organizations provides that the Ministry of Justice can suspend for a period of up to 1 year a party that violated the Constitution or the law after a written warning about the violations with a deadline for cessation of the unlawful activity. During electoral campaigns, only the Supreme Court of Justice can suspend a party's activity. After a January 17 warning, the Ministry of Justice suspended on January 22 the PPCD's right to operate in connection with the organization of the unauthorized protests. The Council of Europe, the European Union, and various countries expressed concern regarding the suspension of the PPCD. Tensions escalated with a February 5 parliamentary decision to hold early local elections on April 7, later recognized by the Constitutional Court as unconstitutional (see Section 3). On February 8, the Ministry of Justice cancelled the suspension order with reference to the official start of the electoral campaign and the recommendations received from European bodies. Although early local elections did not take place, the Ministry of Justice allowed the PPCD to operate and did not return to the suspension issue.

Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on invented charges. The Transnistrian "Supreme Court" ruled in March and May, respectively, that the cases against the two political parties—For Power to the People, For Social Justice, and People's Rule—would have to be re-investigated and sent them down to the Tiraspol City Court. In November 2001, a Transnistrian court closed the Komsomol youth organization, which re-registered under a different name. The case against People's Rule had reached the Supreme Court again, although no hearings had been held at year's end. The case against For Power to the People, For Social Justice was still under review at the City Court at year's end.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law includes restrictions that inhibited the activities of some religious groups. There is no state religion; however, the Moldovan Orthodox Church receives some special treatment from the Government. For example, the Metropolitan of Chisinau and All Moldova has a diplomatic passport. Other high-ranking Orthodox Church officials also reportedly have diplomatic passports.

The law requires that religious groups register with the Government. Unregistered religious organizations are not permitted to buy land or obtain construction permits for churches or seminaries. On July 12, Parliament adopted a package of amendments to the Law on Religion, simplifying the terms and procedures for recognizing religious organizations. The change was largely motivated by demands from the Council of Europe that the Government recognize the Bessarabian Orthodox Church. The amendments provide that in order to organize and function, religious organizations have to present to the state body for religions a declaration of creation, by-laws, and an explanation of their basic beliefs. Within 30 working days the state body then enters the organization into the Register of Religions. The amendments do not expressly provide that the state body is obliged to enter an organization into the Register, but the phrasing of the provisions suggests that registration is automatic. Under the new rules, at the request of the state body for religions, a court may annul the recognition of an organization if its activities are political or harm the "independence, sovereignty, integrity, security, or public order" of the country.

After years of denying it recognition, on July 30 the Government recognized the Bessarabian Orthodox Church (Metropolitan Church of Bessarabia) in accordance with the new, simplified procedure provided by the Law on Religion and the recommendation of the Council of Europe. However, the Government continued to deny registration to the Church of the True Orthodox of Moldova, a branch of the Russian Overseas Orthodox Church. After an appellate court decision in favor of the church in 2001, the Government appealed to the Supreme Court of Justice, which ruled on May 29 that the Government must register the True Orthodox Church. The Church of Jesus Christ of Latter-day Saints (Mormons) and the Spiritual Organization of Muslims in Moldova continued to face bureaucratic difficulties in the registration process.

The Law on Religion permits proselytizing, but explicitly forbids "abusive proselytizing," which is defined as "an attempt to influence someone's religious faith through violence or abuse of authority." The Government has not taken legal action against individuals or organizations for proselytizing.

Since 2000 "moral and spiritual" instruction is mandatory for primary school students and optional for secondary and university students. The Ministry of Education had planned for the instruction to begin in September 2000; however, difficulties arose in establishing the nature of this religious instruction that, combined with the chronic financial problems of the country's schools, delayed indefinitely the implementation of the decree on a national level.

The law provides for restitution to politically repressed or exiled persons whose property was confiscated during the successive Nazi and Soviet regimes. This regulation has been extended in effect to religious communities; however, the Moldovan Orthodox Church has been favored over other religious groups in this area. The Church had little difficulty in recovering nearly all of its property. In cases where property was destroyed, the Government offered alternative compensation. However, property disputes between the Moldovan and Bessarabian Churches have not been resolved. Despite being able to register and operate as a legal religion, representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. The Jewish community had mixed results in recovering its property. An appeal by the Molocans to Parliament remained pending at year's end.

The case continued throughout the year of three youths who were charged with vandalism for bombs thrown into a synagogue in Transnistria in 2001, which caused minor damage, but no verdict was reached by year's end. Perpetrators desecrated dozens of graves in Chisinau's main Jewish cemetery in April, destroying many of the gravestones. Police concluded that the perpetrators were three minors, who by law could not be charged. The Jewish community asked the city to place full-time armed guards at the cemetery, but guard presence was reportedly sporadic.

The independent press occasionally wrote very negative articles about religions other than the Orthodox Church. The Muslim organization also asserted that it was discriminated against because some members were Afghan and Chechen refugees.

In recent years, Transnistrian authorities have denied registration to Baptists, Jehovah's Witnesses, Methodists, and the Church of the Living God. Unregistered religious groups were not allowed to hold public assemblies, such as revival meetings. The law in Transnistria prohibits renting houses, premises of enterprises, or "cultural houses" for prayer meetings. Evangelical religious groups meeting in private homes have been told that they did not have the correct permits to use their residences as churches.

In late 2001, Jehovah's Witnesses organization initiated a court action against a Transnistrian official for allegedly abusing his office by blocking a property purchase. The case was settled on June 26, but on June 29 the Prosecutor General filed a case against Jehovah's Witnesses, claiming that the organization had submitted invalid documents for its activities. The first hearing took place October 28, with no further developments by year's end. Transnistrian state officials have reportedly accused Jehovah's Witnesses of a lack of patriotism and of spreading Western influence. Baptists in Transnistria complained during the year that Grigoriopol officials and the Fiscal Inspectorate illegally sealed off a church-operated building, imposed fines, attempted to take rented land from the church, and prevented the building of a house of prayer. In the past, they and other non-Orthodox groups in Transnistria complained that they generally were not allowed to rent property and often were harassed during religious services.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

The Constitution and law provide for these rights, and the Government generally respected them in practice; however, authorities sometimes restricted travel to and from the separatist Transnistrian region.

The Government did not restrict travel within the country, and there were no closed areas except the military depot at Colbasna controlled by the Transnistrian separatist authorities. Travel between Transnistria and the rest of the country was not prevented. There were regularly scheduled buses and trains to and from Transnistria. The separatist authorities often stopped and searched incoming and outgoing vehicles. In September 2001, the new administration announced that it would remove fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria and began to make plans to set up joint customs posts with Ukraine on its border with Transnistria; however, implementation proved difficult and had not been completed by year's end. In 2001 the Government also issued new customs seals and stamps and, unlike its predecessors, did not give them to the Transnistrian authorities. Officials asserted that this was to prevent contraband from flowing through Transnistria. Transnistrian leaders charged that authorities in Chisinau had put an "economic blockade" around its territory to pressure it politically. Transnistrian authorities increasingly impeded OSCE travel to the region (see Section 4), despite several official protests from the OSCE Head of Mission noting that failure to give free access to OSCE mission members violated the 1993 agreement between Transnistria and the OSCE.

Transnistrian authorities interfered with and at times blocked farmers from the village of Dorotcaia from traveling to right-bank Moldova to sell their produce. Dorotcaia is located in left-bank Moldova but is controlled by the Republic of Moldova according to the terms of the 1992 cease-fire. The problem remained unresolved because Transnistrian authorities refused to remove their customs posts installed around Dorotcaia.

Citizens generally were able to depart from and return to the country freely; however, there were some restrictions on emigration. Close relatives who are dependent on a potential emigrant for material support must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets; however, such cases were very rare, and none were reported during the year. It generally was accepted that a large number of citizens were working in foreign countries without having legal status in those countries. Figures on emigration

from a variety of official sources were inconsistent and largely anecdotal; government estimates claimed that between 600,000 and 800,000 citizens were working outside the country, the vast majority of them illegally. The majority worked in Russia, Romania, Ukraine, and Bulgaria.

The Constitution provides for the granting of asylum and refugee status. On January 31, the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol entered into force. On July 25, Parliament adopted the Law on Refugee Status, which brought the country's legislation into compliance with the 1951 U.N. Convention/1967 Protocol and allows for the implementation of Constitutional rights to apply for asylum. This law will serve as the basis for future asylum decisions. Previously, all persons approaching the UNHCR for refugee status also applied to the President for political asylum but invariably received the response that the application could not be processed due to the absence of any refugee or asylum law. The Government cooperated in some respects with the UNHCR and other humanitarian organizations in assisting refugees. While individuals who were already in the country generally had access without restrictions to the UNHCR and were processed for refugee status under its mandate, those arriving at the airport as a rule were denied entry and held incommunicado until they could be returned to their place of embarkation. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the UNHCR. According to a UNHCR representative, the authorities frequently failed to inform the UNHCR of the arrival of refugees or disregarded UNHCR guidance and advice.

The Government provides for first asylum but did not grant it to anyone who applied during the year. According to the UNHCR, 670 cases (920 persons) had been registered with the UNHCR in the country from the creation of the office in 1997 through September 1. Of these, 121 cases (255 persons) were recognized as refugees by the Government, 122 cases (133 persons) were rejected in the first instance, and 50 cases (54 persons) were rejected on appeal. Out of the total of recognized refugees, 13 cases (23 persons) were resettled to third countries, and 14 cases (16 persons) were voluntarily repatriated to their country of origin with the assistance of UNHCR. As of September, 148 recognized refugees, representing 55 cases, were in the country. In addition, 67 cases (88 persons) were pending in either the first or appeal level. Many originated in Chechnya, Iraq, Sudan, Afghanistan, Nigeria, and other African countries. Individuals assisted by smugglers and Chechens were more successful in gaining admission.

There were no official reports during the year of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens the right to change the government peacefully, and citizens exercised this right in practice in most of the country through periodic, free, and fair elections held on the basis of universal suffrage; however, this right was restricted in Transnistria. Citizens voted in multiparty presidential elections in 1996 and parliamentary elections in 1996, 1998, and 2001. International observers considered these elections to be free and fair, but Transnistrian authorities interfered with their residents' ability to vote in these elections. In addition, Transnistrian "presidential" elections in 2001 and 1996, as well as Supreme Soviet elections in 2000, were not observed by international monitors and were not considered free and fair.

The Constitution adopted in 1994 provided for the division of power among a popularly elected president, a cabinet, a parliament, and a judiciary. In July 2000, Parliament voted to amend the 1994 Constitution to transform the country into a parliamentary republic and change the presidential election from a popular vote to a parliamentary vote. In formal terms, the amended Constitution changes only the method of election of the President. Under its provisions, the President, as Head of State, appoints the Prime Minister, who names the Cabinet. The Prime Minister, who functions as the head of Government, and the Cabinet are then approved by the Parliament. The President may dismiss a cabinet minister at the request of the Prime Minister. According to this legislation, a three-fifths vote in Parliament is required to elect a presidential candidate, and the vote must be held by secret ballot. If after multiple votes Parliament proves unable to elect a candidate, the sitting President may dissolve Parliament.

A total of 27 parties met the requirement of a 1998 law requiring 5,000 members and were registered officially.

Parties registered for less than 2 years were allowed to participate in the February 2001 elections. Of these only three held power in Parliament: The Communist Party with 71 seats, the Social Democratic Alliance (SDA--formerly the Braghis Alliance) with 16 seats, and the right-wing PPCD with 11 seats. Three independents have broken off from the SDA since April 2001 and remained in Parliament.

The Government selectively enforced regulations, including inspections and tax auditing, for individuals and businesses that belong to or support opposition parties.

Parliamentary elections held in February 2001, called free and fair by the OSCE Office of Democratic Institutions and Human Rights, resulted in a clear victory for the Communist Party, which won 50 percent of the popular vote. The centrist Braghis Alliance won 13.4 percent, and the rightwing PPCD won 8.3 percent. Because many small left-of-center and right-of-center parties failed to win the minimum number of votes required for parliamentary representation, their seats were redistributed among the three leading parties. As a result, the Communist party gained 71 seats out of 101, sufficient to elect the President, pass laws, overturn presidential vetoes, and change the Constitution. In March-April 2001, Communist Deputy Eugenia Ostapciuc became Speaker of Parliament; Parliament elected Communist Party leader Vladimir Voronin as President; and Voronin appointed businessman Vasile Tarlev as Prime Minister. Tarlev appointed a Government composed of Communists and "technocrats."

On February 5, amendments entered into force that revised the Administrative Territorial Organization Law and the Law on Local Public Administration by increasing the number of districts and providing for early local elections. The legislation also changed the method of selecting mayors from a popular vote to appointment by local councils; Parliament also decided to hold early local elections on April 7. However, the Constitutional Court ruled on February 19 that this decision was unconstitutional because the Constitution does not allow for the interruption of local officials' terms, which are set to run through May 2003. On March 14, the Constitutional Court further struck down key parts of the local administration law, including the provision that mayors no longer be popularly elected. The territorial organization law remained in force, but in light of the February 19 Constitutional Court decision, it cannot go into effect until May 2003 when local authorities' mandates expire. The Parliament also passed a law giving prefects, the local representatives of the central Government, control over county budgets. President Voronin supported the law; however, he refused to sign the provision that would apply the law to the city of Chisinau.

A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor and 35 deputies to their Popular Assembly in free and fair elections in September 1999; however, during the year central authorities pressured him to resign, and there were irregularities in the gubernatorial elections in October to replace him. The Gagauz complained frequently that the central Government did not abide by the terms of the agreement giving Gagauzia autonomous status and that it enacted laws that directly contradicted both local and national legislation establishing Gagauz autonomy. When central government commission members submitted a new status law governing the autonomy in December 2001 without first discussing it with the Gagauz members of the commission, the latter left the commission and complained to the OSCE Mission and the Congress of Local and Regional Authorities of Europe (CLRAE).

In January pro-Communist members of the Gagauz People's Assembly failed to gain a two-thirds majority in an attempted vote of "no confidence" in popularly elected Gagauz Governor Dmitry Croitor. On February 24, anti-Croitor members of the commission organized a popular referendum to unseat Croitor, against the Gagauz legal code. Croitor and his supporters opposed the referendum, which attracted less than the required 50 percent of registered voters, and in March Gagauz official Ivan Burgudji was arrested and charged with interfering with the referendum (see Section 1.d.). Croitor challenged the legal validity of the referendum in court, but the Supreme Court did not rule in his favor in a June 5 trial that some observers saw as politically motivated. Under increased pressure from pro-Communist elements, Croitor eventually resigned on July 6, and new

gubernatorial elections were called for October 6. In violation of local legislation, pro-Communist leaders in the local legislature took control of key executive seats in the regional capital after Croitor's departure. Many Gagauz observers posited that Croitor's forced departure was orchestrated from Chisinau in violation of both local and national legislation. In a second round of elections held on October 20, the Communist-backed candidate, Gheorghe Tabunshchik, was elected governor with 51 percent of the vote, after the first round of elections proved invalid with less than the required 50 percent of registered voters participating. The OSCE noted some irregularities in these elections, including the illegal exclusion 36 hours before polls opened of a candidate who had won third place in the first round.

After separatists declared a "Dniester Republic" in 1991, fighting flared briefly in Transnistria in 1992 but ended after Russian forces intervened. A truce has held since, although agreements to normalize relations have not been honored. International mediators encouraged the two sides to reach a settlement that preserves the country's sovereignty and independence while granting a measure of autonomy to the region. The country remained divided, with mostly Slavic separatists controlling the Transnistrian region along the eastern border with Ukraine. Upon his election, President Voronin promised that the resolution of this problem would be one of his priorities. He conducted an active campaign to win international support for a settlement and held monthly negotiations with Transnistrian leaders until September 2001 when talks were suspended due to conflict that was blamed on the country's introduction of new customs stamps and seals (see Section 2.d.). After a long lapse in talks, negotiations gained momentum from a plan to resolve the conflict by creating a federal state proposed by mediators at a meeting of Transnistria, Moldova, Ukraine, Russia and the OSCE in Kiev on July 3. Heated debate ensued almost immediately all over the country, with the Communist-led administration supporting the proposal, pro-Romanian elements generally opposing it, and the Transnistrian authorities blocking negotiations.

Citizens' right to change their government was restricted severely in Transnistria. Elections for "president" of the unrecognized state took place in December 2001, and the incumbent, Igor Smirnov, was declared the winner. In the period prior to the elections, authorities shut down a political party and a youth group, closed a leftist party newspaper, and seized a press run. The authorities refused to register the candidacy of a potential political candidate and dismissed another from his job as mayor of Benderi prior to the election. The regime reportedly threatened workers with job loss and students with expulsion from their universities if they did not vote for Smirnov. Internationally recognized election monitors refused to observe the 2001 "presidential" election to avoid validating Transnistria's claim of statehood. Local observers reported that the actual voting was unfair, with considerable ballot box stuffing. Officials in the northern region of Kamenka reported that 103.6 percent of their voters cast ballots for Smirnov.

There were no restrictions in law or practice on the participation of women in political life. Women held 13 of 101 parliamentary seats. Speaker of Parliament Eugenia Ostapcuic occupied the highest political position in the country attained by a woman.

Russian, Ukrainian, Bulgarian, Gagauz, and Romani minorities were represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate took place in either the Moldovan/Romanian or Russian language, with translation provided.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights, except in the Transnistrian region. The local Helsinki Watch organization maintained contacts with international human rights organizations, as did the Helsinki Citizens Assembly. AI maintained a satellite office in Chisinau and was active in the country, although the authorities in Tiraspol impeded its activities in the Transnistrian region. Both Helsinki Watch and AI produced yearly human rights reports on the country.

Citizens may appeal to the ECHR in Strasbourg if they believe their rights have been violated or that national laws are not in accordance with the European Convention on Human Rights. During

the year, citizens of the country filed 292 complaints with the ECHR. The majority of the cases concerned the lack of social protection and salary and pension arrears accumulated by the Government. In December 2001, the ECHR ruled against the Government in the case filed by the Bessarabian Orthodox Church (see Section 2.c.). The ECHR also heard the case of the Ilascu Group (see Section 1.e.) against the Governments of Moldova and Russia, but had not issued a ruling by year's end. Many citizens were unaware of their legal rights under the Convention, although the Bessarabian Orthodox Church case considerably increased the level of awareness about the ECHR in the country.

The Government supported the work of the OSCE, which has had a mission in the country since 1993 to assist in efforts to resolve the separatist conflict. The OSCE participates in the Joint Control Commission—which includes Moldovan, Russian, Ukrainian, and Transnistrian members—that reviews violations of the cease-fire agreement. Under a 1993 agreement with the Transnistrian authorities, the OSCE Mission generally enjoyed access to the security zone along the river dividing the separatist-controlled territory from the rest of the country; however, beginning in late 2001, the Transnistrian authorities increasingly impeded OSCE travel to the region. The separatist authorities routinely refused Mission members access to the Russian ordnance storage facility in Colbasna.

Under the law there are three parliamentary advocates (Ombudsmen), and an independent center for human rights, the Moldovan Human Rights Center. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for 5-year terms. Parliamentary advocates may be removed from office only by a two-thirds vote of Parliament, a provision that gives them substantial independence. On September 26, Parliament voted to remove from office one of the three advocates, charging that he had missed work without authorization for more than 1 month. The opposition PPCD claimed that he was removed due to his participation in the PPCD-organized anti-Communist protests (see Section 2.d.). Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights problems, submit legislation to the Constitutional Court for a review of constitutionality, and oversee the operation of the Moldovan Human Rights Center. Center personnel provide training for lawyers and journalists, visit jails, make recommendations on legislation, and conduct seminars and training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students. The majority of complaints received by the center involved private property violations, labor rights, access to justice, personal security, right to life, and personal dignity. During the first 9 months of the year, the Human Rights Center received 1,214 written petitions, signed by 3,339 persons. An additional 3,107 persons submitted complaints orally, either at the Center's offices, or during visits throughout the country by Center staff.

Since the December 2001 "presidential" elections, the regime in Transnistria reportedly has attempted to gain more control over NGOs in the region by having security officials "invite" NGO leaders to their offices to discuss their registration and by pressuring landlords not to renew office space leases for some NGOs. During the September 2 Transnistrian "independence day" celebrations, a prominent pro-Western NGO leader was attacked and stabbed in the chest by persons suspected of being under orders from the Transnistrian security police. Reportedly, the attackers were captured by private citizens minutes after the event but were released by the police, who classified the incident as a misdemeanor, despite the attending doctor's view that the crime was an attempted murder.

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

The Constitution states that persons are equal before the law regardless of race, sex, disability, or social origin; however, discrimination against women and some ethnic minorities, particularly Roma, persisted. There are remedies for violations, such as orders for redress of grievances, but these were not enforced in all cases.

Women

Spousal violence occurred; although the Government did not keep official data on incidences of domestic violence, human rights advocates asserted that it was widespread. The Criminal Code does not specifically address crimes of domestic assault, and there is no law on spousal rape;

however, women abused by their husbands have the right to press charges under its general assault laws. Husbands convicted of such abuse may receive prison sentences (typically up to 6 months). In practice the Government rarely prosecuted domestic assault crimes. The Ministry of Internal Affairs reported 549 cases of spousal abuse during the first 8 months of the year, including 88 resulting in serious bodily injury and 114 resulting in either murder or attempted murder. The Ministry of Internal Affairs recorded 154 cases of rape in the first 9 months of the year, an 11 percent increase from the same period in 2000. Women's groups believed that the numbers of rapes and incidents of spousal abuse were underreported.

Former President Lucinschi's wife and the mayor of Chisinau initiated a project in October 1999 to open a women's shelter in Chisinau; although construction was almost completed, the shelter had not been opened by year's end. The Government supported educational efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public officials and law enforcement officials in how to address this issue. In September 2001, the International Organization for Migration (IOM) opened a women's shelter in Chisinau, mainly for victims of trafficking. Private organizations operated services that provided support to abused spouses, including a hot line for battered women.

Trafficking in women was a serious problem (see Section 6.f).

The law provides that women and men enjoy equal rights, and under the law and in practice women received pay equal to that of men for equal work; however, they did not hold high-paying jobs in the same proportion as men. The Government provided extended paid maternity leave. There were significant numbers of female managers in the public sector and in banking. The Minister of Finance and the president of the country's largest bank were women. Women made up approximately 50 percent of the workforce.

Children

There is extensive legislation designed to protect children, and the Government provided supplementary payments for families with many children. According to the Constitution, the Government provides free, compulsory, and universal education for 9 to 10 years, which may be followed either by technical school or other further study; the requirement can vary at the discretion of the Minister of Education. However, many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not technically illegal, such charges contradicted the educational platform of the Government and resulted in many children being kept at home by their parents. Government statistics stated that 2,753 school-age children were not in school; however, press reports indicated that the number was higher, especially in rural areas. On September 1, both the central Government and local authorities provided assistance in amounts ranging from \$7.40 (100 Moldovan lei) to \$22.20 (300 Moldovan lei) per child to children from vulnerable families to buy school supplies. Roma faced discrimination and segregation at all educational levels (see Section 5). The health system devotes a large portion of its limited resources to childcare, but childcare professionals considered the amount to be inadequate.

Various laws contain provisions against neglect of children. There were no statistics on child abuse within families, but it was believed to be widespread. Although there is legislation forbidding it, corporal punishment in schools was common. Observers alleged that women begging on the streets of Chisinau often sedated their babies in order to spend long hours begging without having to take time out to attend to their babies' needs.

Trafficking in girls for prostitution between 15 and 18 years of age remained a very serious problem (see Section 6.f.).

The situation of children in the country's orphanages was generally very poor. Official statistics from 2001 indicated that there were approximately 13,500 institutionalized children. An additional 5,000 children lived in adoptive homes, 4,500 more lived in foster homes or with legal guardians, and an unknown but large number lived with one or more grandparents. Not all of the institutionalized children were orphans; the number of children entrusted to the State by needy parents, or those leaving the country in search of work, reportedly was growing. NGOs estimated that up to 30,000

children were in institutions, including foster homes. Among the major problems in children's institutions were inadequate food, "warehousing" of children, lack of heat in the winter, and disease. Most of these problems were caused by lack of funding.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities; however, there are no laws providing for access to buildings, and there were few government resources devoted to training persons with disabilities. The Government provided tax advantages to charitable groups that assisted persons with disabilities.

National/Racial/Ethnic Minorities

According to the 1989 census, approximately 65 percent of the population are members of the titular nationality. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, that represents approximately 3.5 percent of the population lives primarily in the southern regions of the country and speaks Russian and Gagauz, a Turkic language. Official statistics put the Romaani population at 11,600 (less than 0.5 percent), although estimates from the OSCE and Romani NGOs ranged from 20,000 to 200,000 (up to 4.5 percent). The Government announced in 2000 that it would allocate money from the budget to conduct a national census in 2001; however, no action was taken by year's end.

Roma reportedly suffered violence, harassment, and discrimination. The European Roma Rights Center reported that officials in the country discriminated against Roma with regard to equal treatment, adequate housing, education, and access to public services. Local and international NGOs reported that Roma were victims of police beatings in custody, arbitrary arrest and detention, unlawful confiscation of personal property, and harassment by law enforcement officials and were subjected to societal violence and harassment.

On May 8, an 18-year old Rom was detained in Comrat without a warrant by three police officers, who beat him in custody and made ethnic slurs, according to the European Roma Rights Center.

Police and judicial officers rarely investigated or prosecuted violence and human rights abuses against Roma. However, on February 13, three police officers were charged with excessive use of force for the alleged beating with a revolver of two Romani teenagers in October 2001. Only one officer was found guilty and was sentenced on March 26 to 2 years' imprisonment, which was suspended, despite the crime carrying a 5 to 15 year prison sentence.

The Moldovan Helsinki Committee reported that in December 2001 two police officers in Chisinau beat a Romani couple, planted narcotics on the husband, and detained him for several months, during which time police repeatedly beat him and denied him medical attention. His trial began in early May and continued through July, during which time he remained in custody.

Roma were the poorest of the ethnic groups and often lived in segregated communities in unsanitary conditions lacking basic infrastructure. These conditions often led to segregated education with even fewer resources than in the rest of the country's schools. Many Romani children did not attend school, very few received a secondary or higher education, and there was no Romani-language education, unlike for other ethnic minorities.

Minority rights and the language question are closely related, particularly in the perceptions of the Russian-speaking minority and the Moldovan/Romanian-speaking majority. Moldovan/Romanian was declared at independence to be the state language; however, Russian has tended to serve as a language for interethnic communication, continuing Soviet practice. After coming to power in February 2001, the new Communist majority in Parliament amended several laws to strengthen the use of Russian without making it an official language. In December 2001, the Communist faction in Parliament submitted to the Constitutional Court a bill making Russian the second official language but dropped it in January after it provoked protests (see Section 2.b.). On March 4, the Constitutional Court rejected the proposal, describing it as insufficiently specific. By law a citizen has the right to choose the language of interaction with government officials or commercial entities.

Accordingly, officials are required to know both Russian and Moldovan/Romanian "to the degree necessary to fulfill their professional obligations." Many Russian speakers, including well-educated professionals, do not speak Moldovan/Romanian well or at all, while most educated Moldovan speakers know both languages. Representatives of Russian speakers argued for a delay in the implementation of legislation to permit more time to learn the language. Russian speakers were not discriminated against in practice, and the law has not been used to deny them work as state officials.

The Constitution provides parents with the right to choose the language of instruction for their children. In December 2001, the President implemented a decree that the Minister of Education issued in August 2001 making Russian a compulsory subject starting in the second grade (previously it was compulsory from the fifth grade). The Popular Christian Democratic Party organized protests against this decree and other policies of the Government (see Section 2.d), which led the Minister of Education to cancel the decree.

The Government's Department for Interethnic Relations organized two roundtables on the European Charter on Languages and Minorities in March and September, a conference on national policy and interethnic relations in the second half of the year, a symposium on Gagauz culture in September (with the participation of the Turkish Embassy), and a conference on Russian culture in December.

In the separatist Transnistrian region, discrimination against Moldovan/Romanian speakers continued. State schools were required to use the Cyrillic alphabet when teaching Moldovan/Romanian. (Until 1989, Soviet authorities recognized only the "Moldovan" language in the republic and required the use of Cyrillic script; they considered Romanian, in Latin script, to be a distinct language used only in Romania.) However, many teachers, parents, and students objected to this requirement, believing that it disadvantaged pupils who wished to pursue higher education opportunities in the rest of the country or in Romania. Although the 1989 language law requires use of the Latin script, Transnistrian authorities refused to abide by the law.

As a result of an agreement between the Government and the separatist authorities, eight schools in the separatist region used the Latin alphabet, and the salaries of teachers and textbooks were supplied by the central Ministry of Education. These schools were considered private schools by the local authorities and were required to pay rent for their facilities and meet local curriculum requirements, building codes, and safety standards. The central Government had no budgetary provisions to pay the high rents of such facilities, and as a result, classes were sometimes held in local homes or run in shifts in the few available buildings. Pressure from the Transnistrian authorities on these schools increased (see section 2.a.). The Ministry of Education and the Romanian Government supplied books to the Latin-script school in Tiraspol, and the UNHCR provided furniture and vehicles. The school continued to run three to four shifts per day to accommodate the number of students who desired this form of education.

Section 6 Worker Rights

a. The Right of Association

The Constitution and various laws provide for the right of any employee to found or join a union that defends workers' interests, and workers exercised these rights in practice. There were two unions—the Trade Union Confederation of Moldova (TUCM) and "Solidaritate" (Solidarity). The TUCM had approximately 80 percent of all union members, with the rest in "Solidaritate."

The law prohibits discrimination against workers for union membership or activities, and there were no reports of actions taken against union members for engaging in union activities. The 2000 Trade Union Law provides that union leaders may not be fired from their jobs while in leadership positions without the consent of their superior union, and there were no reports of such firings during the year.

Unions may affiliate and maintain contacts with international organizations. The TUCM has been a

member of the International Labor Organization (ILO) since 1992 (as a successor to the General Federation of Trade Unions or GFTU) and has also been affiliated with the International Confederation of Free Unions in Brussels since December 1997.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining and the right to organize unions, and the Government generally respected these rights in practice. Wages were set through a tripartite negotiation process involving government, management, and unions. The three parties met and negotiated national minimum wages for all categories of workers. Each branch union representing a particular industry negotiated with management and the government ministries responsible for that industry. They may, and often did, set wages higher than the minimum set on the national level, especially if the industry in question is more profitable than average. At the enterprise level, union and management representatives negotiated directly on wages. They may set wages higher than negotiators on the industry level in this case as well. Labor disputes typically were settled in the workplace by a workplace arbitration committee. If an arbitration committee failed to settle the dispute, it was taken to the Courts of First Appeals. Court decisions involving the restitution of salary or a position were not implemented in all cases.

Neither government workers nor those in essential services such as health care and energy have the right to strike. In practice, other unions may strike if two-thirds of their members vote in a secret ballot to do so. No general or country-wide strikes took place during the year, although local strikes by teachers and doctors occurred in Edinet and Chisinau. In March a major 1-day strike by teachers, doctors, and cultural workers was organized in Chisinau by the Trade Union Confederation.

There were no export processing zones (EPZs), although legislation passed on July 27, 2001 provides for converting former free enterprise zones into EPZs. According to the legislation, the conversion period is expected to take 10 years and is slated to finish in 2011. The total number of such zones is six: Chisinau, Taraclia, Tvardita, Otaci, Vulcanesti, and Ungheni. The latter opened only at the end of the year.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

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

The new Criminal Code, passed during the year and due to enter into force in 2003, increases the level of child labor protection, containing provisions specifically regarding the worst forms of child labor. During the year, a commission began drafting a new Labor Code for submission to Parliament. According to a Deputy Labor Minister, both new codes represent an attempt to bring domestic legislation up to the level of the country's international commitments.

The minimum age for unrestricted employment was 18 years. Employment of those between the ages of 16 and 18 was permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. Children often were sent to work in the fields or to find other work, and those living in rural areas often assisted in the agricultural sector. The Ministry of Labor and Social Protection has primary responsibility for enforcing these restrictions but did not do so actively. The Ministry of Health also has a role.

On February 14, Parliament ratified International Labor Organization Convention (ILO) 182 on the worst forms of child labor, which is scheduled to enter into force in the country on June 14, 2003. Article 183 of the new Criminal Code provides a punishment of 10 to 15 years imprisonment for trafficking in children and for involving children in the worst forms of child labor, as defined in ILO Convention No. 182. The article enumerates practices, such as commercial or non-commercial sexual exploitation, forced or compulsory labor, slavery or practices similar to slavery, use in armed

conflict, and use in criminal activity. In cases of aggravating circumstances, the punishment can amount to a life-term imprisonment.

e. Acceptable Conditions of Work

The legal minimum monthly wage was \$7.40 (100 Moldovan lei) for those employed by the state and \$11.10 (150 Moldovan lei) for those employed by private firms. Neither minimum wage provided a decent standard of living for a worker and family. A minimum of \$1.30 (18 Moldovan lei) continued to be used as a basis for calculating pensions, scholarships, and fines. According to preliminary data from the Department of Statistics, the average monthly salary during the year was \$51 (691.9 Moldovan lei). The average in the private sector was \$58.30 (791.2 Moldovan lei), and in the public sector \$41 (555.8 Moldovan lei). Due to severe budgetary constraints, the Government and private sectors often did not meet payrolls for employees.

The Constitution sets the maximum workweek at 40 hours, with extra compensation for overtime, and the Labor Code provides for at least 1 day off per week.

The Government is required to set and check safety standards in the workplace. Unions must strike and ask a court to impose a fine if safety standards are not met. Workers have the right to refuse to work, and they may continue to draw their salaries if working conditions represent a serious threat to their health. In practice the depressed economy has led enterprises to economize on safety equipment and show little concern for worker safety problems. Workers often did not know their rights in this area. According to the Labor Inspection's preliminary data, there were 54 labor accidents in the first 9 months of the year, affecting 60 persons, 24 of them resulting in death.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and girls was a very serious problem. Although no official statistics were available, the country was a major country of origin for women and girls who were trafficked abroad for prostitution. There have been unconfirmed reports by local NGOs of involvement by government officials; however, no official charges have been made.

The law prohibits trafficking and provides for severe penalties, starting with 10 to 15 years in prison and confiscation of property. The penalty is 15 to 25 years in prison and confiscation of property for repeated or serious offenses, such as trafficking: Of groups, minors, or pregnant women; through kidnaping, trickery or abuse of power; with violence; of body parts; or by a criminal organization. As of September 1, according to the Ministry of Internal Affairs, 412 files related to trafficking had been opened during the year, although only 30 were related directly to Article 113 passed in 2001 on trafficking in human beings. Of the latter, 20 were under investigation and 4 had been sent to court. By year's end, there were three convictions for trafficking in persons in the country, one of which was appealed.

Critics charged that the Government did not do enough to prosecute traffickers. According to IOM, trafficking crimes were difficult to prosecute in the country. Because the crime technically took place in another country, a perpetrator could be tried only if a victim testified against him or her. Victims in the country generally refused to testify because the traffickers threatened them or their families if they did so. This was particularly true in rural areas in closer, tight-knit societies where the fear and chances of being identified as well as stigmatized was much greater. The first two individuals were convicted and sentenced under the 2001 anti-trafficking article late in the year, both for trafficking for purposes of begging. According to an official of the Prosecutor General's office, until the new criminal code with its improved anti-trafficking language goes into effect, prosecutors found it easier to obtain convictions of traffickers under the article on procurement for prostitution. There were approximately 25 final sentences delivered under this article during the year. The law provides for a witness protection program, and police have placed guards outside of witnesses' homes.

Women and girls were trafficked to various locations, including Turkey, Cyprus, Greece, Italy, Hungary, Bulgaria, Slovakia, Bosnia, Macedonia, and the former Republic of Yugoslavia for

prostitution. There also were reports that women were trafficked to Lebanon, Syria, Israel, Saudi Arabia, the United Arab Emirates, Portugal, France, Thailand, the United Kingdom, Spain, and Australia. Women and girls reportedly were trafficked to Italy and Greece through Romania, Serbia-Montenegro, and Albania. The IOM reported that the country was the main origin in Europe for the trafficking of women and children for prostitution in the Balkans, Western Europe, and the Middle East and that more than 50 percent of the women working in prostitution in Kosovo were from the country. The Government of Turkey annually deported approximately 2,500 Moldovan women for prostitution. A prominent women's rights activist and Member of Parliament stated that more than 10,000 women from the country were working as prostitutes in other countries. However, the basis for this number was unclear, and some NGOs reported that it was very conservative.

According to the NGO Partners for Community, the target population for traffickers was young women, often minors, in rural areas. Women and girls typically accepted job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. In many areas, friends or acquaintances approached young women and offered them help to get good jobs abroad. This "friend of a friend" approach most often was used in the countryside. Save the Children and the Association of Women in Law reported that many of the traffickers were women who targeted young girls in their own localities. Once they arrived at their destinations, traffickers took their passports, required them to "repay" sizeable sums, and forced them into sexual bondage. Traffickers commonly recruited women from rural villages, transported them to larger cities, and then trafficked them abroad.

Another pattern of trafficking involved orphans who must leave orphanages when they graduate, usually at 16 or 17 years of age, and have no source of funds for living expenses or continuing education. Allegedly, some orphanage directors sold information on when orphan girls are to be turned out of their institutions to traffickers, who approached them as they left. This pattern has become so well known that one foreign adoption service registered as an NGO and organized a "foster-an-orphan" program to help curb the practice. Individuals from abroad send money to support individual orphaned girls from age 16 or 17 until they reach the age of 18 and can work legally (see Section 6.d.). However, this sponsorship program is small compared with the number of orphan girls who become victims of traffickers each year.

The salaries of border guards and migration officials were low and frequently not paid regularly, making them vulnerable to bribery. The large profits of the trafficking industry financed the corruption of officials. According to a report by Save the Children, the Government did not want to stop any form of overseas employment that contributed to the economy with much-needed remittance money. The Moldovan Center for Strategic Study and Reforms charged that there was corruption at all levels.

The Government took some steps to prevent the trafficking of women and assist victims, although it only slowly began to address the problem and mostly in the area of legislation and prosecution. A government antitrafficking working group met in November 2001 and developed a national plan of action to combat trafficking and a timetable to accomplish its goals. The National Working Group met again in April and created three sub-groups, including: Prevention and Awareness Raising; Legislative Framework and its Enforcement; and Assistance and Social Rehabilitation of Victims of Trafficking. A special law enforcement unit within the Ministry of Internal Affairs also continued to operate. The Government provided specialized training to trafficking investigators through the Ministry of Internal Affairs and the Ministry of Labor, funded by the OSCE and the Council of Europe. The country also participated in a Southeast European Cooperative Initiative Human Trafficking Task Force. The Government cooperated with Belarus, Ukraine, and Russia in investigating trafficking cases, as well as with Interpol in cases in Yugoslavia. There were no government-operated assistance programs for victims.

Several NGOs made efforts, with foreign assistance, to combat the problem through information campaigns, repatriation assistance, temporary housing and medical care for victims, and job training. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. Local NGOs operated public school programs to educate young women about the dangers of prostitution, and in April 2001, the NGO Association of Women Lawyers established the Center for Prevention of Trafficking in Women with the support of a foreign government. It produced

antitrafficking educational material, provided counseling to victims, and maintained a hot line for those in need of advice. In July 2001, the Center opened its first regional center, including a county hot line, in the town of Ungheni. In September 2001, the local branch of the NGO La Strada established another hot line. In 2000 the IOM established an office in Chisinau, and during the year, the organization began to receive funds from a foreign source which it used for informational programs and training for journalists about the dangers of trafficking. In September 2001, the IOM, with foreign government support, opened a women's shelter and launched a campaign to educate young women about the dangers of trafficking. This campaign included the use of large billboards, informational spots on television and radio, and pamphlets. The shelter provided temporary emergency housing for victims, job training, and medical care (almost 100 percent of returned victims have contracted a sexually transmitted disease). In September the IOM received a large grant from the European Commission to focus on victim repatriation and reintegration, as well as efforts at prosecution of traffickers. The organization also received additional funds for its shelter, which was the only one in Chisinau.