

**1999 Country Reports on Human Rights Practices**

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

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MOLDOVA

Moldova gained its independence from the Soviet Union in 1991 and in 1994 adopted a constitution that provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. President Petru Lucinschi began his 4-year term in 1997. Prime Minister Ion Sturza began his term in March and led a proreform coalition government until he was dismissed by a vote of no confidence on November 9. The Communist Party, with 40 members of Parliament, along with 9 centrist and 9 far-right independent members of Parliament approved a new government led by Dumitru Braghis on December 21. Three center and center-right parties hold the remaining 44 seats in Parliament. International observers considered the 1996 presidential and 1998 parliamentary elections to be free and fair, but authorities in the separatist Transnistrian region interfered with citizens' ability to vote. The Constitution provides for an independent judiciary; while the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence was increasing.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the Ukrainian border. This separatist regime has entered into negotiations with the national Government on the possibility of a special status for the region. Progress in resolving the ongoing conflict has been blocked by the separatists' continuing demands for "statehood" and recognition of the country as a confederation of two equal states. The Organization for Security and Cooperation in Europe (OSCE), the Russian Federation, and Ukraine act as mediators. The two sides generally have observed the cease-fire of 1992, which ended armed conflict between them, but other agreements to normalize relations often have not been honored. A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor (hashkan) and 35 deputies to their popular assembly in free and fair elections in September.

The Ministry of Internal Affairs has responsibility for the police. The Ministry of National Security controls other security organs, including the border guards. The Constitution assigns to Parliament the authority to investigate the activities of these ministries to ensure that they comply with existing legislation. Some members of the security forces committed a number of human rights abuses.

The country continued to make progress in economic reform. International observers viewed the Governments of former Prime Minister Sturza and Prime Minister Braghis as strongly proreform. The economy is largely based on agriculture. Citizens and foreigners can buy and sell land at market prices. However, foreigners cannot buy agricultural land, nor can agricultural land be resold for a period of 5 years. Over 800 of approximately 1,000 large collective farms have applied for the Government's land privatization program. To date approximately 250,000 landowners have received title to almost 800,000 plots of land. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The gross domestic product (GDP) is estimated officially at about \$444 per capita but may be considerably underestimated because of underreporting for tax purposes. The officially reported median salary is \$24 per month. According to government statistics about 80 percent of the population lives below the poverty level and 10 percent of the rural population has a per capita income of less than one-quarter of that level. A majority of citizens cannot afford to buy fish, meat, milk and other dairy products on a regular basis. The GDP decreased by 8.6 percent in 1998 and was projected to decline by 5 percent in 1999. A program privatizing state-owned enterprises and real

estate based on vouchers issued to all citizens is complete. The exchange rate suffered two sharp drops early in the year as a result of the 1998 Russian economic crisis but remained stable for most of the year. The average monthly inflation rate was about 3 percent. The country has considerable foreign debt. The economic situation is worse in Transnistria.

The Government generally respects the human rights of its citizens; however, there were problems in some areas. The police occasionally beat and otherwise abuse detainees and prisoners. Prison conditions remain harsh, with attempts to improve them hampered by lack of funding. While the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence was increasing. It is widely believed that security forces monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. The Constitution potentially limits the activities of the press, political parties, and religious groups. Journalists practice self-censorship. The law also imposes restrictions on some religious groups. Societal discrimination and violence against women persist. Trafficking in women and girls is a significant problem. Addressing a minority concern, the Constitution allows parents the right to choose the language of education for their children.

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

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings either in Moldova or its separatist region.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

A businessman alleged that his brother was kidnapped by the police for 3 days in July. The police reportedly tortured him, then released him after charging him with drunkenness and resisting arrest. The businessman also charged that this was a case of racketeering and involved persons from the prosecutor's office as well as the police. The Prosecutor's Office announced in mid-December that physical assault charges were pending against three police officers, but at year's end, there was no investigation into the racketeering charges.

On June 23, violent clashes took place between police and members of the General Federation of Trade Unions protesting wage arrears in Chisinau's central square. Authorities reportedly arrested 13 protesters, 2 of whom required hospitalization (see Section 6.a.).

Conditions in most prisons remain harsh, with serious overcrowding. Cell sizes do not meet local legal requirements or minimum international standards. Conditions are especially harsh in prisons used to hold persons awaiting trial or sentencing. These prisons suffer from overcrowding, bad ventilation, and a lack of recreational and rehabilitation

facilities. Conditions for those serving sentences are only marginally better. The incidence of malnutrition and disease, especially tuberculosis, is high in all facilities. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continues at diminished levels. The Ministry of Justice administers the prison system. Attempts to improve prison conditions are frustrated by a lack of financing.

Human rights monitors are permitted to visit prisons.

Requests by human rights monitors to inspect prisons in Transnistria have been refused.

After questionable trials, four ethnic Moldovans are serving sentences in Transnistria for alleged terrorism-related crimes (see Section 1.e). At the end of July, one of the four sent a letter to the press claiming to be on his 77th day of a hunger strike and alleging a number of abuses by the Transnistrian authorities. A member of the OSCE mission visited the prisoner in mid-July and observed that he did not appear to be in imminent danger. At year's end, he still was claiming to be on a hunger strike. The wives of all four complained that they were not able to visit in December, although they were allowed to send food. The International Committee of the Red Cross (ICRC) visited these prisoners in 1992 and 1993 in Tiraspol but later was denied visitation. The ICRC was negotiating with Transnistrian officials at year's end to visit these prisoners with an international medical team. d. Arbitrary Arrest, Detention, or Exile

The former Soviet Code on Penal Procedure remains in force with some amendments, and authorities respect its provisions. Prosecutors issue arrest warrants. Under the Constitution, a suspect may be detained without charge for 24 hours. The suspect normally is allowed family visits during this period. The 24-hour time limit is not always respected, especially if a person is arrested late on a Friday or on a weekend. If charged, a suspect may be released pending trial. There is no system of bail, but in some cases, in order to arrange release, a friend or relative may give a written pledge that the accused would appear for trial. Suspects accused of violent or serious crimes generally are not released before trial. The Constitution permits pretrial arrest for an initial period of 30 days, which may be extended up to 6 months. In exceptional cases, Parliament may approve extension of pretrial detention on an individual basis of up to 12 months. The accused has the right under the Constitution to a hearing before a court regarding the legality of his arrest. According to figures provided by the Ministry of Justice at year's end, of a prison population of 9,449, 2,839 persons were held in confinement awaiting trial (these statistics do not include persons held in Transnistria).

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

The Transnistrian authorities have imposed a state of emergency that allows law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. There were no reports that Transnistrian authorities used this provision during the year.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; while the executive branch has

exerted undue influence on the judiciary, there were indications during the year that judicial independence was increasing. Many observers believe that arrears in salary payments also make it difficult for judges to remain independent from outside influences and free from corruption. Since 1997 prosecutors have the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. The Constitution provides that the President, on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. They may be reappointed for a subsequent 10 years, after which they serve until retirement age. This provision for judicial tenure is designed to increase judicial independence.

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

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

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

There continue to be credible reports that local prosecutors and judges extort bribes for reducing charges or sentences. In January a judge in the Chisinau economic court was arrested for allegedly accepting a bribe to reduce a fine against a firm. He was convicted and sentenced to 10 years in prison. Prosecutors occasionally use bureaucratic maneuvers to restrict lawyers' access to clients.

The Constitutional Court showed signs of increasing independence during the year. It reviewed 139 cases, almost twice its caseload of 71 for 1998. The Court found unconstitutional 21 laws, 8 parliamentary decisions and regulations, and 24 government acts. The Court took a decisive step towards independence when it ruled in November that only Parliament, not the President, could amend the Constitution with a referendum.

There were no reports of political prisoners outside Transnistria.

In Transnistria, four ethnic Moldovans, members of the "Ilaşcu Group," (one of whom, Ilie Ilaşcu, is an elected member of the Moldovan Parliament but has never been able to take his seat) remain in prison following their conviction in 1993 for allegedly killing two separatist officials. International human rights groups raised serious questions about the fairness of the trial; local organizations alleged that the Moldovans were prosecuted solely because of their membership in the Christian Democratic Popular Front, a Moldovan political party that favors unification with Romania. Family members have been allowed access. The OSCE was permitted to visit one of the prisoners in July. In July the European Court of Human Rights began examining Ilaşcu's case and in November ordered the Government to file a response by February 2000. International organizations pressured the Transnistrian authorities to retry the "Ilaşcu Group;" in July the Transnistrians issued a moratorium on capital punishment, which in effect suspended implementation of Ilaşcu's death sentence.

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

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

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

Section 2 -- Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

The Constitution restricts press freedoms, forbidding "disputing or defaming the State and the people" and political parties that "militate" against the country's sovereignty, independence, and territorial integrity. These restrictions lack implementing legislation and are not invoked. The civil code includes an article that allows public figures to sue for defamation without distinguishing between their private and public persons. Criticism of public figures has resulted in a number of lawsuits, and as a consequence, journalists practice self-censorship. In cases where suits have been filed against journalists and media organs, the plaintiffs usually lose. There is no freedom of information legislation, and journalists and ordinary citizens often have difficulty obtaining information from government organizations.

The Government does not restrict foreign publications. However, Western publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, and some publish a special Moldovan weekly supplement. The country receives television and radio broadcasts from Romania and Russia. A small number of cable subscribers receive a variety of foreign cable television programs.

Of the two major newspapers in Transnistria, one is controlled by the regional authorities and the other by the Tiraspol city government. There are also independent newspapers in Tiraspol and the northern Transnistrian city of Rîbnitsa. The latter two criticize the regime from time to time and have been harassed by the separatist authorities. Other print media in Transnistria do not have large circulations and appear only on a weekly or monthly

basis. Nonetheless, some of them also criticize local authorities. The one independent television station is trying to enlarge its broadcast radius, but currently it is producing less than 10 hours of programming per week. Resistance to this move comes from the local official Transnistrian television station, which previously had enjoyed a virtual monopoly of advertising revenues. Most Moldovan newspapers do not circulate in Transnistria. Circulation of all print media in Transnistria is hampered by the closed nature of society. The independent newspaper in Tiraspol effectively was shut down from January to August through repeated confiscations by the Transnistrian authorities. Authorities did not present search warrants or court orders for these confiscations. After a number of legal proceedings in which Transnistrian courts ruled the interventions illegal and fined the Ministry of State Security and intervention by the OSCE, the newspaper began to publish again in August, although with a sharply limited circulation and under a modified name. The repeated confiscations of the newspaper created serious financial difficulties for its editors. The Ribnitsa newspaper almost was put out of business by two costly libel suits by local officials.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to peaceful assembly, and authorities respect this right in practice. Mayors' offices issue permits for demonstrations; they may consult the national government if a demonstration is likely to be extremely large. A protest in June turned violent, with 13 persons arrested and 2 reportedly hospitalized. The Minister of Internal Affairs stated that the protest threatened public order.

The Constitution states that citizens are free to form parties and other social and political organizations, and authorities respect this right in practice. Private organizations, including political parties, are required to register, but applications are approved routinely. The Constitution forbids parties that "militate against the sovereignty, independence, and territorial integrity of Moldova." A total of 26 parties have met the requirement of the October 1998 law for 5,000 members and are registered officially.

c. Freedom of Religion

The Government generally permits the free practice of religion; however, a 1992 law on religion that codifies religious freedoms contains restrictions that could--and in some instances did--inhibit the activities of some religious groups. The law provides for freedom of religious practice, including each person's right to profess his religion in any form. It also protects the confidentiality of the confessional, allows denominations to establish associations and foundations, and states that the Government may not interfere in the religious activities of denominations. The procedures for registering a religious organization are the same for all groups. The Salvation Army registered in October 1998, after having been denied registration in 1996 on technical grounds. Jehovah's Witnesses were unable to register in Tiraspol in 1997 and have not attempted to register subsequently.

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

Although Eastern Orthodoxy is not designated in the law on religion as the official religion, it continued to be a strong religious force and exerted significant influence. In 1992 a number of priests broke away from the Moldovan Orthodox Church, which is subordinate to the Moscow Patriarchate, in order to form the Bessarabian Orthodox

Church. The Bessarabian Orthodox Church, which sees itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the part of Moldova between the Dniester and Prut Rivers), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. The Government consistently has refused to register the Bessarabian Church, citing unresolved property claims and stating that the Bessarabian Church is a "schismatic movement." The issue has political overtones, since it raises the question whether the Orthodox Church should be united and oriented toward Moscow or divided with a branch oriented toward Bucharest. In 1997 the Supreme Court overturned an appeals court decision affirming the right of the Bessarabian Church to be registered. However, the Supreme Court's decision was based on a procedural issue, rather than on the merits of the case. The Bessarabian Church appealed the case to the European Court in 1998. In March a Council of Europe Monitoring Committee Report noted that the nonregistration of the Church was one of the Government's failures in honoring its commitments to the Council. Then-Prime Minister Sturza announced in September that it had been a mistake not to register the Bessarabian Church, and that his Government was ready to reconsider the issue.

In May a group of about 500 Orthodox Christians led by 4 to 6 priests attacked a small group of Baptists in the village of Mingir, injuring 3 persons, and partially destroying a Baptist church that was under construction. The Baptists claimed that the village mayor was the leader of the group and was involved personally in the injuries and destruction, a charge the mayor denied. Someone in the crowd threw stones and hit a Baptist member who tried to photograph the incident. The Government is investigating the case, but there were no developments at year's end. A spokesman for the Orthodox Church reportedly expressed regret for the act of violence but blamed it on "abusive proselytizing by the Baptist Church." The Baptists also claimed that they had been denied construction permits wrongfully in some villages (also see Section 5).

In January 1998, authorities in Transnistria cancelled the registration of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been denied or delayed. Transnistrian officials burned a number of shipments of religious tracts based on the fact that the group was not registered properly. According to local leaders of Jehovah's Witnesses, several members were questioned by local state security officers but always have been released within 1 hour.

The Church of the Living God has been denied registration in five towns in Transnistria. Baptist leaders have complained that they are not allowed to distribute religious literature or organize public meetings in Transnistria.

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

The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to travel freely; however, there are some restrictions on emigration. Close relatives with a claim to support from the applicant must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets. However, such cases are very rare, and none were reported during the year.

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

Moldova is not a party to the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 Protocol. The Government has no processing procedures for potential refugees resident in the country. The issue of providing first asylum has never arisen formally. There were no reports of the forced return of persons to a country where they feared prosecution.

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

Citizens have voted in multiparty presidential and parliamentary elections since December 1996. International observers considered the elections to be free and fair, but Transnistrian authorities have interfered with citizens' ability to vote in all these elections. These elections represent further progress in the transition to a democracy.

The Constitution adopted in 1994 provides for the division of power among the popularly elected President, the Cabinet, the Parliament, and the judiciary. The President, as Head of State, in consultation with the Parliament, appoints the Cabinet and the Prime Minister, who functions as the head of government. However, a minister can be dismissed only with the assent of the Prime Minister. Some observers believe that the Constitution does not define adequately how executive powers are to be shared between the President and the Prime Minister. The President called a May referendum to create a stronger presidency. Based on a positive response, the President proposed an initiative to revise portions of the Constitution in August, and it was under public discussion. The proposal would create a "presidential republic" with more power in the hands of the chief executive. Two groups of parliamentarians presented alternative constitutional amendments to create a "parliamentary republic." This controversial issue was part of the November government crisis.

The Constitution states that citizens are free to form parties and other social-political organizations. However, a controversial article states that those 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.

A new law on administrative and territorial reform went into effect in January and reduced the number of administrative districts from 42 to 12. These new districts included the municipality of Chisinau, the Gagauz autonomous region, and the Transnistrian region. Citizens voted for mayors and newly created district and municipal councils in May elections. Twenty-three parties and a number of independent candidates participated in the campaign (see Section 2.b.). Although the parties in Parliament won most of the posts, a leftist party, not in Parliament, gained several positions in the north, and independents were elected throughout the country. Transnistrian authorities did not allow citizens to vote in their region. The Gagauz did not participate in the May elections but held separate elections in September for governor (bushkan) and 35 deputies to its popular assembly. Besides electing a new governor, the Gagauz region also elected 26 newcomers to the popular assembly.

In 1991 separatist elements, assisted by uniformed Russian military forces in the area and led by supporters of the 1991 coup attempt in Moscow, declared a "Dniester Republic" in the area of the country that is located between the Dniester River and Ukraine. Fighting flared briefly in 1992 but ended after Russian forces intervened, and a truce has held since. Russian, Ukrainian, and OSCE mediators have attempted to encourage the two sides to reach a settlement that preserves Moldovan sovereignty and independence while granting a measure of autonomy to Transnistria. In 1997 the Transnistrian authorities signed a Memorandum of Understanding with the Government that encompasses these objectives. However, since then further negotiations have been inconclusive, and there was no significant progress towards a settlement by year's end.

There are no restrictions in law or practice on the participation of women or minorities in political life. However, women generally are underrepresented in leading positions both in government and political parties. Women hold only 8 of 101 parliamentary seats. All female parliamentarians formed a "club" in September to unite efforts to improve the social condition of women and children. The Association of Moldovan Women, a social-

political organization, competed in the 1998 parliamentary elections but was unable to gain parliamentary representation. Russian, Ukrainian, Bulgarian, and Gagauz minorities are represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate takes place in either the Romanian/Moldovan or Russian language, with translation provided.

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

Several local human rights groups exist. The local Helsinki Watch Organization maintains contacts with international human rights organizations, as does the Helsinki Citizens Assembly. Human rights groups operate without government interference.

Citizens may appeal to the European Court in Strasbourg if they believe that their rights have been violated or that Moldovan laws are not in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms. However, most citizens are unaware of the convention and their rights to legal remedies in general.

Parliament passed the Law on Parliamentary Advocates in October 1997, which created three positions of parliamentary advocates (ombudsmen) and established an independent center for human rights. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for a 5-year term. Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights issues, and have the right to appeal to the Constitutional Court for review of legislation. The advocates oversee the operation of the center, which opened in April 1998 with the support of the U.N. Development Program. Of the approximately 1,000 complaints handled by the center in its first year, the majority involved economic issues or were otherwise outside the competency of the center.

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

The Government has cooperated with the ICRC in the past, permitting visits to prisoners from the 1992 conflict (since released). The Transnistrian separatist authorities previously have not allowed the ICRC access to the four members of the original "Ilascu Group" who have remained in prison since 1993. Transnistrian authorities in August agreed in principle to allow the ICRC to visit the Ilascu Group, though details of the visit had not been finalized at year's end. The OSCE visited one of the prisoners in July (see Section 1.c.).

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

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

Women

Spousal violence is known to occur, although there are no reliable statistics on the problem. A prominent women's rights advocate asserts that one-half of women are victims of domestic violence. The Government supports educational efforts, usually undertaken with foreign assistance, to increase public awareness of this problem and to train public officials and law enforcement officials in how to address domestic violence. Women abused by their husbands have the right to press charges; husbands convicted of such

abuse may receive prison sentences (typically up to 6 months). The First Lady and the mayor of Chisinau initiated a project in October to open a women's shelter in Chisinau. The city donated a former kindergarten to a private organization to operate the shelter, and a member of Parliament was named as executive director of the organization. A private organization operates a confidential service to provide support to abused spouses, including a hot line for battered women. According to knowledgeable sources, women generally do not appeal to police or the courts for protection against abusive spouses because they are embarrassed to do so and are not convinced that the authorities would react positively, as the police generally do not consider spousal abuse a serious crime. Through September the Ministry of Internal Affairs recorded 150 cases of rape of attempted rape, a slight decrease from the same period in 1998. Women's groups believe that the numbers of rapes and incidents of spousal abuse are underreported.

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

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

Children

There is extensive legislation designed to protect children, including extended paid maternity leave and government supplementary payments for families with many children. Ten years of basic education are compulsory, followed by either technical school or further study leading to higher education. The health system devotes extensive resources to child care. Although child abuse does occur occasionally, no special problems came to light during the year. There are no statistics on child abuse. Child support programs suffered from inadequate funding.

Homeless children live in the streets of Chisinau and other large urban areas, although current reliable information on the number is not available. Estimates were as high as 1,000 in 1998. Trafficking in girls is a very serious problem (see Section 6.f.).

People with Disabilities

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

Religious Minorities

Tension between Eastern Orthodox supporters and Protestant groups continued. In May a group of about 500 Orthodox Christians and from 4 to 6 priests attacked a small group of Baptists in the village of Mingir, injuring 3 persons and partially destroying a Baptist church that was under construction. The Baptists allege that the same priests were instigators of a number of other conflicts in the region (also see Section 2.c.).

National/Racial/Ethnic Minorities

The population is about 4.3 million, of which 65 percent are ethnic Moldovans. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, lives primarily in the southern regions of the country. The Gagauz are largely Russian-speaking and represent about 3.5 percent of the population. Official statistics put the Roma population at 11,600, although estimates from the OSCE and Roma nongovernmental organizations range from 50,000 to 200,000.

The 1990 citizenship law offered an equal opportunity to all persons residing in the country at the time of independence to adopt Moldovan citizenship. The OSCE's Office of Democratic Institutions and Human Rights described the law as very liberal. The law permits dual citizenship on the basis of a bilateral agreement, but no such agreements are in effect.

Implementation of language testing by 1994, which was called for in the 1989 language law, has not yet begun. According to the law, a citizen should be able to choose which language to use in dealing with government officials or commercial entities. Officials are obligated to know Russian and Romanian/Moldovan "to the degree necessary to fulfill their professional obligations." Since many Russian speakers do not speak

Romanian/Moldovan (while educated Moldovans speak both languages), they argued for a delay in the implementation of the law in order to permit more time to learn the language. Parliament has postponed implementation indefinitely. Addressing a minority concern, the Constitution provides parents with the right to choose the language of instruction for their children.

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

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

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

Section 6 -- Worker Rights

a. The Right of Association

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

Soviet trade union system.

The successor organization is the General Federation of Trade Unions (GFTU). The GFTU's continuing role in managing the state insurance system and its retention of former official union headquarters and vacation facilities provide an inherent advantage over any newcomers who might wish to form a union. However, its industrial or branch unions are becoming more independent entities; they maintain that their membership in the GFTU is voluntary and that they can withdraw if they wish. Virtually all employed adults are members of a union.

Government workers do not have the right to strike, nor do those in essential services such as health care and energy. Other unions may strike if two-thirds of the members vote for a strike in a secret ballot. There were several labor actions for payment of wage arrears, including a number of strikes by teachers, health care workers, and spouses of police officers in various parts of the country. In June violent clashes occurred between members of the GFTU protesting wage arrears and police officers in Chisinau, resulting in the arrest of 13 protesters, including 2 who were hospitalized (see Section 1.c.). The Government avoided more serious strikes when it pledged regular payments of salaries and pensions after a July meeting with the GFTU. The Government made some salary and pension payments but was unable to eliminate all arrears by year's end. Unions may affiliate and maintain contacts with international organizations. The GFTU became a member of the International Confederation of Trade Unions.

b. The Right to Organize and Bargain Collectively

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

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced and compulsory labor, and it generally is not known to occur; however, trafficking in women is a very serious problem (see Section 6.f.). The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred, except for instances of trafficking in girls (see Section 6.f.). d. Status of Child Labor Practices and Minimum Age for Employment

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

e. Acceptable Conditions of Work

There is a legal minimum monthly wage of \$1.64 (18 Moldovan lei), but this is used primarily as a basis for calculating pensions, scholarships, and fines. The average monthly wage of approximately \$27 (300 Moldovan lei) does not provide a decent standard of living for a worker and family. The lowest wages are in the agricultural sector, where the monthly average is approximately \$11 (120 Moldovan lei). Due to severe budgetary constraints, the Government and enterprises often do not meet payrolls for employees. The Constitution sets the maximum workweek at 40 hours, and the Labor Code provides for at least 1 day off per week.

The State is required to set and check safety standards in the workplace. The unions within the GFTU also have inspection personnel who have a right to stop work in the factory or fine the enterprise if safety standards are not met. Further, workers have the right to refuse to work, but they may continue to draw their salaries if working conditions represent a serious threat to their health. However, in practice the depressed economic situation has led enterprises to economize on safety equipment and generally to show less concern for worker safety issues. Workers often do not know their rights in this area.

f. Trafficking in Persons

Although no statistics are available, trafficking in women and girls is a very serious problem, especially to Turkey, Greece, Italy, and Israel. Moldova is a source country for women and girls. Women and girls reportedly are trafficked to Italy and Greece through Romania, Serbia-Montenegro, and Albania. There is no law prohibiting trafficking and it cannot be prosecuted under other statutes. The Government lacks legislation and the means to halt traffickers, who technically commit no crimes within the country. The large profits of the trafficking industry allow traffickers to exploit opportunities for the corruption of officials.

Women and girls accept job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. Then traffickers take their passports, require them to "repay" a sizeable sum, and force them into sexual bondage.

The Ministry of Internal Affairs announced in December that it had uncovered a network trafficking children between Moldova and Uzbekistan. According to the Ministry, 18 children, most of them under 1 year of age, were sold in Tashkent during 1998 and 1999 and the average price for the children was between \$2,000 and \$3,000. The Ministry of National Security stopped a similar ring that was trafficking children between Moldova and Israel in 1995. Apart from a documentary shown on state television on the problem, the Government has taken few steps to prevent the trafficking of women. Several nongovernmental organizations made efforts, with foreign assistance, to combat the problem through information campaigns and job training for women. A local NGO has started a project to create a program in public schools that would educate young women about the dangers of prostitution and to establish a hot line for those in need of advice. The NGO also is organizing seminars to train law enforcement officials, social workers, and journalists on how to handle the problem of trafficking.

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