



MOLDAVIEN (86)

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Moldova Country Report on Human Rights Practices for 1997

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MOLDOVA

Moldova gained its independence from the Soviet Union in 1991. In 1994 it adopted a Constitution that provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. On January 15, former parliamentary speaker Petru Lucinschi was inaugurated as President for a 4-year term. International observers considered the presidential elections, held in the fall of 1996, to be free and fair. President Lucinschi ran as an independent and in late January appointed a new government under the leadership of Prime Minister Ion Ciubuc. Although Ciubuc had not served as a minister in the previous government, a number of ministers were retained. During the second half of the year, political parties started to prepare for the parliamentary elections to be held in the spring of 1998. Although increasing in independence, the judiciary is still subject to the influence of the prosecutor's office.

Moldova remains divided, with mostly Slavic separatists controlling the Transnistrian region along the Ukrainian border. This separatist regime has entered negotiations with the national government on the possibility of a special status for the region. Despite the signing of a memorandum on the bases for normalizing relations in May, progress has been blocked by the separatists' continuing demands for "statehood" and recognition of Moldova 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 have generally observed the cease-fire of July 1992, which ended armed conflict between them, but other agreements to normalize relations have often not been honored. A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country.

The Moldovan 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 legislation in effect. A protective service, which guarded the President, the Prime Minister, and the Speaker of Parliament, was abolished shortly after President Lucinschi took office because of allegations of politicization under former President Snegur.

While Moldova has recently made considerable progress in financial stabilization and economic reform, real growth in the economy continues to be slow. Hence, for many, prosperity remains elusive. In Transnistria the economic situation is even worse. The local authorities have not implemented any significant economic reforms, and there is substantial evidence of widespread corruption.

Moldova, whose economy is largely based on agriculture, continued to make progress in economic reform. A law governing the sale and purchase of land went into effect in September.

Citizens and foreign investors can buy land, which is bought and sold at market prices. However, foreigners cannot buy agricultural land, nor can agricultural land be resold for a period of 5 years. A government-backed foreign-financed program is now facilitating the breakup of agricultural joint stock associations and the issuance of land titles to their former members. The Government has privatized 72 former collective farms and plans to extend this program to an additional 500 farms in 1998. The gross domestic product is officially estimated at about \$440 per capita. 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 average monthly inflation rate was under 1 percent. Moldova's external borrowings totaled over \$600 million. 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 detainees and prisoners. Prison conditions remain harsh, with attempts to improve them hampered by lack of funding. The judiciary remains subject to the influence of the prosecutor's office. The Constitution potentially limits the activities of political parties, religious groups and the press. Societal discrimination against women persists. 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, restrictions on freedom of religion pressure on the media, 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 confirmed or unconfirmed reports of disappearances 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. There were no allegations of torture by the authorities, but there were credible reports that police sometimes beat prisoners or suspects.

Conditions in most prisons remain harsh, with serious overcrowding. Cell sizes do not meet local legal requirements. Conditions are especially harsh in prisons used to hold people 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 disease, especially tuberculosis, and malnutrition is high in all facilities. Abuse of prisoners by other prisoners or jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards. The Ministry of Justice now administers the prison system, having taken over from the Ministry of Interior in 1996. Attempts to improve prison conditions are frustrated by a lack of financing. Human rights monitors are permitted to visit prisons.

After questionable trials, four Moldovans are serving sentences in Transnistria for terrorism-

related crimes (see Section 1.e). The International Committee of the Red Cross (ICRC), which visited these prisoners on two occasions (1992 and 1993) in Tiraspol, has been unable to visit them since, despite numerous representations to the Tiraspol authorities.

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

d. Arbitrary Arrest, Detention, or Exile

The former Soviet Code on Penal Procedure remains in force with some amendments. Prosecutors issue arrest warrants. Under the Constitution, a suspect may be detained without charge for 24 hours. The suspect is normally 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, a friend or relative, in order to arrange release, may give a written undertaking that the accused will appear for trial. Suspects accused of violent or serious crimes are generally 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 in October, of a prison population of 10,521, 1,530 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 the 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 is generally granted only after a person has been detained 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, a lawyer who is less than competent or energetic is often chosen.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary. Although the prosecutor's office still has undue influence, independence of the judiciary has increased since the dissolution of the Soviet Union. Since July prosecutors were given the right to open and close investigations without bringing the matter before a court. 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-year period, 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 Higher Appeals Court and the Supreme Court, which serves as a final court of appeal, are both in Chisinau. The Supreme Court supervises and reviews the activities of the lower courts.

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 are generally 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 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. Such charges were brought against a judge and prosecutor in Cainari in October. Prosecutors occasionally use bureaucratic maneuvers to restrict lawyers' access to clients.

There were no reports of political prisoners outside Transnistria.

In Transnistria, four Moldovans, members of the "Ilaşcu Six," (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 for political reasons, solely because of their membership in the Christian Democratic Popular Front, a Moldovan political party that favors reunification with Romania. Family members have been allowed access. A group of Moldovan doctors was refused access in October. The Transnistrian "authorities" have refused access to the International Committee of the Red Cross (ICRC) under standard ICRC terms and conditions, such as requesting a private meeting.

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

Both judges and prosecutors issue search warrants. In some instances searches are conducted without warrants. Courts do not exclude evidence that was illegally obtained. 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 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.

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 politician or political movement, commercial interest, or foreign country, and secure large

subsidies from these sources. There are several independent radio stations, including one that broadcasts religious programs. Two independent television stations broadcast in the Chisinau area. The larger independent outlet in Chisinau maintains a news staff and conducts a number of public interest programs. The Government owns and operates a television channel that covers the whole country and several of the major radio stations. A number of regional centers, including Gagauzia, operate local television and radio stations. In contrast, there is only one private radio station, which broadcasts religious programs outside of Chisinau.

Restrictions on 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 remain in the Constitution. They lack implementing legislation and are not invoked. The press law includes an article that allows public figures to sue for defamation without distinguishing between their private and public persons and leads the journalists to practice some degree of self-censorship. In cases where suits have been filed against journalists and media organs, the plaintiffs almost always lose.

The Government does not restrict foreign publications. However, foreign publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, however, and some publish a special Moldovan weekly supplement. Moldova receives television and radio broadcasts from Romania and Russia. Cable subscribers receive Cable News Network, Euro-News, British Broadcasting System Prime, National Broadcasting Company Super Channel, Pro-TV (Romania) and a number of other news and entertainment networks, but there are only approximately 600 customers.

Of the two major newspapers in Transnistria, one is controlled by the regional authorities and the other by the Tiraspol city government. There is also an independent newspaper in the northern Transnistrian city of Rîbnitza. The latter two criticize the regime from time to time. 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. Among them is a new newspaper that is reportedly financed and largely written by the local "Ministry of State Security." The one independent television station is trying to enlarge its broadcast radius. Resistance to this move comes from the local official Transnistrian television, which up until now has 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 and the local economic crisis, which is more severe than in the rest of Moldova.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for the right to peaceful assembly, and authorities respect this right in practice. The mayor's office issues permits for demonstrations; it may consult the national Government if the demonstration is likely to be extremely large.

The Constitution states that citizens are free to form parties and other social and political organizations. Private organizations, including political parties, are required to register, but applications are approved routinely. The Constitution declares unconstitutional parties that "militate against the sovereignty, independence, and territorial integrity of Moldova."

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 inhibit the activities of some religious groups. To date these restrictions have not been enforced. The law provides for freedom

of religious practice, including the right to profess one's religion in any form. It also provides for alternative military service for conscientious objectors, 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 law prohibits proselytizing. However, the law also requires that religious groups register with the Government in order to hire noncitizens.

Some Protestant denominations are concerned that the prohibition on proselytizing could inhibit their activities. To date the authorities have not taken legal action against individuals for proselytizing. The Salvation Army, however, was unable to register in 1996 as a religious denomination because it did not meet the requirement of having a Moldovan citizen as the organization's legal head. Similarly, on technical grounds Jehovah's Witnesses were unable to register in Tiraspol.

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 Patriarchy, 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 patriarchy of the Romanian Orthodox Church. The Government has consistently refused to register the Bessarabian Church, citing unresolved property claims as the principal reason. The issue has political overtones as well, since it raises the question whether the Orthodox Church should be united and oriented toward Moscow or divided with a branch oriented toward Bucharest. A ruling by the Court of the First Instance in 1996 that the Bessarabian Church had a right to be registered was upheld by the Higher Appeals Court on August 19. The Government appealed the case to the Supreme Court which overturned it on a technicality on December 9. In a meeting with the Patriarchs of Constantinople, Moscow, and Tbilisi in Odessa at the end of September, President Lucinschi urged that the dispute be settled within the Orthodox Church in order to prevent further politicization of the issue. There were ongoing discussions on the problem between the Patriarchs of Moscow and Budapest.

The authorities in Transnistria rescinded the registration of two houses of worship of Jehovah's Witnesses in the region; 13 congregations still meet in private homes.

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 may also deny permission to emigrate if the applicant had access to state secrets. Such cases, however, are very rare, and none were reported in 1997.

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.

Moldova is not a party to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. The issue of providing first asylum has never arisen formally. The Government has no processing procedures for potential refugees resident in the country. The UNHCR opened an office in August and held discussions with the Government. There were no reports of the forced return of persons to a country where they feared prosecution. The Government finally decided not to renew the 3-month visa of an Iraqi Kurd and his family, who

were seeking refugee status in Moldova earlier in the year. The person in question has since filed for refugee status with the United Nations High Commission for Refugees in Turkey after a stay in Bulgaria.

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

Citizens voted in the first multiparty parliamentary elections in 1994, and in the country's second presidential election in 1996. Former parliamentary speaker Petru Lucinschi, who had run as an independent, was inaugurated on January 15. International observers considered the elections to have been free and fair. The peaceful transition of presidential power represents further progress in the transition to 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 Prime Minister, who functions as the Head of Government. However, a minister can only be dismissed with the assent of the Prime Minister. Some observers believe that the Constitution does not adequately define how executive powers are to be shared between the President and the Prime Minister.

The political fragmentation and realignment that began before the presidential elections in 1996 continued throughout the year in anticipation of the parliamentary elections to be held on March 22, 1998.

The Constitution states that citizens are free to form parties and other socio-political organizations. A controversial article states, however, 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 Republic of Moldova," are "unconstitutional." Opposition parties, some of which favor rapid or eventual reunification with neighboring Romania, have charged that this provision is intended to impede their political activities.

On a local level, authorities of the Gagauz autonomous region refused to allow the winner of a local mayoral election to take his seat. The matter is now under adjudication.

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 Moldova that is located between the Dniester River and Ukraine. Fighting flared briefly in 1992, but ended after Russian forces stepped in, 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. On May 8, the Transnistrians signed a Memorandum of Understanding with the Government that encompasses these objectives. Since then, however, further negotiations were inconclusive and there was no further progress towards a settlement by year's end.

There are no restrictions in law or practice barring the participation of women or minorities in political life. However, women are generally underrepresented in leading positions of political parties. Women hold only 4 of 104 parliamentary seats. The Association of Moldovan Women, a socio-political organization, competed in the 1994 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.

Several local human rights groups exist. The local Helsinki Watch organization maintains contacts with international human rights organizations, as does the Helsinki Citizens Assembly, whose President until December was the Chairman of the Parliamentary Human Rights Commission. Human rights groups operate without government interference.

In July Moldova ratified the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. According to the Constitution, international treaties and conventions ratified by Moldova have precedence over Moldovan law. Citizens may now appeal to the European Court in Strasbourg if they think that their rights have been violated or if Moldovan laws are not in accordance with the convention. Most citizens, however, are unaware of the convention as well as their rights to legal remedies in general.

The Government has cooperated with the ICRC in the past, permitting visits to prisoners from the 1992 conflict (since released). The Transnistrian separatist authorities have not allowed the ICRC access to the four members of the original "Ilascu Six" who have remained in prison since 1993 (see Section 1.e.). The four were visited by a team of Moldovan and Transnistrian doctors in December.

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

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). Public awareness of the problem of violence in families is not very high and no special government programs exist to combat spousal abuse. According to knowledgeable sources, women do not generally 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 will react positively, as the police generally do not consider spousal abuse a serious crime. Through September the Ministry of Internal Affairs recorded 176 cases of rape or attempted rape, down 13.3 percent from the previous year when there were 276 cases reported in the first 9 months of the year. Women's groups believe that the numbers of rapes and incidents of spousal abuse are underreported.

The law provides that women shall be equal to men. However, according to statistics, women have been disproportionately affected by growing unemployment. By law women are paid the same as men for the same work. Although still victimized by societal discrimination, anecdotal evidence suggests that women are more employable than men (being seen as more flexible, better workers), and are working because of economic necessity. There are a significant number of female managers in the public sector and in banking; the president of Moldova'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 occasionally occur, no special problems came to light in 1997. There are no statistics on child abuse. Child support programs suffered from inadequate funding along with other

government programs.

An estimated 1,000 children are living in the streets in Chisinau and other large urban areas.

People With Disabilities

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

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. They are largely Russian-speaking and represent about 3.5 percent of the population.

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

In 1994 the Parliament voted to delay until 1997 the implementation of the language testing called for in the Language Law of 1989, which was due to begin in 1994. According to the law, a citizen should be able to choose which language to use in dealing with a government official or a commercial entity. Officials are therefore 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. The law was not put into force because Parliament has postponed implementation plans indefinitely. Addressing a minority concern, the Constitution provides parents with the right to choose the language of instruction for their children.

In the separatist region, however, discrimination against Romanian/Moldovan speakers continued. 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 in pursuing higher education opportunities in the rest of Moldova or Romania. (Cyrillic script was used to write the Romanian language in Moldova until 1989, since "Moldovan," as it was then called, was officially decreed during the Soviet era to be a different language from Romanian, which is written in the Latin alphabet. The 1989 Language Law reinstated the use of the Latin script.) As a result of an agreement between the Government of Moldova and the separatist authorities, 8 schools in the separatist region obtained permission 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 budget allotted for the high rent asked for these facilities. As a result, classes were held in local homes or run in shifts in the few available buildings.

Section 6 Worker Rights

a. The Right of Association

The 1990 Soviet Law on Trade Unions, which was enacted by Moldova's then-Supreme Soviet and is still in effect, 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 further declares that any employee may found a union or join a union that defends workers' interests. However, there have been no known attempts to establish alternate trade union structures independent of the successor to the previously existing 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 previously existing official union headquarters and vacation facilities provide an inherent advantage over any newcomers who might wish to form a union outside its structure. 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 and health workers in various parts of the country.

Unions may affiliate and maintain contacts with international organizations. In December the GFTU was accepted as a member of the International Confederation of Trade Unions (ICTU).

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. On the national level, 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. This law has not been tested in Moldova.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced and compulsory labor, and it is not known to occur. The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred.

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

The minimum age for unrestricted employment is 18 years. Employment of those ages 16 to 18 is permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. The Ministry of Labor and social protection 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 sometimes assist in the agricultural sector. The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work

There is a legal minimum monthly wage of \$3.92 (18 Moldovan lei) but this is used primarily as a basis for calculating fines. The average monthly wage of (approximately \$42 (193 Moldovan lei) does not provide a decent standard of living for a worker and family. Lowest wages are in the agricultural sector, where the monthly average is \$24. 62 (113 Moldovan lei). Due to severe budgetary constraints, the Government and enterprises often do not meet payrolls for employees. However, this situation has improved over the past year. 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 may continue to draw their salaries if working conditions represent a serious threat to their health. In practice, however, 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.

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1

2

3

4

5

6

7

