

MOLDOVA COUNTRY ASSESSMENT

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom

2. GEOGRAPHY

2.1 The Republic of Moldova (formerly the Moldavian Soviet Socialist Republic, a constituent Union Republic of the USSR) is situated in South-Eastern Europe. It includes only a small proportion of the historical territories of Moldova (Moldavia) most of which are in Romania, while others (southern Bessarabia and Northern Bucovina - Bokovyna) are in Ukraine. The country is bordered to the north, east and south by Ukraine. To the west there is a frontier with Romania. Moldova covers an area of 33,800 square kilometres (13,050 square miles). The capital city is Chişinău (Kishinev) with a population of around 750,000. Other major cities are Tiraspol (estimated population 194,000), Bălţi (157,000) and Benderi (137,000). [1][23a]

2.2 At the census of 1989, at which time the total population was 4,335,360, 64.5% of the population were Moldova, 13.8% Ukrainians, 13.0% Russians, 3.5% Gagauz, 2.0% Jews and 1.5% Bulgarians. The ethnic Moldovans speak a dialect of Romanian, a Romance language, which replaced Russian as the official language in 1989. Ethnic minorities continue to use their own language: only some 12% of them are fluent in Romanian, whereas most speak Russian. The Gagauz speak a Turkic language, written in a Cyrillic script, but 71 % of them claim fluency in Russian; only 4.4% are fluent in Romanian. [1]

2.3 Most of the inhabitants of Moldova profess Christianity, the largest denomination being the Eastern Orthodox Church. The Gagauz, despite their Turkish origins, are adherents of Orthodox Christianity. The Russian Orthodox Church (Moscow Patriarchate) has jurisdiction in Moldova, but there are Romanian and Turkish liturgies. [1]

3. ECONOMY

3.1 The Moldovan Government is engaged in a process of privatisation: agriculture, the most important economic activity, largely has been privatised. The majority of manufacturing sector enterprises are owned privately, but small equity positions give the Government disproportionate influence in the affairs of these enterprises. The leading exports are foodstuffs, wine, tobacco, clothing and footwear. The "shadow economy" reportedly accounts for between 30 to 70% of the economy and according to government statistics, approximately 82 per cent of the population live below the officially designated "subsistence minimum". [2a] [2e]

3.2 The loss of Transnistria was particularly difficult given that most of the light industry and energy facilities were located within this region. Based on a Western definition of unemployment, the World Bank calculated that between 10% and 20% of the labour force was not working at any one time. According to the United Nations Development Programme (UNDP), at the end of the 1990s between 240,000 and 250,000 individuals were unemployed. Owing to salary arrears, even those who are employed have difficulty maintaining their existence. There has been substantial emigration from the country because of these economic difficulties and it is estimated that at least 10% of the population emigrated after 1991. [1]

3.3 In 2001, for the first time in many years, there were signs that the Moldovan economy was recovering, after years of declining growth. Growth of GDP was positive in 2000, and was expected to be even higher in 2001, and the rate of inflation. Although, by 2001, the Moldovan Party of Communists controlled the presidency, the Government and Parliament, there was cautious optimism that Moldova could institute the reforms necessary to win back international lending organisations and investors. However, the economy remained extremely fragile: the level of foreign debt was extremely high, and privatisation efforts had been mixed. Unless the country maintained the path of economic reform, it was doubtful that it would continue to enjoy even modest economic growth in the future. [1]

3.4 Official figures released by the Department of Statistics and Sociological Analysis in February 2003 state that 11.4 per cent of Moldova's workforce are working abroad. Ala Mindicanu of the opposition Social Liberal Party is quoted as saying, "These people left Moldova because the state failed them. The irony is that it is these people who send home money and now help to sustain the state." [15i][13i]

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3.5 According to the National Bank of Moldova, an estimated \$260m was earned by Moldovans working abroad in 2002, with Western Union handling transactions worth \$159m into Moldova. Data made available by the domestic security agency SIS in 2001 indicated that at least 600,000 work capable Moldovans were employed abroad or were seeking work outside Moldova. [15k]

4. HISTORY

Communism

4.1 A Moldavian Autonomous Soviet Socialist Republic (ASSR) was first established in 1924 in Soviet Ukraine, in territory to the east of the Dniester river. This area was occupied by Romanian and German troops during the Second World War but returned to Soviet control following their expulsion by the Soviet Army in 1944. [1][13a]

4.2 In 1982, Semion Kuzmich Grossu, succeeded Ivan Ivanovich Bodiul as First Secretary of the Communist Party of Moldova (CPM) and leader of the country. [1]

4.3 The pro-Romanian Popular Front of Moldova (PF) was established in May 1989. Among its aims were the abolition of the use of the Cyrillic scrip with regard to the Romanian language and the return to a Latin one, and the acceptance of Romanian as the country's state language. [1]

4.4 On 31 August 1989, the Moldovan Supreme Soviet adopted laws which returned Moldovan to the Latin script, made it the state language of the republic and recognised its unity with the Romanian language. After protests by the Slav population, Russian was to be retained as the language of inter-ethnic communication. In November, Grossu, a conservative, was replaced as First Secretary of the CPM by the more reformist Petru Lucinschi, an ethnic Romanian, following rioting in Chişinău. [1]

4.5 On 25 February 1990, elections to the Moldovan Supreme Soviet were held; the PF won the largest number of seats. Following this, in April, the new Moldovan Supreme Soviet was convened. Mircea Snegur, a CPM member supported by the PF, was re-elected Chairman of the Supreme Soviet. The legislative later adopted a modified version of the Romanian tricolour as Moldova's national flag. [1]

4.6 On 23 June 1990, the Moldovan Supreme Soviet adopted a declaration of sovereignty, which asserted the supremacy of Moldova's Constitution and laws throughout the republic. The Supreme Soviet also specified that the name of the Republic was to be 'Moldova' rather than the russified 'Moldavia'.

[1]

4.7 In August 1990, five counties (raione) in southern Moldova, largely populated by the ethnic Gagauz, declare a separate 'Gagauz SSR' (Gagauzia). Following this, in September, Slavs in the territory east of the Dniestr River proclaimed their secession from Moldova and the establishment of a 'Dnestr SSR' based in Tiraspol. Mircea Snegur was elected by the Supreme Soviet to the newly instituted post of President of the Republic. [1]

Independence

4.8 On 27 August 1991, following the attempted coup in the Soviet capital of Moscow, Moldova declared its independence for the USSR and the CPM was banned. Romania recognised Moldova's independence and diplomatic relations between the two countries were established. The first popular presidential elections in Moldova took place on 8 December 1991, with Snegur, the only candidate, receiving 98.2% of the votes cast. Later that month, armed conflict broke out in the Transnistria region between the Slavic 'Dniestr Guards' and government troops. On 21 December, Moldova signed the Almaty Declaration by which was formed the Commonwealth of Independent States (C.I.S.) [1]

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4.9 In July 1992, a peace agreement accorded Transnistria 'special status' within Moldova; Russian, Moldovan and Dnestrian peace-keeping forces were deployed in the region to monitor the cease-fire. [1]

4.10 In August 1993, the Moldovan Parliament failed to secure the necessary majority for ratification of the Almaty Declaration and to formalise the country's entry into the CIS. Nevertheless, President Snegur continued to sign CIS documents, including a treaty on economic union in September 1993. [1]

4.11 In July 1994, the Moldovan Parliament adopted a new Constitution, which described Moldova as a sovereign, independent, unitary and indivisible state. The official state language was described as 'Moldovan', although that was acknowledged to be identical to Romanian. The Constitution proclaimed the country's neutrality and provided for 'special autonomous status for Transnistria and Gagauzia within Moldova (the exact terms of which were to be determined at a later date). In December, the Moldovan Parliament adopted legislation on the special status of Gagauz-Eri (Gagauzia); the region was to enjoy a considerable degree of autonomy; Gagauz was to be one of three official languages; and legislative power was to be vested in a regional assembly, the Halk Toplusu, while a directly elected bashkan was to hold a quasi-presidential position. This law entered into effect in February 1995. [1]

4.12 Presidential elections were held on 17 November and 1 December 1996. Parliamentary speaker Petru Lucinschi was elected President of Moldova. Also in December 1996, Igor Smirnov was re-elected for a second term as President of the 'Dniestr' Republic with more than 70 percent of the vote. [1]

4.13 On 8 May 1997, the memorandum of understanding on the normalising of relations between Moldova and Transnistria was signed by President Lucinschi and Smirnov in Moscow, Russia; the memorandum committed both sides to further negotiations on the status of the region. Russia, which was willing to withdraw troops from its 15,000-strong Russian 14th Army based in Transnistria, and Ukraine were guarantors of the agreement. [1]

4.14 In the general election of March 1998, the Moldovan Party of Communists (MPC) won the largest number of seats (40) in the 104 seat Parliament. The Democratic Convention of Moldova (CDM), an alliance which included the Party of Revival and Accord of Moldova (PRAM) and the CDPF, gained 26 seats, whilst the pro-Lucinschi Movement for a Democratic and Prosperous Moldova (MDPM) came third with 24 seats. The Moldovan Party of Democratic Forces won 11 seats. The CDM, the MDPM and the Party of Democratic Forces agreed to form a parliamentary alliance, led by the former president Snegur; the MPC therefore was excluded from all major parliamentary and government posts. Ion Ciubuc, a member of the CDM, led the new Government. [1]

4.15 Prime Minister Ciubuc resigned in February 1999, as, subsequently, did the Parliamentary leader, Snegur, when his candidature for presidency was rejected. Ion Sturza was confirmed as premier in the following month. However, his Government was dismissed following a vote of 'no confidence' by Parliament on 10 November and eventually replaced by a new government under Dumitru Braghis in 20 December. [1]

4.16 On 21 July 2000, Parliament overturned a veto imposed by President Lucinschi on a law that introduced parliamentary rule to Moldova, by permitting Parliament to elect the head of state. Presidential elections took place on 4 December. The MPC candidate, Vladimir Voronin, was supported by 50 of the 101 parliamentary deputies, and his opponent, the Chairman of the Constitutional Court, Pavel Barbatat, received 35 votes. Neither of the candidates reached the level of support required to be elected (three-fifths of the votes). A further round of voting for the presidency, between the same two candidates, proved inconclusive after a number of centre-right deputies boycotted the parliamentary session. After consulting the Constitutional Court, Parliament was dissolved on 31 December and a parliamentary election set for 25 February 2001. [1]

4.17 Parliamentary elections were held in Transnistria on 10 December 2000. Of the 43 seats, independent candidates won 25; the Yedinstvo (Unity) movement emerged as the largest single party, with nine seats, the pro-Government Obnovniye (Renovation) bloc secured seven seats and the Power to the People! Bloc secured one. The election was cancelled in one constituency, owing to the revelations of electoral malpractice on part of both candidates. [1]

Parliamentary Elections of February 2001

4.18 In the parliamentary election, held on 25 February 2001, the MPC won 71 of 101 seats, the centrists Braghis Alliance won 19 seats, and the Christian Democratic People's Party (CDPP - as the CDPF was known by this

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time) won 11 seats. The Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE-ODIHR) observed that the elections met international democratic standards. The following month, the government of Dumitru Braghis tendered its resignation. [1][10]

4.19 Another Presidential election took place on 4 April 2001, at which Vladimir Voronin was finally elected President, securing 71 of 89 votes cast by deputies of the new Parliament. Braghis received 15 votes, and another Communist candidate, Valerian Christea, received three; the 11 deputies of the CDP abstained from voting. Later that month, a new cabinet was approved with Vasile Tarlev as Prime Minister. [1]

4.20 A law on ethnic minorities, adopted by Parliament in July 2001, guaranteed for all ethnic minorities the right to education and training in their mother language, and the right to education from pre-school to secondary and higher in the Moldovan (Romanian) and Russian languages. In addition, the law stipulated that the publication of laws and official documents shall be printed in both Moldovan and Russian and that in areas with a special status of autonomy, street names and names of public buildings will also be indicated in the language of the autonomous region. [15a]

4.21 Presidential elections were held in the "Dniestr Republic" on 9 December 2001. Incumbent, Igor Smirnov, was declared the winner. Internationally recognised election monitors refused to observe the 9 December "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 per cent of their voters cast ballots for Smirnov. [2a]

Demonstrations in Chişinău 2002

4.22 On 18 December 2001, the Communist government resurrected plans to make Russian language instruction compulsory, from the second grade onwards, in schools as of 1 January 2002. Education Minister Ilie Vancea claimed that this step had been taken after lobbying from many Russian-speaking parents. The move was condemned by critics as an attempt to bring Moldova further under Russian influence. The Romanian Foreign Ministry condemned the decision calling it a matter of "political interference in education and culture". [18b]

4.23 This sparked a demonstration in the capital, Chişinău, on 9 January 2002, attended by several thousand people and organised by the CDP. The demonstrators protesting about the alleged "re-Russification" of the country. The participants called on teachers and schoolchildren to "boycott Russian language lessons. [13b][18a]

4.24 These protests continued on an almost daily basis throughout January, February, March and into April 2002, attracting crowds of up to 50,000 people. Demands were made for the resignation of the ruling government. In the face of these protests, the Government cancelled the plans to make Russian a compulsory language in schools. However, the protests continued aimed against other government moves to bring the country closer to Moscow. [13c][13d]

4.25 On 13 February 2002, the Government approved a decision to replace the "History of Romanians" study from the school curriculum and replace it with a "History of Moldovans" book, starting on September 2002. The book was commissioned by President Voronin and written by academic Vladimir Taranov. Taranov presented the view that the Moldovan language exists which is different from the Romanian language and that differences also exist between those who live in Moldova and Romania. Prime Minister Tarlev stated that this represented an opportunity for the country to have its "own history." However, the move was widely perceived as another strand of the russification of the largest part of the population, as well as of non-Russian minorities living in the country. The Council of Europe urged the Moldovan authorities to introduce a moratorium on the subject. [15e][15f][15g][15h]

4.26 On 21 March 2002, one of the leaders of the CDP and an organiser of the anti-government demonstrations, Vlad Cubreacov, was declared missing after he failed to return home from a party meeting the previous evening. The party claimed that the communist authorities, or those influenced by them, had abducted him. President Voronin denied the allegations and accused the CDP of seeking to destabilise the country. [13d]

4.27 The Moldovan Supreme Court of Justice demanded that the CDP stop demonstrations on the grounds that they were not authorised by Chişinău City Hall. The CDP appealed against this ruling to the European Court of Human Rights. [15c][19]

4.28 On 24 April 2002, the Council of Europe passed a Parliamentary Assembly resolution urging an end to both the protests and prosecution by the government of demonstrators and CDDP deputies. Complying with this, the CDDP ended the protests on 29 April 2002 after 101 days. [15c][18e][25]

4.29 Vlad Cubreacov was found alive on 25 May 2002 on a road in the vicinity of the border with Transnistria, near the village of Ustia, some 50 kilometres northeast of Chişinău. He claimed to have been held by "Russian speakers". He said that during the previous night he had been taken out in a car, dropped off and told "to walk and not look back." He refused to disclose further details about his kidnappers, for fear of harming the police investigation. Prime Minister Vasile Tarlev claimed that Cubreacov's disappearance proved that the authorities were not involved in the kidnapping. Transnistria's "foreign minister" Valerii Litskay also denied any link to the abduction claiming that the Tiraspol authorities were being used as a scapegoat and that the most likely explanation for the kidnapping was that it had been staged by the CDDP to ensure public interest in the then-ongoing demonstrations. [18d]

4.30 Following mediation by Russia, Ukraine and the Organisation of Security and Co-operation in Europe (OSCE), a draft treaty on the status of Transnistria was published in the Moldovan state press in July 2002. The treaty determined Moldova to be a federal state with each part of the federation having its own constitution although the treaty did not state how many federal entities there would be. The state language would be Moldovan but different parts of the federation would have their own official language. The Moldovan Government cautiously welcomed the proposal. However, the Transnistrian leader Igor Smirnov claimed that the plan required further development. [13e][13f]

4.31 Protests, attracting 4,000 to 10,000 participants, organised by the CDDP, took place in Chişinău on 1 September 2002. The demonstrators were protesting against the proposed treaty and against the Government's plans to introduce the Russian language into primary schools and Moldovan history courses into the national curriculum. Unlike earlier rallies, this protest took place after the approval of a CDDP request by the Chişinău mayor's office. [22b]

Relations with the Transnistrian Authorities

4.32 Despite the Moldovan government's agreement to giving Transnistria broad autonomy in exchange for reunification, negotiations broke down towards the end of 2002. At the beginning of February 2003, President Voronin invited the Transnistrian authorities to join in writing a new constitution that would create a common state in which Transnistria would be a federal unit. On 24 February 2003 the EU and US announced an EU visa ban against those members of the Transnistrian leadership considered to be primarily responsible for the lack of co-operation to promote a political settlement of the conflict. The EU has reserved the right to consider additional targeted restrictive measures at a later date if the Transnistrians attempt to delay/block the process. Relations between the two regions worsened in March 2003 apparently after several EU countries and the United States of America acted on the Moldovan authorities request to stop awarding visas to 17 Transnistrian politicians. The separatist authorities' response was to announce that Voronin and 12 other government officials would not be permitted to attend Moldova's Euro 2004 qualifier against the Netherlands in Tiraspol. [34a][36][37]

4.33 A complicating factor is the presence of Russian troops from the former Soviet 14th Army and 43,000 tonnes of arms and ammunition. The Russians and Moldovans signed an agreement on a 3-year timescale for the withdrawal of the Russian 14th Army forces in October 1994, but this was not ratified by the Duma. The Istanbul OSCE Summit (November 1999) agreed a decision calling for full withdrawal of arms and ammunition from Transnistria by end 2002. Trains loaded with ammunitions did leave the territory in 2002 but the Transnistrian authorities put obstacles in the way of complete withdrawal or destruction. As a result, at the OSCE Ministerial in Porto in December 2002, Russia successfully negotiated a new deadline for full withdrawal of Russian arms, ammunition and forces from Transnistria - 31 December 2003. An increased number of trains have left the region already this year, loaded with equipment and ammunition, helped by a decision adopted in March 2003 by the Transnistrians to recommend formally that all obstacles to the withdrawal of Russian military equipment and ammunition be lifted. [38]

4.34 Moldova is due to take over the Chairmanship of the Committee of Ministers of the Council of Europe from May-November 2003. [38]

For history prior to 1924, please refer to Europa publications, source 1

5. STATE STRUCTURES

Part I

Part II

Part I

5. STATE STRUCTURES

THE CONSTITUTION

5.1 The Constitution of the Republic of Moldova was adopted by the Moldovan Parliament on 28 July 1994 and entered into force on 27 August. On 28 July 2000 amendments were enacted, which transformed Moldova into a parliamentary republic. Following alterations to the law on presidential election procedure, approved on 22 September, the President of the Republic was, henceforth, to be elected by the legislature, rather than directly. [1]

5.2 The Republic of Moldova is a sovereign, independent, unitary and indivisible state. The rule of law, the dignity, rights and freedoms of the people, and the development of human personality, justice and political pluralism are guaranteed. The Constitution is the supreme law. The Constitution upholds principles such as human rights and freedoms, democracy and political pluralism, the separation and co-operation of the legislature, executive and judicial powers of the State, respect for international law and treaties, fundamental principles regarding property, free economic initiative and the right to national identity. The national language of the republic is Moldovan and its writing is based on the Latin alphabet, although the State acknowledges the right to use other languages spoken within the country. [1]

5.3 The Constitution grants Moldovan citizens their rights and freedoms and lays down their duties. All citizens are equal before the law; they should have free access to justice, are presumed innocent until proven guilty and have a right to an acknowledged legal status. The State guarantees fundamental human rights, such as the right to life and to physical and mental integrity, the freedoms of movement, conscience, expression, assembly and political association, and the enfranchisement of Moldovan citizens aged over 18. Moldovan citizens have the right of access to information and education, of health security, of establishing and joining a trade union, of working and of striking. The family, orphaned children and the disabled enjoy the protection of the State. Obligations of the citizenry include the payment of taxes and the defence of the motherland. [1]

5.4 In line with an initiative by President Voronin to give renewed impetus to the Moldova/Transnistria settlement negotiations, the Joint Constitutional Commission (JCC) was formed consisting of representatives from both sides plus observers from the mediator states, Russia and Ukraine, and the OSCE. The JCC was set up on the basis of a protocol agreed in the 18 March session of the negotiation process, which was subsequently endorsed by the Moldovan Parliament and the Transdniestrian 'Supreme Soviet', the legislative body of the unrecognized separatist region. According to the agreement, the JCC is to produce a draft text within six months. This will be followed by two months of public discussion and possible amendment. A nationwide referendum on the draft of a new constitution is to be held no later than 1 February 2004. Nationwide elections for a new, united government should then be held no later than 25 February 2005. [10c][18i][39a][39b]

Citizenship and Nationality

5.5 The Law on Citizenship of Moldova was adopted on 10 August 2000. Citizens of the Republic of Moldova may not be citizens of other states, except in cases provided by international agreements to which the Republic of Moldova is a party. Citizenship of Moldova is proven by an identity card, passport, certificate of birth in case of a child or a certificate issued by competent authorities of the Republic of Moldova. [29a]

5.6 Citizenship of the Republic of Moldova is acquired through birth, recognition, adoption, recovery or naturalisation or on the basis of international agreements to which the Republic of Moldova is a party. [29a]

5.7 Citizenship of the Republic of Moldova may be lost through renunciation, deprivation or on the grounds deriving from international agreements to which the Republic of Moldova is a party. [29a]

5.8 Citizenship of the Republic of Moldova may be revoked to a person by the decision of the President of the Republic of Moldova if that person has acquired the citizenship of the Republic of Moldova by way of fraud, false information or concealment of any relevant fact proved by court, if a person has voluntarily enrolled in a foreign military service, committed actions seriously prejudicing the vital interests of the state, as proved by the court, or if the person has voluntarily acquired the citizenship of another state that did not conclude an agreement on dual citizenship with the Republic of Moldova and does not renounce the citizenship of any of the states during one year. [29a]

5.9 Citizenship may be recovered under Article 17, for a person who has reached 18 years of age and who knows and observes the provisions of the Constitution, knows the national language, sufficiently well to integrate into social life and who loses or renounces the citizenship of another state, if possessed, except in cases when the loss or the renunciation is not possible or cannot reasonably be requested. [29a]

POLITICAL SYSTEM

5.10 Parliament is the supreme legislative body and the sole legislative authority of Moldova. It consists of 101 members, directly elected for a four-year term. Members elect the Chairman of Parliament, also for a four-year term. Parliament holds two ordinary sessions per year. The Parliament's basic powers include: the enactment of laws, the holding of referendums, the provision of legislative unity throughout the country, the approval of state policy, the approval or suspension of international treaties. The election of state officials, the mobilisation of the armed forces and the declaration of the states of national emergency, martial law and war. [1]

5.11 The President of the Republic is the Head of State and is elected by the legislature for a four-year term. A candidate must be aged no less than 40 years, be a Moldovan citizen and a speaker of the official language. The candidate must be in good health and, with his or her application, must submit the written support of a minimum of 15 parliamentarians. A decision on the holding of a presidential election is taken by parliamentary resolution, and the election must be held no fewer than 45 days before the expiry of the outgoing President's term of office. To be elected President, a candidate must obtain the support of three-fifths of the parliamentary quorum. If necessary, further ballots must then be conducted, contested by the two candidates who received the most votes. The candidate who receives more votes becomes President. The same person may not hold the post of President for more than two consecutive terms. The President is allowed to participate in parliamentary proceedings and, after consultation with the parliamentary majority, is responsible for nominating a Prime Minister designate and a Government. If the President has committed a criminal or constitutional offence, the votes of two-thirds of the members of Parliament are required to remove the President from office; the removal must be confirmed by the Supreme Court of Justice, for a criminal offence, and by a national referendum, for a constitutional offence. [1]

5.12 Members of Parliament are elected via proportional representation, with the entire country considered a single electoral district. The same system is applied for both parliamentary and local elections. Political parties, electoral blocs and independent candidates can compete. Recent amendments to the election code have increased the threshold percentage requirement for parties and blocs in parliamentary elections from four to six percent of the valid votes and have reduced the requirement for individual candidates from four to three percent. Party leaders decide which seats on the electoral list to give to potential candidates, depending on the candidates' contributions. [10][17a]

5.13 Transnistria is viewed in Chişinău as part of Moldova, but in fact this eastern territory of the country is run as an independent state. Citizens' rights to change their government are restricted severely in Transnistria. The February 2001 Parliamentary elections could not be conducted in the area due to a lack of co-operation from the Transnistrian authorities. As in earlier elections in 1994, 1996, and 1998, a small number of special polling stations were set up on the government-controlled right bank of the river Nistru and Transnistrian residents were invited to cross the river to vote. The voting at these stations was conducted in a proper manner. However, only a small percentage of the Moldovan citizens living in Transnistria managed to exercise their right to vote due, at least in part, to interference by the Transnistrian authorities as had occurred in previous elections. [2a][10][33a][2e]

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5.14 Elections for "President", of the unrecognised state took place on 9 December 2001 and the incumbent, Igor Smirnov, was declared the winner. In the period prior to the elections, the 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 recognised election monitors refused to observe the 9 December "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% of their voters cast ballots for Smirnov. [2a][17a]

5.15 The last territorial-administrative reform, replacing Soviet era districts (rayons) with a smaller number of countries (judets), took place in 1998. This system was based on the French model, also applied in Romania. However, legislation passed in March 2003 will phase out the judets, reverting to the old rayons. This step has been roundly condemned by the opposition and by NGOs as a politically motivated attempt to restore Soviet-era vertical power structures to Moldova, diluting the autonomy and the already scarce resource of the regions. Concern has also been voiced by the IMF, as the government has not accounted for the cost of this reform in the national budget. The fact that the changes will bring regional administrative units into line with Communist party local branches has aroused suspicion and its opponents accuse the government of distracting from the real local issues ahead of the 25 May local elections. [38]

JUDICIARY

5.16 The judiciary consists of lower courts of the first instance, 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 in cases regarding the constitutionality of draft and final legislation, decrees and other government acts. [2a]

5.17 Every citizen has the right to free access to justice. Justice shall be administered by the Supreme Court of Justice, the Court of Appeal, tribunals and the courts of law. Judges sitting in the courts of law and the Supreme Court of Justice are appointed by the President following proposals by the Higher Magistrates' Council. They are elected for a five-year term, and subsequently for a 10-year term, after which their term of office expires on reaching the age limit. The Higher Magistrates' Council is composed of 11 magistrates, who are appointed for a five-year term. It is responsible for the appointment, transfer and promotion of judges, as well as disciplinary action against them. The Prosecutor-General, who is appointed by Parliament, exercises control over the enactment of law, as well as defending the legal order and the rights and freedoms of citizens. [1]

5.18 The Constitutional Court is the sole authority of constitutional judicature in Moldova. It is composed of six judges, two each appointed by the President, parliament and the Higher Council of Magistrates, who are appointed for a six-year term. The Constitutional Court's powers include: the enforcement of constitutionality control over laws, decrees and government decisions, as well as international treaties endorsed by the republic; the confirmation of the results of elections and referendums; the explanation and clarification of the Constitution; and decisions over matters of the constitutionality of parties. The decisions of the Constitutional Court are final and are not subject to appeal. [1][23b]

5.19 The Constitutional Court showed signs of independence during 2001. It reviewed 72 cases, including 33 laws, 3 decisions of Parliament, 20 government decisions, 6 interpretations of the Constitution, and 5 approvals for constitutional review. In the period following a July 2000 constitutional amendment enacted by Parliament that made the country a parliamentary republic, the court issued a number of rulings on the interpretation of the amendment and subsequent implementing legislation. On 10 October 2000, the Court ruled that legislation requiring political parties be registered for 2 years before participating in elections was unconstitutional. The Court's decisions generally have been regarded as fair and objective. [2a]

5.20 In other recent decisions, the Constitutional Court approved constitutional amendments on the dissolution of courts within the Moldovan judicial system that duplicated the work of district courts; certified the appointment of judges by Parliament, and reduced from five years to four the terms of members of the Supreme Council of Magistrate. [17a]

5.21 The Constitutional Court showed further signs of independence in 2002 when it overturned some of the amendments to the Administrative Territorial Organisation Law and the Law on Local Public Administration. [2e]

5.22 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 judicial tenure is designed to increase judicial independence. Beginning in 2000, judges being considered for reappointment have been required to take a specialised training course at the Judicial Training Centre. At the end of this training, they are subject to tests, which are evaluated by the Superior Council of Judges; the results are considered when making reappointment decisions. This process was designed to increase the professionalism of the judges. [2a]

5.23 The Prosecutor General's office is an autonomous office within the judiciary branch and answerable to Parliament. Since 1997 prosecutors have had the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. In its July 2000 session, Parliament decided that the Prosecutor General's office would no longer supervise the implementation of laws; its function was restricted to criminal prosecution, the presentation of formal charges before a court, and the overall protection of the rule of law and civil freedoms. [2a]

5.24 Moldova receives aid to reform its judiciary from donor countries and international organisations; the major technical assistance provider in this regard is the United States. [17a]

5.25 The lack of financial independence of the judicial system remained an area of concern in 2001. While the Supreme Court exercised control over its own budget, all other 84 courts of the country remained financially subordinated to the Ministry of Justice. Meanwhile, the funds allocated to the courts were clearly insufficient and the judges underpaid, although judges were awarded a pay rise on 25 July 2002 that came into effect on 1 November 2002. In another development, Article 12 (6) of the Law on the Status of the Judge was amended in order to prohibit a judge from swearing the judge oath for a number of reasons, including expression of his/her opinion on current political matters in the press or in TV and radio programmes. [12b] [2e]

5.26 A new penal code was adopted by Parliament on 18 April 2002, which was scheduled to come into effect on 1 January 2003. The parliamentary commission that drafted the new code was assisted by experts from the OSCE and the American Bar Association/Central and Eastern European Law Initiative. On 26 December 2002 a law on the creation of a judiciary police force that would ensure the public order in the country's courtrooms, protect the sides involved in trials and aid in the execution of court rulings was adopted. This was implemented despite resistance from within the Interior Ministry for the previous five years due to cost. [28b] [2e]

5.27 On 12 February 2003 President Voronin dismissed the Justice Minister, Ion Morei, from his post. It was reported that Voronin has accused Morei of "incompetence" in connection with the stipulations his ministry had introduced to the law on the re-registration of political parties. [18h]

LEGAL RIGHTS/DETENTION

5.28 The Soviet Code on Penal Procedure, which prohibits arbitrary arrest and detention, remained in force with some amendments, and the authorities generally respected its provisions. Judges issue arrest warrants based on cases presented by prosecutors. As a result of a constitutional change which took effect on 8 August 2001, a suspect may be detained without charge for 72 hours, an increase from 24 hours. The suspect normally is allowed family visits during this period. If charged, a suspect may be released on personal recognisance pending trial. No system of bail exists, but in some cases, in order to arrange release, a friend or relative may be 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. [2a]

5.29 Under the Constitution, 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. The accused has the right to a defence 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. [2a]

5.30 According to current legislation, the police can arrest a person for a maximum of three hours in order to ascertain his/her identity. However, police officers often used this possibility as a means of obtaining information needed for formal charges. Typically, suspects were arrested and interrogated without having been informed of their rights, including the right to remain silent. It was also common practice that suspects were interrogated under the guise of them being heard as witnesses, and threatened with sanctions for untruthful statements. Later, the same persons were held as suspects on the basis of the information they had given. [12]

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5.31 Sometimes, in 2001, the police arrested and detained persons for more than three hours without invoking any formal grounds. In most cases, these arrests were not officially registered. Reportedly, detainees were also subjected to psychological pressure and physical abuse when interrogated. [12]

5.32 The Constitution permits pre-trial detention for an initial period of 30 days, which, as a result of an amendment adopted on 12 July 2001, may be extended by a court to 12 months. Detentions of several months were fairly frequent. Parliament may approve the extension of pre-trial detention on an individual basis to 12 months. The accused has the right, under the Constitution, to a hearing before a court regarding the legality of his arrest. At year's end, according to figures provided by the Ministry of Justice, 1,890 persons of a total prison population of 10,632 were held in confinement awaiting trial. [2a]

5.33 The authorities failed to improve conditions of detention. There was particular concern about the conditions in which people were held while awaiting trial and sentencing, often for prolonged periods. Overcrowding and poor sanitary conditions in police lock-ups and pre-trial detention facilities often amounted to cruel, inhuman or degrading treatment. [4a]

5.34 During trial, due process rights were not properly respected and the proceedings could not always be considered impartial and fair. From time to time, defendants were not granted access to case files. Moreover, in serious violation of international due process standards, defendants were sometimes not allowed to be present in the courtroom in order to defend their interests in person or through a legal counsel of their own choice. [12]

5.35 According to Moldovan legislation, vagabonds, beggars and persons without identification documents could be detained for up to 30 days. The definitions of those considered to belong to these categories were vague, and their detention was not justified by any clear and reasonable objectives, such as the intention to provide for rehabilitation. Most persons detained as vagrants were held in the Chişinău Vagrancy Centre. [12]

5.36 At times, during 2001, the Transnistrian authorities used a "state of emergency" decree that they promulgated in 1994, and imposed a state of emergency in Transnistria that allowed law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. Such arbitrary detention procedures usually have been 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, many pre-trial conditions in Transnistria fitted this description. The decree was lifted on 5 October 2001. [2a]

5.37 In Transnistria three ethnic Moldovans, members of the Ilascu Group, remained in prison following the May release of their leader. They were convicted of murder in a trial that international human rights groups considered biased and unfair. Local organisations alleged that they were prosecuted solely because of their membership in the Christian Democratic Popular Party (CDPP), a political party that, at that time, favoured unification with Romania. In April 1999, wives of the Ilasci Group filed a case with the European Court of Human Rights (ECHR) against the Government of Moldova and the Russian Federation. In spite of the release of Ilie Ilascu in May 2001, they have not withdrawn the case, which was being considered by ECHR at the end of 2001. Ilascu, who subsequently became a Romanian parliamentarian, is pressing the Government of Romania to work towards the release of his former colleagues. He has also met with President Voronin asking for the Government's support for their release. International organisations continued to pressure the Transnistrian authorities to release the remaining members of the Ilascu Group or retry them in a proper court under international monitoring. The ICRC has been denied visitation to these prisoners since their last visit in October 1993. The ICRC requested permission to visit the Ilascu Group during the year, but the Transnistrian authorities did not permit the visit. [2a] [6]

Death Penalty

5.38 In 1995, the Death Penalty was abolished for all crimes in the Republic of Moldova. [4b]

INTERNAL SECURITY

5.39 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. In June 2001, Parliament dissolved the special committee that

had been created in 2000 to oversee the ISS and placed it under a permanent Parliamentary Committee on National Security. [2a]

5.40 During 2001, the regional delegation of the International Committee for the Red Cross (ICRC) organised several presentations and seminars for senior police officers and lecturers and students of police academies to raise awareness of international humanitarian law and human rights. [6]

5.41 The United Nations Committee on the Elimination of Racial Discrimination voiced concerns, in March 2002, about reports of police violence against person belonging to minority groups, in particularly the Roma population. The Committee recommended that the Government take all necessary measures to prevent and punish excessive use of force by members of the security forces against minorities. [3]

Border Security and relations with neighbouring countries

5.42 The salaries of border guards and migration officials are low and frequently not paid regularly, making them vulnerable to bribery. The large profits of the trafficking industry finance the corruption of officials. According to a report by Save the Children, the Government does not want to stop any form of overseas employment that is contributing to the economy with much-needed remittance money. The Moldovan Centre for Strategic Study and Reforms charges that there is corruption at all levels. [2a]

5.43 Moldova faces a dilemma in its position in international affairs. The country is caught between the aspirations of the Moldovan majority to draw closer to their linguistic cousins in Romania and to the European Union (EU), and those of the Russian minority, led by the Transnistrians, who urge integration with the Russian Federation. President Voronin has stated that he wants to create 'modern socialism' by forging closer ties with Russia and has in the past described Moldova as a European Cuba. In October 2002 a CIS summit took place in Moldova. [23b] [13h][13g][2e]

5.44 Russian troops and weapons stationed in Transnistria since the Soviet period are due to be withdrawn by the end of 2003 under the terms of an agreement reached at the 2002 OSCE Ministerial in Porto. Moldova's relations with Russia were further strengthened in November 2001 when Presidents Voronin and Putin signed a 10-year Moldovan-Russian Basic Political Treaty of Friendship and Co-operation. The treaty confirmed Russia's prominent role in efforts to find a solution to the Transnistrian conflict and re-confirmed the Russian Government's desire to see the territorial integrity of Moldova. [23b]

5.45 Relations between the Moldovan and Transnistrian authorities worsened at the beginning of 2003 (see paragraph 4.32). However, relations between Romania and Moldova, which had become strained due to the election of the pro-Russian MPC in February 2001, showed signs of improvement in April 2003. Romania's Foreign Minister, Mircea Geoana became the first high-ranking Romanian government official to visit Moldova since 2000 and stated that Romania would support Moldova's moves towards joining European organisations. One of these moves is the Moldovan government's expected attendance at the European Unity Meeting in Athens on 16 April 2003. [34a][34b] [34c]

PRISON AND PRISON CONDITIONS

5.46 Conditions in most prisons in both Transnistria and Moldova remained harsh, with serious overcrowding. Cell sizes do not meet local legal requirements or international standards. The official minimum norm for the space to be granted to each prisoner was 2m², but in practice this was often violated. Conditions were especially harsh in prisons used to hold persons awaiting trial or sentencing. As of 1 September 2002, 3,020 individuals were awaiting trial. These prisons suffer from overcrowding, bad ventilation, scarcity of food and a lack of recreational facilities. The medical section of the Department of Penitentiaries released figures at the end of 2001, showing that 1,035 inmates had active tuberculosis and 191 had HIV/AIDS. The Ministry of Justice administers the prison system. Attempts to improve prison conditions continue to be frustrated by a lack of financing. 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 most likely continues at diminished levels. [2a][12] [2e]

5.47 Female prisoners are housed separately from male prisoners. According to UNICEF, the country has only one small facility, similar to a detention centre, for juveniles convicted of crimes, and one woman's prison has a

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small section for juvenile girls. There is no juvenile justice system. Children accused of crimes usually are tried by the criminal courts and, if sentenced, sent to prisons with adults, although they are kept in separate cells. During 2001, as part of the country's celebration of 10 years of independence, President Voronin declared an amnesty for 1,500 prisoners, mainly war veterans and pensioners. Pre-trial detainees are held separately from convicted reports, although one report states that, due to overcrowding in prisons, there were some cases of convicted prisoners remaining in the pre-trial facilities. [2a] [2e]

5.48 As of November 2001, 106 minors were held pending trial in Chişinău Prison Number 3. Each of the cells held more people than there were beds available. The young people were not provided with any educational or recreational program and were only allowed access to a 25m² concrete yard for one hour a day. At least six of the detainees, one of whom was suffering from tuberculosis, had been held in these conditions for over 16 months. Many of them were poorly clothed and barefoot. In only a few exceptional cases were they allowed family visits before sentencing. The Council of Europe's Anti-Torture Committee did note some positive changes at the prison with the removal of shutters covering cell windows allowing better access to natural light and fresh air. [4a][24]

5.49 In the women's section of Chişinău Prison Number 3, the authorities reportedly claimed that a cell measuring 2.5m x 1.5m designed for solitary confinement was no longer in use. However, in October 2001, a visiting human rights monitor reported that she saw a woman who had been detained in the cell for 10 days, the maximum allowed by prison regulations. The cell, which adjoined the shower room, was extremely humid. [4a]

5.50 Prisoners in Soroca city prison went on hunger strike for three days from 13 August 2002 as a protest against their detention conditions. According to Stefan Uritu, the chairman of the Moldovan Helsinki Committee for Human Rights, claimed that inmates were being held in cells with a high degree of humidity, where the walls are covered with mould, together with patients suffering from infectious diseases. Symptomatic of the lack of funding available for Moldovan penitentiaries, official statistics showed that the Government had only allocated 40 percent of the funding required for the maintenance of detention facilities. [15b]

5.51 In general both government and independent human rights monitors were permitted to visit prisons. The Moldovan Centre for Human Rights made regular prison visits during the year. The Government has co-operated with the International Committee for the Red Cross (ICRC) in the past, permitting visits to prisoners from the 1992 conflict; however an ICRC request for permission to visit the Iliascu Group, imprisoned in Transnistria, was denied. The OSCE visited the Iliascu Group. [2a]

5.52 Ilie Iliascu, who had been convicted of murder in 1993 by a court in the DMR in the trial of the so-called "Tiraspol Six", was released in May. The six men had been convicted of "terrorist acts", including the murder of two DMR officials in 1993. Alexandru Lesco, Andrei Ivantoc and Tudor Petrov-Popa remained in prison. In July the European Court of Human Rights ruled that their application against their conviction was admissible. The men had said that they were not convicted by a competent court, that the proceedings leading to their conviction were not fair and that their prison conditions were in breach of the European Convention on Human Rights. [4a]

5.53 In September 2002, the administration in the Transnistrian-controlled city of Tighina (Benderi) cut off the water and electricity to the local penitentiary, which runs a hospital for detainees suffering from tuberculosis. The Tighina city administration had earlier demanded, in a letter to President Vladimir Voronin, that the Moldovan government evacuate all inmates suffering from tuberculosis to other penitentiaries and to shut down the facility. The Moldovan Penitentiary Department (DIP) claimed that this was impossible, as there were no there were no other appropriate facilities available. The Deputy Chief of the DIP also noted that "domestic and international experts have visited the hospital and concluded that it was not dangerous for the city residents." [15d]

MILITARY SERVICE

5.54 Conscription exists and the legal basis for this is the 1992 'Law on Military Service'. All men between the ages of 18 and 40 are liable for military service. The length of military service is one year; three months in the case of university and college graduates. According to an amendment made on 18 July 2002, education institutions will be allowed to set up military departments and students who serve there will be exempted from military service. There are no reserve duties. Postponement and exemption from military service are possible under articles 18 to 20 of the 1992 Law on Military Service Obligation. Call-up for military service takes place at the age of 18. Only a small proportion, about 15 percent, of liable conscripts are actually recruited. Voluntary enlistment usually produces the requisite number of recruits. [9][22a]

5.55 It is not known if there are any under 18 year olds in government armed forces due to lack of information on voluntary recruitment age. There were no reports of child participation in the conflict between the Moldovan government and the separatist Transnistrian region. [32]

5.56 During 2001, the International Committee of the Red Cross (ICRC) regional delegation assisted the Moldovan Ministry of Defence in several projects designed to heighten awareness of international humanitarian law within those attending military college and future officers. [6]

Armed Forces

5.57 The armed forces are 11,000 strong, which is 0.26 percent of the population. Every year approximately 35,000 men reach conscription age. There are approximately 5,200 conscripts in the armed forces. [9]

Conscription

5.58 Draft evasion and desertion are punishable under the criminal code. However, draft evasion is widespread, the reasons including poor conditions and human rights violations within the armed forces and the fear of being sent to the Dniestr region. Many conscripts reportedly simulate mental disorders in order to get exemption on medical grounds; others simply do not respond to call-up. Monitoring and punishing of draft evasion does not seem to be a priority for the authorities, as voluntary applications for military service are usually sufficient to obtain the requisite number of recruits. [9]

Part II

Conscientious Objection

5.59 The right to conscientious objection is legally recognised under the 1991 Alternative Service Act. This law was passed by the Moldovan parliament when Moldova was still part of the former Soviet Union, as more and more Moldova conscripts were declining to serve in the Red Army. The 1991 law is believed to accept religious, pacifist and political reasons as grounds for Conscientious Objection status. The length of substitute service is two years, twice the length of military service and can be performed in the national economy or the construction industry. [9]

MEDICAL SERVICES

5.60 In 1999, there were 82 hospital beds and 34 doctors per 10,000 inhabitants. A number of measures were introduced that year, including the closure of several village hospitals and the loss of 7,000 hospital beds. In 1999, the state budget allocated 335 million lei (7.4 percent of total expenditure) to health care. The Moldovan health service is under-funded and somewhat in a state of decay. [1][40]

5.61 In 1999, primary/medical care was delivered in 473 outpatient/polyclinic establishments, 187 of which were part of the Ministry of Health's system, 78 of which were subordinate to other ministries and departments, and 208 of which were independent. In the same year, inpatient care was provided in 150 hospitals. [30]

HIV/AIDS

5.62 There is only one specialised HIV centre in Moldova. The HIV test is free of charge for those at high risk. There are no adequate referral centres for HIV-infected persons, except for psychological counselling. [21a]

EDUCATIONAL SYSTEM

5.63 Until the late 1980s the system of education was integral part of the Soviet system, with most education in the Russian language. In 1990 and 1991 there were extensive changes to the education system, with Romanian literature and history added to the curriculum. In the period 1980-88 the percentage of pupils in general day schools taught in Russian increased from 36.9% to 40.9% although this trend was reversed in the early 1990s, when many Russian-language schools were closed. [1]

5.64 Primary education begins at seven years of age and lasts for four years. Secondary education, beginning at

11, lasts for a maximum of seven years, comprising a first cycle of five years and a second of two years. In 1996 total enrolment at primary and secondary schools was equivalent to 87 percent of the school-age population (86 percent of males, 87 percent of females). Primary enrolment in 1999 was equivalent to 95.4 percent of children in the relevant age group, while the comparable figure for secondary enrolment in 1998 was 48.3 percent. In 1989, according to census results, the rate of adult illiteracy in Moldova was 3.6 percent (males 1.4 percent, females 5.6 percent). By 1998 the overall rate of adult illiteracy had declined to 1.4 percent. In 1999 measures were taken to reduce costs in the education sector. In that year current expenditure on education from the state budget was 575 million lei. [1]

5.65 The Government began, in 2001, to introduce some so-called "corrections" to the educational system, based on the Communists' electoral agenda. Private education institutions, which exist in greater numbers at the college and university level than at the secondary and high school level, will have more flexibility than public institutions to establish their own curriculums. [17a]

5.66 The Transnistrian authorities put pressure on schools in the region that taught Moldovan/Romanian in Latin script, rather than Cyrillic script used in the Soviet era, and followed the curriculum of the central Ministry of Education. The authorities sanctioned a school in Grigoriopol for teaching in Latin script and closed down it down in September 2002. Some of the children from this school took day trips to another city, which resulted in them being threatened with dismissal from their employment in enterprises and institutions run by the authorities. [2e]

6A. HUMAN RIGHTS ISSUES

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6. HUMAN RIGHTS

6A. HUMAN RIGHTS ISSUES

OVERVIEW

6.1 Citizens may appeal to the European Court of Human Rights (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. In the first half of the year, citizens filed 50 cases with the ECHR. The majority of the cases concerned the lack of social protection, and salary and pension arrears accumulated by the Government. At the end of 2001, none of the cases had been resolved. Amnesty International in the Republic of Moldova (AIRM) was established in 1994. This organisation has been promoting Human Rights Education (HRE) in Moldova, with the assistance of the Independent Society for Education and Human Rights (SEIDO), since 1995. Yet, most citizens are still unaware of the Convention and their rights to legal remedies in general, although the success of the Bessarabian Orthodox Church in its hearing in December 2001 has increased the level of awareness of the ECHR in Moldova considerably (see paragraph 6.36). [2a][4c][2e]

6.2 Under the law, there are three parliamentary advocates (Ombudsmen) and an independent centre for human rights, the Moldovan Human Rights Centre. Parliament appointed the three advocates, with equal rights and

responsibilities, in February 1998 for 5-year terms (one subsequently was replaced). Parliamentary advocates may be removed from office only by a two-thirds vote of Parliament, a provision that gives them substantial independence. However, on 26 September 2002 one of the advocates, a member of the opposition PPCD, was removed from office charged with having missed work without authorisation for over one month. The advocate claimed that his removal was motivated by his participation in anti-Communist protests, organised by the PPCD. 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 Moldova Human Rights Centre. Centre 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 centre involve private property violations, labour rights, access to justice, personal security, right to life and personal dignity. The Human Rights Centre received 1,124 written petitions signed by 3,339 persons in the first nine months of the year. An additional 3,107 persons submitted complaints orally, either at the Centre's offices or during visits throughout the country by Centre staff. [2a][2e]

6.3 The Constitution states that persons are equal before the law regardless of race, sex, disability, religion, 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 are not enforced in all cases. [2a]

Torture

6.4 The Moldovan Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment: however it was alleged that police arrest and interrogation methods were cruel and degrading and there were unconfirmed reports by prison inmates that guards beat them. [2e]

6.5 The Helsinki Committee reported, in 2001, that the authorities used torture in Transnistrian Prison Number Two during a military training exercise there from 24 August to 29 August. According to the Helsinki Committee, approximately 50 convicts sustained injuries during these so-called "lessons on behaviour". Transnistrian authorities and part of the Transnistrian press denied that soldiers tortured the prisoners. [2a]

6.6 There were reports that many criminal suspects were ill treated, and in some cases tortured, in police lock-ups in order to extract confessions. Detainees, including minors, were frequently denied access to a lawyer and prevented from informing their families of their whereabouts. Typically, the arrests were registered only after several hours spent in police custody and interrogation. This made it very difficult for the victims to prove that they had been abused while in police custody, even though they had their injuries certified by a doctor upon their release. It was also reported that medical treatment was withheld from people injured as a result of ill treatment. Relatively few complaints were lodged by the victims, who feared reprisals or that their grievances would not be addressed effectively. Some victims who did lodge complaints were harassed by police officers. [4a][12]

6.7 An International Helsinki Federation for Human Rights (IHF) report of 2001, which covered events in 2000, states that, according to the Moldovan Helsinki Committee, the Government has been reticent to engaging in discussions on the shortcomings of Moldovan legislation and practices with regard to torture, ill treatment and misconduct by Moldovan officials. The IHF report goes on to state that the Government invoked the lack of financial, material and human resources for not addressing such issues, reasons that the Moldovan Helsinki Committee found to be untenable. [33f]

Extrajudicial Killings

6.8 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. [2e]

Disappearances

6.9 There were two reports of politically motivated disappearances in 2002. Vlad Cubreacov, Member of Parliament and Deputy President of the opposition Popular Christian Democratic Party (PPCD) disappeared on 21 March 2002. He reappeared in good health on 25 May 2002. The reasons for Cubreacov's disappearance have not been explained and the perpetrators have not been identified. Cubreacov has been actively involved in anti-Communist protests, the Bessarabian Metropolitan Church and has been loudly critical in Moldova's delegation to the Council of Europe's Parliamentary Assembly. (See paragraphs 4.26 and 4.29) [2e]

6.10 Two men reportedly kidnapped Petru Dimitrov, Deputy Director of the Department of Informational Technologies on 2 August 2002. [2e] He was still missing in mid-April 2003. However, newspaper reports suggested that Dimitrov was alive and hiding in Moscow, having staged his disappearance in order to evade the threats of former business partners in Moldova. [15j]

FREEDOM OF SPEECH AND THE MEDIA

6.11 The Constitution and the law provide for freedom of speech and of the press; however, there are some restrictions on these rights. The Government generally did not limit freedom of speech; however it has used provisions of the electoral law, and calumny law, against some critics, and journalists practice some self-censorship. Nevertheless there is an active independent media. [2a]

6.12 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 are not invoked. However, a calumny law prohibits defaming senior government officials. In the past, criticism of public figures resulted in a number of lawsuits. As a consequence, journalists practised 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 the Court's 1999 ruling, parties filing lawsuits must prove that the information was false and defamatory and published recklessly or with intentional malice. Since the 1999 decision, plaintiffs generally have lost in cases in which suits have been filed against journalists and media organs. [2a][17b]

6.13 Although the number of media outlets that are not owned and operated publicly or by the State or a political party is growing, most of these independent media remained in the service of, and secured large subsidies from, political movements, commercial interests, or, until July 2001, foreign governments or ethnic interests. This situation did not favour impartial coverage of the elections in February 2001, where official European observers were accused of clear bias towards individual parties and candidates. [2a][5][17b]

6.14 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 the opposition press; 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 democratisation projects, and other non-political organisations. No cases had been opened as a result of the Press Law at the end of 2002. [2a][5][17b] [2e]

6.15 The Ministry of the Economy, Department of Privatisation, Chamber of Trade and Industry, State Customs Office, and Journalists' Union opened the Centre for Public Information in 2001. The Centre is intended to provide information on social and economic issues to the press. [17b]

6.16 The Government charged an independent Russian language weekly, Kommersant Moldovi, with being a danger to state security for its support for the separatist Transnistria regime and closed it down on 30 November 2001 on the grounds that it was having financial troubles. The charges were brought after the newspaper had published articles under the heading of "Trans-Dniester" in several of its editions. However, the paper re-opened under the new name of Kommersant Plus only a few days later, maintaining its pro-Transnistrian political viewpoint. [2a][12] [2e]

6.17 The Government does not restrict foreign publications. However, Western European and American publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, and some publish special Moldovan weekly supplements. [2a]

6.18 The print media expressed a wide variety of political views and commentary in 2001. National and city governments subsidise a number of newspapers. Political parties and professional organisations, including trade unions, also publish newspapers. Most newspapers have a circulation of fewer than 5,000 copies. This may be due in part to few Moldovans reading newspapers, as they are generally perceived as having been set up to manipulate and misinform readers, rather than to accurately report information. [2a][13h]

6.19 In February 2002, a 4,000 strong demonstration protesting what was termed censorship by the national public broadcasting company "Teleradio-Moldova" occurred. The station was accusing of having failed to cover anti-government protests in Chişinău and of excluding opposition viewpoints from its broadcasts. These charges were to be addressed by a special commission formed on 7 March 2002 and, in an effort to comply with a Council

of Europe recommendation for the creation of an independent public broadcasting system; Parliament adopted a new law on 26 July 2002. The law nominally transformed "Teleradio-Moldova" into an independent public television and radio broadcaster; although articles 12 to 19 suggest that the Government maintains significant control. The authorities were urged to revise the law based on contributions from associations representing the media and political opposition and the recommendations of the Council of Europe. The law was subsequently revised and Parliament passed a bill on it in March 2003. However the Council of Europe remains concerned at the level of Government control. [2e][35]

6.20 In Transnistria, freedom of speech and access to information is limited. Local authorities censor local news agencies, newspapers, and television and radio stations. The majority of media are state-owned. If their content does not conform to guidelines set out by the separatist regime, their managers and journalists risk being fired or arrested. The regime in Transnistria prohibits the distribution of national newspapers printed in Chişinău. Of the two major newspapers in Transnistria, one is controlled by the separatist authorities and the other by the Tiraspol city government. There is one independent weekly newspaper in Benderi and another in the northern Transnistrian city of Ribnitsa. [2a][5][17a]

6.21 At times the independent newspapers criticised the Transnistrian regime and in response were harassed by separatist authorities. Other print media in Transnistria do not have a large circulation and appear only on a weekly or monthly basis: some of them also criticise local authorities. Most Moldovan newspapers do not circulate widely in Transnistria although they were available in Tiraspol. The independent newspaper in Benderi has suffered confiscation of equipment and repeated confiscation of its press run by the Transnistrian authorities since its founding in 1998; however, no such confiscation's occurred during 2001. The newspaper was under continual political pressure during the year. It has few resources and a circulation of only approximately 4,000 copies. One of the editors of this newspaper has attempted to run for the "presidency" of Transnistria, in December 2001, but was not allowed to register. In November 2001, the authorities shut down the newspaper of the left-wing organisation, For Power to the People, For Social Justice, ('Narodovlasti') and confiscated a full-run of the newspaper. [2a][5]

Journalists

6.22 Journalists have a very hard time obtaining information on the use of foreign aid, budgetary spending and civil servant salaries and perks. They cannot freely talk about the separatist movement in the Transnistrian region, and things are even worse for the Transnistrian press with opposition to the separatist authorities having almost no news outlets. [5]

FREEDOM OF RELIGION

6.23 The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the Moldovan Orthodox Church receives some special treatment from the Government. For example, the Metropolitan of Chişinău and All Moldova has a diplomatic passport. Other high-ranking Orthodox Church officials also reportedly have diplomatic passports issued by the Government. [2a]

6.24 The country has a total land area of approximately 13,000 square miles and its population is approximately 4½ million. Christian Orthodox is the predominant religion. Over 90 percent of the population nominally belong to the Orthodox Church (with the Moldovan Church claiming over 1,000 parishes and the Bessarabian Church claiming close to 100). The religious traditions of the Orthodox Church are entwined with the culture and patrimony of the country. Many self-professed atheists routinely celebrate religious holidays, cross themselves, and even light candles and kiss icons if the occasion demands. Followers of the Old Rite Russian Orthodox Church (Old Believers) make up approximately 3.6 percent of the population. [2d]

6.25 Other registered groups include: Roman Catholics, Baptists, Pentecostals, Seventh-Day Adventists, Muslims, Jehovah's Witnesses, Baha'is, Jews, followers of Reverend Moon, Molocans (a Russian group), Messianic Jews (Jews who believe that Jesus was the Messiah), Lutherans, Presbyterians, and Hare Krishnas. Some other charismatic Christian groups and evangelical Christian groups also are registered. Although it has faced bureaucratic obstacles to registration, the Church of Jesus Christ of Latter-Day Saints (Mormons) has 2 congregations with approximately 170 members. [2d]

6.26 Foreign missionaries represent many faiths and denominations. [2c]

6.27 The law on religion as amended to legalise proselytising, in principle bringing the legislation into line with the European Convention on Human Rights, came into effect in June 1999; however, the law explicitly forbids "abusive proselytising", 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 organisations for proselytising. [2a]

6.28 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 favoured over other religious groups in this area. The Church had little difficulty in recovering nearly all of its property and, in cases where property was destroyed, the Government offered alternative compensation. However, property disputes between the Moldovan and Bessarabian Churches have not been resolved. The Jewish community has had mixed results in recovering its property. The Baptist Church has only one remaining property restitution claim. In May 2001, the Molocans appealed to the Parliament to hear their property restitution case, but the Parliament denied their request, voting that the case was not within their jurisdiction. [2a]

6.29 In February 2000, Parliament passed a decree making "moral and spiritual" instruction 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. These difficulties, combined with the chronic financial problems of the country's schools, delayed indefinitely the implementation of the decree on a national level. There are two public schools and a kindergarten open only to Jewish students. These schools receive the same funding as the state schools and are supplemented by financial support from the community. Jewish students are not restricted to these schools. There are no comparable schools for Orthodox believers and no reports of such schools for other religious faiths. [2a]

6.30 A number of amendments to the Law on Religion were adopted by Parliament, on 12 July 2002, which simplified the terms and procedures for recognising religious organisations. This was motivated largely by the Council of Europe's demands that the Bessarabian Church be recognised by the Moldovan Government (see paragraphs 6.35 - 6.36).

6.31 The law in Transnistria prohibits renting houses, premises of enterprises, or "cultural houses" for prayer meetings. Unregistered religious groups are not allowed to hold public assemblies, such as revival meetings. Evangelical religious groups meeting in private homes have been told that they do not have the correct permits to use their residences as churches. Protestant groups meeting in private houses have been told that they have no permission to assemble there. On 25 December 2001, Transnistrian authorities threatened to demolish a house in which Baptists had been meeting, although this threat had not been carried out at the end of the year. [2a][12]

6.32 In 1998 authorities in Transnistria cancelled the registration of members of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been delayed or denied. Transnistrian officials regularly confiscate religious tracts from members of Jehovah's Witnesses because the group is not registered properly. The Methodist Church was denied registration in late 2000. The Church of the Living God has been denied registration in five towns in Transnistria. The Baptist community, which has also been refused registration, was harassed and threatened during the last 3 months of 2001. In the past, they and other non-Orthodox groups complained that they generally were not allowed to rent property and often were harassed during religious services. [2a][12]

PEOPLE TRAFFICKING

6.60 Pursuant to amendments made in July 2001, the law prohibits trafficking in persons; however, trafficking in women and girls was a very serious problem. Although no official statistics are available, the country is a major country of origin for women and girls who are trafficked abroad for prostitution. The International Organisation for Migration (IOM) claims that Moldova is the main country of origin for the trafficking of women and children for the purpose of prostitution in Western Europe, Balkans and the Middle East. There have been unsubstantiated reports by local NGO's of involvement by government officials; however, no official charges have been made. [2a][21b]

6.61 Women and girls are trafficked to various locations, including Turkey, Cyprus, Greece, Italy, Hungary,

Bulgaria, Slovakia, Bosnia, Macedonia, and 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 more than 50 percent of the women working in prostitution in Kosovo were from Moldova and that nearly two-thirds of the prostitutes in southeast Europe come from Moldova. The Government of Turkey deports approximately 2,500 Moldovan women for prostitution yearly. A prominent women's rights activist and Member of Parliament stated that more than 10,000 Moldovan women were working as prostitutes in other countries. [2a][20][21b]

6.62 According to the NGO 'Partners for Community', the target population for traffickers is young women, often minors, in rural areas. Women and girls typically accept job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. In many areas, friends or acquaintances approach young women and offer them help to get good jobs abroad. This "friend of a friend" approach most often is used in the countryside. Save the Children and the Association of Women in Law report that many of the traffickers are women who target young girls in their own localities. Once they have arrived at their destinations, traffickers take their passports, require them to "repay" sizeable sums, and force them into sexual bondage. Traffickers commonly recruit women from rural villages, transport them to larger cities, and then traffic them abroad. [2a]

6.63 Another pattern of trafficking involves 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, traffickers know when orphan girls are to be turned out of their institutions and are waiting for them. This pattern has become so well known that one foreign adoption service registered as an NGO and organised a "foster-an-orphan" program in order 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 6.78). However, this sponsorship program is small compared to the number of orphan girls who become victims of traffickers each year. [2a]

6.64 The salaries of border guards and migration officials are low and frequently not paid regularly, making them vulnerable to bribery. The large profits of the trafficking industry finance the corruption of officials. According to a report by Save the Children, the Government does not want to stop any form of overseas employment that is contributing to the economy with much-needed remittance money. The Moldovan Centre for Strategic Study and Reforms charges that there is corruption at all levels. [2a]

6.65 In July 2001, Parliament passed amendments to the law prohibiting trafficking and set severe penalties. For trafficking the penalty is 10 to 15 years in prison and confiscation of property. For repeated or serious offences, such as trafficking of groups, minors, or pregnant women; trafficking through kidnapping, trickery or abuse of power; trafficking with violence; trafficking in body parts; or trafficking by a criminal organisation; the penalty is 15 to 25 years in prison and confiscation of property. As of 1 September 2002, 412 files related to trafficking had been opened during 2002, according to the Ministry of Internal Affairs. However, only 30 were related directly to Article 113 passed in 2001 on the trafficking of human beings, of which 20 were under investigation and 4 had been sent to court. At year's end three convictions had been attained, one of which was appealed. However, the Prosecutor-General has reported greater success in the prosecution of sex-slave traders, stating that the prosecution rate almost doubled in 2002 compared to the previous year. Although he admitted it remained a chronic problem he said that the Government has intensified its fight against forced prostitution. [2a][2e][18g]

6.66 The OSCE Mission continued its activity in the establishment of a nation-wide anti-trafficking co-ordinating committee, including representatives of the Government, international organisations and NGO's and together with the ODIHR provided expert support for the Moldovan parliament in the drafting and adoption of anti-trafficking legislation. [8]

6.67 The Government has taken some steps to prevent the trafficking of women or to assist victims and only is beginning to address the problem slowly. In April 2001, NGO's active in anti-trafficking issues asked the Government to form a government anti-trafficking working group, as the previous Government had done; the Government formed such a group in October, which developed a national plan of action to combat trafficking and a timetable to accomplish its goals. The former working group created a special law enforcement unit within the Ministry of Internal Affairs, which continued to operate. The Government provided specialised training to trafficking investigators through the Ministry of Internal Affairs and the Ministry of Labour, funded by the OSCE and the Council of Europe. The country participates in a Southeast European Co-operative Initiative. Human Trafficking Task Force. The Government has co-operated with Belarus, Ukraine, and Russia in investigating trafficking cases. The country also co-operated with Interpol in trafficking cases in Yugoslavia. There are no

government-operated assistance programs for victims. [2a]

6.68 Several NGO's made efforts, with foreign assistance, to combat the problem through information campaigns and job training for women. The Swiss Agency for Co-operation and Development sponsored the production of a play about trafficking, which opened in Chişinău on 1 September 2001, entitled *A Sapetia Kafana* (A Bar in Kosovo). The play employed direct quotations of trafficked women who have been repatriated. It was performed subsequently throughout the country. The NGO Save the Children works with trafficking victims, especially repatriated girls. Local NGO's operate public school programs to educate young women about the dangers of prostitution and in April 2001 the NGO Association of Women Lawyers established, with the support of a foreign government, an anti-trafficking centre. It produced anti-trafficking educational material, provided counselling to victims, and maintained a hot line for those in need of advice. On 1 September 2001, the local branch of the NGO *La Strada* established another hotline. Since mid-2000 the International Organisation for Migration has assisted over 840 Moldovan women to return, mainly from Macedonia, Kosovo, Bosnia-Herzegovina, Albania and Italy. Of these women, around 10 percent were minors, the youngest being 13 years old. The women assisted by the IOM constitute a fraction of all Moldovan women trafficked to these countries. [2a][21b]

6.69 On 1 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 including the use of large billboards, informational spots on television and radio, and pamphlets. The shelter is located in Chişinău and provides numerous services under "one roof". Gynaecological and STD examinations are conducted at the centre and free-HIV tests are available for those at a high risk. Psychological testing, individual counselling and group therapy sessions are available to all women and beneficiaries are referred to a psychiatrist if the psychologist diagnoses the victim as being in need of psychiatric assistance. Those with serious mental dysfunctions are referred to a specialised hospital. Beneficiaries of the reintegration programme can also receive professional training in tailoring, hairstyling, manicuring and pedicuring, secretarial services and foreign languages. Courses are available throughout the country. [2a][21a]

6.70 The IOM Office in Chişinău is also currently implementing an apprenticeship programme with the Ministry of Labour. Its aim is to effectively reintegrate women into society, facilitate employment and avoid re-trafficking. The programme plans to fill 100 to 150 positions in various selected enterprises. [21a]

FREEDOM OF MOVEMENT

6.71 The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to depart from and return to the country freely; however, there are some restrictions on emigration. Close relatives who are dependent on an applicant 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 are very rare, and none were reported during 2001. [2a]

6.72 It generally is accepted that a large number of citizens are working in foreign countries without having legal status in those countries. Figures on emigration from a variety of official sources are inconsistent and based largely on anecdote; government estimates claim 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. [2a]

6.73 Travel between Transnistria and the rest of the country was not prevented, and the Government maintained that Transnistria is an integral part of a single state, although with a status yet to be determined. There are regularly scheduled buses and trains to and from Transnistria. The separatist authorities often stop and search incoming and outgoing vehicles. In 1999, the Government established fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria. [2a]

6.74 The OSCE Mission to Moldova promoted, facilitated and sought support for a number of projects, which would encourage contacts and reconciliation between authorities and citizens on the left and right banks of the Dniestr River. For example, the project to repair the Gura-Bicului Bridge, inspired by the Mission, and funded by the European Union, was completed in September 2001 and re-opened the main highway between Chişinău and Odessa. The Mission was able to locate support for installation of computerised connections and communications between the Moldovan Parliament and the Transnistrian Supreme Soviet, in support of ongoing efforts to harmonise legislation between the two sides. [8]

6.75 In September 2001, the new administration announced that it would remove these posts and began to make plans to set up joint customs points with Ukraine on its border with Transnistria; however, implementation proved difficult and had not been completed by year's end. The Government also issued new customs seals and stamps and, unlike its predecessors, did not give them to the Transnistrian authorities. Officials assert that this is to prevent contraband from flowing through Transnistria. Transnistria leaders charge that Moldova has put an "economic blockade" around its territory to pressure it politically. Late in the year, the Transnistrian authorities increasingly impeded OSCE travel to the region. [2a]

TREATMENT OF ASYLUM SEEKERS

6.76 On 25 July 2002, Parliament adopted the Law on Refugee Status, which allows for the implementation of Constitutional rights to apply for asylum. Previously, persons applying to the President for political asylum invariably received the response that the application could not be processed due to the absence of any refugee or asylum law. Although the Government generally co-operated with the UNHCR and other humanitarian organisations, particularly with regard to those persons who were already in the country, those arriving at port, as a rule, were denied entry and held incommunicado until they could be returned to the place from which they had embarked. Several occasions occurred where an individual was detained in the transit zone, without access to legal counsel or the UNHCR. The Government provides for first asylum but this was not granted to anyone who applied during the year 2002; however, of the 670 cases registered with the UNHCR in Moldova since the creation of its office in 1997, 121 cases were recognised as refugees by the Government. [2e]

6.77 There were no official reports of the forced return of persons to a country where they feared persecution during 2002. [2e]

RELIGIOUS GROUPS

6.33 The law requires that religious groups register with the Government. The procedures for registering a religious organisation are the same for all groups. Under the Law on Religions, an organisation wishing to register must submit a request to the Cabinet. The Department of Religions examines the required statutes and organisation chart of the religious body, determines if the officers of the central authority of the Moldovan branch of the religion are citizens (as required by law), and examines whether its beliefs contravene the Constitution or any other laws of the country. The final recognition or rejection is accomplished by Government decree, signed by the Prime Minister and printed in the Official Gazette. The Government had recognised 20 religious organisations by year's end. However, in some cases the Government, citing Article 15 of the Law on Cults, has not recognised what it terms "schismatic movements" of a particular religion. This Article seems to be applied to schismatic movements of the country's main religion, as both the Seventh-Day Adventist Church and the Reform Movement Seventh-Day Adventist Church as separate religions. Unregistered religions cannot buy or obtain construction permits for churches or seminaries. Members of unregistered religions hold services in homes, NGO offices and other locations. [2a]

6.34 In 2001, the independent press occasionally wrote very negative articles about religions other than the Orthodox Church. One example was the April 10, 2001 article in the National Journal entitled, "Sects in Moldova Recruit Followers by Promising Them Everything, After Which they Separate Them from God Forever." Several representatives of religious groups complained that this article was biased, especially in the way that it focused on the less mainstream groups. They also complained that the article linked their religions with other, more extreme groups. A June 8, 2001 article in Dialog, a weekly newspaper, was entitled "Snares of the Sects." It alleged that foreign religions disguise themselves by registering as humanitarian or cultural organisations in order to hide their church activities. This article specifically cited the Muslims and the followers of Reverend Moon. There were no examples of negative press articles about non-Orthodox religions in 2002, up until the end of September. As of September 2002 the police reportedly enhanced their surveillance of foreign Muslim students, which had begun as a result of the 11 September 2001 terrorist attacks in the United States of America (see paragraph 6.96). [2c] [2d][2e]

Bessarabian Church

6.35 The Government denied recognition to the Bessarabian Orthodox Church from the Moldovan Orthodox Church, which was subordinate to the Moscow Patriarchate. The Bessarabian Orthodox Church considers itself to be the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (a historical and geographical designation generally applied to the area bounded by the Danube, Nistru and Prut Rivers, and the Black Sea). It is subordinate to the Bucharest Patriarchate of the Romanian Orthodox Church. The issue has political as well as religious overtones, as it raises the question as to whether the Orthodox Church should be united and oriented towards Moscow, or divided with a branch orientated towards Bucharest. [2a]

6.36 The Bessarabian Church appealed to the European Court of Human Rights (ECHR). The Government responded in 2000, arguing that registering the Bessarabian Church would interfere with an internal matter of the Moldovan Orthodox Church. The ECHR heard the case on 2 October 2001 and issued its decision on 13 December, stating that the Government had violated the human right of freedom of religious belief. The authorities eventually complied with the decision and registered the Church on 30 July 2002. Many issues in connection with this registration remain to be implemented, including property issues. [2a][18c]

Church of the True Orthodox of Moldova

6.37 On 29 May 2002, after a long series of registration denials and legal appeals, the Supreme Court of Justice rules that the Government must register the Church of the True Orthodox-Moldova, a branch of the Russian Orthodox Church Abroad based in the United States. The Church had submitted applications for registration in 1997, 1998 and 2000; the Government rejected the applications on various grounds. The Government had not registered this Church by the end of 2002. [2d][2e]

6.38 In several towns where there is a True Orthodox congregation, there were reports that opponents had taken signed petitions to local governments and courts, stating that the citizens opposed the existence of a True Orthodox-Moldova Church in their town and claiming it violated their human rights. When legal representatives for the Church examined these petitions, they reportedly found many names of incarcerated persons and the deceased among the supposed signatories. The priest of the first True Orthodox-Moldova Church was reportedly harassed and threatened. Local church member volunteers reportedly slept in his house to protect him. [2c]

Church of Jesus Christ of Latter-Day Saints (Mormons)

6.39 The Church of Jesus Christ of Latter-Day Saints (Mormons) which first applied for registration in 2000, continued to face bureaucratic difficulties in the registration process and continue to try and work within the Government's State Service for Religions. [2a][2c][2e]

Spiritual Organisation of Muslims in Moldova

6.40 In May 2002, the Supreme Court of Justice affirmed rulings of lower courts that upheld the Government's refusal, on technical grounds, to register the Spiritual Organisation of Muslims in Moldova, the main Muslim organisation in the country. The organisation filed a case with the ECHR in September 2001, and the ECHR acknowledged receipt of the claim in March 2002; however, no other action had been taken by the end of September 2002. The Muslim organisation also alleged that it was discriminated against because there were Afghan and Chechen refugees among its members. [2d][2e]

Seventh-Day Adventists

6.41 Seventh-Day Adventists have, in the past, had difficulty renting public building for their religious activities and members might have difficulty relocating because of isolated disputes. However, there were no reports of the harassment of, or discrimination against, members of the Adventist churches in 2002. [2e][33e]

Baptists

6.42 In May 1999, a group of about 500 Orthodox Christians and between 4 and 6 priests attacked a small group of Baptists in the village of Mingir, injured 3 persons, and partially destroyed a Baptist church that was under construction. The Ministry of Internal Affairs investigated the case, but no charges ever were filed. The village mayor who was implicated in the incident lost his bid for re-election. The Baptist Church was allowed to register locally, and the church building now is completed. The church holds regularly scheduled services and activities. There have been no further reports of problems for the Baptists in this community. [2c]

6.43 The Baptist Community in Transnistria remains unregistered. Baptists in Transnistria complained of increased harassment from the authorities. One Baptist group reportedly was accused of having constructed its

church in Tiraspol illegally, and the authorities reportedly threatened to demolish it. The matter drew some attention internationally and the authorities since have permitted the church to continue its function. In the February 2001 Moldovan parliamentary elections, a reported 80 % of those persons from Transnistria who crossed the Dniestr River to vote (voting was not allowed in Transnistria itself) voted for independent candidate, and Baptist minister, Valeriu Ghiletschi.[2d]

Judaism

6.44 The Jewish community has approximately 31,00 members, with about 20,000 living in Chişinău, 3,100 in Bălţi and surrounding areas, 2,200 in Tiraspol, 2,000 in Benderi, and 4,000 in small towns. These figures, provided by the groups themselves, may only be rough approximations, as they do not appear to have been adjusted to take into account recent emigration trends. Since the 1970's, Jews have been emigrating out of Moldova. At first they emigrated almost exclusively to Israel, but as restrictions eased, they have also emigrated to the U.S., Canada, New Zealand, and Australia. Since the fall of the former Soviet Union, Moldovan Jews have emigrated to other European countries, notably Germany. There are 9 synagogues in Chişinău, Bălţi, Tiraspol, Rybnitsa, and Benderi; about 5,000 persons celebrate Rosh Hashanah. [2c][2d]

6.45 Dozens of graves in Chişinău's main Jewish cemetery were desecrated in April 2002, and many of the gravestones were destroyed. The Jewish Community received reports that a group of teenagers confessed to the crime, but the Government has not filed criminal charges. The Jewish Community requested that the city place full-time armed guards at the cemetery, but the presence of the guards was reported to be sporadic. Some desecration of Jewish cemeteries in Transnistria has occurred. Transnistrian authorities sent workers to remove the graffiti. Three youths were charged with the vandalism in one such incident, but no verdict had been reached at the end of 2002. [2c][2d][2e]

Jehovah's Witnesses

6.46 The Transnistrian authorities have reportedly accused Jehovah's Witnesses of lacking patriotism and of spreading Western influence. A case initiated by the Jehovah's Witnesses organisation in late 2001 against a Transnistrian official for allegedly blocking a property purchase was settled on 26 June 2002. However, the Prosecutor General filed a case against the organisation only three days later, in which it was claimed that invalid documents had been submitted for the organisation's activities. The first hearing took place on 28 October 2002 but there were no further developments by the end of the year. [2d][2e]

FREEDOM OF ASSEMBLY AND ASSOCIATION

6.47 The Constitution provides for freedom of assembly and, in 2001, the Government generally respected these rights in practice. Mayor's offices issue permits for demonstrations and may consult the national government if a demonstration is likely to be extremely large; permits are issued routinely and without bias. There were peaceful demonstrations in Chişinău against the Communist Party victory, the enhanced protection of Russian language usage, and a border agreement between the country and Ukraine that ceded a small piece of territory. Demonstrations against this agreement also took place in the border town affected. These demonstrations took place without interference from the police and there was no repetition of the violent clashes that took place in 2000 between police and demonstrators. [2a]

6.48 The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organisations; however, Article 41 of the Constitution states that organisations 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 favour unification with neighbouring 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. [2a]

6.49 Under current legislation, the process of registering a political party or movement is not overtly difficult. The main task is to collect 5,000 signatures from the new party or movement's supporters. As of 1 October 2001, 31 parties and social-political organisations were registered with the Ministry of Justice. There is considerable confusion over parties with similar names and political orientations. [17a]

6.50 Throughout 2001, the CARP organisation, which is part of the Unification Church ("Moonies") and the Association for Family Planning complained that they were subjected to pressure from the authorities, including police raids. At the end of the year, the Ministry of Justice also initiated legal proceedings against the two non-

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profit associations in an attempt to force them to close down. Formally, the Ministry of Justice claimed that the associations had violated their statutes and that their activities had caused complaints from citizens. [12]

6.51 The Transnistrian authorities usually do not permit free assemblies and on those occasions when they do issue permits, they often harass organisers and participants. Unregistered religious groups are not allowed to hold public assemblies, such as revival meetings. The authorities at times organised mass rallies in their own support, and termed them "spontaneous rallies by the people". [2a]

6.52 Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offences or on invented charges. In March 2001, the authorities began legal proceedings against two leftist political parties - For Power to the People, For Social Justice and People's Rule and a leftwing Komsomol youth organisation, all allegedly for undermining Transnistrian sovereignty by voicing support for the Moldovan Communist party in the 25 February 2001 parliamentary elections in Moldova. At the end of 2001, court proceedings against People's Rule still were ongoing and had reached the Transnistrian "Supreme Court". In November 2001, a Transnistrian court closed the Komsomol youth organisation. [2a]

6.53 On 12 May 2001, the Tiraspol City Court banned the activities of the Partia Narodovlastia. The stated reason was that the political movement had supported the Communist Party during the February parliamentary elections. [12]

EMPLOYMENT RIGHTS

6.54 The Constitution states that any employee may found a union or join a union that defends workers' interests. The Trade Union Law passed in 2000 provides for independent trade unions, and other laws give citizens the right to form all kinds of social organisations. However, although some groups of workers have attempted to establish alternate trade unions independent of the General Federation of Trade Unions (GFTU)—the successor to the Soviet trade union system—none of these attempts have succeeded. Virtually all employed adults are members of a union in the 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 other groups who might wish to form a union. Dissatisfaction within GFTU has resulted in several splits within the organisation; however, the resulting splinter groups have been unsuccessful in forming new independent unions. [2a]

6.55 The law provides for collective bargaining and the Government generally respects this right in practice. 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. Each branch union representing a particular industry negotiates with management and the government ministries responsible for that industry. They may, and often do, 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 negotiate directly on wages. In this case also, they may set wages higher than negotiators on the industry level. [2a]

6.56 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 2002. [2e]

6.57 Labour disputes are typically settled in the workplace by a workplace arbitration committee. If an arbitration committee fails to settle the dispute, it is taken to the Courts of First Appeals. Court decisions involving the restitution of salary or a position are not implemented in all cases. [2a]

Trade unions and the right to strike

6.58 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 countrywide strikes took place during 2002, although a major one-day strike by teachers, doctors and cultural workers was organised in Chisinau by the Trade Union Confederation in March 2002. Unions may affiliate and maintain contacts with international organisations. The GFTU is a member of the International Confederation of Trade Unions. [2a][2e]

6.59 Although trade unions in Moldova have been established in almost all sectors of the economy and in public institutions, they are far from effective in defending employees' rights. The trade unions resemble their Soviet-era predecessors rather than acting as workers' advocates in the Western sense. In late 2000, the main trade union broke into two separate unions: the Trade Union Confederation of Moldova (TUCM), the direct successor of the previous federation, and Solidaritate (Solidarity), a new organisation. The TUCM accounts for about 80 percent of all union members in Moldova, with the rest belonging to Solidaritate. TUCM members come from the public sector as well as the agriculture and agricultural processing sectors, radio electronics, medicine, education and cultural institutions. Solidaritate members are employed in industry, transport, telecommunications, construction and social services. The TUCM has been a member of the International Labour Organisation since 1992. [17a]

6B. HUMAN RIGHTS - SPECIFIC GROUPS

WOMEN

6.78 Spousal violence occurs; although the Government does not keep official data on incidences of domestic violence, human rights advocates assert that it is 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. Still female victims of spousal abuse reportedly tend not to seek protection from the police because of their own feeling of shame and/or because of the expected reaction of the police who regard such crimes as minor. Husbands convicted of such abuse may receive prison sentences (typically up to 6 months). In practice the Government rarely prosecutes domestic assault crimes. The Ministry of Internal Affairs reported 549 cases of spousal abuse cases during the first 8 months of 2002, including 88 resulting in serious bodily injury and 114 attempted murders. 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 believe that the numbers of rapes and incidents of spousal abuse are underreported. [2a][33c][2e]

6.79 The Country's then First Lady and the mayor of Chişinău initiated a project in October 1999 to open a women's shelter in Chişinău; however, it still was under construction at the end of 2001. 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. On 1 September 2001, the International Organisation for Migration (I.O.M.) opened a women's shelter, mainly for victims of trafficking. Private organisations operate services that provide support to abused spouses, including a hotline for abused women. [2a]

6.80 The law provides that women and men enjoy equal rights, and under the law and in practice women receive pay equal to that of men for equal work; however, they do not hold high-paying jobs in the same proportion as men. The Government provides extended paid maternity leave. There are significant numbers of female managers in the public sector and in banking. The president of the country's largest bank is a woman. Women make up approximately 50 percent of the workforce. [2a]

6.81 The Law on Political Parties provides that parties and socio-political organisations shall promote the principle of equality between women and men in decision-making organs at all levels. A 1997 initiative to introduce a provision in the election code requiring a minimum quota of 30 percent women on candidates' lists was not successful. [10]

6.82 Women made some progress in political representation in the 1998 elections when nine women gained seats in the 101-seat Parliament. The 2001 elections showed a slight improvement with a total of ten women deputies elected and there are currently thirteen women sitting in Parliament. Women are well represented on many electoral commissions. [10][2e]

6.83 The main political parties have addressed to some degree the gender issue. However, the candidates' lists presented for these elections did not reflect a pronounced goal of increasing the number of women in Parliament. Some 18 percent of the candidates on the current lists were women, with most of the upper positions going to

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men. One of the ten independent candidates was also a woman. One woman was appointed prefect of a judet (administrative district), and one minister in the Braghis government was a woman - the Minister of Justice. The current Speaker of Parliament is Ms. Eugenia Ostapciuc. Political representation of women has made some progress on the local level, gaining more influential positions in the last few years, with an increasing number of mayors. Overall, however, women remain clearly under-represented both on local and national levels. [10][29b]

CHILDREN

6.84 There is an extensive legislation designed to protect children, and the Government provides supplementary payments for families with many children. According to the Constitution, the Government provides free, compulsory 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, charge parents for school supplies. While not technically illegal, such charges run counter to the educational platform of the Government and result in many children being kept at home by their parents, despite the availability of monetary assistance for vulnerable families to buy school supplies. Government statistics state that 2,753 school-age children are not in school, a fall of 1,925 from figures published in 2001; however, press reports indicated that this was an underestimation, particularly in relation to rural areas. The health system devotes a large amount of its limited resources to childcare, but childcare professionals consider it to be inadequate. [2a][2e]

6.85 Various laws contain provisions against the neglect of children. There are no statistics, but it is believed to be widespread in families. Although there is legislation forbidding corporal punishment in schools, corporal punishment is common. Observers allege that women begging on the streets of Chi'inău often sedate their babies in order to spend long hours begging without having to take time out to attend to their babies needs. [2a]

6.86 The situation of children in the country's orphanages is generally very poor. Official statistics indicate that there are 13,500 institutionalised children. An additional 5,000 children live in adoptive homes, 4,500 more live in foster homes or with legal guardians, and an unknown but large number live with one or more grandparents. Not all of the institutionalised children are orphans; the number of children entrusted to the State by parents who cannot afford to take care of them, or parents leaving the country in search of work, reportedly is growing and may be as high as 80 percent. NGOs estimate that up to 30,000 children are in institutions, including foster homes. Among the major problems in children's institutions are inadequate food, "warehousing of children", lack of heat in the winter, and disease. Most of these problems are caused by a lack of funding. One orphanage director lost his job for selling food earmarked for the children on the black market. He was also rumoured to have sterilised forcibly a teenage girl in his care. The combined effects of poverty and cuts in social sector investments have weakened family capacity to protect children. The number of children in need of special protection, among them those deprived of parental care and family life, continues to grow [2a]

6.87 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 Labour and Social Protection has primary responsibility for enforcing these restrictions but does not do so actively. The Ministry of Health also has a role. However, children often are sent to work in the fields or to find other work in violation of the child labour laws. Children living in rural areas often assist in the agricultural sector. [2a]

6.88 The new Criminal Code, passed in 2002 and which is due to come into effect in 2003 will increase the level of child labour protection. It contains specific provisions concerning the worst forms of child labour. A commission also began drafting a new Labour Code for submission to Parliament which, along with the new Criminal Code, represents an attempt to bring domestic legislation up to the level of the country's international commitments, according to a Deputy Labour Minister. The Government ratified International Labour Organisation (ILO) Convention 182 on the worst forms of child labour on 14 February 2002, which is scheduled to come into effect on 14 June 2003. [2a][2e]

ETHNIC GROUPS

6.89 According to the 1989 census, approximately 65 percent of the population 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 speak Russian and Gagauz, a Turkic language.

They represent approximately 3.5 percent of the population. Official statistics put the Roma population at 11,600, although estimates from the OSCE and Roma NGO's range from 20,000 to 200,000. The Government announced in 2000 that it would allocate money from the budget to conduct a national census in 2001. However, by the end of 2002, the Government had taken no action. [2a][2e]

6.90 According to the law, a citizen has the right to choose which language to use when dealing with government officials or commercial entities. Accordingly, officials are required to know both Russian and Moldovan/Romanian "to the degree necessary to fulfil their professional obligations." Many Russian speakers, including well-educated professionals, either do not speak Moldovan/Romanian or do not speak it well, whilst most educated Moldovans speak both languages. Russian language speakers are not discriminated 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. [2a]

6.91 Following visits by the OSCE High Commissioner on National Minorities to Moldova (HCNM), the Office of the OSCE HCNM and the Mission together established with the appropriate Moldovan authorities a pilot programme to train teachers of the State language as a second language for the four main areas in Moldova densely settled by persons belonging to national minorities. By the late summer of 2001, this programme had begun to turn out significant numbers of such teachers. [8]

6.92 Russian, Ukrainian, Bulgarian and Gagauz minorities are represented in Parliament, with deputies elected from nation-wide party lists rather than local districts. Debate takes place in either the Moldovan/Romanian or Russian language with translation provided. However, the current electoral system does not promote geographic and national minority representation. [2a][10]

6.93 Amendments introduced in the Law on Political Parties in 1999 have added further impediments for regional representation. Political parties or socio-political organisations must now register at least 5,000 members from 6 out of the 12 districts in the country. This has resulted in ethnically-based parties representing the interests of locally concentrated groups, such as the minority in Gagauzia, failing to register their parties as they are unable to collect sufficient support outside their own region. In this case, the party for the Gagauz could not participate in the elections. Representatives of the Gagauz authorities complained, pointing out that the legislation in force does not provide sufficient possibility for the Gagauz population to elect their own representatives. [10]

6.94 During its 60th Session, held in March 2002, the United Nations Committee on the Elimination of Racial Discrimination noted its concern about reports of police violence against persons belonging to minority groups and in particular the Roma population. The Committee recommended that the Government take all necessary measures to prevent and punish excessive use of force by the members of the security forces against minorities. It also expressed concern about reports that minorities experienced discrimination in the areas of employment, housing, education and health care; it recommended that the Government undertake effective measures to eradicate practices of discrimination against minorities and, in particular, the Roma population. [3]

6.95 During the year the Government's Department for Interethnic Relations organised two roundtables on the European Charter on Languages and Minorities in March and September. A conference on national policy and interethnic relations was organised in the second half of the year, a symposium on Gagauz culture in September and a conference on Russian culture in September. [2e]

6.96 Police had reportedly informed persons of Middle Eastern origin, since 11 September 2001 terrorist attacks in the United States of America, that they were being carefully monitored (see paragraph 6.34).

Ethnic Ukrainians

6.97 Although Ukrainian settlement of Moldova predates that by Russians, and Ukrainians outnumber Russians, Moldovan Ukrainians have been heavily 'Russified', especially in urban areas. Many speak Russian as their first language (37 percent). Almost half of the Ukrainians in Moldova live within the Transnistria region. [14]

Ethnic Russians/Russian speakers

6.98 The relatively small percentage of Russians in Moldova belies the influence of the Russian language and culture, which for almost two centuries played a leading role in Bessarabia and the Transnistria region, especially following Soviet annexation. A Cyrillic script was introduced for the Moldovan language and Russian was taught in all schools. The centrality accorded to Russian ensured that a reactive ethno-linguistic nationalism developed - a sociological category embracing Russians, Ukrainians, as well as Gagauz and Bulgarians, for whom Russian was important as a second language, and Russian speaking Moldovans, especially in the Transnistrian region. [14]

Gagauzians

6.99 A Christian Turkic minority, the Gagauz, mostly inhabit the southern districts of Moldova, especially the region around the town of Comrat (Komrat). They enjoy local autonomy in the southern part of the country. The Gagauz are either Christianised and Bulgarianised Turks or linguistically Turkicized Christian Bulgarians; they speak the north-western dialect of Turkish with many Slavic, particularly Bulgarian and lately Russian, additions. Some 73 percent of Gagauz consider Russian to be their second language, and most of the political elite are Russian-speakers. [1][2a][14]

6.100 The Gagauz elected a new governor and 35 deputies to their Popular Assembly in free and fair elections in September 1999. The Gagauz complained frequently that the central Government does not abide by the terms of the agreement giving Gagauzia autonomous status and that it enacts laws that directly contradict both Gagauz legislation and national legislation establishing Gagauz autonomy. On 10 May 2001, Parliament appointed a special commission to work on harmonising laws between Gagauzia and the rest of the country; however, the special commission has experienced conflict and has been largely ineffective. [2a]

6.101 In January 2002 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. Anti-Croitor members of the commission organised a popular referendum to unseat Croitor, against the Gagauz legal code on 24 February 2002. On March 7 2002, Gagauz official and well-known Gagauz nationalist, Ivan Burgudji, was beaten and arrested in his local government office by, it is believed, a special detachment of the Ministry of Internal Affairs. A week earlier he had been charged with interfering with the referendum, although the official charges brought against him after his arrest were "abuse of power" and "malicious hooliganism." Burgudji was held until 17 April 2002, when he was released on bail. The case against him was still ongoing at the end of 2002. Although Croitor and his supporters opposed the referendum, which attracted less than the required 50 percent of registered voters, Croitor, under increasing pressure from pro-Communist elements, eventually resigned on 6 July 2002. [2e]

6.102 New gubernatorial elections were called for 6 October and, in violation of local legislation, pro-Communist leaders in the local legislature took control of key executive seats in the regional capital. Many Gagauz observers propounded that Croitor's forced departure was orchestrated from Chisinau in violation of both local and national legislation. The Communist-backed candidate, Gheorghe Tabunshchik, was elected governor with 51 percent of the vote, in a second round of elections held on October 20, after the first round of elections proved invalid with less than the required 50 percent of registered voters participating. The OSCE noted, among other irregularities in these elections, that a candidate who had won third place in the first round was illegally excluded 36 hours before the polls opened. [2e][10b]

Bulgarians

6.103 Bulgarians live in the rural south of Moldova. Many are assimilated to Russian culture whilst the remainder are highly Russified; although 79 percent of Moldovan Bulgarians claim Bulgarian is their second language. Since 1991, Bulgarian has become a language of instruction in schools situated in areas of compact Bulgarian settlement. Current Prime Minister Vasile Tarlev is an ethnic Bulgarian. [14]

Roma

6.104 Roma are not officially recognised as a national minority. There is no official discrimination against Roma in education, employment, access to social services, or treatment by the police; however, other citizens regard Roma unfavourably. Some Moldovan Roma complain of police harassment; however, the authorities claim that many in the Roma community are engaged in smuggling from Russia and other nearby countries. The Moldovan Helsinki Committee made a fact-finding mission to a Roma community and recounted, in correspondence to the Canadian Research Directorate dated 15 November 2002, that the tendency to hide one's Roma or Gypsy ethnicity to avoid discrimination still exists. The United Nations Committee on the Elimination of Racial Discrimination noted concern at such reports and recommended that the Government take all necessary measures to prevent and punish excessive use of force by members of the security forces against Roma. Nevertheless, police and judicial officers rarely investigate or prosecute allegations of violence and human rights abuses against Roma. Although in February 2002 three police officers were charged with excessive use of force against two Romani teenagers in October 2001, only one was found guilty and sentenced to a 2 year suspended sentence, despite the crime carrying a five to fifteen year prison sentence. Roma are the poorest of the ethnic groups, although there is a small core of relatively wealthy Roma. It is estimated that almost 75 percent of the population are jobless. [2a][3][11][18f][33g][2e]

6.105 Roma constitute compact population in northern Moldova in several towns, including Soroca, and in the central-western part of Moldova, also in several towns. The total population is roughly estimated to 100,000-200,000 people, around 3 percent of the population, although several sources indicate that this figure should be higher. [11][18f]

6.106 There are no programmes in the Roma language or programs in other languages about Roma culture. The Roma community does not have a printed media. In rural areas, the majority of Roma study in Moldovan schools and the Roma language exists only verbally. It is estimated that more than three-quarters of Romani children do not attend school. [11][18f]

6.107 Juvlia Romani, a prominent Roma NGO, is involved in a Minority Rights Group International project called "Roma Influence on Policy and Practices in Localities in Central and Eastern Europe", or RIPPLE, which is under way in several eastern and southeastern European countries including Moldova. The two-year project aims to develop the knowledge and skills of national and regional networks of Roma to enable them to influence public opinion, policy and practice. As part of the project, Juvlia Romani conducted a study of Moldovan Roma. The study revealed that many Roma are leaving Moldova against a background of poverty and that 25 percent of Roma are currently working illegally abroad, many of them as seasonal crop workers in Western European countries. [18f][26]

6.108 The European Roma Rights Council (ERRC) allege that Roma are subject to widespread discrimination in all spheres of public life, that they are subject to torture or to cruel, inhuman or degrading treatment by both state and non-state actors with law enforcement authorities systematically failing to provide effective protection to Roma. In addition, the ERRC claims that Roma are subject to arbitrary arrest and detention and are frequently not informed of the reasons of arrest or of any criminal charges they may face. Furthermore, they suffer discrimination in the judicial system and are under-represented in the administration, due among other factors to violations of their political rights. [27]

6.109 The National Minorities Department, within the government's Education Ministry, believes that the economic situation is the main obstacle to improving the situation of the Roma and that short term-measures cannot be implemented due to this. [18f]

HOMOSEXUALS

6.110 Homosexuality was legalised in Moldova on 15 June 1995, when Parliament annulled penal code 106. According to an interview, reproduced by the Canadian Research Directorate, with the director of GenderDoc-M, published in 29 November 2000 issue of the Windy City Times, the Voice of Chicago's Gay and Lesbian Community "sexual minorities are not protected". He also alleges that, despite being subjected to dismissals, beatings, blackmail etc, that no case has been taken to the Moldovan courts because gay people are afraid to reveal their identities. Beginning on 1 October 2002, the age of consent for both homosexual and heterosexual behaviour will be 14 years old, according to the new Penal Code, published on 13 September 2002 in the "Official Monitor of the Republic of Moldova". Article 174 of the new Penal Code says "Sexual acts, homosexual acts, lesbian acts and other sexual behaviour with a person, whose age is known to be less than 14 years old, will be deprived of liberty for up to five years." The changes in law were made following a lobby from the gay and lesbian rights NGO "GenderDoc-M". [7][33d][31]

6C. HUMAN RIGHTS - OTHER ISSUES

Organised Crime and Corruption

6.111 Corruption remains common among state officials, officers in law enforcement agencies, and other public sector employees. A March 2001 report by the Centre for Strategic Research and the local affiliate of Transparency International found that two-thirds of Moldovans are prepared to use "unofficial ways" to get what they want when they go to public offices. The report, "Corruption and Quality of Governance", also indicated that 63 percent of poll respondents explicitly said they would pay bribes in order to get what they needed from public officials. In July 1999, the then Interior Minister announced that fifteen criminal cases had been opened against Interior Ministry officers, including three of high rank and in March 2000, an officer with the Department of Combating Organised Crime and Corruption was arrested in connection with a number of crimes. Nevertheless, corruption remains a serious issue and, while it is believed to be worst in customs, revenue services, public

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schools and health care, it is a problem in almost every part of the public sector. [17a][33b]

6.112 According to a report by Transparency International - Moldova, there are some 300 criminal groups in Moldova, most of which belong to one of 35 criminal clans. One such group has a network of more than 1,200 members in almost every town and village. Law enforcement institutions have had little success in fighting organised crime due in part to a lack of state power. The result of this has been increases in tax evasion, drug trafficking, illegal import/export operations and contract murders. However, the creation of the Centre Against Economic Crimes and Corruption in June 2002 has improved the government's record in combating fraud and corruption. A press release, reported by Transparency International - Moldova states that the Centre has been investigating 180 cases of fraud and that it has imposed over 230 million Lei worth of fines and sanctions in its first six months work. [17a][28a] [28c]

6.113 The problem of corruption in Moldova has much to do with the smuggling of goods and arms through Transnistria. The enclave is used for smuggling not only by separatists but also by criminals from Ukraine, Russia and other parts of Moldova which is suggested as being one reason why no settlement to the armed conflict has been reached. The Communist leadership deserves much of the credit for trying to address customs fraud in Transnistria. The new Government withdrew old customs stamps in September 2001 which had been given to Tiraspol in 1998. The Transnistrian authorities, however, continue to use the old, invalid stamps, seals and forms and is routing the territory's trade via Ukraine. [17a]
Treatment of Non-Governmental Organisations (NGOs)

6.114 There are a number of domestic and international human rights groups, which operate in general without government restriction, investigating and publishing their findings on human rights, except in the Transnistrian region. By mid-2001 there were about 2,500 NGOs registered although experts on Moldovan NGO activity believe that only about 15 to 20 percent of these are active. The local Helsinki Watch Organisation maintains contact with international human rights organisations, as does the Helsinki Citizens Assembly. Amnesty International maintains a satellite office in Chişinău and is active in the country, although the authorities impede its activities in the Transnistrian region. Both Helsinki Watch and Amnesty International produce yearly human rights reports on the country. In 2000, Amnesty, a local human rights NGO unaffiliated with Amnesty International, registered in Transnistria despite bureaucratic delays, police harassment, and threats by local and Transnistrian authorities. [2a][17a]

6.115 The main problem for NGOs within Moldova is a lack of self-sustainability, with some reliant upon funding from the UNHCR. There are virtually no sponsors from the local business environment and a lack of useful relationships at both local and national levels with the authorities. NGOs are not exempt from Moldova's value-added tax although exemptions can be made if there is an intergovernmental agreement on technical assistance and the Ministry of Finance makes a favourable decision in this regard. [16][17a]

6.116 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 Transnistrian 'Independence Day' celebrations on 2 September 2002 a pro-Western NGO leader was attacked by persons suspected of being under orders from the Transnistrian security police. The attackers were reportedly captured by private citizens but released by police who classed the incident as a misdemeanour, rather than attempted murder in accordance with the attending doctor's opinion. [2a]

ANNEX A: CHRONOLOGY OF MAJOR EVENTS

1924 - Moldovan Soviet Socialist Republic created within the USSR.

1941 - Moldovan SSR occupied by Romania and Germany during Second World War.

1944 - Soviet Army invades.

1945 - Moldovan SSR returns to Soviet control.

The Gorbachev factor

Late 1980s - Resurgence of Moldovan nationalism in the wake of the era of 'openness' introduced in the Soviet Union by Mikhail Gorbachev.

1989 - Romanian is reinstated as the official language. The Latin script is adopted to replace the Cyrillic script (Russian).

1990 - Moldova declares its sovereignty. The Gagauz people in the south-west declare their independence, followed by the Transdniestr region. The central power in Moldova annuls the declarations, but local elections are held nonetheless.

Independence

1991 - Moldova declares its independence. It joins the Commonwealth of Independent States, the successor to the Soviet Union.

1992 - Moldova becomes a member of the United Nations. An upsurge in fighting in the Transdniestr region leads to a state of emergency being re-imposed. Hundreds die in the fighting. Russian peacekeepers are deployed, after a ceasefire agreement.

1993 - The leu (plural 'lei') is introduced to replace the rouble.

1994 - A new constitution proclaims Moldova's neutrality, grants special autonomy status to Transdniestr and the Gagauz region, and declares Moldovan to be the official language.

1996 - Petru Lucinschi elected president.

1997 - Negotiations resumed with Transdniestr. Agreement is signed granting further autonomy and calling for more talks.

1998 - Elections see communists emerging as biggest party, but a centrist, reform-minded coalition forms the government.

2000 - Moldovan parliament fails to agree on a successor to President Lucinschi. Parliament is dissolved and early elections are called for February 2001.

2001 February - The elections see the communists under Vladimir Voronin win just over 50% of the vote. Voronin is elected president in April.

2001 April - Parliament dismisses the heads of the state radio and television stations in a move which critics say consolidates the Communists' hold on society.

2002 January - Announcement of plans to make Russian an official language and compulsory in schools sparks months of mass protests which end only when the scheme is shelved.

2002 July - Draft federalisation plan introduced, known as the Kiev draft. Agreed by OSCE and mediator states (Russia, Ukraine)

2002 December - New deadline for removal of arms/ammunition from Transnistria agreed at the OSCE Porto Ministerial. Russia to secure full withdrawal by end 2003.

2003 February - EU and US announce visa ban on Transnistrian leadership.

2003 February - Voronin invites Transnistrian authorities to join in writing a new Moldovan constitution that would create a common state in which Transnistria would be a federal unit

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2003 March - Legislation passed on reforming the regional administrative structure, reverting back to the Soviet era "rayons".

2003 March - Transnistrian Supreme Soviet formally recommended that all obstacles to the withdrawal of Russian military equipment and ammunition be lifted so the OSCE Istanbul and Porto decisions can be fulfilled

ANNEX B: POLITICAL ORGANISATIONS

Agrarian Democratic Party (DPP) (Partidul Democratic Agrar din Moldova) Formed by moderates from both the Popular Front of Moldova and the Communist Party of Moldova; supports Moldovan independence, and economic and agricultural reform. Founded - 1991. Chairman - Anatol Popu^{oi}

Alliance for Independent Moldova Formed by mayors and municipal councillors. Founded - 2001. Leader - Serafim Urechan

Braghis Alliance Formed to contest the general elections of February 2001; a coalition of the 'New Force' Social-Political Movement, the 'Hope' Professionals' Movement, the Socialist Party, the Labour Union, the Centrist Union of Moldova, and the 'Ant' Party of Social Democracy. Founded - 2000.

Leader - Dimitru Braghis.

Christian Democratic People's Party (CDPP) (Partidul Popular Cre^{stin} ^oi Democrat) Founded in 1989 as the Popular Front of Moldova, renamed in 1992, and as above in 1999; advocates Moldova's entry into the European Union and NATO. Founded - 1989. Leader - Iurie Ro^{ca}

Congress of Intelligentsia (Congresul Intelectualitatⁱⁱ). Formed by former members of the Popular Front of Moldova; favours union with Romania. Founded - 1993

Democratic Labour Party of Moldova Founded - 1993. President - Alexandru Arseni.

Democratic Party of Moldova (PMD) (Partidul Democrat din Moldova). Centrist party, formerly Movement for a Democratic and Prosperous Moldova, name changed in April 2000. Formed bloc with the Part of Progressive Forces in September 2001. Founded - 1997. Chairman - Dumitru Diacov.

Democratic Union Party Pro-European, concerned with social issues. Founded - 2001. Leader - Sergiu Mocianu

Ecological Movement of Moldova Founded - 1990. President - Alecu Reni^{ba}.

Moldovan Centrist Union Splinter group of former Movement for a Democratic and Prosperous Moldova. Founded - 2000.

Moldovan Civic Party Centrist. Founded - 1997. Leader - Vladimir Slonari.

Moldovan Democratic Forum Formed by the merger of six right-wing parties: the National Liberal Party, the Moldovan Party of Democratic Forces, the National Peasants' Christian Democratic Party, the Party of Social Justice and Order, the New National Moldovan Party and the Party of Civil Dignity. Founded - 2001.

Moldovan Party of Communists (MPC) (Partidul Comunistilor din Republica Moldova) Formerly the Communist Party of Moldova, banned in 1991 but revived as above in 1994. First Secretary - Vladimir Voronin.

Liberal Party Formed as the result of a merger of three parties- the National Liberal Party, National Peasants'

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Christian Democratic Party and the Party of Social Justice and Order . Chair - Vladimir Ciobanu. General Secretary - Veceaslav Untila

National Salvation Movement (NMS) Breakaway faction from the National Liberal Party. Founded - 2000.

Party of Democratic Forces Social-Liberalist party Founded - 1995 Chair - Valeriu Matei

Party of Revival and Conciliation (PRC) (Partidul Social-Democrat din Republica Moldova - PSDM). Formed by defectors from the Agrarian Democratic Party. Founded - 1995. Chairman - Mircea Snegur.

Party of Social Progress Founded - 1995. Chairman - Eugen Sobor

Party of Socialist Action Founded - 1996. Chairman - Aurel Cepoi.

Peasants' Party of Moldova Nationalist, moderate party.

Women's Christian Democratic League

Reform Party Centre-right party, which seeks to represent middle-class interests. Founded - 1993. Leader - Mihai Gimpu. Chairman - *tefan Gorda.

Social Democratic Party of the Republic of Moldova (SDPM) (Partidul Social-Democrat din Republica Moldova - PSDM) Centrist-party advocating full Moldovan independence and rejecting any forms of extremism or violence. Founded - 1990. Acting Chairman - Oazu Nantoi.

Social Liberal Party Centre-right political party, based on the social liberalism doctrine. Founded - May 2001
Leader - Oleg Serebrian

Socialist Party (Partidul Socialist) Successor to the former Communist Party of Moldova; favours socialist economic and social policies, defends the rights of Russian and other minorities and advocates CIS membership. Leader - Veronica Abramciuc.

Yedinstvo (Unity) Movement Represents the interests of ethnic minorities in Moldova, claiming around 35,000 members. Founded - 1989. President - Petr Shornikov.

Parties and organisations in Transnistria include: the Union of Patriotic Forces (radical socialist; Leader - Vasili Yakovlev); the Movement for the Development of Dniestr (moderate); the United Council of Workers' Collectives (radical); 'For Accord and Stability' (moderate); and 'Position' (moderate; Leader - Svetlana Migulea); Russia's Unity - Yedinstvo established a branch in Tiraspol in 2000.

Parties and organisations in Gagauzia include: the Vatan (Motherland) Party (Leader - Andrei Cheshmeji) and Gagauz Halky (Gagauz People; Leader - Konstantin Taushandji).

ANNEX C: PROMINENT PEOPLE

BRAGHIS Dumitru

Prime Minister from 20 December 1999 to March 2001. Leader of the Braghis Alliance.

CUBREACOV Vlad

Deputy Chairman of the Christian Democratic Peoples Party (CDPP)

LUCINSCHI Petru

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President of Moldova from December 1996 to March 2001.

RO³CA Iurie

Leader of the Christian Democratic Peoples Party (CDPP)

SMIRNOV Igor

President of the 'Transnistrian Republic' from 1994 to present.

TARLEV Vasile

Prime Minister of Moldova from April 2002 to present.

VORONIN Vladimir

President of Moldova from April 2002 to present. First Secretary of the Moldovan Party of Communists.

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