



Nations in Transit 2014 - Moldova

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Capital: Chișinău

Population: 3.6 million

GNI/capita, PPP: US \$5,190

Source: The data above are drawn from The World Bank, *World Development Indicators 2014*.

2014 Scores

Democracy Score: 4.86

Regime Classification: Transitional Government or Hybrid Regime

National Democratic Governance: 5.50

Electoral Process: 4.00

Civil Society: 3.25

Independent Media: 5.00

Local Democratic Governance: 5.75

Judicial Framework and Independence: 4.75

Corruption: 5.75

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

Executive Summary:

After a stable and promising year in 2012, Moldova was shaken in the first half of 2013 by political scandal and turmoil that culminated in the collapse of the coalition government led by Vlad Filat of the center-right Liberal Democratic Party of Moldova (PLDM) and the threat of early elections. Parliament lacked a ruling majority between February and May, and the opposition Communist Party of the Republic of Moldova (PCRM) appeared likely to return to government if elections were held. Faced with the possibility that Moldova's pro-European orientation could be reversed, the PLDM repaired its rift with the Democratic Party of Moldova (PDM) and joined with a splinter faction of their former coalition partner to reconfigure a majority and confirm a new government led by the more politically neutral Iurie Leancă, previously the minister of foreign affairs.

Despite the political crisis early in the year, the Moldovan authorities continued to work toward the ruling parties' main objective of strengthening ties to the European Union (EU). Their efforts bore

fruit at a summit in Vilnius in November, when Moldova initialed an EU Association Agreement and a related trade pact. In addition, the country concluded the implementation of an action plan for visa liberalization, and the European Commission recommended that Moldovans be granted visa-free travel in 2014. Meanwhile, however, the so-called 5+2 talks on a resolution of the status of Transnistria remained at a relative standstill, as Russia became increasingly aggressive toward former Soviet states seeking closer links with the EU.

National Democratic Governance. The governmental crisis that pushed Moldova to the verge of early elections highlighted the fragility of the political system, the degree of endemic corruption, and the reach of informal networks of overlapping political, financial, and judicial interests. However, the crisis, during which Filat acted as caretaker prime minister for almost three months, was finally resolved in a consensual manner through the recreation of the incumbent coalition, with some alterations. Because of this fairly orderly outcome and the government's technical achievements linked to European integration, *Moldova's rating for democratic governance remains unchanged at 5.00.*

Electoral Process. There were no national elections in 2013, though several local elections with no national impact were successfully organized, and their results were not contested by political parties or civil society. The spring coalition crisis prompted the parliamentary parties to pursue rival amendments to the electoral code in view of the expected early elections, which ultimately did not take place. After the new majority coalition was formed, most of these amendments were reversed or withdrawn. *Moldova's electoral process rating remains unchanged at 4.00.*

Civil Society. After 2012 improvements in the participation of civil society representatives in decision-making and monitoring processes, especially through their inclusion in the Antidiscrimination Council and the National Integrity Commission, there were no significant legislative developments concerning the civil society sector in 2013. During this year, the most active organizations continued to monitor the performance of public institutions and to campaign against abuses, corruption, and discrimination, raising public and sometimes international awareness of these issues. Overall, however, the impact of civil society on governmental decisions has been limited. *Moldova's civil society rating remains unchanged at 3.25.*

Independent Media. The Moldovan media continued to develop in 2013, as several new radio and television stations were licensed to broadcast. While there were no significant legislative changes, journalists continued to complain of dependence on media owners who have specific political orientations, leading to partisan coverage of public affairs. *Moldova's independent media rating remains unchanged at 5.00.*

Local Democratic Governance. Control over the allocation of resources for local administrative units and the reassignment of revenue from local taxes were key concerns of both the local and the central administrations during 2013. Numerous villages, towns, and cities are controlled by the opposition PCRM, which made decentralization part of its strategy for resisting the pro-European government. Parliament adopted a law that increased local financial autonomy, stipulating that villages and small towns could retain 75 percent of the income from local taxes, while the higher-level counties and large municipalities would hold 25 percent and 50 percent, respectively, though the measure's application would remain experimental and restricted to four regions in 2014. *Moldova's local democratic governance rating remains unchanged at 5.50.*

Judicial Framework and Independence. The government continued to pursue its reform strategy for justice during 2013. There have been some improvements in both the legal framework and its implementation. However, the scandal that erupted at the beginning of the year and led to the dissolution of the coalition government revealed informal connections between the top officials of the judiciary and powerful figures in the business and political world. Some implicated individuals were forced to resign from their positions in the justice system, but many others remained in office. *Moldova's judicial framework and independence rating declines from 4.50 to 4.75.*

Corruption. In December 2013, Moldova finally adopted an extensive anticorruption package, a move that was strongly advised by the European Commission and other international monitoring agencies. However, the components would not come into force until 2014, and there were no tangible improvements in the state of corruption during the year. The public continued to perceive a high degree of corruption among government officials,^[1] and there have been few successful prosecutions of prominent figures to date, though a number of allegations were raised for partisan reasons during the 2013 political crisis. *Moldova's corruption rating remains unchanged at 5.75.*

Outlook for 2014. Moldova is scheduled to hold legislative elections in November 2014. The electoral year will most certainly be marked by competition between the pro-European coalition parties and the PCRM, as well as among the coalition parties themselves, as each will seek to gain the leadership of the bloc and the right to nominate the next prime minister.

Moldova's democratic future depends on the results of the 2014 elections. If the PCRM were able to form a majority, it would step back from the current pro-European path and reorient the country toward Russia, possibly by moving to join the Russian-led Eurasian Economic Union. The current crisis in Ukraine will further encourage separatist actions by Transnistria and its repeated requests to be annexed by Russia. If relations with Russia deteriorate because of the Transnistrian dispute and Moldova's EU integration process, Moldova could face further retaliation, such as commercial sanctions or higher effective prices for Russian gas.

Even if the processes of democratization and institutional consolidation continue steadily after Moldova's planned formal signature of the EU Association Agreement in June 2014, there will be a major risk of populist reversals, as all the major parties are searching for ways to secure their positions and win more mandates in the elections. Unexpected changes to the electoral code are also probable, despite the Venice Commission's admonitions against amendments less than one year before an election.

National Democratic Governance:

After a period of political stabilization following the much delayed election of Nicolae Timofti as president of Moldova in March 2012, the country began 2013 with a new and unexpected political crisis. In January 2013, the leader of the Anti-Mafia Movement, Sergiu Mocanu, revealed a December 2012 incident in which a businessman, Sorin Paciu, was accidentally shot and killed during a hunting excursion in a national park. The event, later dubbed "The Lords' Hunt" by the press,^[2] had initially been hidden from the public because several prominent politicians, businessmen, and judicial officials took part in the illegal hunt, including Prosecutor General Valeriu Zubco. Gheorghe Crețu, the vice president of the Court of Appeals, was ultimately charged with firing the fatal shot. Zubco was a nominee of the Democratic Party of Moldova (PDM), part of the governing three-party Alliance for European Integration 2 (AIE-2), and when he was forced to

resign later in January, the coalition members clashed over his replacement. In February, Prime Minister Vlad Filat of the Liberal Democratic Party of Moldova (PLDM) renounced the agreement that formed the basis of his party's alliance with the PDM and their junior partner, the Liberal Party (PL), accusing them of corruption and the political capture of judicial offices.

Consequently, between February and mid-May, there was no governing majority, and each party allied with others in accordance with its immediate interests. For example, the PLDM and the opposition Communist Party of the Republic of Moldova (PCRM), which sought to exploit the divisions among the AIE-2 parties, voted together in February to dismiss wealthy businessman and PDM power broker Vladimir Plahotniuc as first deputy speaker of Parliament. By the end of February, there were negotiations between the PDM, the PL, the small Socialist Party, some independent members of Parliament (MPs), and the PCRM on removing the Filat government. The vote of no confidence took place on 5 March, and the Filat government was ousted with 54 votes in the 101-seat chamber, of which 34 came from the PCRM. The 12 PL MPs did not participate in the procedure in the end.

Two months of bitter negotiations and mutual threats of early elections followed. On 10 April, in an attempt to reconstitute the AIE-2 majority, President Timofti reappointed Vlad Filat as prime minister, but in a controversial decision the Constitutional Court declared this nomination unconstitutional.^[3] The court stated that Filat was unable to exercise his mandate because his government had been dismissed over accusations of corruption against several of his ministers. Three days later, Filat made a final move in his war with the Democrats; with the help of the PCRM, his party dismissed PDM leader Marian Lupu as speaker of Parliament.

The only remaining option for avoiding the early elections sought by the PCRM was to convince Filat to withdraw and to configure a majority around a more moderate political figure from his party, which remained the largest pro-European parliamentary faction. On 25 April, President Timofti designated Iurie Leancă, then the minister of foreign affairs and European integration, as the new prime minister. After a fortnight filled with difficulties and hesitation, during which the PLDM voted most often with the PCRM, the negotiations for creating a majority without the Communists took a positive turn. An agreement for a new Coalition for Pro-European Governance (CEG) was signed on 30 May by the PLDM, the PDM, and a breakaway faction of seven PL members who later formed the Liberal Reformist Party (PLR). Also that day, Igor Corman of the PDM was elected as the new Parliament speaker, and the new CEG government won a confidence vote with support from 58 MPs.

Upset by this restoration of the pro-European coalition, the PCRM began a long series of parliamentary and street protests, including September demonstrations that Communist leader Vladimir Voronin said would initiate a "Velvet Revolution."^[4] In spite of all their efforts and Moscow's unofficial but effective support, the PCRM and other allied groups failed to prevent Moldova from initialing the EU Association Agreement at the Vilnius summit in November 2013.

Moldovan and EU policymakers expressed hope that improved trade ties and the anticipated visa-liberalization regime in 2014 would make unity more attractive to residents of Transnistria, but the pro-Russian separatist authorities took a number of provocative actions in 2013 that dimmed prospects for any substantive progress on a resolution of the long-standing dispute. The so-called 5+2 negotiations – consisting of Moldova and Transnistria, with Russia, Ukraine, and the Organization for Security and Cooperation in Europe (OSCE) as mediators, and the EU and the

United States as observers – were largely confined in practice to technical matters related to freedom of movement for people and goods. During the first half of the year, the discussions were hampered by the lack of governmental stability in Chişinău, but also by an April incident in which Transnistrian officials attempted to install new checkpoints on territory controlled by the Moldovan government,^[5] and a June decree by Transnistrian president Yevgeniy Shevchuk that set a "state border" encompassing districts currently under Moldovan jurisdiction. During the second half of the year, the Transnistria issue was caught up in the heightened tensions surrounding the Vilnius summit and particularly the eruption of protests in Ukraine against President Viktor Yanukovich, who had abruptly canceled plans to initial an EU agreement for his country. During this period, the authorities in Tiraspol radicalized their separatist discourse and made moves to advance their long-standing goal of union with the Russian Federation. Meanwhile, politicians in Moldova's autonomous Găgăuzia region who also opposed the country's pro-European orientation threatened to hold referendums on whether to sign the EU pact, join the Russian-led Eurasian Economic Union, or even pursue independence.

Electoral Process:

There were no parliamentary, presidential, or nationwide local elections in 2013. The next parliamentary balloting was scheduled for the fall of 2014, but the dissolution of the ruling AIE-2 coalition in February 2013 and the contentious negotiations on a new parliamentary majority led the main parties to prepare for the possibility of early elections.

In April, in spite of the fall of the Filat government, the three former coalition parties – the PDM, the PLDM, and the PL – adopted a change to the electoral code that was intended to give them an advantage. Instead of the closed-list proportional electoral system, they instituted a hybrid system in which 51 deputies would still be elected through proportional representation in a single national constituency, while 50 deputies would be elected in uninominal constituencies in a two-round majoritarian competition. As the PCRM has few strongholds where it could obtain an absolute majority – partly because the Russophone population, which traditionally votes Communist, is scattered across Moldova – the party appealed to the Constitutional Court to block the new code. However, the petition was rejected, and the new system was set to be applied for the next parliamentary elections.

Less than two weeks later, the conflict between the PLDM and the PDM intensified when Filat's nomination as prime minister was declared unconstitutional and Lupu was dismissed as Parliament speaker with PLDM votes. This led to a tactical rapprochement between the PLDM and the PCRM. Although they held opposite views on national policy, they shared an interest in further manipulation of the electoral code. Consequently, in early May, the two parties used their combined votes to annul the newly adopted hybrid system and return to the national-proportional voting arrangement. They also withdrew two provisions introduced in 2010 that were seen as favorable to the pro-European parties: the ability of university students to vote in whatever polling stations they preferred, and the right of polling places for Moldovans living abroad to extend voting after 9 p.m. in case of an excess of voters. In addition, the PCRM-PLDM majority reinstated the right of Soviet passport holders to vote, and increased the electoral threshold for individual parties to win representation from 4 percent to 6 percent. As all these changes appeared to favor the Communists much more than the Liberal Democrats, the PLR and PDM accused the PLDM of "treason."^[6] Under heavy pressure from its CEG allies and pro-European public opinion, the PLDM later agreed to reverse some of the May changes. It was only in July, more than six weeks after the

reconfiguration of the pro-European coalition, that some of the PCRM-PLDM amendments were canceled, though the hybrid electoral system introduced in April was not reinstated, and the higher electoral threshold remained in place.

A series of isolated local elections took place in May 2013, in municipalities and villages from different regions. While the results were not nationally representative, they suggested overall gains for the PDM at the expense of the PCRM and, to a lesser extent, the PLDM. No notable irregularities were reported, but the degree of competitiveness in such elections tends to be rather low, and the results are often predictable.

Civil Society:

Moldovan civil society can be described as increasingly diverse and active. During the last 10 years, the country's nongovernmental organizations (NGOs) and think tanks have developed considerably, thanks in large part to support from international donors. In 2013, the sector was still dependent on foreign support for more than 80 percent of its funding. The 2012-15 Strategy for the Development of the Civil Society, which was unanimously adopted by Parliament in 2012 and applied for its first full year in 2013, attempted to address this problem. Among other measures, lawmakers in December 2013 passed legislation that would allow citizens to redirect 2 percent of their income tax payments to an NGO of their choice. The system was due to be implemented in 2014.

Most Moldovan NGOs are concentrated in Chişinău, where they have much more numerous and effective opportunities to express their opinions and lobby the government. Nevertheless, during 2013, some local initiative groups developed in small towns and villages, having succeeded in accessing special international financing dedicated to the improvement of civil society outside major urban centers.

Moldova's political culture continues to operate according to the conviction that decision making is the business of the governing politicians. Consequently, the impact of civil society organizations on the creation of public policy remains rather limited. However, inclusion of NGOs in the legislative process is gradually improving. They have been particularly active in the field of anticorruption, and played a significant role in the drafting of the December 2013 anticorruption package.

Some federations of organizations, such as the NGO Council,^[7] have contributed to the nascent effort to increase NGO activity outside Chişinău and to the development of civil society participation in policymaking. In 2013 the council was actively involved in criticizing two important bills – one concerning waterborne transportation, which was faulted for provisions that could have a negative ecological impact, and one concerning the College of Medical Doctors, which the council said was adopted in a nontransparent process.

By the end of the year, numerous NGOs had publicly expressed their solidarity with Ukrainian civil society as the Yanukovych administration violently suppressed pro-EU protests. With some exceptions, Moldovan civil society groups proved to be democratic and pro-European. Romania, an EU member state that shares a common language with most Moldovans, has been a major proponent of Moldova's European integration, and cooperation between Moldovan and Romanian NGOs increased during 2013. A roundtable involving all the major governmental and nongovernmental actors was organized in December 2013 to discuss spending plans for a €600,000 donation by Romania for the development of Moldovan civil society. During the meeting,

representatives of the Romanian Center for European Policies (CRPE) presented a policy paper calling for the creation of a Romanian-Moldovan Development Fund.

Independent Media:

The media landscape continued to grow more dynamic and diverse in 2013, though there were no major changes in legislation or ownership structures. According to a survey by the Institute for Public Policies, television remained both the most frequently used and the most trusted source of information for a majority of Moldovans (87 percent and 61 percent, respectively), followed distantly by the internet and radio.^[8] The use of the internet as a source of credible information continued to expand at the expense of the print sector, whose readership declined further. Among television stations, the leaders in terms of audience and public trust were Prime TV, owned by Plahotniuc of the PDM; Moldova 1, the main station of the public broadcaster Teleradio Moldova (TRM); Pro TV, the Moldovan station of a Romania-based group owned by the Central European Media Enterprises (CME) conglomerate; Jurnal TV; Publika TV, initially owned by the Bucharest-based group Realitatea-Cațavencu and now controlled by Plahotniuc; TVT; and 2 Plus, also owned by Plahotniuc.

In 2013, the Audiovisual Coordinating Council (CCA), the country's broadcast media regulator, issued 13 new television broadcasting licenses. The pro-Communist station NIT, which had its license withdrawn for politically biased reporting in 2012 and sued the CCA to get it back, lost a final appeal in the case in May 2013, though it planned to pursue a complaint with the European Court of Human Rights (ECHR). Meanwhile, the NIT editorial team – including the PCRM MP Constantin Starîș, who hosted one of the station's most popular political programs – joined Accent TV, a station that had recently been taken over by the Russian company Volga-Export.^[9]

The CCA has been sued for other controversial decisions. In 2013, it decided to seek a settlement in a pending ECHR case over its 2008 suspension of one of the frequencies of Romanian Television (TVR), Romania's public broadcaster, despite a contract that granted the license to TVR from 2006 to 2011. Also during the year, the CCA faced a trial regarding its decision to require radio broadcasters to devote at least 30 percent of their programming to locally produced content. The measure, meant to protect the "cultural-linguistic national patrimony," was severely criticized by radio companies, which sued the CCA but lost in the court of first instance.^[10]

TRM continued to suffer from major organizational and financial problems in 2013. Like other state-owned media companies in Europe, TRM is split between two conflicting objectives: to gain more revenue by expanding its audience and to maintain the qualitative standards of the public broadcasting service. In an effort to rationalize its expenses, the broadcaster decided to change its employees' contracts from continuous to fixed-term agreements. In 2013, the labor union mobilized in such a way that the decision was finally withdrawn.^[11] Separately, an open competition for the nomination of the head of the television news department – a particularly influential position given the coming national elections – proved to be exceedingly complicated, with vocal contestations at each phase of the procedure and with a court decision to annul the designation of Vitalie Guțu as the winner. Such disputes are also common at Teleradio Găgăuzia.

Parliament in 2013 adopted a series of changes to the penal code that included the criminalization of acts of censorship and deterrence of the activities of mass media. The law stipulates specific

offenses and assigns corresponding punishments to the perpetrators, including temporary bans on holding public office.

Also during the year, the PLDM initiated a bill designed to make ownership of media outlets more transparent by enlarging the definition of media ownership and stipulating conflicts of interest more precisely.^[12] The bill received positive recommendations from the parliamentary committees, but it had yet to be adopted at year's end.

Several acts of aggression against reporters took place in 2013. The main objective was to discourage or intimidate the journalists. For example, both Voronin, the PCRM leader,^[13] and Mihai Ghimpu, leader of the PL,^[14] frequently argue that the press mistreats them and react by insulting and threatening journalists. Moreover, the head of the Supreme Court, Mihai Poalelungi, stated in a September interview that he would make every effort to recriminalize libel and defamation, claiming that he had repeatedly been abused by the press.^[15] The Centre for Independent Journalism provides Moldovan press workers with legal aid in the event of lawsuits and other abuses.

Conditions for the media remain far worse in Transnistria. In May 2013, several websites and blogs were shut down by the separatist authorities in an effort to eliminate any media that deviated from official propaganda. According to President Shevchuk, all websites that conduct journalistic activities and are not registered as news media should be closed. After the government action, only one site, the fairly moderate Disput, registered as a mass media institution. The authorities also prepared a draft law that further limited the freedom of the media and imposed strict regulations on journalists in relation to their editorial supervisors. By the end of the year, new rules for the accreditation of the foreign press had been enacted, making the process even more onerous and underscoring the fact that foreign journalists are not welcome in Transnistria.

Local Democratic Governance:

Moldova has a three-tiered administrative structure. The smallest units are the towns (*orașe*) and villages (*sate*), with mayors and local councils that are directly elected by residents. The second level, which features its own elected government institutions, is made up of counties (*raioane*), the city of Chișinău, the Autonomous Territorial Unit of Găgăuzia, and Transnistria. Since 2012, the city of Bălți has also had the status of a municipality with greater autonomy. The Moldovan authorities have not had effective control over the separatist region of Transnistria since the 1992 armed conflict.

Moldova has been undergoing a process of decentralization since 2010. However, as numerous reports indicate, decentralization without proper empowerment and accountability can lead to inefficient and corrupt local administrations. The two main problems of local government in the country remain underfinancing and endemic corruption. In 2013, the National Anticorruption Centre (CNA) opened several cases against public servants at the local level. CNA prosecutors estimated that their activity would increase with the implementation of new financial decentralization measures that will allow the local administrative units to withhold and use larger shares of the taxes they collect.

The public debate over the draft law on financial decentralization, which was mainly animated by the Congress of Local Authorities of Moldova (CALM), reflected two contradictory stances.^[16] On one hand, some mayors and county presidents requested the acceleration of the adoption of the law,

as it was supposed to increase not only their autonomy but also their immediate control over their budgets. The opposition PCRM in particular sought to take advantage of the proposed changes, as it controlled numerous local governments in rural areas and was eager to shift power away from the national government. On the other hand, the local authorities were concerned about the new set of responsibilities that would inevitably come with financial decentralization. The experience of other countries in the region had shown that the administration of schools and hospitals with limited budgets and increasingly complex needs and expectations is a particularly daunting challenge for local governments.

The bill on financial decentralization was finally adopted in November, but its application would be only experimental in 2014; the law will fully apply in three counties (Basarabeasca, Ocnița, and Râșcani) and in the capital city. Ultimately, the villages and towns will retain 75 percent of the income from their taxes on citizens' revenues, while the counties will hold 25 percent and the municipalities 50 percent. This discrepancy is due to the fact that the local rural and small urban areas are confronted with the mass migration of their taxpayers to Western Europe, resulting in chronic underfinancing. Notably, the municipality of Chișinău will suffer a decrease in revenue, as it received 55 percent of local revenues before the new law.^[17] Many mayors pressed for universal application of the law to be accelerated, accusing MPs of trying to keep them in a state of dependency during an electoral year. EU representatives also recommended full implementation. At year's end, Sweden decided to suspend its financial support for Moldova's decentralization to emphasize its objections to the staggered process.

Judicial Framework and Independence:

According to the constitution, the judiciary is independent from the legislative and executive branches. However, as a recent report by the International Commission of Jurists and the Soros Foundation-Moldova states, Moldova inherited the Soviet tradition of judicial subordination to the executive power, and further efforts are still required to guarantee judicial independence in practice.^[18]

The "Lords' Hunt" scandal of January 2013 implicated top representatives of the judiciary, demonstrating both the informality of the connections between the courts and the business and political worlds and a lack of moral probity among those involved in the affair; the participants remained silent about the incident until it was revealed to the media two weeks later. Zubco, the prosecutor general, was initially one of the suspects in the fatal shooting, and the vice president of the Court of Appeals, Gheorghe Crețu, was ultimately charged with the crime.^[19] Both men were forced to resign, but the subsequent political infighting among the former AIE-2 parties exposed even more signs of political influence in judicial and law enforcement bodies.

For example, as the PLDM feuded with its former coalition partners in February, the CNA – headed by a PDM-backed appointee – launched investigations against a number of PLDM ministers and allies, and alleged wiretap recordings were leaked to the media. In March and early April, Parliament approved new judges supported by the PDM and PL to fill vacancies on the Constitutional Court. The court then ruled on 22 April that Filat could not return as prime minister due to the corruption allegations against his ministers. The PLDM in early May pushed through a bill that would have allowed Parliament to remove Constitutional Court judges with a supermajority vote, but President Timofti blocked the measure.

The process of choosing a replacement for Zubco as prosecutor general was similarly affected by political concerns. In mid-April, at a time when the PLDM and PDM were attempting to repair their rift, Parliament appointed Corneliu Gurin. Although he was seen as more of a technocrat than Zubco, he was accused by the PL of being politically biased and pro-Russian, as he had been a PCRM candidate in the 2005 parliamentary elections. Nevertheless, the PCRM voted against his nomination, arguing that he was too dependent on the governing parties.

After the Constitutional Court rejected Filat's eligibility for the premiership and the conflict between the PDM and the PLDM was renewed, the latter joined the PCRM in early May to revoke Gurin's appointment on the grounds that he had allegedly falsified his credentials and that there had been fraud in the counting of lawmakers' votes in favor of his nomination.^[20] Independent MP Sergiu Sîrbu contested Gurin's removal at the Constitutional Court, which decided a few days later that it was invalid. Gurin was consequently reinstalled as prosecutor general.

In terms of legislative reforms, there were some important steps forward during 2013. After two years of consultation with NGO representatives, the government submitted a draft law governing the activities of the ombudsman. The bill was amended by Parliament in December to increase the required 5 years of experience to 20 years. This change was strongly contested by the NGOs, which considered it much too restrictive and asked President Timofti to send it back to Parliament for reexamination.^[21]

Also during the year, the justice minister won passage through Parliament of a series of limitations on the immunity of judges. Under the new rules, the prosecutor would be able to initiate inquiries against judges, detain them, and carry out searches with a simple court mandate, as with all other suspects. The Supreme Court of Justice contested the new law at the Constitutional Court, and in September the latter rejected some of the provisions, stipulating that preventive measures could be taken against judges only with the approval of the Supreme Council of Magistrates (CSM). However, it allowed the initiation of criminal investigations without prior approval from the CSM.^[22] In keeping with this trend of diminishing impunity for judges, several investigations against judges were launched during the year, and more judges who were under investigation decided to resign in 2013 than in 2012. Among other developments, a procedure for the professional reevaluation of judges began operating, and reforms of the prosecutor's office continued to progress.

Other advancements included the implementation of an electronic system for the random distribution of cases, the introduction of electronic notarizations, and the creation of special facilities for the interrogation of minors.

Corruption:

In 2013, the government continued to implement its anticorruption strategy by reinforcing existing institutions – especially the CNA, which intensified its activity and developed its regional offices. There have nevertheless been few convictions for corruption, and none concern top officials. The CNA's website enumerates and briefly describes the cases it investigated in 2013. Most focus on customs officers, low-ranking public employees, low-profile lawyers, or hospital managers. Only two mayors were placed under investigation during the year.^[23] However, the prevailing public perception is that Moldova is deeply corrupt at all levels and that major wrongdoing never results in real prosecutions and convictions. Transparency International's 2013 Global Corruption Barometer

found that 29 percent of respondents reported paying bribes during the past year, a rate second only to Ukraine's among the European countries assessed.^[24]

The CNA's political neutrality fell into doubt during the 2013 political crisis, as it appeared to initiate cases targeting the PLDM in particular. The party responded in early May by passing legislation, with support from the PCRM, that returned control over the CNA to the government rather than Parliament. The director is to be appointed or dismissed on the prime minister's recommendation, though incumbent director Viorel Chetaru remained in office at year's end.^[25]

Aside from the "Lords' Hunt" affair, prominent corruption cases in 2013 included a scandal involving the Banca de Economii (BEM). The state-owned bank had been left financially vulnerable by extensive mismanagement and corruption. Its former president, Grigore Gacikevich, was placed under investigation for having illegally granted credits to several companies that were allegedly connected with influential politicians. When the government issued shares to private investors and gave up majority control of the bank during the summer, BEM became the object of bitter competition among local businessmen, top politicians, and Russian companies.^[26] Separately, the government was criticized in October for an opaque, noncompetitive tender through which it granted a Russian firm a 49-year contract to operate the capital's airport.

After consulting domestic and international stakeholders, the justice minister in December secured passage of an anticorruption package that would allow the extended confiscation of illegally acquired wealth, the use of neutral mechanisms for testing the professional integrity of public servants (including polygraphs), and an increase in the length of bans on holding public positions for those convicted for corruption, to a maximum of 15 years. All of these measures were suggested either by the European Commission, the Council of Europe, or the U.S. Department of State, and were subject to broad public consultation.^[27]

However, the package also tripled the wages of judges, drawing heavy criticism from journalists and the opposition. President Timofti, a former magistrate himself, was accused of using his influence to boost the income of judges, while the governing coalition was said to be buying the future goodwill of the judges.^[28] Nevertheless, this measure was also supported by international and European organizations on the grounds that granting higher wages to magistrates helps to reduce incentives for bribe taking.^[29]

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Notes:

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