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MOLDOVA:
SITUATION ANALYSIS AND TREND ASSESSMENT

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Protection Information Section (DIP)**

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List of Acronyms

ADP	Agrarian Democratic Party
ASSR	Autonomous Soviet Socialist Republic
AVC	Audio Visual Council
CIS	Commonwealth of Independent States
CIVIS	Centre for Sociological, Political and Psychological Investigations
CSCE	Conference on Security and Cooperation in Europe
EU	European Union
GDP	Gross Domestic Product
IDP	Internally Displaced Person
IGO	Inter-Governmental Organization
IJC	Independent Journalism Centre
IOM	International Organization for Migration
MDR	Main Directorate for Refugees
MHCHR	Moldovan Helsinki Committee for Human Rights
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
PCDP	Popular Christian Democratic Party
PMR	Pridnestrovskaya Moldavskaya Respublika (Pridnestrovian Moldavian Republic)
PPP	Narodvlastie [Peoples' Power] Party
SIS	Security and Information Service
SSR	Soviet Socialist Republic
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
US	United States
USSR	Union of Soviet Socialist Republics

Executive Summary

During its first decade of independence, Moldova moved toward building democratic institutions, establishing a market economy, and developing cooperation with Western economic, political and military institutions. Moldova became a member of the United Nations, the CSCE/OSCE, joined NATO's Partnership for Peace programme, and in 1995, became one of the first former Soviet states admitted to the Council of Europe. It also signed and ratified more than 40 international instruments on human rights. Beyond this, Moldova held open parliamentary and presidential elections, which regularly resulted in the replacement of incumbent governments and presidents. There were therefore hopes that Moldova, in spite of its poverty, the unsolved Transdnistrian conflict, and its political incoherence (largely due to the dominance of members of the old Soviet-time *nomenklatura* in its governing structures) was committed to democratic and human rights values.

After the Communist Party won a majority in the parliamentary elections of February 2001, actions were taken that tended to move Moldova back towards its Soviet era political and social structures, including measures to make Russian an official second language. These measures, in particular the strengthening of the position of Russian, stirred up protests from the opposition and Moldovan intelligentsia, which in turn generated repressive actions on the part of the government. The first half of 2002 was marked by protests, some of them attended by 80,000-100,000 people. The intervention of the Council of Europe was necessary to calm the political situation. In November 2003, President Voronin expressed his readiness to sign a Memorandum, drafted by Dmitri Kozak, the Deputy Head of Russian President Vladimir Putin's administration, aimed at solving the Transdnistrian conflict, and which would guarantee Russia's military presence in Moldova for another 30 years. Civil society organizations in Moldova renewed their protests, and owing to these and to resistance from Western countries and IGOs, the Memorandum was not signed by President Voronin.

The above-mentioned measures undertaken by the Government not only increased the tensions in Moldovan society and between Central Government and the unrecognized "Pridnestrovskaya Moldavskaya Respublika (PMR)" but also revealed the fragility of the democratic institutions in the process of building the country. These institutions have largely failed to protect the civil, political, economic, and social rights of citizens under the new ruling party. According to independent observers, NGOs and IGO representatives working in the field of human rights, the human rights situation in Moldova, in particular in Transdnistria, has dramatically deteriorated. Living standards have also been eroded, with more than 80 per cent of Moldova's population living below the poverty line. The country has become strongly involved in illegal trading, including human trafficking.

More recently the country has achieved a degree of political stability and economic prospects are now improving. However, widespread poverty, the unsolved Transdnistrian conflict, and human rights violations in the country are sources of continued concern.

1 Introduction

1.1 Geography and Demographics

The Republic of Moldova is a landlocked country bounded by Ukraine in the east and by Romania in the west. It covers 33,700 square km and is home to some 4.4 million people (according to the 1989 census). Approximately 64.5 per cent of Moldova's population are ethnic Romanians/Moldovans.¹ Ukrainians (13.8 per cent) and Russians (13 per cent) constitute the largest minorities. Other minority groups include Gagauz (ethnic Turks, 3.5 per cent), Bulgarians (2 per cent), and Jews (1.5 per cent). The vast majority of ethnic Romanians, Ukrainians, Russians, and Gagauz belong to the Eastern Orthodox Church; however, there are small groups of Baptists, Muslims and adherents of Judaism.

1.2 Historical Highlights

In the nineteenth and twentieth centuries, about two-thirds of the territory of the present Republic of Moldova belonged to the region historically known as Bessarabia. This region, which in the Middle Ages was part of the Moldavian Feudal State, was in 1812 annexed by Russia and retained until 1917. Following the February Revolution in Russia and subsequent collapse of Russian authority and institutions, a parliament was created in the region, which in December 1917 proclaimed the Democratic Moldavian Republic on the territory of Bessarabia, leading two months later to independence from Russia. In April 1918, the parliament overwhelmingly endorsed Bessarabia's union with Romania, which was subsequently recognized by the Western powers in the Treaty of Paris of 1920, against the opposition of the Soviet Union, who responded by creating an Autonomous Moldavian Soviet Socialist Republic (Moldavian ASSR) on the eastern side of the Dniester River in 1924. The Ukrainian town of Balta was the capital of the Moldavian ASSR until 1929, when the capital was moved to Tiraspol. By creating the Moldavian ASSR, the Soviet Union maintained its claims for the territory of Bessarabia.²

In June 1940, Bessarabia was occupied by the Soviet forces as a consequence of the German-Soviet Nonaggression Pact of August 1939. On 2 August 1940, the Soviet government created the Moldavian Soviet Socialist Republic (Moldavian SSR) with its capital at Chisinau³ by joining six districts of Bessarabia with a portion of the Moldavian ASSR. The northern and southern parts of Bessarabia were incorporated into the Ukrainian SSR, leaving the Moldavian SSR landlocked. Romania sought to regain Bessarabia by joining with Germany in the 1941 attack on the Soviet Union. Although Bessarabia was briefly reunited with Romania at that time, the Soviet Union reoccupied the region once again in August 1944. The pre-war Soviet administrative

¹ There is an ongoing dispute in Moldova as to whether the majority population should be regarded as ethnically "Moldovan" or "Romanian". In this paper the term "Moldovan" is hereafter used to denote the nationality of all citizens of the country, while "Romanian" is used to denote the ethnicity and language of the majority population. "Transdnistria", "Transnistria" or "Trans Dniest" are common designations and are interchangeable.

² Treptow, K.W. (ed.), *A History of Romania*, Iasi: The Centre for Romanian Studies, 1996, pp. 385-386

³ The Russian form of the name is Kishinev. In this paper the form Chisinau is used throughout.

divisions were then re-imposed. The present boundary between Moldova and Romania was established in 1947, when both of them were under Soviet control.

After the Second World War, Soviet policy in the Moldavian SSR focused on isolating the population and the region from its historical and ethnic links with Romania. Soviet secret police struck at nationalist groups, the Cyrillic script was imposed, replacing the Latin script, and the Romanian language used in the Moldavian SSR was thereafter referred to as "Moldovan". In 1940-1951, thousands of people, most of them ethnic Romanians, were deported to Central Asia or Siberia. In addition, Russian and Ukrainian immigration to the Moldavian SSR was encouraged in order to change the demographic balance in the region.⁴

During Mikhail Gorbachev's policy of *glasnost* (openness), the Moldavian SSR argued for independence from the Soviet Union, and many of the Romanian majority even advocated re-unification with Romania. During the Moldavian Supreme Soviet debates about recognition of Romanian as the official language, MPs from the Interfront faction left the session and withdrew to the region to the east of the Dniester River, where the Russian and Ukrainian minorities constituted a majority. Protected by the Soviet Union government, they responded to Moldovan calls for independence by declaring themselves a Transdnister Moldavian Soviet Socialist Republic within the Soviet Union. Their leadership continued to proclaim its loyalty to Moscow even after the collapse of the Soviet Union. Moscow also encouraged separatism in the southern part of Moldova, where the Gagauz proclaimed a separate Gagauz SSR in August 1990. Subsequently, in January 1995, the Moldovan Parliament recognized Gagauz Yeri (Gagauz Land) as an autonomous territorial unit.⁵

In May 1991, the country's official name was changed by the incumbent Moldavian SSR government to the Republic of Moldova, while the Moldovan Supreme Soviet itself became the Moldovan Parliament. On 27 August 1991, following the failed coup d'état in Moscow, Moldova declared its independence from the Soviet Union. It became a participating state of the Conference on Security and Cooperation in Europe (CSCE) on 30 January 1992, and was admitted to the United Nations on 2 March 1992.

In the spring of 1992, the Moldovan authorities proclaimed the primacy of Moldovan law, including language law, throughout the entire country. However, when they tried to enforce the law on the east bank of the Dniester, fighting broke out between the Moldovan army and the Transdnistrian Republican Guard, supported by the Russian Fourteenth Army. After having limited themselves to mainly logistical support the latter began to intervene directly on 19 May. A cease-fire agreement between Russia and Moldova was signed in Moscow on 21 July 1992, after more than 1,000 people had lost their lives and more than 100,000 become refugees or IDPs. A peacekeeping

⁴ See, Gribincea, M., *Report on Mass Population Transfers in the Soviet Moldova*, prepared for UNHCR CIS Conference Follow-Up Process, Fourth Steering Group Meeting, 24-27 June 1999; see also *Calvarul deportarilor* (Calvary of the Deportations), Centrul de Drept, ed. Alexei Barbaneagra, Chisinau 2000 <http://www.unhcr.md/article/books.htm> [accessed October 2004]

⁵ For more on Gagauzia see *Conflict in Transnistria and Gagauzi*, Federal Research Division of the Library of Congress, <http://countrystudies.us/moldova/35.htm> or "*Gagauzia and Transdnistria: The Moldovan Confederation Comundrum*", by Stephen R. Bowers, Marion T. Doss, Jr., Valeria Ciobanu <http://www.jmu.edu/orgs/wrni/gagauzia25.htm> [accessed October 2004]

force of Russian, Moldovan and Transdniestrian units was established to police the cease-fire.⁶

In February 1994, the first multi-party parliamentary elections were held. In the elections, the Agrarian Democratic Party (ADP) received 43.2 per cent of the votes and won 56 of the 104 seats in the parliament. The victory of the ADP in the elections meant the return of the old party *nomenklatura* to the government in Moldova and the reorientation of foreign policy towards Russia and the Commonwealth of Independent States (CIS). The Constitution of the Republic of Moldova was adopted in July 1994. It provides for a parliamentary republic with a unicameral assembly, known simply as the Moldovan Parliament.

On 1 December 1996, Petru Lucinschi, who had served as a secretary of the Soviet Union's Communist Party Central Committee under Gorbachev, defeated the incumbent Moldovan president, Mircea Snegur, in a run-off election. In January 1997, he was inaugurated as Moldova's second freely-elected president. Presidential elections scheduled for December 2000 were cancelled by Parliament, after it had decided to replace popular elections by parliamentary elections to the president's office. In elections to Parliament in February 2001 the Communist Party won 71 out of 101 seats. Its leader Vladimir Voronin was elected president of Moldova on 4 April 2001. Two weeks later the Parliament elected Vasile Tarlev to lead a new government.

The new government carried out a series of actions having the effect of re-orientating Moldova towards its Soviet past: it reinstalled the previous pattern of territorial administration, restored 7 November as a holiday commemorating the October Revolution, introduced measures to make Russian an official second language, and proposed regulations requiring mandatory Russian-language instruction in schools. More than a decade after independence, Parliament was considering laws to re-collectivize land.⁷ Such developments on occasion generated vehement protests from the opposition and the Moldovan intelligentsia. The first half of 2002 was marked by protest demonstrations, some of them attended by 80,000-100,000 people. The intervention of the Council of Europe was necessary to calm the political situation.

In April 2003, the Moldovan government and the Transdniestrian authorities agreed to establish a joint commission to draft a constitution for a reintegrated state, but fundamental disagreements over the division of powers remained. The intervention of the Council of Europe was necessary to calm the political situation. In November 2003, President Voronin expressed his readiness to sign a Memorandum, drafted by

⁶ See, Gribincea, M., *The Russian Policy on Military Bases: Georgia and Moldova*, Oradea: Cogito Publishing House, 2001, pp.160-172, 198-217.

⁷ US Ambassador Pamela Hyde Smith in her farewell speech said about this trend: "*But the recent decisions and draft laws demonstrated that the government still contains some people who yearn for the past. This should worry you and anyone who owns land. The people promoting these steps backward may be nostalgic for the more familiar life of the Soviet era. Perhaps they have forgotten the tragedies of forced collectivization, or that the kolkhozes were deeply in debt twelve years ago and depended on heavily subsidized energy and other inputs that will never be available again. Collective farms and central planning don't work. They haven't worked anywhere, and they won't work now.*" 19 September 2003, Moldova State University, <http://www.usembassy.md/en-ambassador55.htm>.

Dmitri Kozak, the Deputy Head of Russian President Vladimir Putin's administration, aimed at solving the Transdnistrian conflict, and which would guarantee Russia's military presence in Moldova for another 30 years. However, owing to Moldovan civil society protests and resistance from Western countries and institutions such as the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the United States, the Memorandum was in the end not signed by President Voronin.⁸

1.3 Economy – Overview

Prior to the dissolution of the Soviet Union, Moldova ranked level with Latvia in terms of its economy. However, since then Latvia has successfully carried out economic reforms, eventually becoming a part of the EU, whilst Moldova has moved to a position as the poorest country in Europe and, after Tajikistan, the second poorest of the former Soviet republics. In 2004, Moldova ranked 113th among 177 countries listed in the UN Human Development Report.⁹ In 2001 approximately 80 per cent of the population were below the poverty line, and nearly 45 per cent live in absolute poverty, unable to meet basic needs. Average monthly income ranges from US\$ 20 to US\$ 60 and the unemployment rate is estimated at 15 per cent.¹⁰ The result has been that probably a majority of Moldovans look back to the days of the Soviet Union with nostalgia for the stability then prevailing, compared with the current economic plight. In terms of corruption, Moldova ranks 114th from 145 on the Transparency International scale.¹¹

Since independence, Moldova's reform policy has been aimed, essentially, towards macro-economic stabilization, liberalization and privatization. Moldova introduced a convertible currency, abolished price controls, stopped issuing preferential credits to state enterprises, encouraged land privatization, removed export controls, and freed interest rates. However, Moldova's economy has failed to gain the momentum required. Moldova, like many former Soviet republics, suffered significant disruption of its traditional economic and trade relations with the demise of the Soviet Union. The abrupt increase in external prices, particularly for energy resources, has seriously affected the country's ability to pay for imports. A series of natural disasters and the turmoil that followed the 1998 financial crisis in Russia have further added to Moldova's downturn in agriculture and industry, which along with increased unemployment and worsening social conditions has eventually led to mass emigration of the labour force.

Under the Soviet regime, Moldova's industrial development was ignored. The country was regarded as the USSR's "market garden" with an economy that was focused on

⁸ For an account of how the secret talks collapsed, see International Crisis Group Europe *Moldova: Regional Tensions Over Transdnistria*, Report N°157, p. 24, 17 June 2004 or *Moldova: No Quick Fix* Report N°147, 12 August 2003

⁹ United Nations Development Programme, *Human Development Report 2004*, New York, 2004

¹⁰ International statistical data quoted in *FLUX-Cotidian National*, No. 44, 30 March 2004; No. 73, 25 May 2004

¹¹ See Transparency International <http://www.transparency.md/documents.htm> [accessed October 2004]

agriculture, including extensive viticulture and tobacco growing.¹² Today, agriculture remains a significant part of Moldova's economy (though with a decreasing proportion of the labour force – 28 per cent in 2000 as against 40 per cent in 1998), with industry accounting for approximately one third of annual GDP in recent years (up from 14 per cent in 1998 and 23 per cent in 2000), a lower proportion than in most other countries of the former Soviet Union.¹³

Moldova has experienced a growing economy in recent years, but experts see this as not only the result of positive trends in the management of the economy (such as greater economic, political and social stability, further privatizations and restructuring, increased domestic demand, and strong export growth and improved relations with international financial institutions), but also the effect of money transfers from the emigrated Moldovan labour force working abroad.¹⁴ Around 600,000-800,000 Moldovans are estimated to have left the country, whether temporarily or permanently, to work in Russia and in western European countries, with more than 240,000 of them working in Russia.¹⁵ According to the National Bank of Moldova, Moldovans working abroad transferred approximately US\$ 220 million in 2001, about US\$ 275 million officially and US\$ 150 million through other channels in 2002, and US\$ 320 million in 2003. This amounted to 17 per cent of GDP in 2003.¹⁶ Other reports indicate even higher figures: US\$ 500 million during 2003, expected to double in 2004.¹⁷ A survey taken in early 2004 showed 19 per cent wanting to work abroad temporarily, 4 per cent wanting to emigrate permanently.¹⁸

2 National Policy and the Character of the State

2.1 The Concept on National Policy

On 19 December 2003, the Parliament of the Republic of Moldova adopted "The Concept on National Policy of the Republic of Moldova". This document has been viewed positively by the official press and has been strongly contested by the opposition press, by human rights non-governmental organizations as well as by various unions. The opposition and many NGOs in Moldova characterized it as a "profoundly anti-European" document, "envisioning the positioning of the Republic of Moldova in Russia's geo-political sphere".¹⁹

¹² United States Army, Europe and Seventh Army, *Country Profile: Republic of Moldova*, 3 ed., Stuttgart, January 2001, p. 47

¹³ United States, Central Intelligence Agency, *The World Factbook 2004: Moldova*, Washington, 2004, <http://www.cia.gov/cia/publications/factbook/print/md.html> [accessed October 2004]

¹⁴ International Monetary Fund, *Republic of Moldova: 2002 Article IV Consultation, First Review*, Country Report, 02/190, Washington, August 2002

¹⁵ BASA-Press News Agency, Chisinau, 28 February 2004

¹⁶ Infotag News Agency, Chisinau, 24 March 2004; BASA-Press News Agency, Chisinau, 24 May 2004

¹⁷ BBC Romanian, London, 27 May 2004

¹⁸ Opinion poll conducted in Moldova by the Public Policy Institute between 25 April-7 May 2004, quoted in bulletin from FLUX Press News Agency, Chisinau, 22 May 2004

¹⁹ Resolution of the Conference of Intelligentsia Representatives of the Republic of Moldova on the Draft Concept of National State Policy of RM, *Limba Română*, No. 6-10, p. 103

The adoption of the Concept has also been viewed as another attempt to impose "Moldovenism" as a state ideology in the country, in contradiction with the Constitution of the Republic of Moldova (Article 5, paragraph 2), which stipulates that "no ideology may be pronounced as official ideology of the State".²⁰ The theory has been reshaped in a "modernized" manner, the essence of which is to repudiate the Romanian identity of the majority population, and to contest or sometimes to interdict the name of this population, instead insisting on the term Moldovan for the language and the ethnicity. The roots of Moldovenism go back to the Stalinist period. Briefly, there are three major ideas which form the basis of the Moldovenist ideology:

- Two different peoples – Romanians and Moldovans – exist in Moldova and Romania, and they speak two different languages – Romanian and the Moldovan language, respectively;
- In Moldova, the Romanians are an ethnic minority;
- The Republic of Moldova is seen as a successor to the Moldovan Feudal State founded in the fourteenth century, and as continuing a long process of definition of Moldovan statehood and nationality.

2.2 "Moldovenism" as State Policy

In the opinion of some historians and sociologists, the doctrine of "Moldovenism" is a continuation of the Soviet policy of Russification of the Romanian population of the former USSR.²¹ Following the declaration of independence, the doctrine of Moldovenism was abandoned for about two years. However, since the end of 1992, and with the motivation that identification of Moldova as ethnically and linguistically Romanian would undermine the statehood of the republic and prevent the resolution of the Transdnistrian conflict, the doctrine was revived, initially through the abandonment of the term "Romanian" for the majority ethnic group and the identification in the Constitution of the state language as "the Moldovan language". The argument that "Moldovenism" serves to consolidate the statehood of Moldova is still used by the ruling party.

However, in practice, the effect of "Moldovenism" has been different from its declared purposes in that it has fuelled political tensions within society and eventually led to the weakening of Moldova's sovereignty. Moldovan society is now considerably more polarized than at the end of the 1980s. A great part of the population, especially the intellectual elite, does not accept the so-called "doctrine of Moldovenism".²² There are therefore contradictions between the ruling party and some professional strata of the population. These contradictions have the tendency to degenerate into genuine conflicts. In the opinion of some observers, Moldovenism tends to be a totalitarian doctrine, as it breeds hatred and the notion of superiority of

²⁰ For full text of unofficial translation of the Constitution see Refworld 2004, issue 12 CDROM 2.

²¹ See, e.g., Chifu, I. (ed.), *Republic of Moldova: Antidemocratic Sliding of a Noisy Government: Country Report: 2003*, Bucharest, SNSPA-Politeia, 2004, pp. 11-52; Gribincea, A., Gribincea, M., Șișcanu, I., *Politica de Moldovenizare în R.A.S.S. Moldovenească: Culegere de documente și materiale* [The Policy of Moldovanization in Moldavian ASSR.: Collection of Documents and Materials], Chisinau: Civitas, 2004

²² See, for example, Memorandum of the PEN Club of the Republic of Moldova, *Contrafort*, No. 1-2 (111-112), January-February 2004, <http://www.contrafort.md/2004/111-112/661.html> [accessed October 2004] or, Resolution of the Conference of Intelligentsia Representatives..., p. 103

the Moldovans over the Romanians. Mass media supporting the so-called "Moldovenism ideology" (particularly *Moldova Suverana* [Sovereign Moldova] and *Nezavisimaya Moldova* [Independent Moldova]) have published denigrating articles against Romanians in general, and Romania as a neighbouring country, as well as disseminated libellous statements about those members of the Moldovan society who identify themselves as Romanians.²³

Owing to the fact that the ruling party treat opponents of the Moldovenism doctrine as opponents of the Moldovan state (with reference to the concept of defence of Moldovan "statehood"), the situation becomes even more aggravated. In the Concept on National Policy, the authorities propose to neutralize the perceived attempts of de-Moldovazation, in particular the rejection of the name "Moldovan" for the ethnicity and the language. Although the term of "neutralization" is unclear and the Concept does not specify how this task is to be accomplished, alarm is caused by perceived anti-democratic practices of the ruling party, and declarations by Communist leaders, such as the statement by Victor Stepaniuk, the leader of the Communist Faction in the Parliament that "there are too many Romanians in this country".²⁴ Some people are afraid that the authorities will not refrain from violent acts against their opponents. During the October 2004 Population and Household Census, several observers in different parts of the country reported cases where enumerators appeared to discourage respondents from declaring themselves to be Romanian instead of Moldovan.²⁵

The further imposition of Moldovenism could lead to the development of a new national liberation movement in Moldova, especially since the Communists who are the main proponents of Moldovenism are by many perceived as defenders of Russian interests in Moldova and the majority group feels discriminated against. Any such movement could also acquire a more pronounced ethnic dimension than that of the late 1980s.

3 Human Rights in Moldova

3.1 General Assessment

The Republic of Moldova was among the first former Soviet republics admitted to the Council of Europe, following the rapid democratic reforms during the first years of its existence. However, although international experts still rate Moldova's legal and rights institutions fairly highly,²⁶ the effect of the military conflict in Transdniestria

²³ See, for example, Open letter to Mr. Mihai Cimpoi, President of Writers' Union of Moldova, and Representatives of "pan-Romanianist" sect of I. Roșca, *Sovereign Moldova*, 11 March 2004; Andrusciac, V., Opposition: Election Masks of Political Pharisees, *Sovereign Moldova*, 12 February 2004

²⁴ See, Interview with Victor Stepaniuk, *Impel*, 3 October 2003; "There Are Too Many Romanians in this Country", *Comunistul* [The Communist], No 36, 2003, http://comunist.pcrm.md/2003archives/36_2003/142206/ [accessed October 2004]

²⁵ Infotag New Agency, 13 October 2004, quoting John Kelly, Head of the Mission of the Council of Europe to observe the October 5-12 Population and Household Census in Republic of Moldova

²⁶ Maggs, P., Struggling towards Law? Human Rights and Legislative Reform in Moldova, in Lewis, A. (ed.), *The EU & Moldova on a Fault-line of Europe*, London: Federal Trust for Education and Research, 2004, pp. 149-154

and, later, the failures of implementation of judicial and institutional reforms have eroded confidence in the Moldovan government's commitment to reform, both internationally and among its own citizens. The death penalty has been abolished and conscientious objectors may exercise their right to an alternative to military service.²⁷ The age of consent in Moldova for both homosexual and heterosexual behaviour is 14, situating Moldova's legislation in line with Germany, the Netherlands, Croatia, Spain and Russia and is one of the most progressive in Europe.²⁸

Problems continue to be reported with regard to the rights of children and care provided for them in orphanages. Adoption procedures are lengthy and prone to corruption. UNICEF reports that

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. Latest government figures reveal that 12,344 children live in institutions. According to experts, some 80 per cent of these are from vulnerable families that cannot afford to take care of them. In the absence of a clear social policy, institutional care is being used as a social welfare measure to provide shelter and education for children from very poor families. Among those, the situation of disabled children is particularly serious.²⁹

In territories not controlled by the Government (in the "PMR"), the human rights situation is diametrically different given separate legal, judicial and enforcement structures that do not comply with internationally accepted standards. For example, the "legislation" of Transdniestria does not provide for alternative civil service, and obliges all residents to serve in the Transdniestrian "army". In 1999 the "president" of Transdniestria issued a decree on the introduction of a moratorium on the death penalty, including Court decisions.³⁰ Given the stringent control exercised over the media, the absence of independent human rights organizations or observers and the tough surveillance and oppression of dissenters, information on human rights abuses is difficult to corroborate. As with prisons administered from the capital of Moldova, the situation in orphanages has been critical. After the Transdniestrian militia seized the Bender (Tighina) orphanage on July 26, the children forced their way back in and have remained in the building since. Food and water supplies being delivered by OSCE Mission staff, Moldovan police and UNICEF representatives, but even they are sometimes denied access.³¹

²⁷ Capital punishment was abolished by the Law No. 667-XII of 8 December 1995 and was also excluded from the Penal Code of the Republic of Moldova.

²⁸ Penal Code, "Official Monitor of the Republic of Moldova", 13 September 2002, Article 174 stipulates: "*Sexual act, homosexual act, lesbian act 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*". See <http://www.gay.md/eng/modules.php?name=News&file=article&sid=13> [accessed October 2004]

²⁹ See <http://www.unicef.org/infobycountry/moldova.html> [accessed October 2004]

³⁰ See *Human rights in the Transdniestrian Region of the Republic of Moldova*, Interdepartmental Commission for Co-ordination of the State Policy in the Settlements on the Left Bank of the Dniester River, 2nd Edition, Chisinau 2002, p. 29 http://www.unhcr.md/artpdf/ICNUR_EN.PDF [accessed October 2004] or Refworld 2003, issue 10, CDR0M3.

³¹ See Azi News 6 September 2004, <http://www.azi.md/news?!D=30715>

The US State Department reported in 2003:

The Government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transdniestrian authorities was poor. Citizens generally had the right to change their government, although this right was severely restricted in Transdniestria. Authorities reportedly tortured and beat some persons, particularly persons in police custody. Prison conditions remained harsh, with attempts to improve them hampered by lack of funding. Security forces were widely believed to monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. There were some restrictions on freedom of the press, including defamation and calumny laws that encouraged self-censorship. During the year, the Government adopted new limits on freedom of association. A few religious groups continued to encounter difficulties in obtaining official registration. Societal violence and discrimination against women, children, and Roma persisted. There were some limits on workers' rights. Trafficking in women and girls remained a very serious problem. The Transdniestrian authorities reportedly continued to use torture and arbitrary arrest and detention. Prison conditions in Transdniestria remained harsh, and three ethnic Moldovan members of the Ilaşcu group remained in prison despite charges by international groups that their trials were biased and unfair. Human rights groups were not permitted to visit prisoners in Transdniestria. Transdniestrian authorities harassed independent media, restricted freedom of association and of religion, and discriminated against Romanian-speakers.³²

Other foreign analysts also mention the "fragility" of Moldova's State Institutions, e.g. the American political scientist William Crowther, who explains the deterioration of Moldovan democracy in the following way:

While the development of multiple divisions within the elite played a positive role in moderating ethnic conflict during the early transition, elite conflict was unfortunately prominent among the factors that led to the debacle that followed. Rival factions battled for control of the country as the economy crumbled and the population sank into poverty. Elite conflict was aggravated by weak constitutionalism and an institutional structure that left lines of authority unclear, leaving politicians free to act, if not at will, at least with minimal constraint. The nearly continuous factional conflict both hindered reform and frustrated efforts to establish stable patterns of administration. In conjunction with Moldova's admittedly difficult circumstances, this failure of governance utterly devastated the economy, casting a large proportion of the population into poverty and discrediting the democratic transition.³³

Generally speaking, human rights experts, NGO activists, as well as representatives of Moldova's civil society are considerably more critical about Moldovan legislation as

³² United States, Department of State, *Country Reports on Human Rights Practices 2003: Moldova*, Washington, February 2004

³³ Crowther, W., *Moldova's Post-Communist Transition: Ambiguous Democracy, Reluctant Reform*, in Lewis, A. (ed.), *The EU & Moldova...*, p. 47

well as of the authority's observance of it. In particular, they are critical about the period after the parliamentary elections of February 2001, as is evident from numerous reports on the human rights situation in Moldova produced by Moldovan experts, NGOs and civil society representatives.³⁴ A fairly representative example is the Declaration on Freedom of the Media in Moldova, by the PEN Club of the Republic of Moldova:

The Communist Party, which had come to power in the Republic of Moldova after the parliamentary elections in February 2001, did not hide its intentions and aspirations of political restoration. Further, ever since it has undertaken certain measures to turn the Republic of Moldova into a police state, enslaved by an obsolete ideology.

The same Declaration also pointed to cases of physical intimidation and the launching of criminal investigations against individuals who had peacefully expressed their disagreement with the Russian military presence on the national territory at a protest rally of 25 January 2004.³⁵

3.2 Respect for the Integrity of the Person

There are no reports of direct unlawful deprivation of life committed by the government or its agents. However, cases have been reported of politicians becoming victims of mysterious circumstances, which to date remained unclear.

At the end of the year of 2003,

authorities had not completed their investigation of the 2-month kidnapping of opposition political figure Vlad Cubreacov in 2002. The Prosecutor General refused public requests to release photographs of three suspects in the case. There were no developments in the 2002 kidnapping of Deputy Director of the Department of Information Technologies Petru Dimitrov, who remained missing. Authorities continued to detain five suspects in the case. An October report on the case by the Chisinau Prosecutor General failed to consider information from officials involved in the incident and declared the case closed.³⁶

Cases of torture in police custody are said to occur and reports also mention that the police apply cruel interrogation methods and beat inmates. In May 2003 the UN Committee against Torture expressed concern about the "numerous and consistent

³⁴ See e.g., Moldovan Helsinki Committee for Human Rights (ed.), *Moldova: Two Years under Communist Rule in the New Millennium*, Chisinau, 2003, pp. 117-124, 139, 327-336, 581-600; Patras, E., *Minoritatile Nationale sin Ucraina si Republica Moldova: Statutul juridic* [National minorities in Ukraine and the Republic of Moldova: The legal status], Cernatuti: Editura Alexandru cel Bun, 1999; Despre situația drepturilor omului și a libertăților cetățenești în Republica Moldova, *Contrafort*, No. 1-2 (111-112), January-February 2004, <http://www.contrafort.md/2004/111-112/661.html> [accessed October 2004]

³⁵ Despre situația drepturilor omului și a libertăților cetățenești în Republica Moldova, *Contrafort*, No. 1-2 (111-112), January-February 2004, <http://www.contrafort.md/2004/111-112/661.html> [accessed October 2004]

³⁶ United States, Department of State, *Country Reports... 2003*

allegations of acts of torture and other cruel, inhuman or degrading treatment or punishment of detainees in police custody... [and the] reported lack of prompt and adequate access of persons in police custody to legal and medical assistance and to family members". The Committee criticized the reported failure to ensure prompt, impartial and full investigations into the numerous allegations of torture and ill-treatment, contributing to a culture of impunity among law enforcement officials. It also raised concerns about allegations of a dysfunctional criminal justice system, apparently caused in part by a lack of independence of the procurators office and the judiciary.³⁷ At the same time efforts to reform the Moldovan judiciary and penitentiary system have made some progress and the responsible authorities are making an effort to introduce acceptable standards. One of the main obstacles to improve human rights in prisons referred to by Colonel V. Troenco (former Deputy Minister of Justice, 2001) was the chronic lack of funds to adequately provide for food, healthcare and shelter as well as to pay for properly trained and motivated staff. In 2003 the Penitentiary Department was allocated only 42.3% of total budgeted needs.³⁸

Prison conditions in Transdnistria are even more highly problematic as the central Government remains in charge of the Benderi no. 8 prison hospital. The institution has been repeatedly placed under pressure when the "PMR" police blocked access even to food and medical supplies and cut water and power supplies in an effort to shut it down.³⁹ The situation was critical to the security and health not only of the inmates but also the prison staff and surrounding communities.⁴⁰

3.3 Freedom of Expression and Information

Internal and international reports on human rights in Moldova generally differ considerably in tone and spirit. However, on the issue of right to information, and freedom of expression and assembly, internal and international criticism is unanimous. It has often been said, and with good reason, that freedom of expression does not have a long tradition in Moldova. Its history overlaps with that of the movement of emancipation from Soviet domination and the fight for return to the Latin script, which had been banned in the former Moldavian SSR.

The early 1990s were a boom period for Romanian language media. It saw not only a mushrooming of newspapers but also the development of electronic media in Romanian, sometimes with the help from neighbouring Romania. But shortly after independence (proclaimed on 27 August 1991) and the civil war of 1992 in the breakaway region of Transdnistria, the revival of the Romanian-

³⁷ Reported in Amnesty International, *Annual Report 2004: Moldova*, London, 2004, <http://web.amnesty.org/report2004/mda-summary-eng> [accessed October 2004]

³⁸ See "Background information on the Penitentiary system in Moldova" Association for the Prevention of Torture Workshop Chisinau, May 2003. See www.apt.ch; see also League for Defence of Human Rights of Moldova (L.A.D.O) *Know your rights*, Koutnakova L. *Living conditions in Penitentiaries* pp.16-17, Chisinau, No. 1 Vol. 1 May 2002 <http://www.lado.ngo.md/> [accessed October 2004]

³⁹ *Tighina City Administration Cuts Local Penitentiary Off Electricity and Water Supply*, 27 September 2002, Moldova Azi, <http://www.azi.md/news?ID=20916>.

⁴⁰ Interview with Colonel V.V Sereda, General Director of the Penitentiary Department of the Ministry of Justice, TV, March 2003.

language media began to stall. Following a steep economic decline, the country reverted to more cautious policies, often favorable to Moscow. Following parliamentary elections in 1994, overwhelmingly won by forces generally sympathetic to Russian interests in Moldova, Russian language media made a strong comeback. Today Russian is by far the dominant language in Moldova's media.⁴¹

The majority of Moldovan mass-media follow the government line, and particularly that of the party in power. Media representing contrasting political views are subject to harassment of various degrees, ranging from judicial trials to intimidation and physical aggression against journalists. Newspapers and broadcast media that have experienced such harassment include *Accente* [Accents], *Timpul* [Time], *Moldavskie Vedemosti*, *Tara* [Country], FLUX News Agency and publishing company, the Megadat company, the radio stations *Voice of Bessarabia* and *Antenna C*. In 2003, Reporters Without Borders ranked the situation of the press in Moldova 94th out of 166 countries.⁴²

The number of TV channels broadcasting in Russian is greater than the number of those broadcasting in other languages, including Romanian. Moldovan television has so far failed to offer quality broadcasts in Romanian, while Romania's *TVRI* channel faces persistent difficulties in broadcasting to Moldova, including a six-month ban on various financial, technical and bureaucratic grounds. The situation in the radio sector is somewhat similar. The Audio Visual Council (AVC), which exercises control over the policy of these channels, has been criticized for failing to enforce the 1995 law, which calls for linguistic balance in broadcasting. The courts have ordered the AVC to redress the situation; however this was never enforced, and in September 2000 the Parliament amended the law, thus abolishing the linguistic quota requirements in radio broadcasting. The lawmakers' initial intention had been to protect the Romanian language in broadcasting after half a century of Russification.⁴³

The re-organization of the Teleradio Moldova Company, following a request from the Council of Europe that it be changed from a state institution to an independent public corporation,⁴⁴ provides an example of the deterioration of democracy and freedom of the media following the victory of the ruling party in the last election.⁴⁵ In March 2003, the Parliament started the process of amending the statutes of the state broadcasting corporation, Teleradio Moldova, with a view to transforming it into a public service company, and placing it under the control of a 15-member monitoring council, independent of the government. However, the make-up of the council ensured the ruling Communist Party's continued dominance, illustrated by the election by the council in July 2003 of the pro-Communist Artur Efremov as the new

⁴¹ Clej, P., and Cantir, A., *The Media: Struggling to Break Free from Old Soviet Habits*, in Lewis, A. (ed.) *The EU & Moldova...*, p. 55-6

⁴² Reporters Without Borders, *Second World Press Freedom Ranking 2003*, Paris, October 2003, http://www.rsf.org/article.php?id_article=8247 [accessed October 2004]

⁴³ Clej and Cantir, p. 58

⁴⁴ Council of Europe, Parliamentary Assembly, *Functioning of Democratic Institutions in Moldova*, Resolution 1280 (2002), Strasbourg, 2002

⁴⁵ Clej and Cantir, p. 56

director of the service. Subsequently the Parliament legislated to dissolve the state corporation, cancel its debts and create a new public broadcasting service with the workforce cut by a third. This generated strong fears of political interference and pressure on the station's journalists, who set up an "anti-censorship" committee. Opposition MPs, who voted against the legislative changes, feared that they would be used to weed out journalists the authorities did not like. The Council of Europe criticized the changes to Teleradio Moldova as not going far enough in securing the independence of public broadcasting services. Observers commented that the reorganization was purely cosmetic, in reality serving to subordinate the institution further to the government's political and ideological interests. The broadcasting journalists had to go through a process of competitive examinations to reapply for positions at Teleradio Moldova, but this was claimed to be a process of filtering on the basis of journalists' loyalty to the government. Round the clock demonstrations by journalists in front of Teleradio Moldova Company's offices took place in September 2004. By this time it was reported that of the 50 journalists who lost their jobs as a result of the re-appointment process over 30 were known to have been publicly critical of the ruling party.⁴⁶

A June 2004 survey by the Chisinau-based Independent Journalism Centre (IJC) and the Centre for Sociological, Political and Psychological Investigations (CIVIS), part financed by OSCE, concluded that the main Teleradio Moldova broadcasting outlets had so far failed to achieve independence from the state:

Through their news, social-political and economic programmes ... [the stations] appear to be state institutions, in which the transformation into public institutions has not yet started.... TV Moldova 1 and, to a lesser degree, Radio Moldova, are used as propaganda tools of the governing party; it seems as if the national public broadcaster has not stopped to conduct the election campaign for even a minute.⁴⁷

Both TV-Moldova-1 and National Radio provided significantly more coverage of government representatives and the ruling party (44.1 per cent of televised news items) than of the opposition (1 per cent of televised news items). The report also concluded that representatives of the state institutions and the Communist party received either positive or neutral coverage of their activities, while the opposition representatives' coverage was either neutral or negative.⁴⁸

⁴⁶ See, for example, Committee for the Defence of Human and Professional Dignity, *Comunicat in legatura cu atitudinea si discursul cu tenta xenofoba ale presedintelui Comisiei de concurs a Companiei publice "Teleradio Moldova" fata de mai multi candidati de origine etnica rusa sau vorbitori de limba rusa* [Statement regarding the attitude and utterances with xenophobic overtones by the chairman of the appointments committee of the 'Teleradio Moldova' public company towards several candidates of Russian origin or speakers of Russian language], Chisinau, 9 August 2004, <http://www.humanrights.md/rom/news/09%2008%202004%2011%20Comunicat%20CADUP%20xeno%20fobie.htm> [accessed October 2004]

⁴⁷ Independent Journalism Centre, *Monitoring of Radio Moldova and TV Moldova 1 Programs: Report : June 1-30, 2004*, Chisinau, 2004, <http://ijc.iatp.md/en/about/Raport%201-30%20iunie%20eng.doc> [accessed October 2004]

⁴⁸ *Ibid.*

A specific example of violation of freedom of expression is provided by the actions taken against the interactive radio programme *Hyde Park*, on the Chisinau radio station *Antenna C*. The programme was investigated and then suspended by the Audio Visual Council (AVC) in June 2003, at the request of the Office of the Prosecutor General, on the grounds that some of the listeners made "improper" statements. Some listeners were interrogated, in some cases harshly, by the Security and Information Service (SIS) after expressing their opinion openly during broadcasts. These actions were interpreted by the press and civil society as measures of state intimidation. The Hyde Park NGO, which was formed in order to support the programme's contributors, organized rallies, demonstrations and even hunger strikes in 2003. The deputy director of *Antenna C*, while admitting that opinions expressed by the listeners of "Hyde Park" sometimes exceeded the "constitutional limits of the right to freedom of expression", emphasized that neither the SIS nor the Prosecutor's Office had found any wrongdoing in the expressed views.⁴⁹ This view was accepted by the official spokesman for the SIS, who said that most statements at the *Hyde Park* talk show were within the limits of the provisions of the Constitution and the European Convention of Human Rights regarding freedom of expression.⁵⁰ However, to date broadcasting of the programme has not resumed.

Intimidation has also taken physical forms. In June 2004, two attackers severely injured Alina Anghel, a reporter working for the *Timpul* newspaper. At the time of the attack she was investigating the alleged misuse of public funds by the governing Communist party. Constantin Tanase, the chief editor of *Timpul*, called the attack "an act of intimidation ... Today not only Alina Anghel was attacked, but the entire democratic press... Nobody is safe anymore. Any citizen who thinks differently than the Communist Party can be attacked." Civil society organizations and the opposition parties condemned the attack, with the opposition Social Democrat Party accusing the Communists of applying a "policy of fear".⁵¹ To date, the case has not been solved.

Access to information for journalists is also restricted. In July 2003 the Supreme Court of Justice rejected a claim by the *Timpul* newspaper against the Parliament for access to the proceedings of Parliament for the summer session of 2002. In another ruling, in July 2004, the Supreme Court rejected, as "unsubstantiated", a suit against the Office of the President for refusal of accreditation. The suit was filed by the editor of the *Moldavskie Novosti* newspaper. The Court justified its decision by reference to the Presidential Office's declaration that the President's conference hall had insufficient capacity to accommodate all journalists. In November 2002 Prime Minister Vasile Tarlev banned press coverage of Parliament's 2002 budget discussions, thus violating legislation giving the press free access to parliamentary meetings, except in cases of military or state secrets. No explanations as to the reason for the ban were provided.⁵²

⁴⁹ Info-Prim News Agency, Chisinau, 22 July 2003

⁵⁰ FLUX Press News Agency, Chisinau, 30 June 2003

⁵¹ Associated Press, 23 June 2004

⁵² Reporters Without Borders, *Annual Report 2002: Moldova*, Paris, 2003, http://www.rsf.org/article.php3?id_article=1803&Valider=OK [accessed October 2004]

3.4 Freedom of Peaceful Assembly and Association

The US State Department's annual report on human rights in Moldova for 2003 is moderately positive on these rights:

The Constitution provides for freedom of assembly, and the Moldovan government generally respected this right in practice. Permits for demonstrations are issued by Mayors' offices and they may consult the government if a demonstration is likely to be extremely large; permits were issued routinely and without bias. The Transnistrian authorities usually did not permit free assembly, and on those occasions when they did issue permits, they often harassed organizers and participants. Regional authorities at times organized mass rallies in their own support and called them 'spontaneous rallies by the people'. The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, Article 41 of the Constitution states that organizations that are 'engaged in fighting against political pluralism', the 'principles of the rule of law' or 'the sovereignty and independence or territorial integrity' of the country are unconstitutional. Small parties that favor unification with Romania have charged that this provision is intended to impede their political activities; however, no group has been prevented from forming as a result of this provision. Private organizations, including political parties, were required to register, but applications were approved routinely. There were 23 political parties at year's end. Opposition leaders viewed the new Law on Combating Extremism as a possible limitation on the right to assembly, because it restricts public actions that are considered extremist or aimed at undermining the Government's authority. The Government did not use the law to limit the right to assemble at the end of the year.⁵³

However, the Moldovan Helsinki Committee paints a darker picture. During winter and spring of 2002, manifestations organized by the Popular Christian Democratic Party (PCDP) attracted the participation of a number of people. Police generally did not interfere directly; however, they interrogated many people, including school students, and imposed heavy sanctions on the most active participants, for participation in an unauthorized meeting. Those fined for taking part included teachers, scientists, pensioners and clergy, while the organizers, members of parliament from the PCDP, received heavier fines.⁵⁴ The Parliament lifted their immunity and the General Prosecutor authorized the investigation of them under article 203/4 of the Penal Code for the repeated organization and active participation in group protests affecting public order.⁵⁵ Eventually, after intervention by the Council of Europe, criminal proceedings against the parliamentarians were stopped, but the administrative penalties have been enforced.

⁵³ United States, Department of State, *Country Reports... 2003...*

⁵⁴ Moldovan Helsinki Committee for Human Rights (ed.), p.265; FLUX Press News Agency, Chisinau, 21 February 2002

⁵⁵ See General Prosecutor, Vasile Rusu's, ordinance of 25 February 2002, reproduced in Moldovan Helsinki Committee for Human Rights (ed.), p.265

Breaches of the right to peaceful assembly and association have continued during 2003-2004. For example, on 18 December 2003, three persons were detained by police in the centre of Chisinau, accused of participating in opposition protests.⁵⁶ In January 2004 the police used dogs against participants in peaceful demonstrations organized by the opposition parties. Some journalists were violently prevented from reporting the events.

3.5 Freedom of Belief and Religion

Article 16 of the Moldovan Constitution establishes the principle of equality before the law and public authorities, without any limitation due to race, nationality, ethnic origin, language, religion, sex, opinion, political orientation, personal property or social origin. Article 10 states that national unity constitutes the foundation of the State, and guarantees to all citizens the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity.⁵⁷ Article 31 protects freedom of conscience, including freedom of religion, while freedom of opinion and expression are guaranteed by Article 32-1. Most (93 per cent) of Moldova's population belong to the Christian Orthodox Church. Religions officially recognized in Moldova include the Moldovan Orthodox Church (or Traditional Orthodox Church), the Orthodox Eparchy of the Ancient Christian Rite of Chisinau, the Seventh Day Adventist Church and Seventh Day Adventist Church (Reformation Movement), the Pentecostal Church and the Federation of Jewish Congregations.

Difficulties have been experienced by some other denominations, however.

Metropolitan Church of Bessarabia. This autonomous Orthodox church was created in 1992, replacing, according to its statute, the pre-1944 Metropolitan Church of Bessarabia. Almost one million Moldovan citizens are affiliated to this Church. Since 1992, the Metropolitan Church has been seeking official recognition from the Moldovan authorities. However, successive governments have for many years refused to recognize it, claiming that such a move would lead to religious and socio-political conflict between the members of the Metropolitan Church of Bessarabia, which is attached to the Bucharest patriarchate, and those of the Moldovan Orthodox Church, which is affiliated to the Moscow patriarchate. However, in 2001 the European Court of Human Rights issued a judgment in a case brought by the Metropolitan Church against the Moldovan state. The Court ruled that the government's refusal to recognize the Metropolitan Church of Bessarabia impinged upon the religious freedom of the applicants to such a degree that it could not be considered as proportionate to the legitimate aim pursued nor, therefore, as necessary in a democratic society. Following this ruling the Metropolitan Church was duly registered.⁵⁸ In spite of this registration, the issue has not yet been solved, and the Metropolitan Church claims that their property rights are still being violated.⁵⁹ As reported by the US State Department:

⁵⁶ BASA-Press News Agency, Chisinau, 18 December 2003

⁵⁷ See Refworld 2004, issue 12, CDROM3.

⁵⁸ Council of Europe, European Commission against Racism and Intolerance, Second Report on Moldova, Strasbourg, 15 April 2003

⁵⁹ United States, Department of State, *Annual Report on International Religious Freedom 2003*, Washington, September 2003, <http://www.state.gov/g/drl/rls/irf/2003/24423.htm> [accessed October 2004]

The law provides for restitution to politically repressed or exiled persons whose property was confiscated during the successive Nazi and Soviet regimes. This regulation has been extended in effect to religious communities; however, the Moldovan Orthodox Church has been favored over other religious groups in this area and has recovered nearly all of its property. In cases where property was destroyed, the Government offered alternative compensation. However, property disputes between the Moldovan and Bessarabian Churches have not been resolved. Despite being able to register and operate as a legal religion, representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. The Jewish community had mixed results in recovering its property but no pending cases. Members of the Molocan community had a property claim that remained unresolved at year's end.⁶⁰

Church of the True Orthodox-Moldova. This is 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.⁶¹ In May 2002, after a long series of registration denials and legal appeals, the Supreme Court of Justice ruled that the government must register the Church of the True Orthodox-Moldova. The Church was duly registered in July 2002.

Muslims. In March 2003, a new Law on Combating Extremism took effect. Many observers were critical, believing that it could be used to limit the expression of views by independent or opposition media. The Moldovan Helsinki Committee for Human Rights (MHCHR) found the definitions in the law broad and inexact. The law has, according to MHCHR, been used by police and the immigration authorities particularly against Muslim believers, including through harassment and physical intimidation.⁶² According to MHCHR, the leader of a local Muslim organization was detained on charges on terrorism and threatened with expulsion from Moldova. The leader of the Spiritual Council of Muslims of Moldova (which was repeatedly denied registration), a Moldovan citizen, was detained in July 2002 and pressured into giving up support for the Islamic Calauza association and eventually for the registration of the Spiritual Council of Muslims.

Religious Groups in Transdnistria. The authorities in Transdnistria impose registration requirements that can be difficult to fulfil for some religious groups and have denied registration to some groups, including, in recent years, Baptists, Methodists, and the Church of the Living God. Unregistered religious groups are not allowed to hold public assemblies.⁶³

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² Moldovan Helsinki Committee for Human Rights (ed.), p. 271

⁶³ Moldovan Helsinki Committee for Human Rights (ed.), p. 277 or *Human rights in the Transdnistrian Region of the Republic of Moldova*

3.6 The Situation of IDPs, Refugees, Asylum Seekers, and Returnees

3.6.1 IDPs⁶⁴

Following the Transnistrian conflict, some 56,000 persons fled to Ukraine and 51,000 become displaced within Moldova. After the July 1992 Moldovan-Russian cease-fire agreement, most IDPs returned to their pre-war residence in areas not controlled by the Moldovan government, though several thousand settled in other parts of Moldova. According to government sources, there were approximately 25,000 IDPs in Moldova in May 2004, who, according to Moldovan officials, could be divided into three categories: a) those who served in the Moldovan army and fought against separatist troops; b) those whose homes were destroyed or confiscated by the secessionist authorities; and c) those who left Transnistria for political reasons.⁶⁵

The Transnistrian authorities continue to regard the first category as enemies of the self-proclaimed "Pridnestrovskaya Moldavskaya Respublika (PMR – Pridnestrovian Moldavian Republic)" who should be punished. According to the Moldovan Helsinki Committee, following the 1999 agreement signed between the Moldovan Ministry of Interior and the Ministry of Interior of the "PMR", the Transnistrian militia arrested persons who had served in the Moldovan army and fought against separatist troops even on territory controlled by the central government.⁶⁶ It is therefore unlikely that IDPs from this group will return to Transnistria.

Taking into consideration the current tensions between Chisinau and Tiraspol, which have increased significantly after the recent failure of negotiations on guaranteed Russian military presence, as well as the recent "schools crisis" in Transnistria, it is likely that there will be an increase in Transnistrian politically motivated displacement.

The government of Moldova has largely ignored the IDPs after the National Committee established in 1992 to deal with the issue was abolished in 1995. Since then, there has been no central body specifically mandated and authorized to deal with the IDPs. Nor is there any legal framework able to provide special protection to IDPs. New groups of IDPs were no longer able to get registered and therefore had to seek sanctuary with relatives or friends; others attempted to flee to Western countries. The major body providing assistance to IDPs was UNHCR Moldova. Through a number of projects launched by UNHCR it fostered the integration of IDPs into Moldovan society as well as promoted reconciliation between communities from both sides of the Dniester.⁶⁷

⁶⁴ For detail see NRC Global IDP database, *Republic of Moldova: uncertainty about the integration of displaced from Transnistrian region*, <http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Republic+of+Moldova> [accessed October 2004]

⁶⁵ Moldova, Delegation to High-Level Review Meeting on "Refugees, Migration and Protection", Country Report on Moldova, presented to meeting organized by United Nations High Commissioner for Refugees [et. al.], Minsk, 26-28 May 2004

⁶⁶ See, Moldovan Helsinki Committee for Human Rights, *Critique Paper: Violation of the Right to Liberty and Security of the Person ... by Delivering the Citizens of the Republic of Moldova to the Unconstitutional Authorities of Transnistria (Self Proclaimed Dniester Republic)*, Chisinau, July 2004

⁶⁷ Moldpress News Agency, 10 April 2002

3.6.2 Refugees, Asylum Seekers and Illegal Migrants

Due to its geographical location and because of the lack of border control, particularly on the border segment between the secessionist "PMR" and Ukraine, Moldova has since the 1990s attracted a large number of illegal migrants in transit to the European Union area.⁶⁸ The number of illegal migrants is likely to increase dramatically in the coming years, especially after the accession of Bulgaria and Romania to the EU and the extension of the EU's eastern border to the River Prut. During the first ten months of 2002, Moldova was visited by 607,000 persons, double the number reported in the same period of the previous year. Twenty per cent of visitors failed to explain the purpose of their visit, and did not have sufficient money to support themselves during their stay in the country.⁶⁹ Some 67 persons were deported from Moldova in 2002, 233 in 2003, and approximately 100 in the first three months of 2004.

In 2002, the Moldovan Parliament adopted a law on refugee status, which made it possible to grant refugee status or asylum to persons meeting the requirements of the 1951 UN Convention Relating to the Status of Refugees or its 1967 Protocol. The law entered into force on 1 January 2003. The Main Directorate for Refugees (MDR), established in 2001 within the Ministry of Justice, was made responsible for determination of the status of asylum seekers and refugee, a function previously performed by UNHCR. In the summer of 2003, the MDR was transferred to the Moldovan Migration Department.

The adoption of the Law on Refugee Status put an end to the previous confusion over the country's migration policy. Before the adoption of the law, there was no policy in place to address questions related to irregular migration. Many individuals were rejected on the border without adequate procedures, as the officers followed contradictory legislation and were poorly trained. Until late 1999, the authorities did not even register persons who approached UNHCR with asylum claims, holding that, in the absence of national legislation, there were no refugees in Moldova. Persons who filed their cases with the Presidential Commission on Political Asylum and Naturalization (established in 1999) were informed that, in the absence of national legislation on asylum, the constitutional provision on asylum could not be applied and implemented either.⁷⁰

Numbers of registered refugee cases are still small, with about 130 cases started (or restarted) during the period from 1 January 2003 to 1 May 2004. During the same period, court decisions were given on 29 cases, of which 25 were negative and 4 positive. The total number of cases registered so far is under 800, of which about 600 have been closed. The majority of currently registered asylum seekers originate from Chechnya, Iraq, Iran, Sudan, and Afghanistan. The complexity of the procedures has at times generated conflict between migration authorities and asylum seekers, as for

⁶⁸ "Moldova is a significant country of transit for illegal migrants and asylum seekers on route to Western Europe" see more detailed account of situation with regard to the institution of asylum, UNHCR Moldovan Country Operation Plan 2004; in Refworld 2004 issue 12, CDR0M1

⁶⁹ Moldpress News Agency, 20 December 2002

⁷⁰ International Helsinki Federation for Human Rights, *Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America: Report 2000*, Bratislava, 2000, p. 268

instance in February 2004, when 16 political asylum-seekers – most of them from Chechnya – went on hunger strike, in protest at the authorities' refusal to grant them refugee status. The immediate conflict was resolved after a meeting with UNHCR representatives and Moldovan migration authorities, and the asylum seekers suspended their hunger strike.⁷¹ The first reception centre for refugees was established in October 2003 with EU and UNHCR funding. Initially, the Centre's capacity was 80 persons, with a further extension up to 120 persons by the end of 2004.

3.6.3 *Trafficking and Illegal Economic Migration*

According to Moldovan government sources, in mid-2000 more than 600,000 Moldovans were illegally working outside Moldova because of the country's economic devastation.⁷² Independent sources put the number as high as 800,000. The majority are working in Russia, Romania, Ukraine, Israel, Italy, Greece and Portugal. In June 2003, Italy alone hosted about 150,000 people. Between January and May 2003, more than 130 Moldovan citizens were deported from Italy due to violating the country's visa regime.⁷³ Observers agree that when women look for employment abroad to support their families (children are often left behind with grandparents), they become victims of trafficking for sexual purposes and must work in slave like conditions.

According to the Head of the State Migration Service, 95,000 of about 1.8 million Moldovans who went abroad during 2003 did not return, but remained abroad intending to find work. Forty-five per cent of these were women. Some 5,000 Moldovan nationals asked the Migration Service for assistance to help them find legal employment outside Moldova, but only 193 persons obtained legal jobs abroad.⁷⁴

Though no statistics are available, Moldova still remains a source country for trafficking women and girls for forced prostitution. As reported by the International Organization for Migration (IOM), more than 50 per cent of women working in forced prostitution in Kosovo are from Moldova. Turkey is deporting approximately 2,500 Moldovan women for prostitution yearly.⁷⁵ According to the Moldovan Security Services, women and girls are trafficked to the Balkans through Romania, to Bulgaria and Turkey through Ukraine, and to Lebanon, Syria, Israel, Saudi Arabia and the United Arab Emirates through Moscow.⁷⁶ There were also reports claiming that women were trafficked to Portugal, France, Thailand, the United Kingdom, Spain, Japan, and Australia.⁷⁷

For a long time, the government has failed to address the issue of trafficking. However, on the insistence of the international community and with the assistance of

⁷¹ BASA-Press News Agency, Chisinau,, 24 February 2004

⁷² *Kommersant Moldova*, Nr. 7, July 2000

⁷³ *FLUX-Cotidian National*, No. 58, 5 June 2003

⁷⁴ BASA-Press News Agency, Chisinau, 29 January 2004

⁷⁵ United States, Department of State, *Country Reports on Human Rights Practices for 2000: Moldova*, Washington, February 2001, Vol. 2, p. 1502

⁷⁶ *FLUX- Editia de Vineri*, No 9, 19 March 2004

⁷⁷ FLUX Press News Agency, Chisinau, No. 574, 28 May 2004

international institutions, a certain degree of progress has recently been attained in preventing the escalation of the trafficking. Moreover, legislation has been put in place to acknowledge trafficking as a severe criminal offence. There is also a National Committee to Combat Trafficking in Human Beings, as well as special commissions in every district of the country. At the same time, Moldova has also launched a strong campaign to educate people on trafficking-related risks, partly supported by OSCE, UNHCR, the IOM and other international partners. Specific measures include criminal proceedings against traffickers as well as removal of licenses from tourist agencies alleged to be involved in trafficking.⁷⁸ While many women originate from there, the situation in Transdnistria differs as with most other human rights issues. There are no known counter measures in place or social services for the victims.⁷⁹

3.6.4 Returnees

During the period 1940 to 1951, over 15,000 families, more than 70,000 persons, most of them ethnic Romanians, were deported from Moldova to Central Asia or Siberia. Many thousand others were forced to leave Moldova for Siberia to work at so-called "Communist/Komsomol constructions". In addition to people forcibly transferred to other parts of the Soviet Union, many left Moldova as a result of voluntary migration. After the disintegration of the USSR, thousands of deportees and others have returned to Moldova, and many others would like to return. However, it is not possible to make an accurate assessment of potential repatriates, since their desire to return to Moldova is determined by various objective and subjective factors. Moreover, Moldova lacks an efficient system of registration of requests for repatriation.

According to the MDR, 41,659 persons repatriated to Moldova in 1994-2002, including 22,039 ethnic Romanians, 7,774 ethnic Ukrainians, 7,188 ethnic Russians and 4,658 persons of other origins. Of these, 21,262 persons were repatriated from Russia, 15,730 from Ukraine, and 4,667 from other countries. During 2003, 1,280 persons were repatriated to Moldova, the vast majority of them from Russia and Ukraine.

It should be mentioned that the data is incomplete as it does not reflect the situation in the unrecognized "PMR", which is beyond the Moldovan government's control.

4 Human Rights in Transdnistria

4.1 Brief Overview of Transdnistrian History and Political Background

The unrecognized "Pridnestrovskaya Moldavskaya Respublika (PMR)" is a narrow strip of land between the Moldovan-Ukrainian border to the east and the Dniester River to the west, and also includes the city of Tighina/Bender and adjacent areas which lie on the right bank of the Dniester River. It covers about 4,000 square km. At the time of the 1989 Moldovan census, some 750,000 inhabitants lived in the districts on the left bank of the Dniester River. The present number of inhabitants is uncertain, but some representatives of civil society from Transdnistria are of the opinion that

⁷⁸ BASA-Press News Agency, Chisinau, 26 May 2004; Moldpress News Agency, Chisinau, No. 9, 2 January 2004

⁷⁹ See *Human rights in the Transdnistrian Region of the Republic of Moldova*, p. 30

some 250,000 people left the region after the disintegration of the USSR.⁸⁰ In 1989, 39.9 per cent of the population of the districts on the left bank of the Dniester were ethnic Romanians, 28.3 per cent ethnic Ukrainians, and 25.4 per cent ethnic Russians.

The "PMR" declared its independence on 2 September 1990, on the expressed grounds that the Moldovan government had enacted linguistic legislation that discriminated against Russian speakers. The contra argument was that the Moldovan language laws were comparatively liberal and citizenship legislation generous and that the secession was therefore motivated by entirely different reasons. Assessments by CSCE appear to endorse this view.⁸¹ On this analysis the real causes of Transdnistrian secessionism were of a geopolitical nature, and centred on the Russian government's desire to prevent the unification of the Republic of Moldova with Romania as well as its desire to keep Russian troops in the region. Russia's role as a determining factor in the creation of and the support of the self-proclaimed "PMR", was also attested in the decision of the European Court of Human Rights pronounced on 8 July 2004 in the case of *Ilascu and others versus Moldova and Russia*:

During the Moldovan conflict in 1991-92 forces of the former Fourteenth Army (which had owed allegiance to the USSR, the CIS and the Russian Federation in turn) stationed in Transdnistria, had fought with and on behalf of the Transdnistrian separatist forces. Large quantities of weapons from the stores of the Fourteenth Army had been voluntarily transferred to the separatists, who had also been able to seize possession of other weapons unopposed by Russian soldiers. In addition, throughout the clashes between the Moldovan authorities and the Transdnistrian separatists the Russian leaders had supported the separatist authorities by their political declarations. The Russian authorities had therefore contributed both militarily and politically to the creation of a separatist regime in the region of Transdnistria, part of the territory of the Republic of Moldova. Even after the ceasefire agreement of 21 July 1992 Russia had continued to provide military, political and economic support to the separatist regime, thus enabling it to survive by strengthening itself and by acquiring a certain amount of autonomy vis-à-vis Moldova.⁸²

With the material, financial and political support of Russia and the Russian troops deployed in the region in particular, the "PMR" established separate executive, legislative, administrative and judicial bodies and created its own economic, customs, monetary, tax as well as educational and other systems. Not recognized by any other state, the "PMR" nevertheless has border guards who, under their own flag and coat of arms, demand passports at the borders. According to Moldovan law, all citizens of Transdnistria are citizens of the Republic of Moldova. However, large numbers have

⁸⁰ FLUX Press News Agency, Chisinau, 9 June 2004

⁸¹ Bloed, A. (ed.), *The Conference on Security and Co-operation in Europe: Analysis and Basic Documents, 1972-1993*, Dordrecht: Kluwer Academic Publishers, 1993, pp. 1166-7

⁸² European Court of Human Rights, *Case of Ilascu and others v. Moldova and Russia* (Application no. 48787/99): *Judgment*. Strasbourg, July 2004, Annex; European Court of Human Rights, Registrar, Grand Chamber Judgement in the Case of *Ilascu and Others v. Moldova and Russia*, 8 July 2004, press statement, <http://www.echr.coe.int/eng/press/2004/July/GrandChamberjudgmentilascuandOthersvMoldovaandRussia.htm> [accessed October 2004]

also been given citizenship of the Russian Federation (possibly 80,000) and Ukraine (possibly 20,000).⁸³ Many Soviet-era laws, some amended and supplemented, remain in force. Most importantly, the "PMR" created separate law-enforcement bodies, including a secret police and an army that, according to military experts, is superior to the Moldovan one.⁸⁴ The "PMR" is lead by its internationally unrecognized president, Igor Smirnov, in a system which, although formally a government and a parliament are in existence, is generally characterized as dictatorial and heavily dominated by the financial and media interests of the Smirnov family.⁸⁵ Some international commentators, including former US National Security Adviser Zbigniew Brzezinski, have characterized Transdniestria as a mafia state, heavily reliant on the support of the Russian army.⁸⁶ In addition to the dominance of the Smirnov family, this judgement is also based on the observation that smuggling of cigarettes, alcohol and weapons appear to be the main income sources of the regime.⁸⁷

4.2 Human Rights and Vulnerable Groups

While ratifying the ECHR, the Parliament of the Republic of Moldova made the following statement:

The Republic of Moldova states that it will not be able to ensure observance of the Convention in respect of omissions and actions made by the authorities of the self-proclaimed Transdniestrian republic in the territory, which is de facto controlled by such authorities until final resolution of the Transdniestrian conflict.⁸⁸

However, this does not seem to be accepted by the European Court on Human Rights which in observed "that the Republic of Moldova ratified the Convention with effect throughout the whole of its territory" and stated that "the Court considers that the aforementioned declaration cannot be equated with a reservation within the meaning of the Convention, so that it must be deemed invalid".⁸⁹ In reality, no supra-national control can be exercised and no international avenue of redress exists for residents of Transdniestria. At the same time there are consistent reports of serious human rights violations in areas ranging from the right to life, physical and mental integrity, the right to a fair trial, the right to elect and be elected, the freedom to express an opinion and access information, the freedom of movement, assembly and association, equal

⁸³ Zapreshchena deiatelnosti opozitsionnoi partii, *Nezavisimaya Moldova*, 22 August 2002

⁸⁴ Waters, T., *Instabilities in Post-Communist Europe: Moldova*, Sandhurst: Conflict Studies Research Centre, January 1995

⁸⁵ See, on the interests of the Smirnov-family dominated Sheriff mega-enterprise, *Liberation: Transdniestria*, Soviet Park, *Tara*, No. 85 (1062), 6 August 2002

⁸⁶ *BBC Romanian*, [Zbigniew Brzezinski is of the opinion that Transdniestria is a enclave of maphiot type], 13 May 2003

⁸⁷ Wines, M., Trans-Dniester 'Nation' Resents Shady Reputation, *New York Times*, 5 March 2002

⁸⁸ "The decree of the Moldovan Parliament on the ratification of the European Convention on Human Rights and additional Protocols thereto" No. 1298-XIII of 24 July 1997, published in "Monitorul Oficial al Republicii Moldova" No. 54-55/502 of 21 August 1997.

⁸⁹ *Ilascu and Others v. Moldova and Russian Federation*, Decision of the ECHR of application no. 48787/99, 4 July 2001.

employment opportunities and conditions, the right to property and to the right to object to military service.⁹⁰

4.2.1 Political Activists

Political opposition tends to be regarded as a threat to the "PMR". In 2001-2002 the "PMR" regime took action against the only opposition parties in Transnistria, the Narodvlastie [Peoples' Power] Party (PPP), founded in 1994 by the Supreme Soviet deputy A.G. Radchenko, the political organization Power to the People for Social Justice, led by Nikolai Buchatskiy, and the Transnistrian Komsomol (Communist youth organization), led by Oleg Horjan.

Both Radchenko and Buchatsky have been openly critical of the Smirnov regime, accusing it of corruption and nepotism and criticizing its social policy. They favour rapprochement between Tiraspol and Chisinau through the transformation of Moldova into a federation.⁹¹ During the February 2001 election campaign to the Moldovan Parliament, which was boycotted by the Transnistrian authorities, Radchenko's and Buchatsky's parties, as well as the Transnistrian Komsomol, campaigned for the Moldovan Communist party in the districts on the left bank of the Dniester and in the town of Tighina. Subsequently they were accused by the Transnistrian Justice Minister of crimes against the state in that they were deemed to have been advocating restoration of Moldova's territorial integrity, and, therefore, of liquidation of the separate Transnistrian state.⁹² In a series of contradictory court decisions in the course of 2001 and 2002, the People's Power Party was banned by the Tiraspol City Court, restored on appeal to the Transnistrian Supreme Court, again banned by the lower court and restored on appeal, but finally, in October 2002, the Supreme Court declined to overturn a further ban imposed by the lower court.⁹³ Buchatsky's Power to the People organization was also banned, at the end of February 2002, on similar accusations. The Smirnov administration's actions against, in particular, A.G. Radchenko's party should be seen in the context of the Transnistrian presidential elections in December 2001, where Radchenko was seen as a possibly strong anti-Smirnov candidate. Other actions against the People's Power Party included confiscation of the November edition of the Tiraspol-based opposition publication *Glas Naroda*, which contained Radchenko's education policy platform.⁹⁴

4.2.2 Journalists

The Transnistrian authorities exert severe control over mass media in the region. Television, radio and newspapers are strictly controlled by the Transnistrian State Security and Mass Media ministries. *Novoe Vremya* [The New Time] is generally considered the only independent newspaper in the region, though the Rabnitsa-based

⁹⁰ For a detailed account on documented violations in these areas see *Human rights in the Transnistrian Region of the Republic of Moldova*.

⁹¹ Moldpress News Agency, Chisinau, 12 October 2002

⁹² Infotag News Agency, Chisinau, 11 October 2002

⁹³ *Zapreshchena deiatelnosti...*; Moldpress News Agency, Chisinau, 12 October 2002

⁹⁴ FLUX Press News Agency, Chisinau, 15 November 2001; Moldpress News Agency, Chisinau, 16 November 2001

Dobryi Den newspaper has also shown a certain degree of independence from the authorities. The editors and staff of these and other newspapers have frequently been investigated by the Transnistrian security forces; some issues of the newspapers have been confiscated. In 1999, the Tighina-based *Novaya Gazeta* several times had its entire print run confiscated, allegedly due to financial or procedural irregularities. The paper was forced to close down, but reappeared under a slightly changed name, *Samayia Novaya Gazeta*, and from a different place of publication. Other actions against the paper included a libel suit filed by a Russian citizen acting as adviser to the Smirnov presidential election campaign in 2001. Court proceedings lasted from November 2001 to May 2003, when the newspaper was found guilty of libel and substantial damages were awarded, generally regarded by outside observers as having been designed to silence the paper for political reasons.⁹⁵

Individual journalists have also been intimidated or attacked. A recent example is the arrest by the Transnistrian militia on 6 September 2004 of a cameraman for Teleradio Moldova public broadcasting company, who was trying to film a protest action by railway employees. During the arrest, the cameraman was subjected to brutal and aggressive behaviour. The militia men damaged his camera, confiscated and destroyed the video tape, and transported him to an unknown destination. Subsequently a court in Tighina sentenced him to 15 days of detention. He was released a week later, after Moldovan and international protests.⁹⁶

4.2.3 Civil Society Organizations

The Transnistrian authorities tend to regard NGOs and similar civil society organizations as prejudicial to the security of the "PMR", or even as "a betrayal ... of Transnistrian statehood".⁹⁷ Members of the regional NGOs are regularly subjected to various forms of psychological pressure, intimidation and even ill-treatment. A few examples will be cited here.

On 17 June 2004, Oksana Alistarova, the leader of the NGO Vzaimodeistvie, active in promoting human rights in the Transnistrian region, was interrogated by three officers of the State Security ministry, in the presence of her young daughter. For more than five hours, she was asked questions about which organizations she cooperates with, whom she invites to seminars, how the activities of her NGO are financed, as well as personal questions. She was released only after intervention by the OSCE Mission. In the weeks following this incident, she was repeatedly subjected to a wide variety of intimidating behaviour and harassment, such as anonymous phone

⁹⁵ The Transnistrian Newspaper Asks Colleagues from 'All Countries of the World' for Support, BASA-Press News Agency, Chisinau, 29 May 2003; 'Novaya Gazeta' from Tighina Asks for Support of Journalists from Around the World, FLUX Press News Agency, Chisinau, 29 May 2003; Organization for Security and Cooperation in Europe, Mission to Moldova, *Activity Report, No. 11/2001, 1-30 November 2001*, SEC.FR/879/01, 10 December 2001 and *Activity Report No.5/2003 (May 2003)*, SEC.FR/280/03, 6 June 2003

⁹⁶ The Violation of Human Rights in Transnistrian Region, *Sovereign Moldova*, No. 147, 8 September 2004; NGOs from Transnistria Ask for Liberation of Journalist, *Sovereign Moldova*, No. 148, 9 September 2004; Moldpress News Agency, Chisinau, 13 September 2004

⁹⁷ Olvia-Press News Agency, Elkov, O., Terrorist, kotoryi priekhal uchit pridnestrovtsev: chei stsenarii stoit za skandalinim v 'vizitom' Ștefana Urătu, 5 July 2004

calls during the night, an attack on her home with paint bombs, and threatening graffiti painted on her home.⁹⁸

On 1 July 2004, the Transnistrian authorities obstructed a NGO training seminar on human rights monitoring, organized in Tiraspol by the opposition leaders N. Buchatsky and A.G. Radchenko, together with the Chisinau-based Moldovan Helsinki Committee for Human Rights. A counter-demonstration by pensioners, evidently staged by the authorities, protested against the presence of the Chisinau visitors and the opposition politicians. The Tiraspol militia intervened, ostensibly to protect those involved with the seminar, but in fact arrested a group of them.⁹⁹

Further action against Buchatsky and Radchenko included vandalism of their homes and threats against them and their families. The head of the OSCE Mission expressed concern in letters to the authorities.¹⁰⁰ In mid-July organizations loyal to the administration, such as The Union of Defenders of the PMR and The Association of Veterans of War in Afghanistan, began public calls for revoking the mandates of the two opposition leaders in the Tiraspol City Soviet and the Transnistrian Supreme Soviet respectively.¹⁰¹ This campaign received support from the administration's press agency Olvia-Press, who accused Buchatsky and Radchenko of being in the pay of Moldovan President Voronin.¹⁰²

4.3 The "Schools Crisis" in Transnistria

In June and July 2004 a number of schools in Transnistria, which teach through the medium of the Romanian language and the Latin script, were closed down by the authorities, and teachers and parents prevented by militia from entering the schools, and documents and equipment were removed. The OSCE High Commissioner characterized the actions as "nothing less than linguistic cleansing". The day before the first closures the High Commissioner had actually visited one of the schools and received assurances from the local authorities that legal registration of all the schools could be allowed within one week.¹⁰³

The forced closure of a school in Tiraspol on 15 July 2004 was the beginning of the latest crisis between Chisinau and Tiraspol, which became known internationally as the "schools crisis in Transnistria".¹⁰⁴ Following the sequestration of the Tiraspol

⁹⁸ Năravuri NKVD-iste în stânga Nistrului [NKVD's manners in Transnistria], *FLUX-Cotidian National*, No. 88, 22 June 2004; Moldpress News Agency, Chisinau, 18 June 2004

⁹⁹ International Helsinki Federation for Human Rights, Attack on Moldovan Human Rights Defenders, Vienna, 7 July 2004, press statement, <http://www.humanrights.md/eng/News/attack%20IHF.htm> [accessed October 2004]

¹⁰⁰ Organization for Security and Cooperation in Europe, Mission to Moldova, *Activity Report No. 7/2004...*

¹⁰¹ Olvia-Press News Agency, Obshchestvennosti PMR: Radchenko i Buchatskii dolzhny byti otozваны iz zakonodatelinykh organov, 12 July 2004

¹⁰² Olvia-Press News Agency, Elkov, O....

¹⁰³ Organization for Security and Cooperation in Europe, High Commissioner on National Minorities, Linguistic Cleansing Underway in Transnistria, The Hague/Chisinau, 15 July 2004, press statement

¹⁰⁴ The origins of the problem are deep and complex and date back to the early nineties with numerous occasions of violence or potential therefore. For a detailed analysis see Andrysek, O., Grecu, M., *Unworthy partner: the schools issue as an example of human rights abuses in Transnistria*. –

school the Transdnistrian authorities, in spite of protest by parents, pupils and the international community, also closed the other Romanian-medium schools in the region. On 29 July, a high school in Rabnitsa was seized by Transdnistrian militia men. Children, parents and teachers who had barricaded themselves in an office inside the school were evacuated. Six parents and teachers were arrested and taken by force to the militia station, and sent to jail for three to seven days.

During the entire month of August, pupils, parents and teachers of the Romanian-medium schools and even members of the OSCE Mission faced persecution from the Transdnistrian authorities. Some pupils and teachers, accompanied by members of the OSCE Mission, had to sleep in schools or in the school courtyards, defending the schools from the closure by the authorities. The appeals by the Government in Chisinau, the OSCE, EU and the Council of Europe for the reopening of the schools were ignored by Tiraspol. On 21 July, Chisinau responded by announcing that it was retreating from the five side negotiation format, and asked the United States and the European Union to get involved in the search for a solution to the conflict. On 29 July, the Moldovan Government decided to enact economic sanctions against the "PMR". However, these actions were unsuccessful. On 10 September 2004, Ambassador William Hill, the Head of the OSCE Mission in Moldova, noted that out of six Transdnistrian schools with Romanian-medium teaching based on the Latin script, two were still closed, while the others were not adequately registered and faced various difficulties.¹⁰⁵ At the time of writing more than 600 students are still excluded from their schools and there is little doubt that numerous international human rights norms, notably the right to education, are being flagrantly violated.

The recent "schools crisis" is not a new phenomenon, but is rather a manifestation of an ongoing and wider conflict. Debates over the teaching medium in Transdnistria's schools started in 1989, when the Moldovan Parliament (at that time, still called the Supreme Soviet) adopted several laws regulating the main linguistic issues in the country, including a provision to make Latin-script Romanian the language of tuition in the whole of Moldova, including Transdnistria. The Cyrillic script would, however, be continued in Russian medium schools for Russian speaking students. Nevertheless, the Transdnistrian authorities regarded the new laws as "Romanizing" the Moldovan population in the region, the implementation of the laws was boycotted, and the language issue became a focal element in the open conflict that saw Transdnistria claim secession from Moldova.¹⁰⁶

Over last ten years, parents who prefer that their children study Romanian in the Latin script, as well as their teachers, have voiced strong protests against the Transdnistrian policies, organized demonstrations and strikes etc.¹⁰⁷ In response to these actions, the Transdnistrian authorities have repeatedly attempted to close down all Romanian-language primary schools or to convert them into mixed ones. The

"Helsinki Monitor", 2003, No. 2. See Peace Building Framework Project, <http://www.peacebuilding.md/library/99/en/andrysek&greu4.pdf> [accessed November 2004]

¹⁰⁵ Organization for Security and Cooperation in Europe, Mission to Moldova, Over a Thousand Pupils in Transdnistria Still without School, OSCE Mission Head Says, Chisinau, 10 September 2004, press release

¹⁰⁶ See e.g., *Sfatul Tarii*, No. 53 (833), 12 April 1991; *Moldova Suverana*, No. 76 (17685), 3 April 1991

¹⁰⁷ BASA-Press News Agency, Chisinau, 1 October 1996

Transdnistrian authorities have also taken drastic measures against parents who put their children in Latin-script schools, as well as against teachers.¹⁰⁸ Cossacks have been used to interfere with the schools as recently as in 1996 when several teachers were arrested and interrogated and released only upon the intervention of the OSCE.¹⁰⁹

Moreover, the "official" Moldovan/Romanian schools in Transdnistria that teach according to the approved curriculum (in the Cyrillic script) also remain under-funded and poorly equipped with outdated teaching materials (often printed in Soviet times). Also this leads an increasing number of Moldovan/Romanian parents to send their children to Russian schools because after graduation students not educated in Russian find it difficult to qualify for University. In addition, one should also not omit the position of Ukrainian speakers in this context (who are perhaps even more numerous and have only one school in Rybnita). Forced Russification is definitely not aimed only at the ethnic Romanians. Ukrainian, save a few tri-lingual signs on official buildings, is also excluded from public life. All this happens irrespectively of the declared policy that Moldovan is one of the three state languages in Transdnistria (together with Russian and Ukrainian). Moldovans/Romanians and Ukrainians have very limited possibilities to utilize their language outside their homes.

In Transdnistria the non-Russian population appears to have considerable reason to allege discrimination as the authorities systematically disadvantage the use of one's language from primary school to adulthood, or at best, confine it to school premises. Even if the six schools in question prevail, those whose mother tongue is not Russian remain ostracized in all spheres of public life, and the identity of national minorities remains under threat.

5 Conclusions

The situation in the Republic of Moldova cannot be described holistically as long as the Transdnistrian regime continues to operate in defiance of internationally accepted standards. Violations of human rights without adequate redress mechanisms at the local or international level are particularly pronounced in the "PMR". It is also striking that a large part of the working age population of Moldova each year opts to search for work abroad. The vast majority are probably purely economic migrants, but many also leave the country because of the repressive policies of the government of Moldova and of the administration of Transdnistria. As has been indicated in this report, many people have during the last few years lost their jobs because they did not support the state ideology, or have been interrogated by the security forces for the sole reason that they participated in demonstrations, or, in the case of Transdnistria, insisted on their children's right to study in their mother tongue or opposed the Government elite.

¹⁰⁸ BASA-Press News Agency, Chisinau, 3 October 1996; *FLUX-Cotidian National*, 7 October 1996 or *Transdnistrian Police Baffle OSCE Mission Representatives from Bringing Water and Food to Children in Boarding School in Tighina*, 11 August 2004, Moldova Azi news <http://www.azi.md/news?ID=30396>

¹⁰⁹ See *Human rights in the Transdnistrian Region of the Republic of Moldova*, p. 28.

The sources used for this report are varied: human rights monitoring reports provided by international NGOs, IGOs and individual states; internal critical observers such as opposition mass media and organizations critical of the government; and finally the official media and other sources expressing the views and information of the Moldovan government. It has been interesting to observe that in the reports of foreign observers and internal critical observers, even though the tone is often different (with the internal message generally expressed more harshly) the essence of the observations is broadly similar.

In this regard there is the notable weakness of the Moldovan state in relation to Russia, especially in relation to Russia's support of the Transdnistrian administration, including by military means. Secondly, observers agree on the poverty and the failing character the Moldovan state. Thirdly, though in varying tones, observers generally agree that the human rights situation has deteriorated during the last few years, especially in respect of the functioning of the democratic institutions, and the violations of some fundamental rights, particularly the right to freedom of speech and association. Corruption at all levels is widespread and much of the international aid received over the last decade has been squandered.

The Republic of Moldova today faces many challenges including a key consideration of its own viability as a state. While Transdnistria's re-integration into the economic, political and social life of the country is a matter awaiting a political solution, it will require a concerted effort. It is unlikely to be completed without democratic reforms and honouring agreements leading to demilitarization. All nationalities living in Moldova are entitled to be treated with respect and without discrimination and promoting civil society and ensuring the respect for the fundamental human rights and liberties on both banks of the Dniestr River should bring all Moldovan citizens closer to a solution.

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