

Last Updated: Tuesday, 26 July 2011, 10:53 GMT

[unhcr.org](#) | [Partners](#) | [Help](#) | [Contact](#) | [Site Map](#)[Home](#) [Republic of Moldova](#)

Search

Text size [A](#) [A](#) [A](#) [A](#)[Email this document](#)[Printable version](#)Enter a word or phrase [Advanced Search](#) | [Search Tips](#)

Regions

[Africa](#)[Americas](#)[Asia](#)[Europe](#)[Oceania](#)

Countries

Categories

[Country Information](#)[Legal Information](#)[Policy Documents](#)[Reference Documents](#)

Browse by

[A-Z Index](#)[Topics](#)[Publishers](#)[Document Types](#)

Resources

[Special Features](#)[Standards and Training](#)[Information Alerts](#)[Protection Starter Kit](#)[Library](#)[News](#)[Refworld Personalization](#)[External Links](#)

Title	2010 Country Reports on Human Rights Practices - Moldova
Publisher	United States Department of State
Country	Republic of Moldova
Publication Date	8 April 2011
Cite as	United States Department of State, <i>2010 Country Reports on Human Rights Practices - Moldova</i> , 8 April 2011, available at: http://www.unhcr.org/refworld/docid/4da56da75.html [accessed 26 July 2011]
Disclaimer	This is not a UNHCR publication. UNHCR is not responsible for, nor does it endorse, its content. Any views expressed are solely those of the author or publisher.

2010 Country Reports on Human Rights Practices - Moldova

Bureau of Democracy, Human Rights, and Labor
April 8, 2011

Moldova[1] is a republic with a form of parliamentary democracy. The country has an estimated population of 3.56 million, including an estimated 600,000 to one million citizens living outside of the country. The constitution provides for a multiparty democracy with legislative and executive branches, as well as an independent judiciary and a clear separation of powers between them; however, under the previous government led by the Party of Communists (PCRM), which was in power until September 2009, the president heavily influenced the three branches of government. In July 2009 parliamentary elections, four opposition parties won enough seats to establish a governing coalition, known as the Alliance for European Integration (AEI), which entered office in September 2009. On November 28, the country held parliamentary elections that international observers stated met most Organization of Security and Cooperation in Europe (OSCE) and Council of Europe (COE) commitments. On December 30, the Liberal Party (PL), Democratic Party of Moldova and the Liberal Democratic Party of Moldova (PLDM) announced the formation of a second AEI coalition government. Security forces reported to civilian authorities.

There were reports of police beatings, arbitrary detention by police, and occasional illegal searches. Corruption within the police and judiciary remained endemic. The government unduly influenced the media, intimidated journalists, restricted freedom of assembly, and refused official registration to some religious groups. There were also reports of persistent societal violence; discrimination against women; trafficking in persons; discrimination against Roma; harassment and abuse of lesbian, gay, bisexual, and transgendered (LGBT) individuals; limits on workers' rights, and child labor. In contrast to the previous year, there were no reports of killings by security forces. During the year reports of government exercising undue influence over the media substantially decreased.

In 1990, fearing a newly independent Moldova would unite with Romania and that the Russian-speaking population would suffer political and economic discrimination, separatists supported by Soviet military forces declared a "Transdniester Moldovan Republic" (Transnistria) in the area along the eastern border with Ukraine. The central government lacked ability to exercise its authority in the region, and Transnistrian authorities governed through parallel administrative structures. A 1992 ceasefire agreement established a tripartite peacekeeping force comprising Moldovan, Russian, and Transnistrian units. In Transnistria, authorities restricted the ability of residents to freely change their government and interfered with the ability of Moldovan citizens living in Transnistria to vote in Moldovan elections. Torture, arbitrary arrests, and unlawful detentions were regularly reported. Transnistrian authorities continued to harass independent media and opposition lawmakers; restrict freedom of association, movement, and religion; and discriminate against Romanian speakers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

In contrast with the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

On May 10, a parliamentary commission concluded that police were likely involved in the deaths of Valeriu Boboc, Ion Tibuleac, and Eugen Tapu, all of whom died during the postelection demonstrations in April 2009.

On March 23, Chisinau mayor Dorin Chirtoaca stated that a source at the Ministry of Interior had provided him with new information on the April 2009 violence. According to this source, on the night of April 6-7, 2009, deputy police commissioner Serghei Cociorva ordered approximately 60 plainclothes officers to arrest all persons who were in the area of the demonstrations. On April 1, Chirtoaca released videotaped footage of the April 6-7, 2009 demonstrations, taken from closed circuit television cameras mounted in the area. The tape showed former deputy police commissioner Iacob Gumenita and inspector Ion Perju kicking protestors lying on the pavement in front of the main government building. Based on the new evidence, police arrested Perju on April 6 and charged him with the murder of Boboc. At year's end, Perju remained under house arrest, and criminal charges remained pending.

On April 20, prosecutors charged former interior minister Gheorghe Papuc and former police commissioner Vladimir Botnari with criminal negligence related to handling the protests and subsequent abuse during interrogation of those detained; both men pleaded not guilty, and the case was ongoing at year's end. On April 30, police arrested Gumenita on charges of misuse of power; at year's end, he remained under house arrest.

In April prosecutors announced a criminal investigation into the death of Ion Tibuleac, an anticommunist protester allegedly killed by police during the postelection demonstrations. The investigation remained pending at year's end.

In April, after reassessment of the medical forensic examination materials, prosecutors concluded that Tapu's death was not linked to the April 2009 events. According to the examination report, Tapu died two to three weeks before the discovery of his body on April 15. The parliamentary commission's contradictory finding on May 15 did not prompt prosecutors to reopen their investigation.

In the separatist region of Transnistria, there was at least one report of an alleged killing during the year. According to local authorities, on May 22, Alexandru Stomati, a Ukrainian citizen and member of the Transnistrian armed forces, committed suicide. After conducting its own investigation, local nongovernmental organization (NGO) Promo-Lex filed a claim with the European Court of Human Rights (ECHR), noting that Stomati had suffered premortem injuries to both his head and his upper back, which were inconsistent with authorities' account of the suicide.

b. Disappearance

There was one allegation of a politically motivated disappearance during the year. On the morning of November 23, former intelligence service head Artur Resetnikov appeared at a hospital with PCRM leader and former president Voronin, two other PCRM leaders, and a film crew. Resetnikov alleged that he had been kidnapped from downtown Chisinau, that his captors injected him with psychotropic substances, and that they demanded information designed to discredit Voronin. According to a local police station, officers received a report at 1:45 a.m. on November 23 that Resetnikov had been attacked just over an hour earlier on a suburban street. Resetnikov publicly claimed, however, that he had been kidnapped at 4:00 p.m. on November 22 from a downtown Chisinau bar, although no witnesses came forward to confirm Resetnikov's version of events. Resetnikov declined to meet with criminal investigators for an additional six hours, while he slept and spoke to the press, and refused examination by doctors or to identify the place on his body where he allegedly was injected with psychotropic drugs. The documents that Resetnikov claimed that he was forced to sign compromising Voronin did not surface, and Resetnikov declined to reveal what subjects the documents covered. Prosecutors announced an investigation into the incident, which was proceeding at year's end.

A previously reported case of a possible politically motivated disappearance was resolved during the year. In February 2009 police arrested Gheorghe Ionel, mayor of Vorniceni village and a member of the then opposition party, Our Moldova Alliance (AMN), on charges of abusing his authority; the Straseni District Court subsequently acquitted him. While the judge was reading the acquittal, police surrounded the courthouse and forced their way into the courtroom. During the commotion, Ionel disappeared, and his whereabouts remained unknown until March when he reappeared and resumed his duties as mayor.

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

The law prohibits such practices; however, police used cruel and degrading arrest and interrogation methods and guards beat prison inmates. According to a Soros Foundation study released in December, approximately 27,000 persons over the past five years (or 15 percent of total inmates) reported beatings by police. According to the parliamentary ombudsman, the frequency and severity of such acts decreased compared with previous years. Under the law, inhuman treatment carries a sentence of eight to 15 years' imprisonment, and torture carries a sentence of 16 to 25 years in prison. Coercing an individual to testify is punishable by up to

sentence of 10 to 25 years in prison. Coercing an individual to testify is punishable by up to three years' imprisonment; if such coercion involves cruel, inhuman, or degrading treatment, it is punishable by three to eight years' imprisonment. Torture inflicted by an official to punish, intimidate, or obtain information from a person is punishable by two to five years' imprisonment.

NGOs reported that while courts were somewhat more open to hearing allegations of torture, victims still frequently lacked access to effective judicial remedies. At times courts declined to hear their complaints, and long delays in the legal process caused some petitioners to abandon their claims. Victims carried the burden of proving that they had been mistreated, which was difficult, since prisoners often remained in detention for months before having access to courts. By the time they were able to appear in court, the physical evidence of abuse had disappeared.

NGOs reported that prosecutors were more active during the year in investigating complaints of police torture, although the number of complaints dismissed by prosecutors remained high. In January prosecutors reported that of 131 complaints of police torture or degrading treatments in 2009 (not connected with the April 7 to 8 violence), 45 were dismissed, 24 led to criminal investigations, and two cases were sent to court. In November, the Prosecutor General established a specialized antitorture prosecutor in each region. During the year the Prosecutor General's Office established hotlines for victims of torture, which provided legal counseling over the telephone.

Local and international NGOs reported widespread incidents of abuse and torture of persons detained after the April 2009 demonstrations. During the year a commission charged with investigating the events of April 7 held hearings, interviewed witnesses, and reviewed over 200 hours of videotape before presenting its report to parliament. On July 8, parliament officially took note of the report and instructed government institutions to act on the report's recommendations. Parliament recommended that the Prosecutor General's Office: verify allegations of electoral fraud in April 2009; determine whether the actions of state security officials to withdraw from their assigned locations at and around the parliament building were legal; review allegations of cyber attacks and take action against persons found responsible; verify the lawfulness of Ministry of Interior transfers of administratively sanctioned persons to temporary detention facilities in regional police directorates; and investigate all cases of torture, degrading, and inhumane punishment against arrested and detained persons.

Based on the commission's recommendations, parliament further recommended that authorities ensure the rehabilitation of protest victims – including both police and civilians – and implement the COE's Committee for the Prevention of Torture (CPT) recommendations regarding the transfer of temporary detention facilities from Interior Ministry to Ministry of Justice authority.

In January an unidentified officer in Balti ordered a drunken man brought to the police station. Upon his arrival, the officer punched and kicked the man, causing minor injuries. In July a court found the officer guilty of using violence and torture, sentenced him to three years' probation, and prohibited him from holding any positions in the Interior Ministry.

In March 2009 police arrested Ivan Orlioglo, Ivan Caracet, Dmitrii Covic, and Vitalii Orlioglo for armed robbery and assault. All four men reported that after their arrest, police subjected them to repeated beatings, and two of the men alleged that police beat them with plastic bottles filled with water. The Orlioglo brothers also stated that they were suffocated; Ivan Orlioglo said that investigating officers taped his mouth and then repeatedly plugged his nose. Both Caracet and Ivan Orlioglo claim that they had guns put to their temples and were threatened with execution to coerce a confession. This information became part of the official court transcript. On June 30, a court convicted the four men of all charges against them, with sentences ranging from 10 to 13 years. The judge admitted into evidence the testimony of all four defendants without addressing their allegations of physical abuse. However, the judge called attention to multiple serious "infractions" by investigating officers which, "although they did not affect the outcome of the case, demand adequate compensation." Because of these violations, the judge reduced the sentence of each defendant by three years. According to Amnesty International (AI), authorities took no action to investigate further the torture allegations.

According to the CPT, during its late-April 2009 visit, authorities were investigating 99 cases of alleged police abuse related to the April 2009 demonstrations. At the time of the CPT's return visit in July, prosecutors had not initiated criminal charges against any members of the police. After the government came to power, prosecutors initiated 106 investigations of alleged police torture and other abuses. Through these investigations, prosecutors pursued 46 criminal cases against police officers, including 26 cases involving torture; 12 cases of abuse of power; and other cases involving charges of murder, attempted murder, and attempted kidnapping. Through August authorities had charged 40 police officers in 24 separate criminal cases with crimes related to the April demonstrations; two were convicted during the year. During the year an additional 25 investigations were suspended and six were closed.

On December 14, a court in Chisinau convicted police officers Gheorghe Vutcariov and Alexandru Mocanu of physically abusing and unlawfully arresting a young man in connection

with their actions during the April 2009 protests. Vutcariov, of the Chisinau General Police Directorate, was sentenced to five years in prison, with a five-year suspension and deprivation of the right to hold office for two years for "abuse of power" and "false statements in public documents." Mocanu, a member of the "Scut" Regiment, was sentenced to two years in jail, with a five-year suspension and deprivation of the right to hold offices for "abuse of power."

In 2008 the UN special rapporteur on torture stated that police abuses remained common, and prosecutors, judges, medical staff, and staff at penitentiaries failed to investigate allegations of mistreatment and torture promptly. Alleged torture methods included severe beatings, electroshock, asphyxiation through oxygen deprivation while wearing gas masks, and putting needles under fingernails. In his February 2009 report, the rapporteur acknowledged some improvements by the government but also noted the widespread prevalence of mistreatment of prisoners in preventive detention and the continued use of torture by some police. The rapporteur also noted that complaint mechanisms were inefficient, that a statute of limitations impedes justice in torture cases, and that in a majority of cases prosecutors refused to allow independent medical examinations.

In January 2009 the Chisinau Court of Appeals reinstated charges against Sergiu Perdeleanu, chief of security at the Cricova penitentiary, for allegedly torturing inmates in 2008, but downgraded those charges from a criminal to an administrative offense. The military prosecutor disagreed with the decision and appealed it to the Supreme Court. In May 2009 the Supreme Court annulled the appeals court's decision and ordered the case retried by a different judge in the same court. In September 2009 prosecutors ordered the initiation of criminal proceedings against Perdeleanu. In December 2009 the Court of Appeals found Perdeleanu guilty and sentenced him to three years in prison. On June 15, the Supreme Court upheld the appeals court's judgment and sentence.

According to an ombudsman's report released in March, authorities received 6,027 complaints of torture or inhumane and degrading treatment allegedly committed by government officials in 2009, representing a significant increase over previous years (1,075 complaints in 2008 and 1,289 in 2007). In 693 cases, authorities initiated criminal investigations: 208 cases alleging acts of torture, 438 alleging acts of violence and exceeding authority, and 47 alleging acts of inhumane and degrading treatment. Of the number of cases under investigation, 383 defendants were convicted. The prosecutor's office failed to begin an investigation in 5,334 cases, citing a lack of evidence. Prosecutors completed the investigation and issued indictments on 293 criminal cases. At year's end, 400 cases remained pending.

The report also noted that authorities with the power to investigate allegations of police abuse frequently failed to do so. For example, in October 2009 a person identified as C.S. was transferred to Prison No. 13 with a concussion and lesions on his face. He explained that an officer at the Straseni detention facility, identified as Lieutenant-Major C.M., had struck him in the face. Authorities delayed the prisoner's petition against the officer who allegedly struck him; they only investigated the incident and charged the officer with torture after the intervention of the ombudsman. Those charges remained pending at year's end.

In September 2009 during a visit to Prison No. 13, the ombudsman reported that detainees complained of psychological pressure from other detainees and intimidation from prison authorities, including the imposition of unjustified disciplinary sanctions to force them to withdraw their testimony in the criminal case against Perdeleanu. The ombudsman requested that the Ministry of Justice and prosecutors take all legal measures necessary to protect the witnesses.

During the year the Ministry of Justice allotted 400,000 lei (\$33,380) to renovate five cells (occupied by 19 minors) and a gymnasium at Prison No. 13 in Chisinau, in accordance with EU standards. In response to recommendations from the EU, on April 26, authorities closed all solitary confinement cells in which minors had previously been held for breaching internal regulations.

On November 29, a military court in Chisinau acquitted former Contract Lieutenant Alexandru Botezatu of the Ministry of Defense Guard Battalion of charges of abuse of power and use of excessive force against soldiers in his charge but fined him 3,000 lei (\$250). On December 3, prosecutors appealed against the sentence as too lenient. That appeal was pending at year's end.

During the year the ECHR issued judgments that found violations by the state of the prohibition against torture and protections against inhuman or degrading treatment as provided by the European Convention on Human Rights (see section 1.c.).

In the separatist region of Transnistria, former detainees alleged they had been subject to torture and mistreatment in detention centers. According to the NGO Promo-Lex, approximately 90 detainees in a Tiraspol pretrial detention center began a hunger strike on October 10 to protest "cruel, degrading, and inhuman treatment" that included arbitrary detention, torture, and denial of medical care and legal assistance. Promo-Lex reported the holding of many of the detainees for more than six months without a court hearing, and some relatives claimed that they had not been able to visit detainees or deliver food packages.

Prison and Detention Center Conditions

Prisons and pretrial detention facilities around the country continued to fall far short of meeting international standards. While conditions in most prisons, including those in Transnistria, remained harsh, authorities reduced overcrowding and improved nutrition in prisons under the control of central authorities in Chisinau. According to the ombudsman, the number of persons imprisoned decreased during the year, primarily because of increasing use of alternatives such as house arrest and fines. Conditions were particularly harsh in pretrial and presentencing facilities, but, in contrast with previous years, suspects were generally held for fewer than 10 to 20 days.

According to the 2009 ombudsman's report, conditions in the 38 pretrial detention facilities did not improve significantly. Pretrial facilities, located mostly in the basement of the police stations, generally lacked access to natural light; artificial light was described as being mediocre or poor. In some facilities, ventilation systems were nonexistent. A number of pretrial facilities also lacked toilets and sewage systems. At the Chisinau General Police Station, inmates generally were allowed to shower once a week but were not provided soap. According to the ombudsman, sleeping conditions were inadequate; for example, detainees were offered wooden bunks, but pillows or bed sheets were not provided.

Prisons did not provide for recreational activities. Cell sizes did not conform to local law or international standards. The incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons.

In October the total number of prisoners and pretrial detainees was 10,415, with 4,111 inmates in prisons and 6,304 persons in pretrial detention centers. The country maintained a maximum prison capacity of 5,860 and a maximum detention center capacity of 8,580. There were 320 women and 87 juvenile prisoners serving terms in Moldovan penitentiaries.

Of the country's 18 penitentiaries, two were recently renovated, and conditions in those prisons were significantly improved compared with the 16 facilities that had not been renovated. The ombudsman reported that overcrowding in unventilated spaces, lack of timely access to healthcare, and poor sanitation continued to be the norm in the other 16 penitentiaries. In all

healthcare, and poor sanitation continued to be the norm in the other 10 penitentiaries. In all penitentiaries, the ombudsman noted poor relations between prison authorities and prisoners.

The UN special rapporteur on torture visited the country during the year, but was denied access to individual detainees. In a February 2009 report detailing his previous visit, the rapporteur noted that police kept most detainees in custody for several weeks or months; they often returned to pretrial detention facilities only when physical signs of torture were no longer visible. In the Transnistrian region, prisoners transferred by police were packed in poorly ventilated vans and were often held in such conditions for hours. Prisoners with diseases, such as tuberculosis, were routinely held with healthy prisoners.

The commissioner's medical expert observed that the records of injuries kept in the detention facility at the General Police Directorate in Chisinau were extremely cursory and superficial, in contrast to the prison and hospital medical records. A CPT delegation also noted deficiencies in the recording of injuries at police establishments in a report on its 2007 visit to the country.

According to the Center for Human Rights and the Moldovan Institute for Human Rights, complaints received from prisoners and detainees did not show evidence of censorship by prison authorities.

Generally, detainees were permitted religious observance.

Official discrimination based on an inmate's health condition was a common problem, and at least one HIV-positive inmate was the victim of such discrimination during the year (see section 6).

The ombudsman monitored the observance of human rights and fundamental freedoms in public institutions, including prisons. The ombudsman has the right to inspect, publicize, and recommend actions; and publish results of investigations.

The government permitted independent monitoring of prison conditions by local and international human rights observers, and prison officials generally allowed observers to interview inmates in private. Representatives of international organizations and embassies were allowed to visit detainees that had been arrested after the April 2009 demonstrations, but they were able to do so only several days after the arrests. The government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners in accordance with the ICRC's standard practices.

In July 2009 a CPT delegation visited the country. The delegation visited the temporary detention facility of the General Police Directorate, as well as the Centru and Ciocana district police stations in Chisinau. It also had a series of interviews, including at Prison No. 13, with alleged victims and potential witnesses of police abuses; it examined in detail a number of relevant investigation files.

During its 2009 visit, the CPT noted that the practice of holding remand prisoners in police temporary detention facilities continued unabated. The CPT found that detention cells did not offer suitable conditions for holding persons remanded in custody. While the CPT noted that cells in the Chisinau General Police Directorate had been fitted with beds and that some repair works carried out a few months before the visit, it found that overall conditions in the facility were still not suitable for the prolonged periods that prisoners and administrative detainees were being held. These conditions included high official occupancy levels in the cells (for example, four places in a 10 square yards cell), poor lighting in cells, and access to outdoor exercise limited to 15 minutes.

Although there were no juveniles being held at the time of the visit, police staff working at the General Police Directorate informed the delegation that juveniles may be detained together with a carefully chosen adult (for example, a first offender or former police officer).

Transnistrian civil society representatives complained that it was extremely difficult to gain access to Transnistrian detention facilities. Moldovan lawyers were denied access to clients in Transnistrian prisons unless accompanied by a local Transnistrian attorney. Conditions in those facilities were grave, particularly in the Tiraspol prison. Sick and contagious prisoners shared quarters with healthy prisoners.

In July a CPT delegation visited the Transnistria region. On July 22, as the delegation was preparing to visit Prison Colony No. 3 in Tiraspol, Transnistrian authorities informed the delegation that the CPT would not be allowed to interview remand prisoners in private. The delegation ended its visit in protest of this restriction.

d. Arbitrary Arrest or Detention

While the law prohibits arbitrary arrest and detention, authorities did not observe these prohibitions in practice.

A parliamentary ombudsman employed by the government regularly visited various places of

A parliamentary ombudsman employed by the government regularly visited various places of detention, including police stations and detention rooms at psychiatric hospitals, railway stations, and the Chisinau airport. The ombudsman found that many arrestees were not registered in logbooks, and railway police arbitrarily arrested citizens before their trains departed and released them after their trains left the station. Police at the airport often detained travelers for document checks and then released them without explanation. Most of the persons placed in detention at police stations were arrested for petty crimes, insulting police, or for document checks, although they were carrying valid documents. During the year the ombudsman reported some improvements in registration of prisoners; however, the practice continued.

On April 20, the ECHR ruled in favor of Oleg Brega, a local Chisinau journalist, who in 2008 staged a silent protest outside the main government building in connection with his brother's arrest and detention a few days earlier. Police officers approached Brega and arrested him for disturbing public order, while he filmed the encounter. A local court subsequently acquitted him on the basis that Brega was arrested and detained on false grounds, as it could be seen from his video that he had neither resisted arrest nor insulted the police officers. Brega alleged that the verbal and physical abuse to which he was subjected before and during his arrest, and the poor conditions of his subsequent detention, including lack of access to medical care, constituted inhuman and degrading treatment. He also alleged that his detention for 48 hours without legal basis further violated his rights. The court agreed, and ordered authorities to pay Brega 8,000 euros (approximately \$11,200) in nonpecuniary damages.

On April 7, Transnistrian authorities arrested local journalist Ernest Vardanean and Transnistrian tax official Ilie Cazac and charged them with espionage. On June 25, and on subsequent occasions during the year, the OSCE expressed concern that the two were deprived of the right to choose their own legal counsel, the right to be represented by counsel of their own choice at pretrial detention hearings, and the right to contact their families. In addition, the OSCE criticized the televised airing of an alleged confession by Vardanean and noted that the confession was made in the presence of security officers. On November 3, the Transnistrian newspaper *Novaya Gazeta* carried a report quoting a letter from Stella Surkichan, Cazac's mother, who wrote that during the arrest, officers planted some papers and a flash drive on her son and that he was severely beaten and forced to sign papers afterwards. "He was questioned for 10 to 15 hours in a row with no food, water, or toilet. He was threatened by long jail terms and reprisals against his family." She quoted her son as saying that, during a visit by the head of the OSCE mission to Moldova, he was instructed to lie on behalf of the State Security Ministry. On December 16, Vardanean was sentenced to 15 years' imprisonment for "high treason" by Transnistrian authorities.

The ombudsman reported instances during the year in which police rearrested previously acquitted individuals and detained them for unspecified short periods.

Role of the Police and Security Apparatus

The national police force is the primary law enforcement body. It is subdivided into regional and city police commissariats, which are subordinated to the Ministry of Interior.

Arrest Procedures and Treatment While in Detention

The law allows judges to issue arrest warrants based on evidence from prosecutors. Authorities must promptly inform detainees why they were arrested and describe the charges against them. Suspects may be detained without charge for 72 hours. The ombudsman noted several cases during the year in which police records contained no mention of the arrest of prisoners who were in jail, thereby allowing authorities to extend detentions beyond the 72-hour limit.

Once charged, a detainee may be released pending trial. The law provides for bail, but it was rarely utilized and the system did not function well. Authorities generally did not authorize bail for detainees accused of violent or serious crimes.

Detainees have the right to a defense attorney, but at times, this right was restricted. Authorities generally did not grant detainees access to a lawyer until 24 hours after being detained. Police often told persons that they were witnesses in a case, questioned them without a lawyer present, and subsequently detained them as suspects. Detainees were often informed of the charges against them without a lawyer being present. The government required the local bar association to provide representation to indigent defendants, but did not reimburse lawyers for legal fees. Consequently, poor defendants often did not have adequate counsel.

The law permits pretrial detention for up to 30 days. The courts may extend pretrial detention for up to 12 months, depending on the severity of the charges. Pretrial detentions lasting several months were common.

Amnesty

The government generally granted amnesty to persons sentenced to less than four years in

prison; as a result, such persons often served no jail time for their offenses.

On July 1, acting president Mihai Ghimpu pardoned a group of convicts condemned for various offences, including two with disabilities. When examining the pardon requests, the reviewers and pardoning officials took into consideration the character and extent of the social threat of committed crimes; the offender's behavior and attitude towards work in prison, as well as participation in social activities within detention facilities; family status; and the term of punishment.

On March 23, Transnistrian leader Igor Smirnov signed a decree granting a mass pardon, commutation, or amnesty to hundreds of inmates. More than 900 persons benefitted from the amnesty, including those who had served in the 1990-92 conflict with Moldova, persons convicted of lesser crimes, disabled and ill inmates (including those suffering from tuberculosis, HIV, and cancer), mothers, and single parents.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, there were reported instances of government officials failing to respect judicial independence in practice. Official pressure on judges and corruption remained problems. There continued to be credible reports that local prosecutors and judges asked for bribes in return for reducing charges or sentences, and observers asserted that judges sometimes faced political influence. Political factors also played a role in the reappointment of judges. According to Freedom House, judges were appointed and promoted based on subjective and nontransparent factors. Younger judges, who held initial five-year appointments, were particularly vulnerable to influence by the executive branch. According to the 2009 EU progress report, the government continued to fall short in its implementation of judicial system reforms.

In 2007 the government instituted a judicial code of ethics and created the new position of inspector judges, who are responsible for investigating and reporting cases of judicial misconduct or ethics breaches to the Supreme Council of Magistrates. Inspector judges referred 15 cases against 17 judges in 2008 and 25 cases against 27 judges in 2009. In 2009 the council issued warnings to eight judges, issued "severe warnings" to three, and dismissed one; the council dismissed the complaints against the remaining 13 judges.

According to the American Bar Association's (ABA) 2009 Judicial Reform Index, the establishment of a judicial administration department within the Ministry of Justice constituted an attempt by the executive branch to exert control over the judiciary's finances. The ABA also described the Judicial Administration Department as understaffed, ineffective, and lacking the capacity to oversee adequately the administration of the judiciary. While the department was responsible for developing the annual draft budget after consultations with the courts, in 2009 the Superior Council of Magistracy presented the proposed judiciary budget directly to parliament without consultation.

The judiciary consists of lower courts, courts of appeal, and the Supreme Court of Justice. A separate Constitutional Court has exclusive authority in cases relating to the constitutionality of draft and final legislation, decrees, and other governmental acts. Most outside observers have assessed the Constitutional Court as the only court that was reasonably fair and objective. By law the Prosecutor General's Office is autonomous and answers to parliament. It is responsible for overseeing criminal investigations, filing charges, and protecting the rule of law and civil freedoms. Prosecutors have discretion to close cases before they reach trial for lack of sufficient evidence, but the injured party can appeal this decision to an investigative judge. This discretion gives prosecutors considerable influence over the judicial process, and NGOs asserted that political influence continued to play a role in some prosecutions.

The military court system, which operated independently of the civilian courts, also suffered problems with corruption and inefficiency similar to those of the civilian courts. The jurisdiction of military courts extends to crimes committed by active duty, reserve, and retired military personnel. Military courts can also try civilians for crimes committed against military personnel.

Trial Procedures

The law provides that defendants in criminal cases are presumed innocent; however, in practice, this presumption had little effect. On some occasions, judges' remarks jeopardized the presumption of innocence. NGOs expressed concern that the practice of keeping defendants in handcuffs and metal cages during court proceedings went beyond what was necessary to secure public order and failed to ensure the presumption of innocence.

Cases are presented to a judge or to a panel of judges. Defendants have the right to a lawyer, to attend proceedings, to confront witnesses, and to present evidence. The law requires the local bar association to provide an attorney to indigent defendants. The practice of appointing temporary defense lawyers without allowing them to prepare adequately was common and infringed upon the right to legal assistance. Prosecutors occasionally used bureaucratic

maneuvers to restrict lawyers' access to clients but they generally allowed defense attorneys access to the evidence. The law provides a right to appeal convictions to a higher court.

According to a 2008 OSCE report, based on a six-month project that monitored thousands of hearings in hundreds of criminal cases at all levels of the justice system, legal guarantees of a fair trial functioned only partially. Although the law provides for defendants to have an interpreter, the OSCE observed a shortage of interpreters, a lack of knowledge of legal terminology, and a tendency to mix Romanian and Russian terms. Nearly 40 percent of court interpreters did not translate in a fully satisfactory manner. The OSCE also noted that judges at times ordered proceedings to be conducted in Russian, although some participants complained they could not understand the language.

The OSCE noted that proceedings were often not open to the public; court facilities were inadequate; and a large number of judges, prosecutors, and defense lawyers failed to treat victims and witnesses with respect.

Implementation of the witness protection law was inconsistent. During the year AI reported several cases of Transnistrian authorities disregarding trial procedures, and noted that, in practice, defendants in Transnistria were denied access to a fair trial.

In 2007 Transnistrian security services arrested Alexandr Alimpiev, former Transnistrian justice minister and former president of Tiraspol municipal court, and charged him with accepting a bribe, insulting a law enforcement officer, and resisting a search warrant. He remained in detention until his 2008 conviction, at which time he was sentenced to seven years' imprisonment. In 2009 authorities released Alimpiev without a formal review of this sentence. AI noted that authorities infringed his right to a fair trial on several occasions, censored his correspondence with his attorney, and subjected him to "precarious" conditions of imprisonment, despite being ill.

Political Prisoners and Detainees

In contrast with the previous year, there were no reports of political prisoners.

According to AI, since the change of government in September 2009, national authorities had discontinued the practice of fabricating criminal cases for political ends.

Regional Human Rights Court Decisions

During the year the government paid 14.2 million euros (\$19 million) in damages for cases lost at the ECHR. In 2009 individuals and advocacy groups lodged 3,400 complaints against the government. The most common complaints concerned alleged violations of due process.

On January 5, the ECHR ruled in favor of a local company, Bucuria, which alleged that the judiciary failed to notify the company of a lawsuit brought against Bucuria by a former employee, nor did it notify the company of subsequent proceedings in the case. The court awarded Bucuria 1,000 euros (\$1,340) in nonpecuniary damages.

On May 18, the ECHR ruled in favor of Liuba Anusca, whose son was performing military service in 2004 when he was found dead under a tree with a broken cord around his neck, the other end of which was tied to a branch. Military prosecutors investigated and ruled the death a suicide. Prosecutors subsequently reopened and closed the investigation several times before concluding in 2008 that no crime had been committed. While the ECHR found no reason to doubt the finding of suicide, it expressed concern that civilian prosecutors had considered it necessary to intervene three times, ordering the military prosecutor on each occasion to reopen the investigation and conduct further inquiries into significant issues. The total time of three years and seven months until the investigation finally concluded could not be justified by its complexity or any objective difficulties, and the court awarded Anusca 8,000 euros (\$10,700) in damages.

On July 13, the ECHR found in favor of Vladimir Parnov, who claimed that he was subjected to police brutality in 2005 when he was arrested and detained on charges of possession and sale of marijuana. Parnov was acquitted of the charges in 2007. The court agreed that the investigation into his abuse allegations was inadequate, and awarded him 9,000 euros (\$12,000) in nonpecuniary damages and 800 euros (\$1,070) in costs.

On September 14, the ECHR ruled in favor of the NGO Hyde Park, ruling that arrests and fines for demonstrations in 2007 constituted unlawful interference with their right of peaceful assembly.

According to the local NGO Lawyers for Human Rights, during the year national authorities became significantly more likely to execute the decisions of the ECHR, resulting in payment of applicable penalties to victims. Court decisions against district level governments and municipalities frequently remained unexecuted, because these entities lacked the funds to pay judgments levied against them. In the past, judgments against private parties were nearly

impossible to execute, given widespread corruption and the lack of resources and oversight in the country's bailiff system. To improve the situation, beginning on September 10, the government began issuing licenses to private bailiffs who would operate on retainer. According to the Justice Ministry, the situation had not been in place long enough for an assessment of its effectiveness by year's end.

Civil Judicial Procedures and Remedies

The law provides for citizens to seek damages in civil courts for human rights violations. Under the constitution, the government is liable when authorities violate a person's rights by administrative means, fail to reply in a timely manner to an application for relief, or commit misconduct during prosecution. Judgments awarded in such cases were often small and not enforced.

The mediation law establishes an alternative mechanism for resolving civil and criminal cases voluntarily between parties and establishes rules for the status of professional mediators. However, the country still lacked an implementation mechanism. Observers noted that a lack of financial resources and institutional capacity were the main impediments to implementing the law.

Property Restitution

While the law provides for the restitution of property and compensation for victims of political repression, the government often failed to provide funds to the commissions established to receive these petitions; as a result, the commissions lacked funds to provide payments to victims. In Chisinau, where authorities allocated approximately six million lei (\$575,000) for compensation, no commission existed to make payments. Applicants must prove a direct causal connection between political repression and the seizure of their properties to receive restitution.

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

The law prohibits such actions; however, the government did not respect these prohibitions in practice.

It was widely believed that law enforcement authorities, including the Interior Ministry, prosecutors, the Prosecutor General's Office, and the Security and Intelligence Service, continued to conduct illegal searches and wiretaps. Under the law, the Security and Intelligence Service is the only institution that can legally conduct wiretaps, including those made at the request of prosecutors or police. Judges may authorize legal wiretaps only in the course of investigating a serious crime. In February 2009 the ECHR ruled that the country's criminal procedure law fails to provide a clear and detailed interpretation of reasonable suspicion required to authorize a wiretap. The ECHR also noted that the law does not contain safeguards against the overuse of wiretaps and does not provide adequate protection against the abuse of power by the government because of wiretapping. Courts continued to accept illegally obtained evidence.

According to a Justice Ministry report, examining magistrates ordered 3,803 wiretaps in 2009, an increase of 1,448 over the previous year.

In July prosecutors acknowledged that the Security and Intelligence Service had illegally wiretapped Minister of Justice Alexandru Tanase in 2009. During hearings, two intelligence officers admitted they received orders to intercept Tanase's calls but refused to divulge who gave the orders. A criminal investigation into the illegal conduct remained ongoing at year's end. On October 22, in a separate case, prosecutors charged the head of the Interior Ministry's Operative-Technical Unit with privacy violations and abuse of authority in another illegal wiretapping case. The unit head had been suspended temporarily from his position in July. On December 13, prosecutors announced that they had completed their investigation into the Ministry of Interior's unauthorized wiretapping of European Action Movement leader Veaceslav Untila, AMN leader Serafim Urechean, and seven other persons; charges were pending at year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and the press; however, these rights were not always respected in practice. Individuals could criticize the government publicly and privately without reprisal. According to Reporters without Borders, press freedom improved significantly since 2009. In contrast with previous years, individuals and organizations critical of the government no longer risked monitoring and subjection to abusive tax and registration inspections.

On July 13, the ECHR awarded damages to nine employees and former employees of the public broadcaster Teleradio Moldova, who alleged in 2002 that they were victims of undue political

influence over editorial policy; the court agreed and held that the government had violated their freedom of expression. The court noted that authorities had failed to enact legislation which would offer safeguards against government officials' abusive interference in free speech and which would clearly indicate the scope and the limits of the discretion enjoyed by those authorities in controlling editorial content.

The print media expressed diverse political views and commentary. There were approximately 260 newspapers and magazines in the country. A number of the newspapers were owned or subsidized by political figures and expressed well-defined political views. The government owned the Moldpress News Agency, and local and city governments subsidized approximately 25 newspapers. Political parties and professional organizations also published newspapers.

Formerly government owned newspapers, *Moldova Suverana* and *Nezavisimaia Moldova*, continued to favor the PCRM in their coverage. These papers often used inflammatory language and photo-edited portrayals of opponents as Nazis in articles criticizing the opposition. In February prosecutors began investigations of the legality of the privatization of these two newspapers, a process that started in 2005. According to the authorities, the former communist government initiated the liquidation process of these papers, but did not finish it and illegally transferred over one million lei (\$83,000) from the State Reserve Fund to cover debts of these two papers.

The government did not restrict foreign publications, but most were not widely circulated because of high cost. Newspapers from Russia were available, and some of these papers published special weekly local editions.

According to the Audiovisual Coordinating Council (ACC), 47 radio stations, 63 television channels, and about 140 cable providers operated in the country. Most stations rebroadcast programs from Romania, Russia, and Ukraine and offered limited, locally produced programming. Other foreign programs, including a range of international news broadcasts, were available by subscription from private cable television operators. Some local governments, including that of Gagauzia, operated television and radio stations and newspapers.

In April two major foreign-financed news channels, Jurnal TV and Publika TV, began local broadcasting.

Observers noted that the public broadcaster, which under the previous government had heavily skewed coverage in favor of the communist authorities, became increasingly balanced in its news coverage since the AEI government assumed power in September 2009.

In 2008 the ACC announced that it would not automatically extend the expiring license of the private television channel PRO TV, along with those of other broadcasters, although the law provides for automatic extension if no major violations have occurred. Media observers criticized the ACC decision, while noting that ambiguities in the law allowed for such political actions, and PRO TV initiated a court challenge of the ruling. In November 2009 the Supreme Court of Justice ruled that the ACC should automatically extend PRO TV's license and those of other broadcasters; the ACC then extended PRO TV's license for another seven years.

In 2008 the ACC distributed 40 provincial television frequencies to two progovernment stations, significantly expanding their coverage, and did not consider other applications for the frequencies. After the government assumed power in September 2009, complaints that the ACC's decisions were politically motivated decreased.

Owners of the private, procommunist television station NIT accused the AEI government of trying to shut down the channel. NIT alleged that the new government refused to extend a lease for space in a government-owned building that NIT had been renting for 12 years. The government responded that it needed the space for use by government agencies, and NIT could continue to use other offices in the same, earlier privatized, building. Later in the year, NIT vacated the government-owned offices and moved into the smaller privatized offices in the same building.

A July monitoring report by the NGO Access Info Center indicated that there were continuing problems in the implementation of the law on access to information and the law on transparency in government decision making. Only 34.5 percent of 943 public institutions asked to provide data on their implementation of the transparency law responded to the data request.

On April 21, prosecutors closed the criminal case initiated against Vocea Basarabiei radio station by the communist government in 2007. Authorities at the time alleged that the station had aired calls to overthrow the government during a radio program. Prosecutors concluded that the alleged actions did not constitute a crime.

On January 19, the ACC ordered the Ploaia de Argint (Silver Rain) radio station to suspend broadcasting pending an appeals court ruling on the station's complaint against the ACC. The station had sued the ACC for its refusal to automatically extend its expired license as required

by the 2006 audiovisual law. The ACC claimed in response that internal regulations required broadcasters that received licenses under the old law to compete again for frequencies. The station continued to transmit programming on the same frequency.

On June 18, the parliament approved modifications to ACC regulations on license issuance to provide for automatic licence extensions.

In 2008 opposition members of the Balti municipal council criticized the nontransparent manner in which the public broadcaster, Teleradio Balti, was undergoing privatization, noting that the privatization commission was staffed exclusively by councilors belonging to the majority PCRM. In November 2009 Teleradio Balti was forced to suspend broadcasting after the ACC ruled that the station did not have the right to broadcast until it was fully privatized. However, at the end of November, at the request of Balti authorities, the ACC revised its earlier decision and allowed Teleradio Balti to resume broadcasting under the condition that it completes its privatization by February 1. Since then, Balti authorities have made four unsuccessful attempts to privatize the station. Lack of interest from investors resulted in the suspension of privatization at year's end.

There were continued reports that authorities denied independent media access to official events. In May and August 2009, the Ministry of Interior prevented journalists from the Internet-based Jurnal TV from covering its press conferences. In July a television crew from TV-Prim was prevented from covering a public meeting of the prime minister in Glodeni. On July 14, police in Donduseni expelled two journalists from the *Moldavskie Vedomosti* newspaper from a hall where the prime minister had been meeting with local residents.

During and after the protests that followed the April 2009 parliamentary elections, government harassment and aggression against journalists dramatically increased. The PCRM government frequently denied access to its public events to media representatives it considered disloyal. On occasion journalists were intimidated into practicing self-censorship.

Libel is not a criminal offense, and the law limits the amount of fines for slander. Nevertheless, some newspapers continued to practice self-censorship and avoided controversial issues out of concern that government officials and other public figures could use civil defamation laws to retaliate against critical news coverage. On October 9, a new law on freedom of expression entered into force, which provided that protection of honor, dignity, and business reputation" would not outweigh the right of the public to obtain information relevant to the public interest. The law also provides that "no one shall be prosecuted for disclosure of information on the private or family life of a person if the public interest in its dissemination outweighs the interest of the particular person in its nondisclosure."

The law prohibits the editing and publication of literature that contains "denial and defamation of the state and the people; calls for war or aggression, calls to ethnic, racial, or religious hatred; incitement of discrimination, territorial separatism, or public violence." Several private publishing houses opposed these provisions, claiming that they impose censorship.

On July 28, an employee of the Center for Combating Economic Crimes and Corruption (CCECC) verbally and physically assaulted Jurnal TV reporter Victor Ciobanu while he was filming outside the Appeals Court. The employee allegedly grabbed the reporter's camera during the incident and removed the digital memory card. A group of major media NGOs, as well as international media organizations, strongly criticized the incident, calling upon the authorities to observe the media's rights. The center claimed that it had launched an internal investigation into the incident and, if the allegations were proved, there would be monetary compensation to the victim and discipline the employee.

During the year the parliamentary mass media committee began an initiative to amend the law to allow broadcasters to possess up to five broadcasting licenses in each of the county's administrative zones. In June a group of media NGOs expressed public concern over the initiative, which they claimed could lead to the monopolization of media by a small number of actors.

In Transnistria authorities greatly limited freedom of speech and of the press. Alternative viewpoints were subject to widespread censorship, and residents were wary of voicing alternative opinions and engaging in meaningful debate over key issues affecting the separatist region.

It was difficult to register, maintain, and finance independent newspapers, radio stations, or television stations in Transnistria, although several continued to exist. Most newspapers from central government-controlled areas did not circulate widely in Transnistria, although they were available in Tiraspol. Foreign publications, including publications edited in Chisinau, were difficult to obtain, as separatist authorities imposed a 100 percent customs duty.

On April 7, Transnistrian authorities arrested local journalist Ernest Vardanean on charges of high treason against the separatist government and spying for Moldova. On May 11, Transnistrian television aired a video recording with Vardanean confessing that in 2001, while

he was studying at the Moldova State University, he collaborated with Moldova's Security and Information Service. Vardanean's lawyer, as well as his family, stated that Vardanean made this statement under psychological pressure. On November 3, the OSCE reported that Transnistrian soldiers prevented OSCE representatives from observing Vardanean's trial. On December 16, a Transnistrian court convicted Vardanean of treason and sentenced him to 15 years in prison.

Both of Transnistria's major newspapers, *Pridnestrovie* and *Dnestrovskaya Pravda*, were official publications of the separatist administration. Separatist authorities harassed other, independent newspapers for publishing reports critical of the regime. Independent daily newspapers such as *Novaia Gazeta* and *Chelovek i yego Prava* were published, but each had a circulation of only about 3,000. Other small-circulation papers expressing views critical of Transnistrian authorities were published on a weekly or monthly basis. Authorities controlled all printing houses and, at times, threatened to stop the printing of independent newspapers, including one based in Bender and another in the northern city of Ribnita.

Transnistrian authorities controlled the majority of television and radio stations in the region and largely dictated editorial policies and financial operations. Transnistria's largest commercial entity, Sheriff Enterprises, owned some broadcast networks, such as the TSV television station and the INTER-FM radio station. The company also effectively controlled the Obnovlenie (Renewal) Party, which held a majority of seats in the region's legislature. Transnistrian authorities also operated the other major television station, Transnistrian Moldovan Republic Television. While these outlets on occasion expressed alternative views on social and economic policy, Transnistrian authorities sharply criticized any mention of compromise with the central government or any questioning of the Transnistrian goal of "independence."

Internet Freedom

In contrast with previous years, the government did not issue any letters threatening to suspend domain names for expression of political views.

There were approximately 50 Internet service providers (ISPs) in the country. While most citizens could not afford computers and private access to the Internet, public access at cafes in major cities was readily available. In 2009 a local ISP created public Wi-Fi hot spots in several public parks in Chisinau. According to the report of the National Agency for Regulations in Telecommunications and Information Technologies, there were 203,500 Internet users in the country in 2009, a 30.6 percent increase over 2008. Between the end of 2009 and April, the number of broadband Internet users increased from 187,000 to 203,000. The number of dial-up users decreased from 17,000 to 12,000 during that same period.

There were no reports that the government attempted to collect personally identifiable information in connection with individuals' peaceful expression of political, religious, or ideological opinion. However, the opposition PCRM complained that the PLDM, led by Prime Minister Vlad Filat, used personally identifiable data to send personalized electoral campaigning materials to voters.

In Transnistria Internet connections were available in most parts of the region, and most residents accessed the Internet through publicly available computers at cafes. One company, Sherriff Enterprises, was the sole ISP in the region.

Academic Freedom and Cultural Events

There were no government restrictions on academic or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, at times authorities limited this right in practice. Authorities denied LGBT activists a permit for a pride parade, and, in response to the December 2009 anti-Menorah demonstration at which police did not intervene, the Jewish community celebrated Hanukkah and the Menorah lighting on private property.

NGOs reported that rights of freedom of assembly have improved under the new government. While the previous PCRM government at times prevented opposition parties and activists from traveling to Chisinau for rallies, on May 1, authorities allowed over 15,000 supporters of the opposition PCRM to march in downtown Chisinau and converge in front of the main government building for a peaceful rally.

According to a study commissioned by NGOs Promo-Lex and the Resource Center of Moldovan NGOs for Human Rights, an average of 82 assemblies took place per month between February and June 2009. There were 85 in February, 141 in March, 65 in April, 53 in May, and 79 in June – all in connection with parliamentary elections.

According to a June UNHCR report, Transnistrian authorities severely restricted freedom of assembly and rarely issued required permits for public protests. On those occasions when they did issue permits for demonstrations, authorities often harassed organizers and participants and ordered that the demonstrations take place in obscure locations away from city centers. Permits for demonstrations and public meetings were issued predominantly to organizations and groups loyal to the authorities.

Freedom of Association

The constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations. However, the constitution prohibits 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.

In Transnistria authorities severely restricted freedom of association. Separatist authorities granted the legal right of association only to those they recognized as citizens of Transnistria. All nongovernmental activities must be coordinated with local authorities, and groups that did not comply faced harassment, including visits from security officials. Any organizations favoring reintegration with the rest of Moldova were strictly prohibited.

c. Freedom of Religion

For a complete description of religious freedom, see the Department of State's [2010 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Transnistrian authorities at times restricted travel of Transnistrian residents and other Moldovans to and from the separatist region.

Transnistrian authorities often stopped and searched vehicles traveling between the region and the central government-controlled area. According to the local Helsinki Committee, waits of up to two hours at Transnistrian checkpoints occasionally occurred, as did arbitrary fines and seizures of goods from persons entering or exiting the region.

Short-term visitors from government-controlled areas to Transnistria were permitted to remain for 10 hours. A longer stay required an official letter of invitation and registration at a local passport office. Transnistrian authorities allowed farmers from government-controlled villages in the Dubasari region of Transnistria to travel to areas outside Transnistria to sell their produce. On a number of occasions during the year, Transnistrian authorities denied Western diplomats stationed in Chisinau entry into the region for routine visits but at other times allowed them entry.

The law prohibits forced exile, and the government did not employ it. There were no reports that Transnistrian authorities exiled persons from their territory during the year.

Although citizens generally were able to depart from and return to the country freely, there were some limitations on emigration. Before persons are allowed to emigrate, the law requires that they satisfy all outstanding financial obligations to other persons or legal entities. This requirement was not strictly enforced in practice. The law also provides that close relatives who are financially dependent on a potential emigrant must give their concurrence before the emigrant is allowed to depart the country; this law was also not enforced in practice.

Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government provided protection against the return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Stateless Persons

Citizenship can be acquired by birth in the country, inheritance from parents, adoption,

recovery, naturalization, or on the basis of certain international agreements. On July 1, parliament amended the law on citizenship and granted citizenship to persons who resided in the historical regions of Bessarabia, Northern Bucovina, the Hertza region, and in the territory of the Moldovan Autonomous Soviet Socialist Republic prior to June 28, 1940, as well as their descendants.

According to UNHCR statistics, there were 2,036 stateless persons in the country on September 30, an increase from 1,805 at the beginning of 2009. The largest numbers were Russians, Ukrainians, and ethnic Moldovans born outside the country. Of this total, 1,547 resided in Transnistria. According to the UNHCR, stateless persons enjoyed equal rights in terms of employment and education but frequently were prevented from applying for citizenship because they lacked certificates showing that they had no criminal records.

During the year the UNHCR assisted several refugees in gaining citizenship by court order. However, despite legal provisions that allow a stateless person who resides legally in the country for eight years to seek citizenship, the UNHCR was unsuccessful in assisting such persons in obtaining citizenship.

On July 1, authorities reduced the time for completing a provisional residence permit for foreign nationals and stateless persons from 30 to five days. Residence permits for a period of up to one year are issued to foreign citizens and stateless persons temporarily residing in Moldova; they cost approximately 640 lei (\$53).

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice in most of the country through periodic elections based on universal suffrage. Unlike the previous year, there were no reports that authorities harassed or intimidated the political opposition, misused administrative resources in favor of government-supported candidates, or restricted opposition access to public media.

In Transnistria authorities restricted the right of residents to vote in elections and interfered with the right of Moldovan citizens to vote in Moldovan elections.

The constitution provides for a form of parliamentary government. The parliament is elected by popular vote and it then elects the president by a three-fifths majority vote, or 61 out of 101 members of parliament. If the parliament repeatedly fails to elect a president, it is dissolved and new elections are required, although the law states that parliament can only be dissolved once per year. In 2009 parliament failed on four occasions to elect a president. To resolve the impasse, the government held a referendum on September 5, which asked voters to approve direct popular voting for president. Political parties campaigned freely and without harassment to support or reject the proposition. The PCRM boycotted the referendum. In the final results, 87.8 percent of voters supported the referendum's call for direct popular voting for president, but the turnout (30.29 percent of registered voters) was insufficient to validate the referendum, for which a one-third turnout of registered voters was required. As a result, election of the president remains a function of parliament.

Elections and Political Participation

On April 27, the ECHR ruled in favor of Justice Minister Alexandru Tanase (a dual Romanian-Moldovan citizen), who in 2007 preemptively challenged a law that required dual nationals to renounce their other nationality before being allowed to take a seat in parliament. In the April 2009 elections, Tanase was elected to parliament. He wrote a letter to the Romanian Embassy in Chisinau, announcing being forced to initiate the renunciation of his Romanian nationality, but indicating that he reserved his right to withdraw the letter after the ECHR judgment. On April 27, the court ruled that the law was discriminatory of dual nationals and, therefore, violated the European Convention on Human Rights.

International and local observers noted positive developments during the July 2009 parliamentary election campaign and the September 5 referendum, including greater Central Election Commission (CEC) openness and the ability of party representatives to be present during polling. However, CEC performance has remained inconsistent, and voter registration has yet to be centralized, making it harder to identify those who vote multiple times. Voter lists, maintained by the CEC, were largely outdated and subject to manipulation. Political parties cited these lists as a major concern by leading to the November elections.

International observers concluded that the November 29 parliamentary elections met most international commitments, and the elections administered in a transparent and impartial manner, with a diverse field of candidates that provided voters with genuine choice. According to the observers, authorities respected civil and political rights during the election campaign, and media outlets covered the campaign actively and provided voters with diverse information. International observers provided a generally positive assessment of election day, despite some procedural errors. The OSCE election observation mission noted that authorities should make further efforts to strengthen public confidence in the democratic process.

On December 12, first-round elections occurred for governor of the autonomous region of Gagauzia. A monitoring effort sponsored by the East European Foundation judged that the election met international standards despite minor violations, including advertisements near polling stations, multiple voters sharing a booth, and a lack of heating or electricity in some polling stations. Confusion arose from the fact that some voting procedures in the governor's election differed from those used in the November 28 parliamentary elections.

There were 19 women in the 101-seat parliament elected on November 28. Members of ethnic Russian, Ukrainian, Bulgarian, Azeri, Jewish, and Gagauz communities had representation in parliament alongside members of the majority Moldovan/ethnic Romanian community.

In Transnistria authorities held legislative elections on December 12, in which the Renewal Party, the main party in opposition to "president" Igor Smirnov, won a majority of 23 seats in the 43-seat Transnistrian Supreme Soviet.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement these laws effectively, and NGOs and international organizations reported that corruption was pervasive throughout the government and society. A Transparency International preliminary survey revealed that only 75 percent of public officials could define the concept of a "conflict of interest."

Police corruption remained a serious problem. According to prosecutors, the Interior Ministry ignored, or only superficially examined, reports of police corruption. The prosecutor in charge of the Ministry of Interior's anticorruption activities noted that corruption was endemic and took place at all levels – from low-level functionaries to government ministers.

On August 24, Justice Minister Tanase noted that many judges illegally gave lenient sentences to persons convicted of trafficking-related offenses. He cited the case of Cahul Court judge Vasile Vulpe who in 2008 issued a five-year suspended sentence for human trafficking when the penalty prescribed by law is 10 to 25 years in prison. Judge Vulpe's immunity from prosecution was subsequently lifted, and a Chisinau court tried Vulpe of purposefully issuing an illegal judicial decision. He was acquitted in June 2009. On November 11, in a subsequent lawsuit brought by Vulpe challenging his dismissal as a judge, the Supreme Court upheld the legality of Vulpe's dismissal upon the expiration of his judicial appointment.

A Transparency International survey conducted in 2009 reported that 51 percent of those interviewed said they had paid bribes to the police. According to the Prosecutor General's Office, between January and November, prosecutors initiated 103 criminal investigations against police, including in 43 cases of alleged torture. The CCECC initiated 31 criminal investigations, mainly on charges of corruption. Of these, the prosecutors sent 62 cases to court, and the CCECC sent 21 cases.

Corruption in the educational system was widespread. The law provides for punishing university rectors, deans, and chairs for corrupt acts, including grade buying and extortion, with fines or imprisonment of two to seven years. The law does not apply, however, to professors and lecturers. Ministry of Education regulations do not address corruption explicitly, and the bylaws of the major universities do not provide sanctions for cheating or bribery. There were reports that some university officials offered falsified documents for sale to assist students in obtaining work and travel visas.

The government acknowledged that corruption was a major problem. NGOs and political party representatives asserted that authorities at times failed to act in an impartial manner.

The law provides free public access to official information; however, the government did not fully implement the law. NGOs complained that gaining access to information required repeated, often unsuccessful, requests to authorities. Court decisions ordering release of information were not implemented fully or in a timely manner. According to the NGO Access-Info Center, between January and August, public officials frequently denied the media access to information in violation of law and procedures. Since coming into office, the government made some improvements; however, the Access-Info Center noted that full responses to information access requests remained low, averaging 24 percent, because of a lack of information management policies.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated in the country without government restriction, investigating and publishing their findings on human rights cases. Government agencies were frequently cooperative and responsive to their views.

In Transnistria authorities continued to impede activities of human rights groups. For example, "immigration" officials frequently blocked entry into the region by representatives of

Moldovan NGOs attempting to meet local human rights counterparts and contacts. Moldovan NGOs also reported that in 2009 Transnistrian officials contacted local organizations and advised them not to attend events and seminars organized by Moldovan NGOs.

On several occasions in 2009, representatives of a Moldovan NGO arrived in the region to hold capacity-building seminars for local groups. In advance of their visits, Transnistrian officials warned the NGO not to come. When they arrived, they found that attendees to these workshops included camera operators – ostensibly from local television stations – who filmed the proceedings, as well as representatives of progovernment veterans' organizations, and a representative of the public affairs office of the Russian peacekeeping force in Transnistria. On at least one occasion, in December 2009, Transnistrian cameramen followed the participants and filmed them as they exited buses rented for the occasion. Transnistrian television subsequently broadcast this footage as part of an anti-NGO expose. Following these events, the organization chose to hold its seminars outside Transnistria.

Transnistrian authorities also continued to control and intimidate NGOs by inviting their representatives to meetings where security officials were present and pressuring landlords not to renew leases for office space. Authorities restricted NGOs from providing legal advice and other assistance on political programs, such as domestic disputes, access for persons with disabilities, and property and pension rights. Transnistrian authorities encouraged NGOs operating in the region to cooperate with Russian, Abkhazian, and South Ossetian organizations rather than Western NGOs and those that operated in Moldova proper. Transnistrian authorities also required representatives of Moldovan NGOs wishing to operate in Transnistria to register locally as separate organizations.

Transnistrian authorities frequently limited OSCE access to the separatist region, including to the four- to eight-mile security zone dividing Transnistria from the rest of the country.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, ethnicity, or social status; however, the government did not always enforce these prohibitions effectively.

Women

The law criminalizes rape or forcible sexual assault and penalties range from three years to life in prison. The law also criminalizes spousal rape.

Rape remained a problem, and there were no specific government activities to combat rape. In the first 11 months of the year, prosecutors opened 311 criminal cases of rape. Of these cases, 78 were dismissed and 138 were forwarded to courts for trial. These figures were close to the totals for 2009 with 260 cases opened, 66 dismissed, and 105 forwarded to courts for trial. Prosecutors were unsure if the increased numbers reflected higher crime rates or better reporting. NGOs believed that many rapes remained unreported.

The law defines domestic violence as a criminal offense, provides for the punishment of perpetrators, defines mechanisms for obtaining restraining orders against abusive individuals, and extends protection to unmarried individuals and children of unmarried individuals. The law also provides for cooperation between government and civil society organizations, establishes the protection of the victim as a human rights principle, and allows third parties to file complaints on behalf of victims. According to a 2009 report by the local NGO La Strada, there were no government standards regarding the quality of victim support services or for the identification, assessment, or monitoring of domestic violence cases.

According to NGOs, domestic violence and spousal abuse remained widespread. A 2008 survey indicated that at least 40 percent of women in the country had been the victim of at least one violent act in their life. Domestic violence was closely linked to human trafficking. According to local NGOs, at least 80 percent of trafficking victims had previously been victims of domestic violence. A study released during the year by the Joint UN Program on HIV/AIDS found that 51.3 percent of women who had a sexual partner had experienced psychological violence in their lifetime and that 26.8 percent experienced such violence in the previous 12 months. A total of 24.2 percent had experienced physical violence in their lifetime, and 10.3 percent had experienced it in the previous 12 months. Slightly more than 12 percent had experienced sexual violence in their lifetime and 7.1 percent in the past 12 months. Rural women experienced all forms of violence in significantly higher proportions than urban women did, and younger women experienced more emotional and sexual violence compared with older women.

Victims of domestic violence generally suffered in silence, as the problem received little recognition from government, society, or other women. Unless such violence resulted in serious injuries, most citizens accepted it as a normal aspect of private life by both men and women, and not a problem warranting legal intervention. Surveys indicated that only 11.2 percent of domestic violence victims sought medical assistance, only 12.2 percent reported the abuse to the police, 6.3 percent pursued claims through the justice system, and 5.1 percent reported their abuse to other municipal authorities.

NGOs noted that one of the reasons women rarely reported domestic violence to authorities was because of the general weakness of available legal remedies, which commonly consisted of fines and brief detentions for convicted abusers. After their release from detention, abusers commonly returned to their homes and continued the abuse. Fines often had the effect of significantly reducing the overall household budget, which further harmed the wives and children of abusers.

Women's groups continued to assert that incidents of spousal abuse were significantly underreported. According to the Ministry of Interior, between January and November authorities registered 1,997 cases of domestic violence. The actual numbers were believed to be much higher.

The government supported education efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to instruct the public and law enforcement officials on how to address the problem. The city of Chisinau operated a women's shelter for domestic violence victims. Private organizations operated services for abused spouses, including a hotline for battered women. Access to such assistance remained difficult for some.

The NGO La Strada operated a hotline for reporting domestic violence, offered victims psychological and legal aid, and provided victims with options for follow-up assistance. During the first nine months of the year, the hotline received 623 calls from victims of domestic violence requesting assistance. Despite the success of the hotline, La Strada representatives noted that few victims requested follow-up assistance.

In July parliament approved criminal code amendments designed to better promote the safety and well-being of victims, their children, and their property. The amendments require the abuser to leave lodgings shared with the victim, regardless of who owns the property. The amendments also provide for psychiatric evaluation and counseling, forbid the aggressor from approaching the victim either at home or at a place of business, and forbid visitation of children pending a criminal investigation. Courts may apply such protective measures for a period of three months, and can extend them upon the victim's request or following repeated acts of violence.

In Transnistria there is no law prohibiting violence against women. Domestic violence against women in Transnistria was a serious problem, although, given the lack of laws against domestic violence the extent was difficult to estimate. According to a 2009 study conducted by the NGO Rezonans, one in four women in Transnistria experienced domestic violence in the form of physical abuse, economic manipulation, or psychological violence.

Sexual harassment remained a common problem. In July parliament approved amendments to the criminal code that criminalize sexual harassment and provide for penalties ranging from a fine to a maximum of two years imprisonment. The new law prohibits sexual advances that affect a person's dignity or create an unpleasant, hostile, degrading, or humiliating environment in a workplace or educational institution.

In January the parliamentary ombudsman received complaints from parents claiming that their children at a high school in the Chisinau suburb of Riscani were being sexually harassed. The ombudsman's investigation revealed that a number of girls had been sexually molested by a teacher. The Riscani prosecutor's office refused to launch a criminal investigation, stating that the acts took place before the criminalization of sexual harassment in July. Authorities argued that the law in force at the time prohibited only the use of force to make another person commit a sexual act. The school board subsequently dismissed the teacher, but a court later reinstated him because the school board had failed to follow proper legal procedures. Appeals remained pending at year's end, and the ombudsman responsible for children continued to monitor the case.

Couples and individuals could decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. The government adopted laws and implemented policies to increase the birthrate by ensuring free obstetric and postpartum care to all citizens and by paying child benefits of 1,700 lei (\$140) for the first child in a family, and 2,000 lei (\$165) for each subsequent child. Applying to receive child benefits was sometimes difficult because of excessive bureaucracy, but there were no reported cases of denial of payment. Mandatory government medical insurance covered all expenses related to pregnancy, birth, and postpartum care. During pregnancy, the government provided essential medicines free of charge.

Most medical institutions, both state and private, had free booklets and leaflets about family planning and contraception. There were no reports of women discriminated against when diagnosed with or treated for sexually transmitted infections, including HIV. There were reports that some employers failed to provide women with paid maternity leave or threatened pregnant women with termination of employment.

There were no reports of Romani women denied obstetrical, childbirth, or postpartum care. However, many Romani women failed to take advantage of free government-administered medical care during pregnancy. There was no reliable information on Romani access to

medical care during pregnancy. There was no reliable information on Roman access to contraception.

The law provides for full gender equality. The National Bureau of Statistics reported that women experienced higher levels of employment than men did. Women, however, earned approximately 85 percent of what men earned for equal work. According to an EU report released in 2008, the country's implementation of the 2006 law on equal opportunities for men and women was slow. In some cases, especially in rural areas, women encountered attitudes and stereotypes that served to perpetuate the subordinate position of women in the family and in society.

The law provides for 70 days of paid leave for pregnant women, and an additional 56 days of postpartum maternity leave (70 days in case of complicated or multiple births). Once this officially authorized leave period is exhausted, men and women have the option of taking partially paid paternity or maternity leave for up to three years (counting towards an employee's seniority). Women are also entitled to unpaid maternity leave of up to six years from the child's birth, while retaining the right to their job. This period is also included in seniority. While government-owned companies generally followed these regulations, private firms often ignored the law by restricting maternity leave periods through individual work contracts.

Children

Citizenship can be acquired by birth in the country, inheritance from parents, adoption, recovery, naturalization, or on the basis of certain international agreements. Registration of birth is free of charge for all citizens. Civil registration offices within maternity hospitals issued birth certificates before the mother and newborn were discharged from the hospital.

Primary education was free and compulsory until the ninth grade, although many inadequately funded schools, particularly in rural areas, charged parents for school supplies and textbooks. Although not illegal, such fees contradicted the government's policies and resulted in some parents keeping their children home. Government and local authorities provided 300 lei (\$29) for school supplies annually to children from vulnerable families.

Romani NGO Vocea Romilor reported that 2,800 Romani children were unable to attend school because of poverty. According to Romani NGO Ograda Noastra, approximately 50 percent of Romani children attended school, but the group acknowledged that such estimates were often unreliable.

The law prohibits child neglect and specific forms of abuse, such as forced begging; however, child abuse was believed to be widespread. In December 2009 law enforcement agencies had opened 405 cases for crimes against children, including 97 cases of sexual abuse, 20 cases of serious bodily injuries to children, and 10 cases of premeditated murder. The Ministry of Interior is responsible for investigating and prosecuting child sexual abuse cases, but declined to release statistics on the scope of the problem.

According to the Ministry of Labor, Social Protection, and Family, inadequate victims' services, lack of reliable methods to track cases, and insufficient legal mechanisms to prevent such abuse or to provide special protection to victims, hampered efforts to protect children from abuse. According to the ministry, more than 25 percent of minors admitted to being beaten by their parents, 20 percent said they experienced parental verbal abuse, and 15 percent said they lacked food and care. Approximately 10 percent of parents admitted to abusing their children, emotionally or physically.

During the year there were reports of cases of child prostitution. Commercial sex with minors is punished as statutory rape. The minimum age for consensual sex is 16 years. The law prohibits production, distribution, broadcasting, import, export, sale, exchange, use, or possession of child pornography, and violators face one to three years' imprisonment.

According to the Center for Combating Trafficking in Persons, in the first 11 months of the year, authorities opened 19 investigations into allegations of child trafficking, approximately the same number as during the same period in 2009. Prosecutors filed formal criminal charges in eight of these cases, and courts convicted three persons on criminal charges related to trafficking of children, sentencing two persons to prison and giving the third person a suspended sentence.

Conditions for children in orphanages and other institutions remained generally very poor. Underfunding caused major problems such as inadequate food, "warehousing" of children, lack of heat in winter, and disease. NGOs estimated that approximately 25 percent of the children in orphanages had one or two living parents but were abandoned when their parents left the country in search of employment. Observers estimated that approximately one-third of children lived in households where one or both parents had left the country in search of work. Such children often lived in poverty, and were particularly vulnerable to trafficking and labor exploitation.

Various government ministries ran their own orphanages and boarding schools. The Ministry of Labor, Social Protection, and Family maintained two boarding schools with a population of 675 children with disabilities and three asylums providing temporary shelter (for up to one year), counseling, and other assistance to up to 110 children from socially vulnerable families. The Ministry of Education oversaw 19 boarding schools with 5,932 students, and two orphanages with 137 children. The ministry reported that 35 percent of the children in its care were orphans or abandoned. The other 65 percent came from socially vulnerable families in which parents were unable to maintain even basic living conditions. The ministry also supervised 42 institutions for children with disabilities, housing up to 5,487 children.

On August 13, Minister of Education Leonid Bujor announced that the number of children placed in residential institutions had dropped by 32.6 percent since 2007, following implementation of a National Action Plan for the Reform of the Residential Care System for Children. According to Bujor, 7,087 children lived in 56 institutions run by the Residential Care System for Children and, of those, 17 percent were orphans. He also noted the existence of 76 family homes for children, 87 professional foster parents, 102 daycare centers, two social-medical rehabilitation centers, and 31 temporary placement centers for families with children facing difficulties.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The Jewish community had approximately 25,000 members, including 2,600 living in Transnistria.

On the night of September 11, unknown individuals painted Nazi swastikas and SS symbols on the façade of the synagogue in Chisinau. According to the chief rabbi, Zalman Abeliskii, several other minor incidents occurred during the year. The investigation is ongoing. Parliament speaker and acting president Mihai Ghimpu described the profanation of the synagogue as "a provocation."

In December 2009 the Chisinau Jewish community organized the dedication of a five-foot-high menorah in the city's central park. A crowd led by Moldovan Orthodox priest Anatolie Cibric gathered, engaged in anti-Semitic speech, dismantled and removed the menorah from its base, and placed it upside down at the feet of a nearby statue of Stephen the Great, the medieval Moldovan king who is also a Moldovan Orthodox saint. Authorities condemned the incident and fined Cibric for his role in it.

On November 10, in Chisinau, several hundred Orthodox Christians marched to warn local authorities against allowing the Jewish community to place a menorah in downtown Chisinau during the upcoming Hanukkah celebration. A leader of the Orthodox Youth Association told media that placing the menorah near the statue of Stephen the Great was offensive and constituted a form of oppression of Christians by non-Christians. Chisinau mayor Chirtoaca responded by telling the Jewish community to proceed with plans to place the menorah downtown. Seeking to avoid further desecration of the menorah, Jewish community leaders instead decided to place the menorah on private property in the courtyard of the Chisinau Jewish Community Center. On December 1, the Jewish community dedicated the menorah, and it remained there during the holiday without incident.

In March 2009, after one of Chisinau's synagogues received a shipment of kosher food from abroad for the upcoming Passover holiday, police officers made several visits to the synagogue to search the food parcels.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual [Trafficking in Persons Report](#).

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to public facilities, healthcare, or the provision of other state services, but the law was rarely enforced. Local NGO Gaudeamus reported continued widespread discrimination against students with disabilities.

On August 25, shortly after the country's ratification of the UN Convention on the Rights of Persons with Disabilities, the Ministry of Education issued an order ensuring the inclusion of orphans and children with disabilities and special educational needs into the educational system.

During the year there were over 170,000 persons with disabilities in the country. While national strategies for reforming the residential childcare system and rehabilitating and integrating persons with disabilities existed, the government did not provide funding to implement them. Persons with disabilities faced discrimination, social exclusion, poverty, unemployment, low quality education, and lack of access to social protection. The director of the Center for Services for Students with Disabilities noted that the structure of educational institutions and the lack of materials for teaching persons who are deaf or blind were illustrative of the government's general failure to meet the needs of persons with disabilities.

Official regulations mandate access to buildings for persons with disabilities, and most government buildings provided such access. While most newly built or reconstructed private buildings were accessible, older buildings often were not. The government provided few resources to training persons with disabilities. The Social Assistance Division in the Ministry of Labor, Social Protection, and Family and the National Labor Force Agency are responsible for protecting the rights of persons with disabilities.

On October 6, authorities approved a framework regulation on organization, operation, and quality standards of "community houses" for persons with mental disabilities. Such community houses were designed to take the place of boarding facilities for children with mental disabilities.

According to the Association of the Blind, there were 9,000 persons nationwide with visual impairment, of which 3,500 were fully blind. The 2009 ombudsman report noted problems involving persons with visual impairment exercising their right to vote. According to the election law, voters unable to complete a ballot on their own have the right to invite another person to help them vote. However, this procedure jeopardizes the voter's right to a secret ballot. The ombudsman urged the government to make ballots available in Braille.

During the November 28 parliamentary election, at one polling station in Chisinau, authorities piloted a new method of direct, secret voting for persons with visual impairments.

In Transnistria children with disabilities and special educational requirements rarely attended school and lacked access to specialized resources.

Although the law provides for equal employment opportunities and prohibits discrimination against persons with disabilities (with the exception of jobs where certain health conditions are required), in practice many employers failed to provide accommodation to persons with disabilities and avoided employing persons with disabilities.

National/Racial/Ethnic Minorities

There were continued reports that Roma experienced violence, harassment, and discrimination. NGOs reported instances in which Roma were denied medical services, told that promised jobs were already filled when they reported to employment centers, and were subjected to arbitrary arrests and harassment. Roma were the country's poorest minority group and many continued to live in unsanitary conditions in segregated communities lacking basic infrastructure. These conditions often led to segregated education and schools with even fewer resources than existed elsewhere in the country.

Official statistics put the number of Roma in the country at 11,600. However, some Romani NGOs estimated it to be as high as 250,000, including 100,000 persons of voting age. NGOs asserted that government census forms allowed persons to identify with only one ethnic group, and that many Roma declined to identify themselves as Roma.

A 2009 report by the NGO National Center for Roma noted several specific cases of police harassment of Roma, including illegal searches and detention, at times accompanied by verbal intimidation, racial slurs, beatings, and extortion demands.

Many Romani children did not attend school, very few received a secondary or higher education, and the government did not provide education in the Romani language. Romani NGOs estimated that 80 percent of Romani children were illiterate. According to a 2007 UN Development Program (UNDP) report, 43 percent of Romani children between the ages of seven to 15 did not attend school, compared with approximately 6 percent of non-Romani children.

According to both the Bureau for Interethnic Relations and UNDP, the reasons for school nonattendance for Romani children were both objective and subjective. Objective barriers included a lack of financial capacity for parents to support their children's education, as well as health problems and deficiencies related to school infrastructure. Subjective barriers included experiences of discrimination in schools, lack of parental support for their children's education, and early marriages.

The 2009 National Center report mentioned two cases of Romani children denied equal access to education. In one case, officials of a technical college denied a Romani high school graduate free admission, despite the existence of a budget allocation specifically available for Romani

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were reports of governmental and societal discrimination based on sexual orientation. According to the gay rights NGO GenderDoc-M, lack of community recognition, negative media portrayals, and condemnation by the Orthodox Church, often led to public ostracism of LGBT persons and their families.

In recent years, public officials made a series of negative comments regarding homosexuality. In 2007, in response to an inquiry on the treatment of LGBT individuals by a member of the European Parliament, Nicholae Esanu, who at the time was deputy minister of interior, responded, "I have more important issues to solve than your gays and lesbians.... The situation of sexual minorities in our country is not a priority issue for the government."

In 2008, at a meeting with Balti students, Marian Lupu, speaker of parliament, expressed his opinion about public demonstrations of gays and lesbians, saying, "Everyone is free to do whatever they want in private, but public parades of homosexuals are inadmissible." Similarly, in a press conference on October 18, Acting President Mihai Ghimpu noted that his PL party's position on LGBT rights was that persons could invoke such rights in private, but that, as Christians, "we should not popularize these kinds of rights."

On April 28, the Court of Appeals ruled in favor of the Chisinau city government, which had denied a permit by organizers of an LGBT pride parade scheduled for May 2 in Chisinau's central square. The city mayor's office had denied the permit, noting its concern over counterdemonstrations planned by Christian groups and NGOs. Mayor Dorin Chirtoaca proposed an alternative location away from the center of the city, but parade organizers rejected that alternative. During the only previous pride parade, held in 2008, police failed to intervene as counterdemonstrators physically attacked parade participants.

On December 6, a 27-year-old gay man took his life following an incident of homophobic harassment by the Moldovan police during the day. The incident started when a police car arrived at a known "cruising area" in Chisinau. The police asked two men to go with them to the police car, where police officers proceeded to abuse verbally and intimidate the two men with homophobic and derogatory remarks. As a witness to the incident, a male staff member from the local LGBT rights organization Gender Doc-M, attempted to intervene on their behalf. The outreach worker contacted the president of Gender-Doc-M whose intervention resulted in the men's release but not before the police had taken their personal details including their work addresses. Only one of the police officers, Sergiu Gaina, presented his identity; his anonymous colleague was armed. After the incident, the young man went home, called his mother and apologized to her for being gay. Later that night, the man hanged himself.

Gender Doc-M issued a press release, stating that while the exact reasons for the suicide may never be known, this incident, as witnessed by one of their outreach workers, was consistent with a pattern of police abuse of power towards the LGBT community, which included blackmailing or threatening and detaining LGBT individuals at police stations. Authorities failed to launch any investigation into this incident, and subsequent appeals by Gender Doc-M officials to the Interior Ministry and the police received no reply.

In Transnistria homosexual activity is illegal, and LGBT persons were subject to governmental and societal discrimination.

In recent years, over 30 citizens were forced to travel abroad to undertake gender-reassignment surgeries, since no such services were available in the country. While authorities allowed individuals to change their names (for example, from a male name to a female name), the government did not allow persons to change the gender listed on their identity cards or passports.

Other Societal Violence or Discrimination

NGOs including the League of People living with HIV, the Regional Centre for Community Policies, and "New Life" reported that persons living with HIV faced frequent societal and official discrimination, particularly by medical workers. While various laws enshrine patient confidentiality as an inherent right and prohibit the unauthorized disclosure of personal medical information, NGOs reported numerous cases of an individual's HIV status disclosed by physicians or nurses. Such instances occurred primarily in rural areas and smaller communities with a relatively low number of patients. No measures were taken to prevent such abuses.

Following disclosure of the HIV status of a person, their children were often ostracized in kindergartens and schools, and employers found reasons to discharge the HIV-positive individuals. Such patients avoid taking action against the medical workers from fear of further discrimination. Authorities were investigating a case of medical misconduct in Ungheni, in which a healthcare worker disclosed a patient's HIV status. With the help of local social workers, the victim presented a formal complaint to the local prosecutor's office.

In December 2009 an HIV positive prisoner identified as S.V. was refused access to prison gym

facilities. When he complained to the district prosecutor's office about the refusal, the prosecutor replied that it was appropriate to deny this individual access to the facilities because of his HIV status. The Moldovan Institute for Human Rights submitted a complaint to the Prosecutor General's Office requesting disciplinary action against the district prosecutor. The office replied that the nature of HIV is such that S.V. should be in a "certain degree of isolation from the rest of the detainees." As the institute was preparing to file a formal complaint to the Ministry of Justice, the Penitentiary Department decided to permit S.V. access to some gym equipment.

One of the conditions for immigration to the country is that prospective immigrants obtain a medical certificate containing the results of an HIV test. In three cases during the year, the Interior Ministry's Bureau of Asylum and Migration refused to issue immigration certificates to HIV-positive individuals because such persons suffered diseases presenting a danger to public health. The applicants appealed these rulings, and the cases remained pending before the courts at year's end. In one of these cases, the Supreme Court posted a decision on its website, which disclosed the identity and HIV status of the applicant.

Section 7 Worker Rights

a. The Right of Association

The law provides workers with the right to form and join independent unions and conduct their activities without government interference; however, this right was not always respected in practice. Unions may only acquire legal status if they are members of national, sectoral, or intersectoral organizations. Approximately 46 percent of the workforce was unionized. The law forbids police and members of the armed forces from joining unions.

The law does not provide sanctions for violations of freedom of association, and labor organizations reported that labor inspectorates and prosecutors' offices failed to monitor and enforce the right to organize effectively.

The law provides for the right to strike, except for government workers and workers in essential services such as law enforcement. Healthcare providers and public utility employees are not allowed to strike during duty hours. Political strikes are prohibited. Compulsory arbitration may be imposed at the request of only one party to the conflict. Workers exercised the right to strike by conducting legal strikes during the year.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining and the right to organize; however, this right was not always respected in practice.

The law does not stipulate penalties for violating trade union rights, although it does prohibit antiunion discrimination. As a result, prosecutors may reject appeals by trade unions alleging antiunion behavior and during the year, violations of the trade union law remained unpunished. According to the Prosecutor General's Office activity report, released early in the year, there were no cases of criminal investigations initiated by the prosecutors on infringement of right to organize and bargain collectively.

In 2008 the government ignored a request by the Education and Science Trade Union (ESTU) to enter into collective bargaining for a salary increase. ESTU subsequently organized a picket line in front of government buildings in protest. Upon assuming office, the AEI government announced that teachers would be the only government employees to receive a scheduled annual salary increase. In September 2009 the government increased salaries for teachers by 24 percent.

In February the formerly government-controlled National Trade Confederation (CNSM), which represented 450,000 workers across almost all economic sectors, joined the International Trade Union Confederation as part of an internal democratization process. The CNSM is a member of commissions on which it can discuss labor-related issues with employers and government representatives.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, with exceptions. The law and a government decision allow central and local authorities, as well as military bodies, to mobilize the adult population under certain conditions, such as military service and national calamities, and employ such labor to develop the national economy. The government did not invoke this provision during the year.

Men, women, and children were trafficked for commercial sexual exploitation and forced labor, although the numbers of reported cases have declined in recent years. Also, see the

labor, although the numbers of reported cases have declined in recent years. Also, see the Department of State's annual *Trafficking in Persons Report*.

The NGO Pacifists without Borders accused military centers and conscription commissions of violating the rights of persons who have reached the age of conscription for military service (18 years). The NGO stated that to reach conscription targets, military centers and conscription commissions declared some men fit, both physically and mentally, for conscription without medical examinations and without taking into account their beliefs and values.

The law prohibits forced or compulsory child labor.

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

The law sets standards for child labor, including the minimum age for employment, hours of work, and working conditions, and prohibits the worst forms of child labor. However, these protections were not effectively enforced, and child labor was a problem. Parents who owned or worked on farms often sent children to work in fields or to find other work.

According to the estimates of the Children's Activities Survey, conducted in 2009 by the Ministry of Labor, Social Protection, and Family, 177,872 children, who represent 29.8 percent of 15 to 17-year-olds, were economically active. The employment rate was as high as 17.6 percent among boys between the ages of five and 11. Approximately half of boys between the ages of 15 to 17 were employed. Among girls this figure was approximately 35 percent. Despite the high employment rate among children, the average number of work hours for children was an estimated nine hours per week. Oleg Budza, chair of the Confederation of Trade Unions, acknowledged the prevalence of child labor, especially in agricultural and sales sectors (markets) as well as the service economy.

There were reports that farms and agricultural cooperatives signed contracts with school directors to have students work during the harvest high season; children were paid for the work but were pressured to participate. On several occasions during the autumn harvest, the ombudsman responsible for children investigated reports of children working in fields and vineyards and returned the children to their schools, threatening school authorities with fines. During inspections conducted between June and October, the Labor Inspectorate Office (LIO) found 405 persons under the age of 18 working for 14 agricultural farms, including 245 children under the age of 16. As a result of LIO inspections, 40 children were removed from the worst forms of child labor, including five children under 15 years old working in the agricultural sector.

The minimum age for unrestricted employment is 18 years. Persons between the ages of 16 and 18 are permitted to work under special conditions, including shorter workdays. Individuals falling within this age range are prohibited from night, weekend, or holiday shifts and are not permitted to work overtime. Fifteen-year-old children may work only with written permission from a parent or guardian. The most common labor violations involving persons under the age of 18 were failure to issue work contracts, illegal overtime, scheduling work during school hours, and underpayment or nonpayment of wages.

Children worked illegally picking apples, sewing in factories, working as waiters, and in construction. Children also regularly worked in theaters, car washes, markets, and transportation. During inspections, one of the most commonly identified violations involving child labor was a lack of legally required labor contracts. In addition to illegal child labor, the inspections uncovered other violations involving children, such as lack of proper safety equipment and education, the participation of children in heavy labor or work with dangerous chemicals, as well as violations in the areas of compensation and vacation calculation.

Efforts by the LIO to enforce child labor laws did not effectively prevent violations. Between January and October, the LIO uncovered 50 cases involving the employment of individuals younger than 18 years, and 51 cases of children working illegally without a work record card or signed work agreement. Of these 101 child labor violations, the LIO referred eight to courts for further action. While the LIO could stop ongoing child labor activities, it lacked the authority to punish violators.

Through September, the LIO reported 454 violations against economic agents for breaching labor legislation, and forwarded the documentation to the courts. There were 32 contraventions impeding the activity of the public officers forwarded to CCECC for farther investigations and subsequent action.

There were reports that children, including those in state-run orphanages, were trafficked within and to points outside the country for commercial sexual exploitation, labor, and begging. The law provides for 10 to 15 years' imprisonment for persons involving children in the worst forms of child labor, and under aggravated circumstances, the sentence could be life imprisonment.

e. Acceptable Conditions of Work

The minimum monthly wage for the private sector of the economy was amended on February 1, and set at 1,100 lei (\$91) per month. The Ministry of Labor, Social Protection, and Family announced that all economic agents had four months – until May 1 – to adjust their internal policies and salary calculations to the new minimum wage. The amount was established after lengthy negotiations with unions and company owners. The minimum monthly wage for the public sector is established by the government and was set in January 2009 at 600 lei (\$50) per month. In October the National Bureau of Statistics reported that the average monthly salary was 2,957 lei (\$238).

The law sets the maximum workweek at 40 hours with extra compensation for overtime and provides for at least one day off per week. LIO field visits led to the sanctioning of violators when discovered, but staff and funding deficiencies limited the frequency of such visits. While the country had few foreign or migrant workers, the law gives them equal status to domestic workers.

A thriving informal economy and black market accounted for a significant portion of the country's economic activity. Union representatives believed that the shadow economy employed approximately 30 to 40 percent of the workforce.

Under the labor code, work contracts are required for all employment, even on private farms. Registration of contracts with local officials is required, and the copies sent to the local labor inspectorate. The 2009 LIO report noted that joint inspection teams comprised of the LIO, tax inspectorate, and Interior Ministry, operating in April and May 2009, identified approximately 900 persons employed at about 250 enterprises without such contracts, a further indication of the shadow economy. There were also no reports of such contracts offered in the agricultural sector, and the central government did not have a mechanism to monitor compliance with the requirement.

The government is required to establish and monitor safety standards in the workplace, and the LIO was responsible for enforcing health and safety standards. During the first nine months of the year, the LIO performed 5,112 inspections, 2,578 of which were health and safety inspections, in which the LIO documented 34,165 health and safety infringements. During the same period, the LIO inspected 3,253 companies employing 198,000 persons, and uncovered 100 companies employing 560 persons without proper documentation.

The law provides workers the right to refuse work if conditions represent a serious health or safety threat, but there were no reports that workers exercised this right in practice. Poor economic conditions led enterprises to economize on safety equipment and provide inadequate attention to worker safety. LIO representatives noted severe financial and legal constraints on inspectors' activities, ranging from lack of Internet access, training, and fuel for inspectors, to a system of incentives that drives employers to pay minimal fines for violations rather than address underlying problems.

[1] Unless otherwise noted, all references in this report exclude the secessionist region of Transnistria.