Home Office
BUILDING A SAFE, JUST AND TOLERANT SOCIETY

COUNTRY OF ORIGIN INFORMATION REPORT

MOLDOVA

MARCH 2006

RDS-IND
COUNTRY OF ORIGIN INFORMATION SERVICE

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1. Scope of document

1.01 This Country of Origin Information Report (COI Report) has been produced by Country of Origin Information Service, Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 8 March 2006.

1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by

government offices or subscription services, are available from the Home Office upon request.

1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information
Email: apci@homeoffice.gsi.gov.uk
Website: www.apci.org.uk

2. Geography

2.01 As noted in the CIA World Factbook last updated on 1 November 2005, Moldova is located in Eastern Europe, northeast of Romania. Moldova is landlocked and covers an area of 33,843 sq km. Chisinau is its capital and the country's total population, as estimated in July 2005, is 4,455,421. The official language is Moldovan (noted as being virtually the same as Romanian). Other languages used include Russian and Gagauz (a Turkish dialect). **[1]**

(See also Annex B Maps)

2.02 The same source noted that at the census of 2004, 78.2 per cent of the population were Moldovan/Romanian, 8.4 per cent Ukrainian, 5.8 per cent Russian, 4.4 per cent Gagauz, 1.9 per cent Bulgarian and 1.3 per cent other ethnic groups. **[1]**

(See also Section 6.28: Freedom of Religion)

2.03 The Europa World Year Book Online (accessed 1 December 2005) noted that the majority of the inhabitants of Moldova profess Christianity, the largest denomination being the Eastern Orthodox Church. The Gagauz, although of Turkic descent, are also adherents of Orthodox Christianity. The Russian Orthodox Church (Moscow Patriarchate) claims jurisdiction in Moldova, but there are Romanian and Turkish liturgies. **[2g]** The CIA World Factbook noted that as of year 2000, 98 per cent of the population were Eastern Orthodox, 1.5 per cent Jewish and 0.5 per cent were Baptist and other denominations. **[1]**

(See also Section 6.104: Ethnic Groups)

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3. Economy

3.01 The United States Department of State (USSD) Background Note on Moldova (August 2005) noted that Moldova remained the poorest country in Europe and like many other former Soviet republics, the country has experienced economic difficulties. Since its economy was highly dependent on the rest of the former Soviet Union for energy and raw materials, the breakdown in trade following the break up of the Soviet Union had a serious effect, exacerbated at times by drought and civil conflict. The Russian ruble devaluation of 1998 had a deleterious effect on Moldova's economy, but economic growth has been steady since 2000. **[3c] (p5)**

3.02 The USSD Background Note stated:

"Moldova continues to make progress toward developing a viable free-market economy. The country recorded its fifth consecutive year of positive GDP growth in 2004, with year-end real GDP growth of 8%. This growth is impressive considering that, prior to 2000, Moldova had recorded only one year of positive GDP growth since independence. Budget execution in 2004 was also impressive, as actual consolidated budget revenues exceeded projections by 1.4% for most of the year." **[3c] (p5)**

CURRENCY

3.03 As of 14 December 2005, Yahoo! Finance noted the exchange rate was 12.870 Moldovan Leu (MDL) to $1 US. **[40]**

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4. History

1991 INDEPENDENCE TO END 2003

4.01 The Freedom House Freedom in the World 2005 report on Moldova stated:

"The Soviet Socialist Republic of Moldova declared independence from the Soviet Union in 1991. The country's first free and fair popular election took place in 1994. While the Communist Party of Moldova (PCM) won a plurality of votes in the 1998 parliamentary elections, three centrist parties united to form a majority coalition. Subsequently, Moldova undertook much-needed economic reforms and drafted a new constitution. In 2000, constitutional changes made Moldova a parliamentary republic, with the president chosen by parliament instead of by popular vote." **[17c]**

4.02 The BBC Country Profile on Moldova, last updated on 23 November 2005, noted that following the collapse of the USSR and the declaration of Moldova's sovereignty, fierce fighting took place as the Trans-dniester or Dniester Region tried to assert its independence, having unilaterally declared itself separate from Moldova in 1990. The violence only ended with the introduction of Russian peacekeepers and Trans-dniester's independence has never been recognised. **[13b]**

(See also section 4.14 Government relations with Trans-dniester region's authorities)

4.03 The same BBC source noted "The Moldovan parliament granted autonomous status to the Turkic-language speaking Gagauz region in the southwest of the republic in late 1994. It has powers over its own political, economic and cultural affairs." **[13b]**

4.04 The Freedom in the World 2005 report reported that "In the February 2001 parliamentary elections, the PCM won a landslide victory on the promise of a return to Soviet-era living standards. In April of that year, PCM leader Vladimir Voronin was elected president. Moldova thus became the first former Soviet republic to elect a Communist Party member as president." **[17c]**

4.05 Europa World Year Book Online, accessed on 6 December 2005, noted that following the confirmation of proposals to introduce the teaching of Russian Language and history to the national curriculum in December 2001, a demonstration involving approximately 3,000 people took place in Chisinau on 9 January 2002 protesting against these measures. These protests increased in size and took place daily throughout that month, prompting fears of destabilization. **[2a] (p8)**

4.06 Europa World Online also recorded that further demonstrations took place in February 2002, outside the headquarters of the national television company, against state censorship and misinformation. In late March of that year, Vlad Cubreacov, the deputy chairman of the People's Christian Democratic Party (PCDP), who had been involved in organising the anti-government protests, was declared missing, which members of the PCDP attributed to the Government and prompted yet more protests. In late May 2002, Cubreacov was discovered alive, although his kidnappers remained unidentified. **[2a] (p9)**

(See also section 6.13 Disappearances)

4.07 The Freedom in the World report further noted that "Local elections held nationwide in 2003 were declared by the Organization for Security and Cooperation in Europe (OSCE) to be in line with international standards, but some observers expressed concerns about intimidation of opposition candidates, bias among the media, and irregularities during the poll." **[17c]**

4.08 The Foreign and Commonwealth Office (FCO) Country Profile on Moldova, last updated on 8 August 2005, noted:

"In late November 2003, Russia produced a document setting out the parameters for a settlement [with the separatists 'Dniester Republic']. This was at the initiative of Presidents Voronin and Putin and drafted by Dmitri Kozak, then Deputy Head of the Russian Presidential Administration, following months of opaque negotiations with President Voronin's administration and the Transnistrian authorities. The Kozak document was drawn up in parallel to the OSCE [Organisation for Security and Co-operation in Europe]-led negotiation and drafting of a text by the three mediators. The OSCE refused to endorse the document and the opposition parties within Moldova held widespread anti-government protests. Voronin initially welcomed the Russian paper but the planned signature on 25 November [2003] was cancelled along with a visit by President Putin." **[38]**

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PARLIAMENTARY ELECTIONS OF MARCH 2005

4.09 Reporting on the parliamentary elections of 6 March 2005, electionguide.org tabled the following results:

RESULTS SUMMARY		
Registered Voters:	2,430,537	
Votes Cast:	1,576,079	64.84% of registered voters
Valid Votes:	1,557,828	98.84% of votes cast
Invalid Votes:	18,251	1.16% of votes cast

PARTY	**VOTES**	**%[OF VALID VOTES]**	**TOTAL SEATS**
Communist Party of the Republic of Moldova (PCRM)	716,336	45.98%	56
Democratic Moldova Bloc (BMD)	444,377	28.53%	34
Christian Democratic Party (PPCD)	141,341	9.07%	11

[15]

4.10 Europa World Year Book Online (accessed December 2005) reported that the ballot for President was held on 4 April 2005, between Vladimir Voronin and Gheorghe Duca, the President of the Moldovan Academy of Sciences; Voronin secured 75 of the 101 votes available (some 95 legislators were present); Duca received only one vote. Voronin's inauguration as President took place on 7 April 2005, following which he announced the intention to oversee a major rationalization of governmental structures, in accordance with which 16 ministries and 15 departments were to be amalgamated into 15 ministries, and staffing levels to be reduced by 70% by November. Vasile Tarlev was re-nominated as Prime Minister. The elections were generally regarded to have been conducted in a free and fair fashion, although there was criticism of some aspects of media coverage. **[2a] (p8)**

4.11 On 7 March 2005, BBC News noted "Moldova's governing pro-Western Communist Party has won parliamentary elections with a reduced majority. The Communists took 46% of the vote, but lost ground to the opposition Democratic Moldova bloc and the Christian Democratic Popular Party." The report went on to say "They [the Communist Party] used to be pro-Russian but now want closer ties with the EU. Tensions with Russia overshadowed Sunday's poll. The Moldovan authorities accused Russia of trying to influence the ballot. On Saturday, 100 Russians who said they were election

observers were barred from entering the country. International observers said the elections broadly met international democratic standards." **[13c]**

4.12 The Organization for Security and Co-operation in Europe (OSCE) reported in its Election Observation Mission Final Report of 3 June 2005 that:

"While the 6 March 2005 parliamentary elections in the Republic of Moldova generally complied with most OSCE commitments, Council of Europe and other international standards for democratic elections, nevertheless, they fell short of some that are central to a genuinely competitive election process. In particular, campaign conditions and access to the media were not satisfactorily equitable. In this regard, the elections confirmed negative trends already noted in the 2003 local elections." **[8a]**

4.13 The OSCE also noted "[that] as in previous elections, voting did not take place in Bender and the territories to the east of the Nistru River which have *de facto* not been under the control of the Moldovan authorities since 1992. Nevertheless, nine polling stations were established on government controlled territory for voters from Transdniestria, and some 8,200 voters residing there were able to cast their ballots on election day." **[8a]**

(see Annex C – Political organisations)

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GOVERNMENT RELATIONS WITH THE TRANSDNIESTER REGION'S AUTHORITIES

4.14 As documented in the FCO Country Profile for Moldova, last updated on 22 December 2005 "The population of the Transnistrian region is 40% Moldovan, 28% Ukrainian and 23% Russian. Much of the Russian population moved there from Russia in Soviet times as a workforce for the Soviet Republic's industries, many of which are located in this region. The region's leadership maintains close links with Russia: its 'President' Smirnov hails from Siberia, moved to Transnistria in 1987 and holds Russian citizenship." **[38]**

4.15 The FCO report noted:

"[that] following independence, a separatist movement in the Transnistrian region on the left bank of the Nistru River declared a 'Dniester Republic'. Tension rose and in 1992 armed clashes occurred between government forces and Transnistrian separatists, resulting in several hundred deaths and the flight of tens of thousands of refugees to Ukraine. Following peace efforts by the Foreign Ministers of Moldova, Russia, Ukraine and Romania in April 1992, Presidents Yeltsin and Snegur signed an agreement in December 1992 confirming Moldovan territorial integrity and providing for the deployment of a tripartite Russian, Moldovan and Transnistrian peace-keeping force in Transnistria. They also agreed that a special status should be negotiated for Transnistria. However, no agreement on the status of Russian forces was ever formally concluded." **[38]**

4.16 The same source noted that:

"Eventually in 1997, Moldova and Transnistria signed a Memorandum on the bases for Normalisation of Relations with international backing. This memorandum established the framework for negotiations to reach a political settlement, involving the Moldovan and Transnistrian authorities with Ukraine, Russia and the OSCE as mediators. This agreement foresaw a broad degree of autonomy for Transnistria within a unitary

Moldovan state; foreign and security policy would remain the preserve of central (i.e. Moldovan) government. But no agreement was reached and the negotiations remained sluggish." **[38]**

4.17 The BBC's Country Profile for Regions and territories on Transdniester, last updated on 14 September 2005, noted that in December 2001, Igor Smirnov, Trans-Dniester's self-proclaimed president, was re-elected for a third five-year term. However, both Moscow and the Moldovan president declared the poll illegal. **[13d]**

4.18 BBC Timeline on Moldova, last updated on 18 January 2006, noted that in November 2003, following protests by nationalists who said it would give too much influence to Russia, President Voronin pulled out of signing the Russian-proposed deal on the Trans-Dniester settlement. In July 2004, disputes over closures of Moldovan-language schools in Trans-Dniester, for using Latin rather than Cyrillic script, led to Moldova imposing economic sanctions on the region and pulling out of talks on its status. **[13a]**

(See also Section 5.97: Educational System)

4.19 The same source noted that in June 2005, the Moldovan Parliament backed a Ukrainian plan granting Transdniester region autonomy within Moldova and called on Russia to withdraw its troops by end of year. **[13a]**

4.20 Radio Free Europe reported on 7 March 2006 that "Igor Smirnov, the leader of the breakaway region of Transdniester says his unrecognized republic is pulling out of talks to on [sic] resolving its conflict with Moldova. The move came in response to a decision by neighboring Ukraine not to allow in goods from Transdniester unless they were cleared by Moldovan customs." The report noted that "Transdniester's seperatist leaders say the new rules amount to 'an economic blockade' and accuse Ukraine of taking Moldova's side in the conflict. . . Smirnov said on March 7 [2006] that in such conditions 'all negiotiations' have become 'totally pointless." **[18c]**

4.21 A BBC News article, dated 2 September 2005, reported that although the Transdniester region is soon to mark its 15th anniversary of self-proclaimed independence from Moldova, the breakaway republic is still not recognised internationally. The report noted "As part of the latest plan Trans-Dniester is to hold parliamentary elections in December [2005], but the authorities fear there may be mass protests like the Orange Revolution in Ukraine, which led to the opposition leader coming to power. In a speech ahead of the anniversary the president of the breakaway republic, Igor Smirnov, said that foreign funding of political parties would be banned like in Belarus." **[13e]**

(See section 4.25 Transdniester parliamentary elections of December 2005)

4.22 An article in Radio Free Europe, dated 6 December 2005, noted that despite Russia promising to withdraw its troops from Transdniester at an OSCE summit meeting in 1999, their forces remained in the region. The article noted:

"A meeting of the Organization for Security and Cooperation in Europe (OSCE) ended today without a final document, following Russian objections to a passage concerning its troops in a breakaway province of Moldova. But delegations appeared satisfied that the foreign ministers meeting in Ljubljana had produced results that will go into effect – even without the formal approval of the conference. In listing the conference's achievements, diplomats gave prominent place to an agreement that should help defuse some Russian criticisms about operations of the OSCE's human rights division." **[18a]**

4.23 The report further noted "Diplomats have told RFE/RL that the draft final document failed to win Russian approval largely due to a paragraph referring to the presence of Russian military forces in Moldova's breakaway province of Transdniester." **[18a]**

4.24 The same article also reported that:

> "U.S. Undersecretary of State for Political Affairs Nicholas Burns addressed that issue at a news conference today in Ljubljana. 'We regret the continued lack of movement in 2005 on the withdrawal of Russian military forces from Moldova, and we call upon the Russian Federation to use its vast influence in the region to resume and complete that important work,' he said. 'This would also send an important signal to the separatist regime in Tiraspol that a status quo which they may find convenient will not last forever.'" **[18a]**

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TRANSDNIESTER PARLIAMENTARY ELECTIONS OF DECEMBER 2005

4.25 As reported by Radio Free Europe on 10 December 2005:

"Voters in Moldova's breakaway region of Transdniester go to the polls on 11 December to elect a new local parliament. The election is being shunned by foreign governments and international watchdogs including the Organization for Security and Cooperation in Europe (OSCE), who said it deems the poll illegitimate. Moldova, which fought a short war with Transdniester in 1992, has also called on the international community to ignore the vote. The poll comes amid tensions between the OSCE and Moscow over Russia's refusal to withdraw its troops from Transdniester." **[18b]**

4.26 Radio Free Europe noted "It is the fourth time in the past 15 years that Moldova's separatist Transdniester region is staging parliamentary elections. For as many times, the poll has been largely ignored by the international community." The article also stated "A total of 179 candidates are vying for the 43-seat unicameral Supreme Soviet under a first-past-the-post system, with a minimum of 25 percent turnout necessary for the election in each constituency to be validated." **[18b]**

4.27 On 12 December 2005, Gazeta.ru reported:

"The new Supreme Council of Transnistria is elected. The Sunday election has been carried out just as Transnistria's authorities wanted it to be, with neither international poll watchers nor public rallies. On Sunday [December 11, 2005] residents of Transnistria elected their new Parliament. The turnout threshold of 25 percent of the voters was reached by 3 p.m. and the total turnout exceeded 50 percent. According to the Central Election Committee of the unrecognized republic, though the poll watchers have revealed some insignificant electoral frauds, they can't affect the voting results. Thus, leader of Transnistria Igor Smirnov will keep his office for the next five years, and the residents of the unrecognized republic will be left hanging, while the Russian authorities will keep the instrument to influence upon unfriendly Ukraine and Moldova." **[50]**

4.28 InfoTag News Agency reported on 13 December 2005 that the Transdniester parliamentary elections were declared valid by the region and parliament has been elected for the next five years. The Transnistrian central electoral commission chairman, Peter Denisenko, stated that 43 seats in parliament were contested by 179 candidates. The commission reported that more than 50 per cent of the 417 thousand Transnistrian's eligible to vote took part although a precise figure was due to be announced later. **[35]**

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5. State Structures

THE CONSTITUTION

5.01 As documented by Europa World Year Book Online, accessed on 6 December 2005:

"The Constitution of the Republic of Moldova, …was adopted by the Moldovan Parliament on 28 July 1994 and entered into force on 27 August [1994]. On 28 July 2000 amendments to the Constitution were enacted, which transformed Moldova into a parliamentary republic. Following alterations to the law on presidential election procedure, approved on 22 September [2000], the President of the Republic was, henceforth, to be elected by the legislature, rather than directly. The Constitution was further amended, to recognize the autonomous status of Gagauz-Yeri (Gagauzia) in July 2003." **[2b]**

5.02 Europa World Online noted:

"The Republic of Moldova is a sovereign, independent, unitary and indivisible state. The rule of law, the dignity, rights and freedoms of the people, and the development of human personality, justice and political pluralism are guaranteed. The Constitution is the supreme law. The Constitution upholds principles such as human rights and freedoms, democracy and political pluralism, the separation and co-operation of the legislative, executive and judicial powers of the State, respect for international law and treaties, fundamental principles regarding property, free economic initiative and the right to national identity. The national language of the republic is Moldovan and its writing is based on the Latin alphabet, although the State acknowledges the right to use other languages spoken within the country." **[2c]**

5.03 Europa World Online documented:

"The Constitution grants Moldovan citizens their rights and freedoms and lays down their duties. All citizens are equal before the law; they should have free access to justice, are presumed innocent until proven guilty and have a right to an acknowledged legal status. The State guarantees fundamental human rights, such as the right to life and to physical and mental integrity, the freedoms of movement, conscience, expression, assembly and political association, and the enfranchisement of Moldovan citizens aged over 18 years. Moldovan citizens have the right of access to information and education, of health security, of establishing and joining a trade union, of working and of striking. The family, orphaned children and the disabled enjoy the protection of the State. Obligations of the citizenry include the payment of taxes and the defence of the motherland." **[2d]**

See also **[11]** (The Constitution of Moldova)

5.04 The August 2005 USSD Background Note on Moldova noted that "In April 2003, the Moldovan Government and the Transnistrian authorities agreed to establish a joint commission to draft a constitution for a reintegrated state. However, fundamental disagreements over the division of powers remained, and a settlement proved elusive." **[3c]**

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JOINT CONSTITUTIONAL COMMISSION

5.05 An Organisation for Security and Co-operation in Europe (OSCE) report, accessed on 6 December 2005, noted that:

"The OSCE Mission to Moldova actively supported the creation and work of a Joint Constitutional Commission set up in February 2003 at the initiative of the Moldovan President. The Commission, composed of representatives from Moldova and the Transdniestrian region, is to work out a new constitution for a united federal state. The Mission provided the Commission with a venue, working facilities, and other logistical support." **[8b]**

5.06 The same report noted:

"Between May and October 2003 the Joint Constitutional Commission worked in parallel with the ongoing political settlement negotiations and drafted a chapter on human rights and fundamental freedoms. However, it failed to make progress on the federal structures of the future State and on the division of competencies between local and central authorities. In order to assist the two sides to address the disputed issues, the mediators in the Commission worked out a set of proposals and recommendations. The document with these proposals was handed over to the sides in February 2004 to serve alongside earlier documents as a basis for the negotiation process. However, no meetings of the Joint Constitutional Commission have taken place since autumn 2003." **[8b]**

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CITIZENSHIP AND NATIONALITY

5.07 The UNHCR Legal Information dated 2 June 2000 and accessed on 6 December 2005, noted: "The Law on Citizenship of Moldova was adopted on 10 August 2000. Citizens of the Republic of Moldova may not be citizens of other states, except in cases provided by international agreements to which the Republic of Moldova is a party. Citizenship of Moldova is proven by an identity card, passport, certificate of birth in case of a child or a certificate issued by competent authorities of the Republic of Moldova." **[20b]**

5.08 A BBC News Monitoring report, dated 9 July 2003 noted, "The Moldovan Parliament passed a new law in June 2003 permitting dual citizenship. The law stipulates that Moldovan citizens who obtain citizenship of other states are allowed to retain their Moldovan citizenship." **[37b]**

5.09 UNHCR reported "Citizenship of the Republic of Moldova is acquired through birth, recognition, adoption, recovery or naturalisation or on the basis of international agreements to which the Republic of Moldova is a party." **[20d]**

5.10 UNHCR noted "Citizenship of the Republic of Moldova may be lost through renunciation, deprivation or on the grounds deriving from international agreements to which the Republic of Moldova is a party." **[20d]**

5.11 The same source noted:

"Citizenship of the Republic of Moldova may be revoked to a person by the decision of the President of the Republic of Moldova if that person has acquired the citizenship of the Republic of Moldova by way of fraud, false information or concealment of any relevant fact proved by court, if a person has voluntarily enrolled in a foreign military service, committed actions seriously prejudicing the vital interests of the state, as

proved by the court, or if the person has voluntarily acquired the citizenship of another state that did not conclude an agreement on dual citizenship with the Republic of Moldova and does not renounce the citizenship of any of the states during one year." **[20d]**

5.12 UNHCR further noted that "Citizenship may be recovered under Article 17, for a person who has reached 18 years of age and who knows and observes the provisions of the Constitution, knows the national language sufficiently well to integrate into social life and who loses or renounces the citizenship of another state, if possessed, except in cases when the loss or the renunciation is not possible or cannot reasonably be requested." **[20d]**

5.13 Freedom House, Freedom in the World 2005 Report on Moldova noted "In July 2004, parliament approved an amendment to the citizenship law allowing anyone who lived on Moldovan territory before independence to have automatic citizenship. The law targets Transnistrians who previously had difficulty obtaining Moldovan citizenship." **[17c]**

See also [10a] (Law on Citizenship)

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POLITICAL SYSTEM

5.14 Europa World Year Book Online, accessed on 6 December 2005, noted:

"Under the Constitution of 1994, supreme legislative power is held by the unicameral Parlamentul (Parliament), which is directly elected every four years. Parliament comprises 101 members. The President is Head of State and holds executive power in conjunction with the Council of Ministers, led by the Prime Minister. According to constitutional amendments introduced in July 2000, the President is elected by the legislature for a four-year term. Following local elections in May 1999 the country was reorganized into nine provinces and two autonomous entities – Gagauz–Yeri and Transnistria. However, in January 2003 the Government approved new legislation on administrative reform, replacing the structure introduced in 1999 with one based upon 33 districts (rayons) and two municipalities, although the two autonomous entities were to retain that status." **[2e]**

5.15 Freedom House Freedom in the World 2005 Report documented that citizens of Moldova can change their government democratically. In 2000, Moldova ended direct presidential elections. Today voters elect members to parliament by proportional representation; parliament then elects the prime minister and the president. The president remains dominant on the political scene and important policy decisions are made by a political board of the PCM (President Vladimir Voronin's party), which reports directly to the president. **[17c]**

5.16 The OSCE Election Observation Mission Final Report, dated 3 June 2005, noted "The threshold for parliamentary representation is six percent for parties running individually, nine percent for electoral blocs of two parties, 12 percent for coalitions of three or more parties, and three percent for independent candidates." The report also noted "For a parliamentary election to be valid, there must be at least a 50 percent voter turnout." **[8a]**

5.17 The Freedom in the World report noted that "The self-declared government in Transnistria severely limits the ability of voters in that region to participate in Moldova's national elections." **[17c]**

5.18 As documented in the FCO Moldova Country Profile, 22 December 2005:

"Elections to the People's Assembly were held in the autonomous Gagauz region in late November/early December 2003. The Communist party and those loyal to it won the majority of seats. Independent candidates secured a small number of seats, while the principal opposition parties failed to win a single seat. The OSCE Election Observation Mission concluded that the elections were conducted in line with international standards for transparency, but again noted some concerns, including deficiencies in protecting the secrecy of the vote, divergences in the implementation of the election law with regard to the use of mobile boxes, and the presence of police within polling stations." **[38] (p3)**

5.19 The USSD 2005 Moldova Country Report also noted that:

"The law provides for three parliamentary advocates (ombudsmen) and an independent center for human rights, the Moldovan Human Rights Center. Parliament appoints the three advocates, who have equal rights and responsibilities, for 5 year terms. Advocates may be removed from office only by a two-thirds vote of Parliament. Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights problems, submit legislation to the Constitutional Court for review, and oversee the operation of the Moldovan Human Rights Center. In practice the parliamentary advocates dealt mostly with low-level cases. Center personnel provided training for lawyers and journalists, visited jails, made recommendations on legislation, and organized round tables. In July, the Moldovan Human Rights Center presented an annual report to Parliament that documented the human rights complaints it received in 2004 and made recommendations for improving legislation in the field of human rights. Several opposition parliamentarians criticized the center for not being active enough in reporting violations and proposing solutions to human rights problems." **[3a] (Section 4)**

(see Annex C – Political organisations)

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JUDICIARY

5.20 The International Helsinki Federation's (IHF) 2005 Annual Human Rights Report for Moldova states that "The Constitution provides for an independent judiciary, however, there was pressure from authorities on courts, and widespread corruption among judges remained a serious problem in 2004." **[12]**

5.21 The same source noted:

"Authorities continued to interfere in the operation of the courts and the judiciary. Several newspaper articles, some parliamentary deputies from the opposition party and a former judge of the Constitutional Court, Gheorghe Susarenco, voiced concern regarding the erosion of the independence of judiciary and political interference on the part of the government party in some cases that were pending in the national courts or were under investigation." **[12]**

5.22 The USSD 2005 Moldova Country Report noted:

"[that] There continued to be credible reports that local prosecutors and judges extorted bribes in return for reducing charges or sentences, and observers charged that courts were sometimes politically influenced. Political factors have played a large role in the reappointment of judges. The judiciary consists of lower courts, courts of appeals, and

the Supreme Court of Justice. A separate Constitutional Court has exclusive authority in cases regarding the constitutionality of draft and final legislation, decrees, and other government acts. The Constitutional Court was the only court generally regarded as fair and objective. **[3a] (Section 1e)**

5.23 The USSD Report also noted that "The Prosecutor General's office is autonomous and answers to Parliament. It is responsible for overseeing criminal investigations, presenting charges before a court, and protecting the rule of law and civil freedoms. Prosecutors may open and close investigations without bringing the matter before a court, giving them considerable influence over the judicial process." **[3a] (Section 1e)**

5.24 The same source noted:

"While defendants in criminal cases are presumed innocent, in practice, a prosecutor's recommendation carried considerable weight and limited a defendant's actual presumption of innocence. Trials were generally open to the public; however, due to a shortage of courtrooms many cases were heard in judges' offices. Court session information, such as trial times, locations and verdicts, was rarely posted publicly as required by law, which limited public access to court proceedings. Cases were presented to a judge or panel of judges depending on the complexity of the case. 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 defendants who are unable to afford one; however, since the government did not pay ongoing legal fees, defendants often did not have adequate counsel. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review evidence against their clients when preparing cases. Convicted persons have the right to appeal to a higher court." **[3a] (Section 1e)**

5.25 Regarding defendants access to lawyers, the Central European and Eurasian Law Initiative (CEELI), accessed on 14 December 2005, reported that:

"[that] the Traveling Lawyer Program is to provide quality legal services to people who are often unable to travel for legal advice or assistance due to disability, cost or lack of public transportation. The Traveling Lawyer program now includes advocates based in Edinet, Drochia, Soroca, Causeni, Basarabeasca and Cantemir. In the past year these lawyers visited residents in 336 different villages of these regions." **[36a]**

5.26 On legal aid, CEELI noted:

"Through its citizens' rights advocacy network in Moldova, CEELI aims to enhance citizen participation in the justice system. This network is composed of student legal clinics, legal aid centers and the Traveling Lawyer Program. Each year the number of people assisted through this network continues to grow, from 1,422 citizens in 2003, to 5,448 citizens in 2004. With the addition of several new advocacy partners in 2005, CEELI hopes this number will continue to increase." **[36a]**

5.27 The same source also noted:

"Central to CEELI's Advocacy Program are legal aid centers that provide *pro bono* legal services to those unable to afford a lawyer. This year CEELI has identified several new public interest NGOs capable of rendering legal assistance. As a result, CEELI is sponsoring new legal aid programs at AGAPE (rights of the handicapped), ASTRA (consumer protection), Center for the Rights and Protection of Patients and Invalids, and Promo-Lex (assistance to citizens of Dubasari region), as well as continuing its funding of Eco-Lex EPAC and Pro-Democracy Center for Human Rights." **[36a]**

5.28 As noted in the USSD 2005 Report "The law provides for the right of the accused to have an interpreter if needed, both at the trial and when reviewing documents of the case; however, due to a lack of resources, persons requiring an interpreter often had

their hearings repeatedly postponed. If the majority of participants agree, trials may be conducted in Russian or another language instead of Romanian." **[3a] (Section 1e)**

5.29 The same report also noted that:

"There is no juvenile justice system, and children accused of crimes usually were tried by the criminal courts. There were judges in each region and in Chisinau specializing in cases involving minors. The country has a military justice system, whose courts have generally the same reputation as civilian courts. Its jurisdiction extends to crimes committed by active duty military personnel and crimes committed by reserve or retired military personnel while they were on active duty. The military courts can also try civilians for crimes committed against military personnel if the plaintiff presses charges through the military prosecutor's office." **[3a] (Section 1e)**

5.30 A report by UNICEF, accessed on 6 January 2006, stated on

"[that] A study on the 'Situation of Children in Places of Detention', published by the Institute of Penal Reform (IPR) and UNICEF in 2004, revealed that the right to legal defence was the most often violated in case [sic] of children in conflict with the law:

- 85% of juveniles in pre-trial detention have never met a lawyer
- In over 40% of cases, pre-trial detention exceeded 4 months, in violation of national legislation" **[32c]**

5.31 The same study noted that "Other violations relate to lack of information on rights, excessive duration of interrogations and inhuman detention conditions. Many juveniles declared that they have been exposed to physical and psychological maltreatment by the law enforcement bodies and that they are treated as criminals." **[32c]**

5.32 The International Helsinki Federation (IHF) 2005 Report noted "[that], despite the fact that Moldova is part to the European Convention on Human Rights (ECHR), its courts – including the Supreme Court – virtually never make reference to the ECHR's provisions or use the case law of the European Court of Human Rights (ECtHR) as a basis for their sentencing policy." **[12] (p7)**

5.33 IHF also noted "The judiciary remained inefficient also because a high number of court decisions were not executed. For example, many rulings that were related to nationalized property, legal entities or involved government officials remained unexecuted. According to the Ministry of Justice, only approximately 75% of all court rulings were carried out." **[12] (p7)**

5.34 On the Transdniester Region, the same source reported that:

"Courts in the breakaway region of Transdniestria operated on the bases [sic] of the laws adopted by the separatist regime. The Transdniestrian "president" was in charge of appointing and dismissing all judges who were largely dependent on the executive branch. Courts did not follow internationally recognized standards for a fair trial. Moreover, Transdniestrian legislation fell seriously short of international human rights standards." **[12] (p7)**

5.35 IHF further noted:

"A specific cause of concern was the fact that Moldovan authorities handed over Moldovan citizens to the authorities of the breakaway Transdniestrian region to stand trial under the unconstitutional provisions of that region. Not only were these people stripped of judicial protection under Moldovan law, they also faced proceedings under provisions of Transdniestria that ran counter to both Moldovan law and international human rights standards." **[12] (p7)**

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LEGAL RIGHTS/DETENTION

5.36 As documented in the USSD 2005 Report:

"The law prohibits arbitrary arrest and detention; however, at times, police arbitrarily arrested and detained Roma. The national police force the country's primary law enforcement body. The police force is subdivided into regional and city police commissariats, which are subordinated to the Minister of Internal Affairs. Police corruption remained a problem. During the year, authorities brought 190 criminal cases against employees of the Ministry of Internal Affairs for bribery, robbery, and abuse of office, compared with 199 such cases in 2004. The Prosecutor General's Office is responsible for investigating the activities of the police. An internal affairs unit, reporting to the Ministry of Internal Affairs, investigated minor incidents of corruption." **[3a] (Section 1d)**

(See also section 6.119 Roma)

5.37 The USSD Report also noted that:

"Judges issue arrest warrants based on cases presented by prosecutors. Under the law, authorities must promptly inform detainees of the reason for their arrest and the charges against them. Suspects may be detained without charge for 72 hours. The law provides accused persons the right to a court hearing on the legality of their arrest. These rights were not always respected in practice. Once charged, a detainee may be released on personal recognizance pending trial; in some cases, to arrange release, friends or relatives were allowed to give a written pledge that the accused would appear for trial. The law provides for a system of bail, but it was rarely used. Authorities generally did not release detainees accused of violent or serious crimes." **[3a] (Section 1d)**

5.38 The same source reported that "[Transnistrian] authorities reportedly continued to use torture and arbitrary arrest and detention." **[3a]** The report also noted "Transnistrian authorities regularly harassed and often detained persons suspected of being critical of the regime for periods of up to several months." **[3a] (Section 1d)**

5.39 Amnesty International (AI) noted in their 2005 Moldova report that, "Torture and ill treatment in police custody continued to be a major problem, aggravated by the high number of detentions resulting from the failure to use alternative methods such as provisional release and from a system of quotas and rewards for police based on the number of crimes resolved." **[4a]**

5.40 AI also noted that "Conditions in temporary holding facilities, where detainees can be held for up to 30 days, remained well below international standards. All such facilities were underground, inadequately ventilated and detainees did not have access to adequate toilet facilities." **[4a]**

5.41 Reporting on Chisinau's central court ruling of March 2004, AI noted:

"[that] the Ministry of the Interior was in breach of Article 3 of the European Convention on Human Rights in the case of Veceslav Drugaleov, because it had detained him in inhuman and degrading conditions from August 1999 to 2001. Veceslav Drugaleov had contracted tuberculosis as a result of a previous period of detention in 1996. He was detained again in 1999 and spent 18 months in the temporary detention facility of

Calaraoi police station. This was the first ruling of its kind on conditions of detention in the country." **[4a]**

5.42 AI also reported on the detention of Oleg Talmazan stating that:

"He [Talmazan] was detained at the Chisinau Department for Organized Crime for over one month. The ventilation system in the underground temporary holding facility was periodically turned off, depriving the prisoners of adequate air. Sanitary conditions were inadequate and the prisoners were allowed into the exercise yard for only 30 minutes once a week. He was not allowed correspondence or to see his family. On 27 March [2004] he suffered a heart attack, but was not hospitalized despite the fact that an ambulance had been called out and had recommended his hospitalization. On 8 April [2004] he was transferred to a prison hospital and held for a further 30 days until 7 May [2004]. Oleg Talmazan lodged a complaint, but no action was known to have been taken on his case." **[4a]**

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DEATH PENALTY

5.43 As noted by Amnesty International, Moldova abolished the death penalty for all crimes in 1995. **[4b]**

5.44 An article by Reporter MD News Agency, dated 21 June 2005, noted that:

"President of the Republic of Moldova, Vladimir Voronin has addressed to the Parliament a letter seeking urgent initiation of a procedure of modifying the article 24 (3) of the Constitution for abolishing death penalty in all the circumstances. The head of state sought from the Parliament to modify the article of the Constitution which stipulates the possibility of applying death penalty 'for acts committed in time of war or in impending danger of war.' It should be mentioned that the new Penal Code adopted in 2002 does not stipulate death penalty for any type of crimes." **[19b]**

5.45 The report noted:

"According to the presidential press service, the head of state considers that further existance of this provision in the Constitution referring to death penalty represents a factor which affects the image of our country. The modification proposed by the President will reconfirm the option of the Republic of Moldova to respect the fundamental human rights and freedoms. Constitutional sanctioning of abolition of death penalty in all the circumstances will allow our country to comply with the commitments assumed by signing Action Plan Moldova-EU, considers Vladimir Voronin." **[19b]**

5.46 The Council of Europe, reporting on the Parliamentary Assembly of 10 October 2005 noted "'The Council of Europe is rightly proud of its achievement in making a de facto death-penalty-free zone of its 46 members, but the fight is far from being over,' Council of Europe Parliamentary Assembly President René van der Linden said today in a statement on the occasion of the World Day Against the Death Penalty." The report also noted "The Council of Europe should also draw attention to the situation in Abkhazia, Transnistria and South Ossetia, whose internationally-unrecognised regimes have not yet abolished the death penalty." **[24]**

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INTERNAL SECURITY

5.47 The 2004 USSD Report noted:

"The Ministry of Internal Affairs is responsible for the police, and the Information and Security Service (ISS) has jurisdiction over crimes against the security of the state. Four other separate agencies – the Customs Department, the Department of Border Guards, the Center for Combating Economic Crimes and Corruption, and the Prosecutor General's Office – have law enforcement functions. The Parliament has constitutional oversight over the activities of the Ministry of Internal Affairs and the ISS. Civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses." **[3f]**

5.48 The International Committee for the Red Cross Report of 2003 noted that their regional delegation in Kyiv concentrated on promoting international humanitarian law (IHL) in Moldova, Ukraine and Belarus. The report noted "The armed forces of all three countries had integrated IHL requirements in their planning procedures, and police and security forces regularly requested and received IHL and human rights training for their various units, including those with peace keeping duties abroad." **[6] (p229)** The report continued "Cooperation with the interior ministries of these countries involved organizing seminars and presentations on IHL, international human rights law and humanitarian principles for senior police officers and lecturers and students of police academies and other educational institutions." **[6] (p230)**

WITNESS PROTECTION

5.49 The Human Trafficking Assessment Tool Report, dated June 2005, by the Central European and Eurasian Law Initiative (CEELI) noted "There is a separate unit within the Ministry of Internal Affairs that is tasked with the protection of witnesses and victims: the Witness Protection Section. This section is part of the Special Missions Division within the Department of Operative Services at the Ministry of Internal Affairs." **[36b] (p34)**

5.50 From an assessor's interview with the Head's of Special Missions Division and Witness Protection Section, and the Ministry of Internal Affairs, on 27 September 2004, CEELI's Assessment Tool Report noted "In the first 8 months of 2004, a total of 54 to 56 individuals received protection from the Witness Protection Section. These were individuals who cooperated with authorities and/or testified in a range of cases involving illegal money withdrawals, illegal migration, extortion etc. 8 persons, out of the total number mentioned above, received witness protection in connection with trafficking cases." **[36b] (p34)**

5.51 On the Witness Protection Law, the same CEELI report noted "[that] the law only applies if victims agree to cooperate with law enforcement in the detection, prevention, deterrence, investigation, and discovery of a crime, like trafficking, or agree to testify in court. The draft anti-trafficking law offers victims protection without requiring them to become involved in criminal proceedings." **[36b] (p7-8)**

5.52 On witness protection, the USSD 2005 Trafficking in Persons Report on Moldova noted "Moldova has not implemented its witness protection law adopted in 1998, though in certain cases police posted guards outside witnesses' homes during the reporting period [April 2004 – March 2005]." **[3d]**

See also **[10b] (**Law on State Protection for Victims, Witnesses and Other Persons who assist in Criminal Proceedings)

(See also section 6.69 People Trafficking)

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BORDER SECURITY AND RELATIONS WITH NEIGHBOURING COUNTRIES

5.53 The UNHCR 2004 Country Operations Plan on Moldova noted "The border between Romania and Moldova has been strengthened through EU financed projects as part of the run-up to EU accession in 2007 for Romania and visa requirements may soon be introduced. In contrast, control remains weak or absent along the Eastern border with Transdniestria and Ukraine." **[20b]**

5.54 The USSD Background Note on Moldova of August 2005 noted:

"In May 2003, Ukraine and Moldova reached an agreement under which Ukraine would no longer recognize Moldova's obsolete customs stamps, which were still being used by the Transnistrians; in reality, however, the Moldovans exercise little control over their border with Ukraine and illegal trade remains an issue in the region. Moldova has continued to call for international monitoring of the border." **[3c] (p4)**

5.55 The same source also noted:

"In 1998, Moldova contributed to the founding of GUAM, a regional cooperative agreement made up of Georgia, Ukraine, and Azerbaijan, in addition to Moldova. Although the agreement initially included a declaration of mutual defense, Moldova has since declared its disinterest in participating in any GUAM-based mutual defense initiative. Moldova has been involved in information exchange, trade and transportation, border control, and energy projects issues within this regional agreement." **[3c] (p6)**

5.56 Europa World Year Book Online reported:

"[that] in October [2003] the Moldovan Government appealed to the Council of Europe for assistance with regard to its deteriorating relations with Romania, after that country failed to sign a bilateral treaty confirming Moldova's borders. However, the seeming re-positioning of Moldovan Government policy towards the EU provided a greater convergence of interests between the two countries in 2004. In January 2005 the recently elected President of Romania, Traian Basescu, visited Moldova and declared his support for the country's aspirations to eventually accede to the EU; President Voronin subsequently invited Romania to participate in negotiations for the resolution of the Transnistria problem and invited Basescu to attend a summit of the GUUAM (Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova) member states in April 2005. Moldova had also established good relations with the western-orientated regime in Georgia led by President Mikheil Saakashvili that came to power in early 2004." **[2a] (p17)**

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PRISON AND PRISON CONDITIONS

5.57 The USSD 2005 report noted that:

"Conditions in most prisons in the country (including Transnistria) remained harsh, and in some instances were life threatening, with serious overcrowding. Cell sizes did not meet local legal requirements or international standards. The incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons. Conditions were particularly harsh in facilities for persons awaiting trial or sentencing. . . detainees reported being denied food and water and being held in underground facilities without medical care, fresh air or ventilation, or appropriate sanitation. . . Government and

independent human rights observers were generally permitted to visit prisons. The Moldovan Center for Human Rights regularly made prison visits during the year [2005]. The government cooperated with the Internationl Committee of the Red Cross (ICRC) and permitted visits to prisoners. Transnistrian authorities allow the ICRC to visit the Ilascu Group prisoners once a year." **[3a] (Section 1c)**

5.58 The USSD 2005 report also noted that "In August 2004, the Supreme Court of Justice ordered the Bender prosecutor's office to take action to resolve the situation of 250 prisoners with tuberculosis who were held at Bender prison under inadequate conditions, but the prosecutor's office had taken no action by the year's end." **[3a] (Section 1c)**

5.59 The USSD 2004 Report noted that "Male and female prisoners were held separately. Children convicted of crimes were sent to adult prisons, where they were held in separate cells. Pretrial detainees were held separately from convicted prisoners, although there were reports of convicted prisoners remaining in detention facilities due to prison overcrowding." **[3f] (Section 1c)**

5.60 At the OSCE Human Dimension Implementation Meeting of 19-30 September 2005, the Moldovan Helsinki Committee for Human Rights, reporting on the prison conditions in Moldova, stated that they "remain unacceptable". The report also noted:

"On 27 July 2005, in the penitentiary nr. 2, located in Tiraspol city of transnistrian region, a revolt burst out as a result of continuous inhuman treatment of the prisoners. 1000 prisoners went on hunger strike, 180 persons mutilated themselves by winking [sic] sharp things into chest, scissoring in forearm region, neck, abdomen etc. as a protest against the inhuman treatment from the prison's administration. The medical help is limited just to a bandage. 25 persons were in a grave medical status, but one person had a very grave health status due to blood infection." **[8f]**

5.61 The same report noted that:

"The detainee's revolt was a result of the following problems:

- Inhuman conditions of detention, that conduct to widespread tuberculosis infection among the prisoners;
- Lack of access to water;
- Abuses committed by the prison's administration of the penitentiary, such as incitement of detainees to commit irregularities followed by sever [sic] punishments, inhuman treatment and torture of detainees, and also humiliation of their relatives;
- Denial of detainees to get packets with food from their relatives;
- Denial of relatives' visits;
- Detainees' dispossession of personal things, which are not prohibited;
- Lack of specialized medical assistance and consultation, such as stomatologist, dermatologist, lack of adequate medicaments;
- Censorship of the detainees' correspondence addressed to international human rights organisations and lawyers;
- Punishments applied to detainees for sending complaints;
- Concerns to the fact that 16 prisoners died since 01 January 2005;
- Discrimination of prisoners in the amnesty process, specifically on criteria of fidelity to Smirnov's regime." **[8f]**

5.62 The International Helsinki Federation (IHF) 2005 Report on Moldova noted that as a result of no juvenile justice system existing in Moldova, "…At police stations, they [juveniles] shared cells with adults. In prisons, however, juvenile delinquents were held separately from adults." **[12]**

5.63 The IHF 2005 report stated that:

"The penitentiary institution no. 8 in of [sic] Bender, Transdniestria, was officially under the jurisdiction of the Republic of Moldova. [Bender is situated on the left bank of the river Dniester and officially considered to be under control of both the Republic of Moldova and Transdniestrian authorities], However, from September 2002 until February 2003, and from September 2003 through 2004, Transdniestrian authorities disconnected the facility from electricity, water, heating and food supplies. They unreasonably argued that the 464 detainees held in that facility put the population of the town at risk of being infected with tuberculosis. For local monitors, this was just a pretext of the separatist authorities to force the Republic of Moldova authorities away from Bender. As a result, the temperature in the cells went down to 15 degrees, which caused increasing problems with humidity and mould, and led to additional health problems among the inmates." **[12]**

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MILITARY SERVICE

5.64 The 2004 Global Report on Moldova by the Coalition to Stop the Use of Child Soldiers noted "In February 2004 parliament approved ratification of the Optional Protocol and confirmed that the minimum age for "full term military service" was 18 when it approved Law No.15-XV.3." **[9]**

5.65 The same report noted:

"Under the 1994 constitution, 'Defence of the motherland … is the right and sacred duty of every citizen'. . . The armed forces consist primarily of conscripted personnel. Registration for conscription starts when boys reach 16. Under Law 1245-XV of 2002 the minimum age for conscription is 18 years and military service is full term (12 months) or short term (3 months) for higher education graduates. Military service is carried out exclusively in the national armed forces and not in government paramilitary formations." **[9]**

5.66 With reference to the Transdniester Region, the Quaker Council for European Affairs Country Report on Moldova noted "[that] All residents of Transnistria are allegedly obliged to serve in the Transnistrian army, including those who have citizenship of another country." **[44]**

5.67 The Coalition to Stop the Use of Child Soldiers 2004 report noted:

"The constitution of the self-proclaimed republic states that 'Defence of the Pridnestrovskaia Moldavskaia Respublica is a sacred duty for everybody' (Article 48). The law on Universal Military Service 2000 requires men over the age of 18 to undertake military service of 18 months. Voluntary officer training may start at the age of 17 and voluntary contractual service at 19." **[9]**

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ARMED FORCES

5.68 The Quaker Council of European Affairs Country Report on Moldova, published in April 2005, noted "The armed forces comprise 6,900 troops, including 5,200 conscripts.

Every year approx. 38,000 young men reach conscription age; approx. 15 per cent are recruited." **[44]**

5.69 Referring to the armed forces in the Transdniester Region, the Coalition to Stop the Use of Child Soldiers 2004 report on Moldova noted that "Its [the region's] armed forces have up to 5,000 troops and 14,000 reserves, and the administration funds a number of unregulated Cossack paramilitary units." **[9]**

5.70 On 15 June 2004, BBC Monitoring reported:

"The military prosecutor of Moldova's breakaway Dniester Moldovan republic has said that cases of going absent without leave, bullying, insubordination and other disciplinary violations are still taking place in its armed forces. Col V. Kurdyukov admits said [sic], in an article entitled 'Purging the Army' in the Dniester *Pridnestrovye* newspaper on 10 June [2004], that these incidents create a negative image of the army, not least among the parents of serving and future soldiers. This, in turn, can undermine the army's strength and morale." **[37a]**

5.71 BBC Monitoring noted that:

"Kurdyukov said military prosecutors are doing their best by 'implementing measures aimed at the prevention and elimination of the causes of indiscipline in the army by working closely with commanders and junior ranks'. Quite often, the colonel said, such violations are interconnected. 'Many cases of going absent without leave among army recruits are caused by bullying or abuse of office by higher ranks,' and 'shameful cases of extortion, bribe-taking and abuse of office are also not that infrequent,' he said." **[37a]**

5.72 The same report continued by stating "The drive to eradicate these incidents has led to a greater number of prosecutions in the first five months of 2004 than in the whole year of 2003. In 2002-2003, the military prosecutor's office passed sentences on 31 servicemen, including six officers and non-commissioned officers, for some of the above-mentioned crimes." **[37a]**

5.73 The same source also noted that:

"At present 17 criminal cases of bullying, extortion and other abuses of office are under investigation by the military prosecutor's office. Seven of these are against officers, including two senior ranks, and four cases have already been sent to court. Kurdyukov said that although the inevitability of punishment must remain the fundamental principle in maintaining army discipline, it will be hard to eradicate violations of military discipline without a conscious effort by all ranks and army units." **[37a]**

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CONSCRIPTION

5.74 As reported by Reporter MD News, in an article dated 2 November 2005, "Only one fourth of the young men of conscription age were recognized by the medical commissions as able-body [sic]. Ilie Bucuci, head of the Military Administration Department, told Monday [sic] a press conference that out of 12,158 young men who passed the medical examination, 1,097 were recognized as unfit because of serious health problems. The commissions advised them to do additional medical tests." **[19a]**

5.75 The same article noted:

"Another 3,000 young men were freed from doing the military service for different reasons, as for instance family problems, matriculation to higher education institutions or to secondary vocational schools. As many as 1.762 youths could not be conscripted because of criminal records or of legal cases initiated against them. The cited source mentioned that out of 170,000 youths, who are registered in the books of the military centers, about 19,000 have criminal records or are on trial. Another problem would be that the recruits are not in the country. Thus, out of 29,000 young men that received summons, only 12,158 had presented at the military centers. As many as 3,060 young men, of who 70 percent from rural areas, were conscripted this autumn." **[19a]**

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CONSCIENTIOUS OBJECTION

5.76 The Quaker Council for European Affairs Moldova Country Report noted:

"It is unclear how far the right to conscientious objection is legally recognized. In 1991, the Moldavian Parliament adopted the Alternative Service Act. According to Article 3, citizens have the right to refuse the performance of military service because of their religious or pacifist beliefs, and must in this case perform alternative service. It is unclear if the Alternative Service Act has been in place ever since 1991. According to several sources, the Alternative Service Act is inapplicable in practice and the law does not provide for clear procedures whereby one can apply for substitute service. It is believed that at least during the late 1990s the law no longer applied. **[44]**

(See section 5.78 Alternative Service)

5.77 The Coalition to Stop the Use of Child Soldiers 2004 Moldova report noted "Provisions for the right to conscientious objection are also laid down in the Law on Religion. According to Article 5, citizens who cannot fulfil military service because of confessional reasons may perform an alternative service. The Law on Religion further states that the details of alternative service are to be laid down in the Law on Alternative Service." **[9]**

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ALTERNATIVE SERVICE

5.78 The Quaker Council for European Affairs (QCEA) Moldova Country Report noted:

"Moldova's concept of substitute service is different from other European countries. There is no substitute service available which is comparable with other countries. Instead, COs [conscientious objectors] may continue their regular jobs and pay 25 per

cent of their salaries to the state. It is not known what consequences this has for students or unemployed people and if this limits their right to conscientious objection. It is unclear for how long the obligation to pay 25 per cent of one's salary to the state lasts. According to the Law on Alternative Service, the duration of alternative service is 24 months. Most sources in fact maintain that the length of substitute service is 24 months. However, the Moldavian government stated in 2002 that the length of alternative service is 12 months, which is the same length as military service." **[44]**

5.79 The QCEA Report also noted that:

"According to the Law on Preparation for Defence that was adopted in 2002, the Alternative Service Act will be abrogated and alternative service will in future be regulated by a separate government resolution. The Moldavian government announced in 2002 that it would introduce a separate law on conscientious objection in the future. By 2004, no new law on conscientious objection is known to have been introduced. Different reports, however, suggest that the Law on Alternative Service is still in place." **[44]**

5.80 As documented by the Coalition to Stop the Use of Child Soldiers 2004 Report, "Conscientious objectors undertake civil service for 24 months in state institutions and special units, in accordance with the Law on Alternative Service, No. 534-XIV of 1999." **[9]**

5.81 A 2002 report by the Interdepartmental Commission for Co-ordination of the State Policy in the Settlements on the Left Bank of the Dniester River stated that the "legislation" of Transnistria does not provide for alternative civilian service. It obliges all its residents to serve in the Transnistrian army, even those who have citizenship of another country. Ill-treatment of soldiers by their seniors in the Transnistrian army is reported. **[41]**

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CHILD SOLDIERS

5.82 The Coalition to Stop the Use of Child Soldiers 2004 Global Report on Moldova noted that "Military-patriotic training courses are provided in secondary schools, but, because of lack of financial support and teaching staff, do included practical training. The Moldovan mission to the UN said that there were no youth organizations with a military orientation in Moldova. **[9]**

5.83 Referring to the Transdniester Region, the Coalition to Stop the Use of Child Soldiers stated "In event of mobilization, the minimum age for military service is 16. Boys of 16 may volunteer for basic military training organized by the administration in schools and training centres, or within patriotic 'public youth organizations'. According to the self-proclaimed republic's Ministry of Foreign Affairs, there are no explicitly military youth organizations." **[9]**

MEDICAL SERVICES

5.84 The Department for International Development (DFID) Health Systems Resource Centre Health Profile on Moldova, dated March 2003, noted:

"The health care system consists of three distinct tiers: primary, secondary, and tertiary care. The Primary Health Care sector has seen significant reform since 1996 and is now based on general practitioners, called family doctors (FD). Secondary care is

provided by general hospitals. Their scope and structure changed in 1999, when judets were introduced. The former district hospitals were scaled down to an average of 215 beds and to 4-5 basic specialities, whereas the central judet hospitals (with 550 beds on average) provide a broader range of specialties and serve as referral institutions at the judet level." **[45]**

5.85 The same source reported:

"The health system's overall performance is widely perceived to be inadequate to meet the population's needs. The level of available finance is low and the economic burden on individuals is unfairly distributed, making access to care difficult for the poor. However, resources are often used irrationally within the health sector. Hospitals continue to consume the majority of health resources, with 40-50% of available funds being spent on utilities and not on patient care. The total number of hospital beds has decreased more than two fold since 1991; however, this was mostly the result of closing rural hospitals and was not specifically planned to address the issue of the secondary care infrastructure as such. Many hospitals operate at less than half of their operational capacity. There is an acute shortage of drugs at in-patient facilities; most hospitals possess only few very basic centrally purchased drugs and small quantities of donated medicines. Technologies are outdated even in tertiary care institutions. Together with the absence of standard treatment protocols, these issues result in serious concerns about the quality of care. Over-capacity and the significant duplication of hospital services persist in Chisinau. A lack of human resource planning has resulted in an excess of professionals in certain disciplines and in urban areas, but a shortage of generalists in many rural communities." **[45]**

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HIV/AIDS

5.86 UNAIDS noted from an extract from their Report at Country Level, Moldova, published in September 2004, that "Since the onset of the HIV/AIDS epidemic in the early 1990s, a cumulative total of over 5500 people are estimated to be living with HIV in Moldova. Rapid socioeconomic changes and migration have led to behaviours with high risk of HIV infection." **[46]**

5.87 The report noted:

"The response to the HIV/AIDS epidemic in Moldova is problematic. The government is struggling with serious financial problems in some public sector services, including the health sector, but it is strongly committed to fighting the spread of the HIV/AIDS epidemic. On the policy front, Moldova has developed and approved a National Strategic Framework for 2001–2005; put into effect harm reduction programmes both for injecting drug users and for prisons; approved a palliative care strategy for people living with HIV; and opted for methadone maintenance programmes." **[46]**

5.88 The same source reported "Civil society participation in the fight against HIV/AIDS has been institutionalized through the establishment of coordination mechanisms such as the harm reduction network and a network of NGOs working in the field of HIV/AIDS." **[46]**

5.89 As documented in their 2004 Appeal, the International Federation of Red Cross and Red Crescent Societies noted:

"The incidence of infectious diseases such as tuberculosis, hepatitis and HIV/AIDS has grown markedly in Moldova. HIV/AIDS, sexually transmitted infections and TB are

among the most urgent public health problems in Moldova. The government recognises these problems and has committed to intensifying the responses to HIV/AIDS, sexually transmitted infections and TB with grant funds that have been awarded by the Global Fund to Fight AIDS, Tuberculosis, and Malaria (GFATM), USAID and World Bank." **[43]**

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ANTIRETROVIRAL TREATMENT (ARVS)

5.90 A bulletin issued by the NGO AIDS.MD regarding the HIV/AIDS situation in Moldova during 2004 reported:

"The Republic of Moldova is one of the first countries in the CIS [Commonwealth of Independent States] which offers antiretroviral treatment to people living with HIV/AIDS, adequate facilities have been set up for hospitalizing this category of persons, monitoring of their health and treatment. At 01.01.2005, 96 persons have benefited from specific antiretroviral treatment, out of which 90 were adults and 6 children, specific prevention treatment was received by 31 pregnant HIV positive women and 32 children born from HIV positive mothers. For the first time in the country, 204 molecular-genetic investigations were done to determine the viral load of persons living with HIV/AIDS and children born from HIV positive mothers." **[42] (p4)**

5.91 The bulletin also noted that:

"During 2004 specialists from the AIDS Centre provided counselling to persons with HIV/AIDS and their family members, close relatives, volunteers, medical workers. The beneficiaries were informed regarding the palliative care, prevention of associated AIDS diseases, sexually transmitted infections, HIV transmission in the framework of harm reduction (syringe exchange, condom use, behaviour change, family planning, nutrition, prevention and treatment of TB and other infections, specific antiretroviral treatment, the legal framework). The counselling sessions have contributed to the evaluation of care needs for HIV positive people." **[42] (p4)**

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MENTAL HEALTH

5.92 As documented by the World Health Organisation (WHO) Mental Health Atlas 2005, a mental health policy is present although there is no national mental health programme. The mental health policy was initially formulated in 2000 and its components consist of advocacy, promotion, prevention, treatment and rehabilitation. Both outpatient and inpatient treatment of mentally ill patients is free and the country has disability benefits for persons with mental disorders. **[30]**

5.93 The WHO Mental Health Atlas also noted that mental health is a part of the primary health care system although the actual treatment of severe mental disorders is not available at the primary level. Primary care professionals receive regular training in the field of mental health. There are no community care facilities for patients with mental disorders however the number of places in day hospitals is increasing. Since 1999, the project 'Developing humane mental health care in Moldova through professional training for psychiatric nurses and doctors in multidisciplinary teamwork' has been implemented with the support of the Geneva Initiative in Psychiatry. **[30]**

5.94 The Mental Health Atlas also reported that the following therapeutic drugs generally available at the primary health care level of the country: carbamazepine, ethosuximide, phenobarbital, phenytoin sodium, sodium valproate, amitriptyline, chlorpromazine, diazepam, fluphenazine, haloperidol, lithium, biperiden, carbidopa, levodopa. **[30]**

5.95 A document issued by the NGO Moldova Philanthropy, based in Chisinau and established in June 2000, noted that it is an independent charitable organisation, working in the field of mental health development in Moldova. Molodova Philanthropy stated that it provides social options and alternatives for people with mental health problems for their reintegration within the Moldovan community. They aim to ensure that

people with mental health problems have equal opportunities and rights and can access special services. Molodova Philanthropy is a member of Mental Health Europe. **[34]**

POST-TRAUMATIC STRESS DISORDER

5.96 Referring to the psychological and psychiatric care of victims of trafficking, the International Catholic Migrations Committee's Regional Clearing Point Country Report on Moldova of September 2003 noted "[that] common ailments include post-traumatic stress disorder and insomnia; up to 90% of the women suffer from insomnia and are provided with light sleeping medication" **[33]**

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EDUCATIONAL SYSTEM

5.97 Europa World Online, accessed on 9 December 2005, noted:

"Education is officially compulsory in Moldova between seven and 16 years of age. Primary education begins at seven years of age and lasts for four years. Secondary education, beginning at 11, lasts for a maximum of seven years, comprising a first cycle of five years and a second of two years. Primary enrolment in 2002 was equivalent to 95% of children in the relevant age-group, and the comparable ratio for secondary enrolment was 88%. In 1997 total enrolment at primary, secondary and tertiary levels was equivalent to 71% of females and 69% of males." **[2f]**

5.98 The USSD 2005 Report on Human Rights Practices in Moldova noted that:

"The law mandates government-provided free, compulsory, and universal education for at least 9 years. Many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not illegal, such fees contradicted the government's policies and resulted in many parents keeping their children at home. The Government and local authorities provided annual assistance to children from vulnerable families to buy school supplies." **[3a] (Section 5)**

5.99 The USSD 2004 Report noted:

"In July [2004], Transnistrian authorities closed four Latin script schools that were registered with the Moldovan Ministry of Education and attempted to close two more. Police forcibly closed the Latin-script schools in Ribnita and Tiraspol, removing all furniture and school materials and sealing the premises. They also closed two schools in Dubasari and Corjova; students from these schools were transferred to Latin-script schools in villages under the control of the Moldovan authorities. Police were impeded from closing a Latin-script school and orphanage in Bender by parents, teachers and children who guarded the facilities throughout August and September. Authorities claimed the institutions violated Transnistrian law, which requires the schools to register locally and to use the Cyrillic alphabet for instruction. In September, the OSCE helped negotiate a formula to allow the Latin-script schools in Bender, Dubasari, and Corjova to register, although authorities continued to impose logistical and legal hurdles to prevent the schools from functioning normally. Later, the schools in Ribnita and Tiraspol were also allowed to register for 1 year under the OSCE-negotiated formula. The Tiraspol school was scheduled to open in January 2005 after undergoing substantial repairs for damage in the summer by Transnistrian police. The Ribnita school was open but operating out of a different building after the Transnistrian authorities refused to let the school return to its original building." **[3f] (Section 5)**

5.100 An OSCE press release, dated 20 July 2004, reported:

"The crisis continues to deepen in the campaign against Moldovan schools teaching the state language in Latin script in the breakaway region of Transdniestria. Local authorities in that region continue what is termed 'linguistic cleansing' by the OSCE High Commissioner on National Minorities Rolf Ekéus, who visited Moldovan schools in the region last week. An estimated 50 parents, teachers, schoolchildren and Moldovan police have maintained a protective vigil in Benderi School No. 19 since the forced closure of a sister school in Tiraspol last week. At times they have been confronted by up to 20 Transdniestrian militia members with the school fence serving as a dividing line between the two groups. The militia have informed people in the school that their presence is illegal and they have orders to forcibly remove them. Water, gas and electricity services to the school were cut on Monday. The same day the ten-year rental contract was unilaterally annulled by local authorities." **[8c]**

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6. Human rights

6A. HUMAN RIGHTS ISSUES

GENERAL

6.01 In its 2005 Country Report on Human Rights Practices for Moldova, the US Department of State summarised the situation there as follows:

"The government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transnistrian authorities remained poor. There were reports of the following human rights problems:

selective official harassment and intimidation of the political opposition
security force beatings, particularly of persons in police custody and Roma
incommunicado detention for extended periods
harsh prison conditions
arbitrary arrest and detention of Roma
judicial and police corruption
monitoring by security forces of political figures through unauthorized wiretaps and, at times, illegal searches
intimidation of journalists into practicing self-censorship
restrictions on freedom of assembly
obstacles to official registration by a few religious groups
persistent societal violence and discrimination against women and children
trafficking in women and girls
discrimination against Roma
some limits on workers' rights
child labor." **[3a]**

6.02 The FCO Country Profile for Moldova, updated on 22 December 2005, noted that:

"For a country that is Europe's poorest nation, Moldova has achieved a creditable human rights record. Nevertheless, UN Committees on Human Rights, Racial Discrimination, Elimination of Discrimination Against Women and the Rights of the Child have all expressed concern at Moldova's human rights record in their respective areas and Moldova's first report to the Committee for Economic, Social and Cultural Rights was received 6 years late. There have been allegations of ill treatment and torture of suspects and prisoners by Moldovan police officers. There is also concern at the levels of corruption within the Moldovan police force and other areas of public life." **[38]**

6.03 The FCO also noted:

"The human rights situation in the secessionist Transnistria region is more worrying. Political and linguistic rights and freedom of expression are curtailed. The EU and OSCE have regularly called on the authorities to improve the human rights situation, including by granting a fair trial to Ilie Ilascu, imprisoned and facing the death sentence since the 1992 secessionist conflict. Mr Ilascu was finally released in May 2001, a move that was welcomed by the EU, the OSCE and the Council of Europe." **[38]**

6.04 Also with regard to the Transdniester Region, the USSD 2005 Country Report noted:

"In Transnistria: the rights of citizens to change their government was severely restricted; authorities reportedly continued to use torture and arbitrary arrest and detention; prison conditions in remained harsh, and two members of the so-called Ilascu Group remained in prison despite a July 2004 ruling in their favor by the European

Court for Human Rights [ECHR]. Transnistrian authorities harassed independent media and opposition lawmakers, restricted freedom of association and of religion, and discriminated against Romanian-speakers." **[3a]**

6.05 As reported by Amnesty International (AI) in their annual report for 2005 (covering events from January to December 2004):

"There were numerous reports of torture and ill-treatment by police; victims included children under the age of 18. Police officers were not held to account. Prison conditions amounted to cruel and degrading treatment. In the self-proclaimed Dnestr Moldavian Republic at least three political prisoners remained held and prison conditions were inhuman and degrading. Large numbers of Moldovan women continued to be trafficked abroad for sexual exploitation." **[4a]**

(See also sections 5.20 Judiciary, 5.57 Prison and prison conditions, 6.14 Freedom of Speech and the media, 6.28 Freedom of religion)

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TORTURE

6.06 As reported in the USSD 2005 Country Report on Moldova, the law prohibits torture and other cruel, inhuman or degrading treatment or punishment. However, the report noted "[that] there were reports that police employed cruel and degrading arrest and interrogation methods and that guards beat prison inmates. On June 30 [2005], parliament approved a law criminalizing torture." **[3a] (Section 1c)**

6.07 In its 2005 Annual Report, the International Helsinki Federation for Human Rights (IHF) stated:

"[that] The MHC [Moldovan Helsinki Committee, an IHF member] made several proposals to bring Moldovan legislation in line with international standards in terms of prohibition and prevention of torture, but they were ignored by the government. The Ministry of Interior introduced a provision prescribing that every pre-trial detention facility must have a medical unit, as recommended by the UN Committee against Torture as a measure to prevent torture and other abuse of detainees. However, no training was given to the staff of such units in 2004, which meant that they did not have the necessary qualifications to establish that cases of abuse by the police or corrections officers had taken place. It appeared that the decision to set up the units was just one more formal provision that, in practice, had no effect on the prevention of torture and ill-treatment. In reality, the medical units in pre-trial facilities only followed instructions given by law enforcement officers." **[12] (p8)**

6.08 The IHF Report also noted that "Moldovan police and other law enforcement agents continued to use torture and ill-treatment as a basic investigation method. 'Confessions' extracted under torture were also used as evidence in courts, and the cases of abuses usually went unpunished." **[12] (p8)**

6.09 In their 2005 Report on Moldova, AI noted "Torture and ill-treatment in police custody continued to be a major problem and conditions in temporary detention facilities amounted to cruel and inhuman treatment." **[4a]**

6.10 In its last report in 2003 on the Republic of Moldova, the United Nations (UN) Committee against Torture expressed concern about "The numerous and consistent

allegations of acts of torture and other cruel, inhuman or degrading treatment or punishment of detainees in police custody" and "The reported lack of prompt and adequate access of persons in police custody to legal and medical assistance, and to family members". The UN Committee also criticised the reported failure to ensure prompt, impartial and full investigations into the numerous allegations of torture and ill-treatment, contributing to a culture of impunity among law enforcement officials. **[20a]**

6.11 An AI Urgent Action article, dated 18 November 2005, noted "On 30 June 2005, parliament amended the Criminal Code to add an article criminalizing torture. In a resolution adopted on 4 October, the Parliamentary Assembly of the Council of Europe called on Moldova to continue the reform of law enforcement agencies and to improve conditions of detention." **[4c]**

(See also sections 5.20 Judiciary and 5.57 Prison and prison conditions)

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EXTRAJUDICIAL KILLINGS

6.12 The 2005 USSD Country Report on Moldova noted "There were no reports that the government or its agents committed arbitrary or unlawful killings committed in the country or its separatist region." **[3a] (Section 1a)**

DISAPPEARANCES

6.13 The USSD Country Report on Moldova 2005 reported "There were no reports of politically motivated disappearances during the year [2005]. The police investigation into the July 2004 disappearance of Sergei Gavrilov, who was imprisoned in Transnistria during the early 1990s and allegedly witnessed the mistreatment of members of the 'Ilascu Group,' continued at year's end." **[3a] (Section 1b)**

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FREEDOM OF SPEECH AND THE MEDIA

6.14 In its 2005 Country Report on Moldova, the USSD noted "The law provides for freedom of speech and of the press; however, the government sometimes restricted these rights; however, the government on occasion intimidated some journalists into practicing self-censorship." **[3a] (Section 2a)**

6.15 Reporters without Borders Third Annual Worldwide Press Freedom Index noted that in contrast to the overall improvement of press freedom in the Balkans, Moldova faired poorly at a ranking of 78 out of a possible 167. **[5b]**

6.16 The USSD 2005 Country Report noted:

"The print media expressed a wide variety of political views and commentary. The government owned a news agency; national and city governments subsidized a number of newspapers. Political parties and professional organizations, also published newspapers, most of which had a circulation of less than 15 thousand. The Government did not restrict foreign publications, but most were not widely circulated due to high costs. Russian newspapers were available; some of them published special Moldovan weekly supplements." **[3a] (Section 2a)**

6.17 Reporting on Moldova, the Freedom House Freedom of the Press 2005 report noted:

"Despite President Vladimir Voronin's repeated calls for media freedom, critics continue to deplore government interference in Moldovan media. The constitution guarantees freedom of speech and of the press, but legislation prohibiting defamation of senior officials and insults against the state impinges on these freedoms. The parliament decriminalized libel in April [2004], helping to move Moldova toward international standards. However, fines for libel under the civil code remain unlimited, and prosecuted media outlets continued to receive penalties of more than US$100,000 each in 2004. In July, the Supreme Court dropped two lawsuits brought by journalists who were denied access to information." **[17b]**

6.18 Regarding Transdniester, the 2004 Annual Report on Moldova by Reporters without Borders noted "The media was harassed and obstructed in the self-styled republic of Transnistria in 2003: The state printing firm Poligrafist threatened on 28 January [2003] to cancel its contract with the local Russian-language weekly *Novaya Gazeta*, which is very critical of the government, if it did not change its format, colour, size and some of its content." The report also noted "The country's supreme defence soviet said on 27 February [2003] that the ministries of internal security and of information and telecommunications would no longer allow publication or reprinting of 'anti-Transnistrian' material." The same source noted "A new press law came into effect on 11 April [2003], requiring newspapers to state the number of copies and pages printed when applying for official registration or face being closed down." **[5a]**

6.19 The USSD 2005 report noted:

"Most radio stations rebroadcast programs from Romania and Russia, offering only a limited amount of locally produced programming. The government controlled a radio station and a television station (Teleradio Moldova - TRM) that covered most of the country. Some local governments, including in Chisinau and Gagauzia, operated television and radio stations as well as newspapers. The country received television and radio broadcasts from Romania, Ukraine, and Russia. A number of cable subscribers received a variety of foreign television programs, including news programs." **[3a] (Section 2a)**

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JOURNALISTS

6.20 The Committee to Protect Journalists (CPJ) 2004 Attacks on the Press report for Moldova noted that "Journalists who try to investigate sensitive issues are often harassed and obstructed. Local sources say journalists are regularly denied access to public records. Reporters for opposition media are often denied accreditation to attend Parliament and even press conferences. Police ignore frequent anonymous telephone threats." **[23]**

6.21 Reporters without Borders reported on the physical attack of a journalist in their 2004 Annual Report. It noted that:

"Nicolae Roibu, of the opposition weekly *Timpul*, was attacked near his home on 1 November 2003 by strangers, who stole his dictaphone and tape-recordings. He said the attack was connected with his work, especially an interview he did with businessman and lawyer Nicolae Andronic which appeared in the paper on 24 October [2003] and quoted him as criticising President Vladimir Voronin. The journalist received phone threats after it was published. Andronic was himself physically attacked on 3

November [2003] and Roibu said he thought this was also because of the article. But police claimed the incidents were not related to it." **[5a]**

6.22 The same source also reported that:

"Ivan Topal, editor of the independent Russian and Gagauz-language fortnightly *Acik Gyoz*, published in Comrat (capital of the Gagauzia autonomous region near the Ukrainian border), said on 6 June 2003 he had been visited by a man who verbally threatened him about an investigation he was doing of corruption involving a local official of the state gas company. The man denied threatening him and police did not give the journalist any protection." **[5a]**

6.23 The 2004 Reporters without Borders Report further noted that:

"President Vladimir Voronin banned journalists from a meeting on 24 January 2003 of the council of the Centre to Combat Corruption and Economic Crimes which heard a report of activities in 2002. The law says public information can only be kept from journalists if it involves state or military secrets." The report also stated "The authorities halted transmission of the TV station *Pervyi Kanal v Moldove* on 6 February, officially because it was in debt but in fact because it had broadcast criticism of the regime. It returned to the air two days later." **[5a]**

6.24 The 2005 Freedom House Freedom of the Press report noted:

"Events at Teleradio-Moldova, the former public broadcaster, dominated the media landscape in 2004. In February [2004], the government decided to dismiss all staff members, a move criticized as a means of allowing the government to get rid of disloyal journalists. As the rehiring process got under way, journalists complained about discrimination and lack of transparency in procedures, and protests continued through the end of the year. Domestic and international observers accuse Teleradio-Moldova of pro-government bias. The broadcast licenses of independent Chisinau stations Antena C Radio and Euro TV were temporarily revoked in February; officially the stations had not been properly registered, but critics accused the government of targeting the stations because they do not back the president." **[17b]**

6.25 The 2004 USSD Moldova Country Report noted that:

"On June 23 [2004], unknown persons seriously beat and robbed investigative journalist Alina Anghel of the independent newspaper *Timpul* outside her home in Chisinau. Anghel, as well as *Timpul's* management, associated the attack with a series of articles that Anghel published in January suggesting officials were profiting from a business deal with an automobile importer and accusing the Minister of Interior of accepting a free automobile. After the articles were published, unknown persons reportedly began making telephone threats to Anghel that she would be physically harmed if she did not stop her investigation. A suspect was arrested on unrelated charges; however, Anghel stated publicly that she did not believe the suspect was involved in the attack." **[3f] (Section 2a)**

6.26 The 2005 USSD report on Moldova stated that "Authorities released for lack of evidence a suspect in the June 2004 beating and robbery of. . . Alina Anghel. . . and the investigation remained ongoing at year's end." **[3a] (Section 2a)**

6.27 The CPJ's Attacks on the Press 2004 report stated:

"Separatist officials in the Trans-Dniester Region continued to obstruct reporting in 2004. In September, local authorities beat and arrested cameraman Dinu Mija of the Teleradio-Moldova channel Moldova One and sentenced him to 15 days in prison for allegedly entering the area illegally. Mija was trying to cover the seizure of a local

railroad station in the city of Tighina (also known as Bender) by Trans-Dniestrian authorities." **[23]**

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FREEDOM OF RELIGION

6.28 In its 2005 International Religious Freedom Report for Moldova, the USSD noted:

"The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the law includes restrictions that at times inhibit the activities of some religious groups. There was no change in the status of respect for religious freedom during the period covered by this report [1 July 2004–30 June 2005]. The Government continued to uphold its earlier decisions to deny some groups registration. A number of minority religious groups in the separatist region of Transnistria that is not controlled by the Government continued to be denied registration and were subjected to official harassment. The generally amicable relationship among religions in society contributed to religious freedom; however, disputes among various branches of the Christian Orthodox faith continued, and there were some reports of Baptists and Jehovah's Witnesses experiencing harassment from local town councils, and Orthodox priests and adherents." **[3b]**

6.29 The report stated further that the predominant religion in Moldova is Christian Orthodox with more than 90 per cent of the population nominally belonging to one of two Orthodox denominations, the Moldovan Orthodox Church (MOC) and the Bessarabian Orthodox Church (BOC). The USSD Religious Freedom Report also noted that, although there is no state religion, the MOC reportedly receives favoured treatment from the Government. **[3b] (Section I)**

6.30 The USSD Religious Freedom Report also noted that according to the State Service for Religions (SSR), the MOC has 1,224 parishes. In addition to the MOC and BOC, followers of the Old Rite Russian Orthodox Church (Old Believers) make up approximately 3.6 per cent of the population. The religious traditions of the Orthodox Churches are entwined with the culture and patrimony of the country. Many self-professed atheists routinely celebrate religious holidays, cross themselves, light candles and kiss icons if local tradition and the occasion demand. **[3b] (Section I)**

6.31 The same source noted:

"Adherents of other faiths include Roman Catholics, Baptists, Pentecostals, Seventh-day Adventists, Muslims, Jehovah's Witnesses, Baha'is, Jews, followers of Reverend Moon, Molokans (a Russian group), Messianic Jews (who believe that Jesus was the Messiah), Lutherans, Presbyterians, Hare Krishnas, and some other charismatic Christian and evangelical Christian groups. The Church of Jesus Christ of Latter-day Saints (Mormons) has two congregations, with a total of approximately 250 members. According to the most recent statistics from the Israeli Cultural Center in Chisinau, the Jewish community has approximately 25,000 members, including approximately 15,000 in Chisinau; 2,500 in Balti and surrounding areas; 1,600 in Tiraspol; 1,000 in Benderi; and 4,000 in small towns." **[3b] (Section I)**

6.32 On 5 May 2004, Forum 18 News Service reported:

"A harsh draft new religion law in the unrecognised Transdniestr republic has been rejected, but the senior religious affairs official has insisted to Forum 18 News Service that it will be adopted, indicating that it has the support of the breakaway republic's president, Igor Smirnov. The draft gave the authorities draconian 'control powers in relation to the activity of religious organisations' and attracted criticism from the Orthodox Church, Catholics, Methodists, Baptists, and Jehovah's Witnesses, amongst others. Orthodox Bishop Iustinian likened the proposed powers to those of Soviet times, and said that such state religious affairs offices were an anachronism. Despite this initial rejection of the draft law, plans remain to amend the Criminal Code to increase punishments for 'illegal activity of sects', including youth and adult work, increasing fines 15 times and imprisoning offenders for up to a year." **[16a]**

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REGISTRATION OF RELIGIOUS ORGANISATIONS

6.33 The USSD International Religious Freedom Report noted that under the 1992 Law on Religions, all religious organisations must register with the State Service for Religions (SSR). The report stated:

"The procedures for registering a religious organization are the same for all groups. In 2002, Parliament adopted amendments to the Law on Religions. In order to register, a religious organization must present a declaration of creation, by-laws, and an explanation of its basic religious beliefs to the SSR. The SSR enters the religious organization into the Register of Religions within 30 working days. Under the new procedures, at the request of the SSR, a court can annul the recognition of the religious organization if the organization 'carries out activities that harm the independence, sovereignty, integrity, and security of the Republic of Moldova, the public order, or are connected with political activities.' The amendments also prohibit religious organizations from including in their by-laws any provisions that would violate the Constitution or any other laws." **[3b] (Section II)**

6.34 The Freedom House Freedom in the World 2005 report on Moldova noted "[that] unregistered [religious] groups are not allowed to buy property or obtain construction permits." **[17c]**

6.35 In an article dated 16 July 2005, Forum 18 News Service reported:

"The State Service for Religious Communities defied the Organisation for Security and Cooperation in refusing to register a Muslim community in the capital Chisinau, despite a letter from OSCE ambassador William Hill to deputy prime minister Andrei Stratan. 'Moldova should register the Muslim communities, in the same way as other religious communities are registered,' Claus Neukirch of the OSCE mission in Moldova told Forum 18 News Service. Bishop Antoni (Rudei) leads the six parishes of the Russian Orthodox Church Abroad in Moldova, which has also been refused registration. He told Forum 18 that since the 6 March [2005] elections which saw the return to power of the Communist Party, police agents have been sent to his churches to find out what the Russian Orthodox Church Abroad is doing. 'This was an excuse to keep us on tenterhooks,' the bishop claimed." **[16b]**

6.36 The USSD Religious Freedom Report 2005 also noted:

"The authorities in Transnistria also impose registration requirements that negatively affect religious groups and have denied registration to some groups. In April 2004, a new draft Law on Religions, which reportedly contained numerous contentious provisions, was brought before the Transnistrian Supreme Soviet. The Orthodox Bishop of Tiraspol and some legislators objected strongly to the draft, and it was sent back for revisions. At the end of the period covered by this report [2004], the draft awaited review in one of the Supreme Soviet's standing committees." **[3b] (Section II)**

6.37 The same report also noted that "Authorities in Transnistria used registration requirements and other legal mechanisms to restrict the religious freedom of some religious groups." **[3b] (Section II)**

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ORTHODOX CHRISTIANS

BESSARABIAN CHURCH

6.38 In its 2005 Religious Freedom Report, the USSD noted:

"[that] the Bessarabian Orthodox Church (BOC) has 199 parishes. The BOC was formed in 1992 when a number of priests broke away from the MOC [Moldovan Orthodox Church], and was only officially recognized in 2002, after years of being denied recognition." The same report noted that the BOC regards itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church. The report stated "In February 2004, the Supreme Court overturned the Government's 2001 decision that made the MOC the successor to the pre-World War II Romanian Orthodox Church for purposes of property ownership. In April 2004, in response to an appeal submitted by the Government, the Supreme Court rescinded its February ruling, making the MOC once again the legal successor to the pre-World War II Romanian Orthodox Church." The USSD report continued that the BOC has contested this decision and, in May 2004, it submitted the case to the European Court of Human Rights (ECHR), where it awaits examination. **[3b] (Section II)**

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CHURCH OF THE TRUE ORTHODOX OF MOLDOVA

6.39 The Human Rights Without Frontiers (HRWF) 2005 report on Freedom of Religion and Belief in Moldova noted:

"The Church of the True Orthodox, a branch of the Russian Orthodox Church Abroad based in the United States, submitted applications for registration in 1997, 1998, and 2000 but the Government rejected them on various grounds. In May 2002, the Supreme Court of Justice of Moldova ruled that the Government had to register the Church but the Government did not fulfill the court decision. The State Service for Religious Affairs failed to implement the decision in the stipulated 30 days and subsequently asked the Court for a 2-week extension to register the church. However, after 3 weeks, instead of registering the church, the State Service filed an extraordinary appeal with the Court of Appeals. The Court reviewed the appeal and declared that the Service was not allowed to file the appeal, since the case was made against the Government, not the State Service. Within a couple of weeks another appeal from the Prime Minister was filed. In 2004, the Church of the True Orthodox lodged a case at the European Court of Human Rights." **[39]**

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OTHER CHRISTIANS

BAPTISTS

6.40 The USSD 2005 Report on Religious Freedom in Moldova noted:

"The Baptists reported interference from government authorities in constructing places of worship. In May 2004, authorities stopped construction of a Baptist church in the village of Capriana, which is home to the oldest orthodox monastery in Moldova, and opened an investigation into the legality of the project. The Baptists and the local mayor

claim that all the necessary permits and documents, which were issued in 2001, had been obtained legally. The Baptists have addressed both district and central authorities, including the State Service for Religions, in attempts to resolve the problem." **[3b] (Section II)**

6.41 The same source noted that Baptists have reported a number of instances of being charged administrative fines, such as for not providing proper security for their premises, despite the fact that no such requirements exist in current law. However, on appeal to the courts, the charges were dropped. **[3b] (Section II)**

6.42 In the Transdniester region, the 2005 Religious Freedom report noted:

"[that] Evangelical religious groups meeting in private homes reportedly were told that they do not have the correct permits to use their residences as venues for religious services. In the past, they and other non-Orthodox groups generally were not allowed to rent property and often were harassed during religious services." **[3b] (Section II)**

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CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (MORMONS)

6.43 The HRWF report, Freedom of Religion and Belief, stated: "The Mormons have continuously faced bureaucratic obstacles and have not yet obtained registration. Their last application dates back to January 2004. The State Service on Religious Affairs requested further documentation in March 2004." **[39]**

6.44 The USSD 2005 Religious Freedom Report on Moldova noted:

"[that] In August 2004, two American citizens volunteering for a charitable organization registered by the Mormons were charged and convicted of working illegally for an unregistered religious organization. In September 2004, the Court of Appeals overturned the lower court's decision in this case and dropped all charges. Despite this ruling, the church received a letter in September 2004 from the SSR [State Service for Religious Affairs], indicating that action on its request for registration was being suspended due to a breach of the Law on Religions by members of its organization. Since that time, there has been no further action on their registration request and the SSR has given no further explanation for the time delay." **[3b] (Section II)**

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JEHOVAH'S WITNESSES

6.45 The International Religious Freedom Report 2005 on Moldova by the USSD noted that Jehovah's Witnesses had reported several instances of interference in the construction or renovation of houses of worship. In November 2004, Jehovah's Witnesses wishing to build a house, were refused a construction permit by the Comrat Mayor's Office. In September 2004, to stop the renovation of a house of worship, the village council of Saratenii Vechi voted to annul an earlier issued planning certificate and construction permit. **[3b] (Section II)**

6.46 The 2005 Religious Freedom report further noted "[that] local police in Gordinestii Noi fined a member of the Jehovah's Witnesses for failing to provide proper security for the

Jehovah's Witnesses' meeting place, including barring the doors and windows and setting up a 24-hour watch." **[3b] (Section II)**

6.47 The same source noted that as well as being charged with administrative fines, Jehovah's Witnesses reported unjust arrests of their members, although in all reported cases, the charges have been dropped in appeals to the Supreme Court. The USSD report also noted "On October 4, 2004, at the Lipcani border crossing, a border guard seized 800 pieces of literature from two Jehovah's Witnesses, citing illegal importation as the grounds for confiscation. In November 2004, the literature was returned to the Jehovah's Witnesses after they filed a complaint with the head of the border guard unit in Tiraspol." **[3b] (Section II)**

6.48 Referring to Transdniester, the USSD International Religious Freedom 2005 report noted "The Transnistrian authorities developed a textbook that is used at all school levels, which reportedly contains negative and defamatory information regarding the Jehovah's Witnesses." **[3b] (Section II)**

6.49 The report stated:

"In 2002, the Tiraspol City Prosecutor filed a case to annul the registration of the Jehovah's Witnesses in Transnistria and to prohibit all of the group's activities there, despite their being legally registered three times since 1991. In response, the Transnistrian 'Presidents' Commissioner for Religions and Cults instructed various government departments to consider the Jehovah's Witnesses illegal until the case brought against them had been finalized. At the same time, the Jehovah's Witnesses filed a suit against the Commissioner for Religions and Cults for repeatedly refusing to issue accreditation to their religious leaders. In July 2004, the Tiraspol City Court ruled to limit the activities of the Jehovah's Witnesses to the city of Tiraspol and to annul its 1997 registration. However, the court also rejected the Tiraspol public prosecutor's 2002 request to prohibit the group's activities altogether, and ruled that the Commissioner for Religions and Cults must reexamine the Jehovah's Witnesses' application for accreditation of its leaders." **[3b] (Section II)**

6.50 The Religious Freedom report further noted:

"Since the court's decision, the Jehovah's Witnesses community has been operating on the basis of its 1994 founding documents. In December 2004, the Tiraspol City Prosecutor notified the Jehovah's Witnesses that the church would need to reregister and obtain accreditation for its leaders, in order to continue its activities; however, the Commissioner continued to refuse to issue accreditation. The Jehovah's Witnesses filed an appeal with the Supreme Court of Transnistria in early 2005; however the Supreme Court refused to examine the case, referring the Jehovah's Witnesses back to the Tiraspol City Prosecutor. The Jehovah's Witnesses plan to address the case to the ECHR." **[3b] (Section II)**

(See section 5.64 Military service)

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NON-CHRISTIAN RELIGIONS

SPIRITUAL ORGANISATION OF MUSLIMS IN MOLDOVA

6.51 The World Christian Encyclopaedia second edition noted that Islam represents a small portion of the religious groups in Moldova and that Muslims are widely dispersed. **[47] (p503)**

6.52 In its 2005 International Religious Freedom Report, the USSD noted:

"The SSR [State Service for Religion] has refused registration on numerous occasions to both the Spiritual Organization of Muslims and the Central Muslim Spiritual Board of Moldova (the latter associated with the Central Muslim Spiritual Board of Russia and CIS States). The Spiritual Organization of Muslims' most recent application for registration was filed on June 28, 2005. The Spiritual Organization of Muslims has filed a case with the ECHR against the Government for denying it registration, and the case is awaiting review. The Central Muslim Spiritual Board of Moldova filed a complaint locally against the SSR in 2002. The case was heard by the Court of Appeals, which decided in favor of the Muslim group in September 2003 and ordered the Government to register the organization. The Government subsequently appealed the decision to the Supreme Court, which returned the case to the Court of Appeals for reexamination. In March 2004, the Court of Appeals began reexamining the case. At the end of the period covered by this report [1 July 2004 – 30 June 2005], the case was still ongoing." **[3b] (Section II)**

6.53 The same report noted:

"The Spiritual Organization of Muslims reported continued harassment by the police and new problems with the Ministry of Justice during the period covered by the report. Since the spring of 2004, police have often shown up at the group's Friday prayers, which are held at the offices of the local Islamic organization Calauza, to check participants' documents and take pictures. In March 2004, the police raided their meeting place after Friday prayers, detaining several members and subsequently deporting three Syrian citizens for not having proper legal residence documents. The authorities claimed the religious services were illegal because the organization is not registered and the place they were meeting was registered to a charity and was not being used for its stated purpose. In March 2005, Calauza received a letter from the Ministry of Justice demanding that it stop the propagation of an unregistered cult." **[3b] (Section II)**

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JUDAISM

6.54 The second edition of the World Christian Encyclopaedia noted that Moldovan Jews have managed to retain their identity despite the Soviet government's prior oppression and harassment. Since the early 1990s, approximately 12 Jewish newspapers have begun and a synagogue in Chisinau has been opened. Moldova's government also created the Department of Jewish Studies at Chisinau State University, authorised the opening of a Jewish high school and at several schools in various cities classes on Judaism were offered. There is also governmental financial support for the Society for Jewish Culture. **[47] (p503)**

6.55 The USSD 2004 Moldova Country Report on Human Rights Practices noted:

"Between March 14 and March 30 [2004], unknown persons desecrated more than 70 tombstones in the Jewish cemetery in the Transnistrian city Tiraspol. Swastikas and other Nazi symbols were painted on monuments, and many tombstones were damaged beyond repair. On May 4 [2004], unknown persons unsuccessfully attempted to set the Tiraspol synagogue on fire with a Molotov cocktail. Transnistrian authorities believed the attacks were perpetrated by the same individuals and claimed they were investigating the incidents. They had not made any arrests in either case by the year's [2004] end." **[3a] (Section III)**

6.56 As reported in the 2005 USSD Report on International Religious Freedom "On May 3, 2005, six tombstones were destroyed in the Jewish cemetery in Chisinau. Three young men, two from Chisinau and one from Tiraspol, were arrested in connection with the vandalism. The motives for the vandalism were not clear, and the Jewish community stated that it did not believe that the incident was an act of anti-Semitism." **[3b] (Section III)**

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FREEDOM OF ASSEMBLY AND ASSOCIATION

6.57 As noted by the USSD 2005 Moldova Country Report on Human Rights Practices:

"The law provides for freedom assembly ; however at times the government limited this right in practice. In several instances, citizens were arrested during peaceful protests, detained for several hours, and then released without charge. On May 16 [2005], Chisinau authorities refused to permit to the NGO Gender DocM for a peacful demonstration in conjunction with the country's fourth annual gay pride events. 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 also 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. Small parties that favor unification with Romania charged that this provision was intended to impede their political activities, but no group has been prevented from forming as a result of this provision. While private organizations, including political parties, were required to register, applications were approved routinely." **[3a] (Section 2b)**

6.58 The report noted "The law provides that the Ministry of Justice may suspend a party for up to 1 year for violating the Constitution or the law if it does not desist in an illegal activity after receiving a written warning. During election campaigns, only the Supreme Court of Justice may suspend a party's activity." **[3a] (Section 2b)**

6.59 On the Transdniester region, the USSD 2005 Country Report noted "The Transnistrian authorities usually did not permit free assembly; on those occasions when they did issue permits for demonstrations, they often harassed organizers and participants although there were no such incidents reported during the year." **[3a] (Section 2b)**

6.60 The same source continued:

"Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on invented charges. For example, in June, the Transnistrian authorities prevented a human rights seminar in Tiraspol organized by opposition Transnistrian lawmakers and Moldovan NGOs. One NGO representative was allowed to enter Transnistria, but upon his arrival, he and the lawmakers were assaulted by a crowd, which splashed them with paint, sour milk and eggs. The NGO representative claimed Transnistrian law enforcement was complicit in the assault." **[3a] (Section 2b)**

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POLITICAL ACTIVISTS

6.61 The 2004 USSD Country Report on Human Rights Practices for Moldova noted:

"In Transnistria, opposition lawmakers Alexander Radcenko and Nicolai Buchatsky were repeatedly harassed by 'government'-backed NGOs. During the summer, their homes were vandalized with dye and motor oil. On December 19 [2003], Radcenko was prohibited from entering Transnistria's Supreme Soviet building by protesters who splashed him with water and burned his picture. In December [2003], a referendum scheduled for 2005 was organized to recall Radcenko from his position in the Supreme Soviet for allegedly undermining Transnistrian society. The OSCE expressed concern over the situation and called on the Transnistrian authorities to end the harassment of Radcenko and Buchatsky." **[3f] (Section 3)**

6.62 The 2005 USSD Moldova report stated that "The January 9 [2005] referendum in Transnistria to recall opposition lawmaker Alexander Radchenko from his position in the Supreme Soviet. . . failed due to low turnout. 'Government' backed NGOs such as Proryv continued to harass Radchenko and fellow opposition lawmaker Nicolai Buchatsky, who were refused access to local media and routinely critized by the government media. Neither Radchenko nor Buchatsky were reelected to the Supreme Soviet in the December 11 [2005] elections." **[3a] (Section 3)**

(See also section 6.20 Journalists and 6.165 Treatment of NGO's)

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EMPLOYMENT RIGHTS

6.63 As reported in the USSD 2005 Country Report on Human Rights Practices in Moldova:

"The legal minimum monthly wage was raised to approximately $16 (200 lei) for public sector employees and approximately $44 (550 lei) for private sector employees, neither of which provided a decent standard of living for a worker and family. The LIO [Labor Inspection Office within the Ministry of Labor and Social Protection] is responsible for enforcing the minimum wage regulation and it opened some administrative cases against employers who violated it. Severe budgetary constraints often prevented government and private sector employers from meeting employee payrolls." **[3a] (Section 6e)**

6.64 The report also noted:

"The law sets the maximum workweek at 40 hours with extra compensation for overtime, and the law provides for at least one day off per week. The Government is required to establish and monitor safety standards in the workplace. The LIO is responsible for enforcing health and safety standards; however, health and safety standards were not adequately enforced. Workers have the right to refuse to work if working conditions represent a serious health threat, but there were no reports that workers exercised this right in practice. Poor economic conditions have led enterprises to economize on safety equipment and give inadequate attention to worker safety. According to labor inspection office preliminary data, there were 121 serious workplace accidents during the year, in which 41 persons died." **[3a] (Section 6e)**

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TRADE UNIONS AND THE RIGHT TO STRIKE

6.65 The USSD 2005 Country Report on Moldova stated "The law provides workers the right to establish or join unions; however, there were reports that the government attempted to pressure individual unions to leave the confederation with which they were affiliated and join a confederation that supported government policies. Approximately 50 percent of the workforce belonged to a union." **[3a] (Section 6a)**

6.66 The same source noted:

"There were two union confederations – the Trade Union Confederation of Moldova (TUCM) and the Confederation of Free Trade Unions Solidaritate (Solidarity). The latter advocated government positions and was widely believed to enjoy government support. During the year, the government continued to pressure several local teachers' unions successfully to quit TUCM and join Solidaritate. The government did not respond to calls by the TUCM leaders and the International Confederation of Free Trade Unions that it stop interfering in the internal affairs of the union movement." **[3a] (Section 6a)**

6.67 An article dated 20 December 2005, by Reporter MD, noted:

"Several professional organizations of local culture workers have established a separate association in the framework of the National Trade Union Federation. Earlier this year, the culture workers' trade union leader Nicolae Garaz announced that the union was quitting the Federation and joining the 'Solidaritatea' Confederation of Independent Trade Unions. However, that decision was backed by far from all union members, and those who disliked going into Solidaritate decided to set up a union of their own, but within the Federation." **[19d]**

6.68 The article noted:

"That decision became a reality at the last Saturday's constituent congress that was attended by 40 delegates representing about a thousand workers of arts and culture employed at Chisinau theaters, museums, libraries, concert halls and other culture institutions, who disagreed to join Solidaritate created and supported by the ruling Communist Party. Readiness to join the new association has already been stated by cultural workers' unions from the Cahul, Leova, and Calaras raions. The decades-old unified trade union of culture workers used to have over 15 thousand members." **[19d]**

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PEOPLE TRAFFICKING

6.69 The Moldova Country Narrative for the USSD 2005 Trafficking in Persons Report noted that:

"Moldova is primarily a source country for persons, particularly women and girls, trafficked for the purpose of sexual exploitation to the Middle East and European countries west and south of Moldova. It is also to a lesser extent a transit country to European destinations for victims trafficked from former Soviet states. Moldovan victims continued to be increasingly trafficked to Turkey, the Middle East (including the United Arab Emirates (U.A.E.) and Israel), and Russia (particularly minors). New information indicates that Moldovan men are trafficked to Baltic and other former Soviet states for the purpose of agricultural and construction labor exploitation. IOM reported an increased number of families trafficked to Poland for forced begging. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a significant source and transit area for trafficking in persons." **[3d]**

6.70 On 28 October 2005, the United Nations Information Service, Vienna, reported on the UN's Office on Drugs and Crime (UNODC) campaign against human trafficking in Moldova. The report noted:

"The Republic of Moldova is a major source country for traffickers who typically prey on women and girls via employment scams and ploys that promise better lives. The Republic of Moldova is Europe's poorest country: in the capital city of Chisinau, the average wage is about US$2 a day; in rural areas, it is half that. Scores of women and girls have simply disappeared from communities, and evidence suggests that many are transported against their will by trafficking organizations to Western and South Eastern Europe and the Middle East, where they are forced to work as prostitutes. Victims offer authorities stark accounts of sexual brutalization and dehumanization, and a significant number of victims lose their lives to HIV/AIDS." **[25b]**

6.71 The USSD Trafficking in Persons Report also noted:

"The Government of Moldova does not fully comply with minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2004, the government more than doubled the number of trafficking convictions handed down with prison sentences. While Moldova's National Committee to Combat Trafficking in Persons continued to meet regularly and frequently, the government spent very little of its own funds to combat trafficking." **[3d]**

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EFFORTS TO COMBAT PEOPLE TRAFFICKING

6.72 Referring to trafficking investigations and prosecutions, the USSD Trafficking in Persons report noted:

"While Moldova made progress in its law enforcement efforts during the reporting period, it is widely suspected that the Anti-Trafficking Unit limited the number of cases it investigated due in some instances to pressure from complicit officials at higher levels in the government. Moldovan legislation prohibits all types of trafficking and provides for severe penalties ranging from seven years to life imprisonment. The Ministry of Interior's Anti-Trafficking Unit opened 274 trafficking investigations, up from 189 investigations in 2003. The courts convicted 16 individuals for trafficking in persons and seven for trafficking in children, of which 13 received prison sentences (compared to six

in 2003) ranging from two to 16 years. Police and prosecutors received anti-trafficking investigations training in September 2004. Moldovan law enforcement officials participated in the regional operation 'Mirage 2004' that led authorities to open nine trafficking cases in Moldova. Despite continued allegations of trafficking-related corruption among some law enforcement officials, the government took no action against these officials. Authorities investigated a former Moldovan policeman for trafficking women to the U.A.E.; he is currently free on bail pending his trial. Corrupt judges often downgraded trafficking charges to pimping for lesser penalties." **[3d]**

6.73 The UN Information Service, Vienna, reporting on the UNODC's campaign against human trafficking in Moldova noted:

"The United Nations Office on *Drugs and Crime* (UNODC) is partnering with the Government of the Republic of Moldova to assist the country in a renewed campaign to eliminate human trafficking. The UNODC initiative became a reality today, when Sumru Noyan, Deputy Executive Director, UNODC, and Director, Division for Operations, and Ambassador Natalia Gherman, Permanent Representative of the Republic of Moldova to the United Nations (Vienna), signed a project titled 'Building Capacity to Combat Trafficking in Persons in the Republic of Moldova.' The signing ceremony took place at United Nations Headquarters in Vienna today." **[25b]**

6.74 Reporting on the UNODC report, the UN Information Service, Vienna, noted:

"The Government of the Republic of Moldova… supports immediate intervention to counter human trafficking and to provide treatment and support to victims. Despite an ongoing lack of resources, law enforcement authorities are trying to crack down on trafficking in people via enhanced law enforcement, public awareness campaigns, and victim assistance. The UNODC project also seeks to strengthen judicial capacity in the Republic of Moldova; even when traffickers are caught, the judicial system in that nation lacks the capacity to enforce the law or to ensure justice for victims. UNODC has a strong record of helping governments strengthen their law enforcement and criminal justice mechanisms, bolstering the capacity of countries to investigate, prosecute, and convict traffickers. The UNODC project in Moldova will also strengthen victim support structures, and help officials at the district level to leverage the resources of NGOs and community-based organizations." **[25b]**

6.75 The same report also stated that "The Government of Moldova will play a central role in arranging group training sessions and organizing meetings for experts in the field of human trafficking. Moldovan officials will also support and cooperate in efforts to assess progress made and the realization of long-term goals." **[25b]**

6.76 An article by BASA Press dated 26 May 2004 reported:

"A court in the Riscani district of Moldova has sentenced a 24-year-old woman to 10 years in detention for the trafficking in persons. Silvia Chihai, of the town of Floresti, was convicted for recruitment of two young women from the Riscani district, whom she accompanied to Istanbul and sold to a pimp there in August 2003. Prosecutors told the court that she had cashed 2,300 dollars from the deal with Turkish brothel owners." **[19e]**

6.77 The report noted "The victims, who managed to return to Moldova, told the court that they had been deceived by Chihai, who had promised good-pay jobs but instead sold them into the prostitution. The decision is not final, and the convict is likely to appeal for overruling in a higher court in maximum ten days." **[19e]**

6.78 The article continued to say that:

"Statistics provided by the Interior Ministry show that the police are working on 49 cases on trafficking in human beings filed this year, and cracked down 13 trafficking networks,

including four links to Turkey. Four persons have been sentenced on trafficking charges in Moldova this year. On May 19 [2004], the police held a woman from Chisinau on charges of recruiting two 11-year-old girls whom she was preparing to sell in Turkey. Under the Penal Code the persons convicted on trafficking in human beings charges may spend up to 25 years in prison." **[19e]**

6.79 On 27 April 2005, a Reporter MD article noted:

"Two cases of trafficking in persons were traced last week by the employees of the Division for Combating Trafficking in Human Beings of the Ministry of Internal Affairs. Head of the press service of MIA, Andrei Slutu told REPORTER.MD that in the first case there were detained the married couple Pavlic form Soroca town and their friend Veaceslav Rusu, from the same locality, who are suspected of recruiting and trafficking two minor girls to Moscow city, for exploiting them sexually." **[19f]**

6.80 The article reported:

"In the second case, there were detained nine men, aged between 21 and 33, inhabitants of Straseni town, previously judged for similar offences. Those nine are suspected of recruiting and transporting during two years to the capital of the Russian Federation young girls and minors for sexual exploitation. Criminal procedures were initiated on these two cases on the basis of art.165 Penal Code (trafficking in persons), 206 (trafficking in children), 207 (illegal taking of children out of the country) and 217 (illegal circulation of narcotic substances), which stipulate punishment with deprivation of liberty of 10 to 25 years." **[19f]**

6.81 The Organisation for Security and Co-operation in Europe (OSCE) reported in a feature dated 30 May 2005 that Moldovan police took part in an interactive training course on investigating human trafficking, provided by the OSCE Mission to Moldova. Eighteen Moldovan police officers and two NGO representatives took part in the training which, amongst other things, gave the police a better understanding of the expertise and role of NGOs in combating human trafficking. Since the training was completed, NGOs providing social services and protection to trafficked victims have received referrals from the participating officers. **[8d]**

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SUPPORT FOR VICTIMS OF TRAFFICKING

6.82 Prior to its publication of the 2005 edition of 'The State of the World's Children', UNICEF reported on victims of trafficking from Moldova. The article noted:

"[that] the Rehabilitation Center for Victims of Trafficking . . . opened three years ago in response to the increasing number of women and children affected by trafficking. A special mother and child-friendly wing was inaugurated a year ago, with UNICEF support, to provide specialized services for victims of trafficking. Since its opening, the wing has provided free assistance and support to 106 children and mothers. It provides rehabilitation and reintegration services, including accommodation, gynaecological examinations, HIV/AIDS testing, psychological and social counselling and support, legal assistance and vocational orientation." **[32a]**

6.83 The UNICEF report noted:

"High levels of unemployment, extreme poverty and increasing violence against women have made the Republic of Moldova a major point of origin and transit for trafficking in women and children for the purpose of sexual exploitation – to the Balkans, other

European countries and the Middle East. From January 2000 to June 2004, 1,302 victims of trafficking from the Republic of Moldova have been officially identified and assisted by different organizations; 30 per cent were below the age of 18 at the time they were trafficked." **[32a]**

6.84 The same source reported that:
"According to Kirsten Di Martino, a UNICEF Child Protection Officer, trafficking of children usually involves adolescent girls who are trafficked for sexual exploitation, but there is increasing evidence of younger children being trafficked for forced labour and begging. Some groups of children are particularly vulnerable, including orphans and children from poor, disadvantaged and dysfunctional families. Children growing up in institutions are 10 times more vulnerable to trafficking than other children." **[32a]**

6.85 The UNICEF report continued by saying that:

"Although the Moldovan Government declared trafficking in human beings to be a priority issue back in 2001, there is still no clear government policy on trafficking due to a lack of resources and widespread corruption. In addition, there is little awareness regarding victims of trafficking, and many regard those who manage to return home … as prostitutes." **[32a]**

6.86 Another UNICEF report of 2004, Trafficking in Human Beings in South Eastern Europe noted "There is also more evidence of children being trafficked to Russia. Children are victimised in two ways, through cruelty and maltreatment, and through being forced into begging and prostitution. **[32b] (p112)**

6.87 Referring to prevention of human trafficking, the USSD Trafficking in Persons Report 2005 noted:

"The government continued its work to prevent trafficking, though NGOs and international organizations conducted most of the anti-trafficking campaigns. While the National Committee on Trafficking in Persons met twice a month on a regular basis, it produced limited results due to the lack of a full-time secretariat and a clear mandate. In December 2004, the National Committee asked NGOs and international organizations to evaluate its work and suggest ways to improve government efforts to combat trafficking. It then released an assessment of anti-trafficking work by all entities for the 2003 to 2004 period. In January 2005, the government established a working group with NGO participation to draft a new National Action Plan that will replace the outdated 2001 Action Plan. Additionally, the government drafted and sent to parliament in February 2005 new legislation to comprehensively address all aspects for trafficking. All local committees, underneath the National Committee, conducted trafficking awareness-raising meetings in schools with students and teachers. The Ministry of Internal Affairs withdrew the licenses of several tourism and employment agencies in 2004 for their suspected involvement in trafficking." **[3d]**

6.88 In their Second Annual Report on Victims of Trafficking in South-Eastern Europe 2005, the International Organization for Migration (IOM) reported that there are currently three counter-trafficking helplines in Moldova, two operated from Chisinau by local NGOs La Strada and the Centre for the Prevention of Trafficking in Women (CPTW) and the third operated by CPTW in Ungheni, near the Romanian Border. **[21a] (p387)**

6.89 The report noted that La Strada's helpline is a toll-free telephone number, providing assistance for victims of trafficking and their families. CPTW offers free information on the risks of being trafficked and free psychological and juridical assistance for victims of trafficking. **[21a] (p387)** IOM also reported that there are two shelters for trafficked victims in Moldova, bother located in the capital, Chisinau, offering medical, psychological and legal assistance. **[21a] (p388)**

6.90 The IOM report noted that the total number of Moldovan nationals assisted as victims of trafficking between January 2000 and 31 December 2004 was 1633. **[21a] (p333)**

6.91 An article by INFOTAG Press Agency, dated 1 November 2005, reported:

"La Strada international women's human rights center – with the assistance rendered by the ICCO international organization, the OSCE Mission to Moldova and the International Organization for Migration Moldova Country Office – has embarked on a social campaign to render backing to the victims of trafficking in human beings. La Strada President Anna Revenco told a news conference in Infotag today the campaign will last 7 months and is aimed at changing the society's attitude to trafficking victims and at providing them with a wider access to necessary help." **[19g]**

6.92 The article noted that:

"According to the findings of a recent research by La Strada, each third resident of Moldova believes that trafficking victims are themselves responsible for what has happened to them. As a result of such attitude, nearly 80% of the victims are rejected by their families, 70% are rejected by the society, and 70% victims are simply unknown to the public, so they do not receive whatever assistance." **[19g]**

6.93 In the same article, INFOTAG also reported:

"In the framework of this campaign, La Strada is going to work – directly or indirectly – with 150 thousand residents of Moldova, and to render concrete help to 100 trafficking victims. The Organization will issue an information package entitled 'What Can You Do?' targeted at making the Moldovan population more tolerable to trafficking victims. A special hotline (0.888.7.77.77) will provide information and consultancy." **[19g]**

(See also section 5.49 Witness protection)

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SAFETY OF VICTIMS OF TRAFFICKING RETURNING TO MOLDOVA

6.94 On the protection of trafficked victims, the USSD 2005 Trafficking in Persons Report noted:

"The Moldovan Government's efforts to assist and protect trafficking victims remained inadequate. The government provided practically no funding to NGOs for victim assistance, though it continued to provide space in state buildings for a rehabilitation center run by IOM and another anti-trafficking organization's branch offices. Moldova has not implemented its witness protection law adopted in 1998, though in certain cases police posted guards outside witnesses' homes during the reporting period. Still, a majority of victims did not feel secure enough to take action against their traffickers. The government did not prosecute trafficking victims in 2004 for crimes committed in the course of being trafficked. No official victim referral system existed; however, the Anti-Trafficking Unit signed cooperative agreements with two lead anti-trafficking organizations under which it referred several hundred victims for assistance during the reporting period." **[3d]**

6.95 Referring to the safety of victims of trafficking returning to Moldova, La Strada International Women's Human Rights Center claimed in an email, dated 29 September 2005, that many victims are met by La Strada social staff upon arrival in Moldova, who confirmed that there were cases of them being followed when taking the victims to a shelter. La Strada also stated that 10 per cent of women who were being assisted by La

Strada or IOM after returning to Moldova "disappeared" and in most cases were tracked as having gone abroad. Although La Strada could not confirm what had happened to these women, they believed that in some cases they may have been re-trafficked. **[51]**

6.96 The IOM's Second Annual Report on Victims of Trafficking in South-Eastern Europe 2005 noted "Approximately 12 per cent of the women assisted and returned to Moldova between 2001 and 2003 reported prior trafficking experiences. In 2003, 15 or 198 victims assisted by IOM (or 7.6 per cent) had been trafficked previously. In 2004, ten victims (4.3 per cent) were trafficked more than once, some as many as three times." **[21a] (p363)**

6.97 The IOM report stated "[that] it is reasonable to assert that re-trafficking is a common phenomenon in a source country like Moldova. Many victims report attempting to migrate again shortly after return because of the need to earn money, lack of opportunity or problems in the home." **[21a] (p364)**

6.98 La Strada further noted that they had received calls by women on their Hotline number informing them of attempts of blackmailing or threats to themselves by traffickers to frighten them against testifying against them. **[51]**

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FREEDOM OF MOVEMENT

6.99 The USSD 2005 Country Report on Moldova noted that the law provided rights for freedom of movement, and the government generally respected these rights in practice. However, Transnistrian authorities sometimes restricted travel to and from the separatist region. **[3a] (Section 2d)**

6.100 The USSD 2005 report also noted that:

"Transnistrian authorities applied a transit fee to Moldovan nationals crossing through Transnistria and often stopped and searched incoming and outgoing vehicles. Transnistrian authorities prevented farmers from government-controlled villages in the Dubassari region of Transnistria from traveling to areas outside Transnistria to sell their produce and, in some cases, blocked farmers' access to their fields." **[3a] (Section 2d)**

6.101 At the OSCE Human Dimension Implementation Meeting of 19-30 September 2005, the Moldovan Helsinki Committee for Human Rights reported:

"The separatist authorities, … issued a decision according to which citizens of the Republic of Moldova, possessors of the identification cards and passport, issued by the Republic of Moldova must pay a sum of 8,5 Moldavian lei (0.67$) while passing the border to enter into Transnitrian region. This entry tax is imposed only to Moldovan citizens, in a discriminatory way, comparatively to residents of Transnistrian region, possessors of the Russian and Ukrainian citizenship." **[8e]**

6.102 The same source noted that:

"The habitants of Coshnita, Pirita, Dorotcaia, Corieri and other villages located in transnistrian region, but which don't recognize the separatist regime, are obstructed by the unconstitutional authorities to have a free access to their lands that are in their property and constitutes a main source of existence. This problem escalated during this spring and summer time and the guarant states in solving transnistrian conflict didn't succeed in defending the rights of those people." **[8e]**

6.103 The USSD 2005 Country Report further noted:

"The law prohibits forced exile, and the Government did not employ it. Citizens generally were able to depart from and return to the country freely; however, there were some restrictions on emigration. Persons wishing to emigrate must meet all outstanding financial obligations to other persons or legal entities before emigrating. Close relatives who are dependent on a potential emigrant for material support must give their concurrence. Although the government also may deny permission to emigrate if the applicant had access to state secrets, no such cases have been reported for several years." **[3a] (Section 2d)**

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6B. HUMAN RIGHTS – SPECIFIC GROUPS

ETHNIC GROUPS

6.104 The USSD 2005 Country Report on Human Rights Practices in Moldova noted "The law provides that persons are equal before the law regardless of race, sex, disability, or social origin; however, societal discrimination against women and some ethnic minorities, particularly Roma, persisted." **[3a] (Section 5)**

6.105 The 2005 edition of the Encyclopaedia of the World's Minorities noted that "Moldova is a multiethnic country with a very diverse population. Ethnic Moldovians, who are culturally and linguistically close to Romanians, make up 62.0 percent of the country's population." **[26]**

6.106 The 2005 USSD report noted "Ukrainians and Russians are the two largest minorities. A Christian Turkic minority, the Gagauz, makes up a small percentage of the population and live primarily in the Gagauz Autonomous Region (Gagauz Yeri) in the south of the country. Official statistics put the number of Roma at 11,600, but Romani NGOs estimated the number to be much higher." **[3a] (Section 5)** The report also noted "There were 26 members of ethnic minorities in the 101-seat Parliament and 4 members of a minority in the 19-member cabinet. Russian, Ukrainian, Bulgarian, Azeri and Gagauz minorities had represention in Parliament. Deputies are elected from nationwide party lists rather than local districts." **[3a] (Section 3)**

6.107 The Freedom House, Freedom in the World 2005 Report on Moldova noted:

"Although ethnic minorities constitute 30 percent of the population, specific legislation makes it difficult for them to organize politically. Nevertheless, ethnic minority representation in parliament after the 2001 elections rose from 16 percent to 30 percent. The Roma (Gypsy) community is the victim of particular discrimination in Moldovan society. With no opposition support, parliament approved a controversial Nationalities Policy in December 2003 that designates the promotion of the Russian language alongside Moldovan as a national priority." **[17c]**

6.108 The 2005 USSD Country Report stated:

"Minority rights and language were closely related problems. Romanian is the only official language, but Russian has served as a language for interethnic communication and is well-established in practice. Russian speakers were not subject to discrimination in education or employment, and a citizen has a legal right to choose the language of interaction with government officials or commercial entities. Officials are required to know both Romanian and Russian 'to the degree necessary to fulfill their professional obligations.'" **[3a] (Section 5)**

6.109 On the Transdniester region, the USSD 2005 Report noted that:

> "Authorities in the separatist Transnistrian region continued to discriminate against Romanian speakers, although to a lesser extent than in previous years. They refused to observe the country's language law, which requires the use of Latin script, and the region's schools were required to teach Romanian using the Cyrillic alphabet. Many teachers, parents, and students objected to this requirement, asserting that it disadvantaged persons who wished to pursue higher education opportunities in the rest of the country or in Romania, where the Latin script was used." **[3a] (Section 5)**

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ETHNIC UKRAINIANS

6.110 As noted in the Encyclopaedia of the World's Minorities 2005 edition and taken from the 1989 census, ethnic Ukrainians make up the largest minority group of around 13.8 per cent of the population. **[26] (p837)**

6.111 The World Directory of Minorities (1997) noted "Although Ukrainian settlement of Moldova predates that by Russians, and Ukrainians outnumber Russians, Moldovan Ukrainians have been heavily 'Russified', especially in urban areas. Many speak Russian as their first language (37 percent)… Almost half of the Ukrainians in Moldova live within the area of the PMR [Transdniester Region]." **[14] (p291)**

ETHNIC RUSSIANS/RUSSIAN SPEAKERS

6.112 The Encyclopaedia of the World's Minorities noted that ethnic Russians make up 13.0 per cent of the population. **[26] (p837)**

6.113 As noted in the World Directory of Minorities (1997):

> "The relatively small percentage of Russians in Moldova belies the influence of the Russian language and culture, which for almost two centuries played a leading role in Bessarabia and the Transdniester region, especially following Soviet annexation. A Cyrillic script was introduced for the Moldovan language and Russian was taught in all schools…The centrality accorded to Russian ensured that a reactive ethno-linguistic nationalism developed among Russian speakers – a sociological category embracing Russians, Ukrainians, as well as Gagauz and Bulgarians, for whom Russian was important as a second language, and Russian speaking Moldovans, especially in the Transdniester region." **[14] (p291)**

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GAUGAZIANS

6.114 As documented in the Encyclopaedia of the World's Minorities 2005 edition, Gagauz make up 3.5 per cent of the population of Moldova. **[26] (p837)**

6.115 As noted by the Unrepresented Nations and Peoples Organization (UNPO), accessed on 4 January 2006:

"The Gagauz are a people of Turkic decent [sic] whose ethno-genesis lies with the Oguz, Petchenegs and Cuman tribes that inhabited the plains of Central Asia, north of the Caspian and Aral Sea between 500 BC and 900 AD. In the tenth and eleventh century these tribes migrated south (to from [sic] the ancestors of the Turkmen) and west. The tribes who moved west settled in the Balkan (Macedonia, Bulgaria and Romania) where they adopted a sedentary lifestyle as well as Orthodox Christianity." **[22] (p2)**

6.116 UNPO noted that Gagauzia became one of their members on 16 April 1994. UNPO stated that:

"Gagauzia is an Autonomous Territorial Unit in Moldova, with its own elected parliament. It borders the Republic of Ukraine and the Republic of Moldova. The capital is Comrat (32 000 inhabitants). The population of Gagauzia is 170,000. The Gagauz make up 82% of the population (137,500 people). The remaining inhabitants are Moldovans, Russians, Bulgarians and Ukrainians. The Gagauz are of the once numerous Oguzian tribes that settled in the south-western part of Europe in the 11th century." **[22]**

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BULGARIANS

6.117 As noted in the World Directory of Minorities (1997), Bulgarians live in the rural south of Moldova; many assimilated to Russian culture and the remainder are highly Russified. The same source states that 79 per cent of Moldovan Bulgarians claim Bulgarian as their first language and, since 1991, Bulgarian has become a language of instruction in schools situated in areas of compact Bulgarian settlement. **[14] (pp292-293)**

6.118 The Encyclopaedia of the World's Minorities reported that according to the 1989 census, Bulgarians made up 2.0 per cent of Moldova's population. **[26]**

ROMA

6.119 The 2005 USSD Country Report on Human Rights Practices noted that "Local and international NGOs reported arbitrary detention and arrests of Roma without cause or warrants, often without granting them access to a lawyer." **[3a] (Section 1d)** The USSD report also stated:

"Roma suffered violence, harassment, and discrimination. Local and international NGOs reported that Roma were victims of police beatings in custody, arbitrary arrest and detention, harassment by law enforcement officials, and societal violence and harassment. The European Roma Rights Center reported that officials discriminated against Roma with regard to housing, education, and access to public services." **[3a] (Section 5)**

6.120 The same source reported "The Roma were the poorest of the minority groups and often lived in unsanitary conditions in segregated communities lacking basic infrastructure. These conditions often led to segregated education and schools with even fewer resources than those elsewhere in the country. Many Romani children did not attend school, very few received a secondary or higher education, and there was no Romani-language education." **[3a] (Section 5)**

6.121 In an undated field report by the European Roma Rights Centre (ERRC), the author noted "I visited Moldova in May 1997. Moldova differs from other countries in that

Moldovan Roma tend not to live in separate Roma settlements, nor can they be found in distinct neighbourhoods in the villages and towns in which they live." The report stated "Mixed marriages between Roma and non Roma are very common. In villages all over the country, I met with individual Roma and mixed Roma families who all told me that they lived like the rest of the local population, be it Moldovan, Russian, Ukrainian, or mixed." **[27c]**

6.122 However, in contrast to this, another ERRC field report made between August and October 2001 commented on the Roma community of Schinoasa, near the town of Tibirica, which exists in isolation from the outside world. The report noted the "extreme poverty" of the community, exacerbated by its geographic isolation. **[27d]**

6.123 A public appeal issued by Amnesty International on 1 September 2005 stated:

"Amnesty International is concerned for the safety of three Roma, all of whom are reportedly being held incommunicado by police in the capital, Chisinau following an armed raid on the Romani community in the town of Yedintsy, in the north of the country, in or around 18 July 2005. Mikhail Kaldarar was detained on 18 July [2005] and Vasilii Kodrian and his wife, Anna Kodrian, were detained on 18 August [2005]. All three are believed to be at risk of torture or ill-treatment and there are concerns for the health of Anna Kodrian." **[4d]**

6.124 The AI appeal noted:

"The armed raid on the Romani homes was carried out in connection with an investigation into several murders in Chisinau. During the raid, police reportedly beat men, women and children. The police initially detained more than 30 Romani men and boys, some as young as 12 years old. Most of the men and boys were held for two days in Yedintsy before a court in the town ordered their release. During that time they were allegedly repeatedly and severely beaten in order to force them to incriminate themselves or others. Most were released without charge." **[4d]**

6.125 AI's appeal also reported that:

"According to his lawyer, Mikhail Kaldarar was detained on the day of the raid and transferred to the Ministry of Interior temporary holding facility in Chisinau shortly after his detention. An appeal court in the regional capital, Beltsy, ordered his release on 25 July [2005] because of the lack of evidence against him. On 27 July [2005], police officers reportedly told Mikhail Kaldarar's mother and representatives of the non-governmental organization, the United Alliance of Roma in Moldova, that he had been released that day, although his mother had waited all day outside the temporary holding facility in Chisinau without seeing him leave. On 3 August [2005], an official of the Ministry of the Interior confirmed to Mikhail Kaldarar's father that his son was still being detained and that Mikhail Kaldarar would be released only if the real culprits of the murder were handed over by the Romani community. However, the authorities have not confirmed Mikhail Kaldarar's whereabouts, and neither his lawyer nor his family have been allowed to see him." **[4d]**

6.126 The same source reported:

"Vasilii Kodrian was detained by police in Yedintsy on 5 August [2005], allegedly on the grounds that his son, who the police have not yet apprehended, is a suspect in the investigation into the murders in Chisinau. Vasilii Kodrian was released on the same day although he and his wife were subsequently both taken into detention on 18 August [2005]. Neither has been charged with any offence, and both are thought to be being held along with Mikhail Kaldarar in the temporary holding facility in Chisinau, although once again, the authorities have not confirmed their whereabouts. Anna Kodrian is recovering from a series of operations and was reportedly taken into detention without her medication. Their eight-year-old daughter is being cared for by relatives." **[4d]**

6.127 The ERRC noted in an article updated on 27 October 2004 that:

"According to information provided to the ERRC by Mr Nicolae Radita, a Moldovan Romani activist, at the end of July 2003, the Chisinau First Instance Prosecutor's Office issued a non-indictment decision in a case involving the physical abuse of a Romani boy by a police officer. On July 5, 2003, an officer from Chisinau's 5th District Police Station forcibly took Artur Albina, a 14-year old Romani boy, from his home to the police station, reportedly on suspicion of having committed murder. The officer reportedly did not present a warrant at the time he entered the house and took Artur to the police station. Artur's parents, Mr Mihai Albina and Ms Magdalena Ciobatari, who were not at home at the time, were not informed of their son's detention. According to Mr Radita, at the station, Artur was questioned without the presence of a lawyer or his parents and the detaining officer physically abused him, punching him in the head. Mr Radita reported that approximately three hours after Artur was taken into police custody, Ms Ciobatari went to the police station in search of her son and he was released. Ms Ciobatari immediately took Artur to a hospital where he was kept for ten days of medical treatment, according to his medical certificate. On July 6, the real perpetrator of the murder was identified. On July 10, Ms Ciobatari filed a complaint with the police, asking that the officer who physically abused her son be punished. At the end of July 2003, a non-indictment decision was issued in connection with the police's abuse of Artur." **[27b]**

6.128 The ERRC noted:

"In August, Mr Albina received written notice that an administrative court had found him guilty of being an unfit parent, fining him 300 Moldovan lei (approximately 20 Euro). The charge was reportedly brought against Mr Albina because his son had been taken into police custody. Mr Albina stated that he had never attended a trial in connection with the charge and appealed the decision to the Chisinau Appeal Court with the assistance of Ms Svetlana Nenita, a lawyer from Moldova. The Appeal Court sent the case back to the Administrative Court for retrial. On behalf of Artur Albina, in February 2004, the ERRC, together with Ms Nenita, appealed the decision not to indict the officer involved in the incident. As of May 5, 2004, the appeal was pending." **[27b]**

6.129 In July 2002, the ERRC alleged that Roma are subject to widespread discrimination in all spheres of public life, that they are subject to torture or to cruel, inhuman or degrading treatment by both state and non-state actors with law enforcement authorities systematically failing to provide effective protection to Roma. In addition, the ERRC claims that Roma are subject to arbitrary arrest and detention and are frequently not informed of the reasons of arrest or of any criminal charges they may face. Furthermore, they suffer discrimination in the judicial system and are under-represented in the administration, due among other factors to violations of their political rights. **[27a]**

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WOMEN

6.130 The 2005 USSD Country Report on Human Rights Practices stated:

"Domestic violence against women was a widespread problem. The law does not specifically address domestic assault. Women abused by their husbands may file charges under general assault laws, but the government rarely prosecuted domestic assault crimes. During the year [2005] the Ministry of Internal Affairs received 3,083 domestic violence complaints, including 39 cases of severe spousal abuse, of which 25 resulted in serious bodily injury and 14 resulted death. Women's groups asserted

credibly that the numbers of rapes and incidents of spousal abuse were underreported." **[3a] (Section 5)**

6.131 The USSD 2005 report noted "The Government supported educational efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public and law enforcement officials to address the problem. The city of Chisinau operated a women's shelter for victims of domestic violence. Private organizations operated services for abused spouses, including a hot line for battered women. The law criminalizes rape but does not specifically address spousal rape. There were 247 cases of rape reported during the year, but most rapes went unreported. There were no specific government actions to combat rape." **[3a] (Section 5)**

6.132 Reporting on domestic violence in Moldova, the United Nations Population Fund (UNFPA), accessed on 5 January 2006, noted:

"Gender-based violence is endemic in Moldova, … [and] In the first five months of 2005 alone, some 1,150 cases of domestic violence were reported to the Shelter, including five deaths and 14 women who sustained serious injuries. 'This is just the tip of the iceberg,' says Tatiana Tofan, Director of the Shelter for Victims of Gender-Based Violence. 'Unfortunately, domestic violence is accepted in Moldova. Many women keep silent about the abuse they endure and never report it.'" **[29]**

6.133 UNFPA also reported "There is another stumbling block to resolving gender-based violence. 'The police are not sympathetic to women who report their violent partners,' says Tatiana. 'We are trying to work with the police and social services to sensitize them about domestic violence, but it's a long process.'" **[29]**

6.134 However, UNFPA further noted "Now attitudes are changing. A law on domestic violence has been drafted and is being considered by Parliament. The law, if passed, will require the Government to create more shelters for battered women in all regions of the country. 'Right now, this is only one of two shelters in the entire country,' says Ludmila Zmuncila, head of the Gender Centre, an NGO based in Chisinau. 'We need to set up more of them in both urban and rural areas.'" **[29]**

6.135 The USSD 2005 report on Moldova stated "Prostitution is not a crime, but it is a violation of civil law punishable by a fine or administrative detention of up to 30 days. Prostitution was widespread, and observers noted a growing sex tourism industry, which was particularly prevalent in upscale Chisinau hotels. . . The law does not prohibit sexual harassment, and it was a common problem." **[3a] (Section 5)**

(See also section 6.69 People Trafficking)

6.136 As noted in the 2005 USSD report:

"The law provides that women and men enjoy equal rights, and in practice women, who constituted 50 percent of the workforce, received pay equal to that of men for equal work; however, women did not hold high-paying jobs in the same proportion as men. **[3a] (Section 5)** The report noted "There were 21 women in the 101-seat Parliament and 4 women in the 19-member cabinet. First Deputy Prime Minister Zinaida Greceanii, Justice Minister Victoria Iftodi, and Deputy Speaker of Parliament Maria Postoico were the highest-ranking female political figures in the country." **[3a] (Section 3)**

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CHILDREN

6.137 The 2005 USSD Moldova Country Report on Human Rights Practices noted:

> "There is extensive legislation designed to protect children, and the government provided supplementary payments for families with many children. . . While the law prohibits child neglect and specified forms of abuse, such as begging, child abuse was believed to be widespread. Although no comprehensive statistics on the extent of the problem exist, the National Center for Child Abuse Prevention registered 93 cases of abuse in the first seven months of the year. Observers alleged that women begging on the streets of Chisinau often sedated their babies to spend long hours begging." **[3a] (Section 5)**

6.138 The USSD 2005 report also noted that "Child labor was a problem. Due to the poor economic conditions, children were often sent to work in the fields or to find other work, and those living in rural areas often assisted in the agricultural sector. . . 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, the government did not effectively enforce these protections. . . The minimum age for unrestricted employment was 18 years. Persons between 16 and 18 were permitted to work under special conditions, including shorter workdays, no night shifts, and longer vacations." **[3a] (Section 6d)**

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ORPHANAGES

6.139 The USSD 2005 report noted:

> "The situation of children in orphanages was generally very poor. Due to lack of funding, children's institutions had major problems, including inadequate food, 'warehousing' of children, lack of heat in the winter, and disease. According to the Ministry of Education, there were approximately 11,500 institutionalized children. Not all institutionalized children were orphans; the number of children entrusted to the Government by needy parents or by parents leaving the country to look for work reportedly continued to grow. The Government estimated that parents of approximately 20 thousand children worked abroad and placed their children with boarding schools or entrusted them to relatives." **[3a] (Section 5)**

6.140 An undated report by Missions without Borders, accessed on 13 January 2006 stated "Currently, the government of Moldova cannot afford to fund its orphanages. Without assistance, the orphanages cannot pay for basic needs such as electricity, water and coal for heat. Some orphanages are fortunate enough to receive just enough money to purchase a meager supply of food, often barely enough to sustain the lives of the children." **[49]**

(See also section 6.69 People Trafficking, section 5.82 Child Soldiers and section 5.20 Judiciary, 5.97 Educational system)

ADOPTION

6.141 In a guide to international adoption, the US Department of State Bureau of Consular Affairs noted on Moldova that:

"International adoptions are permitted in exceptional cases, when no relatives or other Moldovan families are able to adopt orphans or become their guardians. Children who have health or developmental problems that Moldovan families cannot afford to treat are also considered exceptional cases. Information about children eligible for adoption is published in the Monitorul Official, the Moldovan government's official register. After publication, an adoptable child is available for domestic adoption by Moldovans for six months. After six months, an adoptable child is available for international adoption." **[3e]**

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

6.142 As noted in the 34th edition of Spartacus International Gay Guide 2005/2006, the age of consent is 14. Spartacus noted "The passing of this very recent legislation sheds light on the fact that Moldova is moving towards progression in the area of civil rights for sexual minorities." **[7] (p697)**

6.143 From a report on Moldova updated on 20 July 2005, Gaytimes noted that "Article 174 of a new Penal Code published in September 2002 states that sexual acts, homosexual acts, lesbian acts and other sexual behavior with a person, whose age is known to be less than 14 years old, will be deprived of liberty for up to five years." **[48]**

6.144 The 2005 USSD report noted "Gender-DocM reported several incidents of gay children being asked to leave home by their parents and of villages shunning a family because of a gay child. The NGO reported that schoolteachers and university professors have been dismissed due to their homosexuality and that police regularly threatened gays and lesbians with public exposure if they did not pay bribes." **[3a] (Section 5)**

6.145 The same source noted "In Transnistria, homosexuality is illegal, and gays and lesbians were subject ot governmental and societal discrimination." **[3a] (Section 5)**

6.146 On the 30 March 2005, the NGO GenderDoc-M, Moldova's only organisation protecting the rights of sexual minorities, reported that:

"Sexual minorities in the Republic of Moldova live in permanent fear. Although Art. 106 of the former Soviet penal code providing for prison sentences between 2 and 5 years for male homosexual intercourse was repealed in 1995, gays and lesbians hide their sexual identity even today to feel safe. The Republic of Moldova does not guarantee a safe environment and protection of human rights of its lesbian, gay, bisexual and transgender population."

6.147 However, in the same report, GenderDoc-M noted:

"[that] the society slowly changes. The National Human Rights Action Plan, adopted by the Parliament in October 2003, stipulates that a law prohibiting discrimination on the grounds of sexual orientation should enter into force by 2008. Good working relations have been established between GenderDoc-M and the Ministry of Health, the Ministry of Internal Affairs, the Center for Human Rights and the Moldovan civil society. These positive changes provide a good foundation for further advocacy and promotion of social integration for LGBT [Lesbian, Gay, Bisexual and Transgender]." **[31a]**

6.148 On the 9 January 2004, GenderDoc-M reported on a presentation given to members of the Moldovan police force on "The rights of sexual minorities" from the 6 to 19 July 2003. The report noted:

"The aim of the presentations was to give basic information for police workers about the rights of sexual minorities and the most recent positive changes in Moldovan legislation. The problems, which usually occur between the police and gays in Moldova, were also touched upon. Although the presentation, which lasted one hour and a half, could not totally change the attitude of the police towards the LGBT community, nevertheless policemen expressed a desire to treat the LGBT community in a tolerant and positive way. Moreover some of them would not mind if one of their colleagues were gay or lesbian. In general this topic induced a lot of discussions and that is why the presentation lasted one hour and a half instead of the planned 20 minutes. We can hope that interest in this topic will continue and that police workers will observe the rights of the LGBT community." **[31b]**

6.149 In a report dated 16 May 2005, GenderDoc-M noted that:

"Municipal authorities of Chisinau, the capital of Moldova, have refused to authorize a peaceful manifestation in support of anti-discrimination legislation for sexual minorities. The manifestation was planned to take place on 20 May [2005] before the Moldovan Parliament within the Fourth Moldovan LGBT Pride, organized by the Information Centre GenderDoc-M." The report noted "In his rejection letter the interim city mayor Mr. Vasile Ursu makes reference to the fact, that Moldova 'has already a law on national minorities' and there is no point in a manifestation. During the discussion by the municipal committee of the declaration to hold a manifestation, such reasons as church opinion and the fact that 'in Moldova minorities are more protected than the healthy and native population' were mentioned." **[31c]**

6.150 An article published by GenderDoc-M on 27 May 2005 reported on the success of Moldova's fourth LGBT Pride, 'Rainbow over the Dniester', held between the 20 and 22 May 2005. The report noted the highlights of the event as well as the fact that it was under the constant scrutiny of the police. **[31e]**

6.151 Following the authorities refusal to authorise a manifestation, GenderDoc-M reported on 13 June 2005 "The Moldovan Court of Appeal has declared illegal and void the refusal of the Chisinau municipal authorities to give permission for a public pride manifestation of a gay organization. The case was brought to the court by the Information Centre GenderDoc-M in May 2005." **[31d]**

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6C. HUMAN RIGHTS – OTHER ISSUES

ORGANISED CRIME AND CORRUPTION

6.152 According to the NGO Transparency International (TI) and their Corruption Perception Index 2005, Moldova was near the bottom of the table when it comes to its own citizens' perceptions of the level of corruption – it scored 2.1 out of ten (ten being zero perception of corruption). According to TI a score of less than three out of ten indicates "rampant corruption." **[28]**

6.153 The Freedom House Nations in Transit 2005 report on Moldova noted:

"Corruption remains a major concern in Moldova and affects all levels of political, social, and economic life. Corruption has been identified by civil society and the government as a major obstacle to social and economic reform in Moldova. Fighting corruption is a declared priority for the Communist government, but toward the end of its mandate the results are mixed and have consisted mostly of declaratory documents such as the Program on Fighting Corruption, introduced in 2002. In 2004, at the behest of the

president, a strategy and action plan for preventing and fighting corruption was elaborated. The 'prevention' dimension is crucial in that it is the first time the authorities intend to tackle the causes of corruption as opposed to merely taking repressive measures. The strategy was reviewed in October 2004 by a group of national legal experts and Council of Europe representatives and was adopted by the Parliament in November 2004. It remains to be seen whether this initiative will exceed its declaratory nature." **[17a]**

6.154 The Nations in Transit report further noted that:

"Moldova inherited an overbureaucratized administration from the Soviet era and has not been able to shake off its legacy. In order to receive official documents from the appropriate public authorities, the Moldovan citizen must collect myriad documents and signatures. A simple bribe is more expedient. Companies are faced with such high taxes and legislative insecurity that bribes are handed out to avoid fiscal control. According to the 2004 report of Bizpro-Moldova on the cost of doing business in Moldova, every businessman pays an annual average of US$336 in bribes, especially to fiscal authorities. Often, a part of their economic activities and assets is plunged into the shadow economy as a safeguard against legislative volatility and government interference. The shadow economy is said to account for around 50 percent of the Moldovan economy." **[17a]**

6.155 The same source also reported:

"In Transnistria, the economy is entirely in the hands of the regional authorities, led by Igor Smirnov, the so-called president of the breakaway Transnistrian Republic of Moldova. He and his entourage's economic activities revolve around smuggling goods in and out of Moldova/Transnistria, trafficking in illicit products, and money laundering. The smuggling and trafficking of goods by this illegal regime across Moldova's borders gravely affects the Moldovan economy and deprives the state of substantial revenue from unaccounted-for customs duties." **[17a]**

6.156 The 2005 Nations in Transit report continued by saying:

"The main government institution for fighting corruption is the Center for Fighting Economic Crimes and Corruption (CFECC), created in 2002. After the center's reorganization during the summer of 2004, the fight against corporate crime took on a new urgency. In the first nine months of 2004, the CFECC investigated 217 cases of corruption. There are fears coming from the opposition and civil society that the CFECC, whose powers are quite extensive, will be used by the authorities prior to the elections to exert pressure on the opposition. This comes after three close collaborators of Serafim Urechean (mayor of Chisinau and main opposition candidate for the forthcoming elections) had been arrested and investigated by the CFECC for abuse of power regarding the granting of real estate lots in Chisinau. Therefore, the opposition argues that anticorruption measures are put in practice selectively and appear targeted at political opponents. The center denies receiving orders from above and declares that people affiliated with the Communist government have also been investigated, in particular mayors and officials from various (local) public institutions." **[17a]**

6.157 A BASA Press article dated 16 December 2004 reported "The parliament of Moldova approved on Thursday, December 16 [2004], a national anti-corruption strategy and an action plan to implement the first document, which is 'the fundamentation of the state policy in the field of prevention of and struggle against corruption.'" **[19c]**

6.158 The article noted "Iurie Stoicov, chairman of the Parliamentary Commission for National Security, said that both papers are 'imperatives in uprooting corruption,' and that the war on corruption should consist of tough measures while market economy mechanisms be preserved." **[19c]**

6.159 BASA Press also noted:

"Drafted by the anti-corruption centre CCCEC [Center for Combating Economic Crimes and Corruption (CCECC)], two documents review the current anti-corruption measures and call for wider public understanding that restrictive actions alone are of little help in the war on corruption. The new methods proposed provide for 'a connection between the prevention, identification, destruction and sanctioning of corruption,' according to a CCCEC spokesman. CCCEC said it hopes the ordinary citizens and civil society groups will join the war on corruption, which is widespread in Moldova, and 'public functionaries, business people and common people will increase in numbers to disgrace such practices.'" **[19c]**

6.160 As noted by the International Helsinki Federation (IHF) 2005 Annual Human Rights Report on Moldova "According to opinion polls, the public regarded the judiciary as one of the most corrupt public sectors." **[12]**

6.161 An article by Reporter MD, dated 12 January 2006, noted:

"Ten nongovernmental organizations dealing with corruption fighting in Moldova founded the Anticorruption Alliance on Tuesday. The new organization was created at the suggestion of the Center for Combating Economic Crimes and Corruption (CCECC). Eugen Vitu, press officer of CCECC, told REPORTER.MD that the new organization represents an initiative of promoting the cooperation between state bodies and civil society in certain common activities in the field. The Anticorruption Alliance aims to contribute to corruption reduction by direct involvement in corruption fighting activities and by working out a joint activity program with CCECC." **[19n]**

(See also section 5.20: Judiciary)

6.162 The United Nations Office on Drugs and Crime (UNODC) reported that Moldova became a signatory of the United Nations Convention against Transitional Organized Crime on the 14 December 2000. The aim of the Convention is to promote co-operation to prevent and combat transnational organised crime more effectively, particularly with regards to the trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants. **[25a]**

6.163 As reported in their Attacks on the Press 2004 Report, the Committee to Protect Journalists noted that "Corruption is widespread in a society where criminal groups have fused with the government and business. Independent and opposition media struggle to survive amid a general state of lawlessness and poverty that has forced many to align themselves with political parties to survive." **[23]**

6.164 The Central European and Eurasian Law Initiative (CEELI) noted in their June 2005 'The Human Trafficking Assessment Tool Report' that "Interviewees indicated that members of organized criminal groups and criminal organizations usually partake in trafficking activities transferring victims from Moldova. Each member of the trafficking ring has a designated role such as recruitment of victims, gathering the victims in one place, or transporting them overseas." **[36b] (p56)**

(See also section 6.69 People Trafficking and 5.49 Witness protection)

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TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS (NGOS)

6.165 As reported by the USSD 2005 Country Report on Human Rights Practices in Moldova:

"A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, except in the Transnistrian region; however, officials were generally not responsive to their views. The local Helsinki Committee for Human Rights maintained contacts with international human rights organizations; AI maintained a satellite office in Chisinau and was active in the country. Transnistrian authorities impeded the activities of human rights groups in that region." **[3a] (Section 4)**

6.166 The Freedom House Nations in Transit 2005 Report on Moldova noted "There are 2,758 registered NGOs in Moldova, according to data from the National Assistance and Information Center for NGOs in Moldova (CONTACT)." The report noted that most of the registered NGOs were not active, although there were a number of very active and high profile NGOs. **[17a]**

6.167 The USSD 2005 report noted "The Government cooperated with the OSCE, which maintained a mission in the country to assist efforts to resolve the Transnistrian conflict. The OSCE participated in the Joint Control Commission that monitors compliance with the cease-fire agreement. Transnistrian authorities occasionally limited OSCE access to the region, including to the Security Zone dividing Transnistria from the rest of country." **[3a] (p10)**

6.168 The USSD 2005 report further noted:

"Transnistrian authorities reportedly attempted to control NGOs in the region by having security officials 'invite' NGO representatives to their offices and by pressuring landlords not to renew selected office leases. The Chisinau based NGO Promo-Lex reported that unidentified persons in Transnistria followed their representatives, tapped their telephones, and broken [sic] into their offices. In November [2005] Ion Iovcev, the principal of a Romanian language school in Transnistria and active advocate for human rights and critic of the Transnistrian leadership, received many threatening calls that he attributed to his criticism of the regime." **[3a] (Section 4)**

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TREATMENT OF ASYLUM SEEKERS

6.169 As noted by the USSD 2005 Moldova Country Report:

"The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status and asylum. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol and provided it to seven persons during the year [2005]. Although the government cooperated with the Office of the UN Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers, AI reported that Chechen asylum-seekers experienced delays in having their applications adjudicated and in some cases no decisions were taken." **[3a] (Section 2d)**

6.170 UNHCR in Moldova reported that on 26 May 2005 the Parliament of the Republic of Moldova adopted amendments to the Law of the Republic of Moldova on the Status of Refugees. UNHCR noted:

"[that] The amendments introduced humanitarian status protection into Moldovan law, and expanded the way existing laws define humanitarian protections for refugees. The vote was preceded by efforts to familiarize lawmakers with international law and other relevant data on human rights, including information from other countries. Also, meetings and training sessions were organized throughout 2003 and 2004 for the authorities involved in the asylum process, including members of Parliament." **[20c]**

6.171 The report stated:

"The Government of the Republic of Moldova approved a new refugee identity document policy on June 28, 2005. The government also approved a sample identity document, travel document, and accompanying identity card. Amendments to rules related to issuing of the documents were also made. These actions were taken under Article 25 of the Law on the Status of Refugees and Articles 2 and 3 of the Law on identity documents and the National System of passports." **[20c]**

6.172 UNHCR also noted that:

"According to the new amendments, a new form of protection, 'humanitarian status', was introduced. The eligible beneficiaries of this type of protection would include those who do not already meet the criteria of the 1951 Convention, which defined refugee. The amendments extended humanitarian status, and thus international protection, to people under threat to life or freedom as a result of military conflicts, public disorder or risk of torture, and/or inhumane and degrading treatment or punishment." **[20c]**

6.173 On 20 December 2005, Infotag news agency reported "The National Bureau for Migration has commenced issuing identification cards to refugees staying in this republic." The report also noted "According to official statistics, another 179 refugees are presently seeking a political asylum in Moldova." **[19h]**

6.174 An article in BASA-Press reported on 6 October 2003 on the opening of a reception centre for asylum seekers in Chisinau. The article noted "According to the representation of the United Nations High Commissioner for Refugees (UNHCR) in Moldova, the Reception Centre has an accommodation capacity of 80 persons and corresponds the international standards." **[19i]**

6.175 On 20 February 2004, BASA-Press reported on 16 mostly Chechen asylum seekers who were on hunger strike as a sign of protest against the refusal of the Moldovan authorities to grant them refugee status. The report noted "[that] Moldovan laws on refugees do not establish any deadline for settlement of asylum cases. Generally, about ten percent of applicantions [sic] are approved…" **[19j]**

6.176 Infotag reported on 23 June 2004 that "The Initiative Committee of Refugees in Moldova is strongly concerned over the violation of refugees' rights in this republic." The report noted that a Committee activist from Chechnya had stated that not one person who had been forcibly displaced had received refugee status in Moldova in the last three years. **[19k]**

6.177 In an article dated 25 February 2005, Infotag noted "Several dozen members of the Transnistrian Refugees Movement organized in Chisinau center today an action of protest 'against the indifference of the Moldovan authorities who deliberately drag solution of the problems faced by forced refugees from Transnistria.'" The report noted that the Movement's leader, Anatol Bizgu stated "We receive no support whatsoever from the State. Many refugees are simply homeless, they have neither place to live at nor allowance to live on…" **[19l]**

6.178 Infotag noted in an article dated 9 December 2005 that the Movement of Refugees from Transnistria was again accusing the central Moldovan and Chisinau municipal authorities of delaying the process of providing refugee families with housing. Anatol Bizgu, the Movement's leader, claimed that government funding to build refugee housing in Chisinau was used for other means. The report noted that "Mr Bizgu reminded that the Moldovan Government has solemnly promised to provide the Transnistrian refugees with housing …" **[19m]**

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ILLEGAL AND IRREGULAR MIGRANTS

6.179 In their Migration Management 2003 Assessment on Moldova, the International Organization for Migration (IOM) noted:

"The Service of Combating Illegal Stay and Migration of Aliens was established as a unit within the Ministry of Interior (MOI/SC) in July 2001. Among the MOI/SC's main tasks are the control of stay of foreigners in Moldova and the combating of illegal and irregular migration. The investigation, apprehension and deportation of irregular migrants are carried out according to the MOI/SC's mandate." The report noted "[that] In the first seven months of 2003, 2.122 investigations were launched by the MOI/SC in the migration sphere …, 135 court orders for deportation were issued … and 28 foreigners had their stay reduced." **[21b] (p26)**

6.180 The IOM Assessment reported:

"A special operation called 'Guest' is an example of the MOI/SC's overall coordination role. It was carried out from 5 to 15 August 2003 with the aim of combating illegal stay and transit. Sixty specialized local officers co-ordinated the action, which involved police forces at the national level. According to the MOI/SC, the operation was met with a successful response from Moldovan citizens, foreigners and mass media. It resulted in 42 deportations for illegal stay. Persons staying both legally and illegally were subject to these controls and the operation also included ordinary police checks." **[21b] (p26)**

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Annex A. Chronology of Major Events

1991 Moldova declares its independence. It joins the Commonwealth of Independent States, the successor to the Soviet Union. **[13a]**

1992 Moldova becomes a member of the United Nations. An upsurge in fighting in the Transdniestr region leads to a state of emergency being re-imposed. Hundreds die in the fighting. Russian peacekeepers are deployed, after a ceasefire agreement. **[13a]**

1993 The leu (plural 'lei') is introduced to replace the rouble. **[13a]**

1994 A new constitution proclaims Moldova's neutrality, grants special autonomy status to Transdniestr and the Gagauz region, and declares Moldovan to be the official language. **[13a]**

1996 Petru Lucinschi elected president. **[13a]**

1997 Negotiations resumed with Transdniestr. Agreement is signed granting further autonomy and calling for more talks. **[13a]**

1998 Elections see Communists emerging as biggest party, but a centrist, reform-minded coalition forms the government. **[13a]**

2000 Moldovan parliament fails to agree on a successor to President Lucinschi. Parliament is dissolved and early elections are called for February 2001. **[13a]**

2001 **February**: The elections see the Communists under Vladimir Voronin win just over 50 per cent of the vote. Voronin is elected president in April. **[13a]**

2001 **April**: Parliament dismisses the heads of the state radio and television stations in a move which critics say consolidates the Communists' hold on society. **[13a]**

2002 **January**: Announcement of plans to make Russian an official language and compulsory in schools sparks months of mass protests which end only when the scheme is shelved. **[13a]**

2002 **July**: Draft federalisation plan introduced, known as the Kiev draft. Agreed by OSCE and mediator states (Russia, Ukraine). **[13a]**

2002 **December**: New deadline for removal of arms/ammunition from Transdniester agreed at the OSCE Porto Ministerial. Russia to secure full withdrawal by end 2003. **[13a]**

2003 **February**: EU and US announce visa ban on Transnistrian leadership. **[13a]**

2003 **February**: Voronin invites Transnistrian authorities to join in writing a new Moldovan constitution that would create a common state in which Transdniester would be a federal unit. **[13a]**

2003 **March**: Legislation passed on reforming the regional administrative structure, reverting back to the Soviet era "rayons". **[13a]**

2003 **March**: Transnistrian Supreme Soviet formally recommended that all obstacles to the withdrawal of Russian military equipment and ammunition be lifted so the OSCE Istanbul and Porto decisions can be fulfilled. **[13a]**

2003 **April**: Moldova and Ukraine signed new customs agreement. **[13a]**

2003 **May**: Merger of three main opposition parties to form Alianta Moldova Noastra (MN). **[13a]**

2003 **May**: Local elections confirmed the ruling Communist Party's strong showing; they won just under 50 per cent of votes countrywide. **[13a]**

2003 **September**: Moldovan Government created a new Department for European Integration. **[13a]**

2003 **November/December**: Elections to the People's Assembly were held in the autonomous Gagauz region in late November/early December 2003. The Communist party and those loyal to it won the majority of seats. **[38] (p4)**

2004 **February**: Russia says it will complete withdrawal of its forces from Transdniester only when a solution to the conflict is reached. **[13a]**

2004 **July**: Dispute over closures of Moldovan language schools in Transdniester for using Latin rather than Cyrillic script. Moldova imposes economic sanctions on the region and pulls out of talks on its status. **[13a]**

2005 **March**: Communist party tops poll in parliamentary elections. **[13a]**

2005 **April**: New parliament returns Vladimir Voronin for second term as president. **[13a]**

2005 **June**: Parliament backs a Ukrainian plan granting Transdniester region autonomy within Moldova, calls on Russia to withdraw troops by end of year. **[13a]**

2006 **January:** Russian gas supplier Gazprom cuts off gas when Moldova refuses to pay twice the previous price. A temporary compromise is reached as talks continue. **[13a]**

2006 **January:** Former Defence Minister Valery Pasat sentenced to ten years in prison after being convicted of defrauding the state by selling military aircraft to the USA for too low a price in the 1990s. He says that the affair is political and pledges to appeal. **[13a]**

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Annex B. Maps

Map of Moldova

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Annex C. Political Organisations

Agrarian Party of Moldova (APM) (Partidul Agrar din Moldova)
Formed by moderates from both the Popular Front of Moldova and the Communist Party of Moldova; supports economic and agricultural reform. Founded 1991.
Chair – Anatol Popusoi. **[2h]**

Centrist Union of Moldova (Uniunea Centrista din Moldova)
A splinter group of the former Movement for a Democratic and Prosperous Moldova. Founded 2000. Chair – Mihai Petrache. **[2h]**

Democratic Party of Moldova (PDM) (Partidul Democrat din Moldova) Centrist party, formerly Movement for a Democratic and Prosperous Moldova, name changed in April 2000. Contested 2005 legislative elections as members of the Democratic Moldova bloc. Founded 1997. Chair – Dumitru Diacov. **[2h]**

Equal Rights (Ravnopravie) Socio-political Republican Movement (Miscarea social-politica Rebuplicana Ravnopravie (RSPMR)
Formed an alliance with the Patria Rodina party in October 2005. Founded 1998. Chair – Valeriu Climenco. **[2h]**

Green Alliance Ecological Party of Moldova (PEM-AVE) (Alianta Verde)
10,000 members. Founded 1992. President – Prof. Ion Dediu. **[2h]**

Our Moldova Alliance (AMN) (Alianta Moldova Noastra)
Created following a merger of the Alliance of Independents of Moldova, the Moldovan Liberal Party, the Social Democratic Alliance of Moldova and the Popular Democratic Party of Moldova. The party supports Moldova's integration into Europe, a market economy and inter-ethnic harmony. Contested 2005 legislative elections as members of the Democratic Moldova bloc. Founded 2003. Chair – Serafim Urecheanu. **[2h]**

Party of Communists of the Republic of Moldova (PCRM) (Partidul Comunistilor din Rebuplica Moldova)
Formerly the Communist Party of Moldova (banned August 1991); revived as above 1994. First Secretary – Vladimir Voronin. **[2h]**

People's Christian Democratic Party (PPCD) (Partidul Popular Crestin Democrat)
Founded 1989 as the People's Front of Moldova, renamed in 1992, and as above in 1999. Advocates Moldova's entry into the European Union and NATO. Chair – Iurie Rosca **[2h]**

Reform Party of Moldova (PRM) (Partidul Reformei din Moldova)
A Christian Democratic party. Founded 1993. 12,000 members. Leader – Mihai Gimpu. Chair – Stefan Gorda. **[2h]**

Republican Party of Moldova (PRM) (Partidul Republican din Moldova)
Founded 1993. President – Valeriu Efremov.

Social Democratic Party of Moldova (PSDM) (Partidul Social Democrat din Moldova)
Founded 1990. President – Ion Musuc. Chair of National Council – Oazu Nantoi. **[2h]**

Social Liberal Party (Partidul Social-Liberal)
Contested 2005 legislative elections as members of the Democratic Moldova bloc. Founded 1999. Leader – Oleg Serebrean. **[2h]**

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

Contested 2005 legislative elections as members of the Fatherland-Motherland (Patria-Rodina) electoral bloc. Leader – Victor Morev. **[2h]**

Parties and organisations in Transdniester include:

Union of Patriotic Forces Radical socialist. Leader – Vasili Yakovlev
Movement for the Development of Dniestr Moderate.
United Council of Workers' Collectives Radical.
For Accord and Stability Moderate.
Position Moderate. Leader – Svetlana Migulea
Russia's **Unity** party (which subsequently became United Russia) established a branch in Tiraspol in 2000 (founded by the local Union of Industrialists, Agriculturalists and Entrepeneurs). **[2h]**

Parties and organisations in Gagauzia include:

Vatan (Fatherland) Party Leader – Andrei Cheshmeji
Gagauz Halky (Gagauz People) Leader – Konstantin Taushandji **[2h]**

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Annex D. Prominent People

BRAGHIS Dumitru
Prime Minister from 20 December 1999 to March 2001. Leader of Moldova Noastra.

CUBREACOV Vlad
Deputy Chairman of the Christian Democratic Peoples Party (CDPP).

LUCINSCHI Petru
President of Moldova from December 1996 to March 2001.

ROSCA Iurie
Leader of the Christian Democratic Peoples Party (CDPP).

SMIRNOV Igor
President of the 'Transdniester Republic' from 1994 to present.

TARLEV Vasile
Prime Minister of Moldova from April 2002 to present.

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

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Annex E. List of abbreviations

AI	Amnesty International
CCECC	Centre for Combating Economic Crimes and Corruption
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CEELI	Central European and Eurasian Law Initiative
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
ECHR	European Convention on Human Rights
ERRC	European Roma Rights Centre
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organization for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organization of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PCDP	People's Christian Democratic Party
PCM	Communist Party of Moldova
QCEA	Quaker Council for European Affairs
SSR	State Service for Religions
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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- g Location, Climate, Language, Religion, Flag, Capital
- h Political organisations

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