

# Moldova

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<i>Capital:</i>	Chisinau
<i>Population:</i>	3.4 million
<i>GDP/capita:</i>	US\$1,903
<i>Ethnic Groups:</i>	Moldovan/Romanian (78.2%), Ukrainian (8.4%), Russian (5.8%), Gagauz (4.4%), Bulgarian (1.9%), other (1.3%)

*The economic and social data on this page were taken from the following sources:*

**GDP/capita, Population:** *Transition Report 2006: Finance in Transition* (London, UK: European Bank for Re-construction and Development, 2006).

**Ethnic Groups:** *CIA World Fact Book 2007* (Washington, D.C.: Central Intelligence Agency, 2007).

## Nations in Transit Ratings and Averaged Scores

	1999	2001	2002	2003	2004	2005	2006	2007
Electoral Process	3.25	3.25	3.50	3.75	4.00	4.00	3.75	3.75
Civil Society	3.75	3.75	4.00	3.75	4.00	4.00	4.00	3.75
Independent Media	4.00	4.25	4.50	4.75	5.00	5.00	5.00	5.25
Governance*	4.50	4.50	4.75	5.25	5.50	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75
Judicial Framework and Independence	4.00	4.00	4.00	4.50	4.50	4.75	4.50	4.50
Corruption	6.00	6.00	6.25	6.25	6.25	6.25	6.00	6.00
Democracy Score	4.25	4.29	4.50	4.71	4.88	5.07	4.96	4.96

\* With the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

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

## EXECUTIVE SUMMARY

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Moldova's transition is stagnating. A relative champion of post-Soviet, democratic reforms in the 1990s, Moldova has lost ground since 2001, when the Party of Moldovan Communists (PCM) came into power. Moldova remains a country with significant levels of political pluralism, but existing elements of democracy in the country are neither consolidated nor guaranteed to last. Moldova remains the poorest nation in Europe, and it has a secessionist conflict with the region of Transnistria in the east, which is supported by Russia. Against such a background, Moldova has also failed to accelerate political and economic reforms.

Moldova's development is equivocal. On the one hand, the country's declared desire to join the European Union (EU) has failed to trigger significant democratization of Moldovan political life. On the other hand, Moldova has avoided joining the post-Soviet trend of outright authoritarianism that has characterized developments in the last year in practically all post-Soviet states, with the exception of Ukraine and Georgia. In other words, Moldova's democracy is neither improving nor significantly worsening. The situation could develop either way, and external factors play a central role in Moldova's future. The unresolved conflict in Transnistria, Russia's more assertive policy in the post-Soviet space, and Moldova's unsolved economic problems could lead to heightened authoritarianism in Moldova's political life. Alternatively, greater EU and U.S. support for Moldova, coupled with greater domestic commitment to democratization and the rule of law, could help Moldova advance its European integration aspirations and escape the worsening trends that mark the post-Soviet region.

In 2006, Moldova again failed to make a European choice in its domestic policies. Despite the government's heavy pro-European rhetoric, Moldova's progress has been modest at best. The ruling party failed to advance political reforms and fight corruption to an extent that would hurt its dominance of the political and economic life of the country. The opposition remained weak and (increasingly) divided, and the media remained controlled or under the influence of a few political forces. Law enforcement agencies were apparently used by the ruling party to further strengthen its political position. There was also an unprecedented number of arrests of public figures—including a banker, an opposition politician (and businessman), and an employee of an independent TV station—which raised questions about the rule of law. Some improvements in media legislation have not been substantiated by real change thus far. Unfavorable trends inside Moldova have been matched by a difficult external situation. Russia has applied external economic pressure on Moldova by raising gas prices and introducing an embargo on Moldovan wine, which severely damaged Moldova's already weak economy. Russia has also

continued to entrench its position in the secessionist region of Transnistria. The European Union's engagement with Moldova remained relatively limited, as the EU was consumed by internal developments and energy discussions with Russia.

**National Democratic Governance.** In 2006, Moldova's political scene did not evolve much, despite the fact that the 2005 elections resulted in a weakened PCM. President Vladimir Voronin continued to exercise his authority without any effective checks and balances, while parts of the opposition were effectively co-opted by the PCM and some opposition coalitions continued gradually to disintegrate. Moldova signed an Individual Partnership Action Plan with NATO and continued the implementation of a European Neighborhood Policy Action Plan with the EU, with rather modest results. Russia increased economic pressure on Moldova by doubling gas prices and imposing an embargo on wine, Moldova's most important export. *Moldova's national democratic governance score remains at 5.75, reflecting the incapacity of both the government and the opposition to build on the momentum for democratization created by the elections of 2005 and the rapprochement with the European Union.*

**Electoral Process.** Despite substantial reforms to the electoral code in 2005, the reform process slowed considerably in 2006. Substantial recommendations by the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) for reform of the electoral system were ignored. In July 2006, a law seeking to fine-tune the electoral code was passed, and modifications were enacted on existing provisions such as the registration of voters, the drawing up of voter lists, the electoral budget, campaign advertising, the introduction of a blank vote, and so forth. Further, two elections were held in Moldova. First, the election for the governor of the Autonomous Region of Gagauzia took place on December 3 and was won in a run-off vote on December 17 by Mihail Formuzal, the main opposition candidate. Despite irregularities during the campaign and on polling day, the second-round elections were considered an improvement. Unrecognized elections for the so-called president of the secessionist Moldovan region of Transnistria were also held on December 10 and were won for the fourth time in a row by Igor Smirnov, who has remained in power since the secession of Transnistria in 1990. The international community did not recognize the outcome of the elections, which were considered illegitimate. *The electoral code was reformed, but not sufficiently to prepare the ground for the local elections in 2007. In addition, the two regional elections in Moldova witnessed irregularities (Gagauzia) and in the secessionist region of Transnistria was illegitimate. Therefore, the score for electoral process remains unchanged at 3.75.*

**Civil Society.** Civil society in Moldova is weak. Most nongovernmental organizations (NGOs) would not be sustainable without foreign financial support. But state institutions do not restrict NGO activity and were increasingly open to NGOs in 2006. The Parliament led efforts by state institutions to cooperate with NGOs

and undertook a commitment to give NGOs the possibility to comment on all draft legislation discussed by the legislature. The Ministry of Foreign Affairs institutionalized cooperation with NGOs, while the government declared its intention to strengthen partnership with civil society groups. The government also encouraged friendly NGOs but has been particularly interventionist in the functioning of trade unions. *Moldova's score for civil society development improves from 4.00 to 3.75 owing to greater openness of state institutions toward NGOs and increasing cooperation between the two.*

**Independent Media.** Despite previous commitments to the opposition and the international community, the government failed to improve the media situation in Moldova. In 2006, the Parliament adopted a new broadcasting code that was generally hailed as being in line with democratic standards by civil society groups, the media, the opposition, the OSCE, and Council of Europe. However, the first steps in implementing the new code have shown that the government is unlikely to act in the spirit of the law. A second event that marked the development of the media in 2006 was the arrest in September of the sales manager of PRO TV, a leading independent TV station popular in the capital of Chisinau. The event underscored a qualitatively new type of open and public pressure on a media outlet that aired critical footage on the minister of the interior. The PRO TV employee was released after a few days, but the incident pointed to an unprecedented level of pressure on a media outlet. Furthermore, in December 2006 the Chisinau authorities decided to privatize Radio Antena C and Euro TV, two municipal media outlets previously critical of the government. Protesting Radio Antena C journalists were ousted from the radio station by the police, and the station itself was taken off the air for a few weeks. It was widely expected that the two media outlets would pass under the control of government-supported owners. *The independent media rating worsens from 5.00 to 5.25 owing to government-inspired pressure on the media and decreasing levels of pluralism.*

**Local Democratic Governance.** Democracy at the local level is one of the weakest links in Moldova's democratic transformation. The local authorities remain under the effective political and financial control of the central government. This control has only intensified since the PCM came to power in 2001. In 2006, the government designed (with EU support) a strategy to create six regions for economic development in Moldova, which could improve local democracy and economic development in the future. There was a reform aimed at decentralizing the capital, Chisinau, by taking powers away from the general mayor and creating posts of elected district mayors in Chisinau. Despite being a measure aimed at decentralization, it was most probably designed to undermine any future power basis of the Chisinau mayor in a city where the PCM cannot count on a majority of votes. *Moldova's local democracy situation has neither improved nor worsened in 2006; therefore the local democratic governance rating remains unchanged at 5.75.*

**Judicial Framework and Independence.** Moldova's legal framework provides for a two-tiered court system, where the independence of the judiciary is ensured in principle. A reform of the judiciary has been under way since the parliamentary elections in 2005. There are, for instance, plans to make the Constitutional Court the highest court of appeal. However, the reform of the judiciary so far has failed to address a series of practical problems ranging from judiciary overload, to lack of sufficient office space and qualified personnel, to low salaries. Most problems stem from insufficient financial resources allocated from the state budget and have repercussions on the quality of judgments and their implementation as well as on the independence of judges. However, it is hoped that the establishment of the National Justice Institute, agreed upon in June 2006, will bring more quality to the judiciary process through the training of judges and prosecutors. The detention conditions in Moldova remain degrading and in many instances inhumane, and although the domestic political class is becoming aware of Moldova's poor track record in this area, steps undertaken to address the situation are insufficient and without results thus far. *The Moldovan authorities are intent on reforming the judiciary, but often through rather timid or controversial steps. The government is coping with the problem of insufficient resources allocated to the judiciary and a bleak track record in respecting the human rights of detainees. In view of the above, Moldova's rating for judicial framework and independence remains unchanged at 4.50.*

**Corruption.** Since the fight against corruption became a top priority for the Moldovan government after the 2005 parliamentary elections, an Action Plan for the Implementation of the National Strategy on the Prevention and Fight Against Corruption for the year 2006 was adopted. The Action Plan is being implemented with the support of Moldovan civil society and the international community. A number of Moldovan NGOs formed the Anticorruption Alliance and are cooperating with the Center for the Fight Against Corruption and Economic Crime (CFCEC) in eradicating the phenomenon of corruption. The progress made in Moldova is reflected in the country's improved score on Transparency International's Corruption Perceptions Index for 2006. The powers and resources of the CFCEC and other institutions and bodies involved in the fight against corruption have been increasingly strengthened, raising some concern in Moldovan society that this may lead to abuse of power and that these bodies and agencies may exceed their prerogatives. For instance, the CFCEC has been tasked to elaborate a methodology that will be used in reviewing the "corruptibility" of legal and legislative acts. In addition, owing to a series of controversial high-level investigations and arrests, there were indications that the CFCEC is not entirely free of political influence. A variety of opinion polls showed that public administration and the health care system still remain prone to corruption and that public tolerance of corruption is a major impediment in the fight against it. *The Moldovan authorities made considerable efforts throughout 2006 to elaborate an anticorruption legal framework but had less success implementing anticorruption measures involving civil society and the international community. Despite these efforts, however, many structural problems*

*within the public administration and the society as a whole persist, and the results remain modest. Therefore, Moldova's rating for corruption remains unchanged at 6.00.*

**Outlook for 2007.** Trends for 2007 will be marked by preparations for a post-Voronin era, in view of the president's expected withdrawal from politics in early 2009 after spending two terms in office. The political elite will be mostly concerned and consumed with infighting rather than reform. At the same time, the external situation is likely to deteriorate. Transnistria's separatism will further consolidate with Russian support. Moldova's economic prospects will remain uncertain. The country's partnership with the EU and the United States will not be enough to offset these negative tendencies, and Moldovan frustration with the West is likely to grow. Certainly, Moldova's failure to accelerate reforms will be a source of heightened Western skepticism toward a government that only mimics reforms and whose commitment to reforms and democratization is doubtful.

# MAIN REPORT

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## National Democratic Governance

1999	2001	2002	2003	2004	2005	2006	2007
n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75

Moldova's political system can be characterized as a nonconsolidated democracy with certain levels of political pluralism, but with a strong and centralizing government. According to its Constitution, which was reformed in 2000, Moldova is a parliamentary republic. However, real power has been increasingly centralized in the hands of President Vladimir Voronin, his entourage, and the governing Party of Moldovan Communists (PCM), which came into power in 2001. In 2005, during elections that were generally free and fair, the PCM had its mandate reconfirmed. The centralizing tendencies of President Voronin are exacerbated by a weak and often co-opted opposition, specifically the Democratic Party and the Christian-Democratic People's Party, which have been acting as *de facto* allies of the PCM on most important political issues.

Moldova's greatest political problem is that there are few effective checks and balances on the power of Voronin and the governing party. After being in power for six years, the governing party has penetrated and politicized most public institutions, including the judiciary, law enforcement agencies, legislature, and local authorities. To a large extent, the PCM has become omnipresent in all public institutions, which makes it difficult to speak about effective checks and balances on the power of the ruling party.

There is a consensus among Moldovan political and societal groups on democracy as the basis of the country's political system. The government is stable and enjoys genuine popular support. Despite some authoritarian tendencies, the government is not repressive. It manipulates rather than violates the existing democratic framework, achieving a certain stability through co-option of important societal, political, and economic actors rather than through coercion or outright abuses of human rights. The government has been increasingly, though slowly, opening toward greater participation of civil society in decision making. Moldova is one of some 60 countries in the world with a Law on Access to Information, adopted in 2000. All parliamentary sessions are broadcast live on TV and on radio. Transcripts of these sessions, as well as draft laws, are also posted on the Internet as part of an effort to consult with citizens. However, at the end of December 2006, the members of PCM and the Christian-Democratic People's Party voted to suspend these practices, which is likely to lead to decreased transparency in the work of the Parliament. In the economy, the government has been pursuing generally liberal policies, not without some success.

The lack of separation of powers is one of Moldova's main problems when assessing its level of democratic development. The executive, legislative, and judiciary are all dominated by the presidency. The legislature rubber-stamps laws proposed by the executive, and it often lacks the capacity to effectively control the executive. The executive itself is mainly subordinated to President Voronin rather than the Parliament, despite the fact that under its Constitution, Moldova is a parliamentary republic. Effectively, the presidency is the country's ultimate institution, making decisions on the most important laws and governmental appointments. It also controls the military and law enforcement agencies. Yet the Constitution provides for democratic control of the security sector, and there is effective civilian control of the security agencies. The Minister of Defense is a civilian. And in May 2006, Moldova signed an Individual Partnership Action Plan (IPAP) with NATO, aimed *inter alia* at enhancing democratic control of the security institutions.

The role of some law enforcement agencies in Moldova has been controversial. In particular, the Ministry of the Interior and the Center for the Fight Against Corruption and Economic Crime (CFCEC) are subordinated directly to the president. There is no effective oversight of their activities. Police methods are often brutal, corruption and torture are widespread, and there have been allegations that these two institutions undertake actions that are not in line with the neutral role of law enforcement agencies. During 2006, these two institutions were involved in a proliferation of controversial arrests in Moldova. In February, Victor Turcanu, director of Victoriabank, one of the country's largest private banks, was arrested and briefly jailed. It was alleged that the CFCEC took sides in a conflict among Victoriabank shareholders.<sup>1</sup> In September, the Moldovan police arrested Vitalie Braghis, an employee of PRO TV, one of the most popular private channels in the capital, Chisinau, after the station aired investigations into corruption in the Ministry of the Interior and Minister Gheorghe Papuc's allegedly fake university diplomas. The minister neither confirmed nor denied these allegations. In late September, Eduard Musuc, chair of the opposition Social-Democratic Party and a businessman, was placed in custody for alleged embezzlement.<sup>2</sup> These arrests were quite controversial, as they allegedly aimed to undermine critics of the current government or advance some private economic interests close to the government.

Moldova's political developments in 2006 were a continuation of the trends set in motion after the national elections in March 2005. At that time, parts of the opposition, namely the Christian-Democratic People's Party, were co-opted into supporting the government. The other biggest opposition group, the Democratic Moldova Bloc, has been in a state of gradual disintegration after its defeat in the 2005 elections. This disintegration has continued into 2006 to an extent that the current opposition is in total disarray, inside and outside the Parliament. Instead of a large united bloc in the Parliament, the opposition consists today of small groups of independent deputies and opposition factions that are more often in conflict with one another more than opposing the government.



External relations played a significant role in developments in Moldova in 2006. The country's relationship with Russia has been deteriorating, and economic pressures were used on a grand scale against Moldova during the year. On January 1, Russia stopped gas supplies to Moldova and Ukraine (resumed 3 days later in the latter case). In Moldova, Russian gas supplies did not resume until after 10 days, accompanied by a doubling in the price of gas from US\$80 to US\$160 per 1,000 cubic meters.

In March, Moldova and Ukraine, with the support of the EU and its Border Assistance Mission on the Moldova-Ukraine border, enforced a new border regime for the separatist region of Transnistria, which has been importing and exporting goods through Ukraine. According to the border regime, Transnistrian companies cannot export goods from the region without registering in Moldova and obtaining customs documentation from the legitimate Moldovan authorities. Russia, which supports the separatist region, opposed the new border regime and in retaliation imposed a ban on the sale of Moldovan (and Georgian) wines in Russia at the end of March—both countries are members of GUAM Organization for Democracy and Economic Development. Before the ban, Moldova supplied more than half of the wines sold on the Russian market, and Russia was the main export destination for Moldovan wines. The ban has prompted the government to revise its economic growth forecast downward from 6.5 to 4 percent growth.<sup>3</sup> The wine ban has had important spillover effects on the transportation, packaging, bottling, advertising, and banking sectors.

Moldova's relationship with the European Union advanced in 2006. The country continued to implement an Action Plan, under the auspices of the European Neighborhood Policy, which should bring Moldova's economic and political systems closer to EU standards. The EU has been involved in conflict resolution in Transnistria, offered Moldova the possibility to start talks on a visa facilitation deal, and has enabled access of Moldovan goods to the EU market under a system of trade preferences (called GSP+).

Over the course of the year, there was little progress toward solving the separatist conflict in Transnistria. The new customs regime enforced in March 2006 weakened the separatist authorities but also increased their reliance and dependence on Russia. The latter has been supporting Transnistria more openly. In September, Transnistria held a referendum on joining the Russian Federation in which 97 percent of those polled were reported to have voted in favor, even though the preconditions for a free and fair vote do not exist in Transnistria because of the authoritarian nature of the region's political regime. Moldova, Ukraine, the EU, the United States, and the OSCE all denounced the poll. Transnistria also announced its intention to harmonize legislation with Russia and introduce the Russian ruble as a currency, which would open the way for Transnistria to become a de facto Russian exclave like Kaliningrad.

## Electoral Process

1999	2001	2002	2003	2004	2005	2006	2007
3.25	3.25	3.50	3.75	4.00	4.00	3.75	3.75

Moldova has been a parliamentary republic since the 2000 reform of its Constitution, which states that the Parliament elects both the prime minister and the president. Despite the fact that the president is no longer elected by popular vote, the current president, Vladimir Voronin, has succeeded in retaining a sizable influence over the executive in his previous (2001–2005) and present (2005–2009) mandates. This control is due to the fact that Voronin is the uncontested leader of the Party of Moldovan Communists—the ruling party since 2001—and a clear majority of the PCM exists in the Parliament. Hence, in practice, the Moldovan political system more closely resembles a semi-presidential system, in which the president defines the government’s priorities and the parliamentary agenda.

After the 2005 elections of Moldova’s 101-seat unicameral Parliament, and following a power-sharing deal between the PCM and the parliamentary opposition, the Moldovan executive amended the electoral code on July 22, 2005. The most significant outcome was the reform of the Central Election Commission to allow for increased representation of the opposition. The threshold for entry into the Parliament was lowered from 6 to 4 percent, increasing the effective parliamentary representation of smaller political parties.

However, in 2006 the pace of reform slowed down, with no significant changes to the electoral code. A number of recommendations by the Council of Europe’s Venice Commission regarding parliamentary elections were consistently ignored, despite calls from Moldovan civil society to proceed with the reform of the electoral system. For instance, Moldovan authorities resisted repeated calls to introduce multiple constituencies in the country, which currently comprises only one electoral constituency. This would make the deputies more accountable to their voters and would mean that one deputy would be elected per constituency and would be answerable to the people living in that constituency. This would open the way for the increased representation of national minorities in the Parliament. Currently, a political party that makes it into the Parliament is able to appoint its parliamentarians. This leads to situations where business leaders can, for instance, buy their way into the Parliament in order to enjoy parliamentary immunity. In addition, members of Parliament are shielded by their party factions from popular scrutiny and a punitive vote in the next elections.

In July 2006, the Moldovan Parliament adopted a law that approved a series of Council of Europe and OSCE recommendations on the reform of its electoral code. The law was approved by all parties represented in the Parliament and was drafted jointly with a respected Moldovan NGO, the Association for Participatory Democracy. The law did not overhaul the existing electoral code but rather sought to fine-tune it with new or revised provisions *inter alia* concerning voter

registration, the drawing up of voter lists, electoral budgets, campaign advertising, the presence of police at polling stations, accreditation of election observers, the introduction of a blank vote, and other issues.<sup>4</sup> However, the new law ignores the Council of Europe's recommendation regarding a change to the rules on lifting parliamentary immunity for deputies.

In addition, Moldovan authorities have not accepted that the declaration of income of persons holding public office should include the income of adult family members. Further, Moldovan authorities have not considered any of the joint recommendations on local elections proposed by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights. This raises concern that the local elections, due to take place in 2007, will produce the same irregularities as the 2003 elections. The most visible electoral reform introduced in 2006 was the authorization for a weekly, 90-minute political debate on national television in which candidates across the entire political spectrum are entitled to participate.

Moldova witnessed two electoral events in 2006. Elections for the *bashkan* (governor) of the Autonomous Region of Gagauzia in southern Moldova took place on December 3, 2006. The electoral campaign started in October, and only four independent candidates registered: then-governor Gheorghe Tabunscic, the incumbent; Mihail Formuzal, mayor of Ciadir-Lunga; Nicolae Dudoglo, mayor of Comrat; and the deputy prosecutor general of Moldova, Alexander Stoianogolo. The incumbent, Governor Tabunscic, had the support of the central authorities in Chisinau, the ruling PCM, whereas Mihail Formuzal was considered the main opposition candidate.

On December 3 during the first round of elections for the Autonomous Region of Gagauzia governor 82,000 Gagauz voters went to the polls. Surprisingly, the main opposition candidate, Mihail Formuzal, gathered the most votes (33.94 percent) and faced Comrat mayor Nicolae Dudoglo (31.45 percent) in the second round. Despite the avowed support of the PCM for the incumbent Tabunscic, he came in third (24.07 percent). The OSCE report on the conduct of the first round pointed out that although elections were held in a calm manner and there was significant improvement in voting procedures compared with those of previous elections in Gagauzia, campaign opportunities were not the same for all candidates. In particular, the incumbent governor made use of the administrative resources of the region and had preferential access to the media. Also, a number of shortcomings and irregularities were observed on polling day, and the voting lists were inaccurately drawn up.

In the second round of elections held on December 17, Mihail Formuzal, by far the favorite to win the contest at this stage, gathered 56.2 percent of the votes and was officially proclaimed governor of the Autonomous Region of Gagauzia on December 23. The second round saw an improvement compared with the first round, and only very minor irregularities were observed on polling day. The governor of the Autonomous Region of Gagauzia is also a member of the Moldovan government by presidential decree, as stipulated by the Law on the Special Status of the Autonomous Region of Gagauzia.

The OSCE Mission in Moldova concluded after the first round that “there remain serious inconsistencies in the Gagauz Law on Bashkan Elections, which fails to provide a clear framework for the registration of candidates and does not ensure the formation of impartial election bodies.”<sup>5</sup> A significant fact is that—unlike in all previous elections since 1994—the opposition candidate in this case won the elections. Previously, the candidate supported by the central authorities in Chisinau was virtually certain of victory, and the elections were subject to strong interference from the central authorities, essentially through positive media coverage and the use of administrative resources for electoral purposes. Owing to this unprecedented situation, voter turnout in the second round was 62.8 percent, up by 20 percent in comparison with previous elections held in the Autonomous Region of Gagauzia.

Another 2006 electoral event was the unrecognized elections of the unrecognized president of the secessionist Moldovan region of Transnistria, which took place on December 10. Igor Smirnov, the uncontested “president” of the region since 1990, won the elections for the fourth time in a row with 82.4 percent of the vote and will remain at the helm of Transnistria for another five-year term. In the elections, Smirnov faced opposition from three other candidates: Nadejda Bondarenco, chairwoman of the Communist Party (8.1 percent of votes); Andrei Sofanov, editor in chief of the newspaper *Novaia Gazeta* (3.9 percent); and Piotr Tomaili, a businessman and independent candidate (2.1 percent). Out of an estimated population of 550,000 in the Transnistrian region, a total of 394,000 voters went to the polls. The turnout was 66.1 percent (257,810 voters), and 263 polling stations were available.

The international community, in particular the United States, the EU, the OSCE, and neighboring Ukraine, did not recognize the outcome of the elections, considering them to be illegitimate. Despite this, a number of election monitors went to the Transnistrian region, mainly from Russia and Ukraine, and included a group of deputies from the Russian Parliament, led by the deputy chairman of the Russian Duma, Serghei Baburin.

#### Civil Society

1999	2001	2002	2003	2004	2005	2006	2007
3.75	3.75	4.00	3.75	4.00	4.00	4.00	3.75

Civil society in Moldova is weak. Despite a fairly high number of registered NGOs (3,720 in late 2006),<sup>6</sup> few are active and functioning. By the estimate of one of the biggest foreign donors in Moldova, only 150 to 200 NGOs are active in the country.<sup>7</sup> The state generally protects the rights of the independent civil sector. Registration is relatively easy, and there is no excessive bureaucratic pressure on NGOs. The main problem for NGOs is a lack of resources for institutional development. The low number of active NGOs is due primarily to the lack of a tradition of civic activism in Moldova, as well as the comparatively negligible support that NGOs receive

from private donors in Moldova. Few businesspeople support civil society, and even the low level of domestic support goes mainly into charity rather than activities with greater political salience. Foreign donors remain by far the biggest financial supporters of civil society in Moldova.

Moldovan civil society is hardly vibrant or active. On the one hand, civil society has relatively benign conditions for development. Moldovan society is largely free of extremist or intolerant organizations or groups. There are no groups advocating violence, no private militias, vigilante groups, or active racist or extremist organizations, and no groups that aim at undermining stability and democratic developments in the country. The government, while not being very open to civil society, is not active in countering it, either. On the other hand, Moldovan civil society remains largely locked into an inertia of passivity and institutional weakness.

In 2006, cooperation between governmental institutions and NGOs improved and developed. In the previous year, a number of state institutions, primarily the Parliament and the Ministry of Foreign Affairs, declared their intention to institutionalize cooperation with civil society, and at the end of 2005, the Parliament adopted a Concept of Cooperation with Civil Society, which was developed together with the Information Bureau of the Council of Europe in Chisinau.<sup>8</sup>

Under this framework of cooperation, NGOs have the possibility to provide direct input in the legislative process in a number of ways. First, expert councils of civil society activists have been created to advise parliamentary commissions. Second, the Parliament publishes on its Web site all draft laws, and NGOs have 15 days to provide feedback.<sup>9</sup> The Parliament is obliged to inform NGOs which suggestions were accepted or not. Third, the framework provides for the possibility of *ad hoc* meetings and hearings on concrete issues where the Parliament receives input from NGOs. Certainly, this kind of cooperation is not without problems. Many deputies and parliamentary staff treat this cooperation as an obligation they undertook in the face of international pressure rather than as a possibility to improve legislation. However, as the practice continues to expand, it can have an important socializing effect.

In April, the government and civil society groups held a conference on how to improve cooperation, and a working group was created to design ways to do so.<sup>10</sup> So far, the results have not been visible, but the prime minister has publicly committed to involve civil society in the decision-making process. The Foreign Ministry has thus far been the most open governmental institution and has held regular meetings between high-level ministry officials and independent experts working on foreign policy issues. During these meetings, the Foreign Ministry and civil society activists have exchanged ideas on current issues in foreign policy. The Foreign Ministry has also been developing a Strategy of Information and Communication on European Integration with the help of the NGO Eurasia Foundation. The same NGO, in cooperation with the Foreign Ministry, is working on the opening of European Information Centers in two Moldovan towns, Cahul and Balti. Moreover, in order to support NGOs, the Ministry of Justice has opened a telephone hotline where existing and potential NGOs can receive advice on the creation, registration,

and functioning of NGOs. While such projects are small, they indicate increasing openness to civil society and a growing understanding that NGOs can provide helpful feedback and support for Moldova's European integration efforts.

However, the positive trend of cooperation between civil society and public institutions has not been the rule. Access to information from most public institutions is still highly problematic in Moldova, despite a 2000 Law on Access to Information stating that public institutions should provide citizens with information within 15 days of a request, if the information is not classified. Acces-Info, an NGO campaign for transparency and access to information, found that in 2006, only 9 percent of town halls, 24 percent of local police offices, and 25 percent of courts responded to requests for information. In the capital, Chisinau, public institutions have been more open, with 82 percent of ministries and state agencies providing required information.<sup>11</sup> As the Speaker of the Moldovan Parliament noted, "There is a deficit of culture of access to information, both at the level of public authorities and among citizens."<sup>12</sup>

Formally, the state does respect the right to form trade unions. However, the government supports one large trade union (Solidaritatea) against the more representative and more independent National Confederation of Trade Unions of Moldova (CSRМ). There have been instances where public employees were pressured to join the pro-government trade union. For example, in January 2006 the employees of the National Library of Moldova were pressed to join the government-supported Solidaritatea trade union instead of the CSRМ.<sup>13</sup> The CSRМ has complained to the International Labor Organization about such practices.<sup>14</sup> This is one of many instances when the government has interfered in the activities of trade unions.

#### Independent Media

1999	2001	2002	2003	2004	2005	2006	2007
4.00	4.25	4.50	4.75	5.00	5.00	5.00	5.25

Moldovan legislation guarantees freedom of expression and editorial independence and prohibits censorship in the media. The legislative framework ensuring media freedom is provided by the Constitution, the 1994 Law on Media, the 2002 Law on the Public National Broadcaster, and a 2006 broadcasting code. In 2004, Moldova decriminalized libel and is expected to impose a ceiling on the maximum amount that may be claimed for slander. However, despite existing legal and operational guarantees for independent media, the state of mass media in Moldova has been quite problematic.

The government exercises some control over the media, particularly TV and radio. This creates an uneven playing field for political forces in the country and decreases the level of political pluralism in Moldovan media. Freedom of the press and pluralism in the media diminished visibly after 2001, with the PCM in power. Freedom House's *Freedom of the Press* survey downgraded Moldova's rating for press

freedom from “Partly Free” to “Not Free” in 2004, and the situation persisted throughout 2006, in which Moldova was ranked 141 out of 194 nations. Reporters Without Borders’ 2006 Press Freedom Index ranked Moldova 85 out of 168 states, ahead of all other post-Soviet countries except for the Baltic states.<sup>15</sup> However, Moldova’s position in the index in 2006 was worse than in 2005.

The most widely circulated newspapers in Moldova are the Russian-language *Komsomolskaya Pravda*, *Argumenty i Fakty*, *Nezavisimaia Moldova*, and *Moldavskie Vedomosti*; and the Romanian-language *Flux*, *Timpul*, *Jurnal de Chisinau*, *Moldova Suverana*, *Ziarul de Garda*, and *Saptamana*. Important regional newspapers are *Cuvantul*, *Observatorul de Nord*, and *Unghiul*. The major radio stations are Radio National, Radio Antena C, and the regional *Vocea Basarabiei*, as well as a number of FM music stations. In August 2006, the BBC was launched in FM with broadcasting in English, Romanian, Russian, and Ukrainian and special news programs for Moldova. Popular television networks with national coverage are Moldova 1, *Pervyi Kanal v Moldove* (Russian channel), and TVR 1 (Romanian channel). Important television stations that cover only parts of Moldova (mainly Chisinau) are Euro TV, PRO TV, and DTV. The Russian-language independent (but pro-government) channel NIT has extended its coverage to most of the country.

The distribution of print media is state controlled, but private newspapers are not discriminated against. Access to Moldovan media in Transnistria is restricted, but there are no restrictions on use of the Internet. Access to the Internet has been growing but still remains relatively low, with 10 percent of households having computers at home and only 28 percent having access to computers at work.<sup>16</sup>

Generally, there is some level of pluralism in Moldova’s print media. Newspapers provide a variety of views, even if most media outlets are dependent on political or economic sponsors, but interference in editorial policy from owners is widespread. There is significantly less pluralism in TV. The public TV broadcaster Moldova 1 works as a government channel and is far from providing balanced news. The situation is better in Chisinau, where more local TV channels and radio stations are available and provide a greater sample of views.

An important event in the development of independent media in Moldova was the adoption of a new broadcasting code on July 27, 2006.<sup>17</sup> The code is considered favorable to media freedom and independence and a significant improvement on previous legislation in the field.<sup>18</sup> The draft code adopted in 2006 implemented all major recommendations put forward by the OSCE and the Council of Europe and numerous recommendations offered by civil society groups in Moldova.<sup>19</sup> Many of these recommendations were implemented after the first reading in the Parliament.

The most important elements of the code are as follows. First, the procedure for appointing the Broadcasting Coordinating Council (CCA), the regulatory authority for broadcasting, has been designed to create a more professional, independent, and less politicized CCA with greater participation by civil society. The CCA comprises nine members and is approved by a three-fifths majority in the Parliament (61 out of 101 deputies), which in theory gives the opposition a



deciding stake in the process. CCA members are to be approved at the proposal of NGOs, trade unions, associations of media owners, and representatives of religious organizations. A third of the CCA members will change on a rotating basis every two years, and they cannot be removed while in office (unless they do not fit some restrictions on potential members of CCA specified in the law).

Second, the rules on licensing were simplified and made more transparent. Third, the TV and radio public broadcasters (Moldova 1 and Radio National) are to have a supervisory board similar to that of Radio Television Kosovo, considered by the Council of Europe to be one of the best models for such an authority. The supervisory board will also be appointed by a three-fifths majority in the Parliament. In addition to these major improvements, the code introduced many others in the financing of public broadcasters, retransmission rules, local and regional public broadcasters, and the introduction of the principle of proportionality of sanctions. Likewise, many of the initial restrictions and ambiguous formulations in the law were eliminated on recommendations from the OSCE and Council of Europe.

Yet two problems stand out in the aftermath of the adoption of the new broadcasting code. First is its implementation. Many of the provisions on the creation of the CCA or the supervisory authority at the public broadcaster can be circumvented if the ruling party shares membership in these bodies with the opposition in exchange for the missing votes necessary to attain a three-fifths majority. This in fact happened in October 2006, when the ruling PCM and the Christian-Democratic People's Party distributed the CCA places among themselves. Most independent media organizations and opposition deputies criticized the nontransparent way in which the members of the CCA were selected.<sup>20</sup> The second problem is that the new broadcasting code opened the way for the privatization of Euro TV and Radio Antena C, previously owned by the Chisinau municipality and often critical of the government. This indeed occurred in December 2006, when Chisinau authorities decided to privatize Radio Antena C and Euro TV. Protesting Radio Antena C journalists were ousted from the radio station by the police, and the station itself was taken off the air for a few weeks. It was widely expected that the two media outlets would come under the control of government-supported owners as a result of this unfair privatization.

The independent media scene in Moldova has also been clouded by the September 7 arrest of Ghenadie Braghis, sales director at PRO TV, for allegedly taking a bribe. But the arrest came in the aftermath of a series of reports and journalistic investigations by PRO TV that revealed that Minister of the Interior Gheorghe Papuc allegedly has fake university diplomas, as well as information on irregularities in the management of the ministry and misbehavior by the police.<sup>21</sup> A statement by the most important Moldovan media NGOs claimed that the arrest of Braghis was meant to "intimidate" PRO TV and the media at large.<sup>22</sup> Immediately after the arrest, instead of being intimidated, PRO TV reacted with even more criticism of the Ministry of the Interior. Virtually all opposition politicians strongly condemned the actions of the Ministry of the Interior.<sup>23</sup> A few days after the arrest, Braghis was released. But in early October, it was announced that the criminal case against him



was reopened. The issue of PRO TV constituted so far the most public affront of the independent media in Moldova. As a result, the TV station has stopped investigating the Ministry of the Interior and has become less critical of government officials.

#### Local Democratic Governance

1999	2001	2002	2003	2004	2005	2006	2007
n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75

Moldova's legislation, including the Constitution and the Law on Local Public Administration, provides the framework for local democratic governance. Citizens have the right to choose their local leaders on the basis of universal, equal, and direct suffrage by secret ballot. Mayors are elected directly by citizens, while local councillors are chosen according to a proportional voting system. Traditionally, voting procedures have been held regularly and considered free. Moldova is divided into 32 districts (*raions*), and district chairmen are appointed by the government.

The practical state of Moldovan democracy at the local level has been in a negative trend since the PCM came to power. There has been a tendency to deprive local authorities from certain powers in favor of the central government. On October 16, 2003, the Law on Local Public Finances was adopted and took effect January 1, 2004. One of the provisions of the law abolished the previous practice of dividing value-added tax between the central government and the local authorities. With the new law, local authorities were deprived of this source of income, thus becoming even more dependent on the central government for grants. Consequently, some experts claim that 85–90 percent of decisions on funding priorities at the local level are made by the central government's district (*raion*) executives rather than the local authorities.<sup>24</sup>

The central government abuses this position, distributing funds to local authorities in a biased manner depending on their relationship with the PCM. Lora Grosu, an opposition parliamentarian, says the “financial support from the state budget depends on how many votes the ruling party gets in any given town.”<sup>25</sup> And Lucia Candu, a public policy expert from Moldova, claims that “after 15 years of reform, the local governments still rely heavily on transfers from upper tiers of government, which limits local autonomy significantly. Often, local revenues raised within the boundaries of the locality are insufficient to cover even the administrative expenses of the mayor's office.”<sup>26</sup>

In a 2006 proposed Concept for a Strategy of Fiscal Decentralization, the Coalition for Fiscal Decentralization, an advocacy group, identified a number of key problems that financially constrain the development of local democratic governance.<sup>27</sup> First, there is an unclear division of competences among various levels of public administration, which often leads to the duplication of competences and conflicts among various institutions. Second, local authorities do not have enough

tax income to cover local needs. This problem results from Moldova's large gap in economic development between cities and villages. The economies at local levels are often just subsistence economies.<sup>28</sup> The government aggravates this situation by delegating local authorities with competences without providing sufficient financial support to honor them. According to data from the Ministry of the Economy, the local budgets are chronically underfinanced. In Chisinau, the budget covers only 86.3 percent of local needs, in Balti 81.4 percent, while more than half of Moldova's 32 districts have transfers from the central authorities that cover less than 50 percent of their budgetary needs.<sup>29</sup> Third, the system of transferring grants and allocating resources to local authorities is inefficient and makes it unattractive for local authorities to create better conditions for business development. Most potential tax revenues, in any event, go to the central government; thus local authorities have little to gain from being more business-friendly.

Because the existing situation contributes little toward effective governance or local economic development, the government in 2006 prepared a number of reforms of the local public administration. First, in June it created a Ministry of Local Public Administration with the objective to develop local administration.<sup>30</sup> Second, the government presented a draft Law on Regional Development that would create six regions for economic development (north, center, south, Gagauzia, the Chisinau area, and Transnistria).<sup>31</sup> These regions would be superimposed on the existing 32 *raions*. This reform was launched with support from the EU under a project aimed at supporting regional development—implementing bodies.<sup>32</sup> Its goal is to create more financially powerful regions in which resources for regional development would be allocated more effectively. This necessity stems from the fact that the 32 Moldovan *raions* are too fragmented and small to be viable economically.

Despite positioning itself to undertake reforms of the local authorities, the government remains highly interventionist in local affairs. As mentioned previously, in Gagauzia the central government has shown bias in local elections. But the most important development has been the continuing assertion of control by the PCM of the Chisinau municipality. The previous mayor, Serafim Urecheanu, left office to become a member of Parliament and was followed by a new interim mayor, Vasile Ursu. In 2005, four rounds of elections were held, but because of the low turnout none was considered valid. Throughout 2006, there was a significant rapprochement between the interim mayor and the PCM, leading to the ruling party's de facto political control of the Chisinau authorities. Many local councillors in the Chisinau legislature complained that in contravention of decentralization laws, the mayor was following priorities set by the president instead of the municipal council.<sup>33</sup>

Another issue related to Chisinau was the launch of a reform of the Chisinau municipality. The Parliament passed a draft law that would lead to the creation of district mayors in Chisinau's five districts, all elected directly by voters.<sup>34</sup> This would significantly decrease the influence of the mayor of Chisinau, who could find himself in conflict or competition with the district mayors. The reform could be a useful step toward decentralization. However, critics of the reform claim that the PCM

was motivated by a desire to weaken any future mayor in a city where the party has the lowest popularity in the country and cannot expect to win an election.<sup>35</sup> Thus the reform was aimed not at genuine decentralization, but at ensuring greater dominance by the PCM of political life in Chisinau and beyond.

#### Judicial Framework and Independence

1999	2001	2002	2003	2004	2005	2006	2007
4.00	4.00	4.00	4.50	4.50	4.75	4.50	4.50

The 1994 Constitution of the Republic of Moldova puts in place a legal framework that upholds democracy, the rule of law, and the respect of human rights. The Constitution provides for a two-tiered legal framework consisting of lower courts and courts of appeals, thereby ensuring the right to appeal a judicial decision. In addition, there is a Supreme Court of Justice whose main role is to ensure the uniform interpretation and correct application of legislative provisions by all judicial bodies. Finally, there is a Constitutional Court, which can rule only on the constitutionality of acts. In principle, the Constitution has put in place a system that upholds the separation of powers between the judiciary and the executive branches and should be able to ensure the independence and impartiality of the judiciary.

In practice, this is not the case, despite the process of reform launched following the parliamentary elections of March 2005. Further reforms are needed to ensure the effective respect of human rights, including minority rights, and the independence of the judiciary. The precarious state of the judiciary engenders a low level of trust among the Moldovan population. According to an opinion poll conducted in 2006, only 31 percent of Moldovan citizens declared that they trust the judiciary.<sup>36</sup> A reform of the Constitution is under way to make the Constitutional Court the country's highest court of appeal. By adding a second tier of appeal, Moldovan authorities hope to reduce the comparatively high number of applications brought by Moldovan citizens to the European Court of Human Rights (ECHR) in Strasbourg.

The judiciary is coping with many practical problems, such as a considerable yearly increase in cases not matched by an increase in the number of judges and auxiliary personnel. In addition, there currently exists a backlog of 70,000 judicial decisions that have not yet been carried out. On average, judicial decisions are implemented in 40 percent of cases.<sup>37</sup> This backlog has resulted as much from a lack of human resources as from the "poor quality of the judicial decisions."<sup>38</sup> Insufficient office space is another major obstacle.

Many of the judiciary's problems are due to a lack of sufficient funds allocated from the state budget, jeopardizing the necessary conditions to ensure a qualitative judicial process. In Moldova, there is no principle of financial autonomy for the judiciary, and as a result, it is up to civil servants from the Ministry of Finance to decide on the justice system's financial needs. In 2006, the judiciary accounted

for only 0.41 percent of state budget expenditures.<sup>39</sup> This circumstance can have repercussions on the independence of judges, whose salaries are comparatively low. Judges of the court of first instance earn 120 euros per month, their colleagues from the court of appeals earn 166 euros, and judges sitting on the Supreme Court of Justice earn 213 euros (US\$280).<sup>40</sup> Another serious problem is the lack of access to information technologies, lack of equipment, and lack of a central database listing previous court cases.

In June 2006, Moldova took a major step toward ensuring the independence of the judiciary and the quality of the judicial process by adopting the Law on the Establishment of the National Justice Institute.<sup>41</sup> The main aim of the institute is to provide training for judges and prosecutors through seminars and courses. The initiative for the institute was advanced by the Association of Moldovan Judges, along with the Council of Europe, and was approved by the government, which will finance this public institution. The institute will also rely for financial support on international donors, NGOs, and international institutions.<sup>42</sup> The National Justice Institute is expected to be in operation by September 2007.

In 2006, a much debated law was introduced that financially penalizes individuals whose actions lead to a condemnation of (and compensation by) the Moldovan state in judgments handed down by the ECHR in Strasbourg. In other words, judges whose decisions result in a subsequent condemnation by the ECHR may under the new law be forced to compensate the Moldovan state for the financial losses incurred as a result of an ECHR judgment.<sup>43</sup> The law is controversial in that it may undermine judges' willingness and ability to make independent judicial decisions.

The lack of transparency in recruiting Moldovan judges has often been criticized. In 2006, as part of the country's judicial reform, the Superior Council of Magistrates organized for the first time in its history "an open competition for vacancies for judges and vice presidents of certain instances."<sup>44</sup>

Finally, owing to Moldova's efforts to increase integration with the EU, a greater role has been bestowed on the Ministry of Justice in the framework of the implementation of the EU-Moldova Action Plan. To ensure legislative harmonization, the Ministry of Justice has been tasked by the Moldovan government to set up a center for the adjustment of Moldovan legislation to EU legislation, including the review and editing of existing and future normative acts.<sup>45</sup>

Although Moldova has incorporated many of the recommendations of the Reporting Committee Against Torture of the Council of Europe in its criminal code and criminal procedural laws, detainees under preventive arrest and prison inmates are still subject to inhumane treatment by guards and law enforcement personnel under either the Ministry of the Interior or the Ministry of Justice. Conditions of detention are degrading and amount to a violation of the most basic human rights: Personal hygiene is not ensured, cells are overcrowded, food is inadequate and insufficient, there is a lack of access to medical treatment, and inmates are regularly subjected to mistreatment and other physical abuse by guards. A case in point: "The state of Moldova was fined by the ECHR in the amount of 21,000 euros

payable to Mr. Corsacov, who was subject to inhuman detention conditions and torture during police custody.”<sup>46</sup> These deplorable conditions may in part explain why Moldova is still monitored by the Council of Europe a record-breaking twelve years after its accession to that institution.

To address this situation, Moldovan authorities set up the Committee for Complaints in February 2006, in accordance with the new criminal procedural code adopted by the Moldovan Parliament, whose aim is to impartially examine the complaints of inmates against prison guards, institutions of detention in general, and law enforcement agency personnel.<sup>47</sup> However, the committee center is not accessible to all detainees, which is very worrying considering that “50 percent of detainees consider that they are kept in very harsh and unbearable conditions.”<sup>48</sup> It is encouraging to note that the *Annual Report of the Center for the Protection of Human Rights in Moldova* was debated in the Moldovan Parliament, and recommendations<sup>49</sup> were forwarded to the detention institutions and to the Ministry of Justice to prevent cases of torture and inhumane treatment and to improve the conditions of detention. These steps show an increased awareness by Moldovan lawmakers in these issues, but not necessarily an improvement of the detention conditions in the short term.

#### Corruption

1999	2001	2002	2003	2004	2005	2006	2007
6.00	6.00	6.25	6.25	6.25	6.25	6.00	6.00

The fight against corruption has become a top priority for the Moldovan government since the parliamentary elections of March 2005. The first step was the elaboration of an adequate legal framework to tackle corruption. On December 29, 2005, the Moldovan Parliament adopted the Action Plan for the Implementation of the National Strategy on the Prevention and Fight Against Corruption for 2006. The Action Plan includes provisions on the prevention of corruption and ensuring greater transparency in the public administration and was elaborated with the support of NGOs, the Stability Pact Anticorruption Initiative, and Council of Europe experts.

In addition, the fight against corruption in Moldova has received increasing international attention. For instance, the country’s anticorruption campaign is high on the domestic political agenda of the EU-Moldova Action Plan, which was signed in February 2005 and contains provisions to combat corruption. The domestic legal framework for the fight against corruption is supplemented by a number of international initiatives. The Council of Europe’s Group of States Against Corruption (GRECO) closely monitors Moldova’s anticorruption efforts, provides expertise, and formulates recommendations for improving the legal framework. The Council of Europe supports Moldova’s anticorruption efforts through the PACO-Moldova project<sup>50</sup> and the MOLICO project. The European Commission is financially

supporting the MOLICO project, which began in August 2006<sup>51</sup> and will last until 2009. The 3.5 million euros allocated to the project ensure the implementation of Moldova's anticorruption strategy through annual Action Plans.

The Stability Pact Anticorruption Initiative also recommends the adoption of a series of measures, most of which were implemented by the Moldovan government as of July 31, 2006. According to the initiative's measures, Moldovan authorities were required to ratify the Additional Protocol to the Criminal Convention Against Corruption and the UN Convention Against Corruption by the end of 2006.<sup>52</sup>

These domestic and international programs and initiatives have the positive effect of raising awareness and improving the perception of the problem of corruption in Moldova. According to Transparency International's Corruption Perceptions Index,<sup>53</sup> Moldova's score improved from 2.9 in 2005 to 3.2 in 2006, making it the best score in the Commonwealth of Independent States.

A central element of the fight against corruption has been the involvement of civil society with the approval of Moldovan authorities; this has made the anti-corruption measures more effective and has conferred more legitimacy on the campaign. On January 10, 2006, the Anticorruption Alliance (ACA) was created to bring together more than a dozen NGOs, and on January 13, a cooperation agreement was signed between the ACA and the Center for the Fight Against Corruption and Economic Crime (CFCEC). The cooperation agreement provides for the joint implementation of anticorruption measures by both the ACA and the CFCEC.

Along with civil society, the main institutions and bodies leading the fight against corruption are the CFCEC, the Ministry of the Interior and its law enforcement agencies, and the Office of the Anticorruption Prosecutor within the Office of the Prosecutor General. Their role was continuously strengthened and their competences more clearly delimited throughout 2006. The CFCEC especially has been endowed with far-reaching powers of investigation, arrest, and prosecution, but all parties have received increasing financial means to carry out their tasks.

However, the methods and priorities of these institutions and agencies are coming under scrutiny as Moldovan citizens begin to review the extensive powers accorded them and question their independence. The high-level investigations and arrests by the CFCEC in 2006 (for instance, the director of Victoriabank, Victor Turcanu; the sales manager of PRO TV, Vitalie Braghis; the leader of the Social-Democratic Party, Eduard Musuc; and the leader of Ravnopravie (a political party focused on the interests of the Russian-speaking population in Moldova), Valeri Klimenko) are described by the independent press in Chisinau as being politically motivated. In other words, the CFCEC is often accused of carrying out political orders to target those whose (economic) activities are detrimental to the political or economic interests of members of the ruling party. In addition, the CFCEC is accused of showcasing an excessive display of force in the presence of the media and the press when conducting busts or arrests. Further, both the CFCEC and the Office of the Prosecutor General are viewed as focusing too much on and punishing too harshly cases of petty corruption instead of investigating larger cases of corruption more effectively.

On August 28, 2006, the Moldovan government approved a decision to review legislation with an eye toward its potential for corruptibility. The review will establish whether new acts are in accordance with national and international anticorruption standards. The review also aims to establish whether any acts could potentially encourage the phenomenon of corruption. The CFCEC will be responsible for elaborating the methodology for this legislation review.

Notwithstanding the improving legal framework, international initiatives and support, and allocation of financial resources and high-level support from President Voronin himself<sup>54</sup> (who considers the fight against corruption a top priority), actual results in curbing corruption have been slow in coming and have not been commensurate with the effort and means deployed. On July 8, 2006, Voronin criticized the ineffective Action Plan for the Implementation of the National Strategy on the Prevention and Fight Against Corruption and expressed concern at the level of corruption within public institutions. This observation is duly reflected in an opinion poll by the Institute for Public Policy in Moldova, where 73.4 percent of respondents declared that they are “not very satisfied” to “not at all satisfied” with the way in which the authorities tackle the fight against corruption.<sup>55</sup>

According to the most recent data available from the Moldovan government, “During 2005 and the first five months of 2006, 525 corruption crimes were registered,”<sup>56</sup> of which over 40 percent were committed by officials from the public administration (both local and national), the customs service, police, and taxation and registration authorities. A total of 49 cases (or 9.33 percent) of corruption involved officials from medical institutions. A 2006 opinion poll by the Council of Europe and the CFCEC confirmed these findings: Moldovans perceive the customs authorities, the police, judges and prosecutors, doctors, and medical staff as being very prone to corruption.<sup>57</sup>

The Moldovan health care system remains a fertile ground for bribes. On September 6, 2006, Transparency International Moldova released the results of an opinion poll on corruption in the health care system: 153 million lei (US\$11.6 million) were paid in bribes in the 12 months that the survey covered. Of those surveyed, 36 percent stated that they had paid bribes to doctors and medical staff, and 34 percent of those affirmed that they were forced to pay a bribe in order to receive treatment.<sup>58</sup>

Although the high level of public tolerance for corruption has been declining steadily in Moldova, it is still viewed as a major impediment to an effective anticorruption campaign. In an opinion poll carried out by the Institute for Public Policy in Moldova, only 4.7 percent of respondents declared that corruption is a primary concern in their daily lives.<sup>59</sup> Such a low level of public concern, coupled with the problems described earlier that are inherent to the early stages of setting up an adequate anticorruption framework (despite international assistance), has so far yielded only modest results in the country’s fight against corruption.



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