

Moldova

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Capital: Chisinau
Population: 3.4 million
GNI/capita: US\$2,660

The social data above was taken from the European Bank for Reconstruction and Development's *Transition Report 2007: People in Transition*, and the economic data from the World Bank's *World Development Indicators 2008*.

Nations in Transit Ratings and Averaged Scores

	1999	2001	2002	2003	2004	2005	2006	2007	2008
Electoral Process	3.25	3.25	3.50	3.75	4.00	4.00	3.75	3.75	3.75
Civil Society	3.75	3.75	4.00	3.75	4.00	4.00	4.00	3.75	3.75
Independent Media Governance*	4.00	4.25	4.50	4.75	5.00	5.00	5.00	5.25	5.50
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.75	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	5.75
Judicial Framework and Independence	4.00	4.00	4.00	4.50	4.50	4.75	4.50	4.50	4.50
Corruption	6.00	6.00	6.25	6.25	6.25	6.25	6.00	6.00	6.00
Democracy Score	4.25	4.29	4.50	4.71	4.88	5.07	4.96	4.96	5.00

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

EXECUTIVE SUMMARY

Following its declaration of independence on August 27, 1991, and a short civil war provoked by Russophones from the region east of the Nistru River in 1992, Moldova embarked on a political and economic reform process throughout the 1990s and succeeded in holding several rounds of largely free elections. With most heavy industry based in the breakaway Transnistria region, Moldova's gross domestic product, based primarily on agriculture, plummeted by the late 1990s. The resultant internal political crisis saw the Communists return to power in 2001. Until 2003–2004, the Communist leadership held a distinct pro-Russian foreign policy course, but after formulation of the European Union (EU) Neighborhood Policy in 2003, Moldova eventually made European integrity a priority and signed an Action Plan with the EU in February 2005.

Moldova has continued the reform process throughout 2007. However, the pace of reforms has been slowing down, partly because in the first half of 2007, most political efforts were geared toward the June local elections. Electoral support for the Party of Moldovan Communists (PMC) dropped significantly compared with the 2005 parliamentary elections (from 46 percent to 34.4 percent). In 2007, the Moldovan government also continued to implement the EU-Moldova Action Plan. However, the EU urged Moldovan authorities to take further action to tackle problems concerning the judiciary and related to the fight against corruption and as a result decided to extend the Action Plan (due to expire in February 2008) for another year.

Moldova's first year as an EU neighbor following Romania's accession to the EU on January 1, 2007, provoked embarrassing diplomatic exchanges between Chisinau and Bucharest surrounding questions of visas and passports. Romania's introduction of visas affected the ability of Moldovans to travel to and study in Romania and the EU. The delayed signature of a basic treaty between both countries was a further cause of deteriorating relations. However, the partial lifting of the Russian ban on Moldovan wine and confidential bilateral talks taking place throughout 2007 on a plan for the resolution of the Transnistrian conflict demonstrated that relations between Chisinau and Moscow are on the mend.

National Democratic Governance. Moldova's national governance continues to be marked by tight presidential control over the legislature, executive, and judiciary. Officials no longer refuse to release public information as they had in the first years following passage of the Law on Access to Information. Instead they release standard, non-informative answers to citizens' requests. The security services still need reforming in order to come under full civilian control. Opposition parties and civil society organizations lack oversight of government policies. No progress

was made on a resolution of the Transnistrian conflict, despite a plan by President Vladimir Voronin to demilitarize Moldova and implement a series of confidence-building measures with Transnistria. *Owing to little progress made in domestic political processes during the election year, Moldova's rating for national democratic governance remains at 5.75.*

Electoral Process. Local elections held in June 2007 were considered generally free and fair by international institutions (the OSCE and the EU), but shortcomings and abuses were noted mainly during the electoral campaign. Most significant, the PMC lost ground to the main opposition parties in this year's local elections. Moldova's electoral legislation did not change much in 2007, except for the adoption of a new law on political parties. The electoral code is expected to be fine-tuned prior to the 2009 parliamentary elections to address problems identified in previous nationwide elections pertaining to voter registration, voting privacy, registration of parties and electoral candidates, existence of equal campaign opportunities, and access to media. *Although the scale of electoral abuse recorded during the 2003 local elections was not repeated during the 2007 local elections, owing to procrastination by Moldovan authorities on electoral code reforms and persistent shortcomings throughout the electoral campaign, Moldova's rating for electoral process remains unchanged at 3.75.*

Civil Society. Abundant and fragmented, nongovernmental organizations (NGOs) are beginning the complicated process of consolidation. Civil society remains for the most part more preoccupied with its survival and the attraction of funding than with social problems. However, in certain cases the Moldovan government has undertaken efforts to involve civil society in the drafting of laws. The number of non-active organizations is significant, and only certain NGOs have the capacities to contribute to public policies. Lobbying and advocacy activities are developing slowly but lack impact. At the same time, monitoring efforts did not bear the expected results. Dependence on donor support makes NGOs vulnerable and poses the key challenge to the sector's development. Until NGOs become transparent and open to working with the media, they will lack credibility in their mission to promote democratic values. *Despite certain improvements, civil society did not manage to increase its influence over governmental policies and to establish itself as a vibrant component of the public sphere supported by constituents. The rating for civil society remains unchanged at 3.75.*

Independent Media. This electoral year saw a setback for media and press freedom. The public broadcaster Teleradio Moldova is still under excessive government influence, as is the Broadcasting Coordination Council. Self-censorship was common among journalists, particularly those covering the electoral campaign. Journalists investigating corruption, as well as their sources, were intimidated and harassed. While prison sentences can no longer be issued in libel cases, Parliament refuses to set a clear ceiling for libel fines. Teleradio Moldova has made little progress toward becoming a genuine public broadcaster. Diversity of opinion remains acutely

limited owing to political pressure and economic restraints on independent, non-state newspapers. Media concentration in the hands of people closely affiliated to the PMC also raises concerns for plurality in Moldovan media. Media outlets continue to struggle to ensure their financial sustainability, hindered by constant political influence. On the eve of local elections, journalists from two non-state TV stations were prohibited from filming an opposition march. *The score for independent media worsens from 5.25 to 5.50, as abuses and harassment, especially during local elections, resulted in an atmosphere of fear and self-censorship among journalists.*

Local Democratic Governance. Despite a wide range of rights, centralization of powers remains the key issue undermining the development of autonomously run regions in Moldova. Local authorities remain dependent on central authorities for funding and access to other resources. At the same time, the government clearly favors local communities led by representatives of the PMC and interferes with the prerogatives of the local authorities. The large number of candidates in local elections reflects not a wide range of political programs, but rather the fragmentation and intense fights at the local level, which draws attention from communities' interests. Journalists report the views of local civic groups in relation to local government policy, and a fair number of partnerships have emerged in such towns as Balti, Cahul, and Ungheni. Central authorities exercise control over local authorities mainly through the discriminatory distribution of budgets, whereby the central government clearly favors the Communist-led regions. *Because local governments continue to face excessive political control while centralization hinders the design and implementation of sound policies, the local democratic governance rating remains unchanged at 5.75.*

Judicial Framework and Independence. Moldova continues its reform efforts in the field of the judiciary, especially with respect to its organization, financing, independence, and proper functioning. Moldovan authorities work closely with experts from the Council of Europe (COE) and have agreed to submit all legislative proposals emanating from the Parliament for COE review. The Strategy on the Reform of the Judicial System for 2007–2008 was drafted with the help of the COE. The National Institute of Justice, which provides training for judges and prosecutors, opened in November 2007. However, independence is still not guaranteed with regard to the nomination and appointment of judges and prosecutors. The lack of sufficient financial resources, though partially addressed this year, is still a cause for corruption and does not create optimal conditions for effective trials. Moldova's penitentiary system is being reformed, but living conditions and treatment in prison are still degrading. *Throughout 2007, Moldova has continued to put in place a sound legal framework for its judiciary, which despite shortcomings is expected to yield results. Until then, Moldova's rating for judicial framework and independence remains at 4.50.*

Corruption. Throughout 2007, authorities aimed to implement the National Anticorruption Strategy for 2007–2009, but little real progress was recorded toward enforcement or closing off special immunity, as claimed by select groups (parliamentarians). A code of conduct for public officials, a Law on Conflict of Interest, and legislation on transparency in the decision-making process are still needed. Alongside the Center for Fighting Corruption and Economic Crime, the lead government agency, civil society organizations and the media are involved in the fight against corruption. According to Transparency International, Moldova is sliding back in the 2007 Corruption Perceptions Index despite the international assistance Moldova receives to fight corruption. *Moldova's authorities have continued in their efforts to implement a more effective legal framework to combat corruption and are increasingly cooperating with international organizations. However, recurrent shortcomings and the slow pace of implementation do not justify an improvement in the rating, which remains unchanged at 6.00.*

Outlook for 2008. This is a pre-electoral year, and competition among the ruling party and opposition will intensify. The PMC will most likely use its political influence to intimidate opposition leaders, especially those with the potential to consolidate smaller parties around their leadership. Pressure on the media will increase, and direct or indirect attacks on journalists cannot be ruled out. NGOs will attempt to monitor the government's actions. However, they are still weak and highly dependent on donors. Externally, Moldova and Romania will attempt to normalize their relations by signing a basic treaty on bilateral relations and by cooperating on EU integration. Russia may maintain the pressure to resolve the Transnistrian dispute, possibly leading to a controversial or detrimental quick-fix solution before the end of President Voronin's mandate. In 2008, Moldova will benefit from the system of autonomous trade preferences with the EU, and Moldovan citizens will benefit from facilitated visa travel to the EU. Moldova's Action Plan will be renewed for another year, until February 2009.

MAIN REPORT

National Democratic Governance

1999	2001	2002	2003	2004	2005	2006	2007	2008
n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	5.75

European values and international democratic principles are enshrined in the Moldovan Constitution, which establishes the country as a parliamentary republic. Nevertheless, in practice the executive has sizable power and exerts pressure on the judiciary, as attested to by the number of cases lost by the state of Moldova at the European Court of Human Rights.¹

In an attempt to enhance transparency and accountability, the Parliament has set up a Web page inviting nongovernmental organizations (NGOs) to submit amendments to legislation in process. Nevertheless, the site is not up-to-date and the archive is poor in resources. Also, the legislature suspended the obligatory broadcast of its sessions by the public broadcaster in March 2007, after only three months of broadcasts. Public broadcaster Teleradio Moldova presents regular reports on parliamentary sessions but tends to avoid opposition views.² The Accounting Chamber controls how public money is spent, but state bodies do not follow up with serious investigations on reports of malpractice.

The Law on Government defines the role of the executive. Appointments are political rather than career-based, non-transparent, and outside of public competitions. For example, only 6 of the 23 Moldovan ambassadors have diplomatic backgrounds, and knowledge of a foreign language is not required.³ While it is common to mix career diplomats and political appointees as ambassador positions, for Moldova the balance is tilted heavily in favor of politicians that lack professional qualifications. In contrast to Western diplomacy where political appointees are backed by professional support and oversight, Moldovan Embassies are often a 2–3 person mission: a structure that supports inefficiency and opportunities for rent-seeking.

Journalists, despite the establishment of a press room, have limited access to decision makers in the government. Opportunities to meet with cabinet ministers are limited to days when the government sits. Public officials and journalists are based in Chisinau, but the access is so limited that the major possibility for journalists to “catch” a minister is at the weekly session of the government. Opposition media have even less access. The Law on Access to Information ensures access within 15 working days to data held by the government, except for data on national security, commercial secrets, or of a private nature. However, a number of reports revealed that the law is rarely enforced in practice.

Moldovan political life following the April 4, 2005 reelection of President Vladimir Voronin has been marked by a period of ‘stability stagnation.’ The political

consensus that supported his reelection (the Democratic Party, Social-Liberal Party, and Christian Democratic People's Party) collapsed after local elections in the summer of 2007, with President Voronin threatening to "resume the most primitive political path between the two forces: Communists *versus* entire opposition."⁴ Nevertheless, the population continues to support national authorities and their policies.

In law, the Security and Information Service (SIS) and the Ministries of the Interior and Defense are placed under parliamentary oversight, yet not in practice by the government. The security sector (ministries of Interior, Defense, and Justice, plus the Supreme Security Council), especially the Ministry of the Interior, is widely perceived as corrupt, and the judiciary system as politically-controlled, which heightens public concerns about guarantees for the respect of civilian rights and freedoms⁵.

Moldovan citizens are in agreement with the government regarding the European prospects of the country. Over 70 percent of the population would support the country's EU membership in a referendum, and up to 30 percent support joining NATO.⁶ In its report on the implementation of the EU-Moldova Action Plan in December 2006, the EU noted that despite steady implementation, shortcomings persist with regard to the judiciary, corruption, respect of human rights, and freedom of the media.

The EU extended the mandate of the EU Border Assistance Mission on the Moldova-Ukraine border until December 1, 2008. An EU common visa center opened on April 25, 2007, at the Hungarian embassy in Chisinau to issue Schengen visas for a number of EU states without representatives in Moldova.⁷ In addition, a visa facilitation and readmission agreement with the EU will enter into force on January 1, 2008.

Throughout 2007, Moldovan officials held a number of high-level meetings with their Russian counterparts regarding the possibility of negotiating a settlement over Transnistria. Such negotiations in the OSCE have stalled since early 2006. In October 2007, President Voronin also proposed disarmament and demilitarization for Transnistria in return for the removal of Transnistria's border and customs guards on the Nistru River.

Relations with Romania proved tumultuous throughout 2007. After joining the EU, Romania introduced new visa requirements that were frustrating for Moldovans. Romanian president Traian Basescu, however, offered fast-track Romanian citizenship to over half a million Moldovan citizens, a move seen by Moldova's government as an attack on the sovereignty of the country. In retaliation, the Moldova government expelled four Orthodox priests of Romanian nationality for allegedly not holding valid residence and working permits. The Romanian government adopted the emergency decree 87/2007 on September 5, 2007 amending the 1991 law on granting Romanian citizenship. There were some procedural changes meant to streamline (but not necessarily speed up) the process, but the essence of the 1991 law was not changed. By the end of 2007, there were more than 450,000 applications for Romanian citizenship lodged by Moldovan citizens.

Moldova held confidential talks with Russia during 2007 on the issue of solving the Transnistrian conflict. Moldova showed its readiness to make a number of concessions to Russia in this field (guarantees of permanent neutrality and of not joining NATO) and this contributed to an improvement of relations between both countries (including on ending the Russian embargo on wine imports from Moldova). However, no consensus was reached on the withdrawal of the remaining Russian troops in Moldova, a move which Russia currently opposes. Russia was eager to show Georgia, and the international community in general, that it can have a constructive attitude in the resolution of the frozen conflicts in the post-soviet space (in Moldova) if Russia's concerns are seriously taken into account.

Electoral Process

1999	2001	2002	2003	2004	2005	2006	2007	2008
3.25	3.25	3.50	3.75	4.00	4.00	3.75	3.75	3.75

Moldova is a parliamentary republic. President Voronin is also the president of the Party of Moldovan Communists (PMC)—the largest parliamentary faction. Furthermore, as Moldova's territory represents a single electoral district, the activities of individual members of Parliament (MPs) are not scrutinized by local constituents. Thus, MPs answer to their faction or party leader, rather than directly to their constituents or electors.

The electoral code dates back to 1997 and has been amended a number of times. According to the OSCE, it “provides an adequate basis for the conduct of democratic elections, if implemented in good faith.”⁸ In 2007, a new Law on Political Parties complementing the electoral code was drafted and submitted to the Venice Commission. Adopted on December 21, 2007, the law aims to regulate the registration, functioning, and financing of political parties and seeks to make the electoral system more transparent and less prone to abuse; however, it also creates a number of restrictions. For example, only Moldovan citizens can become members of a political party or hold certain public offices, whilst the practice recommended by European community is to allow citizens of other countries to become party members.⁹

Local elections held on June 3 and 17 were the main electoral events in 2007. Voters elected 899 mayors and 11,967 council members at all levels (*raions*, municipalities, towns, communes, and villages). Voting did not take place in most of the the Transnistrian region owing to the separatist conflict that prevents Chisinau from extending its authority to Transnistria. However, in the Corjova commune, a Moldovan-administered part of Transnistria, the Transnistrian militia used force to prevent the opening of the polling station.

The elections were monitored by international election observers from the OSCE and the Council of Europe (COE), as well as the domestic Civic Coalition

for Free and Fair Elections—Coalition 2007, which comprised 7 core Moldovan NGOs (3 of whom were umbrella groups, which included approximately 150 organizations). Although the elections were considered generally free and fair, and voters were given real electoral alternatives, the COE concluded that “some aspects of the electoral process still fall short of European standards for democratic elections.”¹⁰ However, the COE Parliamentary Assembly notes that the outcome of the local elections has “contributed to the increase of political diversity at local level,”¹¹ owing to the formation of coalitions.

Most electoral abuses, including intimidation and pressure on opposition candidates by the ruling party, lack of access to the media by opposition candidates, and intense media coverage of the PMC candidates, occurred during the electoral campaign. A public debate between the two candidates for the post of mayor of Chisinau, the capital, did not take place because of the refusal of Veaceslav Iordan, the PMC candidate, to meet with his main opponent, Dorin Chirtoaca. Additionally, in the first round of elections, observers cited problems pertaining to the secrecy of the vote as well as the counting and tabulation of election results.

Of the 28 political parties registered with the Ministry of Justice, 24 participated in the local elections. One party, the European Action Movement, was prevented from participating. This was due to the fact that the Ministry of Justice registered the organization on April 12—after the electoral period began.

The most significant outcome of the 2007 local elections was the PMC’s sharp decline in support, which dropped to 34.4 percent from 46 percent at the 2005 parliamentary elections. The decline in support was most noticeable, though, in Chisinau, where the PMC had never won a majority. In the second round, PMC-backed mayoral candidate Veaceslav Iordan (with 38.83 percent), lost to Liberal Party candidate, Dorin Chirtoaca (61.17 percent), despite taking the lead in the first round (with 27.62 percent compared with 24.37 percent for his Liberal Party opponent). Overall, in the Chisinau municipality, the PMC obtained 26.6 percent of the votes, compared with 43.7 percent in the 2003 local elections, pointing to a decline of the PMC. Voter turnout also declined from 58.7 percent in 2003 to 52.3 percent, according to the Central Electoral Commission.

Civil Society

1999	2001	2002	2003	2004	2005	2006	2007	2008
3.75	3.75	4.00	3.75	4.00	4.00	4.00	3.75	3.75

Civil society is far from representing a vibrant aspect of Moldova’s public space. According to the USAID 2006 Stability Index, nearly half of the 7,000 registered NGOs exist only on paper. John Balian, public affairs officer at the U.S. Embassy in Chisinau, (which includes a grant-giving program), noted that many NGOs are formed to acquire grants, and few embrace professional standards.¹² Civil society organizations lack constituencies that could serve as a base of support, and voluntary

work remains undeveloped.¹³ Almost 90 percent of national NGOs are concentrated in the capital, Chisinau. In 2006, local community organizations were as numerous as national NGOs thanks to increased funding in community development. The 2007 UNDP–Moldova’s Study on NGOs Development in Moldova indicates that half of all NGOs work in social and educational fields.¹⁴ More than half of all NGOs work to address social and poverty-related issues, with 60 percent of these activities focusing on children and youth. Pensioners, veterans, and women follow as primary beneficiaries in terms of NGO work. Only Proriv, an organization from Transnistria that has an anti-Moldovan/Western agenda, could be considered an organization promoting social unrest or extremist views.

A new Law of Public Associations was passed reluctantly, amid criticism in its final reading on July 20, 2007. According to the same UNDP study, state contributions represent 5 percent of civil society’s budgetary resources, as opposed to more than 30 percent worldwide. Legally, it takes a group of at least three people to register an NGO. The process is free of excessive bureaucracy; however, the legal framework is rather confusing regarding the economic activities of NGOs. Additionally, the tax framework does not encourage companies and individuals to make donations. At the beginning of 2007, civil society organizations drafted the Law on Noncommercial Organizations and the Law on Public Utility Organizations to address these issues. The draft laws were submitted to the Ministry of Justice for revision, and it is expected that they will be passed by the Parliament in the second part of 2008.

The institutional capacities of local NGOs remain weak in Moldova. Less than half of local organizations have computers, photocopy machines, and access to the Internet, compared with over 80 percent of national NGOs. The majority of regional/local organizations claim to need training in accessing funding in order to diversify financial resources and community involvement. In terms of available personnel, the UNDP study revealed a disparity in levels of education between urban and rural areas—the countryside boasts fewer workers with higher education (by 20 percent, when compared with urban workers).¹⁵

Management structures within NGOs often resemble a “one-man show.” Civil society organizations rely heavily on foreign funding; membership fees represent an important source of funding for local organizations only. NGOs do not face obstacles from the state in accessing donors’ funds, but government procurement is limited to government-operated NGOs. Businesses avoid the politically sensitive element of such support. Financial sustainability resides in ensuring continued access to grants and not in diversifying activities or services to generate income. Monitoring and evaluation is absent in NGO work, a fact undermining their credibility among the public. The tax environment is not favorable, either; NGOs can seek nonprofit tax status by acquiring a certificate of public utility, yet only a few bother, owing to excessive bureaucracy in obtaining tax exemptions.

The government is steadily opening to cooperation with civil society, especially to provide expertise or services where the government lacks qualified people or funds. A number of advocacy groups united in 2007 to increase their efficiency

and impact. Named Coalition 2007, the largest ever domestic Moldovan advocacy group, monitored the electoral campaign and saw its reports used by the Broadcasting Coordination Council to address pro-government bias at Teleradio Moldova during the campaign. Cooperation between state bodies and NGOs was imposed from the outside as a condition to foreign assistance, and as a result, the government reluctantly cooperates in a non-engaging manner. Moreover, Prime Minister Vasile Tarlev became critical of independent monitoring, accusing the “so-called experts whom we did not ask to be experts” for “disinformation and manipulation” regarding the pace of reforms under the EU-Moldova Action Plan.¹⁶

Mass media display a negative attitude toward civil society groups and depict them as donor-driven, money-laundering machines that mushroom with the prospect of grants. Their main criticism is directed toward the lack of communication and lack of financial transparency. This criticism is backed by data: Over 70 percent of registered NGOs never undertook an external audit, and around 30 percent have never undergone any type of audit—internal or external.¹⁷ Few NGO leaders are referred to as experts by the media. To a large extent, there is a limited understanding of the advantages cooperation with media could bring for NGOs.

The state maintains tight control over trade unions. The Confederation of Free Trade Unions, Solidaritate (Solidarity), is widely recognized as loyal to the government and ruling party, while the National Confederation of Trade Unions is weak in terms of organization and credibility.

The education system is placed *de facto* under the ideology of the PMC, promoting the concept of a Moldovan statehood, Moldovan language, and Moldovan nation (developed under Stalinist rule). Such concepts oppose any likely references to the Romanian language and the common past shared with Romania. As the European Commission noted in its Report on Racism and Tolerance of April 29, 2008, the new textbooks—which the Moldovan authorities had begun to prepare—were accused of being politically biased and of denying the role of ethnic Romanians in the historic Moldovan identity—and even contained anti-Romanian sentiments. The same sort of discrimination was noticed when it came to state funding for various cultural and scientific programs.

Independent Media

1999	2001	2002	2003	2004	2005	2006	2007	2008
4.00	4.25	4.50	4.75	5.00	5.00	5.00	5.25	5.50

The Constitution guarantees freedom of opinion and expression. It condemns censorship and ensures editorial independence. The Law on Access to Information, Law on the Press, and broadcast code provide a set of additional rights to journalists. However, implementation remains a key issue in terms of legal guarantees. For example, in 2007, two cases concerning freedom of expression appeared before

the European Court of Human Rights (ECHR); they were won by *Kommersant Moldova*, a Russian-language weekly, and *Flux*, a Romanian-language daily.¹⁸

Investigative journalists remain particularly vulnerable to political actors, businesses, and other powerful interest groups that may easily accuse them of under defamation and libel. In February 2007, three journalists who wrote an investigative article for the weekly *Cuvintul* about abuses during the privatization of public properties were acquitted by a local court after the local government of Rezina (a town) demanded an amount equivalent to US\$320,000 for “moral damages.” This case, however, was seen as an exception to the rule, with self-censorship among journalists worsening in 2007.

Editorial duties are still subject to government control and interference by owners. The failure to reform the national broadcaster Teleradio Moldova into a genuinely independent public service outlet appears to be the most pressing issue on the media landscape.¹⁹ The ruling party reluctantly continues to open the public broadcaster to those who may express opinions critical of their conduct.²⁰ The OSCE Mission to Moldova expressed concern in a statement on February 19 about the pace of reforms at Teleradio Moldova, which “has made almost no progress towards becoming a truly independent public service broadcaster since its formal transformation in August 2004.”²¹ Moreover, the Observers Council of Teleradio Moldova was constantly criticized by media watchdogs for polishing the government’s image, serving the ruling party’s interests, and applying double standards when appointing the new management of the public broadcaster.²² On World Press Freedom Day, international organizations and foreign embassies noted that Moldova “may not be able to meet its international obligations without a correction in this trend.”²³

Significant restrictions to information pluralism existed during 2007. Three TV channels have nationwide coverage in Moldova: Moldova 1, TVR1 (Romanian public channel), and ORT (Russian public channel). In a controversial act in late September, the Broadcasting Coordination Council (BCC) informed Romanian Television Society (RTS)—the Romanian TV that owns TVR1, TVR2, TVR Cultural & TVR International—that it would be revoking its license to rebroadcast TVR1 on grounds that the payment arrangement (contract) for retransmission expired in June and was not extended.²⁴ The license and contract are two different things, authorized and signed by two different bodies; the BCC awards licenses and the Ministry of Telecommunications signs retransmission contracts. Without investigating details—RTS claimed it had sent a letter to the Ministry ahead of the June expiration requesting to extend its contract; the Ministry claimed it never received such a letter—and without delay, the BCC cancelled the license to RTS and re-awarded the license to Telefe International, an offshore company that partially re-broadcasts another Romanian entertainment TV channel. Technically, a delay is not grounds for an annulment; first some negotiation is required and only afterward can a license be revoked. RTS took the council to court, claiming that the decision was illegal and that its license is valid until 2011. This raised suspicions that the scenario was premeditated (on the side of the Ministry and BCC) and that

regulatory body gave in to direct state pressure, adding another issue to the list of disputes with Romania.²⁵

Also in September, the ruling PMC managed to maintain its control over the Broadcasting Coordination Council by using “technical” tactics to nullify the election of an opposition-affiliated council chairman.²⁶ Earlier, a member of the council had been detained by a state body, the Center for Fighting Corruption and Economic Crime, and another three were questioned on suspicion of taking bribes. These attacks came a week after the Broadcasting Coordination Council issued the first warning letters to government-controlled media outlets for failing to report on local elections in a balanced way.

According to IREX’s Media Sustainability Index (2006 and 2007), since 2006, print media have enjoyed the diversity of 27 Romanian-language newspapers, 24 Russian-language newspapers, and about 40 regional newspapers, half of which are subsidized by local governments. Advertising revenues directed to media that are loyal to the ruling party, discriminatory fees used by the state publishing house, and the Post of Moldova’s monopoly over distribution are all factors that limit available revenue and reach for newspapers that are critical of the ruling party.²⁷

Although the government ceased to act as the founder of *Moldova Suverana* and *Nezavisimaya Moldova*, Romanian- and Russian-language dailies, articles favorable to the president, Speaker of the Parliament, and prime minister appear prominently, while editorials praise official policies. New Ideas TV Company is run by the former director of Teleradio Moldova, Ilie Telescu, while N4 is run by the former adviser for the Communists’ 2005 parliamentary election campaign, Alexandr Petkov. After the controversial privatization of the municipal Euro TV and Antena-C radio stations in January 2007, Antena-C completely changed its staff and editorial line in step with the ruling party.²⁸ In turn, Euro TV (now “EU TV”) supports the Christian Democratic People’s party platform. Also, the first independent news agency, BASA-press, was gradually taken over by Communist affiliates throughout the year; its editors and reporters worked at the same time for the government-founded MOLDPRES news agency.

Renewed attacks on media freedom occurred prior to the June local elections. On March 27, PRO TV and DTV crews were detained by policemen while filming a protest march organized by an opposition political party. The following day, the print run of the *SP* regional newspaper was confiscated on financial grounds. The Civic Coalition for Free and Fair Elections (Coalition 2007) said this series of events “leaves no room to doubt over regrettable accidents; on the contrary, it suggests that these actions were not random.”²⁹

Watchdogs joined together again in late October to express their concern over an armed threat on a PRO TV crew that took place while the reporters were filming two crews of policemen—one of regular police and the other a special unit called “Fulger” (Thunder)—attempting to forcefully evacuate a man from his house. The regular police unit gave a statement to the TV, while the special unit (brandishing Kalashnikov machine guns) ordered the journalists to stop filming.³⁰ When the journalists continued filming, the special unit accused the journalists of hindering

the unit's work, but no harm was meted to the journalists and that was the end of the incident.

Local Democratic Governance

1999	2001	2002	2003	2004	2005	2006	2007	2008
n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	5.75

The Law on Public Administration, along with the Moldovan Constitution, is the main legal framework for democratic local governance. The central government continues to play a direct role in designing local affairs and even decides the priorities of certain communities, despite often lacking accurate information and proper understanding of causes and ways to address local needs. Local authorities are under substantial pressure to accept decisions of the central authorities on issues such as budgets, investments, and development strategies. Most Moldovans are accustomed to news reports from the president of the Moldovan Parliament inaugurating a new heating system at a village school or from the prime minister about cleaning water wells in the countryside—all of which are the direct responsibilities of local mayors and town halls.

Citizens regularly and directly elect their local leaders, as outlined in the Constitution and electoral code. The last local elections took place in June 2007 on the basis of free, secret, and universal vote. Except for the Transnistrian region, where citizens were blocked from voting, elections were considered “mostly free, but only partially fair”³¹ by international and domestic observers. According to opposition party leaders and local observers, the PMC and the central government made use of administrative resources and exerted pressure on candidates to quit the race or shift to the ruling party's lists, leading to many withdrawals. In ODIHR's final report from the election observation mission it noted that “several cases implicated senior public servants and some members of Parliament.”³²

Local authorities increasingly welcome input from civil society on community development policies, but the implementation of these recommendations continues to lag. Poverty-related issues, as well as social and health care concerns, are the main areas where local governments initiate partnerships with NGOs, primarily because of limited services and human resources. Other sensitive issues are skillfully avoided on technical grounds. Organizations representing minorities, women, and other groups with a particular interest are extremely active at the community level and have managed to establish better cooperation with local governments.

The degree of transparency and accountability of local public authorities differs from case to case. Legislation does not require mandatory public hearings; thus they are not held at regular intervals but rather are concentrated during pre-electoral periods.

Overall, the media have poor access to information held by local authorities owing to inefficient management of data and lack of knowledge of the Law on Access to Information.³³ As a result, journalistic investigations are rarely conducted.

Corruption is widespread in local communities because of kinship ties. Various groups with corrupt economic interests reportedly operate in towns and district centers. On August 6, the newly-elected Christian Democratic mayor, Andrei Buzu, was killed in the village of Drasliceni, allegedly by groups with economic interests.³⁴

Local authorities face obstacles from the central government when exercising their powers. Although the Ministry of Local Public Administration has the mandate to promote increased decentralization, it instead demonstrates a lack of genuine political will to ensure financial autonomy to local governments. Non-PMC mayors who feel their rights have been infringed upon do not rely on judicial remedy given the extent of political control over the system. Most of the associations that aim to protect and promote the rights of local government remain politically-affiliated and have yet to achieve tangible results.

Following local elections, President Voronin promised “big problems to those districts led by opposition” and spoke of “financial self-isolation,” saying that the “central power will concentrate budgetary resources for strategic development projects such as roads, irrigation, and water pipelines.”³⁵ As a rule, large shares of money go to localities run by PMC mayors—regardless of land area, poverty rate, or population size.³⁶ Local governments have the right to collect taxes and fees, but owing to widespread poverty and lack of economic activities, revenues fail to reach the budget. Therefore, local government relies heavily on central funding. Furthermore, owing to insufficient resources, municipalities remain severely understaffed with largely unqualified personnel.

Judicial Framework and Independence

1999	2001	2002	2003	2004	2005	2006	2007	2008
4.00	4.00	4.00	4.50	4.50	4.75	4.50	4.50	4.50

Moldova established a legal framework supported by the 1994 Constitution, which guarantees the respect of fundamental freedoms. Moldova is a member (under monitoring) of the Council of Europe and of the OSCE. It cooperates with the EU in the field of judiciary reform within the European Neighborhood Policy framework.³⁷ In 2007, the Moldovan government agreed to submit all legislative proposals to the COE for review prior to submitting them to the Parliament.

Moldova is in the process of renewing its legal framework for freedom of association, freedom of religion, and parliamentary immunity, but the adoption and implementation of this framework has been delayed. For instance, a new law regulating the registration and management of religious groups entered into force on August 17,³⁸ but by year’s end the president refused to ratify the law in response to pressure from the Christian Orthodox clergy who demanded a stronger legal status for the Orthodox Church due to the fact that 98% of Moldovans declare themselves to be Christian Orthodox.³⁹

On July 19, a Strategy on the Reform of the Judicial System was adopted, along with an Action Plan covering 2007–2008. The strategy was drafted in consultation with experts from the COE and represents an overall reform of the judiciary (transparency, efficiency, access, and so on). In addition, in 2007 the Ministry of Justice adopted a strategy for a system to enforce judicial decisions. There are also plans to draft a law curbing the extensive powers of the Office of the Prosecutor General, notably with regard to overturning final judgments. This also led to criticism from the ECHR, which punished the Moldovan state with a fine.⁴⁰

Despite reform efforts and new legislative strategies, the COE, which monitors the implementation, adamantly declared in September 2007 that the judiciary requires further reforms in order to “guarantee the independence of the judiciary and increase the effectiveness and professionalism of the courts; improve the enforcement of judicial decisions; and undertake institutional reform.” In addition, there is a need to “improve the working environment of the judiciary, by improving the training and working methods and by eliminating corruption within the system.”⁴¹

To ensure the professionalism of judges and prosecutors, and to provide training and seminars, the National Institute of Justice was officially and legally established on July 7, 2006.

In practice, judicial independence is not guaranteed owing to political interference in the nomination of judges and prosecutors, despite the existing system of open competition for their recruitment. Judges are often subject to political pressure in high-profile cases, such as in the judgments against Serafim Urechean, president of the political party Our Moldova Alliance; Valeriu Pasat, former Moldovan defense minister; Mihail Formuzal, governor of the Gagaouz Autonomous Region; and Eduard Musuc, secretary of the Social Democratic Party.⁴² To address this situation, the Superior Council of Magistrates approved the code of conduct of judges on November 29, 2007.⁴³

The lack of financial resources that underlies many of the judiciary’s shortcomings is addressed in a draft Law on Funding of the Judiciary. Financing of the judiciary will be fixed at 1 percent of the annual state budget, up from 0.45 percent at the end of 2007.⁴⁴ However, according to the minister of justice, between 1.5 percent and 2 percent of state budget resources should be allocated to the judiciary to ensure its effective functioning and independence. For instance, a member of the Supreme Court of Justice has a monthly income the equivalent of US\$572.

This situation leads to the widespread perception in Moldova that corruption persists throughout the judiciary: 64 percent of Moldovans believe that almost all judges and prosecutors take bribes. This figure remains unchanged since 2005.⁴⁵

The Moldovan judiciary must also cope with a backlog of unenforced judicial decisions, despite a slight decrease in comparison with last year.⁴⁶ This remains an important factor leading Moldovan citizens to take action against the Moldovan state at the ECHR in Strasbourg. The Moldovan Parliament adopted a law that foresees publishing a summary of ECHR decisions against the Moldovan state in the *Official Bulletin (Monitorul Oficial)*.⁴⁷

Moldova is also engaged in reforming its penitentiary system, but many abuses of human rights, and even torture while in detention or (often illegal) pre-arrest, are reported. However, the number of deaths in prison continues to decline.⁴⁸ In the Transnistrian region, people still reportedly disappear or are detained illegally for long periods of time and are subject to torture and degrading treatment.⁴⁹

Corruption

1999	2001	2002	2003	2004	2005	2006	2007	2008
6.00	6.00	6.25	6.25	6.25	6.25	6.00	6.00	6.00

Corruption is a widespread phenomenon in Moldova and presents an enormous challenge to the authorities and a permanent worry for Moldovan citizens. According to the Moldovan Ministry of Economy and Trade, the effects of corruption are particularly pervasive in law enforcement agencies, the judiciary, the health and education systems, the fiscal system, customs, and local public administration.⁵⁰

Moldovan authorities are currently implementing the country's National Anticorruption Strategy (2004) through the December 21, 2006, adoption of the Action Plan for 2007–2009. On January 21, 2007, the Ministry of Education and Youth and the Center for Fighting Corruption and Economic Crime (CFCEC) adopted an Action Plan to fight corruption in the education system.⁵¹ On April 24, 2007, the government approved the draft laws on adapting Moldova's normative framework to the UN Convention Against Corruption and the Additional Protocol to the Criminal Law Convention with regard to corruption and forwarded them to the president for approval.⁵²

The Anticorruption Alliance comprises 26 Moldovan NGOs and is thus the largest civil society organization monitoring and contributing to the fight against corruption in close collaboration with the Moldovan authorities, most notably the CFCEC. Representatives from the press and the media are present at ongoing sessions of the monitoring group for implementation of the National Anticorruption Strategy in a bid to ensure the transparency of the anticorruption campaign.⁵³ However, investigative journalism into misuse of public funds is less appreciated by the authorities. For example, all journalists from the weekly newspaper *Ziarul de Garda* were detained at least once by the authorities while investigating cases of corruption.⁵⁴

Moldova's score of 2.8 on Transparency International's 2007 Corruption Perceptions Index (on a scale of 1–10, with 10 as least corrupt) shows erosion from the 2006 score of 3.2, worse even than the 2005 score (2.9). Moldovans perceive corruption as a phenomenon generated by the low salaries of public officials, imperfect legislation, and an inefficient judiciary.⁵⁵ However, the level of tolerance of corruption has dropped from 57 percent in 2005 to 45 percent of the Moldovan population in 2007.

Further problems in the fight against corruption arise from the fact that Moldova's legislation has still not been brought up-to-date with international anticorruption conventions. In particular, there is still progress to be made with respect to the immunity of certain categories of people (such as MPs), the penal code, and enforcement of the liability of acts of corruption in general.

Moldova also receives international assistance to fight corruption: Moldova and the EU cooperate on fighting corruption within the framework of the EU-Moldova Action Plan. Moldova is also cooperating closely with the COE's Group of States Against Corruption (GRECO) and is currently implementing a series of 15 recommendations from the GRECO evaluation report (second cycle), adopted on October 13, 2006. All 15 recommendations must be adopted by May 31, 2008.

Moldova has also been fighting corruption within the framework of the MOLICO program of the COE since August 2006. This project against corruption focuses on money laundering and the financing of terrorism in the Republic of Moldova. The program, which lasts for three years and has a budget of €3.5 million (US\$5.4 million), essentially supports implementation of the National Anticorruption Strategy. Additionally, in December 2006, Moldova and the United States signed a US\$24.7 million Millennium Challenge Corporation Threshold Program agreement, which aims at reducing government corruption.⁵⁶

Finally, according to the World Bank report *Doing Business 2008*, Moldova ranks 92nd out of 178 states, compared with 88th out of 175 for the previous year. Although the cost of doing business in Moldova is close to the world average, and Moldova has succeeded in reducing its taxes, especially on income and labor, certain legal provisions have become more constraining.

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