

Moldova

by Liliana Vișu

Capital: Chișinău
Population: 3.8 million
GNI/capita: US\$2,800

The data above was provided by The World Bank, *World Bank Indicators 2009*.

Nations in Transit Ratings and Averaged Scores

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Electoral Process	3.25	3.25	3.50	3.75	4.00	4.00	3.75	3.75	3.75	4.00
Civil Society	3.75	3.75	4.00	3.75	4.00	4.00	4.00	3.75	3.75	3.75
Independent Media	4.00	4.25	4.50	4.75	5.00	5.00	5.00	5.25	5.50	5.75
Governance*	4.50	4.50	4.75	5.25	5.50	n/a	n/a	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	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	5.75
Judicial Framework and Independence	4.00	4.00	4.00	4.50	4.50	4.75	4.50	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	6.00
Democracy Score	4.25	4.29	4.50	4.71	4.88	5.07	4.96	4.96	5.00	5.07

* Starting 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 in 1992 provoked by fears of unification with Romania, Moldova embarked on a series of political and economic reforms and succeeded in holding several rounds of largely free elections. With most heavy industry based in the breakaway region of Transnistria, Moldova's gross domestic product, located primarily on agriculture, plummeted by the late 1990s. The internal political crisis saw the Party of Communists (PC) return to power in 2001. PC leadership held a distinct pro-Russian foreign policy course until the formulation of the European Union (EU) Neighborhood Policy in 2003. Subsequently, Moldova made European integration a priority and signed an Action Plan with the EU in February 2005. In 2007, the EU extended the Action Plan, stressing the need for Moldovan authorities to take further measures to tackle problems concerning media freedom, the fight against corruption, and the rule of law and independence of the judiciary. In 2008, the EU continued to raise concerns over the shortcomings in the implementation of the EU-Moldova Action Plan.

Relations with Romania remained tense in 2008 despite high-level meetings in July between Moldovan president Vladimir Voronin and Romanian foreign minister Lazăr Comănescu. Protests broke out in chief districts of Moldova after the Moldovan government refused to sign the Convention on Small Traffic on the Border arguing that the basic treaty between both countries should be adopted first. The Romanian prime minister canceled a visit to Chișinău at the end of 2008 following a request from the Moldovan Foreign Ministry to refrain from public statements against the statehood and sovereignty of the Republic of Moldova. The international format of negotiations that includes the EU and the United States was largely ignored by Moldovan and Russian authorities throughout the year. Furthermore, the partial lifting of the Russian ban on Moldovan wine and confidential bilateral talks on a plan for the resolution of the Transnistrian conflict throughout 2008 continued to prove that relations between Chișinău and Moscow are on the mend.

National Democratic Governance. President Vladimir Voronin continues to exert control over virtually all state authorities. The March 2008 replacement of the country's longest-serving prime minister, Vasile Tarlev, with the first woman in Moldova's history to lead a government, Zinaida Grecianii, did not dispel concerns over the government's lack of independence or political loyalty to President Voronin. Although the new government announced a higher degree of access to public information and openness in its relations with journalists and civil society, cooperation remained mostly formal. Parliamentary oversight of the security

sector failed when President Voronin overstepped his prerogatives and ordered the Intelligence Services to investigate funding of political parties and media outlets. After seven years of frozen “face-to-face” dialogue, President Voronin met with Igor Smirnov, leader of the breakaway region of Transnistria. Although the president repeatedly spoke about an emerging solution to the Transnistrian conflict, a deal was not reached during the year; on the contrary, a tendency to drift away from negotiations including the United States and the EU became more visible. *Owing to the continued, highly centralized exercise of power by the executive branch, Moldova’s rating for national democratic governance remains unchanged at 5.75.*

Electoral Process. Moldova’s election code was amended by the PC and Christian-Democratic People’s Party (CDPP) members of Parliament (MPs) to increase the electoral threshold from 4 to 6 percent, to prohibit preelectoral blocks, and to introduce restrictions to persons holding multiple citizenship. Selective and delayed implementation of the new Law on Political Parties raised concerns about the possibility of opposition parties running for Parliament in the coming elections. Opposition leaders faced ongoing harassment and pressure via “fabricated” criminal cases initiated by the judiciary and security sector institutions and manipulation through media outlets loyal to the ruling party and its allies. The use of administrative resources by the ruling party for electoral purposes and against opposition candidates continued to be a top concern. Moldova’s weak political party system did not see any major evolutions during the year. *Increased pressure on the opposition ahead of the 2009 national elections and abuse of administrative resources by the authorities prompt a worsening of Moldova’s rating for electoral process from 3.75 to 4.00.*

Civil Society. The new government’s efforts to heighten cooperation with civil society by establishing the National Council for Participation was one of the few positive tendencies in the sector in 2008. To ensure more receptiveness from authorities and increase their advocacy capacity, key nongovernmental organizations (NGOs) formed a number of coalitions in different fields. Despite calls to revise the Law on Public Association, Parliament did not pass the amendments needed to improve the economic activity, and thus the financial and institutional sustainability of NGOs. Hence, grants from foreign donors continue to play a crucial role in the sector. NGOs remain among the least trusted institutions in Moldova owing to a lack of transparency in management and grant administration. *Despite slight improvements in bridging the gaps among government officials, community groups, researchers, and foreign experts, civil society is not yet setting the public agenda and is treated formally by public institutions. Therefore the rating for civil society remains unchanged at 3.75.*

Independent Media. A number of Moldova’s media laws are still not in line with the European Convention on Human Rights—namely, those regarding “defamation of the state and the nation” prohibited by the Constitution and incarceration for libel and verbal abuse. The new composition of the Broadcasting Coordinating Council (BCC) is politically biased in favor of the parties that secured the election of

its members. Arbitrary license annulments and distribution of licenses according to political loyalty are some of the BCC's most alarming practices. An unprecedented attack on the independent PRO-TV station by Christian Democrat MPs was reported. The public broadcaster Teleradio-Moldova continued to serve as an organ of propaganda for the ruling party by airing biased news reports. *Owing to serious abuses of independent media and increasing doubt about the authorities' political will to ensure media pluralism, Moldova's rating for independent media worsens from 5.50 to 5.75.*

Local Democratic Governance. A draft law regarding the status of the Chişinău municipality was approved by the government but differed from the draft sent to the Council of Europe for review. The powers of the central and local governments are vaguely distributed in the normative framework and often overlap, while other areas remain unregulated. The central government delayed approval of the new Law on Local Public Finances, thus impeding improvements in the financial autonomy of local public administration. The capacity of local government remains severely limited by the prevalence of group interests and nepotism. *The central government continues to exert political control over local public authorities, and opposition-led regions face harassment. As a result, Moldova's rating for local democratic governance remains stagnant at 5.75.*

Judicial Framework and Independence. Several political parties encountered difficulties registering at the Ministry of Justice in line with the requirements of the Law on Political Parties. Torture and ill-treatment remain some of the most serious human rights violations in Moldova. Judges continue to be highly susceptible to corruption and political control and are often transformed into tools of pressure and harassment against opposition parties. The measure to distribute cases randomly in order to reduce corruption among judges was still not implemented in 2008. Judges or police were not held accountable for corruption cases or violations of human rights during the year. *Owing to sporadic and incoherent efforts by authorities to set the necessary conditions for judicial independence, Moldova's rating for judicial framework and independence remains unchanged at 4.50.*

Corruption. Corruption is one of the most serious problem facing Moldovan citizens, but Moldova is the only country in the Commonwealth of Independent States without persons or public servants jailed for corruption. Moldovan authorities undertook important legal reforms by adopting the Law on Conflict of Interest and a new Law on Preventing and Fighting Corruption; however, the latter was adopted with a three-year delay. The Civil Monitoring Council of the Center for Combating Corruption and Economic Crimes—Moldova's first citizen oversight of a law enforcement body—was established during the year. The council lacks a provision on financial sustainability, which makes its existence dependent on the authorities. Both the executive and legislative branches ignored several valuable initiatives from NGOs to promote transparency among public officials. *The fight*

against corruption is one of the key shortcomings of reforms in Moldova, as pointed out by European officials. Despite the adoption of legal acts in 2008, no other sound steps were taken by the government; thus the rating for corruption remains unchanged at 6.00.

Outlook for 2009. The Moldovan political scene will be dominated by parliamentary and presidential elections in the first part of the year. At the same time, violations of democratic human rights, in particular against opposition politicians and non-affiliated media, are almost certain to increase during the election season, which will negatively impact efforts by authorities and civil society to ensure a free and fair campaign. The Party of Communists will likely remain the largest parliamentary group, yet unable to secure enough seats to elect the president on their own. Anticipated political fights and economic instability will likely slow the pace of democratic reforms, but the country will not officially give up its European foreign policy. Relations with Romania, Ukraine, and Russia will remain troublesome owing to their divergent bilateral and regional interests.

MAIN REPORT

National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	5.75	5.75

Moldova's Constitution provides for a large number of democratic rights, and all international legal documents signed by the country take precedence over national legislation. Despite Moldova's parliamentary form of rule, the president exerts control over virtually all state authorities, which lack reciprocal independence. The current president of Moldova, Vladimir Voronin, serves simultaneously as the first secretary of the Party of Communists (PC), which has a majority of 56 parliamentary seats out of 101. In an attempt to boost the image of both the party and the cabinet, Voronin dismissed the country's longest-serving prime minister, Vasile Tarlev, in March 2008 and appointed Zinaida Grecianii as the first woman in Moldova's history to lead a government. The composition of the new cabinet was positively acknowledged by international partners, mainly for the prevalence of competent decision makers and nonparty members. However, concerns over whether the cabinet would find a balance between independence in formulating public policies and political loyalty to the president remained throughout the year.

The new government announced a higher degree of access to public information and openness, particularly for civil society organizations and journalists. However, reports by media nongovernmental organizations (NGOs) revealed a continuous discrepancy between the declarations of state officials and the lack of proper implementation of the Law on Access to Information, as well as an increased number of refusals to provide information as requested. Furthermore, at the local level and in a number of decentralized institutions there was evident ignorance of the Law on Access to Information.¹

On November 27, PC members of Parliament (MPs) supported by Christian Democratic People's Party (CDPP) passed the Law on Transparency in Decision Making and the Law on State Secrets in the final reading. While the first law was produced in cooperation with civil society and was meant to put in place mechanisms for citizen participation in the drafting of decisions by public authorities, the second law raised concerns among opposition parties over "increasing secrecy."² The Law on State Secrets, President Voronin's initiative for "reducing the acts and documents classified as secret," established reasons to deny access to state secrets to persons with multiple citizenship and those who "are not observing the commitment to keep a state secret."³ According to a report commissioned by the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, the new law imposes undue limitations, reduces oversight by the Parliament over state secrecy, and represents a step back from existing legal provisions.

In 2008, the Moldovan legislature was unable to fulfill one of its key responsibilities, oversight/investigation of democratic institutions, mainly because of constraints from the ruling party. Supervision of security sector institutions—the Ministry of the Interior, Defense Ministry, and Intelligence Services—saw a major setback. In February 2008, President Voronin, lacking the legal prerogatives, ordered the Intelligence Services to investigate “illicit funding of political parties and media outlets.”⁴ This request was seen as an attempt to transform the Intelligence Services into a “political police” to deal with parties and media allegedly funded by the Romanian government.⁵

Despite resuming the bilateral, diplomatic dialogue between Romanian foreign minister Lazăr Comănescu and President Voronin in July 2008, and Prime Minister Grecianii and Romanian president Traian Băsescu three months later, key issues such as opening Romanian consulates in the north and south of Moldova and the conclusion of the Convention on Small Traffic on the Border remained unresolved. Moreover, Prime Minister Călin Popescu-Tăriceanu of Romania canceled his November trip to Moldova ahead of elections in Romania, as the Moldovan authorities asked their Romanian counterparts to abstain from “hostile declarations” against Moldova during the campaign.

Moldova’s future membership in the European Union (EU) is supported by almost 70 percent of the population. The EU-Moldova Action Plan (EUMAP), signed in February 2005, has become the main framework for domestic democratic reforms and was extended for an indefinite period in February 2008 owing to shortcomings in reforms related to the judiciary, corruption, business climate, media freedom, and human rights. Nevertheless, the Moldovan Foreign Ministry requested an agreement that would clearly stipulate the country’s EU membership perspective in place of the Partnership and Cooperation Agreement, which came to an end in June 2008. Moldovan leaders therefore pleaded to be treated on an equal footing with Ukraine, which has been negotiating a new contractual agreement with the EU since March 2008. Despite common goals shared by the two countries, Moldova’s relations with Ukraine remained sporadic and inconsistent during the year.

The EU Council of Ministers announced its readiness to approve the European Commission mandate by the end of 2008 and stated that it would start negotiations over a new agreement only if the 2009 spring parliamentary elections in Moldova are conducted in a free and fair manner. For the first time, the EU spoke officially about a visa-free regime for Moldova as a long-term objective, thanks to the crucial role Romania played in putting the issue on the council’s agenda and pushing for adoption of the conclusions. These developments came about owing to new challenges raised by the Russian-Georgian military conflict in August 2008 and the EU’s role in ensuring security in the region, as well as to its commitment to conflict resolution in Transnistria; a large portion of eastern Moldova beyond the control of Moldovan authorities. At the same time, the EU fortified its engagement through the EU Special Representative to Moldova and the EU Border Assistance Mission and by implementing visa facilitation and trade liberalization agreements.

After seven years of frozen “face-to-face” dialogue, President Voronin met Tiraspol-based separatist leader, Igor Smirnov in an attempt by the Kremlin for a quick-fix resolution to the 2003 Kozak Memorandum, a document that provided Russian military presence on Moldovan territory for 25 years and disproportionate veto powers for Tiraspol in the country’s foreign policy. President Voronin met with Russia’s president Dmitrii Medvedev and prime minister Vladimir Putin and spoke repeatedly of an emerging solution. Meetings were also held between Speaker Marian Lupu and Evghenii Sevciuk, the self-proclaimed Speaker of the Transnistrian legislature, yet these did not lead to a major breakthrough during the year. On the contrary, and much to the dissatisfaction of the EU and the United States, a tendency to drift away from negotiations involving the OSCE, Russia, Ukraine, the EU, the United States, Moldova, and Transnistrian authorities, also referred to as 5+2 format, has been noticed in the past two years.

At the same time, relations with Russia warmed steadily, culminating with meetings between President Voronin and State Duma chairman Boris Grizlov at the end of October and between the two prime ministers, Zinaida Grecianii and Vladimir Putin, in November. Accordingly, public opinion increasingly views Russia as Moldova’s chief partner, with 30 percent of citizens qualifying the recognition of the separatist regions South Ossetia and Abkhazia in Georgia as “correct,” causing local experts to raise the alarm over Russian media dominance in Moldova. In a statement on Radio Ekho Moskv, President Voronin declared that “Moldovan wines had returned forever to Russia,” referring to the lifted ban on imports and implying that symbolically, the difficulties between the two states were solved and Moldova looked forward to working with its “strategic partner” again.

Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3.25	3.25	3.50	3.75	4.00	4.00	3.75	3.75	3.75	4.00

As provided in Moldova’s Constitution, parliamentary elections are conducted “periodically” by casting secret ballots in free and fair elections. The Parliament then elects the new president, a procedure that has been followed since Moldova became a parliamentary republic in July 2000. The general parliamentary elections will be called not later than spring 2009. The second and last mandate of President Voronin will come to an end on April 8, 2009.

In April 2008, the PC and CDPP MPs amended the election code to restrict persons with multiple citizenship from holding high-level public offices, to increase the electoral threshold from 4 to 6 percent, and to prohibit preelectoral blocs. The former especially targeted opposition candidates with Romanian passports and was made possible because the Romanian official monitor lists new recipients of Romanian passports, unlike in Russia or Ukraine.

The amendments were criticized by national and international organizations. The European Commission for Democracy Through Law (Venice Commission) and the ODIHR recommended “lower[ing] the threshold to its previous level at 4 percent” in order to avoid a high number of wasted votes, as well as to avoid restrictions based on multiple citizenship, since this could be a violation of a number of conventions ratified by Moldova. European diplomats urged the Moldovan authorities to take full account of the recommendations made by these organizations, stating that “compliance of the electoral code with the international standards will only enhance the democratic stability of the Republic of Moldova.”⁶

The PC and CDPP also passed a new Law on Political Parties in December 2007, providing for the first time state funding to parliamentary parties beginning in July 2009. Funding will depend on the number of seats acquired. The opposition claimed that financing should have begun in 2008 to strengthen parties prior to the electoral campaign. The Ministry of Justice rejected the registration of former Prime Minister Vasile Tarlev as the new leader of the Centrist Union of Moldova, the registration of the new statute of the Republican People’s Party, and the registration of such parties as the Unionist Movement of Moldova, Moldova’s Patriots, and the Popular Action Movement, led by former presidential adviser Sergiu Mocan.

At the same time, top opposition party leaders had to face ongoing harassment and pressure via “fabricated” criminal cases initiated by the judiciary and security sector institutions and manipulation through media outlets loyal to the PC and CDPP. For example, Dorin Chirtoacă, Chişinău mayor and deputy president of the Liberal Party (LP), and LP chairman Mihai Ghimpu were variously charged with “hooliganism” during anti-Russia protests, illegally appointing a public servant, and illegally holding the position of chairperson of the Chişinău Municipal Council. A property worth €50 million (US\$67 million) owned by Vlad Filat, leader of the Liberal-Democratic Party, was nationalized; the case was slated for trial as a matter of urgency by the European Court of Human Rights (ECHR). Filat is also subject to criminal investigation for a 10-year-old “illicit privatization” of a cement factory and “cigarette smuggling” and is accused of illegally selling six airplanes in 1999 when he served as minister of privatization. These and other instances have led to a number of cases against the opposition that the government has lost at the ECHR and to negative reports by the foreign community over Moldova’s lack of genuine political will to promote democratic electoral reforms.

The political party system is poorly developed in Moldova, and the use of administrative resources by the ruling party in the preelectoral period is a continuing concern. The center-right liberal wing supported by 40 percent of the population is overcrowded and defragmented owing to continuous internal fighting, while the center-left social democratic wing launched a complex merger process that will continue until the start of the 2009 campaign.

Overall, taking into consideration the events of 2008, the prospects for free and fair elections and the capacity for opposition parties to run and accede to the Parliament look slim. In contrast with the 2005 elections, when the PC was endorsed by the EU and the United States owing to radical changes in Moldovan

foreign policy, the 2009 campaign will be thoroughly monitored at the international level. This is due not only to Moldova's rapprochement with the EU and NATO, but also to the fact that the country's leadership has provided enough reasons to doubt its commitment to democratic freedoms.

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3.75	3.75	4.00	3.75	4.00	4.00	4.00	3.75	3.75	3.75

The new cabinet led by Prime Minister Zinaida Greceanii took significant action to improve its work with civil society organizations in 2008. After a few months of discussions, the executive established the National Council for Participation, which reunited three main forums of consultation: the Economic Council, affiliated with the Office of the Prime Minister; the National Committee for Technical Assistance; and the Council for Participation, which is responsible for drafting, monitoring, and evaluating the National Development Strategy. As a positive indicator for future development, the council, which includes 33 organizations, elected its administrative bodies and approved its Regulation and Plan of Activities.

Despite efforts by civil society groups and donor organizations to amend the Law on Public Association, which was passed amid criticism in 2007, the Parliament did not institute any of the crucial amendments needed to improve the financial and institutional sustainability of NGOs, such as tax exemptions or state subventions. The Consortium for Civil Society Development submitted a draft amendment to the Parliament to allow citizens to transfer a percentage of their income tax to selected NGOs to stimulate civic activism. The amendment has not yet been approved, and grants from foreign donors continue to play a crucial role in sustaining Moldovan NGOs. Overall, the “public utility” mechanism is imperfectly applied and does not provide for sufficient civic sector development.

To ensure a “one voice” approach to policy and reform priorities, key NGOs joined together in coalitions such as the Civic Coalition for Free and Fair Elections—Coalition 2009, which relaunched its activities in electoral civic education, media monitoring, and observation of the preelectoral atmosphere and parliamentary campaign in November. A few weeks earlier, ProGen-Elections 2009 Alliance announced it would monitor equal opportunities for women. Previously, women were given the lowest ranks on the lists and thus minimal chances to hold state functions. Also, the campaign “A Clean Parliament” was launched by seven NGOs with support from the Soros Foundation—Moldova to monitor party lists for candidates involved in cases of corruption.

According to opinion polls, more than half of the population (51.9 percent)—predominantly young people from urban localities with higher education and higher incomes—does not trust civil society organizations. Lack of transparency in management and grant spending are chief reasons for the public's low regard. For

example, among NGOs the functions of the president and executive director are commonly performed by one individual, despite the conflict of interest between those roles (evaluation vs. execution). According to the law, NGOs can decide their own structure, which means practices develop that run counter to international NGO management guidelines. To address these issues, NGOs drafted a Code of Ethics for the sector.

Journalists widely use the expertise of NGOs as an alternative source of information and for analytical purposes. Additionally, the Foreign Policy Association organized six events dedicated to confidence building and resolution of the Transnistrian conflict with the participation of civil society representatives, Western high-ranking officials, Moldovan leadership, media, and academic groups, partially addressing concerns over the lack of transparency in the conflict negotiations.

Trade unions in Moldova are not free from central government control but are viewed as subsidiaries of state power. On November 6, the pro-government newspaper *Moldova Suverana* reported a meeting between President Voronin and the National Confederation of Trade Unions (NCTU) where he called for “the creation of a single national trade union organization,” underlining that “only a tight cooperation with state administration will make it possible to identify adequate solutions to existent problems, rather than controversies and misunderstandings.”⁷ NCTU chairman Leonid Manea praised the “constructive dialogue” with central authorities and its “efficient social policies since 2001.”

In 2008, steps were not taken to remove ideological elements from the country’s education system. History lessons taught in Moldovan schools include the concepts of Moldovan statehood, Moldovan language, and Moldovan nation (as developed under Stalinist rule), with their obvious anti-Romanian slant.

Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4.00	4.25	4.50	4.75	5.00	5.00	5.00	5.25	5.50	5.75

During January 2008 meetings with President Voronin, both José Manuel Barroso, president of the European Commission, and Benita Ferrero-Waldner, EU Commissioner for External Relations and European Neighborhood Policy, declared that lack of progress in ensuring a pluralistic environment and respect for media freedoms would be addressed in the implementation of the EUMAP.

Although Moldovan media legislation largely embraces European norms, a number of laws are still not in line with the European Convention on Human Rights—namely, “defamation of the state and the nation” prohibited by the Constitution and “unlawful collection or deliberate unauthorized dissemination of legally protected information regarding someone’s private life....” (Article 177, criminal code). The new administrative code provides up to 15 days incarceration for slander. Furthermore, any individual may file a civil complaint for defamation.

The law does not set a ceiling on the payment of moral damages. In practice, the defendant is asked to prove the truthfulness of his or her statements and value judgments regardless of good faith, dominant public interest, and journalistic ethics. In 2004, Moldova decriminalized libel by removing Article 170 from the criminal code; and in 2006, clear criteria for fixing fines for moral damages was introduced in Article 16 of the civil code.

The new composition of the Broadcasting Coordinating Council (BCC) has proven politically biased in favor of the parties that secured the elections of BCC members in Parliament—namely, the PC the CDPP and, to a lesser extent, the Democratic Party. Arbitrary licenses, annulments, and the distribution of licenses according to party loyalty were alarming tendencies at the BCC during the year.

In October 2008, top media NGOs expressed concern over the unprecedented attacks on the independent PRO-TV station by CDPP MPs, who ordered BCC not to extend the station's expiring license. PRO-TV requested a prolongation of its license, but BCC replied that the broadcaster's request did not meet the conditions of the audiovisual code. The denial triggered protests not only from national and international NGOs, but also from the European Commission and the OSCE Representative on Freedom of the Media. On December 19, the broadcasting authority approved a moratorium on tendering new broadcasting licenses until after the 2009 parliamentary elections. The BCC made other news earlier in April when Parliament asked for an explanation of the *Masked Fairy Tales* political show broadcast by New Ideas TV, a station affiliated with the ruling party. The show featured offensive language and libeled opposition politicians as “drug dealers,” “homosexuals,” “alcoholics,” or “mafiosi” in prime-time hours, but the BCC took no action to remove the program. On a more positive note, online television was launched with www.jurnaltv.md in May.

In August, the Romanian Television Society took the Moldovan government to the ECHR after its license was removed in 2007 on a minor technicality. The pluralism of views in Moldova was further limited after the BBC World Service management closed the Romanian service, including its Chişinău-based office. The decision was geopolitical and budgetary.

Teleradio-Moldova (TRM) continued to serve as an organ of propaganda for the ruling party. According to the October 2008 issue of *Barometer of Public Opinion*, TRM reporting was viewed as “somewhat biased” in favor of PCM by 30.6 percent of respondents. Other media-monitoring reports indicate that the country's top leadership (President Voronin, Prime Minister Grecianii, and Speaker Lupu) continue to enjoy the most screen time, while opinions of the opposition are absent.⁸ European diplomatic missions to Chişinău have repeatedly expressed concern in past years over the lack of editorial independence at TRM and pluralism in the broadcasting sector throughout the country.

Moldovan authorities continue to use various forms of economic pressure to restrict media pluralism, redirecting advertising toward more docile outlets. A report by the Independent Journalism Center of Moldova revealed that state advertising depended not on circulation, but on editorial policy and went mostly to Russian-language newspapers, not those published in the state language. Attacks

on independent journalists raised questions over the political will of Moldovan authorities to conduct free and fair elections by ensuring media pluralism. President Voronin accused “opposition media” of writing negative articles about Moldova and criticizing the government.⁹ In October, eight media NGOs protested the security and paramilitary structures that prevented a reporter of the *Ziarul de Garda* investigative weekly from photographing a convicted person in the military court and a *JurnalTV* cameraman from taking footage of President Voronin partaking in a wine festival.

Other worrisome actions carried out by officials occurred throughout the year. In May, the opposition Russian-language newspaper *Moldavskie Vedomosti* accused President Voronin of having ordered law enforcement bodies to close the newspaper after a massive raid by anticorruption officers. The following month, the Office of the Prosecutor confiscated computers from a group of teenagers expressing critical opinions on web-based forums; the accusation was that “through the portals they repeatedly called to violently overthrow the constitutional regime and to liquidate the statehood and territorial integrity of Moldova.”¹⁰ In response, *Ziarul de Garda* published an article describing the security services’ operations and interrogation of Moldovan citizens studying in Romania, leading to an intimidation campaign against the newspaper’s reporters and editors by officials. In September, the general secretary of the South East European Media Organization, Oliver Vujović, sent a letter to Prime Minister Grecianii and the interior minister in protest. Also in 2008, a number of journalists, including two working for Romania media outlets, were refused accreditation by the Office of the President and Foreign Ministry without reason.

Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	5.75	5.75

Local autonomy in Moldova is granted by the Constitution, the Law on Administrative Decentralization, and the Law on Local Public Administration. The draft Law on Local Public Finances was discussed in detail with experts of the Council of Europe in 2007. Its adoption, however, was delayed, thus impeding greater financial autonomy for local public administration. Recently, the draft Law on the Status of Chişinău Municipality was approved by the government. Central authorities stated that the draft was coordinated with the Council of Europe, while experts claimed that the approved draft was different from the one sent to the Council of Europe.

A special Ministry for Local Public Administration handling local affairs through its territorial offices was created in 2006. In line with Council of Europe recommendations, the ministry organized the first European Week of Local Democracy in October 2008 to “consolidate the perception of the local democracy

by citizens,” one of the few activities of this kind.¹¹ Yet local county (*raion*) heads act as representatives of the central government in local administration, a practice that runs counter to the principle of decentralization of executive powers.

The powers of the central and local governments are vaguely distributed in the normative framework and frequently overlap or remain unregulated—the central authorities often decide which roofs, streets, and pipelines should be repaired in a given county or how much a local government should pay for a particular service. Local needs are rarely considered as decisions taken at the central level are made without prior consultation. Despite recommendations, the framework was not improved in 2008 except for areas directly covered by the EUMAP.

The capacity of local governments in Moldova continues to be severely limited by the prevalence of group interests and nepotism, as well as by the drive to acquire more resources from the central government in the face of a seemingly permanent deficit in funding. Both the Parliament and government encourage such conditions through “adjustments” to the state budget or ad hoc supplementary funding to some *raions*, without clear explanations.¹² Furthermore, following local elections in 2007, in which opposition parties won in two-thirds of *raions*, the government distributed local budgets according to political loyalty. Hence, 97 million lei (74 percent) of 132 million lei (US\$8 million out of US\$12 million) went to regions led by Party of Communists.¹³

Along with budget allocation pressures, the central authorities intervene in local decision making by using administrative or even criminal cases against opposition leaders. The mayor of Chişinău and deputy chairman of the Liberal Party, Dorin Chirtoacă, was a constant target, which also put pressure on the Chisinau Municipal Council (CMC). For example, Moldova-Gaz, of which the government owns 35 percent and appoints the administrator, refused to deliver fuel to the area unless tariffs were fixed at a certain level, although setting gas prices is the responsibility of the CMC.¹⁴ Additionally, the Ministry of Justice blocked seven CMC accounts for failure to pay debts to prosecutors, judges, and police dating back to 1997. The ruling party was instrumental in dismantling the “democratic coalition” on the CMC, forcing out the president, LP chairman Mihai Ghimpu. LP leaders announced they will challenge the decision at the ECHR. Also, claims of attempts to limit local autonomy in the autonomous region of Gagauzia, populated primarily by Christian Turks, were reported.

The degree of transparency and accountability varies from one *raion* to another. In Chisinau, journalists are allowed to attend public meetings and CMC sessions without proof of accreditation. Yet in the second largest city of Bălţi, where the mayor is supported by the ruling party, there were constant complaints about limited access to town hall meetings for journalists working in non-affiliated media. Though the level of involvement of NGOs, local business, and community needs groups depends to a large extent on local leaders, the increased interest in foreign funding has led to radical changes in a number of localities. This positive feature speaks to the potential of local autonomy in the country despite current difficulties.

Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4.00	4.00	4.00	4.50	4.50	4.75	4.50	4.50	4.50	4.50

The Republic of Moldova is part of the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and other international treaties that provide for the freedoms of association, speech, conscience, and religion. These rights are also enshrined in the Moldovan Constitution. As a result of fruitful cooperation with civil society, the Parliament adopted a new Law on Assembly that entered into force on April 22, 2008. As Amnesty International Moldova noted, the most important change was the new option to simply notify local administration of the intention to assemble rather than ask for its permission. Such a notification is not required for meetings of fewer than 50 people. Also, ad hoc public meetings are allowed without prior notification, and public meetings may be prohibited only by a court rule, not by a local government decision as was the case previously.

When the new law came into effect, serious police violations were reported. On April 23, members of the NGO Hyde Park were taken into custody by police during the peaceful action Pro Test, meant to test the application of law. On May 11, police did not intervene when demonstrators of the NGO GenderDocM, which represents sexual minorities, were violently attacked by a group of counterdemonstrators. Reports by the human rights NGO, CReDO showed that the number of restrictions on meetings imposed by police almost doubled after the new Law on Assembly entered into force. Nevertheless, police and officials were not held accountable for violations of the new law.

Religious groups encountered problems registering despite the 2007 Law on Cults, which provides a 15-day registration period. In mid-2008, there were 24 such requests still pending before the Ministry of Justice, more than half of them dating back to 2007.

In January, the Liberal-Democratic Party registered amid allegations from the ministry that a number of the submitted signatures were fraudulent. The Office of the Prosecutor opened a criminal investigation at the ministry's request. Registration of the European Action Party and People's Republican Party were declined owing to "incomplete files."¹⁵

Moldova's Constitution provides for equality before the law. The Constitutional Court has the sole right to interpret supreme law provisions and to ask for their enforcement. Still, implementation is the key shortcoming in the progress of reforms in the country. For example, eight years after signing the Rome Statute of the International Criminal Court, Moldova has not yet ratified the document, despite express commitments in the EU-Moldova Action Plan, which was extended in March 2008.

Torture and ill-treatment remain some of the most serious human rights violations in Moldova, as confirmed by national and international reports and

judgments of the ECHR. Despite efforts to transpose European provisions into the national legal framework, “practice and attitudes are lagging behind. Beatings and abuse of detainees remain the norm, channels for seeking redress stay blocked, and lack of transparency breeds impunity.”¹⁶

At the recommendation of the Supreme Council of Magistrates, the president appoints judges to district courts and the courts of appeal for an initial mandate of five years and reconfirms these appointments until they reach the age limit expiry of 65 years. Judges on the Supreme Court of Justice are appointed by the Parliament. The justice system in Moldova remains severely underfunded; as a result, judges are highly susceptible to corruption and political control and are often transformed into tools of pressure and harassment against opposition parties. In March 2007, the random distribution of cases aimed at reducing corruption among judges was approved, but the mandate was not implemented in 2008. Moreover, judges were not held accountable for corruption cases, which raised questions about the authorities’ commitment to judicial independence.

Among the 47 countries that have ratified the European Convention on Human Rights, Moldova ranks 12th based on number of requests in proportion to population, rivaling Russia and Turkey. The ECHR has passed decisions against Moldova related to the lack of fair trials, inhumane treatment and torture, the right to freedom of expression, and non-enforcement of judicial decisions—making the ECHR the highest judicial authority for Moldovan citizens. In 2008, the government lost over €2.6 million (US\$3.5 million) as a result of cases lost at the ECHR.¹⁷

Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
6.00	6.00	6.25	6.25	6.25	6.25	6.00	6.00	6.00	6.00

The *Barometer of Public Opinion* lists corruption as second only to welfare issues such as low wages, unemployment, and the high cost of living in major problems facing Moldovan citizens. More than half of respondents expressed dissatisfaction with the way the public administration deals with corruption. Other studies identified the police, customs service, politicians, and judges as the most corrupt.¹⁸

The Anticorruption Bureau of the Center for Combating Corruption and Economic Crimes (CCCEC) identified roughly 1,300 cases of corruption in the period 2002–2008. Nevertheless, Moldova is the only member of the Commonwealth of Independent States with no persons or public servants jailed for corruption. The country’s Transparency International Corruption Perceptions Index rating rose by only 0.1 point (from 2.8 in 2007 to 2.9 in 2008) owing to reforms initiated in the framework of the Threshold Country Program (TCP).

The Moldovan authorities undertook important legal reforms in 2008 by adopting the Law on Conflict of Interest in February and the Law on Preventing and Fighting Corruption in April; however, the latter features a three-year delay relative to provisions in the National Strategy for Preventing and Fighting Corruption. Although the Law on Anticorruption introduced adjustments to international conventions adopted by Moldova, it was not subject to European expertise. Also, the law does not address declaration of revenues and assets; it superficially covers conflicts of interest and corruption in the private sector and allows for public servants to be hired without open competition. The Anticorruption Alliance (with 32 participating NGOs) criticized the delays in implementing the adopted laws, citing concerns over the conflict-of-interest provisions and the random distribution of cases in the court system.

Under the TCP, the Civil Monitoring Council of the CCCEC—Moldova’s first citizen oversight of a law enforcement body—was established in 2008. Yet, it lacks a provision for the council’s financial sustainability, which makes its existence dependent on the authorities. Additionally, members of the council were not given permission to access restricted information, which will make its activity incomplete and inefficient. According to the Anticorruption Alliance, these circumstances are meant to hinder genuine participation of civil society in monitoring the government’s anticorruption measures and attest to a lack of political will to fight corruption.

During the year, both the executive and legislative branches ignored several valuable initiatives from NGOs to promote transparency among public officials. For example, the Association of Independent Press launched a public campaign that pointed out inefficiencies in the Law on Revenues and Assets of Public Officials, particularly its openness to misinterpretation by public servants. It also criticized the Central Control Committee for Revenues and Property—an agency responsible of controlling MPs and public servants’ statements—for its failure to report irregularities in statements submitted by officials. These and other civil society recommendations were overlooked by Parliament when it amended the law in mid-2008.

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