

MOLDOVA

Note: Unless otherwise noted, all references in this report exclude the secessionist region of Transnistria.

EXECUTIVE SUMMARY

Moldova is a republic with a form of parliamentary democracy. The constitution provides for a multiparty democracy with legislative and executive branches, as well as an independent judiciary and a clear separation of powers. Legislative authority is vested in the unicameral parliament (Parliament). The Alliance for European Integration (AIE) coalition retained its parliamentary majority in November 2010 elections, which international observers stated met most Organization for Security and Cooperation in Europe (OSCE) and Council of Europe commitments. Security forces reported to civilian authorities.

The most significant human rights problem in the country during the year was government corruption, which undermined the credibility and effectiveness of police and the judiciary as well as respect for the rule of law in general. Police torture and mistreatment of persons in detention was a second major area of concern. The government also failed to make progress in holding officials accountable for killings and other abuses committed by government security forces during the 2009 crackdown on postelection demonstrations.

Other significant problems during the year included harsh and overcrowded conditions in prisons and detention centers; arbitrary detention by police; use of libel suits to harass media outlets; violence against women; trafficking in persons; discrimination against Roma; harassment of lesbian, gay, bisexual, and transgender (LGBT) individuals; limited enforcement of workers' rights; and child labor.

While authorities investigated reports of official abuse in the security services and elsewhere, officials accused of human rights violations, complicity in trafficking, or corruption were rarely successfully prosecuted and punished. Impunity was a major problem.

In 1990 separatists declared a "Transdnister Moldovan Republic" (Transnistria) in the area along the eastern border with Ukraine. A 1992 ceasefire agreement established a peacekeeping force of Moldovan, Russian, and Transnistrian units. The central government did not exercise authority in the region, and Transnistrian authorities governed through parallel administrative structures. Transnistrian

authorities restricted political activity and interfered with the ability of Moldovan citizens living in Transnistria to vote in Moldovan elections. Torture, arbitrary arrests, and unlawful detentions were regularly reported. Transnistrian authorities harassed independent media and opposition lawmakers, restricted freedom of association, movement, and religion, and discriminated against Romanian speakers. In December Transnistria had an “election” that resulted in a new “president,” Yevgeny Shevchuk.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

The government made little progress during the year in holding officials accountable for the security force crackdown on postelection demonstrations in 2009 that resulted in three deaths. Former municipal police chief Iacob Gumenita, former minister of interior Gheorghe Papuc, and former municipal commissar Vladimir Botnari were free while under criminal investigation for negligence on duty. The trial of Gumenita, who was accused of official misconduct, was postponed 13 times, and officials denied the media access to court proceedings. On December 29, the Centru Court of Law acquitted Botnari and Papuc. Ion Perju, a police officer accused of killing protestor Valeriu Boboc, was free while under investigation for murder.

There were no reports of killings during the year in the separatist region of Transnistria. However, lack of access to information from Transnistria prevented Moldovan law enforcement officials or NGOs from tracking developments.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

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

While the law prohibits such practices, police reportedly used cruel and degrading arrest and interrogation methods, and guards beat prison inmates. In the report of its visit to the country in June, the Council of Europe’s Committee for the

Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted that a significant proportion of detained individuals they interviewed complained of police ill-treatment during the months preceding the visit.

According to the parliamentary ombudsman, the frequency and severity of such acts decreased during the year compared with previous years. In the first six months of the year, the ombudsman received 150 complaints of torture, inhuman, or degrading treatment allegedly committed by governmental officials in either police stations or prisons.

Torture was rarely meaningfully punished. Antitorture prosecutors received 200 complaints of torture during the year and initiated 28 criminal investigations. Of the 11 cases against police officers that resulted in judgments, two police officers received prison sentences that were later overturned, two received suspended sentences, and seven were acquitted.

Investigators also initiated 50 cases of abuse of power. In these cases 22 police officers received suspended sentences, one was sentenced to imprisonment, and another received a fine.

An antitorture prosecutor reported that prosecutions were hampered by the fact that incidents of torture were regularly downgraded to lesser offenses, such as abuse of power, for which the penalties are lower and the statute of limitations only three months. This allowed judges to issue suspended sentences based on the “good character” of the offending police officers or dismiss cases if the statute of limitations had expired. For example, two police officers accused of abusing journalists during 2009 events were found guilty of abuse of power but could not be punished because the statute of limitations had lapsed.

The government continued to act extremely slowly in prosecuting abuse cases arising from the security force crackdown on the 2009 postelection demonstrations. Prosecutors initiated 108 investigations of alleged police torture and other abuses connected to the events. Following those investigations, prosecutors initiated 58 criminal cases against police officers, including 28 involving torture, 20 of abuse of power, one for murder, and nine other charges. Through August, prosecutors finalized 27 cases against 44 police officers and sent them to courts; at year’s end most were under examination by the courts. In the remaining cases, the investigations were either terminated because of insufficient evidence or suspended due to an inability to determine the identity of the officers involved. Two officers were given suspended sentences for torture, three received suspended sentences for

abuse of power and falsification of official documents, eight were acquitted, and one was administratively sanctioned. The five convicted officers remained on the police force.

In the separatist region of Transnistria, former detainees alleged they had been subjected to torture and mistreatment in detention centers. The closed military court system regularly ignored reports of alleged hazing and abuse of conscripts in the Transnistrian “army.” Reports of hazing continued.

Prison and Detention Center Conditions

Conditions in most prisons, including those in Transnistria, remained harsh. This was particularly the case in pretrial and presentencing facilities; overcrowding remained a significant problem.

At year’s end the total number of prisoners and pretrial detainees was 6,476 with 4,000 inmates in prisons and 2,476 individuals in pretrial detention centers. There were 33 juveniles serving terms in prison. There were 290 women detained at the Rusca penitentiary for women at the end of the year. The country lowered its target maximum prison capacity to 5,310 and its target maximum pretrial detention center capacity to 2,670.

The ombudsman reported that overcrowding in unventilated spaces, lack of timely access to health care, and poor sanitation continued to be the norm in most of the country’s prisons. Cell sizes did not conform to local law or international standards. According to the government’s 2011 plan for financing penal institutions, detainees were provided meals worth 10.35 lei (less than \$1) per day. In all prisons the ombudsman noted poor relations between prison officials and prisoners.

Reporting on its June visit to Moldova, the CPT expressed concern about the behavior of staff at penitentiaries No. 11 in Balti and No. 17 in Rezina towards prisoners segregated for their own safety. Alleged beatings of inmates by other prisoners belonging to an informal hierarchy within the prison population were another subject of concern.

According to the ombudsman’s 2011 report on the National Antitorture Mechanism, pretrial facilities, located mostly in the basements of police stations, generally lacked access to natural light, and artificial light was described as mediocre or poor. In some facilities ventilation systems were nonexistent. A

number of pretrial facilities also lacked toilets and sewage systems, and in many cases reliable sources of potable water. Inmates at the Chisinau General Police Station complained of a high degree of parasite infestation. According to the ombudsman, sleeping conditions were inadequate, with detainees provided insufficient or dirty linens. The government did not fulfill its pledge to close the isolation cells in Penitentiary No. 13, which a UN Children's Fund (UNICEF) ambassador identified as particularly inhumane during a 2010 inspection. On June 15, Minister of Justice Oleg Efrim fired the director of the Penitentiary Department, Vadim Cojocaru, citing procedural violations in his appointment. Several media outlets reported serious irregularities in the penitentiary facilities.

According to the Prosecutor General's Office, one of the problems faced by detainees was the lack of psychologists in penitentiaries. Only four out of the 17 existing penitentiaries had specialists who could provide psychological counseling to the inmates. Five percent of inmates were prone to suicide or self-mutilation. Six detainees committed suicide during the year, and there were 500 reported cases of self-mutilation.

Prisoners and detainees were generally permitted religious observance. On January 25, the Ministry of Justice concluded a cooperation agreement with the Moldovan Orthodox Church. The protocol established a two-year religious assistance program for Moldovan penitentiaries, whereby the church sent military chaplains for individual confessions of penitentiary employees and detainees, as well as for religious services.

According to government regulations, individuals suspected or suffering from tuberculosis were to be held separately from the other detainees. However, persons with various diseases were often colocated with persons with an unconfirmed diagnosis of tuberculosis, potentially exposing them to infection. A March 2010 CPT report noted World Health Organization procedures for screening tuberculosis patients and isolating them from the other inmates were adequately implemented in the two prisons visited by the CPT. However, the CPT maintained that in Penitentiary No. 12 in Bender the radiology facility was inadequately separated from cells, potentially exposing inmates in the surrounding cells to radiation.

The 2011 CPT report observed that during its mission to Moldova, various detainees indicated they were familiar with the National Antitorture Mechanism and the ability to file an official complaint if their rights were violated but that

detention center personnel often discouraged detainees from doing so, claiming it was not in their best interest to complain.

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

The main alternative sentence used in the country is a conditional suspension of the sentence, the equivalent of probation. This sentence is available for juveniles and adults alike, on condition that the crime is not serious and the offender has no prior convictions. Probation is for a fixed term of between one and five years. This penalty was frequently applied inappropriately; for example, one-third of the human traffickers convicted in 2010 received suspended sentences. Other alternative sentences include community service and fines. Community service may not be imposed on convicted juveniles below age 16.

Authorities made some improvements to prisons and detention centers. The Department of Penitentiaries reported that in the first six months of the year approximately 60,000 lei (\$5,000) was allocated for renovation of Penitentiary No. 13 in Chisinau. Other penitentiaries also underwent minor renovations. During its 2010 mission to Moldova, the CPT noted that the General Police Directorate had sought the Council of Europe's expertise to repair and equip pretrial detention facilities, and several facilities were undergoing renovation. Notwithstanding the renovations, the CPT observed that conditions were still inadequate for long term detentions.

The government permitted independent monitoring of prison conditions by local and international human rights observers, and prison officials generally allowed observers to interview inmates in private. The government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners in accordance with the ICRC's standard practices.

During the year the parliamentary ombudsman intensified preventive visits to police stations and other institutions subordinate to the ministries of interior, defense, justice, and health in order to monitor the situation in these institutions regarding the torture of inmates and patients. In the first six months of the year, 115 such visits took place, compared with 126 visits in 2010. Based on these visits, the ombudsman issued seven official complaints to the Ministry of Justice and the Prosecutor General's Office, and two criminal cases were initiated against police officers.

Civil society representatives complained of the difficulty in gaining access to Transnistrian detention facilities. Moldovan lawyers were denied access to clients in Transnistrian prisons unless accompanied by a local Transnistrian attorney. Conditions in those facilities were grave, particularly in the Tiraspol prison. Sick and contagious prisoners shared quarters with healthy ones. During the year prisoners in Transnistria reportedly undertook hunger strikes but gained no concessions from authorities.

Police mistreatment of detainees remained a major problem in Transnistria. Police transferring prisoners between facilities packed them in poorly ventilated vans, often holding them in such conditions for hours. Prisoners with diseases, such as tuberculosis, were routinely held with healthy prisoners and were not provided appropriate health care.

The human rights NGO Promo-LEX Association reported a number of cases of degrading and humiliating treatment in Transnistrian prisons. In 2008 Transnistrian militia arrested Vitalie Reznicenco on suspicion of homicide and detained him for two years in allegedly inhuman conditions in Tiraspol prisons, where he contracted pleurisy but was not provided medical care. A Grigoriopol court subsequently sentenced him to eight years' imprisonment. On June 6, Reznicenco died in the medical facility of Prison No. 3 in Tiraspol. His mother was not granted access and was told her son died of drug poisoning.

d. Arbitrary Arrest or Detention

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

A parliamentary ombudsman employed by the government regularly visited detention sites, including police stations and detention rooms at psychiatric hospitals. The ombudsman found that many of those arrested were not registered in logbooks. Most of the individuals detained at police stations were arrested for petty crimes, insulting police, or for document checks, despite carrying valid documents.

In Transnistria there were reports that authorities engaged in the arbitrary arrest and detention of individuals with impunity.

In April 2010 Transnistrian authorities arrested local journalist Ernest Vardanean and Transnistrian tax official Ilie Cazac on charges of espionage. On a number of occasions, the OSCE, diplomatic missions, and other international organizations expressed concern that the two were denied the right to choose their own legal counsel, be represented by counsel of their choice at pretrial detention hearings, or contact their families. In November 2010 the Transnistrian newspaper *Novaya Gazeta* quoted a letter from Stella Surkichan, Cazac's mother. She maintained that during the arrest officers planted papers and a flash drive on her son, who was severely beaten and subsequently forced to sign the papers, and that he was questioned for 10 to 15 hours without food, water, or access to a toilet and threatened by long jail terms and reprisals against his family. Ilie Cazac sent two letters requesting a pardon to the Transnistrian "president" in August and was allegedly beaten after sending the first. Transnistrian "president" Igor Smirnov pardoned Vardanean on May 5 and Cazac on October 31.

Role of the Police and Security Apparatus

The national police force is the primary law enforcement body. It is subdivided into regional and city police commissariats, which are subordinate to the Ministry of Interior. During the year the Ministry of Interior completed the first phase of a reform process that included equipping forensic labs with up-to-date equipment and installing video and GPS equipment in police patrol cars. The reforms were intended to address the problems of abuse, corruption, and impunity, but they were not immediately effective.

The Division to Combat Torture within the Prosecutor General's Office handled cases of alleged torture by security forces. Under the system, four prosecutors conducted criminal investigations of torture cases at the national level. The institutionalization of specialized antitorture prosecutors was intended to reduce the incidence of torture due to the continuous monitoring exercised by the prosecutors. According to the parliamentary ombudsman, moderate progress was achieved.

During its 2011 assessment visit, the CPT found that police torture and other forms of ill-treatment, in particular during police interrogation, remained a serious issue. Antitorture prosecutors faced a shortage of resources, being unable to call on either consultants or a specialised corps of independent operational support staff. In addition the prosecution services they worked for were generally materially dependent on the police, which put them in a difficult position when it came to questioning the conduct of police officers.

Torture remained a serious problem in Moldova's prisons, which were difficult to monitor. In some cases, the ill-treatment was inflicted, according to the prisoners, during "fake" cell searches, the sole purpose of which was apparently to subject a particular prisoner to ill-treatment.

The ombudsman's report on the National Antitorture Mechanism, established pursuant to the Optional Protocol to the Convention on the Prevention of Torture, stated that authorities with the power to investigate allegations of police abuse at times failed to do so in timely fashion. For example, in 2010 an inmate at the No. 13 Penitentiary in Chisinau lodged an official complaint with the prosecutor after allegedly being beaten by a police officer. The prosecutor issued an order for a medical examination of the inmate's injuries, but the penitentiary's medical personnel waited 11 days before examining him and another 15 days before writing their report, severely hampering the investigation of the claim. Despite an official request from the ombudsman, the Department of Penitentiaries refused to initiate an investigation into the misconduct of its personnel.

The ombudsman reported that prosecutors repeatedly failed to properly investigate and prosecute cases of torture recorded by the Moldovan Center for Human Rights. Of eight cases sent to the prosecutors, only three were investigated and only one resulted in a prison sentence.

Arrest Procedures and Treatment While in Detention

The law allows judges to issue arrest warrants based on evidence from prosecutors. Authorities must promptly inform detainees why they were arrested and describe the charges against them. Suspects may be detained without charge for 72 hours. In the report of its 2010 mission to Moldova, the CPT noted that while authorities generally respected the 72-hour limit on detention, the three-hour limit prescribed by law for the record of the arrest to be signed and communicated to the detainee was often disregarded, with the document signed as late as 14 hours after the arrest.

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

Detainees have the right to a defense attorney, but at times this right was restricted. Authorities generally did not grant detainees access to a lawyer until 24 hours after

being detained. Police often told individuals they were witnesses in a case, questioned them without a lawyer present, and subsequently detained them as suspects. Detainees were often informed of the charges against them without a lawyer being present. The government required the local bar association to provide representation to indigent defendants but did not reimburse lawyers for legal fees. Consequently, poor defendants often did not have adequate counsel.

The CPT report noted that individuals in pretrial detention were at times denied their right to a phone call. While authorities asserted that this was done to prevent them from intimidating victims or witnesses, the practice was arbitrary and without justification or limits. The CPT also noted receiving information about the deprivation of pretrial detainees of the right to family visits.

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

In Transnistria, detentions cannot exceed 18 months during pretrial criminal investigations and six months during the trial period. In practice these terms were not observed. Officially 762 people were detained in pretrial detention units in Transnistria during the year, although unofficial sources maintained the number may have reached 1,000. The Transnistrian detention system also includes temporary pretrial detention units subordinated to the local “interior ministry.” The number of detainees in these facilities was unknown. Promo-LEX Association reported many detainees were held for more than six months without a court hearing. During 2009-2011 Promo-LEX Association received more than 100 complaints of unreasonable extension of pretrial detention. For example, one detainee had been held in Pretrial Detention Unit No. 2 in Tiraspol for five years without trial. Relatives were often unable to visit detainees or deliver food packages.

Amnesty: The government generally granted amnesty to individuals sentenced to less than four years in prison; as a result, such persons often served no jail time for their offenses.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, there were reported instances of government officials failing to respect judicial independence in practice. Official pressure on judges and corruption remained serious problems.

There continued to be credible reports that local prosecutors and judges sought bribes in return for reducing charges or sentences, and observers asserted that in many cases judges faced political influence. Political factors also played a role in the reappointment of judges. According to Freedom House, judges were appointed and promoted based on subjective and nontransparent factors. Younger judges, with initial five-year appointments, were particularly vulnerable to influence by the executive branch.

According to the 2011 EU progress report, the judicial system suffered from a number of endemic problems, including inadequate efforts to fight corruption; reform the judiciary, prosecution, and police; and implement certain human rights commitments, particularly reforms and mandatory training related to the judiciary.

The country has a judicial code of ethics as well as inspector judges, responsible for investigating and reporting cases of judicial misconduct or ethics breaches to the Supreme Council of Magistrates. Inspector judges referred 69 cases against judges during the year. The council issued warnings to six judges. No judge was dismissed or investigated on corruption charges. High state officials stated that a number of judges compromised justice.

Judges continued to hold hearings related to the 2009 postelection police abuses in their chambers that were closed to the public. According to the Moldovan Institute for Human Rights (IDOM), in 39 percent of the cases IDOM monitored between April and July, the hearings took place in the judge's office. Previously IDOM reported that almost 50 percent of such hearings were held in chambers. Courts also failed to publicize hearings. In cases where multiple victims were assisted by multiple attorneys, there was insufficient space for all parties to participate in the hearings held in the judge's chambers. A third of the cases were repeatedly postponed.

According to the American Bar Association's (ABA) 2009 Judicial Reform Index, the establishment of a judicial administration department within the Ministry of Justice constituted an attempt by the executive branch to exert control over the judiciary's finances. The ABA also described the Judicial Administration Department as understaffed, ineffective, and lacking the capacity to oversee adequately the administration of the judiciary.

Prosecutors have discretion to close cases before they reach trial for lack of sufficient evidence, but the injured party may appeal this decision to an investigative judge. This discretion gives prosecutors considerable influence over

the judicial process, and NGOs asserted that political influence continued to play a role in some prosecutions.

During the year the judiciary system underwent reforms intended to increase society's trust in the judiciary by strengthening the system and combating corruption. The reforms focused on increasing transparency, establishing severe measures against corruption, clearly delineating powers and competencies among judicial institutions, and eliminating institutions deemed superfluous. Parliament adopted the Law on the Justice Reform Strategy for 2011-2016 on November 25.

The military court system, which operated independently of the civilian courts, also suffered from corruption and inefficiency. The jurisdiction of military courts extends to crimes committed by active duty, reserve, and retired military personnel. Military courts had the capacity to try civilians for crimes committed against military personnel. On July 22, Parliament adopted a law to abolish specialized courts, including economic and military courts. The competencies of the military court in Chisinau were transferred to the courts of law of general jurisdiction.

Trial Procedures

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

Cases are presented to a judge or to a panel of judges. Defendants have the right to a lawyer, to attend proceedings, to confront witnesses, and to present evidence. The law requires the local bar association to provide an attorney to indigent defendants. The practice of appointing temporary defense lawyers without allowing them to prepare adequately was common and infringed upon the right to legal assistance. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients, but they generally allowed defense attorneys access to the evidence. The law provides a right to appeal convictions to a higher court.

In the final report of the OSCE trial monitoring program implemented in 2006-2009, the OSCE noted that proceedings were often not open to the public, court facilities were inadequate, and a large number of judges, prosecutors, and defense

lawyers failed to treat victims and witnesses with respect. Conditions have not changed substantially since the issuance of this report.

During the year there were cases reported of Transnistrian authorities disregarding trial procedures and defendants in Transnistria being denied access to a fair trial (see section 1.d.).

Political Prisoners and Detainees

In Transnistria on July 27, the secret services arrested Ghenadie Kuzmicev, division chief at the Transnistrian “Ministry of Interior,” on suspicion of “intimidating a witness” in a criminal case. Kuzmicev began a hunger strike on July 28. His case was kept secret, and his lawyer did not have access to case records. Kuzmicev was detained in allegedly inhuman conditions. He was released on the eve of the December “presidential” elections in Transnistria.

Regional Human Rights Court Decisions

As of December there were 4,250 applications against Moldova pending at the European Court of Human Rights (ECHR). During the year the Court issued 31 judgments awarding 370,000 euros (\$481,000) to individuals for violation of their rights. Most human rights infringements referred to inhuman or degrading treatment, nonenforcement of court decisions, and violation of property rights.

According to the local NGO Lawyers for Human Rights, during the year national authorities became significantly more likely to execute ECHR decisions and pay court-ordered awards; the 2011 EU progress report assessed the country’s execution of ECHR judgments as “improved.” However, court orders affecting district-level governments and municipalities frequently remained unexecuted.

In June the Constitutional Court rejected amendments to the law on the status of judges that would have held Moldovan magistrates accountable for ECHR rulings against the country. The court held that ambiguous wording in the law could have resulted in punishment in cases where judges were not at fault.

Civil Judicial Procedures and Remedies

The law allows citizens to seek damages in civil courts for human rights violations. Under the constitution, the government is liable when authorities violate a person’s rights by administrative means, fail to reply in a timely manner to an application

for relief, or commit misconduct during prosecution. Judgments awarded in such cases were often small and not enforced. Once all avenues for a remedy in the country's courts had been exhausted, individuals could appeal cases involving the state's alleged violation of rights provided under the European Convention on Human Rights to the ECHR.

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

A mediation law establishes an alternative mechanism for voluntarily resolving civil and criminal cases and sets forth rules for professional mediators. However, the country lacked an implementation mechanism.

Property Restitution

While the law provides for the restitution of property and compensation for victims of political repression, the government often failed to provide funds to the commissions established to receive these petitions. Applicants must prove a direct causal connection between political repression and the seizure of their properties to receive restitution.

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

While the law prohibits such actions, the government did not respect these prohibitions in practice.

Law enforcement authorities, including the Ministry of Interior, prosecutors, the Prosecutor General's Office, and the Security and Intelligence Service, continued to conduct illegal searches and wiretaps. The Security and Intelligence Service is the only institution legally empowered to conduct wiretaps, including those requested by prosecutors or police. Judges may authorize legal wiretaps only in the course of investigating a serious crime. In 2009 the ECHR ruled that the country's criminal procedure law failed to provide a clear and detailed interpretation of reasonable suspicion required to authorize a wiretap. The ECHR

also noted that the law neither contains safeguards against the overuse of wiretaps nor provides adequate protection against the abuse of power by the government due to wiretapping. Courts continued to accept illegally obtained evidence.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The law provides for freedom of speech and the press; however, these rights were not always respected in practice. Individuals could criticize the government publicly and privately without reprisal. According to the 2011 Freedom House report, the country's press freedom improved significantly since 2009.

In Transnistria authorities greatly limited freedom of speech and the press, with alternative viewpoints subject to censorship. It was difficult to register, maintain, and finance independent newspapers, radio stations, or television stations in Transnistria, although several continued to exist. Most newspapers from the rest of Moldova did not circulate widely in Transnistria, although they were available in Tiraspol.

Freedom of Press: The law prohibits the editing and publication of literature that contains “denial and defamation of the state and the people; calls for war or aggression; calls to ethnic, racial, or religious hatred; [or] incitement of discrimination, territorial separatism, or public violence.”

While the print media expressed diverse political views and commentary, a number of the newspapers were owned or subsidized by political figures and expressed well-defined political views. The government owned the Moldpress News Agency, and local and city governments subsidized approximately 22 newspapers, in most cases influencing their reporting. Political parties and professional organizations also published newspapers.

In Transnistria both of the region's major newspapers, *Pridnestrovie* and *Dnestrovskaya Pravda*, were official publications of the separatist administration. Separatist authorities harassed other, small, independent newspapers for publishing reports critical of the regime. Transnistrian authorities controlled the majority of television and radio stations in the region and largely dictated editorial policies and financial operations.

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

Observers noted that the public broadcaster (Teleradio Moldova) maintained its balanced coverage during the year and avoided bias in favor of the authorities, which was a practice before 2009.

Violence and Harassment: Political parties and other public institutions restricted media access to some public events. For example, in January media were not allowed to attend the Democratic Party's annual gathering of regional leaders, the security staff of the Democratic Party denied a journalist access to a public event celebrating Prosecutors' Day, and several media outlets were not allowed to attend a press briefing held by a political leader. On July 29, representatives of the Slavonic University's administration physically assaulted Jurnal TV journalist Oleg Brega, who tried to enter the institution to complete an investigative report. NGOs strongly criticized the assault. The journalist appealed to the court, and a criminal investigation was opened that was pending at the year's end.

On June 24, after several warnings the Audiovisual Coordinating Council (ACC) suspended the license of the procommunist television station NIT for five days for bias during the local election campaign and for violating election legislation. NIT immediately appealed the decision, and continued broadcasting while its appeal was examined. NIT and the communists characterized the ACC decision as government pressure on opposition media.

Censorship or Content Restriction: In many cases journalists practiced self-censorship to avoid conflicts with the sponsors or owners of their media outlets.

Libel Laws/National Security: Lawsuits by government officials during the year had a chilling effect on the willingness of the media to report corruption and other potentially sensitive subjects. Some newspapers practiced self-censorship and avoided controversial issues out of concern that government officials and other

public figures could use civil defamation laws to retaliate against critical news reports.

In April the minister of transportation sued the Unimedia news portal and the *Timpul* newspaper after they published a Moldavian Airlines press release accusing the minister of involvement in various fraudulent schemes. The case was pending at year's end.

On August 1, a Chisinau court issued a ruling and fined *Ziarul de Garda* 500,000 lei (approximately \$42,000) for defamation in the case of two prosecutors from Glodeni, named in a *Ziarul de Garda* article about judicial corruption.

International organizations and media NGOs expressed concern over the ruling. Former minister of justice Alexandru Tanase stated that the judge in the case could be dismissed for unprofessional conduct. *Ziarul de Garda* appealed the ruling to the Court of Appeals, which affirmed the ruling but determined that the fine would be decreased to 20,000 lei (\$1,700). *Ziarul de Garda's* appeal of this decision was pending at year's end.

Publishing Restrictions: In Transnistria authorities controlled all printing houses and at times threatened to stop the printing of independent newspapers, including one based in Bender and another in the northern city of Ribnita.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or chat rooms. In contrast with previous years, the government did not issue any letters threatening to suspend domain names for expression of political views.

While there were no reports that the government attempted to collect personally identifiable information in connection with individuals' peaceful expression of political, religious, or ideological opinion, the opposition Communist Party (PCRM) complained that the Liberal Democratic Party (PLDM) used personally identifiable data to send personalized election campaign materials to voters.

It was rumored that the Transnistrian authorities monitored the Internet, but the extent of monitoring was unknown. There were no reports of Transnistrian authorities restricting access to e-mail or chat rooms.

Academic Freedom and Cultural Events

There were no government restrictions on academic or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

While the law provides for freedom of assembly, at times authorities limited this right in practice. According to the NGO GENDERDOC-M, the government denied LGBT individuals permission to hold small gay pride events, notwithstanding the law on assemblies, which allows organized rallies involving fewer than 50 participants without a special permit. To avoid confrontations with police or private individuals that occurred at LGBT rallies in previous years, during the year the LGBT community organized its pride parade events in private clubs or rented halls with limited and controlled access. The Ministry of Interior reported 14,000 non-LGBT related public assemblies in during the year.

Transnistrian authorities severely restricted freedom of assembly and rarely issued requisite permits for public protests. On those occasions when they issued such permits, authorities often harassed organizers and participants and required demonstrations to take place in obscure locations away from city centers. Permits for demonstrations and public meetings were issued predominantly to organizations and groups loyal to authorities.

Freedom of Association

The constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations. However, the constitution prohibits organizations “engaged in fighting against political pluralism, the principles of the rule of law, or the sovereignty and independence or territorial integrity” of the country.

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

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

Transnistrian authorities at times restricted travel of Transnistrian residents and other Moldovans to and from the separatist region. Transnistrian authorities often stopped and searched vehicles traveling between the region and the area controlled by the central government. According to the local Helsinki Committee, delays of up to two hours at Transnistrian checkpoints occasionally occurred, as did arbitrary fines and seizures of goods from persons entering or exiting the region.

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

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

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. There were 148 refugees and 81 asylum seekers in the country during the year.

Access to Employment: According to the UNHCR, asylum seekers and refugees have the legal right to work in the country. Jointly with the Moldovan Bureau for Migration and Asylum, the UNHCR in March initiated a program to assist refugees and asylum seekers with housing, employment, and social integration.

Stateless Persons

Citizenship may be acquired by birth in the country, inheritance from parents, adoption, recovery, naturalization, or on the basis of certain international agreements. The law grants citizenship to persons who resided in the historical regions of Bessarabia, Northern Bucovina, the Hertza region, and the territory of the Moldovan Autonomous Soviet Socialist Republic prior to June 1940 as well as their descendants.

As of December there were 2,073 stateless persons (1,213 women and 860 men) registered. The largest numbers of stateless persons were ethnic Ukrainians, Russians, Romanians, and Turks. Of this total, 1,598 resided in Transnistria. According to the UNHCR, stateless persons enjoyed equal rights in terms of employment and education but frequently were prevented from applying for citizenship because they lacked certificates showing they had no criminal records.

While the law allows a stateless person who has resided legally in the country for eight years to seek citizenship, the UNHCR was unsuccessful in assisting such persons to obtain citizenship during the year. Residence permits for a period of up to one year are issued to stateless persons temporarily residing in the country at a cost of approximately 640 lei (\$53).

In line with the country's EU integration commitments, during the year Moldova joined the UN Convention relating to the Status of Stateless Persons, making it easier for stateless persons to register and obtain Moldovan identification documents.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections based on universal suffrage.

Elections and Political Participation

Recent Elections: According to international observers, the parliamentary elections held in November 2010 met most OSCE and Council of Europe commitments. No parliamentary coalition garnered enough seats to elect a president; therefore, the election of the president remained unresolved. On September 20, the Constitutional Court affirmed that the constitutional requirement of a three-fifths majority to elect a president could not be altered, except by a constitutional amendment. The first attempt to elect a president on November 18 was postponed due to the lack of candidates. The next attempt on December 16 failed and was later declared invalid by the Constitutional Court because the members of parliament showed their marked ballots to the press before casting their supposedly secret votes. Consequently, the election of the president remained a pending issue, and the speaker of the parliament served as acting president during the year.

In the June local elections held throughout the country, international observers from the OSCE Office for Democratic Institutions and Human Rights and the Council of Europe's Congress of Local and Regional Authorities concluded that the elections largely met OSCE and Council of Europe commitments. Nonetheless, observers noted that legal, administrative and regulatory problems remained unresolved. The OSCE election observation mission noted that mechanisms for the oversight of political financing were insufficiently developed, lacked precision, and were inadequately enforced.

The Civic Coalition for Free and Fair elections, which also observed the elections, noted some deficiencies, including changes to the electoral code that were made after elections were announced. In addition, the coalition asserted that delays in introducing a centralized electronic voter register meant that voter lists were prepared by local authorities, raising concerns about their accuracy. Unclear residency requirements for determining the proper place of voting also complicated the election. Promo-LEX Association observers noted reports of isolated cases of violence and intimidation (22 cases), use of hate speech directed at opponents (13

cases), misuse of administrative resources (42 cases), and electoral gift-giving (99 cases).

In Transnistria authorities interfered with the right of Moldovan citizens to vote in Moldovan elections. As in previous years, the Central Electoral Commission in Chisinau failed to open a polling station in Corjova village for the June 5 local elections. Corjova was technically under the central government's authority but was effectively controlled by Transnistrian authorities. Transnistrian militia initially blocked the exit from Corjova on the morning of June 5, but later allowed voters from Corjova to travel to nearby Cocieri, where they voted. Voters from Corjova were intimidated during both the June 5 elections and runoff elections on June 19.

The Transnistria region conducted two rounds of "presidential elections" in December. Consequently, after 20 years of the Smirnov regime, Transnistrian residents selected a new leader, former supreme soviet chairman Yevgeny Shevchuk, who won a landslide victory with 73.88 percent of the votes.

Participation of Women and Minorities: There were 20 women in the 101-seat parliament elected in November 2010. Members of ethnic Russian, Ukrainian, Bulgarian, Azeri, Jewish, and Gagauz communities had representation in parliament alongside members of the majority Moldovan/ethnic Romanian community.

Section 4. Official Corruption and Government Transparency

Corruption remained a major problem for the country. While the law provides criminal penalties for official corruption, the government did not implement these laws effectively. Government interference and corruption with the application of laws and regulations impaired the impartiality of the courts.

Police corruption remained a serious problem. According to prosecutors, the Ministry of Interior ignored, or only superficially examined, reports of police corruption.

Corruption reportedly took place at all levels of government from low-level functionaries to government ministers. According to the Freedom House *Nations in Transit* report during the year, lack of progress in adequately addressing bribery and fraud in the governmental sphere and wider society left the country's

corruption rating unchanged since 2006. NGOs and international organizations both noted a high level of corruption in a broad range of institutions.

The head of the Center to Combat Economic Crimes and Corruption (CCECC), Viorel Chetraru, publicly stated in July that his institution was subject to political pressure and advocated making law enforcement independent from political influence. Chetraru alleged that his deputy directors followed orders from the political parties that nominated them for their positions and regularly provided damaging information about political opponents. Chetraru also stated the investigation of judges in corruption cases was extremely difficult because officers were required to inform the Supreme Council of Magistrates before starting a criminal investigation. There were at least two cases in which the judges under suspicion for corruption were forewarned by their colleagues on the Supreme Council of Magistrates and thus able to avoid prosecution. Corruption in the educational system also remained a problem.

The law provides free public access to official information; however, the government did not fully implement the law. Court decisions ordering release of information were not implemented fully or in a timely manner. In order to improve implementation of the transparency law, the government amended the regulations related to consultation and access to information several times during the year.

To increase transparency and efficiency, the government created a consultative mechanism with civil society, the National Council for Participation, which included some of the most active NGOs in the country. Members of the council held regular meetings and offered recommendations on various government decisions; however, the extent to which its views were taken into account was unclear. In April the government's Electronic Governing Center launched a Web site to publicize its efforts to increase transparency and facilitate the access of media and the public to government data.

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

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

In Transnistria authorities continued to impede activities of human rights groups. For example, “immigration” officials frequently blocked entry into the region by representatives of Moldovan NGOs attempting to meet local human rights groups. Transnistrian authorities also continued to control and intimidate NGOs by inviting their representatives to meetings in the presence of security officials and pressuring landlords not to renew their leases for office space. Transnistrian authorities required representatives of Moldovan NGOs wishing to operate in Transnistria to register locally as separate organizations.

Rodica Pascari, leader of an NGO in Ribnita, reported continuous harassment by the Tiraspol secret services in response to her NGO’s activities. Pascari was reportedly threatened with arrest if she did not stop her activities.

Government Human Rights Bodies: The law provides for four parliamentary ombudsmen who make up the independent Moldovan Human Rights Center (MHRC). Parliament appoints the ombudsmen to examine claims of human rights violations, advise parliament on human rights problems, submit legislation to the Constitutional Court for review, and oversee MHRC operations. MHRC personnel provided training for lawyers and journalists, visited prisons and psychiatric hospitals, made recommendations on legislation, and organized roundtable discussions. Parliament also had a separate standing committee for Human Rights and Interethnic Relations.

Between January and July, the MHRC received 860 complaints of human rights abuses, including 194 that concerned free access to justice, 147 involving violations of personal security and dignity, 81 regarding the right to free access to information, 80 concerning the right to social assistance and protection, 49 involving the right to private property, 76 involving interference with the right to family life and the right to health, and 29 involving the right to work. Fewer complaints concerned personal freedom, education, citizenship matters, freedom of movement, and electoral rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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

Rape remained a problem, but there were no specific government activities to combat rape. During the year prosecutors initiated 260 criminal cases of rape, which represented 19 percent fewer cases than in 2010. Of these, 56 were dismissed and 124 were forwarded to courts for trial. NGOs maintained that many rapes remained unreported.

The law defines domestic violence as a criminal offense, provides for the punishment of perpetrators, defines mechanisms for obtaining restraining orders against abusive individuals, and extends protection to unmarried individuals and children of unmarried individuals. Seventeen individuals convicted of family violence offenses were serving sentences in penitentiaries. The maximum punishment for family violence offenses is 15 years' imprisonment. There were reportedly 340 cases of family violence during the year.

The law provides that an abuser may be excluded from lodgings shared with the victim, regardless of who owns the property. The law also provides for psychiatric evaluation and counseling, forbids abusers from approaching victims either at home or at a place of business, and restricts child visitation rights pending a criminal investigation. Courts may apply such protective measures for a period of three months and can extend them upon the victim's request or following repeated acts of violence.

Real progress in protecting women and children against domestic violence was slow. According to various NGOs and UNICEF, the issuance of protective orders and the effectiveness of their implementation were heavily dependent on the attitude of the authorities. There were numerous reports that police officers were not diligent in ensuring either proper protection of victims or proper execution of the measures prescribed by the orders.

On March 16, Lilia Eremia, from the village of Valcinet in northern Moldova, filed a complaint with the ECHR against the government, accusing it of inhumane treatment and gender discrimination in access to police protection. Eremia had requested a protection order for herself and her two daughters, which, although issued, was allegedly not enforced by police; subsequent requests for protection addressed to the Prosecutor General's Office and the Ministry of Interior were unanswered, allegedly because the abuser was a police officer.

According to NGOs, problems with the protection of victims of domestic violence included delays in issuing protective orders, improper enforcement of protective orders by police, and excessive reliance by authorities on NGOs to publicize available remedies and assist victims in requesting protection. NGOs expressed concern that the prosecutor general was insufficiently proactive in combating indifferent attitudes towards domestic violence among police, prosecutors, and social workers.

The law also provides for cooperation between government and civil society organizations, establishes the protection of the victim as a human rights principle, and allows third parties to file complaints on behalf of victims. According to a 2009 report by the local NGO La Strada, there were no government standards regarding the quality of victim support services or for the identification, assessment, or monitoring of domestic violence cases.

A 2010 study by the Joint UN Program on HIV/AIDS found that 51.3 percent of women in a relationship had experienced psychological abuse in their lifetime. A total of 24.2 percent had experienced physical violence, and 10.3 percent had experienced it in the previous 12 months. Slightly more than 12 percent had experienced sexual violence (7.1 percent in the preceding year). Rural women experienced violence in significantly higher proportions than urban women, and younger women (roughly under 30) experienced more emotional and sexual violence than older women.

Victims of domestic violence generally suffered in silence, as the problem received little recognition from government or society as a whole. Surveys indicated that only 11.2 percent of domestic violence victims sought medical assistance, only 12.2 percent reported the abuse to the police, 6.3 percent pursued claims through the justice system, and 5.1 percent reported abuse to other municipal authorities. NGOs asserted that one reason women rarely reported domestic violence to authorities stemmed from the weakness of available legal remedies, which commonly consisted of fines and brief detentions for convicted abusers. After their release from detention, abusers commonly returned to their homes and continued the abuse. Fines often had the effect of significantly reducing the overall household budget, further harming the wives and children of abusers. Victims of domestic violence were also reluctant to come forward because of frequent economic dependence on their abusers, particularly if the family had children.

According to the Ministry of Interior, between January and July, authorities registered 310 cases of crimes against family and children. Women's groups asserted that incidents of spousal abuse were significantly underreported.

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

The NGO La Strada operated a hotline to report domestic violence, offered victims psychological and legal aid, and provided victims with options for follow-up assistance. During the first nine months of the year, the hotline received 716 calls related to domestic violence, 333 calls were from victims seeking assistance, and the rest from neighbors, relatives, community groups, and professionals; five calls from abusers were also reported. Despite the hotline's success, La Strada representatives noted that few victims requested follow-up assistance, and in only 40 cases did the victims ultimately receive either counseling or a protective order.

In Transnistria the law does not prohibit violence against women, and domestic violence was a serious problem although the extent was difficult to estimate. According to a study during the year, 35.7 percent of women in Transnistria experienced physical domestic violence, 22 percent were beaten by their current husband/partner, 10.7 percent were beaten publicly, and 5.2 percent were sexually abused by their partner.

Sexual Harassment: Sexual harassment remained a common problem. The law provides criminal penalties for sexual harassment ranging from a fine to a maximum of two years' imprisonment. The law prohibits sexual advances that affect a person's dignity or create an unpleasant, hostile, degrading, or humiliating environment in a workplace or educational institution. However, there were no reports that authorities conducted any criminal investigations or prosecutions under this provision of the law.

Reproductive Rights: Couples and individuals could decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. The government adopted laws and implemented policies to ensure free obstetric and postpartum care to all citizens. Mandatory government medical insurance covered all

expenses related to pregnancy, birth, and postpartum care. During pregnancy the government provided essential medicines free of charge. Most medical institutions, both state and private, had free booklets and leaflets about family planning and contraception. IDOM reported instances of discrimination against HIV-positive women, as well as the disclosure of their status by medical personnel. Six cases of maternal mortality were registered during the year. In four cases, the women did not avail themselves of government-provided prenatal care.

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

Discrimination: The law provides for gender equality. The National Bureau of Statistics reported that women experienced higher levels of employment than men. According to one foreign government-sponsored assessment during the year, women's earnings were 73.3 percent those of men, and the earnings gap persisted even in economic sectors in which women predominated.

In some cases, especially in rural areas, women encountered attitudes and stereotypes that perpetuated the subordinate position of women in the family and in society.

Children

Birth Registration: Citizenship may be acquired by birth in the country, inheritance from parents, adoption, recovery, naturalization, or on the basis of certain international agreements. Registration of birth is free of charge for all citizens. Civil registration offices within maternity hospitals issued birth certificates before the mother and newborn were discharged from the hospital. Registration offices issue birth certificates for all births, including home births. NGOs noted the lack of registration certificates for a number of children, especially in the rural areas, including in the Romani families. According to the Ministry of Labor, Social Protection, and Family, it was the parents' responsibility to register their children's births.

Education: While primary education was free and compulsory until the ninth grade, many inadequately funded schools, particularly in rural areas, charged parents for school supplies and textbooks. Although not illegal, such fees contradicted the government's policies and resulted in some parents keeping their

children home. Government and local authorities provided 300 lei (\$29) for school supplies annually to children from vulnerable families.

Romani NGO Vocea Romilor reported that more than 2,000 Romani children were unable to attend school due to poverty. According to the Romani NGO Ograda Noastra, approximately 50 percent of Romani children attended school, but the group acknowledged that such estimates were often unreliable.

Child Abuse: The law prohibits child neglect and specific forms of abuse, such as forced begging; however, child abuse was believed to be widespread. During the year law enforcement agencies opened 576 cases of crimes against family and children, compared with 197 cases opened in 2010, including 24 cases of trafficking of children compared to 23 cases in 2010, and 13 cases of illegally taking a child out of country compared to 11 cases in 2010. A special unit for minors and human rights was responsible for ensuring that cases involving child victims or child offenders were handled with specialized expertise and attention. According to UNICEF, however, the section faced organizational difficulties, as its investigations and prosecutions often overlapped with those of other sections, thus creating conflicts of competencies.

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

Child Marriage: There were no official statistics regarding child marriages, but they were believed to be rare.

Sexual Exploitation of Children: The Prosecutor General's Office was responsible for investigating and prosecuting child sexual abuse cases. Commercial sex with minors is punished as statutory rape. The minimum age for consensual sex is 16 years. The law prohibits production, distribution, broadcasting, import, export, sale, exchange, use, or possession of child pornography, and violators face one to three years' imprisonment.

During the year there were reported cases of child prostitution. An international pedophile ring was uncovered in Chisinau and its leaders--an Italian and a

Norwegian--were prosecuted in March. The first responder to receive a distress call from a victim's grandmother, the NGO La Strada, offered support to the victims. According to La Strada, authorities handled the case well, and the victims were not forced to confront their abusers directly or subjected to repeated interrogation and were allowed to be accompanied by a psychologist in court. However, in August an independent journalistic investigation discovered that one of the former pedophile victims had reorganized the ring and continued to recruit young boys for sexual exploitation. Police and prosecutors pursued this investigation.

Due to inadequate laws dealing with cybercrimes, crimes such as the grooming of a child for future exploitation or bullying via the Internet were not properly investigated or prosecuted, leaving children exposed to cyber-abuse that at times led to abuse in the real world.

Institutionalized Children: Conditions for children in orphanages and other institutions generally remained very poor. Major problems included inadequate food, "warehousing" of children, lack of heat in winter, and disease. NGOs estimated that approximately 25 percent of the children in orphanages had one or two living parents but had been abandoned when their parents left the country in search of employment. Children abandoned by parents often lived in poverty and were particularly vulnerable to trafficking and labor exploitation. UNICEF estimated that 50 percent of the children who were institutionalized had disabilities.

Various government ministries ran orphanages and boarding schools. The Ministry of Labor, Social Protection, and Family maintained two boarding schools for 675 children with disabilities and three asylums providing temporary (to one year) shelter, counseling, and other assistance to up to 110 children from socially vulnerable families. The Ministry of Education oversaw 53 boarding schools with 5,813 students. The ministry reported that 35 percent of these children were orphans or had been abandoned. The other 65 percent came from socially vulnerable families whose parents could not maintain even basic living conditions.

During the year the Ministry of Education announced that the number of children in residential institutions had dropped by 40 percent since 2007, following implementation of a National Action Plan for the Reform of the Residential Care System for Children.

International Child Abductions: Moldova is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

Moldova's Jewish community numbered between 15,000 and 25,000, including 2,600 living in Transnistria. Jewish community representatives did not report any violent anti-Semitic incidents during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to public facilities, health care, or the provision of other state services, but the law was rarely enforced.

During the year the government adopted a strategy and action plan on the social inclusion of persons with disabilities. In July the Ministry of Labor, Social Protection and Family presented a roadmap designed to improve social inclusion of persons with disabilities. Under the roadmap and with financial support from international donors, the ministry undertook a number of actions, including bringing the legislative framework in line with EU standards, reforming the residential system, deinstitutionalizing children with disabilities and placing them with foster families, building community houses, and improving skills of social workers.

There were approximately 176,000 persons with disabilities, including 16,000 children, in the country, a large number of whom often faced discrimination, social exclusion, poverty, unemployment, and lack of access to public services.

Official regulations mandate access to buildings for persons with disabilities, and most government buildings provided such access. While many newly built or

reconstructed private buildings were accessible, older buildings often were not. The government provided few resources to train those with disabilities. The Social Assistance Division in the Ministry of Labor, Social Protection, and Family and the National Labor Force Agency were responsible for protecting the rights of individuals with disabilities.

In 2010 authorities approved a framework regulation on organization, operation, and quality standards of “community houses” for persons with mental disabilities. Such community houses were designed and established to take the place of boarding facilities for children with mental disabilities.

There were 9,500 persons nationwide with visual impairments, of whom 3,500 were fully blind. Ballots were not available in Braille. Voters unable to complete a ballot on their own have the right to ask another person to help them vote, although this jeopardized their right to a secret ballot. During the November 2010 parliamentary election, authorities tested a new method of direct, secret voting for persons with visual impairments at one Chisinau polling station.

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

Although the law provides for equal employment opportunities and prohibits discrimination against persons with disabilities (with the exception of jobs requiring specific health standards), in practice many employers either failed to accommodate or avoided employing such persons.

National/Racial/Ethnic Minorities

Roma continued to be subject to social marginalization and societal discrimination and often lacked proper access to education and other government services. While the government adopted a Roma Action Plan for 2011-2015, in practice its social inclusion policy did not target Roma. According to the 2004 census, there were 12,271 Roma in Moldova. However, Romani NGOs estimate this number to be as high as 250,000, including 100,000 persons of voting age. NGOs asserted that government census forms allowed persons to identify with only one ethnic group and that many Roma declined to identify themselves as Roma.

A 2011 UN report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the country noted that the Roma Action Plan was primarily a medium for cultural events. Roma policy was

supervised by the Bureau on Interethnic Relations, a Soviet-era institution which focused primarily on cultural events, hosting roundtables and conferences but lacking the authority to exercise oversight of ministries with regard to social inclusion.

The literacy level of the Roma was well below the national average. Officially 25 percent of Roma could not read or write. Romani NGOs estimated that 80 percent of Romani children were illiterate. Many Romani children--estimated to be as high as 50 percent--did not attend school. Very few Roma received a secondary education, and only 4 percent of Roma had a higher education degree, compared with 38 percent of non-Roma.

The reasons for school nonattendance by Romani children included the lack of financial means to buy clothing and books for school; unofficial school fees required for repairs, supplies, and other school expenses; and the discrimination that Romani children faced when attending school. According to Romani families, their children were subject to hazing and discrimination from both fellow students and teachers. The government did not provide education in the Romani language.

Surveys indicated that 30 percent of Roma in Moldova lived in housing in a high state of disrepair, as opposed to 7 percent for the general population.

Other concerns with respect to the Roma included denial of emergency health care services to Roma in secluded Romani settlements, unfair or arbitrary treatment by health practitioners, a gap between Roma and non-Roma in rates of coverage by health insurance, and discrimination against Roma in the job market. There were no Roma in elected office and an extremely limited number worked in any capacity in public administration. The Ministry of Labor, Social Protection, and Family opposed regarding Roma as a vulnerable group for the purpose of social inclusion policy.

In Transnistria, authorities continued to discriminate against Romanian speakers. While the use of the Latin alphabet is forbidden by the Transnistrian “constitution,” and reading/writing in the Latin script is punishable by a fine of approximately 480 lei (\$40.50), the extent of enforcement of this rule was unknown. However, as part of the 1992 ceasefire agreement, Transnistrian authorities allowed eight Latin-script Romanian-language schools (five high schools and three elementary schools) under the Moldovan Ministry of Education to operate in Transnistria. Approximately 7,700 children in the region attended these eight schools. According to media reports, Transnistrian authorities claimed-

-without presenting evidence--that the figure was much lower and that attendance levels dropped in recent years.

Students and teachers from Grigoriopol commuted daily to the Romanian script school Stefan cel Mare's temporary premises in Dorotcaia. Aside from the difficult commute, since the start of the school year, Transnistrian authorities regularly stopped buses with teachers and 200 pupils at the "border" for lengthy identification checks, resulting in delays in the school program and stress to children and staff.

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

The law does not prohibit discrimination against sexual minorities, and governmental and societal discrimination based on sexual orientation and gender identity continued during the year. According to the gay rights NGO GENDERDOC-M, lack of community recognition, negative media portrayals, and condemnation by the Moldovan Orthodox Church often led to social ostracism of Lesbian, Gay, Bisexual, and Transsexual (LGBT) persons and their families.

The Moldovan Orthodox Church strongly opposed amending the antidiscrimination law to include LGBT persons as a protected class. The Association of Orthodox Organizations, religious groups, and NGOs rallied throughout the year in Chisinau and other cities in Moldova to protest against adoption of the antidiscrimination bill, withdrawn in March by the Ministry of Justice for further review and consultations.

In addition to regular bans on public LGBT gatherings, civil society organizations reported other discriminatory practices, such as regular harassment of LGBT individuals by police and border authorities, the inability of transgender or transsexual persons to change personal documents during or following gender reassignment, and employment discrimination. A 2011 survey indicated that 40 percent of LGBT individuals were reluctant to speak openly with doctors because of their discriminatory attitude and behavior.

On February 14, the Nondiscrimination Coalition, supported by Amnesty International, organized a flash mob in downtown Chisinau. Gay, lesbian, and heterosexual couples kissed and waved St. Valentine's Day cards with the text, "Love can be different." In response a number of organizations declared their discontent with the event, which one group characterized as having "directly

attacked the fundamental values of the Moldovan society.” Noua Dreapta (the New Right) published an open letter requesting public apologies from Amnesty International and the Nondiscrimination Coalition.

While authorities allowed individuals to change their names (for example, from a male name to a female name), the government did not allow persons to change the gender listed on their identity cards or passports.

In Transnistria consensual same-sex activity is illegal, and LGBT persons were subject to governmental and societal discrimination.

Other Societal Violence or Discrimination

NGOs including IDOM, the League of People living with HIV, the Regional Center for Community Policies, and New Life reported that persons living with HIV continued to face frequent societal and official discrimination, particularly from medical workers.

While various laws enshrine patient confidentiality as an inherent right and prohibit the unauthorized disclosure of personal medical information, NGOs reported numerous cases of an individual’s HIV status being disclosed by physicians or nurses. Such instances occurred primarily in rural areas and smaller communities with relatively few patients. No measures were taken to prevent such abuses. Disclosure of a person’s HIV status often resulted in the individual’s children being ostracized in kindergartens and schools, and employers found reasons for dismissal. Patients whose HIV status had been disclosed publicly avoided taking action against medical workers for fear of further discrimination. In one case of a husband of a deceased HIV-positive woman, the wife’s HIV status was disclosed by medical personnel after her death from tuberculosis. Once her HIV status became public knowledge in their village, the husband and his young son were ostracized, and they were forced to leave the village.

The government requires persons immigrating into the country to have a health certificate with the results of an HIV test. In three cases during the year, the Ministry of Interior’s Bureau of Asylum and Migration refused to issue immigration certificates to HIV-positive individuals because they allegedly suffered diseases presenting a danger to public health.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to form and join independent unions and conduct their activities without government interference. The law also provides for collective bargaining and the right to organize but forbids police and members of the armed forces from joining unions. The law provides for the right to strike, except for government workers and workers in essential services such as law enforcement. Health-care providers and public utility employees are not allowed to strike during duty hours. Political strikes are prohibited. Compulsory arbitration may be imposed at the request of only one party to the conflict.

The law does not provide sanctions for violations of freedom of association or stipulate penalties for violating trade union rights. The law prohibits antiunion discrimination but does not provide for the reinstatement of workers fired for antiunion activity. According to the Prosecutor General's Office, thus far there were no cases reported of criminal investigations initiated by prosecutors for infringement of the right to organize and bargain collectively.

The right to bargain and the right to organize were not always respected in practice, and unions could acquire legal status only if they were members of national, sectoral, or intersectoral organizations. Labor organizations reported that labor inspectorates and prosecutors' offices failed to monitor and enforce the right to organize effectively. Prosecutors may reject appeals by trade unions alleging antiunion behavior, and alleged violations of the trade union law remained unpunished during the year. Workers exercised the right to strike by conducting legal strikes during the year.

b. Prohibition of Forced or Compulsory Labor

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

Men, women, and children were trafficked for forced labor, although the number of cases has reportedly declined. Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

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

According to a UNICEF study of working children, 18.3 percent of children fell into the category of child laborers, 63 percent of these were between five and 14 years of age, with 91 percent from rural areas.

Farms and agricultural cooperatives reportedly signed contracts with school directors to allow students to work during the harvest high season. While children were paid for the work, they were pressured to participate. On several occasions during the autumn harvest in the southern regions of the country, the ombudsman responsible for children investigated allegations of children working in fields and vineyards and identified and returned children to their schools, threatening school authorities with fines. During inspections between January and November, the Labor Inspectorate Office (LIO) identified 222 persons under the age of 18 working for 27 economic entities, including 68 children under the age of 17. As a result of inspections, 46 children were recommended for removal from forms of labor prohibited for minors, including several forms of agricultural activities. In 16 of the aforementioned cases, LIO initiated the administrative procedure and sent the case file to court. Of the 16 cases, four were terminated by the court and one case was ongoing. As part of the convictions obtained in 11 cases, the economic agents were sanctioned with fines.

According to the National Federation of Employees in Agriculture and Food Industry, school attendance in rural areas declined by 20 percent during the harvest season, with children forced to lift heavy weights and deal with hazardous chemicals.

The minimum age for unrestricted employment is 18. Juveniles between the ages of 16 and 18 are permitted to work under special conditions, including shorter workdays, but are prohibited from night, weekend, or holiday shifts and are not permitted to work overtime. Fifteen-year-old children may work only with written permission from a parent or guardian.

Children were reportedly trafficked within and outside the country for labor, and begging. The Prosecutor General's Office prosecuted six cases of trafficking of

children for labor exploitation during the year, five cases of forced labor and one case of begging. All cases were ongoing in the courts. Girls were mostly trafficked to Turkey, Russia, Cyprus, and the United Arab Emirates; boys were trafficked to work in the construction, agriculture, and service sectors of Russia and the region. NGOs suspected that only a small number of cases of human trafficking were officially registered and assisted. The actual number of victims was unknown. The law provides for 10 to 15 years' imprisonment for persons engaging children in the worst forms of child labor, and under aggravated circumstances the sentence could be life imprisonment.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum monthly wage for the private sector of the economy was amended in February 2010 and set at 1,100 lei (\$94) per month. The amount was established after lengthy negotiations with unions and company owners. During the year trade unions unsuccessfully petitioned the government to increase the minimum monthly wage to 1,500 lei (\$128) and adjust it to the minimum subsistence level. The minimum monthly wage for the public sector was set by the government in June at 700 lei (\$60) per month. In November the National Bureau of Statistics reported that the average monthly salary was 3,231 lei (\$275). The average salary in the public sector was 2,905 lei (\$245), and in the production sector 3,383 lei (\$285). According to official data, the minimum subsistence level was 1,471 lei (\$125) in the first quarter, 1,503 lei (\$126.79) in the second, and 1,386 lei (\$116.92) in the third. According to the most recent data released by Prime Minister Filat, the percentage of the population below the absolute poverty line was 21.9 percent in 2010, which was 4.4 percent lower than 2009. According to official statistics, some 46 percent of the population lived on less than the minimum subsistence level. Unions maintain that 760,000 residents receive wages or pensions under the minimum subsistence level.

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

A thriving informal economy and black market accounted for a significant portion of the country's economic activity. Union representatives believed that the shadow economy employed approximately 30 to 40 percent of the workforce. Informal economy workers did not have the same legal protections as formal employees.

Under the labor code, work contracts are required for all employment. Registration of contracts with local officials is required, and the copies are sent to the local labor inspectorate. Through June the LIO reported 360 persons employed at 99 enterprises without such contracts. There were no reports of such contracts offered in the agricultural sector, and the central government did not have a mechanism to monitor compliance with the requirement.

The government is required to establish and monitor safety standards in the workplace, and the LIO was responsible for enforcing health and safety standards. During the first six months of the year, the LIO performed 3,326 inspections, 1,625 of which were health and safety inspections and 1,701 in the field of labor relations/legislation. The LIO inspected 2,600 companies employing 117,000 persons. It documented 40,662 infringements, including 21,924 of health and safety standards and 18,738 of labor legislation.

Poor economic conditions led enterprises to economize on safety equipment and provide inadequate attention to worker safety. LIO representatives noted severe financial and legal constraints on inspectors' activities, ranging from lack of Internet access, training, and fuel for inspectors to a system of incentives that drives employers to pay minimal fines for violations rather than address underlying problems. In 2010 there were 569 labor injuries reported. From January to June, there were 200 labor injuries reported that resulted in 29 extremely severe injuries and eight deaths.