

Moldova

by Liliana Vițu

Capital: Chișinău
Population: 3.6 million
GNI/capita: US\$3,270

Source: The data above was provided by The World Bank, *World Bank Indicators 2010*.

Nations in Transit Ratings and Averaged Scores

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Electoral Process	3.25	3.25	3.50	3.75	4.00	4.00	3.75	3.75	3.75	4.00	4.25
Civil Society	3.75	3.75	4.00	3.75	4.00	4.00	4.00	3.75	3.75	3.75	3.50
Independent Media	4.00	4.25	4.50	4.75	5.00	5.00	5.00	5.25	5.50	5.75	5.75
Governance*	4.50	4.50	4.75	5.25	5.50	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	5.75	5.75	6.00
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	5.75	5.75	5.75
Judicial Framework and Independence	4.00	4.00	4.00	4.50	4.50	4.75	4.50	4.50	4.50	4.50	4.75
Corruption	6.00	6.00	6.25	6.25	6.25	6.25	6.00	6.00	6.00	6.00	6.00
Democracy Score	4.25	4.29	4.50	4.71	4.88	5.07	4.96	4.96	5.00	5.07	5.14

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

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

EXECUTIVE SUMMARY

Following its declaration of independence on August 27, 1991, and a short civil war in 1992 provoked by fears of unification with Romania, Moldova embarked on a series of political and economic reforms and succeeded in holding several rounds of largely free elections. With most heavy industry based in the breakaway region of Transnistria, Moldova's gross domestic product (GDP), dependent primarily on agriculture, plummeted by the late 1990s. The internal political crisis saw the Party of Communists (PC) return to power in 2001. PC leadership held a distinct pro-Russian foreign policy course until the formulation of the European Union (EU) Neighborhood Policy in 2003. Subsequently, Moldova made European integration a priority and signed an Action Plan with the EU in February 2005. In 2007, the EU extended the Action Plan, stressing the need for Moldovan authorities to take further measures to tackle problems concerning media freedom, the fight against corruption, and the rule of law and independence of the judiciary. In 2008, the EU continued to raise concerns over the shortcomings in the implementation of the EU-Moldova Action Plan.

The Republic of Moldova held parliamentary elections on April 5, 2009. International monitoring groups observed multiple flaws with the elections, including voter list flaws, intimidation of the opposition, and biased media coverage. The elections, which secured a victory for the PC and seats for the Liberal Party (LP), the Liberal Democratic Party (LDP), and the Our Moldova Alliance (OMA), were followed by violent student-led protests. The police responded by beating and arresting protesters. It is suspected that police brutality led to three deaths, one of which has been officially acknowledged.

The PC chose former president Vladimir Voronin, who was constitutionally barred from a third presidential term, as Parliament speaker, and nominated Prime Minister Zinaida Grecianii as president. The PC twice failed to attain the majority needed to elect Grecianii, and parliamentary elections were held again on July 29. The early elections reduced the PC's share in Parliament to 48 seats, giving the four opposition parties—the LP, the LDP, the OMA, and the Democratic Party (DP)—the majority. The opposition formed the Alliance for European Integration (AEI), the country's second ruling coalition, in August. The AEI was able to secure LDP leader Vlad Filat as prime minister and LP leader Mihai Ghimpu as parliamentary speaker, but was unable to secure DP leader Marian Lupu as president. Therefore parliamentary elections will be held again in 2010. Until then, Filat's government will remain in place and Ghimpu will serve as interim president.

Relations with Romania took a turn for the worse following the protests in April, but began to improve when the AEI came to power. Alleging Romania's involvement in the protests, the Voronin government imposed visa requirements for

Romanian visitors to Moldova and declared the Romanian Ambassador persona non-grata. After coming to power, the AEI reversed the new visa rule and an additional law that barred civil servants who hold dual citizenship. The AEI also reinforced diplomatic dialogue with the governments of the Russian Federation and Ukraine. The new government resumed discussions over the settlement of the Transnistrian territory using the “5+2” international format. The EU and United States offered political and financial support to the AEI, conditional upon the new government carrying out comprehensive reforms in the areas of rule of law, anticorruption, human rights, and media and business freedoms.

National Democratic Governance. Security forces used unprecedented levels of pressure before, during, and after Moldova’s parliamentary elections in April. After the opposition blocked the election of a PC president, snap elections were held in July that put the opposition under the umbrella of a new coalition in power. The coalition, AEI, announced that their major objectives would include improving rule of law, overcoming the socio-economic crisis, decentralizing power, resolving the Transnistrian conflict, and progressing with European integration. *Although the Alliance introduced democratic principles to the governmental agenda, the system has been affected by the involvement of security forces in political affairs. The independence of the legislative, the executive, and judicial authorities was seriously called into question in 2009; therefore Moldova’s rating for national democratic governance worsens from 5.75 to 6.00.*

Electoral Process. General parliamentary elections were held on April 5. International and domestic observers witnessed fraud, poor electoral management, and intimidation of the opposition and media. Demonstrations followed in the aftermath of the elections, and quickly turned violent. Police arrested hundreds of protesters, many of whom were students. After the opposition boycotted the election of a PC president, early elections were called for late July. As a result, the LDP, the LP, the DP, and the OMA won a slim majority of 53 seats against the PC’s 48, and formed the AEI. *In view of the increasing abuses during and after the electoral campaign, Moldova’s rating for electoral process worsens from 4.00 to 4.25.*

Civil Society. Civil society organizations that work on election issues faced hostile treatment from authorities in the lead up to the parliamentary elections. These groups faced registration denials, sudden financial inquiries, and verbal attacks. Nevertheless, the organizations reacted promptly to the changing demands of society and set issues on the public agenda in the aftermath of April elections. Nongovernmental organizations (NGOs) proposed both immediate and long-term actions, such as the establishment of an international enquiry commission, the involvement of EU mediators, and a comprehensive reform of the security sector. The public trust in NGOs increased steadily throughout the year due to the sector’s activism in the elections. Trade unions became more active after the change of power. Still, NGOs struggled with a shortage of funding, lack of tax relief, and legal

restrictions. The new government displayed openness to and interest in cooperating with civil society. *As civil society groups were actively involved in revealing frauds in the April elections, were internationally vocal in addressing human rights abuses, and served as a pool of expertise for the new Parliament and government, Moldova's rating for civil society improves from 3.75 to 3.50.*

Independent Media. During 2009, political parties hindered the development of the media landscape by exerting heavy political and financial pressure on journalists. The ruling party continued to treat the public broadcaster Teleradio-Moldova (TRM) as a part of its press service. As a result, the editorial line of the company was marked by censorship and bias. The Broadcasting Coordination Council and the TRM Supervisory Board remained subservient to the PC and lacked competence and professionalism. Authorities harassed domestic and foreign journalists during the post-election protests. On April 7–8, authorities stopped more than 20 foreign journalists at the Romanian-Moldovan border, and subjected them to physical and verbal abuse. Access to information became more limited for journalists due to delayed responses and arbitrary classification of information as state secret. *The balance of positive and negative developments leaves Moldova's rating for independent media at 5.75.*

Local Democratic Governance. The capacity of local governments to respond to immediate needs was limited because of insufficient and centrally-allocated funding. The legal framework continued to discourage local economic and social development, as local governments lack real levers for encouraging potential investors. The global economic crisis affected the ability of local administrations to carry out necessary activities. The central authorities continued to pressure Chisinau City Hall by, among other actions, freezing its bank accounts. The new cabinet declared decentralizing power one of its five major objectives at the end of 2009. *Local governments continued to suffer mainly due to political power struggles, and lagged far behind in terms of reform and modernization. Therefore, Moldova's rating for local democratic governance remains unchanged at 5.75.*

Judicial Framework and Independence. Violent protests against election results and the PC government led to massive arrests by law enforcement bodies. About 700 protesters, including minors, were arrested and three deaths were registered. Over 100 detainees from the protests claimed they faced abuse at the hands of law enforcement officials. The United Nations, European Parliament, Council of Europe, Amnesty International, and several other organizations, strongly condemned the grave human rights violations and criticized police brutality. *Owing to the widespread violations of the rights of those arrested, and pressure exerted on NGOs that reported on human rights violations, as well as failure to hold accountable the policemen that abused their authority, Moldova's rating for judicial framework and independence worsens from 4.50 to 4.75.*

Corruption. Important anticorruption laws regarding conflict of interest, the code of conduct, transparency, fighting corruption, and party financing proved ineffective due to lack of funds and failure to adjust existing legislation. Although the government modified party finance and asset declaration laws, implementation remained inefficient. The new Parliament adopted a resolution confirming the corruption and politicization of the judiciary. *Poor implementation of existing legislation and low institutional capacity to fight corruption keeps Moldova's score for corruption at 6.00.*

Outlook for 2010. 2010 will likely be marked by political disputes, considering the divergent interests within the AEI regarding future constitutional and electoral reform. Some parties will aim to avoid early parliamentary elections by amending legislation. Other members of the AEI, along with the PC, are interested in conducting snap elections in an attempt to maintain their level of voter support. Politicians who left the PC, and members of the DP—whose leader does not hold a major decision-making seat in the AEI—are likely to join together. Enquiries into corruption of the PC and official conduct after the April 2009 elections will continue; however, as long as the same judges who served the political interests of the PC conduct the enquiry, no real progress will be achieved. The cabinet led by Vlad Filat will try to maintain the pace of reforms initiated in late 2009 due to pressure from the international community and in light of impending parliamentary elections. Looming elections will force parties to focus on short-term actions, and it may prove difficult to balance solving the country's economic crisis, meeting high public expectations, and carrying out an electoral campaign.

MAIN REPORT

National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	5.75	5.75	6.00

Moldova's Constitution provides for a large number of democratic rights, and all international legal documents signed by the country take precedence over national legislation. Still, the inability of both the Party of Communists (PC) and the Alliance for European Integration (AEI) to secure their candidate the presidency highlighted the necessity for constitutional and electoral reform.¹

A scheduled parliamentary election took place on April 5 and secured the PC's majority in Parliament with 60 seats; the LP and LDP won 15 seats each and OMA won 11 seats. However, the election was highly flawed and inspired anti-communist youth-led protests that turned violent. About 20,000 protesters took to the streets, smashed windows, threw furniture and computers from buildings, lit fires, and attacked two state buildings (Parliament and the presidential residence). Police arrested and beat participants, and fired water cannons and tear gas in response to the violent protests. The police allegedly killed three protesters; officials have confirmed police responsibility in only one of these deaths.

As Vladimir Voronin was constitutionally barred from serving a third term as president, the PC nominated him as prime minister and Zinaida Grecianii as president. The party was unable to secure the necessary majority vote for Grecianii, however, and after two rounds of voting, snap parliamentary elections were called for July 29. The Liberal Democratic Party (LDP), Liberal Party (LP), Democratic Party (DP) and the Alliance 'Our Moldova' (OMA, liberal orientation) managed to gain a majority (53 seats compared with the PC's 48 seats), formed a coalition, and replaced the PC after eight years of Communist party rule. On September 11, Voronin resigned from the presidency.

This new coalition, the AEI, came to power in August and called for major reforms to strengthen rule of law, overcome the economic crisis, decentralize power, resolve the Transnistrian conflict, and continue to pursue European integration. The AEI selected Vladimir Filat of the LDP as prime minister, and Mihai Ghimpu of the LP as speaker of the parliament. Ghimpu also became acting president when Voronin resigned on September 11. The PC brought Ghimpu's appointment to the Constitutional Court, but on September 17 the Court confirmed him as acting president. Ghimpu then nominated Marian Lupu, the DP chairperson, for president, but failed to receive the required number of votes to have him elected. The AIE would have needed at least eight votes from the communists, but the PC refused to vote for Lupu in both rounds. To avoid political instability caused by several consecutive, early elections, the AEI announced it was considering a

constitutional referendum to either establish direct presidential elections or introduce a third round with a lower threshold.

The PC brought a number of other appointments to the Constitutional Court, especially in the security and intelligence sectors. On September 25, for example, the AEI replaced Artur Reshetnikov from the post of Director of the Security and Information Service (ISS) with Gheorghe Mihai, a colonel and former ISS officer. The PC brought the appointment before the Constitution Court on the grounds that Reshetnikov was dismissed illegally; he had only served two years of his five-year mandate. The AEI argued that Reshetnikov made public accusations against a number of political leaders without observing the presumption of innocence safeguarded by the Constitution.² The Court decided in favor of the AEI.

The pre-election period and the post-election violence highlighted a number of deficiencies with the separation of powers in Moldova. The involvement of the country's security forces and judiciary in the pre-electoral period and during the campaign in favor of the ruling PC compromised the system of checks and balances.

During the post-election violence, members of the PC made a number of accusations about the opposition's sponsorship of the violence. Prosecutor General Valeriu Gurbulea openly accused the four opposition parties of organizing the protests. Gurbulea, who failed to present proof of the oppositions' involvement in the riots, resigned at the end of September; Parliament approved his request on October 2. The Council of Europe Parliamentary Assembly (PACE) expressed dissatisfaction with high-level officials, who "without first having conducted a thorough investigation, accused the opposition of staging the violent protests in an attempt to organize a coup d'état."³

Accusations were not only aimed at the domestic opposition but at neighboring Romania. The president also accused the opposition, Romania, and Serbia of plotting a coup "aimed against the legal power, Moldova's democratic institutions, and the European values."⁴ Subsequently, the Moldovan government introduced a visa requirement for Romanian visitors to Moldova. It also declared Romanian Ambassador, Filip Teodorescu, *persona non-grata* and expelled him after the protests. The European Union Special Representative and the Organization of Security and Cooperation in Europe (OSCE) later said they found no evidence of Romania's involvement in the protests. In September after coming to power, Ghimpu and the AEI government canceled the visa demand for Romanian citizens, while the new foreign minister, Iurie Leancă, annulled and revoked the two notes on Ambassador Teodorescu. On November 13, new Prime Minister Filat and his Romanian counterpart signed the Convention on Small-Scale Border Traffic, which allows Moldovan citizens living within 50 kilometers of the Romanian border to travel to Romania with a permit. This convention would simplify border crossing procedures for about 1.2 million Moldovans.

Negotiations on the European integration process progressed. In September, the European presidency expressed that it "looks forward to starting, as soon as possible, negotiations on a new agreement with Moldova that will replace and go beyond the current Partnership and Cooperation Agreement."⁵ During visits with

a number of high-ranking European officials throughout the year, it was decided that official talks on building cooperation between Moldova and the EU under the Association Agreement framework will start in January 2010. The AEI government resumed a bilateral political dialogue with Ukraine and discussions over the settlement of the Transdnestrian conflict resumed in the 5+2 format.

Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
3.25	3.25	3.50	3.75	4.00	4.00	3.75	3.75	3.75	4.00	4.25

The Moldovan Constitution provides for regular, equal, direct, free, and universal suffrage that guarantees the secrecy of ballot. General parliamentary elections were held in April. Prior to the start of the campaign, a number of international organizations and embassies of Western states called on the Moldovan government to ensure a fair, transparent, and pluralistic media environment for all candidates. Concerns in this respect were raised regularly in the pre-electoral context. While visiting Chisinau, the President of the OSCE Parliamentary Assembly Joao Soares expressed “particular concern about credible allegations that the legal system is being abused to intimidate opposition politicians and candidates ahead of the electoral campaign.”⁶

Out of 21 registered electoral contenders, four parties passed the 6 percent threshold with a turnout of almost 58 percent. The PC secured 60 seats, the LP and the LDP secured 15 seats each, and the OMA gained 11 seats.⁷ The three opposition parties accused the PC of committing major fraud throughout the campaign and on election day. They also announced that they would boycott the presidential election. On April 6, demonstrators gathered on the National Square to protest against the alleged fraud and poor administration of elections. The next day, the protests turned violent. A group of demonstrators ransacked parliamentary and presidential buildings, threw rocks and bricks at police, and turned over and destroyed a fire truck. Without a clear legal basis, police forces arrested up to 300 demonstrators according to the Council of Europe, and reports of mistreatment in detention are widespread.

Both the opposition parties and the PC accused the other of inciting the protests. The communists formed a state commission to investigate the events of April 7, but refused to include the LP, the LDP, and the OMA. Additionally, the communists ignored opposition calls to invite international experts to observe the commission. The PC put forth former prime minister Ziniada Grecianii for president, but they could not secure a majority (61 votes) within two rounds. Thus, early parliamentary elections were called for July 29.

The snap elections inspired strong reaction from the European Union (EU) presidency, the EU Special Representative to Moldova, and the Council of Europe (CE) regarding the need to ensure free and fair early elections, freedom of expression, equal conditions for all electoral contenders, observance of the right

of assembly, and an end to the intimidation of mass media and nongovernmental organizations (NGOs). Despite these calls, President Vladimir Voronin slammed the “liberal opposition” at his summer press conference, accusing it of “unleashing a campaign of political necrophilia, filling all the media with corpses and blaming the authorities... without any proof.”⁸ Moreover, the European Network of Election Monitoring Organizations (ENEMO) withdrew the day before Election Day in protest of the arrest of two delegation members and the refusal of the Central Electoral Commission to accredit 87 ENEMO delegation members on grounds that they “failed to meet the status of an international observer.

With almost 59 percent, turnout was slightly higher in July than in April’s elections. The revised threshold of 5 percent was passed by five political parties. The PC won 48 seats, the LDP won 18, the Liberal Party won 15, the DP¹⁰ won 13, and the OMA won 7.¹¹ The PC’s loss of 12 seats is attributed to Marian Lupu’s shift to the DP and the decline in the number of PC election contenders from 15 to 8, which left fewer votes for redistribution in the Parliament. Also, the LDP, LP, and OMA focused their campaign on convincing voters in the countryside that the PC was involved in the violence in April.

After weeks of intense negotiations, on August 28 Ghimpu, the chairman of the LP, was elected speaker of the Parliament. Upon Voronin’s resignation on September 11, Ghimpu became acting president. PC members of Parliament (MPs) submitted complaints to the Constitutional Court that both appointments violated constitutionally-established procedures, but the Court rejected the claims. On September 25, the new cabinet led by Prime Minister Filat was installed. Presidential elections were called for October 23 but postponed until November 10 because of conflicting interpretations of the law regarding the minimum number of candidates required for elections. AEI MPs amended the law to stipulate that the election of the president may take place with one candidate, since the Alliance’s candidate, DP chairman Marian Lupu, was the only candidate to run for office. The PC, whose eight votes are needed to meet the minimum of 61 votes to elect the president, announced it was willing to vote for any other candidate except Lupu. Since the Alliance insisted on its candidate, on December 7 the Parliament failed to elect Lupu as president, setting the path for early elections in 2010.

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
3.75	3.75	4.00	3.75	4.00	4.00	4.00	3.75	3.75	3.75	3.50

NGOs which carried out electoral activities, faced hostile treatment from the authorities prior to parliamentary elections in April and July. Authorities denied these groups registration, launched sudden financial investigations against them, and attacked them verbally.¹² Following the elections, the Civic Coalition for Free and Fair Elections–Coalition 2009 issued a report stating that the elections were unfair and only partially free and called for authorities to address irregularities. On

April 24, the tax inspectorate gave all board members of the Coalition four days to submit financial reports for 2008–09. The Ministry of Justice issued a letter to a number of NGOs, including the Coalition, asking the organization to explain their involvement in the violence on April 7. In the letter, the Ministry mistook the actions of the Coalition for the actions of Civic Coalition Elections 2009, a parallel organization created for the purpose of hindering the activity of the Coalition.¹³ As the Coalition has enjoyed the support of the international community since its launch in 2005, a number of international organizations requested help from the EU to stop the Moldovan government's intimidation and ill-treatment of NGOs. A few weeks later the Tax Inspectorate announced that it had checked 18 NGOs and found no financial irregularities.¹⁴

Moldova's NGOs reacted promptly to societal changes in the aftermath of the April elections. They proposed immediate and long-term actions, such as abolishing unnecessary police violence, arbitrary arrests, and media censorship, releasing political prisoners, and resolving conflicts through the judiciary. The statement also called for the formation of an international group of American and EU representatives to conduct an independent investigation into the riots. Finally, it recommended dialogue between the main opposition parties and the ruling party, coupled with reforms of the security and law enforcement sectors and further liberalization of public media.¹⁵

Conditions for NGOs generally improved in 2009. Public trust in the NGO sector increased from 27.8 percent in March to 34 percent in October.¹⁶ NGOs were actively involved in uncovering fraud in the April elections. They were vocal on the international level and provided expertise to the new government. On October 30, Prime Minister Filat had a meeting with NGO representatives to discuss the improvement of cooperation between the new cabinet and civil society. He asked that NGOs contribute to selecting members of the National Council for Participation, a group formed by 30 NGOs specialized in different fields that will work directly with the state chancellery in drafting public policies. The prime minister also asked NGOs to make recommendations for the implementation of the Civil Society Development Strategy. The Strategy would, among other things, establish a mechanism that would allow citizens to contribute a certain percentage of their taxes to select NGOs in order to stimulate civic activism. Additionally, the Ministry of Justice simplified registration and certification procedures for NGOs. Despite this progress, NGOs continue to struggle to maintain financial sustainability. The laws pertaining to NGOs do not encourage private donations and it is almost impossible for many small NGOs to obtain tax exemptions.

After the change in government, the trade unions became more active. On November 5, the General Board of the National Confederation of Trade Unions elected Oleg Budza, the deputy-president of the Confederation, as president, after Leonid Manea resigned on September 30. Budza pledged cooperation with all political parties and spoke of the need to depoliticize trade union activity.

Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
4.00	4.25	4.50	4.75	5.00	5.00	5.00	5.25	5.50	5.75	5.75

The Moldovan Constitution, domestic legislation, and international treaties guarantee media freedom. However, progress in transforming Teleradio-Moldova (TRM), Moldova's public broadcaster, into a professional media outlet has been stifled by censorship and pro-communist biases. Domestic and international monitoring groups noted that TRM broadcasting failed to reflect the activities and views of various socially-focused political groups, especially in the period leading up to the election. Additionally, TRM failed to provide live broadcasting of the political crisis and violence in April. In response to such allegations, Valentin Todercan, the president of TRM, wrote a letter to the European Parliament (EP) claiming that reporters were unable to connect their equipment to a power source during the protests. Additionally, he argued that protesters posed a serious danger to TRM's reporters and equipment. After Marianne Mikko, former head of the EP Delegation to Moldova, criticized TRM for failing to provide live reports of April's events, Todercan argued that the event was covered in hourly news bulletins.¹⁷

Moreover, after a TRM report insinuated that a CE employee was involved in orchestrating April's protests, and refused to allow the CE or the employee to speak on the matter, the CE General Secretary stated that Moldova "had a lot to learn about responsible journalism."¹⁸ On September 17 the European Court for Human Rights (ECHR) unanimously decided that in 2002, TRM violated the right to free expression for nine journalists.¹⁹

The post-election protests saw unprecedented levels of harassment of both local and foreign journalists. On April 7, authorities stopped 19 journalists from the Associated Press, European Press Photo Agency, France Press, Reuters and a number of Romanian media outlets traveling from Chisinau at the border. On April 8, authorities prevented the British Broadcasting Company's (BBC) reporter for Ukraine, Belarus, and Moldova from entering the country on technical grounds. Unknown individuals physically and verbally abused reporters and cameramen from the investigative *Ziarul de Garda* newspaper, Jurnal TV, and PRO TV Chisinau (critical towards the PC). Authorities blocked the Internet in Chisinau for long periods on April 7. Users could not access social networking sites like Facebook, Twitter, and Odnoklassniki. The Unimedia news portal server was attacked several times. Cable broadcasts of Romanian television channels were stopped on Moldovan territory. As a number of local and international media organizations concluded, the Moldovan government deprived the public of important international sources of information and restricted the free movement of journalists.²⁰

The Broadcasting Coordination Council (BCC) and the Supervisory Board of TRM, Moldova's broadcasting regulation bodies, were highly influenced by the PC. This political affiliation, as well as the bodies' complete lack of competence and professionalism, was a matter of concern throughout 2009. For example, the BCC reacted inadequately by issuing few warnings to those media outlets that

did not respect the opposition's right to reply when it was accused by the PC. Also, TRM did not portray the opposition in a neutral light. Meanwhile, the Supervisory Board did not monitor electoral debates and news items, and failed to respond when domestic and international monitoring groups criticized the lack of objectivity and balance in TRM's news programs. The BCC distributed frequencies to loyal broadcasters, such as NIT, EuTV, and Radio Antena C, but refused to distribute to other broadcasters, such as ProTV and Radio Vocea Basarabiei. Moldovan media NGOs claimed this was a biased practice favoring the PC and issued a statement outlining dangers to the independence of Moldova's broadcast media outlets.²¹ On June 1, the BCC announced that it would auction off Pro TV's frequencies despite Pro TV's request for a *de jure* extension of its license, as entitled by the broadcasting code. After several media NGOs protested BCC's move, the BCC announced a moratorium on the auction of all radio and television frequencies for the July electoral period "in order to create fair and equal conditions for all broadcasters including those whose licenses have expired." The moratorium was intended to keep the *de jure* extension pending until the Supreme Court of Justice (SCJ) would have ruled on the problem. On November 27, after the SCJ decided in favor of Pro TV, the BCC prolonged Pro TV's license for seven years.

At the same time, authorities limited public access to information by delaying responses to requests for information related to public acquisitions and corruption cases. Media freedoms also deteriorated due to the abusive classification of information as "secret" by civil servants, and increasing restrictions to journalists to attend certain events.²² Nevertheless, on June 22 the SCJ ruled in favor of the Investigative Journalism Centre, which accused the Custom Service of failing to ensure journalists' access to information, thus violating "citizens' right to active, truthful information on matters of public concern."²³

Positive trends appeared at the end of the year. On October 1, six media, human rights, and public policy NGOs created the Press Council of Moldova, an independent media watch dog group. After the AEI was formed in August, the BCC began promoting policies to increase openness and recommended TRM broadcast live parliamentary sessions, as it did prior to the PC's ascent to power in 2001. It also requested that TRM observe a plurality of opinions. In spite of vehement criticism by the PC, on October 20 AEI MPs amended the audiovisual code to provide for the election of members to the TRM Supervisory Board with a simple majority of 52 votes instead of 61.²⁴ The AEI sought to replace the TRM leadership to secure a more balanced editorial line.

Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75	5.75	5.75	5.75

The two electoral campaigns negatively impacted the ability of local public authorities to carry out activities since local governments were dragged into political

competition on the national level. Additionally, the capacity of local governments to respond to immediate needs was limited due to insufficient funding allocated by the central government. The law continued to discourage local economic and social development, as local governments did not hold the real levers necessary for encouraging potential investors. The much-awaited Law on Local Public Finances has yet to be adopted, and the main laws regulating local autonomy have diverging provisions.

The global economic crisis hindered the activity of the local public administration. The United Nations Development Programme Moldova found that the economic crisis led to “falling remittances, declined domestic and external demand, reduction in the foreign direct investments inflows, shrinking governmental transfers to local budgets, and increased unemployment as result of migrants returning home.”²⁵ Moreover, the delay in central recognition of the economic crisis affected local governmental budgets. When faced with an alarming budget deficit in May, the Ministry of Finance requested that local government cut expenditures by 20 percent. By this point, however, local governments had already issued contracts to companies for public works. Moreover, local government associations claimed the central government request was illegal because it violated the allocations and spending as approved in the Law on the State Budget for 2009.

Central authorities continued to pressure non-PC led Chisinau City Hall. In January, the Ministry of Justice froze City Hall’s bank accounts in order to collect debts of US\$13 million owed to publicly owned Termocom, a heating distribution company. City Hall said the Ministry violated the principle of local self-governance, arguing that it made the first payment of 8 million lei (US\$623,539) and the local budget for 2009 provided for 180 million lei (US\$14 million) for paying the debts to the heat supplier. In June, the central government seized City Hall’s bank accounts, because City Hall failed to fulfill a number of ECHR decisions regarding the lack of implementation of court decisions. It was again a clear sign of pressure on City Hall since there was no reason to seize all bank accounts for a debt of just 3 million lei (US\$233,842). In addition, an older legal provision required Chisinau authorities to ensure housing to groups of residents from the eastern localities of Moldova (who left their homes during the armed conflict in Transnistria in 1992), but the central government failed to provide the necessary financial resources, sending the local government further into debt. In a positive note, later in the year Chisinau City Hall managed to stand firm to pressure from Termocon to increase heating tariffs.

The new cabinet declared the decentralization of power and safeguarding of local autonomy one of five major objectives. The government program provides for the removal of “vertical power” and the transfer of authority—including the handling of finances—to the local governments.²⁶ Upon its appointment on September 25, Filat’s cabinet abolished the Ministry of Local Public Administration (LPA), which was created in 2006 to handle local affairs. Instead the prime minister created a parliamentary committee on regional development and a Ministry of Construction and Regional Development to foster economic development outside of the capital

city. The PC expressed its concern over this act, claiming it will negatively impact the management of financial resources and real estate of local communities. However, the LPA Ministry failed to carry out real decentralization of power and implement the regional development policy. It did not respect its 2007 commitment to open three regional development agencies in accordance with EU standards.

Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
4.00	4.00	4.00	4.50	4.50	4.75	4.50	4.50	4.50	4.50	4.75

The violence in the post-April election period severely damaged the image of law enforcement agencies, whose tolerance of police abuses fuelled public distrust in the rule of law. The judicial and penitentiary systems were underfunded, and the government failed to approve and enforce a suitable funding schedule for these institutions. As a result, it proved difficult for judges to stay independent from political and economic influence, and not to look for additional revenues when passing judgment on a case.

In February 2009, Manfred Nowak, the UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, expressed major concerns regarding the partiality of Moldovan judges, the prosecutors' freedom of action, the shortage of professional and independent lawyers, police brutality, and the inactivity of the penitentiary authorities. According to Nowak, these factors have led to poor implementation of prevention mechanisms against torture in Moldova.²⁷

On April 6, a few thousand demonstrators gathered on the National Square to protest alleged fraud and lack of fairness in the previous day's elections. The next day, the protesters turned violent and set fire to presidential and parliamentary buildings. Security forces failed to ensure peaceful protests—as they are required to by law—and proceeded with massive arrests. According to official data, on April 8 police arrested 166 people.²⁸ At the same time, human rights watch dog groups claimed authorities retained or arrested 700, including 19 minors.²⁹ Moreover, three people died during the period of protests, allegedly as a result of police brutality. The forensic evidence analyzed by a foreign expert proved that Valeriu Boboc was killed after he was beaten early on April 8, while the two other cases remain disputed.³⁰ Despite the expert analysis, the police have not acknowledged their responsibility.³¹

On May 7, the EP adopted a resolution condemning “the massive campaign of harassment, grave violations of human rights, and all other illegal actions carried out by the Moldovan government in the aftermath of the parliamentary elections,” and called for Moldovan authorities to “immediately cease all illegal arrests.”³² The EP stressed its concern over “the illegal and arbitrary arrests and the widespread violations of the human rights of arrested persons, in particular the right to life, the right not to be subjected to physical abuse, torture or inhumane or degrading treatment or punishment, the right to freedom and safety, the right to a fair trial

and the right to freedom of assembly, association and expression.”³³ After visiting Moldova, Thomas Hammarberg, the Council of Europe’s Commissioner for Human Rights, criticized police brutality, as well as the “unacceptable” pressure exerted on mass media outlets and NGOs that reported on the human rights violations in connection with April’s events.³⁴

Local NGOs gathered testimonies from over 100 detainees, family members, or lawyers who claimed the detainees faced cruel, inhumane, and degrading treatment.³⁵ This demonstrated that the police, judiciary, and security services failed to properly respect the country’s Law on Assembly, which was passed in 2008. Moreover, a report by the Resource Center of NGOs for Human Rights (CREDO) revealed that the number of detentions and use of force by police increased since the new law came into force. The Centre for Human Rights of Moldova (CHRM) signaled problems related to access to justice, the right to a fair trial, the execution of judicial decisions, and the right to qualified protection. The CHRM listed among shortcomings in the penitentiary system the impossibility to ensure the right to work for inmates, irregular practices of calculating privileged days, inappropriate detention conditions, failure to adjust to detention standards for inmates from Interior Ministry subdivisions, and ill-treatment by Department of Penitentiary Institutions’ officials.³⁶

On October 30, the new Parliament passed a declaration on the state of justice in Moldova, claiming that the system was corrupt and politicized and called for its complete reform. Vitalie Nagacevschi, the chairman of a special parliamentary commission mandated to investigate the April events, stated that judges are losing cases at the European Convention on Human Rights (ECHR) for covering up cases of torture and issuing verdicts without fair trials. Justice Minister Alexandru Tănase called for the removal of the economic courts as a result of a large number of complaints to the ECHR regarding decisions of the economic courts. He also called for reforms concerning the processes of appointing and promoting judges.

Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
6.00	6.00	6.25	6.25	6.25	6.25	6.00	6.00	6.00	6.00	6.00

In 2009, Moldovan authorities completed the implementation of a three-year-long National Anticorruption Strategy and the Threshold Country Program (TCP) of the Millenium Challenge Corporation. Nevertheless, corruption remained a widespread problem in Moldova.

Moldova’s score on Transparency International’s Corruption Perception Index improved to 3.3 in 2009. However, as in 2008, law enforcement agencies failed to uncover any large corruption cases. The Public Opinion Barometer continued to list corruption as the population’s second most pressing problem after welfare issues. This demonstrates the population’s lack of satisfaction regarding measures undertaken by public authorities.³⁷

Although in 2008 the government established an independent citizen oversight council to monitor the activity of the Center for Combating Economic Crimes and Corruption, the council did not put forward any reports or recommendations in 2009. Moreover, the failure of the authorities to allocate finances and adjust existing legislation hindered the implementation of important laws regarding conflicts of interest, codes of conduct for public employees, transparency of the decision-making process, combating corruption, and party financing. The PC-led government passed these laws in 2008 in order to adhere to conditions outlined by international agreements in exchange for financial support.

The government made a number of amendments to the Law on the Declaration of Revenues and Assets in order to improve disclosure of declared assets. However, the government ignored numerous NGO recommendations, such as modification of the declaration forms and improvement of the mechanism of checking declarations. Furthermore, due to deficiencies of the control mechanism, no public servants were dismissed or sanctioned in the process of checking declarations.³⁸ Amendments to the Law on Political Parties did not make financial disclosure procedures more transparent. Furthermore, there are still not enough provisions to ensure that parties disclose funding to law enforcement bodies. Parliament passed the Law on Conflict of Interests in 2008, but implemented no follow up. Transparency International expressed concerns that the draft regulations of the Main Ethics Commission cover only the right to supervise the implementation of the law and do not provide for the institution's responsibility to observe the enforcement of the civil servant's code of conduct.

In its final monitoring report on the Moldovan government's implementation of the TCP, the Anticorruption Alliance questioned the government's progress in rooting out corruption in the judicial system and internal affairs.³⁹ The issuance of sentences without proof highlights the highly corrupt and politicized judicial and law enforcement systems in Moldova.

In October, Parliament adopted a Resolution that confirmed the courts' corruption and political partiality and demanded a complete reform of the system. The government completed the implementation of the TCP in 2009. As the new cabinet has committed itself to carrying out systemic anticorruption reforms, the MCC announced its intention to negotiate a Compact Program with the government worth US\$262 million for investments in country's infrastructure and agricultural sectors.⁴⁰

■ AUTHOR: LILIANA VIȚU

Liliana Vițu worked as political analyst on Moldovan affairs for the BBC World Service and Economist Intelligence Unit.

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