

## **MOLDOVA 2016 HUMAN RIGHTS REPORT**

*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. Pro-European parties retained a parliamentary majority in 2014 elections that met most Organization for Security and Cooperation in Europe (OSCE), Council of Europe, and other international commitments, although local and international observers raised concerns about the inclusion and exclusion of specific political parties. On January 20, a new government was formed after two failed attempts to nominate a candidate for prime minister. Opposition and civil society representatives criticized the government formation process as nontransparent. On March 4, the Constitutional Court ruled unconstitutional an amendment that empowered parliament to elect the president and reinstated presidential elections by direct and secret popular vote. Two rounds of presidential elections were held on October 30 and November 13, resulting in the election of Igor Dodon. According to the preliminary conclusions of the OSCE election observation mission, both rounds were fair and respected fundamental freedoms. International and domestic observers, however, noted polarized and unbalanced media coverage, harsh and intolerant rhetoric, lack of transparency in campaign financing, and instances of abuse of administrative resources.

Civilian authorities maintained effective control over the security forces.

Widespread corruption, especially within the judicial sector, continued to be the most significant human rights problem during the year. The monopolization of local media, which allegedly served the interests of a few political figures, was an obstacle to freedom of expression and the availability of unbiased information. Domestic violence remained a widespread problem.

Other significant problems included: allegations of torture and mistreatment by police, prison guards, and staff at psycho-neurological institutions; violence against military conscripts; harsh and overcrowded prison and detention centers; threats against journalists and pressure on them to self-censor; trafficking in persons;

discrimination against Roma; discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals; societal and official discrimination against persons with HIV/AIDS; limited enforcement of workers' rights; and child labor.

While authorities investigated reports of official abuse in the security services and elsewhere, they rarely successfully prosecuted and punished officials accused of human rights violations, complicity in trafficking, or corruption. Selective prosecution of officials for political reasons increased during the year. The investigation into the disappearance of over one billion dollars from the national banking system led to a number of arrests and convictions of current and former high-level officials. Impunity remained a major problem.

In 1990, separatists declared a "Transdniester Moldovan Republic" (Transnistria) along the 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 allegedly interfered with political and voting activities in both the 2014 parliamentary and 2016 presidential elections. There were regular reports that police engaged in torture, arbitrary arrests, unlawful detentions, and pressure on Latin-script schools.

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

### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

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

The government made no progress in holding officials accountable for the security force crackdown on postelection demonstrations in 2009 that resulted in three deaths (see section 1.d.).

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

While the law prohibits such practices, reports of physical abuse and torture by police continued. The Prosecutor General's Office reported a decrease in torture and inhuman treatment cases due to a zero-tolerance policy and social campaigns promoted in law enforcement institutions and detention facilities. Physical abuse, including inhuman and degrading treatment, continued to be a problem in prisons and psychiatric institutions.

Under the criminal code, conviction for torture carries up to a 10-year prison sentence. Persons found guilty of torturing minors, pregnant women, or persons with disabilities or of committing acts of torture that lead to death or suicide may be sentenced to up to 15 years in prison without the possibility of amnesty. A deliberate act by a public official that leads to physical or psychological suffering is punishable by imprisonment for two to six years or a fine of 7,500 to 9,900 lei (\$375 to \$495) and a ban on holding public office. The law prohibits courts from granting suspended sentences to persons convicted of torture.

During the first half of the year, the Prosecutor General's Office received 331 allegations of torture and mistreatment, 151 of which involved criminal police, 42 traffic police, and 68 other police units, including the Carabinieri (a special police force responsible for public order and border policing) and customs officers. Prosecutors initiated 63 criminal cases and sent 17 cases to court. Police reportedly applied torture as a means of intimidation to obtain evidence and confessions, and to inflict punishment for alleged offenses. Most of the alleged incidents occurred on the street or in public places, followed by police stations and detention facilities. Psychiatric institutions registered two cases of alleged torture, while educational facilities registered six. Most incidents involved beatings (231 allegations), followed by threats or other forms of psychological abuse (37 allegations), and special methods, such as beatings using batons, water bottles, and books (16 allegations). Police allegedly continued to use torture methods that did not leave physical traces. Experts noted that psychological torture and humiliating treatment were common in penitentiaries and psychiatric institutions.

The human rights ombudsman reported most allegations of torture and inhuman detention conditions occurred at Penitentiary No. 13 in Chisinau, Penitentiary No. 2 in Lipcani, Penitentiary No. 15 in Cricova, and Penitentiary No. 18 in Branesti. The ombudsman's national antitorture mechanism was not operational during the

year due to a reform of the ombudsman's office following the enactment of the new Law on the People's Ombudsman.

Despite a decrease in alleged torture cases, human rights experts noted that the number of cases was higher than reported due to individuals not reporting cases of torture because of a lack of trust in the justice sector. The high number of acquittals in torture cases highlighted deficiencies in the law and case proceedings.

Authorities continued to downgrade some incidents of alleged police torture to lesser offenses, such as abuse of power, for which the penalties are lower and the statute of limitations is only three months. This practice allowed judges to issue suspended sentences based on the "good character" of the offending officers or to dismiss cases if the statute of limitations expired.

In May 2014 the Chisinau Appeals Court sentenced police officer Radu Starinschi to two years in prison for the torture of Sergiu Cretu, a protester detained in Chisinau following the 2009 parliamentary elections. In June 2015, based on a Constitutional Court ruling that found the cancellation of the statute of limitations unconstitutional, the appeals court reviewed its decision and ordered the suspension of the sentence's execution until a final Supreme Court of Justice ruling. In December 2015 the Supreme Court maintained the acquittal decision of the lower court. Radu Starinschi was also able to claim moral damages from the state amounting to 36,000 lei (\$1,800).

Humiliating and degrading treatment of patients confined in psycho-neurological institutions remained a major problem. Following her most recent visit to the country in 2015, Catalina Devandas-Aguilar, the UN special rapporteur on the rights of persons with disabilities, noted some findings of concern regarding persons with disabilities in institutions, including residential psychiatric facilities and psycho-neurological residential institutions. The rapporteur noted that authorities held children and adults with disabilities--sometimes for their entire lives--in inhuman conditions and neglected and treated them in inhuman ways. There were also allegations of physical, mental, and sexual abuse perpetrated in these institutions.

According to the Moldovan Institute for Human Rights (IDOM), residents of residential psychiatric facilities and psycho-neurological institutions were subject to rape, physical abuse, deprivation of liberty, and forced medication.

There were credible reports of forced medication, forced abortion, work exploitation, and physical and sexual abuse in psychiatric hospitals under the Ministry of Health. Legal proceedings continued in the case of a doctor at an institution in Balti arrested in 2013 for the serial rape, sexual assault, and abuse of patients. An investigation showed that the doctor performed 18 forced abortions on the victims of his sexual assaults, all patients with mental disabilities. Authorities found one of the 17 victims identified during the investigations dead in 2014, while a second died under unknown circumstances that same year. The doctor remained under house arrest during the trial proceedings. In October a court found the doctor guilty of numerous counts of rape and sentenced him to 13 years in prison.

The Prosecutor General's Office reported an increase in abuses committed in the army. In 2015 military prosecutors recorded 502 offenses in the army and initiated 224 criminal cases, 171 of which were military offenses and 43 under civilian law. Of these, prosecutors investigated 35 cases of violence against conscripts in the army and two cases of rape.

According to a report by the human rights NGO Promo-Lex, there was no mechanism to investigate alleged acts of torture in Transnistria. According to the report, there were no criminal cases for "providing statements under coercion by means of violence, humiliation, or torture" during the three years since the Transnistrian "investigation committee" was established in 2012. Promo-Lex noted that authorities perpetrated most inhuman and degrading treatment in the Transnistrian region to obtain self-incriminating confessions. Promo-Lex continued to receive complaints from alleged victims of torture and inhuman or degrading treatment applied by Transnistrian security forces. In one case, Alexandr Lipovcenco, a young Ukrainian from Dnestrovsk, was sentenced to three years in prison for "extremism" because he wrote in an old notebook that only UN forces could bring order to Transnistria and complained of beatings and inhuman detention conditions while being held in a cell with eight other inmates.

Hazing and humiliating treatment in the de facto Transnistrian army continued during the year. In January a student from the Tiraspol military academy allegedly committed suicide by shooting himself. The young man's relatives challenged the reported cause of death, but authorities did not conduct a proper investigation or make public the cause of death.

### **Prison and Detention Center Conditions**

Conditions in most prisons and detention centers, including those in Transnistria, remained harsh and did not improve significantly during the year.

Physical Conditions: Prisons and detention centers were overcrowded. As of October, the total number of prisoners and pretrial detainees was 7,872, with 5,721 inmates in prisons and 2,151 individuals in pretrial detention centers. The official maximum capacity was 6,019 inmates for prisons and 2,635 for pretrial detention centers, but human rights monitors asserted that the official maximum capacity exceeded required standards. Overcrowding remained a problem in most detention facilities.

During its latest monitoring visit to the country in September 2015, a delegation of the Council of Europe's Committee for the Prevention of Torture (CPT) noted it received a number of allegations of physical mistreatment of juvenile inmates by staff at Goian Prison for disobedient behavior. The alleged mistreatment consisted of slaps, punches, kicks, and truncheon blows. The CPT also found evidence of a number of cases of prisoner violence at Soroca Prison and, to a lesser extent, at Chisinau and Rezina Prisons.

The human rights ombudsman made 68 preventive and monitoring visits to penitentiaries, psychiatric institutions, and army facilities in 2015. As in previous years, the main deficiencies found included overcrowding of detention facilities, insufficient lighting, poor sanitary conditions, insufficient food for those in pretrial detention facilities, and deficient medical care for detainees. The ombudsman alerted the Prosecutor General's Office to two potential criminal cases and issued 15 recommendations to the institutions that committed the abuses.

According to the 2015 ombudsperson report and human rights NGO monitoring, the most significant problems in penitentiaries and pretrial detention facilities were overcrowding, lack of medical care, poor lighting, poor ventilation, deficient meals, and poor hygiene and sanitary conditions. Penitentiary No.13 in Chisinau had the worst conditions. In more than 15 cases in 2015, the European Court of Human Rights (ECHR) found that detention conditions at Penitentiary No. 13 were contrary to the European Convention on Human Rights due to extreme overcrowding, unsanitary conditions/hygiene, and low quantity and quality of food. In December 2015 the people's ombudsman issued a statement calling on authorities to close the penitentiary due to inhuman detention conditions.

A number of high-profile detainees held in the Penitentiary No. 13 in Chisinau complained of detainment in cells located in the prison basement that did not meet

national or international standards. Cells were overcrowded (in some cells, up to 16 inmates were placed in an area measuring 258 square feet), unhygienic (toilets separated from the sleeping area by only a curtain; mold and dirt on the walls), and lacked ventilation, natural light, or permanent access to water for personal hygiene.

During its 2015 visit, the CPT noted that living space frequently failed to meet the national standard of at least 43 square feet per prisoner in most of the prisons it visited. In particular, the level of overcrowding at the Chisinau and Soroca prisons reached disturbing proportions. The detention conditions in the two prisons were inadequate, with very poor states of repair and hygiene, limited access to natural light, insalubrious sanitary facilities, infestation by vermin, and worn-out and filthy mattresses, which the CPT considered inhuman and degrading treatment. The CPT also found that the prison administration made insufficient contributions to the purchase of medication and that facilities often relied on humanitarian aid and support from the inmates' families.

The ombudsman noted that the situation in police station detention facilities did not change during the year. The office reported inadequate conditions for food distribution; inadequate sanitary conditions in the showers; inadequate health-care facilities; and a lack of pillows, mattresses, and clean bed linen and clothing. Detention facilities, located mostly in the basements of police stations, generally lacked access to natural light, adequate ventilation, and sewage systems. Inmates had a daily food budget of approximately 20 lei (one dollar). Human rights NGOs also noted facility staff did not provide pretrial detainees meals on the days of their court hearings--a potentially severe problem for detainees transported long distances to stand trial, which in some cases meant they received no food for a day. Transportation conditions for pretrial detainees were also deficient.

Health care was inadequate at most penitentiaries. Government regulations require authorities to separate individuals suspected of suffering from tuberculosis from the other detainees. Authorities often co-located individuals with various other diseases with persons with an unconfirmed diagnosis of tuberculosis, potentially exposing them to infection.

Police mistreatment of detainees remained a major problem in Transnistria. Detention conditions in the region did not improve during the year. The local ombudsman received 92 complaints from detainees in 2015. Most referred to excessive detention time, lack of adequate health care, and poor detention conditions. The ombudsman also reported that 59 inmates were infected with open

tuberculosis and 141 had HIV/AIDS. He also noted an increase in the number of detainees, which led to overcrowding and worsening of detention conditions.

Administration: Internal investigation procedures in the penitentiary system were weak, and detainees continued to have restricted access to complaint mechanisms. While detainees generally had the right to submit complaints to judicial authorities, some detainees reported censorship and punishment by prison personnel or other inmates before or after filing complaints.

Prisoners in the initial period of their sentences and those serving life sentences did not have the right to long-term visits. Detainees and their relatives reported a burdensome process for obtaining visit permits, which often impeded such visits. In September the Union of Lawyers sent a complaint to the Ministry of Justice concerning restrictions on lawyers' access to their clients in Penitentiary no. 13 under new rules adopted by the prison administration that imposed artificial barriers to visiting prison inmates. In response to the complaint, the ministry reversed the rules. On November 10, the director of Penitentiary no.13 was sanctioned for not allowing visits to a former prime minister detained at the facility, despite earlier court orders. The next day, the prison director resigned.

Authorities reportedly applied random quarantine checks and access restrictions on the family and attorneys of persons who were detained in connection with the high-profile bank fraud case.

Reliable information on the administration of prisons in the Transnistria region was generally not available. Transnistrian authorities reported approximately 3,000 persons were detained in the region.

Independent Monitoring: The government permitted some independent monitoring of prison conditions by local and international human rights observers, and prison officials generally allowed observers to interview inmates in private. Attempts by Amnesty International, the ombudsman, and human rights NGOs to visit detainees held in connection with the country's bank fraud case were frequently unsuccessful.

There were no reports of any independent monitoring of the detention facilities in the Transnistrian region during the year. While the local ombudsman created an advisory group designed to serve as a monitoring mechanism, local authorities denied the group access to three detention institutions under the pretext that it was impossible to guarantee their physical safety during meetings with prisoners.



#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but there were cases when authorities failed to observe these prohibitions.

According to Promo-Lex reports, police routinely detained persons sought by unrecognized Transnistrian authorities and transferred them to Transnistrian law enforcement agencies without due process. Moldova's courts previously ruled the 1999 agreement establishing such cooperation to be unconstitutional, but the practice continued informally.

In Transnistria, authorities reportedly engaged in the arbitrary arrest and detention of individuals with impunity. There were cases of Transnistrian authorities detaining individuals on fabricated charges without due process.

#### **Role of the Police and Security Apparatus**

The national police force is the primary law enforcement body and is responsible for internal security, public order, traffic, migration, and border enforcement. It is subdivided into criminal and public order police and is subordinate to the Ministry of Internal Affairs. The agencies under the ministry are the General Police Inspectorate, Border Police, the Civil Protection Service, Carabinieri, and the Bureau for Migration and Asylum. The ministry made little progress in implementing reforms to combat abuse and corruption.

A law adopted in June and enacted in August reformed the structure of the Prosecutor General's Office. The new law governs the activity of two specialized prosecution offices, the anticorruption prosecution office and the prosecutor's office on combatting organized crime and dealing with special cases (e.g. fighting organized crime, terrorism, and torture). In line with the new law, on November 25, parliament adopted amendments to the constitution that changed the process for appointing the prosecutor general. Under the amendments, the Superior Council of Prosecutors nominates candidates for prosecutor general and the president appoints one of the candidates to a single seven-year mandate. Previously, parliament had this appointment authority.

The government made no progress in holding officials accountable for the security force crackdown on postelection demonstrations in 2009 that resulted in three deaths. In April the Prosecutor General's Office presented statistics on cases

related to the 2009 riots. The prosecutors opened 71 criminal cases, including 42 for alleged torture, 19 for abuse of power, and 10 for other offenses. The Prosecutor General's Office finalized and sent to court 28 cases against 47 police officers. The judges issued irreversible decisions in 17 cases against 27 law enforcement employees. The courts acquitted 14 police officers and issued two administrative fines and 10 suspended sentences. The Prosecutor General's Office noted a delay in the examination of 13 cases sent to courts in 2009 and 2010 against 24 police officers.

### **Arrest Procedures and Treatment of Detainees**

The law allows judges to issue arrest warrants based on evidence from prosecutors. Authorities must promptly inform detainees of the reasons for their arrest and describe the charges against them. Authorities may detain suspects without charge for 72 hours. In its most recent study on safeguarding procedural guarantees in the pretrial stage of the criminal process, Amnesty International found serious violations of procedural norms during police apprehension and pretrial detention. According to the study, in most cases, authorities summoned persons to the police station without a citation or took them into police custody without informing them of the charges against them. In many cases, authorities forced or intimidated the detained individuals into providing confessions for the alleged crime in the absence of a lawyer. In some cases, the questioning in police custody exceeded the legally allowed three hours. Other violations included the purposeful altering of protocols, detention in police custody that exceeded legal time limits, and denial of the right to a lawyer or communication with relatives.

Once charged, a detainee may be released pending trial. The law provides for bail, but authorities generally did not use it due to a lack of practical mechanisms for implementation. In lieu of confinement, the courts can also implement judicial controls in the form of house arrest or travel restrictions.

Detainees have the right to a defense attorney, but at times authorities restricted this right. In some cases, authorities did not grant detainees access to a lawyer until 24 hours after detention and often informed detainees of the charges against them without a lawyer present. The government required the local bar association to provide representation to indigent defendants, but the government frequently delayed reimbursements of legal fees. Indigent defendants often did not have adequate counsel.

Pretrial Detention: The law permits pretrial detention for up to 30 days. The courts may extend pretrial detention upon the request of prosecutors, submitted at the end of each 30-day period, for up to 12 months, depending on the severity of the charges. Pretrial detention lasting several months was common. In February the Constitutional Court ruled that law enforcement agencies could not hold citizens in preventative detention for more than 30 days with a warrant or for more than 12 months cumulatively. The court also ruled that court decisions imposing 90 days of preventative arrest at a time were illegal.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The law provides that persons who are arrested or detained are entitled to challenge the legal basis or arbitrary nature of their detention in court and obtain prompt release and compensation if found to have been unlawfully detained.

#### **e. Denial of Fair Public Trial**

While the law provides for an independent judiciary, instances of government officials failing to respect judicial independence remained a problem. Official pressure on judges and corruption in the judiciary continued to be serious problems. There were credible reports that local prosecutors and judges sought bribes in return for reducing charges or sentences. Judges often failed to assign cases randomly or use recording equipment in the courtroom. In 2015 parliament amended the criminal and contravention code to remove legal inconsistencies in the mandatory audio and video recording of court hearings. Very few courtrooms, however, actually used such equipment, notwithstanding the removal of ambiguities in the law.

According to the study *Perceptions on Human Rights in Moldova* conducted by the UN in partnership with the ombudsman's office and the Council to Prevent and Eliminate Discrimination and Ensure Equality, 68 percent of general public respondents believed that the right to a fair trial existed to a small extent or not at all. Many of the respondents also believed that justice was selective and affected by corruption.

During the year the public and the press did not have access to court proceedings in several high-profile cases involving a former prime minister, present and former government officials, and bank officials. Lawyers complained of violations of defendants' rights to a fair public trial.

Positive steps during the year, such as the adoption of a new law reforming the Prosecutor General's Office and the establishment of a National Commission of Integrity to deal with conflicts of interest and declaration of assets, were offset by the continued lack of judicial independence and corruption in the court system.

Inspector judges are responsible for enforcing a judicial code of ethics and investigating cases of judicial misconduct or ethical breaches to the Superior Council of Magistrates (SCM). In 2015 the disciplinary board of the SCM initiated 26 disciplinary actions and issued five warnings. It examined 15 other outstanding cases and issued three reprimands, three warnings, and one recommendation for dismissal. An anticorruption web portal noted, however, that in 2015 the SCM's Legal Inspection Office rejected over 70 percent of appeals it received alleging violations by judges.

### **Trial Procedures**

Although the law provides defendants in criminal cases the presumption of innocence, authorities did not always respect this presumption. On occasion, judges' remarks jeopardized the presumption of innocence.

Defendants have the right to be informed promptly and in detail of the charges against them and to a fair and public trial without undue delay. Prosecutors present cases to a judge or panel of judges. Defendants have the right to a lawyer and to attend proceedings, confront witnesses, and 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.

The law prescribes high standards for pro bono attorneys and defendants' access to attorneys. Law enforcement, however, did not always enforce these provisions. In most cases, pro bono attorneys were poorly prepared and not motivated to work on cases. Defendants can request postponement of a hearing if attorneys need additional time for preparation. Interpretation is provided upon request and was generally available. Hearings can be delayed if more time is needed to find interpreters for certain uncommon languages. Defendants are entitled to access government-held evidence. During the year, however, lawyers of high profile defendants complained of restrictions imposed by prosecutors on their access to evidence. Defendants may refuse to provide evidence against themselves or to self-incriminate.

The law provides a right to appeal convictions to a higher court.

In June the president enacted a law to reorganize the court system and reduce the 44 existing courts to 15 by 2027. The law also provides for setting up one central court in the capital by merging all district courts in the city as well as abolishing the military court and the district economic court.

In Transnistria, there were credible reports during the year that authorities disregarded trial procedures and denied defendants a fair trial.

### **Political Prisoners and Detainees**

Grigore Petrenco, leader of the opposition Our Home Moldova Party, and five other activists remained in detention awaiting trial for allegedly inciting mass civil unrest in September 2015. In April the Court of Appeals modified their confinement to judicial control, starting with house arrest and eventually downgraded to a ban on leaving the country and participating in protests. The court continued to extend judicial control every 30 days for the remainder of the year. It also repeatedly rejected requests submitted by Petrenco to leave the country for his son's medical treatment abroad.

### **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 a prosecution. Judgments awarded in such cases were often small and not enforced. Once all domestic avenues for legal remedy are exhausted, individuals may appeal cases involving the government's alleged violation of rights provided under the European Convention on Human Rights to the European Court of Human Rights (ECHR).

While the government declared a zero-tolerance policy toward torture, victims of alleged torture frequently lacked access to effective judicial remedies, especially in cases involving mistreatment in penal institutions.

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

As of July, there were 1,330 cases pending against the country in the ECHR. Most complaints concerned detention conditions, torture, inhuman and degrading treatment, failure to carry out judgments, pretrial detention issues, and the right to a fair trial. In 2015 the court delivered 19 judgments against the state and ordered the government to pay over 6.7 million lei (\$335,000) in damages. During the first seven months of the year, the court issued 24 rulings against the state. The government generally complied with court orders promptly. In 2010 to 2015, the government paid over 48 million lei (\$2.4 million) in damages due to ECHR rulings against the state.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits arbitrary interference with privacy, family, home or correspondence unless necessary to ensure state security, economic welfare, or public order or to prevent crimes. There were no reports that the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

While the law provides for freedom of speech and press, authorities did not always respect these rights. Individuals could criticize the government publicly and privately without reprisal.

Freedom of Speech and Expression: Freedom House categorized the media sector as “partially free.” According to the 2016 Freedom House *Nations in Transit* report, strident politicization and “oligarchization” of the media remained key problems for the country. Political interests in parliament dictated the appointments of members of the Audiovisual Coordinating Council (ACC).

Pressure on independent media increased during the year, and a number of investigative journalists reported threats following their publication of investigative articles on judges and prominent political figures.

A 2015 decree on fighting terrorism restricted freedom of expression in Transnistria. The decree allowed the Transnistrian “KGB,” “prosecutors,” and the region’s “office for telecommunications” to shut down websites found to be suspicious, i.e. promote a number of “forbidden topics,” such as extremism,

terrorism, or calls to overthrow the government. Local authorities restricted online forums without explanation. The Transnistrian leader referred to them as “anonymous dump sites” and insisted that all social media networks register as mass media institutions to allow for monitoring and restrictions if they became too critical of the government.

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

While the print media expressed diverse political views and commentary, the government and political figures owned or subsidized a number of newspapers that expressed clearly defined political views. The government owned the Moldpress News Agency, and local and city governments subsidized approximately 23 newspapers and generally influenced their reporting. Political parties also published newspapers.

Large media outlets associated with leaders of political factions or oligarchs exerted pressure on smaller outlets, which brought several to the brink of closing and prompted prominent journalists to leave key outlets acquired by oligarchs. These oligarchs closely supervised content and maintained editorial control over reporting from the outlets they owned.

Oligarch-controlled business groups that distorted information for their benefit controlled most of the country’s media, albeit with some notable exceptions. Information about the owners of private broadcasters, made public in November 2015, confirmed the high concentration of the media. Local media also faced the obstacle of unfair competition in advertising markets, which limited their access to advertising revenue. Amendments to the audiovisual code in February limited to two the number of media outlets that one person could own. Activists criticized the government for not consulting civil society on the changes, which do not take effect until existing licenses expire, thereby limiting the law’s effectiveness in addressing the problem of media monopolies.

Two organizations controlled the Transnistrian mass media market: The “Public Agency for Telecommunication,” which controlled official news information agencies, newspapers, and one of the two most popular television channels; and Sheriff Holding, a business conglomerate with considerable influence in the

Transnistrian “Supreme Soviet.” The Transnistrian “Supreme Soviet” passed a law restricting access of journalists to the institution’s plenary sessions.

Violence and Harassment: Several journalists known for their critical views of the government complained of threatening messages during the year. Journalist Natalia Morari stated that she received threats of possible attacks against her or her family. Constantin Cheianu, representing an opposition media outlet, sent a letter to foreign diplomatic missions noting that he had received a number of verbal and written threats and that he perceived a recent attack on his daughter’s house as a warning to him because of his critical views of government activities. Investigative journalist Mariana Rata announced that her telephone and social network accounts were monitored and her internet address was hacked.

On January 21, several Russian journalists traveling to the country to cover the protests in Chisinau were denied entry at the Chisinau airport for allegedly violating border entry rules.

Censorship or Content Restriction: In many cases, journalists practiced self-censorship to avoid conflicts with the sponsors or owners of their media outlets. In Transnistria, journalists avoided criticizing separatist officials’ goal of independence or their “foreign policy” to avoid official reprisals.

On January 21, as parliament voted for a new government, triggering mass protests, the opposition television station Jurnal TV’s signal was interrupted on the state-owned Moldtelecom cable network. Moldtelecom claimed a cyber-attack caused the interruption.

In 2013 a ruling by the ACC went into effect mandating that television channels and radio stations broadcast a minimum of 30 percent locally produced content and 50 percent local content in Romanian language during prime time. Supporters claimed the ruling would spur the local media market, but many media outlets warned that authorities designed it to drive smaller broadcasters out of business, since they could not afford to produce the requisite volume of local content and would lose advertising money. These media outlets took the ruling to court, which suspended it for the duration of the trial period. In 2014 the Supreme Court of Justice decided in favor of the ACC, leaving its ruling in force.

In May 2015 the ACC banned the retransmission of Russian channel Rossiya 24 on the country’s territory after its monitoring report concluded that Rossiya 24 violated the law by misinforming and manipulating public opinion about events in



Ukraine. Authorities punished several other channels--Prime, Television 7, RTR Moldova, and Ren TV Moldova--for rebroadcasting news and analytical programs from Russia that were described as manipulative and propagandistic. The ban of Rossiya 24 came after a six-month suspension of the channel in 2014 for the same reason.

Media NGOs and the ACC alleged in monitoring reports on media behavior during the presidential election campaign that many major television channels showed strong bias in favor of certain candidates. On November 25, the ACC sanctioned several television channels that, according to the ACC, violated audiovisual legislation and ethical norms during the election campaign. Four channels--Publika TV, Focus TV, NTV Moldova, and Jurnal TV--were deprived of the right to broadcast advertising for 72 hours. Two additional channels--Prime TV and Ren TV Moldova--were fined at the highest level (5,400 lei (\$270)).

Libel/Slander Laws: Some newspapers practiced self-censorship and avoided controversial issues due to concerns that government officials and other public figures could use defamation laws to retaliate against critical news reports.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. Eight media organizations requested authorities change provisions of a law adopted by the government on March 30 that would require telephone and internet operators to collect and archive user data for six to 12 months, block access to certain websites, and allow authorities to check e-mails or text messages (including those sent using apps like Viber, WhatsApp, and Telegram). The organizations stated the changes carried a major risk of instituting censorship on the internet and restricting citizens' rights.

According to statistics published by the Moldovan Agency for Regulation in Electronic Communication and Information Technology, the number of mobile internet user accounts during the year reached 4.29 million. Statistics published by the International Telecommunication Union indicated that 49.8 percent of the population used the internet in 2015.

In August 2015 Transnistrian "president" Shevchuk issued a decree on combating extremism that empowered the Transnistrian "KGB" to request the "prosecutor's

office” to block internet content. Authorities would make such a determination following a review by a panel appointed by the “KGB.”

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law provides for freedom of assembly, and the government generally respected this right.

Large-scale antigovernment protests took place during the year, and opposition groups installed protest camps in front of government buildings. The government did not obstruct the protesters and provided adequate security and crowd control.

On August 27, a number of civic activists and opposition leaders and groups held an antigovernment rally under the slogan, “I have no fear.” Several hundred persons attempted to enter the central square where Independence Day celebrations were taking place. Police impeded the crowd from approaching the square perimeter and used tear gas to stop the protesters. Protest leaders, NGOs, and a number of independent media outlets called the police actions illegal, as police failed to warn the protesters prior to using tear gas and ignored the fact that a number of women, children, and elderly were in the crowd. On August 29, Amnesty International Moldova issued a press release expressing its concern over “the abusive and baseless use of tear gas by police forces against peaceful protesters during the Independence Day celebrations.”

Media outlets reported that Transnistrian prosecutors initiated administrative cases against some demonstrators.

### **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. The law 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 persons 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. Authorities strictly prohibited organizations favoring reintegration with the rest of Moldova.

The human rights NGO Promo-Lex, which suspended its activities in the Transnistrian region in April 2015 following notifications about a criminal case opened against it, did not renew attempts to enter the region.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

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 the travel of its residents and other Moldovans to and from the separatist region. Short-term visits to Transnistria by citizens from the Russian Federation, Moldova, Ukraine, Belarus, and Kazakhstan could not exceed 90 days. Citizens of other countries were allowed a maximum of 45 days for short-term visits. The region's migration service had to approve longer visits.

Emigration and Repatriation: Although citizens generally may depart from and return to the country freely, there were some limitations on emigration. Before emigrating, the law requires individuals to settle all outstanding financial obligations with other persons or legal entities. The government did not strictly enforce this requirement. The law also provides that close relatives who are

financially dependent on a potential emigrant must concur before the prospective emigrant may depart the country. Authorities did not enforce this law.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. Refugee recognition was a slow and burdensome process. Authorities issued refugees identity cards valid for five years; beneficiaries of humanitarian protection received identification documents valid for one year; and asylum seekers received temporary identification cards. UNHCR provided refugees logistical, housing, and financial support. A temporary accommodation center administered by the Bureau of Migration and Asylum was available for asylum seekers. As of December, there were 151 refugees in the country. During the year there were 127 new asylum seekers, most of whom came from Ukraine (51), Syria (25), and Sri Lanka (13).

Temporary Protection: The government provided humanitarian protection to individuals who may not qualify as refugees. At the end of the year, there were 282 beneficiaries of humanitarian protection registered in the national asylum system.

### **Stateless Persons**

There were approximately 2,700 stateless persons in the country, most of whom resided in Transnistria. The largest numbers of stateless persons were ethnic Ukrainians, Russians, Romanians, and Turks.

Persons may acquire citizenship through birth in the country, from their parents, by adoption, recovery, or naturalization, or under certain international agreements. The law grants citizenship to persons who resided in the historical regions of Bessarabia, Northern Bucovina, the Herta region, and the territory of the Moldovan Autonomous Soviet Socialist Republic prior to 1940 as well as their descendants. The law includes procedures for the determination of statelessness.

Stateless persons and refugees may gain nationality through naturalization. The law allows a stateless person who has resided legally in the country for eight years to seek citizenship. The government issued residence permits for a period of up to one year to stateless persons temporarily residing in the country at a cost ranging

from approximately 500 to 1,400 lei (\$25 to \$70), depending on the urgency of the permit. Trafficking victims received residence permits free of charge.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Moldova's first direct presidential elections in 20 years took place on October 30 and November 13. A run-off was required as no candidate obtained more than 50 percent of the vote in the first round. On December 13, the Constitutional Court validated the results of the elections and the new president, Igor Dodon, was sworn in during an official ceremony on December 23. According to international observers, the elections were broadly conducted in a fair and democratic way. Coverage of the electoral campaign by some media outlets, however, was not conducted in an impartial manner. Observers also raised concerns about the lack of transparency in campaign financing. An unspecified number of citizens abroad or from Transnistria were unable to vote because insufficient ballots were allocated to their respective polling stations.

Political Parties and Political Participation: The results of media monitoring by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) indicated political bias by major broadcasters covering the campaign. ODIHR stated that a failure to enforce the obligation to provide fair, balanced, and impartial campaign coverage compromised a level playing field for candidates. There were numerous cases of abuse of administrative resources by parties holding elected office, including pressure on state employees and other voters during the collection of candidate support signatures and campaign activities. The Promo-Lex election observation mission reported multiple cases of organized transportation of voters to the polling stations on election day, cases of voters taking pictures of their ballots after voting, isolated cases of deficient sealing of the ballot boxes, acts of violence and voter intimidation, an increased number of derogatory materials targeting the candidates, and intense negative campaigning, as well as the active involvement of clergy in the electoral campaign.

Participation of Women and Minorities: No laws limit the ability of women and members of minorities to participate in the political process, and women and minorities did participate. On April 14, parliament adopted the Law on Gender

Equality in the Public Domain and Politics, which introduced a minimum 40 percent representation of both genders on the lists of candidates for parliamentary and local elections. The quotas for women on party lists, however, only apply to the list as a whole and not the order on the list in which women candidates appear, as originally required. The law also provides for sanctions against political parties for publicly promoting discriminatory messages or stereotypes, for using discriminatory language in mass media, and for failing to ensure the required quota on electoral lists. According to ODIHR, women were well represented in the presidential election administration, including in decision-making positions. Of the 12 candidates initially registered for the presidential election, five were women.

Voter education materials as well as campaign materials of the majority of candidates were available in the state language as well as in the Russian language. Although permitted, other minority languages were virtually absent from voter education and campaign activities.

Instances of gender stereotyping and sexist language were observed in the media during the campaign period, particularly before the runoffs between the male and female candidate.

#### **Section 4. Corruption and Lack of Transparency in Government**

Corruption remained the country's most serious problem. While the law provides criminal penalties for official corruption, the government failed to implement the laws effectively, and officials frequently engaged in corrupt practices with impunity. There was widespread corruption within the judiciary and other state structures. During the year the government made some progress in investigating corruption cases involving public officials and the judiciary. These actions were mostly perceived as selective justice. In October 2015 parliament publically stripped Vladimir Filat, the leader of one of the largest political parties as well as a parliamentary faction head and former prime minister, of immunity and detained him on suspicion of passive corruption and influence-peddling. In July, Filat was sentenced to nine years in prison, banned from holding public office for five years, and forced to pay large fines.

Corruption: The 2015 Transparency International *Corruption Perceptions Index* indicated there was a widespread perception of public sector corruption linked to “state capture” (i.e., private interests significantly influencing a state's decision-making processes). According to the report, the delay in parliament's approval of a package of laws on integrity and the government's failure to take prompt action

against persons who were responsible for overseeing banking sector security and who admitted the theft of \$1 billion discredited the government's stated intention to fight corruption. Nonmeritocratic promotion of judges and selective justice applied to political competitors compromised the independence of the judicial system.

The term "captured state" continued to be widely used by local and international experts to define the scope of corruption in the country during the year. A study released in 2015 by Transparency International-Moldova estimated that the total level of bribes during 2015 surpassed 1.24 billion lei (\$62 million). Individual households paid most bribes to the health-care sector, police, and educational institutions. Businesses paid most bribes in tax offices and in courts.

In July parliament passed the "integrity package" of laws, which included the Law on Integrity in Public Institutions, the Law on the National Integrity Authority, and the Law on the Declaration of Assets and Conflicts of Interest. The integrity package adopts into law such principles as merit-based human resources policy, transparency in decision-making, public access to information of general interest, zero tolerance of corruption and undue influence, transparent management of public assets, and public ethics codes. The package came into force on August 1 and requires institutional reforms. As of year's end, not enough time had elapsed to observe the effects of the integrity package because most of its provisions, such as asset declaration requirements, were still in the regulation-writing phase and will not take effect until 2017.

In 2015 a law went into effect that introduced disciplinary sanctioning of judges for acts of corruption, limited judicial immunity, and allowed authorities to confiscate property in cases involving money laundering and illicit enrichment. Authorities made little progress in enforcing the new law.

The Prosecutor General's Office announced that, in the first half of the year, prosecutors, the Ministry of Internal Affairs, and the National Anticorruption Center initiated 518 criminal cases involving corruption and workplace abuse. A total of 137 cases involving 174 persons were sent to the courts, including against one judge, four lawyers, four former Internal Affairs Ministry employees, five border police officers, seven criminal investigation officers, 31 police officers, a former National Anticorruption Center officer, and 12 mayors. Of the 84 individuals sentenced in the first half of the year, nine were imprisoned and seven received both a prison term and fines.

The National Anticorruption Center investigated 533 cases of corruption and connected offenses in 2015. Most corruption offenses involved local-level public administration (103 cases), law enforcement (94 cases), law offices (23 cases), detention facilities (18 cases), bailiff offices (15 cases), and the courts (nine cases). The center investigated judges, prosecutors, state institution heads, health-care officials, mayors, bailiffs, police officers, lawyers, and other public officials. Courts issued 133 sentences for corruption and connected offenses in 2014.

The Internal Protection and Anticorruption Division in the Ministry of Internal Affairs registered 51 cases of passive corruption and seven cases of active corruption in 2015. Most corruption offenses involved employees of the Police Inspectorate (99 cases), followed by the Border Police (four cases), the emergency situations service (two cases), the ministry's health-care services (one case), and a public servant within the structures of the Ministry of Internal Affairs. The Anticorruption Division also reported 38 cases of influence peddling.

On September 20, National Anticorruption Center prosecutors arrested 15 judges and three bailiffs on charges relating to the so-called "Russian laundromat" money-laundering scheme conducted in 2010-14. The SCM upheld the arrests. Prosecutors issued an international arrest warrant for another judge and a bailiff investigated in the same case.

Financial Disclosure: A number of laws require financial disclosure by public officials, including state officials, judges, prosecutors, civil servants, and officials holding leadership positions. In July parliament approved a law that transformed the National Integrity Commission into the National Integrity Authority, an independent body tasked with auditing income statements and monitoring conflicts of interest of public officials, has the power to apply sanctions. The law also provides for the appointment of the institution's head by the president, the dismissal of and a ban on holding public office for officials who fail to declare their assets, and the institutionalization of an integrity inspector with power to request seizure of illegally acquired assets. The law expanded the list of public officials required to submit income statements to include the heads of state enterprises and local councilors. The law also introduced an online system for wealth and interest statement submissions. By law, officials must make public income statements within 30 days of their appointment and before March 31 of each year for the duration of their term in office. During the year the government enforced this requirement inconsistently.



The National Integrity Commission initiated 354 investigations in 2014. The commission found 54 violations in income and property statements, 50 instances of conflict of interest, and 18 cases of incompatibility. It referred 57 cases to the Prosecutor General's Office and 56 cases to the National Anticorruption Center. The commission investigated five members of parliament, two members of the legislature of the Gagauz Autonomous Unit, 39 judges, 12 prosecutors, 19 ministers and deputy ministers, seven district chairmen and deputy chairmen, 42 mayors and deputy mayors, 28 state enterprises heads, and 55 employees of the Ministry of Internal Affairs.

Public Access to Information: The law provides free public access to official information. The law contains a narrow list of grounds for nondisclosure, including when information constitutes a state secret, a commercial secret, personally identifiable information, operative criminal investigation data, or the results of scientific and technical research. Authorities have 15 days to present the requested information. Authorities may extend this deadline by five days when the request refers to a large volume of data or additional consultations are necessary for the release of information. Depending on the information requested, institutions may charge processing fees for copying, translating, and delivering material. Requesters may legally challenge denials of access to information. The courts established criminal and administrative sanctions for noncompliance.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

According to local and international experts, authorities in the Transnistrian region continued to monitor and restrict activities of human rights NGOs. There were credible reports that no human rights NGO in the region investigated serious human rights violations due to fear of repression and harassment from authorities.

Government Human Rights Bodies: The human rights ombudsman was only partially operational during the year because of administrative and budgetary constraints. In April parliament confirmed the ombudsperson for children's rights. A parliamentary committee selects the ombudsmen in an open competition. A majority vote in parliament results in their appointment to a seven-year,

nonrenewable term. The people's ombudsman examines claims of human rights violations, advises parliament and other state institutions on human rights problems, acts as a mediator, submits legislative initiatives to parliament, submits legislation to the Constitutional Court for review, and files human rights cases with courts. The children's ombudsman provides for the protection of children's rights without requiring the consent of parents or legal guardians and has authority to initiate legal proceedings in court.

Parliament also had a separate standing committee for human rights and interethnic relations.

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

### **Women**

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

Rape remained a problem, and there were no specific governmental rape prevention activities. During the first 10 months of the year, prosecutors initiated 252 criminal cases of rape, a 13 percent increase from 2015. Of these, authorities dismissed 38 and forwarded 83 to the courts for trial. The rest remained under investigation or awaited an indictment.

The NGO La Strada noted that the actual number of cases of rape and sexual violence was much higher than reported, as sexual violence can be a taboo subject in society. The report *Men and Gender Equality in the Republic of Moldova*, found that almost 20 percent of the country's men had sex with a woman without her consent. Almost 25 percent had sex with a woman who was too drunk to consent, and 18 percent admitted to marital rape. Approximately 5 percent admitted to participation in a gang rape.

Sexual violence was the least recognized and reported form of violence. The majority of cases did not receive police attention for a variety of reasons, including social norms by which masculinity was associated with domination and aggression and femininity with submission; victim blaming by law enforcement officials; and the stigma of rape victims being perceived as promiscuous. Police reportedly used poor investigative techniques and often mishandled rape cases, which further discouraged victim cooperation. NGOs reported that law enforcement agencies

used mediation as means to dismiss rape cases, including forcing the victim to marry her rapist to ensure that the rapist avoided prosecution. The majority of victims reported extremely long delays in their cases due to lengthy evidence-collecting procedures and prosecutions, while the need for numerous interrogations and confrontations with their rapist added to the trauma experienced by victims.

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. The maximum punishment for family violence offenses is 15 years' imprisonment. In the first 10 months of the year, police registered 1,354 cases of domestic violence, an 11 percent decrease from 2015. Authorities sent 901 cases to trial and dismissed 118.

The law permits excluding an abuser from lodging 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 work, and restricts child visitation rights pending a criminal investigation. Courts may apply protective measures for a period of three months and extend them upon the victim's request or following repeated acts of violence.

The law provides for cooperation between government and civil society organizations, establishes victim protection as a human rights principle, and allows third parties to file complaints on behalf of victims. Public perception of domestic violence as a private problem persisted. Authorities generally relied on civil society to raise awareness. The government supported 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. Private organizations provided services for abused spouses, including a hotline for women who suffered abuse. The NGO La Strada, for example, operated a hotline to report domestic violence, offered victims psychological and legal aid, and provided victims options for follow-up assistance. Access to such assistance remained difficult for some, however.

There was progress during the year in building institutional capacity to protect women and children against domestic violence. The Ministry of Internal Affairs continued training for police officers handling domestic violence cases. According to various NGOs and the UN Children's Fund (UNICEF), the effectiveness of protective orders depended on the attitude of authorities. Reports continued that police officers were not diligent in ensuring either the protection of victims or

proper execution of protective orders. The situation improved slightly, with authorities issuing an increased number of protective orders within 24 hours as required by law. NGOs expressed concern that authorities were insufficiently proactive in combating indifferent attitudes towards domestic violence among police, prosecutors, and social workers. There were cases reported of authorities not issuing protective orders until a month after the alleged mistreatment. NGOs also maintained that authorities relied excessively on them to publicize remedies that were available and to assist victims in requesting protection.

In July parliament amended domestic violence legislation after a concentrated effort led by the Antiviolence Coalition. While new law improved the ability of police to respond to domestic violence by introducing emergency protection orders that may be issued by the responding police officer at the scene, it also decriminalizes abuse that results in “nonsignificant body harm” (e.g., slapping, hair pulling, pushes) that does not leave marks or result in work being missed. Under the law, abuse involving “nonsignificant” harm is punished administratively.

In 2015-16, more than 200 judges and prosecutors received training on preventing and combating domestic violence. While courts increased the number of protective orders they issued, police did not always implement such orders effectively. Observers stated that the police approach to domestic violence improved slightly, but judges and prosecutors often failed to take the crimes seriously. Authorities classified violations of protection orders as administrative infractions, which meant they could not open criminal proceedings against offenders unless they violated the order on multiple occasions.

According to NGOs, in most cases abusers continued their mistreatment undeterred. After release from detention, abusers commonly returned to their homes and continued to abuse. Fines often had the effect of reducing overall household income, further harming the spouses and children of abusers. Victims of domestic violence were frequently reluctant to come forward because of economic dependence on their abusers, particularly if the family had children.

Domestic violence investigations remained problematic when police officers themselves were the offenders. In such cases, law enforcement officers tended to side with the offender. While victims could appeal through the ECHR, the process was lengthy, and authorities did not protect victims from their abusers during the proceedings.

NGOs reported cases in which authorities issued conflicting protective orders, providing both the abuser and the victim with protection against the other and resulting in confusion in the courts.

In May participants in a press conference promoting the rights of victims of domestic violence acknowledged that there was an acute shortage of specialized services for victims in the country. They noted that there were 2,000 cases of domestic violence in 2015 and that 34 women and three children died as the result. A limited number of centers provided a full range of social, psychological, and legal assistance, including shelter for victims. NGOs that offered shelter for victims often depended on international donations and lacked regular funding, while the government reduced public funding for such centers.

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. According to NGOs, law enforcement agencies steadily improved their handling of sexual harassment cases, addressing harassment of students by university professors and several instances of workplace harassment.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, free from discrimination, coercion, and violence. Women in psychiatric institutions and social care homes, however, lacked access to contraceptives. These institutions also registered isolated cases of forced abortions.

Discrimination: Women enjoy the same legal status as men under family, labor, property, nationality, and inheritance law and in the judicial system. The law requires equal pay for equal work, which authorities generally respected during the year. In May a new law on gender equality in the public service and politics, which amended 15 existing laws, entered into force. The law requires that women fill a minimum of 40 percent of decision-making positions in government and political offices; bans publicity that promotes discriminatory messages or stereotypes; prohibits sexist and discriminatory language and images in the media and advertising; spells out the employers' responsibilities in ensuring a workplace free of discrimination and sexual harassment; and introduces two-week state-paid paternity leave. The National Bureau of Statistics reported an almost equal

proportion of men and women employed, with 51 percent and 49 percent, respectively. An assessment of the *National Action Plan on Gender Equality* for 2010-15 reported a reduction in the wage gap between men and women, from 28 percent in 2010 to 12.4 percent in 2015. In 2014 a woman received 87.6 percent of a man's wage. While the ratio of women in decision-making positions did not change during the year, the number of women in law enforcement and the army increased. During the year 23 percent of persons serving in the army were women.

## **Children**

Birth Registration: Persons may acquire citizenship through birth in the country, their parents, adoption, recovery, naturalization, or under certain international agreements. Registration of birth is free of charge for all citizens. The lack of registration certificates for a number of children, especially in rural areas and in Romani families, remained a problem. Observers estimated that more than 1,000 children lacked identification documents.

Education: Primary education was free and compulsory until the ninth grade. Education of Romani children remained a problem during the year, with only half of the children in Romani communities attending school. For example, in the secondary school in Vulcanesti village, Nisporeni Region, only 15 of the 180 Romani students enrolled attended school and only one in five children attended preschool institutions. According to Romani representatives, absenteeism and school dropout in Romani communities was due to poverty and fear of discrimination. Romani girls were vulnerable to low educational attainment due to the roles expected of them in their families, seasonal work and migration, discriminatory attitudes in schools, and in some cases early marriage. Nearly half of Romani women have not received formal schooling, and only 52 percent of Romani girls were in primary education in 2013, compared to 84 percent of non-Romani girls and 55 percent of Romani boys, with smaller proportions of girls attending secondary school and university.

Child Abuse: Although the law prohibits child neglect and specific forms of abuse, such as forced begging, child abuse remained a problem. A special unit for minors and human rights in the Prosecutor's Office was responsible for ensuring that particular attention and expertise was devoted to child abuse victims and child offenders. According to UNICEF, the unit faced organizational difficulties, since its work often overlapped with that of other sections, thus creating conflicting competencies.

The Prosecutor General's Office and regional prosecutors investigated 513 cases of violations of children's rights in 2015, issued recommendations in 269 cases, and initiated 38 criminal cases. Prosecutors sent 355 cases to court. The cases included divorce litigations, illegally taking the children out of the country, violations committed by the teaching staff, and parental abuse. Prosecutors reported 698 cases of children fleeing home because of abuse in 2015.

A UNICEF study published in 2014 revealed that 76 percent of children under the age of 14 were subjected to violence at least once during their lives. In 45 percent of the cases, children reported physical violence; 69 percent reported psychological abuse. Romani girls faced an increased vulnerability to violence. The Prosecutor's Office reported an increase in sexual abuse and domestic violence cases against children, and initiated 332 cases in this regard in 2015.

According to the Ministry of Labor, Social Protection, and Family, inadequate victim services, a lack of reliable methods to track cases, and insufficient legal mechanisms to prevent abuse or to provide special protection to victims hampered efforts to protect children. The ministry noted that more than 25 percent of minors reported that their parents had beaten them and 15 percent stated they lacked food and care. Approximately 10 percent of parents admitted abusing their children emotionally or physically.

Early and Forced Marriage: The legal minimum age for marriage is 16 for women and 18 for men. There were no official statistics regarding child marriages.

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

Observers reported cases of prostitution of children and child sex tourism during the year. In April prosecutors searched the homes of five men and found over 1,000 photo and video files with child pornography. The files included pornographic images of children between the ages of four and 12. According to prosecutors, the suspects distributed the photo and video files over the previous two years. The suspects face imprisonment of up to three years.

Institutionalized Children: The deinstitutionalization of children continued during the year. Authorities closed more than 20 boarding schools since 2007, resulting in a 40 percent decrease in the number of institutionalized children. NGOs estimated that 25 percent of the children in orphanages had one or two living parents who abandoned them when they left the country in search of employment. Children in residential institutions were subject to a greater risk of unemployment, sexual exploitation, trafficking, and suicide compared with their peers raised in families. During the year there were 3,000 institutionalized children in the country. In February the Ministry of Labor, Social Protection and Family, the Ministry of Health, and UNICEF signed a memorandum with NGOs to launch a project to support vulnerable families.

UNICEF estimated that 50 percent of institutionalized children had disabilities. The Ministry of Labor, Social Protection, and Family maintained boarding schools for children with disabilities and institutions providing temporary (up to one year) shelter, counseling, and other assistance for children from socially vulnerable families.

In September the NGO La Strada and the Antiviolence Coalition of NGOs issued a statement concerning the lack of government action in dealing with the problem of street children after a television report uncovered over 20 minors living in the ruins of an abandoned Chisinau hotel. The minors survived by begging, stealing, and pickpocketing.

NGOs stated that law enforcement authorities and child protection services were negligent and unprofessional in their handling of street children. La Strada's psychologists discovered numerous suicide attempts by children at the government-funded facility for temporary placement of children due to mistreatment. La Strada also issued statements throughout the year accusing law enforcement and justice officials of mishandling cases. The majority of violations involved corruption, victim blaming, and procedural irregularities by police officers, prosecutors, and judges. The NGO cited numerous cases of authorities revictimizing minors by forcing them to confront their abusers and releasing alleged abusers from pretrial detention, which allowed them access to their victims.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html)*.



## **Anti-Semitism**

The Jewish community numbered between 15,000 and 25,000 persons, including 2,000 living in Transnistria. The Jewish community reported four acts of vandalism during the year. In March members of the synagogue in Orhei found their Torah scroll thrown to the floor and other religious objects desecrated. In another case, unknown individuals desecrated approximately 10 tombs in the Jewish cemetery in Soroca. An investigation of the incident was in progress at year's end.

Property restitution continued to be a problem for the Jewish community, and Moldovan legislation does not yet exist to address it.

On July 22, parliament endorsed the Elie Wiesel Commission's *Report on Holocaust*, issuing a statement condemning the extermination and persecution of Jews by Nazi German forces and their Romanian collaborators on the present-day territory of Moldova during World War II. The declaration also condemned attempts to deny or ignore the Holocaust and paid homage to its victims and survivors.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **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 government services, but authorities rarely enforced the law. It prohibits construction companies from designing or constructing buildings without specific access for persons with disabilities and requires transportation companies to equip their vehicles to meet the needs of persons with disabilities. The law also requires that land, railroad, and air transportation authorities provide access for persons with disabilities and adapt public spaces and transportation to provide access for wheelchair users. The airport administration must provide an escort for persons with disabilities. Authorities implemented the provisions of the law only to a limited extent during the year.

A joint report released in 2015 by the Mental Disability Advocacy Center in partnership with the UN Partnership on the Rights of Persons with Disabilities found that, despite some progress in advancing the rights of persons with disabilities in the country through expanded inclusive and community-based services, there remained a number of shortcomings. The report noted that more than 1,700 children with mental or intellectual disabilities remained in segregated educational institutions, while authorities deprived an estimated 3,000 to 4,000 persons of their legal capacity and placed them under the full control of guardians (they could not marry, divorce, sign an employment contract, refuse medication, etc.). Many guardians chose to place persons with disabilities in closed institutions against their will. Observers also recorded violence and abuse, including cases of rape and forced abortion, in segregated institutions for persons with mental disabilities. While the law provides equal voting rights for all persons with disabilities, including mental disabilities, the law does not permit persons with mental disabilities who do not have legal capacity to vote. In May 2015 parliament voted to remove from the electoral code the provision that allowed persons deprived of legal capacity to vote. Of 184,000 persons with disabilities registered in the country, 13,000 were children. The law entitles children with disabilities to home schooling provided by the government, but this service was limited in rural areas. In many cases, children with disabilities declined schooling to avoid discrimination. Schools were often ill equipped to address the needs of children with disabilities. Some children with disabilities attended mainstream schools, while authorities placed others in boarding schools or they were home schooled.

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

Official regulations mandate access to buildings for persons with disabilities. While many newly built or reconstructed buildings were accessible, older buildings often were not. More than 70 percent of public institutions lacked access ramps for persons with disabilities. According to the Motivatie association for persons with disabilities, only 1 percent of buildings in Chisinau were accessible. Even where ramps existed, they frequently did not fit a standard wheelchair or they were too steep or slippery. Most ramps at street crossings did not provide adequate access for wheelchair users. Persons with limited mobility complained about the lack of access to public transportation and public institutions as well as the shortage of designated parking places. 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.

According to election observers, in the presidential elections, independent access for persons with disabilities to the polling stations was not ensured in over 60 percent of observed polling places, while in over 20 percent of polling stations, observers found that the layout was not suitable for voters with disabilities.

In 2015 the Civil Aviation Authority organized training for air operators, flight attendants, and airport handling personnel on rules for serving passengers with disabilities. The training covered such aspects as the rights of the persons with disabilities for the duration of the air travel, efficient nondiscriminatory communication, proper support for persons with mobility disabilities, and use of wheelchairs.

The range of social services available to persons with disabilities included specialized services, such as social assistance, support, and counseling to foster social inclusion. There were 114 community service centers for persons with disabilities that served approximately 4,700 beneficiaries. There were also 16 mobile support groups providing social assistance, medical, and psychological support to 481 beneficiaries. The government budgeted 9.5 million lei (\$475,000) for services to persons with disabilities in 2015.

There were 7,000 persons nationwide with vision disabilities, 3,500 of whom were completely blind. During the 2015 local elections the Central Election Commission tested for the first time a pilot project to provide ballots in Braille in all polling stations for persons with vision disabilities. According to the Promo-Lex presidential election observation mission, on election day, 36 percent of polling stations were not accessible for persons with mobility impairments (lack of access ramps, polling stations located on the second floor) and 33 percent of polling stations lacked proper voting conditions for persons with vision disabilities (insufficient lighting, lack of eyeglasses or ballots in Braille).

According to a study completed in 2015, only 43 percent of persons with disabilities in the country were employed.

Persons with psychosocial and intellectual disabilities in residential institutions and psychiatric hospitals were the most vulnerable to abuse. Human rights NGOs noted that residential institutions posed high risks for physical abuse, involuntary confinement, forced medication, rape, and other types of abuse. Women were often subject to forced abortions and contraception. NGOs reported a high mortality rate in psychiatric institutions. Residents in psychiatric hospitals were not allowed sufficient time outdoors.

IDOM identified two cases of placement of orphans and children from disadvantaged families in psychiatric institutions for a period of four to six months. In one case, an institution placed a 15-year-old youth with mild intellectual disability in a ward for adults with significant mental disabilities and subjected him to intensive antipsychotic medication as a punishment measure for breaking a window.

Mechanisms for residents in psychiatric institutions to submit complaints were not functional during the year. Penitentiaries lacked appropriate conditions for the detention of persons with disabilities, which led to inhuman and degrading treatment. Of 7,600 inmates detained in penitentiaries during the year, 206 were persons with disabilities, including 59 with physical disabilities, 19 with hearing disabilities, and 33 with vision disabilities. A 2014 report by the UN special rapporteur on extreme poverty and human rights noted that authorities continued to commit severe abuses, such as neglect, mental and physical abuse, and sexual violence, against persons with psychosocial and intellectual disabilities. The rapporteur also raised concerns about unsanitary and unhygienic conditions.

With UN support, the government set up a National Health Management Center within the Ministry of Health to handle complaints filed by persons with social, neurological, or intellectual disabilities. At the same time, 13 lawyers provided free legal services to residents in psychiatric institutions.

The mortality rate in mental health institutions was significantly higher than in other health-care facilities. Authorities conducted no conclusive investigations on deaths in these institutions. The level of treatment in psychiatric facilities was substandard.

Human rights observers criticized the country's guardianship system. A person placed under guardianship loses all standing before the law and cannot engage in social and legal acts, such as marriage, voting, claiming social benefits, consenting to medication, or refusing medication.

Although the law provides for equal employment opportunities and prohibits discrimination against persons with disabilities (with the exception of jobs requiring specific health standards), many employers either failed to accommodate or avoided employing such persons. The law requires that 5 percent of the workforce in companies with 20 or more employees be persons with disabilities.

Persons with disabilities are legally entitled to two months of paid annual leave and a six-hour workday, benefits that made employers less willing to hire them.

Transnistrian legislation provides for protection of the rights of persons with disabilities in the areas of education, health care, and employment. Reliable information about the treatment of persons with disabilities in Transnistria was unavailable.

### **National/Racial/Ethnic Minorities**

Roma continued to be one of the most vulnerable minority groups in the country and faced a higher risk of marginalization, underrepresentation in political decision-making, and high levels of illiteracy and social prejudice. Roma had lower levels of education, more limited access to health care, and higher rates of unemployment than the general population (see section 7.d.).

While the 2004 census counted 12,271 Roma in the country, independent surveys estimated a total population to be between 15,000 and 28,000. NGOs asserted that government census forms allowed persons to identify with only one ethnic group, and many Roma declined to identify themselves as such.

The literacy level of Roma was well below the national average. According to Romani families, both fellow students and teachers subjected their children to discrimination. Authorities lacked an effective mechanism to address vulnerable families whose children did not attend school.

Approximately 60 percent of Romani families lived in rural areas. Some Romani communities lacked running water, sanitation facilities, and heating. Other problems facing Roma included lack of emergency health-care services in secluded 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. The unemployment rate for Roma was 29 percent, compared with 6.7 percent for the non-Romani population. There were only three Roma elected to councils in the local public administration.

The government established local government mediators in Romani communities in 2013. These mediators acted as intermediaries between the Romani community and local public authorities, mediated disputes, and facilitated the community's access to public services. Romani NGOs reported insufficient or nonexistent funding for community mediators and reluctance by mayors to employ Romani

community mediators in many rural areas. As of September, there were 13 officially hired Roma community mediators, two of them part time. During the year the government failed to take measures to combat discrimination against Roma or to ensure the effective participation of Romani women in public life.

In June the UN special rapporteur on minority issues, Rita Izsak-Ndiaye, noted economic, social, and political marginalization of Roma as well as instances of discrimination and xenophobia against Romani communities. Drop-out rates for Romani students were significantly higher than the national average, Roma often did not have proper identity documents, and Romani representatives expressed their concern that Roma were largely absent from decision-making processes and in public life.

In Transnistria, authorities continued to intimidate parents, students, and the administration of schools that used Latin script. The region's authorities requested a power of attorney from both parents in order to allow their children to cross checkpoints at the administrative border. Parents and school administration considered this an abuse of the free movement and an obstacle for children who wanted to study in their native language.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits employment discrimination based on sexual orientation. Societal discrimination based on sexual orientation and gender identity continued during the year.

During the year the NGO Genderdoc-M reported 47 cases of discrimination, incidents, and crimes based on sexual orientation. It also reported that courts examined nine cases of violations of the rights of LGBTI persons, including homophobic bias, hate crimes, discrimination, and on the issuance of identity documents for transgender persons.

Gay men were often victims of discrimination, but verbal and physical abuse against lesbians was also reported. In most cases, police officers were reluctant to open cases against the perpetrators.

In June 2015, a man beat his lesbian neighbor. The perpetrator allegedly stated that persons like her did not deserve to live and claimed that, even if he beat her, authorities would not hold him accountable. The victim filed a complaint with law

enforcement officials, who refused to accept it. According to Genderdoc-M, the intervention of the victim's lawyer compelled police to accept the complaint. When the victim returned home, the neighbor assaulted her again. Police responded and detained the perpetrator. The court ordered the perpetrator to pay a fine of 8,000 lei (\$400) and moral damages amounting to 5,200 lei (\$260).

Genderdoc-M reported multiple cases of verbal and physical assaults against LGBTI individuals during the year. On March 7, unknown individuals attacked a gay man with an air gun in his apartment. The victim survived what he claimed was an attempted murder and alerted police, who launched an investigation.

Genderdoc-M reported that eight cases of discrimination based on sexual orientation or gender identity were under examination at the ECHR during the year. In most cases, LGBTI individuals complained of hate speech perpetrated by religious and political leaders.

Civil society organizations reported that transgender individuals were unable to change identity documents during or following gender reassignment and that they experienced employment discrimination (see section 7.d.).

On May 22, more than 300 individuals attended the fourth officially sanctioned march for the rights of LGBTI persons in central Chisinau. The march, held under the slogan "No Fear," gathered both LGBTI and non-LGBTI attendees, who marched five blocks. Law enforcement officials shortened the initial route due to a counterdemonstration organized by Orthodox groups. Counterdemonstrators tried to break the police cordon and threw eggs at the marchers. Police were able to prevent clashes and serious incidents.

While authorities allowed individuals to change their names (e.g., from a male to a female name), the government did not allow persons to change the gender listed on their identity cards or passports. During the year the courts examined two cases involving requests to change identification documents filed by transgender individuals.

In Transnistria, consensual same-sex activity is illegal, and LGBTI persons were subjected to official as well as societal discrimination. A high school student from Bender was forced to leave school following harassment from peers and teachers based on his sexual orientation. Following the incident, the student's parents tried to place him in a psychiatric hospital. The student was subsequently able to flee the Transnistrian region and moved to Chisinau.

In October a photographer from Tiraspol attempted to display a photo exhibit on the LGBTI community. The local security service (the “KGB”) visited the photographer, threatened her, and banned her from showing the exhibit.

### **HIV and AIDS Social Stigma**

Persons living with HIV continued to face societal and official discrimination. In the most recent demographic and health survey for the country (2005), 89 percent of women and 90.3 percent of men reported discriminatory attitudes towards persons living with HIV/AIDS. A study on equality perceptions and attitudes in the country conducted in 2015 by the Council to Prevent and Combat Discrimination and Ensure Equality and the Office of the UN High Commissioner for Human Rights reported that persons living with HIV/AIDS represented the second most stigmatized group in the country after members of the LGBTI community. According to the study, persons with HIV were mostly perceived negatively, labeled as “leading a disordered sexual life,” and frequently associated with drug users.

The law prohibits hospitals and other health institutions from denying admission or access to health care services or requesting additional fees from persons with HIV or suspected of being HIV-positive. The Moldovan Institute for Human Rights and UN human rights advisor representatives reported instances where health care institutions refused to provide appropriate medical treatment and discriminated against HIV-positive patients because of their status.

Hospitals disclosed HIV status without consent to persons not entitled to have such information.

During the year there were reports of several cases of HIV-positive children forced to leave school after medical professionals violated patient confidentiality laws and divulged their HIV status to their educational institution.

## **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, bargain collectively, and conduct legal strikes. The government generally respected these rights with limitations. The law prohibits antiunion discrimination but does not



provide for the reinstatement of workers fired for union activity. Restrictions in the law specifically forbid police and members of the armed forces from joining unions. The law does not allow government workers and workers in essential services, such as law enforcement, health-care providers, and public utility employees, to strike. The law prohibits strikes during natural disasters, epidemics, and pandemics as well as in times of state emergency. Authorities may impose compulsory arbitration at the request of one party to a dispute. There are no particular groups of workers excluded from or covered differently by relevant legal protections. The labor code provides for freedom of association and collective bargaining.

The government established a relatively effective mechanism to enforce applicable laws through the State Labor Inspectorate (SLI) within the Ministry of Labor, Social Protection, and Family and the Prosecutor General's Office that have responsibility for enforcing provisions of the labor law. It failed, however, to monitor and enforce the right to collective bargaining and to organize effectively. The law does not provide effective sanctions for violations of freedom of association or stipulate penalties for violating trade union rights.

Under the law, the deliberate failure to negotiate and amend collective agreements or the violation of the negotiated terms is punishable by a fine of 1,000 to 1,500 lei (\$50 to \$75). An employer's groundless refusal to sign a collective labor agreement is punishable by a fine of 2,000 to 2,500 lei (\$100 to \$125). The law mandates fines of 2,000 to 3,500 lei (\$100 to \$175) for violation of workers' rights to form or join trade unions.

Resources, inspections, and remediation were generally inadequate, mostly due to parliament's adoption of a law in March that banned state control activities, including those provided by the SLI.

The labor code requires the inspectorate to collaborate with other institutions, including business organizations/patronages and trade unions. The methods of cooperation are established through agreement between parties. According to the SLI and the National Trade Union Confederation (NTUC) of Moldova, no cases of infringement of the right to organize and bargain collectively were registered during the year. According to NTUC, however, private businesses and companies with foreign investments frequently opposed their employees' right to organize and bargain collectively. NTUC maintained that there was little cooperation between the Prosecutor General's Office and trade unions. NTUC leadership believed that the office was affiliated with powerful business interests.

While NTUC does not have a legal right to enforce the law, it regularly consulted employers and employees on the application of labor laws, negotiated employer compliance, and advanced worker rights. From January to June, NTUC visited 301 companies and 31,373 employees (including 27,780 trade unions members) and documented 4,647 violations, including 3,678 health and safety standard infringements and 981 labor law infringements. NTUC submitted information about these violations to the SLI. In addition, the NTUC labor inspectorate had two joint activities with the SLI requested by trade union members.

The government and employers generally respected freedom of association and the right to collective bargaining. Worker organizations were independent of the government, political parties, employers, or employers' associations. While there were no reports that the government, political parties, or employers interfered in the functioning of workers' organizations, some employers resisted the creation of new unions. Prosecutors may reject appeals by trade unions alleging antiunion behavior, and authorities did not punish alleged violations of the trade union law during the year. Workers exercised the right to strike by conducting legal strikes during the year. Employees of the state-owned railroad company protested repeatedly during the year against salary arrears, which amounted to 80 million lei (\$4 million) in August and increased to 130 million lei (\$6.5 million) by October.

#### **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 in the event of a national disaster, and to employ such labor to develop the national economy. The government did not invoke this provision during the year. Penalties for persons who engage workers in forced labor range from two to 15 years' imprisonment and were sufficiently stringent to deter violations but were seldom imposed.

The government did not effectively enforce the law. Resources, inspections, and remediation for forced labor were generally inadequate. Men and women were subjected to labor trafficking to Russia, Turkey, Cyprus, and the United Arab Emirates. Internal trafficking concerned all regions of the country. Internal labor trafficking was focused mostly on farms and begging in larger cities.

Internal trafficking for begging and labor exploitation was steadily on the rise. NGOs and shelters that housed and provided services to trafficked victims reported

cases of domestic trafficking. Official complicity in trafficking continued to be a significant problem in the country. The government attempted to curb complicity by prosecuting those involved. Only low-level officials, such as the social housing coordinator from Cahul and several police officers from Chisinau, were prosecuted, however.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment is 16. The law permits juveniles between the ages of 16 and 18 to work under special conditions, including shorter workdays (35 work hours per week), but prohibits their working nights, weekends, holiday shifts, or overtime. With written permission from a parent or guardian, 15-year-old children may work. Work for children who are 15 or 16 should not exceed 24 hours per week. Children under 18 are not allowed to perform hazardous and dangerous activities in 30 industries, including construction, agriculture, food processing, and textiles. The law prohibits the worst forms of child labor and provides for three to 15 years' imprisonment for persons engaging children in such activities. Under aggravated circumstances, courts can increase the sentence to life imprisonment.

Authorities did not effectively enforce legal protections, and child labor remained a problem. Crimes involving the worst forms of child labor carried a punishment of six to 10 years' imprisonment for forced labor and a fine of 100,000 to 175,000 lei (\$5,000 to \$8,750). Crimes committed by a group of offenders that cause serious bodily harm or death carry a prison term of seven to 15 years and fines of 125,000 and 200,000 lei (\$6,250 to \$10,000). Trafficking in children and involvement in child labor are punishable by 10 to 12 years' imprisonment and fines of 200,000 to 300,000 lei (\$10,000 to \$15,000). In cases with aggravating circumstances, the law provides for 15 years' imprisonment and a fine of 300,000 to 400,000 lei (\$15,000 to \$20,000). For repeat offenders, groups of offenders, or involvement of children under the age of 14, penalties may include life sentences and fines of 400,000 to 500,000 lei (\$20,000 to \$25,000).

Child prostitution is punishable by three to seven years imprisonment. Child pornography is punishable by one to three years imprisonment and fines of 150,000 to 250,000 lei (\$7,500 to \$10,000). Engaging minors in illegal activities is punishable by up to seven years imprisonment or a fine of 27,500 to 52,500 lei

(\$1,380 to \$2,630). Engaging minors in illicit use of drugs, medicines, or other substances with intoxicating effects is punishable by up to six years in prison or a fine of 27,500 to 52,500 lei (\$1,380 to \$2,630).

Violation of labor laws, health protection, and labor safety with respect to children carries a fine of 6,000 to 7,500 lei (\$300 to \$375) for individuals, 12,500 to 17,500 lei (\$625 to \$875) for an official, and 20,000 to 24,000 lei (\$1,000-\$1,200) for legal entities. Subjecting minors to jobs posing a danger to life and health is punishable by a fine of 5,000 to 7,500 lei (\$250 to \$375) for individuals, 12,500 to 20,000 lei (\$625 to \$1,000) for an official, and 20,000 to 25,000 lei (\$1,000 to \$1,250) for legal entities.

According to government officials, penalties for crimes involving the worst forms of child labor were sufficient to deter violations. Parents who owned or worked on farms often sent children to work in fields or to find other employment. According to government data, 24.3 percent of children between the ages of five and 14 and 4.6 percent of teenagers between the ages of 15 and 17 fell into the category of child laborers. The vast majority of child laborers worked in family businesses or on family farms.

Children were subjected to trafficking in the country for labor, begging, and sexual exploitation.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect for Employment and Occupation**

The law prohibits discrimination based on sex, age, race, color, nationality, religion, political opinion, social origin, residence, disability, HIV-positive status, and membership or activity in trade unions as well as other criteria unrelated to the professional qualities, such as sexual orientation. The law requires employers to provide for equal opportunity and treatment of all employees without discrimination, to apply the same criteria to assess each employee's work, and to provide for equal conditions for men and women relating to work and family obligations. The law defines and prohibits both direct and indirect discrimination as well as the worst forms of discrimination, which include discrimination based on two or more protected grounds. The law also provides for a Council to Prevent and Combat Discrimination and Ensure Equality responsible for reviewing

complaints of discrimination and making recommendations. The government did not effectively enforce the law.

The law provides fines for violations of 5,000 to 22,500 lei (\$250 to \$1,130), which was considered sufficient to deter violations.

Discrimination in employment and occupation occurred with respect to gender, disability, minority status, sexual orientation, gender identity, and HIV-positive status. NTUC reported frequent cases of employers denying employment to pregnant women, since such employment was associated with additional benefits payable after the childbirth. University or college graduates were frequently denied employment because of an alleged lack of experience.

#### **e. Acceptable Conditions of Work**

There are separate minimum wages for the public and private sectors. In May the government set the minimum monthly wage for the private sector at 2,100 lei (\$105) per month (based on average 169 work hours per month), while the minimum monthly wage for public sector employees remained unchanged at 1,000 lei (\$50). According to official data, the minimum monthly subsistence level was 1,814 lei (\$91) in the first half of the year. According to NTUC, as of September, salary arrears were more than 139.5 million lei (\$7 million), including over 78 million lei (\$3.9 million) owed by the state companies to 11,265 employees; 55 million lei (\$2.8 million) owed by private companies to 5,283 employees; over 5.6 million lei (\$280,000) by municipal companies to 1,114 employees, and 181,000 lei (\$9,050) owed by public institutions to 152 employees. The law sets the maximum workweek at 40 hours with extra compensation for overtime, provides for at least one day off per week, and mandates paid annual leave of at least 28 calendar days (government holidays excluded). Different paid leave plans may be used in some sectors of the economy, such as education, health care, and public service. The law prohibits excessive compulsory overtime. Foreign and migrant workers have the same legal status as domestic workers.

The government sets occupational safety and health (OSH) standards and updated them during the year. According to labor law, workers can remove themselves from situations that endanger their health or safety without jeopardy to their employment.

The labor code requires work contracts for employment. Employers must register these contracts with local officials, with copies sent to the local labor inspectorates.

Through August, the SLI reported 98 persons were employed at 47 enterprises without proper documents, including 27 women and 11 minors. There were no reports of work contracts in the agricultural sector, where the central government did not have an effective mechanism to monitor compliance.

The government generally enforced requirements for minimum wage, hours of work, and occupational health and safety standards in the formal sector but not in the informal sector. The law requires the government to establish and monitor safety standards in the workplace, and the SLI was responsible for monitoring and enforcement of compliance with labor legislation. In August, however, parliament adopted a law that delegated the functions of OSH standards enforcement to the Public Health Agency under the Ministry of Health. The inspectorate had 109 labor inspectors, 22 of whom worked in the central office and 87 in 10 regional branches. Between January and October, the office performed 3,606 inspections, 1,711 of which were health and safety inspections and 1,895 of which involved labor relations/legislation. The office inspected 2,971 companies (enterprises, institutions, and organizations in the public sector) employing more than 121,300 persons, including 75,300 women and 19 minors. It documented 36,716 infringements, including 17,365 of health and safety standards and 19,351 of labor laws. The SLI sent 148 protocols of administrative offenses to the courts, of which 112 were examined, resulting in penalties amounting to 308,200 lei (\$15,400). Starting in November, penalties for violations ranged from 5,000 to 24,000 lei (\$250 to \$1,200), but were insufficient to deter violations. In addition, inspections decreased in number and effectiveness due to parliament's adoption of a law banning state controls in March, including SLI planned and unplanned inspections. The ban was lifted in October.

A thriving informal economy accounted for a significant portion of the country's economic activity. According to the most recent available data, in 2013 the informal economy represented 23.1 percent of the country's GDP. According to the International Labor Organization, 30.9 percent of the total employed population had an informal job and 68.7 percent of those jobs were in the agricultural sector. Workers in the informal economy did not have the same legal protections as employees in the formal sector. The SLI reported 123 persons working in the formal sector without proper documentation, including 38 women and 14 minors. The SLI sent 62 protocols on administrative offenses to the courts and reported that 24 persons had their rights restored. There were no government social programs targeting workers in the informal economy.

Poor economic conditions led enterprises to spend less on safety equipment and to pay insufficient attention to worker safety. During the first seven months of year, the Ministry of Labor, Social Protection, and Family reported 252 accidents at work. The SLI investigated 63 accidents, while special committees at the respective companies investigated other cases. State inspectors finalized the investigations in 13 cases that resulted in 15 deaths and seven accidents that severely injured nine employees. Twenty accidents remained under investigation, including nine that resulted in deaths. In 2015 SLI inspectors investigated 130 out of 411 reported cases of accidents. Enterprise committees investigated the other 281 cases. A large number of incidents occurred in the processing industry (17 severe accidents and five deaths), construction works (six severe accidents and seven deaths), and agriculture and forestry (three severe accidents and seven deaths). The most common causes for injuries and deaths were falling from heights, jammed fingers, and impact or crushing by equipment.