

# Moldova

by Stanislav Secieru

*Capital:* Chişinău  
*Population:* 3.6 million  
*GNI/capita, PPP:* US\$3,640

Source: The data above are drawn from the World Bank's *World Development Indicators 2013*.

## Nations in Transit Ratings and Averaged Scores

|                                     | 2004        | 2005        | 2006        | 2007        | 2008        | 2009        | 2010        | 2011        | 2012        | 2013        |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Electoral Process                   | 4.00        | 4.00        | 3.75        | 3.75        | 3.75        | 4.00        | 4.25        | 4.00        | 4.00        | 4.00        |
| Civil Society                       | 4.00        | 4.00        | 4.00        | 3.75        | 3.75        | 3.75        | 3.50        | 3.25        | 3.25        | 3.25        |
| Independent Media Governance*       | 5.50        | 5.00        | 5.00        | 5.25        | 5.50        | 5.75        | 5.75        | 5.50        | 5.00        | 5.00        |
| National Democratic Governance      | n/a         | 5.75        | 5.75        | 5.75        | 5.75        | 5.75        | 6.00        | 5.75        | 5.75        | 5.50        |
| Local Democratic Governance         | n/a         | 5.75        | 5.75        | 5.75        | 5.75        | 5.75        | 5.75        | 5.75        | 5.75        | 5.75        |
| Judicial Framework and Independence | 4.50        | 4.75        | 4.50        | 4.50        | 4.50        | 4.50        | 4.75        | 4.50        | 4.50        | 4.50        |
| Corruption                          | 6.25        | 6.25        | 6.00        | 6.00        | 6.00        | 6.00        | 6.00        | 6.00        | 6.00        | 5.75        |
| <b>Democracy Score</b>              | <b>4.88</b> | <b>5.07</b> | <b>4.96</b> | <b>4.96</b> | <b>5.00</b> | <b>5.07</b> | <b>5.14</b> | <b>4.96</b> | <b>4.89</b> | <b>4.79</b> |

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

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

## EXECUTIVE SUMMARY

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In 2012, Moldova broke out of a lengthy political stalemate by successfully electing a president for the first time since 2009, when four parties joined forces into the Alliance for European Integration (AIE) and pushed the Communist Party into the opposition. Moldova has been governed since that time by the AIE, but the formal power transition remained incomplete—the ruling coalition could not muster enough parliamentary votes to elect a head of state. In 2012, the AIE managed to enlist the support of parliament members who broke with the Communist Party, and the crisis came to an end. As a result, the government was able to turn its attention back to crucial reforms and diplomatic engagements that had languished during the protracted political deadlock.

In 2012 the government continued to make headway in negotiations with the European Union (EU) on a new bilateral treaty and advanced to the second stage of an action plan to establish a visa-free regime with the EU. Although it has moved relatively quickly on this front, Moldova is still struggling to build its institutional capacities and effectively implement legislation, both of which will be critical to the success of European integration. Early efforts made in 2012 toward reforming the judiciary and fighting entrenched corruption are important steps down that path. Some inroads were made at the “5+2” talks on resolution of the Transnistrian conflict, but this forward momentum is far from irreversible.

**National Democratic Governance.** The election in 2012 of a new head of state removed an obstacle that had hampered effective governance for the preceding three years. Though the parliamentary opposition refused to recognize the results of the vote, the election reduced dissent within the ruling alliance and helped to remobilize delayed reforms. Moldova registered progress toward European integration during the year, opening negotiations on a Deep and Comprehensive Free Trade Area (DCFTA) and finalizing the first phase of a Visa Liberalization Action Plan with the EU. The government’s policy of “small steps” toward Transnistria significantly intensified direct dialogue between the two sides and yielded some concrete improvements in their relationship, though this forward momentum began to stall by the end of the year. *Moldova’s democratic governance rating improves from 5.75 to 5.50.*

**Electoral Process.** The election of President Nicolae Timofti was saluted by the international community and validated by Moldova’s Constitutional Court. Although the successful vote put an end to the political crisis, the constitution still needs changes in order to reduce the risk of the a similar political crisis in the future. The governing coalition formed a working group for constitutional modifications,

though without support from the opposition it will be difficult to pass constitutional amendments. In the Autonomous Territorial Unit of Gagauzia, authorities failed to enact improvements to electoral legislation in time for elections to the local popular assembly. The elections were held after some delay; though election monitors noted no major irregularities, the local Central Election Commission validated the results. *Moldova's electoral process rating remains unchanged at 4.00.*

**Civil Society.** In 2012 the parliament approved a document intended to boost the influence and financial sustainability of civil society organizations. Besides permanent participation in government meetings via the National Council for Participation, established in 2010, the civil sector is now represented in the Antidiscrimination Council and the National Integrity Commission. The civil sector was active throughout 2012 in monitoring the government's policies and was involved in the process of drafting legislation. The civil sector continued a campaign to improve its public image and work more closely with citizens. Though civil society is assuming an enhanced institutional role in monitoring antidiscrimination and anticorruption activities, its impact on government decisions is still limited. *Moldova's civil society rating remains unchanged at 3.25.*

**Independent Media.** In 2012, the mass media continued to report on corruption, reforms, and European integration. The Moldovan media market is characterized by a diversity of opinions and news formats; the internet's role as an alternative source of information has expanded significantly. Progress toward reorganizing the state-owned TeleRadio-Moldova stalled in 2012, and work in the parliament on the new Broadcasting Code progressed slowly. The pro-communist television station NIT TV had its license revoked in April; although independent media watchdogs do not question the station's systematic violations of law, political and economic motivations for this decision cannot be ruled out. *Moldova's independent media rating remains unchanged at 5.00.*

**Local Democratic Governance.** Several cases in 2012 demonstrated that local administrations are still plagued by corruption and lack of transparency. The national government approved a strategy designed to boost the autonomy of local authorities, pushing back against a trend toward overcentralization. However, the decentralization process became politicized as the opposition projected its conflict with the ruling coalition onto the local level, pushing for a referendum to expand the autonomy of the city of Bălți, one of its major power bases. Several other cities subsequently demanded a similar upgrade to municipality status, a process the central government promised to support. Owing to politicization and limited progress of the decentralization process, *Moldova's local democratic governance rating remains unchanged at 5.75.*

**Judicial Framework and Independence.** In 2012 Moldova continued to implement its judicial reform strategy. The parliament passed laws targeting court

organization, court proceedings, magistrates' self-administration, and judicial immunity. Another package of bills related to the justice sector awaits finalization and approval by the government. In the meantime, however, the justice system continues to exhibit political influence, abuse of authority, corruption, and inconsistent interpretation of legislation. For these reasons it still scores low in public opinion polls. Pending tangible results of recent legislative activity, *Moldova's judicial framework and independence rating remains unchanged at 4.50.*

**Corruption.** Driven by diplomatic incentives and burgeoning political will, Moldova began addressing corruption in a more systematic way in 2012. A new minister of internal affairs pushed aggressively to modernize the police and tackle abuses and corruption among police officers. Legislators also approved drastic reforms of the country's main anticorruption agency with the aim of making it efficient, independent, and apolitical. The executive branch strove to reduce red tape through the use of e-governance, though governmental websites still fall short of international standards for transparency. More time and bold political will are required to produce far-reaching impact. Due to important first steps after a period of relative stagnation vis-à-vis anticorruption reform, *Moldova's corruption rating improves from 6.00 to 5.75.*

**Outlook for 2013.** Free from the threat of early general elections, in 2013 the government will likely focus on accomplishing major European integration objectives—namely, the conclusion of the Association Agreement, the DCFTA, and visa liberalization. The year 2013 will also bring tests of the political will to fight corruption, reform the justice system, and improve the investment climate. In the second half of 2013, Russia will likely pressure Chișinău regarding negotiations on the new long-term gas delivery and transit contract, with the aim of derailing Moldova's push for European integration. Moldova will be more vulnerable to pressure as the economy struggles to recover from significant growth slowdown in 2012. The unreformed PCRM, which was in power for 8 years before AIE, will continue its painful readjustment to political opposition status, and will probably lose several more deputies in the parliament. As a result, the restructuring of the center-left and left political flank in Moldova will continue. Not least, the "5+2" talks will likely determine whether the positive momentum established in 2012 toward resolving the conflict with Transnistria can be sustained or whether the reconciliation process will hit a wall.

# MAIN REPORT

## National Democratic Governance

| 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|------|------|------|------|------|------|------|------|------|------|
| n/a  | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 | 6.00 | 5.75 | 5.75 | 5.50 |

After a 917-day political crisis, on 16 March 2012 the Moldovan parliament finally elected a new head of state. The election of former Supreme Council of Magistrates (CSM) head Nicolae Timofti as president averted the dissolution of the parliament and what would have been the third set of early general elections since 2009. The successful vote also eliminated a major source of discord inside the ruling Alliance for European Integration (AIE), as all members of the alliance seem to find President Timofti—who does not have an established political powerbase or strong ties to any one party—relatively nonthreatening. With the next general elections scheduled for no earlier than 2014, the ruling coalition operated in a more stable political environment for the rest of the year and was able to resume focus on governance reforms.

Between February and June 2012, the Communist Party of the Republic of Moldova (PCRM) boycotted parliamentary proceedings, claiming that the legislative body had lost its legitimacy and early elections were needed. In the run-up to the presidential elections and on voting day, the PCRM organized public protests, which proceeded peacefully under police monitoring. The PCRM faction continued to shrink: its representation in the parliament diminished to 34 mandates, down from the 42 mandates it won in the November 2010 elections. The party's strategy was further challenged by the Constitutional Court's decision to recognize the parliament's right to cut the salaries of deputies who are missing for political reasons from plenary or committee sessions.<sup>1</sup> In June, the PCRM resumed its participation in parliamentary sessions. To recover after the defeat of the boycott strategy, the party began actively championing the idea of joining the Customs Union of Belarus, Kazakhstan, and Russia, even though it had advocated for European integration while in power.

During 2012, Moldova continued to make progress toward European integration. In March, the European Union (EU) initiated negotiations on the Deep and Comprehensive Free Trade Area (DCFTA), with four rounds taking place by the end of the year. By July, the parliament had approved several laws (e.g., the Law on Competition and the Law on State Aid) designed to make Moldova compatible with EU Common Market rules. In June, Moldova signed an EU Common Aviation Area agreement and fulfilled the first phase of the Visa Liberalization Action Plan.<sup>2</sup> In line with the “more for more” principle, the EU rewarded Moldova in 2012 with an extra €28 million for progress, making it the top recipient of EU aid per capita (€41) in the European neighborhood.<sup>3</sup> Two landmark visits to Moldova in 2012,

by German chancellor Angela Merkel and European Commission president José Manuel Barroso, increased positive momentum in EU-Moldova relations.

Exacerbated by a recent drought and contraction of external demand, the growth of Moldova's economy declined from 6.4 percent in 2011 to -0.8 percent in 2012.<sup>4</sup> The EU's financial assistance will therefore be crucial to maintaining Moldova's macroeconomic stability and sustaining some costly reforms related to the DCFTA. The harassment of foreign investors by Moldovan tax authorities (e.g., the German automotive company Dräxlmaier, which withdrew from a planned €15 million investment to build a factory in Bălți) indicates that Moldova must improve its investment climate. External factors could hinder reforms as well. In a new gas contract negotiated since late 2011, Russia explicitly linked price discounts to Moldova's withdrawal from the European Energy Community, an action that would prevent Moldova from implementing the EU's Third Energy Package.<sup>5</sup> To pacify Russia, Moldova ratified the Commonwealth of Independent States free trade area (CIS FTA) agreement; however, the agreement does not counter the provisions of the DCFTA with the EU. Ultimately, Moldova managed to secure another extension of the existing gas contract, now due to expire at the end of 2013.

Negotiations with the breakaway region of Transnistria, relaunched in 2011 after a five-year hiatus, gained momentum in 2012, facilitated by the first power transition in Tiraspol in 20 years. The new head of the region, Yevgeny Shevchuk, moved to consolidate power, improve the economy, and foster businesslike relations with Chișinău. In 2012 there were eight formal and informal high-level meetings between the leaders of Moldova and Transnistria, with both sides agreeing on principles and procedures for negotiations as well as an agenda organized around socioeconomic, humanitarian/legal, and political issues. As a result of bilateral and multilateral talks in the "5+2" format—so named for the five negotiating parties (Moldova and Transnistria, with mediators Russia, Ukraine, and the Organization for Security and Cooperation in Europe) and two observers (the EU and the United States)—freight rail traffic through Transnistria was resumed, and two mixed customs posts were created to serve it; a Transnistrian representative joined the DCFTA talks as an observer; and both sides agreed to improve the procedure of nostrification (recognition) of Transnistrian diplomas in Moldova. Other issues discussed in 2012, but not yet resolved include the total resumption of passenger rail traffic across Transnistria; the reopening of Gura Bicului Bridge across the Dniester; the reestablishment of landline and mobile phone connections; cooperation in the banking sector; the activity of Romanian-language schools in Transnistria; and transportation licenses and vehicle registration plates issued by Tiraspol. To support the settlement process, the EU earmarked €12 million for confidence-building measures for the 2012–15 period and dropped the travel ban imposed in 2003 against Transnistrian leadership.<sup>6</sup> In late 2012, the EU pledged to allocate another €28 million for additional, trust-building projects.<sup>7</sup>

In September Transnistria's decision to reintroduce a customs duty for certain products imported from Moldova served as a reminder that progress in the negotiations is not irreversible. Likewise, Russia's unauthorized introduction of

weapons in the security zone between Moldova and Transnistria,<sup>8</sup> as well as renewed demands to open a Russian consulate in Tiraspol, raised serious doubts about Russia's willingness to constructively engage in the conflict resolution process.

### Electoral Process

| 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|------|------|------|------|------|------|------|------|------|------|
| 4.00 | 4.00 | 3.75 | 3.75 | 3.75 | 4.00 | 4.25 | 4.00 | 4.00 | 4.00 |

The ruling AIE coalition, which holds 58 mandates in Moldova's 101-member legislative body, is composed of three political parties: the Liberal Democratic Party of Moldova (PLDM), the Liberal Party (PL), and the Democratic Party (PD). The election of a head of state, attempted 5 times since 2009, requires at least 61 votes, and therefore became possible only after intense negotiations with three parliament members who left the communist faction in November 2011 and formed the Socialists Group (GS). From its inception, the GS had insisted on its own candidate for the presidency, Zinaida Greceanii, but in March 2012 it finally agreed to vote for Nicolae Timofti, an independent candidate proposed by the AIE. Independent parliament member Mihai Godea, who broke with the PLDM in May 2011, also supported Timofti's candidacy, giving him a total of 62 votes. The PCRM did not recognize the legitimacy of the new president and challenged the elections in the Constitutional Court, but the court validated the elections. Timofti's election was welcomed by the Council of Europe (CoE) and the EU. Public opinion polls reveal that 49 percent of citizens believe that Timofti's election was legal, while 24 percent disagree.<sup>9</sup>

The recent political stalemate may be over, but constitutional provisions still do not provide any mechanism for avoiding repeating cycles of early elections and parliamentary dissolution in cases where at least 61 members of parliament cannot agree on a president. In 2011, in response to a request from Moldova's Constitutional Court, the CoE's Venice Commission recommended an amendment such that after two failed attempts to elect a president with a qualified majority and one subsequent parliamentary dissolution, the head of state would be elected with a relative majority. It also recommended adopting an organic law that would eliminate ambiguities in the election procedures.<sup>10</sup> There is no consensus within the ruling alliance on whether the president should be elected by the parliament or directly by citizens. According to opinion polls, 87 percent of citizens advocate direct presidential elections.<sup>11</sup> In the 1990s, Moldova elected presidents by popular vote under a semi-presidential model, but the president's drive to monopolize the wider powers he enjoyed under this system triggered constitutional amendments in 2000 that empowered the parliament to elect the head of state and limited the influence of the office.

In June 2012, the AIE formed a working group to discuss a potential amendment to Article 78, which regulates election of the president, as well as numerous other changes the coalition says are necessary in order to bring Moldova's constitution

into alignment with EU norms and eliminate contradictions between existing constitutional provisions.<sup>12</sup> However, without the 71 votes required to amend the constitution—and with little hope or interest in dialogue with the political opposition—AIE can only enact these changes through a parliamentary vote if more MPs desert the PCRM. Another option is to amend the constitution via popular referendum, but this has rarely succeeded in the past (a constitutional referendum organized by the governing coalition in 2010 failed due to low turnout). It is highly unlikely that the coalition will submit constitutional changes for popular approval unless the minimum participation threshold is lowered.

Two initiatives proposing specific changes to electoral process received attention in 2012. In February, the deputy speaker of the parliament, Vlad Plahotniuc (PD), announced an initiative to replace Moldova's current closed-list, proportional representation voting system with a uninominal one. The initiative made little headway during the year, as both political parties and the general public are divided on the issue. An opinion poll shows that 32 percent of respondents favor a proportional voting system, 30 percent favor a uninominal system, and 23 percent support a mixed voting system.<sup>13</sup> The second initiative came from the Central Election Commission, working in close cooperation with civil society groups, which finalized and submitted a bill to amend seven laws related to political parties and campaign financing. The draft proposes allocating 0.2 percent of the state budget to financing political parties,<sup>14</sup> lowers limits for private donations, and introduces other changes intended to increase accountability and transparency in management of party funds.<sup>15</sup> It remains to be seen whether the project will gain parliamentary support in 2013.

In September 2012, the Autonomous Territorial Unit of Gagauzia held elections to its 35-seat local legislative assembly. In late 2011, the Organization for Security and Cooperation in Europe (OSCE) Mission to Moldova and the Chişinău-based nongovernmental organization (NGO) Association for Participatory Democracy (ADEPT) jointly drafted amendments to local electoral legislation designed to remove irregularities identified during previous campaigns;<sup>16</sup> however, local authorities were unable to push through changes before the elections. Because of a conflict between the local executive and legislative branches over the formation of Gagauzia's Central Election Commission, elections were delayed by more than a month, in violation of local legislation.<sup>17</sup>

Elections to the legislative assembly are organized into 35 single-member constituencies. After two rounds of voting on 9 and 23 September, 35 deputies were elected: 25 independent candidates, 7 from the PCRM, 2 from the PLDM, and 1 from the Socialist Party of the Republic of Moldova (PSRM). The PLDM and the PSRM were newcomers; the PCRM lost 3 seats. Most of the self-proclaimed independent deputies belong to two civic platforms—United Gagauzia, headed by Gagauzia governor Mihail Formuzal, and New Gagauzia, headed by the mayor of Comrat, Nicolae Dudoglo.<sup>18</sup> The newly established Central Election Commission validated the results of the elections. Local monitors positively evaluated the voting process and results calculation, but noted irregularities concerning the secrecy of



the vote, overcrowded polling stations, a large number of requests to vote at home, and campaign posters near voting stations.<sup>19</sup> After the elections, key local players sought a political foothold at a national level: Governor Formuzal, who established the Party of Regions in 2011, confirmed his party's plans to run in the next national general elections, while Mayor Dudoglo merged his civic movement with the PD.

#### Civil Society

| 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|------|------|------|------|------|------|------|------|------|------|
| 4.00 | 4.00 | 4.00 | 3.75 | 3.75 | 3.75 | 3.50 | 3.25 | 3.25 | 3.25 |

The sustainability, legal environment, organizational capacity, and vibrancy of Moldova's civil sector have all improved since 2010, but the impact of NGOs on governance and their ability to mobilize social capital remain limited. Of the 8,200 NGOs registered in Moldova in 2012, only 25 percent were considered active. Geographically, the civil sector is over-concentrated in Chişinău, with 65 percent of NGOs based in the capital.<sup>20</sup> To improve the public image of NGOs and increase their visibility, 50 organizations from across the country gathered to form civil society fairs in the cities of Bălţi and Chişinău in May and September, respectively. Participating NGOs provided information about their activities, engaging in discussions with visitors and inviting them to make donations. Despite these efforts, the civil sector's approval rating improved by only 2 percent compared with 2011.<sup>21</sup>

Through the National Council for Participation, established in 2010, representatives from prominent NGOs attend government meetings in order to formulate opinions on behalf of the civil sector; in 2012, the civil sector expanded its governmental participation through representation in the National Integrity Commission (CNI) and the Antidiscrimination Council. Civil society organizations made several public appeals to the government and the parliament regarding the need to pass or amend laws, reform institutions, or revise strategies. They lobbied against candidates for president of the CNI and director of the National Anticorruption Center who had tarnished professional records. Some of these appeals served to delay decisions or force minor changes in the government's position; others had no effect at all.

Civil society groups also challenged initiatives originating from the political opposition. For example, the National Council for Participation spoke out against a Social Democratic Party initiative to hold a referendum on accession to the Customs Union of Belarus, Kazakhstan, and Russia on grounds that the law prohibits referendums on the fiscal policy of the state, and that the procedure for accession to international organizations should follow a prescribed legal process.<sup>22</sup>

In 2012, the parliament approved the Civil Society Development Strategy for 2012–15, drafted with support from the United States Agency for International Development. The document aims to strengthen civil society's capacity to participate in the formulation of public policies and the monitoring of their

implementation, to improve financing of the civil sector, and to foster civic participation and volunteerism. Among the most important components of this strategy is the opportunity for citizens to direct 2 percent of their taxes toward NGOs of their choice. In the long run, this measure could substantially improve the financial situation of NGOs, which currently relies heavily on foreign donors. The dependence of NGOs on foreign donations has dropped slightly in recent years, from 95 percent in 2010 to 87 percent in 2011.<sup>23</sup> Until recently, the government did not provide direct financial support for NGOs.

Transnistria is estimated to host 1,000 NGOs, but only 50 of these are considered functional. Transnistrian NGOs enjoy less freedom than those in Chişinău, because the separatist leadership seeks to control them using security bodies and financial instruments.<sup>24</sup> During “5+2” talks in September, Moldova and Transnistria agreed to establish a joint forum for dialogue between civil society and the mass media in order to boost interaction between representatives of the nongovernmental sector.

The National Confederation of the Trade Unions of Moldova (CNSM) met in June 2012 to reelect its president and discuss challenges facing Moldova’s trade unions. These include weak relations with the government, layoffs, declining membership, workers’ rights, the shadow economy, and the need to raise the minimum wage. The CNSM followed up on its June congress by organizing an employee rights awareness campaign in seven cities in October. That same month, the government accepted the trade unions’ proposal to launch negotiations on a gradual minimum wage increase until 2014.

#### Independent Media

| 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|------|------|------|------|------|------|------|------|------|------|
| 5.00 | 5.00 | 5.00 | 5.25 | 5.50 | 5.75 | 5.75 | 5.50 | 5.00 | 5.00 |

A more competitive media market, faster delivery of news, and a more diverse selection of information sources and opinions have contributed to growing confidence in mass media since 2009. Throughout 2012, the mass media played an important role in uncovering the continuing “raider attacks” on Moldovan financial institutions and maintaining a national focus on the public agenda. They were also active in informing the public about ongoing justice reforms, arrests of corrupt officials, and various facets of EU-Moldova cooperation. There is a mix of private and public media in Moldova, but ownership transparency is still lacking, with many outlets employed to advance the business or political interests of their secretive owners. Delays in adopting a new Broadcasting Code continued in 2012.

In surveys by the Chişinău-based Institute for Public Policies, the percentage of respondents claiming to trust mass media jumped from 58 percent in November 2011 to 75 percent in May 2012—the highest level in a decade.<sup>25</sup> At the same time, confidence in television, traditionally Moldova’s most influential media, decreased. While 81 percent of survey respondents still named television as their

most important source of information, the percentage of people claiming to trust it more than other media dropped from 58.5 percent in 2011 to 32 percent in 2012. Radio retained its position as second-most important source of information (though far behind television, with 32 percent), while experiencing an increase in public trust, from 5.6 percent to 11 percent. Internet use is on the rise in Moldova, with 34 percent of survey respondents claiming to use the internet every day, up from 24 percent in 2010. Twelve percent of survey respondents named the internet as their most trusted information source in 2012, up from 3 percent in 2007; only television ranked higher.<sup>26</sup> The government has not attempted to restrict internet content.

Probable explanations for declining confidence in television relate to the concentration and nontransparency of ownership of television channels, stagnant or diminishing quality of television products, and politically biased reporting at the local and national level. In 2012 the media group Prime—which is apparently owned by Vlad Plahotniuc and which already controls the channels Prime TV and 2 Plus—continued to expand its market share by launching a new channel, Canal 3.<sup>27</sup> Meanwhile, controversy surrounding ownership of the news channel Publika TV persisted. On state-owned TV Moldova 1, the quality of news programs has dropped slightly in several segments, according to the Electronic Press Association from Moldova,<sup>28</sup> though it remains the most popular informational channel. The quality of television programming was also affected by bias. In April 2012, the Broadcasting Coordinating Commission (CCA) withdrew NIT TV's license, citing repeated violations of the law, including failure to ensure plurality of opinions in the news coverage.<sup>29</sup> Allegations of bias of NIT TV were validated by an audio recording of PCRM leader Vladimir Voronin leaked in 2011, the authenticity of which he has confirmed.<sup>30</sup> Problems with partisan television or radio coverage also extended to the local level; in Gagauzia, chairman of TeleRadio Gagauzia (TRG) reportedly attempted to intervene in the editorial policy of a local TV channel and radio station.<sup>31</sup>

The decision to revoke NIT TV's license produced concern among international stakeholders. Local reactions were mixed: some NGOs disapproved of the sanctions but did not consider them illegal, while several journalists and opinion-makers asserted that viewers, not public officials, should decide whether or not a station is worth watching. The management of NIT TV challenged the CCA's decision in the Appeals Court; the trial, which began in July 2012, experienced suspicious delays, and no verdict had been delivered at year's end. Experts believe that although the rationale for sanctions against NIT TV was drawn from current legislation, the sanctions could also be motivated by business interests, as the station held national frequencies covering the entire country, making it very attractive for anyone wanting to set up a new television channel.<sup>32</sup>

The conflict between online news platform Unimedia and minority shareholder Newsmedia Group also drew national attention. Newsmedia Group, which is allegedly controlled by an offshore company, asked in court to exclude one of Unimedia's associates and to annul a decision recognizing that the trademark

for Unimedia belongs to its founders. A complaint to the prosecutor's office also launched a criminal investigation of Unimedia's general manager. As a result, Unimedia's owners claimed to be victims of an organized attempt to forcefully take over their business.<sup>33</sup> In September, ahead of the trial, the Independent Journalism Center and other NGOs released a public appeal to guarantee an equitable process in order to ensure freedom of the press.<sup>34</sup> Several high-profile politicians publicly upheld Unimedia's independence.<sup>35</sup>

In 2012, little headway has been made to restructure the state-owned TeleRadio-Moldova (TRM) into a true public broadcaster. The resignations of the director and the head of the news department at TV Moldova 1 in early 2012 signaled substantial obstacles to implementing the restructuring plan adopted in 2010. After two failed attempts, TRM's supervisory board selected a new director in December. In October, journalists from TRM made a public appeal to the government and the parliament decrying unjustified layoffs and censorship and demanding reform.

The draft of the new Broadcasting Code, finalized in 2011, has made little progress in the parliament. The bill proposes the separation of public television and radio and the introduction of a radio/television tax for citizens and a fee for private channels deducted from their monthly incomes. These provisions would give financial independence to public broadcasters, and are therefore directly linked with the reform of TRM. In July, the parliament passed amendments to the existing Broadcasting Code that redefine the concept of an "autochthon program," introduce the term "product placement," and forbid cable operators to insert advertising spots in programs retransmitted from television channels. In December, the parliament approved a reorganization of the CCA that will substantially boost the institution's administrative capacity.

In the continuing dialogue with Transnistria, progress in the field of mass media was followed by setbacks at the end of 2012. With financial support from the EU and the United Nations Development Programme, Publika TV hosted an intensive training program attended by journalists from both sides of the Dniester. TV Moldova 1 was broadcasted in test mode across Transnistria starting in March 2012, and the two sides held talks on the retransmission of the Transnistrian public channel (TV-PMR) in Moldova. Despite ongoing negotiations, Tiraspol suspended the retransmission of both TV Moldova 1 and Publika TV at the end of the year, citing Moldova's refusal to retransmit the TV-PMR channel.

#### Local Democratic Governance

| 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|------|------|------|------|------|------|------|------|------|------|
| n/a  | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 |

Moldova is divided into regions, towns (municipalities), and villages (communes). Mayors and local councils of towns and villages, elected directly by citizens, represent the first level of self-governance. Regional councils and their presidents—as well as the authorities of Chişinău, the Autonomous Territorial Unit of Gagauzia, and

Transnistria—make up the second level, also elected by popular vote. Transnistria remains outside the control of the Moldovan government as the result of a conflict originating in 1992.

Local authorities enjoy relatively high public support, second only to the church and the media in a mid-2012 survey.<sup>36</sup> However, low salaries make it difficult to recruit qualified candidates to open positions and often force local government employees to look for alternative income. Corruption and lack of transparency are widespread. According to the Central Control Commission, 60 percent of mayors, vice mayors, presidents, and vice presidents of local councils have not submitted declarations of income for 2011.<sup>37</sup> In May 2012, officers of the state's main anticorruption agency, the Center for Combating Economic Crimes and Corruption (CCCEC) detained a lawyer from Chişinău's mayoral office for accepting a bribe.<sup>38</sup> Then, in September, the CCCEC launched a criminal investigation against five public servants from the mayoralty for abuse of office.<sup>39</sup> In another high-profile case, the mayor of the village Bahmut was arrested and charged with the organization of a criminal group that sought to forcefully take over the business enterprise in Chişinău.<sup>40</sup>

Despite the existence of a legal framework for autonomous local self-governance, in practice central authorities maintain the upper hand by controlling the flow of finances. The AIE has long advocated decentralization to improve this situation, but made little progress in this area during the 2009–12 political stalemate. In April, after the successful presidential election, the parliament green-lighted the National Decentralization Strategy (SND), drafted with the assistance of international donors and with input from a broad array of stakeholders from all sectors of Moldovan society. The SND aims to transfer more authority and financial resources to local governments, to increase transparency and accountability, and to empower local communities to address systemic social and political problems.<sup>41</sup>

The protracted conflict between the PCRM and the AIE spilled over to the local level in 2012, affecting implementation of the SND. In July, PCRM local councilors, who have a majority in the Bălţi municipal council voted to hold a referendum on extending the municipality's autonomy. The PCRM leader paid a visit shortly thereafter to show his support, despite the fact that, by law, the extension of autonomy is decided by the national parliament, not by local authorities. Initially, the central government reacted very strongly to this breach of protocol, asking law enforcement bodies to investigate the case. However, after meeting with local authorities and chairing a special central government session in Bălţi, Prime Minister Vlad Filat took a more conciliatory approach, approving amendments that extended Bălţi's autonomy to the second level of self-governance and placed the municipality on the same footing as Chişinău. The amendments were approved in December, rendering the planned referendum moot.

The central government's decision to accommodate the PCRM's demands in Bălţi reenergized the efforts of other local authorities to seek similar expansions to their autonomy. Building bottom-up pressure, working groups comprising representatives of local authorities in the towns of Ungheni, Cahul, Soroca, and Orhei proposed initiatives to gain municipality status for their communities. The

national government promised to support the proposals, as they fit into action plan for SND implementation. If the initiatives are approved, the number of municipalities in Moldova will rise from five (Chişinău, Bălţi, Bender, Comrat, and Tiraspol) to nine. Meanwhile, the PCRM continued to coopt local authorities in its national conflict with the AIE. Through city councils in which it has substantial representation, the PCRM generated requests to the parliament to hold a referendum on Moldova's accession to the Customs Union of Belarus, Kazakhstan, and Russia, hoping to build pressure on the government by demonstrating that European integration runs against the will of local communities.

As Gagauzia geared up for legislative elections in September, local authorities sought to mobilize voters by increasing the volume of certain demands directed at Chişinău. Authorities in Moldova's capital responded by accommodating some of Gagauzia's requests regarding school curricula and also agreed to invest in the modernization of Gagauzia's infrastructure. Meanwhile, despite high-level dialogue and some progress on technical issues in 2012, Chişinău and Tiraspol made no headway on the status of Transnistria within Moldova. The Transnistrian side was reluctant to engage in talks from the so-called "thematic basket" on "security, settlement and institutional issues."

#### Judicial Framework and Independence

| 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|------|------|------|------|------|------|------|------|------|------|
| 4.50 | 4.75 | 4.50 | 4.50 | 4.50 | 4.50 | 4.75 | 4.50 | 4.50 | 4.50 |

Moldova's constitution contains adequate provisions for an independent judiciary, equality before the law, and basic human and civil rights. However, a high level of corruption and political influence continue to present serious problems in the judicial system, and judicial decisions are inadequately enforced. Asked to rank branches of government by level of corruption, 45.7 percent of household representatives in a 2012 Transparency International study ranked the court system first. Among businesspeople, 51.8 percent named the judiciary as the most corrupt branch of government.<sup>42</sup> Throughout 2012, the government dealt mainly with modernizing legislation, with a special focus on court proceedings, organization of the court system, and curbing corruption in the judiciary. Twenty-six percent of survey respondents reported some level of trust in the justice system in 2012; although this figure is low, it represents a substantial increase from 18 percent in 2011.<sup>43</sup>

The Ministry of Justice was the driving force behind judicial reforms in 2012. Its efforts received an additional boost when the CSM, after several failed attempts, managed to elect Mihai Poalelungi, previously Moldova's judge at the European Court of Human Rights (ECHR), as the new head of the Supreme Court of Justice. In 2012, the Ministry of Justice and the Supreme Court proposed several amendments and new laws on the judicial system, all of which were passed by the parliament. As a result, the number of judges at the Supreme Court was cut

from 49 to 33, and the institution was endowed with new powers designed to make judicial practices more uniform. The CSM's powers and composition were reviewed, and the role of the General Assembly of Judges within the magistrates' self-administration system was strengthened. Economic courts were replaced with commercial courts that have narrower, more precise powers. Civil procedure code was amended to streamline trials and prevent unreasonable delays.

One of the most significant legal changes of 2012 introduced new rules for the promotion of judges, which will now be based on triennial performance evaluations. Another key change is the removal of judicial immunity in relation to non-criminal offenses. The prosecutor general no longer needs CSM approval to start criminal proceedings against a judge suspected of corruption, and judges who were removed for incompetence or disciplinary violations, or who received a definitive sentence, will lose their right to a one-time severance payment and privileged pension. Finally, judges will no longer bear patrimonial liability for judicial errors, as it was under legislation introduced in 2007.

In September, the Ministry of Justice began work on a further package of laws and amendments aimed at curbing corruption in the justice system. The initiatives include the implementing a test of integrity and a polygraph test for judges, prosecutors, and officers who carry out criminal investigations; terminating social benefits for officials who have been sentenced for corruption; verifying the legality of the incomes and assets of judges and other officials; and increasing disciplinary liability of judges.<sup>44</sup> The latter initiative is motivated by the substantial number of ECHR rulings against Moldova based on judicial errors. To support anticorruption measures in the justice system, the government also drafted a law to raise judges' salaries.

Notwithstanding these promising efforts, the justice system's weaknesses—including noncompliance with the law, abuse of authority, and corruption—remained in evidence throughout the year. The Central Control Commission identified 16 judges and 97 prosecutors who did not submit declarations of income in 2011.<sup>45</sup> According to statistics made public in 2012, 65 disciplinary proceedings were initiated against 50 judges in 2011.<sup>46</sup>

Judges suspected of fraudulent rulings related to the so-called “raider attacks” of 2010 and 2011<sup>47</sup> suffered comparatively mild consequences: two were suspended and subjected to criminal investigations in 2012 (with one case sent to court), two resigned, and one was merely reprimanded. Others avoided punishment, either because their problematic rulings were upheld by higher courts or, in the case of one judge, because a petition allowed him to review the case on the basis of new information and reverse his original decision.<sup>48</sup>

In January, Moldova's appeals court ordered the Ministry of Finance to pay PLDM member Pantelei Sandulache €400,000 in damages for violating his right to trial within a reasonable timeframe.<sup>49</sup> The size of the award, unheard of in Moldovan judicial practice, raised questions of political influence, as well as concerns about setting an expensive precedent (as of May 2012, citizens had claimed approximately €275 million in damages from the state for similar violations).<sup>50</sup> The Supreme Court

upheld the decision in July, but lowered the damages to €1,000, a figure it claimed was more in line with ECHR practice.<sup>51</sup> In October Sandulache was excluded from the PLDM.

### Corruption

| 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|------|------|------|------|------|------|------|------|------|------|
| 6.25 | 6.25 | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 | 6.00 | 5.75 |

During a session of the Supreme Security Council in June, President Timofti described corruption as a threat to national security that hampers the government's performance and puts European integration in jeopardy.<sup>52</sup> In response to diplomatic incentives and with the help of a gradually strengthening political will, Moldova began in 2012 to build and consolidate institutions to fight corruption. Though uneven, this progress has improved Moldova's standing in Transparency International's annual Corruption Perception Index<sup>53</sup> after two years of stagnation.<sup>54</sup>

Since assuming power, the AIE had, until recently, taken few steps to eliminate systemic corruption in Moldova. Opinion polls in mid-2012 reflect this state of affairs: 82 percent of respondents expressed dissatisfaction with how the government combats corruption.<sup>55</sup> The CCCEC report for the first half of 2012 identified local authorities, police, and educational and healthcare institutions as most affected by corruption,<sup>56</sup> largely confirming the findings of sociological research conducted by Transparency International identifying police, prosecutors, customs officers, teachers, and doctors as the primary recipients of everyday bribes.<sup>57</sup>

Reform efforts were set in motion in February when the parliament approved a two-year action plan to implement the National Anticorruption Strategy of 2011–15. The adoption of the action plan was an explicit precondition for Moldova to advance to the second phase of the Visa Liberalization Action Plan. In March, the law establishing the CNI went into force; a commission was established to review the incomes, assets, and conflicts of interest of state dignitaries, judges, prosecutors, and public servants. In June, after significant delays, the parliament approved five members of the CNI: three representing the parliamentary majority, one from the opposition, and one from civil society. In October, the parliament elected the president of the CNI, although their choice was contested by members of civil society, who had advocated for one of their own to occupy the post. Shortly thereafter, the civil sector representative in the CNI resigned, and the seat remained vacant through the end of the year.

In April and May the parliament passed amendments to the Penal Code redefining corruption in accordance with recommendations of the Group of States Against Corruption (GRECO). Legislators also approved drastic reforms of the CCCEC, now known as the National Anticorruption Center (CNA), with the aim of establishing a more efficient, independent, and apolitical agency. These reforms, which began in late autumn, place the institution under parliamentary oversight, focus its powers on fighting corruption, and impose high professional and moral



standards for employees; only 350 of the center's 540 employees will be selected, on the basis of stringent screening procedures, to stay.<sup>58</sup>

The government has redoubled its efforts to reform the police. Beginning in July, the Border Guards Service was integrated into the Ministry of Internal Affairs and transformed into the Border Police, with new competences to prevent and investigate transborder crimes. That same month, the prime minister fired the interior minister and replaced him with a civilian for the first time in the history of the institution. Several high-profile dismissals in the ministry soon followed. Less than 10 percent of traffic police officers passed a comprehensive written and physical evaluation organized in the fall, but 40 percent performed well enough to qualify for a six-month probation period.<sup>59</sup> A total of roughly 700 police officers resigned or were fired between July and November.<sup>60</sup> The ministry also canceled special permits issued to representatives of state institutions granting them immunity from traffic police controls. By October, the ministry had withdrawn 600 such permits.<sup>61</sup> In December, the parliament adopted the Law on Police and the Statute of Policemen, replacing a previous version dating back to 1990 and opening the way for further broad reforms of the Ministry of Internal Affairs.

The new interior minister pushed for closer cooperation with the general prosecutor and the head of the CCCEC on joint anticorruption measures. In the weeks following his appointment, a number of police officers suspected of corruption were arrested. These cases were widely reported in the mass media, sending a message of zero tolerance to both the public and the police force. The various involved law enforcement agencies strove for increased dialogue and improved coordination, but a few cases revealed the limits of such cooperation. For example, two police officers were arrested on duty when they tried to prevent prosecutors and CCCEC officers from entering a district police commissariat in Chişinău in order to arrest two other policemen suspected of corruption. Often, corrupt police officers do not face imprisonment even after multiple arrests. As the media reported in 2012, their cases are often delayed, or they are acquitted on the grounds that they were "provoked" to accept a bribe.<sup>62</sup>

In 2012 the executive branch continued to implement an e-governance strategy designed to reduce red tape. High demand for criminal record certificates (required for Schengen visas or Romanian citizenship applications) has propagated intermediaries and fueled corruption. Since September, applications for the certificate can be submitted online anytime from any computer or via e-form from two commercial banks. In future, this service will also be available via payment terminals. In October the parliament also passed amendments to simplify and increase the transparency of processes associated with opening new businesses.

Despite efforts to introduce new technologies into governance, public authorities' official websites still fall short of international standards for anti-corruption and transparency. After monitoring 20 websites between May and August 2012, Transparency International reported missing application forms and guidelines, legislative plans, and results of public consultations, as well as incomplete or absent information on institutional audits, budget execution, and minister and

deputy minister incomes. Monitoring reports showed the websites of the State Tax Inspectorate and ministries of justice, education, and health to be among the best in satisfying transparency benchmarks.<sup>63</sup>

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