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Moldova

Country:

Moldova

Year:

2018

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

3

Aggregate Score:

61

Freedom Rating:

3.0

Overview:

Moldova has a competitive electoral environment. Rights of assembly, speech, and religion are largely protected. Nonetheless, the pervasive corruption in the government sector, links between major political parties and vested economic interests, and deficiencies in the rule of law continue to hamper democratic governance.

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Transnistria, which is examined in a separate report.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 26 / 40 (-1)

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

A prime minister nominated by the president exercises the most authority over governance. Moldova held its first direct presidential election in 2016, after shifting back from an indirect system. Now, the president is elected by direct popular vote to a four-year term. If a candidate receives more than 50 percent of votes in the first round, they are elected. If no candidate reaches the 50 percent threshold, the two candidates who received the most votes compete in a second round. In the 2016 election's second round, Socialist Party candidate Igor Dodon defeated Maia Sandu of the Action and Solidarity Party in a tight race. This followed a first round in which nine candidates competed. International observers concluded that the election was largely credible. However, state resources were occasionally misallocated and transparency in campaign funding was lacking.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Voters elect the 101-seat unicameral parliament by proportional representation for four-year terms. Although observers praised the most recent parliamentary elections in 2014 as genuinely competitive and generally well administered, there were some significant deficiencies. The pro-Russian Patria Party was disqualified days before the vote on the grounds that it received campaign funds from abroad. The distribution of overseas polling places favored residents of European Union (EU) countries over those living in Russia. Nevertheless, the constitutional court approved the election results, rejecting challenges by opposition parties.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The administration of elections is conducted professionally and impartially, despite a lack of resources.

In July 2017, the parliament changed electoral rules from the previous proportional system to a mixed system with both single-member constituencies and seats allocated proportionally. The new system will be in place for the next parliamentary elections in November 2018. Opposition parties claim that the head of the Democratic Party, Vladimir Plahotniuc, an oligarch who controls a media and business empire, is behind the law, and that the new electoral framework could allow his party to consolidate power despite its modest following. The Venice Commission of the Council of Europe strongly urged against the switch to single-member constituencies, saying they may allow local business interests to subvert the needs of constituents.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (-1)

There are no legal restrictions on party formation in Moldova. However, business elites dominate party politics, and this effectively discourages the formation and rise of new parties and hampers the competitiveness of existing ones. Members of parliament have

charged that, in recent years, some of their colleagues have been coerced or bribed to transfer to Plahotniuc's Democratic Party.

Campaign finance laws favor parties over independent candidates. For the 2014 legislative elections, the limit on private donations to political parties doubled, but remained the same for independent candidates. The ability of the Central Election Commission (CEC) to monitor the financing of campaigns is limited.

Score Change: The score declined from 4 to 3 because the dominance of powerful parties backed by business elites hampers the competitiveness of new and smaller parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties have a reasonable chance of increasing their support through elections. In the 2014 parliamentary elections, 21 political parties participated and five gained seats. However, weak campaign finance laws allow business elites to pour funds into their parties, making it difficult for underfunded opposition parties to gain significant power.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Economic oligarchies and business interests underpin political party structures in Moldova, harming political accountability. Weak campaign finance laws allow business interests undue influence on the electoral process.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women and minorities do not experience legal barriers to political participation, but some minority groups remain underrepresented in Moldovan politics. The Gagauz, a Turkic minority concentrated in the country's south, enjoy regional autonomy, but their leaders allege that their interests are not well represented at the national level.

Although the first two Roma women were elected to local councils in 2015, Roma women and women with disabilities have low levels of political participation, and social barriers prevent women from playing a more active role at all levels of Moldovan politics. Law No. 71, introduced in 2016, addresses the gender gap in politics by mandating that 40 percent of all party candidates and cabinet nominees must be women. Moldova is diverse—22 percent of its population are minorities, but they have little representation in government.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Unelected business elites hold sway over the government and government policies. The chairperson of the Democratic Party, Vladimir Plahotniuc, has an outsized influence on policy making, even though he does not hold elected office and his party finished fourth in the 2014 elections. Despite his party's poor electoral performance, he was instrumental in forming the governing coalition and plays a strong role setting the agenda for the government.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a widespread problem at all levels of government, and existing anticorruption laws are inadequately enforced. In a report published in 2017, the National Anticorruption Center recorded a 23 percent increase in corruption cases in 2016 compared to 2015, with the most cases in law enforcement and in the banking and financial sectors. An anticorruption sweep conducted in April 2017 targeted a number of politicians, particularly in local government. In August, former minister of transport and road infrastructure Iurie Chirinciuc, one of the officials caught up in the sweep, was sentenced to one year and four months in prison for corruption.

Moldova is still reeling from a 2014 scandal involving the Central Bank, in which \$1 billion was stolen and former prime minister Vlad Filat was sentenced to nine years in prison.

C3. Does the government operate with openness and transparency? 1 / 4

The government does not operate with transparency. Most political activity takes place behind the scenes in negotiations between and within political parties. A number of laws have been passed in recent years to increase transparency in decision-making processes and require public officials to disclose their assets, but they have not been effectively enforced due to lack of political will.

CIVIL LIBERTIES: 35 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16

D1. Are there free and independent media? 2 / 4

The media environment is highly polarized. More than 80 percent of domestic television stations are owned by people affiliated with political parties, and some 70 percent of the market is controlled by Vladimir Plahotniuc. Reporters often experience political pressure from the government, such as denial of access to information and events, or public denunciations by government officials. This contributes to self-censorship and the suppression of critical news coverage.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution upholds religious freedom and establishes no religious authority in the state, though it provides special status to the Moldovan Orthodox Church. Religious minorities, particularly Jehovah's Witnesses, Pentecostals, Jews, and Baptists,

experienced attacks against their communities in 2017, and report that the police often made little effort to bring the perpetrators to justice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected. However, the Gagauz community has complained of exclusion from the mainstream higher education system, as most Gagauz are more fluent in Russian than Romanian, the official language in Moldova.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally able to engage in discussions of a sensitive or political nature without fear of retribution or surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is guaranteed by the Moldovan constitution and mostly upheld in practice. Protests of the new electoral laws in 2017 did not result in any reported detentions, but some protesters were harassed by the police. Protest leader and opposition politician Grigore Petrenco was sentenced in June 2017 to a four-and-a-half-year suspended sentence for “organizing mass disturbances” in 2015, a charge that the opposition claimed was politically motivated. The 2017 Moldovan LGBT march was stopped by police because they claimed its continuation could lead to violent clashes with counterprotesters.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4

The nongovernmental organization (NGO) sector is vibrant. In September 2017, the government withdrew proposed legislation that would have potentially hindered the activities of NGOs. However, NGO leaders have alleged that the government unfairly brands them as political partisans. Human rights lawyers and activists have endured media smear campaigns and targeted criminal investigations and prosecutions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Trade unions are permitted to operate in Moldova and the government has passed regulations protecting the rights of workers. However, collective bargaining is not allowed in some sectors and union membership is declining. The government often fails to enforce the right to collective bargaining when it is denied. Antiunion discrimination by employers is illegal, but workers have no effective legal recourse when they are fired for union activity.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 1 / 4

Moldova's judicial branch is susceptible to political pressures that hamper its independence. Judges have been dismissed for their decisions; most prominently, appeals court judge Domnica Manole was dismissed in July 2017 after her decision requiring the Central Electoral Commission to hold a referendum on constitutional amendments. Manole faces criminal charges for her ruling on the referendum, though public hearings have not been held. The prosecution has been criticized by the European Union and civil society leaders for being politically motivated. Judicial appointment processes lack transparency.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process is often lacking in the Moldovan justice system. Some prosecutions are politically motivated, especially those of human rights lawyers and opposition figures. Important cases, including the 2016 trial of former prime minister Vlad Filat, have been held behind closed doors, despite legislation mandating audio and video recordings. In 2017, the media and the public were denied access to court transcripts of several high profile trials, and lawyers claimed that their defendants were denied a fair, public trial as mandated by the constitution.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Some prisoners and detainees have experienced maltreatment and torture. Prosecution for such offenses is rare, and very few of those convicted in torture cases receive prison sentences. Overcrowding and unsanitary conditions are prevalent throughout the prison system.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The Roma population experiences discrimination in housing, education, and employment, and have been targets of police violence.

LGBT people are subject to harassment, and the president has drawn criticism from LGBT rights groups for saying "I have never promised to be the president of the gays" in May 2017. While discrimination based on sexual orientation is not explicitly banned by the main article of the 2012 Law on Ensuring Equality, it is understood to be covered under a reference to discrimination on "any other similar grounds." The law prohibits discrimination in employment on the basis of sexual orientation, but not gender identity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

The law protects freedom of internal movement and foreign travel, and the government generally respects these rights. There are no formal restrictions on the right to choose

one's place of employment or education, but bribery is not uncommon in educational institutions.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Although Moldovan law guarantees property rights, they are undermined by a weak and corrupt judiciary. In 2016, the government increased the fee for registering a new company, which made establishing a business more difficult.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence and sexual assault are prevalent in Moldova. A joint report submitted by several Moldovan NGOs in 2016 found that more than 63 percent of women over the age of 15 have experienced at least one form of violence (physical, psychological, or sexual) in their lifetimes; the same report found over 20 percent of men admitted to having had sex with a woman without her consent. Moldovan law prohibits domestic violence, but the laws are inadequately enforced.

Among the Roma minority in Moldova, there have been reports of marriages of girls under the age of 17. Same-sex marriage or civil unions are not recognized under the law.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Persistent poverty, extensive emigration, and a lack of job opportunities for trained and educated workers bedevil the Moldovan economy.

Human trafficking remains a problem, although Moldova has stepped up its efforts to prosecute traffickers. The number of trafficking cases sent to court increased from 33 in 2016 to 85 in 2017. While women and children have long been subject to trafficking, in recent years, the trafficking of males has increased.

Despite legal protections, child labor remained a pervasive problem in Moldova in 2017. The government estimates that 24 percent of children between the ages of five and fourteen are actively employed.

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