**Moldova**

*Capital:* Chișinău  
*Population:* 3.6 million  
*GNI/capita, PPP:* US$3,360

Source: The data above were provided by The World Bank, *World Development Indicators 2012.*

### Nations in Transit Ratings and Averaged Scores

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* 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.
The continuation of key reforms initiated in Moldova in 2010 took a backseat to political infighting in 2011, as the reconstituted ruling coalition of the Alliance for European Integration-2 (AIE-2) remained unable to rally the 61 parliamentary votes required to elect a president. At the beginning of the year, several reform measures were drafted and passed in the areas of judicial reform, antidiscrimination legislation, and decentralization. However, the implementation of these reforms remained inadequate in many areas, and a culture of institutional accountability is still a long way off. The inadequate enforcement of conflict-of-interest legislation remains a serious problem, as does evident partisanship in government institutions, especially the judiciary.

In 2011, the ruling coalition continued to focus its attention on integration with the European Union (EU). The government met several key requirements of the EU-prescribed Action Plan on Visa Liberalization, which sets out the conditions for Moldovan citizens’ visa-free travel within the EU. Following several rounds of informal talks, Moldovan authorities agreed to resume the official “5+2” negotiations with Transnistrian leadership with formal meetings in September. Relations between Transnistria and the Russian Federation worsened as Moscow signaled its desire that the breakaway region’s president, Igor Smirnov, should give up power. Following a contentious election Smirnov was in fact displaced from the presidency by Yevgeny Shevchuk, marking the first change of leadership in the region in more than twenty years.

**National Democratic Governance.** Continued political deadlock and the inability to elect a president posed major challenges to democratic governance in Moldova during the year. The reluctance of coalition partners to cooperate with the opposition or with each other on policymaking, has compromised effective governance. While a number of reform measures were approved, implementation remains weak in some areas. The Moldovan government has continued to work with the EU towards integration, notably taking steps towards visa liberalization. Reconciliation with the breakaway region of Transnistria remains stagnant despite the resumption of the “5+2” talks. Moldova’s national democratic governance rating remains at 5.75.

**Electoral Process.** Local and presidential elections held in Moldova in 2011 were pronounced free and fair by observers. However, irregularities concerning voter lists and residency requirements as well as the accurate reporting of campaign financing caused some concern. On 18 November and again on 16 December, parliament’s attempts to elect a president failed. Legislation governing the procedures for electing
a president calls for the dissolution of parliament in the case that a president is not elected, contributing to ongoing political instability. With concerns remaining over procedural irregularities and campaign finance in the otherwise free and fair local votes, and the failure of two presidential elections to yield a winner, Moldova’s electoral process rating remains at 4.00.

Civil Society. Civil society organizations continue to play a key role in political life in Moldova. In critical areas, such as media, justice, and local governance, nongovernmental organizations (NGOs) are active in advancing reform efforts. The government continues to invite NGO input into the policymaking process. Civil society organizations still struggle to sustain themselves financially with local resources. Because civil society organizations continue to monitor government activities and actively push for critical reforms, Moldova’s civil society rating remains unchanged at 3.25.

Independent Media. Since the passage of the 2010 Law of Freedom of Expression, censorship is illegal in Moldova and the media environment is increasingly open. In 2011, independent media monitoring groups found that more Moldovans view state-owned media company TeleRadio-Moldova as an objective and reliable source of information. At a national conference in May, 88 mass media outlets and associations adopted a new code of journalistic ethics, written with the participation of NGOs and the international community. Growing access to a variety of opinions in the media and efforts to improve public media and journalistic ethics have had a significant impact on improving media quality and pluralism, raising Moldova’s rating for independent media from 5.50 to 5.00.

Local Democratic Governance. A new national strategy for decentralization was unveiled during the year. If implemented as envisioned, it should significantly increase the autonomy of local governments by giving local elected officials greater decisionmaking autonomy and independent access to resources. Overly centralized administration has been an ongoing problem in Moldova throughout the postcommunist period. Local government elections were successfully carried out in June, and were generally considered free and fair. The need for local government reform is becoming increasingly clear to policymakers, but this reprioritization has yet to dramatically improve existing conditions. Moldova’s local democratic governance rating therefore remains unchanged at 5.75.

Judicial Framework and Independence. Weaknesses in the judicial system came under considerable scrutiny in 2011. Fraudulent takeover bids known as “raider attacks” made headlines throughout the year, drawing attention to the susceptibility of courts to outside influence. The seemingly political nature of some judicial appointments and dismissals during the year also raised concern regarding the politicization of the justice system. However, some positive steps towards judicial reform were taken in 2011, including the decision to dissolve the economic
courts and the drafting and passage by parliament of the Judicial Sector Reform Strategy. Political influence in the justice system persists, but judicial reform is slowly progressing, keeping Moldova’s judicial framework rating at 4.50.

**Corruption.** Corruption remains a systemic problem that is deeply embedded in Moldova’s public institutions. While ample anticorruption legislation exists on the books and a new anticorruption strategy was drafted this year, implementation remains weak and enforcement is inconsistent. In 2011, fraudulent misappropriation of stock from chief shareholders in five financial institutions set off a chain of investigations and recrimination between different political parties and public institutions. The so-called “raider attacks” reflected the insecurity of a number of Moldova’s largest financial institutions, and the affair became symbolic of political manipulation of the justice system. Meanwhile, disclosure of a secret coalition agreement allocating decisions about who would fill leadership positions in judicial and police institutions to the coalition partners also raised questions about the independence of these theoretically apolitical offices. In light of government institutions’ inadequate response to corruption, Moldova’s corruption rating remains at 6.00.

**Outlook for 2012.** Increased infighting among the AEI-2 coalition partners will likely make governance more difficult in the coming year. Repeatedly failed efforts to elect a president have increased strains within the coalition and relations between the individual party leaders have become more and more acerbic. If efforts to elect a president fail again in 2012, early elections will be required, further complicating the situation. Defections from the opposition Communist Party of the Republic of Moldova during 2011 have raised questions about the party’s future. While the party has been largely able to maintain its cohesion thus far, a further breakdown prior to parliamentary balloting would reshape the electoral environment. Because of new diplomatic initiatives and the change of leadership in Tiraspol, progress on the Transnistrian problem seems possible for the first time in several years. Internally, Transnistria faces severe challenges in 2012, including leadership change, economic crisis, and troubled relations with the Russian Federation.
Moldova's constitution provides for meaningful citizen participation in political life. Freedom of expression is protected, and current law allows the organization and activity of opposition political parties. There has been regular political turnover and alternation in power between parties with significant ideological differences, indicating adherence to the rules of the democratic system. Parliament functions in a largely transparent manner; its proceedings are easily accessible and its decisions are published online. However, parliamentary oversight of the executive remains weak, marked by a culture of subservience to the executive and party leaders.

Twice in 2010, the ruling, four-party Alliance for European Integration (AIE) failed to muster the 61 parliamentary votes needed to elect a Moldovan president. The second, failed vote triggered early parliamentary elections in November 2010, after which three AIE coalition members reconstituted themselves as the Alliance for European Integration 2 (AIE-2). Continued deadlock over selecting a president and the looming possibility of another parliamentary dissolution fueled conflicts in parliament throughout 2011, frustrating the general public and slowing much-anticipated reforms.

Although they share a broadly pro–European Union (EU) orientation, the three AIE-2 coalition parties represent a broad range of political positions. Acting President Marian Lupu belongs to the center-left Democratic Party (PD), a member of the Socialist International, which advocates working with Moscow to resolve regional issues. Lupu himself is a former member of the Communist Party of the Republic of Moldova (PCRM) and his party is most inclined to dialogue and cooperation with the opposition communists. Prime Minister Vlad Filat’s Liberal Democratic Party of Moldova (PLDM) is centrist, supporting free market and EU-friendly reforms. Mihai Ghimpu’s Liberal Party (PL) is the most conservative, anti-Communist, and pro-Romanian of the coalition parties. The center-left Our Moldova Alliance, a junior partner in the first AIE government, failed to meet the threshold for entering parliament and is not part of AIE-2.

Key areas the AIE-2 has promised to address include reform of the justice system, strengthened anticorruption mechanisms, and improvement of local governance. The issues of border management and public order and security, in particular, are critical to Moldova’s pursuit of visa-free travel within the EU. During the year, substantial progress was made regarding the EU’s Action Plan for Visa Liberalization,¹ and expectations are high that negotiations on a free trade agreement with the EU will soon begin.² On 27 December 2011, the coalition parties agreed on a budget for 2012, even though PCRM deputies opposed the measure, calling
it “anti-social” and complaining that it directed resources to districts that support coalition parties.3

One of the biggest ongoing challenges to national democratic governance in Moldova is a lack of public accountability. While the electoral process does give citizens an opportunity for meaningful participation in elections, once representatives have been elected there is limited opportunity for continued participation. Citizens and the press have a reasonable level of access to officials, but politics in Moldova remains mostly the domain of elites, and most important decisions are made out of public sight. Political parties function largely as clientelist organizations in which authority is concentrated in the hands of a very small number of top leaders, among whom are several of the country’s wealthiest individuals. A recent poll revealed that only 12.2 percent of the population believes that the people’s will determines outcomes in Moldova.4

Moldova has benefitted from more support per capita than any other member of the EU’s Eastern Partnership Program.5 The fact that public support for EU membership fell below 50 percent in 2011 is likely a consequence of frustration with the pro-EU AIE-2 coalition as well as a reaction to the European financial crisis.6 When asked in November which partnership would be the most beneficial to Moldova, 33.8 percent of citizens surveyed said the EU, while 45.6 percent placed more faith in a Russia-Belarus-Kazakhstan free-trade zone.7 In October, Moldova became a signatory to a free trade agreement codifying a series of bilateral agreements in the Commonwealth of Independent States (CIS). The agreement was seen by some as a step in the direction of Russian prime minister Vladimir Putin’s proposed “Eurasian Union.”8 During an official visit to Chișinău by Russian Foreign Minister Sergei Lavrov in November, Moldova extended its existing Friendship Treaty with the Russian Federation for another ten years.9

For the first time since 2006, negotiations resumed in 2011 between Moldovan authorities and the breakaway region of Transnistria, which has existed in a state of corrupt and lawless political limbo for over 20 years.10 The so-called “5+2” negotiations—consisting of 5 directly involved parties (Moldova, Transnistria, Russia, Ukraine and the Organization for Security and Cooperation in Europe) and two observers (the United States and the EU)—were officially relaunched in February, in Vienna. Two other official meetings between Prime Minister Filat and Transnistria’s President Igor Smirnov also occurred later during the year.11

Relations between Transnistrian and Russian leadership deteriorated during the year, as Moscow showed increasing impatience with President Smirnov and the weakness of local governance in the Pridnestrovian Moldavian Republic (PMR). In December, Russia signaled its preference for Anatoly Kaminski over the incumbent Smirnov as the next PMR president. Smirnov, who had been president since 1991, lost in the first round of the 11 December elections, coming in third behind both Kaminski, who took 26.3 percent of the vote, and Yevgeny Shevchuk, former speaker of the legislature and leader of the Renewal Party, who won 38.5 percent of the vote. Shevchuk dominated the second round vote on 25 December, taking 73.9 percent of votes. 13 Forty-three-year-old Shevchuk identifies himself as
a social democrat and ran a campaign focused on economic reform. The change of leadership in Tiraspol, coming as it does during a period of renewed interest in negotiations, may open the way for progress on the Transnistrian issue.

### Electoral Process

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Despite some irregularities, local elections in 2011 were deemed free and fair by international monitors. At the national level, however, Moldova’s ongoing political crisis continued to be exacerbated by complex and contradictory electoral legislation. Efforts to change these laws during 2011 failed.

Local elections were held on 5 June, with runoff elections on 19 June. A report from the Organization for Security and Cooperation in Europe’s (OSCE) Limited Election Observation Mission found that elections were peaceful and competitive, offering voters a genuine choice and candidates equitable campaigning opportunities. However, the same report found problems with voter lists, which, according to electoral regulations passed in April 2011, were supposed to be organized in a centralized electronic voter register. Just prior to the 5 June vote it was announced that this change would be postponed until 2015. As in previous election years, unclear residency provisions, which determine where an individual should vote, created confusion in both initial and runoff elections.

Democratic Party (PD) candidates took the lead in mayoral elections, winning 24.5 percent of the vote, while the communists won 22.6 percent. The PD candidate Dorin Chirtoacă also won reelection as mayor of Chisinau, narrowly defeating PCRM candidate Igor Dodon with 50.6 percent of the vote. The communists, however, did win control of Chisinau’s city council by a margin of just one seat. The PCRM won the largest percentage of votes in municipal and district council as well as town and village council elections. Some AIE-2 member parties formed local coalitions with the PCRM in order to win votes, reducing its gains at the local level. In general, AIE-2 parties’ performance was damaged by coalition infighting, which continued after the elections.

Local election results in the Autonomous Territorial Unit of Gagauzia deviated sharply from those in other regions, with independents winning 11 of 14 mayoral posts and 135 of 382 local and regional council positions. Of the national parties, only the PCRM made a strong showing, taking two mayoral positions and 30.4 percent of council positions. Although the PCRM usually dominates the Gaugaz region vote in national elections, in December 2010, Gaugaz voters reelected Governor Mihail Formuzal of the United Gagauzia Movement (MGU), a staunch critic of the communists. In November 2011, Governor Formuzal announced the formation of a new political party, the Party of the Regions, which in his view would better represent national minorities than the established parties at the national level.
At the national level, contradictions in electoral legislation have had serious consequences. The current governance crisis dates back to July 2009, when the first AIE coalition came to power without the necessary 61 votes to elect a president under the Moldovan constitution. The failure to elect triggered a constitutional provision requiring early elections; however, a different constitutional provision prevented parliament from being dissolved more than once in a one-year period. As a provisional solution, Parliamentary Speaker Mihai Ghimpu was named acting president, and legislative elections were held once again in November 2010. Elections again failed to produce a coalition with sufficient seats to elect a president, leaving the crisis unresolved. Following protracted negotiations the AIE formed a second coalition (AIE-2), this time made up of three political parties: the Liberal Democratic Party of Moldova (PLDM), the Democratic Party of Moldova (PD) and the Liberal Party (PL). PD leader Marian Lupu assumed the position of acting president.

Wrangling over the presidency continued throughout 2011. The AIE-2 Coalition has argued that dissolving the parliament again for a third parliamentary election would further destabilize the country, while the opposition Communist Party of the Republic of Moldova—the largest single party in parliament—contends that repeat presidential elections must be held as soon as possible, and that if no candidate wins the required majority, early legislative elections must be held as required by the constitution. Early in the year, AIE-2 suggested changing the electoral law for electing the president to require only a simple majority of 51 out of 101 votes, a position fervently championed by PL leader, Mihia Ghimpu. However, in September the Constitutional Court ruled the proposal unconstitutional on the grounds that changes to the electoral process require a constitutional amendment. AIE-2 leaders have generally favored an amendment, while the PCRM has argued that early elections are now required. Any amendment to the constitution requires either a two-thirds majority in parliament—which would be difficult to achieve under current circumstances—or a national referendum.

Intense competition between party leaders prevented AIE-2 coalition parties from nominating a presidential candidate in time for the elections scheduled for 18 November. The defection of three deputies from the PCRM legislative faction in early November reduced its voting delegation to less than the 41 votes needed to unilaterally veto a candidate. The three defecting MPs expressed their intention to support a nonpartisan candidate, Zianada Greceani—Moldova’s former prime minister and a member of the communist parliamentary delegation, but not a member of the PCRM. Collaboration between the defecting PCRM legislators, the so-called Dodon group (named for group member Igor Dodon), and the AIE-2 coalition should have made it possible to achieve the majority needed to elect a president without the support of the communist legislative faction; however, Mihail Ghimpu and the Liberal Party insisted on re-nominating acting president Marian Lupu for the position, a proposal the Dodon group rejected. Under the terms of an agreement between the coalition partners, if Lupu becomes president, Ghimpu will take over leadership of parliament; if someone else is elected president, Lupu retains
his current position, leaving Ghimpu’s PL party without any of the top positions in government. With no candidate nominated, the 18 November elections were considered postponed or canceled, rather than failed, leaving two opportunities for the coalition to elect a president before early elections would be deemed necessary.

The next attempt at a presidential election was scheduled for 16 December. Despite ongoing acrimony among AIE-2 leaders, the coalition ultimately agreed to nominate Marian Lupu as its candidate. The level of mistrust among the partners was such that before the agreement on Lupu’s candidacy could be reached, all three coalition partners had to sign a new pact promising that no one would form a legislative alliance with the PCRM following the elections. Deputies from the PD also committed to showing their electoral ballots publicly once they had cast their votes, and called on the other coalition parties to do the same. On the day of the vote, 58 deputies cast ballots for Lupu, 3 voted against, and PCRM deputies boycotted the proceedings. At the request of independent MP Mihai Godea, Moldova’s constitutional court reviewed the election process, ruling that the act of openly displaying secret ballots had been unconstitutional. As a result, the elections were annulled, and repeat elections were scheduled for 15 January 2012. After Marian Lupu announced that he would not run again, negotiations opened among party leaders to identify an alternative candidate.

Civil Society

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Since coming to power in July 2009, the AIE and AIE-2 governments have engaged extensively with civil society on issues directly related to the EU integration agenda. In 2011, civil society organizations worked in cooperation with various departments of the Moldovan government on policy directives related to judicial reform, development of independent media, anticorruption, and electoral system reform. However, most policymaking is still carried out without a high level of input from organizations representing the broader population. Moreover, most civil society organizations receive the bulk of their funding from abroad, raising questions about whether they are able to develop the support in their local communities that would make them viable as independent organizations in the longer term. Currently, there are approximately 8,000 nongovernmental organizations (NGOs) registered in Moldova, but many are inactive, while those that are active, lack resources or training.

During the course of the year, civil society organizations grew increasingly critical of the government’s performance and their own ability to affect government policy. In November, a group of four respected NGOs issued a public statement decrying the politicization of public institutions, particularly the justice system. Their complaints reinforced criticism throughout the year that the government was not living up to its reform commitments.
In March, a group of 13 NGOs submitted an alternate report to the United Nations Committee on Economic Social and Cultural Rights, highlighting shortcomings in the government’s efforts to promote social welfare and human rights. The NGO report focused on the government’s failure to improve conditions for vulnerable elements of the population and adequately protect human rights. By bringing these issues to the attention of the international community, Moldovan civil society organizations hope to increase pressure on their government to move ahead with reforms.

Notwithstanding its shrill criticism of the government’s slow progress on or incompletion of reforms, civil society successfully increased its engagement with the government. In 2011, a working group consisting of representatives from the Moldovan government and several NGOs collaborated on an examination of political party finance, which is seen as a crucial area requiring reform. The working group developed recommendations for improved reporting and monitoring of campaign spending, and for the introduction of spending limits.

Moldova’s trade unions also came under extensive scrutiny in 2011 with regard to a series of potentially fraudulent privatizations. During the breakup of the Soviet Union, substantial state holdings were transferred to workers’ collectives and trade unions. Among these were a number of valuable hotels and other properties. In 2011, allegations appeared in several media sources that a number of these properties had been sold in recent years to investors at a fraction of their actual market value. The National Council of Unions of Moldova responded with firm denials of wrongdoing. While trade unions formally represent more than 500,000 Moldovan employees, their performance has been hampered by excessive bureaucratization and a negative public image resulting from the ongoing corruption scandals.

Popular perception of NGOs remains mostly negative. A survey by the Moldovan Public Policy Institute shows that the number of respondents expressing positive attitudes toward NGOs dropped from 30 percent in November 2010 to only 23.8 percent in November 2011. This drop parallels declines in support for political parties, the government, and parliament, and probably reflects widespread frustration with the pace of progress since the change of government in 2009. As a consequence of their lack of resources, especially on the local level, NGOs have often been unable to achieve their goals, which is another cause for lack of public trust.

### Independent Media

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Since the departure of the PCRM government in July 2009, safety of journalists and respect for press freedom have improved dramatically. Among other changes implemented in 2010, parliament approved a law on freedom of expression that strengthened the protection of sources, prohibited censorship, proclaimed the
freedom to criticize state officials, and established the presumption of innocence in freedom of expression cases. In 2011, the trajectory of these changes continued, as government officials and media outlets took an active role in reshaping the regulatory framework for journalism and broadcasting.

The Center for Independent Journalism recorded a marked improvement in Moldova’s media diversity during the year. The Ministry of Justice also reported an increase in registered media, including 7 periodical newspapers (3 of which are local), several internet news portals (24h.md, Union.md, Noi.md), and two radio stations. Civil society organizations registered a new newspaper, Oglinda, with the mission to promote democratic values and the freedom of expression. In August 2011, journalists in the Kakhul district launched Curierul de Sud, the first Romanian-language newspaper to be published in southern Moldova in 15 years.

The government has launched a three-year restructuring process intended to transform state-owned TeleRadio-Moldova (TRM) into a genuine public broadcaster, in compliance with European standards. Prior to 2010, TRM was widely criticized by opposition groups for partisan coverage and lack of transparency. In order to address these problems it has committed to implementing new strategic guidelines developed in cooperation with the European Broadcasting Union. Moldovan and international observers alike reported clear progress in 2011 regarding independent editorial policy and balanced coverage of events.

Media monitoring conducted by civil society organizations and international observers during the June 2011 local elections found media coverage of all candidates to be generally balanced, though bias was evident in the reporting of some specific outlets, such as NIT-TV. A case study report sponsored by the Independent Journalism Center (IJC) found that NIT-TV aired long, 50-second statements criticizing leaders of the AIE over a montage of scenes depicting the misery of the country’s poor. According to the IJC, NIT-TV violated Article 7 of the broadcasting code, which prohibits the use of editing tricks to insert bias into news programming.

By early June, a total of 88 media organizations—including most of the major media outlets in the country—had signed their names to a new journalistic code of ethics, developed in cooperation with media experts from the Council of Europe. Among those that declined to sign was the private, nationwide television broadcaster, NIT-TV, which was sanctioned several times in 2010 for its pro-PCRM, politically biased news coverage. According to the IJC the code includes a series of new provisions on self-regulation, legal ways of collecting information by journalists, and standards of objectivity. Application of the code is the responsibility of each of the signatories, while the Press Council and the Commission of Journalists’ Professional Ethics are responsible for monitoring compliance.

Political influence over the media remains a serious concern. Many print outlets cannot survive financially on subscription revenues alone, making them dependent on advertising income received from businesses that are frequently associated with individual politicians or political parties. Substantial public concern was raised when it was rumored that PD Vice President, Vlad Plahotniuc, who is already the proprietor of substantial media holdings, had plans to purchase Publika TV.
Plahotniuc currently owns Prime TV, which had a 37 percent share of the television market in 2011 and Casa Media, the largest provider of television advertising in the country. In order to encourage advertising from a more diverse base of business, parliament passed an amendment cancelling the 5 percent local tax on advertisements in periodical publications, radio, and television.

Journalists still experience pressure to stay away from investigating issues of corruption and influence-peddling. The journal Ziarul de Garda, which is known for its investigative journalism, was subjected to a crippling defamation fine as a consequence of its reporting on a corruption case against two prosecutors. In response to the fine, a group of prominent media NGOs published an open letter addressed to the Superior Council of Magistrates, arguing that the journal had acted in good faith based on sufficient facts, and noting that such punitive fines could have a chilling effect on democratic discourse. Ziarul appealed the first judgment to the Supreme Council of the Magistracy on the basis of procedural violations. In December, the council issued a warning to the judge who had originally heard the case. The Court of Appeals modified the decision against Ziarul, substantially reducing—though not eliminating—the defamation fine. In April 2011, Ziarul and the daily newspaper Timpul were victims of a strange crime when unknown sources produced and distributed fake versions of their publications in an apparent attempt to discredit them while manipulating public opinion ahead of the local elections. Police arrested two suspects in June.

Tolerance for corruption in the state media seemed to decrease in 2011 as major corruption scandals broke implicating high-profile figures in the media industry. In January, the chairman of the Broadcasting Coordinating Commission (BCC), Gheorghe Gorincioi, and the head of the BCC’s administrative department, Terentie Cherdivara, were accused of soliciting bribes. In April, Cherdivara was convicted of extortion, fined MDL 12,000 (US$1,000), and sentenced to four years’ imprisonment with a conditional suspension of his sentence for a period of three years. He was also banned from holding public office for three years. Gorincioi resigned from his position a month before Chedivara’s arrest, but was also accused of passive involvement in the crime.

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Hypercentralized control of resources and inadequate local government capacity have been longtime issues of concern in Moldova. Reorganizations undertaken in the late 1990s by the central authorities in collaboration with the EU and other international partners were reversed in the last decade by the PCRM-led government, causing administrative havoc. At that time, the central government also employed its budgetary and administrative authority to exercise partisan control over locally elected officials.
Since 2009, the AIE coalition parties have prioritized the improvement of local government, with encouragement from the EU and the United Nations Development Programme. However, actual implementation of administrative changes has been slow. Despite repeated reform efforts, the majority of local governments remain understaffed and unable to fulfill the functions assigned to them.\textsuperscript{50} Budgets are largely under the control of central authorities.\textsuperscript{51} Remuneration for those working in local administration is quite low, undermining professionalism and service delivery.

One important impediment to effective local government is corruption, whether in the form of misdirected public funds, favoritism in the granting of contracts, or cronyism. A 2011 study of the city of Chișinău drew attention to many such problems stemming from an alarming lack of transparency in the capital city’s budgetary process. The report’s authors found that budget documents were not made available as required, and citizens had very limited access to meetings in which budget decisions were made. The same study found notable financial irregularities and nontransparency in the disbursement of public funds in the education system.\textsuperscript{52}

Clientelism between local and national leaders, especially during elections, continues to undermine the quality and independence of local governance. According to a study by the Institute for Development and Social Initiatives, locally elected officials are highly dependent on central party authorities for campaign financing resources. This independence of local campaigns from local funds results in what the authors of the study characterize as a feudal relationship between local and central leaders in which local leaders respond more to the will of their party superiors than their constituencies.\textsuperscript{53}

Despite the challenges facing local administrators, popular support for local government is greater than for central political institutions. Mayors’ offices are perceived positively by 50.6 percent of the population, well over twice the level of support received by parliament (13.6 percent), the acting president (15.2 percent), or the government (18.6 percent).\textsuperscript{54} One possible explanation for the higher rating of local officials is that they are better known in their communities than national leaders, and are not considered responsible for the ongoing political crisis at the national level.

### Judicial Framework and Independence

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<th>Year</th>
<th>2003</th>
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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 chronically underfunded judicial system, and judicial decisions are inadequately
enforced. In 2011, the government continued to name judicial reform as a leading priority, but few discernible improvements were visible from the previous year.

The EU has been deeply involved in promoting judicial reform in Moldova, and has gone so far as to condition some of its economic support upon the implementation of judicial reforms. On 6 September, Moldova’s government approved a first draft Judicial Sector Reform Strategy, whose stated goals include improved access to justice, greater respect for detainee rights, and increased accountability. Measures to fight corruption are also stipulated in the draft, including tougher criteria for the selection of judges, zero tolerance for corruption offences in the justice system, and an increase of magistrates’ salaries. The law was passed by parliament on 3 November, with 53 coalition party deputies supporting the measure, despite a boycott of the vote by PCRM deputies. Passage of the measure was necessary for Moldova to receive EU backing for the reform project.

In 2011, the government finally did away with economic courts—holdovers from the Soviet system, established to address cases dealing with financial disputes between persons and businesses. The economic courts had been criticized for biased interpretation of the law, and were viewed by many experts as redundant. Their elimination was seen as a significant first step in reform of the overall justice system. In July, Minister of Justice Oleg Efrim announced that judges who worked for economic courts will be transferred to ordinary courts of law, while the judges of the Economic Court of Appeals will be moved to national appeals courts. Critics have argued that simply moving the judges is not enough, and they should be removed altogether. The reform is set to be implemented within six months of the law’s publication.

Desperate to resolve the political stalemate over the Moldovan presidency, in April the ruling AIE-2 coalition submitted a request to the Constitutional Court for interpretation of Article 78 of the constitution, which sets out procedures for presidential elections. Specifically, they requested a ruling on the question of whether the required number of votes could be changed by the court from 61 (or three-fifths of parliament) to a simple majority. On 20 September, the court decreed that the three-fifths majority requirement could only be altered through a constitutional amendment.

On the day of the ruling, the chairman of the Constitutional Court, Dumitru Pulbere, issued a statement to the press indicating that if no candidate received a three-fifths majority by 28 September (or one year after the last dissolution of the legislature in 2010), parliament should legally be dissolved. Eight days later, under pressure from AIE-2, the Constitutional Court voted four to one in favor of his dismissal from the position of court chairman on the grounds that he had made a partisan comment, which is inappropriate for a sitting judge. Pulbere, who will remain on the court as a judge, suggested that the decision was taken under political pressure and that party leaders wanted to replace him with someone who would be more easily manipulated.

Another high judicial official faced dismissal in mid-2011, only to receive a last-minute reprieve. On 5 July, parliament voted to dismiss the head of the Supreme
Court, Ion Muruianu, for failing to fulfill the functions of his office. PL leader Mihai Ghimpu commented that Muruianu was more occupied with politics than with the law.\textsuperscript{64} The PCRM challenged the constitutionality of this dismissal, which they said was politically motivated. Judge Muruianu was appointed in 2007 during the period of PCRM rule and is seen by the AIE-2 coalition parties as favoring the communists. On 5 October, the Constitutional Court ruled the legislature’s action to be unconstitutional due to serious irregularities in the procedure of the chairman’s dismissal.\textsuperscript{65} The parliament’s repeated effort to removed Muruianu from the court, in violation of the terms of the constitution, suggests that a worrying level of political interference in the court system still exists in Moldova.

In 2011 Moldova was again among the countries with the greatest delay in the execution of European Court of Human Rights (ECHR) decisions. This has been an area of ongoing concern in Moldova and reforms have been thus far ineffective in addressing this problem.\textsuperscript{66} During the year the United Nations and the Council of Europe (CoE) called on the Moldovan government to increase its efforts to fight discrimination and better protect human rights, echoing concerns raised by domestic NGOs. The CoE Commissioner for Human Rights stated in July that delays in the implementation of ECHR decisions are a reflection of the chronic lack of enforcement of judicial decisions at the domestic level. United Nations High Commissioner for Human Rights Navi Pillay pointed in particular to discrimination against religious minorities and the Roma, and lack of protection for people confined to psychiatric institutions. She suggested that the legal system has been “practically inert” in addressing discrimination.\textsuperscript{67}

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Corruption remains a systemic problem, deeply embedded in Moldova’s public institutions and often cited as a stumbling block to EU integration. Ample anticorruption legislation exists on the books and parliament did pass a new anticorruption strategy in 2011; however, implementation remains weak and enforcement is inconsistent. Some high-level cases of corruption were prosecuted in 2011, including the notable case against BCC chief, Terentie Cherdivara, but such prosecutions are still considered rare. Close relations between powerful party leaders and lower ranking officials and a lack of judicial independence have acted as a brake on prosecutions.

There have been accusations that corruption is one cause of the persistent deadlock in parliament over the election of a president. Rumors abound that AEI-2 deputies have been offered bribes to vote secretly against the coalition’s candidate. PCRM leader, Vladimir Voronin, accused leaders of the AIE-2 coalition of attempting to buy votes in support of their candidate, offering positions and cash to potential defectors.\textsuperscript{68}
Government appointments are widely believed to be the result of backroom deals. In a statement broadcast by Publika TV, Prime Minister Vladimir Filat admitted that the AIE-2 coalition partners had signed a secret annex to the agreement establishing the AEI coalition which divided offices between leaders of the AIE-2, including the offices in the law enforcement and judicial systems. In addition to positions that would normally be allocated on the basis of political affiliation, the agreement allocated the posts of prosecutor general and head of the Center for Combating Economic Crimes and Corruption (CCECC) to the PD, the Court of Accounts and the Central Election Commission to the PLDM, and the National Bank and the Information Security Service to the PL. A September 2011 report from the Chisinau-based think tank “Expert-Grup” concluded that “obscure special interests” are undermining and abusing the power of public institutions.

Fraudulent misappropriation of stock from chief shareholders in five financial institutions set off a chain of investigations and recrimination between different political parties and public institutions. The case caused a major stir in the media in August 2011, once again raising public concern over the issue of potential abuse of power by those in office. News of the actual fraud (the so-called “raider attacks”) was soon followed by charges that justice and judicial officials had either failed to act in the case or supported the perpetrators. Two of the main victims of the fraud, Viorel and Victor Topa, (both of whom have since been found guilty of fraud by Moldovan courts) addressed a memorandum to the international community accusing PD Vice President Vlad Plahotniuc of being implicated in the attacks and along with other party leaders of influencing the judiciary during the investigation. Already strained relations between the AIE-2 coalition partners were further exacerbated by these events, as Prime Minister Filat called for the dismissal of several top officials discredited by the raider attack scandals, including the prosecutor general, the head of the Information and Security Service, and the president of the National Commission of Financial Markets. Acting president and PD leader Marian Lupu stated bluntly that Filat’s motive was to undermine his coalition partners in the context of approaching elections.

On 21 July, parliament passed the National Anticorruption Strategy for 2011–13, which—according to the head of the CCECC—is intended to increase transparency of public institutions and public finances, encourage investigative journalism, and further protect judges, prosecutors, and CCECC officers from political pressure. The CCECC itself has been reformed eight times since its founding in 2002, and in 2011 faced continued accusations of politicization. Transparency International Moldova echoed these opinions in an October press release, noting that “political influence, use of the institution to eliminate economic competitors, and corruption” in the CCECC were “not mere myths, but real problems the Center needs to address.” A strategy for yet another set of CCECC reforms was drafted and revised in 2011. One key element of the draft strategy is the removal of economic crimes from the special jurisdiction of the CCECC and transfer authority over the CCECC from the government to parliament. Discussion of the reform continued through the year and is expected to be taken
up in the spring 2012 parliamentary session. While the reform has strong backing from the EU, Transparency International Moldova, among other organizations, has identified flaws in the draft, including the transfer of CCECC oversight to parliament, which they argue will increase the politicization problem.78

Author: William Crowther

William Crowther is the head of the Department of Political Science at the University of North Carolina Greensboro. He is a longtime observer of Moldovan politics who began doing research there in the late 1980s. His research focuses on interethnic relations, legislative politics, and democratization.

26 “Declarația unui grup de organizații din societatea civilă privind depolitizarea instituțiilor de drept din Republica Moldova” [Declaration of a group of civil society organizations for depoliticizing the institutions of law in Moldova], *Info-Prim Neo*, 20 October 2011, http://www.info-prim.md/?a=14&id=2239.


34 Ibid.


IJC, Mass Media in Moldova, 37.

Moldova


60 “Curtea constituțională apără autoritatea legii supreme” [Constitutional Court upholds the authority of the supreme law], Press Service of the Constitutional Court of Moldova.


66 “Exclusiv! Vedeţi AICI Anexele secrete ale Acordului de constituire a AIE” [Exclusive! See here the secret annex of the agreement establishing the AIE], Publika.md, 16 November 2011.

“Deocamdată nu Putem Afirma că în Spatele Acţiunii or Indreptate Împotriva a Partu Bănci S-AR Afla Acelea şi Persoane” [However we cannot affirm that behind this action against these four banks would be found this one or these persons], Infotag, http://www.infotag.md/comentarii/591415/.


Ibid.

