



Home Office

# Country Policy and Information Note

## Moldova: Human rights in Transnistria

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# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office's research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Policy guidance

Updated: 1 May 2017

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state and/or non-state actors because of the general human rights situation in Transnistria

### 1.2 Points to note

1.2.1 Transnistria has been a breakaway region since 1990 and its authorities, based in the city of Tiraspol, have de facto autonomy over the region. However it is not recognised as a separate state by the international community; it is regarded as part of the territory of Moldova and its citizens remain nationals of Moldova (See [Overview](#)).

1.2.2 Transnistria is also known as Trans-Dniester, or Pridnestrovskaya Moldavskaya Respublika (PMR). Sources within the country information section may use these terms interchangeably. However, for consistency, in the policy guidance section of this note it is referred to as Transnistria.

1.2.3 Sources of information specific to the region of Transnistria are limited, because Moldova and Transnistria are ‘de jure’ the same country. The information provided should be considered to include the situation in both regions. Where conditions differ within the two regions, this is made clear in the country information.

1.2.4 Where a claim is refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Moldova is listed as a designated state.

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (See: the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Assessment of risk

#### a. General issues

2.2.1 Transnistria is a separatist region of Moldova – a narrow strip of land between the Dniester River and the Ukrainian border. It has a land area of

1,607 square miles and a population of approximately 500,000. It proclaimed independence from Moldova in 1990, and following a short civil war succeeded in establishing de facto independence in 1992. After the ceasefire, in 1992, a security zone was established guarded by peace-keeping forces consisting mostly of Russian troops and troops from the two sides.

- 2.2.2 Russia has a strong presence in Transnistria and the region has stated that it wants annexation to Russia. The international community does not recognise its self-declared statehood (See [Background](#)).
- 2.2.3 Residents of Transnistria cannot choose their leaders democratically, and Transnistrian authorities restrict political activity. Freedom of religion, association, speech and assembly are all severely restricted and independent voices against the regime are suppressed. (See [Human rights – general](#) and [Political freedom](#)).
  - b. [Sexual minorities and ethnic minority groups](#)
- 2.2.4 Consensual same-sex activity is illegal in Transnistria, and lesbian, gay, bisexual and trans persons (LGBT) persons are subject to governmental and societal discrimination, including hate speech and attacks on premises (see [Lesbian, gay, bisexual and transgender persons](#)).
- 2.2.5 LGBT people who openly express their sexual orientation or gender identity may face treatment that by its nature and repetition amounts to persecution. Each case would need to be considered on its merits.
- 2.2.6 Ethnic minorities, particularly the Roma, face discrimination from the state. Activists engaged in promoting minority rights, especially towards the LGBT community, face persecution and threats from extremist groups (see [Human rights – general](#) and [ethnic minorities](#)).
- 2.2.7 In general the level of discrimination is not sufficiently serious by its nature and repetition that it will reach the high threshold required to constitute persecution or serious harm.
  - c. [Civil society and journalists](#)
- 2.2.8 Numerous civil society representatives and journalists have been subjected to intimidation and have been the targets of reprisals in retaliation for their human rights work. In April 2015, the de facto Security Committee of Transnistria issued a statement describing civil society organisations which receive funds from abroad and are active in the territory of Transnistria as a threat to security. Nearly all media are state-owned or controlled and refrain from criticizing the authorities; censorship is widespread (see [Journalists and Media Workers](#)).
- 2.2.9 Critics of the state, depending on their profile and nature of their activities and comments, may be subject to intimidation, reprisals and prosecution. Such treatment may by its nature and repetition amount to serious harm or persecution, each case will need to be considered on its merits.

- d. Gender-based violence
  - 2.2.10 Domestic violence against women is a widespread problem, reportedly affecting 36% of women. Reports of rape and sexual assault are poorly investigated and often mishandled or ignored by police (see [Women](#)).
  - 2.2.11 Women face discrimination from state and non-state actors. However in general this is not likely to be sufficient amount to serious harm or persecution, although each case needs to be considered on its merits.
- e. Trafficking
- 2.2.12 Trafficking of men, women and children for forced labour and sexual exploitation was a problem in Moldova generally, including Transnistria. Moldovan authorities do offer resources to Transnistrian trafficking victims (see [Human rights – general](#), [Ethnic minorities](#) and [Trafficking in persons](#)).

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### 2.3 Protection

- 2.3.1 The Moldovan judicial and enforcement agents are unable to exercise effective control and therefore assist persons in Transnistria.
- 2.3.2 The Transnistrian police, known as the PMR Militsiya and separate from the Moldovan police force, does not operate according to internationally recognised standards. There are credible accounts of torture in custody, and prison conditions are harsh and insanitary. There is evidence of the use of excessive pre-trial detention, and lengthy sentences for minor crimes. The judiciary is subservient to the executive and defendants are unlikely to receive a fair trial (see [Human rights – general](#) and [judicial system and the rule of law](#)).
- 2.3.3 If the person's fear is of persecution or serious harm by the state, they will not be able to avail themselves of the protection of the Transnistrian authorities.
- 2.3.4 If the person's fear is of non-state actors, given the weaknesses in Transnistrian enforcement and judicial systems, effective protection is unlikely to be available, though each case will need to be considered on its particular facts.
- 2.3.5 For guidance on assessing the availability of protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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### 2.4 Internal relocation

- 2.4.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.4.2 Although Transnistria remains a region of Moldova, there is a de facto border patrolled by both Transnistrian and Russian police officers on the Transnistrian side. There are trains and buses that run between Transnistria and the rest of Moldova. Travellers between the areas are frequently detained and questioned by the Transnistrian authorities, who in some cases seize money or goods. The Transnistrian authorities also sometimes

restricted the travel of its residents to other areas of Moldova (see [Freedom of movement](#)).

- 2.4.3 However the evidence does not indicate that persons from Transnistria are in general denied access to Moldova by the Moldovan authorities. Many thousands of Transnistrians reportedly applied for Moldovan passports to take advantage of visa-free travel into the European Union, and half the population are estimated to have Moldovan passports (see: [Freedom of movement](#)).
- 2.4.4 Persons who are at risk of serious harm or persecution will generally be able to internally relocate to Moldova. Similarly, those returning from the UK would in general be able to return to areas of Moldova outside of Transnistria.
- 2.4.5 For further guidance on internal relocation, see [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Certification

- 2.5.1 Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002 because persons will be able to relocate.
- 2.5.2 For further guidance on certification, see the [Appeals Instruction on Non-Suspensive Appeals: Certification under Section 94 of the NIA Act 2002](#).

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## 3. Policy summary

- 3.1.1 Transnistria is an autonomous region of Moldova, which established de facto independence in 1992 following a short war. After the ceasefire a security zone was created guarded by mostly Russian peace-keeping forces. The international community, however, does not recognise Transnistria as an independent state and its citizens remain Moldovan nationals.
- 3.1.2 Freedom of religion, association, speech and assembly are all restricted within the region. Politically motivated arrests and detentions of those who oppose or are perceived to oppose the state authorities are reported to occur. There are also reports that the Transnistrian police engage in torture, arbitrary arrests and unlawful detentions.
- 3.1.3 Consensual same-sex activity is illegal within Transnistria, and LGBT persons were subject to governmental and societal discrimination.
- 3.1.4 Ethnic minorities experience discrimination, and human trafficking continues.
- 3.1.5 The Moldovan police are unable to assist persons in Transnistria and persons at risk from the Transnistrian authorities are therefore unable to obtain protection in Transnistria. Persons who fear non-state actors in Transnistria are unlikely to be able to obtain protection from the Transnistrian authorities, but protection is generally available from the authorities in other parts of Moldova.

- 3.1.6 Internal relocation to other parts of Moldova outside of Transnistria is generally available but each case must be considered on its individual merits.
- 3.1.7 If a claim is refused it must be considered for certification as Moldova is a designated state. Cases are likely to be certified because persons will be able to relocate.

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# Country information

Updated: 21 April 2017

## 4. Background

- 4.1.1 The European Commission noted in a strategy paper on Moldova that:

'In 1992 a short civil war took place in the region of Transnistria on the eastern Moldovan border. Transnistria succeeded in establishing de facto independence from Moldova but has not been internationally recognised as an independent country. After the ceasefire, in 1992, a security zone was established guarded by peace-keeping forces consisting mostly of Russian troops and troops from the two sides. A small number of Ukrainian military observers are also present. Additional Russian troops, ammunition and armoured vehicles are also stationed in Transnistria.'

'Since 1995, Moldova and Transnistria, assisted by three international mediators, the OSCE, Russia and the Ukraine, have been discussing a possible settlement within the so-called "five-sided mediation process". Since October 2005, the EU and the US have been involved in this process as observers, the new format being known as "5+2". The new Ukrainian leadership has declared its intention to renew its commitment to solving the crisis.'

'President Yushchenko proposed a blueprint for a negotiated settlement at the 22 April 2005 GUAM Summit in Chisinau. These - subsequently revised - proposals centre around the idea of democratic elections in Transnistria. On 2 June 2005, President Yushchenko of the Ukraine and President Voronin of Moldova sent a joint letter to European Commission President Barroso and High Representative/ Secretary General Solana requesting *inter alia* international monitoring of the Transnistrian section of their common border. The EU agreed to this request. An EU Border Assistance Mission (EU BAM) has been in place since 1 December 2005.'<sup>1</sup>

- 4.1.2 The BBC profile of Trans-Dniester, updated December 2016, stated:

'The separatist region of Trans-Dniester - a narrow strip of land between the Dniester river and the Ukrainian border - proclaimed independence from Moldova in 1990, and is considered one of the post-Soviet space's "frozen conflicts".'

'The international community does not recognise its self-declared statehood, and the territory, which remains in a tense stand-off with Moldova, is often portrayed as a hotbed of crime.'

'In a referendum in September 2006, not recognised by Moldova or the wider international community, the region reasserted its demand for independence and backed a plan eventually to join Russia...'

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<sup>1</sup> European Commission, European Neighbourhood and Partnership Instrument Republic of Moldova Country Strategy paper 2007-2013 (p5), undated, [https://ec.europa.eu/europeaid/sites/devco/files/csp-moldova-2007-2013\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/csp-moldova-2007-2013_en.pdf) Accessed: 20 April 2017

'A 1989 law which made Moldovan an official language added to the tension and Trans-Dniester proclaimed its secession in September 1990.

'The breakaway territory's paramilitary forces took over Moldovan public institutions in the area in 1991. Fighting intensified, culminating in a battle on the right bank of the Dniester in June 1992. Up to 700 people were killed in the conflict.

'A ceasefire was signed in July 1992, and a 10-km demilitarised security zone was established. The settlement was enforced by the Russian 14th Army forces already stationed in Trans-Dniester...

'Long-running talks supervised by the OSCE, Russia and Ukraine have yet to yield a political solution. Attempts by Moldova to exert economic pressure on the Dniester authorities have failed to produce the desired result.

'In 2004 a Russian-brokered plan, which would have made the presence of Russian troops permanent, sparked mass protests in Moldova and was shelved. Conflict resolution talks involving Moldova, Trans-Dniester, Russia, Ukraine and the OSCE resumed under Russian mediation in 2008, after being suspended in 2006

'There are disputes over language issues. Though dominated by Russian-speakers, around 40% of the population in Trans-Dniester have Moldovan - which is virtually identical to Romanian - as a first language.

'Trans-Dniester contains most of Moldova's industrial infrastructure, but its economic potential is limited by its international isolation. It has its own currency, constitution, parliament, flag and anthem. One of the last bastions of Soviet-style rhetoric, the territory has nonetheless privatised some of its industrial enterprises.

'Russia shores up the region with financial assistance and funds a monthly payment to the region's pensioners. It has a reputation for corruption, organised crime and smuggling, and has denied accusations of illegal arms sales and of money laundering.'<sup>2</sup>

- 4.1.3 The CIA World Fact-book noted: 'Moldova and Ukraine operate joint customs posts to monitor the transit of people and commodities through Moldova's break-away Transnistria region, which remains under the auspices of an Organization for Security and Cooperation in Europe-mandated peacekeeping mission comprised of Moldovan, Transnistrian, Russian, and Ukrainian troops.'<sup>3</sup>

- 4.1.4 Freedom House, in their 'Freedom in the World' report, Transnistria, 2016, stated:

'Corruption and organized crime are serious problems. The authorities are entrenched in the territory's economic activities, which rely heavily on smuggling schemes. Since 2005, the EU has assisted Ukraine and Moldova

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<sup>2</sup> BBC, Trans-Dniester Profile – Overview, updated 13 December 2016, <http://www.bbc.co.uk/news/world-europe-18286268>. Accessed: 16 March 2017

<sup>3</sup> Central Intelligence Agency, World Fact-book: Moldova (Disputes – International), updated 12 January 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/md.html>. Accessed: 16 March 2017

in maintaining customs controls and seizing smuggled goods along their internationally recognized shared border.

‘Russia has a major stake in the Transnistrian economy and backs Transnistria through loans, direct subsidies, and natural gas supplies. The Transnistrian government routinely faces enormous budget deficits, and it holds a debt of about US\$4 billion for gas imports from state-owned Russian energy giant Gazprom. Individuals associated with the former Smirnov administration have been accused of embezzling Russian aid and Transnistrian public assets.’<sup>4</sup>

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## 5. Human rights – Moldova

### 5.1 Overview

5.1.1 The US State Department in its 2016 report on Moldova observed in its summary section that:

‘Moldova is a republic with a form of parliamentary democracy. The constitution provides for a multiparty democracy with legislative and executive branches as well as an independent judiciary and a clear separation of powers. Legislative authority is vested in the unicameral parliament...Two rounds of presidential elections were held on October 30 and November 13, resulting in the election of Igor Dodon. According to the preliminary conclusions of the OSCE election observation mission, both rounds were fair and respected fundamental freedoms. International and domestic observers, however, noted polarized and unbalanced media coverage, harsh and intolerant rhetoric, lack of transparency in campaign financing, and instances of abuse of administrative resources.

‘Civilian authorities maintained effective control over the security forces.

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

‘Other significant problems included: allegations of torture and mistreatment by police, prison guards, and staff at psycho-neurological institutions; violence against military conscripts; harsh and overcrowded prison and detention centres; threats against journalists and pressure on them to self-censor; trafficking in persons; discrimination against Roma; discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals; societal and official discrimination against persons with HIV/AIDS; limited enforcement of workers’ rights; and child labour.

‘While authorities investigated reports of official abuse in the security services and elsewhere, they rarely successfully prosecuted and punished

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<sup>4</sup> Freedom House: ‘Freedom in the World’ report – Transnistria – published 18 August 2016  
<https://freedomhouse.org/report/freedom-world/2016/transnistria> Accessed: 30 March 2017

officials accused of human rights violations, complicity in trafficking, or corruption. Selective prosecution of officials for political reasons increased during the year. The investigation into the disappearance of over one billion dollars from the national banking system led to a number of arrests and convictions of current and former high-level officials. Impunity remained a major problem.<sup>5</sup>

- 5.1.2 The Freedom House report covering events in 2015 observed that 'Moldova received a downward trend arrow due to new evidence of government dysfunction, including revelations of mass fraud and corruption, and the enormous influence of powerful businessmen on politics and governance... Moldova experienced a significant political crisis in 2015, as the aftershock of a banking scandal and discord among parliamentary parties and prominent officials caused deep government dysfunction and stalled ongoing reform efforts. Details about a major fraud scheme involving three Moldovan banks continued to emerge during the year, implicating high-ranking public figures and leading to mass protests. The tense climate complicated the process of government formation, contributing to disagreements among the parties that had won seats in the November 2014 parliamentary elections. After multiple transfers of power, the year ended in a political impasse, with parties unable to form a new governing coalition.'
- 5.1.3 The same source also observed that: 'Moldova's multiparty system features rivalry and diversity within the loosely defined pro-European camp, which advocates for integration into the EU, and the pro-Russian camp, which favours closer ties with Russia...' 'The overall media landscape remains polarized; with outlets often used to advance the political or commercial interests of their owners or affiliates. A number of legislative problems hinder the development of press freedom, including weak enforcement of protections for journalists and a regulatory framework that is open to government influence. In 2015, media watchdogs voiced concern about increasing government attempts to limit journalistic access to public information and events of public interest, including legislative proceedings. On several occasions during the year, the authorities denied entry to journalists from Russian news outlets...' 'Although the constitution guarantees religious freedom, Moldovan law recognizes the "special significance and primary role" of the Orthodox Church. The country's small religious minorities continue to encounter discrimination and hostility from local authorities, Orthodox clergy, and residents in some areas...' 'The government upholds freedom of assembly. Opposition parties and civic groups, particularly the Dignity and Truth platform, organized several antigovernment and anticorruption protests during 2015 without obstruction from the authorities. In May, a group of activists held a march in Chișinău for the rights of LGBT (lesbian, gay, bisexual, and transgender) people;

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<sup>5</sup> USSD, Country Reports on Human Rights Practices for 2016, Moldova (Executive summary), 3 March 2017 <https://www.state.gov/j/drl/rls/hrpt/2016/eur/265450.htm> Accessed: 20 April 2017

although some counterdemonstrators harassed participants, the event concluded without reports of significant violence.

'The constitution provides for freedom of association, and state relations with civil society groups have improved since 2009, despite some wariness or hostility toward nongovernmental organization (NGOs) from leading politicians. Civil society organizations and leaders played a central role in mobilizing public reactions to the banking scandal in 2015.

'Although the constitution provides for an independent judiciary, judicial and law enforcement officials have a reputation for being corrupt and under the influence of ruling officials...

'Ill-treatment in police custody, extended pretrial detention, and poor prison conditions persist despite some improvements in recent years. Abuse of military conscripts remains a concern.

'Although legislators advanced a draft proposal for the integration of national minorities in 2015, no definitive policy or action plan were adopted by year's end. Roma face discrimination in housing, education, and employment, and have been targets of police violence. LGBT people are subject to harassment. 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, though not gender identity.

'Women are underrepresented in public life; just 19 were elected to parliament in 2014. Orders of protection for victims of domestic violence are inadequately enforced. Moldova is a source for women and girls trafficked abroad for forced prostitution.<sup>6</sup>

- 5.1.4 Additional sources which have reported on the human rights situation in Moldova, including Transnistria, include:

Submissions by the Moldovan government, civil society and UN bodies for consideration of Moldova within the UN's [Universal Periodic Process](#) which were considered by the Human Rights Committee on 4 November 2016;

[UN human rights bodies'](#) reports, including visits by Special Rapporteurs; Freedom House's, [Nations in Transit 2017, Moldova](#).

Additionally, [Refworld](#) collates human rights information on Moldova.

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## 6. Human rights – Transnistria

- 6.1.1 The US State Department (USSD) Country Report on Human Rights Practices for 2016, Moldova, noted:

'...The central government did not exercise authority in [Transnistria], and Transnistrian authorities governed through parallel administrative structures.

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<sup>6</sup> Freedom House, 'Freedom in the World 2016', Moldova, August 2016,  
<https://freedomhouse.org/report/freedom-world/2016/moldova>. Accessed: 20 April 2017

Transnistrian authorities allegedly interfered with political and voting activities in both the 2014 parliamentary and 2016 presidential elections. There were regular reports that police engaged in torture, arbitrary arrests, unlawful detentions, and pressure on Latin-script schools.<sup>7</sup>

- 6.1.2 A report produced by the Equal Rights Trust in partnership with Promo-Lex, noted:

'The observance of human rights in the Transnistrian region is very poor. Major problems include: arbitrary arrest and detention; forced enrolment, ill-treatment and suspicious deaths in regional paramilitary structures and the "army"; unlawful deprivation of property; violation of due process rights; violation of the rights to freedom of expression, association and assembly. In addition, in recent years, there has been an increase in reported cases of harassment and intimidation against human rights activists and media outlets.'<sup>8</sup>

- 6.1.3 The US State Department in their Country Report on Human Rights Practices – Moldova, noted: 'According to local and international experts, authorities in the Transnistrian region continued to monitor and restrict activities of human rights NGOs. There were credible reports that no human rights NGO in the region investigated serious human rights violations due to fear of repression and harassment from authorities.'<sup>9</sup>

- 6.1.4 The USSD report also stated:

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

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

'In Transnistria, authorities reportedly engaged in the arbitrary arrest and detention of individuals with impunity. There were cases of Transnistrian authorities detaining individuals on fabricated charges without due process.'<sup>10</sup>

- 6.1.5 The human rights group, 'Civil Rights Defenders' based in Sweden reported:

'In the breakaway territory of Transnistria, human rights abuses are grave. Torture, arbitrary arrests and unlawful detentions are widespread. Freedom

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<sup>7</sup> United States State Department 'Country Reports on Human Rights Practices for 2016' – Moldova – Executive Summary Published 3 March 2017 <https://www.state.gov/j/drl/rls/hrpt/2016/eur/265450.htm> Accessed: 16 March 2017

<sup>8</sup> The Equal Rights Trust/Promo-Lex: 'From Words to Deeds – Addressing Discrimination and Inequality in Moldova' dated June 2016 [http://www.equalrightstrust.org/ertdocumentbank/From%20Words%20to%20Deeds%20Addressing%20Discrimination%20and%20Inequality%20in%20Moldova\\_0.pdf](http://www.equalrightstrust.org/ertdocumentbank/From%20Words%20to%20Deeds%20Addressing%20Discrimination%20and%20Inequality%20in%20Moldova_0.pdf) Accessed: 21 March 2017

<sup>9</sup> United States State Department 'Country Reports on Human Rights Practices for 2016' – Moldova – Section 5 Published 3 March 2017 <https://www.state.gov/j/drl/rls/hrpt/2016/eur/265450.htm> Accessed: 16 March 2017

<sup>10</sup> United States State Department 'Country Reports on Human Rights Practices for 2016' – Moldova 3 March 2017 <https://www.state.gov/j/drl/rls/hrpt/2016/eur/265450.htm> Accessed: 23 March 2017

of expression and association is tightly controlled and independent voices against the regime are suppressed...

'Transnistria is one of the least accessible territories for human rights defenders, and pressure on organisations defending human rights in Transnistria has intensified further over the past three years. Outspoken grassroots activists face prosecutions, are charged with vigilantism and other crimes. Human rights defenders working with Transnistria encounter harassment, defamation, and pressure from the de facto authorities on a daily basis as a result of their work...

'In Transnistria, freedom of religion is practically non-existent, in as much as there is an overcomplicated procedure of registration of religious groups, which includes a number of additional requirements. In order to be formally registered, religious groups are required to have at least ten members and be active for a minimum of ten years, during which they have limited permission to address the public. Moreover, religious groups can lose their property if they are active without registration. The Transnistrian de facto legislation neither complies with international standards, nor guarantees equality for diverse religious groups.'<sup>11</sup>

- 6.1.6 The Constitution of Moldova protects the rights of citizens to religious freedom. According to the US State Department Report on International Religious Freedom:

'In the separatist Transnistria region, de facto authorities continued restricting the activities of minority religious groups. Minority religious groups there expressed concern about an inability to fulfil a legislative requirement to reregister. Jehovah's Witnesses said they also could not register new branch offices in the region. Other minority groups, including Muslims, stated they continued to refrain from overt religious activities due to incidents with the security forces such as seizure of religious materials and questioning of community members.

'The Human Rights Information Centre, a nongovernmental organization (NGO), stated that the MOC exercised a strong influence on the state's public policies and "abusively interfered with the minority religious groups' right to the freedom of religion." Minority religious groups, including Jehovah's Witnesses, Baptists, and Pentecostals, reported cases of verbal abuse, property destruction, and media discrimination as well as discrimination by MOC priests. The Muslim community reported biased attitudes, resulting in harassment in schools and negative media coverage.'<sup>12</sup>

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## 6.2 Political freedom

- 6.2.1 Civil Rights Defenders noted: 'Transnistria held its "presidential elections" in 2016 without the presence of international observers, as the region's status

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<sup>11</sup> Civil Rights Defenders: Country Reports – 'Human Rights in Moldova' updated 17 January 2017  
<http://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova> Accessed: 21 March 2017

<sup>12</sup> US State Department, 'Report on International Religious Freedom – Moldova 2015', 10 August 2016  
<https://www.state.gov/j/drl/rls/irf/2015/eur/256219.htm> Accessed: 24 March 2017

is not internationally recognised. Political participation in the territory remains tightly controlled by the ruling elite.’<sup>13</sup>

#### 6.2.2 The US State Department noted that in Moldova:

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

‘Moldova’s first direct presidential elections in 20 years took place on October 30 and November 13 (2016). A run-off was required as no candidate obtained more than 50 percent of the vote in the first round. On December 13, the Constitutional Court validated the results of the elections and the new president, Igor Dodon, was sworn in during an official ceremony on December 23.

‘According to international observers, the elections were broadly conducted in a fair and democratic way. Coverage of the electoral campaign by some media outlets, however, was not conducted in an impartial manner. Observers also raised concerns about the lack of transparency in campaign financing. An unspecified number of citizens abroad or from Transnistria were unable to vote because insufficient ballots were allocated to their respective polling stations.’<sup>14</sup>

#### 6.2.3 Freedom House reported, in their Freedom in the World – Transnistria – 2016 report:

‘While Transnistria maintains its own legislative, executive, and judicial branches of government, no country recognizes its independence. Both the president and the 43-seat, unicameral Supreme Council are elected to five-year terms. Constitutional amendments approved in 2011 created a relatively weak post of prime minister and set a two-term limit on the presidency. In 2014, the Supreme Council voted to hold the next local and legislative elections simultaneously in November 2015, instead of in March and December, respectively. The move was reportedly designed to conserve resources, though some critics ascribed political or corrupt financial motives to the change...

‘Obnovleniye won a landslide victory in November 2015 legislative elections, securing 31 seats. Poor economic conditions and dissatisfaction with Shevchuk’s government contributed to the upset. Vadim Krasnoselsky, former security chief of Sheriff Enterprises, a business conglomerate that dominates the Transnistrian economy, was elected parliament speaker, and Pavel Prokudin was appointed prime minister.

‘A small group of Shevchuk’s allies and supporters demonstrated against the results of the elections, claiming vote manipulation.’<sup>15</sup>

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<sup>13</sup> Civil Rights Defenders: Country Reports – ‘Human Rights in Moldova’ updated 17 January 2017 <http://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova> Accessed: 21 March 2017

<sup>14</sup> US State Department ‘Report on International Religious Freedom – Moldova 2015’ 10 August 2016 Section 3 <https://www.state.gov/j/drl/rls/irf/2015/eur/256219.htm> Accessed: 24 March 2017

<sup>15</sup> Freedom House: ‘Freedom in the World report – Transnistria’ 18 August 2016 <https://freedomhouse.org/report/freedom-world/2016/transnistria> Accessed: 30 March 2017

#### 6.2.4 Freedom House noted that:

'[President of Transnistria] Shevchuk, who had fallen out with President Igor Smirnov in 2009 and resigned from Obnovleniye leadership in 2010, formed the Vozrozhdeniye (Revival) movement to back his 2011 presidential bid. Obnovleniye, the majority party in the legislature, is associated with Transnistria's monopolistic business conglomerate, Sheriff Enterprises, and maintains a close relationship with the ruling party in Russia. Despite internal political rivalry and infighting, Transnistria's entire political establishment, including nominal opposition parties and civil society organizations, supports the separatist system and Russia's role as patron.

'Moscow's political influence in Transnistria is undergirded by the presence of 1,500 Russian troops, who are stationed to guard a Soviet-era ammunition depot and uphold a 1992 cease-fire between Transnistria and Moldova. The Moldovan government periodically calls for Russia to withdraw its forces.

'While Transnistria has three official languages—Russian, Ukrainian, and Moldovan—Russian is the de facto language used by the government. Authorities do not allow voting in Moldovan elections to take place in Transnistrian-controlled territory, but residents with Russian citizenship had access to two dozen polling stations during Russia's tightly controlled 2012 presidential election.'<sup>16</sup>

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### 6.3 Journalists and media workers

#### 6.3.1 According to the NGO 'Civil Rights Defenders':

'Freedom of expression in Transnistria is very poor and those exercising it independently are often subjected to KGB controls. An archaic provision has been introduced into Transnistrian Criminal Code on 27 June 2016, punishing any public activities or expressions, including those made online, which show disrespect to Russian armed forces operating in the region. The blatant rule prescribes punishment ranging from a large fine or up to 3-years imprisonment...

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#### 6.3.2 The USSD Country Report on Human Rights Practices for 2016 noted:

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

<sup>16</sup> Freedom House: 'Freedom in the World report – Transnistria' 18 August 2016

<https://freedomhouse.org/report/freedom-world/2016/transnistria> Accessed: 30 March 2017

<sup>17</sup> Civil Rights Defenders: 'Country Reports – 'Human Rights in Moldova' updated 17 January 2017

<http://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova> Accessed: 30 March 2017

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

‘Two organizations controlled the Transnistrian mass media market: The “Public Agency for Telecommunication,” which controlled official news information agencies, newspapers, and one of the two most popular television channels; and Sheriff Holding, a business conglomerate with considerable influence in the Transnistrian “Supreme Soviet.” The Transnistrian “Supreme Soviet” passed a law restricting access of journalists to the institution’s plenary sessions...

‘In many cases, journalists practiced self-censorship to avoid conflicts with the sponsors or owners of their media outlets. In Transnistria, journalists avoided criticizing separatist officials’ goal of independence or their “foreign policy” to avoid official reprisals.’<sup>18</sup>

### 6.3.3 The Report of the Special Rapporteur on Minority Issues on her Mission to the Republic of Moldova, published 11 January 2017, recommended:

‘Minority media plays an important role in preserving the language, culture and identity of minority groups. The Government should consider measures to increase the number of television programmes in minority languages broadcast in public media, in consultation with minority communities.

‘The Special Rapporteur encourages media outlets to maintain the highest standards of ethical journalism and avoid stereotyping individuals and groups, and to implement programmes to train, recruit and support media workers belonging to minority groups.’<sup>19</sup>

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## 6.4 Ethnic minorities: Roma

### 6.4.1 Sources of information on Roma people specific to the region of Transnistria are limited, since Moldova and Transnistria are ‘de jure’ the same country. The information provided should be considered to include the situation in both regions.

### 6.4.2 Civil Rights Defenders noted: ‘Due to stigmatisation and exclusion, discrimination against the Roma community is widespread in Moldovan society. Among the myriad of challenges faced by Roma communities are; access to the labour market, housing conditions, political representation and segregation of Roma children in the school system.’<sup>20</sup>

<sup>18</sup> United States State Department ‘Country Reports on Human Rights Practices for 2016 – Moldova’ Section 2a 3 March 2017 <https://www.state.gov/j/drl/rls/hrpt/2016/eur/265450.htm> Accessed: 30 March 2017

<sup>19</sup> UN Human Rights Council, ‘Report of the Special Rapporteur on minority issues on her mission to the Republic of Moldova, 11 January 2017’, A/HRC/34/53/Add.2, available at: <http://www.refworld.org/docid/58adaa204.html> Accessed: 31 March 2017

<sup>20</sup> Civil Rights Defenders: Country Reports – ‘Human Rights in Moldova’ updated 17 January 2017 <http://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova> Accessed: 21 March 2017

6.4.3 The US State Department reported that:

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

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

'In Transnistria, authorities continued to intimidate parents, students, and the administration of schools that used Latin script. The region's authorities requested a power of attorney from both parents in order to allow their children to cross checkpoints at the administrative border. Parents and school administration considered this an abuse of the free movement and an obstacle for children who wanted to study in their native language.'<sup>21</sup>

6.4.4 According to the report 'From Words to Deeds' produced by Equal Rights Trust in partnership with the Promo-Lex Association in June 2016:

'There is very little publicly available information about the situation of the Roma in Transnistria as the number of Roma in the region is unknown. The 2004 census indicates that there are 507 Roma in Transnistria, however, other sources place estimates between 5,000 and 6,000. Roma in Transnistria are particularly vulnerable as they are stigmatised, frequently live in poverty and are subject to discrimination in employment and housing. There are also reports of physical abuse of Roma detained by the police, and cases when Roma have been expelled in groups from the territory.'<sup>22</sup>

6.4.5 The Report of the Special Rapporteur on Minority Issues on her Mission to the Republic of Moldova, published 11 January 2017, stated:

'The Roma Action Plan 2016-2020 was adopted in April 2016, following the expiration of the Roma Action Plan 2011-2015. Many stakeholders consulted stated that, despite the fact that the Roma Action Plan had been a positive development for the protection and promotion of Roma rights, the decentralization reform, which had placed the responsibility of implementing a large number of measures in the hands of local administrations, and the lack of sufficient funding, among other factors, had resulted in the Plan being poorly implemented, monitored and assessed. Concerns were expressed

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<sup>21</sup> United States State Department 'Country Reports on Human Rights Practices for 2016 – Moldova' Section 6 National/Racial/Ethnic Minorities, 3 March 2017

<https://www.state.gov/j/drl/rls/hrpt/2016/eur/265450.htm> Accessed: 23 March 2017

<sup>22</sup> The Equal Rights Trust/Promo-Lex: 'From Words to Deeds – Addressing Discrimination and Inequality in Moldova' dated June 2016

[http://www.equalrightstrust.org/ertdocumentbank/From%20Words%20to%20Deeds%20Addressing%20Discrimination%20and%20Inequality%20in%20Moldova\\_0.pdf](http://www.equalrightstrust.org/ertdocumentbank/From%20Words%20to%20Deeds%20Addressing%20Discrimination%20and%20Inequality%20in%20Moldova_0.pdf) Accessed: 21 March 2017

that, given the lack of budget provision, the current Plan would face similar challenges. The Human Rights Committee, in its concluding observations, explicitly recommended that sufficient human and financial resources be allocated to effectively implement the new Roma Action Plan 2016-2020.<sup>23</sup>

6.4.6 The Report of the Special Rapporteur drew a number of conclusions, including the following:

'Roma communities continue to experience economic, social and political marginalization and are often victims of discrimination, particularly when gaining access to the labour market, education and health-care services. The situation of Roma children and women and girls is of particular concern. In order to tackle the long-term marginalization experienced by many Roma communities, it is essential that the new Roma Action Plan 2016-2020 be sufficiently financed and its implementation effectively monitored and assessed. The genuine involvement of and consultation with Roma representatives during the entire duration should be ensured and a specific gender dimension introduced. The creation of a focal point for Roma issues at the governmental and ministerial levels should be considered as a means of providing institutional support and visibility to Roma...<sup>24</sup>

6.4.7 In relation to Transnistria, the Special Rapporteur recommended:

'All of the key decision makers in the Region are urged to redouble efforts to fully implement the recommendations presented by United Nations Senior Expert Thomas Hammarberg and by the Special Rapporteur on freedom of religion or belief, including those related to the mandate of the Special Rapporteur on minority issues. In particular, the Special Rapporteur encourages the regional decision makers to establish a commission with minority members from the region that would serve as a channel to key decision makers.'<sup>25</sup>

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## 6.5 Women: status and conditions

6.5.1 Sources of information on the treatment of women specific to the region of Transnistria are limited, since Moldova and Transnistria are 'de jure' the same country. The information provided should be considered to include the situation in both regions.

6.5.2 Freedom House, in their Freedom in the World report - Transnistria, for 2016, noted:

'Women are typically underrepresented in positions of authority, making up less than 10 percent of the legislature, though Shevchuk's government

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<sup>23</sup> UN Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to the Republic of Moldova, 11 January 2017', A/HRC/34/53/Add.2, available at:  
<http://www.refworld.org/docid/58adaa204.html> Accessed: 31 March 2017

<sup>24</sup> UN Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to the Republic of Moldova, 11 January 2017', A/HRC/34/53/Add.2, available at:  
<http://www.refworld.org/docid/58adaa204.html> Accessed: 31 March 2017

<sup>25</sup> UN Human Rights Council, 'Report of the Special Rapporteur on minority issues on her mission to the Republic of Moldova, 11 January 2017', A/HRC/34/53/Add.2, available at:  
<http://www.refworld.org/docid/58adaa204.html> Accessed: 31 March 2017

includes several women in high-ranking positions. Domestic violence is a widespread problem, affecting an estimated 36 percent of women, and many domestic violence incidents are not reported to police. Transnistria is a significant source for trafficking in women for the purpose of prostitution and forced labour. Moldovan authorities offer resources to Transnistrian trafficking victims.<sup>26</sup>

6.5.3 Civil Rights Defenders noted, in January 2017:

'Moldovan society is very patriarchal, which results in a high level of discrimination against women leading to a situation where many women face challenges on the labour market, gender-based violence and trafficking. Additionally, reports have revealed practices of coercive sterilisation, affecting particularly women with disabilities, women in rural areas and Roma women.'<sup>27</sup>

6.5.4 The Equal Rights Trust and Promo-Lex, in their report of June 2016, stated:

'In 2015, the UNDP Gender Inequality Index ranked Moldova 107th out of 187 countries, with a gender equality rating of 0.248. In the World Economic Forum's 2015 Global Gender Gap Report, which measures the gender gap in economic participation, political life, education and healthcare, Moldova was ranked 26 out of 145 countries with a score of 0.742.

'Although the reasons for gender discrimination in any society are diverse, patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in Moldovan society contribute to discrimination and impinge upon the rights of women. In its 2013 review of Moldova, the Committee on the Elimination of Discrimination against Women (CEDAW) noted that stereotypes are one of the "root causes" of women's disadvantaged position in different areas of life, as well as a leading cause of violence against women. Further, the Committee cited stereotyping of older women and women with disabilities, sexism in advertising, and the promotion of traditional gender roles through religious institutions as problems which adversely affect the implementation of state policies on gender equality and contribute to discriminatory attitudes towards women in Moldova.'<sup>28</sup>

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## 6.6 Women: legal rights and social policy

6.6.1 According to the Equal Rights Trust/Promo-Lex report of June 2016:

'Several laws prohibit discrimination and promote equality on the basis of gender in Moldova. Under Article 16(2) of the Constitution, "all citizens of the Republic of Moldova shall be equal before the law and public authorities,

<sup>26</sup> Freedom House: 'Freedom in the World – Transnistria 2016', 18 August 2016

<https://freedomhouse.org/report/freedom-world/2016/transnistria>. Accessed: 17 March 2017

<sup>27</sup> Civil Rights Defenders: Country Reports – 'Human Rights in Moldova' updated 17 January 2017

<http://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova> Accessed: 21 March 2017

<sup>28</sup> The Equal Rights Trust/Promo-Lex: 'From Words to Deeds – Addressing Discrimination and Inequality in Moldova' dated June 2016 [tp://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=577cf974&skip=0&query=Human%20rights,%20Transnistria%202016&coi=MDA](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=577cf974&skip=0&query=Human%20rights,%20Transnistria%202016&coi=MDA) Accessed: 5 April 2017

regardless of (...) sex". Similar provisions are found in the Labour Code, Family Code, the Law on Equality of Opportunities between Women and Men, the Law on Ensuring Equality, the Law on Preventing and Combating Domestic Violence, and the Law on Healthcare.<sup>29</sup>

#### 6.6.2 However, the report went on to say:

'... while Moldova has enacted a range of laws prohibiting discrimination on the basis of gender, including most recently the Law on Ensuring Equality in 2012, in 2013, CEDAW highlighted several problems with the Moldovan legislative framework:

- (a) The slow progress of the State party's legal reform aimed at harmonizing its national legislation with the Convention, in addition to the delay in, and lack of a clear time frame for, the adoption of a number of important draft laws;
- (b) The insufficient implementation of laws aimed at the elimination of discrimination against women;
- (c) The limited budget allocated to the Anti-Discrimination Council; [and]
- (d) The lack of awareness by the judiciary of women's rights and relevant national legislation and the lack of systematic training on the Convention and national legislation that promotes gender equality...

'...In 2015, the CPEDEE noted the existence of stereotypes and gender-discriminatory language in Moldovan policy documents and legislation. These stereotypes are particularly evident in Government Decision No. 264 of 1993, which prohibits women from undertaking certain forms of dangerous work, including, for example, processing metals, roles in the construction materials industry and in certain types of construction and ship repair. Irrespective of their intent, prohibitions such as this have been criticised by the Committee on the Elimination of Discrimination against Women for "restricting women's economic opportunities", as "neither legitimate nor effective as a measure for promoting women's reproductive health" and creating "obstacles to women's participation in the labour market" ...<sup>30</sup>

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### 6.7 Women: domestic and sexual violence

#### 6.7.1 The USSD Report on human rights practices in Moldova 2016 (for events of 2015) stated:

'The law defines domestic violence as a criminal offence, provides for the punishment of perpetrators, defines mechanisms for obtaining restraining orders against abusive individuals, and extends protection to unmarried

<sup>29</sup> The Equal Rights Trust/Promo-Lex: 'From Words to Deeds – Addressing Discrimination and Inequality in Moldova' dated June 2016 [tp://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=577cf974&skip=0&query=Human%20rights,%20Transnistria%202016&coi=MDA](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=577cf974&skip=0&query=Human%20rights,%20Transnistria%202016&coi=MDA) Accessed: 5 April 2017

<sup>30</sup> The Equal Rights Trust/Promo-Lex: 'From Words to Deeds – Addressing Discrimination and Inequality in Moldova' dated June 2016 [tp://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=577cf974&skip=0&query=Human%20rights,%20Transnistria%202016&coi=MDA](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=577cf974&skip=0&query=Human%20rights,%20Transnistria%202016&coi=MDA) Accessed: 5 April 2017

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

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

'In 2015-16, more than 200 judges and prosecutors received training on preventing and combating domestic violence. While courts increased the number of protective orders they issued, police did not always implement such orders effectively. Observers stated that the police approach to domestic violence improved slightly, but judges and prosecutors often failed to take the crimes seriously. Authorities classified violations of protection orders as administrative infractions, which meant they could not open criminal proceedings against offenders unless they violated the order on multiple occasions.'<sup>31</sup>

#### 6.7.2 According to the report produced by the Equal Rights Trust/Promo-Lex,

'Victims of domestic violence in the Transnistrian region lack protection. In a 2011 HIV Vulnerability Survey, almost one quarter of the women interviewed (22.3%) had been subject to physical violence. 35.7% of women had been victims of physical violence at least once in their lives, while 20.5% said they had been victims of physical violence "once or twice", 5.9% "3 to 5 times", and 8.7% had been subject to violence five times or more. In half of the cases of violence, the aggressor was either their husband or live-in partner, in 8.7% of cases it was a boyfriend, in 25.8% it was their father or brother, and in 9% of the cases it was another man.

'Absent any local law prohibiting gender-based or domestic violence, a lack of de facto control over the region ensures that administrative and criminal sanctions cannot be enforced. The majority of victims, lacking effective avenues of redress, do not seek assistance from local authorities, fearing humiliation during the investigative process and court hearings. Although domestic violence centres located near Causeni or Drochia, and those in the Chișinău Municipality, may be able to offer assistance and support, this is an

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<sup>31</sup> United States State Department 'Country Reports on Human Rights Practices for 2016 – Moldova'  
Section 6 National/Racial/Ethnic Minorities 3 March 2017

<https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265450.htm> Accessed: 23 March 2017

expensive process and requires frequent travel, which may prevent victims from seeking help.<sup>32</sup>

- 6.7.3 In September 2016, the website of UN Women (Europe and Central Asia) reported on new initiatives to reduce the incidence of domestic and sexual violence against women. The website noted:

‘Across the country, organizations are trying new ways to eliminate domestic violence in Moldova, where 63 per cent of women have been subjected to at least one form of sexual, physical, psychological or economic domestic violence.

‘To trial innovative approaches to eliminating violence against women, UN Women has provided small grants to six Moldovan non-governmental organizations (NGOs) based in Chişinău, Drochia, Hânceşti and Căuşeni that have been actively piloting new approaches, sharing them with other groups and, in turn, learning from others’ experiences.

‘The maternity centre Ariadna in Drochia, northern Moldova uses “positive champions” – women who escaped the vicious circle of domestic violence – to encourage survivors of violence to speak up and share their stories with other women who suffer violence in their home.<sup>33</sup>

- 6.7.4 The report noted:

‘Promo-Lex, an association working to promote democracy and human rights in Moldova, works closely with police in 40 different towns to heighten their attention to domestic violence. Through in-depth interviews with police officers, the association has identified role models – police officers who have gone the extra mile to solve domestic violence cases.

‘Their efforts to get aggressors to refrain from further violence include identifying potentially violent families before charges are brought, involving local doctors and hospitals, and creating conditions so survivors feel free to speak up.

‘Promo-Lex’s unusual methods have been used in Hânceşti, a district centre of 120,000 people, near Moldova’s capital, Chişinău.

“In our district we identified 191 domestic aggressors,” explained Ms. Iana Rusu, head of the Community Interaction Section of the local Police Inspectorate: “The first thing we did was to remove the survivor from the domestic environment or isolate the aggressor from the family. We also held a number of information and experience-sharing sessions with police colleagues to ensure all police shared the same understanding of domestic violence.”

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<sup>32</sup> The Equal Rights Trust/Promo-Lex: ‘From Words to Deeds – Addressing Discrimination and Inequality in Moldova’ dated June 2016 [tp://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=577cf974&skip=0&query=Human%20rights,%20Transnistria%202016&coi=MDA](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=577cf974&skip=0&query=Human%20rights,%20Transnistria%202016&coi=MDA) Accessed: 21 March 2017

<sup>33</sup> UN, ‘Moldovan NGOs innovate to stop violence against women’, 23 September 2016, <http://eca.unwomen.org/en/news/stories/2016/09/moldovan-ngos-innovate-to-stop-violence-against-women#sthash.fVlcQdBI.dpuf>. Accessed: 21 March 2017

- 6.7.5 The NGO ‘Global Rights for Women’ which in 2015 delivered training to police, prosecutors, social services providers and others dealing with sexual and domestic violence against women noted, in January 2016:

‘Moldova has achieved real progress in keeping women safe from violence. It passed its violence against women law in 2008 and strengthened it in 2010. One of the key provisions of that law is a civil protection order issued by the courts. These orders prohibit offenders from contact with their victims including, in some cases, requiring them to move out of the home that they share. In 2010 only four protection orders were issued. By 2014, there were 920! The Women’s Law Centre credits police training, along with a stronger law, for this increase. As this progress continues it will have a ripple effect throughout the country and region.’<sup>34</sup>

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## 6.8 Trafficking in persons

- 6.8.1 According to the US State Department 2016 Trafficking in Persons report, Moldova is a Tier 2 country for human trafficking. The USSD report stated:
- ‘...The breakaway region of Transnistria remains a source for victims of both sex and labor trafficking. Official complicity in trafficking is a significant problem in Moldova...

‘Authorities increased investigations in 2015, carrying out 189 trafficking cases, compared to 175 in 2014. The government increased prosecutions, completing 76 cases in 2015, compared to 49 in 2014. The government obtained fewer convictions in 2015, convicting 39 traffickers in 2015, compared to 43 in 2014. Of the 39 convicted traffickers, 36 were sentenced in 2015, and all received prison terms. The average jail sentence was 7.3 years for trafficking in persons and 16.3 years for trafficking of children. Moldovan authorities cooperated with foreign counterparts on multiple trafficking investigations. Mostly using donor funding, the government trained police, border guards, prosecutors, and judges in 2015. Candidates for judges and prosecutors were required to complete a 40-hour course on trafficking...

‘The government identified 310 trafficking victims in 2015, compared with 264 in 2014. Of these identified victims, 68 were children, an increase from 26 in 2014. Inaction by some law enforcement officials reportedly led to some potential investigations not being pursued and potential victims being left undiscovered. The law requires adult trafficking victims confront their alleged traffickers in person at a police station to begin an investigation, and sometimes on multiple occasions over the course of an investigation and trial; this requirement likely deters victims from reporting crimes and can re-traumatize victims.’<sup>35</sup>

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<sup>34</sup> Global Rights for Women: ‘A different face of Moldova’ dated 11 January 2016

<http://globalrightsforwomen.org/2016/01/11/a-different-face-of-moldova>. Accessed: 7 April 2017

<sup>35</sup> United States Department of State, ‘2016 Trafficking in Persons Report – Moldova’, 30 June 2016, available at: <http://www.refworld.org/docid/577f95d2c.html> Accessed: 23 March 2017

## 6.9 Lesbian, gay, bisexual and trans persons

- 6.9.1 The USSD's country report on human rights practices for 2016 noted:
- 'The law prohibits employment discrimination based on sexual orientation. Societal discrimination based on sexual orientation and gender identity continued during the year.
- 'During the year the NGO Genderdoc-M reported 47 cases of discrimination, incidents, and crimes based on sexual orientation. It also reported that courts examined nine cases of violations of the rights of LGBTI persons, including homophobic bias, hate crimes, discrimination, and on the issuance of identity documents for transgender persons...
- 'Civil society organizations reported that transgender individuals were unable to change identity documents during or following gender reassignment and that they experienced employment discrimination...
- 6.9.2 The USSD report for 2016 observed that:
- 'In Transnistria, consensual same-sex activity is illegal, and LGBTI persons were subjected to official as well as societal discrimination. A high school student from Bender was forced to leave school following harassment from peers and teachers based on his sexual orientation. Following the incident, the student's parents tried to place him in a psychiatric hospital. The student was subsequently able to flee the Transnistrian region and moved to Chisinau.'<sup>36</sup>

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## 6.10 Legal system and the judiciary

- 6.10.1 According to the USSD country report for Moldova, 2016:
- 'While the law provides for an independent judiciary, instances of government officials failing to respect judicial independence remained a problem. Official pressure on judges and corruption in the judiciary continued to be serious problems. There were credible reports that local prosecutors and judges sought bribes in return for reducing charges or sentences. Judges often failed to assign cases randomly or use recording equipment in the courtroom. In 2015 parliament amended the criminal and contravention code to remove legal inconsistencies in the mandatory audio and video recording of court hearings. Very few courtrooms, however, actually used such equipment, notwithstanding the removal of ambiguities in the law.'<sup>37</sup>
- 6.10.2 The country report on Moldova by Civil Rights Defenders stated:
- 'Moldovan legislation prohibits torture and other cruel, inhuman or degrading forms of treatment or punishment. Despite the establishment of the National Preventive Mechanism, there have been reports of violations of the right to life and physical integrity, including those targeting minors, cases of torture,

<sup>36</sup> US State Department Country Report on Human Rights Practices for 2016 – Moldova section 6

3 March 2017 <https://www.state.gov/i/drl/rls/hrrpt/2016/eur/265450.htm> Accessed: 17 March 2017

<sup>37</sup> United States State Department 'Country Reports on Human Rights Practices for 2016' – Moldova Section 1e 3 March 2017 <https://www.state.gov/i/drl/rls/hrrpt/2016/eur/265450.htm>. Accessed: 7 April 2017

in particular, when obtaining confessions, abuse and even reported cases of suspicious deaths of detainees and prisoners while in custody at detention centres. The law regarding the NPM is vague and does not explicitly frame any working mechanism, structure or its definite function. Cases often remain unsolved or are never thoroughly investigated, especially in Transnistria. Police officers accused of torture or ill treatment are rarely brought to trial or punished for their actions.

'Amendments to the Criminal Code seek to improve judicial proceedings in cases of alleged torture or ill treatment. The level of punishment for those found guilty of such crimes has also increased. However, there are reports of numerous inconsistencies in applying sanctions against the perpetrators of such crimes. The situation is especially acute for persons in psychiatric hospitals, who have been exposed to verbal, physical and sexual abuse, deprivation of food and subjected to forced labour. The institution of the Ombudsperson for Psychiatry has been responsible for monitoring these institutions but is considered ineffective.'<sup>38</sup>

6.10.3 The USSD report for Moldova, 2016, noted:

'In Transnistria, there were credible reports during the year that authorities disregarded trial procedures and denied defendants a fair trial.'<sup>39</sup>

6.10.4 The USSD report also noted:

'The law allows citizens to seek damages in civil courts for human rights violations. Under the constitution, the government is liable when authorities violate a person's rights by administrative means, fail to reply in a timely manner to an application for relief, or commit misconduct during a prosecution. Judgments awarded in such cases were often small and not enforced. Once all domestic avenues for legal remedy are exhausted, individuals may appeal cases involving the government's alleged violation of rights provided under the European Convention on Human Rights to the European Court of Human Rights (ECHR).

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

'As of July, there were 1,330 cases pending against the country in the ECHR. Most complaints concerned detention conditions, torture, inhuman and degrading treatment, failure to carry out judgments, pre-trial detention issues, and the right to a fair trial. In 2015 the court delivered 19 judgments against the state and ordered the government to pay over 6.7 million lei (\$335,000) in damages. During the first seven months of the year, the court issued 24 rulings against the state. The government generally complied with court orders promptly. In 2010 to 2015, the government paid over 48 million lei (\$2.4 million) in damages due to ECHR rulings against the state.'<sup>40</sup>

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<sup>38</sup> Civil Rights Defenders: Country Reports – 'Human Rights in Moldova' updated 17 January 2017 <http://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova> Accessed: 21 March 2017

<sup>39</sup> United States State Department 'Country Reports on Human Rights Practices for 2016 – Moldova' Section 1e 3 March 2017 <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265450.htm> Accessed: 7 April 2017

<sup>40</sup> United States State Department 'Country Reports on Human Rights Practices for 2016 – Moldova'

#### 6.10.5 Civil Rights Defenders stated:

'Even though Moldovan legislation proclaims the judiciary as a separate and independent branch, providing many guarantees of independence and impartiality, in practice many inconsistencies still remain. Pressure on judges as well as corruption within the system continues to be a serious problem. Credible reports also indicate that local prosecutors and judges have received bribes in return for reducing charges and/or sentences. Problems persist with long-term cases not resolved (statute barred), frequent and unjustified annulments of hearings, the remanding of cases for re-trial and non-enforcement of judgments, which further raises concerns over the transparency of the judicial process...

'In Transnistria, where trust in the impartiality and competence of the judiciary is at a low ebb, defendants are denied the right to a fair trial within the parallel, de facto judicial system. Violations include a lack of access to legal aid and attorneys are not independent in fulfilling their functions. The principle of "equality of arms" is not observed, so the defence in general is disadvantaged in comparison to the prosecution. Coupled with a growing number of cases based on fabricated charges, violations of the principle of presumption of innocence, insufficient reviews of evidence and statements, other gross violations of the right to fair trial principles and standards have resulted in a dismal judicial situation in the territory.

'Since Transnistria is not recognised as a country and does not adhere to any international human rights obligations people from Transnistria often seek justice within the Moldovan and international judicial systems. The European Court of Human Rights (ECtHR) states that even if Moldova does not execute control over the territory of Transnistria, it has obligations to take steps to ensure protection of people's rights. Russia has also been found responsible for human rights violations within the territory of Moldova.'<sup>41</sup>

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## 7. Prison conditions

### 7.1.1 Civil Rights Defenders reported, in January 2017:

'The situation in most of Moldova's 17 prisons is poor and inadequate. Despite recent renovations within the prison system, many centres lack adequate structural and sanitary conditions to accommodate the number of persons, especially for those held in pre-trial facilities. Prisoners with infectious diseases are generally not separated from others in the prison population and in many cases do not have adequate access to qualified medical professionals. In general, psychological assistance for prisoners is also unavailable.

'For prisoners in Transnistria, the situation is critical. Water is unsanitary and contributes to disease and poor dental health among prisoners. There is no access to qualified medical care; there is a high rate of prison

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Section 1e 3 March 2017 <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265450.htm> Accessed: 7 April 2017

<sup>41</sup> Civil Rights Defenders: Country Reports – 'Human Rights in Moldova' updated 17 January 2017

<http://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova> Accessed: 7 April 2017

population who suffer from tuberculosis, HIV/AIDS and dental problems. As a result prisoners are often forced to turn to their families for assistance, who, in turn, seek help from private doctors, placing the burden of costs on relatives.<sup>42</sup>

7.1.2 Association Promo-lex, with the International Federation for Human Rights (FIDH) stated, in 2016:

'In Transnistria there are three prisons (two in Tiraspol and one in Hlinaia) for men, one for women, and one for juveniles. Currently detained are 1743 men, 115 women, and 17 minors. Until March 2016, 646 people have been released in connection with local amnesty or pardon.

'Beneficiaries of Promo-LEX Association mentioned that they had to stay in inhuman conditions (small spaces, cold concrete rooms, lack of ventilation and fresh air, lack of toilets, insufficient light, overcrowding, poor nutrition, rusty water, moisture and mould, lack of medicines, inadequate medical care, etc.) for long periods. The de facto administration refuses to improve the conditions.

'The treatment of inmates suffering from tuberculosis is the largest problem. One specialized physician is assigned to treat tuberculosis in all detention facilities in the region. Aside from the overloaded schedule, he lacks the necessary medical equipment. Programs of tuberculosis prevention and deterrence were launched in the region, but these measures are insufficient, with an increasing number of people suffering from acute tuberculosis.

'Several victims have complained about the poor quality of healthcare in prisons, their prolonged treatments, the use of expired drugs, and lack of necessary medical equipment. At present, it is impossible to take blood samples for tests in medical wards in prisons, and advanced tuberculosis and HIV/AIDS are not treated.

'People with disabilities are held under the same conditions as other detainees, and they receive no special conditions or adjustments provided by human rights standards. Similarly, health care is poor and in some cases, completely absent.'<sup>43</sup>

7.1.3 The US State Report, 2016, stated that:

'According to a report by the human rights NGO Promo-Lex, there was no mechanism to investigate alleged acts of torture in Transnistria. According to the report, there were no criminal cases for "providing statements under coercion by means of violence, humiliation, or torture" during the three years since the Transnistrian "investigation committee" was established in 2012. Promo-Lex noted that authorities perpetrated most inhuman and degrading treatment in the Transnistrian region to obtain self-incriminating confessions. Promo-Lex continued to receive complaints from alleged victims of torture

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<sup>42</sup> Civil Rights Defenders: Country Reports – 'Human Rights in Moldova' updated 17 January 2017  
<http://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova> Accessed: 21 March 2017

<sup>43</sup> Promolex/International Federation of Human Rights: 'Human Rights in the Transnistrian region of the Republic of Moldova' Date of report 2016 <https://promolex.md/wp-content/uploads/2016/08/fact-sheet-transnistrian-region-TIPAR.pdf> Accessed: 21 March 2017

and inhuman or degrading treatment applied by Transnistrian security forces...<sup>44</sup>

7.1.4 The USSD report also noted, in the section on prison conditions:

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

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

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

7.1.5 The US State report continued:

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

'Health care was inadequate at most penitentiaries. Government regulations require authorities to separate individuals suspected of suffering from tuberculosis from the other detainees. Authorities often co-located individuals with various other diseases with persons with an unconfirmed diagnosis of tuberculosis, potentially exposing them to infection.'<sup>45</sup>

7.1.6 Freedom House noted the poor state of prisons in Transnistria, in their Freedom in the World report published in 2016:

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<sup>44</sup> United States State Department 'Country Reports on Human Rights Practices for 2016 – Moldova' Section 1c Torture and other cruel, inhuman or degrading treatment 3 March 2017  
<https://www.state.gov/j/drl/rls/hrpt/2016/eur/265450.htm> Accessed: 23 March 2017

<sup>45</sup> US State Department 'Country Report on Human Rights Practices for 2016 – Moldova' section 1d 3 March 2017 <https://www.state.gov/j/drl/rls/hrpt/2016/eur/265450.htm> Accessed: 17 March 2017

'Human rights groups have received credible accounts of torture in custody, and prison conditions are harsh and unsanitary. A 2013 UN report found protracted pre-trial detention, lengthy sentences for minor crimes, and an "alarming" health situation in prisons, including cases of drug-resistant tuberculosis. There is no separate juvenile justice system, and addicts face forced medical treatment. Suspicious deaths of military conscripts occur periodically amid reports of routine mistreatment. No improvements have been made since the publication of the UN report.'<sup>46</sup>

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## 8. Freedom of movement

- 8.1.1 The US State Department Report on Human Rights – Moldova – noted:
- 'The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.
- 'The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.
- 'Transnistrian authorities at times restricted the travel of its residents and other Moldovans to and from the separatist region. Short-term visits to Transnistria by citizens from the Russian Federation, Moldova, Ukraine, Belarus, and Kazakhstan could not exceed 90 days. Citizens of other countries were allowed a maximum of 45 days for short-term visits. The region's migration service had to approve longer visits.
- 'Although citizens generally may depart from and return to the country freely, there were some limitations on emigration. Before emigrating, the law requires individuals to settle all outstanding financial obligations with other persons or legal entities. The government did not strictly enforce this requirement. The law also provides that close relatives who are financially dependent on a potential emigrant must concur before the prospective emigrant may depart the country. Authorities did not enforce this law.'<sup>47</sup>
- 8.1.2 Freedom House noted, in their 2016 report on Transnistria:
- 'Travellers are frequently detained and questioned by Transnistrian authorities, who in some cases seize or demand money and goods. The majority of residents hold Russian, Ukrainian, or other passports besides Moldovan, though many are believed to have multiple citizenship. Between April 2014 and April 2015, about 75,000 Moldovan passport holders in Transnistria obtained biometric passports to benefit from Moldova's new visa-free EU travel privileges.'<sup>48</sup>

<sup>46</sup> Freedom House: 'Freedom in the World – Transnistria 2016' 18 August 2016

<https://freedomhouse.org/report/freedom-world/2016/transnistria> Accessed: 17 March 2017

<sup>47</sup> US State Department 'Country Report on Human Rights Practices for 2016 – Moldova' section 2d

3 March 2017 <https://www.state.gov/j/drl/rls/hrpt/2016/eur/265450.htm> Accessed: 17 March 2017

<sup>48</sup> Freedom House: 'Freedom in the World – Transnistria 2016' 18 August 2016

<https://freedomhouse.org/report/freedom-world/2016/transnistria> Accessed: 7 April 2017

# Version control and contacts

## Contacts

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## Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **14 June 2017**

## Changes from last version of this note

First version in CPIN format.

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