

Moldova

By Victor Gotișan

Capital: Chisinau
Population: 3.5 Million
GNI/capita, PPP: \$5,670

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National Democratic Governance	5.75	6.00	5.75	5.75	5.50	5.50	5.50	5.75	5.75	5.75
Electoral Process	4.00	4.25	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00
Civil Society	3.75	3.50	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25
Independent Media	5.75	5.75	5.50	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Local Democratic Governance	5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.50	5.50	5.50
Judicial Framework and Independence	4.50	4.75	4.50	4.50	4.50	4.75	4.75	4.75	5.00	5.00
Corruption	6.00	6.00	6.00	6.00	5.75	5.75	5.75	6.00	6.00	6.00
Democracy Score	5.07	5.14	4.96	4.89	4.82	4.86	4.86	4.89	4.93	4.93

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. 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 opinions expressed in this report are those of the author(s).

EXECUTIVE SUMMARY

During the course of 2017, Moldova's democracy continued on the negative trajectory of the previous years. Political processes were dominated by the adoption of a new, mixed voting electoral system and what appeared to be a tacit agreement between the ruling Democratic Party of Moldova (PDM) and the Party of Socialists of Moldova (PSRM). By mimicking a "geopolitical fight," PDM and PSRM have created a false internal agenda aimed at eclipsing real problems faced by society such as poverty, corruption, migration, unemployment, or the "billion-dollar theft."

In May, the PDM–Liberal Party (PL) coalition government broke up. Following the breakup, the new government consisted exclusively of ministers appointed by PDM with the exception of three ministries, the Ministry of Defense, Ministry of Justice and Ministry of Economy. During the year, the parliament became a forum for PDM and PSRM to express their geopolitical preferences—with PDM expressing pro-Western views and PSRM expressing pro-Russian sympathies—and champion legal initiatives benefitting their own political futures, such as the mixed electoral system. Meanwhile, President Igor Dodon transformed the presidency into a platform for relaunching dialogue with Russia and promoting pro-Russian opinions, thus creating confusion about the sustainability of the country's European integration agenda.

Even though there were no elections in Moldova in 2017, the modification of the electoral system from a proportional to a mixed system was one of the most controversial and heavily debated subjects in the country. The mixed electoral system, adopted by the joint vote of PDM, PSRM, and members of the European People's parliamentary group, was strongly criticized by civil society, parliamentary and extraparlimentary opposition parties, and international organizations, including the Venice Commission. This electoral modification will likely disadvantage extraparlimentary parties and encourage electoral corruption.

Civil society was quite active in 2017, while relations between the government and the civic sector deteriorated. Attempts to pass contradictory laws or legally mandate funding restrictions from external sources for civil society organizations (CSOs) have fueled a lack of confidence in the government. Additionally, there were a number of political attacks on CSOs.

The media sector continued to be politicized, facing the same new-old challenges. An outdated legal framework, excessive influence from politicians and oligarchs, limited independence for the broadcasting regulatory authority, unfair competition on politicized advertising market, and the use of the media for political purposes continued to hamper Moldovan media independence.

The justice reform stagnated in 2017. The appointment procedure for judges and key officials remained one of the main problems of this sector and continued to be a source of concern, especially when it comes to candidates' integrity. High-profile cases, such as those of Ilan Shor and Veaceslav Platon, to which the society requested free and direct access countless times, continued to be examined behind closed doors. Justice was also used to hide political motives and was unevenly used in the examination of files involving representatives of local and central public administration, showing once again that political influence is the greatest challenge for Moldova's judicial system. Lack of progress and reforms in the justice sector led the European Union (EU) to announce in October its decision of cutting budgetary support program for judicial reforms and stop the last tranche of support in this sector in the amount of €28 million (\$33.1 million).

Anticorruption initiatives did not contribute to reducing corruption in 2017, as none aimed at depoliticizing public institutions and regulatory agencies. Open competitions for positions of responsibility were nontransparent in most instances, organized not by merit but instead relying on controversial regulations and political loyalty to, or membership of, the ruling political group. The year saw an excessive politicization of the fight against corruption. Although the number of big corruption cases grew compared to 2016, these concerned current or former senior figures of political parties other than PDM. Law packages and initiatives adopted in 2016, which were to play an important role in fighting corruption, had yet to yield concrete results at year's end. The reform of National Integrity Authority (NIA), which was envisioned as the key anticorruption institution in the public sector, moved very slowly. The NIA director was selected and appointed in late December—after a year of deadlock

and several failed attempts. The ruling coalition also seemed to lack political will to effectively fight corruption in the public sector.

While the local public administration (LPA) is one of most trusted institutions in the society, local governments risk losing independence and are increasingly used as political instruments ahead of the parliamentary elections in the fall of 2018. As a result, in 2017 LPA representatives, especially those belonging to parties other than PDM, faced intimidation and verbal threats. The threats seemed to take place because they were reluctant to join PDM or promote certain ideas of the party.

The Moldovan economy managed to slightly recover after the decline from 2014-2016 and registered a 3 percent growth in 2017. However, Moldova remained the country with the lowest GDP per capita in the region. Moreover, the discrepancies in the industrial and energy sectors increased, as well as of the export and gross capital formation. The Transnistrian conflict resolution saw some progress, including signed agreements on the apostilization of educational documents issued in Transnistria, as well as the opening of the bridge across the Nistru River between villages Gura Bicului and Bychok for traffic of light vehicles. On November 27–28 a new round of negotiations in the 5+2 format took place in Vienna. However, President Igor Dodon’s attempts aimed at defusing the situation and discussing proposed solutions with the de facto authorities in Tiraspol only resulted in new tensions.

Towards the end of the year, due to the lack of real reforms, the passing of contradictory laws, and wiggling out of international commitments, external partners’ distrust in the government led to the postponing of EU macrofinancial assistance (MAF) in the amount of €100 million (\$119 million). According to the Memorandum of Understanding (MoU) signed by EU and the Moldovan authorities, the MAF now includes 28 conditionality measures in areas such as public governance, financial sector governance, energy sector reforms, and tackling corruption. At the same time, all disbursements under the program are tied to political preconditions regarding respect for democratic mechanisms, the rule of law and human rights, media, and electoral process.

No score changes in 2018.

Outlook for 2018: The year 2018 will mark a turning point for the Republic of Moldova, when the government will either start implementing reforms—judicial and anticorruption reforms, as well as a new a legal framework for the media sector—and regain its credibility in the eyes of its partners, or inch closer to semiconsolidated authoritarian regimes. Internally, the political “fight” between PDM and PSRM will continue. The East/West geopolitical dichotomy will be further debated by the two parties, dictating the country’s political agenda. PDM and the government will play the role of defender and supporter of pro-Western vector; while PSRM and the presidency will advocate for the pro-Eastern vector. This will lead to the further polarization of Moldovan society.

The parliamentary elections in the fall will most likely reconfigure the political scene, with several parliamentary parties polling close to the parliamentary threshold (such as the Action and Solidarity Party (PAS), “Dignity and Truth” Party (PPDA) and National Unity Party (PUN)). The modification of the electoral system, from a proportional to a mixed one, will clearly benefit PDM and PSRM. For extraparliamentary opposition parties—in particular PAS and PPDA—the parliamentary elections will be a test of their ability to consolidate their upward trend in public and political life, at the risk of being excluded from government. Economic prospects for 2018 are uncertain. The main risk for the economy relates to political developments.

National Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.75	6.00	5.75	5.75	5.50	5.50	5.50	5.75	5.75	5.75

- In 2017, political processes at the national level were dominated by the Democratic Party of Moldova (PDM) and its consolidation of power. Both PDM and the opposition Party of Socialists of Moldova (PSRM) mimicked a political fight,¹ a mock conflict betrayed by the joint vote in the parliament for certain laws, including the electoral reform, that will benefit these parties in the future. In May, the PDM–Liberal Party (PL) coalition collapsed, partly because PDM had increased its faction after 22 members of parliament (MPs) had left the Liberal Democratic Party (PLDM) and the Party of Communists (PCRM) to join PDM. Parliamentary and extraparliamentary opposition groups are actively involved in public debates, protests, and meetings in support of democratic initiatives. Externally, a simulated geopolitical dichotomy has clearly emerged between the “pro-European integration” government led by PDM on the one hand and the “pro-Eurasian” camp under the presidency and PSRM on the other.
- In December 2016, the Constitutional Court of the Republic of Moldova (CCM) validated Igor Dodon’s mandate as president of the country. He immediately declared his sympathy towards the pro-East vector, making his first official visit to Russia. Moreover, during 2017, Dodon had at least six bilateral meetings with Vladimir Putin and high-ranking Russian officials, during which he negotiated more favorable conditions for Moldovan labor migrants and the return of several economic operators on Russia’s market.² Domestically, although he promised to be a president for all Moldovans, Dodon has overseen the division of society into two camps, pro-Western and pro-Eastern, and has shown intolerance towards minorities, including women, sexual minorities, and pro-European voters.
- On October 17, the CCM ruled that President Dodon violated the Constitution by refusing, for the second time, to confirm the candidacy of Eugen Sturza for minister of defense; the government and PPEM proposed Sturza for the position.³ In response, Dodon stated that he did not recognize the Court’s decision⁴. Two days later, the government asked the Constitutional Court to temporarily suspend the president. Under the CCM’s ruling, the president’s suspension was in force until an acting president appointed a new defense minister—despite the fact that no such provisions exist in the country’s Constitution. On October 24, the parliamentary speaker and acting president—albeit in this second post for only “a couple of minutes”—Andrian Candu appointed Sturza as minister of defense, thus ending Dodon’s suspension.⁵
- Less than a year and a half after forming, in May the PDM-PL ruling coalition fell apart.⁶ This showed the inability of Moldova’s political class of forming stable alliances that will guarantee durable governance for the good of citizens. The reason behind the PDM-PL coalition split was a series of arrests of parliamentarians. The leader of the Liberals, Mihai Ghimpu, stated that the arrests of PL members had political motivation.⁷ The fall of the PDM-PL coalition once again showed that political coalitions in Moldova are instruments via which some parties use the weaknesses of other parties to control and monopolize political power.
- The political system was marked by PDM’s increasing power, monopoly, and control in both parliament and the government. In addition to the 19 MP mandates PDM received in the November 2014⁸ elections, it grew by 22 MPs during the year; these politicians came from the PDM parliamentary factions of PLDM and PCRM. As such, PDM had become the largest political caucus in the Moldovan parliament with 41 MPs by the end of 2017. At the same time, after the PDM-PL break up and the central administrative reform, the government consisted, with the exception of the three people, of PDM-appointed ministers. In this manner, PDM had come to control the executive and the legislature, despite the party’s low public legitimacy and popularity—in September 2017 it was polling at only 6 percent.⁹
- Moldova’s foreign policy in 2017 focused on a “geopolitical rivalry,” qualified by many as mimicked, between PDM and PSRM, in which PDM played the role of defending European integration and PSRM promoted the Eurasian vector. The dichotomy led to an increase in PSRM’s popularity, which in September 2017 reached 51 percent.¹⁰ The second most popular party was the Action and Solidarity Party (PAS), led by Maia Sandu, polling at 21 percent. PDM used PSRM’s

popularity to convince opposition parties—PLDM, PAS and PPDA—and international partners that a coalition with PDM is their only chance to avoid a PSRM government and a change to the country’s geopolitical direction.

- The opposition, both parliamentary (PLDM) and extraparliamentary (PAS, PPDA, the Dignity and Truth party, and Our Party(PPN)), was active. However, opposition parties, in particular PAS and PPDA, did not succeed in capitalizing on the support they obtained in the October-November 2016 presidential election campaign. This was mainly due to the opposition’s limited financial resources, restricted access to the media, and lack of local political leadership. However, PAS and PPDA managed to fill the gap left by PLDM and PL, including through protests.
- The economic prospects in 2017 were uncertain. Moldova’s economy advanced slower than in 2016, with GDP growing in 2017 by 3 percent, and money remittances from abroad by approximately 10 percent.¹¹ In the first eight months of 2017, exports to EU countries represented 64 percent of the GDP, while those to the Commonwealth of Independent States (CIS) accounted for 21 percent.¹² Due to political developments, the medium-term prospects are very uncertain, as the political games played by PDM and PSRM, as well as the modification of electoral system and the lack of progress in reforms, could have a direct impact on external funding and investment. The delay in implementing reforms and the anti-EU rhetoric of PSRM contributed to confusion among businesses and raised concerns regarding the macrofinancial support of €100 million (\$119 million) to be provided by the EU.¹³ This was demonstrated on November 24, when the EU linked the signing of a Memorandum of Understanding (MoU) with Moldova to 28 conditions¹⁴ in areas such as public governance, financial sector governance, energy sector reforms and tackling corruption.¹⁵ According to experts, this was the first time that the EU included such preconditions in similar agreements.¹⁶
- Discussions linked to the frozen conflict in Transnistria saw some progress, including signed agreements on the apostilization of educational documents issued in Transnistria, as well as the opening of the bridge across the Nistru River between the villages of Gura Bicului and Bychok.¹⁷ After a year of deadlock, on November 27-28 a new round of negotiations in the 5+2 format took place in Vienna.¹⁸ President Dodon failed at attempts to discuss resolutions to the conflict with the de facto Transnistrian authorities,¹⁹ instead producing adverse and antagonistic reactions.

Electoral Process

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.00	4.25	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00

- There were no elections in Moldova in 2017. However, a very controversial initiative, the modification of the electoral system from a proportional to a mixed one, dominated the year. Civil society, opposition parties, and the international community heavily criticized the initiative, describing it as a great danger for Moldovan democracy. The adopted version of the law will affect small and extraparliamentary parties disproportionately and benefit the governing parties.
- In March, PDM submitted a bill in parliament to change the existing proportional electoral system into a majoritarian one, arguing that the reform will reduce political corruption, create stronger connections between voters and policymakers, and restore citizens’ trust in politicians.²⁰ The initiative was heavily promoted in a nationwide information campaign supported by a PDM-owned media holding, which, in numerous cases, manipulated facts and opinions to support the change.²¹ A month later, in April, PSRM registered its own bill introducing a mixed electoral system.²² Prior to the introduction of these laws, both PDM and PSRM declared their unwillingness to give up their respective bills.
- At the beginning of May, without notifying the government and parliamentary commissions, and despite a pending Venice Commission impact assessment and opinion, PDM and PSRM voted on both the majoritarian and mixed electoral system bills in their first reading.²³ The same day, the bills were merged into one, with PSRM’s bill forming the basis of the new legislation. According to several experts, the parties had made a deal to adopt a mixed electoral system;²⁴ a Transparency International Moldova analysis noted that the PSRM bill was 90 percent identical with that of the PDM.²⁵

- Civil society organizations (CSOs) called this change an inappropriate initiative.²⁶ They condemned the apparent arrangement between PDM and PSRM as a violation of the rule of law. They also appealed to Moldova’s international partners to condemn the adoption of the amendments and stop providing support to the government’s initiatives.²⁷ The CSO sector and parliamentary and extraparliamentary opposition groups organized demonstrations protesting the new law and demanding its withdrawal.²⁸ Additionally, a series of public debates were organized, where national and international experts argued that in Eastern Europe mixed electoral systems could increase the influence of money in politics.²⁹
- In June, the Venice Commission issued its assessment, criticizing the law.³⁰ It noted, following public consultations with all relevant stakeholders, that the proposed reform cannot be considered as adopted via broad consensus and concluded that, due to a “lack of consensus on this polarizing issue, such a fundamental change, while a sovereign prerogative of the country, is not advisable at this time”.³¹ The commission further noted that in the new system there is a risk that MPs elected at the constituency level will be influenced by business interests.³²
- Although the draft law on amending the electoral system was contested both internally and externally,³³ on July 20, the parliament adopted it with 74 votes from PDM, PSRM, and the European People’s parliamentary group. According to the new electoral law, 51 uninominal constituencies will elect representatives in a one-round, “winner takes all” election. The remaining 50 deputies will be elected proportionally via party lists.³⁴ In November, the government approved the list of uninominal districts, with 48 uninominal districts to be set up on the territory of the country, and only 3 abroad.³⁵ Experts and civil society activists opine that the change of electoral system, as well as the modality of designing the uninominal districts, is a blow for the rule of law and a setback in keeping Moldova’s commitments to international institutions.³⁶ While the electoral system needed reform, the amendments should have targeted the legislative framework regulating party financing in order to reduce systemic corruption in Moldova, sustained by shady donations to political parties and candidates.³⁷

Civil Society

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.75	3.50	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25

- In 2017, Moldova’s civil society sector was very active and played an important role in discussing the country’s major problems. However, CSOs faced a negative atmosphere and politicians often labeled their activity as “political.” The adoption and discussion of draft laws and initiatives to improve the civil society sector stalled, with most blocked in parliament or stuck at the stage of public consultation.
- Over 400 new organizations were founded during the year, increasing the country’s official total number to 11,545 organizations.³⁸ Despite the high level of activism and number of CSOs, the government often ignores CSO opinions, and in some cases openly attacks and discredits the organizations and activists. Public discussions over civil sector demands, such as the electoral system overhaul or the investigation and communication of the result of the “billion-dollar theft” affair, failed to have an impact on the government.
- Beginning in 2017, a new funding mechanism was adopted, allowing citizens to directly donate 2 percent from their income tax indicated to a public association or religious organization. According to the State Tax Service (FISC), around 16,000 tax payers allocated 2 percent of their income tax, to the total amount of \$160,000. From this amount, \$65,400 (28 percent) was donated to 247 public associations, and \$94,000 (72 percent) went to 46 religious organizations.³⁹
- The regulatory framework for CSOs has been improving slowly and with delays. For example, in late 2016, the government approved a draft law on social entrepreneurship. In May 2017, the parliament voted for the law in the first reading but only approved it in November in the final reading.⁴⁰ In July, the government finalized the Civil Society Development Strategy (CSDS) for 2017–2020 and launched public consultations.⁴¹ But it only introduced it in parliament on December 22; the time-period for implementation hence was reduced by one year (2018–2020).

The previous CSDS for 2012–2015 had a very low rate of implementation—only 27 percent of the actions had been implemented.⁴²

- A controversial draft law on foreign funding received by CSOs also appeared in parliament in 2017. In June 2017, the Ministry of Justice added three provisions to the final version of a law on CSOs that had been in preparation for over a year. These additions required CSOs involved in “political activities” and receiving foreign funding to publish quarterly and annual financial reports, reveal the origin and use of their financing, report expenses for their political activities, and disclose the income of their staffs. The proposals were widely considered as an attack on CSOs that actively promote public policies or work on activities related to participatory democracy. According to Amnesty International, the amendments sought to stymie any civic activism opposing the government and risked destroying the civic sector.⁴³ More than 30 organizations signed a declaration condemning the initiative.⁴⁴
- During the year, several state institutions attacked CSO activities, claiming the organizations play a “political” role. In May, President Dodon, while on a working visit to Budapest, supported the idea of prohibiting the external financing of CSOs and noted that Hungary’s so-called Lex NGO must also be applied in Moldova.⁴⁵ In the same period, parliamentary speaker Andrian Candu labelled CSOs that had publicly opposed the electoral system reform as “politically affiliated.”⁴⁶ In October, the Broadcasting Coordination Council (BCC) harshly criticized CSOs that expressed their view on the concession procedure related to the licensing of TV8, accusing the organizations of “distorting information.”⁴⁷
- Another development in 2017 was the overnight registration of some new organizations and the reactivation of a number of so-called dead CSOs, which over the past few years had not carried out any activities. The overnight registrations were seen as a government attempt to show that the ruling coalition’s reforms enjoyed civil society support, which was also provided by GONGOs.⁴⁸ In doing so, the government tried to divide, discredit, and antagonize the civic sector according to some activists.⁴⁹
- In 2017, a number of new foundations were launched and established. In Moldova’s legal framework, a foundation is a noncommercial, apolitical organization providing no political support to any political actor.⁵⁰ However, these entities seemed to serve as tools for political parties or politicians, which allegedly used them to polish their images in the election campaign or hide income originating from dubious sources.⁵¹ A report prepared by Promo-LEX stated that the most popular philanthropic organizations are those related to political leaders,⁵² such as Vlad Plahotniuc, Renato Usatii, Ilan Shor, and Igor Dodon. These politicians benefit from the association of their names with the foundations, while the foundations themselves are indirectly involved in promoting political activities.⁵³ The Central Electoral Commission (CEC) has repeatedly acknowledged that this is a serious matter but argued that there is nothing technically illegal about the process—a fact denied by relevant experts.⁵⁴

Independent Media

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.75	5.75	5.50	5.00	5.00	5.00	5.00	5.00	5.00	5.00

- In 2017, the Moldovan media sector continued to face the same challenges as in previous years: an outdated legal framework; excessive political and oligarchic influence; external and internal propaganda and manipulation; a lack of transparency in media ownership; limited independence for the broadcasting regulatory authority; and unfair competition on the advertising market. The 2017 World Press Freedom Index placed Moldova on the 80th place, a decline of four places compared with 2016;⁵⁵ the same trend was highlighted by the 2017 Freedom of the Press report, where Moldova’s media was labelled as “partly free.”⁵⁶
- The legal framework of the media sector remains flawed. In 2017, the government failed to amend media laws, a demand in recent years from both civil society and international organizations, and a priority under the European Union’s Association Agreement with the Republic of Moldova.⁵⁷ Despite many discussions concerning the explicit need for a major overhaul and modernization of

media legislation, the parliament has resigned itself to merely adopting some amendments to the current legislation. A number of laws are almost two decades old; the Law on Print Press dates back to 1995 and the Law on Advertising was first adopted in 1997, while the parliament has amended the Broadcasting Code, originally passed in 2006, more than 100 times without sufficient improvement to the functioning of this legislation. Nevertheless, in June, at the initiative of parliament speaker Andrian Candu and with the support of EU and the Council of Europe, a working group was set up,⁵⁸ with the improvement of media legislation at the top of its agenda.⁵⁹

- While on paper a de-monopolization and de-concentration have taken place on the media market, in reality politicians and oligarchs, chiefly PDM leader Vladimir Plahotniuc, continue to maintain control over outlets. The process of license allocations continues to occur without clear and precise criteria.⁶⁰ While the Broadcasting Coordinating Council (BCC) adopted legal provisions seeking to limit the number of licenses owned by individuals and entities, the implementation of the law has not improved media concentration. Media owners have formally disposed of their ownership, but they still have effective control over outlets. For example, in May PDM leader Vladimir Plahotniuc conceded two television stations, Canal 2 and Canal 3, that he owned to Telestar Media, whose founder is Oleg Cristal, Plahotniuc's PR consultant.⁶¹
- In October, Law No. 50, proposed and lobbied by PDM, came into force. These provisions oblige media outlets to ensure that 30 percent of their content broadcast between 6pm and midnight consist of locally produced content.⁶² The provisions present a double-edged sword. On one hand, they could be viewed as a tool that ensures the development of Moldova's media space, protecting it from foreign propaganda and disinformation. On the other hand, they could create problems for small media outlets, which currently have a large share of rebroadcasted content and might not have the financial capacity to produce their own.
- The monopolization of the advertising market remains one of the biggest challenges for the media sector. The largest advertising agency, Casa Media Plus, allegedly controlled by Vladimir Plahotniuc, remains the main player on the advertising market.⁶³ As a result, much of the advertising money is channeled to media outlets owned or controlled by Plahotniuc. In July, the Independent Journalism Center (IJC) offered for discussions a new draft Law on Advertising,⁶⁴ which would eliminate the inaccuracies and ambiguities existing in the current legal framework, supplementing it with new provisions guaranteeing fair competition and the effective de-monopolization of the sector. The draft had yet to be included in the legislative agenda at year's end.⁶⁵
- The year saw a number of cases involving verbal attacks and harassment of journalists. Examples included the detention of journalists working for Gagauzinfo.md in March, whom local police asked for a copy of the video recordings and photos they had taken. In June, a PDM parliamentarian pushed and verbally assaulted a Jurnal TV reporter instead of replying to his questions. Earlier, in April, Newsmaker.md editor-in-chief Vladimir Soloviev published an article about his experience of being followed and spied on.⁶⁶ Publika TV journalists were intimidated in June when filming a protest meeting organized by opposition parties⁶⁷; while Prime TV reporters were denied access to the PAS party council meeting in September.⁶⁸ In October, journalists from investigative newspaper *Ziarul de Garda* were intimidated and forced to cancel their filming session at the Global Business Center, owned by Vladimir Plahotniuc.⁶⁹
- In a positive development, during the year several independent media outlets that in 2016 and the beginning of 2017 faced problems, resumed broadcasting. After an almost two-month-long forced break, the TV station Jurnal TV relaunched in March. This was possible thanks to a grant provided by the European Endowment for Democracy (EED).⁷⁰ In July 2017, the television station TV8 started broadcasting; the channel is a rebranding of the formerly operating TV7 channel.⁷¹
- However, less than three months after its launch, TV8 began to face financial problems. In August, the Analitic Media Group—the company owning TV8's license—submitted a request to the BCC asking the transfer of its broadcasting license to the public association Media Alternativa,⁷² an independent journalist association created specifically to manage this media outlet. The reorganization of the ownership of TV8 was a condition imposed by EED for a planned grant of €175,000 (\$208,000). The BCC, however, refused to approve the changes, arguing that the concession would only be accepted after the Analitic Media Group resolved the court disputes in which it had been involved. Media organizations argued that the decision to postpone the approval

constituted harassment⁷³ and was meant to send a warning to its donors.⁷⁴ Finally, in mid-December the BCC approved TV8’s request.⁷⁵ The case once again demonstrated the existence of political influence over regulatory institutions in Moldova.⁷⁶

- Manipulation and propaganda, especially by domestic outlets also continued in 2017. The manipulation techniques aimed at influencing public opinion in favor of the government and legitimizing government actions—particularly regarding the PDM proposal to change the electoral system.⁷⁷ In March and April, television stations controlled by Vlad Plahotniuc—Prime, Publika, Canal 2, and Canal 3—engaged in an aggressive campaign in support of the uninominal voting system. The presence of disinformation and manipulation in the media was documented in the reports of media organizations. However, the BCC restricted itself only to applying a few penalties that proved to be inefficient, as the majority of these media outlets continued to violate the laws.⁷⁸

Local Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.50	5.50	5.50

- The local public administration (LPA) remained one of the most trusted institutions in 2017. The LPA continued to enjoy the trust of the population, being the second institution in terms of trust (33 percent), following the Orthodox Church in Moldova (62 percent).⁷⁹ In 2017, the government did not take any concrete steps regarding the planned administrative-territorial reform, focusing instead on organizing discussion sessions and public debates. During the year, local government representatives faced intimidation in some cases, including arrests of LPA representatives. The majority of those intimidated or arrested were representatives belonging to parties other than PDM.
- One of most important local reforms, the administrative-territorial reform, which is a priority of the Strategy on Public Administration reform for 2016–2020,⁸⁰ did not advance in 2017. The government instead organized several public discussions debating the reform.⁸¹ The reforms faced hurdles in part due to an absence of clear concepts or ideas regarding its implementation, and because experts believe that the administrative-territorial reform must occur in tandem with local public administration reform and, most importantly, with fiscal decentralization.⁸² The reform is unlikely to be completed before parliamentary elections in the fall of 2018.
- In 2017, political pressure on LPA representatives increased, with over 10 documented cases. In March, the mayor of Basarabasca, Valentin Cimpoes, a PPPN member, was detained for 30 days and subsequently placed under house arrest;⁸³ Cimpoes was charged with negligence of duties. In September, Grigore Policinski, the president of the Donduseni *rayon* (district) and a PCR member, was arrested for “causing serious damages to the state by considerably damaging the public interest,”⁸⁴ and, as in the case of the mayor of Basarabasca, Policinski was charged with abuse of power. Most of these steps relied on an erroneous interpretation of the legal framework and according to some analysts, the real goal behind them was to force local officials to join or support PDM and its policies.⁸⁵
- In June, Ilan Shor, the mayor of Orhei and the key suspect in “the billion-dollar theft”, was sentenced to seven and a half years in prison.⁸⁶ However, Shor was released from house arrest with his sentence pending and resumed working as the mayor of Orhei in July. According to some political analysts, the sentence pronounced in his case displayed the double standards of justice in cases involving local elected officials. The fact that Ilan Shor was not obliged to return any money stolen from the three banks in the “billion-dollar theft” could indicate that he enjoys government protection.⁸⁷
- In May, Dorin Chirtoaca, the mayor of the capital, Chisinau, and the deputy president of PL, was arrested on suspicion of influence peddling and corruption in two separate cases.⁸⁸ He was placed under house arrest for 30 days, which was extended several times. In September, PSRM councilors from Chisinau’s Municipal Council proposed the organization of a referendum for Chirtoaca’s dismissal, which was approved and then held on November 19,⁸⁹ and which, according to many experts, was a highly politicized act.⁹⁰ Several political parties, including PDM, PAS and PLDM, boycotted the referendum.⁹¹ The referendum needed a turnout of at least one third of the city’s

647,000 eligible voters to be declared valid, but official results put the turnout just below 18 percent—with 88 percent voting to dismiss the mayor while 12 percent voting against his dismissal. The Central Electoral Commission declared the referendum invalid.⁹²

Judicial Framework and Independence

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.50	4.75	4.50	4.50	4.50	4.75	4.75	4.75	5.00	5.00

- Each government cabinet has included judicial reform and increased independence among its priorities since 2011. Even though the legal framework has improved over the years, the independence of judges and the application of legislation leave much to be desired. In 2017, the major problem was the selective application of the law. This was demonstrated by biased judicial appointments, the examination of important cases—including those of Ilan Shor and Veaceslav Platon—behind closed doors,⁹³ the deterioration of prison and penitentiary treatment conditions, as in the case of Andrei Braguta, and the use of justice for political purposes.
- The controversial practice of promoting judges based on unclear criteria, including those who have received low testing scores, as well as judges with a poor professional and personal integrity record continued in 2017. In June, Victor Micu, chairman of the Superior Council of Magistracy (SCM), was elected to the Supreme Court of Justice (SCJ), thus combining two functions.⁹⁴ Civil society organizations and certain extraparliamentary opposition leaders blamed Micu personally for the SCM’s failure to respond to cases where there had been a seemingly purposeful delay of files.⁹⁵ Although there are no formal problems in one’s promotion while concurrently serving at the SCM or immediately thereafter, this practice has been increasingly used in recent years, eroding public trust in the judicial system and raising suspicions that SCM membership is a trampoline for career advancement.⁹⁶ The same lack of transparency and that of merit-based criteria was demonstrated in 2017 with regard to the election of new SCM members.⁹⁷ The mandate of several SCM members expired at the end of 2017, while only eight candidates applied for six vacant positions⁹⁸, five of whom at that moment were SCM members or judges at the SCJ. The SCM published the candidates’ files only three days before their election, on October 17, and had refrained from organizing public debates with the candidates.⁹⁹ The whole procedure of electing new SCM members was harshly criticized both from within the system and by CSOs.
- The human rights situation worsened in 2017. The levers available to police and prosecutors are disproportionate compared to the ones of lawyers and human rights defenders. Judges abuse preliminary detention; in approximately 80 percent of cases, judges complied with prosecutors’ request for preliminary detention or house arrest. According to lawyers, in many cases, this arrest procedure is used to intimidate suspects, or to obtain necessary evidence and show that alternatives to arrest are not working.¹⁰⁰
- The prison and penitentiary conditions have deteriorated in recent years. The government has made some progress in improving the law and related legal framework, but this did not contribute to an improvement in the general situation. The number of people detained in the penal system increased in the last seven years by 20 percent, from 6,324 inmates in 2010, to 7,868 inmates in September 2017. Alternatives to detention are poorly applied, and preliminary custody is used excessively and without justification. The number of mortality cases among inmates also increased by 74 percent, from 31 persons in 2012 to 54 at the beginning of 2017.¹⁰¹ Physical force and special means are also used excessively, and medical detention facilities are not ensured.
- The case of Andrei Braguta shed light on current conditions in the penal system. In August 2017, Braguta was arrested for speeding and for allegedly insulting the patrol inspectors. Even though he was under psychiatric supervision, the investigating magistrate decided to issue an arrest warrant for 30 days,¹⁰² and imprison Braguta in the Temporary Detention Penitentiary in Chisinau. Shortly after, as a result of abuse from policemen and detainees,¹⁰³ as well as not receiving medical aid, Braguta died. In the aftermath, four employees of the penitentiary were suspended from their duties, and 10 policemen are currently under investigation in this case.

- The lack of real reforms in the judicial sector led the EU to announce in October cuts to the budgetary support program for judiciary.¹⁰⁴ This confirmed that the government’s progress was insufficient and that the authorities had failed to fulfil EU conditions in order to receive the last tranche of the funding in the amount of €28 million (\$33.1 million).¹⁰⁵

Corruption

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
6.00	6.00	6.00	6.00	5.75	5.75	5.75	6.00	6.00	6.00

- In 2017, the government focused more on improving the legal framework and less on implementing it. The anticorruption initiatives undertaken during the year did not contribute to tackling endemic corruption as no initiative directly targeted the de-politicization of public institutions and regulatory agencies. The public competitions organized in 2017 were mostly nontransparent and based on controversial regulations or political loyalty to, or membership of, the ruling political group, rather than on the grounds of merit.
- In March, the government approved the National Strategy of Integrity and Anticorruption (SNIA) for 2017–2020.¹⁰⁶ The document entered into force in June 2017 after extensive public consultations. The strategy comprises of eight so-called integrity pillars, aimed at removing barriers to the effective implementation of anticorruption laws. Still, the document is juxtaposed with non-compliant political practice.¹⁰⁷ In May, the parliament adopted in the final reading a new draft Law on Integrity,¹⁰⁸ which provided for the implementation of a system for the verification of assets and introduced mandatory competition for all public positions, except elective and political positions.¹⁰⁹ In March 2017, a new Law on Preventing and Fighting Money Laundering and Financing of Terrorism was also adopted.
- Despite these positive developments, the year saw an excessive politicization in the fight against corruption. Although the number of important corruption cases grew in 2017 compared to 2016, these mainly involved current or former senior figures of political parties other than PDM. Despite laws adopted in 2017, the situation with political corruption worsened, as testified by the political migration of MPs and increasing pressure on non-PDM LPA representatives. In Transparency International’s Corruption Perceptions Index Moldova was ranked 122 out of 175 countries.¹¹⁰
- The number of arrests in corruption cases increased among public servants and people in decision-making positions. In April, Minister of Transport and Road Infrastructure Iurie Chirinciuc was arrested on corruption charges and given a one-year-and-four-month suspended sentence and a \$2000 fine; the court also deprived Chirinciuc of the right to hold public office for five years. In May, Dorin Chirtoaca, the mayor of Moldova’s capital Chisinau, was arrested in a corruption case. As both of Chirinciuc and Chirtoaca were active PL members, their arrests contributed to the collapse of the PDM-PL ruling coalition in May. In March, Minister of Agriculture Eduard Grama was also arrested on corruption charges,¹¹¹ while that same month the Deputy Minister of Economy, Valeriu Triboi, was charged with abuse of office and damage to state coffers in the amount of approximately 2 million lei (\$58,340) in an ongoing corruption case. In April, Triboi, who had been promoted to deputy minister by PDM, acknowledged his guilt and was fined \$2,000, and deprived of holding public office for five years.¹¹²
- The National Integrity Authority (NIA) was supposed to become functional in 2017 but failed to carry out the most important functions provided for by the law: controlling, finding, determining the legal status of, and sanctioning assets, personal interests, incompatibilities, and restrictions. The NIA restricted itself to just collecting complaints on possible infringements. The way NIA had been reorganized—including the delayed establishment of Integrity Council (CI), the CI’s unpredictable and nontransparent work, obstacles in carrying out management functions,¹¹³ the poor quality of the regulating the selection of the NIA’s management and the annulment its presidency¹¹⁴—raised concerns regarding the future functioning of the institution. These factors demonstrated the government’s lack of political will to see through the NIA reform and fight corruption in the public sector. After an 18-month deadlock and several failed attempts, NIA’s director was finally selected and appointed in late December.¹¹⁵

- Taking into consideration the major media interest in corruption cases in the last few years, in 2017 the government made several attempts to restrict the access of journalists to information. In October, the SCM adopted a new regulation on the publication of judgements.¹¹⁶ The initial variant of this document provided for the anonymization of all physical persons in judgements published on the websites of courts. Following protests organized by journalists and activists and a declaration signed by 39 CSOs¹¹⁷, the SCM approved an alternative variant of the regulation. The adopted document approves the publication of names in court judgements with some exceptions related to the persons' private life, the protection of minors, public order, and national security.
- The investigation into the “billion-dollar theft” in Moldova’s banking sector has failed to recover the stolen sum. According to official data, by mid-2017 around €50 million (\$59.5 million) has been returned.¹¹⁸ However, this revenue was obtained mainly from taxes, credits, and the three banks selling assets. According to experts, there is no guarantee that the remaining funds will be recovered.¹¹⁹ The key suspect in the case, Ilan Shor, was sentenced to seven and a half years in prison but was released awaiting a final verdict from the Court of Appeals.
- On December 21, the National Bank of Moldova (NBM) published a detailed summary of the investigation report made by Kroll and Steptoe & Johnson, the so-called Second Kroll Report. The published document consists of 57 pages and discloses how funds had been stolen as well as the countries where these funds ended up.¹²⁰ The document included an analysis of the defrauded banks' exposure in 2012–2014, the Shor group's contacts with these banks, the description of the money laundering mechanisms used, and the destination of the fraudulent funds.¹²¹ While it mentions the name of Ilan Shor as one of the facilitators and beneficiaries of the fraud, the summary does not provide any other names or the suspected final beneficiary.¹²² The summary shows that the administration councils at the three Moldovan were been acting in coordination, demonstrating conflicts of interests and lack of integrity in the bank governance process. The defrauded funds were channeled through Latvian banks. However, the report contextualizes the theft in Moldova within a bigger international scheme of money laundering, which includes United Kingdom (UK) limited partnerships and companies registered in offshore locations such as Belize, the British Virgin Islands, and Panama.¹²³ According to experts, the Second Kroll Report did not fully explain the role of the state guarantees issued in November 2014 or government actions regarding the reimbursement of the banks' clients.¹²⁴
- On October 25, the mandate of National Anticorruption Center (NAC) director Viorel Chetrau expired. The term of NAC director is for five years and reelection is excluded. In November and December, a contest took place with four candidates applying to the position. On December 15, the parliament elected Bogdan Zumbreanu, the head of the General Investigation Directorate of the NAC to the position.¹²⁵ Zumbreanu's appointment raised some concerns, with media outlets writing about his wealth and doubtful sources and his connections with politics.¹²⁶
- The lack of real progress on corruption was one of the main indicators leading civil society to ask the EU to include conditions¹²⁷ for macrofinancial assistance to the amount of €100 million (\$119 million).¹²⁸ In October, Prime Minister Pavel Filip announced that Moldova is not going to receive the remaining transfers in 2017.¹²⁹

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