



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention
pursuant to the optional reporting procedure**

Third periodic report of States parties due in 2013

Republic of Moldova*, **

[Date received: 15 July 2016]

* The second periodic report of the Republic of Moldova is contained in document CAT/C/MDA/2; it was considered by the Committee at its 910th and 912th meetings, held on 11 and 12 November 2009 (CAT/C/SR.910 and 912). For its consideration, see the Committee's concluding observations (CAT/C/MDA/CO/2).

** The present document is being issued without formal editing.

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Abbreviations

ABA ROLI – American Bar Association Rule of Law Initiative

ACCHR – Advisory Council of the Center for Human Rights

AF – Armed Forces

AP – Anticorruption Prosecutor

APSRJS – Action Plan on the Justice Sector Reform Strategy

BMA – Bureau for Migration and Asylum

CA – Court of Appeal

CAIS – “Registry of Crime and Criminological Information”– Concept of the Automated Information System “Registry of Crime and Criminological Information”

CAIS – “Registry of detained, arrested and convicted persons”– Concept of the Automated Information System “Registry of detained, arrested and convicted persons”

CC – Civil Code

CC – Contravention Code

CC – Criminal Code

CC – Constitutional Court

CCMH – Community Center of Mental Health

CEB – Council of Europe Development Bank

CESRC – Council of Europe Strategy for the Rights of the Child

CLEIIS – Concept of the Law Enforcement Integrated Information System

CHR – Center for Human Rights

CMEV – Committee of medical expertise of vitality

CPC – Criminal Procedure Code

CPHRFF – Convention for the Protection of Human Rights and Fundamental Freedoms

CPT – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

CRIC – Child Rights Information Center

CT – Child trafficking

DPI – Department of Penitentiary Institutions

EC – Enforcement Code

ECHR – European Court of Human Rights

ERA – Academy of European Law

EU – European Union

FC – Family Code

FIUM – Free International University of Moldova

GF – Global Fund

GP – General Prosecution

GPC – General Police Commissariat

HBTC – Human Being Trafficking Control Center
HBT – Human being trafficking
HBTV – Human being trafficking victims
HM – Health Ministry
IAL – International Academy of Law
IC – “La Strada” – International Center “La Strada”
ICCC – Information Crime Control Center
ICPMD – International Centre for Migration Policy Development
IDCP – International Day of Child Protection
IOM – International Organization of Migration
IPD – Insulator of preventive detention
ISE – Institute of Sciences of Education
IPR – Institute for Penal Reform
ISS – Intelligence and Security Service
JIC – Journalistic Investigation Center
LB – Licensing Board
LI – Labor Inspection
LMC – Legal Medicine Center
LR – Letter rogatory
LRC – Legal Resource Center
MC – Monitoring Commission
ME – Ministry of Economy
ME – Ministry of Education
MF – Ministry of Finance
MFAEI – Ministry of Foreign Affairs and European Integration
MIA – Ministry of Internal Affairs
MJ – Ministry of Justice
MLSPF – Ministry of Labor, Social Protection and Family
MUCL – Monitoring Unit of Child Labor
NA – National Army
NAC – National Anticorruption Center
NCCAP – National Center for Child Abuse Prevention
NCCCN – National Commission for Collective Consultations and Negotiations
NCF – National Child Forum
NGO – Non-governmental organization
NIJ – National Institute of Justice
NMTP – National Mechanism of Torture Prevention
NORLAM – the Norwegian Mission of Rule of Law Advisers to Moldova

NPTC – National Program of tuberculosis control
NSCFP – National Strategy for Child and Family Protection
NSR – National System of reference
OHCHR – Office of the High Commissioner for Human Rights
OPCAT – Optional Protocol to the Convention against Torture
OSCE – Organization for Security and Co-operation in Europe
PCH – Psychiatry Clinical Hospital
PMSI – Public Medico – Sanitary Institution
Promo LEX – Promo-LEX Association Mission
RCPS – Republican Center of pedagogical assistance
RDACP – Registry of detained, arrested and convicted persons
ROLISP – Rule of Law Institutional Strengthening Program
SCJ – Supreme Court of Justice
SDC – Swiss Agency for Development and Cooperation
SDD “Panther” – Special Destination Detachment “Panther”
SD USA – State Department of United States of America
SFM – Soros Foundation-Moldova
SINNP – State identification number of natural person
SLI – State Labor Inspectorate
SRJS – Strategy Reform of Justice Sector
SUM – State University of Moldova
SUMP – “Nicolae Testemitanu” – State University of Medicine and Pharmacy
“Nicolae Testemițanu”
TPCF – Temporary Placement Center of Foreigners
TUC – Trade Union Confederation
TVRC “Memory” – Torture Victims Rehabilitation Center “Memory”
UNC – United Nations Committee
UNDP – United Nations Development Programme
UNESCO – United Nations Educational, Scientific and Cultural Organization
UNICEF – United Nations Children’s Fund
UNIFEM – United Nations Development Fund for Women
UNODC – United Nations Office on Drugs and Crime
UNPFA – United Nations Population Fund
UN Women – United Nations Entity for Gender Equality and the Empowerment of Women
USAID – United States Agency for International Development
WHO – World Health Organization

List of issues prepared by the Committee prior to the submission of the third periodic report of the Republic of Moldova (CAT/C/MDA/3)* adopted by the Committee at its forty-eighth session, 7 May-1 June 2012**

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations¹

Articles 1 and 4

Please provide statistical data on cases, if any, since the consideration of the previous report, of direct application by the courts, of the Convention.² Please describe any progress made in amending legal provisions sanctioning torture and ill-treatment.

Further to the Committee's previous recommendations (para. 14), please provide information on measures taken to ensure that torture is punishable by adequate penalties commensurate with the gravity of the crime. Please provide data reflecting the number of cases during the reporting period in which articles 309(1) and 328 of the Criminal Code were applied, as well as data on cases in which other articles of the Criminal Code were applied against individuals accused of committing acts amounting to torture or ill-treatment, including the number of persons convicted and their sentences.³

1. Prosecutors examined such notifications and in 73 cases, upon the request of the prosecution service bodies, MoIA offered necessary support in establishing the circumstances of the reported claims. Additionally, the MoIA reacted to 6 cases covered in the media that were also handed over to the prosecutors.
2. As a result of the investigations into the events of April 2009, criminal proceedings were initiated.
3. Following judicial examination, the courts of first instance ruled on 19 criminal cases (in two instances the cases were merged into a single file), delivering judgments of conviction against 34 MoIA employees. Of the criminal cases opened against MoIA employees under art. 309/1 (old version) during the years 2009-2012, 45 cases were opened in 2009, 42 criminal cases in 2010, 26 criminal cases in 2011, and 45 criminal cases in 2012.
4. An analysis of the statistics of criminal cases opened against MoIA employees under art. 166/1 of the Criminal Code (as of 1 July 2013) shows that, of the 40 criminal cases opened, 30 cases are pending trial, 8 were closed, 1 case underwent merger, and in one case legal circumstances existed that absolve from prosecution.

*** The present list of issues was adopted by the Committee at its forty-eighth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

¹ Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/MDA/CO/2.

² HRI/CORE/1/Add.114, para. 29.

³ A/HRC/10/44/Add.3, paras. 69-70.

In light of the finding of the European Court of Human Rights in *Paduret v. Moldova* (application No. 33134/03) and the commitment made by the State party in the context of the universal periodic review (A/HRC/19/18/Add.1, para. 18), please indicate whether the criminal law has been amended to eliminate any statute of limitations for crimes of torture, and if it has not, when this is expected to occur.⁴

5. On 4 May 2010, under Decision No. 77 of the Parliament of the Republic of Moldova, the structure of the Prosecutor General's Office was re-organized to include a Division for combating torture.

6. The result of these task-forces' work was the content of Law No. 66 of 5 April 2012 on the amendment and supplementation of the Criminal Procedure Code of the Republic of Moldova No. 122-XV of 14 March 2003, as well as Law No. 252 of 8 November 2012 on the amendment and supplementation of some pieces of legislation. As a result, the Criminal Code was amended to include a new article, 166¹ – Torture, inhuman or degrading treatment, which had a twofold impact on the criminal legislation of our country:

- It introduced criminal punishment for actions which constitute inhuman or degrading treatment.
- It significantly increased penalties for acts torture.

7. Consequently, the content was replaced for art. 309 of the Criminal Code, and art. 309¹ and art. 328 para. (2) let. a), c) of the Criminal Code were abolished. According to the current penal provisions, neither statutes of limitation, nor amnesty is applicable to the crime of torture. At the same time, in such cases no milder punishment can be applied other than that stipulated by law. In this regard, the necessary amendments were made to art. 60, 107 and, respectively, art. 79 of the Criminal Code of the Republic of Moldova.

8. Regarding the criminal case of *Pădureț v. Moldova*, we can communicate that as a result of the European Court of Human Rights's judgement against the Republic of Moldova, the state made a commitment to amend the Criminal Law so as to avoid similar cases in the future. Therefore, by Law No. 252 of 8 November 2012 on the amendment and supplementation of several legislative acts the Criminal Code was amended, and namely art. 60 para. (8) which stipulates that the "statute of limitations does not apply to persons who committed crimes against the peace and security of humankind, war crimes, crimes of torture, inhuman or degrading treatment or other crimes provided for by the international treaties the Republic of Moldova is party to".

Please provide information regarding the status of the reform of the criminal justice system and the adoption by the Government of the Strategy for Justice Sector Reform for 2011-2016, insofar as they pertain to the rights guaranteed by the Convention. Please indicate whether Parliament has adopted the National Action Plan on Human Rights for the period of 2011-2014, and if it has, provide the commitments in the chapter entitled "prevention and fight against torture" and any steps taken to implement them to date.⁵

9. The Parliament of the Republic of Moldova adopted Law No. 231 of 25 November 2011 on the approval of the Justice Sector Reform Strategy for the years 2011-2016, and approved the Action Plan for the implementation of the Justice Sector Reform Strategy for the years 2011-2016, No. 6 of 16 February 2012, designating the Ministry of Justice and the Prosecutor General's Office as the major implementers.

⁴ A/HRC/19/18, para. 76(14); A/HRC/10/44/Add.3, para. 90(a); A/HRC/19/61/Add.3, paras. 116 and p. 313.

⁵ A/HRC/19/61/Add.3, para. 114.

Further to the Committee's previous recommendations (para. 8), please provide updated information on steps taken to prevent torture and other forms of ill-treatment in police custody, in particular with regard to any measures to bring perpetrators to justice as well as substantive reform of police and other security structures.⁶

10. MoIA is permanently checking the activity of the regional subdivisions of the criminal prosecution authorities as to how they observe the rights of the participants in the proceedings.

11. It is required of the heads of the criminal prosecution authorities and of the fact-finding bodies of the MoIA to supervise the activity of the agencies they head so as to ensure the participation in criminal proceedings of a counsel appointed or selected by the detained person; to ensure continuous training of the subordinated staff on the observance of fundamental human rights and freedoms when applying coercive measures; and to ensure a permanent update of the information on the notice boards whenever relevant legislation is modified.

Further to the Committee's previous recommendations (para. 9), please update the Committee on the measures taken to prevent torture and other forms of ill-treatment in temporary detention facilities and prisons. Has the State fully transferred the responsibility for temporary detention facilities from the Ministry of Internal Affairs to the Ministry of Justice? If not, please explain why and describe any reforms taken in this regard.

12. In the period from 2009 to the first half of 2013, a series of training events were conducted by the NIJ in the field of combating torture and ill-treatment, as follows:

- 2010 – 8 seminars – 330 judges, prosecutors and other beneficiaries trained.
- 2011 – 23 seminars – 534 judges, prosecutors and other beneficiaries trained.
- 2012 – 4 seminars – 77 judges, prosecutors and other beneficiaries trained.
- First half of 2013 – 4 seminars – 60 judges and prosecutors trained.

Please provide statistical information about the current number of pretrial and convicted prisoners, disaggregated by crime, sex, age, ethnicity and region of the country. What actions have been taken to increase the use of non-custodial measures before and after trial, to ensure that pretrial detention is only used as an exceptional measure, to implement alternatives to pretrial detention, and to separate convicted prisoners from those held in pretrial detention?⁷

13. The classification depending on the categories of offenses committed is described in the following charts, as of 1 April 2013.

⁶ A/HRC/WG.6/12/MDA/2, paras. 29 ff; A/HRC/10/44/Add.3, paras. 26-27; concluding observations of the Human Rights Committee)CCPR/C/MDA/CO/2(, para. 9; CPT/Inf (2012) 3, paras. 15-18; letter from the Council of Europe Commissioner for Human Rights to Prime Minister of Moldova (CommDH(2012)3), para. 7.

⁷ A/HRC/10/44/Add.3, paras. 16 and 90(b); A/HRC/19/18, para. 76.14; A/HRC/19/18/Add.1, para. 20.

Break-down by type of committed offenses

<i>Offenses</i>	<i>Actually detained</i>		<i>+ - pers.</i>	<i>+ - %</i>
	<i>as of 1 April 2013</i>	<i>as of 1 April 2012</i>		
Murder art. 145, 147 (corresponding to art. 88, 89, 92 of the 1961 Criminal Code)	1348 (26.01%)	1246 (24.25%)	+102	+ 8.1 %
Intentional severe bodily injury or damage to health art. 151 (art. 95 of the 1961 Criminal Code)	627 (12.11%)	609 (11.85%)	+ 18	+2.9 %
Kidnapping art. 164 (art. 64; 113 ² ; 125; 214 of the 1961 Criminal Code)	6 (0.11%)	3 (0.06%)	+3	-
Trafficking in human beings art. 165 (art. 113 ¹ ; 113 ² of the 1961 Criminal Code)	94 (1.83%)	109 (2.13%)	- 15	- 13.7 %
Crimes against sexual life art. 171-175 (art. 102, 103 of the 1961 Criminal Code)	517 (9.98%)	417 (8.12%)	+100	+23.9 %
Theft art. 186 (art. 119 of the 1961 Criminal Code)	668 (12.91%)	739 (14.38%)	-71	-9.6 %
Robbery art. 187 (art. 120 of the 1961 Criminal Code)	403 (7.78%)	428 (8.33%)	-25	-5.8 %
Burglary art. 188 (art. 121 of the 1961 Criminal Code)	587 (11.33%)	552 (10.74%)	+35	+6.3%
Trafficking in children art. 206 (art. 113 ¹ of the 1961 Criminal Code)	28 (0.55%)	14 (0.28%)	+14	-
Illegally taking children out of the country art. 207 (art. 112 ³ of the 1961 Criminal Code)	-	-	-	-
Illegal activity related to the movement of narcotic substances art. 217-219 (art. 225 ¹ of the 1961 Criminal Code)	280 (5.40%)	273 (5.31%)	+7	+ 2.5 %
Economic crimes art. 236-258	9 (0.18%)	14 (0.27%)	- 5	- 35.7 %
Banditry art. 283 (art. 74 of the 1961 Criminal Code)	13 (0.25%)	20 (0.38%)	- 7	- 35 %
Actions disrupting the activity of the penitentiaries art. 286 (art. 74 ¹ of the 1961 Criminal Code)	1 (0.01%)	4 (0.07%)	-3	-
Hooliganism art. 287 (art. 218 of the 1961 Criminal Code)	74 (1.42%)	76 (1.47%)	-2	- 2.6%
Illegal use of weapons and munitions art. 290 and art. 292 (art. 227 of the 1961 Criminal Code)	1 (0.01%)	6 (0.11%)	-5	-
Crimes committed by officials art. 324-332 (art. 184-189 of the 1961 Criminal Code)	-	4 (0.07%)	-4	-
Military crimes art. 364-392 (art. 238- 270 of the 1961 Criminal Code)	4 (0.07%)	6 (0.12%)	-2	- 33.3 %
Other crimes	521 (10.05%)	620 (12.06%)	-99	-15.9 %
Total	5,181 (100%)	5,140 (100%)	+ 41	+ 0.7%

Description according to age

	<i>Actually detained</i>		<i>+ - pers.</i>	<i>+ - %</i>
	<i>as of 1 April 2013</i>	<i>as of 1 April 2012</i>		
Up to 15 years old including	-	3 (0.05 %)	-	-
Up to 16 years old including	3 (0.05 %)	-	-	-
Up to 17 years old including	12 (0.23 %)	6 (0.11 %)	+6	-
Up to 18 years old including	10 (0.20 %)	7 (0.13 %)	+3	-
18 – 21 years old including	300 (5.80 %)	261 (5.07 %)	+39	+ 14.9 %
21 – 30 years old including	1,666 (32.15%)	1,760 (34.25%)	-94	-5.3 %
30 – 40 years old including	1,681 (32.45%)	1,719 (33.45%)	-38	- 2.2 %
40 – 50 years old including	895 (17.28 %)	856 (16.66 %)	+39	+ 0.1 %
50 – 55 years old including	330 (6.36 %)	278 (5.41 %)	+52	+ 18.7 %
55 – 60 years old including	165 (3.18 %)	153 (2.98 %)	+12	+ 7.8 %
Over 60	119 (2.30 %)	97 (1.89 %)	+22	+ 22.6 %
Total	5,181 (100%)	5,140 (100%)	+ 41	+ 0.7 %

In light of the recommendations in relation to legal safeguards and effective measures to prevent torture, made by the Committee (para. 10) and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/10/44/Add.3, para. 90(b)), please provide information on:⁸

(a) Whether every detainee, including any person detained under the administrative law, is afforded all fundamental legal safeguards during his/her detention, inter alia, the right to access a lawyer, to have an independent medical examination, and to notify relatives from the actual moment of deprivation of liberty and to be informed of his or her rights, including grounds for the detention. Please comment on allegations that detainees have been frequently denied the right to meet confidentially with their lawyers, in particular at the early stages of police custody (A/HRC/10/44/Add.3, para. 67(3)), and that detainees are frequently not permitted to contact family members until several hours have passed from the commencement of deprivation of liberty.⁹ What measures has the State party taken during the reporting period to monitor the implementation of these fundamental safeguards?

14. As regards procedure, specifically, in art. 167 para. (1) of the Criminal Procedure Code, an express obligation has been introduced to record in the detention report the physical condition of the person detained, complaints related to his or her health condition, what he or she is wearing (description of the clothing), explanations, objections, requests of the detained person, request to have access to medical examination, including at own expenses, as well as the obligation to immediately hand over to the person a copy of the detention report.

15. Moreover, pursuant to the art. 167 para. (6) of the Criminal Procedure Code, if at the time of the detention the presence of some lesions or bodily injuries of the detained person are ascertained, the criminal prosecution officer shall immediately notify the prosecutor thereof, who shall immediately order legal medical findings, depending on the case,

⁸ A/HRC/10/44/Add.3, paras. 15 and 75; CPT/Inf (2012) 3, paras. 21-31.

⁹ CPT/Inf (2012) 3, para. 21.

a forensic legal examination in order to establish the origin and character of the injuries or lesions.

16. One of the fundamental safeguards against torture was regulated in the Enforcement Code as well by introducing para. (2) in art.175¹, which states that the person detained in conditions set forth in para. (1) is immediately subject to medical examination upon entry into or discharge from the place of detention, as well as upon request, including at own expenses, throughout the detention. The medical examination is carried out confidentially.

17. Simultaneously, art. 64 para. (2) pt. 15¹) of the Criminal Procedure Code stipulated expressly the right of the suspect to have access to independent medical examination and aid, including at own expense, immediately after being detained or after being notified about the decision on the application of provisional arrest.

18. Minors, women accompanied by children and pregnant women enjoy daily walks lasting for up to 2 hours.

19. In order to avoid cases of illegal detention of persons in temporary detention facilities, as well as of inhuman and degrading treatment, the MoIA carried out 63 surprise inspections in 2011 and 150 others in 2012, and they revealed no case of illegal detention.

Please provide data on the number of law enforcement officers disciplined or otherwise punished for failing to respect them, and indicate the sanctions imposed;

20. In 2012, 13 criminal cases were opened on charges of abuse of power and 7 criminal cases on charges of torture. In a criminal case of those 7, an officer of the temporary detention facility was convicted to one year's imprisonment, under art. 79 of the CC, with the sentence to be served in a closed-type penitentiary, and with a 3-year ban on holding official positions in the law enforcement authorities. In 2012, 13 officers (20 persons in 2010 and 13 persons in 2011) were dismissed from the penitentiary system for disciplinary violations and 4 others (11 persons in 2010 and 10 persons in 2011) were discredited.

(b) Measures taken to ensure that arbitrary detention does not take place and that all detained persons are brought promptly before a judge and able to challenge effectively and expeditiously the lawfulness of their detention through habeas corpus;

21. Upon MoIA's initiative, the first step was taken to ensure transfer into penitentiary facilities of all persons with an arrest warrant, and in particular by following the provisions of MoIA Order No. 25 of 24 January 2008 it was possible to precisely put into effect arts. 323, 324 and 328 of the Enforcement Code, which prescribe that the persons arrested under the Code of Administrative Offenses shall be escorted for subsequent detention in a penitentiary facility. This enforced the principle of the separation of powers between the prosecution authority and the detention authority.

(c) Whether the State party has introduced a procedure of mandatory and regular medical examination for detainees, including following all transfers between facilities;

22. All doctor visits or cases of medical assistance are recorded in a special logbook, which is presented upon request to the interested party or to the lawyer. If the person detained in the TDF requests medical assistance or when clear symptoms of illness occur, a paramedic is called from the medical service of the MoIA or the nearest health care institution to deliver a medical opinion about the possibility of further detaining that person in the TDF. Any request addressed to the police authorities or TDF by the detained or arrested person to be seen by a doctor or to undergo a legal medical examination shall be urgently satisfied.

23. The persons held in police custody shall undergo medical examination immediately and promptly. Should a threat against the life or health of the prisoner exist, even if this is caused following his or her own initiative, the MoIA subdivision shall take all the essentially necessary measures to save the life and health of that person (force-feeding, protection from suicide or self-mutilation).

24. In 2012, mandatory radiological examination revealed 56 cases of tuberculosis upon admittance to the penitentiary system (34% of the TB reported cases). Persons with traumatic injuries were detected in 25% (95 cases) of the 380 cases reported that year.

25. When a prisoner is established to have bodily injuries, primary medical assistance is provided. When necessary, detainees are admitted to the medical unit of the penitentiary or is transferred to an in-patient medical unit, receives medical aid and according to the doctor's report, measures are taken to deliver them to an in-patient unit. If bodily injuries are found, a medical certificate shall be drawn up in two copies, which will be attached to the personal file and the medical record of the prisoner. The officer on duty and the administration of the institution shall be informed of these findings, and they shall further notify, in writing and without delay, the Department of Penitentiary Institutions and the regional prosecutor's office.

26. In 2013, contracts valued at a total of roughly MDL 960,000 were signed with 8 public medical and sanitary institutions of the Ministry of Health on the provision of medical assistance and investigation services.

27. Accordingly to the art. 232 pt. 4 of the Enforcement Code, convicted persons may receive at their own expense consults from a private doctor. In the first 9 months of 2013, prisoners received 18 consults from dentists, 3 consults from ENT doctors, 1 consults from oncologists, 3 consults from urologists, 3 ophthalmology consults; 2 consults from angiosurgeons; 1 consult from a neurosurgeon, 1 consult from a traumatologist; 2 dermatology and venereology consults; 1 consult from an endocrinologist; 3 consults from urologists; 5 ultrasound tests, 2 X-ray tests; 1 fibrogastroduodenoscopy test; 1 MRI test; 1 dopplerography test; 1 fibroscan test; 1 fixation of the mandible; 1 plaster bandage; 2 laboratory microbiological investigations.

(d) Whether reports of independent doctors are given the same evidentiary value by the State party's courts as reports issued by medical service staff of places of detention. Please also indicate whether the State party is taking steps to ensure the independence of the National Forensic Centre from the General Prosecutor. (A/HRC/19/61/Add.3, p. 316);

28. One of the entitlements afforded upon arrest and interrogation of the person is the right to request a medical examination by a doctor of his or her own choice. The medical examination must be performed in the absence of state agents (police, representatives of the isolation ward). Thus, if the detained, arrested or convicted person refuses medical examination, upon his/her request he/she must be allowed to be examined by a suggested independent doctor. However, if the detainee's health deteriorates or the necessity of surgery emerges while in detention in the DPI, the detainee is escorted by guards to the hospital on the territory of the DPI or to the hospital of the Department of Penitentiary Institutions of the Ministry of Justice.

(e) Whether the State party has adopted regulations requiring use of registers in all police premises in conformity with international standards, particularly the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. What information is contained in such registers? How does the State party ensure that all detainees, including minors, are included in a central register? Please indicate what actions the State party has taken to respond to the finding of the

Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that in some cases, the police failed to observe the three hour time limit for drafting a custody report following the taking into custody of an individual and that they failed to accurately reflect the time and place of detention.¹⁰ Please indicate whether any law enforcement officers have been disciplined or otherwise punished for failing to properly register detainees;

29. With a view to implementing the recommendations made by CPT, EC and CHRP with regards to the reduction of the detention period for the persons deprived of liberty in the subordination of the MoIA, the Enforcement Code was amended by adding a new article (by Law No. 28 of 01 March 2012). Art. 175¹ of the Enforcement Code of the Republic of Moldova states that “Detention not exceeding 72 hours, as a coercive procedural measure, shall be ensured in temporary detention facilities, except for members of the military, whose detention shall be take place in the garrisons or the military commandment of the garrison, respecting the human rights and fundamental freedoms and adequate detention conditions”.

30. In the temporary detention facilities persons are detained for a period of 72 hours under Art. 166 CPC, and the persons placed under provisional arrest are escorted to and detained in the MoJ penitentiary institutions.

31. At the same time, in order to keep a strict record of the persons in the custody of criminal prosecution authorities and to proceed with implementing Government Decision No. 1202 of 17 October 2006 “on the approval of the Concept of the Law Enforcement Integrated Information System”, Government Decision No. 25 of 18 January 2008 “on the approval of the Concept of the Automated Information System ‘The Register of detained, arrested and convicted persons’”, implementing subpoint 7.13, pt 7 of chap. 3 of the MoIA Human Rights Action Plan for the years 2012-2014, approved by MoIA Order No. 56 of 7 March 2012, as well as to perform actions to improve legislation for the protection of the rights of special groups of persons (detained, arrested, convicted persons), the MoIA set forth a series of proposals.

(f) Whether the State party is considering, as recommended by CPT, instituting mandatory audio (and possibly video) recording of all interrogations, including a record of the names of all those present at each interrogation?¹¹

32. All arrested / detained persons are afforded all the fundamental guarantees provided by law, and namely:

(a) The right of a detained person to inform one of the close relatives or other person about the place of his or her detention – a right stipulated in CPC of RM in art. 66 para. (2) pt 13), 173. (1) CPC;

(b) Access of the detained or arrested person to a lawyer – a right stipulated in art. 69, 64 para. (2) pt. 4), 5), 6), 7) CPC;

(c) The right of the detained person to have access to a doctor, including to be examined, upon his or her request, by a doctor of his or her choice, in addition to the medical examination performed by the doctor appointed by the police – a right stipulated in art. 64, para. (2), pt.15), 15¹) CPC;

(d) Issue the detained person with a notice of rights, whose receipt he or she must confirm by signing a declaration – a right stipulated by art. 64, para. (2), pt 2) CPC.

¹⁰ Ibid., para. 13.

¹¹ Ibid., para. 18 (iii).

In light of the recommendations made by the Committee (para. 22), the Special Rapporteur on violence against women, its causes and consequences (A/HRC/11/6/Add.4, para. 86), and the Working Group on the Universal Periodic Review (A/HRC/19/18, paras. 73.35 ff), please provide information on the measures taken to combat trafficking in person, by, inter alia, strictly applying relevant legislation, prosecuting and punishing perpetrators, raising awareness of the problem, and providing training for law enforcement personnel and other relevant groups. What steps have been taken to broaden the implementation of measures to assist the social reintegration of victims and to provide genuine access to health care and counselling?¹² Please provide detailed information, including statistical data, on tendencies in trafficking and on court cases, prosecutions and victims assisted, as well as the results achieved in prevention.

33. The Republic of Moldova ratified the Council of Europe Convention on Action against Trafficking in Human Beings adopted in Warsaw by the Council of Europe Committee of Ministers on 3 May 2005, by Law No. 67 of 30 March 2006.

34. The United Nations Convention against Transnational Organized Crime was also ratified, the Law No. 15 of 17 February 2005, as well as the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Law No. 17-XV of 17 March 2005.

35. A basic instrument for the identification of the beneficiaries of the Centre is the National Referral System (NRS), created under Parliament Decision No. 257 of 5 December 2008 “regarding the approval of the National Referral System Strategy for the protection and assistance of victims and potential victims of human trafficking”.

36. In the period from January to June 2013, 220 beneficiaries received assistance and protection as follows:

- In the period from January to June 2013, 91 beneficiaries received medical assistance, of whom 74 were newly registered persons (39 adults, 35 minors) and 17 people received continuous treatment (13 adults, 4 minors).
- Legal aid is provided by qualified lawyers through external support (52 beneficiaries received free legal assistance at the Centre).

37. In order to prevent and combat trafficking of human beings, there were introduced a number of amendments in the Criminal Code, including to art. 165 “Trafficking in human beings” and art. 206 “Child Trafficking”.

38. In order to enhance the protection of children’s rights and eliminate the risks of sexual abuse against children, Law No. 34 of 24 May 2012 was adopted to introduce a new article in the Criminal Code, namely art. 104¹ “Chemical Castration”.

39. Taking into account the information provided by the Department of Penitentiary Institutions of MoJ, it can be noticed that out of the 107 prisoners currently serving their punishment: a person has no education, 4 have primary education, 96 secondary education, 2 secondary professional (97%), 1 college education, and 3 have university education.

40. Moldova is a pioneer in THB prevention by providing social assistance of high quality to potential THB victims. Preventive activity was aided in particular by the

¹² Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/MDA/CO/2, para. 13; A/HRC/11/6/Add.4, paras. 30-39 and 86; A/HRC/10/44/Add.3, paras. 49-52, and 90(e); A/HRC/19/61/Add.3, para. 114; A/HRC/19/18, paras. 73(35)-(42); CRC/C/MDA/CO/3, para. 69; CEDAW/C/MDA/CO/3, para. 25).

geographic extension of the NRS and the development of MDTs' capacity to identify and assist victims and potential victims of trafficking. The table below confirms this:

Country of destination and the form of exploitation of victims (adults)

<i>Country</i>	<i>Sexual exploitation</i>	<i>Labour exploitation</i>	<i>Begging</i>
Russia	22%	58%	13%
Turkey	40%		
Cyprus	15%		
UAE	18%		
Ukraine	2%	56%	
Italy	1%		
Greece	4%	1%	
Lebanon	20%		
Spain	3%		
Moldova	1%	11%	

Country of destination and the form of exploitation of victims (minors)

<i>Country</i>	<i>Sexual exploitation</i>	<i>Labor exploitation</i>	<i>Begging</i>
Moldova	8%	5%	
Kosovo	2%		
Italy	1%		
UAE	1%		
Russia	3%		1%

Prevention

41. The Ministry of Education through the educational institutions organized curricular and extra-curricular activities on the prevention and combating of THB and related issues, which are reflected in the table below:

<i>No. of events in schools, colleges</i>	<i>No. of beneficiaries</i>
1,950 extracurricular activities (in residential institutions)	3,957
18,000 academic hours (general education institutions)	85,000
348 events (vocational education and secondary specialized education)	18,000

Punishment

42. The statistics on criminal prosecution activity in combating THB and related crimes show that 440 such crimes were registered in total across the country in 2012, and 372 crimes were registered in 2011. As per Criminal Code articles, they break down as follows:

<i>Year</i>	<i>CC Article</i>	<i>Number of offences</i>
2011	165	111
	206	24
	207	14
	220	105
	362/1	118

<i>Year</i>	<i>CC Article</i>	<i>Number of offences</i>
2012	165	151
	206	20
	207	17
	220	135
	362/1	117

<i>Year</i>	<i>CC Article</i>	<i>No. offences</i>
2011	165	45
	206	14
	207	5
	220	58
	362/1	52
2012	165	60
	206	5
	207	5
	220	82
	362/1	38

43. Compared statistics of the number of judgments of conviction handed down in 2012 and 2011 in cases classified as THB/TC and related crimes are illustrated in the chart below:

<i>Year</i>	<i>CC Article</i>	<i>No. offences</i>
2011	165	16
	206	2
	207	8
	220	63
	362/1	43
2012	302	1
	165	21
	206	6
	207	5
	220	64
	362/1	20
	302	1

Protection

44. According to the provisions of Article 20 (1) of law No. 241 of 20 October 2005 on Preventing and Combating THB, trafficking victims shall be offered assistance in physical, psychological, and social recovery through specialized medical, psychological, legal, and social measures.

Number of THB victims/potential THB victims that were assisted in the centers of assistance and protection

No. Institution	Victims of trafficking in human beings				Potential victims of trafficking in human beings			
	Women		Men		Women		Men	
	Adults	Children	Adults	Children	Adults	Children	Adults	Children
1 Chişinău (CAP)	70	7	15	4	120	95	20	93
2 Cahul (maternal)					29	40		
3 Căuşeni (CAP)	5				28	21		
4 Bălţi (SOTIS)	6				40	21	1	20
5 Căuşeni (maternal)	2				30	52		
6 Drochia (Ariadna)					16	13		9
7 Hînceşti (maternal)		1			23	6		24
Total	83	8	15	4	286	248	21	146
		110				701		

Partnership

45. Strategic partnership in the anti-trafficking area in 2012 was strengthened by the anti-trafficking actors by signing the agreements listed below:

- MIA, CCTP concluded 2 memoranda of cooperation with:
 - CNPAC on support for children victims of sexual violence.
 - Investigative Journalism Centre, on public awareness concerning the THB phenomenon.
 - Other agreements, such as with the NGO La Strada and the IOM, are under negotiation.

Information (presented by the participants in the System) regarding the criminal cases registered on the territory of the Republic of Moldova during the period 2010-2013, involving female victims

Articles of the Criminal Code	2009	2010	2011	2012	2013
Article 159 "Illegal abortion"	-	2	-	1	1
Article 160 "Illegal Performance of surgical sterilization"	-	-	-	-	-
Article 165 "Trafficking in human beings"	80	76	69	174	80
Article 171 "Rape"	172	258	220	274	108
Article 172 "Violent actions of a sexual character"	42	49	41	51	29
Article 173 "Sexual harassment"	1	-	3	4	4
Article 174 "Sexual intercourse with a person under the age of 16 years"	19	42	40	63	20

<i>Articles of the Criminal Code</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Article 175 “Perverse actions”	7	12	13	28	9
Article 2011 “Domestic violence”, (introduced by Law No. 167 of 9 July 2010, in force from 3 September 2010)	-	27	319	602	358
Article 206 “ Trafficking in children”	9	20	16	18	11
Article 3091 “Torture” (repealed by law No. 252 of 8 November 2012, in force from 21 December 2012)	-	3	-	2	-
Article 1661 “Torture, inhuman or degrading treatment”	-	-	-	-	3

46. In the period from 2009 to the first 6 months of 2012, the following training activities were organized by NIJ in the field of fight against trafficking in human beings:

- In 2009 – 4 seminars – 54 judges, prosecutors and other beneficiaries trained.
- In 2010 – 4 seminars – 48 judges, prosecutors and other beneficiaries trained.
- In 2011 – 4 seminars – 24 judges, prosecutors and other beneficiaries trained.
- In 2012 – 1 workshop, 1 training course, 3 seminars – 112 judges, prosecutors and other beneficiaries trained.
- In 2013 – 1 workshop, 5 seminars – 139 judges, prosecutors and other beneficiaries trained.

Please provide statistical data on any complaints, investigations, and resulting prosecutions and convictions, and any sentences applied relating to domestic violence, including marital rape and abuse, during the reporting period. Please provide information regarding any investigation into allegations made by Lidia Mudric and Lilia Eremia, who allege that they repeatedly sought assistance regarding domestic violence by their ex-husbands, and that the authorities of the State party failed to react appropriately to their complaints. Additionally, in light of the recommendations made by the Committee (para. 23), the Special Rapporteur on violence against women, its causes and consequences (A/HRC/11/6/Add.4, para. 86), and the UPR working group (A/HRC/19/18, para. 73.30ff), please provide updated information on measures taken to combat domestic violence, in particular to:¹³

(a) Ensure the effective implementation and monitoring of the Law on Preventing and Combating Domestic Violence, including the allocation of adequate budgetary and human resources. Did the State party elaborate a Plan of Action in that regard?¹⁴

47. On an annual basis, in establishing relations between the State Budget with the budgets of administrative-territorial units, funds are provided for the maintenance of psychosocial rehabilitation centers for victims of domestic violence. During 2009-2012,

¹³ E/C.12/MDA/CO/2, para. 14; A/HRC/11/6/Add.4, paras. 20-29 and 86; A/HRC/10/44/Add.3, paras. 53 and 90(e); A/HRC/19/61/Add.3, para. 114; A/HRC/19/18, paras. 73(35)-(42); concluding observations of the Committee on the Rights of the Child) CRC/C/MDA/CO/3 (para. 49(a); concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MDA/CO/3, para. 23; A/HRC/19/18, paras. 73(30)-73(34)).

¹⁴ A/HRC/11/6/Add.4, para. 86(a).

a total of 5,151,300 lei was allocated for this purpose for all components. For 2013, an amount of 2,772,000 lei was planned for the maintenance of the psychosocial centers.

(b) Support victims of domestic violence by establishing additional shelters, the provision of free counselling services and such other measures for the protection of victims;

(c) Address impunity in this area by, inter alia, taking appropriate preventive measures and providing training on the handling of domestic violence to professionals involved in such cases, including police officers, prosecutors, judges and social workers, with emphasis on the gender aspects of domestic violence. Please elaborate on the impact of such measures;

(d) Address the root causes of domestic violence in order to carry out awareness campaigns on violence against women and their rights, especially in rural areas.¹⁵

48. Victims of domestic violence are protected by both Law No. 45 on Preventing and Combating Domestic Violence and criminal provisions set out in Article 201/1 (“Domestic violence”) of the Criminal Code.

49. By Law No. 167 of 9 July 2010 on the amendment and supplementation of some legislative acts, the mechanism of implementing Law No. 45 on Preventing and Combating Domestic Violence has been improved: it introduced a new article to the Criminal Code, Article 201(1), making domestic violence a criminal offense. Corresponding amendments were made to the criminal and civil law.

50. The legislation in force allows using both civil and criminal procedure for this purpose, in accordance with the provisions of Article 215/1 of the Criminal Procedure Code and Article 318¹-321⁶ of the Civil Procedure Code.

51. In 2011, criminal proceedings were started in 449 cases of violence against family members, according to the provisions of the Criminal Code of the Republic of Moldova.

52. In 2012, criminal proceedings were initiated in 830 cases (compared to 449 cases in 2011) involving violence and abuse against family members.

53. Over the course of 6 months of 2013, the Ministry of Internal Affairs received 3,676 (3,088 in 2012) complaints recorded in the Registry of Other Information on Crimes and Incidents of territorial police inspectorates (R-2), which concern domestic conflicts. In 321 of these cases (217 in 2012), they were recorded on the own initiative of the district police officer.

54. 935 cases of domestic violence (479 cases in 2012) were examined under Article 274 of the Code of Criminal Procedure. As a result prosecutors ordered the initiation of 339 (152 in 2012) sets of administrative proceedings, and in 596 other cases (327 cases in 2012), criminal proceedings were initiated under Article 201¹ (domestic violence) of the Criminal Code.

55. The Criminal Code was supplemented with Article 133¹ (family member), which mentions the marital status of the subjects of domestic violence.

56. Additionally, the criminal legislation has been supplemented with a new Article 201¹ (domestic violence), which criminalizes “domestic violence” and provides criminal punishment for acts of domestic violence.

¹⁵ A/HRC/19/18, para. 73.33.

Cases of *Eremia and Mudric v. Moldova*

Case of Lilia Eremia

57. On 17 December 2010, the Calarasi District Prosecutor's Office received petition No. 070/10 of 13 December 2010 from Doina Ioana Straisteanu, attorney for the victim Lilia Eremia, which notified the prosecutors about the existence of a protection order, issued on 9 December 2010 by the Calarasi Court to protect Lilia Eremia and her minor daughters Doina and Mariana Eremia. It also requested the Prosecutor's Office to start criminal proceedings against the perpetrator, Alexandru Eremia, as he continued his violent behavior against the victims.

58. On the same day (17 December 2010), the petition was forwarded to the Calarasi Police Commissariat for consideration and adoption of a decision under Article 274 of the Code of Criminal Procedure.

59. On 29 December 2010, the Calarasi Prosecutor's Office received the victim's report No. 079/10 of 23 December 2010, complaining of further acts of domestic violence by Alexandru Eremia against her and her daughters Doina and Mariana. The report was also forwarded, on the same day, to the Calarasi Police, for consideration in the context of the earlier petition.

60. Simultaneously, the Calarasi Prosecutor's Office initiated an investigation based on a similar petition of the victim's representative filed with the Prosecutor General's Office. The probe aimed in particular to verify how the police acted on the previous requests.

61. It was found that the materials submitted earlier to the police were recorded properly in Register No.1 under No. 833, and the criminal investigation officer Simion Dodon was assigned to the case.

62. It was also found that, on 9 December 2010, the Calarasi Court forwarded to the Calarasi Police Commissariat the protection order for Lilia Eremia and her daughters Doina (born in 1995) and Mariana (born in 1997) to be enforced.

63. On 10 December 2010 the Calarasi police opened a case against the perpetrator to oversee enforcement of the protection order.

64. The case aimed to verify Alexandru Eremia's compliance with the restrictions imposed on him by the protection order. The verification is demonstrated by official warnings delivered to the perpetrator and confirmed by his signature, on 12, 14 and 19 December 2010. The police came to check on Alexandru Eremia at his place on several occasions.

65. To see how the terms of the protection order were actually respected, on 10 January 2011, Lilia Eremia was summoned and interviewed at the Calarasi Prosecutor's Office. The woman said that she and her husband were divorcing and that they had been given a waiting period to attempt reconciliation. She also confirmed that in breach of the protection orders, the husband was coming back home from time to time, because he had no place to stay for longer periods, especially in winter. She said she didn't mind in principle to his visits, as he did some household chores like splitting firewood, yet she complained that he continued to systematically use violence against her.

66. On 11 January 2011, the Calarasi District Prosecutor warned Alexandru Eremia about the requirement to comply with the terms of the protection order and cautioned him against using further violence against his wife and daughters.

67. Alexandru Eremia excused his violent behavior against his wife (he did not admitted to being violent against his daughters) on frequent rumors among the residents of Valcinet village that his wife was cheating on him.

68. Following investigations, on 17 January 2011, criminal case No. 2011160018 was initiated against Alexandru Eremia under Article 201¹ of the Criminal Code. Proceedings are ongoing. The perpetrator is now staying periodically at relatives and friends.

69. On 28 May 2013, the European Court of Human Rights pronounced its judgment in the case of *Eremia and others v. the Republic of Moldova* (application No. 3564/11).

70. The European Court held unanimously:

- That there has been a violation of Article 3 (prohibition of inhuman and degrading treatment), in respect of Mrs. Lilia Eremia.
- Violation of Article 8 (right to respect for private and family life), in respect of the two daughters of Mrs. Lilia Eremia.
- Violation of Article 14 (prohibition of discrimination) read in conjunction with Article 3, in respect of Mrs. Lilia Eremia.

71. The case concerned the applicants' complaint about the Moldovan authorities' failure to protect them from the violent and abusive behavior of their husband and father. The Court held that, despite their knowledge of the abuse, the authorities had failed to take effective measures against Ms. Eremia's husband and to protect his wife from further domestic violence. It also considered that, despite the detrimental psychological effects of her daughters witnessing their father's violence against their mother in the family home, little or no action had been taken to prevent the recurrence of such behavior. Finally, the Court found that the authorities' attitude had amounted to condoning violence and had been discriminatory towards Ms. Eremia as a woman.

Complaints addressed to the Court

72. The applicants complained to the Court, relying on Article 3 of the Convention, that the authorities had not been active enough in protecting them from domestic violence and in bringing the perpetrator to justice.

73. They complained, relying on Article 14 of the Convention, in conjunction with Article 8 and Article 3 of the Convention, that the authorities had not properly applied the national legislation intended to protect the victims of domestic violence as a result of preconceived ideas concerning the role of women in the family.

74. Finally, they complained, under Article 17 of the Convention, that by refusing to apply the national legislation and protect them from domestic violence, the authorities deliberately violated the rights guaranteed by the Convention.

The Government's position

75. The Government submitted that the authorities reacted promptly to the applicants' complaints and took a number of measures to protect them from the risk of domestic violence and prevent similar incidences in the future.

76. To support this, the Government cited the two protection orders and a criminal case against the perpetrator, which ended in finding him guilty. He expressed heartfelt repentance for his behavior and received a conditional suspension of prosecution with the possibility of a subsequent exemption from criminal punishment in case of compliance with the obligations imposed, including refraining from committing further offences.

Findings of the Court

Article 3

77. The Court found that there has been a violation of Article 3 of the Convention in respect of the Ms. Eremia. The Court noted that, on 9 December 2010, the Moldovan courts had decided that the situation was sufficiently serious to warrant a protection order being made in respect of Lilia Eremia. It also found that the fear of further assaults had to have been severe enough to cause her to experience suffering and anxiety amounting to inhuman treatment within the meaning of Article 3 of the Convention.

78. In particular, the Court noted that the positive obligations under Article 3 include, on the one hand, setting up a legislative framework aimed at preventing and punishing ill-treatment by private individuals and, on the other hand, when aware of an imminent risk of ill-treatment of an identified individual or when ill-treatment has already occurred, to apply the relevant laws in practice, thus affording protection to the victims and punishing those responsible for ill-treatment.

79. The Court noted that the Moldovan law provides for specific criminal sanctions for committing acts of violence against members of one's own family. Moreover, the law provides for protective measures for the victims of family violence, as well as for sanctions against those persons who refused to abide by court decisions.

80. Further, the Court considers that the authorities were well aware of the perpetrator's violent behavior, which became even more evident when the domestic courts made the protection order on 9 December 2010. In particular, despite the clear provisions of the order, Mr. Eremia returned to the applicants' home, thus violating the protection order. While the Government submitted that this happened with the Ms. Eremia's consent, they did not provide any evidence to substantiate their claim. It is clear that the first applicant promptly complained to the authorities about A.'s twofold breach of the protection order by harassing her on the street and entering her house without her consent.

81. Although the authorities had not acted swiftly enough, the Court noted that they had not remained totally passive since Mr. Eremia had been fined and given a formal warning. However, none of those measures had been effective and, despite Mr. Eremia's repeated breaches of the order, he had continued to carry out his duties as a police officer without any measure being taken to ensure the applicants' safety. The lack of decisive action by the authorities had been even more disturbing considering that A. was a police officer whose professional requirements included the protection of the rights of others, the prevention of crime and the protection of public order.

82. Lastly, the Court found it unclear how the prosecutor had found that Mr. Eremia was not a danger to society and why he had conditionally suspended the investigation against him even though the Moldovan courts had extended the protection order days earlier on the ground that he represented a significant risk to his wife. As a result, the suspension had the effect of exempting Mr. Eremia from criminal liability rather than preventing him from committing further violence.

83. Hence, the Court concluded that the authorities' failure to take effective measures against Alexandru Eremia despite their knowledge of the danger of further domestic violence had amounted to a breach of Article 3 in respect of Lilia Eremia.

Article 8

84. Although the first claimant and her daughters complained about the violations of their rights under Article 3 of the Convention, the Court decided to examine the complaint under Article 8.

85. First, as had been recognized by the Moldovan courts, the two daughters' psychological well-being had been adversely affected by repeatedly witnessing their father's violence against their mother in the family home. Therefore, there had been an interference with their rights under Article 8.

86. Second, the authorities were aware of that interference, but did not take any measures to prevent it. The Court noted that the protection order of 9 December 2010 had prevented him from contacting, insulting or ill-treating not only Ms. Eremia but also her children. Ms. Eremia had also asked that her daughters be officially recognized as victims of domestic violence for the purposes of the criminal investigation against their father.

87. Finally, the applicants had complained that, during one of his visits to the family house, Alexandru Eremia had not only assaulted his wife but also verbally abused one of his daughters. Therefore, the authorities had clearly been aware of Mr. Eremia's breaches of the protection order as well as of his threatening and insulting behavior towards the applicants and its effect on his daughters. However, little or no action had been taken to prevent the recurrence of such behavior. On the contrary, despite a further serious assault in 2011, A. had been eventually released from all criminal liability. In conclusion, the Court found that this amounted to a violation of Article 8.

Article 14 in conjunction with Article 3

88. The Court found unanimously that there was a the violation of Article 14 of the Convention, taken in conjunction with Article 3, reiterating that the Government's failure to address the issue of violence has prompted its recurrence, which was reflected in a discriminatory attitude on Ms. Eremia on the grounds of gender inequality.

89. In this case, Mrs. Eremia has been subjected to repeated violence from her husband, although authorities were well aware of this situation. However, the authorities refused to rule on the divorce, as the claimant requested. She claimed to have been pressured by the police to withdraw her complaints. Still, authorities acknowledged that they had not enforced the protection order until 15 March 2011, due to a clerical error. Additionally, it is claimed that the representatives of the authorities insulted Mrs. Eremia, suggesting her reconciliation and telling her that she is neither the first nor the last woman to be beaten by her husband. Finally, although Mr. Eremia admitted that he had beaten his wife; the prosecution against him was suspended and he was exempted from any liability.

Just satisfaction

90. In accordance with Article 41 of the Convention, taking into account the circumstances of the case, the Court decided to grant the claimants the amount of 15,000 euros in non-pecuniary damage and 2,500 euros in costs and expenses.

Case of Lidia Mudric

91. The perpetrator, Alexei Mudric, has been under psychiatric supervision since 1987, and he was treated as an in-patient in psychiatric hospitals on several occasions. At the request of his former wife, Lidia Mudric, on 9 June 2010, the Ocnita Prosecutor's Office instituted criminal proceedings No. 2010260137, under Article 179 paragraph (1) of the Criminal Code, against Alexei Mudric for breaking into her.

92. On 24 June 2010, L. Mudric was recognized as an injured party and was heard in this capacity. The preventive measure was imposed on A. Mudric of prohibiting him from leaving town.

93. On 22 June 2010, the Ocnita District Court issued a protection order against Alexei Mudric, who resided in the village of Lipnic, Ocnita. It ordered him to stop aggressing, threatening and insulting Lidia Mudric, and to leave her house immediately. The protective measures were established for a period of 30 days. On 23 July 2010, the order was extended for another 90 days.

94. The Ocnita District Prosecutor's Office found out later about the violation of the protection order, which the district police inspector Ion Punga had been assigned to enforce. It immediately requested the Police Commissariat to ensure the enforcement of the order and thus defend the constitutional rights of Lidia Mudric. It should be noted that once the criminal case was opened, the Prosecutor's Office received no complaints from Lidia Mudric.

95. On 16 August 2010, criminal case No. 2010260231 was started against Alexei Mudric, under Article 320 paragraph (1) of the Criminal Code, for failure to abide by the protection order. Alexei Mudric told the investigation that he had broken into the home of her former wife because his heating stove wasn't operable and he was afraid to freeze to death. The protection orders issued by the Ocnita District Court on 23 July 2010 and 16 December 2010 had been served to Alexei Mudric, but he refused to accept them or confirm their receipt by signing, a fact confirmed by witnesses, neighbors and a social assistant.

96. The mayor of the village of Lipnic V.S. Lupulciuc and the social assistant M. Dub explained that the local authorities could not afford to provide A. Mudric with separate housing.

97. They have two daughters who rarely visit the parents. However, a period of time, Alexei Mudric was treated in the hospital of Ocnita town.

98. The criminal proceedings No. 2010260137 and No. 2010260231 were merged into a single procedure, No. 2010260137. During the proceedings, A. Mudric was several times admitted to hospitals in Chisinau municipality, and for this reasons the prosecution took a longer time.

99. According to a psychiatric expert report issued on 26 August 2010, Alexei Mudric suffers from chronic mental illness in the form of paranoid schizophrenia, and was found to be NON-RESPONSIBLE. The report recommended that he should be administered involuntary treatment in an ordinary-regime psychiatric hospital.

100. On 7 October 2010, Alexei Mudric was indicted on charges referred to in Article 179, paragraph (1) and Article 320 paragraph (1) of the Criminal Code, and on the same date his case was forwarded to the Ocnita District Court together with the proposed order imposing forcible treatment on him.

101. On 1 November 2010, the Ocnita District Court (Judge Eugeniu Bejenaru) ordered the examination of the case. Due to both Lidia Mudric's and Alexei Mudric's failure to appear in court, examination was postponed until 3 December 2010.

102. During the court hearing on 3 December 2010 (attended by all the participants), Judge E. Bejenaru refrained from examining the case citing personal reasons.

103. On 4 January 2011 the Ocnita Court found Alexei Mudric guilty of committing the offences under Article 179, paragraph (1) of the Criminal Code, ordering that he undergoes mandatory treatment. The criminal proceedings under Article 320, paragraph (1) of the Criminal Code were terminated pursuant to Article 391, paragraph (1) sub-paragraph 6) of the Code of Criminal Procedure.

104. On 24 January 2011, to enforce the sentence of 4 January 2011, Alexei Mudric was escorted by the police officer, Mr. Vahnovan, to the Balti psychiatric hospital.

105. On 16 July 2013, the European Court of Human Rights pronounced its judgment in the case of *Mudric v. the Republic of Moldova*.

106. In the case of *Mudric v. the Republic of Moldova*, the applicant Lidia Mudric complained before the Court of the violation of Article 3 of the Convention, and in particular that the authorities had tolerated the ill-treatment to which she had been subjected in her home, and had failed to take all necessary measures to discharge their positive obligation to protect her from domestic violence and bring the perpetrator to justice.

107. In this case, the Court noted that the applicant obtained medical evidence of having been beaten up by Alexei Mudric; moreover, both the local police and the courts established that he had attacked her on other occasions as well. In addition, the Court found that the fear of further beatings by the perpetrator was sufficiently serious to cause the applicant suffering and anxiety amounting to inhuman treatment within the meaning of Article 3 of the Convention.

108. At the same time, the Court concluded that the manner in which the authorities had handled the case, notably the long and unexplained delays in enforcing the court protection orders and in subjecting the perpetrator to mandatory medical treatment, amounted to a failure to comply with their positive obligations under Article 3 of the Convention.

109. In addition, the applicant also complained under Article 14 of the Convention in conjunction with Articles 3 and 8, that the authorities had failed to apply the domestic legislation intended to afford protection from domestic violence, as a result of preconceived ideas concerning the role of women in the family.

110. In this respect, the Court found that the applicant was subjected to violence from Alexei Mudric on a number of occasions and that the authorities were well aware of that. Furthermore, despite legal provisions allowing the authorities to initiate criminal proceedings against the perpetrator and thus to subject him to a psychiatric examination with a view to deciding on his compulsory psychiatric treatment, it took the authorities almost a year to do so. In the Court's opinion, the combination of these factors clearly demonstrates that the authorities' actions were not a simple failure or delay in dealing with violence against the applicant, but amounted to repeatedly condoning such violence and reflected a discriminatory attitude towards her as a woman. Therefore, the Court established violations of Article 14 in conjunction with Article 3 of the Convention and, at the same time, has decided that it is not necessary to examine separately the claims under Article 14 in conjunction with Article 8 of the Convention.

111. The claimant also complained, under Article 17 of the Convention, that the failure of the authorities to curb the violent behavior of A.M. which due to his mental illness allowed him to violate the claimant's rights without being punished constituted an effective infringement of the rights guaranteed by the Convention. The Court considered that this complaint is unsubstantiated and must be rejected as being ill-founded in accordance with Article 35, paragraph 3 and 4 of the Convention.

112. In this case, the Court unanimously found that there has been the violation of Article 3 of the Convention and Article 14 combined with Article 3 of the Convention, considering that it is not necessary to examine separately the claimant's complaint under Article 14 in conjunction with Article 8.

Article 8 of the Convention

113. As regards the claim for just satisfaction in accordance with Article 41 of the Convention, taking into account the circumstances of the case, the Court decided to grant

the claimant the amount of EUR 15,000 in respect of non-pecuniary damage and EUR 2,500 as costs and expenses.

114. In connection with the cases where Moldova was fined by the European Court of Human Rights, the Government Agent convened an extraordinary meeting attended by representatives of central authorities responsible for preventing and combating domestic violence.

115. Building on the findings of the European Court and considering the violations committed by the authorities, a national Concept Paper will be developed. The Government Agent will submit proposals to the central public authorities regarding actions aimed at curbing domestic violence, increasing responsibility among decision makers to avoid similar violations in the future, ensuring strict compliance with the provisions of the legislation on preventing and combating domestic violence, protecting victims in accordance with the legislation in force, and adjusting the legislative and regulatory framework to the European standards in the field of human rights protection, prevention and combating of violence against women and domestic violence.

While acknowledging the State party's information that its inability to exercise effective control over the territory of Transnistria continues to impede the implementation of the Convention in that region, please indicate measures that the State party is taking or has taken to ensure full respect for the Convention in Transnistria, including on urgent appeals transmitted to it by the Special Rapporteur on Torture (A/HRC/16/52/Add.1, paras. 175 and 176).

Article 3

Please provide information on the measures taken to fulfill all obligations under article 3 of the Convention, in particular to consider all elements of an individual case, and provide, in practice, all procedural guarantees to the person expelled, returned or extradited. Has article 3 been directly applied in cases of expulsion or return of foreigners? Is there any training of judges or border guards, or other law enforcement personnel on the absolute nature of non-refoulement of article 3 as well as on the non-derogability of the prohibition of torture and ill-treatment?

116. During 2009-2012, the following training activities organized by the NIJ on combating domestic violence were held:

- In 2009 – 2 seminars – 56 judges, prosecutors and other beneficiaries trained.
- In 2010 – 8 seminars – 48 judges, prosecutors and other beneficiaries trained.
- In 2011 – 4 seminars – 48 judges, prosecutors and other beneficiaries trained.
- In 2012 – 2 seminars – 65 judges, prosecutors and other beneficiaries trained.
- In 2013 – 61 judges, prosecutors and other beneficiaries trained.

Please provide statistics by region of the country and disaggregated by age, sex, and country of origin of the asylum seeking population, on:

- (a) The number of asylum applications registered;**
- (b) The number of applicants in detention;**
- (c) The number of applicants whose application for asylum was accepted;**

(d) The number of applicants whose application for asylum was accepted on grounds that they faced a risk of torture if returned to their country of origin;

(e) The number of cases of refoulement or expulsion.

117. The number of asylum applications registered during 2009 – first half 2013 – 453 persons.

118. Number of applicants in detention (appeals for asylum lodged within the Centre for Temporary Placement of Foreigners) during 2009 – first half 2013 – 72 applicants.

119. Number of applicants who have been granted some form of protection on the territory of the Republic of Moldova during 2009 – first half 2013 – 178 applicants.

120. Number of persons who have been granted humanitarian protection on the territory of the Republic of Moldova during 2009 – first half 2013 – 148 persons.

121. The number of cases of expulsion or return of the asylum seekers during 2009 – first half 2013 – 0 cases.

Article 10

In light of the Committee's previous recommendations (para. 17), please provide updated information on the instruction and training provided for medical and law enforcement personnel, judicial officials and other persons involved with custody, interrogation or treatment of persons under State or official control on matters related to the prohibition of torture and ill-treatment.¹⁶ Please specify who conducts and who undergoes the training, if the Convention is made known in the course of such programmes, and how the State party evaluates the effectiveness and impact of the programmes. Furthermore, please elaborate on:

(a) Training of professionals involved in the investigation and documentation of torture, especially medical personnel such as forensic doctors, on the "Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment" (Istanbul Protocol). Is the Istanbul Protocol applied in practice? If so, how?

122. During 2009-2013, the following training activities have been organized by the NIJ in the field of human rights protection:

- In 2009 – 2 seminars, 3 training courses – 120 judges, prosecutors and other beneficiaries trained.
- In 2010 – 7 seminars – 158 judges, prosecutors and other beneficiaries trained.
- In 2011 – 30 seminars – 637 judges, prosecutors and other beneficiaries trained.
- In 2013 – 36 seminars – 817 judges, prosecutors and other beneficiaries trained.

123. In 9 months of 2013, 14 doctors were trained.

124. 18 medical assistants were trained in 9 months of the year.

¹⁶ A/HRC/10/44/Add.3, para. 90(c) and (h); CCPR/C/MDA/Q/3, para. 7; concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/MDA/CO/8-9), para. 11.

Article 11

Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for the custody of persons subject to any form of arrest, detention or imprisonment that may have been introduced since the consideration of the last periodic report, and the frequency with which they are reviewed.

125. As regarding the introduction of new interrogation rules, instructions, methods or practices, since the last report, Article 104 of the Code of Criminal Procedure (Hearing of suspect, accused, defendant) has been amended. In particular, the amendment concerned paragraph (2), which states: “Before starting the hearing of the suspect, accused or defendant, the person conducting the criminal prosecution is required to record the following data: the surname, name, date, month and year of birth, place of birth, nationality, education, military service status, marital status and dependants, occupation, address and other information that may be necessary for the establishment of his/her identity in the proceedings. The person conducting the hearing shall explain to the suspect, accused or defendant the essence of the suspicion or accusation s/he is faced with, and advises him/her about the right to remain silent and avoid making self-incriminatory statements. Next the person conducting the hearing is required to ask whether the suspect, accused or defendant agrees to make statements in connection with the charge brought against him/her. Should a suspect, accused or defendant refuse to make statements, the matter needs to be entered into the record of the hearing along with the reasons brought for such a refusal. When a the suspect, accused or defendant agrees to make statements, the person conducting the hearing is required to ask him/her whether s/he acknowledges the suspicion or accusation and to propose him/her to give written explanation in this respect. Should the suspect, accused or defendant be unable or refuse to write by him/herself a statement, the person conducting the hearing will enter this matter into the record.”

126. In the same Article of the Code of Criminal Procedure, a new paragraph (3¹) was included, which states that “the duration of an uninterrupted hearing of a suspect, accused or defendant may not exceed 4 hours, and the total duration of hearings in one day may not exceed 8 hours. The suspect, accused or defendant is entitled to a break of up to 20 minutes long during a four-hour hearing. In the case of persons with serious health conditions, the duration of a hearing shall be established taking into account the advice of a medical doctor”.

In light of the Committee’s previous recommendations (para. 18), please provide information on the measures taken to improve the material conditions of detention, including the financial resources allocated.

127. Through the Annual State Budget Law, the DPI receives funds for good functioning, including for improving conditions of detention. In the last few years, State Budget allocations were as follows:

- 237,457,800 lei in 2009.
- 216,263,800 lei in 2010.
- 259,506,400 lei in 2011.
- 298,040,600 lei in 2012.

128. And in the first half of 2013, of the total 321,901,100 lei allocated for the DPI, 140,397,600 lei were spent.

Please provide information on:¹⁷

(a) Current conditions in penitentiary institutions. Please provide updated information, including statistics, disaggregated by sex, age, ethnicity and crime, on the number of imprisoned persons and the occupancy rate of the institutions, for the entire reporting period. Please also indicate whether food and drinking water are made available to individuals held in police custody for significant periods of time, and the regulations governing this;

129. As a result of intentions and actions undertaken, State Budget allocations rose, from 1.4% of the estimated needs in 2009, to 4.2% in 2010, 9.9% in 2011, and 12.4% in 2012.

130. Complex efforts were made to argue for more funds to be allocated for space adjustment, medical assistance, food and other inmates' needs, with budget allocations increasing for these categories of expenses, as follows:

- Capital investments, from 500,000 lei in 2009 to 8.9 million lei in 2012 and 18 million lei in 2013.
- Medical assistance, from 2,280,900 lei to 3,156,100 lei in 2012.
- Food, from 21,957, 200 lei in 2009 to 31,265,600 lei in 2012.
- Hygiene items – from 723,600 lei in 2010 to 1,109,000 lei in 2012.

(b) Measures taken by the State party to alleviate conditions of detention amounting to torture or ill-treatment, including severe overcrowding, poor quantity of quality of food, poor hygiene, sanitary facilities, lack of furniture, lack of ventilation, prevalence of tuberculosis, and lack of necessary materials, such as bedding. Please particularly discuss measures taken to implement decisions of the European Court of Human Rights finding the State party in violation of article 3 of the European Convention on Human Rights due to detention conditions. Please also particularly describe measures taken to alleviate the overcrowding of penitentiary institutions through the application of alternative measures to imprisonment;

131. The existing 38 provisional detention facilities have a total of 273 cells to contain 682 people.

132. Pursuant to Government Decision No.511 of 22 June 2010, an amount of 2.2 million lei was allocated to the MoIA for major renovations to achieve a minimum necessary number of cells in 30 places of temporary detention; in connection with this, 107 cells were closed/suspended, and 152 cells have been adjusted and remain active.

133. It is prohibited to reduce the amount, quality and calorie value of the food provided to a detainee.

134. Detained persons get a diet that takes into account their age, health and physical condition. Food is prepared and served in sanitary conditions; diet may be changed only on a prescription from a doctor or a medical assistant.

135. For persons detained in temporary detention at police stations subordinated to the MAI, the same conditions apply on provision of food as for detainees placed in prisons. The rapid diagnostic method *GeneXpert* works effectively, enabling the confirmation of TB in just 2 hours.

¹⁷ A/HRC/10/44/Add.3, paras. 30-41 and 72-74.

136. The measures taken have contributed to a decrease in the incidence of tuberculosis among prisoners from 495 cases in 2006 to 163 cases in 2010 (down 332 cases, or 67%). During 2012, 162 cases of tuberculosis in prison were notified.

137. In 2006, 20% of cases of tuberculosis reported by the penitentiary system were detected upon entry into prison. In 2010-2011 the detection rate was 20-25% of the total cases reported, and 34.5% in 2012.

138. The number of prisoners with tuberculosis decreased 3.5 times from 1152 patients in 2001 to 166 patients at the end of third quarter of 2013, or down 84.5%.

139. Starting with 2006, the DOTS+ treatment is available in penitentiary institutions. 215 detainees benefited from this treatment. In nine months of 2013, 24 persons were included in the DOTS+ program, 34 persons in 2012, 39 detainees in 2011, and 40 persons in 2010.

(c) Measures taken to ensure that conditions of detention are not discriminatory to women and particularly that adequate medical and reproductive care is available in all detention facilities where women are held.

140. In accordance with MoIA Order No. 308 of 7 November 2011 “On Amending and Supplementing Order No. 5 of 5 January 2004” and with Order No. 223 of 6 July 2012 “On the Approval of Guidelines of Activity for the MoIA temporary detention facilities”:

- Mothers with children aged under two years can be accepted into provisional detention facilities together with their children. A birth certificate or other acts to confirm the connection between the child and the mother serve as a ground for accepting a child together with his/her mother. A confirmation from the prosecutor or the court can serve as well.
- Detained women are held in separate cells and rooms from men.
- Pregnant women, nursing mothers, minors, sick people and people with disabilities (1st and 2nd degree) are entitled to supplementary food.
- Women accompanied by 3 children and pregnant women benefit from daily walks up to two hours long.
- Women with young children are allowed, at their own expense, to buy food and items needed for childcare. Boiled water is provided at least two times during escorting. Detainees and prisoners may hold food, medicines and items allowed for storage, documents and notes of the criminal case (only prisoners), receipts of confiscated cash.

141. On 1 January 2013, in the penitentiary system there were 411 women, including two minors.

Please provide information regarding measures taken by the State party to protect detainees from inter-prisoner violence, including sexual violence and intimidation. Please provide information on the number of investigations and prosecutions into inter-prisoner violence carried out by the State party during the reporting period, disaggregated by sex of the victim, age of the victim, and immigrant status of the victim. Please also indicate whether any prison staff have been disciplined or subject to criminal penalties for tolerating, encouraging, or aiding and abetting such inter-prisoner violence during the reporting period. Please comment on actions taken in response to CPT’s report of such violence at prison No. 11 Bălți and prison No. 17

Rezina.¹⁸ Please also comment on instances noted by CPT of prison staff responding to complaints of such violence by placing the complainant in solitary confinement.

142. In 2012-2013, special investigative activities revealed that prisoners committed 62 illicit actions, including 64 instances of ill-treatment against other detainees. Subsequently, there were found 6 other cases of intentional injury by convicts, against whom criminal cases were initiated.

143. In 2012-2013, across the penitentiary system there were recorded 17 criminal cases in connection with ill-treatment committed, tolerated or encouraged by employees of the penitentiary system.

Please provide detailed information on the mandate and activities of monitoring commissions established under Act No. 235-XVI and the outcomes of their monitoring visits.¹⁹ How often and to how many places of detention have these commissions undertaken unannounced visits since the consideration of the previous report?

144. According to information collected by the Ombudsman institution, in March-May 2013, to implement the Law No. 235 of 13 November 2008 on Civil Control on Human Rights Observance in Detention Institutions, monitoring committees were set up in 13 of Moldova's 32 districts. In other districts, such committees were not created either because no detention institutions exist within those administrative units or because local civil society representatives have not yet expressed their interest in monitoring conditions of detention and treatment of prisoners.

Please provide up-to-date information on the current status of the implementation of the Committee's previous concluding observations (para. 13) in relation to the National Preventive Mechanism (NPM) established under the Optional Protocol to the Convention against Torture, including any measures taken to strengthen the independence of NPM from the Office of the Parliamentary Advocate.

145. Strengthening the role and capacity of the national human rights institutions and the anti-torture National Preventive Mechanism is a priority measure of the National Action Plan on Human Rights for 2011-2014 and the Justice Sector Reform Strategy for 2011-2016 in the Pillar VI "Human rights in the justice sector".

146. By MoJ Order of 25 November 2011, a working group was created to draft amendments to the legislative framework on the activity of the Center for Human Rights and the National Preventive Mechanism.

Please provide:

(a) Information on whether all members of the Consultative Council enjoy an equal status as part of NPM;²⁰

147. The members of the Consultative Council are free to exercise their rights without any pressure, restriction or interdiction from the parliamentary advocate. Accordingly, they are free to decide by themselves when and what institutions to visit. The Centre for Human Rights of Moldova will ensure transportation and the equipment required for the visit.

¹⁸ CPT/Inf (2012)3, paras. 63-65.

¹⁹ CAT/C/MDA/Q/2/Add.1, paras. 250 ff.

²⁰ CAT/C/MDA/CO/2/Add.1, paras. 4-17; A/HRC/10/44/Add.3, paras. 73-74; CCPR/C/MDA/CO/2, para. 10; CPT/Inf (2012)3, paras. 7-9.

(b) Information on whether members of the National Preventive Mechanism are able to conduct regular and unannounced visits to all places of detention including those in the Transnistrian region, without restriction. Please provide data on the number of visits that members of NPM have made to places of detention, whether the visit was announced in advance or unannounced, the detention centre visited and the location of the detention centre, the date of the visit, whether a report was issued, and whether it was made public. Have NPM members been denied prompt access to places of detention or detention registries during the reporting period? If so, please describe measures the State party is taking to discipline the officials responsible;

148. The mandate and rights of members of the Consultative Council were brought to the attention of all institutions, which will be visited according to the requirements set in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or degrading treatment. Notice boards were installed in every police station with relevant information on the functioning of the NPM, useful for the employees of the Ministry of Internal Affairs and for the detained persons. These actions have contributed to the reduction and, at this point, exclusion of cases of restriction of access for the NPM members to these institutions. Currently, the members of the National Preventive Mechanism do not face impediments to visiting places of detention.

149. Places visited within the framework of the NPM between 2009 and the first half of 2013 – 860.

150. Visits are made by parliamentary advocates/CHR employees and Consultative Council members, as their availability allows.

151. The table below provides an overview of the number of visits, by composition of the monitoring group between 2009 – first half 2013.

152. Parliamentary Advocates and/or employees of the CHR – 727 visits.

153. Parliamentary Advocates / employees of the CHR together with members of the Consultative Council – 69 visits.

154. Members of the Consultative Council – 64 visits.

(c) Examples of measures taken by the authorities in response to reports of NPM, and on any investigations into torture or ill-treatment, in line with the information provided in the State party's follow-up submission to the Committee (para. 14);

155. In 2010, two criminal cases were initiated on the request of the parliamentary advocate. In respect of 13 other cases no grounds were found for instituting criminal proceedings, and the two cases where the parliamentary advocate had requested disciplinary were left without response.

156. In 2011, three criminal cases were initiated. 4 requests to initiate criminal cases were not acted upon, and so were 2 requests for disciplinary sanctions.

157. In 2012, 3 criminal cases were initiated, 9 requests for criminal proceedings did not lead to prosecution; one request for disciplinary proceedings was not acted upon;

158. In the first half of 2013, 2 criminal cases were initiated; 5 requests for criminal proceedings did not lead to prosecution, one request for disciplinary proceedings was not acted upon.

(d) Any measures taken to increase the financial resources of NPM and public awareness of its work.

159. The creation of the National Preventive Mechanism in the Republic of Moldova has not been accompanied by an increase in State Budget allocations for its implementation. In 2009-2011 the work of the NPM was supported under the project “Support to Strengthen the National Preventive Mechanism against Torture in accordance with the Optional Protocol to CAT” funded by the European Commission and co-funded by the UNDP.

Articles 12 and 13

In light of the Committee’s previous concluding observations (para. 28), please provide detailed statistical data on complaints relating to torture and ill-treatment submitted during the reporting period, disaggregated by body receiving the complaint, crime committed, ethnicity, age and sex. Please indicate how many of these complaints were investigated, how many led to criminal prosecution, and how many prosecutions resulted in convictions, and the penal or disciplinary sanctions applied. Please also include data regarding sanctions imposed for the crimes of attempting to commit torture and complicity in torture. Please indicate whether such statistics are made available to the general public, and if so, where they are published. Please also provide information on steps taken by the State party to make confidential complaints mechanisms accessible to all persons, including those in detention.

160. Statistical data on the number of complaints in which torture / ill-treatment was alleged:

Year 2011

Article of Criminal Code	Total number of complaints handled by prosecutors		Number of refusal decisions adopted under article 275, paragraph 1) -3) of CPP		Number of decisions on refusal adopted on other grounds		Number of Criminal Cases initiated		Number of complaints pending (as of 1 Jan. 2012)	
	Complaints	Own initiative	Complaints	Own initiative	Complaints	Own initiative	Complaints	Own initiative	Complaints	Own initiative
Art.309	32	11	26	10	1				5	1
Art.309/1	200	95	161	81	1		24	4	14	10
Art.328 par.2),3)	476	111	393	86	1	4	50	8	32	13
Art.368	7	19	2	5			5	14		
Art.370 (use of violence)	2	5	1	3			1	2		
	717	241	583	185	3	4	80	28	51	24
Total	958		768		7		108		75	

Year 2012

	Total number of complaints handled by prosecutors		Number of refusal decisions adopted under article 275, paragraph 1) -3) of CPP		Number of decisions on refusal adopted on other grounds		Number of Criminal Cases initiated		Number of complaints pending (as of 1 Jan. 2012)	
	Complaints	Own initiative	complaints	Own initiative	complaints	Own initiative	Complaints	Own initiative	complaints	Own initiative
Art.166/1	4	5		2			1		3	3
Art.309	13	5	11	5	1		1			
Art.309/1	294	97	232	89	7	1	48	6	7	2

	Total number of complaints handled by prosecutors		Number of refusal decisions adopted under article 275, paragraph 1) -3) of CPP		Number of decisions on refusal adopted on other grounds		Number of Criminal Cases initiated		Number of complaints pending (as of 1 Jan. 2012)	
	Complaints	Own initiative	complaints	Own initiative	complaints	Own initiative	Complaints	Own initiative	complaints	Own initiative
Art.328 par.2), 3	407	102	324	86	22	5	45	9	16	1
Art.368	27	10	7	1			18	9	2	
Art.370 (use of violence)	4	2	3				1	2		
	749	221	577	183	30	6	114	26	28	6
Total	970		760		36		140		34	

Distribution of complaints of torture and other ill-treatment by purpose of use of violence (2012)

	Art.166/1 of the Criminal Code	Art.309 of the Criminal Code	Art.309/1 of the Criminal Code	Art.328 par.2) and 3) of the Criminal Code	Art.368 of the Criminal Code	Art.370 (violence) of the Criminal Code	Total Complaints registered in 2012
Punish the victim for an actual or alleged act	4		98	142	1		245
Extort evidence, confessions or other information	2	16	239	55			312
Intimidate or discriminate		1	14	75	1		91
Instill a sentiment of one's superiority over the victim	2		23	81	35	4	145
Excessive use of force during arrest	1	1	17	156		2	177
Total Complaints registered in 2012	9	18	391	509	37	6	970

Numerical breakdown of complaints by subjects accused of acts of torture and other ill-treatment (2012)

	Art.166/1 of the Criminal Code	Art.309 of the Criminal Code	Art.309/1 of the Criminal Code	Art.328 al.2) and 3) of the Criminal Code	Art.368 of the Criminal Code	Art.370 (violence) of the Criminal Code	Total Complaints registered in 2012
Actions committed by prosecutors		2	7	2			11
Actions committed by Criminal investigators		3	19	5			27
Actions committed by the criminal police of MoIA	2	8	188	189			387

	Art.166/1 of the Criminal Code	Art.309 of the Criminal Code	Art.309/1 of the Criminal Code	Art.328 al.2) and 3) of the Criminal Code	Art.368 of the Criminal Code	Art.370 (violence) of the Criminal Code	Total Complaints registered in 2012
Actions committed by other employees of the MoIA (including Carabineers)	4	5	109	237	21	5	381
Actions committed by officers of the Special Police Unit Pantera			5	5			10
Acts committed by other employees of the DIP (other than Pantera)	3		62	69			134
Actions committed by employees CNA				1			1
Actions committed by employees of the Ministry of Defense					13	1	14
Actions committed by other public office holders			1	1	3		5
Total Complaints registered in 2012 / including minors	9	18	391	509	37	6	970

Year 2013

Complaints examined in the first half of 2013

Art. C.C.	Total number of complaints in prosecutors' jurisdiction		Number of refusal decisions adopted under art.275 pct.1)-3) of CPP		Number of refusal decisions adopted on other grounds		Number of cases initiated		Number of complains pending as of 1 July 2013	
	Complaints	Recoded cases	Complaints	Recoded cases	Complaints	Recoded cases	Complaints	Recoded cases	Complaints	Recoded cases
Article 309	5	2	4	2			1			
Art.1661 alin. (1), (2)(art.328 para. (2), (3))	214	77	158	63	1	3	36	9	19	2
Art.1661 para. (3), (4) (art.3091)	57	28	41	25			13	2	3	1
Art.368	4	5		2			4	3		
Art.370 (violence applied)	1	1					1	1		
Total	281	113	203	92	1	3	55	15	22	3

**Complaints by status of the victim of alleged torture and other ill-treatment
(6 months of 2013)**

	Art.309 criminal code	Art.1661 para. (1), (2); art.328 para.(2), (3) of the Criminal Code	Art.1661 para. (3), of the (4); art.3091 Criminal Code	Art.368 Criminal Code	Art.370 (violence) Criminal Code	Total Complaints registered in 6 months 2013
Suspects, accused, convicted / Including minors	5	163 4	73 4		1	242 8
Other participants (injured parties, witnesses, people without procedural status) / Including minors	2	80 1				102
			10	9	1	1
Offenders / Including minors	7	48 3				50 3
			2			
Total Complaints registered in 6 months 2013 / including minors		291 8	85 4	9	2	394 12

**Distribution of complaints of torture and other ill-treatment by form of violence
(6 months in 2013)**

	Art.309 Criminal Code	Art.1661 para. 1, 2; art.328 para. 2, 3 Criminal Code	Art.1661 para. 3, 4; Art.3091 Criminal code	Art.368 Criminal Code	Art.370 (violence) Criminal code	Total Complaints registered in 6 months in 2013
Imprisonment as method of inhuman or degrading treatment		2				2
Punching and kicking	1	188	67	9	1	266
Physical and psychological violence after handcuffing	3	17	6			26
Violence by applying use of firearms, special tools and other adapted items (sticks, water bottles, books, etc.)		24	2			26
Reverse hanging (Strappado)			1			1
Foot whipping (Bastinado)		1	1			2
Use of electric shock		1				1
Sexual abuse						
Other	3	58	8		1	70
Total complaints registered in 6 months of 2013 / including minors	7	291	85	9	2	394

2012

161. An analysis of the information on the criminal investigations on alleged ill-treatments and of the judgments in these cases, shows that, in 2012, the prosecutors initiated criminal proceedings in 140 cases of alleged ill-treatments and torture (as compared to 108 in 2011).

162. Also, it is to be noted that, in order to avoid inefficient investigations, as was found by ECHR in several cases, prosecutors initiate criminal prosecution in such cases more often than in the past.

Statistical data for 2012 in the field of criminal investigations is the following

<i>Article of the Criminal Code</i>	<i>Criminal cases remained in procedure on 01.01.12.</i>	<i>Criminal cases initiated in 2012</i>	<i>Cases submitted to court in 2012</i>	<i>Cases closed according to art.275 p.1-3 of Criminal Procedure Code in 2012</i>	<i>Cases closed on other grounds in 2012</i>	<i>Discontinued (frozen) cases in 2012</i>	<i>Pending cases on 01.01.2013</i>
166/1		1					1
309		1					1
309/1	31	54	10	16	1	10	55
328	61	54	21	40	8	9	59
368		27	15	3			2
370		3					1
Total	92	140	46	59	9	19	119

2013**Statistical data for the first 6 months of the 2013 year on criminal investigations**

<i>Article of the Criminal Code</i>	<i>Criminal cases remained in procedure on during I half of 01.01.2013</i>	<i>Criminal cases initiated court during I half of 2013</i>	<i>Cases submitted to court during I half of 2013</i>	<i>Cases of Criminal Procedure Code during I half of 2013</i>	<i>Criminal cases closed on other grounds during I half of 2013</i>	<i>Suspended criminal cases during I half of 2013</i>	<i>Pending cases on 01.07.2013</i>
Art. 309	1	1		1			1
Art. 166/1 para. (3), (4) 3091	55	15	6	22		5	37
Art. 166/1 para. (1), (2) Art. 328 para. (2), (3), CP	60	45	11	36	1	5	52
Art. 368	2	7	4		1		4
Art. 370	1	2	2	1			
Total	119	70	23	60	2	10	94

With reference to the Committee's previous recommendations regarding the need for all law enforcement officers on duty to wear identification (CAT/C/MDA/CO/2, para. 16) and the State party's follow-up submission, please indicate the number of law enforcement personnel who have been disciplined for violating Order No. 35 of 22 February 2007 of the Department of Penitentiary Institutions during the reporting period. Please also indicate whether the State party has investigated the allegations recounted in the CPT report that detainees at Rezina prison were subjected to torture and ill-treatment by prison staff and members of the Special Forces whose identities were obscured by hoods.²¹ Please indicate if the State party's legislation specifically prohibits the wearing of hoods or masks by law enforcement personnel, how the implementation of this requirement is monitored, and whether any law enforcement personnel have been disciplined for violations during the reporting period.

163. It is to be noted in this section that prosecution was completed in the case No. 2011048149, conducted by the Balti Military Prosecutor's Office, on alleged illegal actions of the Special Task Unit "Pantera" staff of the Department of Penitentiary Institutions concerning inmates in Prison No. 11-Balti.

164. Following investigations, all members of the group (10 persons) of the Special Unit "Pantera", who on 12.04.2011 assisted at searches at Prison No. 11 – Balti and applied excessive physical force to several prisoners, causing them strong physical and mental pain and suffering, were indicted under art.309¹ paragraph (3) points c), e) of the Criminal Code.

165. On 11 May 2012, the criminal case was submitted, according to material jurisdiction, to the Military Court, for examination on the merits. Currently, the judicial investigation is ongoing, given that the court is to hear a large number of witnesses, injured parties and defendants.

166. As a result of the investigations carried out in this case, on 02.07.2012, the Prosecutor General informed the General Director of the Department of Penitentiary Institutions about the need to review the institutional regulatory framework in order to adjust its provisions to the special standards mentioned by representatives of the international bodies.

167. The DPI management was informed that, by wearing identical black uniforms, balaclavas and helmets, the employees of the Special Unit "Pantera" make it hard for those who claim they were subjected to undue force, to recognize or identify their perpetrators. It was therefore noted that distinctive signs should be designed to make sure that officers are properly individualized.

168. On 30.07.2012, by Order No. 365, the Ministry of Justice adopted a new Regulation on the organization and functioning of the "Pantera" Special Task Unit, which expressly requires that the unit's uniforms have signs that will enable their identification.

169. The claims of the detainees from Penitentiary Institution No. 17-Rezina, according to which, on 17.11.2011, they have been ill-treated by the penitentiary institution staff, were examined in the criminal case No. 2011288031 by the Chisinau Military Prosecution Office.

170. During the criminal investigation, it was established that on 17.11.2011 a number of detainees of the Penitentiary Institution No. 17-Rezina initiated a riot against the administration of the institution, allegedly to express their discontent with the schedule for walks and the installation of bars on detention cells' doors and windows.

²¹ Ibid.

171. The staff of the penitentiary intervened with force to immobilize the rioters, including by using special equipment.

172. On 24.07.2012, an ordinance on terminating the criminal prosecution was issued in the case, on the ground that physical force used against the inmates did not violate the law.

Please describe any measures taken to prohibit intimidation and reprisals by officials against complainants, family members, lawyers, doctors, and others who allege torture, ill-treatment, denial of safeguards, or improper conditions of detention. Please provide data on any disciplinary or criminal measures instituted against State officials for intimidating, threatening, harassing, or otherwise attempting to dissuade individuals from filing complaints with the authorities during the reporting period, and indicate the nature of any such sanctions imposed. Please also comment on the cases of detainee G. V. at Chisinau Penitentiary No. 13, as documented by the officials of the Center for Human Rights Gheorghe Bosii and Lilian Tudosan in their report on behalf of the National Preventive Mechanism against Torture of 3 February 2012; and of Mr. Jereghi Simione, the subject of an urgent appeal by the Special Rapporteur on the question of torture (A/HRC/16/52/Add.1, para. 178).

173. The Ministry of Interiors drafted an information note on the mechanism by which citizens whose rights were infringed, can submit their respective petitions.

174. The complainant Semion Jereghi alleged that during his detention in the Penitentiary Institution No. 5-Cahul, he was ill-treated by the staff of the institution. In order to verify the applicant's complaints, the Cahul Military Prosecutor's Office opened a criminal investigation in accordance with the law and, on 09.10.2013, the concerned staff of the penitentiary institution, was charged with the crime provided for in Article 166¹ para. (2) c) of the Criminal Code. They were accused of the following: intentional infliction by a public person acting in an official capacity, of physical and mental pain and suffering, which represent inhuman and degrading treatment, actions that have been committed by several persons.

175. Given the complexity of the case and the efforts to ensure objectivity and multilateral investigations, the prosecution has been time-consuming.

176. Once all the necessary investigations are carried out, the criminal case will be submitted to court for trial.

Please indicate any steps taken by the State party to develop an effective witness and victim protection system that would not require persons alleging torture or ill-treatment by law enforcement personnel to seek protection from members of the same law enforcement body as the alleged perpetrator(s). Please describe measures taken by the State party, in accordance with the decision of the European Court of Human Rights in *Paduret v. Moldova* (application No. 33134/03), to ensure that any State agent charged with torture or ill-treatment is suspended from duty during the subsequent investigation and trial, and dismissed if convicted. Please provide the total number of law enforcement officers suspended from duty pending investigation of a claim of torture or ill-treatment during the reporting period, and comment on reports that two police officers convicted of the torture of Viorica Plate in 2007 were never imprisoned.

Case of V. Plate

177. In March 2012, the European Court of Human Rights took note of the friendly settlement agreement signed by the applicant V. Plate and the Government of the Republic of Moldova.

178. Under this agreement, the Government has committed to pay the applicant the sum of 10,700 Euros for any damage.

179. At the national level, in the criminal case in which the complaints of Plate V. concerning ill-treatment by police were investigated, the following decisions were adopted:

- On 01.11.2007, Botanica district Court (Chisinau), delivered a judgment by which police officers V. Șevciuc and V. Ciubotaru were convicted under art. 309¹ paragraph (3) c), e) of the Criminal Code, each of them to 6 years of imprisonment with deprivation of the right to hold positions in law enforcement bodies for a period of 5 years. The conviction will be executed in a prison of semi-closed regime. The police officer V. Harea was convicted under art.309¹ par. (3) c), e) of the Criminal Code, to 5 years imprisonment with deprivation of the right to hold positions in law enforcement for a period of 5 years, the sentence being conditionally suspended for a probation period of 1 year.
- On 30.04.2008, the Chisinau Court of Appeal upheld the judgment of 01.11.2007 *in toto*.
- On 03.09.2008, the Supreme Court of Justice also decided to fully uphold the judgment of 01.11.2007.

180. At the moment, the two police officers convicted in this case, are wanted and a court decision is issued to that purpose, as they did not obey the court decision.

In light of the Committee's previous recommendations (para. 15) and the State party's follow-up response (paras. 18-32), please update the Committee regarding the progress of investigations into allegations of torture and other ill-treatment stemming from the post-election events in Chisinau in April 2009.

(a) Please indicate the steps the State party is taking to ensure the resumption of investigations into the 25 criminal cases suspended by the Prosecutor's office on the grounds that the alleged victims of torture were unable to identify the perpetrators, as described in the State party's follow-up response to the Committee, and specifically indicate the status of any investigation into the beating of Damian Hincu by police officers, which was reportedly resumed in 2011 following the publication of CCTV footage depicting him being beaten;

Investigations concerning complaints lodged after ill-treatments during events of April 2009

181. 108 such complaints were registered and examined. In 31 cases, prosecutors apprised and acted *ex officio* through opening investigations.

182. The investigations conducted in line with art. 274 of the Criminal Procedure Code (including the repeated verification of the decisions to refuse to initiate criminal proceedings issued by the Anti-Torture Department of the Prosecutor General's Office), 71 criminal cases were opened, as following:

- 42 cases – under art.309¹ of the Criminal Code.
- 19 cases – under art.328 para.(2) a) of the Criminal Code.
- 10 cases – under other categories of crimes.

183. As a result of the complex analysis of the collected evidence, only in 10 cases it had been decided to terminate the criminal prosecution.

184. In other 30 cases, prosecutors decided to suspend criminal investigations in line with p. 2) para. (1) art.287/1 of the Criminal Procedure Code, because the persons to be charged were not identified.

185. Based on the request of prosecutors carrying out criminal investigations, 14 police officers were suspended temporarily from their positions. At present, this procedural measure of constraint is still in force in the case of 9 inductees, because 5 others challenged this limitation and the court admitted their complaints.

186. In 28 criminal cases against 45 police officers, criminal prosecution was carried out and the indictment reports were submitted to courts for trial.

187. Trial courts delivered judgments in 20 criminal cases (in 2 cases the files were joined within one case-file) concerning 35 police officers:

- Judgments of conviction were issued in 5 cases against 14 police officers.
- One judgment of termination of proceedings was issued against one police officer.
- Judgments of acquittal were issued in 14 cases regarding 21 police officers.

188. Appeal courts delivered the following judgments:

- Conviction decisions were delivered in 2 cases against 5 police officers (thus, 2 acquittal judgments of the first instance courts were annulled). It is to be noted that, on the basis of the conviction decision of the Chişinău Court of Appeal, two police officers were sentenced to imprisonment for 5 years, each with deprivation of the right to hold various positions for a period of 3 years.
- One decision of terminating criminal proceedings was issued in one case concerning one police officer, because the period of limitation for criminal liability has expired in that case, in line with art.60 of the Criminal Code.
- Decisions to uphold first instance courts judgments in:
 - 2 cases concerning 6 persons, conviction sentences were upheld.
 - 2 cases concerning 3 people's judgments of acquittal were maintained.
- Final judgments of:
 - Acquittal in 5 cases concerning 8 persons;.
 - Closure in 2 cases concerning 2 persons.
 - Conviction, one criminal case against one inductee.

189. On 01.07.2013, the trial courts held for examination 6 ongoing criminal cases against 9 persons, the courts of appeal – 4 cases against 5 persons and the courts of appeal on points of law (*recurs*) – 2 criminal cases against 5 persons.

(b) Data on the compensation awards made to individual victims of torture or ill-treatment by law enforcement officials in connection with the events of April 2009, including the number of persons who have received compensation and the amounts they have received.

190. In order to provide single indemnities (compensations) to civilians and law enforcement officers who have suffered from the events of 7 April 2009, the Ministry of Labor, Social Protection and Family allocated funds from the Government's Reserve Fund, as follows: year 2010 – 144,200 lei (Government's Decision No. 956 of 15 October 2010), year 2012 826,000 lei (Government's Decision No. 192 of 4 April 2012 and Government's

Decision No. 853 of 14 November 2012), year 2013 – 53,000 lei (Government's Decision No. 234 of 3 April 2013).

Article 14

In light of the Committee's previous recommendations (para. 20) and the State party's follow-up responses to the Committee (paras. 40-47), please provide up-to-date information on:²²

(a) The compensation paid to victims of torture and ill-treatment following decisions of the European Court of Human Rights finding a violation of article 3 of the European Convention on Human Rights by the State party during the reporting period, including *Arseniev v. Republic of Moldova* (No. 10614/06); *Buzilo v. Republic of Moldova* (No. 52643/07); *Hadji v. Republic of Moldova* (Nos. 32844/07 and 41378/07); *Feraru v. Moldova* (No. 55792/08); *Pascari v. Moldova* (No. 53710/09); *Taraburca v. Moldova* (No. 18919/10); *Lipencov v. Moldova* (No. 27763/05); *Parnov v. Moldova* (No. 35208/06); and *Gavrilovici v. Moldova* (No. 25464/05).

Article 15

In light of the Committee's previous recommendations (para. 21), please provide information on the measures taken to ensure that, in practice, evidence obtained by torture shall not be invoked as evidence in any proceedings, in accordance with article 15 of the Convention.²³ Please provide information on cases in which a court applied the relevant national provisions, including article 94 of the Criminal Procedure Code, and excluded evidence from consideration in a court case on the basis that it was obtained through torture. Please indicate whether the State party is investigating the cases of Adrian and Constantin Repesco, who were sentenced to imprisonment for 16 and seven years, respectively, for murder, by the Court of Appeal of Chisinau on 6 June 2011, on the basis of a confession that Adrian Repescu alleges he made under torture in August 2007. Please also indicate whether the State party is investigating the allegations of Ivan Orlioglo, Ivan Caracet, Dmitrii Covic, and Vitalii Orlioglo that they were convicted of armed robbery and assault on 30 June 2011 on the basis of testimony they alleged was obtained through torture, despite the fact that the judge allegedly noted serious "infractions" by investigating officers, suggested that the men should receive compensation, and reduced their sentences of imprisonment by three years as a result.

191. Art. 69 of the Criminal Procedure Code stipulate expressly the cases where the participation of an attorney in criminal proceedings is compulsory:

- It is requested by the suspect, accused, defendant.
- The suspect, accused, defendant has difficulties in defending him/herself, being dumb, deaf or having any other essential impairment of speech, hearing, seeing as well as other physical or mental problems.
- The suspect, accused, defendant does not speak the language well enough or does not speak the language in which the criminal proceeding is carried out.
- The suspect, accused, defendant is a juvenile.

²² CCPR/C/MDA/Q/3, para. 5; A/HRC/10/44/Add.3, paras. 79-80 and 90(d); A/HRC/19/61/Add.3, p. 385.

²³ A/HRC/10/44/Add.3, para. 76; CAT/C/MDA/Q/2/Add.1, para. 296; CAT/C/MDA/2, paras. 266-267.

- The suspect, accused, defendant is in compulsory military service.
- The suspect, accused, defendant is being accused or suspected of serious, extremely serious or exceptionally serious crime.
- The suspect, accused, defendant is under arrest as a preventive measure or is sent to the judicial expert psychiatric examination in stationary conditions.
- The interests of the suspects, accused, defendants in the case are contradictory and at least one of them is assisted by a defender.
- In this case the damaged party or the civil party is assisted by a defender.
- The interests of justice require the participation of the defendant in the court hearing in first instance, appeal, recourse, as well as in case examination by extraordinary remedy.
- The criminal proceeding is carried out regarding an unamenable person, who is accused of committing dangerous actions or got mentally ill after committing such actions.
- The criminal proceeding is carried out regarding the rehabilitation of the person who is dead at the moment of examination of the case.

Case of Adrian and Constantin Repescu

192. On 26 November 2010 a criminal investigation was launched in the case No. 20100428078 on accusations under art. 309¹ paragraph (3) c) of the Criminal Code, based on the alleged ill-treatment by police officers of Repescu Adrian, Constantin Repescu and Stefan Adam.

193. As part of the criminal prosecution, conducted by Chisinau Prosecutor's Office, it was established that in August 2007, the above-mentioned persons were apprehended on suspicion of murder of Natalia Filatova.

194. According to the statements of Adrian Repescu, Constantin Repescu and Stefan Adam, during detention, as well as during the criminal investigation, the police had ill-treated them, in order to extract a confession in committing the murder.

195. On 30 November 2011, the mentioned criminal case was dismissed on the ground that the actions in the case do not meet the constitutive elements of the offense as described in art. 309¹ par. (3) c) of the Criminal Code.

196. The prosecutor's explanation, referred *inter alia* to the fact that the gathered evidence did not provide sufficient proof to confirm the fact of ill-treatment of Adrian Repescu, Constantin Repescu and Stefan Adam or that any other criminal actions were committed against them.

197. The prosecutor's decision of terminating the criminal investigation was confirmed by the investigating judge, as part of the judicial control exercised in line with the art. 313 of the Criminal Procedure Code.

198. Thus, by decision of the investigating judge from Rîșcani Court (Chisinau) of 12 March 2012, the appeal against the ordinance on dismissing the case was rejected and it was considered legal.

199. Respectively, at the national level, all legal remedies have been exhausted in challenging the ordinance on the termination of criminal investigations.

Case of Ivan Caracet, Ivan Orlioglo, Dmitrii Covic, Vitalii Orlioglo

200. In this case, it was established that applicants, on 13.03.2009, were apprehended by police officers in a flat in Chisinau, being suspected of a serious offence (armed robbery), that had been committed that same day in Comrat.

201. According to the reports of police officers, they found and seized in the house where the applicants had been apprehended several objects stolen from the crime scene.

202. To perform the arrest, the police resorted to physical force in order to immobilize the suspects and defeat their resistance. According to statements of police officers, the need of using force was justified by the circumstances of the case, because, according to the information available, the suspects were armed and posed serious danger.

203. Given the fact that the flat in which the suspects were found was located in an apartment block, that is in the immediate closeness of other apartments, and that apprehension time - 20.30 - is usually the time of the day when most of the residents are at home, the police officers were under the obligation to ensure public order and the safety of the neighbors. It is clear that the immobilization of suspects was necessary, including because of the fact that there was limited time available to plan the arrest and the details of the apartment layout or eventual escape ways were not known to the authorities.

204. Applicant I. Caracet complained to authorities about ill-treatment by police on 16.03.2009 (3 days after the arrest) noting that he was purposely beaten by police after being immobilized face to the floor, and then during the same day, in the premises of the General Directorate of Operative Services (division of the Ministry of Internal Affairs), after which he was transferred to the provisional detention facility of the Comrat police Inspectorate.

205. Also on 16.03.2009, based on the applicant's complaint about ill-treatment, the Comrat municipal Prosecutor's Office started an investigation on the case. On 18.03.2009 of the applicant was examined by a forensic doctor. The injuries found on applicant's body were duly recorded. This proves that the prosecution has reacted promptly to the statements of the complainant and took the necessary measures to collect the evidence of the incident in due time.

206. The investigation of the case was further taken over by the Buiucani District Prosecutor's Office (of the Chisinau Municipality) on 29.04.2009, in line with the of territorial jurisdiction.

207. On 14.07.2009, a decision not to initiate criminal proceedings on the case was issued. This decision was upheld by the investigating judge, in a decision dating 10.09.2009.

208. On 02.04.2009, the lawyer of applicant I. Caracet lodged a complaint with the Prosecutor General's Office, claiming abusive actions of police officers against the applicant, after he was transferred from the provisional detention facility of the Comrat police Inspectorate to the remand center of the General Directorate of Operative Services in Chisinau.

209. Prosecutor General's Office conducted a separate inquiry into these ill-treatment allegations (verification material No. 1-9 "A"/2009). In order to ensure a complete investigation, the Prosecutor's office ordered a forensic medical examination of I. Caracet, which was performed at the Chisinau Centre of Forensic Medicine.

210. According to findings of the examination, no injuries were found on the applicant's body, which contradicted his allegations of systematic ill-treatment by police officers, including punches, kicks and beatings with hard objects on different parts of the body.

211. On 30.07.2009, the Prosecutor General's Office issued an ordinance not to open criminal prosecution in this case, a decision later upheld by the investigating judge (decision of 21.09.2009).

Article 16

Please provide information on the prevention, investigation, and prosecution of acts of torture directed against juveniles in detention. To what extent has the State party implemented the recommendations on the administration of juvenile justice by the Committee on the Rights of the Child (CRC/C/MDA/CO/3, para. 73) and the Human Rights Committee (CCPR/C/MDA/CO/2, para. 20)?²⁴ In particular, please provide information on measures taken to establish a juvenile justice system in compliance with international standards; to protect the rights of children in detention and monitor their conditions of detention; to ensure that juveniles and adults are separated in all situations of detention; to provide child-sensitive and accessible complaints mechanisms for children deprived of liberty; and to implement alternatives to the deprivation of liberty for minors, such as probation and mediation. Also, please clarify commitment procedures for juveniles in detention or psychiatric facilities and whether such decisions can be appealed. Please provide statistics on the number of juveniles in detention, including length of sentences being served, number of appeals made and their outcomes.

212. The average number of juvenile detainees carrying out their convictions in prisons for minors is as following (per year):

- 2010 – 95 juvenile detainees.
- 2011 – 88 juvenile detainees.
- 2012 – 86 juvenile detainees.
- 2013 – 76 juvenile detainees.

213. To ensure vocational and technical training, the Goian Penitentiary No. 10 provided cooking classes for 25 minors, for the academic year 2013-2014.

214. During the fourth quarter of 2012 and first quarter of 2013, DPI has developed the work methodology for individualized approach in working with minors, namely the case management method. The methodology is currently piloted in the Penitentiary n°10 in Goian (till the end of 2013). Subsequently, it will be approved and implemented in all penitentiaries with juveniles in detention.

215. Starting 2012, the initial and advanced training programs included a new discipline "Protecting the rights of juvenile inmates" and the courses have been provided for each trained group. The number of hours for each program is:

- Initial training for sub officers of justice (3 months, students) – 8h.
- Initial training for officers (two weeks) – 4h.
- Training for the penitentiaries' staff (1 week) – 4h.

²⁴ A/HRC/WG.6/12/MDA/2, paras. 52-53; A/HRC/WG.6/12/MDA/3, para. 38.

Considering the recommendations by the Committee on the Rights of the Child (CRC/C/MDA/CO/3, para. 38), what measures have been taken to enforce the legislative prohibition against corporal punishment in all settings, including in families, the school system and other educational settings? How has the State party engaged civil society in its efforts?

216. Based on the information submitted by the Department for the protection of family and child rights, of the Ministry of Labor, Social Protection and Family the following can be mentioned:

217. The Strategy on Child and Family Protection for 2013-2020 is a policy document that aims at developing and improving the efficiency of the system of protection of the families with children in risk situations and of the children in difficult situations.

218. During 2011, the police was notified about 77 cases of domestic violence against children and 129 cases of school violence against students and. In 2012, there were 125 cases of domestic violence against children and 175 cases of violence in schools against students.

219. During 2012, police officers conducted 11,988 information sessions in schools (11,431 in 2011), through which children were familiarized with the situation regarding crime among and against minors, the relevant criminal and administrative provisions, as well as risks of victimization children are exposed to.

220. 52 visits were paid to 42 police stations, involving 1,965 children and parents, who could assist and learn about the recording of incoming calls from citizens, about the police response in different situation, as well as the equipment and the supplies used by officers.

Please clarify how the State party is ensuring enforcement of all protections as required by the law against child labour, particularly in light of the recommendations of the Committee on the Rights of the Child (CRC/C/MDA/CO/3, para. 64).

221. Ministry of Labor, Social Protection and Family reports that, being the signatory to several international instruments on children's rights (UN Convention on the Rights of the Child, ILO Conventions No. 138 on minimum age of employment and No. 182 on prohibition of worst forms of child labor), Moldova makes continuous efforts to ensure compliance on its territory with the standards set out in these documents. Currently, there are a series of laws in force in Moldova that contain provisions relating to child labor, including provisions designed to eliminate its worst forms. The key rules which establish the limits for using work of persons under 18 are set in the Constitution, the Law No. 338-XIII of 15.12.94 on child rights and the Labor Code No. 154 of 28.03.2003.

222. Thus, the art. 50, par. (4) of the Constitution explicitly prohibits the exploitation of minors and their involvement in activities, which might be injurious to their health, moral conduct, or endanger their life or proper development.

223. The Labor Code No. 154 of 28.03.2003 also prevents persons under 18 years from working night shifts (art. 103), overtime (art. 105), as well as being deployed on official trips except for employees of audio-visual institutions, theatres, circuses, cinemas, theatrical and concert organizations, and also organizations of professional sportsmen (art. 256).

224. The general minimum employment age, according the Labor Code No. 154 of 28.03.2003 is 16. Exceptionally, a person may conclude an individual labor contract at 15, with the written consent of the parents or legal representatives, if, the employment does not disturb his or her health, development, education and professional training.

225. The violation of the rules on the use of child labor is subject to a system of criminal and contravention (administrative) penalties, established by art. 168 of the Criminal Code (forced labor), art. 206 of the Criminal Code (trafficking in children, including for the purpose of labor exploitation, sexual exploitation, exploitation in begging, etc.), art. 208 of the Criminal Code (involvement of minors in criminal activities or inciting them to commit immoral acts) and art. 58 of the Contravention Code (admission of minors to jobs that are dangerous for their lives and health or involvement of minors in labor prohibited by law).

226. Under the new reading of the art. 55 of the Code of Contraventions, the violation of labor legislation or of the legislation regarding the security and health of minors at work shall be punished with fine from 120 to 150 conventional units (the previous penalty being from 50 to 80) for natural persons, fine from 250 to 350 conventional units (previously – from 100 to 150) for public officials and 400 to 480 conventional units (previously – from 120 to 180) for legal persons.

Please provide information on solitary confinement in detention, including for persons sentenced to life imprisonment as well as detainees on hunger strike. Please describe measures by the State party to limit use of solitary confinement as a measure of last resort, for as short a time as possible under strict supervision and with a possibility of judicial review.²⁵

227. During 9 months of 2013, there were registered 262 detainees who declared hunger strike, thus in total, 384 cases of declared hunger strike.

In light of the Committee's previous recommendations (para. 25), please provide information on the measures taken to eradicate hazing in the armed forces (*dedovshchina*). Please provide information on measures taken by the state party to effectively investigate and prosecute such conduct during the reporting period, and to prevent hazing in the future, including information about any prosecutions involving such conduct by the Martial Court during the reporting period. Please also provide information about measures to guarantee the rehabilitation of victims of hazing, including appropriate medical and psychological assistance.

228. During 2010-2013, military prosecutors completed 133 criminal investigations on violations related to bullying practices in the army (Article 369 of the Criminal Code – “Violation of statutory regulations on relations among servicepersons if they are not subordinates”). 86 criminal cases against 111 persons were submitted to courts. 37 criminal cases against 38 persons were terminated with liberation from criminal liability and engagement of contravention (administrative) responsibility, in line with art. 55 of the Criminal Code. In 10 criminal cases against 12 persons, prosecution was terminated because the acts in question did not meet elements and features of an offence.

229. 17 soldiers injured as a result of offences received free medical care in hospitals.

230. Victims also received qualified psychological assistance, to ensure their soon recovery and continuation of military service.

231. Thus, during the supervised period, military prosecutors conducted 1,651 events with military staff.

²⁵ A/HRC/10/44/Add.3, paras. 37, 46, 60, 89, and 90(g); A/63/175, paras. 77-85; A/HRC/19/61/Add.3, p. 357.

In light of the Committee's previous recommendations (para. 26),²⁶ please provide information on the measures taken to improve living conditions for patients in psychiatric institutions, such as Orhei psychiatric hospital and the secure ward of Chişinău psychiatric hospital;²⁷ develop alternative forms of treatment; ensure that all places where mental health patients are held for involuntary treatment are regularly visited by independent monitoring entities to guarantee the proper implementation of their basic legal safeguards; and implement the European Court on Human Rights' decision in case of *Gorobet v. Moldova* (Application No. 30951/10). Please comment on reports that in 2010 there were 60 persons involuntarily detained in hospitals under article 28 of the Mental Health Law and that persons detained in psychiatric care have no access to procedures for their release. Please describe measures taken to ensure that psychiatric detention is not imposed as a retaliatory measure against individuals seeking to bring criminal complaints, including victims of torture and rape.²⁸ Please provide information on any investigation into reports that Mr. Evgenie Fedoruk was involuntarily transferred to a psychiatric hospital following his arrest and detention by police in April 2011, during which time he alleged he was tortured.

232. Due to the support and direct contribution of the UN mission to Moldova, including UNDP, OHCHR and WHO, the Government has operated changes in its system of mental health services in order to incorporate, adopting an integrated psycho-social approach on the policy level, focused on the individual necessities of the. Starting February 2012, the office of the ombudsmen for psychiatric institutions, has been introduced in the psychiatric institutions of Moldova by the United Nations Development Program, the Parliamentary Commission for social protection, health and family, Centre for Human Rights and the Ministry of Health. The ombudspersons are in charge of receiving complaints from patients and protecting their rights.

233. The treatment within psychiatric hospitals is provided in compliance with the medical treatment standards approved by the Ministry of Health and the National Clinic Protocols of basic diseases.

234. Currently, psychiatric hospitals are provided with drugs in a proportion of about 60/40% (classical psychotropic drugs / new generation psychotropic drugs)

235. In 2012, the Ministry of Health allocated 1.240.000 Lei (≈822.000 €) for the inpatient forensic psychiatry unit for persons under arrest (department No. 31 of the Clinic Psychiatric Hospital). The coercive treatment is provided based on a contract concluded with the National Company for Assurances in Medicine within the limits of global budget.

236. An overall renovation of department No. 31 was carried out. The wards were fully renovated, new sinks installed and WCs and paving were repaired.

237. On 28 December 2012 the Government approved the National Program for mental health for 2012-2016 (Government Decision No. 1025). The Program focuses on the development of mental health services at the community level and the integration of mental health in primary healthcare.

238. Moldova ratified the UN Convention on the Rights of Persons with Disabilities through Law No. 166 of 10 July 2010.

²⁶ A/HRC/10/44/Add.3, paras. 42-44 and 90(f); E/C.12/MDA/CO/2, para. 24.

²⁷ CPT/Inf (2012) 3, paras. 111-118.

²⁸ A/HRC/10/44/Add.3, para. 44.

In light of the Committee's previous recommendations (para. 24) and the State party's follow-up responses (paras. 48-53), please provide data on the number of persons detained for "avoiding treatment" of tuberculosis, how long they were detained, the number of persons presently detained and the location of detention. Please indicate the measures taken by the State party to ensure that persons detained for "avoiding treatment" benefit from adequate safeguards, particularly access to legal counsel and contact with family members, and procedural rights.

239. By its Decision No. 295 of 14 May 2012 the Government approved new rules "on the application of temporary forced hospitalization in specialized medical anti-tuberculosis institutions of people with contagious form of tuberculosis who refuse treatment". According to the new rules, forced hospitalization is only allowed as a measure of last resort and only after complete exhaustion of alternative less restrictive options, priority being given to achieving the cooperation and informed consent of the patient.

Please provide the following:

(a) Data on the number of men who have been forcibly subjected to chemical castration as a criminal penalty. Please describe the conditions under which such castration may be ordered and any regulations governing the practice.

240. On 4 July 2013, the safety measure of "chemical castration" was declared unconstitutional by the Constitutional Court of the republic of Moldova. The court held that the challenged legal provisions contradict the conclusions of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), that the automatic application of chemical castration for certain categories of crimes is unacceptable and that the decision on the treatment may be taken only on the basis of an individual examination. According to the conclusions of CPT, chemical castration may be used only with the consent of the sentenced person and the convict must be informed of the side effects of the treatment.

Please indicate measures taken to prevent and punish violence against members of religious, racial, and ethnic minority communities. Please provide:

(a) Information on whether the State party incorporated in its Criminal Code an offence to punish acts of intolerance and incitement to hatred and violence based on sexual orientation as hate crimes, and if it has, provide statistics on the number and type of prosecutions under this provision and the sentences imposed;

241. During 2012-2013, The National Institute of Justice delivered a series of trainings for prosecutors and judges on nondiscrimination issues:

- 2012 – 5 seminars – 341 judges and prosecutors trained.
- 2013 – 3 seminars – 83 judges, prosecutors trained.

(b) Data on violence, harassment, and related acts against members of religious minority communities, including Muslims, Jews, Jehovah's Witnesses, and Protestants, and indicate the status of any investigations into these incidents. Please comment on measures taken to investigate the report communicated by the Special Rapporteur on the question of torture (A/HRC/16/52/Add.1) that in 2010, Mr. Grigori Djoltaili was assaulted and intimidated because of his family's membership in the Christian Evangelical Baptist Church;

242. According to the provisions of MIA order No. 300 of 27.10.2011 on organization of activities for knowledge assessment of staff within internal affairs bodies, an evaluation of knowledge of all MIA staff was conducted on topics covered in 2011 trainings, including in the field of combating discrimination and inhuman treatment.

The case of Gh. Djoltailî

243. The complaint Gh. Djoltailî, about his alleged harassment on religious grounds, including by a policeman, were investigated by the Taraclia Prosecutor's Office under art. 274 of the Code of Criminal Procedure.

244. As part of the investigations, the prosecutors interviewed the pastor of the Tvardita evangelist church. He stated that he had no knowledge of cases where members of this church were persecuted by the Christian orthodox population of the village. He also stated that the applicant is not a member of the evangelists church anymore, having left the cult long time ago.

245. The evidence collected within the investigation did not confirm the applicant's alleged persecution by police officers. As a result, on 12.12.2010, the Taraclia Prosecutor's Office issued an ordinance not to open criminal prosecution on the case.

(c) Data on violence against or harassment of Roma during the reporting period indicate whether any prosecutions or convictions have occurred, and describe measures to prevent violence and discrimination against Roma by law enforcement officials.

246. In order to prevent and punish violence based on racial, ethnic and religious grounds, Parliament adopted the Law on equality No. 121 of 25.05.2012, published in the Official Gazette of 29.05.2012, No. 103/355.

247. Please provide updated information on measures taken by the State party to respond to any threats of terrorism. Please describe if, and how, such antiterrorism measures have affected human rights safeguards in law and practice. Please describe relevant training given to law enforcement officers; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to antiterrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.
