



## International Covenant on Civil and Political Rights

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### Human Rights Committee Ninety-seventh session

#### Summary record of the 2660th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 14 October 2009, at 10 a.m.

*Chairperson:* Mr. Iwasawa

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**

*Second periodic report of the Republic of Moldova (continued) (CCPR/C/MDA/2; CCPR/C/MDA/Q/2 and Add.1; HRI/CORE/1/Add.4)*

1. *At the invitation of the Chairperson, the members of the delegation of Moldova resumed their places at the Committee table.*
2. **Mr. Esanu** (Republic of Moldova) explained that, because of a public holiday in Chisinau, he had been unable to obtain all the information, including statistics, requested during the previous meeting; he would forward that information to the Committee as soon as possible. However, according to the information at his disposal, there were currently 25 women members of parliament out of a total of 101; there was therefore 25 per cent female representation in parliament. Regarding the case of the young woman tried for abortion, which had been mentioned at the previous meeting, it should be borne in mind that abortion was legal in the Republic of Moldova and public opinion was not against it. In the case in question, it seemed that the young woman had been found guilty of murder since the abortion had been performed at a very late stage in her pregnancy.
3. Measures had been taken to improve the functioning of institutions, parliamentary advocates (ombudsmen) and the Human Rights Centre. His delegation did not have precise statistics on complaints and petitions that had been submitted to the parliamentary advocate, or on inquiries he had conducted, but the majority of complaints tended to relate to issues of substance rather than the legality of decisions by judicial bodies.
4. Regarding training in reproductive health and general health care for police officers, prison staff, doctors and even schoolchildren, the Ministry of Education was currently studying the programme being taught, in conjunction with civil society organizations; all the observations made by the Committee would be taken into consideration. Regarding the improvement of the competence of judges and the police, training programmes would be reviewed in the light of the Committee's observations in order to ensure comprehensive coverage of all elements of human rights protection.
5. The problem of trafficking in persons was closely linked with the problem of the conflict with Transnistria, since Moldova had no control over the self-proclaimed republic of Transnistria, and its judicial officers could not travel there. Thanks to the assistance mission on the border between Ukraine and Moldova, which had been established in 2005 with help from the European Union, border controls were currently in place between Transnistria and Ukraine, which, to a certain extent, helped to ensure that trafficked persons did not pass through Moldovan territory. In principle, all humanitarian projects conducted by Moldova in partnership with international bodies, such as the provision of medical and education services, were targeted at people in Transnistria.
6. **Mr. Rusu** (Republic of Moldova) explained that the most widespread form of exploitation was trafficking for prostitution or sexual exploitation; exploitation for labour or economic exploitation amounted to only 20 per cent of cases. The majority of victims were women, with men and children accounting for only 10 to 15 per cent. Regarding the elimination of 36 human trafficking networks, which had been mentioned, the criminal organizations that made up those networks comprised not only Moldovan citizens but also citizens of destination countries (Turkey, former Yugoslav countries such as Kosovo and Macedonia, the Russian Federation, Italy, the United Arab Emirates, and mainly for economic exploitation, Spain and Portugal). It was estimated that about 50 per cent of the victims of that scourge were aged between 18 and 25, and 30 per cent between 26 and 40.

7. Regarding the time frame for the adoption of the anti-discrimination bill, without the provisions on discrimination on grounds of sexual orientation the bill would definitely be adopted as soon as possible. However, since it was out of the question that those provisions would be deleted, there was a risk of some delay. The problem of discrimination was not acute in Moldova since the country had inherited from the former Soviet Union the principles of gender equality and equality for minorities. While many human rights had been violated during the Soviet era, equality between men and women, irrespective of nationality, had been respected. Several generations had therefore grown up with due respect for the principle of non-discrimination. The Roma were unquestionably experiencing difficulties, which were not, however, always due to discrimination. The distinction should be made between acts of discrimination, which must be curbed, and ordinary cases of violence, which targeted Moldovans as well as members of minorities. Attention should be given to combating violence, which required not specific financial resources but rather that everyone scrupulously obey the law.

8. Over the past three years, three criminal cases of incitement to hatred had been instituted, but discrimination had not been proven in any of them; they had therefore not been taken to court. Training in detecting discrimination and incitement to hatred had been organized for police officers and prosecutors.

9. **The Chairperson** thanked the delegation of Moldova and asked the members of the Committee if they wished to raise any further questions.

10. **Sir Nigel Rodley** asked to what extent the recent Terrorism Act had been enforced and requested specific examples. He had been happy to hear that prosecutors visited detention facilities daily, but since allegations of ill-treatment remained as numerous as ever, he wondered what those visits actually entailed. He also requested clarification on the national prevention mechanism and the methods of selecting its members. He wished to know whether it was indeed the case that the parliamentary advocate at the head of the mechanism, who was, according to the Committee's information, a former prosecutor, was also in charge of the Human Rights Centre. He also asked who appointed the Consultative Council and what its authority was vis-à-vis the four parliamentary advocates.

11. **Ms. Keller** said she had noted that further information would be sent in writing on the question of abortion, and asked whether there were prevention measures in cases where women were forced to terminate their pregnancy because of their social environment.

12. **Mr. Salvioli** requested further information on the anti-discrimination bill and asked whether Moldova had taken account of the recommendations made by the local OHCHR office in July 2009. It was not only civil society that was reporting discrimination problems, but also intergovernmental bodies, such as the European Commission against Racism and Intolerance, the United Nations Committee on the Elimination of Racial Discrimination and UNDP.

13. **Mr. Esanu** (Republic of Moldova) explained that there had not been any criminal cases in which the Terrorism Act had been invoked. Prosecutors were required to visit pretrial detention facilities. That issue had often been discussed and must be reconsidered. Measures had already been taken to avoid conflicts of interest; prosecutors who visited places of detention were thus not the same as those who were following the investigations.

14. **Mr. Rusu** (Republic of Moldova) added that, as a practising prosecutor for 25 years, he could confirm that visits to places of detention were taken very seriously. Prosecutors were required to visit police detention facilities, investigate the treatment of detainees, speak to them and check the statements that had resulted in their placement in custody. Cells were inspected to check that detainees were not being held there without the knowledge of the prosecutor. The prosecutor would report to his or her superiors and indicate any possible cases of illegal detention.

15. **Mr. Esanu** (Republic of Moldova) said that there were currently 170 people in police custody, 24 of whom were awaiting trial. That figure had decreased considerably since the conclusion of an agreement with the Ministry of the Interior in 2007, under which detainees awaiting trial were moved to prisons. The number of persons awaiting trial in prisons had been 2,456 in 2006 and 2,472 in 2007. As a result of the measures taken, the figure had fallen to 1,374 in 2008, which represented a 50 per cent decrease, and to 1,360 at the beginning of 2009; the figure currently stood at 1,121, and so a positive trend had been established.

16. The director of the national prevention mechanism was indeed a parliamentary advocate – a former prosecutor who had been appointed by parliament in accordance with the law. A parliamentary advocate could have defended human rights in the past. The director's candidature had given rise to some objections by the opposition and certain organizations, but it had been considered that he had not been involved in inquiries since, in performing his duties as a prosecutor, he had dealt with the defence of human rights. There was no information on his responsibilities at the Human Rights Centre. The national prevention mechanism was composed of parliamentary advocates and Human Rights Centre officials. The Consultative Council was a body comprising representatives of civil society associations; it had been established by parliament on the recommendation of the parliamentary human rights commission. The members of the Council were independent and therefore were not answerable to the parliamentary advocates; they could enter prisons, draft reports on their visits and present them to the relevant authorities in order that measures could be taken if it appeared that fundamental rights were not being respected.

17. Certain recommendations made by OHCHR concerning the anti-discrimination bill had been incorporated into the text of the bill, while others had not. For example, the recommendation on the need to create a mechanism specifically responsible for discrimination questions had not been followed since it had been considered preferable to concentrate efforts on strengthening existing institutions, in other words, the Human Rights Centre and parliamentary advocates, by giving them the human and financial resources necessary to enable them to effectively fulfil their human rights protection mandate. Representatives of civil society who had participated in consultations on the bill could confirm that the authorities had shown openness throughout the process. The public debate continued on questions such as discrimination on grounds of sexual orientation, and only when the points of view of all parties concerned had been expressed and duly considered would a decision be taken.

18. Coercing women into having an abortion was illegal. Examples of specific measures taken to protect women against such coercion could be submitted in writing at a later date.

19. **The Chairperson** thanked the members of the delegation for their replies to the Committee's additional questions, and invited them to reply to questions 13 to 24 of the list of issues.

20. **Mr. Esanu** (Republic of Moldova) said that, under the law, persons in police custody were guaranteed the right to contact a lawyer immediately after their arrest, or if they did not have the means to enlist the services of a lawyer, one was appointed by the court, free of charge. It was true, however, that, in practice, the police did not always allow a person in custody to contact a lawyer immediately after arrest and that the quality of the services provided by court-appointed lawyers was often inadequate. A new Act aimed at strengthening the legal aid system had been passed in 2007 and a review of all the provisions governing legal aid had been undertaken on the initiative of the Ministry of Justice with a view to determining how to improve the quality of services, inter alia by establishing stricter criteria for selecting court-appointed lawyers. The final proposals drawn up by the Ministry of Justice could be made available to the Committee if it so wished.

21. A national prisons survey had been conducted at the request of parliament in order to assess the situation of persons awaiting trial in prisons. The results of the survey had been analysed with a view to determining how to reduce the length of pretrial detention, and some measures, including legislative ones, had been adopted along those lines. Judicial review of the lawfulness of detention had also been strengthened: the validity of the grounds for continued detention was now reviewed by the courts every three months and any extension of detention beyond the time limit established by law must be the subject of a duly substantiated request to the Office of the Attorney-General and must be authorized by the latter. Statistics on the length of pretrial detention would be submitted to the Committee in writing at a later date.

22. His Government was making every effort to improve prison conditions, as shown by its written replies to question 14. In its report on its visit to Moldova in July 2009, the European Committee for the Prevention of Torture had recognized that major progress had been made. For example, Prison No. 7 in Rusca had been completely renovated and now complied fully with international standards. Prison No. 1 in Taraclia had been partially renovated, but, owing to the financial crisis, work that should have been carried out that year had had to be postponed. Conditions in Prison No. 13, where a large number of persons awaiting trial were being held, remained very difficult, but the Government lacked the necessary resources to complete the planned construction of a new facility to which such persons could be transferred. As far as police detention facilities were concerned, the Ministry of Internal Affairs had inspected all police custody cells and had ordered the necessary renovations. Although the problem of overcrowding in prisons persisted, statistics showed that the number of prisoners — both prisoners serving sentence and prisoners awaiting trial — had declined by about one third between 2006 and 2009, with the latest figure standing at 6,610. As part of efforts to reduce the prison population, an Act amending the Criminal Code by reducing the length of prison sentences for many offences had been passed, but it was still too early to gauge its impact on the prison population. The budget allocated to the prison system had been increased significantly and amounted to approximately 236 million lei in 2009, compared with 135 million lei in 2006. The amount originally earmarked had been even higher, but the financial crisis had forced the Government to cut it. Between 2006 and 2009, the reduction of the prison population, coupled with increased funding for the prison system, had resulted in a distinct improvement in detention conditions generally. The Government was aware that much remained to be done and that it would need greater resources to successfully resolve the remaining problems, primarily by building new prisons, but it was determined to take all necessary steps to achieve that end.

23. The Government shared the Committee's concerns about the difficulties impeding the proper administration of justice. A large-scale plan to reform the judicial system had been undertaken, some aspects of which had already been mentioned, such as the phasing-out of economic and military courts, the transfer of their jurisdiction to the ordinary courts and the reform of the Higher Council of the Judiciary. Other items were still under discussion, such as the initial term of office that was mandatory for judges before their appointment for life; some wished to reduce it from five to three years, while others recommended abolishing it altogether. There were also plans to amend legislation in order to ensure that judicial decisions were enforced.

24. **Mr. Rusu** (Republic of Moldova) said that his Government, in partnership with UNICEF, was working to reform juvenile justice. For three years, emphasis had been laid on alternatives to deprivation of liberty, such as the placement of young offenders in special education centres. Since 2007, criminal cases involving minors had been dealt with exclusively by the prosecution service and some prosecutors had been specially trained to deal with offences committed by minors. A minor could be held in police custody for a maximum of 24 hours and in pretrial detention for up to 4 months. The detention of a minor

was allowed only in cases of serious violent offences and for repeat offences; custodial sentences applicable to minors were half as long as those for adults. Minors were held in facilities or in areas reserved for them. Between 2005 and 2008, the number of offences committed by minors had decreased significantly. In 85 per cent of cases the offence had been theft.

25. **Mr. Esanu** (Republic of Moldova) said that the number of victims of domestic violence far exceeded the capacity of existing hostels and shelters, but the opening of new centres required considerable resources, which unfortunately the Government did not have; it was not hiding behind that argument to maintain the status quo, but the shortage of resources was a reality that it had to face. The Committee could find the requested statistics on cases of economic and sexual exploitation of children in Moldova in the written replies (question 18).

26. Since the adoption in May 2007 of the new Act relating to faiths, the registration of religious groups was the responsibility of the Ministry of Justice and not the State Service for Religious Affairs, which had been disbanded. The Ministry of Justice maintained a dialogue with representatives of different faiths on all matters concerning them. The registration of a religious group could be refused if the relevant formalities were not complied with – for example, if the requisite documents were not submitted. The registration of Muslim groups had recently been refused on that ground. The Act guaranteed the independence of religious groups but did not exempt them from adhering to certain principles; yet some religious groups tried to impose restrictions on the rights of their followers that were contrary to Moldovan legislation. For that reason the Ministry of Justice had to be extremely vigilant when examining applications for registration. In order to further strengthen freedom of religion, the Ministry had prepared a bill taking into account the jurisprudence of the European Court of Human Rights aimed at abolishing the penalties applied under the current legislation to persons who publicly practised an unregistered religion. A first reading of the bill had revealed certain shortcomings which the Ministry of Justice would seek to remedy.

27. As far as freedom of expression was concerned, most of the legislation was appropriate, but there was still a problem concerning the granting of licences to television channels. There were discrepancies between the provisions of the Audio-visual Broadcasting Code and those of the parliamentary decree governing the powers of the licence-granting agency as to whether licences should be granted automatically or on a competitive basis. The Constitutional Court had been entrusted with the task of verifying the constitutionality of the decree, which provided that licences could be extended automatically only in the case of television channels that had obtained their licence after the entry into force of the Code, but the Court had not reached a decision on the matter. According to the law, in the case in question the disputed text was considered to be constitutional and the provisions of the decree were therefore applicable. Nonetheless the issue was still unresolved: the Code did not explicitly allow for the possibility of competitive bidding, and it was therefore possible that in the event of review by a court, the latter would require the body concerned to extend the licences without any call for tenders.

28. Moldovan legislation protected the rights of persons belonging to minorities, and detailed information concerning their representation in public bodies had been provided in the written replies. If another example was needed, one of the posts of vice-president of parliament was held by a person who belonged to a minority.

29. Regarding the dissemination of information relating to the Covenant, the text of the Covenant was contained in the compilation of international instruments ratified by Moldova, which had been distributed to all local authorities and libraries. It had also been published on the official website of the Ministry of Justice, where anyone could consult it. In addition, all Moldovan legislation was made available to the public on the Internet, in

Moldovan, which was the official language, and in Russian, as the law required that draft legislation must be translated into Russian in order to be considered.

30. **The Chairperson** thanked the Moldovan delegation for its replies and invited the members of the Committee to ask questions relating to questions 13 to 24 of the list of issues.

31. **Sir Nigel Rodley** said that he did not fully understand at what stage a person had the right to consult a lawyer when placed in custody, for either an administrative or criminal offence. According to the written replies, in the latter case he had the right to consult a lawyer before his first hearing as a suspect. Did that mean it was possible for a person to be detained without necessarily being suspected of an offence and that he did not therefore have access to a lawyer? What was the procedure for determining whether a person was a suspect? Perhaps it was a misunderstanding, but he would like to be sure that a person had the right to consult a lawyer from the start of his detention or, at least, when first interrogated by the police.

32. According to NGO reports, there had been cases where the police had refused some people access to counsel. It was difficult to understand how police officers responsible for unlawfully denying access to counsel could escape all punishment. It would be interesting to know what happened when a prosecutor responsible for reviewing the lawfulness of detention discovered that someone had been refused access to counsel. It could not be denied that prosecutors played an extremely important role and that their task was primarily to verify the lawfulness of detention and to ensure that people who were not held lawfully were released. He nevertheless wondered whether, since that was their main task, it was possible that prosecutors attached less importance to other aspects of detention. He understood that police custody should be no longer than 72 hours, but that, in fact persons suspected of having committed administrative offences were held even longer. He asked whether that was true and, if so, what the reasons were. It was clear that such persons were at greater risk when they were held in police cells instead of in other facilities; that was why it was also important to know whether persons awaiting trial in detention centres could be returned to police stations for further interrogation, and whether that sometimes happened.

33. The State party was to be commended for having reduced the prison population by one third. The steady decrease in the number of prisoners showed that the authorities were trying hard to resolve the problem. Nevertheless, as stated by the delegation itself, in some places the conditions for prisoners awaiting trial were worse than those for convicted prisoners. It seemed that the issue of overcrowding had been resolved overall, but that problems persisted in specific institutions, particularly, according to information from NGOs, in Prison No. 13. It would be interesting to know the capacity of that prison and the number of prisoners held there. The delegation might wish to give its own assessment of conditions in pretrial detention facilities and explain why they were worse than those in prisons for convicted prisoners. According to some sources, persons suffering from tuberculosis which had been diagnosed before their detention were being held in prisons, a practice which, if confirmed, was a matter of serious concern.

34. Regarding the administration of justice, the delegation itself had acknowledged that there were serious problems, and it would be interesting to know what part of the judicial system was implicated. According to information received by the Committee, judges were under strong pressure to hand down the verdict desired by the authorities in some cases. It would be more difficult to influence judges if they were appointed independently by the Higher Council of the Judiciary. Further details concerning disciplinary proceedings, the role of court presidents and their terms of appointment were necessary. According to information from the Organization for Security and Cooperation in Europe, hearings were not always held in courtrooms, but sometimes took place in offices or even corridors of court buildings. Furthermore, it emerged from testimony that detention orders had been

issued by judges in respect of persons who did not even know they had been questioned by a judge. It seemed, therefore, that the whole judicial system operated in a way that was not entirely compatible with the impartial administration of justice. It would be interesting to hear the views of the delegation on the matter.

35. **Ms. Keller** thanked the delegation for its helpful answers on the question concerning juvenile justice. She would like to have details of psychosocial assessment reports on the personality of minors in conflict with the law; in particular, she would like to know whether the persons responsible for carrying out the assessment had received special training, what kind of information was contained in the reports and whether there were official guidelines on the practice. She asked what steps had been taken to introduce primary and secondary measures to prevent juvenile delinquency and to deter repeat offenders.

36. **Mr. Salvioli** said that, in her 2009 report, the Special Rapporteur on violence against women made a number of specific recommendations aimed at improving the situation with regard to violence against women in Moldova. The State party had clearly made significant efforts in terms of prevention and enforcement, but the information received from international organizations and NGOs suggested that there was still a serious problem. In its list of issues, the Committee had requested the State party to provide detailed information on measures taken to ensure that judges, prosecutors, law enforcement officials, health-care providers and social workers were familiar with legislation relating to violence against women, but had received no response. Very specific information on violence against children, the sexual exploitation of children and the worst forms of child labour had, however, been provided. It appeared that efforts to combat the problem would be stepped up, which could only be welcomed. Regarding freedom of religion, the Government had not provided detailed information on measures taken to counter religious intolerance and harassment by the State authorities, including the police, against persons belonging to minority religious groups, especially Muslims. As to the registration of faiths, it was admittedly difficult to carry out if the association did not submit the requisite documents. Nevertheless it remained a matter of concern that applications for the registration of approximately 30 Muslim religious organizations were still pending, which had implications for worship but also for other practices, such as burial ceremonies. It would be helpful to know what steps had been taken to guarantee freedom of religion and to register faiths that had submitted applications.

37. **Mr. Rivas Posada** said that he wished to address the question of freedom of expression. According to the information at the Committee's disposal, journalists practised self-censorship for fear of retaliation. It seemed that the Defamation in the Media Act was particularly strict and frequently invoked, more by the private sector than by the Government. Information on the matter had been requested in question 20 of the list of issues; the information provided in the written replies dealt with freedom of assembly. The Committee had been informed that a Public Television Act had been passed recently, but as far as private television was concerned, concentration of media ownership, not to say monopoly ownership, raised concerns. The Government should look into the matter.

38. It emerged from the detailed replies provided by the State party that persons belonging to minorities were widely involved in all levels of government. It nevertheless seemed that some minorities, especially the Roma, were still discriminated against in access to public services. Although the Roma represented only a small part of the country's population, they were particularly vulnerable and deserved priority attention, notably in the areas of education and health. The delegation had indicated that disadvantaged sectors of the population had difficulties in those areas and that that should not be seen as discrimination. However, in many countries, the Roma were very vulnerable and socially marginalized, and there was strong cultural resistance to them. Regarding education, a UNDP study had found that only 27 per cent of teachers were willing to work with Roma

colleagues. The existence of a cultural factor that resulted in the isolation of the Roma population was thus irrefutable and the State must raise public awareness in order to overcome it. It would be interesting to know how the minorities were represented in the judiciary, as well as in administrative bodies. There was also the problem of court-appointed interpreters when one of the parties spoke the language of a minority group.

39. The delegation had explained that information on the work of the treaty bodies and related documents was made available on the Internet and that everyone was free to consult it. However, as the Committee often recalled, States parties were obliged not only to ensure that the population had access to such information, but also to play an active role in its dissemination and to ensure that it was made known to as many people as possible, especially professionals such as judges. They were also required to encourage consultations for the purpose of the preparation of periodic reports and to arouse public interest in the work of the treaty bodies.

40. **Mr. Amor** said that he was not clear about the status of the Act relating to Faiths and their Places of Worship. According to paragraph 546 of the report, the draft law had been adopted by parliament in 2007 and submitted to the President of the Republic for promulgation, but the next paragraph continued to refer to the “draft law”. Did that mean that the draft law had not been promulgated by the President? Several other points warranted clarification: the property rights of religious organizations which seemed to be restricted, the “right of inspection” that religious communities enjoyed over the activities of their followers and the appointment of their leaders, where it was not clear whether religious organizations did not make such appointments or whether they were prevented from doing so. In addition, it had been stated, on the one hand, that the non-registration of a religious group did not prevent the practice of the religion concerned and, on the other hand, that there was a draft law to abolish the penalties for non-registration of a religious group, which meant that, as things stood, an unregistered group could be subject to penalties. It was important to distinguish between the registration and the manifestation of a religion. The purpose of registration was to give a religious group legal status. Non-registration of a group should under no circumstances prevent a member of the group from practising or manifesting his or her religion. The Committee looked forward to hearing the delegation’s views on all those points.

41. **Mr. Bouzid** asked whether the Moldovan courts had dealt with any cases of arms trafficking.

42. **The Chairperson** invited the delegation to reply to the questions raised by members of the Committee.

43. **Mr. Esanu** (Republic of Moldova) said that his delegation would reply first to the questions relating to the administration of justice. All suspects had the right to be assisted by a lawyer as soon as they were placed in custody. That right was guaranteed by law, which also provided for penalties in the event of non-compliance. It was true that there were many complaints regarding detainees’ access to counsel, and they were all examined, but there was an operational problem. In any case, confessions made under conditions that were not in conformity with the law were not admissible in court.

44. **Mr. Rusu** (Republic of Moldova) added that all detainees were informed of their rights and that records of notification were kept. Prosecutors could therefore verify whether the rights of detainees were upheld throughout their detention and annul any act that had allegedly been committed unlawfully.

45. **Mr. Esanu** (Republic of Moldova) said that, according to the law, responsibility for any person suspected of an offence was transferred from the Ministry of Interior to the Ministry of Justice after 72 hours of custody. Sometimes, however, detainees remained in police custody because the Ministry of Justice did not yet have pretrial detention facilities

outside Moldova's five main cities. Conversely, it could happen that a person was transferred from a pretrial detention centre to a police station for the purposes of the pretrial investigation. Such situations would not occur once all detention facilities were placed under the supervision of the Ministry of Justice.

46. All matters relating to the operation of Prison No. 13, including the number of prisoners it could accommodate, were governed by a Ministry of Justice decree. It was true that several years previously, owing to a bed shortage, prisoners had had to take it in turns to sleep, which was unacceptable; currently, the total number of prisoners was no higher than that established in the decree. There were also fewer tuberculosis patients than before and they were kept separate from other prisoners. Several prisons had an area reserved for such persons and one prison hospital had been completely renovated in 2008 to provide conditions that would be more conducive to their recovery.

47. The fact that certain judges failed to obey the law was a matter of great concern to the Ministry of Justice, which routinely brought the matter to the attention of the Higher Council of the Judiciary. Disciplinary procedures were handled by a college of judges, whose president was appointed on the Council's advice. In practice, judges were not prosecuted, which was regrettable; but the Ministry of Justice could not interfere or apply penalties itself because the judiciary was totally independent from the executive. With a view to improving the effectiveness of the college of judges, it was planned to change its composition to half judges and half academics. The shortage of courtrooms remained a real problem and it did happen that judges were obliged to hold hearings in their chambers. A budget of 15 million lei had been allocated to upgrading court buildings, and several courts had already been renovated with the support of the United States under the Millennium Challenge programme.

48. **Mr. Rusu** (Republic of Moldova) said that alternative measures to deprivation of liberty were still envisaged for minors. According to the law, minors could be placed in special schools or correctional facilities, which almost never happened in practice. There were plans to establish centres for young offenders, but that was only a pilot project. The reform schools which had existed at one time were no longer operational.

49. **Mr. Esanu** (Republic of Moldova), turning to the question of freedom of religion, said that only two applications for the registration of religious groups had been rejected. The Ministry of Justice, which was directly responsible for the matter, would forward all relevant information to the Committee, particularly the grounds for refusal. A registration system had already existed under the 1992 Faiths Act, but there had been a special government body responsible for it. The Act had been repealed and replaced by the 2007 Act relating to Faiths and their Places of Worship. The Constitution recognized freedom of religion, and a faith could therefore be practised even if it was not registered. Penalties could be imposed only if the practice of the faith violated the rights of others. Experts had been entrusted with the task of studying the matter more closely so as to bring the law into full conformity with the Constitution and the Covenant. Regarding the appointment of leaders of religious groups, the law clearly stipulated that the State could not attempt to influence the decision. It was actually within the religious communities themselves that problems arose, with many followers complaining that their hierarchies did not respect their rights and appointed religious leaders without consulting them. Similarly, the hierarchies of religious groups often claimed that they should administer community property, whereas it was for the community to do that. The State imposed no restrictions on the right to own property.

50. Journalists were guaranteed freedom of expression, in accordance with international standards, as confirmed by a study of the main relevant European legislation. Possible problems thus related not to the law itself but to its enforcement. The conditions under which a journalist incurred liability were clearly set forth in article 16 of the Civil Code.

Journalists' associations would like the legislation to be amended in order to protect the press against legal action, but the Government was not prepared to limit the liability of journalists when they violated the rights of others by propagating false information. Regarding Teleradio Moldova, however, there was indeed a serious problem. By law the public authorities were forbidden to seek to influence public radio and television, but in practice things were different. It was to be hoped that the problem would not arise under the new Government, which had no links with the management of Teleradio Moldova.

51. **Mr. Rusu** (Republic of Moldova) said that the Prevention and Punishment of Domestic Violence Act had recently been evaluated one year after its entry into force. The Act had introduced many new elements and there could be no doubt that its enforcement, along with measures adopted at the end of 2008 under the Plan of Action for the Prevention and Punishment of Violence against Children, would bring tangible results. It could already be seen that the courts were applying the Act and that there were fewer complaints. Three training courses on the new Act had been held for prosecutors and social workers.

52. **Mr. Esanu** (Republic of Moldova) said that data on how the national minorities were represented in the judiciary would be submitted to the Committee in due course. Regarding the use of minority languages, the Criminal Code, the Code of Criminal Procedure and the Civil Code provided that trials should be conducted in the language of the majority of participants, i.e. in Moldovan or Russian. However, all accused persons had the right to speak in their own language and to have access to the written proceedings in that language. The entry into force, in September 2009, of the Accreditation of Court Interpreters Act should help to ensure that that right was enjoyed in practice.

53. No cases of arms trafficking had been brought before the courts. The trafficking in question probably involved Transnistria, but the Government had no information on the matter because it had no control over that region.

54. The Government would consider ways of playing a more active role in disseminating the work of the Committee. For the time being, the preparation of periodic reports for submission to treaty bodies was covered by a government decree establishing a special committee under the supervision of the Ministry of Foreign Affairs and European Integration, in which all ministries concerned participated.

55. His delegation thanked the Committee for its attention and remained at its disposal for any further information. The Republic of Moldova had to achieve very rapidly what other democracies had taken several centuries to do, but it was convinced that, with the help of international mechanisms, it could review its legislation and bring it into line with international instruments, thereby ensuring better protection of human rights. However, amending legislation was not the hardest part: what took more time was its enforcement, and for that reason attitudes must also change.

56. **The Chairperson** said that the Committee was aware of the difficulties facing the Republic of Moldova and hoped that the dialogue with the Committee, together with the concluding observations which would be published at the end of the session, would help the State party to improve the situation. He warmly thanked the delegation for the frankness and openness with which it had responded to the Committee's many questions.

57. *The Moldovan delegation withdrew.*

*The meeting rose at 1.05 p.m.*