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

Republic of Moldova*

**Information received from the Republic of Moldova on the
implementation of the concluding observations of the Human
Rights Committee (CCPR/C/MDA/CO/2)**

[18 January 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

1. In accordance with rule 71, paragraph 5 of the rules and procedures of the Human Rights Committee (CCPR/C/3/Rev.9), the Government of Moldova submits to the Committee the information about the current situation regarding the implementation of guidance provided in paragraphs 8, 9, 16 and 18 of the concluding observations adopted at the Committee's 2682nd meeting, held on 29 October, 2009, following the supporting by the Moldovan delegation of the second periodic report on the implementation of the International Covenant on Civil and Political Rights.

Follow-up on the recommendations raised in paragraph 8 (a) of the concluding observations (CCPR/C/MDA/CO/2)

2. In respect of the investigation of events in April 2009, to fairly and impartially elucidate their causes and consequences we note that, by Parliament Decision No. 43 of 20.10.2009, a Commission was constituted to investigate the causes and consequences of events after April 5, 2009. The work of the Investigation Commission was attended, following its decision, by representatives of civil society, experts and representatives of international organizations. The work of the Commission was directed to analyze the events preceding the April 2009 protests, the chronology and assessment of the protests in the reference period, and to analyze the consequences of the protests.

3. The Investigation Commission members have examined and analyzed, for the most part, all variety of information provided by the government: official materials on paper and video records, which constituted "the basic evidence". The findings were made based on the balancing and analysis of managed information, so that the nature of the findings would be, as much as possible, objective and impartial. Another element of proof, in some cases even decisive, was the records of hearings before the Investigation Commission of officials and public figures, organizers and witnesses, participants and victims of the protests in April 2009.

4. Therefore, the Commission issued a report, which was presented to the Parliament for hearing. This report contains a number of general recommendations regarding:

- The functioning of democratic institutions during the elective campaign and during elections
- The behavior of public authorities and the government with regard to demonstrations
- Ensuring the right to be free from torture and inhuman and degrading treatment
- Ensuring fair and impartial justice

5. Thus, by Parliament Decision No. 159 of 08.07.2010, following a hearing of this report, an order was given to the Prosecutor General, the Ministry of Internal Affairs, the Superior Council of Magistracy and the Government to investigate further, in more detail, some circumstances and to take all actions necessary to ensure suitable conditions for rehabilitation of victims of protests in April 2009, both among police officers and demonstrators, and following that, the institutions concerned were to submit to the Parliament a comprehensive report on the results of the investigation and the actions taken.

Follow-up on the recommendations raised in paragraph 8 (b) of the concluding observations

6. Regarding the criminal liability of persons who were guilty of beating protesters after the events of April 2009, we note that the prosecution has recorded and considered

108 complaints about alleged cases of torture and inhuman or degrading treatment or punishment from police officers, as a result of these events.

7. From the total number of complaints, in 58 criminal cases were initiated, including 29 cases in which criminal investigation was ordered under Article 3091 of the Criminal Code (torture), and in 17 cases criminal prosecution was ordered under Article 328 paragraph (2) point a) of the Criminal Code.

- In one case, based on self-notification of prosecutors, criminal prosecution was initiated under Article 328 paragraph (3) point b) of the Criminal Code on excess of power and exceeding of job duties by persons in charge of the Ministry of Interior, including from the Special Task Police Unit “Fulger”, whose members have applied physical violence on several persons during the night of 7 to 8 April in downtown Chisinau
- In two cases it was decided to initiate criminal proceedings under Article 328 paragraph (3) point c) of the Criminal Code against decision-makers of the Buiucani Police Section for violent actions and illegal detentions during the night of 7 to 8 April
- In one case criminal prosecution was ordered under Article 152 paragraph (2) point e) of the Criminal Code
- In one case criminal prosecution was ordered under Article 187 paragraph (4) of the Criminal Code
- In another case it was decided to initiate criminal proceedings under Article 27, Article 145 paragraph (2) point m) of the Criminal Code on the attempted murder that occurred on 08.04.2009
- In another case, on 10.02.2010 criminal prosecution was initiated under Article 327 paragraph (l) of the Criminal Code, on the fact that child G. has been influenced by police officer B., who insisted that the above-mentioned change his statement on police officer G., who ill-treated him on 07.04.2009
- On the death of the citizen Valeriu Boboc, criminal proceedings were initiated under Article 151 paragraph (4) and Article 328 paragraph (3) point d) of the Criminal Code

8. In addition, the Chisinau Prosecutor’s Office has ordered criminal proceedings in four other criminal cases, under Article 329 paragraph (l) of the Criminal Code, on misconduct committed by decision-makers of the Police Stations of Center, Buiucani and Ciocana districts and of the Chisinau police headquarters, where investigations continue.

9. Of the total number of criminal cases, 27 cases against 43 police officers have been completed and sent to the indictment in court.

10. In cases where criminal proceedings were ordered, the prosecutors requested that those people (14 employees of the Ministry of Interior) be temporarily suspended from office, and at times such coercive procedural measure remained to be applied to nine defendants.

11. Also, note that in six criminal cases, following the corroboration of all the evidence collected, it was ordered the cessation of criminal prosecution.

12. In one of these cases, the prosecution ordered under the self-notification act was terminated under Article 275 point 3) of the Criminal Procedure Code, on the grounds that the circumstances were not true.

13. In 25 other cases, the Prosecutor's Office ordered the suspension of prosecution under Article 287/1 paragraph (1) point 2) of the Criminal Procedure Code, because people who could be accused have not been identified. In this respect, it was decided to initiate criminal proceedings under Article 329 paragraph (1) of the Criminal Code, on misconduct committed by decision-makers of the Police Stations of Center, Buiucani and Ciocana districts and of the Chisinau police headquarters, three of them being sent to the indictment in court.

Follow-up on the recommendations raised in paragraph 8 (c) of the concluding observations

14. In the section related to the rehabilitation of victims who have suffered from the demonstrations in April 2009, by providing adequate compensation, note that on April 15, 2010, by order of the Prime Minister Mr. Vladimir Filat, a special commission was created to identify the civilians and policemen who have suffered from the events of April 7, 2009, in order to develop and coordinate actions for helping them. The Commission was chaired by the Minister of Justice, being composed of representatives of the State Chancellery, the Ministry of Labour, Social Protection and Family, the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Education, the Ministry of Finance and the Public Association "Institute for Human Rights in Moldova".

15. In order to identify victims of the events of April 7, 2009, the Commission launched a public appeal to civilians and policemen who have suffered from the events of April 7, 2009 to submit to the Governmental Commission written requests for examination, accompanied by supporting documents, until June 1, 2010, to benefit, in proportion to the damage caused, of financial support and compensation and, where appropriate, of other rehabilitation measures provided by the Government. At the same time, the information provided by authorities and NGOs was considered.

16. According to information submitted to the Commission by the Ministry of Internal Affairs and the State Protection and Guard Service, their employees, who had suffered from the events of April 7, 2009, have benefited from rehabilitation measures, including financial support, financial compensation or other rehabilitation measures. At the same time, according to the Institute for Human Rights in Moldova and the Rehabilitation Center for Torture Victims "Memoria", within the project "Human Rights Advocacy in the Crisis related to the April 2009 Parliamentary Elections in Moldova", financed by the Law Programme of the Soros Foundation-Moldova, civilians have received free rehabilitation assistance and legal aid, and the medical and psychological documentation has been made of alleged cases of torture, inhuman and/or degrading treatment.

17. In this context, most of the civilians preferred the legal way to obtain compensation for suffering caused following the events of April 2009, as they have opened proceedings until the Commission's creation, benefiting from free legal assistance from IDOM.

18. As a result of the analysis of information obtained, on September 15, 2010, the Commission completed its work and submitted to the Cabinet of Ministers for review a set of actions to support civilians and police officers who suffered from the events of April 7, 2009. In particular, they relate to the allocation of a single compensation in amount to be determined by the Government, necessary medical care, special education allowance, assistance for the staggering of remaining exams, assistance for the removal of restrictions on movement across borders, allocation of adequate space to implement a psychological rehabilitation project, organization of sanatoria rehabilitation services for civilians and police officers who have suffered from the events of April 7, 2009.

19. Following the proposals submitted, the Ministry of Finance was ordered to allocate from the reserve fund of the Government funds in the amount of 222,700 lei, divided as follows (Government Decision No. 956 of 22.10.2010):

(a) Ministry of Labour, Social Protection and Family - 144,200 lei, including 74,200 lei to organize sanatoria rehabilitation services and 70,000 lei to provide the single compensation in the amount of 5000 lei to civilians who have suffered from the events of April 2009 (14 persons);

(b) Ministry of Education - 52,000 lei for granting a single financial support to Mr. Damian Hîncu, to repeat the year of study in France, which was unsuccessful because of the events of April 2009;

(c) Ministry of Internal Affairs - 26,5000 lei to organize sanatoria rehabilitation services for police officers who have suffered from the events of April 2009 (5 persons).

Follow-up on the recommendations raised in paragraph 8 (d) of the concluding observations

20. In order to establish clear roles and responsibilities to all parties involved in ensuring and maintaining public order during meetings, as well as to implement and enforce the Law No. 26-XVI of 22.02.2008 on assemblies, the MIA put emphasis on training the Ministry employees in this field, namely ensuring the right to free assembly (art. 21 of the referred Covenant).

21. Thus, in accordance with the provisions of the MIA Order No. 441 of 28.12.2009 on the organization of training in the academic year 2010, lessons were planned and conducted on the following topics:

- Prohibition of torture, inhuman and degrading treatment in the police activity
- Observance of human rights when using physical force, special means and firearms
- Application and conduct of procedural-criminal arrest, detention / deprivation of liberty by observing the human rights
- Observance of human rights when applying procedural-contravention detention
- Tactical actions of internal affairs officers to restore order in case of violation of public order by groups

22. In the course curricula of police training, organized by the Institute for Ongoing Professional Training and Applied Scientific Research in the MIA Academy “Stefan cel Mare”, in the discipline “Police Law” were included lessons for the topic “Police actions in assembly conduct”.

23. On 28 and 29 January 2010, in order to prevent cases similar to those of April 7, 2009, within the Academy Stefan cel Mare the international scientific-practical conference “Ensuring human rights and fundamental freedoms during mass demonstrations”, was organized and held, involving experts from 15 countries.

24. On 23.03.2010 the round table “Issues of ensuring public order during assemblies with observance of human rights” was organized and held.

25. On 16-20.08.2010, to strengthen police capacity and commitment to the implementation of the right to free assembly a study visit to the Ministry of Internal Affairs of Poland was held.

26. On 16.09.2010 a seminar-training with the Deputy Commissioners for Public Order, entitled "Issues related to ensuring public order in case of assemblies" was held.
27. For the period October 1-31 this year, in the context of implementing the Action Plan provided by the joint project of the Council of Europe and the European Union "The Program on Democracy Support", training seminars are planned on crowd management and mass riot control.
28. For testing knowledge on laws regarding the organization and conduct of assemblies, a questionnaire has been issued for the territorial subdivisions of the public order police department, on which several symposia were later held.
29. Also, for proper implementation in practice of the Law on Assemblies, instructions and methodological recommendations have been developed, namely:
- Recommendations on maintaining public order during the organization and conduct of assemblies
 - Guidelines on the role of internal affairs bodies in ensuring public order in assemblies and during elections
30. For the year 2010, the MIA has developed the Department Plan to Implement the Recommendations of the United Nations Committee against Torture, in which one objective is to ensure public safety.
31. On 24.08.2010, on the Republican Stadium plateau a series of practical exercises on securing and restoring public order during mass riots were held, which involved employees of central and territorial subdivisions of the Ministry of Interior, engaged in providing and maintaining public order. The exercises were attended by the Prime Minister Vlad Filat, the Interior Minister Victor Catan, the Attorney General Valeriu Zubco, the General Director of the Border Guard Service Alexei Roibu and the Defense Minister Vitalie Marinuta.
32. The strategic partnerships with public and non-government institutions were strengthened, agreements were signed between the MIA and the International Human Rights NGO Amnesty International, the Human Rights Center, Soros Foundation in Moldova, the National Union of Youth and Students of Moldova and the OSCE Mission in Moldova.
33. At the initiative of the Ministry of Internal Affairs, with support and funding from the European Union High Level Policy Advice Mission to the Republic of Moldova, from 8 to 13 August 2010 a workshop on Policing Reform Roadmap was held.
34. This workshop was attended by staff from all departments of the MIA, representatives of the Prosecutor General, Border Guard Service, CCECC, SCJ, Parliament and NGOs.
35. In the workshop a series of reforms to be implemented in the work of the MIA, including how to implement the Law on Assemblies, were discussed and stressed.
36. Also in 2010, at the initiative of officials of the Interior, the Prosecutor General's representative participated in three regional seminars (North, Central and South) in which, together with the Director of the Institute for Penal Reform, Igor Dolea, the Head of the General Division of Prosecutions Gheorghe Malic, the Head of the Interior Minister's Cabinet Valeriu Cerba, and others, the body of officers (commissioners and deputy commissioners of the district police stations) was trained on preventing the torture and mistreatment by employees, response methods in such cases, performance of measures to immediately provide the detainees with counsel and medical care, practice and jurisprudence of the ECHR, etc.

Consideration of complaints about violations admitted by law enforcement bodies or local authorities in the conduct of assemblies

37. During 2010, the Prosecutor General has considered the addressing made by the Information Center GenderDoc-M, which planned to conduct a meeting on May 2, 2010 in the National Great Assembly Square, on the protection of free expression, freedom of assembly and the rights of sexual minorities.

38. Investigations have shown that, in accordance with Article 14 paragraph (4) of the Law on Assemblies, at the request of the Chisinau Municipality, the conduct of the planned meeting in the National Great Assembly Square was prohibited by the Court of Appeal decision of 28.04.2010. Applicants were explained the right to challenge the decision, based on Article 15 of the Law on Assemblies, in a higher court.

39. That decision was appealed by the Information Center Gender Doc-M at the Supreme Court. The appeal was heard by the Civil and Administrative College of the Supreme Court, which ruled the quashing of the Court of Appeal decision of 28.04.2010, and was issued a new decision as a conclusion, through which the application for summons filed by the Chisinau City Hall against the Information Center GenderDoc-M on the prohibition of conducting the assembly was removed.

Follow-up on the recommendations raised in paragraph 9 (a) of the concluding observations

40. For proper implementation of all recommendations regarding the elimination of torture and taking the necessary measures to eradicate it, it is necessary to ensure ongoing staff training in the facilities where persons are deprived of their liberty.

41. Thus, in terms of promoting human rights, establishing and ensuring a mechanism in place to prevent torture in places of detention, given the United Nations Committee's recommendations, within the MIA Academy "Stefan cel Mare" the scientific-practical conference titled "Ensuring human rights and fundamental freedoms during mass demonstrations" was held, organized with the support of the German Foundation "Hans Seidel".

42. Also in this context, the academic curriculum of the Academy "Stefan cel Mare" was changed in terms of human rights and fundamental freedoms, eradication of ill-treatment, prohibition of torture and other inhuman or degrading treatment or punishment.

43. A partnership with the United Nations Development Programme (UNDP) was also started, to collaborate in the future on this issue.

44. As for the penitentiary system, a priority in its work is the creation of a series of measures to promote the educational content, increase professionalism and efficiency of training for prison staff.

45. In the context of the above, by the Penitentiary Department Order No. 221 of 30.12.2009, the training program of the penitentiary system in 2010 was approved, and by the Penitentiary Department Order No. 6 of 03.02.2010 the schedule of initial training and professional improvement of prison staff at the Center of the Penitentiary Department in 2010 was approved. Therefore, to date, 149 people have been trained in the professional improvement courses and 146 people in the initial training.

46. Training seminars in the field of human rights are held for all categories of personnel, both in the training sessions for subdivisions, and in the training organized by the Center. In the discipline of Human Rights Training themes such as the following were incorporated: Minimum standards of maintenance of prisoners, the European Convention

for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Universal Declaration of Human Rights, National, regional and international mechanisms for the protection of human rights, etc.

47. In order to deepen knowledge and exchange of experience, the penitentiary system employees have attended various training seminars organized in collaboration with the TWINNING Project and NORLAM Mission.

48. In the TWINNING Project, supported by the European Union and implemented by the German Foundation IRZ, about 460 employees (officers and petty officers from all services who work in prison) of the penitentiary system have participated in training seminars on human rights, human resources management, psycho-social aid and assessment of prisoners, social reintegration, and other areas designed to help prisoners' rights. Also, under the project, with the aim of exchanging experience, two groups of 10 people were offered training in Germany.

49. Also during 2010, the Penitentiary Department, in collaboration with the Norwegian Mission of Rule of Law Advisers to Moldova (NORLAM) has organized training for trainers in the field of human rights. The training consisted of three modules, held during 21-23.04.2010, 28-30.06.2010 and 14-16.06.2010. A total of 45 employees from all divisions of the prison system (those responsible for training, as well as managers of level I and II) participated in the aforementioned actions.

50. In addition, to strengthen a mechanism in place to prevent torture by providing appropriate training, two international seminars were organized (25-26 March, 29-30 March 2010) titled "Investigation in accordance with European standards of complaints on mistreatment / torture" by the National Institute of Justice in partnership with the Council of Europe in the Joint Programme of the Council of Europe / European Union "Combating ill-treatment and impunity". The seminars were attended by 40 judges and 40 prosecutors.

51. During the seminars, the international experts Erik Svanidze and Jim Murdoch, long-term regional advisors to the Council of Europe in the Joint Programme Combating ill-treatment and impunity, have elucidated the following topics: Investigations on cases of abuse; Maltreatment prevention precautions and their importance to the investigation; Criteria for effective investigation of cases of ill-treatment (torture); Examples of applying the criteria for effective investigation of cases of ill-treatment: best practices in Council of Europe member states; Review of European Court of Human Rights jurisprudence.

52. Also in the same program, from September 27 to October 1, 2010, a training seminar was held for national trainers in the field of standards of the European Convention on Human Rights and the Committee for the Prevention of Torture and Inhuman or Degrading Treatment (34 hours) on combating ill-treatment and impunity, in which 10 judges, 10 prosecutors and 10 criminal investigators were trained.

53. Therewith, under the mentioned schedule, a series of seminars in this field will be organized for about 800 judges and prosecutors, from November 2010 to May 2011.

54. Regarding the prompt investigation of all complaints of torture and other ill-treatment, and to affirm and justify the mission for preventing and combating the phenomenon of torture, note that within the Office of the Prosecutor General a department for combating torture was created for the first time, in accordance with the Parliament Decision No. 77 of 04.05.2010 on approval of the Prosecutor General structure and later by the Attorney General Order No. 365-p of 24.05.2010, which coordinates nationally this activity. The creation of such subdivision falls in the activity of protection of human rights and fundamental freedoms and meets the need of actual time.

55. Therefore, the duties of the department for combating torture involve the monitoring of this segment of activity at the local level, and are subject to direct control of the Attorney

General and his first deputy. Also, we stress that this subdivision is charged to study the phenomenon of torture and ill-treatment in the whole, recording and determining all factors, causes and conditions that allow the existence of this phenomenon, to propose concrete solutions to be taken to remove them, to widen the investigation of allegations of torture by clarifying issues that arise during the examination of complaints, to conduct criminal prosecution in these cases and those with greater social resonance and to ensure the restoration of rights of injured citizens.

56. According to statistics presented, during 2009 233 criminal cases on police officers have been initiated, including 58 cases for acts of torture, and another 87 for exceeding duties with use of violence.

57. The court has received 65 criminal cases, including 12 for torture and 13 for exceeding duties with use of violence. A total of 32 sentences of condemnation were handed down (4 for torture, 14 for exceeding duties or abuse of power), and in 14 cases sentences of termination were handed down for various reasons, including administrative penalty.

58. Simultaneously, we note that a prompt recording and investigation of all complaints and allegations of misconduct by law enforcement officials is permanently ensured. Information and addresses from citizens related to cases of torture and inhuman or degrading punishment or treatment arrive to the trusted MIA hotline, operating round the clock to ensure prompt public access to services of internal affairs regarding cases of torture and inhuman or degrading punishment or treatment.

59. Therewith, employees of the Police General Division for Public Order carry out continuously sudden spot checks in special institutions subordinate to the MIA, for the purpose of detecting and preventing cases of torture and inhuman or degrading treatment or punishment of detainees.

60. The statistics presented by the Ministry of Internal Affairs shows that, during the eight months of 2010, the Ministry has received nine complaints about violations of human rights in temporary detention isolators. Of the nine complaints, only in two cases were the facts alleged true, the necessary measures being taken.

61. Also, this year a criminal case was initiated on a remand center officer of the Police headquarters of Chisinau, following ill-treatment against the citizen I. in 2009.

62. Equally, the Penitentiary Department ensures prompt recording and investigation of all complaints of torture and inhuman or degrading treatment or punishment. Thus, according to records, from the beginning of the current year, the Penitentiary Department has received nine petitions from detainees and citizens, in which are invoked claims on alleged use by prison staff against detainees of actions qualified as torture, cruel treatment or punishment (unlawful use of physical force and / or special means, failure to observe rules set on food provision, lack of adequate detention conditions according to European standards, etc.).

63. It should be noted that each such address has been subject to thorough verification, with field trips and collection of evidence materials needed for each case. As a result, allegations of violent actions by prison staff, raised by petitioners, were not confirmed in 8 cases, and at the moment the case of the convicted S.J., held in Prison No. 5 of Cahul, is under examination by the Military Prosecutor of Cahul.

64. Also, for citizens to be able to claim any illegal actions committed by personnel of the penitentiary system, a trust hotline (636-968) was installed in the Penitentiary Department. Information concerning the existence and accessibility of its use is posted on the official website of the Penitentiary Department (www.penitenciar.gov.md). For strict recording of complaints received, a special register of the calls is prepared.

65. In order to protect individuals against torture and other cruel, inhuman or degrading treatment and punishment, and to involve the civil society in the national processes to eradicate torture, representatives of the Center for Human Rights regularly carry out preventive visits to places where people are or might be deprived of their liberty.

66. In this context, we note that in order to achieve the assigned task, namely to strengthen the National Mechanism for the Prevention of Torture, from the beginning of the year until now 57 monitoring and preventive visits have been conducted, as follows:

- 42 visits were carried out in institutions under the jurisdiction of the Ministry of Internal Affairs
- 14 visits were carried out in institutions under the jurisdiction of the Ministry of Justice
- A visit was carried out in an institution under the jurisdiction of the Ministry of Health

67. Of those visits:

- 36 visits were conducted with the participation of ombudsmen, officials of the Center for Human Rights, as well as representatives of the Center in Balti and Cahul;
- 12 visits were made by ombudsmen, officials of the Center for Human Rights and members of the Advisory Board;
- 9 visits were made by members of the Advisory Board.

68. As a result of the visits, steps were taken which called for instituting 8 criminal proceedings and one disciplinary proceeding, 31 opinions with recommendations were given on measures to be taken to improve treatment and conditions of persons deprived of their liberty and to prevent torture and inhuman or degrading treatment or punishment, and exclusion of cases of human rights violations.

69. Also, we mention preventive visits made in prisons No. 3 of Leova on 17.02.2010 and No. 18 of Brănești on 29.11.2009. As a result of the monitoring, opinions with recommendations under Article 27 of the Law on Ombudsmen have been drawn up, which were subsequently sent to the Ministry of Justice. As a result of these recommendations, the authorities responsible have drawn up plans to eliminate the shortcomings identified by the ombudsman, whose proper accomplishment was the main task of the Center for Human Rights working group in subsequent visits (Brănești, Penitentiary No. 18-25.08.2010; Leova, Penitentiary No. 3-08.09.2010). In this respect, it is necessary to note that the repair works have begun on schedule and are to be completed soon.

70. It is important to mention in this regard the decision of the Minister of Justice to appoint an adviser among the civil society on issues related to respect for human rights - a decision without precedent in the history of justice in Moldova. Thus, Mr. Vanu Jereghi, director of the Institute for Human Rights in Moldova (IDOM) - an independent, non-profit organization, aimed at protecting human rights, was appointed as adviser to the Minister of Justice. In this respect, the quality of adviser to the Minister of Justice gives him the right to unlimited access, at any time, in any penitentiary institution, to obtain operational information from the courts and all institutions of the Ministry.

71. This decision is meant to highlight the Government efforts to strengthen the partnership with the civil society, and also to enhance the effectiveness of measures for the prevention of torture and inhuman or degrading treatment or punishment.

Follow-up on the recommendations raised in paragraph 9 (b) of the concluding observations

Regarding the measures taken to provide necessary assistance for rehabilitation to torture victims

72. The Ministry of Justice has drafted the Parliament Decision on approving the National Action Plan on Human Rights for the period 2011-2014. Chapter four of the table part of the nominated act includes several objectives on the targeted segment.

73. Thus, one of the priorities is to grant qualified legal assistance to victims of torture and other ill-treatment by performing the following actions:

- Development of methodical recommendations on qualified legal assistance in cases of torture and other ill-treatment
- Training of lawyers on qualified legal assistance in cases of torture and other ill-treatment

74. Another objective concerns the immediate rehabilitation of torture victims, which will materialize through:

- Developing partnerships in the field of medico-social rehabilitation of torture victims
- Strengthening the capacity to use civil remedies for cases of torture and other ill-treatment

75. The Draft National Action Plan on Human Rights for the period 2011-2014 was approved at the Government meeting of 2 September and will be submitted to the Parliament for consideration.

Follow-up on the recommendations raised in paragraph 16 of the concluding observations

Legal issues

76. As for legal issues, we point out that in order to execute the provisions of Law No. 45-XVI of March 1, 2007, on preventing and combating domestic violence, the draft framework regulation for the organization and operation of rehabilitation centers for victims of domestic violence was finalized and submitted to the Government and subsequently approved by the Government Decision No. 129 of 22.02.2010.

77. Also prepared was the draft Government Decision to approve the minimum quality standards for social services provided in rehabilitation centers for victims of domestic violence, being sent to relevant institutions for approval.

78. In order to execute Article 18 point 2 of the mentioned Act, in 2009 was initiated the process of harmonization of national legislation to the provisions of the Law No. 45-XVI of March 1, 2007 on preventing and combating domestic violence, and the Law on amending some law acts was drafted and subsequently adopted (Law No. 167 of 09.07.2010). This act comes with a number of new elements that have been incorporated into the national legislation and determine the mechanism for achieving the legal provisions on preventing and combating domestic violence.

79. Also, note that the guidelines on intervention of social assistance bodies in cases of domestic violence were developed. The instructions referred to establishing the social worker's powers, under the law, in the process of identifying cases of domestic violence,

multi-disciplinary coordination and resolution of cases recorded, prevention and monitoring of cases of domestic violence and supervision of protection measures taken in such cases. Thus, the inter-ministerial Order to approve the mentioned instructions was drafted, being sent to the ministries concerned for approval by letter no. 08/1880 of 04.10.2010. Following these achievements, 27 orders of protection were issued.

80. Equally, in order to optimize data collection and use in the welfare system by using modern information technologies, by Order of the Minister of Labour, Social Protection and Family a working group was created, charged with preparing a draft Government Decision to amend and supplement the GD No. 1356 of 03.12.2008 on the structure of the Automated Information System "Social Aid".

81. Currently, the Ministry of Labour, Social Protection and Family is finalizing a new draft law amending and supplementing certain acts, aimed at strengthening the legal framework for preventing and combating child abuse, exploitation, labor and neglect, violence against children and determining the accountability mechanisms of the parents or guardians of children in the context of child rights.

82. The draft Government decision to approve the criteria to identify cases of violence against children and standard procedures of action for professionals identifying such cases is also under finalization. These criteria will be piloted in two districts of the country and will be subsequently applied nationwide.

83. The Ministry is also finalizing the draft Government decision regarding the approval of the regulations for the guardianship authorities within the administrative-territorial units of local and district level.

84. The regulations will contain specific provisions referring to the identification of children in difficulty, and the establishment of legal forms of protection in case of necessity. The procedure for monitoring the situation of children registered with the guardianship authorities will also be detailed. The functional responsibilities of the guardianship authorities at district and community level will also be explicitly defined, including through stringent quality control mechanisms of actions taken.

85. Simultaneously, in order to strengthen the enforcement of the Law No. 45-XVI of March 1, 2007 on preventing and combating domestic violence, the Ministry of Health has issued instructions on intervention of medical institutions in cases of domestic violence, aiming at:

- (a) Preventing and reducing domestic violence by all means available, according to law;
- (b) Ensuring the protection and care of family members suffering from domestic violence, especially children, elderly and persons with disabilities;
- (c) Ensuring compliance with the Law No. 45-XVI of 01.03.2007 on preventing and combating domestic violence and with other provisions of the legislation of the Republic of Moldova;
- (d) Bringing to justice the perpetrator;
- (e) Rehabilitation of the perpetrator, if possible, where appropriate;
- (f) Reducing recidivism and the need for repeated intervention;
- (g) Preventing serious cases of injuries and murder through early intervention.

86. The instruction shall be approved by joint order of the Ministry of Labour, Social Protection and Family, Ministry of Health and Ministry of Internal Affairs.

87. Also, in accordance with Article 8, paragraph (6) of the Law No. 45 of March 1, 2007 on Preventing and Combating Domestic Violence, the internal affairs bodies, at specialized structure level, have a wide range of responsibilities in preventing and combating domestic violence.

88. Thus, during eight months of this year, the internal affairs bodies have started 14 criminal cases for crimes of murder and 18 cases for intentional serious bodily injury, committed in the sphere of family relations.

89. Related to this side, violence in family relationships was reflected on women in marriage or cohabitation in 8 cases of murder and 5 cases of intentional serious bodily or health injury (husband to wife), and in filiation relationships - in 5 cases of murder and 6 cases of intentional serious bodily or health injury (one case - son to father, one case - grandchild to grandmother, 4 cases - parents to children).

90. In the given period, police subdivisions examined 15,159 complaints, of which, in 1,998 complaints were reported cases of violence in family relations, constituting 13.1% of the total number of petitions considered.

91. 1,514 cases of intentional slight bodily injury, which had reference to family relationships, have been found and documented, and according to decisions taken, in respect of 1,151 offenders sanctions have been imposed in the form of a fine, 23 people were subject to contravention arrest, a person has been punished with community service work, while 310 contravention cases were closed due to reconciliation of the parties. Prevention activities were carried out regarding 4,515 family troublemakers, in order to prevent violence.

Training activities on the handling of domestic violence

92. Regarding training activities on the handling of domestic violence, note that a series of seminars were organized on "Implementation of the Law No. 45-XVI of March 1, 2007 on Preventing and Combating Violence", held in Balti on 15 February and on 17 May, 24 May, 7 June, 17 September by the National Institute of Justice. These seminars had a mixed nature, the participants were judges, prosecutors, lawyers (8 judges, 8 prosecutors, 8 lawyers / 24 participants per seminar). The training was organized by NIJ in collaboration with ABA/ROLI Moldova, USAID, and was then continued in partnership with the OSCE Mission to Moldova and the United Nations Population Fund (UNFPA).

93. In these seminars the following topics were addressed: domestic violence (DV); the national and international legal framework; trauma and needs of a DV victim; the National Reference System for the protection and assistance to victims and potential victims of human trafficking; trust hotline for women; distribution of calls by gender, age, region; the role of police in preventing and combating DV; the lawyer's role in legal aid to domestic violence cases; the judge and the prosecutor's role in investigating and solving cases of DV in civil procedure.

94. Therewith, to strengthen the professional capacities of the personnel working in the social assistance system, in 2009 the Ministry of Labour, Social Protection and Family organized the initial training of 550 community social workers, based on a curriculum that included modules on case management in the child protection system, including preventing and combating child abuse, violence, trafficking and labor.

95. In 2010, the Ministry of Labour, Social Protection and Family has made the initial training of about 200 managers of social services (including services for families with children and children in distress), and now they carry out the training of about 1,200 community social workers, which includes modules on advanced skills for risk assessment in the context of management of abuse, violence and neglect of children, the elderly and persons with disabilities.

96. From 6 to 11 June 2010, with UNFPA support, an advanced training course in reproductive health was organized and held, where 21 national trainers were trained, one of the topics being “Family Violence”, focusing on health worker’s role in the identification, assistance and referral of cases through community multidisciplinary teams.

97. Equally, in order to strengthen the measures taken in this field, the Interior Ministry has launched a series of activities for enhancing crime prevention measures in the sphere of family relations.

98. Thus, on 17.03.2010, the Public Order Police General Division of the MIA has developed the Order No. 6 / 633 on prevention of violence and sexual abuse cases, through which the heads of police subdivisions have received the task of stepping up prevention activities both in the area of child abuse, as well as in matters of prevention and control of domestic violence.

99. In this context, the employees of territorial police subdivisions have conducted, in their actual activities, 1,224 meetings with students and teaching staff of education institutions in order to familiarize them with the Law No. 45 of March 1, 2007 on preventing and combating domestic violence.

100. Under the curriculum, in the special service training for study groups of police officers, in 2010 a study was organized of the Law No. 45-XVI of 01.03.2007 on preventing and combating domestic violence and the Methodical Guidelines on Preventing and Combating Domestic Violence, approved by MIA Order No. 350 of 21.10.2008.

101. With UNFPA support, it was proposed to establish a curriculum for station chiefs and sector operative officers in the specializing training of the Institute for Ongoing Professional Training and Applied Scientific Research of the MIA Academy “Stefan cel Mare”, on implementing the legislation in the field of preventing and combating domestic violence, as well as on intervention methods and powers of each member of the multidisciplinary team for clarification of domestic violence. Activities of this kind have also been carried out in the round tables and seminars organized with the support of NGOs in the districts of Cahul, Drochia, Anenii Noi, Rezina, Vulcănești, Șoldănești, Bălți, etc.

102. Additionally, in order to strengthen the family institution and stress the importance of a healthy family environment for raising a healthy generation, since 2009 in Moldova the Family Festival has been celebrated. It is dedicated to the International Family Day, established by the United Nations General Assembly in 1993 and celebrated traditionally on May 15. In 2010, the Ministry of Labour, Social Protection and Family supported the second edition of this event and gave it official status and national scope. Among the new activities suggested and implemented in 2010 were the following:

- Organizing Family Week during May 10 to 15, when schools, kindergartens, cultural departments, youth organizations, etc. performed events in the context of the Family Day
- Expanding the event nationally, through more active involvement of local public authorities and communities, by organizing Family Day in 10 districts - Chisinau, Balti and Cahul
- Supporting the work in districts by developing a National Program of Model Actions for institutions with an important role for the family (school, church, town hall, etc.). The action plan was developed by a special adviser and coordinated with relevant ministries.

103. The event was supported by several ministries, given the multidimensional and complex aspect of the family. School, as an educational factor, came up with information hours of class about family values and the importance of a healthy family environment for

raising a healthy generation; church offered moral support by homilies dedicated to family values; youth organizations have carried out special actions, such as contests, competitions, concerts devoted to family; welfare departments have given attention to vulnerable families, lone elderly persons, abandoned children, and families with newborns have provided an example for the community, by planting the “family tree”. Equally, in this period the medical institutions have conducted evenings to promote healthy lifestyles, round tables under the topic “education of healthy families”, lectures, television and radio broadcasts, publications in local media, health bulletins issued.

104. In the reproductive health practices were held thematic trainings with youth before marriage, family doctors have organized individual and group discussions with the themes: family planning, prevention of chronic stress, hygienic education of youth, environmental health action, etc.

Follow-up on the recommendations raised in paragraph 18 of the concluding observations

105. In order to strengthen the implementation of laws and policies on human trafficking, it was developed the Strategy of the National Reference System (NRS) for protection and assistance to victims and potential victims of human trafficking (HT) and the Action Plan for 2009 - 2011, approved by the Parliament Decision No. 257 of 05.12.2008.

106. The sectoral component to the National Plan for Preventing and Combating Human Trafficking for the years 2010-2011 was also developed and promoted. The plan includes activities to prevent and combat human trafficking, cooperation of government with international organizations, NGOs, other institutions and representatives of civil society, the structures responsible for implementation, deadline for implementation, financial sources, and the results expected. The plan was approved by Government Decision No. 835 of 13.09.2010.

107. Therewith, after hearing the annual report on combating human trafficking, the 2010 edition, released by the United States of America State Department on 14 June 2010 for the Republic of Moldova, and the recommendations to it, it was developed and approved the Specific Plan in addition to the National Plan for Preventing and Combating Human Trafficking for the years 2010-2011.

108. The National Committee for Combating Human Trafficking, a consultative body to the Government, acts to implement the state policies in this area.

109. In this regard, we mention that MLSPF, supported by the International Organization for Migration (IOM) Mission to Moldova and the International Center La Strada, have drafted and finalized in a participatory process the draft regulation of identifying victims and potential victims of human trafficking, to be presented to the National Committee for Combating Human Trafficking for hearing and approval.

110. Therewith, regional committees were created in the field, having the task of consolidating the efforts of all bodies entrusted with responsibilities in combating human trafficking in the territorial-administrative units, as well as setting coordinate goals and measures to prevent and combat human trafficking.

111. Recently, within the National Committee the permanent secretariat was created, which aims at improving the coordination and conduct of anti-trafficking activities undertaken by all government and non-governmental representatives in the field.

112. Also, powers of investigation and prosecution of trafficking crimes and the like are assigned to the MIA Center for Combating Human Trafficking (CCTP), which includes

specialists seconded from the Information and Security Service, the Customs Service, the Center for Combating Economic Crimes and Corruption and the Border Guard Service, to ensure effective operational interaction and exchange of information.

113. Equally, in order to concentrate efforts of all parties directly involved in fighting this scourge, on April 9, 2010, between the MIA Center for Combating Human Trafficking and the Public Association “Women for Contemporary Society” a Memorandum of Cooperation on combating human trafficking and assisting victims of this crime was signed.

Measures taken in order to provide appropriate assistance

114. To strengthen the capacity of national specialists in the field of protection and assistance to victims and potential victims of human trafficking, with IOM support, training seminars were conducted for members of multidisciplinary teams on “Protection and assistance to victims of human trafficking and domestic violence in the Reference System of Moldova”. During the reporting period, such seminars were held in the districts of Ungheni, Călărași, Telenești, Rîșcani, Cantemir, Rezina, Comrat, Ștefan Voda and Leova.

115. Also, within the Project “Protection and Empowerment of Victims of Trafficking and Violence”, in order to identify and strengthen the capacity for identification and primary care to victims of trafficking and domestic violence, and improving collaboration among local stakeholders, workshops were organized for members of the community and district multidisciplinary teams working in Anenii Noi (June 2), Șoldănești (June 11), Vulcănești (June 15) and Rezina (17 June).

116. Simultaneously, the Ministry of Health supports the multidisciplinary teams through activities of early detection and medical surveillance of persons concerned. The Ministry of Health has directed its activities to:

- Information, education and communication among youth regarding health education, healthy lifestyles, prevention of sexually transmitted diseases and HIV / AIDS, psychological and legal consulting;
- Medical advice and treatment through offices for Reproductive Health within the Family Medical Centers, Women Health Centers, Youth Friendly Health Centers, offices of voluntary counseling and testing for HIV / AIDS and viral hepatitis, and other medical divisions.

117. Therefore, in the matter of prevention, protection and combating human trafficking, including trafficking of children, in the first half of 2010 were held the following activities.

118. The Maternal Department of the Placement and Rehabilitation Center for Children of Young Age in Chisinau has received 12 mothers with children. Of these groups:

- 5 were discharged in the biological family
- 2 were discharged in the extended family
- 2 were discharged to a host
- 3 formed, after discharge, their own families

119. Also, 6 children from the Russian Federation were placed in the institution, of which:

- One child was reintegrated into his biological family;
- 2 children were placed in guardianship family;
- One child was placed in foster family;

- One child has been accepted for adoption in the Republic of Moldova and is currently in the Placement and Rehabilitation Center for Children of Young Age in Chisinau until the entry into force of the court decision;
- For one child, the status of abandoned child was changed in temporarily placed child, through temporary written request by the mother.

120. The Maternal Department of the Temporary Placement and Rehabilitation Center for Children in Balti has assisted five mothers with children, of which four groups were reintegrated into their biological families.

121. In order to reduce social vulnerability, between 22 to 25 June 2010 a professional training course was organized and conducted for staff in the Placement and Rehabilitation Center for Children of Young Age in the project “Development and diversification of community care services for children with disabilities and their families in Moldova“, financed by the European Union. The main goal is to reduce the number of children with disabilities who grow up separated from their family environment, by preventing institutionalization and promoting their reintegration into families as a result of the development and diversification of medical and rehabilitation services.

122. Additionally, we note that in this period training activities were carried out for all actors involved in combating this phenomenon, organized by the National Institute of Justice, as follows:

(a) The training course for trainers on “Technique of hearing the child victim/witness to children trafficking and/or commercial sexual abuse”, held during 15 to 19 March 2010;

(b) The training courses conducted at 1 and 2 March, entitled “Human trafficking as a crime and victims’ rights”, in which 48 participants were trained (24 judges and 24 prosecutors);

(c) Workshops lasting two days on 8-9 June, 2-3 September, 7-8 September 2010 with the theme “Technique of hearing the child victim/witnesses to children trafficking and/or commercial sexual exploitation”, organized by NIJ in partnership with the International Center “La Strada”. With this theme will still be two seminars held on 9-10, 15-16 September, according to the ongoing training program for the second semester of 2010.

123. In the part related to statistics, note that during the reporting period the Centre for Assistance and Protection of Victims and Potential Victims of Human Trafficking, subordinate to the MLSPF, assisted 164 persons, of which 53 were victims of trafficking and 111 were involved in prevention cases, namely: 22 victims of domestic violence, 35 vulnerable people, 40 children of the beneficiaries, 9 unaccompanied minors repatriated outside the Republic of Moldova, 3 migrants in difficulty.

124. Therefore, in accordance with the Regulation on the Procedure for Repatriation of Children and Adults - Victims of Human Trafficking, Illegal Migrants and Unaccompanied Children, approved by the Government Decision No. 948 of 07.08.2008, during the period January-September 2010, with the support of the IOM Mission in Moldova and the Representation of the Swiss Foundation “Terre des Hommes” in Moldova, the Ministry of Labour, Social Protection and Family has organized 19 missions to repatriate children identified in: Russian Federation (19 children), Ukraine (26 children), Romania (2 children) and Belgium (one child), a total of 48 children being repatriated. Therewith, with the support of the IOM Mission in Moldova a repatriation mission from Moldova of two Ukrainian children was carried out.

125. Of the total number of repatriated children, 26 have been reintegrated into biological or extended families, 2 children were adopted, 2 children were placed in family-type children's home and 18 children were temporarily placed in foster care centers until the determination of the most appropriate form of protection.

126. Meanwhile, IOM, in partnership with the Center for Assistance and Protection of Victims and Potential Victims of Human Trafficking, subordinate to the MLSPF, conducted during the first half of 2010 the repatriation of 24 victims of human trafficking and 2 migrants in difficulty.

127. To develop and strengthen transnational cooperation and the mechanism for referral in the relevant field between Moldova and Ukraine, were held two meetings (May 17 and June 21) of the Moldovan delegation at the Ministry of Family, Youth and Sport of Ukraine. The participants agreed on the establishment of working groups with representatives of all relevant ministries from both countries to jointly develop the draft bilateral agreement in this area. This exercise aimed to establish cooperation with government partners of Ukraine on the issue of preventing and combating human trafficking, child trafficking, to facilitate the process of repatriating the human trafficking victims, illegal migrants, unaccompanied children and migrants in distress, and to initiate negotiations for signing a bilateral agreement in this area.

Prosecution of human trafficking offenders

128. The General Prosecutor's Office permanently collects and evaluates information on the status of criminal proceedings in cases related to human trafficking. Thus, following the assessment of criminal proceedings in terms of combating human trafficking, it is worth mentioning that during the last eight months of this year there were 329 such crimes (including: human trafficking - 109, children trafficking - 12, illegal removal of children from the country - 10, pimping - 103 and organizing illegal migration - 95).

129. Simultaneously, in the same period 147 criminal cases were sent to court for examination (including: 34 criminal cases on human trafficking, 3 on children trafficking, 3 on illegal removal of children from the country, 66 on pimping and 41 on organizing illegal migration).
