



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

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Held at the Palais Wilson, Geneva, on Tuesday, 7 November 2017, at 10 a.m.

Chair: Mr. Modvig

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention

*Third periodic report of the Republic of Moldova (CAT/C/MDA/3;
CAT/C/MDA/Q/3)*

1. *In accordance with rule 73 of the Committee's rules of procedure, Ms. Racu withdrew during the consideration of the report.*
2. *At the invitation of the Chair, the delegation of the Republic of Moldova took places at the Committee table.*
3. **Mr. Purice** (Republic of Moldova) said that the third periodic report covered the period 2009 to 2017 and had been made available for comment by civil society and the public on the website of the Ministry of Internal Affairs. The Government was committed to the complex process of strengthening the rule of law. However, past problems and outdated practices from the Soviet regime had not been entirely eliminated and arose periodically, shining a spotlight on systemic weaknesses and the need for modernization and change. The case of Andrei Braguta was a good example. Seven individuals, including three police officers, had been brought before the courts in a case that had raised serious questions about the effectiveness of the institutions responsible for combating torture and ill-treatment. Situations of that nature notwithstanding, the protection of human rights and fundamental freedoms was a top priority in the Government's programme of work.
4. During the reporting period, a national action plan on torture had been adopted on the basis of recommendations issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). In addition, a Council for the Prevention of Torture had been established; the Justice Sector Reform Strategy 2011-2016 and associated action plan had been adopted; and the 2017-2020 action plan on reducing ill-treatment, abuse and discrimination directed at persons held in police custody had been approved, as had the inter-agency regulation on the identification, registration and reporting of cases of torture and inhuman or degrading treatment. Methodological recommendations for prosecutors on the investigation of torture cases had been drafted, the Ombudsman's Office had been strengthened and new prosecutorial mechanisms had been introduced. The Code of Criminal Procedure had been amended to address the investigation of torture cases and a specialized unit had been set up in the Prosecutor's Office to combat organized crime, terrorism and torture.
5. The National Action Plan on Human Rights 2017-2021 had been submitted to the Council of Europe for evaluation and would be submitted to the Government by the end of November 2017. A number of other human rights-related policy documents had also been adopted, including the Police Development Strategy, the National Strategy for Public Order and Security, and the Carabineer Troops Reform Strategy. The Government had also signed an agreement with the European Union on financial support for the police reform programme.
6. Regarding detention conditions, persons who had been exempted from criminal liability had been monitored using information technologies since 2015. The goal was to roll out a programme called "e-Detention", with a view to monitoring persons in police custody. A strategy and action plan on developing the penitentiary system had been adopted, and negotiations had been held with the Council of Europe Development Bank regarding the construction, to European standards, of a new prison in Chisinau with a capacity of 1,600; meanwhile, a new facility in Balti was already in the pre-construction phase.
7. Turning to the events of 7 April 2009, he noted that over 105 complaints had been filed in relation to torture by the police, resulting in the opening of over 70 criminal cases, six of which were before the courts. A government commission had been set up to identify all victims, whether they were civilians or law enforcement officers, and, as a result, compensation had been awarded to more than 270 people. As a consequence of the review of the events, the Prosecutor General's Office had been expanded to include an anti-torture unit.

8. Specific steps had been taken to promote a culture of zero tolerance for torture, including through training in human rights and the prevention of torture and ill-treatment for prison personnel and the development by the Department of Penitentiary Institutions and the Ombudsman's Office of an action plan for the prison system. In addition, efforts were being made to build institutional capacity through workshops for prison personnel and for the training of trainers at the Ministry of Internal Affairs.

9. In the meantime, a child protection strategy had been approved and specialized units for minors and human rights had been established in the Prosecutor's Office. The Centre for Combating Trafficking in Persons, which reported to the Ministry of Internal Affairs, was fully operational and in line with international standards. The legal framework on trafficking had been considerably improved and a new law on the rehabilitation of crime victims had been adopted in 2016.

10. The Government had expanded its partnerships with civil society, international organizations and development partners with the aim of preventing ill-treatment. For example, memorandums of cooperation in the field of children's rights had been signed with La Strada International and the International Organization for Migration. In 2016-2017, over 200 joint activities had been organized with more than 80 NGOs and a number of agreements had been signed, including one to increase cooperation between the police and civil society in relation to the implementation of the Police Development Strategy and another between the General Police Inspectorate and the Human Rights Institute on improving the practical skills of police officers in the area of human rights.

11. **Ms. Gaer** (Country Rapporteur) said that, having been a member of the Committee for all of the State party's reviews, she was pleased to note a steady improvement in the type of information and statistics provided, although there had not been enough progress in terms of prevention. Nevertheless, she wished to commend the State party on important positive developments in the legal sphere, including the introduction of criminal penalties for acts constituting cruel, inhuman or degrading treatment or punishment, the adoption of the joint order and regulation on the identification and reporting of cases of alleged torture and ill-treatment — though its effectiveness was dubious — and the establishment of a new national torture prevention mechanism. In the absence of a relevant reply in the report, she wished to know whether the responsibility for temporary detention facilities had been transferred from the Ministry of Internal Affairs to the Ministry of Justice and, if not, why not. What other reforms had been undertaken in that regard?

12. While she appreciated the numerous charts and figures recently provided in an annex, it would be useful to know how many cases of torture had been opened under the new provisions of the Criminal Code, how many had been investigated and prosecuted and what the outcome had been. Similarly, it would be helpful if the data on offences, including the information published by the Prosecutor General's Office on the number of complaints of torture, could be disaggregated by all the variables the Committee had requested.

13. Another overarching issue was the applicability of the Convention. Referring to paragraph 12 of the list of issues prior to reporting, she said she would appreciate any information on the measures taken to ensure that people living in Transnistria enjoyed their human rights, and would be interested to hear the delegation's comments on the role, if any, of Moldovan officials in that area.

14. The Committee had expressed concern that persons apprehended by the police could be detained for up to 72 hours in so-called "police isolators" before an arrest order was issued. Providing an overview of the facts of the Andrei Braguta case, she noted that the case pointed to a number of serious shortcomings in the police custody system, such as the deep vulnerability of police custody facilities to the non-reporting of torture and ill-treatment; the lack of protocols to deal with individuals with mental health issues; inadequate mental health services in police custody; the encouragement of detainee-on-detainee violence by police officers; and, most importantly, the failure of the torture reporting mechanism established by the joint order. She wished to know whether any official had been held responsible for sending Mr. Braguta into a cell and standing idly by while he was beaten, and for failing to report the case. Had there been an investigation and any suspensions as a result? She would also like to know what steps had been taken to

prevent the local police and prison guards from putting detainees into cells where they might be physically abused, and what measures were in place to ensure that the joint order was enforced.

15. She welcomed the appointment of new members of the national torture prevention mechanism, but was concerned that the mechanism's functioning remained constrained by factors such as its unclear legal status, which made relations between the Ombudsman and the other members of the mechanism fragile, and its narrow mandate. In that connection, she would appreciate an update on the implementation of the relevant recommendations contained in the Committee's previous concluding observations (CAT/C/MDA/CO/2, para. 13) and a response to paragraph 24 of the list of issues prior to reporting.

16. Regarding fundamental legal safeguards, she wished to know whether, in practice, detainees had the right to legal counsel of their choice or, if necessary, to free legal aid provided by an independent lawyer, in full confidentiality; the right to receive a medical examination by an independent doctor, preferably of their choice; the right to contact a family member or other person of their choice to inform them about their detention and whereabouts; and the right to challenge the legality of their detention through a habeas corpus procedure. She would be interested to hear the delegation's comments on allegations that detainees were frequently denied the right to meet confidentially with their lawyers, especially at the early stages of police custody. She would also be interested to hear whether the medical personnel who performed examinations under the Enforcement Code were independent and whether independent outside medical experts enjoyed equal status with the State's medical experts before the courts. Statistics on how many detainees had formally challenged the legality of their detention during the period under review would also be appreciated.

17. It would be useful to know whether all detentions were recorded at the place of detention as well as in a central registry and who would be held responsible if such information failed to be recorded. She would also like to know whether audiovisual recording was available in all areas of custodial facilities where detainees might be present; whether the State party was considering instituting mandatory audio or video recording of interrogations; and whether video recordings were routinely made available to investigators, detainees and their lawyers. Statistics on the use of such information would also be appreciated.

18. She would like to know whether all detainees were informed orally and in writing, in a language they understood, of their fundamental rights and whether they were required to sign a paper confirming that they understood the information. It would be interesting to learn of any cases in which officials had been disciplined or sanctioned for failing to afford a detainee his or her rights to a lawyer, to a medical examination or to contact with a family member. Noting the statistics provided by the State party on the number of persons dismissed from the penitentiary system for disciplinary violations, she asked whether those violations included the denial of fundamental legal safeguards to detainees. It would be interesting to know the current whereabouts of the dismissed prison officers and whether any had been re-employed in law enforcement.

19. Regarding the independence of the judiciary, she would be grateful for information on the measures adopted or being considered by the State party to ensure that justice sector reforms designed to create an independent, impartial and effective justice system were properly carried out, with appropriate oversight. Details on the steps taken, in addition to increasing judges' salaries, to ensure that judges would not be influenced to supplement their income through illegal or inappropriate means would also be appreciated.

20. The Committee still had concerns regarding impunity for ill-treatment and torture by law enforcement officials. The delegation should clarify why, in the inquiry into allegations of excessive force and possible torture in connection with the post-election events in Chisinau in April 2009, so few cases had resulted in convictions. It should also indicate whether judicial corruption was thought to have played a role in producing what might be an example of impunity and, if so, whether any related charges had been brought. More generally, it would be useful to know what steps the State party was taking to address what had been described by many as a culture of impunity for ill-treatment and torture by law

enforcement officials. Referring to reports that the Superior Council of the Magistracy often ignored decisions of the Judges Selection and Career Board on the selection and promotion of judges, she would appreciate additional information on how the State party ensured that such selection and promotion was merit-based. The delegation was invited to comment on reports of widespread corruption among the judiciary and other branches of government and to provide information on any related cases.

21. The Committee welcomed the anti-trafficking legislation adopted by the State party, which was largely aligned with the Council of Europe Convention on Action against Trafficking in Human Beings and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It noted the exemption of adult and child victims of trafficking from criminal liability for crimes committed while trafficked. However, it remained concerned about some aspects of the legislation and the fact that certain provisions were reportedly not being properly enforced. The delegation should indicate what efforts were being made by the State party to amend its legislation so as to ensure that legal entities faced criminal consequences under articles 165 and 106 of the Criminal Code, rather than civil fines. She would also appreciate information on the justification for prescribing a lesser penalty for slavery and conditions similar to slavery, under article 167 of the Criminal Code, and for forced labour, under 168 of the Criminal Code, than for forced labour and slavery as part of trafficking in human beings, under article 165 of the Criminal Code.

22. As for child trafficking, she would like to know how many persons had been convicted of child trafficking under article 206 of the Criminal Code during the reporting period. Disaggregated data on gender, age, location, sentence length and form of trafficking with regard to the convictions would also be appreciated. It would be useful to know how many child sex trafficking victims, if any, had been charged with prostitution or similar offences. She would be interested to learn what accounted for the significant decrease in investigations and prosecutions between 2015 and 2016 and for that in trafficking convictions in 2017. Up-to-date information on the criminal cases brought, perpetrators sentenced and victims identified would be welcome. The Committee remained concerned that cases of public officials' complicity in human trafficking rarely resulted in convictions. The delegation was invited to update the Committee on the criminal corruption proceedings against officers assigned to the Centre for Combating Trafficking in Persons at the Ministry of Internal Affairs, including the Centre's deputy director and one of his investigators.

23. The Committee commended the State party on establishing domestic violence and rape as a separate criminal offence under the Criminal Code. However, it was concerned that domestic violence and rape remained pervasive in the Republic of Moldova. It would therefore appreciate further information on the investigative techniques used when complaints of domestic violence and rape were reported and, more generally, on the steps being taken by the State party to respond to complaints of police mishandling of rape cases and poor investigative techniques. The Committee would also welcome details on the outcome of the *Eremia v. Moldova* case (CAT/C/MDA/3, paras. 57-90), specifically, whether Alexandru Eremia had been sanctioned and whether the victims had received compensation. The delegation was invited to comment on reports that there was a casual attitude towards domestic violence in the State party and that lax policing might be a contributing factor.

24. The Committee would appreciate detailed information as to the basis on which the State party rejected applications for asylum and, in that connection, the steps it had taken to ensure that the principle of non-refoulement was examined with regard to each asylum application. The Committee would be grateful for information on the status of the 115 applications for asylum that had been rejected since 2016, including whether the asylum seekers had remained in the Republic of Moldova or been extradited to their countries of origin. It would be interesting to learn in how many cases within the reporting period the State party had refused to expel, return ("*refouler*") or extradite a person based on a finding that there were substantial grounds for believing that he or she would be in danger of being subjected to torture. Disaggregated data on the persons expelled, by age, gender and country of origin, and on other violations warranting expulsion from the Republic of

Moldova, would be welcome, as would information on how the State party had safeguarded against the refoulement of Tajik political refugees and asylum seekers. What were the reasons for deciding to repatriate, or not to repatriate, such individuals and what measures were taken to ensure that those repatriated were not at risk of torture?

25. She would appreciate more detailed information on the cases referred to in paragraph 228 of the State party's report (CAT/C/MDA/3) involving *dedovschina*, or hazing in the military, including how many of the individuals had been convicted, what sentences had been imposed and how many had been officers and at what rank.

26. **Mr. Heller Rouassant** (Country Rapporteur) said that the Committee welcomed the State party's efforts to strengthen its legislative framework and the resulting decrease in the number of complaints of torture and other ill-treatment. While it took note of the steps taken to strengthen legal safeguards against torture and other cruel, inhuman or degrading treatment, the Committee was concerned about complaints of such acts being allegedly committed in the Republic of Moldova by police during detention and preliminary investigations. The State party's response to such acts had been inadequate: shortcomings were evident in the investigation, prosecution and punishment of acts of torture or ill-treatment. Moreover, insufficient resources were available for the compensation of victims and the legal framework appeared to be inadequate. The Committee was also concerned about the ambiguous nature of the legislation on the national preventive mechanism and the fact that the mechanism had begun operating as such only in February 2017. The Committee had received various reports from NGOs that the structural causes of impunity for acts of torture and other forms of ill-treatment had not been adequately addressed and that the prosecution of perpetrators remained the exception rather than the rule.

27. The national preventive mechanism, besides being required of States parties under the Optional Protocol, was an essential instrument in reducing and preventing torture and other cruel, inhuman and degrading treatment. It was thus regrettable that the status of the Ombudsman and of the Council for the Prevention of Torture, the latter having been established as the national preventive mechanism in 2016, was not clearly set out in Law No. 52 of 2014. That ambiguity had led to various interpretations of their respective mandates and had created significant confusion between the Ombudsman's Office, on the one hand, and the five members of the Council for the Prevention of Torture, on the other. The lack of clarity regarding the mandate of the mechanism meant that it responded only sporadically to reports of torture in prisons and in psychiatric institutions. The Ombudsman's Office itself had sent an alternative report to the Committee, stating that the authorities had failed to establish a national preventive mechanism that effectively prevented torture while at the same time ensuring the independence of the Ombudsman.

28. The Directorate General for Human Rights and the Rule of Law of the Council of Europe, in its analysis of chapter V of Law No. 52, carried out at the request of the Ombudsman, had confirmed that there was a manifest lack of clarity in the legislation with regard to the responsibilities and obligations of the Ombudsman and the Council for the Prevention of Torture. Moreover, it considered that concerns were justified regarding the situation in which civil society organizations might be permitted to assume public functions and thus create further ambiguity between the Ombudsman, as a State institution, and NGOs, as representatives of civil society. He would appreciate more detailed information on the human and financial resources of the Council for the Prevention of Torture and looked forward to hearing the delegation's comments on the current situation of legal ambiguity and duplication of work between the various entities in the State party. It appeared of the utmost importance to amend Law No. 52 so as to set out clearly the functions of the Council for the Prevention of Torture and to ensure that it operated in accordance with the Optional Protocol to the Convention against Torture.

29. In its report to the Committee, the Council for the Prevention of Torture had identified a number of impediments to its work, ranging from the ambiguous legal framework under which it operated to lack of support and visibility and the superficial collaboration between the Council and the authorities concerned. The Council had furthermore highlighted a number of problems in the detention and penitentiary system, including the growing prison population and the infrequent use of alternatives to detention; shortcomings in the procedures used to identify and report alleged acts of torture and other

ill-treatment; an increasing number of detainee deaths; the excessive and disproportionate use of force; and the lack of independence of medical staff available to detainees.

30. With regard to the use of “isolators” and temporary detention centres by the General Police Inspectorate, the CPT report had raised concerns that included the lack of clarity regarding the status of the isolators; limited access to medical examinations; detention of more than 72 hours and up to two months in some cases, with questioning taking place without the presence of a lawyer; the absence of clear confidential complaint mechanisms; and poor detention conditions, including inadequate health and safety conditions, with a lack of provision for prisoners serving life sentences. In terms of health services in prisons, the report cited a shortage of medical staff; insufficient medical examinations for injuries, HIV and tuberculosis; a shortage of medicines; the administration of psychotropic medicines without a prescription; and the absence of services specifically for women. Other concerns raised by the report included poorly trained medical staff; delayed and inadequate treatment; and a failure to document and report injuries. In short, there appeared to have been no progress made since the previous report, published in 2011. Given that visits were conducted by the Centre for Human Rights, members of the Consultative Council and the Ombudsman, he would welcome comments on the apparent overlap of each body’s responsibilities. It was also interesting to note that an evaluation report had found a significant number of complaints regarding inadequate conditions of detention, which included issues such as overcrowding, poor hygiene and a lack of proper health care, as well as intimidation and ill-treatment.

31. The Government had drawn up a plan of action for remedying the failures highlighted in the judgments of the European Court of Human Rights in the *Corsacov* group of cases, which had identified problems relating to a failure to hear incriminating evidence of ill-treatment, a failure of prosecutors to act independently and gaps in the legislation prohibiting torture. The plan included putting forward legislative proposals to prevent impunity, enhancing investigative techniques, improving remedies and compensation to victims and introducing a zero-tolerance policy towards ill-treatment. Nevertheless, the Committee was concerned that, according to the legal resource centre of Moldova, only some of those measures had been properly implemented.

32. He would welcome information from the delegation on the reform of the criminal justice system and the Justice Sector Reform Strategy 2011-2016, in view of the assessment of the implementation of the national strategy and plan. The assessment had highlighted areas for improvement, covering procedures for dealing with complaints, the inspection and monitoring of the national preventive mechanism, and the transfer of staff responsible for examining detainees from the Ministry of Justice to the Ministry of Health. He also wished to know what action the Government planned to take after the expiry of the National Action Plan on Human Rights in 2014.

33. CPT had received reports of the excessive use of force by police when arresting suspects and of ill-treatment during preliminary interrogations. He would appreciate an explanation as to why, according to the State party, no officials involved in the ill-treatment of detained persons had been prosecuted between 2013 and 2015. He was also concerned about the high rates of impunity, given that more than 80 per cent of reported cases of ill-treatment, mostly by the police, had been dismissed without a criminal investigation. It appeared that prosecutors were reluctant to initiate proceedings, the judiciary did not consider such matters to be a priority and victims were not sufficiently involved in any investigations that did take place. He would be grateful if the delegation would comment on the measures adopted to prevent intimidation and reprisals by public officials against complainants reporting ill-treatment and their family members, lawyers and doctors, and more specifically on a case in 2015 where the sentence of seven employees of Penitentiary Institution No. 5 in Cahul, who had been convicted of ill-treatment, had been reduced. The delegation should also review their information, given that the figures provided in the State party report concerning the events of April 2009 differed from those submitted in 2016 during the universal periodic review.

34. It was important to have information regarding the compensation of victims of torture under article 14 of the Convention, especially in light of judgments by the European Court of Human Rights. He would appreciate further comments from the delegation

concerning Law No. 137 of 29 July 2016, which did not comply with the requirements for the rehabilitation of victims under article 14, particularly in terms of the scope and duration of the services offered and the lack of an implementation mechanism. The State party report mentioned a number of cases from between 2009 and 2011 where the judge had found insufficient evidence that ill-treatment had been inflicted, and where no charges had been filed. He would like to know if there had been any additional complaints since that time.

35. He expressed concern over the situation of juveniles in detention, following the United Nations Children's Fund (UNICEF) report on the torture and ill-treatment of children in the juvenile justice system, which recommended modifying the legal framework to exclude incarceration as a disciplinary measure and enable minors to exercise their rights, and strengthening the mechanism for protecting minors who submitted complaints.

36. According to recent reports, 5,500 cases of physical violence and 2,800 instances of psychological abuse had been recorded in 2016. He would be grateful if the delegation would expand on those reports. With regard to the use of solitary confinement, the State party had only specified in its report that there had been hunger strikes in 2013, without mentioning the country's policy on the practice. An outline of the legal basis for the use of solitary confinement during deprivation of liberty would be useful.

37. Although he welcomed the measures taken by the State party to promote and protect the rights of persons with disabilities, he remained concerned by the forced internment and treatment of persons with intellectual disabilities, as well as serious abuses, including forced abortion and use of restraints, committed by caregivers and health-care professionals in psychiatric care centres. He also noted the existence of legislation allowing abortion without consent on grounds of psychological disability. He would welcome comments from the State party on the fact that 82 cases of tuberculosis had been detected among detainees in the first nine months of 2017. Given that the Constitutional Court had declared the use of chemical castration to be unconstitutional in 2013, he would like further details on the implementation of the ban and on the current status of the practice.

38. He would be interested to hear the delegation's comments on the parliamentary approval of a 2016 law prohibiting propaganda on non-traditional sexual relations, which discriminated against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community. Further information on the action plans to enhance support for the Roma community for the periods 2011-2015 and 2016-2020 would be helpful, including the status of implementation, the achievements made to date and whether sufficient money and staff had been allocated to properly enact the plans.

39. **Mr. Bruni** noted that the State party had not responded to the Committee's question as to whether it was considering the possibility of instituting mandatory audio and perhaps video recordings of all interrogations, including a record of all those present at each interrogation. The report referred to amendments to article 104 of the Code of Criminal Procedure concerning interrogation rules, but it was unclear whether a person's lawyer was entitled to be present during the interrogation as a guarantee of legality.

40. Paragraph 120 of the report provided a figure for the number of asylum seekers who had been granted humanitarian protection from 2009 to 2013, but the question in the list of issues had actually been about the number of asylum seekers whose applications had been accepted on the ground that they would face a risk of torture if returned to their country of origin. Paragraph 118 provided a figure for the number of asylum seekers in detention during the same period, but it failed to specify the grounds for detention and the length of the sentence.

41. Noting that the State party had not replied to the three questions in the list of issues regarding solitary confinement, he enquired about the duration of solitary confinement and the reasons for which it could be imposed. He also wished to know whether inmates could appeal against solitary confinement and whether the decision was regularly reviewed.

42. **Ms. Belmir** noted that article 24 (2) of the Constitution prohibited torture and that the offence of torture was defined in article 309 of the Criminal Code. However, it was unclear where the burden of proof lay. She was also puzzled by the fact that the Ministry of Internal Affairs was responsible for remand facilities. A number of international bodies had

recommended that responsibility for such facilities should be transferred to the Ministry of Justice.

43. Detainees in the region of Transnistria were reportedly in some cases denied access to lawyers and other legal safeguards. For example, Vitali Eriomenco, who had been arrested for embezzlement, had allegedly been denied the right to health care and to contact his family.

44. Another problem was the use of psychiatric hospitals as places of detention. Furthermore, the Committee had been informed that autistic children were ill-treated in psychiatric institutions.

45. **Mr. Zhang** said that, according to data for 2017, the prison population in the State party was approximately 263 inmates for every 100,000 inhabitants, which was far higher than the European average. There had been 10,925 inmates in 2003. That figure had declined to 6,324 in 2010 but it had risen again to 7,868 in 2017. According to data provided by the Department of Penitentiary Institutions for 1 July 2017, at least 6 of the 17 institutions were overcrowded. The two top overcrowding rates were 122.3 per cent for a women's penitentiary in Rasca and 122.9 per cent for a penitentiary in Chisinau. Prison overcrowding was also due in part to the lack of community service as an alternative to imprisonment.

46. A shortage of well-trained prison staff reportedly led to a subculture of violence, and interaction with external criminal groups frequently threatened inmates' safety. CPT had severely criticized the bullying and ill-treatment of some categories of prisoners.

47. **Mr. Hani** asked whether the State party had analysed the decisions taken on complaints filed with the European Court of Human Rights with a view to improving its legislation.

48. According to the concluding observations of the Committee on the Rights of Persons with Disabilities on the State party's initial report (CRPD/C/MDA/CO/1), no measures had been taken to monitor psychiatric institutions and vulnerable persons did not benefit from special treatment. He asked how many persons with disabilities were currently deprived of their liberty in detention facilities or psychiatric establishments and what measures were planned to safeguard their rights.

49. According to a civil society report dating from 2012-2013, judicial corruption was one of the causes of the low rate of settlement of complaints of torture. He asked whether any action had been taken to combat corruption.

50. He noted that during the period from 2009 to 2013 the rate of acceptance of applications for asylum had been 72 per cent. The corresponding rate for 2016-2017 was just 32 per cent. The number of asylum seekers in detention had also more than doubled, from 16 per cent in 2009-2013 to 35 per cent in 2016-2017. There were no figures for deportations during the first period, but 1,068 persons had been deported during the second period. He enquired about the reasons behind the deteriorating trend.

51. **The Chair**, referring to paragraphs 14 and 15 of the report, noted that a criminal prosecution officer decided whether a detainee's injuries should be reported to the prosecutor and that the latter then decided whether a forensic examination was necessary. He enquired about the medical qualifications of such officers. Paragraph 25 of the report described a different procedure, according to which physicians identified whether detainees had suffered injuries and reported the findings to the Department of Penitentiary Institutions and the regional prosecutor's office. He asked how many cases of injuries had been referred to the prosecutor's office by the criminal prosecution officer and how many by physicians.

52. Law No. 137 on the rehabilitation of victims of crime was presumably applicable to victims of torture. He gathered that the Law simply provided guidance to victims on available rehabilitation services. It therefore failed to meet the requirements set forth in the Committee's general comment No. 3, which required rehabilitation to be holistic, comprising medical, psychological and social services. He drew attention in that connection to the United Nations Basic Principles and Guidelines on the Right to a Remedy and

Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, according to which victims of torture had the right to restitution, compensation, satisfaction and guarantees of non-repetition. He asked how the State party intended to implement its obligations in that regard. It actually had an excellent private rehabilitation centre for torture victims known as RCTV Memoria. He asked whether the procedure for referral of victims to the centre by governmental institutions was in place and, if so, how many victims had been referred to it.

53. **Ms. Gaer** said that the Committee had been informed that human rights defenders in Transnistria were subjected to intimidation because they were viewed as subversive. While she was aware that the State party had no control over the region, she would appreciate any comments it could provide on the status of human rights defenders.

54. Highlighting the case of Igor Sandler, she enquired about measures taken to monitor and combat the abuse of children in boarding schools.

55. With regard to impunity, she noted that a court had found that prison administrators were responsible for offences in the case of Semion Jereghi but that they should not be sentenced to imprisonment.

56. She asked whether inter-prisoner violence was monitored, whether any statistics were available, whether it was correlated with overcrowding and whether it included sexual violence.

57. The Committee had been informed that mediation was frequently used as an alternative to criminal sanctions in cases of domestic violence. Women and child victims were thus returned to a situation in which they had suffered abuse. She asked whether such an approach was officially sanctioned and whether there were any statistics for cases in which mediation was used.

58. **Mr. Heller Rouassant** commended the State party's response to the Committee's request for updated information on the training provided for medical, law enforcement and judicial personnel in annex 1 to the report. He noted that the State party was participating in the Atlas of Torture project with a view to implementing the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. He enquired about the progress achieved in that regard. A great deal of information was provided about training courses aimed at preventing the use of physical violence by the authorities. He requested additional information on procedures to assess the effectiveness of the courses.

59. Noting that one of the State party's priorities in the area of human rights and the elimination of torture and ill-treatment was to enhance the effectiveness of the mechanism for monitoring the implementation of international human rights recommendations in the context of the National Action Plan on Human Rights 2017-2021, he asked which body was responsible for the monitoring procedure. He also enquired about the budgetary funds allocated to the National Action Plan and to activities aimed at eliminating torture. The State party reportedly planned to increase human resources in the most relevant agencies, including by increasing the number of women in the police force. He enquired about the human rights policies that would serve as the basis for implementation of that plan.

60. **The Chair** said that he had read an article in the news media entitled "Is Moldova leading the world on harm reduction in prisons?", which commended, in particular, the provision of methadone, needles, syringes and condoms for prison inmates.

61. **Mr. Purice** (Republic of Moldova) assured the Committee that the delegation would seek to reply in full to all the questions raised.

The meeting rose at 12.55 p.m.